

A G E N D A

REGULAR MEETING OF MAYOR AND COUNCIL OF SEPTEMBER 2, 2014

6:00 P.M. Work Session
Discussion of Agenda Items

Call to Order – 7:00 p.m. – Mayor David Lockhart

I. Invocation

II. Pledge of Allegiance

III. Roll Call

IV. Approval of Minutes

1. Work Session of Mayor and Council of August 18, 2014
2. Regular Meeting of Mayor and Council of August 18, 2014

V. Comment Period

VI. Agenda Items

1. Presentation of Residential and Business Beautification Awards by Edie Yongue, Keep Forest Park Beautiful
2. Consider an Ordinance by the City Council of the City of Forest Park to establish the Final Ad Valorem Tax Millage Rate for the City of Forest Park, Georgia to provide for severability; and for other purposes
3. Consider an Ordinance to amend the Misdemeanor sentencing penalty in Title 1, Chapter 1 and Title 5, Chapter 2 of the Code of the City of Forest Park, Georgia
4. Appointment of Solicitor
5. *Tabled from August 18, 2014 Regular Meeting*
Consider Settlement Agreement and Terms of Settlement Order between Jack Galardi, Red Eyed, Inc. d/b/a Crazy Horse Saloon, Walleye, LLC, Mia Luna, Inc. d/b/a Pink Pony South, and JGP&P, LLC and the City of Forest Park

VII. Legal Matters

VIII. Comments by Governing Body

IX. Adjournment

MINUTES

WORK SESSION OF MAYOR AND COUNCIL OF AUGUST 18, 2014

Call to Order: The Work Session of Mayor and Council of August 18, 2014 was called to order by Mayor David Lockhart at 6:00 p.m.

Present: Mayor David Lockhart and Councilmembers Maudie McCord, Latresa Akins, Tommy Smith, Dabouze Antoine and Linda Lord.

Also present were City Manager Frank Brandon, Director of Finance Mike Blandenburg, Director of Public Works Jeff Eady, Management Analyst Angela Redding, Director of Support Services Christine Terrell, Chief Eddie Buckholts, Chief Dwayne Hobbs, Director of Recreation and Leisure Services Elaine Corley and Director of the URA, Fred Bryant.

Agenda Items: *Public Hearing to receive comments on the Zoning Ordinance:* Mr. Wiggins stated the first change involved the creation of a new zoning district called X1-Railroad District which was created in response to potential and pending litigation involving billboards on our railroad right of way. The creation of this zoning district prohibits the placement of any type of signage, possibly telecommunications towers, along the railroad right of way. If it is not properly identified and delineated we could possibly be sued.

He stated the other change involves the definition of automobile repair shops and automobile service centers. The purpose of this change to the code is to regulate automobile repair shops and tire shops to arterial roads and will prevent any type of inconsistent encroachments onto the lower intensity commercial uses. This ordinance will restrict the placement of tires outside of a business which also causes a problem for the Fire Department. This ordinance limits the floor area of a tire store to 45% of the gross floor area.

The other change is involving Planned Industrial and Heavy Industrial zoning categories that would require an applicant to go before the Planning Commission before they can receive a business license. This allows the Planning Director to make that decision to prevent any business applicant from being delayed unnecessarily.

Ordinance by the Governing Body establishing the Budget for the Special Revenue Funds: Mr. Blandenburg stated these are grant funds that have various specific revenues and the lists provided is what is expected for fiscal year 2014-2015.

Tabled Settlement Agreement: Mayor Lockhart stated the City Attorney has passed along the proposed settlement document to the other counsel and we are awaiting their input.

Tabled – Appointment of Solicitor: Mayor Lockhart stated he had discussed with a Council member about a compromise by allowing Ms. Kristal Holmes to be appointed as Solicitor of Environmental Court and Jerry Patrick appointed to Municipal Court. Mr. Antoine was opposed to this idea. Ms. Akins suggested they split the duties of both courtrooms.

Adjournment: Ms. Lord made a motion to adjourn, second by Mr. Smith. Voting for the motion was unanimous.

MINUTES

REGULAR MEETING OF MAYOR AND COUNCIL OF AUGUST 18, 2014

Call to Order: The Regular Meeting of Mayor and Council of August 18, 2014 was called to order by Mayor David Lockhart at 7:00 p.m.

Invocation: The invocation was given by Mr. Barnett followed by the Pledge of Allegiance to the American Flag.

Roll Call: Mayor David Lockhart and Councilmembers Maudie McCord, Latresa Akins, Tommy Smith, Dabouze Antoine and Linda Lord.

Also present were City Manager Frank Brandon, Director of Finance Mike Blandenburg, Director of Public Works Jeff Eady, Management Analyst Angela Redding, Director of Support Services Christine Terrell, Chief Eddie Buckholts, Chief Dwayne Hobbs, Director of Recreation and Leisure Services Elaine Corley and Director of the URA, Fred Bryant.

Director of Public Works Jeff Eady recognized employees of the Public Works Department, Vincent Hicks, Wes Wells, Bruce Robinson, Marcus Porter and Roscoe Lawrence who attended Supervision School at the University of Ga. and completed a 40 hour class.

Approval of Minutes: Ms. Akins made a motion to approve the Work Session and Regular Meeting of Mayor and Council of August 4, 2014, seconded by Mr. Smith. Voting for the motion was unanimous.

Comment Period: Pamela Lake – gave a special thanks to Councilmembers Latresa Akins and Dabouze Antoine for all of their assistance they provided for Forest Park Day. She also thanked the Sanitation Department for helping her and asked that the Street Sweeper be used more regularly.

Felecia Davis - stated Forest Park Day was wonderful and thanked everyone for their support.

Willie Finch - stated his street does not have any curbs and was told the street sweeper could not come down his street. He also stated Forest Park Day was a great success and thanked the Council.

Recess: Ms. Akins made a motion to recess for a Public Hearing, seconded by Ms. McCord. Voting for the motion was unanimous.

Public Hearing: Mayor Lockhart opened the Public Hearing to receive comments on the Ordinance to amend Title 8, Planning and Development, and Chapter 8, Zoning.

Mr. Wiggins explained the changes to the zoning ordinance involve the addition of the X1 Railroad District to prevent billboards, etc. to be placed on our right-of-ways. The other changes include definition of automobile repair shop and automobile service centers, which he explained. He stated more particularly the issue is tires stores outside a business. This Ordinance would regulate the amount of time that these tires could be stored outdoors. It also regulates the amount of floor space that tires could be stored within the business. Also changed is the Planned Industrial and heavy Industrial zoning. It required the Planning Commission to be involved in the day to day activities such as the issuance of business licenses and recommended that it changed to eliminate unnecessary delays.

Mr. Smith made a motion to close the Public Hearing and reconvene the meeting, seconded by Ms. McCord. Voting for the motion was unanimous.

Ordinance- Request was made to consider an Ordinance by the City Council of the City of Forest Park, to amend the Code of the City of Forest Park, Georgia, to amend Chapter 8, Zoning of Title 8, Planning and Development; to provide for codification; to provide for severability; to repeal conflicting Ordinances; to provide an adoption date; to provide an effective date; and for other purposes allowed by law.

Ms. Lord made a motion to approve the Ordinance, seconded by Ms. Akins. Voting for the motion was unanimous.

Resolution-
Henry County
Schools:

Request was made to consider a Resolution by the City Council of the City of Forest Park, authorizing the Mayor to execute a License Agreement with Henry County Schools for the use of Forest Park Indoor Pool for the dates specified: November 4, 2014 through February 15, 2015 to conduct swim practices for their swim program; to provide for severability; to provide an effective date; and for other purposes.

Mr. Antoine made a motion to approve the Resolution, seconded by Ms. Lord. Voting for the motion was unanimous.

Ordinance-
Special Revenue
Budget:

Request was made to consider an Ordinance by the Governing Body of the City of Forest Park, Georgia establishing the Budget for Special Revenue Funds for the Fiscal year 2014-2015.

Mr. Antoine made a motion to approve the Ordinance, seconded by Ms. Lord. Voting for the motion was unanimous.

Tabled
Settlement
Order:

Tabled from August 4, 2014 Regular Meeting is the Settlement Agreement and Terms of Settlement Order between Jack Galardi, Red Eyed, Inc. d/b/a Crazy Horse Saloon, Walleye, LLC, Mia Luna, Inc. d/b/a Pink Pony South, and JGP&P, LLC and the City of Forest Park.

Ms. Akins made a motion that the Settlement Agreement and Terms of Settlement Order between Jack Galardi, Red Eyed, Inc. d/b/a Crazy Horse Saloon, Walleye, LLC, Mia Luna, Inc. d/b/a Pink Pony South, and JGP&P, LLC and the City of Forest Park remain on the table, seconded by Mr. Smith. Voting for the motion was unanimous.

Solicitor:

Tabled from the August 4, 2014 Regular Meeting is the appointment of Solicitor.

Mr. Antoine made a motion to accept Ms. Kristal Holmes as our new Solicitor, seconded by Ms. Akins. Voting for the motion were Mr. Antoine, Ms. McCord and Ms. Akins. Voting against the motion were Mr. Smith and Ms. Lord. The motion carried.

Other Business: Ms. Angela Redding informed everyone that she is preparing an e-blast for those interested in receiving information concerning upcoming events in Clayton County and Forest Park.

Adjournment: Mr. Smith made a motion to adjourn, seconded by Ms. Akins. Voting for the motion was unanimous.

ORDINANCE NO. _____

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF
FOREST PARK TO ESTABLISH THE FINAL AD VALOREM
TAX MILLAGE RATE FOR THE CITY OF FOREST PARK,
GEORGIA TO PROVIDE FOR SEVERABILITY; AND FOR
OTHER PURPOSES**

WHEREAS, the City of Forest Park has advertised its intent to establish a millage rate for ad valorem taxation for municipal purposes to be imposed upon tangible property within the City of Forest Park; and

WHEREAS, the City has published the required report on the proposed millage rate in accordance with O.C.G.A. § 48-5-32.1.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the City of Forest Park as follows:

Section 1. Establishment of final ad valorem tax

In order to finance the proposed expenses of the City, a final ad valorem tax will be set at 14.743 mills.

Section 2. Severability

If any section, sentence, clause or phrase of this Ordinance were held to be invalid or unconstitutional for any reason by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, and such remainder shall remain in full force and effect.

Section 3. Effective Date

This Ordinance shall be in full force and effect immediately upon and after its final passage.

SO ORDAINED THIS _____ DAY OF _____, 2014.

CITY OF FOREST PARK, GEORGIA

DAVID LOCKHART, MAYOR

TOMMY SMITH
COUNCILMEMBER, WARD ONE

DABOUZE ANTOINE
COUNCILMEMBER, WARD TWO

MAUDIE MCCORD,
COUNCILMEMBER, WARD THREE

LATRESA AKINS,
COUNCILMEMBER, WARD FOUR

LINDA LORD,
COUNCILMEMBER, WARD FIVE

ATTEST:

(THE SEAL OF THE CITY OF
FOREST PARK, GEORGIA)

City Clerk

Approved as to form:

City Attorney

STATE OF GEORGIA
CITY OF FOREST PARK

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MISDEMEANOR SENTENCING
PENALTY IN TITLE 1, CHAPTER 1 AND TITLE 5, CHAPTER 2 OF
THE CODE OF THE CITY OF FOREST PARK, GEORGIA.

WHEREAS, the duly elected governing authority of the City of Forest
Park, Georgia is the Mayor and Council thereof;

WHEREAS, it has been determined that it is necessary to amend the Code of the
City of Forest Park, Georgia with respect to the misdemeanor sentencing penalty; and

WHEREAS, the health, safety, and welfare of the citizens of Forest Park,
Georgia, will be positively impacted by the adoption of this Ordinance.

WHEREAS, the Code of the City of Forest Park, Georgia, with respect to the
misdemeanor sentencing penalty, will be in compliance with State and Federal law by the
adoption of this Ordinance.

**THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
CITY OF FOREST PARK, GEORGIA** and by the authority thereof as follows:

Section 1. That section 1-1-8, Chapter 1, Title 1 of the Code of the City of
Forest Park, Georgia is hereby amended to read as follows:

"Sec. 1-1-8. General penalty.

*Any person who violates any section or provision in this Code or in any ordinance
of the city by doing any act which is prohibited or is made or declared to be unlawful or
an offense, or who fails to do any act which is required by said Code or ordinance, shall,
after trial and if convicted in the appropriate Forest Park Municipal Court, be guilty of a
misdemeanor and punished by a fine in an amount not to exceed one thousand dollars
(\$1,000.00) and/or imprisoned for a period not to exceed six (6) months and one (1) day,
unless otherwise noted in this Code or other specific ordinance."*

Section 2. That section 5-2-17, Chapter 2, Title 5 of the Code of the City of
Forest Park, Georgia is hereby amended to read as follows:

"Sec. 5-2-17. Administration and enforcement of chapter.

- (a) *The director of public works shall be responsible, subject to the supervision of the city manager, for the administration and enforcement of the provision of this chapter. He may call upon the chief of police for assistance.*
- (b) *The director of public works shall have the right to appoint sanitation supervisors who shall have the authority, and whose duty it shall be, to make routine inspections of garbage cans, containers and garbage collection areas and determine the serviceability and conditions of the same. The director or the sanitation supervisors shall issue a written notice to the owner or occupant of the premises informing the owner or occupant of an unacceptable condition, specifying same. The owner or occupant shall be given a reasonable time to correct the condition which the notice specifies, and upon failure to correct same, the director or the supervisor shall have the duty of issuing a summons directed to the responsible party to appear in the Forest Park Municipal Court, Environmental Division to answer the charge of violation of the appropriate section of this chapter. Supervisors appointed by the director of public works shall have concurrent authority with the said director to enforce all the provisions of this chapter and any such person shall have the authority to issue a summons to any violator of any provisions hereof to appear in the Forest Park Municipal Court, Environmental Division of the city to answer to the charge of violation of the appropriate section of this chapter.*
- (c) *Any homeowner who violates any section or provision of this chapter, shall, upon failure to correct the specified condition after being given notice thereof to do so, be issued a citation for said violation and be required to appear in the Forest Park Municipal Court, Environmental Division, to answer said citation, and after trial and if convicted, shall be guilty of a misdemeanor and required to pay a fine in an amount not less than two hundred fifty dollars (\$250.00) on a first conviction; a fine not less than five hundred dollars (\$500.00) on a second conviction; and a fine of not less than one thousand dollars (\$1,000.00) on a third or more conviction; and/or imprisoned for a period not to exceed six (6) months and one (1) day. Each container obtained in violation of this chapter shall constitute a separate violation and offense hereunder, and punished accordingly.*
- (d) *Any commercial establishment or entity or any of its agents, who violate any section or provision of this chapter, shall, upon failure to correct the specified condition within twenty-four (24) hours after being given notice thereof to do so, be issued a citation and required to appear in the Forest Park Municipal Court, Environmental Division, to answer said citation, and after trial and if convicted, shall pay a fine in an amount not to exceed one thousand dollars (\$1,000.00) for each violation. Additionally, for any such violation by the commercial establishment or entity or any of its agents, the director of public works may also cause said establishment or entity to cease operations, construction, or development, as the case may be, until the violation has been corrected by said establishment or entity or its agents. Each container obtained in violation of this chapter shall constitute a separate violation and offense hereunder, and punished accordingly."*

Section 3. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Forest Park.

Section 5. The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. This Ordinance shall become effective upon its adoption.

ORDAINED this _____ day of _____, 2014.

CITY OF FOREST PARK, GEORGIA

Mayor David Lockhart

Maudie McCord, Mayor Pro-tem
Ward 3

Tommy Smith
Council, Ward 1

Dabouze Antoine
Council, Ward 2

Latresa Akins
Council, Ward 4

Linda Lord
Council, Ward 5

Attest:

City Clerk

Approved as to Form:

City Attorney

MARKED CHANGES TO ORDINANCE

Section 1. That section 1-1-8, Chapter 1, Title 1 of the Code of the City of Forest Park, Georgia is hereby amended to read as follows:

“Sec. 1-1-8. General penalty.

Any person who violates any section or provision in this Code or in any ordinance of the city by doing any act which is prohibited or is made or declared to be unlawful or an offense, or who fails to do any act which is required by said Code or ordinance, shall, after trial and if convicted in the appropriate Forest Park Municipal Court, be guilty of a misdemeanor and punished by a fine in an amount not to exceed one thousand dollars (\$1,000.00) and/or imprisoned for a period not to exceed six (6) months and one (1) day, or a combination thereof, unless otherwise noted in this Code or other specific ordinance.”

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to any violator of any provisions hereof to appear in the Forest Park Municipal Court, Environmental Division of the city to answer to the charge of violation of the appropriate section of this chapter.

- (c) *Any homeowner who violates any section or provision of this chapter, shall, upon failure to correct the specified condition after being given notice thereof to do so, be issued a citation for said violation and be required to appear in the Forest Park Municipal Court, Environmental Division, to answer said citation, and after trial and if convicted, shall be guilty of a misdemeanor and required to pay a fine in an amount not less than two hundred fifty dollars (\$250.00) on a first conviction; a fine not less than five hundred dollars (\$500.00) on a second conviction; and a fine of not less than one thousand dollars (\$1,000.00) on a third or more conviction; and/or imprisoned for a period not to exceed six (6) months and one (1) day. Each container obtained in violation of this chapter shall constitute a separate violation and offense hereunder, and punished accordingly.*
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