

**CITY OF FOREST PARK
MAYOR & CITY COUNCIL AGENDA
REGULAR MEETING
FEBRUARY 3, 2020**

ANGELYNE BUTLER
MAYOR

Kimberly James
Mayor Pro-Tem Ward 1

Dabouze Antoine
Ward 2

Hector Gutierrez
Ward 3



Latresa Akins-Wells
Ward 4

Allan Mears
Ward 5

**City Hall Council Chambers
745 Forest Parkway
Forest Park, GA 30297**

Work Session 6:00 P.M.

- Call to Order
- City Manager's Report

Mayor Butler

Chief Nathaniel Clark
(Interim City Manager)

Regular Meeting 7:00 P.M.

- I.** Call to Order
- II.** Invocation
- III.** Pledge of Allegiance
- IV.** Roll Call
- V.** Public Comment Period
- VI.** Approval of Minutes

1. Work Session of Mayor and Council of January 21, 2020
2. Regular Meeting of Mayor and Council January 21, 2020

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VII. Agenda Items:

1. Consider an Ordinance Amending the Code of Ordinances, City of Forest Park, Georgia with respect to Adult Entertainment Establishments; to repeal conflicting Ordinances; to provide an effective date; and for other purposes.

Summary and Background: It is proposed that the Adult Entertainment Ordinance be amended to allow Adult Entertainment Businesses to open on Sunday afternoons and evenings. They are already permitted to operate from midnight on Saturdays through 3:30 a.m. on Sundays. This would place these businesses on the same competitive footing as other business in the Atlanta Metro area that is permitted to be open on Sundays. The effective date of the Ordinance is conditioned upon the amendment to the current agreement which would increase the annual regulatory fee by \$5,000 per facility.

2. Consider a Resolution by the City Council of the City of Forest Park declaring certain city property, listed on "Exhibit A", to be surplus property and to provide for its proper disposal either by auction or other methods pursuant to the city's ordinances; and for other purposes.

Summary and Background: The Planning Building and Zoning Department request that five (5) Ford Ranger vehicles be declared surplus to allow for proper disposal. The vehicles will be replaced with four (4) 2020 full sized F-150 trucks and 1 F-150 super cab, all purchased from State contract.

3. Consider a Resolution to Adopt a Policy with respect to the Possession of Weapons by employees of the City of Forest Park.

Background and Summary: A resolution providing for the adoption of a policy with respect to possession of firearms by City Employees while on City property. The City does not currently have a policy regarding the possession of weapons and firearms while on City property. The proposed policy applies employees only. Two options are presented. In Option 1, Employees who possess a valid Georgia Weapons Carry License, which requires an extensive background check, may possess firearms but must register with the City Manager and their department head prior to possessing them on City

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property. The City Manager and department heads could impose addition requirements or restrictions pertinent to their respective departments. All other employees are prohibited from possessing any firearms outside their personal vehicles. No employees (except for police officers) are permitted to possess any weapons while in a City vehicle. In Option 2, possession of weapons by any Employees on City Property is strictly prohibited, although employees would still be allowed to possess weapons in their personal vehicles.

- VIII.** Executive Session for Personnel, Litigation, Real Estate and Legal Matters
- IX.** Comments by Governing Body
- X.** Adjournment

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
CITY OF FOREST PARK, GEORGIA WITH RESPECT TO
ADULT ENTERTAINMENT ESTABLISHMENTS; TO REPEAL
CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE
DATE; AND FOR OTHER PURPOSES

WITNESSETH:

Be it ordained by the Governing Body of the City of Forest Park, Georgia as follows:

SECTION 1. That Section 9-12-6(d) of the Code of Ordinances, City of Forest Park, Georgia is hereby amended by deleting said section and replacing it with the following in lieu thereof:

“(d)Hours and days of operation. An adult entertainment establishment that does not feature, show, or present live adult entertainment and does not employ, feature, or allow adult entertainers to perform within its premises may only be open between the hours of 9:00 a.m. and 2:00 a.m., and shall only be open on those days and hours when businesses selling or dispensing alcoholic beverages for on-site consumption are permitted to be open under the city's ordinances or Georgia state law. Notwithstanding any other provision of the Code of the City of Forest Park, Georgia, an adult entertainment establishment that does feature, show, or present live adult entertainment and does employ, feature, or allow adult entertainers to perform within its premises may be open from 9:00 a.m. until 3:30 a.m. Sunday through Saturday (meaning that the establishment may be open until 3:30 a.m. on Sunday morning), provided that if said adult entertainment establishment featuring live adult entertainment is licensed to and does sell or dispense alcoholic beverages for on-site consumption, all alcohol service must cease by 3:00 a.m., and in the event of a conflict between this provision and any provision of the alcohol beverage ordinance of the city, this provision as to hours of authorized alcohol service, shall control.”

SECTION 2. Intention of the Governing Body. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Forest Park, Georgia, and the sections of the ordinance may be renumbered to accomplish such intention.

SECTION 3. Approval of Execution. The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

SECTION 4. Attestation. The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

SECTION 5. Codification and Severability.

(a) It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were upon their enactment believed by the City Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the City Council that to the greatest extent allowed by law each and every section, paragraph, sentence, clause or phrase of this ordinance is severable from every other section, paragraph, sentence, clause or phrase of this ordinance. It is hereby further declared to be the intention of the City Council that to the greatest extent allowed by law no section, paragraph, sentence, clause or phrase of this ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this ordinance.

(c) In the event that any section, paragraph, sentence, clause or phrase of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance and that to the greatest extent allowed by law all remaining Sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 6. Repeal of Conflicting Provisions. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 87. Effective Date. This ordinance shall become effective on the date the that certain Settlement Agreement which resolved Civil Action File Number 1:2-CV-0531-SCJ from the United States District Court for the Northern District of Georgia is amended to provide for an additional annual payment in the amount of \$5000 per facility. In the event no such amendment is made within 60 days of the adoption of this ordinance, this ordinance shall be automatically repealed.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO ORDAINED this _____ day of _____, 2020.

Mayor Angelyne Butler

Council Member Kimberly James, Ward 1

Council Member Dabouze Antoine, Ward 2

Council Member Hector Gutierrez, Ward 3

Council Member Latresa Wells, Ward 4

Council Member Allan Mears, Ward 5

ATTEST:

_____ (SEAL)
City Clerk

APPROVED AS TO FORM:

City Attorney

**STATE OF GEORGIA
COUNTY OF CLAYTON**

RESOLUTION NO. _____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF FOREST PARK DECLARING CERTAIN CITY PROPERTY, LISTED ON “EXHIBIT A”, TO BE SURPLUS PROPERTY AND TO PROVIDE FOR ITS PROPER DISPOSAL EITHER BY AUCTION OR OTHER METHODS PURSUANT TO THE CITY’S ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, City Code Section 3-1-21 permits the Council to determine when it is in the best interest of the city to sell or otherwise dispose of any property belonging to the city, not needed for public use or that may have become unsuited for public use; and

WHEREAS, pursuant to City Code Section 3-1-21, it shall be the duty of the governing body to declare when such items should be disposed, and to list or describe the real property to be sold, and all personal property, the estimated resale value of which shall exceed five hundred dollars (\$500.00), to be sold at public auction or by formal written contract to the highest responsible bidder, after reasonable notice inviting proposals and surplus property of the city with an estimated resale value of five hundred dollars (\$500.00) or less may be sold at the discretion of the purchasing agent by negotiated sale without advertisement and the acceptance of bids; and

WHEREAS, various City Departments have provided a list of City surplus items to the City Manager, attached as “Exhibit A” to this resolution; and

WHEREAS, the City Manager has determined that it is in the best interest of the City to surplus such items, and has requested that such items become surplus and disposed of in the most appropriate manner.

NOW THEREFORE, be it resolved by the Mayor and Council of the City of Forest Park that the items listed on “Exhibit A”, attached to this resolution, be declared surplus and be disposed of in the most appropriate manner.

Section 1. That the City Manager cause the items to be disposed of either by auction or pursuant to City Ordinances.

Section 2. If any section, sentence, clause or phrase of this Resolution is 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 Resolution and such remainder shall remain in full force and effect.

Section 3. This Resolution shall be in full force and effect immediately upon and after its final passage.

Resolved this ____ day of _____, 2020.

Angelyne Butler, Mayor

Kimberly James, Council Member
Ward One

Dabouze Antoine, Council Member
Ward Two

Hector Gutierrez, Council Member
Ward Three

Latresa Wells, Council Member
Ward Four

Allan Mears, Council Member
Ward Five

ATTEST:

City Clerk

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

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

| FM-Codes | Unit# | Year | Make | Model | Color | GVWR | Vin | Eng. Size | Tag/Exp | Date Acquired |
|----------|-------|------|------|--------|-------|-------|-------------------|-----------|---------|---------------|
| P,B&Z | | | | | | | | | | |
| APA05919 | 815 | 2010 | Ford | Ranger | White | 4,300 | 1FTKR1AD5APA05919 | 2.3 | GV58633 | 10/21/2009 |
| 6PA54425 | 816 | 2006 | Ford | Ranger | White | 4,380 | 1FTYR10U16PA54425 | 3.0 | GV57513 | 1/17/2006 |
| 6PA54427 | 818 | 2006 | Ford | Ranger | White | 4,380 | 1FTYR10U56PA54427 | 3.0 | GV57511 | 1/17/2006 |
| BPA16233 | 820 | 2011 | Ford | Ranger | White | 4,300 | 1FTKR1AD2BPA16233 | 2.3 | GV2614B | 11/10/2010 |
| APA42253 | 821 | 2010 | Ford | Ranger | White | 4,300 | 1FTKR1AD8APA42253 | 2.3 | GV58678 | 3/15/2010 |

RESOLUTION NO. _____

**A RESOLUTION TO ADOPT A POLICY WITH RESPECT TO
THE POSSESSION OF WEAPONS BY EMPLOYEES OF THE
CITY OF FOREST PARK**

WHEREAS, the City of Forest Park ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with being fiscally responsible concerning the use and expenditure of all public funds; and

WHEREAS, the City Council desires to establish a sound policy with regard to the possession of weapons by employees of the City of Forest Park;

THEREFORE, THE CITY COUNCIL OF THE CITY OF FOREST PARK
HEREBY RESOLVES:

SECTION 1. Approval. The policy attached hereto as Exhibit A is hereby approved.

SECTION 2. Public Record. This document shall be maintained as a public record by the City Clerk and shall be accessible to the public during all normal business hours of the City of Forest Park.

SECTION 3. Authorization of Execution. The Mayor or Mayor Pro Tem is hereby authorized to sign all documents necessary to effectuate this Resolution.

SECTION 4. Attestation. The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

SECTION 5. Effective Date. This resolution shall become effective immediately upon its adoption by the Mayor and City Council of the City of Forest Park as provided in the City Charter.

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SO RESOLVED this _____ day of _____, 2020.

Mayor Angelyne Butler

Council Member Kimberly James, Ward 1

Council Member Dabouze Antoine, Ward 2

Council Member Hector Gutierrez, Ward 3

Council Member Latresa Wells, Ward 4

Council Member Allan Mears, Ward 5

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

OPTION 1

CITY OF FOREST PARK WEAPONS POSSESSION POLICY FOR EMPLOYEES

Possession or use of a firearm, illegal weapon as defined by Georgia law, explosive, and other prohibited weapons of any kind, while on City owned, leased, or controlled property is prohibited, unless the employee, is a duly authorized law enforcement official, or unless they are otherwise authorized, according to state law with an approved Georgia Weapons Carry License. In this instance, Employees shall be allowed to carry or possess any pistol, firearm, or other legal weapon on City property. All employees possessing a Georgia Weapons Carry License must register with the City Manager prior to possessing their weapon on City property and must be approved by the department head. The City Manager or each department head with the approval of the City Manager may impose such additional requirements and restrictions as deemed appropriate a particular department.

In no event may an Employee possess or use a firearm, weapon, illegal weapon as defined by Georgia law, explosive, and other prohibited weapons of any kind while in or operating a City owned, lease, or controlled vehicle.

If not approved by the City Manager or department head, Georgia law allows employees who may otherwise legally possess a firearm to bring it onto the City's parking lots provided that the firearm and ammunition are kept in the employee's vehicle in accordance with O.C.G.A. § 16-11-126(a). In this case, the firearm and ammunition, however, may not be removed from the vehicle while it is on City property.

Violation of this policy may result in discipline, up to and including immediate discharge unless the employee is in compliance with state law.

OPTION 2

CITY OF FOREST PARK WEAPONS POSSESSION POLICY FOR EMPLOYEES

Possession or use of a firearm, illegal weapon as defined by Georgia law, explosive, and other prohibited weapons of any kind by a City Employee while on City owned, leased, or controlled property is strictly prohibited.

Georgia law allows employees who may legally possess a firearm to bring it onto the City's parking lots provided that the firearm and ammunition are kept in the employee's vehicle in accordance with O.C.G.A. § 16-11-126(a). In this case, the firearm and ammunition, however, may not be removed from the vehicle while it is on City property.

Violation of this policy may result in discipline, up to and including immediate discharge unless the employee is in compliance with state law.