

AGENDA

REGULAR MEETING OF MAYOR AND COUNCIL OF APRIL 2, 2018

6:00 P.M. Work Session

- Call to Order Mayor Butler
- City Manager's Report Angela Redding
 - 1) Status of Forest Park and Clayton Co. Land Bank
 - 2) Status of Taj Mahal property
 - 3) Status of Briarwood Apts. on Conley Road
 - 4) Status of guardrails and other safety devices along Old Jonesboro Road
 - 5) Discussion of Aerotropolis
 - 6) Update on Forensic Audit and HR Audit
- Discussion of Food Trucks Councilwoman Bagley
- Adjournment

I. Call to Order – 6:30 p.m.

II. Invocation

III. Pledge of Allegiance

IV. Roll Call

V. Comment Period

VI. Approval of Minutes

1. Work Session of Mayor & Council of March 19, 2018
2. Regular Meeting of Mayor & Council of March 19, 2018

VII. Agenda Items

1. Consider an Ordinance amending the Code of Ordinances, City of Forest Park, Georgia with respect to the Penalty for Possession of less than an ounce of Marijuana; to repeal conflicting Ordinances; to provide an effective date; and for other purposes

SUMMARY AND BACKGROUND: This Ordinance reduces the penalty for the possession of marijuana in the City of Forest Park. Forest Park's current ordinance provides for the general misdemeanor penalty of fine in an amount not to exceed one thousand dollars (\$1,000) and/or imprisonment for a period not to exceed six (6) months and one (1) day. Basically, it is still illegal, but the fine is only \$75 and there is no jail time involved. State/Federal law governs for possession of more than an ounce of marijuana.

2. Consider a Resolution of the City of Forest Park Recognizing Georgia Cities Week, April 22-28, 2018, and Encouraging all Citizens to support the Celebration and Corresponding Activities
3. Consider an Ordinance amending the Code of Ordinances, City of Forest Park, Georgia, with respect to Adult Entertainment; 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 establishments to operate and sell alcohol on the same days as other businesses which have on-premises consumption of alcohol. The Council recently adopted an ordinance that expanded the hours of operation for businesses that have on-premises consumption of alcohol. That ordinance did not apply to adult entertainment establishments as those businesses are governed by the Adult Entertainment Ordinance which does not allow them to be open on Sundays after 3:30 a.m. (Saturday night). This ordinance would expand the hours of operation and allow such establishments to open at 12:30 p.m. on Sundays and close at 3:30 a.m. on Mondays at the same time as other businesses that have on-premises consumption of alcohol.

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

MINUTES

WORK SESSION OF MAYOR AND COUNCIL OF MARCH 19, 2018

Call to Order: The Work Session of Mayor and Council was called to order by Mayor Angelyne Butler at 6:00 p.m.

Present: Mayor Angelyne Butler, Councilmembers Kimberly James, Allan Mears, Latresa Wells, Sandra Bagley and Dabouze Antoine.

Also present were City Manager Angela Redding, Director of Public Works Jeff Eady, Director of Support Services Christine Terrell, Chief Eddie Buckholts, Director of IT Darren Duke, Major Jamie Reynolds, Interim Director of Planning and Zoning David New and City Attorney Michael Williams.

City Managers Report: Ms. Redding gave the following report:

- March 28th is the tentative date for the public meeting on the Comprehensive Plan at 6:00 p.m. at 696 Main Street. Additional information will follow.
- On April 25th and 26th a tour is scheduled for Gillem Logistics Center, and will be in conjunction with Georgia Cities Week. A sign up sheet is available if anyone is interested.
- Atlanta Technical College is offering free classes for adult education at 4295 Hendrix Drive.
- The Easter Egg Hunt and Safety Fest will be held Saturday, March 24th from 11 a.m. to 2 pm.
- The Neighborhood Watch Meeting last Thursday was well attended and very informative. Asked these meetings continue to be supported.
- Proposals are due March 21st for the HR and Forensic Audit. More information will follow.

- URA Meeting is scheduled for Thursday, March 22nd at 5 pm in the Council Chambers.
- A GoFundMe Page has been set up for Officer Sterrett, who was shot in the line of duty, November of last year. Mayor Butler presented a video of Officer Sterrett.
- There is a severe weather threat tonight from 5 pm until 2 am. Chief Buckholts gave more information on this threat.

Presentation: Ms. Matti Jo Hardgrave and Sydney Dean made a presentation on "SUSTAINABILITY-Let's All Join Hands to Nurture Our Community, Spirit, Soul and Body!". Ms. Dean said there are two points to be made, Science and sustainability create opportunity and, using ways to create more space. She stated Forest Park exports a tremendous amount of waste, items that can be reused, donated or recycled. She noted the City contributes a large amount to the land masses that we use to dump and reducing the amount of waste, reduces the amount of land used for garbage. This in turn increases the potential space for opportunity. On a daily basis, when businesses dispose of large quantities of waste, a workforce could be used to sift through this waste for reusables. Recycling creates job potential, minimizes waste, along with supporting those in need within our own community.

They are proposing ways to stop the waste, to reduce, reuse and recycle. We have to join hands and let sustainability be a big part of the City's plan. She proposed a community education night once a month to allow the people of Forest Park to celebrate our City and distribute relevant information to parents and the general public.

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

M I N U T E S

REGULAR MEETING OF MAYOR AND COUNCIL OF MARCH 19, 2018

Call to Order: The Regular Meeting of Mayor and Council was called to order by Mayor Angelyne Butler at 6:30 p.m.

Invocation: The invocation was given by Reverend Persephone Fuller followed by the Pledge of Allegiance to the American Flag.

Roll Call: Mayor Angelyne Butler, Councilmembers Kimberly James, Allan Mears, Latresa Wells, Sandra Bagley and Dabouze Antoine.

Also present were City Manager Angela Redding, Director of Public Works Jeff Eady, Director of Support Services Christine Terrell, Chief Eddie Buckholts, Director of IT Darren Duke, Major Jamie Reynolds, Interim Director of Planning and Zoning David New and City Attorney Michael Williams.

Comment Period: Mr. Zack Parker – stated he wants to see the City change, and he doesn't like seeing what has happened in the last three decades. He felt it was a change for the worst and changes need to be made. He stated we need to start with the fact there are too many renters in the City, and these people do not have a stake in the community. He also noted there are not enough code enforcement officers. He said he is willing to take part in this change.

Approval of Minutes: Ms. Bagley made the following corrections to the minutes: Regular Meeting of Mayor and Council of March 5th, *Holtsclaw* should be *Holtzclaw*. Resolution for Downtown Development Authority: change to Ms. Bagley voted *against* the motion.

Ms. James made a motion to approve the minutes of the Work Session and Regular Meeting of March 5th with the corrections noted, seconded by Ms. Wells. Voting for the motion was unanimous.

Proclamation: Mayor Butler presented a proclamation to the family of Brandon Gamble, a citizen that lost his life while saving his family in a house fire.

Ordinance:
Amending
Operating
Budget: Request was made to consider an Ordinance by the City Council for the City of Forest Park, Georgia to amend the 2017-2018 Operating Budget to transfer funds to cover Computer Hardware and Software Expenses, to repeal all Ordinances and parts of Ordinances in conflict herewith; to provide an effective date; and for other purposes.

Ms. Wells made a motion to approve the Ordinance, seconded by Ms. James.

Mr. Antoine asked for additional information. Ms. Redding explained this will cover unexpected costs associated with software and patches. Mr. Duke explained this is due to a series of hardware security and vulnerability found on January 2nd and affects all the computers. This request is necessary to cover cost of upgrading all of the server systems to Windows Server 2016.

Voting for the motion was unanimous.

Ordinance:
Amending
Operating
Budget: Request was made to consider an Ordinance by the City Council for the City of Forest Park, Georgia to amend the 2017-2018 Operating Budget to transfer funds to cover Expenses related to Starr Park Master Plan; to repeal all Ordinances and parts of Ordinances in conflict herewith; to provide an effective date; and for other purposes.

Mr. Antoine asked who the consultant is for this project. Ms. Redding stated the consultant is Lord Aeck Sargent. She stated this process started last year but the invoices were coded to SPLOST and this project is ineligible for SPLOST funds. She stated SPLOST Projects had to be approved by a vote of the citizens in the 2015 SPLOST. This referendum did not include the cost of the Starr Park Master Plan therefore the cost associated with this cannot be paid out of SPLOST funds. We are now requesting funds from the Contingency Fund to cover these costs.

Mr. Antoine asked if there is a drawing of the Master Plan. Ms. Redding stated everything had been put on hold due to the election and we are now moving forward, once the invoices are paid.

Ms. Bagley asked why did we just find out and what is the cost of these invoices. Ms. Redding stated the invoices were brought to her attention in February, indicating invoices from the previous year had not been paid. She said other city staff could have requested the proper documentation necessary to pay the invoices, but that was not done. The cost is \$150,000.

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

Executive
Session:

Mr. Antoine made a motion to enter into Executive Session to discuss personnel, litigation and real estate matters, seconded by Ms. James. Voting for the motion was unanimous.

The Mayor and Council entered into Executive Session at 6:56 p.m.

Ms. James made a motion to adjourn the Executive Session and reconvene the Regular Meeting, seconded by Ms. Wells. Voting for the motion was unanimous.

The Regular Meeting reconvened at 7:32 p.m.

Adjournment:

Ms. James made a motion to adjourn, seconded by Ms. Wells. Voting for the motion was unanimous.

**CITY OF FOREST PARK
DEPARTMENT OF POLICE SERVICES
INTEROFFICE MEMORANDUM**

TO: Angela Redding, City Manager
FROM: Chief L. Dwayne Hobbs
DATE: 03/28/18
RE: Marijuana Less Than an Ounce

The following is a breakdown of the sentencing guidelines used in reference to Marijuana charges (less than an ounce). The sentence can vary based on negotiated pleas, additional charges, or past criminal history. The sentence does not include any jail time, unless the defendant violates the terms of their probation.

Sentence:

- Fine - \$718
- 12 Months' Probation
- 40 hours Community Service
- Attend Drug/Alcohol Classes
- Risk Reduction
- Random Drug/Alcohol testing

The following is a breakdown by fiscal year, of actual fines collected. In some cases, warrants were taken because the person failed to appear in court, or violated their probation.

2015-2016

- 71 total cases
- \$42,675 payments received (*46 cases*)
- 25 cases closed - \$17,995 collected (*with an average fine of \$718*).

2016-2017

- 134 total cases
- \$75,446 payments received (*98 cases*)
- 46 cases closed - \$33,037 collected (*with an average fine of \$718*).

2017-2018

- 96 cases total
 - *A large number of these cases have not been adjudicated, or the defendant was recently placed on probation and making monthly payments.*
- \$7,036 payments received (*19 cases*)
- 3 cases closed - \$2,154 collected (*with an average fine of \$718*).

Furthermore, two considerations exist when the Judge determines the defendant is guilty:

- If the defendant is under 21 years of age and complies with the probation sentence and conditions, the guilty disposition will not go on their record.
- If the defendant is over 21 years of age, the First Offender rules apply; if the probation sentence and conditions are met, the conviction will not go on their record.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF FOREST PARK, GEORGIA WITH RESPECT TO THE PENALTY FOR THE POSSESSION OF LESS THAN AN OUNCE OF MARIJUANA; 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 11-1-25 the Code of Ordinances, City of Forest Park, Georgia is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

“Sec. 11-1-25. - Possession of marijuana unlawful; penalty

It shall be unlawful for any person to possess one ounce or less of marijuana within the corporate limits of the city. Any person found guilty of violating this section shall be punished by a fine not exceeding \$75.00, and shall not be punished by imprisonment for any term; provided that any defendant charged with possession of one ounce or less of marijuana shall be entitled on request to have the case against such defendant transferred to the court having general misdemeanor jurisdiction in the county wherein the alleged offense occurred.”

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. Except as otherwise provided herein and not including any provisions of Chapter 12 – Adult Entertainment Establishments, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7. Effective Date. This ordinance 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.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO ORDAINED this _____ day of _____, 2018.

Mayor Angelyne Butler

Council Member Kimberly James, Ward 1

Council Member Dabouze Antoine, Ward 2

Council Member Sandra Bagley, 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

CITY OF FOREST PARK

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF FOREST PARK RECOGNIZING
GEORGIA CITIES WEEK, APRIL 22-28, 2018, AND ENCOURAGING
ALL CITIZENS TO SUPPORT THE CELEBRATION AND
CORRESPONDING ACTIVITIES.**

Whereas, city government is the closest to most citizens, and the one with the most direct daily impact upon its residents, and

Whereas, city government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities, and

Whereas, city government officials and employees share the responsibility to pass along their understanding of public services and their benefits, and

Whereas, Georgia Cities Week is a very important time to recognize the important role played by city government in our lives, and

Whereas, this week offers an important opportunity to spread the word to all the citizens of Georgia that they can shape and influence this branch of government which is closest to the people; and

Whereas, the Georgia Municipal Association and its member cities have joined together to teach students and other citizens about municipal government through a variety of different projects and information; and

Whereas, Georgia Cities Week offers an important opportunity to convey to all the citizens of Georgia that they can shape and influence government through their civic involvement.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF FOREST PARK DECLARES APRIL 22-28, 2018, AS GEORGIA CITIES WEEK.

BE IT FURTHER RESOLVED THAT THE CITY OF FOREST PARK ENCOURAGES ALL CITIZENS, CITY GOVERNMENT OFFICIALS AND EMPLOYEES TO DO EVERYTHING POSSIBLE TO ENSURE THAT THIS WEEK IS RECOGNIZED AND CELEBRATED ACCORDINGLY.

Resolved this _____ day of _____, 2018.

CITY OF FOREST PARK, GEORGIA

Angelyne Butler, Mayor

Kimberly James, Council, (Ward 1)

Dabouze Antoine, Ward 2

Sandra Bagley, Council, Ward 3

Latresa Wells, Council, Ward 4

Allan Mears, Council, Ward 5

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF FOREST PARK, GEORGIA WITH RESPECT TO ADULT ENTERTAINMENT; 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) the Code of Ordinances, City of Forest Park, Georgia is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

“(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. Monday through Saturday (meaning that the establishment may be open until 3:30 a.m. on Sunday morning) and 12:30 p.m. until 3:30 a.m. on Sunday, 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 3:30 a.m. Monday through Saturday and 2:55 a.m. on Sunday, 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 7. Effective Date. This ordinance 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.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO ORDAINED this _____ day of _____, 2018.

Mayor Angelyne Butler

Council Member Kimberly James, Ward 1

Council Member Dabouze Antoine, Ward 2

Council Member Sandra Bagley, Ward 3

Council Member Latresa Wells, Ward 4

Council Member Allan Mears, Ward 5

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney