

A G E N D A

REGULAR MEETING OF MAYOR AND COUNCIL MARCH 20, 2017

6:00 P.M. Work Session

- City Managers Report

I. Call to Order – 6:10 p.m. Mayor Lockhart

II. Invocation

III. Pledge of Allegiance

IV. Roll Call

V. Comment Period

VI. Approval of Minutes

1. Work Session of Mayor and Council of March 6, 2017
2. Regular Meeting of Mayor and Council of March 6, 2017

VII. Agenda Items

1. An Ordinance to amend Section 11-3-8 (“Pens or Enclosures within 400 feet of house or building”) in Chapter 3 (“Animals”) of Title 11 (“Offenses”) in the Code of Ordinances, City of Forest Park, Georgia; to provide for severability; to provide for penalties; to repeal conflicting ordinances; to provide an effective date; and to provide for other lawful purposes.

BACKGROUND AND SUMMARY: The current ordinance prohibits the keeping or maintaining of animal or fowl, as well as pens, coops or enclosures for such creatures, within 400 feet of any inhabited building. The proposed amendment lowers the stated distance requirements, but also clarifies the limitation of the number of animals, fowl, dogs or cats that may be kept or maintained on a lot within the municipal limits.

2. Consider a Resolution by the Mayor and Council of the City of Forest Park, Georgia establishing a one hundred eighty-three (183) day moratorium on the enforcement of the assembly use provisions of the zoning code with respect to religious institutions and/or places of worship; to repeal conflicting resolutions; to

provide for severability; to provide for an adoption date and effective date; and for other purposes.

BACKGROUND AND SUMMARY: The Places of Assembly Ordinance was adopted by the Mayor and Council in February 2007 in an effort to maintain the safety and general welfare of the City of Forest Park and to establish a method of balancing retail development and other commercial uses as outlined in the City's Comprehensive Development Plan. The terms of the Places of Assembly Ordinance regulates the distance of certain uses through a distance measurement formula.

3. Consider an Ordinance to amend the Code of Ordinances, City of Forest Park, Georgia, to establish a Department of Technology Services by amending Subsection A of Section 2-3-1 (Departments Established) in Article A (General Provisions) of Chapter 3 (Administration) in Title 2 (General Government) and by enacting Title 12 (Technology Services) and Chapter 1 (Department of Technology Services) in said Title; to provide for severability; to repeal conflicting ordinances; to provide an effective date; and for other lawful purposes.

BACKGROUND AND SUMMARY: City administration has become increasingly more dependent upon the use of information technology including, but not limited to, computers and data communication systems. The recent advancements and prevalent use of technology throughout all city departments have also increased along with the demand for professionally managed technology services. The proposed ordinance creates a new Department of Technology Services operating under the direction of a newly created Technology Services Director position.

VIII. Legal Matters

IX. Comments by Governing Body

X. Adjournment

MINUTES

WORK SESSION OF MAYOR AND COUNCIL OF MARCH 6, 2017

Call to Order: The Work Session of Mayor and Council of March 6, 2017, was called to order by Mayor David Lockhart at 6:00 p.m.

Present: Mayor Lockhart and Councilmembers, Tommy Smith, Dabouze Antoine, Sandra Bagley, Latresa Wells and Allan Mears.

Also present were Al Wiggins, City Manager; Mike Blandenburg, Director Finance; Jonathan Jones, Director PB & Z; Jeff Eady, Director Public Works; Elaine Corley, Director Recreation & Leisure; Angela Redding, Management Analyst; Chief Hobbs, Police; Christine Terrell, Director Support Services; Major Jamie Reynolds, Police; Deputy Fire Chief, Matt Jackson; and City Attorney, Winston Denmark.

City Managers Report: None

GA Radio Museum & HOF: Councilwoman Bagley stated that about 2-3 weeks ago that they were going to relocate to another city.

4666 Jones-boro Rd. Mr. Jones stated that in August, 2016, we actually did the nuisance abatement which allowed us to seal the property. Near the end of 2016, we contacted the tax deed owner to make them aware of the fact that we were hoping to work with them to have them make the necessary improvements. Legally they couldn't do anything. At the beginning of this year, we were informed by them that they were waiting on the judge to turn over the property to them. In January, the property was turned over to them and sold to the owner of the adjacent business. Mr. Jones stated that the owner was planning on demolishing the building and expand his business. At that time, a demolition permit was obtained around mid-February. That permit has not been turned back in, but it is a very involved process for a demolition permit to be issued. There has to be a pest control inspection, an asbestos lead inspection, all the utility companies have to confirm that all utilities are off, and the demolition company has to site plan such that we know exactly what they plan to do. We then review that and offer

them a demolition permit good for six (6) months. We haven't received the application yet because of the steps required. We anticipate that we will receive that application this week.

Mural on Main: Mr. Wiggins stated that the mural is being painted on marine grade plywood due to moisture in the exterior wall. The mural should be completed by the end of the month.

Agenda Items: *Ordinance to amend the Code of Ordinances, City of Forest Park, Georgia, to establish a Department of Technology Services by amending Subsection A of Section 2-3-1 (Departments Established) in Article A (General Provisions) of Chapter 3 (Administration) in Title 2 (General Government) and by enacting Title 12 (Technology Services) and Chapter 1 (Department of Technology Services) in said Title.* Mayor Lockhart stated that he would like to table this ordinance.

Ordinance to amend Section 8-8-121 ("Establishment of Board of Appeals") of Article I ("Board of Zoning Appeals") of Chapter 8 ("Zoning") in Title 8 ("Planning and Development") of the Code of Ordinances, City of Forest Park, Georgia by repealing the current language in said Section in its entirety and enacting new regulations in lieu thereof. Mayor Lockhart stated that this is to allow members on the Board of Appeals to serve on other city boards that they are so appointed. Naheem Thobhani is in that position right now.

Lease Agreement between the City of Forest Park, Georgia and Claire Redman, 964 Longleaf Drive. Mr. Wiggins stated that this is property behind Ms. Redman's property currently owned by the City. It is an unimproved tract of land that is also in the flood plain. This agreement dates back fifteen (15) years which simply allows Ms. Redman to go onto City owned property to conduct minor improvements.

Resolution authorizing the Mayor, on behalf of the City of Forest Park, Georgia to execute an agreement with Professional Probation Services, Inc., to provide probation services on behalf of the city. Mayor Lockhart stated that these changes will be an improvement over what we have.

Appointment to the Clayton County Land Bank. Mayor Lockhart stated that he recommended Jonathan Jones.

Resolution of the City of Forest Park, Georgia to authorize the issuance of a credit card to each department of the city. Mayor Lockhart stated that he thought that this was self-explanatory.

Ordinance to amend Sections 9-2-3 and 9-2-16 of Article A ("General Provisions") of Chapter 2 ("Alcoholic Beverages") of Title 9 ("Licensing and Regulation") of the Code of Ordinances, City of Forest Park, Georgia. Mayor Lockhart stated that there was no reason to limit licensing to just one.

Legal Matters: None

Adjournment: Councilman Smith made a motion to adjourn the Work Session. Councilwoman Wells seconded the motion. Voting was unanimous.

MINUTES

REGULAR MEETING OF MAYOR AND COUNCIL OF MARCH 6, 2017

Call to Order: The Regular Meeting of Mayor and Council of March 6, 2017, called to order by Mayor David Lockhart at 6:10 p.m.

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

Roll Call: Mayor Lockhart and Councilmembers, Tommy Smith, Dabouze Antoine, Sandra Bagley, Latresa Wells and Allan Mears.

Also present were Al Wiggins, City Manager; Mike Blandenburg, Director Finance; Jonathan Jones, Director PB & Z; Jeff Eady, Director Public Works; Elaine Corley, Director Recreation & Leisure; Angela Redding, Management Analyst; Chief Hobbs, Police; Christine Terrell, Director Support Services; Major Jamie Reynolds, Police; Deputy Fire Chief, Matt Jackson; and City Attorney, Winston Denmark.

Comment Period: Roy Lunsford, 5585 Skyland Drive, discussed Station 2, back driveway pot holes.
Ms. Lawana Folami, 1080 Lloyd Drive, discussed pot holes on Thurmond Rd. Ms. Folami invited all to the Unity and Community meeting, March 9, 2017, 6:00 p.m., Forest Chapel Baptist Church. Ms. Folami stated that we need to be aware of the State Representative and Senate bills.

Approval of Minutes: Councilman Mears made a motion to accept and approve the minutes together of February 20, 2017, Councilman Smith seconded the motion. Voting was unanimous.

Amended Agenda: Councilwoman Bagley made a motion to amend the agenda to consider authorizing the Mayor to execute the Settlement Agreement and Mutual Release with Officer Robert Ferrell. Councilman Smith seconded. Voting was unanimous.

Councilman Smith made a motion to authorize the Mayor to execute the Settlement Agreement and Mutual Release with Officer Robert Ferrell. Councilwoman Wells seconded. Voting was unanimous.

Ordinance: Ordinance to amend the Code of Ordinances, City of Forest
Department Park, Georgia, to establish a Department of Technology
Technology Services by amending Subsection A of Section 2-3-1
Services (Departments Established) in Article A (General Provisions)
of Chapter 3 (Administration) in Title 2 (General
Government) and by enacting Title 12 (Technology Services)
and Chapter 1 (Department of Technology Services) in said
Title.

Councilwoman Wells made a motion to table this Ordinance.
Councilman Smith seconded. Voting was unanimous.

Public Hearing: Councilwoman made a motion to recess for Public Hearing
regarding Board of Zoning Code Amendment.
Councilwoman Wells seconded. Motion carries.

Councilman Smith made a motion to close the Public
Hearing. Councilwoman Bagley seconded. Motion carries.

Ordinance: Ordinance to amend Section 8-8-121 ("Establishment of
Board of Appeals Board of Appeals") of Article I ("Board of Zoning Appeals") of
Chapter 8 ("Zoning") in Title 8 ("Planning and Development")
of the Code of Ordinances, City of Forest Park, Georgia by
repealing the current language in said Section in its entirety
and enacting new regulations in lieu thereof.

Councilwoman Bagley made a motion to adopt that
Ordinance. Councilman Smith seconded. Those in favor
were Councilmembers Smith, Mears, and Bagley. Those
opposed were Councilmembers Antoine and Wells. Motion
carries three (3) to two (2).

Lease Agreement: Lease Agreement between the City of Forest Park, Georgia
Claire Redman and Claire Redman, 964 Longleaf Drive.

Councilman Mears made a motion to approve this lease.
Councilman Smith seconded. Motion carries unanimously.

Resolution: Resolution authorizing the Mayor, on behalf of the City of
PPS, Inc. Forest Park, Georgia to execute an agreement with
Professional Probation Services, Inc., to provide probation
services on behalf of the City.

Councilwoman Wells made a motion to adopt this
Resolution. Councilman Smith seconded. Those in favor
were Councilmembers Smith, Bagley, Wells, and Mears.

Those opposed were Councilman Antoine. The motion carries.

Clayton County
Land Bank
Appointment:

Appointment to the Clayton County Land Bank.

Councilman Smith made a motion to appoint Jonathan Jones to the Clayton County Land Bank. Councilwoman Wells seconded. Those in favor were Councilmembers Smith, Bagley, Wells, and Mears. Those opposed were Councilman Antoine. The motion carries.

Resolution:
Department
Credit Card
Issuance

Resolution of the City of Forest Park, Georgia to authorize the issuance of a credit card to each department of the City.

Councilman Mears made a motion to adopt this Resolution. Councilman Smith seconded. Motion carries with no opposition.

Ordinance:
Alcoholic
Beverages
Licensing

Ordinance to amend Sections 9-2-3 and 9-2-16 of Article A ("General Provisions") of Chapter 2 ("Alcoholic Beverages") of Title 9 ("Licensing and Regulation") of the Code of Ordinances, City of Forest Park, Georgia.

Councilman Mears made a motion to adopt this Ordinance. Councilman Smith seconded. Motion carries.

Legal Matters:

None

Adjournment:

Councilwoman Wells made a motion to adjourn. Seconded by Councilman Smith seconded. Voting was unanimous.

STATE OF GEORGIA
CITY OF FOREST PARK

ORDINANCE 2017-____

AN ORDINANCE TO AMEND SECTION 11-3-8 (“PENS OR ENCLOSURES WITHIN 400 FEET OF HOUSE OR BUILDING”) IN CHAPTER 3 (“ANIMALS”) OF TITLE 11 (“OFFENSES”) IN THE CODE OF ORDINANCES, CITY OF FOREST PARK, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR PENALTIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing body of the City of Forest Park (the “City”) is the Mayor and Council thereof;

WHEREAS, the City has been vested with substantial powers, rights and functions to generally regulate the practice, the conduct or the use of property within its municipal limits for the purpose of maintaining the health, morals, safety, security, peace, and general welfare of the citizens of the City;

WHEREAS, Section 11-3-18 (“Pens or enclosures within 400 feet of house or building”) in Chapter 3 (“Animals”) of Title 11 (“Offenses”) in the Code of Ordinances, City of Forest Park, Georgia prohibits the keeping or maintaining of animal or fowl, as well as pens, coops, or enclosures for such creatures, within 400 feet of any inhabited building;

WHEREAS, the governing body desires to amend the statutory language in said section to lower the stated distance requirements and to limit the number of animals and fowl that may be keep or maintained on a lot within the municipal limits;

WHEREAS, the amendments contained herein will benefit the health, safety, morals, and peace of the citizens of the City.

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

Section 1: The Code of Ordinances of the City of Forest Park, Georgia is hereby amended by striking, in its entirety, the existing statutory language in Section 11-3-8 (“Pens or enclosures within 400 feet of house or building”) in Chapter 3 (“Animals”) of Title 11 (“Offenses”) and inserting new text in lieu thereof, to read and to be codified as follows:

“Sec. 11-3-8. – Pens, coops or enclosures within 100 feet of house or building; limitation on number of animal or fowl.

- (a) It shall be unlawful for any person to keep or maintain any pen, coop or enclosure for animals or fowl, or to permit any animal or fowl to be kept, maintained, or grazed within one hundred (100) feet of the nearest portion of any building that is in any way used by a person, other than a building occupied by the owner of any such animals or fowl. Notwithstanding any compliance with these distance regulations, no person shall keep or maintain on one (1) lot more than two (2) animals or more than (2) fowl. This subsection shall not apply to the keeping or maintaining of dogs or cats as household pets.
- (b) Subsection (a) shall not apply to any of the following duly licensed, lawfully operating businesses: pet boarding operators, kennels, veterinary facilities, animal hospitals, or stables.”

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and 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 Mayor and 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 phrase, clause, sentence, paragraph or section 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 Mayor and 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 phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this _____ day of _____, 2017.

CITY OF FOREST PARK, GEORGIA,

David Lockhart, Mayor

Tommy Smith
Councilmember, Ward One

Dabouze Antoine
Mayor Pro-tem, Ward Two

Sandra Bagley
Councilmember, Ward Three

Latresa Wells
Councilmember, Ward Four

Allan Mears
Councilmember, Ward Five

ATTEST:

Mike Blandenburg, City Clerk

APPROVED BY:

City Attorney

**Proposed Amendment to Section 11-3-8 of the Code of Ordinances, City of
Forest Park**

Current Text	Proposed Amended Text
<p>Sec. 11-3-8. - Pens or enclosures within 400 feet of house or building.</p> <p>It shall be unlawful for any person to keep or maintain any pen, coop or enclosure for animals or fowl, or to permit any animal or fowl to be kept, maintained, or grazed, within 400 feet of any house or building where people reside or work. This section shall not apply to dogs or cats as household pets, but it shall apply to any structure or facility housing dogs or cats where more than three (3) animals are kept.</p>	<p>Sec. 11-3-8. – Pens, <u>coops</u> or enclosures within <u>400</u>100 feet of house or building; <u>limitation on number of animal or fowl; limitation on number of dogs or cats.</u></p> <p>(a) It shall be unlawful for any person to keep or maintain any pen, coop or enclosure for animals or fowl, or to permit any animal or fowl to be kept, maintained, or grazed, within 400 feet of any house or building where people reside or work <u>one hundred (100) feet of the nearest portion of any building that is in any way used by a person, other than a building occupied by the owner of any such animals or fowl. Notwithstanding any compliance with these distance requirements, no person shall keep or maintain on one (1) lot more than two (2) animals or more than (2) fowl. This subsection shall not apply to the keeping or maintaining of dogs or cats as household pets, but it shall apply to any structure or facility housing dogs or cats where more than three (3) animals are kept.</u></p> <p>(b) <u>It shall be unlawful for any person to keep or maintain on one (1) lot more than three (3) dogs or more than (3) cats.</u></p> <p>(c) <u>Subsections (a) and (b) shall not apply to any of the following duly licensed, lawfully operating businesses: pet boarding operators, kennels, veterinary facilities, animal hospitals, or stables.</u></p>

CITY OF FOREST PARK

STATE OF GEORGIA

RESOLUTION NO.

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF FOREST PARK, GEORGIA ESTABLISHING A ONE HUNDRED EIGHTY-THREE DAY MORATORIUM ON THE ENFORCEMENT OF THE ASSEMBLY USE PROVISIONS OF THE ZONING CODE WITH RESPECT TO RELIGIOUS INSTITUTIONS AND/OR PLACES OF WORSHIP; TO REPEAL CONFLICTING RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN ADOPTION DATE AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Forest Park has been vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City of Forest Park; and

WHEREAS, Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits, and other development approvals where exigent circumstances warrant the same, pursuant to case law found at *City of Roswell et al v. Outdoor Systems, Inc.*, 274 Ga. 130, 549 S.E.2d 90 (2001); *Lawson v. Macon*, 214 Ga. 278, 104 S.E.2d 425 (1958); *Taylor v. Shetzen*, 212 Ga. 101, 90 S.E.2d 572 (1955); and

WHEREAS, the Courts take judicial notice of a local government's inherent ability to impose moratoria on an emergency basis; and

WHEREAS, the Georgia Supreme Court, in the case of *DeKalb County v. Townsend*, 243 Ga. 80 (1979), held that, "To justify a moratorium, it must appear first, that the interests of the public generally, as distinguished from those of a particular class, require such interference; and second, that the means are reasonably necessary for the accomplishment of the purpose, and not unduly oppressive upon individuals." The City of Forest Park has found that the interests of the public necessitate the enactment of a moratorium for health, safety, morals and general welfare purposes by means which are reasonable and not unduly oppressive; and

WHEREAS, the Mayor and Council of the City of Forest Park have, as a part of planning, zoning and growth management, been in review of the City's Ordinances relative to religious institutions and/or places of worship; and

WHEREAS, the Mayor and Council deem it important to develop a comprehensive plan to address the regulation of religious institutions and/or places of worship; and

WHEREAS, the Mayor and Council have always had a strong interest in the promotion of the traditional police power goals of health, safety, morals, aesthetics and the general welfare of the community; and in particular the lessening of congestion on City streets, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

WHEREAS, it is the belief of the Mayor and Council of the City of Forest Park that the concept of "public welfare" is broad and inclusive; that the values it represents

are spiritual as well as physical, aesthetic as well as monetary; and that it is within the power of the City "to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled," *Berman v. Parker*, 348 U.S. 26, 75 S.Ct. 98 (1954); *Kelo v. City of New London*, 545 U.S. 469, 125 S. Ct. 2655, 162 L. Ed. 2d 439 (2005). It is also the opinion of the City that "general welfare" includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and

WHEREAS, the Mayor and Council are, and have been interested in, developing a cohesive and coherent policy regarding certain uses in the City, and have intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole; and

NOW THEREFORE be it resolved by the Mayor and Council of the City of Forest Park and by the authority of the same:

SECTION I.

FINDINGS OF FACT

The Mayor and Council of the City of Forest Park hereby make the following findings of fact:

(a) It appears that the City's development ordinances and/or Zoning Ordinance require an additional review by the City of Forest Park as they relate to religious institutions and/or places of worship; and

(b) Substantial disorder, detriment and irreparable harm would result to the citizens, businesses and City of Forest Park if the current set of ordinances for the above described use in the City were to be utilized by property owners prior to a more thorough review; and

(c) The City's ongoing revision of its code and zoning ordinances requires that a limited cessation of the enforcement of Section 8-8-39 as it relates to religious institutions and/or places of worship be enacted; and

(d) That the Georgia Supreme Court has ruled that limited moratoria are reasonable and do not constitute land use when such moratoria are applied throughout the City under *City of Roswell et al v. Outdoor Systems Inc.*, 274 Ga. 130, 549 S.E.2d 90 (2001).

SECTION II.

IMPOSITION OF MORATORIUM

(1) There is hereby extended a moratorium on the enforcement of Section 8-8-39 of the Code of Ordinances, City of Forest Park, Georgia, as the enforcement relates to or as the ordinance relates to religious institutions and/or places of worship; and

(2) The duration of this extended moratorium shall be until the City adopts a revision of the City Code of the City of Forest Park related to the above-referenced use or until Tuesday, September 19, 2017, whichever first occurs; and

(3) This Moratorium shall be effective as of the date of adoption of this Resolution; and

(4) This Moratorium shall have no effect upon approvals or permits previously issued or as to development plans previously approved by the City. The

provisions of this Resolution shall not affect the issuance of permits or site plan reviews that have received preliminary or final approval by the City on or before the effective date of this Resolution.

SECTION III.

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

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

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution 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 Mayor and 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 phrases, clauses, sentences, paragraphs or sections of this Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections

of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION IV.

All Resolutions or parts of Resolutions in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

SECTION V.

The preamble of this Resolution shall be considered to be and is hereby incorporated by reference as if fully set out herein.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

ORDAINED this _____ day of _____, 2017.

CITY OF FOREST PARK, GEORGIA

David Lockhart, Mayor

Tommy Smith
Councilmember, Ward One

Dabouze Antoine
Mayor Pro-tem, Ward Two

Sandra Bagley
Councilmember, Ward Three

Latresa Wells
Councilmember, Ward Four

Allan Mears
Councilmember, Ward Five

ATTEST:

Mike Blandenburg, City Clerk

APPROVED BY:

City Attorney

STATE OF GEORGIA

CITY OF FOREST PARK

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF FOREST PARK, GEORGIA, TO ESTABLISH A DEPARTMENT OF TECHNOLOGY SERVICES BY AMENDING SUBSECTION A OF SECTION 2-3-1 (DEPARTMENTS ESTABLISHED) IN ARTICLE A (GENERAL PROVISIONS) OF CHAPTER 3 (ADMINISTRATION) IN TITLE 2 (GENERAL GOVERNMENT) AND BY ENACTING TITLE 12 (TECHNOLOGY SERVICES) AND CHAPTER 1 (DEPARTMENT OF TECHNOLOGY SERVICES) IN SAID TITLE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing body of the City of Forest Park, Georgia (the “City”) is the Mayor and Council thereof; and

WHEREAS, the administration of the City has become increasingly more dependent upon the use of information technology including, but not limited to, computers and data communication systems, with advancements in, and the prevalence of use of, said technology in recent years; and

WHEREAS, the governing body previously has established various departments of the City in Section 2-3-1 of the Code of Ordinances, City of Forest Park, Georgia (the “Code”) but no department presently exists to address exclusively information technology issues; and

WHEREAS, the governing body desires to establish a Department of Technology Services to oversee the planning and the management of the City’s increasing use of information technology; and

WHEREAS, Section 3.10 of the Charter of the City of Forest Park, Georgia authorizes the governing body to establish, by ordinance, departments of the City; and

WHEREAS, the public health, safety, and general welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FOREST PARK, and by the authority thereof:

Section 1. The Code of Ordinances, City of Forest Park, Georgia is hereby amended by striking the existing text of subsection (a) of Section 2-3-1 (“Departments established”) in Article A (“General Provisions”) of Chapter 3 (“Administration”) in Title 2 (“General Government”) and enacting new text in lieu thereof, to read and to be codified as follows:

- “(a) The following departments of the city are hereby established:
- (1) Police;
 - (2) Finance;
 - (3) Public works;
 - (4) Parks and recreation;
 - (5) Public services;
 - (6) Fire; and
 - (7) Technology services.”

Section 2. The Code of Ordinances, City of Forest Park, Georgia is hereby amended by enacting Title 12, to read and to be codified as follows:

“Title 12 – Technology Services”

Section 3. The Code of Ordinances, City of Forest Park, Georgia is hereby amended by enacting Chapter 1 in Title 12 (“Information Technology”), to read and to be codified as follows:

“Chapter 1 – DEPARTMENT OF TECHNOLOGY SERVICES

Section 12-1-1. – Department established; purpose; director.

- (1) There is hereby established a department of technology services for the purpose of planning and managing the informational systems and data communications equipment utilized by the City.
- (2) The department of technology services shall be composed of a director who shall oversee said department and such other office and employees as are from time to time deemed necessary by the mayor and council. The director of the department of technology services shall be nominated by the city manager with confirmation of such appointment by the governing body in accordance with Section 3.14 of the Charter of the City. The director shall report to the city manager.

Section 12-1-2. – Duties and responsibilities of the director and department; establishment of rules and regulations.

- (1) Under the direct supervision of the City Manager and in cooperation with all affected Department Directors, the Director of Technology Services shall be responsible for the planning and management of the information systems and data communications equipment utilized by departments, officials, employees and agents of the City. These responsibilities shall include, but are not limited to, the following:
 - a) Overseeing the development of the City-wide information and technology strategy;
 - b) Coordinating, with the consent of affected Department Directors or their designees, all telephony, voice, data, and communications equipment used by and between all departments, officials, employees and agents of the City;
 - c) Overseeing and maintaining network security of the City's informational systems and data communications equipment;
 - d) Overseeing network and server administration;
 - e) Overseeing application system administration; and
 - f) Providing end-user support to the various departments, officials, employees and agents of the City.
- (2) The Director of the Department of Technology Services shall, in cooperation with all affected Department Directors, establish such rules and regulations as shall from time to time become necessary to the performance and the duties of the Department of Technology Services pursuant to this Chapter. The Director shall recommend to the City Manager, after consultation with and the consent of the affected Department Directors, for submission to and approval by the Governing Body any change which he deems desirable in the provisions of this Chapter, other provisions of the Code of Ordinances or resolutions of the City affecting the Department of Technology Services.

Section 12-1-3. – Assignment of additional duties.

In addition the duties as provided in Section 12-1-2, the department of technology services shall perform any and all other duties which may be assigned to it by the City Manager, in writing or otherwise, and the department shall have all power and authority necessary to carry out such additional assigned duties.”

Section 4. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 5. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and 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 Mayor and 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 phrase, clause, sentence, paragraph or section 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 Mayor and 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 phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and full force and effect.

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

Section 7. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section 8. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

[SIGNATURES CONTAINED ON THE FOLLOWING PAGE]

ORDAINED this _____ day of _____, 2017.

CITY OF FOREST PARK, GEORGIA

David Lockhart, Mayor

Tommy Smith
Councilmember, Ward One

Dabouze Antoine
Mayor Pro-tem, Ward Two

Sandra Bagley
Councilmember, Ward Three

Latresa Wells
Councilmember, Ward Four

Allan Mears
Councilmember, Ward Five

ATTEST:

Mike Blandenburg, City Clerk

APPROVED BY:

City Attorney