

## **A G E N D A**

### **REGULAR MEETING OF MAYOR AND COUNCIL OF OCTOBER 17, 2016**

6:00 P.M. Work Session

- City Managers Report
- Discussion of Phase 2 Main Street
- Executive Session to discuss real estate and personnel related matters

I. Call to Order – 7:00 p.m. – Mayor David 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 October 3, 2016
2. Regular Meeting of Mayor and Council of October 3, 2016

VII. Agenda Items

1. Consider an Ordinance to amend the provisions of the Special Revenue Funds Budget concerning the E911 Fund for the fiscal year 2015-2016; to repeal conflicting Ordinances; to provide an effective date; and for other purposes.

**SUMMARY AND BACKGROUND:** The Finance Director requests amendment of the E911 Fund Budget for fiscal year 2015-2016. The purpose of the changes is for the budget amounts to better reflect the expected results for the fiscal year. Also, the amended budget would remove appropriation of funds from the fund balance (equity). The appropriation from fund balance was included in the original budget.

2. Consider an Ordinance to amend the Code of Ordinances, City of Forest Park, Georgia; to amend Chapter 1 ("General Regulations") of Title 7 ("Parks, Recreation and Cultural Affairs") by revising the language of Section 7-1-4; to amend Article A ("General Provisions") of Chapter 2 ("Alcoholic Beverages") of Title 9 ("Licensing and Regulation") by revising the language of Sections 9-2-3 and 9-2-12; to amend Article D ("On-Premises Consumption") of Chapter 2 ("Alcoholic Beverages") of Title 9 ("Licensing and Regulation") by revising the language of Section 9-2-70 and by enacting Section 9-2-71; to provide for severability; to repeal conflicting Ordinances; to provide an effective date; and for other purposes

**SUMMARY AND BACKGROUND:** During the off site planning meeting, the Mayor and Council developed Strategic Priorities and Goals. In the area of Leisure and Entertainment, one of the items noted was the creation of an ordinance to allow outdoor alcohol consumption. The proposed ordinance allows the sale of alcohol at special events by obtaining a temporary special permit. The temporary permit would only be able to be obtained by an individual/business that already has obtained an annual license from the city or other local governing authority in the state to sale alcoholic beverages for on-premises consumption. The proposed ordinance outlines the requirements for obtaining the temporary permit, hours beverages may be sold, review and recommendation for approval by the Forest Park Police Department and also allows the FPPD to immediately revoke the permit under certain situations or circumstances.

3. Consider a Resolution To Establish The Various Fees For The Issuance Of A Mobile Food Vendor Permit, A Special Event Permit, And The Issuance Of A Temporary Permit To Sell Alcoholic Beverages For Consumption On The Premises Of A Special Event During The Operating Hours Of Such Event; To Provide An Effective Date; And For Other Lawful Purposes.

**SUMMARY AND BACKGROUND:** On September 19, 2015 ordinances were passed regarding "Mobile Food Vendors" and "Special Events". An ordinance is proposed to allow the issuance of Temporary Alcohol Beverage Permits. Though separate ordinances, in some ways they are related. Therefore, one Schedule of Fees has been developed for all three ordinances. The separate Resolution regarding the Schedule of Fees is pretty standard as ordinances that contain fees, rates

or other cost factors are revised for purpose of addressing the fee issue separate from the body of the ordinance. This separation also makes it easier as a reference for businesses rather than having to refer to what could be changing pages within an ordinance.

4. Consider an Agreement for Providing Concessions Between Forest Park and The Forest Park Ministerial Association.

**SUMMARY AND BACKGROUND:** During the FY 2016-2017 Budget planning process, an evaluation of the Concession Sales line item was conducted to determine the overall profitability of selling concession food items during Parks and Recreation events using city staff. It was determined that the operating cost of running the concession stands exceeded the revenue collected and other ideas should be explored to mitigate/eliminate the loss. The proposed Concession Sales Agreement outlines a contractual arrangement between the City of Forest Park and the Forest Park Ministers Association (FPMA) for the purchase of concession food items and the staffing of four concession stand locations during various sporting events. The agreement also provides for a pro rata share of the profits generated by FPMA to be given to the City of Forest Park in exchange for the use of the concession stands.

VIII. Legal Matters

IX. Comments by Governing Body

X. Adjournment

## MINUTES

### WORK SESSION OF MAYOR AND COUNCIL OF OCTOBER 3, 2016

Call to Order: The Work Session of Mayor and Council of October 3, 2016 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 City Manager, Al Wiggins; Deputy of Finance, Regina Ivey; Jonathan Jones, Director of Planning, Building and Zoning; Colonel Orr; Angela Redding, Management Analyst; Christine Terrell, Director Support Services; Jeff Eady, Director of Public Works; Chief Buckholts, and City Attorney Winston Denmark.

Agenda Items: Ordinance by the City Council for the City of Forest Park, Georgia to amend the 2016-2017 Operating Budget to appropriate additional funds to cover salaries and related payroll tax costs for staffing a planning, building and zoning position; to repeal all ordinances and parts of ordinances in conflict herewith; to provide an effective date; and for other purposes.

Mr. Wiggins stated that this Ordinance is to request an amendment to the Planning, Building and Zoning Department budget due to the internal hire of a Deputy Director. This is an amendment to increase the salaries line item to accommodate an existing employee that's been assigned to the Planning, Building and Zoning Department. Along with that request, Mr. Jones has a proposal to restructure his department in title and in function.

Mr. Jones stated that the Resolution relates to only one position and the justification for the increase in budget line items is for that purpose. The position was budgeted in our current budget based on it being at the base salary and based on experience and it being an internal employee is the reasoning for the proposed increase.

Our budget as proposed vs. what our budget was last year still is a net saving of \$66k from last year's budget.



Ms. Wells stated all supervisors have all the same responsibilities so why don't all supervisors get equal pay?

Mr. Wiggins stated that the current salary is \$37k and Mr. Jones has requested an increase based upon the modification of the positions' duties. Also, we were also having difficulty getting any interest from an outside applicant for this position. We interviewed approximately 6 out of 20 candidates that were qualified and those applicants declined the position once they learned of the pay. Mr. Wiggins stated that, as a Manager, must be careful of assigning a role to the department based on an employee instead of the position. The average entry level pay for this position based upon the qualifications of that position is approximately \$41k or \$42k. This is not an arbitrary number. This is basically just a small incremental increase based upon the duties Mr. New carried from his previous position and to his current role as a Code Compliance Supervisor. Mr. Wiggins stated that with our current Ordinance, our personnel rates will limit the pay increase that we're able to offer an existing employee. If an employee were to be promoted to the next Grade Level, the maximum increase we could provide is 5%. However, if we were to hire a candidate from outside the city, we could pay them more. So essentially, we are punishing our employees for being an existing, vested employee that we have spent a lot of time and training to get them up to speed to be a productive employee. Mr. Wiggins stated that he wants the Council to understand that this is not a pay raise. This is a modification of pay based on the modification of the duties. Also, Mr. Jones is not asking for additional funding for his reorganization. The funding comes from the transfer of an employee from another department. Mr. Jones has creatively found a way to manage his department with existing funds without asking for additional funds. He is still below \$66k below the prior year. Mr. Wiggins stated that he is supportive of the request based upon the reorganization. And again, this is for discussion purposes only. Mr. Jones has provided supporting documentation for your review to include the job descriptions and the proposed reorganization chart. We are not asking Council to take action tonight, only to review the material. Mr. Wiggins also stated that he is in support of the title change. Planning, Building and Zoning does not encompass all the duties of the department. However, Community Development does

and those who are familiar with the Community Development Department will know exactly where to call to obtain services. The net cost to the city is \$0 and the net gain is approximately \$60k even with the restructure of the department. Mr. Wiggins asked that this information be reviewed carefully.

Ms. Wells stated that she is not in favor of this proposal. Ms. Wells stated that she's just looking at the Supervisor positions and comparing it to the other Supervisor's positions. Ms. Wells stated that just because someone gets more duties, doesn't mean that there should be a modification in pay and why not give everybody a raise instead of this department getting one and not another?

Mr. Wiggins stated that it is not the employee who has selected to take on additional duties and requested the pay. This is Mr. Jones doing a comprehensive evaluation of his department and his needs of this department in order to keep his department running effectively on a daily basis.

Mr. Wiggins stated that this data is empirical data and we have attempted to hire a qualified Code Compliance Supervisor and we were unsuccessful.

Mr. Wiggins stated that the Planning, Building and Zoning Department has one of the smallest budgets in the city but during this last budget process, has the largest cut of its' budget percentage wise. Mr. Wiggins state that any tools that we can give him to do his job and do his job effectively with minimal interruptions is our approach.

Ms. Bagley asked for similar titles and pay ranges for other cities in order to make an informed decision.

Mr. Wiggins stated that this information would be forthcoming from Mr. Jones.

Mr. Mears asked if applicants are offered this position city wide. Mr. Wiggins stated that yes it is.

Mr. Jones responded to Ms. Bagley's question stating that he doesn't have a copy of the Financial Services Technicians job description. The new job description has been closed for Business Services Coordinator and that job description is one that we have researched. The majority of the duties

listed in this job description are not the current job description duties of the Financial Services Technician. Three fourths of the duties for the Financial Services Technician are new and believe they enhance our department and the city's ability to maintain businesses, to entice new businesses to take on activities and events.

Mayor Lockhart stated that he noticed that the grade is equal to the Sr. Athletic and Aquatic Coordinator positions. Why would you choose this position to compare the Financial Services Technician to? Mr. Jones stated that every coordinator position is at this salary. So it's not department but position and duties. Mayor Lockhart asked if we have advertised the Business Services Coordinator position? Mr. Jones stated that's a part of the proposal renovation process to put it out for applications.

Ms. Bagley suggested a merit system in taking one employee and moving them to a new position with a pay increase. Also, whose been handling these job responsibilities? Mr. Jones stated that no one is handling these job responsibilities at this time and it is a need of the city and has been asked for by Council and the citizens.

Mr. Wiggins stated that some of the new duties that he has requested of Mr. Jones' department are the handling more of the grand openings for our new businesses, send out new business alerts, and more visits to our existing businesses for retention purposes. We have started that process with our largest 10 businesses in the city and we've engaged those owners. Although Ms. Coard has done some of the leg work to contact some of the owners, there is still much more that needs to go into it such as customer service surveys, etc.

Resolution authorizing, among other things, the issuance and sale of a Tax Anticipation Note (TAN) in the principal amount of \$1,000,000. Mayor Lockhart stated that this is just a loan while we wait for tax funds to come in to fund the budget.

Ordinance To Amend The Code Of Ordinances, City Of Forest Park, Georgia, By Repealing Chapter 3, Occupation, Profession, And Business Taxes, Of Title III, Finance, In Its Entirety And Adopting A New Chapter 3, Occupation,

Profession And Business Taxes; To Amend Chapter 4, Rates For Fees, Taxes, Assessments And Penalties, Of Title III, Finance, To Remove All Occupation Tax-Related Fees And Rates; To Provide For Severability; To Repeal Conflicting Ordinances; To Provide An Effective Date; And For Other Lawful Purposes. Mayor Lockart that this simply streamlines internally our PB&Z department to calculate the taxes and helps business owners calculate themselves and verify what their taxes will be.

Resolution To Establish The Various Fees And Rates Regarding The Occupation Tax; To Provide An Effective Date; and For Other Lawful Purposes. Mayor Lockhart stated that this is the companion piece to the Ordinance that sets out the rates.

Ms. Bagley stated a concern about the number of ATMs being constructed throughout the city. Is it operating as a business and is it a benefit to the city? Who pays the money for this business to be there? Mr. Wiggins stated that our current Ordinance operates coin-operated machines, basically vending machines. The ATMs are considered an independent business based on the collection of fees or patrons who maybe outside of the network. Mayor Lockhart asked Mr. Jones if he knows whether we are currently charging banks for separate business licenses for their stand alone ATMs? Mr. Jones stated that we have not previously done. We are looking to amend our ordinance because we currently don't have them classified. The current language is that it is a location and we do regulate businesses by location. Along with the property owner, we do inspect to make sure it is properly constructed. Mr. Mears stated that it's not uncommon in other cities to have them on every corner.

Ms. Bagley gave a Health Fair update.

Ms. Bagley asked if we are planning to do any event for Veterans Day. Mr. Wiggins stated that we have an annual ceremony and organized by the Parks & Recreation Department will handle this to include a display of flags from the Public Works Department.

Mr. Denmark stated that the FAA has implemented nationwide new regulations that affect flight patterns and the change in these flight patterns has increased noise by

communities that are in the vicinity of airports. College Park communities have proposed a referendum to engage citizen interest in taking action with the FAA if there can be some changes made to either provide noise insulation for some of the homes or to take other remedial measures that would decrease the impact of noise on affected communities. House Bill 1002 was enacted which gives them the authorization to put the referendum on the ballot that enacted a Resolution directing the election superintendent to do just that. Forest Park might consider doing this. This referendum is advisory in nature. This is to get the citizens buy in and to send a message to our elected officials and in Washington and to the FAA that this is an issue that impacts this community and something ought to be done. Mayor Lockhart asked what the next step is after saying yes at the voting booth to the referendum. Mr. Denmark stated that it is advisory and the next step would be to go to the FAA, their congressional representative and let them know the will of the city. Forest Park may have another way of doing this. Mayor Lockhart stated that he would not stand in the way if Forest Park wanted to proceed as College Park has but that he would recommend a different course that we pass our own direct Resolution. Mr. Wiggins asked if Council would like for him to work with the City of College Park to come up with a Resolution.

Mr. Pogue stated that one of our tools that we would like to add is the Enterprise Zone. The Enterprise Zone is a tool that we utilize to attract economic development in Clayton County. Mr. Wiggins stated that each municipality can determine the level of incentives the county is proposing. For example, some of the incentives the Enterprise Zone provides are a reduction in cost of building permit fees, business license fees and taxes to include personal property taxes and also possibly the demolition of an existing structure or the improvement of a façade of an existing structure. This is a county wide initiative and in working with the other city managers to bring this into fruition. Deadline is November.

#### City Managers Report:

- Tiffanie Byrd – Thanking all for a successful Forest Park Kids Event August 6, 2016. This was our second year where we give back to the kids in the community of Forest Park.

Ms. Wells made a motion to enter into Executive Session to discuss real estate and personnel matters. Mr. Smith seconded. Voting was unanimous.

Adjournment: Ms. Wells made a motion to adjourn Executive Session. Mr. Smith seconded. Voting was unanimous.

Ms. Wells made a motion to adjourn the Work Session. Mr. Smith seconded. Voting was unanimous.



## MINUTES

### REGULAR MEETING OF MAYOR AND COUNCIL OF OCTOBER 3, 2016

Call to Order: The Regular Meeting of Mayor and Council of October 3, 2016, called to order by Mayor David Lockhart at 7:00 p.m.

Invocation: The invocation was given by Wanda Miller 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 City Manager, Al Wiggins; Deputy of Finance, Regina Ivey; Jonathan Jones, Director of Planning, Building and Zoning; Colonel Orr; Angela Redding, Management Analyst; Christine Terrell, Director Support Services; Jeff Eady, Director of Public Works; Chief Buckholts, and City Attorney Winston Denmark.

Comment Period: Ms. Pamela Lake would like to see all department heads' pay the same across the board. Ms. Lake stated that she would like to see the name of the library in the ad in Atlanta magazine.

Ms. Falomi stated that she was sorry she could not attend the Citizen Police Academy. Ms. Falomi stated that she sold her air rights in 1997. I would like to know how can we go back and amend the Resolution to give to the delegation in reference to regaining our air rights.

Ms. Linda Lord stated that the microphones need to be used so everyone can hear. Ms. Lord stated that she would like to see the Question & Answer be brought back.

Approval of Minutes: Ms. Bagley made a motion to approve the Work Session and Regular Meeting of September 19, 2016. Mr. Smith seconded. Voting was unanimous.

Ordinance: Mr. Mears made a motion to adopt the Ordinance by the City Council for the City of Forest Park, Georgia to amend the 2016-2017 Operating Budget to appropriate additional funds to cover salaries and related payroll tax costs for staffing a planning, building and zoning position; to repeal all



ordinances and parts of ordinances in conflict herewith; to provide an effective date; and for other purposes. Mr. Smith seconded. Voting was unanimous.

Ms. Wells made a motion to approve the Resolution authorizing, among other things, the issuance and sale of a Tax Anticipation Note (TAN) in the principal amount of \$1,000,000. Mr. Smith seconded. Voting was unanimous.

Mr. Mears made a motion to adopt the Ordinance To Amend The Code Of Ordinances, City Of Forest Park, Georgia, By Repealing Chapter 3, Occupation, Profession, And Business Taxes, Of Title III, Finance, In Its Entirety And Adopting A New Chapter 3, Occupation, Profession And Business Taxes; To Amend Chapter 4, Rates For Fees, Taxes, Assessments And Penalties, Of Title III, Finance, To Remove All Occupation Tax-Related Fees And Rates; To Provide For Severability; To Repeal Conflicting Ordinances; To Provide An Effective Date; And For Other Lawful Purposes. Mr. Smith seconded. Voting was unanimous.

Ms. Bagley made a motion to adopt the Resolution to Establish the Various Fees and Rates Regarding the Occupation Tax; To Provide an Effective Date; And For Other Lawful Purposes. Ms. Wells seconded. Voting was unanimous.

Legal Matters: None

Adjournment: Mr. Smith made a motion to adjourn. Ms. Wells seconded. Voting was unanimous.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING THE PROVISIONS OF THE SPECIAL REVENUE FUNDS BUDGET CONCERNING THE E-911 FUND FOR THE FISCAL YEAR 2015-2016; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the City of Forest Park, Georgia (the "City") is a municipal corporation organized and existing under the laws of the State of Georgia and is charged with providing public services to residents located within the corporate limits of the City; and

**WHEREAS**, the duly elected governing body of the City is the Mayor and Council thereof; and

**WHEREAS**, the City, on October 5, 2015, adopted an ordinance establishing the budgets for the fiscal year 2015-2016 for all special revenue funds, including the budget for the E-911 fund, that showed the projected revenues and expenses to be incurred by the City; and

**WHEREAS**, based on certain variations between the amounts of the projected revenues and expenses for the E-911 fund budget stated in said ordinance and the final amounts of those revenues and expenses at the conclusion of said fiscal year, the City Manager has proposed amendments to the E-911 fund budget for the fiscal year 2015-2016 to state accurately the current financial state of said fund; and

**WHEREAS**, the governing body of the City must approve any such amendment to the budget and the Charter of the City of Forest Park, Georgia provides that budget amendments shall be by ordinance; and

**WHEREAS**, the governing body of the City finds that the amendments contained herein will benefit and promote the health, safety and welfare 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. Adoption by Reference** The document attached hereto as Exhibit "A", which addresses the portion of the budget for special revenue funds for the fiscal 2015-2016 concerning the budget for the E-911 fund, is incorporated herein by reference and is hereby adopted as an amendment to the Budget for the Special Revenue Funds for the fiscal year 2015-2016 for the City of Forest Park, Georgia.

**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, Georgia.

**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 that 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 Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of the 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 the 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 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 6. Repeal of Conflicting Provisions** Except as otherwise provided herein, 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 Council of the City of Forest Park, Georgia.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF FOREST PARK, GEORGIA:**

\_\_\_\_\_  
David Lockhart, Mayor

\_\_\_\_\_  
Tommy Smith  
Mayor Pro-tempore (Ward One)

\_\_\_\_\_  
Dabouze Antoine  
Councilmember, Ward Two

\_\_\_\_\_  
Sandra Bagley  
Councilmember, Ward Three

\_\_\_\_\_  
Latresa Wells  
Councilmember, Ward Four

\_\_\_\_\_  
Allan Mears  
Councilmember, Ward Five

ATTEST:

\_\_\_\_\_  
City Clerk

THE SEAL OF THE CITY OF  
FOREST PARK, GEORGIA

Approved as to form:

\_\_\_\_\_  
City Attorney

Exhibit "A"

CITY OF FOREST PARK  
SPECIAL REVENUE FUNDS - E911 FUND BUDGET  
FISCAL YEAR 2015 -2016

ACCOUNT#	<u>SPECIAL REVENUE FUND NAME</u>	ORIGINAL	FINAL
		2015-2016	2015-2016
		BUDGET	BUDGET
		<u>AMOUNT</u>	<u>AMOUNT</u>
<u>REVENUES</u>			
215-00-0000-13-4200	EMERGENCY TELEPHONE SYSTEM FUND BAL.	\$ 60,000	\$
215-00-0000-34-2500	EMERGENCY TELEPHONE SYSTEM FUND FEES	315,000	350,000
TOTAL REVENUES		\$ 375,000	\$ 350,000
<u>EXPENDITURES</u>			
215-32-3802-51-1101	E911 FUND - PERSONNEL COSTS .	\$ 90,445	\$ 90,445
215-32-3802-52-1101	E911 FUND - SERVICE SUPPLIER FEES	80,000	15,000
215-32-3802-52-1301	SYSTEM MAINTENANCE CONTRACT	60,000	135,000
215-32-3802-54-2502	E911 FUND - CAPITAL OUTLAY	50,000	15,000
215-32-3801-58-1200	PRINCIPAL - LOAN - RADIO SYSTEM	80,000	80,000
215-32-3801-58-2200	INTEREST - LOAN - RADIO SYSTEM	14,555	14,555
TOTAL EXPENDITURES		\$ 375,000	\$ 350,000

NOTE: BUDGET TO BE AMENDED AT OCTOBER 2016 COUNCIL MEETING.

STATE OF GEORGIA  
CITY OF FOREST PARK

ORDINANCE 2016-\_\_\_\_

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF FOREST PARK, GEORGIA; TO AMEND CHAPTER 1 ("GENERAL REGULATIONS") OF TITLE 7 ("PARKS, RECREATION AND CULTURAL AFFAIRS") BY STRIKING THE LANGUAGE OF SECTION 7-1-4; TO AMEND ARTICLE A ("GENERAL PROVISIONS") OF CHAPTER 2 ("ALCOHOLIC BEVERAGES") OF TITLE 9 ("LICENSING AND REGULATION") BY REVISING THE LANGUAGE OF SECTIONS 9-2-2, 9-2-3 AND 9-2-12 AND BY ENACTING SECTION 9-2-32; TO AMEND ARTICLE D ("ON-PREMISES CONSUMPTION") OF CHAPTER 2 ("ALCOHOLIC BEVERAGES") OF TITLE 9 ("LICENSING AND REGULATION") BY REVISING THE LANGUAGE OF SECTION 9-2-70 AND BY ENACTING SECTION 9-2-71; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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

**WHEREAS**, the City has the power to adopt ordinances relating to the licensing and sale of alcoholic beverages within its limits under the authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. § 3-1-2, and the authority granted under the City's Charter, including but not limited to Sections 1.13(6), 1.13(11) and 1.13(26); and

**WHEREAS**, the City previously has exercised such power by enacting Chapter 2 of Title 9 in its Code of Ordinances (the "Code") that regulates the licensing and the sale of such beverages; and

**WHEREAS**, the City recently has amended provisions in the Code to allow the permitting of special events and to regulate those occurrences and, in conjunction with those amendments, desires to revise certain provisions in the Code to allow, under limited and specific conditions, the issuance of temporary permits to sell alcoholic beverages for consumption on the premises of any permitted special event and, likewise, to allow the possession and consumption of alcoholic beverages during any such event; and

**WHEREAS**, the health, safety, and 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, 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 text of Section 7-1-4 ("Alcohol use") in Chapter 1 ("General Regulations") of Title 7 ("Parks, Recreation and Cultural Affairs") and inserting the following text in lieu thereof, to read and to be codified as follows:

Sec. 7-1-4. – Reserved.

**Section 2:** The Code of Ordinances of the City of Forest Park, Georgia is hereby amended by revising the existing text of subsection (a) of Section 9-2-2 ("Definitions") in Article A ("General Provisions") of Chapter 2 ("Alcoholic Beverages") of Title 9 ("Licensing and Regulation") to add certain text immediately following the existing paragraph that begins with the word "Manufacturer" and immediately preceding the existing paragraph that begins with the word "Package," said text to read and to be codified as follows:

*Open alcoholic beverage container* means any bottle, can, or other receptacle that (A) contains any amount of alcoholic beverage; and (B) is open, has a broken seal, or the contents of which have been partially removed.

**Section 3:** The Code of Ordinances of the City of Forest Park, Georgia is hereby amended by striking, in its entirety, the existing text of Section 9-2-3 ("License required; violations; classes of licenses") in Article A ("General Provisions") of Chapter 2 ("Alcoholic Beverages") of Title 9 ("Licensing and Regulation") and inserting the following text in lieu thereof, to read and to be codified as follows:

- (a) It shall be unlawful for any person to manufacture, serve, furnish, purvey, sell or offer for sale, at retail or wholesale, by the package or for consumption on the premises, any alcoholic beverage within the corporate limits of the city without having an applicable license issued by the city under this chapter.
- (b) It shall be unlawful for any person to manufacture, serve, furnish, purvey, sell or offer for sale, at retail or wholesale, by the package or for consumption on the premises, any alcoholic beverage within the corporate limits of the city in violation of the terms of this chapter.
- (c) There shall be the following classes of licenses in the city:



- (1) Retail dealers of alcoholic beverages by the package (which includes distilled spirits, malt beverages, and wine by the package);
  - (2) Retail dealers of distilled spirits by the package;
  - (3) Retail dealers of malt beverages and wine by the package;
  - (4) Retail dealers of malt beverages by the package;
  - (5) Retail dealers of wine by the package;
  - (6) Retail dealers of alcoholic beverages by the drink for consumption on the premises (which includes distilled spirits, malt beverages, and wine by the drink for consumption on the premises);
  - (7) Retail dealers of distilled spirits by the drink for consumption on the premises;
  - (8) Retail dealers of malt beverages and wine by the drink for consumption on the premises;
  - (9) Retail dealers of malt beverages by the drink for consumption on the premises;
  - (10) Retail dealers of wine by the drink for consumption on the premises;
  - (11) Wholesale dealers of alcoholic beverages (which includes distilled spirits, malt beverages, and wine);
  - (12) Wholesale dealers of distilled spirits (which includes malt beverages and wine);
  - (13) Wholesale dealers of malt beverages and wine;
  - (14) Wholesale dealers of malt beverages;
  - (15) Wholesale dealers of wine;
  - (16) Private club;
  - (17) Hotel/motel in-room service;
  - (18) Alcoholic beverages caterer;
  - (19) Banquet hall;
  - (20) Importer dealer license.
- (d) This section shall not apply to:
- (1) The manufacture of malt beverages or wine within the boundaries of a lot upon which a private residence is located when such malt beverages or wine are not to be sold, to be offered for sale, or to be made available for consumption by the general public; or
  - (2) The serving or furnishing of any alcoholic beverage by a person within the boundaries of a lot upon which a private residence is located when such serving or furnishing is not made available to the general public and is not undertaken in exchange for money or anything of value; or
  - (3) Any person selling or offering to sell any alcoholic beverage by the drink pursuant to a temporary permit issued under Section 9-2-71 if such action occurs on the premises of a special event (and during the operating hours of such event) for which a permit has been issued under Chapter 15 of Title 9 of the Code of Ordinances.

**Section 4:** The Code of Ordinances of the City of Forest Park, Georgia is hereby amended by striking, in its entirety, the existing text of Section 9-2-12 ("Location of business") in Article A ("General Provisions") of Chapter 2 ("Alcoholic Beverages") of Title 9 ("Licensing and Regulation") and inserting the following text in lieu thereof, to read and to be codified as follows:

- (a) Any business engaged in the sale of any alcoholic beverage shall comply with all distance requirements imposed by

O.C.G.A. § 3-3-21 and any other applicable provision in Georgia law or in this Code.

- (b) Any person applying for a license under this chapter to sell alcoholic beverages shall file with the application a plat or survey showing whether the building is in compliance with the distance limitations of O.C.G.A. § 3-3-21.
- (c) The provisions of this section shall apply and control with regard to measurements made under this chapter notwithstanding any provision in any zoning or land use ordinance of the city to the contrary.

**Section 5:** The Code of Ordinance of the City of Forest Park, Georgia is hereby amended by enacting Section 9-2-32 ("Open alcoholic beverage containers") in Article A ("General Provisions") of Chapter 2 ("Alcoholic Beverages") of Title 9 ("Licensing and Regulation"), to read and be codified as follows:

- (a) Except as provided in subsection (b) of this section, it shall be unlawful for:
  - (1) Any licensee to sell, offer to sell, or otherwise provide any open alcoholic beverage container to any person for the purpose of removing such container from the licensee's premises;
  - (2) Any person to remove any open alcoholic beverage container from a licensee's premises;
  - (3) Any person to drink (or attempt to drink) any alcoholic beverage from, or to possess, any open alcoholic beverage container on any public street, alley, right-of-way, sidewalk, park, playground, recreation area, or parking lot or on any private parking lot open for public use (regardless of whether any establishment for which such private parking lot is used is open or closed for business).
- (b) This section shall not apply to:
  - (1) Any licensee selling, offering to sell, or otherwise providing any open alcoholic beverage container if such action occurs on the premises of a special event (and during the operating hours of such event) for which a permit has been issued under Chapter 15 of Title 9 of the Code of Ordinances.
  - (2) Any person selling, offering to sell, or otherwise providing any open alcoholic beverage container pursuant to a temporary permit issued under Section 9-2-71 if such action occurs on the premises of a special event (and during the operating hours of such event) for which a permit has been issued under Chapter 15 of Title 9 of the Code of Ordinances.
  - (3) Any person drinking from, attempting to drink from, or possessing any open alcoholic beverage container if such action occurs on the premises of a special event (and during the operating hours of such event) for which a permit has been issued under Chapter 15 of Title 9 of the Code of Ordinances.

- (c) A container that has been sealed or resealed pursuant to O.C.G.A. § 3-5-4 or § 3-6-4 shall not constitute an open alcoholic beverage container for purposes of this section.

**Section 6:** The Code of Ordinances of the City of Forest Park, Georgia is hereby amended by striking, in its entirety, the existing text of Section 9-2-70 ("Sales outside business") of Article D ("On-Premises Consumption") of Chapter 2 ("Alcoholic Beverages") of Title 9 ("Licensing and Regulation") and inserting the following text in lieu thereof, to read and to be codified as follows:

- (a) Any sales of alcoholic beverages outside the licensed premises shall be prohibited, whether for consumption on or off the premises, except for patios at eating establishments and restaurants.
- (b) This section shall not apply to:
  - (1) Any licensee selling or offering to sell any alcoholic beverage by the drink if such action occurs on the premises of a special event (and during the operating hours of such event) for which a permit has been issued under Chapter 15 of Title 9 of the Code of Ordinances.
  - (2) Any person selling or offering to sell any alcoholic beverage by the drink pursuant to a temporary permit issued under Section 9-2-71 if such action occurs on the premises of a special event (and during the operating hours of such event) for which a permit has been issued under Chapter 15 of Title 9 of the Code of Ordinances.

**Section 7:** The Code of Ordinances of the City of Forest Park, Georgia is hereby amended by enacting Section 9-2-71 ("Temporary permit for special events") in Article D ("On-Premises Consumption") of Chapter 2 ("Alcoholic Beverages") of Title 9 ("Licensing and Regulation") to read and to be codified as follows:

- (a) It shall be unlawful for any person to sell, or offer for sale, any alcoholic beverage at any special event that is permitted under Chapter 15 of Title 9 in the Code of Ordinances without first obtaining a temporary permit to sell such beverages.
- (b) Upon the filing of an application for a temporary permit to sell alcoholic beverages for consumption on the premises of a special event during the operating hours of such event, the City Manager may issue such permit to an individual or organization only if the following conditions have been met:
  - (1) The applicant shall have been duly licensed by the City or another local governing authority in this State for the sale of alcoholic beverages for on-premises consumption.
  - (2) The Georgia Department of Revenue has issued a special event use permit to the applicant for the event in question.
  - (3) The applicant has paid to the Director of the Forest Park Planning, Building and Zoning Department a nonrefundable filing fee and a permit fee, said fees to be in

such amounts as may be set from time to time by resolution of the Mayor and Council.

- (4) The permit will allow sale of alcoholic beverages beyond the premises described in the annual license only in the area specifically described in the application and only during the time in which the special event named occurs.
  - (5) The City has issued a permit for the special event pursuant to Chapter 15 of Title 9 in the Code of Ordinances.
  - (6) The applicant is authorized in writing by the producer of the special event to participate in such event.
  - (7) The application for the permit must have been filed with the Director of the Forest Park Planning, Building and Zoning Department at least thirty (30) days prior to the date of the special event.
  - (8) The Director of the Forest Park Planning, Building and Zoning Department, or his or her designee, has reviewed the temporary permit application and recommended that it be granted.
  - (9) The Forest Park Police Department has reviewed the temporary permit application and recommended that it be granted.
  - (10) Alcoholic beverages may be sold only during the hours in which the special event occurs when said event transpires Monday through Saturday. Where the special event occurs on a Sunday, alcoholic beverages may be sold no earlier than 12:30 p.m. and no later than the time at which the special event ends.
  - (11) All applicants and permit holders must comply with all state statutes governing the sale of alcoholic beverages and all sections of this Code and other City ordinances governing such sales, including but not limited to sections of this Code relating to hours of operation, distance requirements and the permit requirements for employees.
  - (12) Each temporary permit to sell alcoholic beverages during a special event shall last a maximum of three (3) consecutive days.
  - (13) No more than two (2) temporary permits to sell alcoholic beverages during a special event shall be issued to any applicant during any calendar year.
- (c) The Chief of the Forest Park Police Department or his designee may immediately revoke any temporary permit issued under this section in any situation or circumstance where he determines that the continued sale of alcoholic beverages under such permit may endanger the health, welfare or safety of the public.
  - (d) Any permit issued pursuant to this section shall be temporary and shall not vest in the holder any permanent property rights in such permit.

**Section 8.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 9.** This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

**Section 10.** (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 11.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 12.** The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF FOREST PARK, GEORGIA:**

\_\_\_\_\_  
David Lockhart, Mayor

\_\_\_\_\_  
Tommy Smith, Council Ward 1  
Mayor Pro-tem

\_\_\_\_\_  
Dabouze Antoine  
Councilmember, 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

FOREST PARK TEMPORARY ALCOHOL PERMIT ORDINANCE AMENDMENTS		
Issue/Provision	Current Forest Park Code	Proposed Ordinance
<p><u>Present:</u> Title 7 – Parks, Recreation and Cultural Affairs; Chapter 1, Sec. 7-1-4 – Alcohol use.</p> <p><u>Amended:</u> Same</p> <p><i>Note: This section is deleted in light of the addition of Sec. 9-2-32 concerning open alcoholic beverage containers.</i></p>	<p>It shall be unlawful for any person within any park(s)/recreation area(s) to have in his/her possession, custody or control any alcoholic beverage of any kind whatsoever; or to consume any alcoholic beverage in the park area or any parking area adjacent thereto.</p>	<p>Reserved.</p> <p><i>Open alcoholic beverage container means any bottle, can, or other receptacle that (A) contains any amount of alcoholic beverage; and (B) is open, has a broken seal, or the contents of which have been partially removed.</i></p> <p><u>Note:</u> This language is the only addition/revision to Sec. 9-2-2(a). The other definitions in the section are not revised.</p>



<p><u>Present:</u> Title 9 –Licensing and Regulation; Chapter 2, Alcoholic Beverages, Article A, Sec. 9-2-3 – License Required; violations; classes of licenses.</p>	<p>(a) It shall be unlawful for any person to manufacture, serve, furnish, purvey, sell or offer for sale, at retail or wholesale, by the package or for consumption on the premises, any alcoholic beverage within the corporate limits of the city without having an applicable license issued by the city under this chapter.</p> <p>(b) It shall be unlawful for any person to manufacture, serve, furnish, purvey, sell or offer for sale, at retail or wholesale, by the package or for consumption on the premises, any alcoholic beverage within the corporate limits of the city in violation of the terms of this chapter.</p>	<p>(a) It shall be unlawful for any person to manufacture, serve, furnish, purvey, sell or offer for sale, at retail or wholesale, by the package or for consumption on the premises, any alcoholic beverage within the corporate limits of the city without having an applicable license issued by the city under this chapter.</p> <p>(b) It shall be unlawful for any person to manufacture, serve, furnish, purvey, sell or offer for sale, at retail or wholesale, by the package or for consumption on the premises, any alcoholic beverage within the corporate limits of the city in violation of the terms of this chapter.</p> <p>(c) There shall be the following classes of licenses in the city:</p>
<p><u>Amended:</u> Same</p>	<p>(c) There shall be the following classes of licenses in the city:</p> <ol style="list-style-type: none"> <li>(1) Retail dealers of alcoholic beverages by the package (which includes distilled spirits, malt beverages, and wine by the package);</li> <li>(2) Retail dealers of distilled spirits by the package;</li> <li>(3) Retail dealers of malt beverages and wine by the package;</li> <li>(4) Retail dealers of malt beverages by the package;</li> <li>(5) Retail dealers of wine by the package;</li> <li>(6) Retail dealers of alcoholic beverages by the drink for consumption on the premises (which includes distilled spirits, malt beverages, and wine by the drink for consumption on the premises);</li> <li>(7) Retail dealers of distilled spirits by the drink for consumption on the premises;</li> <li>(8) Retail dealers of malt beverages and wine by the drink for consumption on the premises;</li> </ol>	<ol style="list-style-type: none"> <li>(1) Retail dealers of alcoholic beverages by the package (which includes distilled spirits, malt beverages, and wine by the package);</li> <li>(2) Retail dealers of distilled spirits by the package;</li> <li>(3) Retail dealers of malt beverages and wine by the package;</li> <li>(4) Retail dealers of malt beverages by the package;</li> <li>(5) Retail dealers of wine by the package;</li> <li>(6) Retail dealers of alcoholic beverages by the drink for consumption on the premises (which includes distilled spirits, malt beverages, and wine by the drink for consumption on the premises);</li> <li>(7) Retail dealers of distilled spirits by the drink for consumption on the premises;</li> <li>(8) Retail dealers of malt beverages and wine by the drink for consumption on the premises;</li> </ol>

	<p>(5) Retail dealers of wine by the package;</p> <p>(6) Retail dealers of alcoholic beverages by the drink for consumption on the premises (which includes distilled spirits, malt beverages, and wine by the drink for consumption on the premises);</p> <p>(7) Retail dealers of distilled spirits by the drink for consumption on the premises;</p> <p>(8) Retail dealers of malt beverages and wine by the drink for consumption on the premises;</p> <p>(9) Retail dealers of malt beverages by the drink for consumption on the premises;</p> <p>(10) Retail dealers of wine by the drink for consumption on the premises;</p> <p>(11) Wholesale dealers of alcoholic beverages (which includes distilled spirits, malt beverages, and wine);</p> <p>(12) Wholesale dealers of distilled spirits (which includes malt beverages and wine);</p> <p>(13) Wholesale dealers of malt beverages and wine;</p> <p>(14) Wholesale dealers of malt beverages;</p> <p>(15) Wholesale dealers of wine;</p> <p>(16) Private club;</p> <p>(17) Hotel/motel in-room service;</p> <p>(18) Alcoholic beverages caterer;</p> <p>(19) Banquet hall;</p> <p>(20) Importer dealer license.</p> <p>(d) <u>This section shall not apply to:</u></p> <p>(1) <u>the manufacture of malt beverages or wine within the boundaries of a lot upon which a private residence is located when such malt beverages or wine are not to be sold, to be offered for sale, or to be made available for consumption by the general public; or</u></p> <p>(2) <u>the serving or furnishing of any alcoholic beverage by a person within the boundaries of a lot upon which a private residence is located when such serving or furnishing is not made available to the general public and is not undertaken in exchange for money or anything of value; or</u></p>	<p>(9) Retail dealers of malt beverages by the drink for consumption on the premises;</p> <p>(10) Retail dealers of wine by the drink for consumption on the premises;</p> <p>(11) Wholesale dealers of alcoholic beverages (which includes distilled spirits, malt beverages, and wine);</p> <p>(12) Wholesale dealers of distilled spirits (which includes malt beverages and wine);</p> <p>(13) Wholesale dealers of malt beverages and wine;</p> <p>(14) Wholesale dealers of malt</p>
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	<p>beverages;</p> <p>(15) Wholesale dealers of wine;</p> <p>(16) Private club;</p> <p>(17) Hotel/motel in-room service;</p> <p>(18) Alcoholic beverages caterer;</p> <p>(19) Banquet hall;</p> <p>(20) Importer dealer license.</p>	<p>(3) <u>Any person selling or offering to sell any alcoholic beverage by the drink pursuant to a temporary permit issued under Section 9-2-71 if such action occurs on the premises of a special event (and during the operating hours of such event) for which a permit has been issued under Chapter 15 of Title 9 of the Code of Ordinances.</u></p>
<p><u>Present:</u></p> <p>Title 9 –Licensing and Regulation; Chapter 2, Alcoholic Beverages, Article A, Sec. 9-2-12 – Location of business.</p> <p><u>Amended:</u></p> <p>Same</p>	<p>(a) No business engaged in the sale of distilled spirits by the package or for consumption on the premises may be located within:</p> <p>(1) One hundred (100) yards of any church;</p> <p>(2) Two hundred (200) yards of the grounds or facilities of any public school, church school, or private school teaching elementary, middle school, high school, or college curriculum;</p> <p>(3) One hundred (100) yards of any alcoholic treatment center; or</p> <p>(4) One hundred (100) yards of any housing authority property as defined in O.C.G.A. § 3-3-21(e)(2).</p> <p>(b) No business engaged in the sale of malt beverages, or wine, by the package or for consumption on the premises may be located within:</p>	<p>(a) <u>Any No business engaged in the sale of distilled spirits by the package or for consumption on the premises may be located within: any alcoholic beverage shall comply with all distance requirements imposed by O.C.G.A. § 3-3-21 and any other applicable provision in Georgia law or in this Code.</u></p> <p>(1) <u>One hundred (100) yards of any church;</u></p> <p>(2) <u>Two hundred (200) yards of the grounds or facilities of any public school, church school, or private school teaching elementary, middle school, high school curriculum, or college curriculum;</u></p> <p>(3) <u>One hundred (100) yards of any alcoholic treatment center; or</u></p> <p>(4) <u>One hundred (100) yards of any housing authority property as defined in O.C.G.A. § 3-3-21(e)(2).</u></p> <p>(b) <u>No business engaged in the sale of malt beverages, or wine, by the package or for consumption on the premises may be located within:</u></p> <p>(1) <u>One hundred (100) yards of the grounds or facilities of any public school, church school, or private school teaching elementary, middle school, high</u></p>

	<p>(1) One hundred (100) yards of the grounds or facilities of any public school, church school, or private school teaching elementary, middle school, high school curriculum, or college curriculum; provided however, except as required by state law, that nothing in this subsection (b)(1) shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within the one hundred (100) yards of a college campus where so permitted by resolution or ordinance of the city council. As used in this subparagraph, the term "grocery store" means a retail establishment which has a total retail floor space of at least ten thousand (10,000) square feet of which at least eighty-five (85) percent of its total retail floor space is reserved for the sale of food and other nonalcoholic items, conducts all of its sales inside the building containing its retail floor space, and meets such other criteria as may be required by the city council. The definition of "grocery store" shall have the same meaning as set</p>	<p>school curriculum, or college curriculum; provided however, except as required by state law, that nothing in this subsection (b)(1) shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within the one hundred (100) yards of a college campus where so permitted by resolution or ordinance of the city council. As used in this subparagraph, the term "grocery store" means a retail establishment which has a total retail floor space of at least ten thousand (10,000) square feet of which at least eighty-five (85) percent of its total retail floor space is reserved for the sale of food and other nonalcoholic items, conducts all of its sales inside the building containing its retail floor space, and meets such other criteria as may be required by the city council. The definition of "grocery store" shall have the same meaning as set forth in O.C.G.A. § 3-3-21(a)(1)(B) should that definition differ from that in this subsection;</p> <p>(2) One hundred (100) yards of any alcoholic treatment center; or</p> <p>(3) One hundred (100) yards of any housing authority property as defined in O.C.G.A. § 3-3-21(e)(2).</p> <p>(c) As to any location for which an alcohol license has been issued by the city, if the distance requirements in this section are met at the time of initial issuance of any license for such location, the subsequent lawful opening and operation of any establishment within the distance prohibited herein shall not prevent the continuance of an existing license or the renewal thereof or the issuance of</p>
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	<p>forth in O.C.G.A. § 3-3-21(a)(1)(B) should that definition differ from that in this subsection;</p> <p>(2) One hundred (100) yards of any alcoholic treatment center; or</p> <p>(3) One hundred (100) yards of any housing authority property as defined in O.C.G.A. § 3-3-21(e)(2).</p> <p>(c) As to any location for which an alcohol license has been issued by the city, if the distance requirements in this section are met at the time of initial issuance of any license for such location, the subsequent lawful opening and operation of any establishment within the distance prohibited herein shall not prevent the continuance of an existing license or the renewal thereof or the issuance of a new license to any owner of such location or such owner's designee; provided, however, this subsection (c) shall not apply to any location for which an alcohol license is applied for if the sale of alcoholic beverages was not licensed at such location at any time during the six (6) months immediately preceding such application.</p> <p>(d) Any person applying for a license under this chapter to sell alcoholic beverages shall file with the</p>	<p>a new license to any owner of such location or such owner's designee; provided, however, this subsection (e) shall not apply to any location for which an alcohol license is applied for if the sale of alcoholic beverages was not licensed at such location at any time during the six (6) months immediately preceding such application.</p> <p>(d) <u>(b)</u> Any person applying for a license under this chapter to sell alcoholic beverages shall file with the application a plat or survey showing whether the building is in compliance with the distance limitations of subsections <u>(a)</u> and <u>(b)</u> above as measured by the rules contained subsection <u>(g)</u> below. <u>O.C.G.A. § 3-3-21.</u></p> <p><u>(e)</u> Reserved.</p> <p><u>(f)</u> <u>(c)</u> The provisions of this section shall apply and control with regard to measurements made under this chapter notwithstanding any provision in any zoning or land use ordinance of the city to the contrary.</p> <p><u>(g)</u> Distances under this chapter shall be measured in a straight line and shall begin at the closest point of the building of the applicant or existing alcohol licensee and end at <u>(i)</u> the closest point of the building affected with respect to distances measured pursuant to <u>(a)</u>(1); <u>(a)</u>(3) and <u>(b)</u>(2) above or <u>(ii)</u> the nearest property line with respect to distances measured pursuant to <u>(a)</u>(2); <u>(a)</u>(4); <u>(a)</u>(5); <u>(b)</u>(1) and <u>(b)</u>(3) above.</p>
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	<p>application a plat or survey showing whether the building is in compliance with the distance limitations of subsections (a) and (b) above as measured by the rules contained subsection (g) below.</p> <p>(e) Reserved.</p> <p>(f) The provisions of this section shall apply and control with regard to measurements made under this chapter notwithstanding any provision in any zoning or land use ordinance of the city to the contrary.</p> <p>(g) Distances under this chapter shall be measured in a straight line and shall begin at the closest point of the building of the applicant or existing alcohol licensee and end at (i) the closest point of the building affected with respect to distances measured pursuant to (a)(1), (a)(3) and (b)(2) above or (ii) the nearest property line with respect to distances measured pursuant to (a)(2), (a)(4), (a)(5), (b)(1) and (b)(3) above.</p>	
<p><u>Present:</u> None</p> <p><u>Amended:</u> Title 9 –Licensing and Regulation; Chapter 2, Alcoholic Beverages,</p>		<p>(a) <u>Except as provided in subsection (b) of this section, it shall be unlawful for:</u></p> <p>(1) <u>any licensee to sell, offer to sell, or otherwise provide any open alcoholic beverage container to any person for the purpose of removing such container from the licensee's premises;</u></p>

Article A, Sec. 9-2-32  
 –Open alcoholic  
 beverage containers.

- (2) any person to remove any open alcoholic beverage container from a licensee's premises;
- (3) any person to drink (or attempt to drink) any alcoholic beverage from, or to possess, any open alcoholic beverage container on any public street, alley, right-of-way, sidewalk, park, playground, recreation area, or parking lot or on any private parking lot open for public use (regardless of whether any establishment for which such private park lot is used is open or closed for business).
- (b) This section shall not apply to:
- (1) Any licensee selling, offering to sell, or otherwise providing any open alcoholic beverage container if such action occurs on the premises of a special event (and during the operating hours of such event) for which a permit has been issued under Chapter 15 of Title 9 of the Code of Ordinances.
- (2) Any person selling, offering to sell, or otherwise providing any open alcoholic beverage container pursuant to a temporary permit issued under Section 9-2-71 if such action occurs on the premises of a special event (and during the operating hours of such event) for which a permit has been issued under Chapter 15 of Title 9 of the Code of Ordinances.
- (3) Any person drinking from, attempting to drink from, or possessing any open alcoholic beverage container if such action occurs on the premises of a special event (and during the operating hours of such event) for which a permit has been issued under Chapter 15



<p><u>Present:</u> Title 9 – Licensing and Regulation; Chapter 2, Alcoholic Beverages, Article A, Sec. 9-2-70 – Sales outside business.</p> <p><u>Amended:</u> Same</p>	<p>Any sales of alcoholic beverages outside of the licensed premises shall be prohibited, whether for consumption on or off the premises except for patios at eating establishments and restaurants.</p>	<p>of Title 9 of the Code of Ordinances.</p> <p>(c) <u>A container that has been sealed or resealed pursuant to O.C.G.A. § 3-5-4 or § 3-6-4 shall not constitute an open alcoholic beverage container for purposes of this section.</u></p>
<p><u>Present:</u> Title 9 – Licensing and Regulation; Chapter 2, Alcoholic Beverages, Article A, Sec. 9-2-70 – Sales outside business.</p> <p><u>Amended:</u> Same</p>	<p>Any sales of alcoholic beverages outside the licensed premises shall be prohibited, whether for consumption on or off the premises, except for patios at eating establishments and restaurants.</p> <p>(b) <u>This section shall not apply to:</u></p> <p>(1) <u>Any licensee selling or offering to sell any alcoholic beverage by the drink if such action occurs on the premises of a special event (and during the operating hours of such event) for which a permit has been issued under Chapter 15 of Title 9 of the Code of Ordinances.</u></p> <p>(2) <u>Any person selling or offering to sell any alcoholic beverage by the drink pursuant to a temporary permit issued under Section 9-2-71 if such action occurs on the premises of a special event (and during the operating hours of such event) for which a permit has been issued under Chapter 15 of Title 9 of the Code of Ordinances.</u></p>	<p>(a) <u>Any sales of alcoholic beverages outside the licensed premises shall be prohibited, whether for consumption on or off the premises, except for patios at eating establishments and restaurants.</u></p> <p>(b) <u>This section shall not apply to:</u></p> <p>(1) <u>Any licensee selling or offering to sell any alcoholic beverage by the drink if such action occurs on the premises of a special event (and during the operating hours of such event) for which a permit has been issued under Chapter 15 of Title 9 of the Code of Ordinances.</u></p> <p>(2) <u>Any person selling or offering to sell any alcoholic beverage by the drink pursuant to a temporary permit issued under Section 9-2-71 if such action occurs on the premises of a special event (and during the operating hours of such event) for which a permit has been issued under Chapter 15 of Title 9 of the Code of Ordinances.</u></p>
<p><u>Present:</u> Title 9 – Licensing and Regulation; Chapter 2, Alcoholic Beverages, Article A, Sec. 9-2-71 – Reserved.</p> <p><u>Amended:</u> Title 9 – Licensing and Regulation; Chapter 2,</p>	<p>Reserved.</p>	<p>(a) <u>It shall be unlawful for any person to sell, or offer for sale, any alcoholic beverage at any special event that is permitted under Chapter 15 of Title 9 in the Code of Ordinances without first obtaining a temporary permit to sell such beverages.</u></p> <p>(b) <u>Upon the filing of an application for a temporary permit to sell alcoholic beverages for consumption on the premises of a special event during the operating hours of such event, the City Manager may issue such permit to</u></p>

<p>Alcoholic Beverages, Article A, Sec. 9-2-71 – Temporary permit for special events.</p>		<p><u>an individual or organization only if the following conditions have been met:</u></p> <ol style="list-style-type: none"> <li>(1) <u>The applicant shall have been duly licensed by the City or another local governing authority in this State for the sale of alcoholic beverages for on-premises consumption.</u></li> <li>(2) <u>The Georgia Department of Revenue has issued a special event use permit to the applicant for the event in question.</u></li> <li>(3) <u>The applicant has paid to the Director of the Forest Park Planning, Building and Zoning Department a nonrefundable filing fee and a permit fee, said fees to be in such amounts as may be set from time to time by resolution of the Mayor and Council.</u></li> <li>(4) <u>The permit will allow sale of alcoholic beverages beyond the premises described in the annual license only in the area specifically described in the application and only during the time in which the special event named occurs.</u></li> <li>(5) <u>The City has issued a permit for the special event pursuant to Chapter 15 of Title 9 in the Code of Ordinances.</u></li> <li>(6) <u>The applicant is authorized in writing by the producer of the special event to participate in such event.</u></li> <li>(7) <u>The application for the permit must have been filed with the Director of the Forest Park Planning, Building and Zoning Department at least thirty (30) days prior to the date of the special event.</u></li> <li>(8) <u>The Director of the Forest Park Planning, Building and Zoning Department, or his or her designee, has</u></li> </ol>
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		<p><u>reviewed the temporary permit application and recommended that it be granted.</u></p> <p>(9) <u>The Forest Park Police Department has reviewed the temporary permit application and recommended that it be granted.</u></p> <p>(10) <u>Alcoholic beverages may be sold only during the hours in which the special event occurs when said event transpires Monday through Saturday. Where the special event occurs on a Sunday, alcoholic beverages may be sold no earlier than 12:30 p.m. and no later than the time at which the special event ends.</u></p> <p>(11) <u>All applicants and permit holders must comply with all state statutes governing the sale of alcoholic beverages and all sections of this Code and other City ordinances governing such sales, including but not limited to sections of this Code relating to hours of operation, distance requirements and the permit requirements for employees.</u></p> <p>(12) <u>Each temporary permit to sell alcoholic beverages during a special event shall last a maximum of three (3) consecutive days.</u></p> <p>(13) <u>No more than two (2) temporary permits to sell alcoholic beverages during a special event shall be issued to any applicant during any calendar year.</u></p> <p>(c) <u>The Chief of the Forest Park Police Department or his designee may immediately revoke any temporary permit issued under this section in any situation or circumstance where he determines that the continued sale of alcoholic</u></p>
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		<p><u>beverages under such permit may endanger the health, welfare or safety of the public.</u></p> <p>(d) <u>Any permit issued pursuant to this section shall be temporary and shall not vest in the holder any permanent property rights in such permit.</u></p>
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**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION TO ESTABLISH THE VARIOUS FEES FOR THE ISSUANCE OF A MOBILE FOOD VENDOR PERMIT, A SPECIAL EVENT PERMIT, AND THE ISSUANCE OF A TEMPORARY PERMIT TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES OF A SPECIAL EVENT DURING THE OPERATING HOURS OF SUCH EVENT; 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 governing body of the City has the power to adopt ordinances promoting the health, safety, and general welfare of the citizens of the City; and

**WHEREAS**, the governing body of the City, in the exercise of said power, recently has enacted the following legislation regulating the standards under which certain activities can occur within the municipal limits of the City and setting guidelines for the issuance of permits for such activities: the operation of special events, codified in Chapter 15 of Title 9 of the Code of Ordinances of the City of Forest Park (the "Code"); the operation of mobile food vendors, codified in Article C of Chapter 6 in Title 9 of the Code; and the authorization of temporary alcoholic beverage permits issued in connection with special events, codified in Section 9-2-71 in Article D of Chapter 2 in Title 9 of the Code; and

**WHEREAS**, the provisions of said legislation require a person seeking the issuance of a permit to undertake any activity regulated thereunder to remit certain fees in amounts to be determined by the governing authority; and

**WHEREAS**, the governing authority of the City desires to implement and publish the fee amounts to be remitted under the provisions of said legislation; and

**WHEREAS**, the governing authority of the City finds that the following fee amounts to be reasonable and appropriate and that the implementation of these fee amounts will positively impact the health, safety, and general welfare of the citizens of the City.

**THEREFORE, BE IT RESOLVED** that the Mayor and Council of the City of Forest Park, Georgia adopt the fee amounts set forth in the Schedule of

Fees for Mobile Food Vendors, Special Events, and Temporary Alcohol Beverage Permits, which is attached hereto as Exhibit "A" and incorporated herein by reference, and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the City of Forest Park, Georgia that said fee amounts shall be of full force and effect as of the date of this Resolution.

**SO RESOLVED**, this \_\_\_\_\_ day of October, 2016.

**CITY OF FOREST PARK, GEORGIA:**

\_\_\_\_\_  
**David Lockhart**, Mayor

\_\_\_\_\_  
Tommy Smith  
Mayor Pro-tempore (Ward One)

\_\_\_\_\_  
Dabouze Antoine  
Councilmember, 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

Exhibit "A"

**City of Forest Park 2016  
Schedule of Fees For Mobile  
Food Vendors, Special Events  
and Temporary Alcohol  
Beverage Permits**

**Mobile Food Unit Annual Permit Fee**

Annual Permit (valid for one year) \$125

**Special Events Application Fee (Per  
event day)**

**Attendees**

Up to 500	\$50.00
501-2500	\$100.00
2501 and above	\$175.00

**Temporary Alcohol Beverage Permit  
Fee**

**Non-refundable Filing Fee** \$50.00

**Attendees**

Up to 500	\$75.00
501-2500	\$125.00
2501 and above	\$250.00



**AGREEMENT FOR PROVIDING CONCESSIONS BETWEEN FOREST  
PARK AND THE FOREST PARK MINISTERIAL ASSOCIATION**

This Agreement (hereinafter "Agreement") is entered into on this date, October \_\_\_\_, 2016 (effective date) between the parties The City of Forest Park (hereinafter "City") and The Forest Park Ministers Association (hereinafter "Association") (or collectively as "the Parties"), for food services provided to several public concessions.

**WITNESSETH:**

WHEREAS, from time to time, the citizens of the City wish for food services to be provided at certain City-owned concession stand locations for sporting and other events in Forest Park, Georgia; and

WHEREAS, Association desires to utilize its efforts to provide such food services to the various concession stand locations described in this Agreement and City desires for Association to provide such services at its concessions stand locations, all in accordance with the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth below and other good and valuable consideration, the receipt, and sufficiency of which are hereby acknowledged, the parties agree as follows:

**I. SCOPE OF SERVICES.**

A. Association hereby agrees to provide food services to sporting and other events at concession stand locations provided in Subsection B. Such food services will include providing pre-packaged foodstuffs, prepared food items (such as hotdogs, hamburgers, etc.), and drinks for sale to customers attending those events. Association will be solely responsible for providing the foodstuffs, food items, and drinks that will be sold, and for or setting all prices to be charged for those foodstuffs, food items, and drinks. Association will also be responsible for the collection and depositing of those funds as it sees fit. Further, Association is solely responsible for providing the staffing and management of the concession stand locations. Further, Association is solely responsible for obtaining and maintaining any state or local county permits, if any, that may be required for providing the food services described in this Agreement.

B. Association hereby agrees to provide food services for the following concession stand locations:

- a. City Soccer Fields, located at 4995 Ash Street, Forest Park, Georgia 30297
- b. Starr Park and Swimming Pool, located at 5031 Park Drive, Forest Park, Georgia 30297
- c. Recreation Center, located at 803 Forest Parkway, Forest Park, Georgia 30297
- d. Stanford/Lopez Field, located at 640 South Avenue, Forest Park, Georgia 30297

C. Association shall provide the above-described food services for various sporting events and other events at the locations described in Subsection B. These sporting events would include, but are not limited to, the following:

- a. Fall and Spring League Soccer games and events;
- b. Youth Basketball League games and events;
- c. Fall and Spring League Volleyball games and events;

- d. T-Ball Baseball League games and events;
- e. Summer Girls Basketball League games and events;
- f. Games and events at Starr Park public pool;
- g. Summer Entertainment and Family Nights at Starr Park outdoor pool;
- h. Other events and programs for which concession food services are authorized by the City, and the City requests Association to provide.

D. As good and valuable consideration for this Agreement, Association agrees that it will pay twenty percent (20%) of the gross proceeds of sale of all foodstuffs and drinks to the City for use of the City's concession stands (hereinafter, "Rent") described in Subsection B. The remaining eighty percent (80%) of the proceeds will be retained by Association for its services. Association will deliver Rent to the City no later than the sixth (6) day of each month, to start at the beginning of the second full month after the Effective Date. Rent shall be delivered to the following location:

Forest Park Department of Recreation and Parks  
803 Forest Pkwy, Forest Park, GA 30297  
c/o Ms. Elaine Corley

Along with the payment of Rent, Association will also provide a detailed accounting to the City of the proceeds received by Association for each location for each month for the City's inspection. Association will also submit to an inspection of their accounting of concession stand proceeds on demand of the City.

## **II. TERM AND TERMINATION.**

A. The Agreement shall terminate absolutely and without further obligation on the part of the City at the close of twelve months from the effective date.

B. This Agreement shall be effective as of the date shown and continue in effect for twelve months or until either party gives notice of termination. Either party may terminate this agreement upon giving thirty (30) days prior written notice thereof to the other party setting forth the effective date of such termination.

C. In the event the City determines that continuation of this agreement is no longer convenient or otherwise beneficial to the City, the City shall be allowed to withdraw from this agreement upon written notice to Association. Such notice shall be provided to Association at least thirty (30) days prior to the City withdrawing from this agreement.

## **III. INDEMNIFICATION.**

A. Association shall defend, hold harmless and indemnify City, its affiliates, shareholders, officers and employees against any and all liabilities, claims, damages, costs, judgments and expenses, including attorneys fees, sought or asserted against City, its affiliates, shareholders, officers and employees of City arising out of the sale, service and/or collection activities of Association if such liabilities, claims, damages, costs, judgments or expenses are based or alleged to be based, in whole or in part, upon any actions by Association, its officers, employees or contractors.

B. Association shall defend, hold harmless and indemnify City, its affiliates, shareholders, officers and employees against any and all

liabilities, claims, damages, costs, judgments and expenses, including attorney fees, sought or asserted against City, its affiliates, shareholders, officers and employees of City arising out of any personal injuries sustained by the employees or contractors of Association on the premises of City's vehicles or real property.

C. No Association employee, volunteer, or contractors hired to perform the services described and detailed in this agreement shall be considered employees of the City for purposes of any workers compensation insurance or benefits.

#### **IV. INSURANCE REQUIREMENTS**

Association agrees to maintain the following insurance coverage:

A. Personal Injury Liability Insurance in the amount of one million dollars (\$1,000,000.00) per claim and aggregate per year; and

B. Comprehensive General Liability Insurance, including contractual liability in the amount of no less than one million dollars (\$1,000,000.00) per claim and aggregate per year.

#### **V. MISCELLANEOUS**

A. All notices required to be sent under the terms of this Agreement shall be sent to City addressed as listed below:

City:

City of Forest Park  
745 Forest Parkway  
Forest Park, Ga. 30297  
Attn: Al Wiggins, City Manager

and to Association:

Forest Park Ministerial Association  
1000 Main Street  
Forest Park, Georgia 30297  
Attn: Dr. Leon Beeler, CEO

Such designations may be changed at any time by either party giving written notice of a new name and/or address.

B. Wherever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law. If any such provision of this Agreement shall be determined to be invalid or unenforceable, such provision shall be ineffective to the extent of such prohibition or invalidity without invalidating or otherwise affecting the remaining provisions of this Agreement.

C. This Agreement shall be construed under the laws of the State of Georgia.

D. This Agreement may be executed in any number of counterparts, each of which when so executed shall be deemed to be an original and all of which counterparts of this Agreement taken together shall constitute but one and the same instrument.

E. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

F. Headings used in this Agreement are for convenience only and shall not affect the construction of this Agreement.

\_\_\_\_\_  
Dr. Leon Beeler, CEO  
The Forest Park Ministerial Association

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor David Lockhart  
City of Forest Park

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tommy Smith  
Mayor Pro-tempore (Ward One)

\_\_\_\_\_  
Dabouze Antoine  
Councilmember, Ward Two

\_\_\_\_\_  
Sandra Bagley  
Councilmember, Ward Three

\_\_\_\_\_  
Latresa Wells  
Councilmember, Ward Four

\_\_\_\_\_  
Allan Mears  
Councilmember, Ward Five