



CITY COUNCIL WORK SESSION

Tuesday, September 05, 2023 at 6:00 PM
Council Chambers and YouTube Livestream

Website: www.forestparkga.gov
YouTube: <https://bit.ly/3c28p0A>
Phone Number: (404) 366.4720

FOREST PARK CITY HALL
745 Forest Parkway
Forest Park, GA 30297

The Honorable Mayor Angelyne Butler, MPA

The Honorable Kimberly James
The Honorable Hector Gutierrez
The Honorable Allan Mears

The Honorable Dabouze Antoine
The Honorable Latresa Akins-Wells

Ricky L. Clark Jr, City Manager
Michelle Hood, Interim City Clerk
Mike Williams, City Attorney

AGENDA

VIRTUAL NOTICE

To watch the meeting via YouTube - <https://bit.ly/3c28p0A>

The Council Meetings will be livestream and available on the City's

YouTube page - "*City of Forest Park GA*"

CALL TO ORDER/WELCOME:

ROLL CALL:

OLD BUSINESS:

1. **Council Discussion and Approval of Conditional Use Permit (CUP-2023-04)- 5370 Ash Street –**
Planning & Community Development

Background/History:

The applicant is requesting a Conditional Use Permit to operate a private school and daycare for students, specializing in STEM learning methodology at 5370 Ash St. This property is located within the Single-Family Residential District (RS). Per Section 8-8-28 Single Family Residential District (RS), Places of worship, private schools, and daycare centers require conditional use permits to operate in the Single-Family Residential District. A church currently exists on the subject property. The Planning Commission recommended the **Denial of a Conditional Use Permit** at its meeting on June 15, 2023, based on the potential of a liability of children and adult activities that include clinics, recovering alcoholics and offenders mixing. The following combination would not be allowed as a combined use. The City Council tabled this

item for 30-days at the August 7, 2023, meeting to allow time to receive additional information from the applicant.

NEW BUSINESS:

2. Council Discussion and Approval of Use of Summary Minutes in Lieu of Verbatim Minutes – Executive Offices

Background/History:

The Open Meetings Act further requires that minutes of Council meetings be prepared and available for public inspection. However, verbatim minutes are not required under the Open Meetings Act. Instead the Open Meetings Act provides that the minutes “shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency or its committee, but in no case later than immediately following its next regular meeting” and that such minutes “shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, the identity of the persons making and seconding the motion or other proposal, and a record of all votes. The name of each person voting for or against a proposal shall be recorded.”

It is proposed that the City of Forest Park discontinue the preparation of verbatim minutes of its public meetings and begin to utilize summary or action minutes meeting the minimum requirements of the Open Meetings Act. Additionally, City Council meetings will continue to be audio and/or video recorded.

3. Council Discussion and Approval of Animal Control Agreements with Lake City and Riverdale– Police Department and Legal

Background/History:

It is proposed that the city update its intergovernmental agreement with Lake City under which Forest Park provides certain animal control services to Lake City. The agreement was last updated in 2011. It is also proposed that the identical agreement be used to provide animal control services for the City of Riverdale.

Under the new agreement, the basic services would remain the same. However, the fees have increased as follows:

Increase from \$6 to \$15 per day for kenneling of animals

Increase from \$40 to \$50 for animal disposal

Increase from \$15 to \$35 for pickup fee for all animals collected during normal business hours

Increase from \$60 to \$75 for pickup fee for animals collected outside of normal business hours

The agreement also provides that all fines and fees collected in any municipal court (Lake City or Riverdale) for animal control violations will be paid to Forest Park to offset some its expenses in providing animal control services.

4. Council Discussion and Approval of Truck Operating Hours Ordinance – Police Department and Legal

Background/History:

It is proposed that the city ordinance be amended to prohibit tractor trailers and large trucks from operating in residential areas between 10pm and 7am. Our current ordinance does not sufficiently address the matter of trucks operating in or around residential areas.

This ordinance would prohibit the operation of excessively loud trucks or engines within any residential area, or within a radius of 500 feet therefrom. Additionally, no truck, tractor or large truck shall be allowed to enter, park or stand within any residential area between the hours of 10pm and 7am.

5. Council Discussion and Approval of Resolution to Request Local Legislation to Increase Hotel-Motel Tax – Executive Offices and Legal**Background/History:**

It is proposed that the City Council initiate the process of increasing the hotel-motel tax to 8% by approving a resolution calling on the Clayton County Legislative Delegation to pass local legislation authorizing the City of Forest Park to do so.

The City currently imposes a 3% hotel-motel tax. State law provides that cities can increase the tax to up to 8% after adopting a resolution urging the passage of local legislation by the Georgia General Assembly. Once the local legislation is approved by the General Assembly, the City may thereafter approve an ordinance providing for the increased tax and the usage of the additional revenue.

Under the State law, the revenue from the tax must be used as follows:

The first 3% may be used for general fund purposes.

The next 3.5% must be used for promoting tourism, conventions, and trade shows within Forest Park by contracting with a destination marketing organization (such as a convention and visitor's bureau) for such purpose.

Any amount of the final 1.5% that is not used for promoting tourism, conventions, and trade shows shall be expended for tourism product development.

State law defines "Tourism product development" as the expenditure of funds for the creation or expansion of physical attractions which are available and open to the public and which improve destination appeal to visitors, support visitors' experience, and are used by visitors. Such expenditures may include capital costs and operating expenses. Some specifically named items in the state code include:

Meeting, convention, exhibit, and public assembly facilities;

Visitor information and welcome centers;

Wayfinding signage;

Museums, art galleries, gardens;

Parks, trails, and other recreational facilities; or

Performing arts facilities.

6. **Council Discussion and Approval of Resolution Recognizing Cancellation of 2023 Municipal Elections – Executive Offices and Legal**

Background/History:

The qualifying period for candidates in the 2023 municipal elections closed on August 24, 2023. As of the end of the qualifying period, only the incumbents in Wards 3, 4, and 5 qualified as candidates with no opposing candidates qualifying in each ward.

O.C.G.A. § 21-2-285 (j) provides that “in the event, there is no opposed candidate in a precinct in a general or special municipal election, no election shall be held in such precinct unless a write-in candidate has qualified as provided by law or unless there are issues to be submitted to the electorate within a precinct.”

As of August 31, no person quailed as a write-in candidate, and there are no ballot questions submitted to the voters of the City of Forest Park in the 2023 municipal elections.

By operation of State law, no 2023 municipal election shall be conducted because there are no opposed candidates in the 2023 municipal election, no write-in candidates have qualified as provided by law and there are no issues to be submitted to the electorate.

The resolution acknowledges the cancellation of the 2023 elections under State law and directs staff to take the necessary steps to inform the voters of the cancellation.

7. **Council Discussion and Approval of City-Wide Janitorial Contract – Public Works Department**

Background/History:

LEGISLATURE FOR CITY-WIDE JANITORIAL CONTRACT

The City of Forest Park solicited citywide janitorial services to various departments throughout the City of Forest Park. Each contractor shall furnish all labor, equipment, and supplies necessary to perform the services.

The City of Forest Park reserves the right to add or delete facilities/spaces as deemed necessary during the terms of the contract. The term of the contract is (3) three years, with an additional (2) two-year option which will be brought back at that time to the City Council for approval.

The cleaning schedule of all buildings may be modified at the City of Forest Park's discretion throughout the life of the contract. The work shall be scheduled at such times as to avoid interferences with normal or specific activities that may occur in the facilities of the various departments.

The Request for Bids was broken down into 2 different documents.

Bid 1-A: Included City Hall, Human Resources, Planning and Community Development, and The Council House. **Klean Pro Facility Services, LLC** was the lowest bidder at \$2,700.00 per month.

Bid 1-B: Included Public Works and the Police Department. **AT Trash Valet** was the lowest bidder at \$5,950.00.

The Department of Public Works will oversee this contract and the contract will be appropriately funded by each individual department listed. Any other city space will be negotiated by the departments individually.

EXECUTIVE SESSION: (When an Executive Session is required, one will be called for the following issues: Personnel, Litigation or Real Estate)

ADJOURNMENT:

In compliance with the Americans with Disabilities Act, those requiring accommodation for meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 404-366-1555.

File Attachments for Item:

1. Council Discussion and Approval of Conditional Use Permit (CUP-2023-04)- 5370 Ash Street – Planning & Community Development

Background/History:

The applicant is requesting a Conditional Use Permit to operate a private school and daycare for students, specializing in STEM learning methodology at 5370 Ash St. This property is located within the Single-Family Residential District (RS). Per Section 8-8-28 Single Family Residential District (RS), Places of worship, private schools, and daycare centers require conditional use permits to operate in the Single-Family Residential District. A church currently exists on the subject property. The Planning Commission recommended the **Denial of a Conditional Use Permit** at its meeting on June 15, 2023, based on the potential of a liability of children and adult activities that include clinics, recovering alcoholics and offenders mixing. The following combination would not be allowed as a combined use. The City Council tabled this item for 30-days at the August 7, 2023, meeting to allow time to receive additional information from the applicant.



CITY OF
FORESTPARK

City Council Agenda Item

Subject: Conditional Use Permit (CUP-2023-04)- 5370 Ash Street – Planning & Community Development

Submitted By: LaShawn Gardiner

Date Submitted: August 29, 2023

Work Session Date: September 5, 2023

Council Meeting Date: September 5, 2023

Background/History:

The applicant is requesting a Conditional Use Permit to operate a private school and day care for students, specializing in STEM learning methodology at 5370 Ash St. This property is located within the Single-Family Residential District (RS). Per Section 8-8-28 Single Family Residential District (RS), Places of worship, private school and daycare centers require conditional use permits to operate in the Single-Family Residential District. A church currently exists on the subject property. The Planning Commission recommended **Denial of a Conditional Use Permit** at its meeting on June 15, 2023, based on the potential of a liability of children and adult activities that include clinics, recovering alcoholics and offenders mixing. The following combination would not be allowed as a combined use. The City Council tabled this item for 30-days at the August 7, 2023, meeting to allow time to receive additional information from the applicant.

Cost: \$ N/A

Budgeted for: _____ **Yes** _____ **No**

Financial Impact:

N/A

Action Requested from Council:

Approve or Deny the Conditional Use Permit in a RS (Single-Family Residential) zoned district based on clarification of information submitted.

Restoration & Deliverance C.O.G.I.C. Ministries Inc.

Administrative Assistant James Summers, Pastor Evangelist Charlene Summers, First Lady

Item #1.

Restoration and Deliverance C.O.G.I.C. at 5370 Ash St. Forest Park, GA has been an active member in the Forest Park community for over 22 years. We are partitioning for a Conditional Use permit to operate as a private school and day care, geared towards underprivileged students needing specialized education and care. Our institution adheres to the STEM learning curriculum to academically prepare and socially equip our students for college. With a Conditional Use permit granted we would also like to add an extension for a Church/Place of worship.

Life Christian Academy will have 150 kids, serving grades K-12 for the 2023-2024 school year. School hours are from 8am-3pm, Monday through Friday. Daycare hours are from 6am-6pm, Monday through Friday. The school building needs no repairs.

Restoration and Deliverance C.O.G.I.C. and Life Christian Academy have partnered with daycare providers to accompany the service at 5370 Ash St. This is an effort to better and be of service to low income working families, as an extension to our community development efforts.

Our vision is to provide services that are essential to rebuilding our community, our city and most importantly our youth because they are our future.

For further information please call Pastor James Summers 404-484-8812 or Life Christian Academy, Director Mr. Kelvin Waters @404-423-7799.

Thank you, God Bless

Pastor James Summers

Pastor James Summers

721 Morrow Road, Forest Park, GA 30297
404-608-1990 or 404-484-8812

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GACS

www.gacs.org



Item #1.

706.549.2200

805 S. Glynn St. Suite 127 #305

Fayetteville, GA 30214

Re: Life Christian Academy of Performing Arts

To Whom it may Concern,

Life Christian Academy of Performing Arts in Forest Park, GA is an active member in good standing of the Georgia Association of Christian Schools.

In addition to their active membership, they are also in the candidate stage of the accreditation process and are actively working towards the requirements for full accreditation.

Please let me know if you have further clarification needed.

Serving Christ and you,

Rev. Steven Brondyke, MA, M.Div.
Executive Director



706.549.2200

706.549.2200
Steven@GACS.org

Re: School Membership Inquiry
Steven Brondyke <steven@gacs.org>
Fri 8/11/2023 12:43 PM
To: SaVaughn Irons <slrons@forestparkga.gov>

CAUTION: This email originated from outside of the organization. Please use caution when interacting with this email.

Good Afternoon,
Yes. They are an active member!

Rev. Steven Brondyke, MA, M.Div.
Executive Director
GACS
steven@gacs.org

Sent from my iPhone

On Aug 11, 2023, at 9:22 AM, SaVaughn Irons <slrons@forestparkga.gov> wrote:

Good morning, Steven,

Thank you for taking the time to speak with me a few minutes ago. Per our conversation, I am trying to verify if Life Christian Academy Of Performing Arts at 5370 Ash St. Forest Park, GA 30297, is an active member in good standing with the Georgia Association of Christian Schools. We reviewed your website, and do not currently see them listed. If you could please respond to this email, as well as provide any documentation that they may have as proof, so that I may submit this information to our City Council for approval.

Best Regards,
<Outlook-0kve5hel.png>
SaVaughn Irons
City Planner

City of Forest Park
Phone: (404) 366-4720 | Mobile: (470) 330-3059
785 Forest Parkway | Forest Park, GA 30297
www.forestparkga.gov | sirons@forestparkga.gov

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From: SaVaughn Irons
Sent: Thursday, August 10, 2023 3:05 PM
To: STEVEN@GACS.ORG <STEVEN@GACS.ORG>
Subject: School Membership Inquiry

Good afternoon Steven,

I hope this email finds you well. I left a voicemail for you on August 8th to inquire about a particular school that advised us they are a part of your network but have been having issues locating the information. If possible, do you have a moment to schedule a quick call so that I may be able to find out some additional information needed for City Council?

Best Regards,

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Sa Vaughn Irons

City Planner

City of Forest Park

Phone: (404) 366-4720 | Mobile: (470) 330-3059

785 Forest Parkway | Forest Park, GA 30297

www.forestparkga.gov | sirons@forestparkga.gov

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CITY OF
FORESTPARK
Life. Love. Learning.

Item #1.

CITY OF FOREST PARK

Planning & Community Development Department
785 Forest Parkway
Forest Park, Georgia 30297
(404) 608-2300 Fax: (404) 608-2306

August 28, 2023

While reviewing documentation provided by Mr. Waters, I contacted **THE GEORGIA DEPT OF EARLY CARE AND LEARNING, BRIGHT FROM THE START**. On Monday August 28, 2023, I spoke with Ms. Thomas from **GA DECAL, BRIGHT FROM THE START** at 770-405-7962. Ms. Thomas was able to verify that Life Christian Academy is in their system as an exempt status. She further advised me that an applicant can either be licensed, or exempt. Based on this information, it was determined that the exemption status letter and paperwork provided by Mr. Waters is legitimate. The letter submitted is signed by Chrissy Powell, who is the exemption unit manager at **GA DECAL, BRIGHT FROM THE START**.

Best Regards,

SaVaughn Irons

SaVaughn Irons

City Planner

BRIGHT FROM THE START
 Georgia Department of Early Care and Learning
 Martin Luther King Jr. Drive SE, 754 East Tower, Atlanta, Georgia 30334
 (404) 656-5957

Brian P. Kemp
GOVERNOR

Amy M. Jacobs
COMMISSIONER

April 29, 2021

Ms. Melissa Douglas, Program Official
 Life Christian Academy School of Performing Art, LLC
 721 Morrow Road
 Forest Park, Georgia 30397

Re: Life Christian Academy
 Exemption Program Number: EX-53206
 741 Morrow Road
 Forest Park, Georgia 30297
 (Clayton County)

Dear Ms. Douglas:

On April 28, 2021, Bright from the Start: Georgia Department of Early Care and Learning received an Exemption Amendment for the program at the above location. Based on a review of your program description, it was determined that this program meets the criteria for exemption from state licensure as follows:

591-1-1-46(1)(b)7. (EXMT-18033) Day camp programs for children five (5) years and older that are operated between school terms, whose primary purpose is to provide organized recreational, religious, or instructional activities. The day camp programs may operate during summer and other school breaks and shall operate for no more than twelve (12) hours per day.

CONDITIONS OF EXEMPTION:

- Ages of Children: 5 years through 17 years
- Operation Months: School Break (summer), School Breaks (other)
- Operation Days: Monday through Friday
- Operation Hours: Additional Hours : - Summer Hours : 7:00 am - 5:30 pm

Note: Exemption approval means this program is not licensed as a child care learning center and is not required to be licensed because the program operations meet the criteria as described above. Therefore, the program is not required to comply with the Bright from the Start Rules for Child Care Learning Centers. Unless participating in the Childcare and Parent Services (CAPS) subsidy program, Bright from the Start will not regulate or routinely inspect this program and will only monitor the program to ensure compliance with exemption criteria and requirements or to collect data. The facility must meet all local requirements, such as complying with building, zoning, and fire regulations. If you have any questions about participating in the Childcare and Parent Services (CAPS) subsidy program, visit [CAPS.dec.ga.gov](https://caps.dec.ga.gov), email caps.support@dec.ga.gov or call 404-657-3434 or 1-888-442-7735.

This exemption program number EX-53206 and the exemption category number EXMT-18033 remain valid as long as there are no changes in the program. If you alter the program in any way or move the program to a new location, you must submit a new exemption application for review. You must also notify

Bright from the Start if the program stops operating. This letter and the enclosed Exemption Notice must be posted in a conspicuous location for public viewing.

Also, enclosed are the requirements for exempt programs for you to use as a reference to ensure your program remains in compliance. Current information about exemptions can also be found at <http://www.decal.ga.gov/CCS/Exemptions.aspx>.

If you have questions or need general support, contact Rosalyn Elder at (404) 780-0868 or at rosalyn.elder@decal.ga.gov.

Sincerely,



Chrissy Powell
Exemption Unit Manager

cc: Exemption File
Angelette Anderson

NOTICE OF EXEMPTION

Effective Date: April 29, 2021



This program is not licensed by Bright from the Start: Georgia Department of Early Care and Learning and is not required to be licensed. The program is not regulated and may not be routinely inspected.

Exemption Provider Number: EX-53206

Life Christian Academy

741 Morrow Road

Forest Park, Georgia 30297

“This exemption is granted pursuant to the authority vested in Bright from the Start: Georgia Department of Early Care and Learning, O.C.G.A. §20-1A-14(b) et seq.”

Refer to the letter posted with this notice for details about the exemption(s) approved for this program.

**Bright from the Start: Georgia Department of Early Care and Learning,
2 Martin Luther King Jr. Drive SE, 670 East Tower Atlanta, Georgia 30334
404-657-5562
www.decal.ga.gov**

THIS NOTICE AND THE EXEMPTION APPROVAL LETTER MUST BE POSTED IN A CONSPICUOUS LOCATION IN THE PROGRAM.

Licensed Providers and Exempt Providers: What are the Differences?

Licensed Providers

Who should become licensed?

- Providers caring for more than six children in a commercial location for pay are licensed as Child Care Learning Centers (CCLC)
- Residential homes caring for more than two unrelated children for pay are licensed as Family Child Care Learning Homes (FCCLH)

What are the benefits of being licensed?

- Public assurance of safe, healthy, nurturing standards
- Access to other services to benefit the provider and children including CAPS, CACFP, and Quality Rated
- Legal compliance and more flexibility in services offered to families

What are the first steps in starting a CCLC or FCCLH?

The first step in applying for an initial license is to review the requirements found at <http://decal.ga.gov/CCS/StartingACenter.aspx> and the Rules and Regulations found at <http://www.decal.ga.gov/CCS/RulesAndRegulations.aspx>. Next, the provider should participate in the online licensure orientation training applicable to the type of facility they will operate. Participants register for the courses through the Georgia Professional Development System at <https://gapds.decal.ga.gov>

Can exempt providers become licensed?

Yes. Exempt providers who wish to become licensed will follow the same procedures as initial applicants to begin the licensing process.

Are licensed providers monitored?

Yes, in addition to the initial licensing visit that is required to obtain official permission to operate, licensed providers are monitored at least twice each year. In addition, providers receive visits when an incident or complaint arises and as a follow up after citations are issued.

Do licensed providers reapply or renew their license each year?

The license continues, but there is a fee to renew the license each year. The fee is based on the licensed capacity and is due November 1–December 31.

Email: ApplicantServicesUnit@decal.ga.gov

Exempt Providers

What is an Exemption?

An exemption is an exception to the requirements that a business or a person must be licensed. These providers must adhere to Exemption rules and regulations. Georgia law requires that anyone caring for more than two children for pay must be licensed or obtain exemption approval. The application process and the 14 categories of Exemptions are explained at <http://www.decal.ga.gov/CCS/Exemptions.aspx>

Who can apply for an exemption?

Anyone operating in a commercial location can apply for an exemption. Those operating in residential homes (FCCLHs) cannot apply for exemptions. The Exemption is granted if the provider operates according to the criteria established for an exempt provider.

Can exempt providers receive funding from Childcare and Parent Services (CAPS), Nutrition Services (CACFP/SFSP), or participate in Quality Rated?

Only facilities in Categories 1 (government owned and operated) and 7 (day camps) are eligible to receive CAPS funding. All providers can participate in Nutrition Services programs if they qualify. Exempt providers cannot participate in Quality Rated.

Are exempt providers monitored?

Yes, exempt providers are monitored and visits are conducted. Providers may receive an initial visit prior to approval. All providers will receive a monitoring visit based on a random sampling percentage of providers visited each year. Providers receiving CAPS funds receive annual visits.

Are exempt providers required to renew their exemptions annually?

No. As long as the exempt provider remains at the same address and maintains the same owner/operator, the exemption will continue to be active. Exempt providers must comply with all rules set by state and local authorities governing topics such as—but not limited to—zoning, fire safety, and construction.

Do administrators and staff of exempt providers have to be fingerprinted?

DECAL encourages all exempt providers to require some form of fingerprinting to ensure safe and quality care of children. Exempt and non-exempt providers receiving CAPS funds must comply with DECAL fingerprinting rules.

Email: CCSExemptions@decal.ga.gov

Rule 591-1-1-.46 Exemptions

(1) All programs providing group care for children shall obtain either a license or a commission for an early care and education program or an exemption from the department, as applicable. Any person or entity operating or planning to operate such a service believed to meet the criteria for exemption from licensure, as listed below, shall apply to the department for exemption by submitting the department's application for exemption.

(a) Exemption Requirements.

1. The application for exemption shall be notarized and shall include:

- (i) A valid and current e-mail address,
- (ii) A written description of services, fees, ages of children to be served, months, days, and hours of operation and location,
- (iii) Copies of written policies, advertisements, parental agreement forms, and other materials to support the criteria for exemption as determined by the department.
- (iv) A sworn statement that the information provided to the department is accurate and truthful.

2. The exemptions granted by the department are exemptions from licensure, and do not affect the authority of local, regional or state health department officials, the state fire marshal, local fire prevention officials, local or regional building officials or zoning officials to inspect and approve facilities and locations. Programs operated in a residence are not eligible for exemption. Additionally, the exemption is only valid at the address listed on the application.

3. A program granted an exemption shall post in a prominent place near the front entrance of the facility both a copy of the exemption approval letter issued by the department and a notice provided by the department that will notify a parent or guardian that the program is not licensed and is not required to be licensed by the state. The notice shall be at least ½ inch letters and shall contain the department's telephone number and website address.

4. A program approved for exemption shall maintain attendance records for children. When a parent or guardian initially registers a child with an exempt program, the parent or guardian shall sign a form indicating the parent or guardian has been advised and understands that the program is not licensed and is not required to be licensed by the state. The program must maintain the attendance records and parental notification forms during the time the child is enrolled in the program and for one year after the child no longer attends the program. All records shall be made available to any authorized representative of the department upon request.

5. Any program granted an exemption from licensure that subsequently loses accreditation, closes and/or ceases operation shall notify the department in writing within five (5) business days of such a change. A program granted an exemption that has subsequent material changes in the operation of their program, such as, but not limited to, a change of physical location, a change in operating months, days, and/or hours, or a

change in the ages served shall be required to submit a new application for exemption to the department.

6. Programs granted an exemption may be required to periodically update the department on the status of their exemption and operating information such as but not limited to submitting an annual report that would contain information related to the exemption approval.

7. The department may rescind an approval for exemption when one or more of the following is determined by the department:

- (i) The program no longer meets the criteria for the exemption.
- (ii) The program provided false information during the exemption request process or during an investigation.
- (iii) The program failed to comply with local, regional, and state health department, fire marshal, fire prevention, and building/zoning guidelines/requirements.
- (iv) The program failed to provide the department with a valid and current e-mail address or with other information requested by the department, such as but not limited to, the months, days, and hours of operation, ages of children served and operating address.

(b) Exemption Categories. The following types of programs shall be exempt from licensure:

1. Programs which are owned and operated by any department or agency of state, county, or municipal government. This includes, but is not limited to, the customary school day, as defined in Georgia law, and before and/or after school programs in public schools operated by the public school system and staffed with school system employees and recreation programs operated by city or county parks and recreation departments and staffed with city or county employees.

2. Private non-public educational programs with an established curriculum for children five (5) years and older that operate during the school term for the customary school day, as defined by Georgia law.

3. A private non-public school which provides education in any grades from kindergarten through 12th grade, meets the requirements under Georgia law for private schools (See O.C.G.A. § 20-2-690), and is accredited by one or more of the entities listed in O.C.G.A. § 20-3-519(6)(A) and which provides care before, after, or both before and after the customary school day, as defined in Georgia law, to its students as an auxiliary service to such students during the regular school year only. The accrediting entities listed in O.C.G.A. § 20-3-519(6)(A) are:

- (i) The Southern Association of Colleges and Schools;
- (ii) The Georgia Accrediting Commission;
- (iii) The Georgia Association of Christian Schools;
- (iv) The Association of Christian Schools International;
- (v) The Georgia Private School Accreditation Council;
- (vi) The Southern Association of Independent Schools;
- (vii) The Accrediting Commission for Independent Study. (O.C.G.A § 20-3- 519(6.1)(A).

4. Accredited private non-public educational programs with an established curriculum for four-year-old children for the customary school day, as defined in Georgia law, that are not part of a full day child care learning center and are an integral part of an accredited private non-public school that provides elementary or secondary instruction or both, providing the accreditation specifically covers these ages; any before and/or after school hours for four-year-old children who attend such a program as described above, provided the children do not leave the premises of the accredited private non-public school and the program is staffed with employees of that private non-public school.

5. Parent's Morning Out, Parent's Night Out, or similar programs which operate for no more than one session of up to four (4) consecutive hours per day and which limit attendance to no more than eight (8) hours a week per child.

6. Nursery schools, playschools, kindergartens or other educational programs for children two (2) years through six (6) years of age which operate for no more than four (4) consecutive hours per day.

7. Day camp programs for children five (5) years and older that are operated between school terms, whose primary purpose is to provide organized recreational, religious, or instructional activities. The day camp programs may operate during summer and other school breaks and shall operate for no more than twelve (12) hours per day.

8. Short-term educational or recreational activities or classes for children in which the supervision and care of the children are incidental to their participation in the activity or training in specific subjects, such as, but not limited to, music lessons, dance classes, swim lessons, etc. The provider is not assuming responsibility for supervision and care of the children outside of the classes or activities the children participate in and shall not advertise or otherwise represent that child care services are offered.

9. Any short-term child care service provided by an establishment, such as, but not limited to, a religious facility, health club, or retail store, and such program or service meets all of the following:

- (i) Operated on the premises of the establishment;
- (ii) Operated for the convenience of the parents, guardians, or custodians and for the use of on-duty employees or students attending classes;
- (iii) Parents, guardians, or custodians are participating in activities provided by the establishment on the premises of the establishment;
- (iv) Parents, guardians, or custodians are readily available;
- (v) Attendance of child in the short-term child care service is limited to no more than four (4) hours per day and no more than ten (10) hours per week, except in the instance of child care services offered at infrequent events such as, but not limited to, conferences and weddings.

10. Programs operated after the customary school day, as defined in Georgia law, for children five (5) years and older that are strictly instructional and skill-based in a single talent, ability, expertise, proficiency or subject or in closely related skills, proficiencies or

subjects, including but not limited to classes such as art, cheerleading, dance, drama, gymnastics, martial arts and music, and the programs comply with all of the following:

- (i) Programs provide direct instruction in the single skill or subject and/or closely related skills or subjects to every child each day the child is present;
- (ii) Programs do not provide services that are not directly related to the single skill or subject or to the closely related skills or subjects, such as but not limited to homework assistance. During the hours of operation, programs may provide services related to the instruction, such as transportation and giving children time to change into proper clothes/gear;
- (iii) Programs shall not advertise or otherwise represent that the program is a child care facility, an after school program, or that the program offers child care services;
- (iv) Programs shall not prepare meals and snacks, but may provide ready-to-eat snacks, such as pre-packaged snacks;
- (v) The majority of the program staff responsible for instruction shall possess specialized qualifications to instruct in that skill or subject, and the program shall submit documentation of such specialized qualifications of staff to the department at the time of application for exemption or as requested by the department;
- (vi) Programs shall inform parents or guardians about the physical risks a child may face while participating in the program;
- (vii) Such programs shall not be an integral part of a licensed child care learning center or day care center;
- (viii) Enrollment information shall clearly define the duration of the program.

11. Short term educational programs offered to school-aged children in which the supervision and care of the children are incidental to their participation in the short-term educational program, and the provider is not assuming responsibility for the provision of daily child care outside the scheduled program. The majority of staff responsible for the direct delivery of education services to children possesses specialized qualifications that are directly related to the short term educational programs being offered, and the program shall submit documentation of such specialized qualifications to the department at the time of application for exemption or as requested by the department. The sole or primary purpose of such short term educational programs is:

- (i) To prepare children for advancement to the next educational level through a prescribed course of study or curriculum;
- (ii) To provide specialized tutoring services through a prescribed course of study or curriculum to assist children with the passage of mandatory educational proficiency examinations;
- (iii) To provide specialized tutoring services through a prescribed course of study or curriculum to assist children in specific academic areas, such as, but not limited to, foreign language, mathematics, science, etc.

12. Any program or facility providing care for school-aged children that is operated by, or in affiliation with a national membership non-profit organization that was created for the purpose of providing youth services and youth development, that charges a membership fee for children and may receive monthly, weekly, or daily fees for services. Such program or facility holds membership in good standing and is certified by its

national association as complying with the association's purposes, procedures, minimum standards and mandatory requirements. Such national membership organizations include, but are not limited to, the Boys and Girls Clubs of America.

13. Any program providing group care for children for no pay.

14. A center that is licensed by the department may request an exemption from licensure if the center's program is an integral part of an established religious congregation or religious school that conducts regularly scheduled classes, courses of study, or educational programs and is a member of or accredited by or certified by a state, regional, or national accrediting agency for religious educational instruction or a state, regional, or national accrediting agency for educational instruction as recognized and approved by the department if such accrediting entity uses standards that are substantially similar to those established by the department. In addition to the requirements listed above applicable to all exemptions, the following additional requirements shall apply to centers seeking an exemption under this provision:

(i) A center seeking such exemption from licensure shall be required to submit to the department documentation of certification or accreditation, including a copy of its most recent certification or accreditation inspection report, and any other pertinent documentation as requested by the department, such as non-profit tax-exempt verification. The accrediting agency must conduct regularly scheduled visits to the center while such center remains accredited.

(ii) If such exemption is granted, the center shall submit annual documentation to the department verifying its continued certification or accreditation, including a copy of its most recent certification or accreditation inspection report, and other pertinent documentation as may be requested by the department.

(iii) Such exemptions granted by the department are valid as long as the center remains certified or accredited. The program shall provide the department written notice within five (5) business days of the center's loss of certification or accreditation, including a copy of such notification from the certifying or accrediting entity. The department shall rescind the center's exemption granted herein upon notification of the loss of certification or accreditation.

(iv) Any center seeking such exemption shall comply with all applicable requirements for background checks for directors/employees as required in O.C.G.A. § 20-1A-30 et seq., Chapter 591-1-1, Rules for Child Care Learning Centers, department policies, as well as applicable local, regional, and state health department, state fire marshal, and local fire prevention guidelines/requirements while such exemption is in effect. The department retains jurisdiction over centers granted such exemption to conduct unannounced periodic background check audits and to conduct complaint investigations regarding compliance with background check requirements, as well as compliance with local, regional, and state health department, state fire marshal, and local fire prevention guidelines/requirements.

(v) The department may rescind such exemption for a center's failure to comply with the requirements for background checks for directors/employees pursuant to O.C.G.A. § 20-1A-30 et seq., Chapter 591-1-1, Rules for Child Care Learning Centers, and department policies.

(vi) Any center applying for such exemption that is owned and/or under the legal control/direction of the certifying or accrediting entity shall not be approved by the department.

(vii) A center seeking such exemption shall adopt and comply with the minimum standards of its certifying or accrediting entity for the operation of the center's program. Such minimum standards adopted by the center shall be published and made available to parents of enrolled or prospective children upon request.

(viii) A center granted such exemption shall comply with the requirements regarding notification to parents of enrolled children if the center does not carry liability insurance.

History: New Rule entitled "Exemptions" adopted. F. Nov. 16, 2012; eff. Dec. 6, 2012.



GEORGIA
CORPORATIONS
DIVISION

GEORGIA SECRETARY OF STATE
**BRAD
RAFFENSPERGER**

[HOME \(/\)](#)

BUSINESS SEARCH

BUSINESS INFORMATION

Business Name:	Life Christian Academy School of Performing Art L.L.C.	Control Number:	15118954
Business Type:	Domestic Limited Liability Company	Business Status:	Active/Compliance
NAICS Code:	Educational Services	NAICS Sub Code:	Fine Arts Schools
Principal Office Address:	9111 Overlook dr, Jonesboro, GA, 30238, USA	Date of Formation / Registration Date:	12/21/2015
State of Formation:	Georgia	Last Annual Registration Year:	2023

REGISTERED AGENT INFORMATION

Registered Agent Name: **Kelvin Waters**
Physical Address: **9111 Overlook Dr, Macon, GA, 30238, USA**
County: **Clayton**

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File Attachments for Item:

**2. Council Discussion and Approval of Use of Summary Minutes in Lieu of Verbatim Minutes–
Executive Offices**

Background/History:

The Open Meetings Act further requires that minutes of Council meetings be prepared and available for public inspection. However verbatim minutes are not required under the Open Meetings Act. Instead the Open Meetings Act provides that the minutes “shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency or its committee, but in no case later than immediately following its next regular meeting” and that such minutes “shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, the identity of the persons making and seconding the motion or other proposal, and a record of all votes. The name of each person voting for or against a proposal shall be recorded.”

It is proposed that the City of Forest Park discontinue the preparation of verbatim minutes of its public meetings and begin to utilize summary or action minutes meeting the minimum requirements of the Open Meetings Act. Additionally, City Council meetings will continue to be audio and/or video recorded.



CITY OF
FORESTPARK

City Council Agenda Item

Subject: Council Approval of Use of Summary Minutes in Lieu of Verbatim Minutes– Executive

Submitted By: City Manager

Date Submitted: August 29, 2023

Work Session Date: September 5, 2023

Council Meeting Date: September 5, 2023

Background/History:

The Open Meetings Act further requires that minutes of Council meetings be prepared and available for public inspection. However verbatim minutes are not required under the Open Meetings Act. Instead the Open Meetings Act provides that the minutes “shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency or its committee, but in no case later than immediately following its next regular meeting” and that such minutes “shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, the identity of the persons making and seconding the motion or other proposal, and a record of all votes. The name of each person voting for or against a proposal shall be recorded.”

It is proposed that the City of Forest Park discontinue the preparation of verbatim minutes of its public meetings and begin to utilize summary or action minutes meeting the minimum requirements of the Open Meetings Act. Additionally, City Council meetings will continue to be audio and/or video recorded.

Cost: \$ N/A

Budgeted for: _____ **Yes** _____ **No**

Financial Impact:

Action Requested from Council:

Approval of the resolution approving summary minutes.

RESOLUTION NO. _____**A RESOLUTION TO DIRECT THE CITY CLERK TO PREPARE SUMMARY MINUTES IN LIEU OF VERBATIM MINUTES FOR ALL PUBLIC MEETINGS OF THE CITY COUNCIL**

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

WHEREAS, O.C.G.A. § 50-14-1 (the “Open Meetings Act”) requires that most meetings of the City Council be open to the public;

WHEREAS, the Open Meetings Act further requires that minutes of such Council meetings be available for public inspection;

WHEREAS, verbatim minutes are not required under the Open Meetings Act;

WHEREAS, instead the Open Meetings Act provides that the minutes “*shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency or its committee, but in no case later than immediately following its next regular meeting*” and that such minutes “*shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, the identity of the persons making and seconding the motion or other proposal, and a record of all votes. The name of each person voting for or against a proposal shall be recorded;*” and

WHEREAS, it is proposed that the City of Forest Park discontinue the preparation of verbatim minutes of its public meetings and begin to utilize summary or action minutes meeting the minimum requirements of the Open Meetings Act;

WHEREAS, City Council meetings will continue to be audio and/or video recorded;

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

SECTION 1. Authorization of Intergovernmental Agreement. The City Clerk is hereby instructed to prepare summary action minutes for City Council meetings in lieu of verbatim minutes.

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

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

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

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

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SO RESOLVED this 5th day of September, 2023.

Mayor Angelyne Butler

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

EXHIBIT A
INTERGOVERNMENTAL AGREEMENT

File Attachments for Item:

**3. Council Discussion and Approval of Animal Control Agreements with Lake City and Riverdale–
Police Department and Legal**

Background/History:

It is proposed that the city update its Intergovernmental agreement with Lake City under which Forest Park provides certain animal control services to Lake City. The agreement was last updated in 2011. It is also proposed that the identical agreement be used to provide animal control services for the City of Riverdale.

Under the new agreement, the basic services would remain the same. However, the fees have increased as follows:

Increase from \$6 to \$15 per day for kenneling of animals

Increase from \$40 to \$50 for animal disposal

Increase from \$15 to \$35 for pickup fee for all animals collected during normal business hours

Increase from \$60 to \$75 for pickup fee for animals collected outside of normal business hours

The agreement also provides that all fines and fees collected in any municipal court (Lake City or Riverdale) for animal control violations will be paid to Forest Park to offset some its expenses in providing animal control services.



CITY OF
FORESTPARK

City Council Agenda Item

Subject: Council Approval of Animal Control Agreements with Lake City and Riverdale– Police and Legal

Submitted By: City Attorney

Date Submitted: August 29, 2023

Work Session Date: September 5, 2023

Council Meeting Date: September 5, 2023

Background/History:

It is proposed that the City update its intergovernmental agreement with Lake City under which Forest Park provides certain animal control services to Lake City. The agreement was last updated in 2011. It is also proposed that the identical agreement be used to provide animal control services for the City of Riverdale.

Under the new agreement, the basic services would remain the same. However, the fees have increased as follows:

- Increase from \$6 to \$15 per day for kenneling of animals
- Increase from \$40 to \$50 for animal disposal
- Increase from \$15 to \$35 for pickup fee for all animals collected during normal business hours
- Increase from \$60 to \$75 for pickup fee for animals collected outside of normal business hours

The agreement also provides that all fines and fees collected in any municipal court (Lake City or Riverdale) for animal control violations will be paid to Forest Park to offset some its expenses in providing animal control services.

Cost: \$ Variable

Budgeted for: Yes No

Financial Impact: The City will receive revenue from Lake City and Riverdale related to certain animal control services provided. Portions of this revenue will be paid to Clayton County for the use of the Clayton County Animal Selter.

Action Requested from Council:

Approval of the contracts.

INTERGOVERNMENTAL AGREEMENT FOR ANIMAL CONTROL

THIS INTERGOVERNMENTAL AGREEMENT (hereinafter "the Agreement"), is entered into this _____ day of _____ by and between the City of Forest Park, a municipal corporation chartered by the state of Georgia, and the City of Lake City, a municipal corporation chartered by the State of Georgia.

For the purpose of settling forth the parties' rights and responsibilities with respect to the creation and operation of animal control services as authorized by law.

WITNESSETH

WHEREAS, Article 9, Section 3, Paragraph I of the Constitution of the State of Georgia provides that municipalities may contract with each other for joint provision of services;

WHEREAS, the City of Forest Park and the City of Lake City (jointly "the Parties") have determined that there is a present and continuing need for providing joint animal control services within the City of Lake City by the City of Forest Park;

WHEREAS, the Parties have determined that the best method to accomplish this joint activity is by entering into this Agreement and by having the Dog Control Officer for the City of Forest Park appointed as the Dog Control Officer for the City of Lake City and to have the Animal Control Unit of the City of Forest Park designated as the Animal Control Unit for the City of Lake City, and by designating the Animal Shelter of the Animal Control Unit of Clayton County Police Department as the official Animal Shelter and Dog Pound of the City of Forest Park as well as the City of Lake City;

WHEREAS, the Parties have determined that it is mutually beneficial to the public health, safety, and welfare of the citizens of the City of Forest Park and the City of Lake City to have joint and cooperative dog control services and other animal control services; and

WHEREAS, the parties are desirous of setting forth the rights and responsibilities of the Parties, and the authority of the Parties in their joint cooperation and desire to provide for limited jurisdictional authority as provided in Article 9, Section 3 of the Constitution of the State of Georgia;

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein and for other good and valuable consideration, the parties hereunto agree as follows:

SECTION 1: DOG CONTROL OFFICER

The Dog Control Officer appointed by the Governing Body for the City of Forest Park pursuant to Section 11-3-32 of the City of Forest Park Code of Ordinances (hereinafter the "City Code") is hereby appointed and designated as the Dog Control Officer for the City of Lake City, and

shall perform and exercise all duties and responsibilities as the Dog Control Officer for the City of Lake City in accordance with the terms of this Agreement.

SECTION 2: ANIMAL CONTROL UNIT

The Animal Control Unit of the City of Forest Park is hereby designated and appointed as the Animal Control Unit of the City of Lake City.

- A. The Animal Control Officer or Officers employed by the Animal Control Unit of the City of Forest Park are hereby designated and authorized to pick up any stray animal within the City of Lake City, to quarantine any unvaccinated animal that has bitten a person or other animal and to impound any animal at the direction of the City of Lake City police that is needed for evidence or that is suspected of being subjected to cruelty or otherwise in violation of a City ordinance or state law. In addition, the Animal Control Officer or Officers of the City of Forest Park are authorized to put out animal traps and use such other equipment as necessary to carry out the intent and purposes of this Intergovernmental Agreement.
- B. The Animal Shelter operated by the Animal Control Unit of Clayton County Police Department is hereby designated as the animal control shelter and dog pound of the City of Forest Park and the City of Lake City. Furthermore, the standard operating procedures of the Animal Control Unit of Clayton County Police Department and the Animal Control Unit of the City of Forest Park regarding the impoundment, adoption, destruction and collection of fees for animals impounded or otherwise collected in the unincorporated portion of Clayton County or in the City of Forest Park are hereby adopted as the procedures and fees to be used within the City of Lake City.

SECTION 3: ANIMAL CONTROL BOARD

The Animal Control Board of the City of Forest Park is hereby appointed and designated as the Animal Control Board of the City of Lake City and shall exercise all duties and responsibilities as the Animal Control Board for the City of Forest Park and the City of Lake City.

SECTION 4: MUNICIPAL COURT APPEARANCES BY OFF DUTY OFFICERS.

The City of Lake City shall pay a witness fee of \$25.00 for each Municipal Court appearance by an employee of City of Forest Park who appears off duty as a witness for the City of Lake City in the prosecution of the ordinances of the City of Lake City.

SECTION 5: FEE, FINES AND FORFEITURES

The parties agree that all fees, fines and forfeitures collected pursuant to this Agreement by the City of Forest Park shall be paid over to the City of Forest Park to offset some of the costs incurred by Forest Park.

For any dog or cat impounded within the City of Lake City, which is not reclaimed by its owner, the City of Lake City shall reimburse the City of Forest Park (who shall in turn reimburse Clayton County) for any veterinary bills for the animal as well as the following costs: a kennel fee of \$15.00 per day for each day the animal is boarded; and \$50.00 (or the fee actually paid by the County, whichever is lower) to cover the cost of humane disposal if the animal is not picked up or adopted.

In the event that the Animal Control Unit of the City of Forest Park shall be called upon by the City of Lake City to pick up an animal within the City of Lake City, then the City of Lake City shall pay the following pick up costs to the City of Forest Park: during the normal operating hours of the City of Forest Park Animal Control Unit, a pick up fee of \$35.00; outside of the normal operating hours of the City of Forest Park Animal Control Unit, a pick up fee of \$75.00.

In the event that the Animal Control Unit of the City of Forest Park cannot pick up an animal within the City of Lake City, and the City of Forest Park shall request pick up by the Animal Control Unit of Clayton County, the City of Lake City shall pay the following pick up costs to the City of Forest Park, who shall in turn pay said costs to Clayton County: during the Clayton County Animal Control Unit's normal operating hours, a pick up fee of \$35.00; outside of the Clayton County Animal Control Unit's normal operating hours, a pick up fee of \$75.00.

All fees shall be paid within thirty days of invoice by check payable to the City of Forest Park, and mailed or delivered to: City of Forest Parks Department of Finance, Forest Park City Hall, 745 Forest Parkway, Forest Park Georgia 30297.

SECTION 6: POLICE RESPONSE

When requested by the City of Forest Park, the City of Lake City police will respond and assist the City of Forest Park or Clayton County Animal Control in carrying out the intent of this Intergovernmental Agreement. The City of Lake City police shall be responsible for enforcing City of Lake City ordinance violations and any violations of state animal protection laws or other state laws that occur within the city limits of the City of Lake City.

SECTION 7: DURATION

- A. This Agreement become effective immediately upon approval of the Mayor and City Council of City of Forest Park, and the Mayor and City Council of the City of Lake City.
- B. This Agreement shall continue in effect until midnight December 31, 2024, and shall be automatically renewed annually there from, unless terminated pursuant to the provisions contained herein, but for not more than 10 years.
- C. The Mayor and City Council of City of Forest Park, or the Mayor and City Council for the City of Lake City, may terminate this Agreement by resolution properly

adopted and giving thirty days notice from the date of adoption of the resolution and served upon the Mayor of the City, as applicable, and the respective clerks thereof.

SECTION 8: GOVERNING LAW

The parties agree that this Agreement shall be governed and construed in accordance with the laws of the State of Georgia.

SECTION 9: MERGER CLAUSE

The parties agree that the terms of this Agreement include the entire agreement between the Parties and as such shall exclusively bind the Parties. No other representations either oral or written may be used to contradict the terms of this Agreement.

SECTION 10: NO CREATION OF CAUSE OF ACTION

Nothing contained in this Agreement shall be construed as creating a right or cause of action for any participating officers, or any other third party, as against either of the parties hereto, or to Clayton County, or any of their respective officers, agents, employees, insurers or assigns, nor as a right for any such third party to institute or maintain a suit which would not otherwise exist under law as a legal claim against any of them.

SECTION 11: WAIVER

A waiver by any Party of any breach of any provision, term, covenant, or condition of this Agreement shall not be deemed a waiver of any subsequent breach of the same or any other provision, term, covenant or condition.

SECTION 12: SEVERABILITY

The Parties agree that each of the provisions included in this Agreement is separate, distinct and severable from the other and remaining provisions of this Agreement, and that the invalidity or unenforceability of any Agreement provision shall not affect the validity or enforceability of any other provisions of this Agreement.

SECTION 13: CERTIFICATION BY EACH PARTICIPATING PARTY

Each of the persons signing this Agreement herein certifies that he or she has executed this Agreement only after said Agreement has been approved by the governing body of the Party. Each such person also certifies that he or she is authorized to bind his or her respective government to this Agreement.

IN WITNESS WHEREOF, the Parties have signed their names and affixed their seals to this Agreement, this ____ day _____ 2023.

CITY OF FOREST PARK

Mayor

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

CITY OF LAKE CITY

Mayor

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

INTERGOVERNMENTAL AGREEMENT FOR ANIMAL CONTROL

THIS INTERGOVERNMENTAL AGREEMENT (hereinafter "the Agreement"), is entered into this _____ day of _____ by and between the City of Forest Park, a municipal corporation chartered by the state of Georgia, and the City of Riverdale, a municipal corporation chartered by the State of Georgia.

For the purpose of settling forth the parties' rights and responsibilities with respect to the creation and operation of animal control services as authorized by law.

WITNESSETH

WHEREAS, Article 9, Section 3, Paragraph I of the Constitution of the State of Georgia provides that municipalities may contract with each other for joint provision of services;

WHEREAS, the City of Forest Park and the City of Riverdale (jointly "the Parties") have determined that there is a present and continuing need for providing joint animal control services within the City of Riverdale by the City of Forest Park;

WHEREAS, the Parties have determined that the best method to accomplish this joint activity is by entering into this Agreement and by having the Dog Control Officer for the City of Forest Park appointed as the Dog Control Officer for the City of Riverdale and to have the Animal Control Unit of the City of Forest Park designated as the Animal Control Unit for the City of Riverdale, and by designating the Animal Shelter of the Animal Control Unit of Clayton County Police Department as the official Animal Shelter and Dog Pound of the City of Forest Park as well as the City of Riverdale;

WHEREAS, the Parties have determined that it is mutually beneficial to the public health, safety, and welfare of the citizens of the City of Forest Park and the City of Riverdale to have joint and cooperative dog control services and other animal control services; and

WHEREAS, the parties are desirous of setting forth the rights and responsibilities of the Parties, and the authority of the Parties in their joint cooperation and desire to provide for limited jurisdictional authority as provided in Article 9, Section 3 of the Constitution of the State of Georgia;

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein and for other good and valuable consideration, the parties hereunto agree as follows:

SECTION 1: DOG CONTROL OFFICER

The Dog Control Officer appointed by the Governing Body for the City of Forest Park pursuant to Section 11-3-32 of the City of Forest Park Code of Ordinances (hereinafter the "City Code") is hereby appointed and designated as the Dog Control Officer for the City of Riverdale, and

shall perform and exercise all duties and responsibilities as the Dog Control Officer for the City of Riverdale in accordance with the terms of this Agreement.

SECTION 2: ANIMAL CONTROL UNIT

The Animal Control Unit of the City of Forest Park is hereby designated and appointed as the Animal Control Unit of the City of Riverdale.

- A. The Animal Control Officer or Officers employed by the Animal Control Unit of the City of Forest Park are hereby designated and authorized to pick up any stray animal within the City of Riverdale, to quarantine any unvaccinated animal that has bitten a person or other animal and to impound any animal at the direction of the City of Riverdale police that is needed for evidence or that is suspected of being subjected to cruelty or otherwise in violation of a City ordinance or state law. In addition, the Animal Control Officer or Officers of the City of Forest Park are authorized to put out animal traps and use such other equipment as necessary to carry out the intent and purposes of this Intergovernmental Agreement.
- B. The Animal Shelter operated by the Animal Control Unit of Clayton County Police Department is hereby designated as the animal control shelter and dog pound of the City of Forest Park and the City of Riverdale. Furthermore, the standard operating procedures of the Animal Control Unit of Clayton County Police Department and the Animal Control Unit of the City of Forest Park regarding the impoundment, adoption, destruction and collection of fees for animals impounded or otherwise collected in the unincorporated portion of Clayton County or in the City of Forest Park are hereby adopted as the procedures and fees to be used within the City of Riverdale.

SECTION 3: ANIMAL CONTROL BOARD

The Animal Control Board of the City of Forest Park is hereby appointed and designated as the Animal Control Board of the City of Riverdale and shall exercise all duties and responsibilities as the Animal Control Board for the City of Forest Park and the City of Riverdale.

SECTION 4: MUNICIPAL COURT APPEARANCES BY OFF DUTY OFFICERS.

The City of Riverdale shall pay a witness fee of \$25.00 for each Municipal Court appearance by an employee of City of Forest Park who appears off duty as a witness for the City of Riverdale in the prosecution of the ordinances of the City of Riverdale.

SECTION 5: FEE, FINES AND FORFEITURES

The parties agree that all fees, fines and forfeitures collected pursuant to this Agreement by the City of Forest Park shall be paid over to the City of Forest Park to offset some of the costs incurred by Forest Park.

For any dog or cat impounded within the City of Riverdale, which is not reclaimed by its owner, the City of Riverdale shall reimburse the City of Forest Park (who shall in turn reimburse Clayton County) for any veterinary bills for the animal as well as the following costs: a kennel fee of \$15.00 per day for each day the animal is boarded; and \$50.00 (or the fee actually paid by the County, whichever is lower) to cover the cost of humane disposal if the animal is not picked up or adopted.

In the event that the Animal Control Unit of the City of Forest Park shall be called upon by the City of Riverdale to pick up an animal within the City of Riverdale, then the City of Riverdale shall pay the following pick up costs to the City of Forest Park: during the normal operating hours of the City of Forest Park Animal Control Unit, a pick up fee of \$35.00; outside of the normal operating hours of the City of Forest Park Animal Control Unit, a pick up fee of \$75.00.

In the event that the Animal Control Unit of the City of Forest Park cannot pick up an animal within the City of Riverdale, and the City of Forest Park shall request pick up by the Animal Control Unit of Clayton County, the City of Riverdale shall pay the following pick up costs to the City of Forest Park, who shall in turn pay said costs to Clayton County: during the Clayton County Animal Control Unit's normal operating hours, a pick up fee of \$35.00; outside of the Clayton County Animal Control Unit's normal operating hours, a pick up fee of \$75.00.

All fees shall be paid within thirty days of invoice by check payable to the City of Forest Park, and mailed or delivered to: City of Forest Parks Department of Finance, Forest Park City Hall, 745 Forest Parkway, Forest Park Georgia 30297.

SECTION 6: POLICE RESPONSE

When requested by the City of Forest Park, the City of Riverdale police will respond and assist the City of Forest Park or Clayton County Animal Control in carrying out the intent of this Intergovernmental Agreement. The City of Riverdale police shall be responsible for enforcing City of Riverdale ordinance violations and any violations of state animal protection laws or other state laws that occur within the city limits of the City of Riverdale.

SECTION 7: DURATION

- A. This Agreement become effective immediately upon approval of the Mayor and City Council of City of Forest Park, and the Mayor and City Council of the City of Riverdale.
- B. This Agreement shall continue in effect until midnight December 31, 2024, and shall be automatically renewed annually there from, unless terminated pursuant to the provisions contained herein, but for not more than 10 years.
- C. The Mayor and City Council of City of Forest Park, or the Mayor and City Council for the City of Riverdale, may terminate this Agreement by resolution properly

adopted and giving thirty days notice from the date of adoption of the resolution and served upon the Mayor of the City, as applicable, and the respective clerks thereof.

SECTION 8: GOVERNING LAW

The parties agree that this Agreement shall be governed and construed in accordance with the laws of the State of Georgia.

SECTION 9: MERGER CLAUSE

The parties agree that the terms of this Agreement include the entire agreement between the Parties and as such shall exclusively bind the Parties. No other representations either oral or written may be used to contradict the terms of this Agreement.

SECTION 10: NO CREATION OF CAUSE OF ACTION

Nothing contained in this Agreement shall be construed as creating a right or cause of action for any participating officers, or any other third party, as against either of the parties hereto, or to Clayton County, or any of their respective officers, agents, employees, insurers or assigns, nor as a right for any such third party to institute or maintain a suit which would not otherwise exist under law as a legal claim against any of them.

SECTION 11: WAIVER

A waiver by any Party of any breach of any provision, term, covenant, or condition of this Agreement shall not be deemed a waiver of any subsequent breach of the same or any other provision, term, covenant or condition.

SECTION 12: SEVERABILITY

The Parties agree that each of the provisions included in this Agreement is separate, distinct and severable from the other and remaining provisions of this Agreement, and that the invalidity or unenforceability of any Agreement provision shall not affect the validity or enforceability of any other provisions of this Agreement.

SECTION 13: CERTIFICATION BY EACH PARTICIPATING PARTY

Each of the persons signing this Agreement herein certifies that he or she has executed this Agreement only after said Agreement has been approved by the governing body of the Party. Each such person also certifies that he or she is authorized to bind his or her respective government to this Agreement.

IN WITNESS WHEREOF, the Parties have signed their names and affixed their seals to this Agreement, this ____ day _____ 2023.

CITY OF FOREST PARK

Mayor

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

CITY OF RIVERDALE

Mayor

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE CONTRACTS FOR ANIMAL CONTROL SERVICES

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

WHEREAS, the City proposes to contract enter into certain intergovernmental agreements with Lake City and Riverdale for the provision of animal control services;

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

SECTION 1. Approval of Contracts. The intergovernmental agreements with Lake City and Riverdale for the provision of animal control services as presented to the City Council on September 5, 2023 are hereby approved.

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

SECTION 3. Authorization of Execution. The Mayor is hereby authorized to sign all documents, including the contract with such changes and modifications as recommended by the City Attorney, necessary to effectuate this Resolution.

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

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

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO RESOLVED this 5th day of September, 2023.

Mayor Angelyne Butler

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

File Attachments for Item:

4. Council Discussion and Approval of Truck Operating Hours Ordinance – Police Department and Legal

Background/History:

It is proposed that the city ordinance be amended to prohibit tractor trailers and large trucks from operating in residential areas between 10pm and 7am. Our current ordinance does not sufficiently address the matter of trucks operating in or around residential areas.

This ordinance would prohibit the operation of excessively loud trucks or engines within any residential area, or within a radius of 500 feet therefrom. Additionally, no truck, tractor or large truck shall be allowed to enter, park or stand within any residential area between the hours of 10pm and 7am.



CITY OF
FORESTPARK

City Council Agenda Item

Subject: Council Approval of Truck Operating Hours Ordinance – Police and Legal

Submitted By: City Attorney

Date Submitted: August 29, 2023

Work Session Date: September 5, 2023

Council Meeting Date: September 5, 2023

Background/History:

It is proposed that the City ordinance be amended to prohibit tractor trailers and large trucks from operating in residential areas between 10pm and 7am. Our current ordinance does not sufficiently address the matter of trucks operating in or around residential areas.

This ordinance would prohibit the operation of excessively loud trucks or engines within any residential area, or within a radius of 500 feet therefrom. Additionally, no truck tractor or large truck shall be allowed to enter, park or stand within any residential area between the hours of 10pm and 7am.

Cost: \$ N/A

Budgeted for: _____ **Yes** _____ **No**

Financial Impact:

Action Requested from Council:

Approval of the ordinance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF FOREST PARK WITH RESPECT TO THE OPERATION OF TRUCKS WITHIN THE CITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WITNESSETH:

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

SECTION 1. That Section 10-2-31 of the Code of Ordinances, City of Forest Park is hereby amended by deleting said Section in its entirety and replacing it with a new Section 10-2-31 as set forth below:

“Sec. 10-2-31. - Motor trucks or trailers prohibited from operating during designated hours.

It shall be unlawful for any person within any residential area, or within a radius of 500 feet therefrom, to operate, run up or test any motor vehicle, truck tractor, large truck or machinery engine between the hours of 10:00 p.m. and 7:00 a.m. in a manner which creates a noise of such a high level or of such a duration that a reasonable person of normal sensitivity residing in the residential area is caused discomfort, annoyance and denial of the reasonable use of property. This subsection shall not apply to any vehicle being operated on an authorized place, street, road or highway in a manner not inconsistent with other noise ordinances or laws. Additionally, no truck tractor or large truck shall be allowed to enter, park or stand within any residential area between the hours of 10:00 p.m. and 7:00 a.m. for any purpose whatsoever.”

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

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

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

SECTION 5. Codification and Severability.

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

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

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

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

SECTION 7. Effective Date. This ordinance shall become effective immediately upon its adoption by the Mayor and City Council of the City of Forest Park as provided in the City Charter.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO ORDAINED this _____ day of _____, 2023.

Mayor Angelyne Butler

ATTEST:

_____ (SEAL)
City Clerk

APPROVED AS TO FORM:

City Attorney

File Attachments for Item:

5. Council Discussion and Approval of Resolution to Request Local Legislation to Increase Hotel-Motel Tax – Executive Offices and Legal

Background/History:

It is proposed that the City Council initiate the process of increasing the Hotel-Motel tax to 8% by approving a resolution calling on the Clayton County Legislative Delegation to pass local legislation authorizing the City of Forest Park to do so.

The City currently imposes a 3% hotel-motel tax. State law provides that cities can increase the tax to up to 8% after adopting a resolution urging the passage of local legislation by the Georgia General Assembly. Once the local legislation is approved by the General Assembly, the City may thereafter approve an ordinance providing for the increased tax and the usage of the additional revenue.

Under the State law, the revenue from the tax must be used as follows:

The first 3% may be used for general fund purposes.

The next 3.5% must be used for promoting tourism, conventions, and trade shows within Forest Park by contracting with a destination marketing organization (such as a convention and visitor's bureau) for such purpose.

Any amount of the final 1.5% that is not used for promoting tourism, conventions, and trade shows shall be expended for tourism product development.

State law defines "Tourism product development" as the expenditure of funds for the creation or expansion of physical attractions which are available and open to the public and which improve destination appeal to visitors, support visitors' experience, and are used by visitors. Such expenditures may include capital costs and operating expenses. Some specifically named items in the state code include:

Meeting, convention, exhibit, and public assembly facilities;

Visitor information and welcome centers;

Wayfinding signage;

Museums, art galleries, gardens;

Parks, trails, and other recreational facilities; or

Performing arts facilities.



CITY OF
FORESTPARK

City Council Agenda Item

Subject: Resolution to Request Local Legislation to Increase Hotel-Motel Tax – Executive and Legal

Submitted By: Michael Williams

Date Submitted: August 29, 2023

Work Session Date: September 5, 2023

Council Meeting Date: September 5, 2023

Background/History:

It is proposed that the City Council initiate the process of increasing the hotel-motel tax to 8% by approving a resolution calling on the Clayton County Legislative Delegation to pass local legislation authorizing the City of Forest Park to do so.

The City currently imposes a 3% hotel-motel tax. State law provides that cities can increase the tax to up to 8% after adopting a resolution urging the passage of local legislation by the Georgia General Assembly. Once the local legislation is approved by the General Assembly, the City may thereafter approve an ordinance providing for the increased tax and the usage of the additional revenue.

Under the State law, the revenue from the tax must be used as follows:

- The first 3% may be used for general fund purposes.
- The next 3.5% must be used for promoting tourism, conventions, and trade shows within Forest Park by contracting with a destination marketing organization (such as a convention and visitor's bureau) for such purpose.
- Any amount of the final 1.5% that is not used for promoting tourism, conventions, and trade shows shall be expended for tourism product development.

State law defines "Tourism product development" as the expenditure of funds for the creation or expansion of physical attractions which are available and open to the public and which improve destination appeal to visitors, support visitors' experience, and are used by visitors. Such expenditures may include capital costs and operating expenses. Some specifically named items in the state code include:

- Meeting, convention, exhibit, and public assembly facilities;
- Visitor information and welcome centers;
- Wayfinding signage;
- Museums, art galleries, gardens;

-
- Parks, trails, and other recreational facilities; or
 - Performing arts facilities.

Cost: \$ None

Budgeted for: _____ **Yes** _____ **No**

Financial Impact:

This will increase the hotel motel tax from 3% to 8%.

Action Requested from Council:

Approval of the resolution.

ORDINANCE GUIDANCE

CITY/COUNTY/CONSOLIDATED GOVERNMENT ADOPTING A HOTEL-MOTEL EXCISE TAX OF 6%, 7%, OR 8% UNDER O.C.G.A. § 48-13-51(b).

Local governments wishing to adopt a Hotel-Motel Excise Tax (HMT) at a rate of 6, 7, or 8 percent must do so under authorization paragraph O.C.G.A. § 48-13-51(b). This authorization generally follows a three- step process.

- 1) An initial resolution from the city council/county commission requesting the local legislative delegation introduce the local act. The resolution should specify the subsequent tax rate, identify the project or projects or tourism product development purposes, and specify the allocation of proceeds.*
- 2) Local legislation passed by both the House of Representatives and the Senate and signed by the Governor. (Sample available on website)*
- 3) An ordinance adopted by council/commission adopting the new tax. The ordinance should specify the authorization paragraph under which the jurisdiction is imposing the tax, the specific rate of taxation being imposed, and the effective date of the tax.*

This ordinance guidance is provided as a courtesy by the Department of Community Affairs (DCA) to provide basic information on the key components necessary in the adoption of a Hotel-Motel Excise Tax under O.C.G.A. § 48-13-51(b).

DCA staff is available for consultation or clarification on certain issues surrounding the HMT, but this guidance is not a legal document or assurance of legal protection. Ultimate legal opinion should always stem from the city/county attorney. This document is intended to serve as a guide and is neither legal advice nor a directive from DCA.

Jurisdictions may find additional sections appropriate, addressing concerns such as the process for transmission of funds, record-keeping and document retention, penalties for non-compliance, codified designation of the jurisdiction's destination marketing organization, designation of tourism product development projects, short term rental regulations and others.

Upon adoption, a copy of the ordinance signed by the chief elected official and the city or county clerk should be forwarded to the DCA Office of Research at Research@dca.ga.gov.

If you have any questions, concerns, or needs surrounding the HMT, please contact the DCA Office of Research at Research@dca.ga.gov.

ORDINANCE GUIDANCE

CITY/COUNTY/CONSOLIDATED GOVERNMENT ADOPTING A HOTEL-MOTEL EXCISE TAX OF 6%, 7%, OR 8% UNDER O.C.G.A. § 48-13-51(b).

Section I: Ordinance Preamble, Name and Citation

- The preamble explains the purpose of the ordinance and the objectives sought to be accomplished by it. This may include “whereas” statements listing the requisite characteristics or legal citations necessary for implementing the tax.
- The title can be named anything your government chooses; common examples are:
 - Hotel-Motel Excise Tax Ordinance of _____
 - _____ Excise Tax on Rooms Lodging and Accommodations
 - _____, Georgia Lodging Tax Ordinance
- Identify which section of the O.C.G.A. your government is citing as authorization to collect the tax.
 - Be specific, avoiding "O.C.G.A. § 48-13-50 et seq."
 - Title 48, Chapter 13, Article 3, Section 51(b).

Section II: Intent, Purpose, and Authorization to Levy Excise Tax

- The intent of this ordinance is to levy an excise tax on rooms, lodgings, and accommodations to provide additional funding for the promotion of tourism, conventions, and trade shows in the City or County.
- The purpose of this ordinance is to enact an excise tax upon the furnishing for value to the public of any room or rooms, lodgings or accommodations facilitated or furnished by an innkeeper.
- This excise tax shall be imposed under the authorization of a local act of the Georgia General Assembly pursuant to O.C.G.A. § 48-13-51(b)

Section III: Definitions

The following terms are widely used in Hotel-Motel Excise Tax statute or are specifically defined in to O.C.G.A. § 48-13-50.2. This is not an exhaustive or required list, the inclusion of certain definitions in the ordinance is at the discretion of the City or County attorney.

- (a) **Destination Marketing Organization:** a private sector nonprofit organization or other private entity which is exempt from federal income tax under Section 501(c)(6) of the Internal Revenue Code of 1986 that is supported by the tax under this article, government budget allocations, private membership, or any combination thereof and the primary responsibilities of which are to encourage travelers to visit their destinations, encourage meetings and expositions in the area, and provide visitor assistance and support as needed. O.C.G.A. § 48-13-50.2(1)
- (b) **Due Date:** The twentieth day after the close of the preceding calendar month. *The governing authority imposing the tax may provide by resolution or ordinance for quarterly or annual returns.*
- (c) **Estimated Tax Liability:** An innkeeper's tax liability under this article, adjusted to account for any subsequent change in the rate of tax imposed under this article or any substantial change in circumstances due to damage to the premises, based on his or her average monthly payments

PROVIDED BY DCA AS COURTESY TO HELP GUIDE HOTEL-MOTEL EXCISE TAX EFFORTS. THIS DOCUMENT AND ANY PORTION THEREOF ARE NOT A LEGAL DOCUMENT OR GUARANTEE OF LEGAL STANDING.
CONSULT CITY/COUNTY ATTORNEY IN DEVELOPMENT & ADOPTION OF ALL DOCUMENTS RELATED TO HOTEL-MOTEL EXCISE TAX

ORDINANCE GUIDANCE

CITY/COUNTY/CONSOLIDATED GOVERNMENT ADOPTING A HOTEL-MOTEL EXCISE TAX OF 6%, 7%, OR 8% UNDER O.C.G.A. § 48-13-51(b).

for the last fiscal year.

- (d) **Hotel:** Includes any hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, or any other place in which room or rooms, lodgings, or accommodations are regularly furnished for value and shall apply to the furnishing for value of any room, lodging, or accommodation.
- (e) **Innkeeper:** (A) Any person that furnishes for value to the public any room or rooms, lodgings, or accommodations in a county or municipality and that is licensed by, or required to pay business or occupation taxes to, such municipality or county for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, or any other place in which room or rooms, lodgings, or accommodations are regularly furnished for value; or (B) A dealer as defined in subparagraph (M.3) of paragraph (8) of Code Section 48-8-2 that is required to collect and remit the tax imposed by Article 1 of Chapter 8 of this title for acting as a marketplace facilitator as such term is defined in paragraph (18.1) of Code Section 48-8-2 for facilitating the furnishing for value to the public any room or rooms, lodgings, or accommodations on behalf of another person. O.C.G.A. § 48-13-50.2(2)
- (f) **Monthly Period:** Any calendar month of any year.
- (g) **Occupancy:** The use or possession, or the right to use or possession, of any room or apartment in a hotel or motel, or the right to use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or apartment.
- (h) **Occupant:** Any person (or persons utilizing as a single unit) who, for a consideration, uses, possesses, or has the right to use or possess, any room or hotel or motel under any lease, concession, permit, right of access, license, agreement or otherwise.
- (i) **Permanent Resident:** Any occupant who as of a given date shall have occupied, or has or shall have the right of occupancy, of any guest room in a hotel for more than 30 (thirty) consecutive days.
- (j) **Person:** An individual, firm partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, nonprofit corporation or cooperative nonprofit membership, estate, trust, business trust receiver, trustee, syndicate, business entity, or any other group or combination acting as a unit, to include the plural as well as the singular number, excepting, however, the United States of America, the State of Georgia, and any political subdivision of either thereof upon which the governing authority is without power to impose the tax herein provided.
- (k) **Private Sector Non-Profit Organization:** A chamber of commerce, a convention and visitors bureau, a regional travel association, or any other private group organized for similar purposes which is exempt from federal income tax under Section 501(c)(6) of the Internal Revenue Code of 1986; provided, however, that a county or municipality which has prior to April 1, 1990, contracted for a required expenditure under this Code section with a private group which is exempt from federal income tax under provisions of Section 501(c) of the Internal Revenue Code other than Section 501(c)(6) may continue to contract for required expenditures with such a private group. O.C.G.A. § 48-13-50.2(3)
- (l) **Promoting Tourism, Conventions, and Trade Shows:** Planning, conducting, or participating in programs of information and publicity designed to attract or advertise tourism, conventions, or

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ORDINANCE GUIDANCE

CITY/COUNTY/CONSOLIDATED GOVERNMENT ADOPTING A HOTEL-MOTEL EXCISE TAX OF 6%, 7%, OR 8% UNDER O.C.G.A. § 48-13-51(b).

trade shows. O.C.G.A. § 48-13-50.2(4)

- (m) **State Authority:** An authority created by state law which serves a state-wide function, including, but not limited to, the Georgia Agricultural Exposition Authority, Georgia Aviation Authority, Georgia Building Authority, Georgia Development Authority, Georgia Environmental Finance Authority, Jekyll Island Authority, Lake Allatoona Preservation Authority, Georgia Medical Center Authority, Georgia Ports Authority, Georgia Regional Transportation Authority, State Road and Tollway Authority, Sports Hall of Fame Authority, Georgia Technology Authority, and Georgia World Congress Center Authority, but shall not mean an authority created for support of a local government or a local purpose or function and shall not include authorities such as area planning and development commissions and any organizational entities they may create, regional commissions and any organizational entities they may create, or local water and sewer authorities. O.C.G.A. § 48-13-50.2(5)
- (n) **Tourism Product Development:** means the expenditure of funds for the creation or expansion of physical attractions which are available and open to the public and which improve destination appeal to visitors, support visitors' experience, and are used by visitors. Such expenditures may include capital costs and operating expenses. Tourism product development may include: (A) Lodging for the public for no longer than 30 consecutive days to the same customer; (B) Overnight or short-term sites for recreational vehicles, trailers, campers, or tents; (C) Meeting, convention, exhibit, and public assembly facilities; (D) Sports stadiums, arenas, and complexes; (E) Golf courses associated with a resort development that are open to the general public on a contract or fee basis; (F) Racing facilities, including dragstrips, motorcycle racetracks, and auto or stock car racetracks or speedways; (G) Amusement centers, amusement parks, theme parks, or amusement piers; (H) Hunting preserves, trapping preserves, or fishing preserves or lakes; (I) Visitor information and welcome centers; (J) Wayfinding signage; (K) Permanent, nonmigrating carnivals or fairs; (L) Airplanes, helicopters, buses, vans, or boats for excursions or sightseeing; (M) Boat rentals, boat party fishing services, rowboat or canoe rentals, horse shows, natural wonder attractions, picnic grounds, river-rafting services, scenic railroads for amusement, aerial tramways, rodeos, water slides, or wave pools; (N) Museums, planetariums, art galleries, botanical gardens, aquariums, or zoological gardens; (O) Parks, trails, and other recreational facilities; or (P) Performing arts facilities. O.C.G.A. § 48-13-50.2(6)

Section IV: Tax Rate

- This authorization paragraph allows for an excise tax at a rate not to exceed 8 percent of the charge for the furnishing for value to the public of any room or rooms, lodgings, or accommodations facilitated or furnished by an innkeeper.
- This section should specify a rate of either 6, 7, or 8 percent.

Section V: Effective Date

- Any action by a local governing authority to impose or change the rate of the tax authorized under this article shall become effective no sooner than the first day of the second month

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ORDINANCE GUIDANCE

CITY/COUNTY/CONSOLIDATED GOVERNMENT ADOPTING A HOTEL-MOTEL EXCISE TAX OF 6%, 7%, OR 8% UNDER O.C.G.A. § 48-13-51(b).

following its action by the local governing authority. O.C.G.A. § 48-13-51(g)(1)

- This section should state the effective date of the new rate or tax complying with the restriction in subsection (g).

Section VI: Exemptions

The tax imposed by this ordinance shall not apply to:

- Charges made for any rooms, lodgings, or accommodations provided to any persons who certify that they are staying in such room, lodging, or accommodation as a result of the destruction of their home or residence by fire or other casualty; O.C.G.A. § 48-13-51(h)(1)
- The use of meeting rooms and other such facilities or any rooms, lodgings, or accommodations provided without charge; O.C.G.A. § 48-13-51(h)(2)
- Any rooms, lodgings, or accommodations furnished for a period of one or more days for use by Georgia state or local governmental officials or employees when traveling on official business. Notwithstanding the availability of any other means of identifying the person as a state or local government official or employee, whenever a person pays for any rooms, lodgings, or accommodations with a state or local government credit or debit card, such rooms, lodgings, or accommodations shall be deemed to have been furnished for use by a Georgia state or local government official or employee traveling on official business for purposes of the exemption provided by this paragraph. For purpose of the exemption provided under this paragraph, a local government official or employee shall include officials or employees of counties, municipalities, consolidated governments, or county or independent school districts; O.C.G.A. § 48-13-51(h)(3)
- Charges made for continuous use of any rooms, lodgings, or accommodations after the first 30 days of continuous occupancy. O.C.G.A. § 48-13-51(h)(4)

Section VII: Use of Revenue

The ordinance should either include the minimum statutory restrictions below, or state that the revenue will be allocated in accordance with the requirements in O.C.G.A. § 48-13-51(b)(5) and O.C.G.A. § 48-13-51(b)(6).

- In each fiscal year during which a tax is collected under paragraph (2) or (3) of this subsection, an amount equal to not less than 50 percent of the total amount of taxes collected that exceed the amount of taxes that would be collected at the rate of 5 percent shall be expended for promoting tourism, conventions, and trade shows by the destination marketing organization designated by the county or municipality levying the tax; O.C.G.A. § 48-13-51(b)(5)(A).
- The remaining amount of taxes collected that exceed the amount of taxes that would be collected at the rate of 5 percent which are not otherwise expended under subparagraph (A) of this paragraph shall be expended for tourism product development. O.C.G.A. § 48-13-51(b)(5)(B).
- A county or municipality levying a tax pursuant to this subsection shall expend an amount equal to the amount of total taxes collected under this subsection which would have been collected at

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CONSULT CITY/COUNTY ATTORNEY IN DEVELOPMENT & ADOPTION OF ALL DOCUMENTS RELATED TO HOTEL-MOTEL EXCISE TAX

ORDINANCE GUIDANCE

CITY/COUNTY/CONSOLIDATED GOVERNMENT ADOPTING A HOTEL-MOTEL EXCISE TAX OF 6%, 7%, OR 8% UNDER O.C.G.A. § 48-13-51(b).

a rate of 5 percent in accordance with the provisions of paragraph (3) of subsection (a) of this Code section. O.C.G.A. § 48-13-51(b)(6)

- A county or municipality levying a tax pursuant to this paragraph shall expend (in each fiscal year during which the tax is collected under this paragraph (3)) an amount equal to the amount by which the total taxes collected under this Code section exceed the taxes which would be collected at a rate of 3 percent for the purpose of: (A) promoting tourism, conventions, and trade shows; (B) supporting a facility owned or operated by a state authority for convention and trade show purposes or any other similar or related purposes; (C) supporting a facility owned or operated by a local government or local authority for convention and trade show purposes or any other similar or related purposes, if a written agreement to provide such support was in effect on January 1, 1987, and if such facility is substantially completed and in operation prior to July 1, 1987; (D) supporting a facility owned or operated by a local government or local authority for convention and trade show purposes or any other similar or related purposes if construction of such facility is funded or was funded prior to July 1, 1990, in whole or in part by a grant of state funds or is funded on or after July 1, 1990, in whole or substantially by an appropriation of state funds; (E) supporting a facility owned by a local government or local authority for convention and trade show purposes and any other similar or related purposes if construction of such facility is substantially funded or was substantially funded on or after February 28, 1985, by a special county 1 percent sales and use tax authorized by Article 3 of Chapter 8 of this title, as amended and if such facility was substantially completed and in operation prior to December 31, 1993; or (F) for some combination of such purposes. Amounts so expended shall be expended only through a contract or contracts with the state, a department of state government, a state authority, a convention and visitors bureau authority created by local Act of the General Assembly for a municipality, or a private sector nonprofit organization, or through a contract or contracts with some combination of such entities, except that amounts expended for purposes (C) and (D) may be so expended in any otherwise lawful manner. O.C.G.A. § 48-13-51(a)(3)

The Ordinance should then be signed by all necessary parties, dated and provided to DCA before the effective date to begin collecting the Tax.

A RESOLUTION OF THE CITY OF FOREST PARK REQUESTING THE GEORGIA GENERAL ASSEMBLY ADOPT LOCAL LEGISLATION FOR THE CITY OF FOREST PARK TO INCREASE THE HOTEL/MOTEL TAX TO PROVIDE FUNDING RESOURCES FOR PROMOTING TOURISM, CONVENTIONS, AND TRADE SHOWS AND TOURISM PRODUCT DEVELOPMENT PROJECTS; TO AUTHORIZE THE MAYOR TO EXECUTE ANY DOCUMENTS RELATING TO SUCH LEGISLATION, AND OTHERWISE PERFORM ALL NECESSARY ACTS TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES

WHEREAS, the governing authority of the City of Forest Park is the Mayor and City Council;

WHEREAS, the City of Forest Park currently imposes a 3% Hotel/Motel tax on all occupied rooms within the City;

WHEREAS, the Georgia General Assembly authorizes municipalities to increase their Hotel/Motel Tax to 8% upon a request from the governing authority and passage of a local act by the General Assembly;

WHEREAS, the Mayor and City Council find that the City would benefit from the imposition of this tax by providing additional revenues for the promotion of travel and tourism and the development of destinations for visitors to the City of Forest Park; and

WHEREAS, O.C.G.A. § 48-13-51(b) provides that municipalities wishing to increase such tax must adopt a resolution which specifies the subsequent tax rate, identifies the projects or tourism product development purposes and specifies the allocation of proceeds;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL IN REGULAR SESSION THAT:

1. The City of Forest Park hereby requests the State Legislative Delegation of Clayton County introduce and seek passage of a local legislative act authorizing Forest Park to increase its Hotel/Motel tax from the existing 3% to 8%.
2. The City of Forest Park intends to use the proceeds of such tax for any legal purpose, to include specifically, but not limited to, promoting tourism, conventions, and trade shows by a qualified destination marketing organization designated by the City of Forest Park for such purpose.

3. The tax authorized by Section 48-13-51(b)(2) of the Official Code of Georgia Annotated, and the proceeds of this tax shall be used in accordance with sections 48-13-51(b)(5) and 48-13-51(b)(6).
4. An amount equal to the total taxes collected under O.C.G.A. § 48-13-51(b), which would have been collected at a rate of 5% shall be expended in accordance with the provisions of O.C.G.A. § 48-13-51(a)(3).
5. Any amount equal to not less than 50% of the total amount of taxes collected that exceed the amount of taxes that would be collected at the rate of 5% shall be expended for promoting tourism, conventions, and trade shows by the destination marketing organization designated by the City of Forest Park.
6. Any remaining amount of taxes collected that exceed the amount of taxes that would be collected at the rate of 5% which are not otherwise expended pursuant to the previous paragraph shall be expended for tourism product development.
7. This Resolution shall be effective immediately upon adoption.

SO RESOLVED, THIS _____ day of _____, 2023.

Mayor

(SEAL)

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

File Attachments for Item:

6. Council Discussion and Approval of Resolution Recognizing Cancellation of 2023 Municipal Elections – Executive Offices and Legal

Background/History:

The qualifying period for candidates in the 2023 municipal elections closed on August 24, 2023. As of the end of the qualifying period, only the incumbents in Wards 3, 4, and 5 qualified as candidates with no opposing candidates qualifying in each ward.

O.C.G.A. § 21-2-285 (j) provides that “in the event, there is no opposed candidate in a precinct in a general or special municipal election, no election shall be held in such precinct unless a write-in candidate has qualified as provided by law or unless there are issues to be submitted to the electorate within a precinct.”

As of August 31, no person qualified as a write-in candidate, and there are no ballot questions submitted to the voters of the City of Forest Park in the 2023 municipal elections.

By operation of State law, no 2023 municipal election shall be conducted because there are no opposed candidates in the 2023 municipal election, no write-in candidates have qualified as provided by law and there are no issues to be submitted to the electorate.

The resolution acknowledges the cancellation of the 2023 elections under State law and directs staff to take the necessary steps to inform the voters of the cancellation.



CITY OF
FORESTPARK

City Council Agenda Item

Subject: Council Approval of Resolution Recognizing Cancellation of 2023 Municipal Elections – Executive and Legal

Submitted By: City Attorney

Date Submitted: August 29, 2023

Work Session Date: September 5, 2023

Council Meeting Date: September 5, 2023

Background/History:

The qualifying period for candidates in the 2023 municipal elections closed on August 24, 2023. As of the end of the qualifying period, only the incumbents in Wards 3, 4 and 5 qualified as candidates with no opposing candidates qualifying in each ward.

O.C.G.A. § 21-2-285 (j) provides that “in the event there is no opposed candidate in a precinct in a general or special municipal election, no election shall be held in such precinct unless a write-in candidate has qualified as provided by law or unless there are issues to be submitted to the electorate within a precinct.”

As of August 31, no person quailed as a write-in candidate, and there are no ballot questions submitted to the voters of the City of Forest Park in the 2023 municipal elections.

By operation of State law, no 2023 municipal election shall be conducted because there are no opposed candidates in the 2023 municipal election, no write-in candidates have qualified as provided by law and there are no issues to be submitted to the electorate.

The resolution acknowledges the cancellation of the 2023 elections under State law and directs staff to take the necessary steps to inform the voters of the cancellation.

Cost: \$ N/A

Budgeted for: _____ Yes _____ No

Financial Impact:

Action Requested from Council:

Approval of the resolution.

A RESOLUTION OF THE CITY OF FOREST PARK ANNOUNCING THE CANCELLATION OF THE 2023 MUNICIPAL ELECTIONS AS MANDATED BY STATE LAW; TO DIRECT THE CITY CLERK TO EXECUTE ANY DOCUMENTS RELATING TO SUCH CANCELLATION, AND OTHERWISE PERFORM ALL NECESSARY ACTS TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES

WHEREAS, the governing authority of the City of Forest Park is the Mayor and City Council;

WHEREAS, in November 2023, municipal elections were scheduled for the City of Forest Park;

WHEREAS, the qualifying period for candidates in the 2023 municipal elections closed on August 24, 2023;

WHEREAS, as of the end of the qualifying period, only the incumbents in Wards 3, 4 and 5 qualified as candidates with no opposing candidates qualifying in each ward;

WHEREAS, pursuant to O.C.G.A. § 21-2-133(a) write-in candidates must file a notice of intent of their candidacy as write-in candidate with the elections superintendent “no later than seven days after the close of the municipal qualifying period for municipal elections in the case of a general election;”

WHEREAS, as of August 31, no person has filed their the required notice pursuant to O.C.G.A. § 21-2-133(a);

WHEREAS, there are no ballot questions submitted to the voters of the City of Forest Park in the 2023 municipal elections;

WHEREAS, O.C.G.A. § 21-2-285 (j) provides that “in the event there is no opposed candidate in a precinct in a general or special municipal election, no election shall be held in such precinct unless a write-in candidate has qualified as provided by law or unless there are issues to be submitted to the electorate within a precinct;”

WHEREAS, O.C.G.A. § 21-2-285 (k) provides that when “no election is to be conducted, the municipality shall provide notice reasonably calculated to inform the affected electorate that no election is to be conducted. Each such unopposed candidate shall be deemed to have voted for himself or herself. The superintendent shall certify such unopposed candidate as elected in the same manner as he or she certifies other candidates as elected pursuant to Code Section 21-2-502;”

WHEREAS, the City Council wishes to recognize that no election is to be conducted as mandated by State law; and

WHEREAS, the City Council wishes to direct the staff to provide the required notice to the voters of the City that no election is to be conducted;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL IN REGULAR SESSION THAT:

SECTION 1. Recognition of Cancellation of 2023 Municipal Elections and Notice to the Public. The City Council formally acknowledges and recognizes that under O.C.G.A. § 21-2-285 (j), no 2023 municipal election shall be conducted because there are no opposed candidates in the 2023 municipal election, no write-in candidates have qualified as provided by law and there are no issues to be submitted to the electorate. The City staff is therefore directed to provide notice reasonably calculated to inform the voters of the City that no 2023 municipal elections are to be conducted. The City Clerk is further directed inform Clayton County that there will be no election and to take all necessary steps required under State law with respect to the certification of the 2023 municipal election.

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

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

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

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

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SO RESOLVED, THIS 5th day of September, 2023.

Mayor

(SEAL)

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

File Attachments for Item:

7. Council Discussion and Approval of City-Wide Janitorial Contract – Public Works Department

Background/History:

LEGISLATURE FOR CITY-WIDE JANITORIAL CONTRACT

The City of Forest Park solicited citywide janitorial services to various departments throughout the City of Forest Park. Each contractor shall furnish all labor, equipment, and supplies necessary to perform the services.

The City of Forest Park reserves the right to add or delete facilities/spaces as deemed necessary during the terms of the contract. The term of the contract is (3) three years, with an additional (2) two-year option which will be brought back at that time to the City Council for approval.

The cleaning schedule of all buildings may be modified at the City of Forest Park's discretion throughout the life of the contract. The work shall be scheduled at such times as to avoid interferences with normal or specific activities that may occur in the facilities of the various departments.

The Request for Bids was broken down into 2 different documents.

Bid 1-A: Included City Hall, Human Resources, Planning and Community Development, and The Council House. **Klean Pro Facility Services, LLC** was the lowest bidder at \$2,700.00 per month.

Bid 1-B: Included Public Works and the Police Department. **AT Trash Valet** was the lowest bidder at \$5,950.00.

The Department of Public Works will oversee this contract and the contract will be appropriately funded by each individual department listed. Any other city space will be negotiated by the departments individually.



CITY OF
FORESTPARK

City Council Agenda Item

Subject: Council Discussion of City Wide Janitorial Contract – Public Works Department

Submitted By: Public Works- Bobby Jinks

Date Submitted: August 31, 2023

Work Session Date: September 5, 2023

Council Meeting Date: September 5, 2023

Background/History:

LEGISLATURE FOR CITY WIDE JANITORIAL CONTRACT

The city of Forest Park solicited for citywide janitorial services to various departments throughout the city of Forest Park. Each contractor shall furnish all labor, equipment, and supplies necessary to perform the services.

The city of Forest Park reserves the right to add or delete facilities/spaces as deemed necessary during the terms of the contract. The term of the contract is (3) three years, with an additional (2) two-year option which will be brought back at that time to the City Council for approval.

The cleaning schedule of all buildings may be modified at the City of Forest Park's discretion throughout the life of the contract. The work shall be scheduled at such times as to avoid interferences with normal or specific activities that may occur in the facilities of the various departments.

The Request for Bids was broken down into 2 different documents.

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Bid 1-B: included Public Works and the Police Department. **AT Trash Valet** was the lowest bidder at \$5,950.00.

The Department of Public Works will oversee this contract and the contract will be appropriately funded by each individual department listed. Any other City space will be negotiated by the Departments individually.

Cost: \$ \$103,800.00

Budgeted for: _____ **Yes** **No**

Financial Impact: yes

Action Requested from Council: