

CITY OF MORROW

August 11, 2015

Public Package

**CITY OF MORROW, GEORGIA
MAYOR AND CITY COUNCIL**

**Mayor JB Burke
Mayor Pro Tem Hang Tran
Councilwoman Jeanell Bridges
Councilman Larry Ferguson
Councilman Christopher Mills**

1. Meeting Agenda

2. Meeting Minutes

**3. Ordinances and
Resolutions**

Regular Council Meeting



CITY OF MORROW, GEORGIA
MAYOR AND CITY COUNCIL MEMBERS

Mayor JB Burke
Mayor Pro Tem Hang Tran
Councilwoman Jeanell Bridges
Councilman Larry Ferguson
Councilman Christopher Mills

Regular Council Meeting

August 11, 2015

Agenda

7:30 pm

CALL TO ORDER: Mayor Burke
PLEDGE OF ALLEGIANCE: All
INVOCATION: Mayor Burke

1. ROLL CALL:

2. CONSENT AGENDA:

1. Approval of July 28, 2015 Regular Meeting Minutes
2. Approval of Fincher Denmark Williams & Minnifield, LLC invoice # 2685 dated July 10, 2015 in the amount of \$2,551.04 for the period of June 01, 2015 to June 30, 2015.

3. MEETING AGENDA:

Approval of August 11, 2015 Meeting Agenda.

4. PUBLIC COMMENTS ON AGENDA ITEMS:

Public Comments on Agenda Items are limited only the discussion of new business items on tonight's Agenda. Please fill out a comment card and turn it into the City Clerk if you wish to make a comment.

5. NEW BUSINESS:

1. Ordinance No. 2015-07 Vehicle Immobilization Code (2nd Reading)

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA; TO AMEND TITLE 10, MOTOR VEHICLES AND TRAFFIC, TO ADD A NEW CHAPTER DEALING WITH THE REGULATION OF VEHICLE IMMOBILIZATION



SERVICES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

Presented by City Manager Sylvia Redic

6. GENERAL COMMENTS:

General Comments are any comments that you want to make during Council Meeting. Please fill out a comment card and turn it into the City Clerk if you wish to make a comment.

7. EXECUTIVE SESSION:

City Council and URA Joint Meeting (*The Executive Session may be convened during the Work Session*)

- To discuss real estate and litigation.

8. ADJOURNMENT:



CITY OF MORROW, GEORGIA
MAYOR AND CITY COUNCILMEMBERS

Mayor JB Burke
Mayor Pro Tem Hang Tran
Councilwoman Jeanell Bridges
Councilman Larry Ferguson
Councilman Christopher Mills

Regular Meeting

July 28, 2015

Minutes

7:30 pm

Mayor JB Burke called the Regular Council Meeting of the Morrow City Council to order at 7:30 pm on July 28, 2015. The meeting took place in the Council Chambers of the Morrow Municipal Complex located at: 1500 Morrow Road, Morrow, GA, 30260.

Mayor JB Burke asked everyone to stand for the Pledge of Allegiance followed by a moment of silent reflection.

ROLL CALL:

Mayor JB Burke asked **City Clerk Viet Tran** to call the roll.

City Clerk Viet Tran called the roll and those present were **Mayor JB Burke, Mayor Pro Tem Hang Tran, Councilwoman Jeanell Bridges, Councilman Larry Ferguson, and Councilman Christopher Mills**. He stated there was a quorum present.

CONSENT AGENDA:

Mayor JB Burke called for a motion to approve July 28, 2015 Consent Agenda.

MOTION AND VOTE: Councilman Larry Ferguson made a motion, seconded by Councilman Christopher Mills. The motion passed unanimously.

MEETING AGENDA:

Mayor JB Burke called for a motion to approve July 28, 2015 Meeting Agenda.

Mayor Pro Tem Hang Tran added amendments to meeting agenda: To add the approval of Mauldin and Jenkins Certified Public Accountants LLC. as the financial auditor for City of Morrow in FY2015; and to add the approval of New Agreement of Fire and Medical Emergency Services between City of Morrow and Lake City into New Business section.



MOTION AND VOTE: Mayor Pro Tem Hang Tran made a motion, seconded by Councilwoman Jeanell Bridges. The motion passed unanimously.

FIRST PRESENTATION:

Mayor JB Burke asked **City Clerk Viet Tran** read the item in this section.

City Clerk Viet Tran read the following item:

1. Ordinance No. 2015-07 Vehicle Immobilization Code (1st Reading)

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA; TO AMEND TITLE 10, MOTOR VEHICLES AND TRAFFIC, TO ADD A NEW CHAPTER DEALING WITH THE REGULATION OF VEHICLE IMMOBILIZATION SERVICES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

Presented by City Manager Sylvia Redic

REPORTS AND PRESENTATIONS:

Mayor JB Burke asked **City Clerk Viet Tran** read the item in this section.

City Clerk Viet Tran read the following item:

1. Election Chief Manager Introduction.

Presented by City Manager Sylvia Redic

Ms. Norwood was an experience election official for Clayton County and Municipal elections. She started working for County Election Board since 1996 as a poll worker and became a co-ordinator for Clayton County Election Board since 2000. She also worked as superintendent for Cities in Clayton County.

Mayor JB Burke asked **City Clerk Viet Tran** read the next item in this section

City Clerk Viet Tran read the following item:

2. Negotiation of New Contract with Lake City.

Presented by City Manager Sylvia Redic



City Manager Sylvia Redic presented a new agreement of Fire and Medical Emergency Services between City of Morrow and Lake City after she met and discussed with **Lake City Manager Joel Lanken** and asked Mayor and Council for approval of the new agreementment.

PUBLIC COMMENTS ON AGENDA ITEMS:

There was no comment.

NEW BUSINESS:

Mayor JB Burke asked **City Clerk Viet Tran** read the first item in this section.

City Clerk Viet Tran read the following item:

1. A Resolution No. 2015-08 Appointment of Election Officials.

A RESOLUTION TO APPOINT ELECTION OFFICIALS FOR THE MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2015

Presented by City Manager Sylvia Redic

Mayor JB Burke called for a motion to approve a Resolution No. 2015-08 regarding the appointment of election officials for 2015 election.

MOTION AND VOTE: Mayor Pro Tem Hang Tran made a motion, seconded by Councilwoman Jeanell Bridges. The motion passed unanimously.

Mayor JB Burke asked **City Clerk Viet Tran** read the next item in this section.

City Clerk Viet Tran read the following item:

2. Approval of Memorandum of Agreement with CCWA (Clayton County Water Authority)

Mayor JB Burke called for a motion to approve the Memorandum of Agreement with CCWA.

MOTION AND VOTE: Councilwoman Jeanell Bridges made a motion, seconded by Councilman Christopher Mills. The motion passed unanimously.

3. Approval of Mauldin and Jenkins Certified Public Accountants LLC. as the Finance Auditor for the City of Morrow in FY2015.



Mayor JB Burke called for a motion to approve Mauldin and Jenkins as the finance auditor for FY2015.

MOTION AND VOTE: Councilman Larry Ferguson made a motion, seconded by Councilwoman Jeanell Bridges. The motion passed unanimously.

4. Approval of New Agreement with Lake City.

Mayor JB Burke called for a motion to approve a new agreement of Fire and Medical Emergency Services between City of Morrow and Lake City.

MOTION AND VOTE: Councilwoman Jeanell Bridges made a motion, seconded by Councilman Larry Ferguson. The motion passed unanimously.

UNFINISHED BUSINESS:

Mayor JB Burke asked **City Clerk Viet Tran** read the item in this section.

City Clerk Viet Tran read the following item:

1. Ordinance No. 2015-06 Fire Codes (2nd Reading)

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA; TO AMEND TITLE 4, PUBLIC SAFETY, CHAPTER 2, FIRE PREVENTION AND PROTECTION, ARTICLE C, FIRE PROTECTION SYSTEMS; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

Presented by City Manager Sylvia Redic

Mayor JB Burke called for a motion to approve an Ordinance No. 2015-06 regarding Fire Code Amendment.

MOTION AND VOTE: Mayor Pro Tem Hang Tran made a motion, seconded by Councilwoman Jeanell Bridges. Mayor Pro Tem Hang Tran, Councilwoman Jeanell Bridges and Councilman Christopher Mills voted in favor of the motion. Councilman Larry Ferguson voted in opposition and the motion passed.

GENERAL COMMENTS:

Mayor JB Burke asked **Citizens** and **Councilmembers** for comments.



Citizens Comments:

There was no comment.

Councilmembers Comments:

**City Manager Sylvia Redic
Councilman Larry Ferguson
Councilwoman Jeanell Bridges
Councilman Christopher Mills
Mayor Pro Tem Hang Tran
Mayor JB Burke**

ADJOURNMENT:

Mayor JB Burke called for a motion to adjourn the July 28, 2015 Regular Council Meeting.

MOTION AND VOTE: Councilwoman Jeanell Bridges made a motion, seconded by Councilman Larry Ferguson. The motion passed unanimously.

The Regular Council Meeting was adjourned at 08:28 pm.

Approved this 11th day of August, 2015

CITY OF MORROW, GEORGIA

Attest

JB Burke, Mayor

**Viet Tran, City Clerk
Seal**

PREAMBLE AND FINDINGS

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA; TO AMEND TITLE 10, MOTOR VEHICLES AND TRAFFIC, TO ADD A NEW CHAPTER DEALING WITH THE REGULATION OF VEHICLE IMMOBILIZATION SERVICES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the governing authority of the City of Morrow, Georgia (the “City”) are the Mayor and Council thereof; and

WHEREAS, the City has determined that it is necessary to regulate services dealing with the use of vehicle immobilization devices; and

WHEREAS, the amendment is necessary to provide clarity and to promote efficiency and harmony relating to vehicle immobilization services.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF MORROW, GEORGIA:

Section One. Title 10, Motor Vehicles and Traffic, of the Code of the City of Morrow, Georgia is hereby amended by adding a new chapter and subsections as follows:

“CHAPTER 4. – VEHICLE IMMOBILIZATION SERVICES.

Sec. 10-4-1. – Definitions.

- (a) *Operator* shall mean any person, including a sole proprietor, independent contractor, partnership or similar business entity, operating vehicle immobilization devices for a vehicle immobilization service.
- (b) *State law.* Any reference to state law shall be deemed to refer to the Official Code of Georgia Annotated and the rules and regulations published annually by the public service commission related to towing.
- (c) *Vehicle immobilization device or boot* shall mean any mechanical device that is designed or adopted to be attached to a wheel, tire, or other part of a parked motor vehicle so as to prohibit the motor vehicle's usual manner of movement or operation.

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- (d) *Vehicle immobilization service* shall mean a person, including a sole proprietor, independent contractor, partnership or similar business entity, offering services anywhere in the City of Morrow whereby vehicles are immobilized by the installation of a vehicle immobilization device.

Sec. 10-4-2. – Unlawful Actions and standard of practice.

- (a) It shall be unlawful for any person or entity to affix a vehicle immobilization device to any vehicle parked in any off-street parking facility, lot or area located on private property within the City, regardless of whether a charge for parking is assessed, unless all of the following conditions are met:
- (1) Signs shall be located at each designated entrance to the parking facility, lot or area where such a device is to be used indicating that parking prohibitions are in effect. Additionally, a sign shall be visible from each and every parking space provided. The wording on such signs shall contain the following information:
 - i. A warning that any vehicle parked thereon which is not authorized to be parked in such area may be subject to use of a vehicle immobilization device or boot. The language on the sign shall include: "Warning: This property owner boots unauthorized vehicles."
 - ii. Set forth the maximum fee for removal of the device.
 - iii. The phone number of the person or entity responsible for removing the device.
 - iv. The name, address and phone number of vehicle immobilization service.
 - v. A statement that no additional fee will be charged for use of cash, credit cards, or debit cards.
 - vi. The size of each sign shall be a minimum size of 24 inches by 36 inches.
 - vii. Copy (font) height of sign verbiage shall be no less than one and a half (1 1/2) inches.
- (b) It shall be unlawful for any person or entity affixing a vehicle immobilization device to a vehicle within the City to charge a fee for removal of the device in excess of fifty dollars (\$50.00).
- (c) It shall be unlawful for any person or entity affixing a vehicle immobilization device to fail to provide a receipt of payment of the booting fee to the owner, driver, or person in charge of a vehicle. The receipt shall have the following information: the name, address, and phone number of the vehicle immobilization service; and the name and signature of the person who affixed/removed the vehicle immobilization device.
- (d) It shall be unlawful for any vehicle to be subject to a vehicle immobilization device and be towed simultaneously.
- (e) A vehicle immobilization device cannot be affixed to a vehicle and a fee cannot be charged if the driver of the vehicle returns to the vehicle before the installation of the vehicle immobilization device is complete.
- (f) A vehicle immobilization device shall be removed within one hour of the driver contacting the phone number of the person or entity responsible for removing the

device as indicated on the sign visible from the parking space occupied by their vehicle.

Sec. 10-4-3. – Permit required.

No person or entity shall operate any vehicle immobilization service within the City without first having obtained a vehicle immobilization operator's permit.

Sec. 10-4-4. – Application.

- (a) Any person desiring a vehicle immobilization operator's permit shall make application for the same to the police department. The applicant shall provide the following information:
 - (1) Name, current address and phone number of applicant;
 - (2) The applicant's addresses of residence for the past ten years;
 - (3) Occupational history of applicant;
 - (4) Criminal history of applicant; and
 - (5) Any other information deemed necessary by the City to conform to the requirements of this chapter.
- (b) Each applicant shall appear in person at the police department and sign a form allowing for a criminal background check.

Sec. 10-4-5. – Application fee and permit renewal.

The applicant for a vehicle immobilization operator's permit shall pay to the City such sum as fixed from time to time by the Mayor and Council when the application is filed. Should the permit be granted, the applicant's permit fee will then be considered as paid until the last day of the issuing month of the following year. Prior to permit expiration, all vehicle immobilization operators who expect to operate in the following year shall make an application for the renewal of their permits. The applicant shall pay an additional fee as fixed from time to time by the Mayor and Council with each renewal application filed.

Sec. 10-4-6. – Denial, suspension and revocation of permit.

- (a) The chief of police shall cause an investigation to be made to verify the information provided by the applicant.
- (b) The chief of police shall determine on the basis of the investigation, and taking into account the requirements of this Chapter, whether a vehicle operator's permit should be granted.
- (c) The chief of police shall immediately notify the applicant of his or her determination and, in the event the application is denied, shall give reasons therefor.

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- (d) The chief of police shall have the authority to suspend or revoke any permit issued under this Chapter, provided that ten (10) days notice and a hearing are afforded to the applicant.
 - (e) A permit may be denied, suspended or revoked for any of the following reasons:
 - (1) Where the applicant furnishes fraudulent or untruthful information or omits information requested in the application for a permit.
 - (2) Perjury or false swearing in making any statements under oath, including statements made in connection with an "application for permit" under this Chapter.
 - (3) For failure to pay all fees, taxes, penalties or other charges imposed by the provisions of this Chapter and of the Code of Ordinances.
 - (4) For failure to maintain all of the general qualifications applicable to the initial issuance of a permit.
 - (5) For violation of any part of this Chapter by the permit holder, his agents, partners, officers, employees or contractors.
 - (6) Conviction of a felony subsequent to the issuance of a permit or within a period of ten (10) years preceding the date of application.
 - (7) Engaging in any unfair or deceptive acts or practices.
 - (8) The violation of any law involving moral turpitude subsequent to the issuance of a permit or within a period of ten (10) years preceding the date of application.
 - (f) The judge of the municipal court shall have the authority to revoke a vehicle immobilization operator's permit when the holder thereof is convicted of a violation of the Code of Ordinances of the City.

Sec. 10-4-7. – Transferability.

Permits issued under this Chapter are not transferable.

Sec. 10-4-8. – Content of permit and the posting thereof.

A vehicle immobilization operator's permit shall bear the name, address and age of the operator. The permit shall also show the name of the operator's employer, shall have thereon a specimen signature of the operator, and shall display a current photograph of the operator. The permit shall be worn by the vehicle immobilization operator and in such a manner as to be in full view while in the performance of vehicle immobilization service activities.

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

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

Section Four.

- (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.
- (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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

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

ORDAINED this 11th day of August, 2015.

[CONTINUE TO SIGNATURE PAGE]

	CITY OF MORROW, GEORGIA <hr/> Mayor
ATTEST: <hr/> City Clerk	AGREED AS TO FORM: <hr/> City Attorney

- First Reading: July 28, 2015

- Second Reading and Adopted: August 11, 2015