



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

1. **ROLL CALL**

2. **APPROVAL OF MEETING AGENDA:**

To add or remove items from the Agenda:

3. **CONSENT AGENDA:**

1. Approval of the January 10, 2012 Regular Meeting Minutes.
2. Approval for Capt. Tatroe or his designee to declare the following items as surplus property and dispose of such property in keeping with applicable laws:

Five (5) Panasonic inoperable “Tough book” laptops; One (1) inoperable radar trailer; two (2) inoperable 2002 Ford Crown Victoria vehicles (VIN 2FAFP71W72X104402 and 2FAFP71W42X104406)

4. **REPORTS AND PRESENTATIONS:**

1. Presentation of a 10 year service pin to Lt. James Fleming with the Morrow Fire Department *(Presented by Mayor JB Burke and Fire Chief Mark Herendeen)*
2. Presentation of a 30 year Achievement Award to Carl DeMarco with the Morrow Fire Department *(Presented by Mayor JB Burke and Fire Chief Mark Herendeen)*
3. Presentation of the 2011 Christmas Lights contest winners and special thanks to the volunteer judges. *(Presented by Jeff Eady, City Manager)*

<i>Santa’s Choice</i>	1388 John Roberts Drive
<i>Children’s Choice</i>	1786 Mural Drive
<i>Christmas Spirit</i>	1747 Lake Harbin

4. Report to the Mayor and Council on the Planning and Zoning Board’s Public Hearing on an update to the City’s Zoning Map which was held on January 17, 2012. *(Presented by Planning and Econ. Development Director Michael McLaughlin)*
5. Financial Update *(Presented by Dan Defnall, Finance Officer)*

5. **FIRST PRESENTATION:**

(Agenda Item 12-01-311)

1. An Ordinance entitled an Ordinance to amend the 2009 Zoning Ordinance of the City of Morrow, Georgia, as amended, by adopting the new Official Zoning; for the health and welfare of the public; to establish an effective date; and, for other purposes.

6. **OLD BUSINESS:**

(Agenda Item 12-01-310)

1. An Ordinance of the City of Morrow to Regulate Internet Cafes; To provide Standards for Operation within the City of Morrow; To identify Offenses; To provide penalties; and for other purposes. *(Presented by Laurel Henderson, City Attorney)*

7. **GENERAL COMMENTS:**

Citizens-
City Manager-
Mayor and Council –

8. **EXECUTIVE SESSION:** (To discuss legal and personnel issues)

9. **ADJOURNMENT:**

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND THE 2009 ZONING ORDINANCE OF THE CITY OF MORROW, GEORGIA, AS AMENDED, BY ADOPTING THE NEW OFFICIAL ZONING MAP; FOR THE HEALTH AND WELFARE OF THE PUBLIC; TO ESTABLISH AN EFFECTIVE DATE; AND, FOR OTHER PURPOSES.

BE IT HEREBY ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE CITY OF MORROW, GEORGIA, AND BY THE AUTHORITY OF THE SAME, IT IS HEREBY ORDAINED THAT THE FOLLOWING AMENDMENT SHALL BE MADE A PART OF THE 2009 ZONING ORDINANCE:

Section 1:

The new Official Zoning Map shall supersede and replace the Official Maps adopted May 26, 2009 as part of the official Zoning Ordinance of the City of Morrow, Georgia. The revisions include rezoning of a property at Morrow Road and Jonesboro Rd., the addition of a new roadway at the edge of Olde Towne Morrow, the subdivision of several city owned properties and a change to the color schemes on the map to meet the best practices for zoning.

Section 2:

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are, to the extent of such conflict, is hereby repealed.

Section 3:

This ordinance is hereby enacted and shall be of full force and effect from this the 13th day of February, 2012.

ADOPTED AND APPROVED this 13th day of February, 2012.

Attest:

JB Burke, Mayor

Evyonne Browning, City Clerk
(Seal)

First Reading: January 24, 2012
Second Reading: February 13, 2011

**AN ORDINANCE OF THE CITY OF MORROW TO REGULATE INTERNET CAFES;
TO PROVIDE STANDARDS FOR OPERATION WITHIN THE CITY OF MORROW;
TO IDENTIFY OFFENSES; TO PROVIDE PENALTIES;
AND FOR OTHER PURPOSES.**

IT IS HEREBY ORDAINED by the Governing Authority of the City of Morrow, Georgia:

Section 1. That a new Chapter 11 be added to Title 9 of the Code of Ordinances of the City of Morrow, to read as follows:

Chapter 11

Internet Cafes

Sec. 9-11-1 Definitions.

Internet café means a coffee shop or other business establishment offering non-alcoholic beverages and food and that, as a service, includes wireless internet service to which customers are allowed to connect via their personal computers without a related charge or to use computers and ancillary services, such as printers and copiers, furnished by the establishment for a charge. "Internet café" specifically excludes establishments offering or making available (1) coin operated amusement machines as defined by Section 9-4-41 of the Morrow Code of Ordinances, (2) any amusement machines or game devices not operated by insertion of a coin but requiring a fee of any type for use, (3) game rooms and arcades, (4) any establishment offering sweepstakes games for play, (5) any establishment set up in such a way as to encourage or permit group gaming by connecting terminals with one another, (6) any establishment licensed for the sale of alcoholic beverages, (7) any establishment licensed for adult entertainment, and (8) any establishment that would otherwise meet the definition of this section but which provides no computers or similar machines on premises for public use and which derives less than 25 percent of its revenue from charges associated with internet use.

Sec. 9-11-2 Locations.

Internet cafes are allowed as a permitted use in BG, CUPD and MU Districts under the city Zoning Ordinance.

Sec. 9-11-3 Physical standards for premises.

Areas provided for internet use shall be in one common open area, provided that carrels not exceeding 24 inches in height above a standard table top and open on at least one side may be provided for individual computer usage. The public shall not be allowed in closed rooms or areas curtained off or screened from public view.

Sec. 9-11-4 Hours of operation.

Internet cafes shall operate only between the hours of 6:00 a.m. and 12:00 midnight. No member of the public shall be permitted to remain on the premises after closing hours.

Sec. 9-11-5 Food service standards.

All internet cafes shall be required to obtain a health department certificate for a food service establishment and to conform to all county health regulations for the type of food and beverage provided.

Sec. 9-11-6 Noise restrictions.

No sounds shall emanate from the internet café out of doors or into adjacent enclosed spaces not controlled by the business.

Sec. 9-11-7 Obscenity.

Internet cafes shall not be used to access pornography or other obscene materials. At least one manager over the age of 21 years shall be on the premises at all times. The internet café may employ such other employees as necessary for the conduct of business. The manager, or employees under the manager's direction, shall walk the floor from time to time to ensure that use of computer terminals and equipment is not made to access pornography or other obscene material. Any patron utilizing the premises of an internet café for accessing pornography or other obscene material shall be required by management to leave the establishment. A notice of this requirement measuring no less than 9 by 12 inches shall be posted in a prominent place at the establishment and within each carrel.

Sec. 9-11-8 Gambling.

No gambling shall occur on the premises of an internet café. No games of chance prohibited by Georgia law shall be allowed within the premises of an internet café. No sweepstakes promotions shall be permitted on the premises of an internet café, nor shall any allowed use of the internet by the establishment access sweepstakes promotions.

Sec. 9-11-9 Management control.

The manager shall maintain order on the premises at all times the internet café is open to the public and shall bear responsibility on behalf of the business for the conduct of any patrons.

Sec. 9-11-10 Business license required; application.

No person shall engage in the business of providing an internet café without first having obtained a license from the City. Applicants for licensure as an internet café shall provide the following information to the City:

- (1) Name, address and social security number or FEI number of the owner of the business;
- (2) If the business is a corporation, the state of incorporation; proof of entitlement from the Georgia Secretary of State to operate the business in Georgia; a list of all officers and directors of the corporation, providing for each, full name, social security number and home address;
- (3) Physical address of premises on which the business is proposed to operate;
- (4) A current lease for the business;
- (5) Physical layout of the interior of the business as it is proposed to operate, showing all walls, electrical service, location of computer terminals and peripheral equipment; food service preparation and service areas;
- (6) Identification of location and number of spaces for parking available to the business;
- (7) The name and age of the on-site manager and any additional shift managers to be utilized by the business;
- (8) The name of an agent for service of process located within the five county metro Atlanta area;
- (9) Consent by the owners/officers/directors of the business and any managers to criminal background check, including fingerprinting by Morrow Police Department;
- (10) Description of all equipment to be made available on the premises that may be utilized by members of the public including, for each piece of equipment, the manufacturer, model and character (computer, printer, scanner, etc.) of the equipment;
- (11) Specification of the hours the establishment will be open to the public;

- (12) Description of food and beverages that will be available on the premises;
- (13) Emergency contact person, including name, complete phone number and physical address. The emergency contact person should be someone who can be physically present within 20 minutes of notification by the City of any problem with regard to operation of the business, criminal activity, such as break-ins or thefts, or fire;
- (14) Completed application for all signs desired to be erected for the business outdoors in view of the public;
- (15) Written acknowledgment to receipt of a copy of the City's regulatory ordinances and pledge to comply with all such requirements;
- (16) Written certification by each owner, manager, officer and director, that such person has not been convicted, or plead guilty or nolo contendere, within the preceding 10 years to any felony, crime of moral turpitude or crime involving gambling;
- (17) Any other information required by the City to determine compliance with the standards of this ordinance.

Sec. 9-11-11 Issuance; denial standards.

Upon receipt of a completed application, including all required documentation, the City shall review the application materials, and shall issue a license to all applicants meeting the standards of this ordinance. License shall be denied to (i) any application failing to meet standards of this ordinance, (ii) any application that is incomplete; and (iii) any application involving an owner, officer, director or manager who has been convicted, or plead guilty or nolo contendere, within 10 years of the date of application, of a felony or crime of moral turpitude or any crime involving gambling.

Sec. 9-11-12 Violations; grounds for license revocation; hearings.

(a) Any license issued under this chapter shall be revocable for cause. Grounds for revocation include violation of any standard of this chapter, disqualification by reason of criminal history of any owner, director, officer or manager, and any gambling occurring on the premises. The City may, in its discretion, impose a lesser penalty for offenses not involving gambling; however, any gambling activity established on the premises shall result in revocation of license.

(b) Notice of violations shall be sent by either certified mail to the owner and/or agent designated for service of process or be served by hand delivery upon such person. In the event the owner or designated agent for service of process cannot be found or refuses certified service, the manager on site shall be personally served and the business temporarily closed

pending hearing on the violations asserted. With the exception of gambling violations which will result in immediate temporary closure of the business, once notice has been served, the business may continue in operation until result of the hearing.

(c) Hearing on notices of violations shall be conducted by a Hearing Officer designated by the City Manager. No less than 10 days notice of hearing shall be provided in the notice of violation. At the hearing, the licensee shall be entitled to representation of counsel of his choice and at his own expense, the right to present witnesses and evidence in his behalf, and the right to cross-examine all city witnesses. A decision shall be made by the Hearing Officer within 10 business days after conclusion of the hearing. The decision shall be served in the same manner as the original notice of violations. In the event of an adverse decision, the licensee may appeal such decision to the City Council, provided notice of appeal is filed within five business days with the City Clerk. The decision of the City Council shall be filed. Review of a final decision by the City shall be taken only by certiorari to Superior Court of Clayton County.

(d) In addition to license penalties prescribed above, any violation of any provision of this chapter shall be subject to the penalties provided by Section 1-1-8 of the Code of Ordinances.

Section 2. All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 3. In the event any word, phrase, sentence or other provision of this Ordinance is declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining words, phrases, sentences or other provisions of this Ordinance which shall remain fully in force and effect.

SO ORDAINED this 24th day of January, 2012.

Attest:

Evyonne Browning, City Clerk

Approved as to form:

Laurel Henderson, City Attorney

JB Burke, Mayor

First Reading: January 10, 2012
Second Reading: January 24, 2012

(Seal)