



CITY OF MORROW, GEORGIA
October 25, 2011 **Regular Meeting** **7:30 pm**

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

1. **ROLL CALL**

2. **APPROVAL OF MEETING AGENDA:**

To add or remove items from the Agenda:

3. **CONSENT AGENDA:**

1. Approval of the October 11, 2011 Regular and Work Session Meeting Minutes.
2. Approval to re-adopt Ordinance No. 2011-28, An Ordinance to impose License Fees on Insurers conducting business within the City of Morrow, Georgia; to impose a Gross Premiums Tax on Insurers operating within the State of Georgia; to provide an effective Date; and Other Purposes.
3. Approval for Fire Chief Mark Herendeen and the Morrow Fire Department to award the bid for a Breathing Air Compressor to "Breathing Air Systems" in the amount of \$21,999.00. This item was approved in the FY 2012 Capital Budget for \$23,000.00.

4. **REPORTS AND PRESENTATIONS:**

1. Presentation by Mike Twomey, Director of Morrow Business and Tourism Association, to George Jeburk for being chosen as the 2011 Community Partner of the Year by WORKTEC.
2. Financial Update (*Presented by Dan Defnall, Finance Officer*)

5. **FIRST PRESENTATION:** None at this time

6. **OLD BUSINESS:**

(Agenda Item 11-10-298)

1. Approval of an Ordinance to Amend the Alcoholic Beverage Code of the City of Morrow, Georgia to provide for Sales off premises for Catered Functions; to provide for Licensing and Penalties; to Repeal Conflicting Ordinances; and for other purposes. *(Presented by City Manager Jeff Eady)*

7. **NEW BUSINESS:**

(Agenda Item 11-10-299)

1. Approval a Resolution to authorize the adoption of the Fund Balance Policy for the City of Morrow to conform to the requirements of the Government Accounting Standards Board (GASB) Statement No. 54.
(Presented by Dan Defnall, Finance Officer)

(Agenda Item 11-10-300)

2. Approval of a Resolution of the Mayor and Council of the City of Morrow to Extend the Moratorium on the Acceptance and Processing of Applications for Zoning Permits, Occupancy Permits, Occupational Tax Certificates, and Alcoholic Beverage Licenses for Sweepstakes/Internet Cafés and the Issuance of such Zoning Permits, Occupancy Permits, Occupational Tax Certificates and Alcoholic Beverage Licenses; and to declare an Emergency.
(Presented by City Manager Jeff Eady)

8. **GENERAL COMMENTS:**

Citizens-
City Manager-
Mayor and Council –

9. **ADJOURNMENT:**

Note: A reception to honor Mayor Pro Tem Mason Barfield on his retirement will immediately follow the meeting in the lobby of City Hall.

AN ORDINANCE TO IMPOSE LICENSE FEES ON INSURERS CONDUCTING BUSINESS WITHIN THE CITY OF MORROW, GEORGIA; TO IMPOSE A GROSS PREMIUMS TAX ON INSURERS OPERATING WITHIN THE STATE OF GEORGIA; TO PROVIDE AN EFFECTIVE DATE; AND OTHER PURPOSES.

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

Section 1. Section 3-2-94 of the Code of Ordinances of the City of Morrow, Georgia, is amended to read in its entirety as follows:

Sec. 3-2-94. Insurers.

(a) *Insurers License Fees.* There is hereby levied for the year 2012 and for each year thereafter an annual license fee upon each insurer doing business within the City of Morrow, Georgia in the amount of fifty dollars (\$50.00). For each separate business location in excess of one not covered by subsection (b), which is operating on behalf of such insurers within the City of Morrow, Georgia, there is hereby levied a license fee in the amount of fifty dollars (\$50.00). For the purpose of this section, the term “insurer” means a company which is authorized to transact business in any of the classes of insurance designated in O.C.G.A. Sec. 33-3-5.

(b) *License Fees for Insurers Insuring Certain Risks at Additional Business Locations.* For each separate business location, not otherwise subject to a license fee hereunder, operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing and in connection with such loans or sales offers, solicits or takes application for insurance through a licensed agent of an insurer for insurance said insurer shall pay an additional license fee of seventeen and 50/100 dollars (\$17.50) per location for the year 2012 and for each year thereafter.

(c) *Gross Premiums Tax Imposed on Life Insurers.* There is hereby levied for the year 2012 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurer writing life, accident and sickness insurance within the State of Georgia in an amount equal to one percent (1%) of the gross direct premiums received during the preceding calendar year in accordance with O.C.G.A. Sec. 33-8-8.1. Gross direct premiums as used in this section shall mean gross direct premiums as used in O.C.G.A. Sec. 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by subsection (a) of this section.

(d) *Gross Premiums Tax, All Other Insurers.* There is hereby levied for the year 2012 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurer, other than an insurer transacting business in the class of insurance designated in subsection 1 of O.C.G.A. Sec. 33-3-5, doing business within the State of Georgia in an amount equal to two and one-half percent (2.5%) of the gross direct premiums received during the preceding calendar year in accordance with O.C.G.A. Sec. 33-8-8.2. Gross direct premiums as used in this section shall mean gross direct premiums as used in O.C.G.A. Sec. 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by subsection (a) of this section.

(e) *Due Date for License Fees.* License fees imposed in subsections (a) and (b) of this section shall be due and payable on the first day of 2012 and on the first day of each subsequent year.

(f) *Administrative Provisions.* The City Clerk is hereby directed to forward a duly certified copy of this ordinance to the Insurance Commissioner of the State of Georgia within 45 days of its enactment.

(g) *Effective Date; Prior Provisions.* This section shall become effective January 1, 2012. Fees and taxes imposed on insurers by Ordinance No. 2001-21, adopted November 27, 2001 are not repealed by this ordinance but remain in full force and effect.

Section 2. *Severability.*

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of Morrow, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

So Ordained this 25th day of October, 2011 by the Mayor and Council of the City of Morrow, Georgia.

Jim Millirons, Mayor

Attest:

Evyonne Browning, City Clerk

First Presentation: May 24, 2011
Second Presentation: June 14, 2011
Re-adopted and Effective: Oct. 25, 2011

(Seal)

Breathing Air Compressor -

Bid No. 1.

Breathing Air Systems

Compressor system – 13 cfm. Bauer Vertecon Air System 6000 psi. 13 cfm. Charging rate with pressure switch for automatic start & stop control. Locally mounted interstage pressure gauges. P2S 67,000 cu ft purification system with SRCURUS electronic cartridge monitor. Pressure lubricated with low oil protection. Automatic condensate drain system and PLC controller with E-Stop Button. Entire electrical assembly is UL LISTED. Three phase 10hp motor. Two bottle 6000 psi – DOT cascade system bottles.

Price includes freight, on site start up, training and **2 year warranty**

Total purchase price delivered	\$21,999.00
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Bid No. 2.

B & T Enterprises

Mako Econo Air Compressor, Model # EA06H, 6000 psi, 14 cfm, 10 hp, 3 phase motor, MK2C purification system, two (2) 6000 DOT storage bottles

Price to include manufacturer warranty and six month check up / service, delivery and “turn-key” installation

Total purchase price delivered before trade allowance	\$22,614.00
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Minus trade allowance	-500.00
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Total purchase price delivered	\$22,114.00
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Bid No. 3

MES

Scott 10 hp, 6000 psi, 3 phase, 230 volt, 60HZ compressor with CO and dew point monitoring. Two (2) 6000 psi DOT bulk cylinders bulk plumed.

Price includes shipping and installation

Total purchase price delivered	\$24,151.00
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The fire department wants to purchase Bid 1. From “Breathing Air Systems”



Work Training & Employment Center

Edmond T. Heatley, Ed. D., Superintendent of Schools
Clayton County Board of Education
Tamera Foley, Director

October 12, 2011

George Jeburk
Morrow Tourist Center
6475 Jonesboro Road
Morrow, GA 30260

Dear Mr. Jeburk,

Congratulations! You have been chosen as the 2011 Community Partner of the Year by WORKTEC. We value your ongoing and consistent support of our consumers as demonstrated through the work opportunities provided. You and your staff have shown great kindness, respect, and patience as we familiarized our consumers with the varied duties and expectations. We would appreciate the opportunity to acknowledge your support and caring at our 12th Annual National Disability Employment Awareness Month Celebration, scheduled Thursday, October 27, 2011.

This event allows WORKTEC to celebrate the accomplishments of individuals who have secured and maintained employment and to recognize our community partners, like you, who have been instrumental in assisting WORKTEC in our mission of creating and providing employment opportunities for people with disabilities and other barriers. We would welcome your presence and that of any employee who would like to attend this event. It will be held at the Clayton County Public Schools S. Truett Cathy Professional Learning Center, (adjacent to Tara Stadium), 1087 Battlecreek Road, Jonesboro, GA 30236. The event begins at 4:30pm with light refreshments being served. When you arrive, please notify the registration desk staff that you are an award winner, so that you may receive your identification name badge.

Please RSVP at 770-473-2840 at your earliest convenience for yourself and anyone else who will be attending with you.

Thank you again for your ongoing support of WORKTEC, and we look forward to you being with us and accepting our modest token of appreciation on October 27, 2011.

Sincerely,

Debbie Walker-Lass
Support Specialist Manager
WORKTEC-BHDD

AN ORDINANCE TO AMEND THE ALCOHOLIC BEVERAGE CODE OF THE CITY OF MORROW, GEORGIA TO PROVIDE FOR SALES OFF PREMISES FOR CATERED FUNCTIONS; TO PROVIDE FOR LICENSING AND PENALTIES; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the City Council of the City of Morrow, Georgia:

Section 1. That Section 9-2-2 of the Code of Ordinances of the City of Morrow, Georgia, as amended, is further amended by adding the following definitions thereto, to be arranged in alphabetical order:

“Food caterer. Any person who prepares food for consumption off the premises.

“Licensed alcoholic beverage caterer. Any retail dealer who has been licensed pursuant to Article 2 of Chapter 4, Article 2 of Chapter 5, or Article 2 of Chapter 6 of Title 3 of the Official Code of Georgia Annotated.”

Section 2. Section 9-2-14 of the Code of Ordinances of the City of Morrow, as amended, is further amended by adopting the following language for that section:

“Sec. 9-2-14. Off premise licenses for catered events.

“Any licensed alcoholic beverage retail dealer, whether for package sales or on premise consumption, may apply to the City for an off premise license to serve alcoholic beverages for catered functions. The license shall restrict the holder to sale of beverages authorized by its primary license issued by the City and the State of Georgia. The alcoholic beverage caterer’s license is secondary to and dependent upon the primary license held for the sale of alcoholic beverages within the City. Should the primary alcoholic beverage license of the caterer be suspended or revoked, its off premise license to serve catered functions shall be automatically suspended or revoked for the same duration.”

Section 3. Section 9-2-30 of the Code of Ordinances of the City of Morrow, as amended, is further amended by the addition of a new subsection (a)(9), which shall read as follows:

“(a)(9) Sales off premises for catered functions, the sum of two hundred dollars (\$200.00).”

Section 4. The Alcoholic Beverage Code of the City of Morrow, as amended, is hereby further amended by adoption of a new Article D-1, which shall read in its entirety as follows:

“Article D-1
“Regulation of Sales Off Premise for Catered Functions.

“Sec. 9-2-55 Event permits.

“(a) In order to distribute or sell distilled spirits, malt beverages, or wine at an off premise catered function, the licensed alcoholic beverage caterer shall apply to the Mayor and Council for an event permit. The application for the event permit shall include the name of the caterer, the date, address, and time of the event, and the licensed alcoholic beverage caterer’s license number. For alcoholic beverage caterers licensed by the City, no further event permit fee is required, and all alcoholic beverage excise and sales taxes attributed to the sale or use of alcohol at the catered event shall be reported through the alcoholic beverage caterer’s primary alcoholic beverage license.

“(b) For alcoholic beverage caterers licensed by political subdivisions in Georgia other than the City of Morrow, in addition to the information required of Morrow event caterers, the applicant for the event permit shall provide proof of its state and local primary alcoholic beverage license and of a valid licensed alcoholic beverage caterer’s license from its home jurisdiction. The non-local alcoholic beverage caterer shall pay an event permit fee of fifty dollars (\$50.00) per event to cater events within the City of Morrow, and in addition, shall collect and remit local excise and sales taxes on the total quantity of alcoholic beverages brought into the City by the caterer.

“Sec. 9-2-56. Records and reports.

“All licensed alcoholic beverage caterers shall maintain all records and reports required by state law and the City, and shall make those records and reports available for inspection by the City upon demand.

“Sec. 9-2-57. Familiarity with alcoholic beverage regulations.

“All licensed alcoholic beverage caterers shall be familiar with the alcoholic beverage regulations of the City and all state laws governing the sale and distribution of alcoholic beverages. It shall be the responsibility of the licensed alcoholic beverage caterer to ensure that all agents and employees serving alcoholic beverages under its event permit are familiar with those ordinance requirements and state regulations and shall comply with same.

“Sec. 9-2-58. Days and times of alcoholic beverage catering.

“No sales or distribution of alcoholic beverages pursuant to an event permit obtained by a licensed alcoholic beverage caterer shall be made on any day or at any time during which alcoholic beverages may not lawfully be sold within the City.

“Sec. 9-2-59 Employees of licensed alcoholic beverage caterers.

“No licensed alcoholic beverage caterer shall employ any person or allow any person under the age of 21 years of age to handle, sell, or distribute alcoholic beverages under its event permit. All employees of licensed alcoholic beverage caterers, whether licensed by the City or by other jurisdictions, shall obtain a city registration, as required by Section 9-2-69 of the Code of Ordinances.

“Sec. 9-2-60. Penalties.

“(a) In addition to the penalties provided in Article E of this Chapter, in the event that a licensed alcoholic beverage caterer licensed by a jurisdiction other than the City of Morrow violates any of the alcoholic beverage regulations of the City or state law, such licensed alcoholic beverage caterer shall not be permitted another event license within the City for a period of twelve (12) months.

“(b) In the event that a licensed alcoholic beverage caterer licensed by the City commits a violation of any regulation of this Chapter or of state law governing the sale, furnishing, or distribution of alcoholic beverages, such violation shall count as a violation on its underlying license issued by the City, and shall be handled in accordance with the provisions of Article E of this Chapter.”

Section 5. All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. In the event that any word, phrase, or sentence in this Ordinance is declared invalid by a court of competent jurisdiction, such declaration shall not affect the remaining words, phrases, and sections of this Ordinance, which shall remain of full force and effect.

Section 7. This Ordinance shall take place immediately upon its adoption.

So Ordained this 25th day of October, 2011.

Jim Millirons, Mayor

Attest:

Evyonne Browning, City Clerk

(Seal)

First Reading: October 11, 2011
Second Reading: October 25, 2011

Approved as to form:

City Attorney

STATE OF GEORGIA
COUNTY OF CLAYTON

RESOLUTION NO. _____

**A RESOLUTION TO AUTHORIZE ADOPTING THE FUND BALANCE POLICY FOR
THE CITY OF MORROW TO CONFORM TO THE REQUIREMENTS OF THE
GOVERNMENT ACCOUNTING STANDARDS BOARD STATEMENT NO. 54**

WHEREAS, The Government Accounting Standards Board (“GASB”) issued Statement No. 54 (“GASB 54”), a new standard for governmental fund balance reporting and governmental fund type definitions that became effective in governmental fiscal years starting after June 15, 2010, and

WHEREAS, the City of Morrow is required by state law to follow GASB pronouncements and elects to implement GASB 54 requirements, and to apply such requirements to its financial statements beginning with the fiscal year ending June 30, 2011; and

WHEREAS, that the City of Morrow’s goal is to have sufficient balance in the operating fund with sufficient working capital and a margin of safety to address local emergencies without borrowing. The City of Morrow recognizes that the maintenance of a fund balance is essential to the preservation of the financial integrity of the City and is fiscally advantageous for both the City and its taxpayers. The City also seeks to maintain the highest possible credit ratings which are dependent, in part, on the City’s maintenance of an adequate fund balance.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Morrow this 25th day of October 2011, authorizes the Finance Department to amend the Fund Balance Policy of the City of Morrow to conform to the standards as detailed in the attached policy document.

SO RESOLVED AND ADOPTED this 25th day of October, 2011.

Jim Millirons, Mayor

Attest:

Evyonne Browning, City Clerk
(Seal)

CITY OF MORROW
FINANCIAL MANAGEMENT PROGRAM
FUND BALANCE POLICY IN ACCORDANCE WITH
GASB 54

Developed under the authority of the
Mayor and Council by the
Morrow Finance Department

SECTION I

FUND BALANCE POLICY IN ACCORDANCE WITH GASB 54

Purpose: The following policy has been adopted by the City of Morrow Mayor and Council in order to address the implications of the Governmental Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Definitions. The City of Morrow Mayor and Council recognize that the maintenance of a fund balance is essential to the preservation of the financial integrity of the City and is fiscally advantageous for both the City and its taxpayers. This policy establishes goals and provides guidance concerning the desired level of fund balance maintained by the City to mitigate financial risk that can occur from unforeseen revenue fluctuations, unanticipated expenditures, and similar circumstances. The City also seeks to maintain the highest possible credit ratings which are dependent, in part, on the City's maintenance of an adequate fund balance.

Fund balance is a measurement of available financial resources and is the difference between total assets and total liabilities in each fund.

SECTION I

Fund Type Definitions: The following definitions will be used in reporting activity in governmental funds across the City. The City may or may not report all fund types in any given reporting period, based on actual circumstances and activity.

The general fund is used to account for and report all financial resources not accounted for and reported in another fund.

Special revenue funds are used to account and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specific purposes other than debt services or capital projects.

Capital projects funds are used to account for and report financial resources that are restricted, committed or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities or other capital assets.

Debt service funds are used to account for all financial resources that are restricted, committed or assigned to expenditure for principal and interest.

Permanent funds should be used to account for and report resources that are restricted to the extent that only earnings, and not principal, may be used for purposes that support the City's programs – that is, for the benefit of the City, or its citizenry.

SECTION II

Fund balance reporting for governmental funds – shall be reported in classifications as defined by GASB Statement No. 54:

Non-spendable fund balance – Includes amounts that cannot be spent because they are either (a) not in spendable form or (b) they are legally or contractually required to be

maintained intact. Non-spendable amounts will be determined before all other classifications and consist of the following items (as applicable in any given fiscal year):

- The City will maintain a fund balance equal to the amount of any long-term outstanding balances due from others (including other funds of the City).
- The City will maintain a fund balance equal to the value of inventory balances and prepaid items (to the extent that such balances are not offset with liabilities and actually result in fund balance).
- The City will maintain a fund balance equal to the corpus (principal) of any permanent funds that are legally or contractually required to be maintained intact.
- The City will maintain a fund balance equal to the balance of any land or other non-financial assets held for sale.

Restricted fund balance – Includes amounts that can be spent only for the specific purposes stipulated by the constitution or enabling legislation, externally imposed by creditors (as through debt covenants), grantors, contributors, laws, or regulations of other governments. Enabling legislation authorizes the City to assess, levy, charge, or otherwise mandate payment of resources (from external resource providers) and includes a legally enforceable requirement that those resources be used for the specific purposes stipulated in the legislation.

Committed fund balance – Includes amounts that can only be used only for specific purposes determined by formal action of the Mayor and Council. Committed fund balance will incorporate contractual obligations to the extent that existing resources in the fund have been specifically committed for use in satisfying those contractual requirements. A majority vote is required to approve or remove a commitment.

Assigned fund balance – Includes amounts intended to be used by the City for specific purposes but do not meet the criteria to be classified as restricted or committed. In governmental funds other than the general fund, assigned fund balance represents the remaining amount that is not restricted or committed. The Mayor and Council delegates to the Finance Director or City Manager the authority to assign amounts to be used for specific purposes. Such assignments cannot exceed the available (spendable, unrestricted, uncommitted) fund balance in any particular fund.

Unassigned fund balance – Includes the residual classification for the City's general fund and includes all spendable amounts not contained in the other classifications. In other funds, the unassigned classification should be used only to report a deficit balance from overspending for specific purposes for which amounts had been restricted, committed, or assigned.

SECTION III

Operational guidelines – The following guidelines address the classification and use of fund balance in governmental funds:

Classifying fund balance amounts – Fund balance classifications depict the nature of the net resources that are reported in a governmental fund. An individual governmental fund may include non-spendable resources and amounts that are restricted, committed, or assigned, or any combination of those classifications. The general fund may also include an unassigned amount.

Encumbrance reporting – Encumbering amounts for specific purposes for which resources have already been restricted, committed or assigned should not result in separate display of encumbered amounts. Encumbered amounts for specific purposes for which amounts have not been previously restricted, committed or assigned, will be classified as committed or assigned, as appropriate, based on the definitions and criteria set forth in GASB Statement No. 54.

Prioritization of fund balance use – When an expenditure is incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available, it shall be the policy of the City to consider restricted amounts to have been reduced first. When an expenditure is incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used, it shall be the policy of the City that the committed amounts would be reduced first, followed by assigned amounts and then unassigned amounts.

Minimum unassigned fund balance – The City will at a future date consider amending this policy to include a minimum unassigned fund balance in its General Fund in the amount (% TO BE DETERMINED) of the subsequent year’s budgeted expenditures and outgoing transfers. This minimum fund balance is to protect against cash flow shortfalls related to timing of projected revenue receipts and to maintain a budget stabilization commitment.

Replenishing deficiencies – The City will at a future date consider amending this policy to address when unassigned fund balance falls below the minimum (AMOUNT TO BE DETERMINED), the City will replenish shortages/deficiencies using the budget strategies and timeframes described below.

- The City will reduce recurring expenditures to eliminate any structural deficit or,
- The City will increase revenues or pursue other fund sources, or,
- A combination of the two options above.

Minimum unassigned fund balance deficiencies – The City will at a future date consider amending this policy to address unassigned fund balance replenishment within the following time periods:

- A deficiency resulting in a minimum fund balance between (AMOUNTS TO BE DETERMINED) of the subsequent year’s budgeted expenditures and outgoing transfers shall be replenished over a period not to exceed one year.

- A deficiency resulting in a minimum fund balance between (AMOUNTS TO BE DETERMINED) of the subsequent year's budgeted expenditures and outgoing transfers shall be replenished over a period not to exceed (TO BE DETERMINED) years.
- A deficiency resulting in a minimum fund balance between (AMOUNTS TO BE DETERMINED) of the subsequent year's budgeted expenditures and outgoing transfers shall be replenished over a period not to exceed (TO BE DETERMINED) years.

Surplus unassigned fund balance – Fund balance will be considered a surplus if over (AMOUNT TO BE DETERMINED) of the subsequent year's budgeted expenditures and outgoing transfers. Should unassigned fund balance of the General Fund ever exceed (AMOUNT TO BE DETERMINED), the City will consider such fund balance surpluses for one-time expenditures that are nonrecurring in nature and which will not require additional future expense outlays for maintenance, additional staffing or other recurring expenditures.

SECTION IV

Implementation and review – Upon adoption of this policy the City of Morrow Mayor and Council authorizes the Finance Department to establish any standards and procedures which may be necessary for its implementation. The Finance Department shall review this policy at least annually and make any recommendations for changes to the City of Morrow Mayor and Council.

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF MORROW TO EXTEND THE MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING PERMITS, OCCUPANCY PERMITS, OCCUPATIONAL TAX CERTIFICATES, AND ALCOHOLIC BEVERAGE LICENSES FOR SWEEPSTAKES/INTERNET CAFÉS AND THE ISSUANCE OF SUCH ZONING PERMITS, OCCUPANCY PERMITS, OCCUPATIONAL TAX CERTIFICATES AND ALCOHOLIC BEVERAGE LICENSES; AND TO DECLARE AN EMERGENCY.

WHEREAS, the City of Morrow may legitimately regulate the location and operation of businesses within the City, including Sweepstakes/Internet Cafés; and

WHEREAS, for the purposes of this Resolution, a “Sweepstakes/Internet Café” is defined as any premises upon which any “Computerized Sweepstakes Device,” as defined below, is located for the use or entertainment of the public, whether or not such premises has other business purposes of any nature whatsoever; and

WHEREAS, for the purposes of this Resolution, a “Computerized Sweepstakes Device” is defined as any computer, machine, game, or apparatus which, upon the insertion of a coin, token, access number, magnetic card, or similar object, or upon the payment of anything of value, and which may be operated by the public generally for use as a contest of skill, entertainment, or amusement, whether or not registering a score, and which provides the user with a chance to win anything of value that is not de minimis. Machines designated for use by the State of Georgia Lottery Commission are not Computerized Sweepstakes Devices for purposes of this Resolution; and

WHEREAS, the Council is aware of the proliferation of Sweepstakes/Internet Cafés and of inquiries to other Georgia cities regarding the establishment of a Sweepstakes/Internet Café in those cities; and

WHEREAS, the Council is aware legislation (H.B. 164) is presently pending before the Georgia legislature that provides for the regulation of amusement machines and Computerized Sweepstakes Devices that provide redemptions, and further defines the extent of local government regulation of those businesses; and

WHEREAS, the City of Morrow’s zoning ordinance does not presently recognize a Sweepstakes/Internet Café and does not classify the same for proper zoning district(s); and

WHEREAS, the City of Morrow’s occupational tax ordinance does not presently recognize a Sweepstakes/Internet Café and therefore the same is not classified for occupational tax rates; and

WHEREAS, the City of Morrow’s Alcoholic Beverage License Ordinance does not address Sweepstakes/Internet Cafés; and

WHEREAS, dependent upon the outcome of the proposed legislation the Council desires to continue to study the appropriateness of adopting one or more Resolutions that reasonably regulate the location and operation of Sweepstakes/Internet Cafés in order to minimize or regulate potential negative secondary effects on the community that may be found to result from the operation of one or more Sweepstakes/Internet Cafés in the City, and to further the public health, safety and general welfare; and

WHEREAS, this Council believes that a moratorium on the acceptance and processing of applications for zoning permit approvals, certificates of occupancy, occupational tax certificates, and alcoholic beverage licenses for Sweepstakes/Internet Cafés, as defined herein, and on the issuance of such approvals, will not deny property owners economically viable use of their property and will afford City officials and this Council the additional time necessary to put into place reasonable zoning and business regulations to further the aforesaid purposes.

NOW, THEREFORE, the City of Morrow hereby resolves:

Section 1. For a period of six (6) months from the effective date of this Resolution, the City shall not accept or process any applications for zoning permits, certificate of occupancy, or occupational tax certificates, and alcoholic beverage licenses for Sweepstakes/Internet Cafés, and further shall not issue any such approval during said six-month period. This moratorium shall apply to all applications currently pending or under review by the City of Morrow and staff as of the date of this Resolution.

Section 2. For purposes of this Resolution, a “Sweepstakes/Internet Café” is defined as any premises upon which any computerized sweepstakes device is located for the use or entertainment of the public, whether or not such premises has other business purposes of any nature whatsoever.

Section 3. For purposes of this Resolution, a “Computerized Sweepstakes Device” is defined as any computer, machine, game or apparatus which, upon the insertion of a coin, token, access number, magnetic card, or similar object, or upon the payment of anything of value, and which may be operated by the public generally for use as a contest of skills, entertainment or amusement, whether or not registering a score, and which provides the user with a chance to win anything of value that is not de minimis. Machines designated for use by the State Lottery Commission are not Computerized Sweepstakes Devices for purposes of this Resolution.

Section 4. This Resolution is declared to be an emergency measure necessary for the public health, safety and general welfare of the City and its residents and property owners and for the further reason that it is necessary to impose an immediate moratorium to have a pause for planning purposes so as to further the orderly development of the City with respect to the establishment and operation of Sweepstakes/Internet Cafés, to adopt well thought-out and contemporary zoning and business regulations for the City and to protect the public interest and rights of property owners. This Resolution shall take effect and be in force from and after its adoption.

Section 5. This moratorium may be terminated by the Council prior to the expiration of six (6) months upon the adoption by the Council of appropriate zoning, business, occupational tax and alcoholic beverage licensure Resolutions.

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF MORROW on the 25th day of October, 2011.

Jim Millirons, Mayor

ATTEST:

Evyonne Browning, City Clerk

(Seal)