



CITY OF JONESBORO
Special Called Meeting
126 SOUTH MAIN STREET
March 14, 2017 – 1:00 PM

NOTE: As set forth in the Americans with Disabilities Act of 1990, the City of Jonesboro will assist citizens with special needs given proper notice to participate in any open meetings of the City of Jonesboro. Please contact the City Clerk's Office via telephone (770-478-3800) or email at rclark@jonesboroga.com should you need assistance.

POST AGENDA MINUTES

This document is tentative, has not been ratified or approved by the Council, and is not binding on the City or any officer.

AGENDA

I. CALL TO ORDER

II. ROLL CALL - RICKY L. CLARK, JR.

Attendee Name	Title	Status	Arrived
Joy B. Day	Mayor	Present	
Larry Boak	Councilmember	Present	
Jack Bruce	Councilmember	Present	
Alfred Dixon	Councilmember	Absent	
Billy Powell	Councilmember	Present	
Pat Sebo	Councilmember	Present	
Ed Wise	Councilmember	Present	
Ricky Clark	City Administrator	Present	
Pat Daniel	Assistant City Clerk	Absent	
Franklin Allen	Chief of Police	Absent	

III. AGENDA ITEMS

1. Council to consider approval of Application 17ALCSUB-001, as submitted by Jamrock Jerk, requesting an alcohol sub-permit for the St. Patrick's Day Street Festival to be held on March 10, 2017.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Pat Sebo, Councilmember
SECONDER:	Ed Wise, Councilmember
AYES: Boak, Bruce, Powell, Sebo, Wise	

2. Council to consider Ordinance #2017-05 establishing a moratorium on the acceptance of any applications for tire dealers.

RESULT:	ADOPT [UNANIMOUS]
MOVER:	Ed Wise, Councilmember
SECONDER:	Billy Powell, Councilmember
AYES: Boak, Bruce, Powell, Sebo, Wise	

3. Discussion regarding rebranding initiative - Aaron Arnett

IV. ADJOURNMENT

1. Motion to adjourn.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jack Bruce, Councilmember
SECONDER:	Billy Powell, Councilmember
AYES: Boak, Bruce, Powell, Sebo, Wise	



CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item #

3.1

- 1

COUNCIL MEETING DATE
 March 14, 2017

Requesting Agency (Initiator)

Office of the City Administrator

Sponsor(s)

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Council to consider approval of Application 17ALCSUB-001, as submitted by Jamrock Jerk, requesting an alcohol sub-permit for the St. Patrick's Day Street Festival to be held on March 10, 2017.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Pursuant to Section 58-59, Alcohol Sub-Permits Must be Ratified by Mayor & Council

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Yes **Recreation, Entertainment and Leisure Opportunities**

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Jamrock Jerk, located at 265 Jonesboro Road, Jonesboro, Georgia is requesting to be granted an Alcohol sub-permit license to be an alcohol vendor for the Jonesboro Main Street concert to be held on March 17, 2017. Pursuant to Section 58-59 of the Code of Ordinances of the City of Jonesboro. No alcohol may be served and/or sold at any outdoor event unless the host receives an alcohol sub-permit. Where the outdoor event occurs in a park, the only type of outdoor event eligible for an alcohol sub-permit is an outdoor festival. Alcohol is not permitted in parks absent a permitted outdoor festival alcohol sub-permit.

At current the applicant meets all requirements set forth for the sub-permit. The applicant currently holds a valid State of Georgia Alcohol License, Clayton County Caterers License & has passed the background check performed by the Jonesboro Police Department. In addition, the applicant has been cleared through our E-Verify system. Upon checking with the Clayton County Licensing Department, the applicant has not had any beer/wine/distilled spirits violations.

Should Mayor & Council approve of the sub-permit, staff is requesting that the applicant be required to ensure that all id's are checked properly and that wristbands are used to distinguish those that can legally consume alcoholic beverages. Applicant will not be allowed to have any glass products or bottles.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Exhibits Attached *(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)*

-

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title
 Ricky Clark, City Administrator

Date
 March, 14, 2017

03/14/17 City Council APPROVED

Signature

City Clerk's Office



CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item #

3.2

- 2

COUNCIL MEETING DATE
 March 14, 2017

Requesting Agency (Initiator)

Office of the City Administrator

Sponsor(s)

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Council to consider Ordinance #2017-05 establishing a moratorium on the acceptance of any applications for tire dealers.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Yes **Community Planning, Neighborhood and Business Revitalization**

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Given the fact the City is undergoing a comprehensive rewrite of our zoning ordinances due to the recent completion of our Comprehensive Plan, staff feels the need to place a moratorium on certain businesses. In our Comprehensive Plan, certain areas along North & South Main Street are delineated as "Gateway Entrances." To continue in this practice, staff requests to place a 98-day moratorium on any Tire Dealer businesses (NAICS Code 44132).

This period would allow staff the opportunity to revise necessary code and present to Mayor & Council language for necessary Overlay Districts.

Staff anticipates having the Overlay Districts presented to Mayor & Council before the 98-period ends to allow for any comments.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

N/A

Exhibits Attached *(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)*

-

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title
 Ricky Clark, City Administrator

Date
 March, 14, 2017

03/14/17 City Council ADOPT

Signature

City Clerk's Office

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF JONESBORO, GEORGIA ESTABLISHING A MORATORIUM ON THE ACCEPTANCE OF ANY APPLICATIONS FOR TIRE DEALERS (NAICS CODE 44132); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN ADOPTION DATE AND EFFECTIVE DATE; TO PROVIDE A PENALTY; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Jonesboro, Georgia (the “City”) is the Mayor and Council thereof;

WHEREAS, the City has been vested with substantial powers, rights, and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City; and

WHEREAS, Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits, and other development approvals where exigent circumstances warrant the same, pursuant to case law found at *City of Roswell, et al. v. Outdoor Systems, Inc.*, 274 Ga. 130, 549 S.E.2d 90 (2001); *Lawson v. Macon*, 214 Ga. 278, 104 S.E.2d 425 (1958); *Taylor v. Shetzen*, 212 Ga. 101, 90 S.E.2d 572 (1955); and

WHEREAS, the Courts take judicial notice of a local government's inherent ability to impose moratoria on an emergency basis; and

WHEREAS, the Georgia Supreme Court, in the case of *DeKalb County v. Townsend*, 243 Ga. 80 (1979), held that, "To justify a moratorium, it must appear first, that the interests of the public generally, as distinguished from those of a particular class, require such interference; and second, that the means are reasonably necessary for the accomplishment of the purpose, and not unduly oppressive upon individuals." The City has found that the interests of the public necessitate the enactment of a moratorium for health, safety, morals, and general welfare purposes by means, which are reasonable and not unduly oppressive; and

WHEREAS, the Mayor and Council have, as a part of planning, zoning, and growth management in review of the City's Code of Ordinances, including its Zoning Ordinance, and have been studying the City's best estimates and projections of the type of development which could be anticipated within the City; and

WHEREAS, the Mayor and Council deem it important to develop a comprehensive plan, which integrates all of these concerns and therefore consider this Moratorium a proper exercise of the City's police powers; and

WHEREAS, the Mayor and Council therefore consider it paramount that land use regulation continue in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City. The Mayor and City Council have always had a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics, and the general welfare of the community; in particular, the lessening of congestion on City streets, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

WHEREAS, it is the belief of the Mayor and Council that the concept of, "public welfare" is broad and inclusive; that the values it represents are spiritual as well as physical, aesthetic as well as monetary; and that it is within the power of the City "to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled," *Berman v. Parker*, 348 U.S. 26, 75 S.Ct. 98 (1954); *Kelo v. City of New London*, 545 U.S. 469, 125 S. Ct. 2655, 162 L. Ed. 2d 439 (2005). It is also the opinion of the Mayor and Council that "general welfare" includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and

WHEREAS, the Mayor and Council are, and have been interested in, developing a cohesive coherent policy regarding certain uses in the City, and have intended to promote community development through stability, predictability, and balanced growth which will further the prosperity of the City as a whole.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF JONESBORO, GEORGIA and by the authority thereof:

The Mayor and City Council do hereby impose a moratorium of ninety-eight (98) days on the acceptance of the following applications for Tire Dealer businesses (NAICS Code 44132): occupational tax certificates, zoning, rezoning, variances, permits, inspections, or any other similar license or permit for the purpose of authorizing such or similar uses as described in the Zoning Ordinance of the City of Jonesboro, Georgia. Such Moratorium is imposed in order to allow for the consideration and adoption of appropriate zoning ordinances covering same, as defined and required by the Georgia Zoning Procedures Law.

BE IT FURTHER ORDAINED, said moratorium shall begin at 11:59 p.m. on March 14, 2017 and end at 11:59 p.m. on June 20, 2017.

SECTION I.

FINDINGS OF FACT

The Mayor and Council of the City of Jonesboro, Georgia (“City”) hereby make the following findings of fact:

(a) It appears that the City’s development ordinances, Zoning Ordinance and/or Comprehensive Land Use Plan, require an additional review by the City as they relate to the development of Tire Dealer businesses (NAICS Code 44132); and

(b) Substantial disorder, detriment, and irreparable harm would result to the citizens, businesses and the City if the current land use regulation scheme, in and for the above described use in the City, were to be utilized by property owners prior to a more thorough review; and

(c) The City's ongoing revision of its code, comprehensive plan, and zoning ordinances requires that a limited cessation of the acceptance of the following applications for Tire Dealer businesses (NAICS Code 44132) be enacted: occupational tax certificates, zoning, rezoning, variances, permits, inspections, or any other

similar license or permit for the purpose of authorizing such or similar uses as described in the

Ordinance of the City of Jonesboro, Georgia; and

(d) It is necessary and in the public interest to delay, for a reasonable period of time, the processing of any applications for such developments to ensure that the design, development, and location of the same are consistent with the long-term planning objectives of the City; and

(e) That the Georgia Supreme Court has ruled that limited moratoria are reasonable and do not constitute land use when such moratoria are applied throughout the City under *City of Roswell et al v. Outdoor Systems Inc.*, 274 Ga. 130, 549 S.E.2d 90 (2001).

SECTION II.

IMPOSITION OF MORATORIUM

(a) There is hereby imposed a moratorium on the acceptance by the staff of the City of Jonesboro on acceptance of the following applications for Tire Dealer businesses (NAICS Code 44132): occupational tax certificates, zoning, rezoning, variances, permits, inspections, or any other similar license or permit for the purpose of authorizing, such or similar uses as described in the Zoning Ordinance of the City of Jonesboro, Georgia.

(b) The duration of this Moratorium shall be until the City adopts a revision to the Code of Ordinances, City of Jonesboro, Georgia related to the above-referenced use or until Tuesday, June 20, 2017, whichever first occurs.

(c) This Moratorium shall be effective on Tuesday, March 14, 2017 at 11:59 p.m.

(d) This Moratorium shall have no effect upon approvals or permits previously issued or as to development plans previously approved by the City. The provisions of this Ordinance shall not affect the issuance of permits or site plan reviews that have received preliminary or final approval by the City on or before the effective date of this Ordinance.

(e) As of the effective date of this Ordinance, the following applications for Tire Dealer businesses (NAICS Code 44132) will not be accepted by any agent, employee, or officer of the City with respect to any property in the City: occupational tax certificates, zoning, rezoning, variances, permits, inspections, or any

other similar license or permit for the purpose of authorizing such or similar uses as described in the Ordinance of the City of Jonesboro, Georgia. Any application so accepted for filing will be deemed in error, null and void and of no effect whatsoever and shall constitute no assurance whatsoever of any right to engage in any act, and any action in reliance on any such permit shall be unreasonable.

(f) However, notwithstanding the foregoing, a written application, including verified supporting data, documents, and facts, may be made which specifically requests a review by the Mayor and Council at a scheduled meeting of any facts or circumstances which the applicant feels substantiates a claim for the grant of an exemption from this Moratorium either by virtue of an existing vested right to proceed under the existing laws and regulations, or by virtue of exigent or emergency circumstances.

(g) The following procedures shall be put in place immediately. Under *Cannon v. Clayton County*, 255 Ga. 63, 335 S.E.2d 294 (1985); *Meeks v. City of Buford*, 275 Ga. 585, 571 S.E.2d 369 (2002); *City of Duluth v. Riverbroke Props.*, 233 Ga. App. 46, 502 S.E.2d 806 (1998), the Supreme Court stated, “Where a landowner makes a substantial change in position by expenditures and reliance on the probability of the issuance of a building permit, based upon an existing zoning ordinance and the assurances of zoning officials, he acquires vested rights and is entitled to have the permit issued despite a change in the zoning ordinance which would otherwise preclude the issuance of a permit.” Pursuant to this case, the City recognizes that, unknown to the City, de facto vesting may have occurred. The following procedures are established to provide exemptions from the Moratorium where vesting has occurred:

- (1) A written application, including verified supporting data, documents and facts, may be made requesting a review by the Mayor and Council at a scheduled meeting of any facts or circumstances which the applicant feels substantiates a claim for vesting and the grant of an exemption.

SECTION III.

(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 and 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 Chapter 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.

SECTION IV.

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

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

(c) The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

(d) All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

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

SO ORDAINED this the 14th day of March, 2017.

CITY OF JONESBORO, GEORGIA

JOY B. DAY, Mayor

ATTEST:

RICKY L. CLARK, JR., City Clerk/Administrator

(Seal)

APPROVED AS TO FORM:

STEVEN M. FINCHER, City Attorney