



City of Warner Robins City Council Meeting Minutes

Monday, October 07, 2019

5:30 PM

Council Chambers

Regular Meeting of Warner Robins City Council

Presiding: Mayor Randy Toms

City Officials Present:

Councilman Daron Lee

Councilman Keith Lauritsen

Councilman Tim Thomas

Councilman Clifford Holmes

Councilman Larry Curtis

City Officials Absent: Councilwoman Carolyn Robbins, passed away September 30, 2019. She will be missed.

Opening Prayer: Councilman Curtis

Pledge of Allegiance: Councilman Lauritsen

Call to Order: 5:32 p.m.

Adoption of the Agenda: Councilman Holmes moved to adopt the agenda as presented. Councilman Lauritsen seconds the motion. Councilmen Lee, Lauritsen, Thomas, Holmes and Curtis voted for adoption of the agenda.

Presentation of Proclamations/Awards:

Action Items:

Action Item 1 Presentation of Minutes

The minutes of the regular meeting of September 16, 2019 were presented for approval.

Motion:	Councilman Lee moved for the approval of the minutes for regular meeting of the Monday, September 16, 2019.
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Second:	Councilman Lauritsen.
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Outcome:	Councilmen Lee, Lauritsen, Thomas, Holmes and Curtis voted for approval of the minutes.
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Action Item 2 Purchasing Bids

Purchasing Bid List items, attached hereto, were presented for approval.

Motion: Councilman Holmes presented and moved for the approval of the bid list. Items one through fifteen.

Second: Councilman Thomas.

Outcome: Councilmen Lee, Lauritsen, Thomas, Holmes and Curtis voted for approval of the bid list.

Action Item 3 Food Trucks (Discussion Only)

Council Thomas stated the need to start up the food truck program and he had talked to Ms. Sherri Windham – Community Development Director about this program. Mayor Toms stated that this program is already been in the works and should be ready to start in the very near future.

Motion: N/A

Second: N/A

Outcome: N/A

Action Item 4 Motion - Sale of property; 255 Ward Street

A motion was made to proceed with advertisement and solicitation of bids for the sale of property located at 255 Ward Street

Motion: Councilman Curtis moved for the approval of the motion.

Second: Councilman Holmes.

Outcome: Councilmen Lee, Lauritsen, Thomas, Holmes and Curtis voted for approval.

Action Item 5 Motion – FY 2020 CDBG Review Board Committee appointments

The Community Development Department has recommended the following representatives to serve on the FY2020 CDBG Review Board Committee, and requests that the Mayor and Council of the City of Warner Robins approve of these appointments:

- 1) Nancy Newell
- 2) Kathy Hart
- 3) Carolyn Mitchell
- 4) Lydia Humphrey
- 5) Cathy Silengo

Motion: Councilman Lee moved for the approval this motion.

Second: Councilman Curtis.

Outcome: Councilmen Lee then withdrew his motion after stating there were no men on the committee and he had an issue with particularly selected to be on the committee. Motion was dismissed with no vote.

Action Item 6 Resolution – Appointment of Precinct Managers for City’s 2019 Elections

A Resolution of the Mayor and Council of the City of Warner Robins to appoint Gladys Carol Mead as the City's absentee ballot clerk for the 2019 and subsequent elections according to the Official Code of Georgia Annotated § 21-2-380.1. The Official Code of Georgia Annotated § 21-2-90 provides for the appointment of chief managers and assistant managers by the governing authority for municipal elections, The City’s election superintendent recommend appointment of the following individuals:

Second Baptist Church

Manager	Stephanie Dixon	507 Grand Ave, Bonaire, GA 31005
Assistant	Deanna Avery	167 Talton Rd, Kathleen, GA 31047
Assistant	Jenna Harter	119 Belmont Dr, Warner Robins, GA 31088

Annex

Manager	Tyler Johnson	213 Wild Azalea Dr, Perry, GA 31069
Assistant	Jonathon Manzullo	108 Magnum Way, Perry, GA 31069
Assistant	Bernard J. Thompson	201 Marion Way, Warner Robins, GA 31098

Feagin Mill Middle

Manager	Tishie Williams	251 Piney Grove Cir, Kathleen, GA 31047
Assistant	Mykayla Williams	251 Piney Grove Cir, Kathleen, GA 31047
Assistant	Susan Hall	113 Sonja Dr, Warner Robins, GA 31088

Recreation Department

Manager	Dwan Johnson	206 Palm Dr, Warner Robins, GA 31088
Assistant	Marlee Blackshear	102 King Ct, Warner Robins, GA 31093
Assistant	Daphanie Verdier	121 Rolling Woods Cir, Warner Robins, GA 31088

Houston Healthcare Pavilion Conference Center

Manager	Rosalie Sugrue	103 Calle Verde Dr, Warner Robins, GA 31088
Assistant	Bernadette Arroyo-Kemp	112 Falcon Crest, Warner Robins, GA 31088
Assistant	Glenda Moore	106 Quail Run Dr, Warner Robins, GA 31088

Advance Voting

Manager	Judy P Britt	105 Arthur St, Warner Robins, GA 31088
Assistant	Nancy B Slappey	120 Covey Dr, Warner Robins, GA 31088
Assistant	Virginia C Liles	100 Spring Valley Dr, Warner Robins, GA 31088

Motion:	Councilman Lauritsen moved for the approval of this Resolution.
Second:	Councilman Lee.
Outcome:	Councilmen Lee, Lauritsen, Thomas, Holmes and Curtis voted for approval.

Action Item 7	Resolution – JAG Grant Award
<p>A resolution authorizing Mayor Randy Toms to execute a Grant Award agreement with the United States Department of Justice/Edward Byrne Memorial Justice Assistance Grant (JAG) in order to receive a grant award in the amount of \$36,884; and, per a Memorandum of Understanding between the City of Warner Robins Police Department and the Houston County Sherriff's Office to split the grant award amount equally (\$18,442.00) with the City of Warner Robins acting as the fiscal agent.</p>	
Motion:	Councilman Holmes moved for the approval of this Resolution.
Second:	Councilman Curtis.
Outcome:	Councilmen Lee, Lauritsen, Thomas, Holmes and Curtis voted for approval.

Action Item 8	Resolution – 2019 Bulletproof Vest Partnership Grant Award
<p>A resolution authorizing Mayor Randy Toms to execute a Grant Award agreement with the United State Department of Justice/Bureau of Justice Assistance in order to receive a grant award in the amount of \$14,647.25 to reimburse 50% of the cost of bulletproof vests purchased by the City of Warner Robins Police Department in accordance with purposes outlined in the grant application.</p>	
Motion:	Councilman Thomas moved for the approval of this Resolution.
Second:	Councilman Curtis.
Outcome:	Councilmen Lee, Lauritsen, Thomas, Holmes and Curtis voted for approval.

Action Item 9	Resolution – Governor's Office of Highway Safety Grant Award / FY20 WRPD Operation Safe Streets
<p>A resolution authorizing Mayor Randy Toms to execute a Grant Award agreement with the Georgia Governor's Office of Highway Safety in order to receive a grant award in the amount of \$21,740; to update the WRPD's breath alcohol testing (BAT) mobile unit and to conduct highly visible and highly publicized traffic enforcement strategies and public education in order to reduce traffic crashes, injuries, and fatalities by the City of Warner Robins Police Department in accordance with purposes outlined in the grant application.</p>	
Motion:	Councilman Curtis moved for the approval this motion.
Second:	Councilman Holmes.
Outcome:	Councilmen Lee, Lauritsen, Thomas, Holmes and Curtis voted for approval of the minutes.

Action Item 10 Resolution – Easement of Abandonment; 304 Angus Blvd

A resolution authorizing Mayor Randy Toms to execute a quit claim deed releasing and abandoning the City's interest in drainage and utility easement, being known as "All that tract or parcel of land situate, lying and being in Land Lot 169 of the Fifth (5th) Land District of Houston County, Georgia, being known and designated as a 15' drainage and utility easement on Lot 9, Block H, Section 1, of Willow Bend Estates Subdivision, according to a plat of survey being of record in Plat Book 17, Page 13, Clerk's Office, Houston Superior Court. "304 Angus Blvd." Said plat is hereby made a part of this description by reference for all purposes. The drainage and utility easement has ceased to be used by the public to the extent that no substantial public purpose is served by it.

Motion: Councilman Lee moved for the approval this motion.

Second: Councilman Thomas.

Outcome: Councilmen Lee, Lauritsen, Thomas, Holmes and Curtis voted for approval.

Action Item 11 Resolution – Tax Consultant / Shana Moss Agreement

A resolution authorizing Mayor Randy Toms to execute an agreement with Shana Moss to perform the duties of temporary part time tax consultant for the City during the tax season.

Motion: Councilman Lauritsen moved for the approval of this motion with a pay rate of up to \$35.00 an hour – 4 days a week.

Second: Councilman Holmes.

Outcome: Councilmen Lee, Lauritsen, Holmes and Curtis voted for approval. Councilman Thomas abstained.

Action Item 12 Resolution Employee Promotions

The following employee was recommended for promotion by their respective department:

- **Mark Polk**, promoted from Utilities Locator, Job Class #962, Grade 14, Utility Department, to Compliance Training Officer, Job Class #971, Grade 17, Utility Department, to be effective October 7, 2019.
- **Darrall Mays**, promoted from Rodder Operator (Sewer), Job Class #950, Grade 11, Utility Department, to Utilities Locator, Job Class #962, Grade 14, Utility Department, to be effective October 7, 2019.
- **Roderick Lofton**, promoted from Meter Reader, Job Class #940, Grade #9, Utility Department, to Utilities Locator, Job Class #962, Grade 14, Utility Department, to be effective October 7, 2019.
- **Aaron Squires**, promoted from Equipment Operator, Job Class #461, Grade #10, Public Works Department, to Heavy Equipment Operator (Stormwater), Job Class #492, Grade 12, Public Works Department, to be effective October 7, 2019.

Motion: Councilman Curtis moved for the approval the Resolution.

Second: Councilman Holmes.

Outcome: Councilmen Lee, Lauritsen, Thomas, Holmes and Curtis voted for approval.

Pre-Council Comments regarding agenda items: No Comments

Closed Session: During the Pre-Council meeting, Mayor Toms requested a motion to enter into an executive session to discuss real estate. Councilman Holmes moved for an executive session to discuss real estate; Councilman Curtis seconded the motion. Councilmen Lee, Lauritsen, Thomas, Holmes and Curtis voted for the approval of the motion. The Pre-Council meeting closed at 4:41 p.m.; the closed session opened at 4:45 p.m. and ended at 4:55 p.m., City Clerk is in possession of closed session minutes.

Citizen Comments: Rita Simon.

Adjournment: 6:16 p.m.

Next Regular Council Meeting: Monday, October 21, 2019



Kim A. Demoone
Acting City Clerk

CITY OF WARNER ROBINS, GEORGIA

COUNCIL DATE: October 7, 2019

WRITTEN REQUESTS HAVE BEEN SUBMITTED BY THE CITY DEPARTMENTS FOR THE FOLLOWING ITEMS. THE PURCHASING DEPARTMENT RECOMMENDS THE FOLLOWING ITEMS BE ACQUIRED. BY APPROVAL, AUTHORITY IS GIVEN FOR SUPPORTING CONTRACTS TO BE EXECUTED IN ACCORDANCE WITH APPLICABLE PROVISIONS OF THE CITY CODE: (Bid tabulations are attached)

BID NUMBER / ITEMS	VENDOR	COST	ACCOUNT NO. / BUDGET	COMMENTS
1) Sonicwall Network Firewall Bid No. #: IS-4252	Gov Connection Inc. Woburn, MA	\$7,684.29 Attachment #1	1535 54125 / \$60,507.76 Remaining INFORMATION SYSTEMS – Computer Equipment	Contract Period: October 15, 2019 – October 14, 2021
2) Stalker Motorcycle Radars Bid No.: P-4258	Applied Concepts, Inc. Richardson, TX	\$6,833.00 Attachment #2	1401 53100 / \$427,739.40 Remaining POLICE / Condemned Funds – State	Recommendation of Police Dept.
3) Executive Desk & Hutches for Public Works (3) Each	Phillips Furniture Warner Robins, GA	\$6,234.00	61 52144 / \$29,836.00 Remaining PUBLIC WORKS / Storm Water	
4) Panasonic Toughbook Computers for Motorcycles Omnia Partners #: 4400006644	Insight Public Sector Tempe, AZ	\$10,374.64	3220 54128 POLICE – J.A.G Grant Equipment	Mobile Citation Equipment
5) Digital Billboard Advertisements Byron Exit @ I-75 F/N & WR Exit @ I-75 F/S ANNUAL CONTRACT	Outdoor Media Solutions Macon, GA SOLE SOURCE	\$ 845.00 (Ea.) Monthly \$10,140.00 (Ea.) Annually \$20,280.00 Total	18 052321 / \$45,598.95 Remaining CVB – Advertising / City Promotions	Contract Period: October 01, 2019 – September 30, 2020

BID NUMBER / ITEMS	VENDOR	COST	ACCOUNT NO. / BUDGET	COMMENTS
6) Digital Billboard Advertisements Byron Exit @ I-75 F/N & WR Exit @ I-75 F/S ANNUAL CONTRACT	Outdoor Media Solutions Macon, GA SOLE SOURCE	\$5,670.00 Total	18 52321 / \$45,598.95 Remaining CVB - Advertising / City Promotions	July, August & September invoices Were \$945.00 (Ea.) The Contract was Renegotiated
7) Tax Bills Printing & Set-Up Fees	Diversified Companies, LLC Chattanooga, TN	\$6,500.00 Estimate	1514 52331 / \$4,269.93 TAX ADMINISTRATION / Professional Service	Money to be transferred within budget
8) GMP for North Houston Park Building Construction Phase II Bid No.: R-3915	Parrish Construction Group Perry, GA	\$17,027,733.00	3509 54128 / 2018 SPLOST RECREATION – Sports Complex	
9) Remainder GMP for North Houston Park Architectural Services	JMA Architecture, Inc. Perry, GA PROFESSIONAL SERVICE	\$603,000.00	3509 54128 / 2018 SPLOST RECREATION – Sports Complex	
10) Police K9 & Patrol Vehicle's Equipment (i.e. Lights, Sirens, Cages etc.) Bid No.: P-4242	Dana Safety Supply, Inc.	\$237,063.90 Attachment #: 3 - 3c	3220 54123 / \$710,000.00 Remaining POLICE – Vehicles	
11) Toshiba e-Studio 5518a Digital Imaging Systems (2 Ea.)	MBG Office Systems Macon, GA	\$12,710.00 Total	3220 54121 / \$31,892.00 Remaining POLICE / Machinery & Equipment 1401 53100 / \$427,739.40 Remaining POLICE / Condemned Funds – State	This vendor is on contract for all the City's Copiers. \$6,355.00 (Ea.)

BID NUMBER / ITEMS	VENDOR	COST	ACCOUNT NO. / BUDGET	COMMENTS
12) Propper Men's I.C.E. Performance Polo Shirts for the WRPD (275 Ea.) Bid No.: P-4256	The Ink Spot Wamer Robins, GA	\$8,662.50 Attachment #: 4	1401 53100 / \$427,739.40 Remaining POLICE / Condemned Funds – State	
13) Ford F-250 Crew Cab 4x4 Diesel Pick-Up Truck Bid No.: F-4242	Wade Ford, Inc. Smyrna, GA	\$40,439.00 Attachment #: 5	3520 54123 / \$36500.00 Remaining FIRE SUPPERSSION – Vehicles	WRF424304
14) Platform Aerial Apparatus Fire Truck Bid No.: F-4226	Sutphen Corporation Dublin, OH	\$1,050,000.00 1.33 % Contingency Pre-Construction 10-year Lease @ 2.69% Estimated Payment approx. \$120,000.00 Attachment #: 6 – 6e	3520 58104 / \$110,000.00 Remaining FIRE – Lease Payments Fire Trucks	**NOTE: The Fire Dept Committee & Sutphen worked diligently under the guidance of the Purchasing Office to negotiate getting everything needed on the Fire Apparatus Truck at a price both parties could agree to. GREAT JOB.
15) Fire Uniforms ANNUAL CONTRACT Bid No.: F-4241	T & T Uniforms, Inc. Smyrna, GA	Attachment #7 & 7a for Cost Breakdown Ordered on as needed basis throughout year.	3520 53010 / \$52,663.30 Remaining FIRE – Uniforms & Clothing	Contract Period: November 1, 2019 – October 31, 2020

**CITY OF WARNER ROBINS
STATE OF GEORGIA**

RESOLUTION

WHEREAS, Section 18-1(c) of the City Code provides the Director of General Administrative Services draft the personnel rules and regulations for the City; and

WHEREAS, the Mayor and Council have determined that it is in the City's best interest to encourage its employees to seek greater educational credentials and occupational skills to enhance their careers and job performance as City employees; and

WHEREAS, the current tuition reimbursement policy was adopted by Mayor and Council on February 22, 2011 and last amended on June 16, 2014, and City staff recommends further amendment.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Warner Robins hereby adopt this updated Tuition Reimbursement Program Policy to be effective upon date of adoption.

This 21st day of October, 2019.

CITY OF WARNER ROBINS

By: Randy Toms
Randy Toms, Mayor

Attest:

Kim Demoonie
Kim Demoonie
Interim City Clerk

Tuition Reimbursement Program Procedures & Responsibilities

1. Classified Service Employees must complete and submit a "Continuing Education Approval and Refund Application (CEARA)" form to their Department Director for approval prior to enrolling in courses.
2. Department Directors and other Appointed Employees wishing to participate in the City's Tuition Reimbursement Program should complete and submit a CEARA form to the Mayor for approval.
3. Department Director (or Mayor, if applicable) will review the request and will either approve or deny the request in writing and forward the form indicating his decision to the Human Resources Office.
4. In the event a request is denied, the Department Director (or Mayor, if applicable) will state his/her reasons for denying the request on the CEARA form and provide a copy to the employee and forward the original form to the Human Resources office.
5. The Human Resources Manager (HRM) will review the application for completeness and compliance with the policy. If the HRM determines the application is incomplete or does not comply with policy, the Department Director will be informed of the deficiencies and the application will be returned to the Department for correction.
6. The Human Resources office will notify the Finance office in writing of all approved applications.
7. All completed applications for the Tuition Reimbursement Program will be retained in the employee's personnel file.
8. Upon satisfactory completion of approved courses, employee will submit evidence of satisfactory completion and proof of payment with his reimbursement request to the Human Resources office. Evidence of payment will include a document from the educational institution confirming paid tuition along with either a copy of the front and back of cancelled check used to make payment, a copy of a credit card statement in the employee's name showing payment to the educational institution, or documentation of the employee's financial commitment to the institution to pay tuition. Reimbursement requests should be submitted no later than 30 days after completion of the courses.
9. The Human Resources office will review the reimbursement request and the evidence of payment for completeness before forwarding to Accounts Payable for processing.
10. The Finance office will forward copies of checks issued for tuition reimbursement to Human Resources for retention in personnel files and or use in review of future requests.
11. If the application is denied by the Department Director, the employee may appeal to the HRM in writing. The appeal should be submitted within 10 business days of receiving the decision.
12. If an employee voluntarily leaves employment or is dismissed for cause prior to meeting the program's continuing service requirements, the city will be authorized by the employee to collect any amounts due, either directly from the employee or by payroll deduction out of employee's final paycheck.
13. If the employee fails to fully reimburse the City what it is owed, the employee agrees that he or she will indemnify the City for all costs and attorney's fees associated with the collection of the amount due if the City deems it necessary to institute legal action.

**STATE OF GEORGIA
CITY OF WARNER ROBINS**

RESOLUTION

WHEREAS, City Code Section 18-43 provides for hearings for employees who have a right of appeal under section 18-42 (a) shall be conducted by an administrative law judge appointed by the Mayor and Council; and

WHEREAS, it is necessary that the Mayor and Council appoint a panel of Administrative Law Judges to be utilized by Human Resources in scheduling such hearings.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Warner Robins hereby appoint T. Rabb Wilkerson, Special Assistant Administrative Law Judge for Georgia, and Lawrence E. O'Neal, Jr., Administrative Law Judge in the Georgia Tax Tribunal Court as Administrative Law Judges for purposes of Section 18-43 et seq of the City Code. Other judges previously appointed shall remain in effect.

SO RESOLVED this 21st day of October, 2019.

CITY OF WARNER ROBINS, GEORGIA

BY: 
RANDY TOMS, MAYOR

ATTEST:


KIM DEMOONIE, INTERIM CITY CLERK

No.: 26-19
CITY OF WARNER ROBINS
STATE OF GEORGIA

ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF WARNER ROBINS, GEORGIA, ADOPTING AN NEW ORDINANCE TO AMEND CHAPTER 10 OF THE CODE OF ORDINANCES AND REGULATE MOBILE FOOD VENDORS IN THE CITY, AND FOR OTHER PURPOSES.

BE IT ORDAINED that the Mayor and Council of the City of Warner Robins hereby adopt the following regulatory ordinance:

-1-

Sec. 1. Mobile Food Vendor ordinance adopted.

The provisions of this ordinance shall apply to the use of mobile food vendors within the City of Warner Robins and shall be coordinated and enforced by City Clerk. The general purpose of this article is to promote the health, safety, and general welfare of the citizens of Warner Robins, Georgia by requiring that new and existing mobile food vendors provide residents and customers with a level of cleanliness, quality, and safety.

It is also the intent of this article to establish reasonable guidelines and restrictions for mobile food vendors in relationship to established restaurant businesses and ensure the safe and convenient use of the public rights-of-way.

Sec. 2. Definitions.

Clerk means the City Clerk, or its designee.

Commissary means an approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored.

Ice cream truck means a motor vehicle in which pre-packaged ice cream, popsicles, ice sherbets or other frozen desserts of any kind are carried for the purpose of retail sale on the streets of the city. For the purpose of this article, the term "ice cream truck" shall not include vendors who prepare ice cream, popsicles, ice sherbets or other frozen desserts of any kind, nor shall it include vendors who serve ice cream products as part of a menu of other foods, i.e. pie a la mode.

Mobile food vendor means any person selling food from a mobile food vendor vehicle.

Mobile food vendor vehicle means a retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to prepare and serve food.

Pushcart means a non-self-propelled vehicle limited to serving commissary prepared or prepackaged food and non-potentially hazardous food, unless the equipment is commercially designed and approved to handle food preparation and service. Pushcarts shall not be required to comply with mobile vehicular safety requirements.

Restaurant means an establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Temporary food establishment means a retail food establishment, other than a licensed mobile food vendor or pushcart, that is not intended to be permanent and that operates at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration.

Sec. 3. License Required.

- a) It shall be unlawful for any person to sell, or offer for sale, food of any type from a commissary, mobile retail food establishment vendor, ice cream truck, pushcart or temporary food establishment without a license first having been granted under this section. Additionally, a permit shall be required for each event occurring within the city limits of Warner Robins, Georgia.
- b) An application for a license or a permit hereunder shall be submitted to the clerk setting forth all information required hereunder and non-compliance with this article. The clerk shall develop an appropriate application form(s) for the purpose of compliance with this article.
- c) The following information shall be provided with each application for a mobile food vendor vehicle, or push car permit:
 - 1) Name of the mobile food vendor;
 - 2) Make, model, and license plate number of vending vehicle;
 - 3) Owner's contact information;
 - 4) Operator's contact information;
 - 5) Type of vendor (street vending unit or sidewalk vending unit);
 - 6) Copy of approved permit from the county health department;
 - 7) List of operating locations and times;
 - 8) Signatures from property owners indicating consent for the use of their property, if parked on private property.
 - 9) Signature of applicant indicating agreement to the listed requirements.
- d) The following information shall be provided with each application for an ice cream truck permit:
 - 1) Name of the mobile food vendor;
 - 2) Owner's contact information;

- 3) Operator's contact information'
 - 4) Type of vendor (street vending unit or sidewalk vending unit);
 - 5) Copy of approved permit from the state department of agriculture;
 - 6) Signatures from property owners indicating consent for the use of their property, if applicable;
 - 7) Signature of applicant indicating agreement to the listed requirements.
- e) Every license issued under the provisions of this article shall expire on December 31 each year.

Sec. 4. Prohibited conduct and requirements.

- a) Operation on public property. Except for ice cream trucks, no mobile food vendor vehicle shall conduct business or operate on any street, sidewalk, alley, trail or other right-of-way or on any city-owned property, including plazas and parks, except:
- 1) As part of a city-sponsored or city-sanctioned special event;
 - 2) Through a contract with the clerk; or
 - 3) When parked in a city-designated mobile food vendor vehicle parking space within the assigned dates and times.
 - 4) Except as may be allowed as part of a city-issued special event permit or by contract with the clerk's office, mobile food vendors are permitted in a city-designated mobile food vendor vehicle parking space no more than five (5) days in any calendar month. A minimum of two (2) calendar days must transpire between operating periods on any given parking space.
- b) Operation on private property.
- 1) A mobile food vendor shall not operate on any private property without the prior written consent of the property owner.
 - 2) Except as may be allowed as part of a city-issued special event permit, mobile food vendors are permitted on a given property no more than five (5) days in any calendar month. A minimum of two (2) calendar days must transpire between operating periods on any given property. A special exception may be made by the Clerk.
 - 3) Except as may be allowed as part of a city-issued special event permit, no more than two (2) mobile food vendors may operate on any single property at any one (1) time.
 - 4) Except as may be allowed as part of a city-issued special event permit, mobile food vendors may occupy no more than ten (10) percent of the designated parking spaces on a given property, and at no time shall the operation of a mobile food vendor reduce the number of parking spaces on a property below the minimum required by city code or ordinance.

- 5) Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.
- c) A mobile food vendor who prepares food shall maintain a one million dollar (\$1,000,000.00) liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in the state, protecting the mobile food vendor and the public from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days' advanced written notice to the city.
- d) Except for ice cream trucks, a mobile food vendor shall not make sounds or announcements to call attention to the mobile food vehicle either while traveling on the public rights-of-way or when stationary. At all times said mobile food vendor, ice cream truck or push cart shall be in compliance with the city noise ordinance.
- e) The license under which a mobile food vendor vehicle, ice cream truck, or push cart is operating must be firmly attached and visible on the vehicle or pushcart at all times.
- f) Any driver of a mobile food vendor vehicle or ice cream truck must possess a valid state driver's license.
- g) Each licensed mobile food vendor must maintain for patrons' use, a litter receptacle of sufficient size to accept the litter being generated by the sales from the vendor's vehicle at the point of sales. City receptacles shall not be utilized for the purpose. Each vendor shall pick up litter which is associated with the vendor's sales in the vicinity of the vendor's place of business prior to departing the sales location. A pattern of leaving excessive litter shall be a basis for suspension or revocation of the license.
- h) Liquid waste and grease shall only be disposed of in a container approved for such substances as required by the Georgia Department of Health.
- i) Except for ice cream trucks, mobile food vendors are allowed only in C-1, C-2, C-3, M-1 and M-2 zoning districts, except as part of a special event sponsored by the city, a homeowners association or similar official neighborhood organization.
- j) Mobile food vendors shall not operate within twenty-five (25) feet of any street intersection, pedestrian crosswalk or driveway except as part of a city-sponsored or sanctioned special event.

- k) Mobile food vendors shall not operate within two hundred fifty (250) feet of the door of a lawfully established eating establishment that is actively open for business serving customers, unless the mobile food vendor provided documentation, which is signed by the eating establishment owner, that the eating establishment owner interposes no objection to a closer proximity. If an eating establishment opens within the two hundred fifty-foot zone after the mobile food vendor is licensed, the mobile food vendor may remain in that location until the following annual permit is due.
- l) Mobile food vendors shall not be located within one thousand (1,000) feet of any city-sponsored or sanctioned special event unless that food vendor has been permitted to be at the event.
- m) Hours of operation shall not be limited, except as part of a city-sponsored event permit or by contract with the clerk's office. When operating in the C-3 Central Business District, and not part of a city-sponsored event, a mobile food vendor may operate only between the hours of 7:00 a.m. and 10:00 p.m. At the end of each business day's operation, the vendor shall remove from the premises the mobile food vendor vehicle and all materials associated with the business.
- n) No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a mobile food vendor unless each side of the vehicle is marked, in letters and numbers at least three (3) inches in height, with the name and address of the mobile food vendor licensee.
- o) The mobile food vendor shall comply with all state, federal and local health and safety regulates and requirements and shall obtain
- p) Except as otherwise allowed and described within this section, a mobile food vendor must operate from a motorized, wheeled vehicle that may lawfully be driven upon streets and roadways within the state.
 - 1) The owner of a licensed restaurant located within the city may, with a valid city mobile food vendor permit, engage in mobile food vending from a wheeled mobile trailer, pushcart, or motorized vehicle as an ancillary location of said restaurant, provided that all other provisions of this article are met and adhered to.
 - 2) As allowed by a city-issued special event permit, a mobile food vendor that holds a valid city mobile food vendor permit may operate from a wheeled mobile trailer, pushcart, or motorized vehicle.
- q) The following safety regulations shall apply to any and all vehicles operating under this article or used for mobile retail food establishments:
 - 1) Every self-propelled vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding

noise level.

- 2) Every self-propelled vehicle shall be equipped with two (2) rear-vision mirrors, one (1) at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.

- (r) The mobile food vendor may sell food and non-alcoholic beverage items only. The sale of nonfood and drink items shall be limited to merchandise displaying the mobile food vendor company logo and/or branding. No items shall be displayed outside of the vehicle.

Sec. 5. Indemnity.

As part of the permitting process set forth herein, any person or entity receiving a permit set forth herein agrees to indemnify the city and hold the city harmless from any and all claims, demands, actions, damages, liability and expenses in connection with loss of life, personal injury and/or damage to property arising from or out of any occurrence in, upon, or on any property in the city, and occasioned wholly or in part by any act or omission of vendor or those acting or failing to act in the right of the vendor.

Sec. 6 Revocation and suspension.

- (a) The clerk shall have the right to suspend or revoke a mobile food vendor license under the conditions set forth in this section. In the event the clerk seeks to suspend or to revoke a license, the clerk shall give written notification to the licensee of such action and such notice shall contain a specification of the violation or violations for which cause the action is being taken.
- (b) The clerk shall be authorized to suspend or revoke a license in the event of any one (1) or more of the following:
 - 1) A licensee gave false or misleading information in the original application or renewal process;
 - 2) A licensee has knowingly allowed a violation of this mobile food vendor ordinance to occur or did not make a reasonable effort to prevent any such occurrence;
 - 3) A licensee fails to pay any fee, license fee, or other amount of money due to the city under this article or any other licensing ordinance of the city.
- (c) In the event that the clerk determines that a license violation has occurred, such license shall be suspended for thirty (30) days for the first violation. For a second violation occurring within any consecutive twelve-month period, the license shall

be suspended for ninety (90) days. Any license that has been suspended two (2) times within any consecutive twelve-month period that is determined to have committed a subsequent license violation with twenty-four (24) months of the second suspension shall be revoked. Provided, however, that the licensee shall be authorized to continue its business operations until the date of the hearing scheduled in accordance with subsection (e) hereafter. Should a license be revoked the owner and/or operator shall not be eligible to apply for a mobile food vendor license for a period of three (3) years from the date of revocation.

- (d) In the event of a revocation by the clerk, the licensee may appeal the decision of the clerk to the city clerk by filing a written notice of appeal with the clerk within ten (10) business days from the date of the written notice issued to licensee in accordance with subsection (a) of this section. The notice of appeal shall be accompanied by a written document fully stating the grounds for such appeal and all arguments in support thereof. The clerk may submit a memorandum in response to the document filed by the licensee an appeal to the city clerk. The clerk's decision shall be final unless an appeal is timely filed. An appeal shall stay the clerk's decision until the appeal is heard or withdrawn.
- (e) When an appeal is received, the city clerk shall, within ten (10) business days from the date on which the notice of appeal is received by the clerk take either of the following actions:
- 1) Set a hearing date before the city clerk and instruct the clerk to give such notice of hearing as may be required by law; or
 - 2) Appoint a hearing officer and fix the time and place oh hearing. The clerk shall assume responsibility for such publication of notice as may be required by law.

In either event, the hearing shall be held within thirty (30) calendar days of the date the appeal is filed, unless a continuance of such date is agreed to by the licensee and the clerk.

- (f) The city clerk or assigned hearing officer may sustain, overrule, or modify the action of the clerk. The decision of the city clerk or hearing officer shall be final.

Sec. 7. Fees.

The fee for every application for license under this section shall be set by resolution of city council.

If any ordinance, or part thereof, of the City of Warner Robins is in conflict herewith, this ordinance shall have preference. If any provisions of this ordinance are held invalid, such invalidity shall not affect any of the other provisions which can be given effect without the invalid provision, and, to this end, the provisions of this ordinance are declared to be severable.

The provisions of this ordinance were first read on October 21, 2019 and shall become effective upon adoption on October 21, 2019.

CITY OF WARNER ROBINS, GEORGIA

By: Randy Toms
Randy Toms, Mayor

Attest:

Kim Demoone
Kim Demoone, Interim City Clerk

**STATE OF GEORGIA
CITY OF WARNER ROBINS**

RESOLUTION

WHEREAS, City Code Section 10 Article 4 provides for fees of costs for business licenses, and all like fees charged to operate businesses inside the City of Warner Robins, Georgia; and

WHEREAS, a Mobile Food Vendor section has been added as a business operation within the city; and

WHEREAS, the City Clerk will collect such fees for the operation of the Mobile Food Vendor; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Warner Robins hereby sets the Mobile Food Vendor Business License Fee for a one (1) year period at \$150.00. Furthermore, the fee for a Mobile Food Vendor Permit for each event within the City of Warner Robins shall be \$25.00 for each Mobile Food Vendor Vehicle. Said fees shall be waived for non-profit organizations such as schools, churches, etc., who hold an IRS Non-Profit title.

SO RESOLVED this 21st day of October, 2019.

CITY OF WARNER ROBINS, GEORGIA

BY: 

RANDY TOMS, MAYOR

ATTEST:



KIM DEMOONIE, INTERIM CITY CLERK