

**A RESOLUTION ALLOWING FOR RENTALS AND APPROVING RENTAL FEES  
FOR THE MARK BURKHALTER AMPHITHEATER AT NEWTOWN PARK**

- WHEREAS,** Section 1.12(b)(22) Charter of the City of Johns Creek authorizes the City to provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and
- WHEREAS,** pursuant to Section 38-1(b) of the City of Johns Creek Code, the City of Johns Creek may adopt Park and Facility Rental Fees; and
- WHEREAS,** in 2014 the City opened the 10,600 square-foot, open-air Amphitheater at Newtown Park; and
- WHEREAS,** the City wishes to balance its competing interests to protect the City's investment in the facility while supporting the special events in addition to those directly produced and managed by the City; and
- WHEREAS,** in 2015, by Resolution 2015-03-08, the City established a one year pilot program to allow for rentals of the Amphitheater and associated equipment to Johns Creek nonprofits, Johns Creek residents, other organizations or businesses based in Johns Creek; and
- WHEREAS,** in 2015 the City established Usage Rules and Regulations that define events and high-impact or low-impact events based on characteristics including attendance, hours of operations, use of amplified sound, and other rented facilities; and
- WHEREAS,** in 2016, by Resolution 2016-02-02, the City continued the pilot program for one additional year and removed the residency and business location restriction; and
- WHEREAS,** in 2016 the City named the Amphitheater at Newtown Park in honor of Mark Burkhalter; and
- WHEREAS,** in 2017, the City by Resolution 2017-11-24, the City continued the pilot program for one additional year; and
- WHEREAS,** in 2018, the City by Resolution 2018-04-12, the City continued the pilot program for one additional year and established Usage Rules and Regulations that define high-impact or low-impact events based on characteristics including attendance, hours of operation, use of amplified sound, and other rented facilities; and
- WHEREAS,** the City wishes to continue the program allowing for the rental of the Mark Burkhalter Amphitheater at Newtown Park for one additional year; and
- WHEREAS,** the City's Recreation and Parks Division recommends adopting rental fees for the reservation and use of the Mark Burkhalter Amphitheater at Newtown Park and associated equipment.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council for the City of Johns Creek as follows:

**Section 1. Mark Burkhalter Amphitheater Base Rental Fee for Johns Creek residents, non-profits, for-profit, and commercial organizations in Johns Creek.**

The City of Johns Creek shall rent the Mark Burkhalter Amphitheater to Johns Creek residents, Johns Creek nonprofits (defined as those licensed in Johns Creek), and other Johns Creek organizations or businesses (defined as those licensed in Johns Creek) as follows:

Amphitheater (nonprofits and residents – low-impact events) .....	\$500/event
Amphitheater (nonprofits and residents – high-impact events) .....	\$2,000/event
Amphitheater (schools as listed on Attachment A – low-impact events) .....	\$500/event
Amphitheater (schools as listed on Attachment A – high-impact events) .....	\$2,000/event
Amphitheater (for-profit and commercial – low-impact event) .....	\$2,000/event
Amphitheater (for-profit and commercial – high-impact events) .....	\$4,000/event
Amphitheater (nonprofits and residents – small group – low impact events) ...	\$250/event
Amphitheater (schools listed on Attachment A – small group-low impact events)...	\$250/event
Amphitheater (for-profit and commercial – small group – low impact events)...	\$1,000/event

**Section 2. Mark Burkhalter Amphitheater Base Rental Fee for non-residents and non-profits, for-profit, and commercial organizations not licensed in Johns Creek.**

The City of Johns Creek shall rent the Mark Burkhalter Amphitheater to nonprofits, individuals, organizations, and businesses as follows:

Amphitheater (nonprofits and individuals) .....	\$2,000/event
Amphitheater (for-profit and commercial) .....	\$4,000/event

**Section 3. Mark Burkhalter Amphitheater Incidentals.**

The City of Johns Creek shall rent certain incidentals with the rental of the Amphitheater as follows:

Damage Deposit .....	\$500/event
Trash Deposit .....	\$110/event
Park Supervisor .....	\$50/hour
Park Attendant .....	\$50/hour
Police Officer .....	\$50/hour
Police Vehicle .....	\$35/hour
Folding Chairs .....	\$1/chair
72” Round Table .....	\$10/table
8-foot Table .....	\$8/table
6-foot Table .....	\$6/table

Podium .....	\$10/day
Portable Sound System .....	\$100/day
In-house Sound System.....	\$500/day
Backstage Storage/Green Room/Private Restrooms.....	\$100/day

**Section 4. Single Table Rental at City Events.** The City of Johns Creek shall allow for the rental of single tables at City Events at the Mark Burkhalter Amphitheater as follows:

Residents - Single Table Rental at City Event.....	\$200/table
Non-residents - Single Table Rental at City Event.....	\$300/table

**Section 5. Use Rules and Regulations.** The rental and use of the Newtown Park Amphitheater shall be governed by such Usage Rules and Regulations promulgated by the Johns Creek Recreation and Parks Department.

**Section 6. Repeal of Conflicting Resolutions.** Any part of any prior resolutions in conflict with the terms of this Resolution, are hereby repealed to the extent of the conflict; but it is hereby provided, that any resolution, ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this Resolution on behalf of the City of Johns Creek.

**Section 7. Severability.** If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Resolution shall be declared invalid or unconstitutional by any court or competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid, or the application of the Resolution to other circumstances no so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Johns Creek to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**Section 8. Effective Date.** This Resolution shall be effective for one year from the date of adoption by the city council.

**SO RESOLVED** this the 22nd day of April, 2019.

Approved:

\_\_\_\_\_  
Michael Bodker, Mayor

Attest:

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Joan C. Jones, City Clerk

Seal

ATTACHMENT A

*Listing of Schools*

<b>Elementary Schools</b>	<b>Address</b>	<b>Phone</b>
Abbotts Hill Elementary	5575 Abbotts Bridge Road	770-667-3860
Barnwell Elementary School	9425 Barnwell Road	770-552-4960
Dolvin Elementary School	10495 Jones Bridge Road	770-740-7020
Findley Oaks Elementary School	5880 Findley Chase Drive	770-497-3800
Hillside Elementary School	9250 Scott Road	770-552-6362
Medlock Bridge Elementary School	10215 Medlock Bridge Parkway	770-623-2980
Northwood Elementary School	10200 Wooten Road	770-552-6390
Ocee Elementary School	4375 Kimball Bridge Road	770-667-2960
Shakerag Elementary School	10885 Rogers Circle	770-497-3880
State Bridge Crossing Elementary School	5530 State Bridge Road	770-497-3850
Wilson Creek Elementary School	6115 Wilson Road	770-497-3811
Holy Redeemer Catholic School*	3380 Old Alabama Road	770-410-4056
Mount Pisgah Christian School*	9820 Nesbit Ferry Road	678-336-3400
Perimeter Christian School*	9500 Medlock Bridge Road	678-405-2300
Woodward Academy North*	6565 Boles Road	404-765-4490
William & Reed Academy*	11877 Douglas Road #206	678-456-5131
<b>Middle Schools</b>	<b>Address</b>	<b>Phone</b>
Autrey Mill Middle School	4110 Old Alabama Road	770-521-7622
Haynes Bridge Middle School	10665 Haynes Bridge Road	770-740-7030
River Trail Middle School	10795 Rogers Circle	770-497-3860
Taylor Road Middle School	5150 Taylor Road	770-740-7090
Holy Redeemer Catholic School*	3380 Old Alabama Road	770-410-4056
Mount Pisgah Christian School*	9820 Nesbit Ferry Road	678-336-3400
Perimeter Christian School*	9500 Medlock Bridge Road	678-405-2300
Woodward Academy North*	6565 Boles Road	404-765-4490
William & Reed Academy*	11877 Douglas Road #206	678-456-5131
<b>High Schools</b>	<b>Address</b>	<b>Phone</b>
Centennial High School	9310 Scott Road	770-650-4230
Chattahoochee High School	5230 Taylor Road	770-521-7600
Johns Creek High School	5575 State Bridge Road	770-623-2138
Northview High School	10625 Parsons Road	770-497-3828
Mount Pisgah Christian School*	9820 Nesbit Ferry Road	678-336-3443

\* indicates private school