



# CITY COUNCIL WORK SESSION

Monday, February 20, 2023 at 6:00 PM  
Council Chambers and YouTube Livestream

## MISSION STATEMENT

It is the mission of the City of Forest Park to enhance, strengthen, and grow our city by collaborating with our community to provide the highest level of service. Striving to be recognized as a diverse community that values and respects all members. We will strive to provide fair, professional, and courteous service through transparency and open communication. As we work to achieve this mission, we will have integrity beyond reproach while employing fiscal discipline and innovation. In this work there are no praises and raises for mediocrity.

**Website:** [www.forestparkga.gov](http://www.forestparkga.gov)  
**YouTube:** <https://bit.ly/3c28p0A>  
**Phone Number:** (404) 366.4720

**FOREST PARK CITY HALL**  
745 Forest Parkway  
Forest Park, GA 30297

The Honorable Mayor Angelyne Butler, MPA

The Honorable Kimberly James  
The Honorable Hector Gutierrez  
The Honorable Allan Mears

The Honorable Dabouze Antoine  
The Honorable Latresa Akins-Wells

Dr. Marc-Antonie Cooper, City Manager  
S. Diane White, City Clerk  
Mike Williams, City Attorney

## **DRAFT MINUTES**

**CALL TO ORDER/WELCOME:** The meeting was called to order by Mayor Butler at 6:00pm and she read the Mission Statement.

**ROLL CALL - CITY CLERK:** A quorum was established.

| Attendee's Name      | Title                  | Absent | Present |
|----------------------|------------------------|--------|---------|
| Angelyne Butler, MPA | Mayor, At-Large        |        | ✓       |
| Kimberly James       | Council Member, Ward 1 |        | ✓       |
| Dabouze Antoine      | Council Member, Ward 2 |        | ✓       |
| Hector Gutierrez     | Council Member, Ward 3 |        | ✓       |
| Latresa Akins-Wells  | Council Member, Ward 4 |        | ✓       |
| Allan Mears          | Council Member, Ward 5 |        | ✓       |

Javon Lloyd, Public Information Officer; Joshua Cox, IT Director; Chiquita Barkley, Finance Director; LaShawn Gardiner, Director Planning & Community Development; Diane Lewis, Deputy Director of Human Resources; Bobby Jinks, Director of Public Works; David Halcome, Deputy Fire Chief, Bruce Abrahams, Director Economic

Development; Sandra Johnson, Deputy Police Chief; Pam Stevenson, Management Analyst; Arthur Geeter, Purchasing Manager and James Shelby, Project Manager

**CITY MANAGER'S REPORT:** Dr. Marc-Antonie Cooper, City Manager

**COMMUNITY INFORMATION/REMINDERS:**

- Atlanta Community Food Bank Hunger Walk/Run will be held Sunday, March 12, 2023, at 1:00pm at Starr Park. To join or donate to the "Forest Park High School" Team you can contact Councilwoman Kimberly James at 404-217-6202
- The State of the City Address will be held on Thursday, March 23, 2023, at 7:00pm at the Worship Center of Atlanta located at 1106 Main St, Forest Park, GA.

**CITY OPERATIONS:**

- The City of Forest Park Fast Track Rental Assistance Program has been providing quarterly updates to the Mayor and Council. The last update provided was part of the October 3, 2022, council agenda that showed the residents helped and that the initial allocation of fund were depleted. The Mayor and Council approved an additional allocation of \$300,000 on October 17, 2022. The next quarterly update is scheduled for March 6, 2023. However, the first phase of the program from Dec 2021 – Oct 2022 helped a total of 167 residents, making 392.5 months of rental payments. The second phase of the program has already assisted 19 residents, making 35 months of rental payments. As of February 6, 2023, the balance remaining in the program was \$251,683.40.
- The Mayor and City Council approved a new sanitation contract with Waste Management and our team is working on implementing the contracted changes. It is anticipated that the contract will be fully implemented by May 1, 2023, and we will have a media blitz, as well as on-going communication to keep residents and businesses up to date on the changes. Our first scheduled media release of information will occur on March 1, 2023, and every two weeks following until full implementation. Please ensure you continue to check the website, sign up for our newsletter and constant contact releases.

**EMPLOYEE SPOTLIGHT:**

Members of the Forest Park Police and Fire/EMS Department joined Ward 2 Councilman Dabouze Antoine at the Haitian Ministry Theophile Church in Christ on Sunday to meet with a Haitian Delegation.





### **CONGRATULATIONS/SHOUT OUT**

- CONGRATULATIONS – Ms. Ioana Armstrong, EMA Coordinator for the City of Forest Park on becoming a State Certified Fire Investigator.

### **\*\*\*Introduction of New Staff members to Council\*\*\***

### **OLD BUSINESS:**

#### **1. Council Discussion on Zaxby's Waiver Veto – Legal**

##### **Background/History:**

At the February 6, 2023, Council meeting, the Council voted to grant a waiver to the developer for a Zaxby's restaurant with respect to its stormwater management permit application with the Clayton County Water Authority (CCWA). The Authority previously put conditions on the site development which Zaxby's reported they were unable to fulfill. The waiver would have allowed the development to proceed utilizing the engineering design presented by Zaxby's engineers.

On February 13, the Mayor vetoed the resolution of the Council approval of the waiver. The veto letter outlining the reasons for the veto is attached. Pursuant to Section 2.32(b) of the Charter, the Council has the option of overriding the veto by a vote of four or more of the Council members.

##### **Comments/Discussion from Governing Body:**

**Councilmember James** – Wanted to state why she disagrees besides the fact it was unanimous vote. There were four reasons outlined in the veto letter as the reason why. A precedence has already been set when the city signed a waiver letter for Clayton County Water Authority, for construction of the firehouse or fire station at Gillem. We also need two waivers for the new city center on Forest Parkway.

Item two, the city is not responsible for private construction just like Clayton County Water Authority is not responsible if we follow their recommendations. We are not engineers, but we have hired subject matter experts, and I suggest we follow their recommendations and lead. Lastly, a public private partnership should not mean that the city gives away property or gives away money.

I hope that we all want Zaxby's as they have complied with all the city recommendations to operate on Main Street. Here are some quotes taken from the last council meeting. Kevin Osbey, from CCWA said, and I quote "There are multiple ways to infiltrate", when referring to a question from Councilmember Gutierrez, when asked about retention. Kevin Osbey, also said, and I quote "because this is a private development the private property owner is ultimately responsible for the maintenance and well-being of whatever".

When answering a question from Councilmember Mears about it being Clayton County Water Authority responsibility if they choose to do it the way they want it. Kevin said and I quote "No sir, we would never maintain or take ownership of private property". This is not just about the cost, but also the loss of 15 parking spaces.

Adam Price, who is our engineer from Falcon, said at the council meeting and I quote "the detention requirement was not even met in the final study that was approved and that is a state law". "They asked us to waive it, because of the land area. They do not have enough room to do what CCWA is asking. He also said and I quote "the waiver they are asking for meets the ordinance".

They are meeting retention which means no flooding, they are meeting water quality, which means they are cleaning the water and the runoff reduction. Basically, they want more of the storm water to be infiltrated in the ground and they are meeting everything according to our ordinance. For these reasons I hope there will be a unanimous vote to override the veto.

**City Manager** – The issue is not that Zaxby's will do what is needed as long as they are on the property. If the property becomes vacant, it will put the city taxpayers on the line. The issue could fall on the city to handle the storm water issues that could arise. If they did what Clayton County Water Authority asked them to do, they would be meeting those requirements.

**Councilmember Akins-Wells** – Could we put something in writing and have them sign it. It could say you are responsible if anything happens once you vacate the property. Then they could still come, and it would fall on the citizens.

**City Manager** – I will ask the city attorney to address that. They would be gone, so who would know if they would be out of business or just leave. This is a franchise not a corporate store.

**City Attorney** - Clayton County Water, has an agreement where the property owner handles all the storm water infrastructure. The city manager's concern that he is expressing is, what happens if the property owner vacates and does not maintain the property and there are storm water issues downstream from that? That would be a concern and the city would be the one to come in and address this. This could happen if things are not addressed as the CCWA has recommended.

**Councilmember Akins-Wells** – Is there something we can do so we do not have to keep going back and forth. We all know we need businesses to come in, so, there is nothing that can be put in writing to tie them to this?

**City Attorney** – It is a matter of enforcing it, maybe ten years or twenty years from now, I cannot predict that.

**Councilmember Gutierrez** – We can paint worst case scenarios on anything, and a tragedy can happen tomorrow. Potentially, Zaxby's could leave, but does it say this will fall on us? Does, probably mean we are liable for this, yes or no?

**City Attorney** – I say most probable because who else would there be. The water authority would not likely take it on themselves. We would be trying to find someone to do it, and if they do not, then usually the taxpayers would be left to address it.

**Councilmember Gutierrez** – The scenario is Zaxby's goes there and decides to leave, and attempts to sell the land, the buyer would have to go through the same process, wouldn't they?

**City Attorney** – The property maintenance agreement that the water authority requires, basically gets passed down. So, the future owners of the property would have to assume those obligations.

**Councilmember Gutierrez** – The new property owners would have to assume those obligations, like the permits?

**City Attorney** – The permit would remain in place, and it would be their responsibility to maintain the infrastructure as they assume it.

**Councilmember Gutierrez** – Our own architect said that plan or the alternate plan could get the parking spots. The water authority said they would not be able to get them, it is just an alternate way of doing things right?

**City Attorney** - The best way to say it is you are building a bridge and each engineer is saying the different ways to build it. They all have different impact, cost and different long term maintenance requirements, which engineer do you listen to? You have Water Authority Engineers, Falcons Engineers and Zaxby's Engineers, they all have difference of opinions.

**Mayor Butler** – That is why I proposed a public-private partnership, to allow the process to continue and it would adhere to what CCWA recommended. It will be the partnership that we all want, because at this point it is a matter of opinion of who you want to listen to. I will listen to the water authority, and as it pertains to city projects, that is a little different, because we automatically assume the responsibility. The 15 parking spots I personally find hard to believe is what has halted Zaxby's. The logical explanation for halting the project would be the cost associated with the storm water issue. The veto speaks for itself until we call for the vote once we get to that point.

## 2. **Council Discussion Regarding Usage of Capital Outlay Funding** – Executive Office

### **Background/History:**

We have been asked to review and prepare a set of guidelines regarding the usage of the discretionary funds and Capital Outlay Funds each Councilmember is entitled to spend in furtherance of their duties as a member of the City Council. These guidelines were requested to be brought forward for discussion during the FY22-23 budget talks in order to clearly define acceptable uses of Regular and Capital Outlay Ward.

Per Council's direction to the City Manager once a policy was approved Capital Outlay Ward Funds would be released to members. In the September 6, 2022, City Council Meeting there was disagreement with the section regarding "donated funds and goods". This section has been removed from the policy and re-presented to council on at the December 5, 2022, Regular Meeting. The motion was made to approve the new guidelines as presented but died due to lack of a second to the motion.



Since there was no additional guidance approved, Capital Outlay funds were still being held. The City Manager is seeking the council's direction to either allow use of or continue to hold these funds under the guidelines that were presented as a memorandum by the City Attorney to council in December 2020.

**Comments/Discussion from Governing Body:**

**Councilmember Gutierrez** – I hope we support this so that we can do projects in our wards. We all see individual needs to be addressed, and I hope we will stand behind this. I have used some of my ward money for little libraries around the community, purchasing equipment for both of the middle schools, with the memorandum of understanding it is the property of the city, that they can use. Also, our beautiful planters with plants will be brought back in the spring, and hopefully decorated by some of our local middle and high school artists.

**NEW BUSINESS:**

**3. Council Discussion of Replacing the INCON Machine – Public Works Department**

**Background/History:**

Replacement of our 20-year-old INCON machine. We can no longer communicate with our fuel tanks and software.

This occurred by lightning.

We are unable to make fuel keys, run reports, monitor fuel level and add employees. This is very important to get this replaced.

**Comments/Discussion from Governing Body:** There was no discussion.

**4. Council Discussion of Surplus Disposal Items – Public Works Department**

**Background/History:**

Surplus disposal of misc. items of less than \$500.00 and or no value.

Items range from broken, missing parts, no longer operational, 7 plus years of sitting.

Many items we received from Fort Gillam, years ago.

This will allow us to free up much needed space, due to these items being stored for so long.

**Comments/Discussion from Governing Body:** There was no discussion.

**5. Council Discussion on Approving to Award a Contract to Rite Lite Signs, Inc. to construct Welcome Signs at entrances into City – Planning and Community Development**

**Background/History:**

Bids were received at the Forest Park City Hall for the Welcome Signs project on January 10, 2022, at 2:00 PM. Plans and contract documents were requested by potential bidders for this project. At the actual bid

opening the city received one responsive bid for this project. The lowest bidder for this project is Rite Lite Signs, Inc.

The work consists of furnishing and installing all materials, labor, tools, equipment, and related services required for a complete project. This project includes but is not limited to providing the construction of a complete installation of six (6) "Welcome Signs" of several styles at locations within the City.

**Comments/Discussion from Governing Body:**

**Councilmember Mears** – Is this local, where is the sign shop located?

**James Shelby** – They are located in South Carolina.

**Councilmember Mears** – Did the shop in Lake City put in a proposal?

**James Shelby, Project Manager** – No sir. We received one bid and checked their references, and they are legit.

**6. Council Discussion on Eminent Domain at 314 Forest Parkway – Legal**

**Background/History:**

The City Council has previously authorized staff to engage in negotiations with the owner of 314 Forest Parkway to acquire that land for the new fire station and City Hall site on Forest Parkway. Those negotiations have stalled as the owner is demanding far more than what the property has been appraised for. Therefore, eminent domain proceedings are recommended. Under this process, we will petition the Clayton County Superior Court to allow for the City to receive title to the land and for the landowner to be fairly compensated with an amount established under the Court's proceedings.

The meeting has been properly advertised with signage at the location and with legal ads run in the Clayton News Daily. Additionally, the owner has been personally served. A copy of the correspondence delivered to the owner is attached.

**Comments/Discussion from Governing Body:** There was no discussion.

**7. Council Discussion on Intergovernmental Agreement with DDA – Legal**

**Background/History:**

The Downtown Development Authority proposes to issue \$6.18 million in bonds to finance the acquisition of property and certain infrastructure in the downtown area to spur the development of mixed-use facilities and other desirable improvements. The DDA is pursuing the rapid implementation of many of the development concepts set forth in the City's Livable Center Initiative Study which was adopted by the City on September 7, 2021. (See illustrative examples from the LCI study attached.)

In order to obtain the best possible interest rate, it is proposed that the bonds be secured in part by a pledge of the city to make debt service on the bonds if necessary. The bonds will first be paid through funds of the DDA, revenues from the project and land sales by the DDA. The goal is that the city will not have to make any payments under this agreement.

**Comments/Discussion from Governing Body:**

This item will be discussed in Executive Session.

**EXECUTIVE SESSION:** (When an Executive Session is required, one will be called for the following issues: Personnel, Litigation or Real Estate)

It was moved to recess into Executive Session for Personnel, Litigation of Real Estate matters at 6:24pm.

Motion made by Councilmember Antoine, Seconded by Councilmember Akins-Wells.

Voting Yea: Councilmember James, Councilmember Antoine, Councilmember Gutierrez, Councilmembers Akins-Wells, Councilmember Mears

It was moved to reconvene back into the Work session at 7:27pm.

Motion made by Councilmember Antoine, Seconded by Councilmember James.

Voting Yea: Councilmember James, Councilmember Antoine, Councilmember Gutierrez, Councilmember Akins-Wells, Councilmember Mears

**Councilmember James** - Asked for a point of order regarding discussion on IGA Agreement with DDA.

**Mayor Butler** – Asked for discussion on the Intergovernmental Agreement with DDA.

**Councilmember James** – City attorney, specifically, how is this to be paid, are the taxpayers on the hook?

**City Attorney** – Potentially, taxpayers would be on the hook up to the 3-million-dollar limitations, that is provided by law, for the city to provide support for DDA economic development activities.

**Councilmember James** – On page 44 of the Intergovernmental Agreement contract, has the economic development millage. Are we talking about additional tax from our residents to do this project?

**City Attorney** – That would be potential if there were no other revenues available to the city. The city would be pledged to full faith and credit up to the 3 million limitations.

**Councilmember James** – Where it says, the city is authorized to levy taxes and expend tax monies and other available funds to make payments to the authority for the amounts provided for in this contract. Whereas the acts provide that revenue bonds issued by the authority, shall not be deemed to constitute a debt of the state of Georgia or any political subdivision. Can you explain that a little bit more, the next two as well? I just need clarity on what it means.

**City Attorney** – It read in conjunction with the next paragraph. There is a constitutional provision that essentially provides contractual obligations under intergovernmental agreements similar to this do not constitute debts, that will subject the city to potentially have a general referendum to approve. It is essentially a restatement of Georgia law.

**Councilmember James** – The other questions have to do with the city's obligations and the unconditional section 5-04 and also 6-0. Trying to understand the language and why it is in there. It is really protecting the authority more than protecting the city? Can you explain to me tax levy and the Immunity of Members Authority, is that common or normal to go in a contract?

**City Attorney** – Yes to both. Section 5.04 is the pledge of the Full Faith and Credit of the city subject to the millage limitation. That is a requirement of the bank that would be financing this debt issuance. As for section 6.01 that provides that the board members of the authority itself are not personally liable for the repayment of the debt.



**Councilmember Gutierrez** – Very interesting potential project, I am not ready to make a decision on this tonight.

**Councilmember Akins-Wells** - I think it is a very good project, but I would like to go over everything to feel comfortable supporting it.

**Councilmember Mears** – I think it is a good idea but should table it for further research. It seems to be confusion among the board here and we have some questions that are not being answered.

**City Manager** – As you go through and do your research, please look back at what the city did with Gillem. Although the city is acting as the co-signer on this, the DDA is the primary payee and the revenues that the DDA generates is more than enough to pay off the bond issuances that are being requested. This will not result in a tax increase for the residents.

**Councilmember Antoine** – What are we talking about, city attorney can you explain this. Is it College Street across from Forest Park Middle School?

**Mayor Butler** - No, Main Street.

**City Attorney** – A project to accelerate the implementation of several areas is the recommendations from our LCI study.

**Councilmember Antoine** – This is an easy sell.

**Councilmember James** – Want to maybe implement something they discussed, about the surplus. City attorney can you state that for the record, so they know what I am saying?

**City Attorney** - The intergovernmental agreement provides that if there is a shortfall from the DDA to make payments on the bonds, that the city would cover that shortfall. Then in the future, if there are surplus funds from the DDA, we would add a provision where the city could recoup what was previously paid.

#### **ADJOURNMENT:**

It was moved to adjourn the Work Session at 7:37pm.

Motion made by Councilmember James, Seconded by Councilmember Antoine.

Voting Yea: Councilmember James, Councilmember Antoine, Councilmember Gutierrez, Councilmember Akins-Wells, Councilmember Mears