



CITY COUNCIL WORK SESSION

Tuesday, September 05, 2023 at 6:00 PM
Council Chambers and YouTube Livestream

Website: 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

Ricky L. Clark Jr., City Manager
Michelle Hood, Interim City Clerk
Mike Williams, City Attorney

DRAFT MINUTES

CALL TO ORDER/WELCOME:

The meeting was called to order at 6:00pm by Mayor Pro Tem James.

ROLL CALL - CITY CLERK: A quorum was established.

Attendee's Name	Title	Absent	Present
Angelyne Butler, MPA	Mayor, At-Large- Arrived at 6:05 P.M.		✓
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		✓

Jeremi Patterson, Deputy Finance Director; LaShawn Gardiner, Director Planning & Community Development; Javon Llyod, PIO, Shalonda Brown, HR Director, Diane Lewis, Deputy HR Director; Bobby Jinks, Public Works Director; Bruce Abrahams, Director Economic Development; Latosha Clemons, Fire Chief, David Halcome, Deputy Fire Chief; Police Chief; Brandon Criss; Tarik Maxwell, Parks and Recreation, and Joshua Cox, IT Director, Authur Geeter, Procurement Manager.

OLD BUSINESS:

1. **Council Discussion and Approval of Conditional Use Permit (CUP-2023-04)- 5370 Ash Street –**
Planning & Community Development

Background/History:

The applicant is requesting a Conditional Use Permit to operate a private school and daycare for students, specializing in STEM learning methodology at 5370 Ash St. This property is located within the Single-Family Residential District (RS). Per Section 8-8-28 Single Family Residential District (RS), Places of worship, private schools, and daycare centers require conditional use permits to operate in the Single-Family Residential District. A church currently exists on the subject property. The Planning Commission recommended the **Denial of a Conditional Use Permit** at its meeting on June 15, 2023, based on the potential of a liability of children and adult activities that include clinics, recovering alcoholics and offenders mixing. The following combination would not be allowed as a combined use. The City Council tabled this item for 30-days at the August 7, 2023, meeting to allow time to receive additional information from the applicant.

Lashawn Gardiner, Director Planning & Community Development- The applicant provided a clarification letter of intent stating how many students the school would support from K-12, Monday-Friday from 8 a.m. to 3 p.m. The applicant also provided clarification with their school accreditation, in which staff verified the legitimacy; she noted verifying their state registration with the Secretary of State and being credited with the Georgia Association of Christian Schools along with their exemption status.

Comments/Discussions from Governing Body:

Councilmember James- What about the Conditional use related to the facility?

Lashawn Gardiner - The original application had multiple uses. The applicant clarified and reduced the number of uses for their intent, which would only be the school and the existing church.

Councilmember Gutierrez- What about the comment about the children mixing up with sex offenders?

Lashawn Gardiner -The original application mentioned having some Alcoholics Anonymous and other adult programs to help adults; she noted due to the age groups and combinations, that was part of the denial.

Councilmember Gutierrez- It happens in churches, this due to it being a Christian school?

Mrs. Gardiner - The problem was how the applicant presented the information in the application and did not clarify wanting to do the school as a conditional use.

Councilmember Mears- What about the board's decision on changing the information?

Lashawn Gardiner - The original application needed clarification of the requested uses.

City Manager, Ricky Clark - Based upon there being a variation of uses that have been proposed and should the item be approved, how would the city ensure that the business itself is operating under the approved use that the governing body allows?

Lashawn Gardiner – I recommend the approval with the conditions as follows:

- The applicant provides staff with a copy of the licensure or updated exemption from the State Department of Early Childcare.
- The applicant applies for a business license, and the license must remain current as long as the school is in operation at 5370 Ash Street. The Conditional Use can or shall be revoked by the city if a business license is not applied for and kept current.
- The only operations at the location shall be the school and church.

Mayor Butler- Can you clarify the recommendation to deny the permit, and if it would no longer be the case to operate and use the facility as a children's and adult activities that include clinics, recovering alcoholics, and defending offenders mixing?

Lashawn Gardiner- That is no longer the case.

NEW BUSINESS:

2. Council Discussion and Approval of Use of Summary Minutes in Lieu of Verbatim Minutes– Executive Offices

Background/History:

The Open Meetings Act further requires that minutes of Council meetings be prepared and available for public inspection. However verbatim minutes are not required under the Open Meetings Act. Instead the Open Meetings Act provides that the minutes “shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency or its committee, but in no case later than immediately following its next regular meeting” and that such minutes “shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, the identity of the persons making and seconding the motion or other proposal, and a record of all votes. The name of each person voting for or against a proposal shall be recorded.”

It is proposed that the City of Forest Park discontinue the preparation of verbatim minutes of its public meetings and begin to utilize summary or action minutes meeting the minimum requirements of the Open Meetings Act. Additionally, City Council meetings will continue to be audio and/or video recorded.

City Manager - Streamlining the process of doing verbatim and moving to summary minutes. The minutes will continue to be recorded via audio and will be on file. The Clerk's Office will provide a record of all the actions relative to the council meetings 48 hours after each meeting and will provide by the next meeting a general summation of items and dialogue on what happened. If any council member wanted to add verbiage to a meeting, the Clerk would include the verbiage without doing a full synopsis and complete verbatim set of minutes.

Comments/Discussions from Governing Body:

Councilmember Guterrez- For the record, I read all the minutes.

3. **Council Discussion and Approval of Animal Control Agreements with Lake City and Riverdale–**
Police Department and Legal

Background/History:

It is proposed that the city update its Intergovernmental agreement with Lake City under which Forest Park provides certain animal control services to Lake City. The agreement was last updated in 2011. It is also proposed that the identical agreement be used to provide animal control services for the City of Riverdale.

Under the new agreement, the basic services would remain the same. However, the fees have increased as follows:

Increase from \$6 to \$15 per day for kenneling of animals

Increase from \$40 to \$50 for animal disposal

Increase from \$15 to \$35 for pickup fee for all animals collected during normal business hours

Increase from \$60 to \$75 for pickup fee for animals collected outside of normal business hours

The agreement also provides that all fines and fees collected in any municipal court (Lake City or Riverdale) for animal control violations will be paid to Forest Park to offset some of its expenses in providing animal control services.

City Attorney - The agreement has been in place for over a decade without being updated. The fees were paid to Clayton County for use of the kennel where animals are sheltered and there is an opportunity to update the agreement.

Comments/Discussions from Governing Body:

Councilmember Guterrez- What about the number of staff members working at the kennel, what cities are being serviced, and what about prioritization?

City Attorney - There are 2-3 staffers.

Captain Whitehead- They currently have two staffers.

City Manager – We can monitor it based on the demand to see how many additional staffers are needed. There could be a price increase to offset the cost of additional staff if needed.

Councilmember Akins -Well- We do not need the services if that is all the city is making.

City Manager - The last report shows the city only had five monthly calls.

City Manager- We can table the item to have the Chief of Police provide more information.

Mayor Butler- What about the longevity of the agreement?

City Manager - The agreement was a ten-year agreement.

4. **Council Discussion and Approval of Truck Operating Hours Ordinance** – Police Department and Legal

Background/History:

It is proposed that the city ordinance be amended to prohibit tractor-trailers and large trucks from operating in residential areas between 10pm and 7am. Our current ordinance does not sufficiently address the matter of trucks operating in or around residential areas.

This ordinance would prohibit the operation of excessively loud trucks or engines within any residential area, or within a radius of 500 feet therefrom. Additionally, no truck, tractor or large truck shall be allowed to enter, park or stand within any residential area between the hours of 10pm and 7am.

City Attorney - Police Chief Criss wanted to address the issue. The current Ordinance is vague on establishing violations and would like to add specific hours with a noise condition; noted recommending approval.

5. **Council Discussion and Approval of Resolution to Request Local Legislation to Increase Hotel-Motel Tax** – Executive Offices and Legal

Background/History:

It is proposed that the City Council initiate the process of increasing the Hotel-Motel tax to 8% by approving a resolution calling on the Clayton County Legislative Delegation to pass local legislation authorizing the City of Forest Park to do so.

The City currently imposes a 3% hotel-motel tax. State law provides that cities can increase the tax to up to 8% after adopting a resolution urging the passage of local legislation by the Georgia General Assembly. Once the local legislation is approved by the General Assembly, the City may thereafter approve an ordinance providing for the increased tax and the usage of the additional revenue.

Under the State law, the revenue from the tax must be used as follows:

The first 3% may be used for general fund purposes.

The next 3.5% must be used for promoting tourism, conventions, and trade shows within Forest Park by contracting with a destination marketing organization (such as a convention and visitor's bureau) for such purpose.

Any amount of the final 1.5% that is not used for promoting tourism, conventions, and trade shows shall be expended for tourism product development.

State law defines "Tourism product development" as the expenditure of funds for the creation or expansion of physical attractions which are available and open to the public and which improve destination appeal to visitors, support visitors' experience, and are used by visitors. Such expenditures may include capital costs and operating expenses. Some specifically named items in the state code include:

Meeting, convention, exhibit, and public assembly facilities;

Visitor information and welcome centers;

Wayfinding signage;
Museums, art galleries, gardens;
Parks, trails, and other recreational facilities; or
Performing arts facilities.

City Manager - This is part of the 2023-2024 Legislative Priorities being considered for the legislation session. The current rate is 3%. If approved, the Resolution would be submitted to the Clayton County Local Delegation to representatives and senators to have introduced in the upcoming general assembly in January.

6. Council Discussion and Approval of Resolution Recognizing Cancellation of 2023 Municipal Elections – Executive Offices and Legal

Background/History:

The qualifying period for candidates in the 2023 municipal elections closed on August 24, 2023. As of the end of the qualifying period, only the incumbents in Wards 3, 4, and 5 qualified as candidates with no opposing candidates qualifying in each ward.

O.C.G.A. § 21-2-285 (j) provides that “in the event, there is no opposed candidate in a precinct in a general or special municipal election, no election shall be held in such precinct unless a write-in candidate has qualified as provided by law or unless there are issues to be submitted to the electorate within a precinct.”

As of August 31, no person qualified as a write-in candidate, and there are no ballot questions submitted to the voters of the City of Forest Park in the 2023 municipal elections.

By operation of State law, no 2023 municipal election shall be conducted because there are no opposed candidates in the 2023 municipal election, no write-in candidates have qualified as provided by law and there are no issues to be submitted to the electorate.

The resolution acknowledges the cancellation of the 2023 elections under State law and directs staff to take the necessary steps to inform the voters of the cancellation.

City Manager - I placed the item on the agenda for transparency purposes. The law and statutes are clear to not hold a municipal election due to no opposing candidates. If passed, proper information will be distributed via postcards to residents, notifying them there will not be a November 7, 2023 election.

7. Council Discussion and Approval of City-Wide Janitorial Contract – Public Works Department

Background/History:

LEGISLATURE FOR CITY-WIDE JANITORIAL CONTRACT

The City of Forest Park solicited citywide janitorial services to various departments throughout the City of Forest Park. Each contractor shall furnish all labor, equipment, and supplies necessary to perform the services.

The City of Forest Park reserves the right to add or delete facilities/spaces as deemed necessary during the terms of the contract. The term of the contract is (3) three years, with an additional (2) two-year option which will be brought back at that time to the City Council for approval.

The cleaning schedule of all buildings may be modified at the City of Forest Park's discretion throughout the life of the contract. The work shall be scheduled at such times as to avoid interferences with normal or specific activities that may occur in the facilities of the various departments.

The Request for Bids was broken down into 2 different documents.

Bid 1-A: Included City Hall, Human Resources, Planning and Community Development, and The Council House. **Klean Pro Facility Services, LLC** was the lowest bidder at \$2,700.00 per month.

Bid 1-B: Included Public Works and the Police Department. **AT Trash Valet** was the lowest bidder at \$5,950.00.

The Department of Public Works will oversee this contract and the contract will be appropriately funded by each individual department listed. Any other city space will be negotiated by the departments individually.

City Manager- Why does the contract did not cover all facilities?

Mr. Geeter – The Parks and Recreation and the Fire Department identify their own staff to clean their facilities.

Chief Clemons - The Fire Department maintains 3 fire stations but does not maintain the administrative offices.

Tarik Maxwell, Director Parks & Recreation- It was in our budget, so we hired staff to clean facilities all day instead of once daily.

Mr. Geeter- The janitorial services contract had been completed twice with a Request for Proposal (RFP) and bid in previous years and noted having issues with labor cost and decided to break the bid down into two bids. Bid 1-A would include the larger facilities such as City Hall, Human Resources, Planning and Community Development, and the Council House. Prospects could bid on both bids but could only win one. The larger firms were the ones to have previous contracts and had issues with labor. I would like to acquire local janitorial firms and eliminate having to get a bond.

Comments/Discussions from Governing Body:

Councilmember James- Will the amounts still be around the same price?

Mr. Geeter - The prices are lower.

Councilmember Akins -Wells- What about the three-year contract and trial period?

City Attorney - The city could cancel at any time with a 30-day notice.

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 at 6:32 pm for Personnel, Litigation, or Real Estate matters.

Motion made by Councilmember James, Seconded by Councilmember Antoine.

Voting yea: Councilmember Gutierrez, Councilmember Wells, Councilmember Mears.

It was moved to reconvene into the Council Work Session at 7:00 pm.

Motion made by Councilmember James, Seconded by Councilmember Antoine.

Voting yea: Councilmember Gutierrez, Councilmember Wells, Councilmember

ADJOURNMENT:

It was moved to adjourn the September 5, 2023, Council Work Session at 7:00 pm.

Motion made by Councilmember James, Seconded by Councilmember Antoine.

Voting yea: Councilmember Gutierrez, Councilmember Wells, Councilmember

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