

# OFFICE OF THE MAYOR



THE HONORABLE ANGELYNE BUTLER, MPA

CITY OF  
**FORESTPARK**

February 13, 2023

Forest Park City Council  
Forest Park City Hall  
745 Forest Parkway  
Forest Park, GA 30297

Re: Veto Message (Zaxby's Waiver)

Dear Colleagues:

I hereby exercise my veto authority pursuant to Section 2.32(b) of our Charter and apply said authority to the resolution approved at the February 6, 2023, meeting of the City Council of Forest Park approving a waiver for the Zaxby's development as more specifically set forth below:

1. Waiving stormwater requirements for this development would establish a precedent.
  - a. It is plausible that a matter of this nature may arise again. If the analysis for granting the waiver otherwise complies with the requirements of the Georgia Stormwater Management Manual the City of Forest Park has no internal guidelines, matrix, standard, or legal basis for NOT granting a future waiver. The absence of a uniform set of practices will have legal ramifications.
2. While the developer of the project will be responsible for ensuring compliance with all applicable stormwater regulations as waived, if they fail to maintain the stormwater controls, the City of Forest Park is likely to become responsible for them which could open us to the following consequences for continued non-compliance:
  - a. Incur fines and penalties from the Georgia Environmental Protection Division
  - b. Loss of access to State of Georgia shared revenues and/or revolving loan funds for Capital Projects
  - c. Increase cost to residential taxpayers to maintain the stormwater controls for failures of private developments.
3. All engineering options for addressing all of the stormwater requirements have not been explored.
  - a. Instead, the Council was only presented with two options. Zaxby's proposed a less expensive option that did not meet all the requirements. Simply choosing this option without exploring other potential options sends the wrong message to future developers.
  - b. Alternative options with the Clayton County Water Authority should be explored.

4. PUBLIC-PRIVATE PARTNERSHIP.

- a. In the absence of granting a waiver and in the vein of adhering to the Georgia Stormwater Management Manual the Clayton County Water Authority enforces, a public-private partnership in the following areas could be explored.
  - i. Parking-if parking is a concern, the City can explore options for remedy.
  - ii. Cost-if the price of the requirement in question is a concern, the City can explore options to share in the expense.

While this veto is exercised under my veto authority pursuant to Section 2.32(b) of our Charter, that same section grants the Council the opportunity to overturn said veto by a supermajority of the Elected. As such, it would be my request of the Council to NOT attempt to overturn the veto as a whole, but rather to strongly consider options 3 and 4 (after option 3 is exhausted then it would default to option 4) or option 4.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Angelyne Butler, MPA  
Mayor

cc: Dr. Marc-Antonie Cooper, City Manager  
S. Diane White, City Clerk