



CITY COUNCIL WORK SESSION

Monday, August 21, 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

S. Diane White, City Clerk

Mike Williams, City Attorney

DRAFT MINUTES

CALL TO ORDER/WELCOME: The meeting was called to order at 6:00pm by Mayor Butler.

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		✓

OLD BUSINESS:

1. **Council Discussion and Approval of Charter Amendment to Establish New Ward Lines – Legal**

Background/History:

At the last Council meeting, the City Council approved the first reading of this charter amendment revising the Ward lines in the City.

Municipal charters may be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart. This is the second and final formal adoption.

Legal notices advertising this amendment were run in the Clayton News Daily as required by law.

Mike Williams, City Attorney – Not in respect to the charter amendment, but we did place in front of you a document requested by the county. It is for an amendment to our agreement with the county for running elections. There are two changes, the first is they have asked that the city be responsible for notifying residents anytime there is a change in the district, which we put in there. It remains the county's responsibility to send out new precinct cards once a change is made. We have already taken steps to notify the residents, and that will continue to be ongoing. As soon as this is done tonight the county has all the data so they should be able to prepare new precinct cards very quickly.

Comments/Discussions from Governing Body:

Mayor Butler – I did speak with the Director, Shauna Dozier over in the Clayton County elections. She did ask while we are within our legal right, within the 60 days; that we do whatever we can to aid them in this process to make it as smooth as possible because they are under a time restraint.

2. Council Discussion and Approval of Conditional Use Permit for Self-Storage at 4140 Jonesboro Rd- Planning & Community Development

Background/History:

This is a request for a conditional use permit to allow a 6,152 sq.ft. renovation in the rear of the International Discount Mall to build self-storage units in the rear of the facility.

This item was approved by the Council but vetoed by the Mayor. At the August 7, 2023, Council meeting, it was brought forward for Council to consider overriding the veto. City Council decided to table the item until the next meeting, August 21, 2023, for the following items to be addressed (1) Applicant comply with conditions stated and submit outstanding documents and (2) Staff provides an update on the number of businesses in the International Mall that made an effort to obtain current business licenses based on the list provided at the August 7, 2023 Council meeting.

Lashawn Gardiner, Director Planning & Community Development – Real properties were proposed storage facility entrance and exit must be well lit and cannot be dark for any time at any reason for safety reasons. No lighting plan was submitted and the last condition if the applicant is the business owner, we have a right to refuse. Every booth has to have an active business license with the City of Forest Park and based on the information received all businesses do not currently have an active business license.

Comments/Discussions from Governing Body:

Councilmember Antione – What is your recommendation?

Lashawn Gardiner – Based on the last statement received it would be my recommendation that the veto stands.

Councilmember Antione – Are you sure about that?

Lashawn Gardiner – Yes, I am sure. Ultimately it is your decision as a governing body, based on the evidence presented.

Councilmember Mears – Did the Fire Department go over and look at it and was everything in compliance?

Lashawn Gardiner – Yes, the Fire Department did go over, and I don't have the information right now, but that was not one of the conditions, as far as staff review.

City Manager – Let me clarify that, Mayor Butler. Based upon this being an addition to the structure the Fire Department would have to give the final okay for the revisions of those plans once they are submitted. Even if it is not a condition that is standard.

Lashawn Gardiner- That is something that will take place during the building review process when plans are submitted if this goes forward.

Councilmember Akins-Wells – I am confused. Is this inside or outside?

Lashawn Gardiner – It is inside.

NEW BUSINESS:

3. Council Discussion and Approval of a Change Order for the Main Street Streetscape Project - Planning & Community Development

Background/History:

The City awarded a contract to BRTU Construction, Inc. to construct Phase IIA Main Street Streetscape Project. The contractor is asking for a contract modification with the execution of this change order. The change order is for additional items required by the project due to the unforeseen existing conditions; time delays caused by the utility relocations and additional work requested by the City. This amount includes \$61,122.50 that the City approved on May 1, 2023.

The change order is outside the scope of the original contract and exceeds the City Manager's authority and requires City Council approval.

James Shelby, Project Manager- This contract change is due to unforeseen existing conditions and the major change in the change order is time delayed by the utility companies. I have never seen anything like this before, but in order for BTRU to finish this project, they have to come once Georgia Power has removed their poles. They will come in and place the bricks where they are missing around the poles. We also have some re-modifications of drawings, because of the previous engineer Robertson Company. Those drawings were way off, and we had to modify people's driveways in order to make it work for them. The change order is \$142,673.00, but \$61,000 was approved on May 1st. I have put all the change orders together 1 through 8 and this change order is \$86,551.38. Most of the project is completed, and I hope you all have had the chance to go and look at it. I spoke with the utility company today to get the lights turned on and it is looking nice.

Comments/Discussions from Governing Body:

Councilmember James – Thank you for the work they are doing on Main Street. The left-over pipe on Reverend Beeler's property, it is a round and metal and he is complaining about that. He also complained about the parking lot getting backed up. So, I guess the work they were doing has created some blockage.

James Shelby – I know the item that you are talking about, I will find out what it is. I do not understand the blockage.

Councilmember James – I will get the City Manager to talk to Dr. Beeler about it. Apparently, the stormwater with their drainage that used to drain in the parking lot, now it is just standing around the parking lot.

Mr. Shelby – We can address that.

City Manager -This is the matter that I forwarded last week.

Mr. Shelby – I went out there and could not figure it out.

Councilmember Akins-Wells – The sixty-one thousand is we approved before?

Mr. Shelby – Altogether it is \$147,673.88. What I have done Councilwoman Wells is take all the change orders and put them into one packet so you could see it at once, but you have already approved sixty-one thousand dollars of that.

Councilmember Akins-Wells – That's on top of the sixty-one thousand. Is it that many poles, do they have to lay that many bricks?

James Shelby – It is the wooden poles that have to be removed. Once they remove those poles they have to come back in there and remove those bricks. It is more so time delayed we are holding up the contractor and they charge for that. This could have been done about three months ago, now it will be completed on September 15th, and the final payment on September 30th.

Councilmember Akins-Wells – So, we are paying them eighty-something thousand for giving them a break.

Mr. Shelby – They have to remobilize, and they have to bring all their equipment back out to the site, it is a lot.

4. Council Discussion and Approval of LMIG Street Paving – Public Works Department

Background/History:

LMIG Street paving contract has been approved by GDOT and the funds given to COFP are in the amount of \$213,458.13 Fiscal Year 2020 30% = \$64,037.44

\$201,376.26 Fiscal Year 2022 30% = \$60,412.88

\$205,949.13 Fiscal Year 2023

Total Funds Received \$620,783.52 Total Matched \$124,450.32

The COFP would be responsible for the 30% match totaling \$124,450.32. This will be a budget adjustment request to be allocated from the unrestricted fund balance.

The COFP is required to match 30%. Each local government is required to match this formula amount in accordance with Code Section 48-8-244(d).

Bobby Jinks, Director Public Works – I apologize I stand to be corrected.

Jeremy Patterson, Interim Finance Director – The reason there is no match next to FY 2023, is because that was already budgeted for. The grant money and the deposit, that was 30 percent match. In 22 and 20 the 30 percent was not budgeted; therefore, we are requesting the budget adjustment from the unrestricted fund balance to cover the cost of the 30 percent per those respective dollar amounts for a total of \$124,450.32. The total funds received and budgeted for and or accounted for are \$620,783.52 and the budget adjustment is \$124,450.32 only.

Comments/Discussions from Governing Body:

Mayor Butler – How was it not budgeted in 2020, the 2021 budget cycle, and how did we miss a couple of years reallocating these funds?

Jeremy Patterson – That is a great question, Mayor.

City Manager – That is the reason this item has been delayed. I cannot figure it out, but the other thing to note Mayor Butler, is that even when we approve these funds some of the roads on this list councilmembers are really trying to get paved. We are not on the schedule until 2024 for these road paving. The 124,000 dollars, I have conflicting information relative to an email from Clayton County, that I sent to Mr. Jinks. It appears that just because they have had staff turnover in both the Clayton County office as well as this office their records do not show requests for some years according to their email. Does Pineridge connect to Lake City?

Bobby Jinks – Yes, and we had made a request each year and we had contracts signed for all of them years and it got stuck on the back burner on the county end. Last year when they were able to do it the funds were not available, so I had to cut those streets.

City Manager – We had a meeting with the county last week to share our sentiments that these roads get fixed quickly or if not Mayor Butler, what we also plan to do is bid out the roads ourselves and get a quote on doing it with our own contractors. With the Service Delivery strategy, we are only paying for the county's cost, and we are getting it at a cost based upon us being one of seven municipalities. The reason why this city is waiting is because the county is backed up with streets, however I do not know if we should continue to wait.

Bobby Jinks – I will say that I did make a phone call to Lake City, and they did commit.

City Manager – Lake City has committed, and I believe that is Pineridge. They will do their portion if we do our portion, and Clayton County is already mobilized in the City of Lake City. I do not think this magnitude of paving has happened in Forest Park in the last 3 to 4 years.

Bobby Jinks – In 2018 we did 12 streets and during that, we did College and Phillips Drive.

Councilmember Gutierrez – In the future, it is possible to get, when the options of you opting out of the roads or not because the money might not be there, is very important to be in the know of at least to me and the council. That way we can try to find the money.

City Manager – Yes. I believe in the past these contracts went to the City Manager and the selection of streets went to the City Manager, so the governing body never knew what streets it was. In an attempt to be transparent because of how political this process can be, we want to make sure that we are focusing on

the roads being repaired based on a matrix of the conditions of roads. The reason why this was delayed is because I had staff put it on the agenda, so collectively the governing body knows what this process is. Once annually we apply for the LMIG Grant dollars, and it covers a small portion of it, and we subsidize it with SPLOST dollars or any other funds. If you have Capital Ward funds and some of these streets are in your ward, we can subsidize the cost and bid it out right away for a quote on it.

Councilmember Gutierrez – So, if this happens again, we will know?

City Manager – We would and one of the things we are probably looking to do over the course of the next 360 days is a prioritizing schedule for the roads. We will go out and evaluate the roads, whether they need to be milled, or resurfaced or how many potholes we have on the road. Can we do a heavy patch or cold patch on these potholes depending on the season? Then we can come back and share this list to begin the repairs because some are in very bad condition and the center lines on some of them are missing.

Councilmember James – The grants we are applying for are not contingent on us working with the county.

City Manager – The grant dollars we are receiving are from the Georgia Department of Transportation. It is called LMIG dollars, and you receive your share based on the amount of square miles that you have. Each year public works goes in, and they input the miles and of course, it never changes unless you annex property. The state gives the funds once a year. The caveat is that we are only able to carry over the funds for 3 years. Forest Park has funds that are three years old. With the county not being able to do the work until next year, we will have to go back to GDOT to see if they will give us some grace or my recommendation depending on the roads the county is able to get done, like Pineridge, they probably can do it while they are over here. Once they leave Lake City, they are going to Riverdale to do the projects on their list.

Councilmember James - So we do not have to use the county is what I'm asking?

City Manager – It is much cheaper to use the county, but you do not have to.

Councilmember Gutierrez – Looking back three years we have not seen any paving in a minute. Are we going to be able to do that in time, is that what you are working on, so we do not lose the money? Is the money like a credit we have with the county and why are we going through the county if the money comes to us? Do they get the money, and do we have credit with them?

City Manager – Through Service Delivery and this is with all seven municipalities in Clayton County. We receive a percentage of money through GDOT that has nothing to do with the county. For paving projects across the county, within these municipalities, they do a master contract for a concrete company to do this work and you only pay them for the work that they do through their contractors.

Bobby Jinks – We get the check, and we pay the subcontractors, and for the material.

City Manager – It is cheaper to procure it and do the work ourselves.

Councilmember Akins-Wells- Technically, it is not cheaper because we are not getting anything done.

City Manager – It is not quicker, but it is cheaper.

Councilmember Akins-Wells- You get what you pay for, and the residents are suffering because of this. I would like to do away with the county and do what we need to do to get this taken care of. I have been talking about this for about 4 years now.

City Manager -That is why I wanted to bring this before you so that you can see how the process works. We can look at the roads after we have another conversation with Clayton County, look at some of the arterial streets and bid them out collectively in a bulk a see what type of pricing we get and bring it back before the mayor and council.

5. Council Discussion and Approval of Reaffirming Commitment to Civil Rights Policy (Title 6) – Legal

Background/History:

The City of Forest Park is required by law to ensure that it does not discriminate when it comes to employment matters, contracting matters and any other matters pertaining to benefits to the public. It is proposed that the City reaffirm its commitment to non-discrimination, publish a statement on its website and authorize staff to make such policy available to those who request it.

In addition to providing a clear, unmistakable expression of the City's policy, it will also help the City when it comes to obtaining grants or other resources from the Federal government or from the State.

Shalonda Brown, HR Director – Currently, we do not have anything on our website to state that we are in compliance with Title VI requirements, if a vendor has a complaint. We are bringing this forward to ask that you approve this to put on the website and I'll be listed as the Title VI coordinator.

6. Council Discussion and Approval of Intergovernmental Agreement with DDA – Legal

Background/History:

The Downtown Development Authority proposes to issue \$4,245,000 in bonds to finance the acquisition of property and certain infrastructure in the downtown area as part of the City Center project. A portion of the bond proceeds will be used to reimburse the City for a portion the cost of acquiring the old Rite Aid building and renovating the building to be used as a business incubator as previously presented to the City Council. The remaining proceeds will be used to acquire the adjacent business plaza for use as part of the City Center project.

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 and rent revenues from the project.

City Attorney – This was previously discussed with the council regarding the acquisition of real estate, and this is the final step for the city to take. The DDA is set to adopt its portion at a special - called meeting tomorrow and we are recommending approval and proceeding with this.

Councilmember James- Is this in addition to other bond monies that we just approved?

City Attorney – Yes, but it is for separate projects.

Councilmember James – How did we acquire the Rite-Aid property if we are trying to get the bonds now to acquire the property?

City Attorney – The city paid for it with the fund balance. A portion of this will be paid back to the city to replenish the fund balance that was already spent.

Councilmember James - So are you saying instead of it being the property of the city it will now be the property of the DDA?

City Attorney – Yes, for the period in which it is operating as a business incubator. Per state law, the city cannot operate that type of function, but the DDA can. It will transfer for however long it operates as a business incubator and the city will be paid for that amount.

City Manager – Inflow and outflow from the DDA to the city to pay the bond. The only difference is the city cannot do that type of deal.

Councilmember James- As mayor Pro-Tem, the mayor asked me to step in.

7. **Council Discussion and Approval of Fire Department Contracts relative to training expenses – Legal**

Background/History:

The Fire Department wishes to adopt two new contract forms to utilize in connection with seeking reimbursement from employees who receive training at the expense of the City. Attached to the resolution are two agreements, one for new recruits and one for existing firefighters. Both require that employees reimburse the city for the cost of their training if they leave the service of the city before they have served three years after receiving the training.

City Attorney – We have a policy for new recruits and existing firefighters to sign an agreement to reimburse the city should they leave before a certain time period. It will be for the cost of training and expenses incurred. You have before you two agreements updating what we previously used. This agreement will require them to serve at least three years. After three years their obligation to reimburse the city will go away.

Chief Clemmons – We have an existing 2-year contract and spend about 80,000 on each recruit, including uniform and training, overtime, and a chance to become professional firefighters of Forest Park. If they leave prior to the contract, they will have to reimburse the city. It was two years it has now increased to three years.

City Manager – The police department contract that was executed is state law is it the same for fire or will this go through small claims court?

City Attorney – It would be a litigation matter, should we ever have to enforce it. It is different from the peace officer set forth in the state law.

8. **Council Discussion and Approval of Revision to Personnel Manual with Respect to Employee Suspensions – Executive Offices**

Background/History:

It is proposed that the City's Personnel Manual be revised to provide that suspensions without pay are permitted as part of the City's disciplinary process. The City's current "Positive Discipline" policy inadvertently appears to preclude the City from suspending employees without pay in severe circumstances where it may be warranted. This amendment clarifies that suspension without pay is a permitted part of the disciplinary policy.

Shalonda Brown – I bring forth this item for approval to amend the current policy in our existing policy. It indicates suspension with pay. The revision will only allow the department head to use suspension as a form of discipline without pay and that will be permitted. This will also be in line with our progressive disciplinary policy and will also ensure that we are consistent with our actions.

Comments/Discussions from Governing Body:

Councilmember James – This is not to eliminate; this is just to add to.

Shalonda Brown – Yes, to add to.

9. Council Discussion and Approval of the One Light Initiative- Executive Offices

Background/History:

In reviewing lighting conditions throughout our community, we have noticed many areas that are either underlit or not lit at all regarding power. In an effort to mitigate this for both safety and pedestrian purposes, we are launching an initiative in partnership with Georgia Power entitled “One Light!” This initiative will repair and upgrade nearly 1900 light fixtures throughout the City to increase the City’s street lighting footprint over time.

City Manager – This is another Initiative that we are in partnership with Georgia Power who is here to give a short presentation. We rode the city at night with members of various departments, and we found that there were various lights that were inoperable or using older technology. This One Light initiative follows the blueprint of our One Forest Park initiative that was launched. We are excited to partner with Georgia Power relative to this One Initiative. The first light of the Senior Center will be free taking them from the older lighting technology to the newer LED lighting.

Jeremy York, Key Account Manager, Georgia Power– Gave an overview of the new proposed lighting that was needed to correct the inefficient lighting, and maintenance issues in the City of Forest Park. The maintenance will be shifted from Forest Park to Georgia Power because they own the lighting fixtures.

Joe Cobb, Lighting Executive, Georgia Power – Presented a line-item breakdown of locations and accounts of the old HID technology. There can be an upgrade to the new LEDs with zero out-of-pocket and the cost per month will go down. There are 101 fixtures that can be upgraded at no cost to the city. As we look at future opportunities to increase lighting levels along Forest Parkway and in the high pedestrian areas with people and traffic. The police non-emergency facility, Second Street Park is where we visited on the night ride. We can come in and do lighting upgrades of the larger 118 lights owned by the city that are in despair up and down Forest Parkway and Old Dixie. We can install new fixtures and maintain them going forward.

City Manager – For clarity, the majority of the lights are owned by the city, so Georgia Power is not servicing those lights.

Joe Cobb – Those 118 lights, yes that is correct. We do provide electricity and you would pick up a service fee if we did all 118 of those, you would see a slight increase in the energy cost as well as getting new lighting. There are opportunities to update the high-traffic areas. If there are other areas that need brighter lights or lighting where there is currently none it can be done. It is what you feel are the priorities of your community.

Comments/Discussions from Governing Body:

Councilmember James – Thank you for the One Light Initiative along with your One Forest Park Initiative. Can we get to a point where we can expand this to our business owners? We have a lot of business owners who own a plaza, and it is dark, I would like to consider that.

Joe Cobb – Absolutely, the no out-of-pocket fee is available to our residential and commercial customers. We are on a big push to get everyone to upgrade to be consistent.

Councilmember James – Do you have documentation of that so we can get it to our businesses? The no out-of-pocket cost to upgrade.

Joe Cobb – We talked about coming to one chamber meeting to spread some awareness with the business community.

City Manager – We are planning a city-wide business meeting, and we can perhaps identify what the businesses are; or if there are some in your ward, we can share the information in advance of the coming. They will know it is related to this program and this is what you can do to upgrade your existing lights on your property with no upfront cost. Plus, this helps our police department that they are having especially on Jonesboro Rd.

Councilmember James – Does Georgia Power do anything with solar lights and lights that use the sun?

Joe Cobb – We are working on some pilot programs with some solar fixtures. The technology is wonderful, and you can invest in the upfront cost, but it is very expensive. We will be happy to try some test locations if you have some sites of interest.

Jeremy York- Under our energy efficiency program we have the SCDI program, which is a Small Commercial Direct Install Program. We will take care of 70 percent of the material and cost for upgrading interior lighting fixtures. It is separate from the exterior program but keep that in mind and reach out to me, your key account manager if needed.

Councilmember Antione – Do you all have business cards; I have a few streets I would like to talk to you about.

Joe Cobb – Yes.

Councilmember Akins-Wells- I sometimes get complaints from business owners themselves about the lighting, and then I have to explain to them it is the property owner's responsibility to get the lighting. I think that would be great information that we can give to the businesses that are here, because sometimes the landlords are not here, they are just collecting rent here. When you spoke about the lights, I only heard Forest Parkway and Old Dixie are some of those 118 lights on Jonesboro Road also?

Joe Cobb – 102 of those are decorative lights that are on Jonesboro Road and 16 that run across Old Dixie and Forest Parkway.

Councilmember Gutierrez – I did this initially with public works when I first became a young council member, and there were a lot of lights that we had to tag and we would put them in for you all to come and address. I am glad we are going to have more effective energy and light up our roads.

Jeremy York - We love the partnership and the help of your staff to alleviate some of that work stream for their workforce.

Councilmember Akins-Wells – This is great, and I hope we can start this in the residential area.

Councilmember Mears – I do not have any industrial buildings in my ward, but I do have a small park on Alder. It is a dark park, and I am sure we can get more use out of it with updated lights.

Joe Cobb - Very easy fix, I have an existing power pole that I can come over and put in the park.

City Manager – We rode through some of the parks and some of them need some upgrades. The one on Second Street we promised the residents we would upgrade some of the things. The ceiling fan and lighting did not work. There is also one on Jonesboro Rd, which is behind a shopping plaza, and we want to look at upgrading.

Councilmember Gutierrez – Falcon took about 17,000.00 of my Capital Outlay money drawing up upgrades, so the upgrades are ready.

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 6:51 pm for Personnel, Litigation, or Real Estate matters.

Motion made by Councilmember James, Seconded by Councilmember Mears.

Voting Yea: Councilmember James, Councilmember Antoine, Councilmember Gutierrez

It was moved to reconvene back into the Council Work Session at 7:08 pm.

Motion made by Councilmember Antoine, Seconded by Councilmember Gutierrez.

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

ADJOURNMENT:

It was moved to adjourn the August 21, 2023, Council Work Session at 7:10 pm.

Motion made by Councilmember Antoine, Seconded by Councilmember Gutierrez.

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