



CITY COUNCIL WORK SESSION

Monday, February 06, 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
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

APPROVED MINUTES

CALL TO ORDER/WELCOME: The meeting was called to order at 6:00 pm by Mayor Butler 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 – Via Zoom | | ✓ |
| 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; Shalonda Brown, Director of Human Resources; Bobby Jinks, Director of Public Works; Latosha Clemons, Fire Chief; David Halcome, Bruce Abrahams, Director Economic Development, Deputy Fire Chief; Sandra Johnson, Deputy Police Chief; and Arthur Geeter, Purchasing Manager,

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

- Chili and Cornbread Sale is being held on Friday, February 10 from 11am – 2pm at the Forest Park Senior Center, 5087 Park Ave, Forest Park, GA 30297. Chili bowls are \$5.00, and Cakes are \$3.00.
- 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.
- Forest Park Business Association Quarterly Luncheon will be held Thursday, February 16, 2023, from 11am – 1pm. This luncheon will be held at the Forest Park Community Center located 696 Main St, Forest Park, GA 30297. If you would like to attend, please RSVP at Econdev@forestparkga.gov

CITY OPERATIONS:

- A partial road closure is scheduled to take place for Park Avenue (between Forest Parkway and Georgia Avenue) from Feb. 13-28, Monday through Friday from 8 a.m. to 5 p.m., weather permitting. The temporary road closure includes both the north and southbound lanes on Park Avenue. The city will be having work done on the indoor pool and will be moving heavy equipment near the east side of the recreation building where Forest Parkway and Park Avenue intersect. Detour signs will be installed around the immediate area prior to the duration of the roadway closure to assist with traffic flow.



- The City of Forest Park, along with several elected officials and community leaders from Clayton County, recently welcomed Mayor Mbengue of Yene, Senegal. Located off the west coast of Africa, Yene has been designated as Forest Park's sister city since 2021. The special relationship between the two cities has helped stimulate an environment for both communities to learn and share experiences that further advance our understanding of the world, while also exploring other diverse cultures.



- The City of Forest Park in partnership with Publicsurplus.com will be having a surplus auction searched for February 8, 2023, at 8:00pm and ending February 15, 2023, at 8:00pm. You must go on to Publicsurplus.com and register to bid. You search for the “City of Forest Park, GA” as the seller. Items approved for surplus will appear when released for sale.

EMPLOYEE SPOTLIGHT:

- Congratulations to Ms. Vanessa Douglas on her retirement from the City of Forest Park. She was an administrator assistant for the Recreation and Leisure Services Department. She served the department and community to a high standard for 40 plus years. While Ms. Douglas was an extremely quiet and private person who stated she did not want anything special, her department did surprise her with a plaque.

CONGRATULATIONS/SHOUT OUT:

- CONGRATULATIONS – to Director Tarik Maxwell and the Recreation and Leisure Services Team for being recognized by the Clayton County Board of Educations at its Board Meeting tonight, February 6, 2023. The department is being honored for its outstanding partnerships with the schools in the Forest Park Community.
- Council Aide Tenisha Dixon is being honored with an Award of Recognition from the Clayton County Board of Education at tonight’s meeting.
- Wish a very Happy Birthday tomorrow, Feb 7 to our own Mayor Angelyne Butler.

INTRODUCTION OF NEW EMPLOYEES:

Deputy Police Chief Sandra Johnson introduced seven new recruits to the Police Department - Michael Braswell, Joseph Chandler, Valandy Julceus, Nelson Keith Jr., Sheron Stinchcomb, Herman Troope, Keith McGhee and in Communications Adonus Hayes Jr.

Mayor Butler – Welcome everyone and know that the oath that you swore to serve and protect the community, is exactly what we expect. I thank you all for choosing Forest Park.

COVID-19 UPDATE: EMS Coordinator, Andrew Gelmini

Case breakdown still shows approx. 58% of Cases to be female and 42% Male with any remaining to be unknown sex.

Forest Park continues to make up 8.6% of County cases. Forest Park continues to show, on average, 4 - 8 new cases a week. The 30 to 39 age group shows the highest percentage of positive cases.

We are still Plateaued with vaccines from last month staying at 56% of County residents have received at least 1 dose of vaccine and 50% are fully vaccinated. 22% of vaccinated citizens have received the additional booster dose. The 35 - 64 age groups show the highest vaccination rate.

The CDC continues to encourage and recommend vaccination and boosters for Covid 19, with a second booster dose being recommended to people 50 and older, especially for people with underlying medical conditions.

Information on how to obtain vaccine information is available on the city website under the fire department tab under covid 19.

Monkey Pox shows an increase in cases this month now totaling 1,988 cases in Georgia an increase of 23 from last month. Age group of 26-44 shows the largest numbers with men being primarily affected sex. Anyone can contract this disease, and everyone should take precautions especially during activities of prolonged personal contact and especially during intimacy to ensure safety.

The CDC continues to research the disease and its spread and is still working on the best course of action in vaccines and boosters to eliminate this outbreak. The CDC is recommending vaccines if interested and high risk, or with underlying medical conditions. This disease continues to show that it is rarely fatal and has only been listed in 19 deaths nationwide, all of which had other underlying health issues reported with the diagnosis.

For further information on the outbreak and vaccines visit: www.cdc.gov/poxvirus/monkeypox/ / Dph.georgia.gov/monkeypox.

NEW BUSINESS:

1. Council Discussion and Approval of the Health Accident Fund – Human Resources

Background/History:

The Health Accident Fund is a benefit that is used as a supplement of income for employees on FMLA who have exhausted their Sick Leave, Vacation Leave and Leave Donations. An employee is only eligible for this benefit if they have met the guidelines for FMLA. The current amount of the fund is \$150 weekly for 6 weeks only.

Comments/Discussion from Governing Body:

Shalonda Brown, Human Resources Director – This fund has been in effect for years. I wanted to bring it back before the Mayor and Council to get it approved through this administration. Possible to increase this from 150 to a higher amount, this is what it has been for the last 10 years, according to my deputy director. I do not believe 150 is enough for an employee that has exhausted all their leave and it will be an extreme help to the employees. I would like you all to approve this so we can offer it to the employees that are on FMLA and have exhausted all their leave options.

Councilmember James – I think this is low for someone that is out sick. I was looking through the documentation and it says the amount of payment would not exceed 66% and 2/3 of their base weekly earnings. In my estimation if we are paying the least of our employees \$17 an hour, then 150 is nowhere

near ample. I would say at least \$350-\$400 would be a good price for a person that has been employed with our city and has health challenges.

Councilmember Antoine – I saw that too, she is the expert here and knows exactly what needs to be done, so I am in support of this.

Councilmember Gutierrez – I am in support of this too. Director Brown, does this sound about right, \$350-\$400? Do you think this is an okay amount or do you have another amount in mind?

Shalonda Brown – I think that is a fair amount. We barely use these funds, and a lot of the employees have sick time, and it is rare that they use it and once they are off FMLA they cannot use it either. So, within that time it is just to make sure they have help for medical insurance or whatever deductions are coming out, so they are not paying out of pocket, this will help take care of it for them.

Councilmember Akins-Wells – I honestly agree and thank you for bringing this forward.

Councilmember Mears – Do the fund have anyway to build itself or increase?

Human Resources Director – The salary line item for an employee, but my recommendation would be to set aside a line item for the Health Accident Fund and you can monitor it each year and decide if you need to increase or decrease the budget based on the usage. Again, it is only on rare occasions that it is used.

Councilmember Mears – I would be nice if it could compound, but I am for it.

Mayor Butler – The 66 percent, that is based on each individual income? So, that fee of \$300 plus will vary depending on what their actual salary is?

Shalonda Brown, Human Resources Director – What every amount you set will be for any employee.

Mayor Butler – So, it is a specific dollar amount regardless of how much they make?

Shalonda Brown, Human Resource Director – Yes, that is correct.

Mayor Butler – Can we let it be based on their actual income?

City Manager – It can be based on whatever the council wants. It is more of getting a policy approved so we can get it into the policy book, the way we would like to do it. The \$350-\$400 is 66 percent, so, that would be an employee probably making \$17 per hour.

Councilmember Gutierrez – I just did the math and \$448 will be 66 percent of \$17 dollars an hour.

2. **Council Discussion to Approve Conditional Use Permit at 721 Morrow Road** - Planning & Community Development Department

Background/History:

The applicant, Mayeto McKinzie Hylton, is requesting a Conditional Use Permit to add and operate an early childcare learning center use to a present church use at 721 Morrow Road. This property is in the Single-Family Residential District (RS). Places of Worship, a K-12 private school, and Pre-K and day care centers require conditional use permits to operate in a Single-Family Residential District. Currently the property houses a church, south of the minor arterial street Morrow Road. The street frontage for the parcel is Morrow

Road; west of the parcel is a mixture of residential homes and a church, south of the parcel are residential homes, east of the parcel are residential homes and an office building, and north of the parcel are residential homes and a gas station.

Staff recommended Approval of Conditional Use Permit to allow the early childcare learning center in the Single-Family Residential (RS) District with the following conditions:

The applicant must adhere to state guidelines outlined in Section 8-8-78, and provide proof (i.e. copy of application in process) and/or a copy of state certification to operate a school.

The applicant and/or his tenants may be allowed to operate a church, a school, and offices associated with those uses. However, no other offices or commercial uses will be permitted.

Storage of vehicles, trucks, and trailers is strictly prohibited.

Violation of these conditions will result in the loss of the conditional use permit and associated business licenses.

The Planning Commission voted to approve the Conditional Use Permit with Conditions.

The applicant provided a copy of the application submitted to the Georgia Department of Early Care and Learning. Staff also contacted the GA Department of Early Care and Learning and per the Department, the applicant's application is in Pending Status, until it receives notification of the City of Forest Park's decision of the Zoning (Conditional Use Permit approval), and other city approvals that would be required (building and fire inspections). See attached documents in packet.

Comments/Discussion from Governing Body:

Councilmember James - I agree with staff recommendations.

Councilmember Antoine - Likewise

Councilmember Gutierrez – The same

Councilmember Akins-Wells - Yes

Councilmember Mears – Is the church not occupied now? Is it the whole church? It is right at the edge of my ward, and we had grief last time, because we had the soccer field behind the church. Then you have the housing project behind them. Has anyone checked to see how they feel? It is a good thing, but we do not want to have a lot of headaches from the people that live in the housing.

LaShawn Gardiner, Director of Planning & Community Development – Mayor and Council regarding this item, per advisement from our city attorney, the public hearing portion was not actually done. We ask that this be tabled, until the March 6th meeting. To answer your questions Councilmember Mears, when we sent out the public hearing information for the Planning Commission, we sent out notices to adjacent property owners that would be impacted and have not received any notification or inquiries from those.

3. Council Discussion on Waste Management Contract - Public Works

Background/History

Waste Management final contract has been received, attached and below you will find a few of the highlights that have changed.

The rate increase requested for residential would be \$321.67 dollars annually.

The rate increase requested for commercial, would be an average of 20%.

The City Recycling Drop Off Center will not be providing either WM or The City of Forest Park employees to be present on site. Wm acknowledges the City's desire to discontinue usage of the City Recycling Drop off Center located next to the Forest Park Transfer Station.

Section 6.0 Liquidated Damages (6.1 to 6.9) is where you will find performance penalties. The penalties range from failure to clean up solid waste spills, failure to collect material from service unit, chronic problems, remove and clean up hydraulic oil etc., replace any damage containers and failure to repair damage to property. These penalties range from \$150.00 to \$300.00 depending on severity of the violation.

Comments/Discussion from Governing Body:

City Manager - I would like to clarify where it says it acknowledges the city desire to discontinue the usage. It was the city's desire not to, because we are being charged now under the new contract for dumping at the recycling center. It was our desire not to staff the recycling center. Waste Management told us if we do not staff it, they are not going to staff it. That would mean the recycling center would close. I just wanted to make that clarification because I do not think it was clear.

Councilmember James – That was one of my questions about the desire to close the recycling drop. Does that mean that we will no longer have recycling and educating the public about recycling?

Bobby Jinks, Director of Public Works – No, recycling and education is number one. To get the word across about recycling at the house and to touch basis on the recycling center. Right now, under this new price, the city is coming out ruffly \$300,000 a year. That is not revenue coming in that is waste management's charging on hauling fee. If we staff a part-time person over there, it is another \$21,000 on top of that, plus liability that we are on someone else property working.

Councilmember James – Question about the \$321.00 annual fee for residential. How much of an increase is that from the fee residents were paying before?

Bobby Jinks - That is 20 percent. It was \$260.00 and has gone up to \$321.00 and it should be enough to cover the length of the contract. We should not have to come and ask for an increase.

Councilmember James – So approximately \$260.00 to \$321.00 and that applies to the commercial businesses too. I do not see a dollar amount, but I do see a rate increase was going to be an average of 20 percent.

Bobby Jinks – Yes, an average of 20 percent and make sure they regulate the size of the dumpsters. That comes in the educational part. They are offering a customer service number to help take the load off the city, so that is a plus.

Councilmember Gutierrez – Thank you for that explanation. Is there anything we can incorporate into in there about the smell? I drove-by there, the other day and it was horrible.

Director of Public Works – That is separate from this, but I can have our law enforcement officer for sanitation to address it.

Councilmember Gutierrez – Thank you. I think if we can have it in here, we can hold them somewhat accountable to containing it somehow.

Councilmember Akins-Wells – Everyone knows I have not been the biggest fan of Waste Management and not much has changed. I do not agree with getting rid of the transfer station. That is something that our residents benefit from, and what are we going to do with the employees that we have over there? Do we have other positions for them to fill in at? The smell we have been talking about for years and years, and we have stopped talking about it, so I guess it does not matter anymore.

Besides the contract and the smell, what are we doing to get Waste Management out of our community? That is the conversation I would like to have. I know that it has been years since Waste Management went up on the city, so, of course things would change and that is ok. However, I do not see us getting rid of the recycling center. Everything that benefits the community we want to move away from, so I would say let us reconsider that.

City Attorney, I would like a follow-up, because I know we have not talked about it in a while. Where do we stand as far as the transfer station itself? That is what we need to talk about. To just take this away from the community, I do not agree with that.

Director of Public Works – To answer question number one, we have been understaffed and having to replace them with highly skilled and higher paid employees to work at the recycling center. We have not been able to hire part-time people, we have been interviewing people, but they do not want to work the hours.

Councilmember Akins-Wells – When the contracts are being discussed, and the city attorney is there, who else is sitting at the table on behalf of the city? Someone that is not biased and does not want Waste Management here. I am sure that there is something that could be talked about to come to some type of agreement, to not have the transfer station closed. Who is going back and forth with them?

City Attorney – To answer your question since we last discussed this over a year ago, there has really been no discussion on that. I recall the main issue was the cost of moving, that Waste Management would expect the city to pay. Since then, there have not been any discussions.

Councilmember Akins-Wells – So, we just got the contract from them and that is just what it is, no one is sitting down discussing it?

City Attorney – As far as this contract goes, the city manager, myself, Mr. Jinks, and his staff were involved in all the discussions and there have been multiple meetings with Waste Management.

Councilmember Akins-Wells – Is there any way for the council to be more involved in these discussions? I do not see this coming to the table and that is what was agreed upon, for the transfer station to be closed. I cannot believe someone would support this, as much as the recycling center helps our community. No one is going to fight for that.

Director of Public Works – The main difference is none of the other contracts had any performance penalties and this one has performance penalties. When they do not do their job, we can come back with financial penalties to make them do what the contract says.

Councilmember Akins-Wells – I understand that, but I do not think that the citizens should suffer from this.

City Manager – It is not that we just decided to close the recycling. The residents still have curbside recycling, which is a thing that is still going on with the recycling contract. The recycling center was being used as a dumping spot. The city was not charged for this in the previous contract, it was all factored into the price that the city was paying. Waste Management is now saying they are going to start charging the city for what we take away from the recycling center, because recycling is not profitable anymore.

With that added expense, we said we are paying for a person to man this, just for you guys to come in and get more money from the city, so, what benefit is it? We keep a log which I can forward of who comes to the recycle center. You have people that come to the recycling center 5 and 6 times, and you know it is not a resident bringing in recycling it is someone coming in dumping.

Now, Waste Management is trying to charge our residents for that, and we are looking at an additional \$321 so the rate would have to go up even higher than \$321 to support that. It is not that we are trying to close it. We decided not to staff it, especially if they are trying to charge us to dump now, when at one time it was all factored into the same price the city was paying. Waste Management decided to say if you are not going to staff it, we are not going to staff it, then it will close.

Residents still have recycling, they can put their recycling in their bins, and it will be picked up. They just cannot come in with truck loads multiple times with things that they are dumping. Probably 90-95 percent of it is not being recycled, it is just being thrown into the dumpster.

Councilmember Mears – I have been using that recycling for 60 years. The public is going to have to put their throwaways on the street instead of taking them to the place, right? We are not going to have an open place to recycle.

City Manager – The recycling should go in the bins at your property, so if you put it there it will still be picked up. You still have the bulk items, your leaves all of that is in the contract and will be picked up, none of that has changed.

Councilmember Mears – Does that include mattresses and things like that?

City Manager – Yes, that is still in the contract to be picked up on its scheduled days. This is a recycling center and a lot of people on the log has shown to be coming multiple times. It has become more of a dump than just a recycling center that the citizens have been paying for.

Councilmember Mears – I know if we do not have a place or routine to get picked up the city will become cluttered on the streets very quickly. It is that way now and you have to get on people, but the city needs somewhere to do its throwaways in a reputable manner.

4. **Council Discussion of a CCE Contract Lobbying Services** – Chief Executive Offices

Background/History:

The Clayton County cities, Clayton County and Clayton County School District (CCPS) have been engaged in opposing the loss of general sales taxes on aviation fuels since 2016. We have been working since 2016 to try to reverse the FAA's policy. We have had multiple bills and amendments filed in Congress by our delegation. This past Congress, we were finally successful in getting bills introduced in both the House and

Senate. The House bill (H.R. 3618) was sponsored by Rep. Grace Napolitano (D-California) and was co-sponsored by our entire House delegation, Reps. David Scott, and Nikema Williams. The Senate companion bill (S. 2859) was sponsored by Senators Raphael Warnock and Jon Ossoff.

The Clayton County Entities lobby scope was and is to advocate for legislation to restore the local general sales tax on aviation. The Hartwell 2019 contract was for \$2,800 per month and was split based on LOST tax distribution; the Clay 2020-21 contract was for \$3,000 per month and the 2022 contract was for \$3,500 and is split based on LOST distribution. The 2023 contract is proposed to remain at the \$3,500 amount and the allocation of the lobby fee would be split. The City of Forest Park would be responsible for 5.86% or \$205.10 monthly, of the contract based on the LOST distribution.

All Clayton County cities, CCPS and Clayton County participated in the 2019 contract except College Park and Forest Park; all cities, CCPS and Clayton County participated in the 2020-2022 contract except the City of Morrow.

The city manager is seeking direction from the governing body on how we would like to proceed in this matter.

Comments/Discussion from Governing Body:

City Manager – This is for the approval of the contract. I never found where this was approved by the council, but I do think we should continue this. It is a small amount that we are paying to partner with our fellow cities to get the sales tax back to the municipalities that were missing. I think it would be a great thing if the council would approve this.

Councilmember James – I agree.

Councilmember Antoine – I echo that we all want to be a part of history and I will ask the council to join not only our county partners, but also our federal partners in this historic event. I am for this.

Councilmember Gutierrez – This is a no brainer.

5. Council Discussion on Zaxby's Request for Waiver Letter – Economic Development Department

Background/History:

The Forest Park Development Authority sold the site on Main Street next to the fountain to a developer for a Zaxby's restaurant. Zaxby's has obtained permits to build the restaurant from the Forest Park Planning Department and has complied with all special Main Street District regulations. To begin developing the site, Zaxby's submitted water management permits to Clayton County Water Authority. The Authority has put conditions on the site development which Zaxby's reports they are unable to fulfill. CCWA has given Zaxby's guidance that a waiver letter provided by City of Forest Park to the Authority would allow the development to proceed. Zaxby's is requesting a waiver letter from the city. Zaxby's and the city engineer are present for discussion regarding the issuance of the waiver letter.

Comments/Discussion from Governing Body:

Bruce Abraham, Director of Economic Development – We started working on Zaxby's about 3 years ago, we located and looked down Jonesboro Road, Forest Parkway and Main Street. About a year later we entered a contract with about an acre and a half site owned by the Development Authority up on Main

Street next to the fountain. They applied for and received their permits, went to Clayton Water Authority for their water management permits and ran into some snags on that.

They are unable to move forward. I would like to introduce you to Joey Clanton, who is the owner of Zaxby's and Mark Adam Price who is with Falcon Engineering, a city engineering firm. They will explain the situation here and ask the council to approve a waiver letter with Clayton County Water Authority, to move forward with building the facility.

Joey Clanton, Owner of Zaxby's – Me and my partners were introduced to Mr. Abrahams about 3 years ago, we were looking for sites, found sites and combined four lots on Main Street. Had the plan, went through ARC, went through several things of what we were planning to put there. We went through the process we normally go through to get permits, before actually closing on the site. We had the city permits closing on the site submitted for Clayton County and they came back and wanted us to resubmit again a different change, that took away roughly 15 parking spots, which was a main concern for the ARC. The cost inhibited from what we had planned the cost was going to be for the project, it is not feasible for what we had to meet for Clayton County. That is why we are asking for this waiver.

Adam Price, Falcon Design Engineering – I will answer any questions and give you, my timeline. Our firm was asked to do drawings on behalf of you for general engineering issues. For your IGA with Clayton County Water Authority, we do not review stormwater requirements, we review erosion control, general engineering matters on the plans. After one or two submittals we approved the plans from an engineering standpoint of the city.

I was contacted by Mr. Abrahams and James Shelby to review the Stormwater report produced by Joeys engineer and give an opinion on it. We received two reports to review the initial report they submitted to the Water Authority and the second was the revision that they originally approved and the one when they came back and gave their financial analysis said it was not feasible.

We reviewed them both and the original plan closely follows your ordinance than the one that was finally approved. The main thing was the water retention now it is gone off into water quality and so forth. The detention requirement was not even met in the final study that was approved, which greatly concerned us, because that is a state law. You cannot increase post-development flow onto an adjoined higher than what it was pre-developed and that is being done in the current approved sequence.

The applicants engineer submitted a request for a waiver, your ordinance refers to a document produced by the North Georgia Metropolitan Water District, which is called Practicability Policy for stormwater. What that means in generic engineering terms is reasons to wave a certain requirement in the stormwater manual. There is only one requirement they are asking to waive, the other two are being met. They asked to waive it because of land area, they do not have enough room to do this, which is a reason under site constraints in the practicability ordinance produced by the state that will allow you to waive it. Therefore, the waiver they are asking for meet the ordinance.

Councilmember James – Thank you for being here, I want to make sure we can go forward and approve this.

Councilmember Antoine – Likewise, we applaud you, I have been here since 2014 and I have been championing this. We are the biggest city the largest city in Clayton County, there is no Walmart, no Kroger and no Zaxby's. We go to Lake City and Morrow to do most of our business and this red tape should not be here. This is a no brainer we are trying to welcome more businesses, not push them away. I am for it.

Councilmember Gutierrez – You say they are meeting two of three requirements, and the last one is they do not have the space to have this?

Adam Price – This is the simplest term. There are three things: detention, hold back stormwater from post development to meet predevelopment or less, which you do not want to flood your neighbor, they are meeting that. Water quality requirements means you are basically cleaning the water from asphalt and runoff from your paved surfaces and your rooftops, they are meeting that. The third thing was enacted in the ordinance, that I mentioned earlier two years ago, called runoff reduction. Basically, they want more of your storm water to infiltrate into the ground. That is a great thing to have near the beach, because the water will go down in the sand, but here in Georgia we have red clay so it will sit on top of it, because it does not infiltrate.

Councilmember Gutierrez – I just want to make sure we are setting standards to move forward in the future and not have other people come back to say can you waive this or that. If they are meeting everything except this, and you are our guy, saying the space is not there.

Adam Price - In the ordinance they allow you to do it.

Councilmember Gutierrez - We know these rules can sometimes have variances.

Adam Price - My firm does a lot of private work in other places all over the Southeast especially, North Georgia. This code they enacted two years ago is a problem. It puts the onus on city engineers and other places, now you guys have to determine whether or not you can do this. It needs to be cleaned up.

Councilmember Akins-Wells – Thank you for being here and giving an explanation. Mr. Zaxby's and Mr. Bruce Abrahams, because we get so many questions about when Zaxby's is coming. Like he stated, we want to invite businesses in, and not make it difficult. So, I am in favor of approving this to wave it.

Councilmember Mears – I have two problems. The first problem is if we pass this or move forward with this, we are setting up a precedence for other people that want to come up and down Main Street. We should not be held responsible for the runoff water if something does go wrong.

The way I understand it, if we go with the county situation then it is their problem. Now I am glad to see you all here and want you here. What happens in two years, you feel you cannot make it here and you leave. We are stuck with a runoff problem that did not satisfy the county, but it helped you all stay here for the period, so then Forest Park is responsible for it. I just do not want Forest Park on my tour of duty to be held responsible for a lot of problems down the line after I am gone.

It will inevitably come back to the city to take care of if we make concessions on the variance. I want you here and everything, but you need to work out some other way or to get everyone happy on board, so Forest Park will not be held liable for a situation that may or may not ever happen.

Adam Price – There is a stormwater maintenance agreement that the city makes all the owners sign for the property, that goes with every property that you all have. They are responsible and they are liable.

Mayor Butler - I have gone back and forth on this. Initially, when I was asked, I was not in favor of the waiver. In my mind when I heard the word exemption, even though we had a couple of meetings I was thinking it would waive all the requirements. Then I had a conversation with Councilwoman James and the city attorney, and it is not waiving all the requirements. The Water Authority has plan A and Zaxby's has plan B.

The waiver is exempting Plan A and going with Plan B. Then I thought on the lines of Councilmember Mears and what Councilmember Gutierrez was alluding to, about setting a precedent. I do believe as elected officials one of our responsibilities is to leave the city in a better position than what we were given it. Doing any waiver would have long-term potential implications that it could have that the city and or the residents may have to foot in the end. That is not a risk that I am willing to take. Granted the Council gets to vote and they have their say so, but I also have mine.

There was a plan that Zaxby's submitted to the Water Authority that was approved, but Zaxby's went back and looked at their financials and determined that cost was too much for them. I do not know how far along in the process they got, but I do understand that there are certain hardships that the Water Authority can grant if they meet other criteria by the Water Authority. Given that I have very little expertise in this area I would tend to rely on the Water Authority in which the city currently has an IGA with.

Then the question came up if we waive it for Zaxby's even though they have the requirements for an exemption, what makes that project more apt to have a waiver versus other projects. What I do know is the city has had projects that have gone through the same process that adhered to the Water Authority recommendations. Going back and forward and coming up with a resolution is amicable to both parties.

The Water Authority will come up once you are done because I want them to truly explain the genesis of this IGA. It is not just about Zaxby's, this is about future generations and the impact that these stormwater systems can have in the long run. What would make Zaxby's more inclined to have a waiver versus other projects. I do believe if we make one exception then others will come. That will be their prerogative because we set the precedent. Even if they met any of the criteria's, how are we going to tell them no, when I know the Water Authority works with entities to come up with a happy resolution. I do not know what the total cost is, but I know they bought the land, and this can be a continued effort investment into the city.

If the council is really set on doing this there is a way, we can truly make this a public private partnership. Where if they wanted to go to any one of the three boards or come back to council to see if we can do some cost sharing instead of waiving what the Water Authority is recommending. That is where I stand on this. Once the Water Authority comes up, they are going to do a presentation that will give us a whole holistic view, not just Zaxby's and this water issue, but what it means collectively for everybody.

Councilmember Akins-Wells – How long have you been the city's engineer?

Adam Price – About 3 years.

Councilmember Akins-Wells – Have we had any issues with you being the city's engineer?

Adam Price – I do not think so, not of which I am aware.

Councilmember Akins-Wells- Okay, I trust you. In the beginning when Zaxby's was first brought up everyone was so excited because we do not have anything here. A lot of us go outside the city to eat and I am not a huge fan of Zaxby's, but a lot of people that call my phone are. It really bothers me that we want to make it difficult for business to come in. I am not saying you are 100 percent right or the Water Authority is 100 percent right, but we hired them for a reason, for their expertise. I just do not agree with it because I remember when we first started talking about Zaxby's coming, I was getting different calls from developers that was opposed to them coming, because they wanted the property and Chick-Fil-A was down the street and it was going to be a competition. There is a shoe shop right here and there is one right here, we are going to have competition. I feel there is more behind the story than just this part of it, you know I am transparent. I am going to keep it 100 percent with the people when it comes to transparency. There is no

way it should take 3 years for Zaxby's to come to the City of Forest Park. I am 100 percent with it, and I will listen to the Water Authority, but I trust who we hired to handle our engineering business.

Mayor Butler – How much is the cost for this?

Joey Clanton – The biggest impact I see we are going to have after going through the ARC Board and what their concerned with is traffic on Main Street, is the loss of what we combined the four lots and setting the project for that premier spot right there, the loss of those 15 spots. The traffic with backing up on Main Street and if you all have gone to fast casual restaurants lately, labor we end up going through the drive-thru a lot and shutting the dining rooms down. So that is what the ARC is concerned with backing up on Main Street. We have gone through several designs and several iterations of the building design to get to where we could. Underground retention, every other county I operate 7 Zaxby's.

I am Clayton County born and raised in Georgia, family here in Forest Park. When coming into Forest Park we had to open the county up to come in, because we saw the same thing. Why is no one going to Forest Park, what is the opportunity. Three years later I am scratching my head saying this is why. I have got stores in Atlanta all the way down to Griffin, and two in Peachtree City. This has been my hardest development trying to get a simple project done.

Clayton County Water Authority and what they put on restrictions for us, for what they demanded from us trying to iterate to it, what we agreed to do for the future use of the underground retention, and the stormwater management for an annual basis. I have a store in Union City, and we do that every year, because we built in front of where the Old Shannon Mall was. There was a master retention, before we can run off into it, we have our own retention clean out that we clean out annually, which is what we agreed to do here. To make sure we take care of our property. We have a 20-year license agreement with Zaxby's, so we are going to be here 20 years minimum. I plan to be here for as long as I can to roll it into my family, and to continue to be a member of Forest Park, but we have to get in here first.

6. Council Discussion on Clayton County Water Authority (CCWA) Stormwater Management – Legislative Office

Background/History:

The Clayton County Water Authority is charged with ensuring that the City of Forest Park, as well as six other municipalities, remain in compliance with the National Pollutant Discharge Elimination Systems Municipal Separate Sewer System (MS4) permit. This permit is regulated by the Georgia Environmental Protection Division (GA EPD), and as part of CCWA responsibilities they are to review plans submitted to the city for new developments and/or redevelopments to ensure they adequately address stormwater mitigation.

Kevin Osbey, Clayton County Water Authority – Stormwater is essentially runoff that comes from rainfall events. It comes off surfaces like driveways, roadways, parking lots and rooftops. One of the main problems we have is water quantity issues. The amount of water and water quality issues, how clean the water is or how polluted it may be.

That is our main issue and the reason for discussion tonight. We have a lot of issues and a lot of construction going on. There is a lot of flooding and siltation issues from construction sites. With us being a part of the Metro North Georgia Water Planning District that is a 15 county-wide area. That is at least ninety-five cities within that area.

A brief history on Stormwater Manual Management. It was developed to help local jurisdictions and local developers come up with a way to manage the stormwater that may run-off of a site. This was developed back in 2001. In 2015 after years being in operation. ARC- the Atlanta Regional Commission engaged stakeholders to update the manual. In 2016 Georgia EPD mandated all local governments adopt that manual.

In 1993 Georgia EPD issued some the first Municipal separate storm sewer system permits that includes Clayton County. That is a requirement that came from Clayton County EPD, dictating how we are going to manage our storm water and those permits are updated every 5 years. In 2001 Georgia legislature formulated the Metro North Water Planning District, because so many communities were managing their stormwater in different ways, the district prepared model ordinances for us here in the metro area. They wanted us to be consistent in how we manage and how developers manage their storm water throughout the 15-county district.

The water quality issue is handled by the water quality volume in the original plan. It allowed you to handle the issue by holding then releasing that water very slowly over a certain amount of time so that any particulates could settle out in best management practice that was implemented.

You are required to hold that first inch of rainfall that hits your site, you have got to infiltrate that. That was adopted by the county and the six cities in 2019 and was supposed to be enforced in 2020. Since then our teams have been working with developers in reviewing their plans to come up with means and ways to infiltrate that first inch of water.

You heard the practicability guideline here are roughly 6 or 7 items on that guideline ranging from what type of site you may have, that may have had hazardous materials on it before. You do not want those types of sites to infiltrate water. If you put in a gas station or a car repair shop, you do not want those type of materials infiltrating into the ground.

There are other requirements, if you go out and think you have red clay on the side and it is not very permeable, but you would have to go out and test it to see. That is done by percolation tests, to see if it can percolate water. Another factor is the cost of it. If there is ground water within a creek or stream you cannot infiltrate that because it is already water, there.

We work with developers that go through those and submit that practicability study to us we review that and work with folks to work through those problems. If we see that exemptions and waivers are allowed for that then we will work with them and grant that waiver.

Just an overview of how CCWA started doing storm water utility within the county and the cities. In 2003 we talked about all the model ordinances come into place and Georgia EPD making requirements and having them in place for all the local governments around here. The County Commission requested that CCWA evaluate the best way to manage stormwater funding 2004 of March. It is six cities, Forest Park, Jonesboro, Morrow, Lake City, Lovejoy, and Riverdale joined that study in August 2004.

The study was completed, and it was recommended that a dedicated funding source be established, by developing a storm water utility and recommended that CCWA managed it. In 2005 we had the intergovernmental agreement between CCWA and the county and the cities, which is referenced in the guidebook. The guidebook was developed and adopted in 2006 and we updated it in 2020. In there we have our operating policies on how the utilities would be run. Also, in 2006 stormwater ordinances were created, which is the legal tool to public compliance and enforcement. I talked about the Model ordinance earlier. There are seven of them Post Development Floodplain Management, Erosion & Sedimentation

Control, Stream Buffer Protection, Conservation Subdivision, Illicit Discharge/Illegal Connection and Litter Control.

Those were all tools that were put in place to help address water quality issues and water quantity issues within our area. There was a uniform set of documents that all the people in the fifteen counties and 95 cities had to adopt, that way we are all on the same playing field. We are all essentially the same but may operate a little differently.

Councilmember James -Thank you so much for what you do for our county and community. Do you have any idea how many waivers have been asked of you all or that have been received since the implementation of this process?

Kevin Osbey – I cannot say that we have issued any full waivers, as stated before we work with the developers to try and implement some portions of the new requirements of the runoff reductions.

Mayor Butler – Councilwoman are you referring to the city projects that waivers have been issued for.

Councilmember James – No, just in general.

Kevin Osbey – What we try not to do is, we do not issue waivers, because all the ordinances belong to the county and the cities.

Councilmember James – So, it is the cities that issue the waivers?

Kevin Osbey – Yes.

Councilmember James – I do not know if you are familiar with the Zaxby's project, but have you looked at their plans for the stormwater?

Kevin Osbey – As Mr. Price stated, our team did look at their submittal plan. I am not sure of the iterations that they went through. I do know that a plan was approved by CCWA in September 2021. Since then, we have not received any revised plans from them, and I just checked with them today.

Councilmember Gutierrez – Thank you. I appreciate the water history of Clayton County. Did you hear the presentation from our engineer and what he mentioned, the last condition of the waiver that they were not meeting?

Kevin Osbey – Was it the cost?

Councilmember Gutierrez – it was the space or the type of pond. Is that what it was Mr. Price? City Attorney do you remember what it was?

Kevin Osbey – I do recall them saying there were restrictions because it was a tight sight and they were losing 15 parking spaces, to include a bio retention facility. Looking at the hydro study that was approved by us, and the mention of pre-flow vs pro-flow construction by the site. I looked at the hydro study that was approved by our staff and from the 1-year storm up to the 100-year storm. It appears the post-develop flow was less than the pre-developed flow, based on this report. I do not know if there is a report out there that I am not knowledgeable of. The plans that our staff approved show that bio retention and permeable pavers they were implementing on the site, our staff felt it was a good route and they approved it.

Councilmember Gutierrez – Is that good or bad?

Kevin Osbey – That is good if we approved it.

Councilmember Gutierrez – So, they never gave a new one for you to look at and what they have.

Kevin Osbey – According to my staff we have not received any updated or revised plan since the plan we approved in September 2021.

Councilmember Gutierrez – Are you familiar with the type of retention pond they are trying to do?

Kevin Osbey – Yes, there are multiple ways to infiltrate, they have a permeable paver, concrete pavers that are put into parking lots and when water hits it flows through that surface. They also have bio retention that serves as a means of infiltration that can allow for storage of the stormwater and release it slower off site.

Councilmember Gutierrez – Do they do the same thing, but this is a less fancy one?

Kevin Osbey – Which one? One of them mentioned underground detention, which is really for flood control or the quantity of water and not as much quality of water.

Councilmember Wells – I thank you. Have we ever had any flooding in that area. This is like the pot calling the kettle black. Down on Forest Parkway, every time it rains, we use Public Works and some officers to block off the street. We need to handle that. This is not an issue yet, but we are making it a bigger one than it should be.

If it is in there that it can be waived, if it could not be then it would not be in there. They meet two requirements so why not just waive this one. He said they plan to be here for at least 20 years. We need to fix the retention pond on Forest Parkway, that is what we need to do.

Councilmember Mears- If it is all good, I do not see why Clayton County will not go with the engineer's plan. If it inevitably causes problems down the line and he have to upgrade his system to satisfy the water authority, then it is not alright. We need to figure out why the two sides cannot come together with a solution.

Zaxby's man said, he has to spend \$300,000 or more to satisfy the water authority, because they said the water runoff infiltration system is not up to the point and the city has to be responsible. Do that sound about right?

Kevin Osbey – I will say, because this is a private development, the private property owner is ultimately responsible for the maintenance and well-being of whatever.

Councilmember Mears – To satisfy you or CCWA.

Kevin Osbey – It would not be the CCWA's responsibility to maintain or fix the property, it would all be on them and that is from the stormwater maintenance agreement.

Councilmember Mears – So, you are under the assumption that if it is put in the way you would like it done then there would not be a problem for him to maintain it would be Clayton County Water responsibility, right?

Kevin Osbey – No sir we would never maintain or take ownership of private property.

Councilmember Mears – I know not the property, but the runoff water?

Kevin Osbey - We will work with them to prepare a design that we feel will meet the intent of the stormwater management manual in the Forest Park storm water ordinance.

Councilmember Mears – You said the drawings that you have been okayed and what you would like to see put in, and he said it is going to be \$300, 000 to put it in that way.

Kevin Osbey – You have not seen the manual with a lot of recommendations, someone can go through and pick a particular BMP. We have not closed our doors to anyone, and they are always open. In our mind we had an approved plan and an agreement, we thought that was where we were going to go. We have not had any request to change that.

Councilmember Mears – Like the mayor said, I want to leave a legacy behind and not open the floodgates to have the same problem with everyone that comes along. Evidently, we will have this same problem on these small plots of land, as we try to sell them off to businesses coming into Forest Park. It is not right for the citizens of Forest Park to be held responsible or to give permission to do things when there are objections from the water authority.

Mayor Butler – Given that a plan was already approved it seems the issue is the cost associated with that. If it is the cost, we can make this a public-private partnership and share the cost and not get into waiving what already has been approved. They gave a number; would the council want to entertain sharing the cost in that? They can take it to the Development Authority that sold them the land to see if they want to share the cost or the other two boards. If we are trying to find a work around that seems the most plausible to me, without having to go outside the scope of what has been approved. There is a hardship that they can go through, correct? Please explain that.

Kevin Osbey - There is an economic hardship line item. When they go through the seven-line items, newer technology is going to cost more. What we cannot do is allow everyone to pick one thing saying it is going to cost more, or everyone will be doing this. Again, nothing has been presented to us since 2021.

Councilmember James – The recommendation is not set in stone; this is just what they recommend based on the standards that they have from each municipality. That is on the private owned engineer company of the project that is preparing this.

When looking at the waiver it is not what CCWA wants to happen, it is the fact that they are going to lose space. They have done everything to comply with what we want on Main Street, and the drive-through will be on Finley Road. There will be eateries on the side of Main Street where we will be able to walk and play like we said.

So, they have complied with everything the City of Forest Park said, and do not want to give up space because of CCWA recommendation. They have a work around according to our engineers and their engineers and we need to go ahead and do this.

I believe, and I could be wrong, the reason you have not received anything, is because the council is just now finding out about the process of having to waiver go back to the CCWA. Once we approve this waiver you will get what the new plans are.

Mayor Butler – Can you explain that, because they did not need to go before the council to submit another set of plans, or did they?

Kevin Osbey – Not another set of plans, but if there is going to be any variance of the stormwater management plan, it would be nice to run that across CCWA, because I do not know what their plans consist of. If there is an alternative and the council want us to explore that with them, we can review that. I would not feel comfortable approving a waiver when we have not seen what they are planning to do otherwise.

Mayor Butler – Is there a different set of plans other than the ones that submitted in 2021 that was approved.

Joey Clanton, Owner of Zaxby's - We submitted the first set of plans that had underground retention and 15 extra parking spaces. When we went to Clayton County, their recommendation was not going to work, and we went down a route of recommending the bio-retention pond. It is the third part that we have not met when we go to underground retention.

Mayor Butler – Those are the original plans from 2021 that were approved?

Joey Clanton – Yes, with the underground retention and 15 parking spots.

Mayor Butler – The plans that were approved in 2021 are there a different set that you are referring to currently.

Joey Clanton – We had to resubmit for Clayton County with the bio-retention on it, we lost the parking spots and that is what has been approved the final permits. When we took that to cost projections that is when cost went through the roof.

City Attorney - There are two sets, the original set and the ones Clayton County approved with the changes that are more expensive.

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

ADJOURNMENT:

It was moved to adjourn the Council Work Session at 7:32pm.

Motion made by Councilmember Antione, Seconded by Councilmember Gutierrez.

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