



## CITY COUNCIL WORK SESSION

Monday, August 07, 2023, at 6:00 PM  
Council Chambers and YouTube Livestream

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

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

The Honorable Mayor Angelyne Butler, MPA

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

The Honorable Dabouze Antoine  
The Honorable Latresa Akins-Wells

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

### APPROVED MINUTES

#### VIRTUAL NOTICE

To watch the meeting via YouTube - <https://bit.ly/3c28p0A>

The Council Meetings will be livestream and available on the City's.

YouTube page - "**City of Forest Park GA**"

**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		✓

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.

## PRESENTATION(S):

### 1. Council Discussion and Approval of FOREST PARK FIRE & EMS – Professional Development Program - Fire Department

#### Background/History:

In collaboration with the Fire Department's Leadership Team, Fire Chief Latosha Clemons has initiated the "first" ever Professional Development Program.

This program is designed as a guide for Firefighters and Paramedics to have a transparent career pathway for promotional opportunities and leadership roles with the Forest Park Fire Department.

Presented by Fire Chief Latosha Clemons.

**Chief Clemons** – We are excited about this. When I was coming up throughout my career, I had a pathway to show me how to get to the position as Battalion Chief. We are implementing a Professional Development Program all the way up to the fire Chief. We provide them with the opportunity when they first come through the door to see how they can achieve the top rank.

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

**Councilmember James** – Thank you and congratulations.

**Councilmember Gutierrez** – Thank you chief for the leadership. I think this is important coming in as a young firefighter, seeing this is extremely motivating.

**Councilmember Akins-Wells** – Thank you for being you and bringing so much to the department.

## OLD BUSINESS:

### 2. Council Discussion and Approval of Rezoning from RS to RM- Scott Rd. (RZ-2023-02)– Planning & Community Development

#### Background/History:

The applicant is requesting to rezone the subject property from RS (Single Family Residential) to RM (Multi-Family Residential). The property is currently wooded and undeveloped. Three single-family homes are currently located on Scott Road. Surrounding land uses include light industrial, west, and single-family residential north, south and east of the subject property. The intent is to build 16 townhouses on the property. **The Planning Commission recommended to Approve the Rezoning from RS to RM with the following conditions:** 1. Scott Road shall be improved to city standards prior to development, (2) All buildings shall be constructed of brick, stone, wood, stucco or any combination thereof, (3) There shall be different architectural features between units, no adjacent units shall have the same design characteristics, features or identical, (4) Each unit shall provide 2-car garages, (5) Adhere to the buffer standards as specified in the current code between industrial and residential development, (6) There shall be only 4 rental units on this parcel, and rental units shall be distributed throughout various buildings of the development so

that rental units are not segregated in one building; (7) Any deviations from the conditions shall be approved by the Planning Commission. **This item was tabled on 7/17/2023 and is back up for discussion.**

**Mayor Butler-** Items 2 and three will be grouped together but voted on separately in the regular session.

**Lashawn Gardiner, Director PB&Z** – There were questions about the type of units and what would appear or what is being proposed so we have provided that rendering.

**Comments/Discussions from Governing Body:**

**Councilmember Gutierrez** – This is a decision that I have really been thinking about. As much as I like the idea of new development, I do not think Scott Rd is the place for it. I would love to see this and hopefully we can talk as a council. I do not know how the votes are going to go, but I know I am going to vote no for this. I would like to get with the young man a minority like myself and support him, but just because development is what we need, I am not going to vote to put it anywhere. I heard he brought something before, how many homes were there?

**Lashawn Gardiner** – Since the property is zoned RS-single home family residential. Last year it was single family homes, and the ordinance for this district encourages five units per acre. The developer requested several different variances to build more homes than the single family allowed. This has been an ongoing process with the applicant.

**Councilmember Akins-Wells** -I kind of feel the same way. I am all for development but to me it needs to make sense. So, I will not support it either.

**3. Council Discussion and Approval for Rezoning from RS to RM- Scott Rd. (RZ-2023-02)– Planning & Community Development**

**Background/History:**

The applicant is requesting to rezone the subject property from RS (Single Family Residential) to RM (Multi-Family Residential). The property is currently wooded and undeveloped. Three single-family homes are currently located on Scott Road. Surrounding land uses include light industrial, west, and single-family residential north, south and east of the subject property. The intent is to build 16 townhouses on the property. **The Planning Commission recommended to Approve the Rezoning from RS to RM with the following conditions:** 1. Scott Road shall be improved to city standards prior to development, (2) All buildings shall be constructed of brick, stone, wood, stucco or any combination thereof, (3) There shall be different architectural features between units, no adjacent units shall have the same design characteristics, features or identical, (4) Each unit shall provide 2-car garages, (5) Adhere to the buffer standards as specified in the current code between industrial and residential development, (6) There shall be only 4 rental units on this parcel, and rental units shall be distributed throughout various buildings of the development so that rental units are not segregated in one building; (7) Any deviations from the conditions shall be approved by the Planning Commission. **This item was tabled on 7/17/2023 and is back up for discussion.**

This item was grouped with item 2 and discussed and will be voted on separately in the Regular session.

**4. Conditional Use Permit for Self-Storage – Planning & Community Development**

**Background/History:**

This is a request for a conditional use permit to allow a 6,152 square foot renovation in the rear of the International Discount Mall to build self-storage units in the rear of the facility. The original staff report on this matter is attached.

This item was approved by the Council but vetoed by the Mayor. It has been requested by Councilmember James to be on the agenda for the City Council to consider an override of the veto.

**Councilwoman James** – I asked staff to provide any additional information. From what I understood from the last meeting, I thought the storage was going to be outside and was going to have to be built. I did not realize the storage was internal. When you go to the international mall and walk through you realize they do have a need for storage because of the way their businesses are run. I would be inclined to vote to approve and override the mayor's veto.

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

**Mayor Butler-** My veto was not solely on the location of the self-storage units itself. It was the ambiguity of the application, the confusion between what the applicant spoke of versus what was on the application and let us not forget there are several businesses operating without a business license. Can you tell us to date if there are businesses there still operating without a business license?

**Lashawn Gardiner, Director PB&Z** – There are some businesses that we have identified that do not have a business license or are not current with a business license. Some of the businesses are still working to get their zoning verifications to obtain a business license.

**Mayor Butler** – If someone is coming to us with a request at a minimum they need to be in compliance, with what the city sets forth.

**Councilmember James** – I want to make sure I make it clear. I do not think it is fair for a business owner to be responsible for the businesses to get a license. That is on the city to make sure each business gets their license. They should not have to monitor every business that they allow to rent in their facility. I understand we do have a process in place utilizing the police department and code enforcement to make sure we are getting all our businesses in compliance.

The clarity of the information that was delivered is what we need clarity on. It is not the businesses that need to provide us with this but our staff. If he said this is a storage unit within, then that was not made clear. We thought this was something external and we are just now receiving clarification. I do not feel it is fair to jeopardize this business for wanting to make things better for the people that choose to come to Forest Park to do business.

**Mayor Butler** – You are focusing on that one aspect. What was unclear and articulated in what I read at our last meeting. It was supposed to be for the public and the businesses in there. Then the gentlemen stood before us and said that was not true, it was going to be for businesses. So, our staff present to us what they present to them. For him and anyone else to come before us and change what they put in their application is what we need to be very clear on before we vote on it. Since there was a change, I do not think the council should approve it. I respectfully disagree and think the business should share the responsibility of making sure the businesses have licenses, because I guarantee you, he is collecting rent.

**Councilmember Gutierrez** – Do you have those numbers before we vote on this.

**Mayor Butler** – Yes, we have them.

**Councilmember Gutierrez** – Would you be opposed to approving this if a certain percentage is up there? I do see your side as well. I do not know how bad it is, one or two businesses.

**Mayor Butler** – There is one business that has not had a license since 2019. Code Enforcement is on all the businesses in the city, this is just the one before us today. You need to come back before us with an update on that as well. It has been expired since 2019, and this business has a total of eight booths. We have one, two, three, four, five that there is no record of a business license. So, you may want to clarify what that means from a city perspective. Is it something that we just don't have, or do they not have a business license?

**City Manager** - They don't have a business license.

**Mayor Butler** - Then there is one application that was denied that is open, and two that have business license I'm assuming are current. So that's where we are with this facility.

**Councilmember Gutierrez**- Our city standards like do we differentiate the type of businesses that they have. I know it is kind of a flea market style, but I don't know if the same thing would apply to a standalone business than it is you know a little booth.

**Lashawn Gardiner**- Our area is zoned commercial. They would still have to abide by whatever the zoning is for that district is just as if they were a standalone brick and mortar.

**Councilmember Gutierrez**- Some things do not apply within like when you're doing the application because it is just a booth.

**Lashawn Gardiner** - They still have to fill out the application just like a standalone business.

**Councilmember Gutierrez**- That's not my question. I am saying if it's something related to safety where in a standalone business, you'd have fire alarms. Like a standalone booth like that table, probably some things would not be applicable right? To the application, which is my question?

**Lashawn Gardiner**- The fire department would have to go in do the inspections for that entire space that those booths are situated in, if I understand what you are asking.

**Councilmember Gutierrez** – I am saying some of the questions don't apply. If this is a restaurant this whole building might have different questions and a stand-alone little table area, that is what I'm saying. Do we differentiate that or not it is just general commercial everything?

**City Manager** – So, for the actual occupancy of the space there is the same general type of inspection that a normal brick and mortar would have. For the occupational tax that is applicable for each of the booths, they still have to meet the letter of laws that pertains to zoning as well as the different nates designation that they would have. What we have here is that the general business and the facility has inspections. The individual tenants inside each are supposed to have um Occupational Tax I.E Business License for their respective businesses.

**City Manager** -There's are several of them that we have just found that do not have them for whatever reason. We have one of the council's aides printing you off a list so that you can see how many there are.

**Councilmember Antione** - Why can't they get their license?

**City Manager** -It is not a matter of them not being able to get their license it's a matter of them not coming to apply for their license. What is happening is some of the ones that you hear are in flux, is because we are doing these sting operations to identify any and all businesses that are operating without license and fine them.

**Councilmember Antione** -Are we working with them so they could get their license? Is there a process that the city is doing so they can get their license?

**City Manager** -The issue is not on the city; the issue is them coming in and just going through the process. Through this concierge model that we've rolled out for business licenses, we're working to make it simpler and more simplistic. You will go to one location to get your occupational tax certificate, but that would still require them to come here and apply and go through the process.

**Councilmember Antione** -Are we letting them know to come here?

**City Manager** - Yes sir.

**Mayor Butler** - Once they get their licenses, this should not be an issue, but until they do, I just cannot fathom moving forward with this knowing that we have people that are not compliant with what the city has set forward.

**Councilmember Antione** – What is your recommendation?

**Lashawn Gardiner** - Based on the last meeting and the conditions that staff identified and additional conditions; at this point the applicant has not complied with those and produced that information. I would say this item be held for reconsideration, until the applicant has complied with what we've asked in terms of the conditions.

**Councilmember Antione** - Are you saying table, is that what you're saying?

**Lashawn Gardiner** - Yes and clarified everything.

**Councilwoman Wells** -We are here to make the decision, so I'm not going to ask you what your opinion is, although I respect it. I do agree with you mayor as far as the business need to be up to par. I do think that we as a city should be held accountable as well because, if a business is operating in the city since 2019 without a business license, then when are we going to hold ourselves accountable. What is it that we aren't doing to make sure that these businesses are held accountable? I must agree for that reason I will support your veto. I think I said that you can't come to ask for something from us and you're not even up to date on what you need to be up to date on, but you're collecting rent money from these people. Although I feel like they may need the storage, I wouldn't be okay with supporting this knowing that this many businesses either have expired license or no license at all, I think we need to make sure we're doing our part.

**Councilmember Mears** - Is the table completely out of the picture to reassess and wait till we get the proper paperwork and conditions, and everything done for him to be legal to get in his position.

**Mike Williams, City Attorney** - The only thing I wanted to reference with respect to tabling it is, because it is a discussion on the override of the mayor's veto. You have until the second council meeting following the veto. So, this would be an opportunity and then the next council meeting would be your last opportunity if that was the will of the council.

**Councilmember Antione** - I'm in favor of a veto, oh not the veto, but to table.

**Mayor Butler** - If they could get everyone in compliance by then great, but if not then it's another conversation.

**Councilmember Mears** - If we can't come to some joint meeting and then I support your veto to get everything in line.

**Councilman Gutierrez** - Let's see half of them get their license but blink jewelry and Stove ATL don't. What do we do then are we going to hold everybody accountable? He has to kick them out or what would he have to do, if they're not complying with the business license aspect of it? I guess that's a problem for him.

**Councilmember Akins Wells** - That was my question too. What is the purpose of tabling it? I just know that for a fact all these businesses aren't going to be up to date by the next meeting. It defeats the purpose of tabling it. We just turn it down and keep it as is until they get everything together.

**Councilmember Mears** - If we can't come to some kind of agreement on that, then I'll say go ahead with the veto myself.

**Councilmember Gutierrez** - The veto if we don't meet that deadline, do they have to wait a certain amount of time before they come back to the council.

**City Attorney** - Six months

5. **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 youth performing arts facility, rehabilitation group home for teens, summer camp, health clinic and an adult education program 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 school 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 **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. **This item was tabled on 7/17/2023 and is back up for an update to the Mayor and Council.**

Staff met with the applicant after the last Council meeting. The original application request still needs to be clarified by the applicant. At present, it is anticipated that the uses of the site will be limited to a church and a related school. Once staff receives additional information requested from the applicant, this will be brought back to the Mayor and Council for further consideration.

**Lashawn Gardinier** – Staff met with the applicant on Thursday to try and get clarity. There are still some discrepancies, so we are trying to get information from the applicant about the proposed conditional use. That is why staff are recommending continuing to work with the applicant and bringing this back up for consideration.

**Comments/Discussions from Governing Body:**

**Councilmember James** – Just to be clear the recommendation is to table it?

**Lashawn Gardiner** – Yes, mam.

**Councilmember James** – Do we have a determination date at the meeting in October or November? How much time do you think staff will need?

**Mayor Butler** – Is it a staff thing or the applicant providing the information? I think we keep putting the onus on the staff, when it should be directed toward the applicant. Am I wrong?

**Lashawn Gardiner** – The onus is on the applicant to get the information correct.

**Councilmember Antione** – How much time do they need?

**Lashawn Gardiner** – That is questionable at this point. We have been going back and forth with them the last couple of days trying to get clarity and making sure they understand what all is needed. There is also another element to this piece in terms of the school.

**Councilmember Antione** – So it should be tabled?

**Lashawn Gardiner** – Yes.

**Councilmember Akins Wells** – I am just glad someone is working with them to try and get it right.

**Councilmember Mears** – I agree to table this until we can get things where they need to be.

**Councilmember James** – I would like to recommend we give them 30 days, which is the next or second meeting in September.

**Mayor Butler** – We can include that in the motion.

**NEW BUSINESS:****6. Council Discussion and Approval of Newton County Fire Service Clinical Agreement- Fire Department****Background/History:**

A mutual agreement of understanding between Newton County Fire Service (NCFS) and the City of Forest Park has been established for the purpose of EMT training.

NCFS has Firefighters and Responders from Forest Park and other service areas enrolled in their EMT program, which provides clinical training and assists with improving skills and knowledge for individuals desiring to become licensed EMTs or Paramedics.

This agreement, once approved, will be assigned to both parties. The attached agreement will be further explained by Fire Chief Latosha Clemons.



**Chief Clemons** – We currently have an agreement with Douglas County, Henry County and Southern Regional. It is an avenue for our internal members to get extra training, they wouldn't be able to get on shift.

**Comments/Discussions from Governing Body:**

**Councilmember James** – Great job.

**Councilmember Antione**- Thank you.

**Councilmember Gutierrez** – Chief, I would like to see the numbers on these so we can highlight those things.

**Councilmember Akins Wells** – Thank you, chief.

**Councilmember Mears** - Thank you.

**7. Council Discussion and Approval of Text Amendment – Planning & Community Development**

**Background/History:**

The Planning & Community Development Department has discovered an area of the Sign Ordinance that needs to be amended to allow certain entertainment establishments that offer performing arts shows, cultural plays, theatrical performances and similar events, signage that allow for advertisement of such events.

**Lashawn Gardiner** – This is to amend the sign ordinance for signage to allow for certain businesses as mentioned to advertise for their performances that they may offer.

**Comments/Discussions from Governing Body:**

**Councilmember James** – Thank you for bringing this up. Our stage plays have been trying to get something where they can advertise their stage plays and I appreciate this information coming forth.

**8. Council Discussion and Approval of Text Amendment - Arts Entertainment District – Planning & Community Development**

**Background/History:**

In 2021, the Livable Centers Initiative listed several goals to further the downtown vision to provide a link to Main Street, create a sense of place, incorporate public art and encourage a walkable, live, work and play community with diverse development and activities that encourage inclusivity while supporting health and wellness. The new proposed Arts and Entertainment District includes the current Entertainment District, but will expand south over to Starr Park encompassing parcels between Oak Street and Ash Street as shown on Exhibit A.

**Lashawn Gardiner** – This is an amendment based on what is being exhibited as Forest Park becoming a live, work and play community. Also, connecting the community. We currently have an entertainment district, so this will help expand that as well as add public art.

**Comments/Discussions from Governing Body:**

**Councilmember Gutierrez** – I would like to add Jonesboro Road and North. It is just focused on Main Street and our park. So, I am advocating for Northside because I do want to bring art into my ward. Is it possible to add that, or not?

**City Manager** – We could, it is a general district. We can always look at strategic areas along the boulevard, to add art without incorporating it into the Arts and Entertainment District. One thing we look to work on within the next 90 days, because there is advertising signage that is not there. There is a lot of older poles that need to come down and in addition to that there is a lot of cosmetic enhancement to the exterior of Jonesboro Road needed.

**9. Council Discussion and Approval of Text Amendments TA-2023-03 – Planning & Community Development**

**Background/History:**

The Planning & Community Development Department has discovered some areas of the Code of Ordinances that need to be amended for clarity and formal processes. This update creates a standard monthly due date for applications to be submitted by the second Wednesday of each month as well as proposing the meeting date to occur on the third Friday of each month. The previous ordinance did not provide an organized process for when applications can be received, and did not provide an explicit timeline, leaving too much room for an unorganized process for both applicants and staff. This update will clarify application submittal deadlines, meeting dates and create a more fluid process for the urban design review board members, city staff and the applicant. Planning Commission has recommended approval based on the July 20, 2023, Planning Commission meeting.

**Lashawn Gardiner** – This is just to provide a more profound schedule for the Urban Design Review Board. The current ordinance basically states once we receive an application there are a set number of days. Sometimes it makes it hard for staff and the applicant to know what that day is. This is just to bring in a defined timeline to mesh with our current planning schedule.

**Comments/Discussions from Governing Body:**

**City Manager** – Attorney Williams is it proper to add into this language immediately after the Planning Commission meets that a summation of the meeting is forwarded to the mayor and council. What I am trying to prevent is the Planning Commission taking action on something, and it comes before the governing body, and they just do not know what was on the agenda or what the actions were. So, the process of going out to the respective sites can start immediately after the Planning Commission meeting is over.

**City Attorney** – We can add language to that effect upon adoption of a recommendation by the Planning Commission a report will immediately be sent to mayor and council.

**City Manager** – I think that will help better instead of them finding out the Friday before their Monday Council meeting. At least to have the heads up to do any investigative work or research they wish to do on the proposed amendments, conditional uses variance or tax amendments to help streamline the process.

**10. Council Discussion and Vote on Charter Amendment to Establish New Ward Lines – Legal**

**Background/History:**

At the last Council meeting, the City Council voted to approve moving forward with the Charter amendment process to provide for new ward lines.

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 first formal adoption. The second and final adoption of the charter amendment will occur on August 21, 2023.

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

Copies of the ordinance and the new map are available for inspection by the public in the City Clerk's office.

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

**City Manager** – We do want to ask for our public, is there is a Public Townhall Meeting relative to redistricting so the residents are able to come in and review said maps and we will talk to them about background. That meeting is scheduled for August 17, 2023, at 6:30pm. In addition to this every resident in the city should receive a postcard explaining this information and calling out the public meeting. We have created a landing page on our website, solely for the purpose of letting everyone know what the respective Wards look like. Just as a matter of trying to inform them so that the residents are not confused. We know that the vote is August 21<sup>st</sup>. but we are prepared to answer any questions and be prepared for any challenges on that day.

**Councilmember Akins Wells** – I want to make sure that the information that is going out is detailed as possible, because a lot of our seniors and residents are not computer savvy. Everyone isn't going to scan the barcode to see what is going on. So, I want to make sure that all the information they need to know is on that mailer that is going out.

**City Manager** – We also included the dates of the election as well as general information. What we plan on doing with the council aides is use the council aides and our city clerk's office so that our seniors can come in. In addition to that if I can get with Mr. Tarik, is I do not mind outside of the August 17<sup>th</sup> meeting is setting up down in the Senior Center to catch some of them their as well. Some people are challenged with it comes to a QR Code, but it was so much information we could not get it all on there, but we did go back and add general information. Ensuring that all residents citywide had the minimum information: the dates of qualifying, early voting as well as when the actual election is.

**Councilmember Akins Wells** – I get it, but it bothers me that people in Ward 2 do not know that they will have to wait two more years to vote and people in Ward 4 thinking they have to wait two more years to vote and I just want them to understand every part of it.

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

**City Manager** – We are going to continue to distribute as much information as possible because this is a critical matter that the local governing body is taking on. One of the other things is we will be releasing our app on the 26<sup>th</sup> of this month so we will have an additional way, but we still have to reach those that don't have technology. We will get this out even if we have to set up in the respective wards so that the residents can come out that way.

#### **11. Council Discussion and Approval of Extension of ABM Contract for Maintenance of HVAC Systems – Procurement**

**Background/History:**

The City's current contract with ABM Building Solutions for the maintenance of its legacy HVAC units expired on July 31, 2023. It is proposed that the contract be extended for another year. Under the contract, ABM would provide maintenance for the City's older HVAC units. The recently installed units are still under warranty, so the contract does not cover the new units.

Staff recommend approval of the contract.

**Mr. Geeter** – ABM installed 30 new units around the city. This used to be an automatic renewal but we chose to start bringing all contracts forward to the city council so they would understand what we are doing. This is one of those contracts and we need to keep on board. We will put out an RFP for a bid for this next year.

**City Manager** – I just want to make it clear to the council that my understanding of the reason why this was not re-bid is because at current all of the HVAC units around the city are covered by a general warranty, because they were just installed. The extension until July 31<sup>st</sup> covers that warranty period. However, should we decide during this period that we are still going to bid out the services, we are going to do that to make sure we have the lowest cost possible. That is why we are extending this because the current HVAC units are new, and they were put in by this company and have warranties on them.

**12. Council Consideration of and Vote on Proposal to Temporarily Suspend the Borrowing of Funds from Employee Empower Retirement Accounts – Executive Offices****Background/History:**

Over the past year, a number of problems have been identified with respect to employees borrowing funds from their Empower retirement accounts. Among the problems are poor record keeping, failure to repay borrowed funds and missing contributions being made to employee accounts. In addition, there is significant confusion regarding how the loans are to be administered and whether there is credit score impact if loans are not repaid.

In order to give the staff sufficient time to gather the necessary information and identify corrective measures, we are recommending that the Council suspend the ability of employees to borrow from their Empower retirement accounts. The proposed suspension period is six months, with the ability of the City Manager to extend an additional six months, if necessary, while he works to correct all issues.

**City Manager** – There has been extensive dialogue and conversation relative to the Empower loan payment and the Empower process altogether. I cannot fix the issue with us continuing to do the same thing. My commitment to the company is that every call they have I will be on because I want this cleared up once and for all. I want there to be accountability not just on the provider but the executives of this city, so the employees know what ever deferred we had been properly allocated and whatever loan they had is being paid. It is one of the most cumbersome processes I have seen but we are committed to fixing it. There is no way to fix it when we are allowing the various loan payments from individuals that could potentially owe back funds due to poor record keeping.

**Comments/Discussions from Governing Body:**

**Councilmember James** – To be clear we are suspending the ability to borrow but they are expected to pay back.

**City Manager** – Yes mam, and we are still doing our contributions.

**Councilmember Gutierrez** – Is there any type of emergency or at your discretion that can be looked at, for someone that has never borrowed if that comes up.

**City Manager** – My preference would be to suspend them all together. If we allow it my fear is that we will be interviewing employees relative to what their emergencies are and that would add more subjectivity to the process. We have two to three years' worth of accounting work that needs to be done so that we never have to speak about this again.

**Councilmember Gutierrez** - I agree with you, I just feel for the employees. It is our fault we should have been doing that in our finances. I would hate someone to have a real-life emergency and never tapped into that resource.

**City Manager** – If there was such an occurrence of a real-life emergency and we were not able as an organization, or a family find assistance nothing would preclude me from bringing it to this body the recommendation to reopen said loans for the purpose of assisting one of our employees within this organization.

**Councilmember Akins Wells** – That is my sentiment as well. I do not think every employee should suffer because we did not do our part. That is what it is, we are going to stop you from borrowing money that is yours because the city failed. I do not think it is fair and I do not agree with it.

**City Manager** – Councilwoman Wells it is a very tough decision especially when we have mandatory contributions. That is why another item you are going to hear about tonight is a pension plan, because some of the records are just not right. Some of it the city tried to make right by paying the loans for the employees and have never received any of that money back. Unfortunate there is just no way to fix it if people continue to take those loans.

**Councilmember Wells** – When they repay the loan the money comes directly out of their checks, so it is not the employee it is Empower and the city. It is not the employee because they are supposed to be taking it directly out of their account.

**City Manager** – There was a period, and Mr. Patterson I am not taking this alone because I wasn't here. I am just trying to fix it, so I will not set myself up for that one. Councilmember Wells there is a period of two to three years where the record keeping is just so bad that the employees have had loans, they haven't paid back. Then there was a period when the city paid back the loans on behalf of the employees. At that time there was no cap on the amount of loans that could be taken.

If the city ever went after them, there are stipulations of how much the law will allow you to garnish. Some is on the employees and some of it is on us. You are right, it is unfair for some employees to suffer, but I wish I had worked for Forest Park 15 years ago and got the mandatory match the way Forest Park has done this, but we are just trying to clean it up and it has been a challenge. When we think we have it cleaned up another issue arises and my directive to staff has been very clear, we will fix this because we are responsible.

**Jeremy Patterson, Interim Finance Director** – To answer some of the concerns in regard to Empower it is a big topic. Some of the issues we have come across recently and bridging the gap with Empower and the City of Forest Park was the loans. The issue was you were able to borrow unlimited against the retirement account to the fact that record keeping systems did not have measures in place to account for the amount of loans that some individuals or employees took out. Some employees took out a thousand

dollars up to emergencies or for down payments for their homes, but those have been mitigated by upgrading the plan to a standard plan where only two loans can be taken out. The leg work is reconciling everything before the system migrates the software for the loans.

**City Manager** – I have to be responsible and we as staff have to be responsible. Even when the system fails as practitioners it is still our job to get the work done. It is a learning thing and with this administration we are trying to take ownership of the things under our purview. Some of this started before most of this administration got here but we still have to figure this out.

**Councilmember Mears** – I totally agree.

**Councilmember Antione** – I do believe that this will be solved by doing this all over, so I appreciate that.

### **13. Council Discussion and Approval of Georgia Municipal Association – Pension Plan**

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

As part of the City Manager's employee evaluation, a large percentage of employees stated that they would like to see a Pension Plan implemented. At current, the city only offers a 457 and 401 plan. A qualified retirement plan can help our organization look more attractive to qualified employees. Finding quality employees can be a challenge today, especially when a job seeker is considering multiple job offers. Offering a retirement plan is a benefit most job seekers consider and ultimately can be a differentiating factor in their decision-making process.

Not only can retirement plans help you attract new employees, but they can also help you retain those most valuable to our city's success. Keeping good employees lowers our turnover cost and helps our business function more efficiently.

Staff is seeking approval to move forward with requesting the Georgia Municipal Association to complete a cost study for us to bring back to Mayor and Council to determine whether or not a pension plan is feasible and affordable. GMA has over 50 years of experience administering local government pension plans. They provide administration of retiree benefits, actuarial services, as well as legal compliance. In addition, they will provide training for our staff as well as employee education whenever we have a need for it.

The fee for a cost study is \$2,500 and takes approximately 4-6 weeks to complete. Should the Mayor and Council decide to move forward with a pension plan, their legal team can deliver plan documents within a couple of months.

**City Manager** -This goes back to the employee survey that we did. Overwhelmingly the employees have expressed interest with the pension program. We have checked with the feasibility not only for our employees, but also for our elected officials. It is a strong tool used for recruiting employees especially with the Georgia Municipal Association plan because of portability. When individuals have worked in other various cities, they are able to come over here and perhaps even get another retirement based upon the best thing that we are looking at. We have asked Michelle Warner the Director of Retirement Field Services and DC Programs from the Georgia Municipal Association. She covers all the cities in the state.

**Michelle Warner, Director of Retirement Fields Services & DC Programs-GMA-** As some of you may know we did a cost study for the city back in December of 2020 for a Retirement Plan, but in December 2020 vaccines were just coming out and things were still chaotic; so, the city was never able to really make a final

decision on this. Now that Mr. Clark is working for the city, he asked us to come in and talk about re-looking at a pension plan again. In general, we do have a blueprint for what we want to look at which is based on what we looked at last time with some other suggestions from Mr. Clark.

**City Manager** – Mayor Butler one of the things just for clarity, what we're asking to do is update the cost analysis. That cost is twenty-five hundred dollars and we're also including the elected officials in here, so that as you all work service similar to every elected official I've ever worked with; once you go out of office there is a pension that comes along with that plus the in-service benefit to accrue those said years.

**Comments/Discussions from Governing Body:**

**Councilmember James** -I know that a pension plan seems good and looks good and probably is good. One of the things that I want to see is if there have been any municipalities who started a pension plan and had to go back on the pension plan. There is a video I saw about three or four weeks ago that went viral, about this man that had worked for a company for 30 years and the company went bankrupt. He was really upset at the fact that he had put so much into this pension plan for 30 years and had nothing to show for it after that. So, I would be curious to know if there are any municipalities that have started a pension plan and had to revert or had to dissolve.

**Michelle Warner** - Well not because of going bankrupt if that is what you mean. I mean some cities do decide that maybe the pension isn't what's working for them, but you know we do have a nearby city that closed theirs two years ago and they just opened it back up the pension plan. They are doing what they need to do for themselves as far as what they feel is right for attracting employees is what I've been seeing. GMA's ability to provide pension plans to cities within the State of Georgia, was brought about by state law in the 60s or 70s and it was very clear in the law how cities are required to fund their plans. A plan going bankrupt is not likely in our system, because of those funding requirements. It is not like a private sector company that can do what they want to do with their Pension Plan, not fund it, fund it or whatever. The city would be required to fund it on a regular basis based on the valuations that we would do annually.

**Councilman Antoine**- Yes, I reviewed it thoroughly. Thank you for sharing the information, Michelle, I support it.

**Councilman Gutierrez** - I'm just happy you're back and I'm glad we're listening to our employees. We put all these miles on these people, they're human beings that work for us and I think it's the least we can do. So, I'm glad that we're going to review it as a council, look at the options and make the best fiscal decision for our city. I'm in full support of this. You came before us and this is something that I always wanted, so thank you for coming and thank you Mr. Clark for bringing it back up.

**Councilman Wells**- I was going to say that as, well thank you so much Miss Michelle for being here. We brought it up three or four years ago and nothing came out of it. So, hopefully with Mr. Clark bringing it back up thank you so much we can move forward so thank you both.

**Councilmember Mears** - No comment.

**14. Council Discussion and Approval of Public Works – Double Time Overtime Pay - Executive Offices**

**Background/History:**

To continue implementing employee incentives city-wide, we recommend adding “double-time” pay for Public Works employees. This incentive would last 90 days to assist with catching up with grass-cutting around the city. This will only go into effect on Friday after they have completed their typical shift – Sunday at midnight; all other overtime will be paid out at 1.5 times. This pay will only occur after the employee has completed a 40-hour work week.

Policy Overtime for non-exempt Public Works employees shall be compensated according to State and federal law. All actual work performed by a nonexempt employee within the Public Works Department between the normal work week, Monday through close of business on Friday, in excess of 40 regular hours, shall be paid overtime at a rate of time and one-half. All work performed by a nonexempt employee within the Public Works Department between Friday 5:01 p.m. – Sunday 12:00 p.m. will be paid at a rate of two (2) times the employee’s regular rate of pay.

**City Manager** - As all of you are in your Wards and checking streets, we're getting a lot of complaints about the current state of our streets. I understand that there was once a contract in place where there was an outside agency assisting with grass cutting in some of the residential neighborhoods. Absent that contract and me just figuring out how that contract funded, it did not come up in budget conversations. Absent me figuring out how we funded that we do plan on bringing it back. Right now, our residents deserve to ride around plain streets similar to our governing body members. We are just looking at this as an attempt to attract our Public Works employees to work on the weekends. What happened is based upon their hourly rate of pay sometimes depending on where they're located it doesn't make sense for them to come in for two to three hours because the cost of that almost doesn't equate to the cost of gas. So, this is just an incentive for us to reward our public works employees as we've rewarded other departments with various incentives to assist with the work. We're asking for a period of 90 days in hopes that you'll start to see public works employees here on Saturday and Sunday, just catching up on some of the residential streets that we have as well as working to start cleaning out some of the storm drains that we have around the city.

I'm not sure if Mr. Bobby has anything he would like to add relative to this, but this was something I brought forward because I believe in equity across the board and if we're incentivizing our other departments, I also want to incentivize our public works employees as well. This really came about when I witnessed a few weeks back just two of our employees attempting to do all of the work that a crew would usually do. So, if they're going to have to work extra hard whether it's through employees not wanting to work the weekends or whatever that is at least we can reward them, because they're one of our greatest assets in ensuring when individuals come into this community it's kept clean.

**Comments/Discussions from Governing Body:**

**Councilmember James**- Thank you.

**Councilman Antoine**- That's a good deep insight, thank you.

**Councilman Gutierrez** – Thank you.

**Councilman Wells**- Thank you.

15. **Council Consideration of and Vote on Intergovernmental Agreement with Clayton County to Conduct the 2023 Municipal Elections – Executive Offices**



**Background/History:**

It is proposed that the Clayton County elections staff conduct the 2023 municipal elections for Forest Park. The City Clerk will still serve as the Elections Superintendent, but Clayton County will handle most other election matters. The attached Intergovernmental Agreement has already been approved by Clayton County and has been reviewed by the city staff.

**City Manager** -This governing body has already authorized us to work with the county to conduct said election. Their election board has agreed to this, the County Commissioners I believe has already voted on this and so this is just the last form of vote for us to move forward with all planning relative to our November general election.

**Councilwoman James** - Have we publicized the qualifying dates yet?

**City Manager** – Yes, so per state law qualifying dates have to be posted by January 31st of every year or no later than February 1st of every year. In addition to that, I believe their subsequent ads running right now relative to the qualifying date. Qualifying will be the 22nd 23rd and 24th from 8:30 a.m. to 4:30 p.m. each day here in City Hall.

**Councilman Antoine**- What month?

**City Manager** - Qualifying is in August. I'm sorry one more thing mayor Butler based upon request we have also begun conversations with Clayton County relative to us being able to offer bilingual ballots. Clayton County is not doing it, but we do seek to procure a vendor that will be on site to translate any and all ballots excellent.

**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 Work Session at 7:08pm

Motion made by Councilmember James, Seconded by Councilmember Antoine.

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