



**CITY OF FOREST PARK MAYOR & COUNCIL
CITY COUNCIL REGULAR SESSION**

Monday, February 07, 2022 at 7:00 PM
Council Chambers and YouTube Livestream

Website: www.forestparkga.gov
YouTube: <https://bit.ly/3c28p0A>
Phone Number: (404) 366.1555

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

AGENDA

The Honorable Mayor Angelyne Butler, MPA

The Honorable Kimberly James The Honorable Dabouze Antoine
The Honorable Hector Gutierrez The Honorable Latresa Akins-Wells
The Honorable Allan Mears

Dr. Marc-Antonie Cooper, City Manager
S. Diane White, City Clerk
Mike Williams, City Attorney

VIRTUAL NOTICE

DISCLAIMER: For in-person attendance, all CDC requirements of Masks and Social Distancing is recommended.

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:

INVOCATION/PLEDGE:

ROLL CALL - CITY CLERK:

PUBLIC COMMENTS: (All Speakers will have 3 Minutes)

ADOPTION OF THE AGENDA WITH ANY ADDITIONS / DELETIONS:

APPROVAL OF MINUTES:

1. **Council Approval of Council Work Session and Regular Meeting Minutes from January 18, 2022** - S. Diane White, City Clerk

NEW BUSINESS:

2. **Request Council Approve Resolution to Transfer Previous Year CDBG Funds to Current Year** – Executive Offices

Background/History:

The City of Forest Park was awarded 2019 CDBG funds for architecture and engineering costs for improvements to Rock Cut Road in the amount of \$64, 213 for engineering and design. All engineering and design services have been completed, leaving a balance of approximately \$29,213. If approved by Clayton County HUD Offices to transfer remaining funds to the 2021 Starr Park Improvements award, it is in the city's best interest to do so, so that the funds are not recaptured by the County.

3. **Request Council Approval for “The Leaf” Monthly Newsletter** – Public Information Office

Background/History:

“The Leaf Report” will be the City of Forest Parks way of communicating important, timely information to citizens. The newsletter will be published monthly and electronically distributed to residents and businesses. The newsletter will focus on citywide operations and will not be ward specific but will encompass all operations of the city, covering all projects and issues.

Sending an electronic newsletter is a great way to give residents and businesses "added value" in the form of interesting content, information, and valuable tips, as well as keeping them informed of upcoming matters. The City Manager is seeking approval from Council to adopt “the Leaf” as the official newsletter of the city and begin distributing it via email.

4. **Council Discussion to Reduce the Speed Limit on East Bound and West Bound Pineridge Drive** – Chief Executive Offices

Background/History:

From April 14 – 18, 2021, the City of Forest Park conducted a speed study on East Bound and West Bound Pineridge Drive to validate a request for installation of Speed Calming Devices. After review by the City Manager, Public Works, and Forest Park Police Department it was determined that the street did not meet the criteria for the devices or to a speed reduced.

The streets current speed limit is 35 mph and vehicle counts are approximately 9,372. Per city ordinance any city street with a speed limit over 30 mph or a traffic count over 4000 vehicles per day would not qualify for a speed calming device. Before a speed clammng device could be installed the speed limit would have to be reduced to 30 mph to bring it within the guideline of the City Ordinance.

However, upon a reduction in speed an independent third party is required to conduct a speed study, it could not be done by the city and that report reviewed by the State. If it cannot justify based criteria form the State's Uniform Rules of the Road a need for the devices it can be denied, and they can restore or increase the speed limit on the road.

Pineridge Road is a proposed City Park location.

The city manager is requesting council's guidance on how it would like to proceed in this matter.

5. **Request Council Approval of the Main Street Streetscape Phase IIA – Relocation Agreement Between Georgia Power and City of Forest Park** – Department of Planning and Community Development

Background/History:

Main Street Streetscape Project Phase IIA from College Street to Phillips Drive requires a relocation agreement between the City of Forest Park and Georgia Power to relocate existing Georgia Power equipment and to install concrete poles to replace existing wooden poles.

6. **Request Council Approval to Purchase New City Street Light Banners** – Chief Executive Office

Background/History:

The City of Forest Park has Street Light Banners along the major thoroughfares of the city. The banners are intended to instill a sense of pride in the community, by adding a decorative element to the city's streetscape. The City Manager is seeking council approval to purchase 18 new streetlight banners.

7. **Request Council to Vote on a Councilmember's Missed Meetings and Pay Reduction** – Chief Executive Office

Background/History:

Pursuant to council meeting of January 22, 2022 discussion regarding Councilmembers missing meetings. Per the city code of ordinances sec. 2-1-33 - Compensation and expenses of members of the city council. Councilwoman Wells pay was reduced by 10% for each meeting missed which is documented as the workshop and regular meetings of November 15, 2022, and the workshop and regular meetings of December 6, 2022.

Councilwoman Wells is requesting that there be a vote regarding her pay being reinstated and will provide her reasons per the Code of Ordinances to council. The City Manager is seeking direction on how the council would like to proceed in this matter.

CLOSING COMMENTS BY GOVERNING BODY:

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

ADJOURNMENT:

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 404-366-1555.

File Attachments for Item:

- 1. Council Approval of Council Work Session and Regular Meeting Minutes from January 18, 2022 -**
S. Diane White, City Clerk



**CITY OF FOREST PARK MAYOR & COUNCIL
CITY COUNCIL WORK SESSION**

Tuesday, January 18, 2022, at 6:00 PM
Council Chambers and YouTube Livestream

Website: www.forestparkga.gov
YouTube: <https://bit.ly/3c28p0A>
Phone Number: (404) 366.1555

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

DRAFT WORK SESSION MINUTES

The Honorable Mayor Angelyne Butler, MPA

The Honorable Kimberly James The Honorable Dabouze Antoine
The Honorable Hector Gutierrez The Honorable Latresa Akins-Wells
The Honorable Allan Mears

Dr. Marc-Antonie Cooper, City Manager
S. Diane White, City Clerk
Mike Williams, City Attorney

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, Mayor Pro-Tem		✓
Hector Gutierrez	Council Member, Ward 3		✓
Latresa Akins-Wells	Council Member, Ward 4		✓
Allan Mears	Council Member, Ward 5		✓

DIRECTORS PRESENT: Darquita Williams, Interim Finance Director; Shalonda Brown, Human Resources Director, Lashawn Gardiner, Management Analyst, Latosha Clemons, Fire Chief, Bruce Abraham, Director Economic Development, Tarik Maxell, Director of Recreation & Leisure, Bobby Jinks, Director of Public Works, Joshua Cox, IT Director, Arthur Geeter, Purchasing Director, James Shelby, Planning & Community Development Director, Nathaniel Clark, Chief of Police and Javon Lloyd, PIO Director.

CITY MANAGER'S REPORT: Dr. Marc-Antonie Cooper, City Manager

COMMUNITY INFORMATION/REMINDERS:

Clayton County Emergency Rental Assistance (ERA) is available for Tenants and Landlords by applying at relief.claytoncountyga.gov or calling (404)-697-4100 or (770)-997-4511. • Rental Assistance for the City of Forest Park (GA) residents only. Resident can apply by contacting the City Edge Program at (404)-804-5008 or (404)-804-4904. This is one-time rental assistance that can help qualified resident up to a maximum of \$2,500.

CITY OPERATIONS:

I spoke with VP Connor Poe of Norfolk Southern regarding trains being parked on the track in the middle of our city. Mr. Poe is working with the executives of Norfolk Southern to resolve this matter but did inform me that this would continue for the near future due to the increase demand on supply chain delays nationwide. He informed me that he will be working to have parked trains moved prior to start of rush hour traffic. We are continuing to monitor this situation and have ongoing discussions with the railroad. However, just for individual edification, the city, nor state can regulate or mandate the railroads this is done at the federal level. We will continue to work diligently to improve and/or completely resolve this matter.

I am sure many of you have heard the sad news regarding the Marta CEO/General Manager Jeffery Parker, who committed suicide last Friday evening. This is just a reminder to us all that if you or someone you know might be at risk of suicide, there is help. Call the National Suicide Prevention Lifeline at 800-273-8255, test a crisis counselor at 741741 or visit www.suicidepreventionallifeline.org. We had a death within the City of Forest Park family from our Recreation and Leisure Facility. Ms. Paulette did pass away. We offer prayers and condolences to the family.

SHOUT OUT

Shout out to Kroger Corporation for their support in providing groceries at the Forest Park Middle School Food Drive. The drive is held every second Friday of the month, and this month Kroger stepped in and delivered four (4) trucks with enough food for 250 people each. Thank you, Kroger, for your continued support of our community.

Shout out and Thank You to all the men and women of the Forest Park Police Department, The Forest Park Fire Department and our Public Works Division for their due diligence ensuring our city was prepared for this past weekend's potential Winter Weather Event. Our team was prepared to respond if needed, and rest assured that this same planning will go into any future emergency events.

PRESENTATION(S):

1. **Starr Park Renovation Update Presentation**– Department of Planning and Community Development/Croft

The renovation of Starr Park is part of the City's 51 million Capital Improvement projects. The renovation of the 18-acre park is divided into two phases and is based on the approved Starr Park Master Plan. The renovation will consist of the following vertical and horizontal facilities: new pool house, stage, pavilions,

restroom facilities, dog park, splash pad, walking path, and basketball and sand volleyball courts, The design and amenities are in consultation with the City's Parks and Recreation Director.

James Shelby, Planning & Community Development Director gave update and introduce Croft, Oscar Herrera, Project Architect and Earl Smith, Project Manager.

Discussions from the Governing Body:

CM James – the staging equipment, will there be connectivity from mics when we have concerts?

Oscar Herrera/Earl Smith - we will be using a trench that we will connection for data for power and we will be able to run cable to use as needed for flexibility. We will have this room here to house all the audio and visual equipment.

CM James will there be any fixed seating.

Mr. Herrera - no fixed seating. The area here will be, the request was to have a pavilion to be able to rent it out. There will be short retaining walls where people can sit. People will be able to set up with a blanket and a couple of chairs.

CM Antoine – are you familiar with the Stockbridge and Jonesboro pavilion.

Mr. Herrera- no, I am not.

Dabouze Antoine how would the splash pad work?

Mr. Herrera - it is my understanding that the city opens it up for 2 months and the building that we are doing the additions to it will have a pump and a tank and as the water shuts out it will fall back in the drain for recirculation.

Mr. Shelby - I just want to mention this is not an ordinary splash pad.

CM Gutierrez – so are we adding a soccer field somewhere else?

Tarik Maxell, Recreation and Leisure - there is one large soccer field we will extend it out to allow to have 2-3 games at one-time.

NEW BUSINESS:

2. Confirmation of the Director of Finance – Executive Offices

Background/History:

The City Manager seeks confirmation of a new Director of Finance

City Manager – Presented the name of Chiquita Barkley to be confirmed as the City of Forest Park Finance Director.

3. Discussion on Entering into a Contract for a Medical Director – Fire Department

Background/History:

Requesting the approval of council to enter in agreement with Dr. Eden as the new Medical Director for the Forest Park Fire Department.

Discussion from Governing Body:

CM James is this a position we currently have?

Chief Clemons yes, it is a two-year contractual agreement.

Mayor Butler will he work with the other municipalities as well?

Chief Clemons - I know we had Riverdale in the interviews with us I think they are on board, Hapeville, and South Fulton. We do not need them all for Medical Director, we need them for Forest Park and the others if they come along that is a great thing.

Chief Clemons - it is Dr. Edens. Dr. Edens would also be providing Medical Director services for the City of Morrow, City of Hapeville, and the City of Riverdale.

4. Discussion on Extension of Stipend for First Responders (Firefighters/EMS/Police Officers and Dispatchers) – Executive Office

Background/History:

The City Council of Forest Park, GA approved on March 27, 2020, and on July 7, 2021, extensions of the additional \$75.00 weekly stipend for First Responders (Firefighters/EMS/Police and Dispatchers) at the forefront of the coronavirus pandemic. The last request for this extension expired on December 31, 2021. The City Manager is requesting an additional extension of this payment stipend until June 30, 2022. With the current surge in cases of the viruses "omicron variant", I do believe that this continued relief is desperately needed to show our support for front line staff dedicated to helping provide quality services to all residents.

There were no discussions.

5. Discussion on City Public Health Leave – Chief Executive Offices

Background/History:

Due to the increasing rate of COVID-19 infections the City Manager is requesting the city council approve the establishment of a Public Health Leave Bank for employees effected by COVID related illness effective until June 30, 2022. The City Manager requests hours be allocated in a separate bank to each full-time employee equivalent to one week's pay based on hours and schedules worked in each area. The city manager further requests the authority to extend this leave in six month increments from date of approve for up to one additional year, if necessary.

Discussing by Governing Body:

CM Gutierrez – can we back date this? For the sake of fairness if someone contracted Covid 19 before now I would like for it to be retroactive if that is possible. I do not know what the council thinks.

CM Akins-Wells – I would be in favor out it. Only because I know there is a lot of employees with Covid 19 and if you compensate the ones now and the others have used their time up because they were sick it is only right that we go back and give them their time back.

City Manager – with this Omicron variant you will have situations where you will have people catch it more than once. The issue is this leave is equivalent to one week pay based on CDC guidelines of how long it has been done. So, if we do a retroactive back and provide this to proven cases based on the criteria that we have here if they would be subject to use their own time.

CM Akins-Wells – so since we know and that is with either one. They can get it again, why not make it more. We are only giving time we are not giving money.

City Manager – we are not giving money if someone resigns this is not paid out, however it is still a liability that sits on the books of the city whatever time you give you still must account for it. If they use it, we have made sure we have the money to pay them.

CM Gutierrez I do not think we should limit it to per occurrence. I do not think no one is going and voluntarily getting Covid. If it happens again then it happens. Is there something that we can change in the ordinance to not have it limited to one occurrence.

CM James – I am not in favor of retroacting it back. We discussed it once before on the complications it would intel about locating the appropriate documentation and the extra work. I will not be in favor. I do not know what the other councilmembers feel.

CM Akins-Wells – I am just wondering what would we have to do? That would not be on us that would be on the employees to show they went to the doctor and got tested, not the at home testing I think that is something that we discussed. It would not be work for us. We let the employees know and it is their job for them to bring forth the information to get their time back. It is only fair it saying we have an employee that was just hired two weeks ago we are not going to give them this raise but we are going to give it to the people that came three weeks before them; it is not fair; it is not fair. I am in favor of retroactive and to give more than one time that is something that we cannot control. For our employees to come to Forest Park to work and putting their lives and their family's lives at jeopardy I think that is the least that we could do as the governing body.

City Manager – I will say that this is based on one week pay recommendation based on what the CDC guidelines. The council can make the decision to extend it. These hours are equivalent to one week of pay for each.

CM Akins-Wells – can we not put that stipulation on it? You can only get Covid one time? Can we take that part out?

Mayor Butler – this also extends to their family. While we do not want anyone to catch this virus. We need to make sure we keep all of that in mind and to try to make it retroactive it will lose some people. People were not coming to work based on getting a home test and we were taking their word that they did contract the virus. So, if we did retroactive, I think that would put people out of pocket for receiving this leave because they will not have a way of verifying as required by this new ordinance that we are recommending if they had it or not. The fairness would come by applying the standard across the board and moving forward with it instead of having certain people excluded for not having a doctor's notice for being absent.

CM Gutierrez – I disagree with that. I think going back and if you got your test at any of our sites even here you will get an email well that is it for you. You can not save the whole world you can try.

Mayor Butler - but if you want to talk about fairness, it is creating the standard and moving forward with that standard. You do not create the standard and then go back.

CM Gutierrez – If we can go back why not go back and try to fix it.

CM Akins-Wells – We have a standard right here it is free. At the least the employee could do is not take an at home time and I need my time back.

CM Gutierrez – last time we heard it was (18) people. It is not an astronomical amount of people.

CM James – called for the point of order.

6. Assistance to Firefighters Grant (AFG) Program – Fire Department/Management Analyst

Background/History

The Federal Emergency Management Administration issued a Notice of Funding Opportunity (“NOFO”) of FY21 Funding. The funds can be used for specified, eligible firefighting and emergency services equipment and training resources. The amount of available funding is \$414,000,000.00 and the agency is projecting to award 2,500 grants.

Discussion by Governing Body:

LaShawn Gardiner – This is a Firefighters Assistance Program provides sometimes on an annual basis. If you recall last year the fire department did apply for this grant, but we were not awarded so we are trying to reapply again this year. A bit of information that was left out is the city anticipates on applying for \$974,147 with a 10% match which is about a 10% match.

CM James – Will we pay the 10% match up front? Or is this something we pay once we have been awarded?

Anna Armstrong, Fire Department - it is based on a two-year performance period that way you are allotted to budget for it in the next budget year. It is not up front they give you two years.

7. Discussion On- Call Electrical Contractor Services – Public Works/ Procurement Department

Background/History:

The Department of Public Works is requesting your approval to enter into a contractual agreement with the following three electrical contractor companies: Bell Electric Services, LLC, Brown Electrical Services, LLC, and MBEC Atlanta, Inc. The Department of Procurement conducted a request for qualifications for on- call electrical contractor services and of the three firms that submitted their qualifications, these three firms were selected. These firms are on an on-call basis, which means as services are needed, The City will utilize these three firms to perform specific task orders. These firms will supplement the Public Works short staffed and provide licensed electrical services. The Department of Public Works will have the option to allow these firms to compete against each other or they can be in rotation for various sites throughout The City of Forest Park, as well as for the various existing City Boards. The contracts will last for 3 years with a 2 year renewal option if the City wants to continue with any one of the three firms based on their performance.

Discussion from the Governing Body:

CM Akins-Wells – I know Mr. Geeter is doing his job and I appreciate him. He is doing an amazing job and I thank you for that. But it seems like we are contracting everything out. I know we had Mr. Terry Allgood a certified electrician that did everything we needed to do when it came to our buildings. I think some of the things we are contracting out we would save the city and taxpayer money if we just hire someone. Maybe we can look into bringing some old people back.

CM Mears – It is a good idea because there are a lot of hidden cost in letting our people do it. I do not know the qualifications or the training that our people have. I am sure these people or licensed and ready to go. The general rank in file cannot do properly they can make it work but is it done up to code. Being a professional electrician myself we would need some professional people at least to oversee the work that we do and not turn it loose to anyone that say that they are an electrician.

CM Akins-Wells – I totally agree with what you are saying. That is why I brought that person up because we want certified people. It saved the city a lot of money. Maybe in the future instead of contracting everything out we have professionals working within our department.

8. Council Discussion of Approving Conditional Use Permits for CUP-2021-01, Telithia Williams–
Department of Planning and Community Development

Background/History:

The Planning Commission met on Thursday, December 16, 2021, to discuss CUP-2021-01: The applicant, Telithia Williams, is requesting a Conditional Use Permit at 4838 Bartlet Road to allow for a Personal Care Home in a Single-Family Residential District (RS). Staff Approval was recommended, as well as approval from the Planning Commission Board members.

Public Hearing is scheduled for the Regular Council meeting.

Discussion from Governing Body:

CM Gutierrez -

Cathlyn Huntgate - gave a brief description of the Conditional Use Permit

Mayor Butler – Will the people housed here will it be permanent housing, or will they be transitioning in some regard? What type of personal care provided?

Applicant, Ms. Telithia Williams – it could be either or, ambulatory patience cognitive. We will help them with their day-to-day functions. A lot of them will be displaced veterans really do not have a place to stay but they have funding.

9. Council Discussion of Approving Conditional Use Permits for CUP-2021-02 Amerco Real Estate Company- Department of Planning and Community Development Public Hearing is scheduled for the Regular Council meeting.

Background/History:

The Planning Commission met on Thursday, December 16, 2021, to discuss CUP-2021-02: The applicant, Amerco Real Estate Company, is requesting a Conditional Use Permit to construct a 13,567 sq. ft. building

on a 0.6361-acre parcel to house a Mini-Warehouse and Storage in the General Commercial (GC) District. Staff Approval was recommended, as well as approval from the Planning Commission Board members.

Public Hearing is scheduled for the Regular Council meeting.

Discussion from the Governing Body:

Cathlyn Hungate - explained the conditional use permit

10. Discussion on Approving Steve Lundquist for Indoor Pool Renovations – Recreation & Leisure Services Department

Background/History:

In 2015, a full evaluation was completed on The Steve Lindquist Indoor pool. It was recommended that the existing pool structure needed to be replaced with a brand-new shell however based on the 4 options provided, minimal renovations were completed. Presently, the renovated pool shell is losing on average 30,000 gallons of water, weekly, through the return inlet valve, which is a metal pipe from the original pool structure from 1963. In 2021, the indoor pool was reassessed by a professional engineering firm and provided new options for a stronger pool structure that would be covered under a 1yr warranty.

Discussion from the Governing Body:

CM James – will the approval for the renovations tie into the phase we are doing for Starr Park Master Plan.

Tarik Maxwell, Recreation & Leisure – no this is totally separate from Starr Park. Nothing dealing that we are doing to the park will affect the pool. This is the indoor pool.

Mayor Butler – Do we know if they are any structural damages from the leak.

Tarik Maxwell – Right now there are no structural damage to the building but where the water is going that is what we do not know.

City Manager – once we get this and we start these renovations and the company's get in there to do what they really need to do we do not know if there are any structural damages and that is one of the things myself and Mr. Maxwell has been discussing.

CM Akins-Wells – can we find out?

Tarik Maxwell – we hired a company to come out to tell us about any structural damage.

Marquessa Moore – we have some possibilities of where it is going one down in the sewer and the other and leaking into the structure and we can not find it. The outlet valve spits out bubbles that lets me know there is a hole somewhere it is pulling from. It is coming from the return inlet that means it should flow downhill because the pool sits over the kids, pool pumper and it is a very dangerous. It is costing us a lot 50,000 gallons of water.

Mayor Butler – it is no secret that a lot of these structures are antiquated. You had people over the decades doing band-aid work just patching it here and there. Now with this administration instead of

putting a band-aid on it we are going to invest the money to bring these structures up to par. At some point the money will have to be spent and we are just the ones to get it done.

CM James – this guy Steve Lundquist is going to be the one.

Marquessa Moore – the firm that did the renovations was not the Marquee firm that did it in 2015. It has been evaluated and accessed and has been leaking since before then. They submitted the best practices for the aquatic business to them and instead without placing blame on anyone other ways were taken when it came to the pool.

CM Akins-Wells – seems like we need to renovate that building like tearing that building down.

Marquessa Moore – when he came out, he did not see any cracks or anything like that. But let me remind you the pool was just renovated back in 2019. So, the renovations they quoted us today are from a few months ago. It is about a \$70,000 difference from what it would have cost to do the last time. Because we cannot see it is best for us to repair. Fix it and fix it the right way.

City Manager – and councilwoman we do have the funds available in SPLOSTS that was put aside to get it done the right way the first time that were never fixed. The funds that we are going to use to do it correctly so we can just repair. Speaking of the recreation center that was something mentioned to me maybe about 5-7 years down the road. We will get our money worth.

Marquessa Moore – I did see an instance of this type of situation before from the City of Atlanta. They had a pool suspended in the air just like this it was the M.L.K. *Matatorian* that sat on Boulevard. It was the same situation. They had to close the building down and rebuild because of how the pool was built. It is not a good way to build a pool suspended in the air.

CM Akins-Wells – that is something we should look into changing the plans and look at putting it in Phase I or maybe Phase 2. Not just talking about the pools compared to the other recreation centers that have multiple basketball courts and you can host tournaments and bring the city more money people will come from everyone to go to a tournament and here we are with this one gym. So maybe we can work that out.

Tarik Maxwell – we have been discussing plans so let us say there is a plan to present something but there are some other things that would have to happen in the city. In the space we have there is no way we can tear down the facility and build another that could compete with the surrounding cities and or counties. Even if we start tomorrow, we will not get the best facility that will take us down 15-20 years now.

11. Discussion regarding the Separation of Urban Redevelopment Authority (URA) and the Downtown Development Authority (DDA) Boards – Chief Executive Office

Background/History:

Currently the Urban Redevelopment Authority (URA) and the Downtown Development Authority Boards have the same members serving on both boards. Per previous council discussions It has been recommended that these boards separate and have different members appointed to each. The City Manager is seeking Council's clarification and direction as to how it would like to proceed in this matter.

Discussion from Governing Body:

CM James – wanted to know if the City Attorney could explain the separation of the two boards.

City Attorney – the boards were consolidated if you will. They still operate as two separate entities but there is a state statute under the (URA) Urban Redevelopment powers law that allows local governments to designate there (DDA) Downtown Development Authority to exercise their Urban Redevelopment powers. Three or four years ago, you all made that designation. The statute would allow you to unmake that designation and thereafter appoint members to serve as URA commissioners and at the point you would have to name members and under that statute the mayor initially appoints the Chair of the board. You would operate as if it was a separate entity specifically under the Urban Redevelopment powers law. Among the reasons were due to efficiency it is more efficient to have one group of people operating the area of operation for the Downtown Development Authority right now is coterminous with the area of Urban Redevelopment agency with the exception of the expansion area where you get for the new city center and the trail. That is the only area that is not coterminous but that does not matter under the statute going forward, it is a policy decision for you all to make.

CM Akins-Wells – I know we just did this 3-4 years ago. I just do not know why we are coming back to change it now. Can you give us a little reason why we initially changed it now? It would help if you gave us an explanation so the people will know.

City Attorney – I do not want to rehash past political dispute. There was a dispute to finance Starr Park renovations, new fire station and a new city center. Previous URA when it was operating as its own board it was a dispute between that body and the city regarding their willingness to assist the city in financing the city projects. This body made a decision to remove the members and consolidate at that time. Since, then the original members of the DDA that you all appointed back in 2018 there are only two members remain. One of the arguments that has been raised regarding separating the board to allow for more citizen participation and civic affairs that is good in itself, but then it presents some inefficiencies. The good you want is equally accompanied with now you are working with (7) new people may.... I do not want to say that. It is a policy issue. There is some support for going in this direction.

CM James – I would be in favor of having separate boards. One of the things early on four years ago. We have too many people in our city to have the same members on multiple boards. So, I felt like it was good to have a collaboration of ideas and thoughts from residences and businesses. With that being said, can you differentiate the URA board and DDA board and their responsibilities.

City Attorney – the DDA has specific powers under the downtown development authority law of the state of Georgia. Their powers are very similar in nature to the regular development authority, but their mission is focused on the downtown area that you all designate. They have the normal powers in terms of as being able to contract with developers and to issue bonds for economic development purposes. It is primarily and economic development entity just like the Development Authority. The Urban Redevelopment law pursuant to what your URA has created. The original intent in that General Assembly established was to give city's a mechanism to stimulate redevelopment of blighted areas or areas of decay and things of that sort. Give them a vehicle to specifically focus on eliminating blight and stimulating economic development in those targeted areas. That is one of the reasons why they allow for the utilization of the DDA to operate that board because more overlapping duties that you would have say for instance with your regular Development Authority; it is more targeted. In order for the URA to exercise any powers you all have to establish a designated area to make a determination that there is need for redevelopment. You would have to have a specific URA redevelopment plan and task the URA to implement that plan. You originally did that for Fort Gillem when the time came to redevelop that area then you expanded that when you did that for Starr Park going all the way down to the city center. The

redevelopment plan that the city council approved. You approved the redevelopment plan for Fort Gillem and then you approved a redevelopment plan an extension for that area. The DDA can operate more broadly. This is a broader area of authority but within that area as opposed to implementing the plan that you approve.

CM James – the URA targets on the areas that are a disturbance to our city and DDA is focusing on development to our city.

12. Development Authority Member Appointments – Economic Development Department

Background/History:

The Development Authority has three (3) members whose terms expired on December 18, 2021. The Economic Development Department request that Council consider appointing new members or reappoint the current members. Development Authority members serve for four (4) years.

There were no discussions.

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

ADJOURNMENT:

Motion to adjourn the Work Session at 7:10pm

Motion made by Councilmember James, Seconded by Councilmember Akins-Wells.

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



**CITY OF FOREST PARK MAYOR & COUNCIL
CITY COUNCIL REGULAR SESSION**

Tuesday, January 18, 2022, at 7:00 PM
Council Chambers and YouTube Livestream

Website: www.forestparkga.gov
YouTube: <https://bit.ly/3c28p0A>
Phone Number: (404) 366.1555

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

DRAFT REGULAR MINUTES

The Honorable Mayor Angelyne Butler, MPA

The Honorable Kimberly James The Honorable Dabouze Antoine
The Honorable Hector Gutierrez The Honorable Latresa Akins-Wells
The Honorable Allan Mears

Dr. Marc-Antonie Cooper, City Manager
S. Diane White, City Clerk
Mike Williams, City Attorney

CALL TO ORDER/WELCOME: The meeting was called to order at 7:15pm by the mayor.

INVOCATION/PLEDGE: Invocation and pledge was given by Dr. Beeler.

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, Mayor Pro-Tem		✓
Hector Gutierrez	Council Member, Ward 3		✓
Latresa Akins-Wells	Council Member, Ward 4		✓
Allan Mears	Council Member, Ward 5		✓

DIRECTORS PRESENT: Darquita Williams, Interim Finance Director; Shalonda Brown, Human Resources Director, Lashawn Gardiner, Management Analyst, Latosha Clemons, Fire Chief, Bruce Abraham, Director Economic

Development, Tarik Maxell, Director of Recreation & Leisure, Bobby Jinks, Director of Public Works, Joshua Cox, IT Director, Arthur Geeter, Purchasing Director, James Shelby, Planning & Community Development Director, Nathaniel Clark, Chief of Police and Javon Lloyd, PIO Director.

PUBLIC HEARINGS:

It was motioned to open Public Hearings

Motion made by Councilmember James, Seconded by Councilmember Akins-Wells.

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

It was motioned to close the Public Hearings

Motion made by Councilmember Antoine, Seconded by Councilmember Gutierrez.

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

1. PUBLIC HEARING - Council Approval of a Conditional Use Permit for CUP-2021-01, Telithia Williams– Department of Planning and Community Development

It was motioned to approve the Conditional Use Permit for CUP 2021-01

Motion made by Councilmember Akins-Wells, Seconded by Councilmember James.

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

2. PUBLIC HEARING - Council Approval of a Conditional Use Permit for CUP-2021-02 Amerco Real Estate Company- Department of Planning and Community Development

It was motioned to approve the Conditional Use Permit for CUP 2021-02

Motion made by Councilmember Akins-Wells, Seconded by Councilmember James.

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

PUBLIC COMMENTS: (All Speakers will have 3 Minutes)

There were two speakers:

Dhaval Shah -

Lawanda Folami -

ADOPTION OF THE AGENDA WITH ANY ADDITIONS / DELETIONS:

It was motioned to approve the Council Agenda as printed.

Motion made by Councilmember James, Seconded by Councilmember Akins-Wells.

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

APPROVAL OF MINUTES:

- 3. Council Approval of Council Work Session and Regular Meeting Minutes from January 4, 2022 - S.**
Diane White, City Clerk

It was motioned to approve the City Council meeting minutes from January 4, 2022

Motion made by Councilmember James, Seconded by Councilmember Gutierrez.

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

NEW BUSINESS:

- 4. Confirmation of the Director of Finance – Executive Offices**

It was motioned to confirm Ms. Chiquita Barkley as the Finance Director.

Motion made by Councilmember James, Seconded by Councilmember Mears.

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

- 5. Council Approval to Enter into a Contract for a Medical Director – Fire Department**

It was motioned to approve to enter a contract for a Medical Director.

Motion made by Councilmember Akins-Wells.

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

- 6. Council Approval to Extend the Stipend for First Responders (Firefighters/EMS/Police Officers and Dispatchers) – Executive Office**

It was motioned to approve the extension of the stipend for First Responders

Motion made by Councilmember Akins-Wells, Seconded by Councilmember James.

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

- 7. Council Approval of City Public Health Leave Resolution – Chief Executive Offices**

It was motioned to approve the Resolution for Public Health Leave

Motion made by Councilmember James, Seconded by Councilmember Antoine.
Voting Yea: Councilmember James, Councilmember Antoine, Councilmember Mears
Voting Nay: Councilmember Gutierrez, Councilmember Akins-Wells

It was motioned to amend the Resolution to add two (2) weeks of Public Health Leave.

Motion made by Councilmember Akins-Wells, Seconded by Councilmember Antoine.
Voting Yea: Councilmember James, Councilmember Antoine, Councilmember Gutierrez, Councilmember Akins-Wells, Councilmember Mears

8. Council Approval of a Resolution for an Assistance to Firefighters Grant (AFG) Program – Fire Department/Management Analyst

It was motioned to approve the Resolution for an Assistance to Firefighters Grant

Motion made by Councilmember James, Seconded by Councilmember Mears.
Voting Yea: Councilmember James, Councilmember Antoine, Councilmember Gutierrez, Councilmember Akins-Wells, Councilmember Mears

9. Council Approval of an On- Call Electrical Contractor Services – Public Works/ Procurement Department

It was motioned to approve the three (3) On-Call Electrical Contractor Services.

Motion made by Councilmember James, Seconded by Councilmember Antoine.
Voting Yea: Councilmember James, Councilmember Antoine, Councilmember Gutierrez, Councilmember Akins-Wells, Councilmember Mears

10. Council Approval of Steve Lundquist for Indoor Pool Renovations – Recreation & Leisure Services Department

It was motioned to approve the renovations to the Steve Lundquist Indoor Pool

Motion made by Councilmember James, Seconded by Councilmember Mears.
Voting Yea: Councilmember James, Councilmember Antoine, Councilmember Gutierrez, Councilmember Akins-Wells, Councilmember Mears

11. Council Approval of the Separation of Urban Redevelopment Authority (URA) and the Downtown Development Authority (DDA) Boards – Chief Executive Office

It was motioned to direct staff to do a resolution of separating the URA and DDA Boards.

Motion made by Councilmember James, Seconded by Councilmember Antoine.
Voting Yea: Councilmember James, Councilmember Antoine, Councilmember Gutierrez, Councilmember Akins-Wells, Councilmember Mears

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

It was motioned to recess into Executive Session for Personnel, Litigation and Real Estate at 7:45pm.

Motion made by Councilmember James, Seconded by Councilmember Gutierrez.

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

It was motioned to reconvene back into the Regular meeting at 8:51pm

Motion made by Councilmember Mears, Seconded by Councilmember Akins-Wells.

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

12. Council Approval of Development Authority Board Appointments – Economic Development Department

It was motioned to appoint the following Billy Freeman, Bennet Joiner, and Rhonda Wright to the Development Authority as per discussion from Executive Session

Motion made by Councilmember James, Seconded by Councilmember Mears.

Voting Yea: Councilmember James, Councilmember Antoine, Councilmember Mears

Voting Abstaining: Councilmember Gutierrez, Councilmember Akins-Wells

CLOSING COMMENTS BY GOVERNING BODY:

Councilmember James – Thanked everyone for coming out and wanted to make sure that we thank those that have served with on our boards, and we thank those that are willing to serve on our boards. We thank and congratulate on new Finance Director for accepting the position. We have some great things happening in Forest Park, just know we do have members that have put their information in to be considered for the boards, there are certain requirements you must follow to be on the boards, so take that into consideration as well. I would like to personally, that we hold each other accountable for the actions that we do, and I will not back down from the accountability piece, I would want everyone to hold me accountable as well as every member on this dais accountable for the actions and the things we say or do in the city. The Neighborhood Meeting, sorry I changed the name to Ward Meeting on Thurs., Jan. 20th, it will be virtual only, no in-person meeting, tune in at 5:00pm to get updates on what is happening in the city.

Councilmember Antoine – Thank everyone for coming out and encourage everyone to look at the city's website, it has some amazing information on it. A senior center coming to the city of Forest Park, which is huge, I know that Kroger is doing their ribbon cutting and hiring a lot of the residents and I think that is awesome for our citizens; the energy assistance program, that is always on the website; the website is very information and happy new year. The new year has great things coming up for us and I hope that you continue coming, speaking about what is going on and know that we are working our hardest to provide the best services we can to serve you all, thank you and God Bless.

Councilmember Gutierrez – Thank you for coming and sticking around. Congratulations to our finance director welcome to the team. As a member of DA Board, I abstained myself, not against these individuals; we all debated it

to see what the best fit was, so thank you for being willing to serve these positions that do not pay anything these are just people in our city that want to bring improvements and we are all pulling the same way. I am excited to serve with them on the DA Board. JenCare, it is exciting to have them here, they have been supporters of our seniors in action committee, so they are not just about business, but they generally care about the community, so I am excited that they chose Forest Park as their home, because they could have easily gone somewhere else. February 4th, we will have Food Truck Friday, the theme will be black history, come out and celebrate with live performances, spoken word and nice decorations from our employees. On February 5th is our cleanup, probably will do Jonesboro Road again, unless I get another option in my ward. Thank you for your public comments, Ms. Folami, thank you for letting us know about the rooster problem and we will take care of it. Georgia won a national championship, which means a lot for the state and brings joy to many. Thanks again for coming out and I agree with Councilmember James about keeping each other accountable, it starts with you the citizens, we are here for you so, make sure that you are holding us accountable for everything that we do. I hope everyone is safe, the omicron virus is still out there so, be sure to take care of yourselves.

Councilmember Adkins-Wells – Thank you to the ones that have left and to those that are still here for coming out to support this meeting. Because I am transparent, I am going to talk about why I missed meetings and the reason for missing meeting. So, if I am around someone that has COVID and I have been told that I quarantine or I do not need to around people and I need to stay six feet, that is what I am going to do, I am not going to put my family, neither one of you in jeopardy, so when I get a call that someone comes and say that they want to dock my pay because I took my safety and the safety of others into consideration; then if that is why you want to dock it, then dock it, because I am not here for the money, if I was here for the money, I would have been gone a long time ago and I know they forgot to bring it up, because that was something they were supposed to be voting on, so, if you all want to go back and vote on if my reason was just cause; if I had COVID and was around someone that had COVID and you want to dock my pay for that then, go ahead, I know you all forgot. So I just wanted to remind you again, that I am not here for the money, this is not my life, but I am here to serve the people and that is what I do and my thing is public safety so, I cannot speak on public safety, if I have been around someone that had COVID and I come in here and act just like I did not have it. So, yes that is my excuse for not being here, I did not know I had to call in to work, I did not know I was supposed to call in, so now I know. I feel like I should address the people because I work for the people, so I am letting you know why I was not here, because I have an ethics complaint filed against me on that as well so, thank you all again, everyone have a blessed night and I appreciate you all; stay safe, wear you mask when you cough cover your mouth. I just wanted to give my reasons why I abstain on the appointments for the Development Authority. I abstain, because I do not believe in just changing people or taking people off the board because they serve too long. I feel that when you have people on boards that are doing a great job of working with the city then we should keep those people and just because people want to see new faces, I do not think that is a reason replace them and what to put them on another board if they are good for that one, they are good for this one. Jonathan, I am in favor of you being on our board, but this board, you must be a resident, so that was what we were voting on. Mr. Elliott, I apologize you did not get reappoint to this board, because I think you do a good job, I think you put the city first and you want to work with the city and do not think just because you have been there that you do not deserve to be there anymore or you are good for another board, but good enough; whether you want to serve or not, I say you could have served both, because you served one well; that was my reason for abstaining, because I feel that when you have good people you keep them.

Councilmember Mears – I would like to thank Dr. Cooper and the boards, not sure if you have noticed the three big water tanks up by Clayton Plaza, that is a positive for people traveling up and down Jonesboro Road, it was money well spent for that painting. I too think you need to hold people accountable, there is not many jobs or places you can go to and work that you do not have to call in; I know it gets aggravating, but it is something we must hold each other accountable for and we get the ground rules, and all laid out, thank you. We have other boards, we are trying to incorporate more people on these boards not the same handful watching both boards, so there are other

opportunities, other boards, other places that we can use people that has already served, and it will work out in the future.

Mayor Butler – I wanted to touch upon the train issue and provide a little more insight on that because it has been nuisance for many, many, many people, and so I do not know if people are aware but Forest Park's rail system is considered a secondary line and so as the main line gets backed up then the trains are stalled and not only are we a secondary line, but we are also at the end of the rail line; so as that main line gets backed up then it affects us. We have communicated endlessly with one the directors there and with the rail system being governed by the federal government, we are not winning, I could say, but we are actively engaged with coming up with a happy medium, if that means allotting our main intersections here, Lake Drive, Ash, College and West to remain open and that is one thing that we are really pushing for. One of the things we are being told is that with the trains being stalled over night, they do not foresee an end to that anytime soon. The trains are increasingly getting larger because they are trying to bring in as much cargo as they can, which will in turn even though we want them to push the train further up over the overpass as they are getting longer it still spill over to blocking Ash, College and so on down the line; but just know that we are every time it is stopped, I send an email or a text and I get a response as to how long they anticipate the train being stalled there, of course, the safety of the residents and the response time is definitely a priority and so just trying to get them to give us a commitment as to which lanes would be open is like pulling teeth, but we are actively engaged with our congressional and state representatives to see if we could push some legislation through that will ease of this and then with the things going on with the airplanes and this 5g and the towers, I could just see rail being utilized a lot more and unfortunately because we are a rail city, we are just going to have to stay engaged and really see what we can do. If we can at least know in advance what lanes are being blocked, so we can notify our first responders, so they know to take a secondary route; it is day by day at this point, but I wanted to let everyone know what is going on with the rail system. I do echo the sentiments of my colleagues, I think moving forward we are going to see a huge push for accountability, and it only makes us stronger and better as a municipality; and we cannot ask it of our employees, if we are not willing to do it for ourselves. I want to thank Kroger for their contribution to the food drive, it was amazing, their support that they gave, and I look forward to that continued partnership.

ADJOURNMENT:

It was motioned to adjourn the Regular meeting at 9:07pm

Motion made by Councilmember Akins-Wells, Seconded by Councilmember James.

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

File Attachments for Item:

2. Request Council Approve Resolution to Transfer Previous Year CDBG Funds to Current Year – Executive Offices

Background/History:

The City of Forest Park was awarded 2019 CDBG funds for architecture and engineering costs for improvements to Rock Cut Road in the amount of \$64, 213 for engineering and design. All engineering and design services have been completed, leaving a balance of approximately \$29,213. If approved by Clayton County HUD Offices to transfer remaining funds to the 2021 Starr Park Improvements award, it is in the city's best interest to do so, so that the funds are not recaptured by the County.

**STATE OF GEORGIA
COUNTY OF CLAYTON**

RESOLUTION NO: _____

A RESOLUTION BY THE MAYOR AND COUNCIL OF FOREST PARK, GEORGIA AUTHORIZING REMAINING 2019 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS INITIALLY AWARDED FOR THE ROCK CUT ROAD PROJECT FOR PUBLIC INFRASTRUCTURE IMPROVEMENT ARCHITECTURE AND ENGINEERING COSTS BE TRANSFERRED TO THE 2021 CDBG STARR PARK HUD ELIGIBLE ACTIVITIES §570.201(c) PUBLIC FACILITIES AND IMPROVEMENTS; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Community Development Office of HUD Programs awarded the City of Forest Park Community Development Block Grant (“CDBG”) funds for Program Year 2019 in June 2019 and provided a Notice to Proceed July 2019 for public infrastructure improvement architecture and engineering costs for Rock Cut Road; and

WHEREAS, thirty-five thousand dollars (\$35,000.00) of the PY 2019 program funds have been expended, leaving a balance of \$29,213.00; and

WHEREAS, the Clayton County Office of HUD Programs has the discretion to recapture and re-program remaining funds; and

WHEREAS, the city has verified with the consultant firm that was hired to perform the services/work, that all work has been performed; and

WHEREAS, HUD regulations have timeliness in spending criteria; and

WHEREAS, if Clayton County approves the City of Forest Park to transfer remaining 2019 CDBG funds to the 2021 CDBG Starr Park public facilities and improvements project; and

WHEREAS, it is in the City’s best interest to request an amendment to transfer the remaining funds to another HUD eligible activity that meets HUD’s national objectives upon approval by Clayton County.

NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF FOREST PARK, GEORGIA, HEREBY RESOLVES, that the Mayor authorizes the remaining 2019 Community Development Block Grant funds initially awarded for the Rock Cut Road Public Infrastructure Improvement Architecture and Engineering costs be transferred to the 2021 CDBG Starr Park Improvements HUD Eligible Activity §570.201(c) Public Facilities and Improvements to expend the Community Development Block Grant funds awarded to the City of Forest Park.

BE IT FURTHER RESOLVED that the Mayor or her designee is hereby authorized to prepare any appropriate documents necessary to implement the request specified in this resolution.

BE IT FINALLY RESOLVED that all resolutions and parts of resolutions in conflict with this resolution are hereby waived to the extent of the conflict.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO RESOLVED this 7th day of February 2022.

CITY OF FOREST PARK, GEORGIA

Angelyne Butler, Mayor

ATTEST:

_____ {SEAL}
City Clerk

APPROVED BY:

City Attorney

File Attachments for Item:

5. Request Council Approval of the Main Street Streetscape Phase IIA – Relocation Agreement Between Georgia Power and City of Forest Park – Department of Planning and Community Development

Background/History:

Main Street Streetscape Project Phase IIA from College Street to Phillips Drive requires a relocation agreement between the City of Forest Park and Georgia Power to relocate existing Georgia Power equipment and to install concrete poles to replace existing wooden poles.

RELOCATION AGREEMENT
City of Forest Park
Main Street & Courtney Drive Project

THIS AGREEMENT, made and entered into as of the [REDACTED] day of [REDACTED], 20 [REDACTED], by and between City of Forest Park, State of Georgia (hereinafter referred to as the "City"), and GEORGIA POWER COMPANY (hereinafter referred to as the "Company").

W I T N E S S E T H :

WHEREAS, the City proposes under the above written Project to construct the Main Street & Courtney Drive Project (hereinafter "Project");

WHEREAS, due to the construction of this Project, it will become necessary for the Company to make certain adjustments to the Company's existing facilities, in accordance with the estimate of One Million, One-Hundred Forty-Six Thousand, Seven Hundred and Seventy Dollars (\$1,146,770.00), a copy of which estimate is attached hereto, and incorporated into this Agreement as Exhibit "A" (the "Estimate");

WHEREAS, in accordance with that certain Franchise Agreement between the City and the Company, the City agrees to bear NINETY percent (90%) of the estimated costs of said relocation expenses, which amounts to One Million, Seventeen Thousand and Ninety-Three Dollars (\$1,017,093.00) (the "Payment Amount"); The Payment Amount has been adjusted to reflect the Preliminary Engineering Payment made previously.

WHEREAS, the location of Company's presently existing facilities and the proposed new location of such facilities are shown on the Company plans previously provided to the City; and

NOW, THEREFORE, in consideration of the promises and the mutual covenants of the parties hereinafter set forth and other good and valuable consideration, it is agreed:

Section 1. The City will make payment to the Company of the Payment Amount prior to the Company commencing any portion of the work contemplated hereunder. The Estimate and the Payment Amount are valid only for a period of one (1) year following the date set forth on the Estimate.

Section 2. The Company, with its regular construction or maintenance crews and personnel, at its standard schedule of wages and working hours (as may be applicable from time to time during this Agreement), and working in accordance with the terms of its agreements with such employees, will make such changes in its facilities as are set forth in the Scope of Work section of Exhibit "A". The Company may elect to contract any portion of the work contemplated. Notwithstanding the foregoing, the Company shall not be obligated to commence any work unless the City both makes payment to the Company of the Payment Amount and authorizes commencement of the work prior to the date that is one (1) year following the date set forth on the Estimate.

Section 3. The City further agrees to be responsible to the Company for one hundred percent (100%) of any and all costs incurred in acquiring additional easements for rights of way, including without limitation, easements for lines, access, tree trimming, guy wires, anchors, and other devices, appliances and facilities, and any and all other such easements and property rights as may be necessary for the Company's installation, operation and maintenance of its facilities.

Section 4. The Company shall make a reasonable effort to provide signing and other traffic control measures during construction as contemplated under this Agreement in accordance with PART VI of the U.S. Department of Transportation Manual on Uniform Traffic Control Devices, current edition, all at the expense of the City.

Section 5. The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.

Section 6. It is mutually agreed between the parties hereto that this document shall be deemed to have been executed in Georgia.


Section 7. In the event the City fails to execute and return this Agreement to Company before January 1, 2023, this Agreement shall be void and of no effect whatsoever.

IN WITNESS WHEREOF, the parties hereto acting through their duly authorized agents have caused this Agreement to be signed, sealed and delivered.

Witness

Notary Public
Manager

(SEAL)

“COMPANY”
GEORGIA POWER COMPANY
By: 
Name: William Howard
Title: Centralized Engineering Services

(SEAL)

Witness

Notary Public

(SEAL)

“CITY”
CITY OF FOREST PARK
By: _____ (SEAL)
Name: _____
Title: Mayor
Date: _____
Attest: _____ (SEAL)
Name: _____
Title: _____

Approved as to Form: _____
City Attorney