



CITY COUNCIL REGULAR SESSION

Tuesday, September 06, 2022 at 7:00 PM
Council Chambers and YouTube Livestream

MISSION STATEMENT

It is the mission of the City of Forest Park to enhance, strengthen, and grow our city by collaborating with our community to provide the highest level of service. Striving to be recognized as a diverse community that values and respects all members. We will strive to provide fair, professional, and courteous service through transparency and open communication. As we work to achieve this mission, we will have integrity beyond reproach while employing fiscal discipline and innovation. In this work there are no praises and raises for mediocrity.

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

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

The Honorable Mayor Angelyne Butler, MPA

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

The Honorable Dabouze Antoine
The Honorable Latresa Akins-Wells

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

AGENDA

VIRTUAL MEETING 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 August 15, 2022 -
City Clerk**

NEW BUSINESS:

- 2. Council Adoption of Amending Ordinance 22-14 on Text Amendments–Planning & Community Development Department**
- 3. Council Adoption of an Amendment to the Elections Ordinance 22-15 Barring Persons That Have Violated Election Laws from Serving as Election Officials - Legal**
- 4. Council Approval of Policy Guidelines for Usage of Discretionary Ward Funds and Capital Outlay Funds -Chief Executive Office**
- 5. Council Approval of the Appointments for Development Authority Board Members – Chief Executive Office**

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 August 15, 2022 -
City Clerk**



CITY COUNCIL WORK SESSION

Monday, August 15, 2022, at 6:00 PM
Council Chambers and YouTube Livestream

MISSION STATEMENT

It is the mission of the City of Forest Park to enhance, strengthen, and grow our city by collaborating with our community to provide the highest level of service. Striving to be recognized as a diverse community that values and respects all members. We will strive to provide fair, professional, and courteous service through transparency and open communication. As we work to achieve this mission, we will have integrity beyond reproach while employing fiscal discipline and innovation. In this work there are no praises and raises for mediocrity.

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DRAFT MINUTES

CALL TO ORDER/WELCOME: The meeting was called to order at 7:00pm by Mayor Butler who read the Mission Statement.

ROLL CALL - CITY CLERK: A quorum was established.

Attendee's Name	Title	Absent	Present
Angelyne Butler, MPA	Mayor, At-Large		✓
Kimberly James	Council Member, Ward 1		✓
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		✓

Joshua Cox, IT Director, Javon Lloyd, Public Information Officer, Chiquita Barkley, Finance Director, Diane Lewis, Deputy HR Director, LaShawn Gardiner, Management Analyst, Latosha Clemons, Fire Chief, Deputy Fire Chief, David Halcome, Bobby Jinks, Public Works Director, and Arthur Geeter, Purchasing Manager, Deputy Police Chief, Michael Brunson

CITY MANAGER'S REPORT: Dr. Marc-Antonie Cooper, City Manager**PRESENTATION(S):****1. Omnilert Gun Detect – Chief Executive Office****Background/History:**

Omnilert Gun Detect using artificial intelligence (AI) with existing or newly installed cameras to automatically respond to potential gun threats.

Jim Crumbley, CEO of Risk Response Team Inc. - They are partnered with Omnilert, he is a former marine and he has done a lot of consulting over the U.S. and Europe. Since he is working more with I.T. than security directors and law enforcement, he decided to take his background and integrate with a high-level security system company. They are a bridge between I.T., law enforcement and corporate security and has a good understanding of I.T. and security measures.

They are excited about Omnilert and believe the program will benefit a lot of communities. Omnilert is a software company that was founded in 2004, and the foundation was on mass notification and how to manage incidents. It is a platform where you can take different modules and put what you need into that platform. We are talking about today the weapons protection platform which you all are most interested in, and it goes beyond notifications.

The platform is about prevention response, they can do management automation, communication and engagement and notification broadcast. So, if you have an incident the platform will communicate with anyone you want within your city, within the law enforcement community of a potential life threat, which involves the detention of a weapon.

Today, there are more threats happening, they do a lot of work in k-12 because a lot of things are happening in schools. He is part of a non-profit for k-12 that advises schools on how to enhance their security, which they have a good understanding of.

With all the mass shootings, a proactive approach of how to respond, is needed to help mitigate the risk, and that is what Omnilert provides for people and municipalities. There are layers of security: human detection, metal detection, gun detection is a great layer and Shot spotter has that, but you would rather have visual detection, using artificial intelligence to detect someone brandishing a weapon and there is a threat. It will then send out a notification and video to law enforcement so they will know what they are approaching. Cameras are for after the fact to see where the perp went, to see what happened and to get a description and where they are right now. You will get real-time intelligence in a command center.

They will be able to add to the system in place, by having an open platform with the cameras and video management. With the right video management platform this can be tied into the community, like convenient stores restaurant and bars. You can tie into their cameras and if there is an incident the law enforcement can check things out quickly, because they have immediate access to it. They would like to further talk to anyone on council to discuss what they think will be a great approach and most of value to the city.

Comments/Discussion from Governing Body:

Mayor Butler - Stated they did meet with both companies, Deputy Chief Brunson, I.T. Director Josh was present also. She stated one of the things she fears the most is having a mass shooting within the city.

While talking to various mayors at other conferences, she learned of both companies' similarities and differences. She thinks as a community the city will be able to capitalize ideally on both, but one or the other if the governing body so chooses to do so.

Councilmember James - There was mentioned about open platforms and I would like to know how to tie it into the other cameras. Is this more so for protecting the city and the city buildings and how do you get into the communities where the shootings are happening?

Jim Crumbley - They would need a platform were they can integrate from the community. Genetec, is a good one because they have a process called federation. It is a connection and control of a camera, and you have necessarily financial responsibilities. It allows you to have cameras in the community that the business owners pay for it, and it can get federated into your system. Jason can talk more about the integrations because he is more of a I.T. person.

Jason Hardy - Stated, if it can see the feed, it can so the detection notification of it. This does depend on the federation or the connections of the VMS platform the city choose to go with, to be able to pull in the feeds. You can get community involvements to come in and allow you access to those feeds. If it can see it, then it can process it and make those alerts happen.

Jim Crumbley - Eagle Eye, is an option as well and they have a great cloud system. They have worked with Archie Lee's, where you can integrate with access control and do lockdowns. They would have to look at the city system and discuss long term plans before they could fully answer that.

Councilmember James - Range of motion, if I am a homeowner with a sophisticated camera could you integrate with that or would you look into the business and other things?

Jason Hardy - That would depend on what the city wants to do. If the community is involved and allow you access to it and it can be brought into one of the systems, it is up to you and what you would like to do, technology wise it is capable.

Jim Crumbley - Community improvement districts, homeowner association, all are good avenues and is a great way to get the word out and to get people involved. You may have flock cameras in different neighborhoods and locations, and it will work like that.

Councilmember James - Is there a set cost, a range cost or does it depend on the camera? What is the starting cost?

Jason Crumbley - It depends on how many cameras. I would suggest you start on your most needed areas that you want to cover and start building from there. We will start a pricing structure off that and as you begin to expand, the more cameras the lower the cost per camera and they are willing to work with the city on that.

You will find some of the cost is offset through the communities, especially If you have a night club of business that wants to be monitored. A lot of the time they are willing to upfront that cost for you.

Councilmember James - You mentioned, we could train our dispatch. How much training will it take and are we responsible for the monitoring once the city gets it installed?

Jim Crumbley - They will be happy to manage the system because that is what they do as a business. They are not looking to make a sale and then walk away. They are in the business of providing long term

services and it is value based. They will help manage it and work with law enforcement, they will also make sure they are trained and set the system up that is going to meet the long term needs of Forest Park.

Councilmember Antione - I understand the security aspect, but when it comes to private areas like homes what is the legal aspect of the invasion of privacy piece?

Jim Crumbley - Typically cameras do not go where there is an expectation of privacy. Ex: you can place them outside a restroom to see who goes in and out, but not in the restroom or close to the door where you can see someone adjusting their clothes. So, they will not go where there is supposed to be privacy. It is of value to be put in neighborhoods in areas and you might need cooperations from residents. They can go on poles, and you may need cooperation from Georgia Power or someone else and Forest Park may own some of their own poles.

Councilmember Gutierrez - Let us say the software is installed and there is an alert, the next step whomever is monitoring the cameras, will they to action or is there a speaker to warn or scare them off?

Jim Crumbley - Those are the flexibilities built into these systems, so yes. There are speakers on a football field in one district and if someone shows up the dispatch clicks on a link and the speaker activates and tell people they are trespassing. So, you can set that up as a proactive approach, law enforcement is notified, you are visibly seen, you can do something like that.

Councilmember Gutierrez- If I wanted to see your work, where in Georgia, could I find it, if I wanted to ask someone about your technology?

Jim Crumbley - We will get with Onmilert and can provide you with a full list of municipalities and other places where they have implemented this, and we can help coordinate a visit.

Councilmember Wells - How will it alert someone? Who would respond? I know they have cameras in the city, and something happens, and the cameras do not work. So, you can work with the camera systems we already have?

Jim Crumbley - Absolutely, we will be happy to, I would like to sit with you all and present you with somethings to do which will send you in the right direction and you have success, business is going to eventually come to us.

Councilmember Wells - There are a lot of apartments that have gang activities, hanging out and posting guns, how would it work with that being private property? If this is an area of concern and we want to put cameras out, how would that work?

Jim Crumbley - Typically through Memorandum of Understanding, the city attorney could establish if you push out to the community and say here is what we want to establish as a community. You can let the apartment complex know this is your camera, you must maintain it and we are not going to monitor it except through A.I or virtual patrols, you do not want to over promise something.

Mayor Butler - Have you ever had municipalities where you worked together with ShotSpotter and was able to tie things in together?

Jim Crumbley - I would be happy to work together with someone to build safety, it is layers of security and what is important for the community, not that our system is better, but they both take a proactive approach. There are ways to work together depending on what systems they integrate with.

Mayor Butler - One point of distinction is Omnilter, is visual, visually detecting weapons, and ShotSpotter is Audio.

City Manager - The council did approve the FLOCK Cameras, and we are in the process of working with them, they know that they are just license plate readers and want to know if they integrate with them.

Jim Crumbley - FLOCK is a great system and huge benefit, but no, they are not, FLOCK is a stand along system, which is there for one thing only.

2. ShotSpotter Gun Shot Detection – Chief Executive Office

Background/History:

ShotSpotter Precision Policing Platform is a technology used to help law enforcement identify gun shots within neighborhoods and other areas to actively respond to an incident.

Ron Teachman - I 38 years in law enforcement and eight of them as chief of police, in New Bedford Massachusetts and South Bend, Indiana. He installed Shotspotter in both cities where he served. They are in 135 cities across the country. Shotshotter is a gunshot detection and location service, and the motto is “to detect, protect and connect.”

Shotspotter will tell you what happened when it happened and where it happened. 80% of gunfire goes unreported. The reason it is not always reported is because they are not sure the noise heard is gunfire, they think someone else is calling or they are afraid to call the police because of retaliation.

You determine the neighborhoods that you want covered and that area is set up. We will build an infrastructure of our solution. We will put sensor on rooftops of buildings or utility poles as needed. Once the system is deployed and a gun is fire that acoustic event radiates out, hits the sensors at measurably various times. It calculates the initiation of each sensor engagement to determine the precise location of the gunshot fired.

They are used to detect and to determine if it is gunfire, each sensor has a modem, which sends all the data up to a cloud. The machine then filters out the noise and if there is a probability that it is gun fire, we send that information up to an acoustic incident review center. Next humans go through a series of test to confirm gunfire before it is dispatch to a police officer. So, we are very accurate to filter out false positives and dispatch the police as necessary. The entire process takes under 60 seconds from trigger point.

Shotspotter can determine speed of travel and direction of travel to let officers know if there is a moving car, like a drive by shooting. It detects a sequence of shooting, and it is time stamped, the audio is captured and can be listened to as well. This information can be sent to any smart device and integrates with google maps, so we can identify from the dot where the nearest partial address is. When police are dispatch, it can show them what the neighbor looks like, so they are not driving into a danger zone. Shotspotter puts you at the crime scene in real time. We can integrate with cameras, license plate readers, and video management systems.

Jason Silva - Former police officer for Richmond, California, stated he used this system and the most benefit he got out of it for the community was what has been touched on. He used the system to connect with the community and to better prepare for entering a crime scene as a police officer.

Comments/Discussion from Governing Body:

Councilmember James - Thanks for the presentation. There are issues we have in our city with gunfire and in some places it seems common. She states there are two apartment complexes that are adjacent. Sometimes she thinks it is firecrackers and then other times she thinks it is gunfire. When talking to residents they talk about gunfire they hear on the other side.

I have called a few times and it is hard to pinpoint which direction it come from, but I heard it. So, this is great technology. You mentioned that the officers are not called, and the signal do not go out until it is verified unless it is an actual gunshot. Who looks at this to send it out?

Ron Teachman - There are a team of folks in the Incident Review Center, which does this. It is a team of folks that take the data input and review it. They work 24/7/365 and the information goes through the modems instantaneously, it is reviewed and guaranteed that we will take that noise and determine if it is gunfire and give an alert to the police in an average of 60 seconds.

Councilmember James - Wants to make sure it was not something staff needed to be trained on.

Ron Teachman - Your subscription and all the services that I talked about, expert testimony, forensic analysis is provided as part of the subscription.

Councilmember James - Concerned about being on the phone and the call drops. How reliable is your technology to be sent somewhere, being where we are located?

Ron Teachman - If it were a problem our agents would tell you up front, we would not service you or take a contract. But, with all that I am seeing right now it is doable.

Councilmember Antione - Great presentation. We are putting these devices on top of buildings about 780 ft radius. How wide does it cover?

Ron Teachman - No. the 780 ft is our customers telling us conventionally with 911 is how far away your caller is from the actual crime scene. The sensors are placed with sufficient density according to our engineers, so that we have absolute coverage in the area that you articulate. It covers the entire area that you outline, not the whole city, but where the gun violence has happened historically. You do not pay per sensor, but per mile of coverage.

Councilmember Wells - I am excited. How did you hear about Forest Park? I thank Omnilert and I am picturing you all doing something together.

Mayor Butler - I reached out to them.

Councilmember Mears - Enjoyed the presentation and, in his ward, around the holidays, there are 4 or 5 firecrackers, 4 or 5 gunshots, from dark to 1 or 2 in the morning. How can we distinguish this so, that we do not have all the police in Forest Park in one ward? This happening continuously for 4/5 hours.

Ron Teachman - We are very skilled and New Year's Eve is not a holiday at Shotspotter, and it is all hands on. Shotspotter will save police from chasing fireworks call. We can accumulatively take that data and share it with the police and alerting them with the gunfire so they can distinguish and send the resources where they are most needed and that is where the gunfire, is not the fireworks. We also have a proactive program where we work with our customers on suppressing celebratory gunfire. Making sure we go beforehand to the neighborhoods to let them know, people will be held responsible for discharging a firearm in the city limits.

Councilmember Mears - How many square miles do we have in the city? If the panel agrees that type of coverage is needed over the whole city, because gunfire is everywhere.

Mayor Butler - Thank you for your presentation. It appears the governing body is pleased with both. It would be the desire to come back with some contracts, and we can start negotiating in about the next week or two.

Councilmember James - The police department is working on some other things with the county as far as bringing technology and wants to make sure they have a conversation with the chief. She stated when we go to the GMA conferences and other conferences that we make different connections, and the mayor is good about going to every table to see what they have to offer. This is to make sure that the taxpayer's money is going to things to better the city. She would like to look at all options that are already in play before they move on to something else.

Mayor Butler - Deputy Chief Brunson was a part of the Omnilert and Shotspotter presentations, but do not know where Clark was. There was representation from the Police Department, as well as Josh the I.T. director, to make sure that this was something that would be feasible for the city.

City Manager - We are looking at all the technologies that come in are working together, which is why they brought up FLOCK cameras and license plates readers. They want it all to work together so, P.D. is in on it from day one. This is why there were only presentations today, no contracts or cost, just to make sure it is something council would like to move forward with.

We can now sit down with both groups to discuss the coverage, how they would need it and how it would look. We will have the cost, and any other information needed to bring back to council.

NEW BUSINESS:

3. Confirmation of New Director of Planning and Community Development – Chief Executive Office

Background/History:

Confirmation of a New Director of Planning and Community Development.

Comments/Discussion from Governing Body:

City Manager- We did do our due diligence, along with several interviews. We had the perfect shining star among us. I would like to present to council for conformation, Mrs. Lashawn Gardiner, as the new Director of Planning and Community Development.

4. Recycling Discussion – Legislative Offices

Background/History:

The City of Forest Park and its current sanitation partner Waste Management provides residents with single stream curb-side recycling. Educational materials and information, as well as a list of items that can be co-mingled and recycled is available via the city's and Waste Management's websites.

However, it has come to the attention of the city that while we are paying for recycling services in our current sanitation rates, a substantial portion of discarded items is dumped in regular trash. This is due to cross contamination of residents mixing household trash and recyclables.

Per the direction at the City Council meeting of June 21, the recent procurement for a new sanitation contract was thrown out, and the RFP process will start over with a recycling component included. Secondly, we are continuing to work with our current vendor and address residential issues, and recycling.

The City Manager is seeking further direction of the City Council as to how they wish to address the recycling matter moving forward.

This is for discussion only.

Comments/Discussion from Governing Body:

Councilmember James - I had an impromptu meeting that I did not know was happening. One of the things that needs to be done is to find out how they are going to educate the residents. At one of her meetings, they discussed recycling and Ms. Franklin, was not aware that the recycling items were going into the landfill. She stated that they as a council need to decide on how they are going to address this. There are new people coming in all the time. There is only one day for waste disposal, and they need to know this. They are using the trash cans with the yellow tops to put waste in, and we are never going to have good recycling if we have those that are not aware.

What I had proposed, and I am not sure council will agree, to take away the recycle cans if they are not going to recycle. I do not know, but something needs to happen, and we need to have the conversation, and the communication to the residents, to let them know that there is a recycling piece.

I do not know if the audience has this pamphlet, but it has everything, and we will get the information back out to the residents. It tells when waste pick up for each side, and it even tells who to call to put out bulk items, lets you know you can use the recycling center. That is for any residence in the city that wants to take something there. This is the information that we need to somehow drive into our community, on a continuous basis.

Councilmember Gutierrez - It starts with us taking pride in our community, we need to get in these schools and make it cool, there are so many modern ways to distribute information. Just sending a regular flyer may not reach everyone. We need to take pride, we have the Adopt-a-Road Initiative and had like three organizations take part in that. I believe in our people, and it is going to take everyone, to take pride in the community to get there. Not just recycling but the littering also. Like using the flower bins such a beautiful area and you can add a plant and add joy to someone commuting. I like the pamphlet and we need to disseminate that to the people.

Councilwoman Wells - I agree, because there are people that are and some that are not into recycling. They can look into finding that percentage out and be charged for that and not the entire city, since they are not utilizing that.

Councilmember Mears - I agree with getting the information out, but in his ward, there are multiple families living in these houses, that they use the recycling along with the regular trash, especially on a long weekend. He stated all that do not go in the trash can go on the side of the road. He thinks the problem is deeper than education. In his ward his bride is out there every week picking up trash and is telling people how to do the garbage. However, there is still a problem where multiple people are living in the dwellings, and they need to come up with some other answer, other than education.

Mayor Butler - Like Councilwoman Wells, said, not everyone recycles and those that do can reach out and request the bins. That way those that are asking for the recyclable bins, are going to do it and do it correctly,

which can eliminate cross contamination. There are funds that the city receives for recycling that can be used to send out mailouts. There is a rental inspection unit that the city has that can be a part of this. They can give them the flyers and when new people coming in, they will know that it is an option. Then there is the PIO, who has been doing a phenomenal job getting information out, we can utilize that and the newsletter. We will just have to be consistent with it, and every time we get a check, we can send out something, and that can help with cost of the mailouts.

Councilmember James - How do we go about correcting the yellow trash cans being used for trash, what is the solution for this?

Mayor Butler - Sending something out to the residents, and if they want to keep them, they can and if not, they can turn them in.

City Manager - It is included in the rate that we are already paying. This is part of the new RFP that has gone out, to have as more of an add-on. As of now we are paying for it. The data we have collected from using the recycling center, the residents are using it as a dump not recycling. It is not one resident, but one person coming multiple times. We try our best with the staff we do have, and it is only open certain hours of the day to make sure of what they are dumping.

One of the things that can be done moving forward, regardless of whom the contract is with, is using it as a piece added on. At this point I do not know if we will be able to and is a discussion to be had with the sanitation group and city attorney. If we would go back to the current vendor and say, we would like to remove this from people who do not want it, and charge people that do want it. We would have to see if that is possible with the current vendor and if not look at the educational aspect of getting things out.

The flyers you are seeing was developed by the public works department. They have been sending them out and constantly updating the information that changes. There is information available, it is going out and it is on the website, about recycling. This can be addressed but must be done in a different way than what is currently being done as far as education. If they want it, they can pay for it, or we must figure out a funding mechanism.

Councilmember Antione - Majority of the people here are renters and if you do not have ownership, you do not treat it as yours. He wishes everyone would take pride in this and hopes it work out.

Councilmember Gutierrez - The old public works director, suggested labeling the bins. People that are recycling once their bin is contaminated, they get a pin letting them know this has happened. So, if I do it again, they lose that privilege. He thinks it is a good idea to use this thought. If something is not being used but is being paid for needs to be renegotiated.

Councilmember Wells - Like Councilmember Mears, said; you cannot control how many people live in a household and some people need more trash cans. She states, I do not recycle and do not think it has anything to do with who rents or own the home; but is that something you are into. Like Dr. Cooper stated, who recycles and who wants the bin.

Councilmember Mears can go to his ward and ask his people if they need 2 or 3 bins. As representatives we cannot just complain about the issues and not do anything about it. If you have a recycle bin and do not recycle, then give them a fine, because this is something the city is paying for. Then people will start thinking well, I do not need this recycle bin, just give me another trash bin and that will take a lot off the city. We play a huge part and can control the narrative and not just put it on the residents, because some do not know better. Advised they go out to the residents to find out what exactly their needs are to help with this.

Councilmember Mears - Most of the people use the yellow can because the green can do not hold all the waste. I would like to know, how much an extra trash can would cost?

City Manager - Mr. Jinks do you have that number?

Bobby Jinks - For recycling they charge the city \$6.19 and solid waste is \$15.00 monthly. They will have to pay more if they receive another can.

Councilmember Mears - If they had two green cans would it be about \$5-6 dollars more. This could help alleviate some of the problem.

Bobby Jinks - Yes.

Councilwoman Wells - This goes back to giving them a fine for using the recycle bin for trash. They would not mind paying the \$15.00 versus a fine, for using the wrong bin.

City Manager - I will look at this and bring back a recommendation.

5. **Council Consideration of an Amendment to the Code Enhancing the Boarded Windows Ordinance**-Code Enforcement, Legal

Background/History:

In February 2020, the City Council adopted an ordinance regulating the boarding up of windows and doors within the city. The intention of the ordinance was to allow the limited permitting of the boarding up of windows and doors with the expectation that property owners would make repairs to such doors and windows prior to the expiration of such permits.

Since adoption, a number of properties have obtained the necessary permits, but the owners have not made the necessary repairs to their properties. Instead, they have merely renewed their permits, month after month.

It is proposed that the ordinance be strengthened by only allowing one renewal and adding a specific penalty for the failure of a property owner to make the repairs required to be made to get the permit. The fee for a renewal has been increased to take into account the substantial additional staff time involved in monitoring compliance with the ordinance for those owners that have failed to maintain their properties in compliance with the code.

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 7:30pm

Motion made by Councilmember James, Seconded by Councilmember Gutierrez

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



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Council Chambers and YouTube Livestream

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

DRAFT MINUTES

CALL TO ORDER/WELCOME: The meeting was called to order at 7:30pm by Mayor Butler who read the Mission Statement.

INVOCATION/PLEDGE: Pastor Wanda Miller led the invocation and pledge of allegiance

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		✓

Joshua Cox, IT Director, Javon Lloyd, Public Information Officer, Chiquita Barkley, Finance Director, Diane Lewis Deputy HR Director, LaShawn Gardiner, Management Analyst, Latosha Clemmons, David Halcome, Deputy Fire Chief, Bobby Jinks, Public Works Director, and Arthur Geeter, Purchasing Manager

PUBLIC COMMENTS: (All Speakers will have 3 Minutes)

There was 1 Public speaker:

LaWanda Falomni - States she has a recommendation on recycling. Has worked with Climate, Wildlife and Recycling for the State of Georgia and thinks that if Waste Management teaches their staff not to pick up once they open the bin and see trash and recycling mixed together and to leave it. This will cause the household to call, and it will establish an inside communication. She also thanked the City of Forest Park for allowing them to recognize Ms. Judy Taylor, and stated they had a great time. She thanked Dr. Cooper, Deputy Brunson, Chief Nathaniel Clark, and Sgt. Lewis, and stated, it was an amazing turnout, everyone came out and supported them. They bumped heads with the fire department and the police department, which she does not like, it causes them to have to choose which public service event to attend. Ms. Taylor is here and will agree they had a great time and thanks to Dr. Cooper for being that grand marshal.

She was riding through the city and by some of the government properties and liked how groomed and nicely it looked. There is an area over by Cash Memorial, by the police department, that really needs some attention to help it look better and would like for interest to be shown throughout the city. She wanted to thank every staff member in the City of Forest Park that came out and helped coordinate the reading for the charter school. She received a recommendation from the DOE.

With recycling if we work together, we can get this fixed. We have been here numerous times, but because the administration changes, people do not think and feel the same or do the same. The best way to nip recycling in the bud is to leave it and someone will call to ask why the bin was not picked up. This will start the communication process throughout the city.

ADOPTION OF THE AGENDA WITH ANY ADDITIONS / DELETIONS:

It was moved to adopt the agenda as printed.

Motion made by Councilmember Mears, Seconded by Councilmember James.

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

APPROVAL OF MINUTES:

- 1. Council Approval of Council Work Session and Regular Meeting Minutes from August 1, 2022 -**
City Clerk

It was moved to approve the Council Work Session and Regular Meeting Minutes from August 1, 2022, and with the noted corrections.

Motion made by Councilmember James, Seconded by Councilmember Antoine

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

NEW BUSINESS:

- 2. Confirmation of New Director of Planning and Community Development – Chief Executive Office**

It was moved to confirm Mrs. Lashawn Gardiner, as new Director of Planning and Community Development.

Motion made by Councilmember James, Seconded by Councilmember Antione

Comments/Discussion from Governing Body:

Councilmember Antione - Hoped that she would take this seriously, because he receives a lot of calls from one of the employees that work in that department. Harassing businesses, harassing homeowners, causing them to no longer want to be here. He hoped that as a worker of Planning and Zoning, she will be a good negotiator and a good listener. This is a big issue right now that is not being talked about. A lot of businesses are not feeling like the city has their best interest. So, I hope that you will take that serious.

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

Councilmember Wells - Abstained to vote, because someone had just texted her asking who the new Director of Planning and Zoning was, and she had no idea. She states like anything else; she does not vote on what she knows nothing about or had the chance to look into.

Director Lashawn Gardiner - Thanked the council for their belief in her for the position and it would be her pleasure to work with them all. She stated as an employee they are a team and should be able to talk about the issue and come to a resolution. They may not always agree on issues but, is there to resolve the issues to the best of their ability and to be better stewards of the taxpayer's dollars.

3. Council Adoption of an Amendment to the Code Enhancing the Boarded Windows Ordinance 22-13 -Code Enforcement, Legal

It was moved to approve the Amendment to the Code Enhancing the Boarded Windows Ordinance

Motion made by Councilmember Antione, Seconded by Councilmember Gutierrez

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

CLOSING COMMENTS BY GOVERNING BODY:

Councilmember James – Reminded everyone about the ward meeting Thursday, at 5:00 pm, at the Hartsfield Community Center. If you are not able to attend it in person, it will be available on zoom., the information is available on the website. Wednesday, at 6:00 pm she will be at Forest Park United Methodist Church, which is located at 4473 College Street, she will be there along with the police chief and members of the police department, for the Ward 1 community meeting. The meeting is like a neighborhood watch meeting. There will be information available about the crime going on in the area and other information the police would like to give to the community.

She will also provide information on seniors over 62, that was sent to her, from Mrs. Gardiner. The county is doing home repair and improvements and that information will be available on Wednesday at 6 pm at the Forest Park United Methodist Church. I would like to acknowledge the Forest Park Fire Department, she attended an award ceremony and do not remember the name, but the firefighter of the year is an Alumni of Forest Park High School.

She stated there are people that have been with the fire department for a very long time. She stated to Chief Clemmons, that she was not able to be at the first part of the meeting but saw the wrecked car. There will be a homecoming game on September 10th, and they play Jonesboro Cardinals on the 16th. The new Forest Park Middle

School is coming soon and the kids as of now are being transported to the Old Morrow High School, for this school year.

On September 10th there will be a homecoming parade, and she would love for the alumni members of the police, fire, and public works department to help celebrate. Immediately, after the parade there will be a Co-ed Flag Football game at the Kiwanis Stadium. There will be contact information on the upcoming flyers in case anyone would like to sign up to be on the football team.

They will be selling T-Shirts in various sizes starting at \$15-20, and all proceeds will go to the high school. She would like people to think about participating by purchasing a T-shirt, going to the game, and just having a good time. Thanks, and we appreciate you.

Councilmember Antoine – Congratulations to the new employees and welcome to the team. Shoutout to the Indians, today is Indians Independence Day. We are sharing the good word with the students at Forest Park High School about how they can join the police and fire department. We have flyers all over the schools and we are mentioning it to the students. He has the chance to teach American Government this year and show, how it is not just at the White House or state capital. You have the government here right now, some may be a mayor, city councilmember, congressman, or president. Appreciates you all for coming and would like for you to continue to come. Thanks to all the directors and others that are making a difference within the city.

Councilmember Gutierrez – Happy Independence to Indian Americans. I am really excited about the kickoff with Jonesboro. He had a blast at the last bingo night. The senior committee meets the 2nd Friday until Fun Friday time is up, then it will go back to the 3rd Friday so that everyone can enjoy the city festivities. He enjoys learning from the elderly community and invites you to come have fun and play at the senior center. He missed the Food Truck Friday for back to school, but they gave out lots of supplies. Public works, council aides and Directors did an amazing job holding things down.

House Representative David Scott sent a letter stating, he allotted one million dollars for Clayton County Justice Center Hub, \$260,000 to Clayton County Legal Aides Office and one million dollars to the MARTA Safe Route Transportation. He also wanted people to know he has transitioned from teaching to a Community School Supervisor in Forest Park. He will be building relationships and bringing more resources to the children. When we go to these conferences and bring back resources, it is to better our city and keeping you safe. Please reach out with any ideas you may have for making things better. Thanks to you all for coming out.

Councilmember Akins-Wells – Wanted people to know that she is Forest Park all day, and her son is one of the top athletes in baseball and basketball at Jonesboro High School. So please attend some of the games, because they will be interesting, because they are rivals. She thanked the sponsors of Forest Park Day which is this Saturday from 12-9 pm. There will be a live wrestling matching at 6 pm amongst other things. She wanted to thank Mr. Melvin Bell who is a huge sponsor, he is supplying the food trucks, bouncy houses for kids and other stuff for the kids to do. Forest Park is a community day for old and new to come out, set up their tents, and cook, meet their neighbors, get food from different vendors and to just have a good time, which she is really looking forward to.

Huge shoutout to Johnathan at Rumors, they wrote a check for \$1,500.00. She appreciates everything he does and how they contribute to the community and what the community love. You all do a lot of things for a lot of people and people do not recognize that, but I would like to truly thank you. Everyone come out, bring your friends and family, because we are going to have a great time. Again, it is from 12-9 pm, and wrestling match at 6 pm. Thanks for coming out and have a great night.

Councilmember Mears – He went to the celebration at the fire department and saw the new equipment and stated, Ms. Clemmons is doing a great job. He was amazed by it and wanted the people to know that the fire and police

department, with the car tag readers will put Forest Park ahead of the game. We have a new ambulance which looks good, and he has pictures of a new fire recruit.

He was really impressed with the quality of the equipment and the changing out of the suits. The fire station is old, but the new station is coming up, and we are getting the police fixed up. I just want the citizens of Forest Park to know It is doing well as far as public safety.

Mayor Butler – I am in the process of preparing for the State of the City address, and going through and gathering her notes, is reminded of just how far they have come within the last 4 years with this administration. She states it is amazing and will start sending out information to keep people informed of when that is going to be.

While walking her dog she stopped and had a conversation with someone that shared with her about the rival of Forest Park and Jonesboro. The point is no matter what is going on that is the game to be at. She would like for them to get back to supporting not just sporting events, but community events as well. She was pleased with the ShotSpotter and Omnilert presentations, and feel they will help increase public safety, and look forward to moving forward with them and other things that is coming.

Chief Clemmons, the open house was awesome. She has heard a lot of great things about you, appreciate what you are doing in the department and is pleased that you are in that role, and thanked her.

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

It was moved to recess into Executive Session at 7:54 pm

Motion made by Councilmember Antione, seconded by Councilmember James
Voting Yea: Councilmember James, Councilmember Antione, Councilmember Gutierrez, Councilmember Akins-Wells, Councilmember Mears

It was moved to reconvene back into the Regular Meeting at 8:42 pm

Motion was made by Councilmember Mears, seconded by Councilmember James.
Voting Yea: Councilmember James, Councilmember Antione, Councilmember Gutierrez, Councilmember Akins-Wells, Councilmember Mears

It was moved to authorize a settlement agreement, which authorizes our insurance carrier to settle the Shalonda Brown litigation as discussed in Executive Session.

Motion was made by Councilmember James, seconded by Councilmember Mears.
Voting Yea: Councilmember James, Councilmember Antione, Councilmember Gutierrez, Councilmember Akins-Wells, Councilmember Mears

ADJOURNMENT:

It was moved to adjourn the Regular Meeting at 8:43 pm

Motion made by Councilmember Wells, seconded by Councilmember James
Voting Yea: Councilmember James, Councilmember Antione, Councilmember Gutierrez, Councilmember Akins-Wells, Councilmember Mears

File Attachments for Item:

2. Council Adoption of Amending Ordinance 22-14 on Text Amendments–Planning & Community Development Department

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF FOREST PARK, GEORGIA WITH RESPECT TO CERTAIN RESIDENTIAL DWELLING STANDARDS AND TREE PROTECTION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WITNESSETH:

Be it ordained by the Governing Body of the City of Forest Park, Georgia as follows:

SECTION 1. That Title 8, Chapter 2, Article P of the Code of Ordinances, City of Forest Park, Georgia is hereby amended by deleting said article in its entirety and inserting in lieu thereof the provisions of Exhibit A attached hereto and made a part hereof.

SECTION 2. That Title 8, Chapter 8, Article E of the Code of Ordinances, City of Forest Park, Georgia is hereby amended by deleting said article in its entirety and inserting in lieu thereof the provisions of Exhibit B attached hereto and made a part hereof.

SECTION 3. Approval of Fee Schedules. The schedule of fees for the various departments attached hereto as Exhibit A is hereby approved.

SECTION 4. Intention of the Governing Body. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Forest Park, Georgia, and the sections of the ordinance may be renumbered to accomplish such intention.

SECTION 5. Approval of Execution. The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

SECTION 6. Attestation. The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

SECTION 7. Codification and Severability.

(a) It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were upon their enactment believed by the City Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the City Council that to the greatest extent allowed by law each and every section, paragraph, sentence, clause or phrase of this ordinance is severable from every other section, paragraph, sentence, clause or phrase of this ordinance. It is hereby further declared to be the intention of the City Council that to the greatest extent allowed by law

no section, paragraph, sentence, clause or phrase of this ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this ordinance.

(c) In the event that any section, paragraph, sentence, clause or phrase of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance and that to the greatest extent allowed by law all remaining Sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 8. Repeal of Conflicting Provisions. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 9. Effective Date. This ordinance shall become effective immediately upon its adoption by the Mayor and City Council of the City of Forest Park as provided in the City Charter.

SO ORDAINED this _____ day of _____, 2022.

Mayor Angelyne Butler

Council Member Kimberly James, Ward 1

Council Member Dabouze Antoine, Ward 2

Council Member Hector Gutierrez, Ward 3

Council Member Latresa Wells, Ward 4

Council Member Allan Mears, Ward 5

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

Exhibit A

ARTICLE P. EXTERIOR FINISHING STANDARDS AND REQUIREMENTS— RESIDENTIAL DWELLINGS

Sec. 8-2-160. Single-family residential dwellings—Exterior construction standards and requirements.

- (a) *Exterior finishing requirements.* All new construction for single-family residential dwellings in the City of Forest Park, Georgia, whether in a new subdivision or in infill lots in the city, shall have exterior finishing on the front side that is fully constructed of brick, stone, stucco, cement fiber board, wood siding or similar material approved by the Planning Director.
- (b) *Windows, doors, etc.* The requirement in subsection (a) of this section shall not prevent or prohibit the construction of windows, doors, shutters, or similar architectural features, if approved by the city.
- (c) *Prohibited Materials.* Metal siding, vinyl siding, metal canopies and smooth faced concrete masonry units are prohibited.
- (d) *Exceptions.*
 - i. Vinyl products shall only be used for soffits, eaves, and fascia of residential structures.
 - ii. Vinyl may be used to replace existing damaged vinyl only.
- (e) *Architectural Design Features.* Each single-family attached and/or detached dwelling unit shall utilize at least four of the following architectural design features:
 - a. Dormers.
 - b. Bay or bow windows.
 - c. Garage setback at least 20 feet behind the facade of the principal structure.
 - d. Side- or rear-entry garage.
 - e. Covered porch entry (covered front porch).
 - f. Transoms and sidelights.
 - g. Off-sets on building face or roof (minimum two feet).
 - h. A roof with a pitch greater than 8:12 and a minimum overhang of 12 inches on all sides.
 - i. Columns, pillars, or posts on facade.
 - j. Shutters and other window decorations.
 - k. Arched or Palladian windows.
 - l. Hip and gable roof lines.

Sec. 8-2-161. Multifamily residential dwellings and Condominiums—Exterior construction standards and requirements.

(a) *Exterior finishing requirements.*

- i. All new construction for multi-family residential and Condominium dwellings in the City of Forest Park, Georgia, shall have exterior finishing on at least fifty (50) percent of each exterior wall that is constructed of brick, brick veneer, concrete masonry veneer, cemplank shakes, wood shakes, stone, or stucco, or a combination of thereof.
 - ii. Fiber Cement/Cementitious Siding must be 5/16" nominal thickness with a 30-year warranty to be provided by the manufacturer.
 - iii. Natural or manufactured stone.
 - iv. All exterior trim, including fascia and soffits, window and door trim, gable vents, etc. must also be constructed of no or very low maintenance materials. Wood fascia must be covered completely with prefinished aluminum with a minimum thickness of .024". Where exterior brick does not extend to an eave line, aluminum flashing shall be installed that extends a minimum of 2" under/behind the above exterior wall surface material and over the outer edge of the brick to prevent water penetration.
 - v. The use of architectural details such as window shutters, window pediments, door pilasters, gable pediments, wrought iron railings, and decorative lighting, are strongly encouraged. Exterior finish materials, architectural detailing, and decorative trim shall be approved by the Zoning Administrator as part of the Plan Book. Any building elevation that is visible from the street must be consistent with the front facades. Structures utilizing a single exterior finish material of brick, stone, or stucco shall be permitted with approval from the Planning Director.
- (b) *Windows, doors, etc.* The requirement in subsection (a) of this section shall not prevent or prohibit the construction of windows, doors, shutters, or similar architectural features, if approved by the city.
- (c) *Prohibited Materials.* Metal siding, vinyl siding, wood siding, and metal canopies units are prohibited.
- (d) *Exceptions.*
- iii. Vinyl products shall only be used for soffits, eaves, and fascia of residential structures.
 - iv. Vinyl may be used to replace existing damaged vinyl only.

Sec. 8-2-162. Exterior stucco standards.

All buildings utilizing stucco exterior finishings pursuant to sections 8-2-160 or 8-2-161 must have 7/16 OSB sheathing or 7/16 Densglass Silver Residential sheathing under the stucco on all exterior walls using stucco. Stucco must be Portland cement-based stucco, installed over wire lathe with ten-pound felt. Porous filters, such as expanded plastic or foam, may not be added to any exterior stucco.

Exhibit B

ARTICLE E: TREE PROTECTION

Sec. 8-8-131 Purpose

The purpose of this Article is to:

- A. Provide standards for the conservation or replacement of trees as part of the land development and building construction process within the City.
- B. Provide a healthy living environment.
- C. Protect and enhance the aesthetic qualities of the community and reduce the loss of aesthetic quality provided by the natural tree cover on tracts of land being converted to urban development.
- D. Establish and maintain the maximum sustainable amount of tree cover on public and private lands in the City.
- E. Establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest in developed and developing areas of the City and a stable and sustainable rural forest in undeveloped areas.

Sec. 8-8-132 Definitions

The following definition of terms shall apply to the Forest Park Tree Protection Ordinance:

Buffer: That portion of a lot set aside with adequate natural or planted vegetation to accomplish visual and sound screening to separate residential zoning districts as required in the City of Forest Park Zoning Ordinance.

Clearing: An activity which removes or disturbs the vegetative cover, including trees.

Crown dripline: A vertical line extending from the outer surface of a tree branch tip to the ground.

Deciduous tree: Any tree which drops its leaves at the end of a growing season.

Dripline area: The total area underneath a tree which would encompass all crown driplines.

DBH or "diameter-at-breast height: A standard measure of tree size and is the trunk diameter measured in inches to a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, each trunk is measured separately, and the total trunk diameters are added together. A tree which splits into multiple trunks above 4.5 feet is measured as a single tree at 4.5 feet.

Evergreen: Any tree which retains its foliage throughout the year.

Landscaping: Any additions to the natural features of a plot of ground to restore construction disturbance and to make it more attractive, by adding lawns, trees, and shrubs, etc., to the natural environment.

Landscape area: An area set aside for the installation and maintenance of planting materials.

Land and vegetation disturbance permit: A permit to authorize the cutting, transporting, and clearing of vegetation.

Natural vegetation: A generally undisturbed, maintenance-free, self-perpetuating stand of vegetation comprising indigenous shrubs, flowers, wild grasses, and trees.

Natural vegetation area: The area within the boundaries of a given lot which is devoted to natural vegetation.

Protection area: All land which falls outside the buildable area of a parcel, all areas of the parcel required to remain in open space, the dripline areas beneath a tree or clusters of trees to be retained, and/or areas required to remain landscape strips or buffers according to the City of Forest Park Zoning Ordinance or conditions of zoning approval.

Shrub: A woody plant or bush of relatively low height (two (2) to six (6) feet), distinguished from a tree by having several stems rather than a single trunk.

Specimen tree or specimen stand: Any tree or grouping of trees which has been determined to be of high value because of its species, size, age, or location. General criteria for the determination of specimen trees or stands are as follows:

1. Any deciduous tree whose DBH equals or exceeds twenty-four (24) inches.
2. Any evergreen tree whose DBH equals or exceeds twenty-four (24) inches.
3. Any understory tree whose DBH equals or exceeds ten (10) inches.
4. Any tree which has a significant historical value and can be documented through historical records or otherwise, and any tree which has exceptional aesthetic value.

Tree harvesting: The cutting of more than fifteen (15) trees per year for purposes not related to immediate land development or in conjunction with an ongoing development project.

Understory tree: Any tree or woody plant which is of lesser height and spread than the surrounding evergreens or deciduous trees but which still provides shade and a degree of protection to the earth and vegetation beneath it.

Sec. 8-8-133 Applicability

This Article shall apply to any activity which involves the removal of trees in the City.

Exemptions from the Forest Park Tree Protection Ordinance are:

- A. Dead, diseased, or infested trees as determined by the Georgia Forestry Commission and/or its local representative(s).
- B. Orchards and tree nurseries in active commercial operation.
- C. In the case of a tree contractor removing a tree or trees in a residential area, the contractor will not be required to submit a site plan but shall obtain a permit and pay a fee.

Sec. 8-8-134 Land Vegetation Permit Required

Unless specifically exempted from this Article, all owners, developers of land, or contractors, must secure a land and vegetation disturbance permit prior to the removal, relocation, or transportation of any trees in the incorporated City Limits of Forest Park.

- A. **Procedure.** Four (4) copies of a tree protection plan (TPP) must be submitted to the Planning & Community Development Director, or his/her designee, for review to ascertain conformance to the City of Forest Park Tree Protection Ordinance prior to application for a land and vegetation disturbance permit and/or application for development plan and preliminary plat approval. It is advised that a qualified landscape architect, Georgia Forestry Commission (GVC) certified urban forester, or arborist prepare the TPP.

The TPP must include:

1. The exact location of all existing trees and specimen trees more than ten (10) inches in diameter clearly indicating those which will be retained to meet the tree protection requirements, their size, dripline area and species.
2. The location, size, and species of all replacement trees.
3. The boundaries of all required buffer areas.
4. The boundaries of all existing and proposed landscaped areas.
5. The boundaries of all existing and proposed buildings.
6. The boundaries of all vehicle and pedestrian use areas.
7. All existing and proposed utilities (i.e., water, sewer, stormwater drainage and retention facilities, etc.), and all existing and proposed utility poles and/or light poles.

Upon submission of the TPP, the planning, building, and zoning director, or his/her designee, shall:

1. Conduct a preliminary review of the TPP.
2. Conduct an on-site inspection to determine if there are any trees of exceptional aesthetic or historical value.
3. Return the TPP either approved or with changes which must be made prior to the issuance of a land and vegetation disturbance permit.

After final approval of the TPP by the Planning & Community Development Director, or his/her designee, development plan and plats can be forwarded for review, of the land and vegetation disturbance permit can be issued.

- B. **Compliance.** It is the responsibility of the Planning & Community Development Director, or his/her designee, to review the TPP to ascertain compliance with the

provisions of the tree protection ordinance before a land and vegetation disturbance permit will be issued. It is also the responsibility of the Planning & Community Development Director, or his/her designee, to conduct a final inspection for compliance with the tree protection ordinance before a certificate of occupancy or acceptance of streets will be granted.

- C. **Appeal procedure.** Any applicant for a land and vegetation disturbance permit who is aggrieved by any decision of the Planning & Community Development Director, or his/her designee, relating to the application of this Article shall have the right to appeal to the City Manager. Such appeal shall be requested in writing no less than ten (10) days after the decision has been made. The appeal shall be heard by the City Manager within thirty (30) days after the receipt of the appeals request. The City Manager shall have the right to overturn, modify, or affirm the decision made by the Planning & Community Development Director, or his/her designee.

Sec. 8-8-135 Tree Protection Requirements

Property subject to the Forest Park Tree Protection Ordinance shall retain a minimum of twenty (20) percent existing tree caliper inches on site. Trees that fulfill this preservation requirement shall be exclusive of the required buffer areas. The twenty (20) percent density requirement shall be met by the following:

- A. Twenty (20) percent of all existing trees at 10" DBH and larger shall be preserved.
- B. Existing trees to be preserved not included in A above shall be calculated as one (1) caliper inch for every five (5) caliper inches preserved.
- C. If the twenty (20) percent tree density cannot be met through A and B above, then refer to sec. 8-8-137, Guidelines for Tree Replacement.

Sec. 8-8-136 Guidelines for Tree Protection

Listed below are guidelines for tree protection to be followed during the grading and construction process, and for the continued maintenance of trees:

- A. All individual standalone trees to be retained on a site must be marked with orange engineering tape, tied around the trunk of the tree at a height of five (5) feet above the ground.
- B. The tree protection area (dripline area) of standalone trees and stands of trees will be marked with standard construction fencing (orange) or four (4) foot silt fence with stakes placed every ten (10) feet.
- C. If initial development is limited to streets, drainage easements and utilities, a TPP indicating only trees equal to or in excess of ten (10) inches DBH which are to be

removed must be submitted. During street and utility construction, the grading permit shall be limited to the area needed for street right-of-way.

- D. If it is determined that irreparable damage has been done to a tree in a tree protection area, the developer, the builder, and/or owner shall be responsible for the replacement of that tree as provided for in this Article under Guidelines for Tree Replacement.
- E. All areas not devoted to structures, access ways, dumpsters, storage, roads, parking lots, and natural vegetation shall be landscaped.
- F. The Planning & Community Development Department may require landscaping in conjunction with the issuance of a building permit not requiring plat or site approval.
- G. All trees planted in accordance with this Article shall be of a species approved by the City.
- H. The planting of trees to meet the requirements of this Article shall be on the front or side of the developed areas and plantings behind a building shall not be counted in determining the minimum requirements of this section unless specifically authorized by the City.

Sec. 8-8-137 Guidelines for Tree Replacement

- A. If the tree preservation requirements of this Article make reasonable use of a property impossible or if a tree in a tree protection area is irreparably damaged, the following replacement requirements shall be followed after the construction process is complete.
 - 1. The trees shall be replaced diameter inch for diameter inch with a minimum of three (3) inch DBH trees of the same species. If the species of the existing tree is unsuitable for replacement, as identified in Section 8-8-137(B), or is unavailable, an inch for inch replacement of minimum three (3) inch DBH trees of a suitable species, as identified in Section 8-8-137(B), shall be planted.
 - 2. All trees selected for replacement must be quality specimens free of disease, injury, or infestation, and must be ecologically compatible with the specifically intended growing area as identified in Section 8-8-137(B).
 - 3. All replacement trees must be planted before a certificate of occupancy is issued or streets and easements will be accepted.
 - 4. Replacement trees planted shall fall under the maintenance provisions of the City of Forest Park Urban Design Review Board, as identified in Section Sec. 8-8-161, Design Approval Procedures
 - 5. Specimen trees shall be replaced with specimen trees and understory trees shall be replaced with understory trees as identified in Section 8-8-137(B).
 - 6. Where the minimum twenty (20) percent tree density cannot be met due to natural site constraints, the developer or builder shall provide the remaining balance of the required trees for planting on public property.
- B. Alternative compliance.

- a) Overview. In those instances where the available land within a project site cannot bear the total number of canopy and/or understory trees required by this ordinance, the city hereby establishes an alternative compliance program. Alternative compliance shall be limited to either an off-site planting program or a contribution to the city's tree bank fund as described herein and in Section 86.56.
- (b) Consideration of alternative compliance shall adhere to the following guidelines:
- (1) All canopy and understory trees that can reasonably be planted on a project site shall be provided. The remaining trees shall be considered for alternative compliance.
 - (2) In no instance shall more than 50 percent of the canopy and understory trees required by this ordinance be met through alternative compliance.
 - (3) Requests for alternative compliance shall be considered as a part of the established landscape plan review process.
- (c) Off-site planting program. Off-site planting provides an opportunity to utilize canopy and understory trees to re-vegetate city-owned property, open space, recreation facilities and road rights-of-way. Off-site plantings shall be permitted on city-owned property only. Locations for off-site plantings and species of trees shall be identified by the planning and development director or his/her designee prior to preparation of the off-site planting plan.

Off-site planting shall be considered in accordance with the following guidelines:

- (1) An off-site planting plan shall be provided as a part of the landscape plan submittal package, and shall include, at a minimum, the location, species and size of all trees proposed to meet the established tree replacement requirements.
- (2) The landscape plan and the off-site planting plan shall be reviewed and approved by the planning and development director or his/her designee and the planning commission as a part of the landscape plan approval process.
- (3) Off-site plantings shall be installed in accordance with current American National Standards Institute (ANSI) guidelines and procedures.
- (4) The applicant shall guarantee all off-site plantings in accordance with the maintenance criteria and plant guarantee requirements identified herein.
- (5) All off-site plantings shall be installed and approved by the planning and development director or his/her designee prior to the issuance of a certificate of occupancy as described herein.
- (6) The following note shall be provided on the approved off-site planting plan:

The plant material identified on this plan was approved by the planning and development director or his/her designee and the planning commission in accordance with the city's off-site planting program. Along with the approved landscape plan, it is understood this off-site planting fulfills the tree replacement requirements for the _____ development located at _____ as established by the city's landscape

ordinance. This off-site planting plan shall be attached to the approved landscape plan and shall be maintained by the planning and development director or his/her designee.

d) Tree Bank Fund.

Contributions to the City’s Tree Replacement Fund shall be considered in accordance with the following guidelines:

The intent of this chapter is to ensure that a minimum density of trees is maintained on all developed sites. Occasionally, this intent cannot be met because a project site will not bear the required density of trees. In this case, the community development director may approve a contribution to the city's tree replacement fund.

The following standards have been established for administering these contributions:

- (1) The director of Planning and Community Development must review and approve all requests for alternative compliance.
- (2) In no instance shall more than fifty (50) percent of the required site density be met through alternative compliance.
- (3) As many trees as can reasonably be expected to survive must be planted on the site in question. This may require planting fewer trees of a larger caliper than the minimum required caliper.
- (4) A permit shall not be issued until the required contribution has been made to the tree replacement fund or until other agreed upon terms with the City of Forest Park have been satisfied.
- (5) Tree replacement cost estimates obtained from three landscape contractors must be provided to the City of Forest Park for approval. The tree replacement cost will be based on an average of the three estimates plus ten (10) percent. The required replacement fee shall be one hundred (100) percent of the total cost to plant the balance of trees that were unable to be planted to satisfy the site density requirement or recompense tree requirements.
- (6) The tree bank fund shall be used for purchasing, planting and maintaining trees on public property. Funds may be used to purchase forested greenspace or conducting courses on tree management and similar topics. Funds may also be used for the creation of landscape plans involving the planting of trees and landscape material on public property.

C. Trees suitable for replacement trees and unsuitable as replacement trees:

1. Trees suitable as replacement trees for specimen trees:

Southern Red Oak	Pecan
Northern Red Oak	Hickory
White Oak	Red Maple

Willow Oak	Florida Maple
Birch	Yellow Birch
Sourwood	Sugar Maple

2. Trees suitable for the replacement of understory trees:

Service Berry	Aristocrat Pear
Crape Myrtle	American Holly
Cherry	Plum
Fringe Tree	Coosa Dogwood
Virginia Pine	Kwanzan Cherry
Red Bud	Red Buckeye
Carolina Silver Bell	

3. Trees unsuitable for replacement:

Eastern Hemlock	Eastern White Pine
Lombardy Poplar	Mimosa
Norway Pine	Paper Birch
Silver Maple	Spruce
Box Elder	Willow
Royal Paulownia	Tree of Heaven

Sec. 8-8-138 Tree Harvesting

Tree harvesting is not allowed in a residentially zoned area or within one hundred (100) yards of residentially zoned property.

Sec. 8-8-139 Fees

All permits and licenses shall be obtained through the Planning & Community Development Department and shall be in accordance with the business license ordinance prior to commencement of any type of operation. A permit of fifty dollars (\$50.00) shall be paid annually by any tree contractor removing a tree or trees.

Sec. 8-8-140 Variances

The City Council may authorize in specific cases such variances from the terms of this Article as will not be contrary to the public interest when, due to special conditions:

- A. Granting a variance is determined to be a greater public benefit than the literal enforcement of the ordinance; and
- B. The tree replacement requirements of the ordinance could be met on site but, due to the location of the replacement trees they would not be in keeping with the intent and goals of the tree protection and/or landscaping Standards Section 8-8-89 of the City.

The affected property owner must make application for the variance request to the Planning & Community Development Director no less than fourteen (14) days prior to the next scheduled City Council meeting. The variance request shall not be placed on the council agenda if the city manager determines that the request does not meet the variance criteria listed above.

Sec. 8-8-141 Penalties

Citation(s) for violation(s) of this Article will be issued by the City. The citation shall be returnable to and tried before the environmental court of the City. Any person, firm, or corporation found guilty of violating this Article shall upon conviction be fined up to one thousand dollars (\$1,000.00) as described in Section 1-1-8, General Penalty. Each day such violation remains unresolved to the satisfaction of the City shall be deemed a separate offense. In addition to any imposed fines, the responsible person may be required to replace a removed tree with a number of smaller trees of the same species, provided the combined caliper measurements of the smaller trees are at least equal to the measurement of the tree which was removed.

Sec. 8-8-142 – 8-8-157 Reserved.

File Attachments for Item:

3. Council Adoption of an Amendment to the Elections Ordinance 22-15 Barring Persons That Have Violated Election Laws from Serving as Election Officials - Legal

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF FOREST PARK, GEORGIA WITH RESPECT ELECTIONS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WITNESSETH:

Be it ordained by the Governing Body of the City of Forest Park, Georgia as follows:

SECTION 1. That Chapter 2 of Title 2 of the Code of Ordinances, City of Forest Park, Georgia is hereby amended by deleting said Chapter in its entirety and inserting in lieu thereof a New Chapter 2 as set forth in Exhibit A, attached hereto.

SECTION 2. Approval of Fee Schedules. The schedule of fees for the various departments attached hereto as Exhibit A is hereby approved.

SECTION 3. Intention of the Governing Body. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Forest Park, Georgia, and the sections of the ordinance may be renumbered to accomplish such intention.

SECTION 4. Approval of Execution. The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

SECTION 5. Attestation. The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

SECTION 6. Codification and Severability.

(a) It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were upon their enactment believed by the City Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the City Council that to the greatest extent allowed by law each and every section, paragraph, sentence, clause or phrase of this ordinance is severable from every other section, paragraph, sentence, clause or phrase of this ordinance. It is hereby further declared to be the intention of the City Council that to the greatest extent allowed by law no section, paragraph, sentence, clause or phrase of this ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this ordinance.

(c) In the event that any section, paragraph, sentence, clause or phrase of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent

allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance and that to the greatest extent allowed by law all remaining Sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 7. Repeal of Conflicting Provisions. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 8. Effective Date. This ordinance shall become effective immediately upon its adoption by the Mayor and City Council of the City of Forest Park as provided in the City Charter.

SO ORDAINED this _____ day of _____, 2022.

Mayor Angelyne Butler

Council Member Kimberly James, Ward 1

Council Member Dabouze Antoine, Ward 2

Council Member Hector Gutierrez, Ward 3

Council Member Latresa Wells, Ward 4

Council Member Allan Mears, Ward 5

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

Exhibit A

Sec. 2-2-1. Election officials.

- (a) The mayor and council shall by resolution appoint a municipal election superintendent, election managers, registrars, absentee ballot clerk and any other officials as are necessary, all of whom shall exercise those powers and duties of election officials as set forth in the Official Code of Georgia Annotated as it now exists or is hereafter amended.
- (b) No person may serve as an election official in the City of Forest Park if such person has been found to have violated the election laws of the State of Georgia or any other state of the United States of America. In addition to the final adjudication of any court of competent jurisdiction, a factual determination of the Georgia State Elections Board shall be conclusive as to whether a person has violated the election laws of the State of Georgia.

Sec. 2-2-2. Voter registration deadline.

The deadline for registration of voters in city elections shall be as set forth in the Official Code of Georgia Annotated as it now exists or is hereafter amended.

Sec. 2-2-3. Notice of candidacy; filing dates.

Notices of candidacy shall be filed by candidates for offices of the governing authority as set forth in the Official Code of Georgia Annotated as it now exists or is hereafter amended. The deadline for filing the foregoing notices of candidacy shall be as set forth in the Official Code of Georgia Annotated as it now exists or is hereafter amended. Notices of candidacy shall be filed in the office of the municipal election superintendent during the hours set forth for the qualifying period.

Sec. 2-2-4. Qualification fees.

The qualification fee for candidates filing a notice of candidacy in any general or special election shall be as set forth in the Official Code of Georgia Annotated as it now exists or is hereafter amended, which fees shall be received by the municipal election superintendent at the time of filing the notice of candidacy and paid over to the city.

Sec. 2-2-5. Polling place.

The polling place shall be as fixed from time to time by resolution of the mayor and council.

File Attachments for Item:

4. Council Approval of Policy Guidelines for Usage of Discretionary Ward Funds and Capital Outlay Funds -Chief Executive Office

CITY OF FOREST PARK WARD DISCRETIONARY FUNDS USAGE GUIDANCE

The following is a set of guidelines regarding the usage of the discretionary funds each Councilmember is entitled to spend in furtherance of their duties as a member of the City Council. The basic rules are fairly straightforward:

REGULAR WARD FUNDS

Types of Expenditures which are Proper:

The primary rule of thumb is to determine whether the expenditure is in furtherance of a council member's **official** duties. Examples of proper expenditures may include:

- Costs associated with keeping constituents informed of City business (newsletters are most common type of expense, but funds could be used to acquire official stationery and pay postage costs as well)
- Costs associated with member-sponsored City meetings/events such as town hall events, field hearings, or commemorative events so long as such events are open to all residents
- Costs (including travel costs and registration fees) associated with attendance for meetings where City business is discussed or issues affecting the City are discussed for which there is no existing reimbursement policy

The above listed items are not a comprehensive list but is set forth for illustrative purposes.

In addition, absent a policy to the contrary, a Council member may appropriately use their funds for any type of expenditure for which the City can lawfully incur. For instance, if there were a parcel of land in the City that the Council member was interested in having the City acquire, they could use their discretionary funds to order a title report, appraisal or survey on behalf of the City. Another example might be the payment of a stipend for a summer intern who is hired to assist the Councilmember with their official duties.

Types of Expenditures which are NOT Proper:

With respect to expenditures that may not be made, the primary rule of thumb is that the funds may not be used for the personal gain or benefit of the Councilmember.

- Funds may not be used any for personal expense or benefit whatsoever
- Funds may not be used for campaign expenses or events

- Funds may not be used in a manner that would constitute an illegal gratuity under the Georgia Constitution. The City must receive some benefit in return for the expenditure. Funds could not be used to buy toys for a holiday toy giveaway or food for a holiday food giveaway, for instance. Funds could not be used to sponsor a private group's event unless the City receives a benefit in return. Notwithstanding the provisions of Section 1.13(40) of the City's Charter is unconstitutional, charitable donations or similar contributions are not permitted.

To avoid any appearance of impropriety, the following rules should be adhered to:

1. Requests for cash advances of ward funds should be avoided. Check requests should be accompanied with receipts (for reimbursements) or a proper invoice (for advance payments).
2. Requests for purchases of gift cards or similar financial items should also be avoided.
3. For certain expenditures involving cooperative relationships with local governmental entities, a proper intergovernmental agreement should be utilized to memorialize the terms of the relationship. (For instance, the City could partner with a local school to provide educational/recreational services to Forest Park students utilizing ward funds provided a proper agreement is in place.)

CAPITAL WARD FUNDS

Types of Expenditures which are Proper:

The primary rule of thumb is to determine whether the expenditure is a capital expenditure. A definition of a capital expenditure is funds spent maintaining fixed assets, such as land, buildings, and equipment. In addition to the definition, examples of capital expenditures might include:

- Park equipment such as benches and playground equipment.
- Paying to repair roads and potholes.
- Vehicles.

The above listed items are not a comprehensive list but is set forth for illustrative purposes.

It is anticipated that all such expenditures are to be used for projects within a particular member's ward.

Global Considerations for All Types of Ward Fund Expenditures

Council members are reminded that ethics rules apply to both the “proper” expenditures category as well as the “improper” expenditures category. Additionally, all expenditures and any records related to them are public documents and subject to disclosure under the Open Records Act. In addition to those matters, Council members must follow the City’s procurement ordinance and policies for all expenditures. Council members should rely on the City staff to execute all aspects of the expenditures once an item is identified for purchase.

Should a Council member have any question about any specific proposed expenditure, they should contact the City Manager or the City Attorney before any expenditure is made.

DONATED FUNDS AND GOODS

Over the years, a number of businesses, individuals and civic groups have gifted funds and goods to the City in support of various programs and events. Section 1.13(12) of the Charter allows this. The City should no longer be responsible for accepting and disbursing funds from donors for such programs and events. Instead, prospective donors should pay directly and have the goods or services donated to the City for such events. For example:

- Rather than donating money for the City to buy toys, food or school supplies for programs, donors should buy the products themselves and then donate them to the City.
- Similarly, donors can directly pay for portions of the entertainment or food for events rather than cycling those funds through the City.

In doing so, this eliminates the potential for mistakes in the management of donated funds and reduces the potential for ethical problems associated with the solicitation of funds for City programs or events. Additionally, while elected officials may solicit donations for programs or events, City staff, including Council aides, should not in order to avoid any appearance of impropriety on their part.