



## CITY COUNCIL REGULAR SESSION

Monday, August 07, 2023 at 7:00 PM  
Council Chambers and YouTube Livestream

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

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

The Honorable Mayor Angelyne Butler, MPA

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

The Honorable Dabouze Antoine  
The Honorable Latresa Akins-Wells

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

## AGENDA

### VIRTUAL MEETING NOTICE

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

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

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

**INVOCATION/PLEDGE:**

**CALL TO ORDER/WELCOME:**

**ROLL CALL - CITY CLERK:**

**PRESENTATIONS:**

**1. Clayton County Library Presentation- Ruphina Ozoh**

**Background/History:**

There will be a ten-minute presentation to showcase many life-changing resources that the Clayton County Library System offers for free to the citizens. The resources include but are not limited to:

Homework help, Job Search Support, 3-D Printers, Wi-Fi Hotspots for free Internet Access, Chromebooks, over 500 Online Continuing Education Classes, Immigration Help, eBooks, Audiobooks, Storytime, Music and Movie Downloads, Comics, Chilton Auto Manuals, Trade Skills Training, Test Prep and Practice. Also, Zoo, State Park, Lake Spivey Waterpark, Theatre and Museum Passes, Computers, Printers, Scanners, Notary Services and MUCH MORE!

**2. Recognition of Ioana Armstrong for the certification as Fire Officer III.****Background/History:**

The National Fire Service Professional Qualifications Board has confirmed that IOANA ARMSTRONG has been certified as a FIRE OFFICER III effective July 14, 2023.

**3. Council Approval of FOREST PARK FIRE & EMS – Professional Development Program - Fire Department****4. Proclamation In Recognition of National Black Business Month – Executive Offices****Background/History:**

The City of Forest Park is home to a growing number of black-owned businesses that represent various industries, including healthcare, social work, repair and maintenance, beauty salons, restaurants, information technology and more. During the month of August, the city would like to reflect on the history of Black entrepreneurship, its impact on the nation's economy and the determined resilience of the Black business community.

**5. Proclamation In Recognition of National Park and Recreation Month – Recreation and Leisure Services Department****Background/History:**

Since 1985, citizens across the United States have celebrated Park and Recreation Month in July as a way to promote strong, vibrant and resilient communities through the power of parks and recreation. During this observance month, municipalities throughout the nation recognize the more than 160,000 full-time park and recreation professionals, along with hundreds of thousands of part-time and seasonal workers and volunteers who maintain our nation's local, state and community parks. The City of Forest Park would like to acknowledge the exceptional efforts and dedication of the City's Recreation and Leisure Services Department, which continues to offer safe and accessible activities and programs for youth, adults, families, seniors and other local constituents.

**6. Recognition of Ward-4 Yard of the Quarter - Legislative Offices****Background/History:**

The purpose of the Yard of the Quarter program is to promote goodwill and recognize and support City of Forest Park Ward 4 residents who demonstrate exemplary efforts in maintaining their homes and yards to enhance the overall appearance of the entire community. The award this month is being presented to residents at 761 Virginia Circle.

**PUBLIC COMMENTS: (All Speakers will have 3 Minutes)**

**ADOPTION OF THE AGENDA WITH ANY ADDITIONS / DELETIONS:**

**APPROVAL OF MINUTES:**

**7. Council Approval of Council Work Session and Regular Meeting Minutes from July 17, 2023 - City Clerk**

**OLD BUSINESS:**

- [8.](#) **Council Approval of Rezoning from RS to RM- Scott Rd. (RZ-2023-02)**– Planning & Community Development.
- [9.](#) **Council Approval for Rezoning from RS to RM- Scott Rd. (RZ-2023-02)**– Planning & Community Development
- [10.](#) **Council to Consider an Override of Mayor Butlers Veto for Conditional Use Permit for Self-Storage** – Planning & Community Development
- [11.](#) **Council Approval of Conditional Use Permit (CUP-2023-04)- 5370 Ash Street** – Planning & Community Development

**NEW BUSINESS:**

- [12.](#) **Council Approval of Newton County Fire Service Clinical Agreement** - Fire Department
- [13.](#) **Council Approval of Text Amendment** – Planning & Community Development
- [14.](#) **Council Approval of Text Amendment-Arts Entertainment District** – Planning & Community Development
- [15.](#) **Council Approval of Text Amendments TA-2023-03** – Planning & Community Development
- [16.](#) **Council Approval of Charter Amendment to Establish New Ward Lines** – Legal
- [17.](#) **Council Approval on Extension of ABM Contract for Maintenance of HVAC Systems** – Procurement
- [18.](#) **Council Approval of Proposal to Temporarily Suspend the Borrowing of Funds from Employee Empower Retirement Accounts** – Executive Offices
- [19.](#) **Council Approval of Georgia Municipal Association – Pension Plan**
- [20.](#) **Council Approval of Public Works – Double Time Overtime Pay** - Executive Office
- [21.](#) **Council Approval of Intergovernmental Agreement with Clayton County to Conduct the 2023 Municipal Elections** – Executive Offices

**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. Clayton County Library Presentation- Ruphina Ozoh****Background/History:**

There will be a ten-minute presentation to showcase many life-changing resources that the Clayton County Library System offers for free to the citizens. The resources include but are not limited to:

Homework help, Job Search Support, 3-D Printers, Wi-Fi Hotspots for free Internet Access, Chromebooks, over 500 Online Continuing Education Classes, Immigration Help, eBooks, Audiobooks, Storytime, Music and Movie Downloads, Comics, Chilton Auto Manuals, Trade Skills Training, Test Prep and Practice. Also, Zoo, State Park, Lake Spivey Waterpark, Theatre and Museum Passes, Computers, Printers, Scanners, Notary Services and MUCH MORE!



CITY OF  
**FORESTPARK**

## City Council Agenda Item

**Subject:** Clayton County Library System, Presentation- Ruphina Ozoh

**Submitted By:** Executive Offices

**Date Submitted:** July 28, 2023

**Work Session Date:** August 7, 2023

**Council Meeting Date:** August 7, 2023

### Background/History:

There will be a ten-minute presentation to showcase many life-changing resources that the Clayton County Library System offers for free to the citizens. The resources include but are not limited to:

Homework help, Job Search Support, 3-D Printers, Wi-Fi Hotspots for free Internet Access, Chromebooks, over 500 Online Continuing Education Classes, Immigration Help, eBooks, Audiobooks, Storytime, Music and Movie Downloads, Comics, Chilton Auto Manuals, Trade Skills Training, Test Prep and Practice. Also, Zoo, State Park, Lake Spivey Waterpark, Theatre and Museum Passes, Computers, Printers, Scanners, Notary Services and MUCH MORE!

**Cost:** \$ TBD (Post Discussion)

**Budgeted for:** \_\_\_\_\_ Yes  X  No

**Financial Impact:** To be determined (Post Discussion)

**File Attachments for Item:**

**2. Recognition of Ioana Armstrong for the certification as Fire Officer III.**

Background/History:

The National Fire Service Professional Qualifications Board has confirmed that IOANA ARMSTRONG has been certified as a FIRE OFFICER III effective July 14, 2023.



CITY OF  
**FORESTPARK**

## City Council Agenda Item

**Subject:** NPQ Board – Certification Announcement

**Submitted By:** SANDRA DAVIS – FIRE DEPT. OFFICE COORDINATOR

**Date Submitted:** July 26, 2023

**Work Session Date:** August 7, 2023

**Council Meeting Date:** August 7, 2023

### Background/History:

The National Fire Service Professional Qualifications Board has confirmed that IOANA ARMSTRONG has been certified as a FIRE OFFICER III effective July 14, 2023.

CONGRATULATIONS !!

**Cost: \$** N/A

**Budgeted for:** \_\_\_\_\_ **Yes**  **No**

**Financial Impact:** NONE

**Action Requested from Council:** ANNOUNCEMENT to be made by Chief Latosha Clemons

# National Board on Fire Service Professional Qualifications

*It is hereby confirmed that*

***Ioana Armstrong***

*having been examined by an accredited agency in the*

*National Professional Qualifications System is certified as*

***Fire Officer III***

***NFPA 1021-2014***

***7/14/2023***



*Robert W. Rand*

Accreditation Manager

*M. H. Jim Estlepp*

Chairman of the Board

Certificate #2486614623

Certification issued by Georgia Firefighter Standards and Training Council



**File Attachments for Item:**

**3. Council Approval of FOREST PARK FIRE & EMS – Professional Development Program - Fire Department**



CITY OF  
**FORESTPARK**

## City Council Agenda Item

**Subject:** FOREST PARK FIRE & EMS – PROFESSIONAL DEVELOPMENT PROGRAM

**Submitted By:** SANDRA DAVIS – FIRE DEPT. OFFICE COORDINATOR

**Date Submitted:** July 26, 2023

**Work Session Date:** August 7, 2023

**Council Meeting Date:** August 7, 2023

### Background/History:

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

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

Presented by Fire Chief Latosha Clemons.

**Cost:** \$ N/A **Budgeted for:** \_\_\_\_\_ **Yes**  **No**

**Financial Impact:** NONE

**Action Requested from Council:** PRESENTATION by Chief Latosha Clemons

## City of Forest Park – Department of Fire & Emergency Services

### Professional Development Plan

#### Firefighter

- NPQ Firefighter I
  - Hazardous Materials Awareness
  - NIMS 100, 200, and 800
- NPQ Firefighter II
  - Pressurized Container Fire Control
  - Crash Victim Extrication (CVE)
  - Handling Flammable and Combustible Liquids Incidents
  - NPQ Hazardous Materials Operations
- Emergency Vehicle Operations Course (EVOC)
- Territory Exam
- Structural Fire Control
- Interior Search and Rescue
- NPQ Fire and Life Safety Educator (FLSE)

#### Relief Driver

*Have completed all components in the Firefighter pathway.*

- Class F or CDL License Required
- Practical Fireground Hydraulics
- Pump Service Testing
- Fire Apparatus Emergency Operator Course
- Forest Park Fire Relief Driver Program

#### Fire Apparatus Operator (FAO)

*Have completed all components in the firefighter and relief driver pathways.*

- Introduction to NFIRS 5.0
- NPQ Fire Apparatus Operator
- Incident Safety Officer: ISO

**Acting Officer in Charge (AOIC)**

*Have completed all components in the firefighter and relief driver pathways.*

- Principles of Building Construction (NFA Q0751)
- Preparation for Initial Company Operations
- Decision-Making for Initial Company Operations
- Strategies and Tactics for Initial Company Operations
- Acting Officer in Charge
- NIMS G191 (EOC Interface)
- Introduction to Technical Rescue

**Fire Lieutenant**

*Have completed all components in the firefighter, relief driver, and AOIC pathways.*

- Technical Rescue: Core Qualifications
- NPQ Fire Officer 1
  - Transitional and Interpersonal Leadership Training
  - Fire Department Supervision
  - (AOIC completed in the previous section)
- Fire Origin and Cause Determination for the Company Officer
- Fire Instructor I
- Pressurized Container Live Fire Instructor
- NIMS 300
- Leadership 1: Creating Environments for Professional Growth
- Leadership 2: Perspectives in Thinking
- Leadership 3: Framework for Success

**Fire Captain**

*Have completed all components in the firefighter, relief driver, AOIC, and fire lieutenant pathways.*

- NPQ Fire Officer 2
  - Fire Department Management
- Fire Instructor 2
- Structural Fire Control Instructor
- NIMS 400
- Health and Safety Program Manager

**Battalion Chief**

*Have completed all components in the firefighter, relief driver, AOIC, fire lieutenant, and fire captain pathways.*

- New Fire Chief I: Challenging Issues
- NPQ Fire Officer 3
  - o Fire Department Administrator
- Shaping the Future
- Executive Skill Series: Exercising Leadership Ethically
- Executive Skill Series: Exercising Leadership Through Difficult Conversations (F522)
- Executive Skill Series: Exercising Leadership to Facilitate Adaptive Change (F521)

**Fire Marshal's Office**

*Have completed all components in the firefighter, relief driver, and AOIC pathways.*

- Fire Instructor I
- NIMS 300
- NIMS 400
- Life Safety Code
- Fire Inspector I
- Fire Inspector II
- Fire Service Plans Examiner I
- Fire Investigator – Module I
- Fire Investigator – Module II

**Special Operations Response Team**

*Have completed the components in the firefighter and relief driver pathways.*

- Hazardous Materials Technician
- Rescue Systems I: Fundamentals of Heavy Rescue
- Introduction to Technical Rescue
- Technical Rescue: Core Qualifications
- Technical Rescue: Rope Techniques
- Technical Rescue: Confined Space Techniques
- Technical Rescue: Trench Technician
- Technical Rescue: Structural Collapse Technician

**Fire Training Division**

*Have completed components in the firefighter, relief driver, and AOIC pathways.*

- Fire Instructor I
- Fire Instructor II
- Incident Safety Officer
- NIMS 300
- NIMS 400
- Pressurized Container Live Fire Control Instructor
- Structural Fire Control Instructor
- Defensive Driving Instructor

**EMS Training Division**

*Have completed components in the firefighter, relief driver, and AOIC pathways.*

- Fire Instructor I
- Fire Instructor II
- Incident Safety Officer
- NIMS 300
- NIMS 400
- CPR Instructor
- ACLS Instructor
- PALS Instructor
- EMS Instructor
- EMS Instructor Coordinator EMT
- EMS Instructor Coordinator AEMT

**Fire and Life Safety Educator**

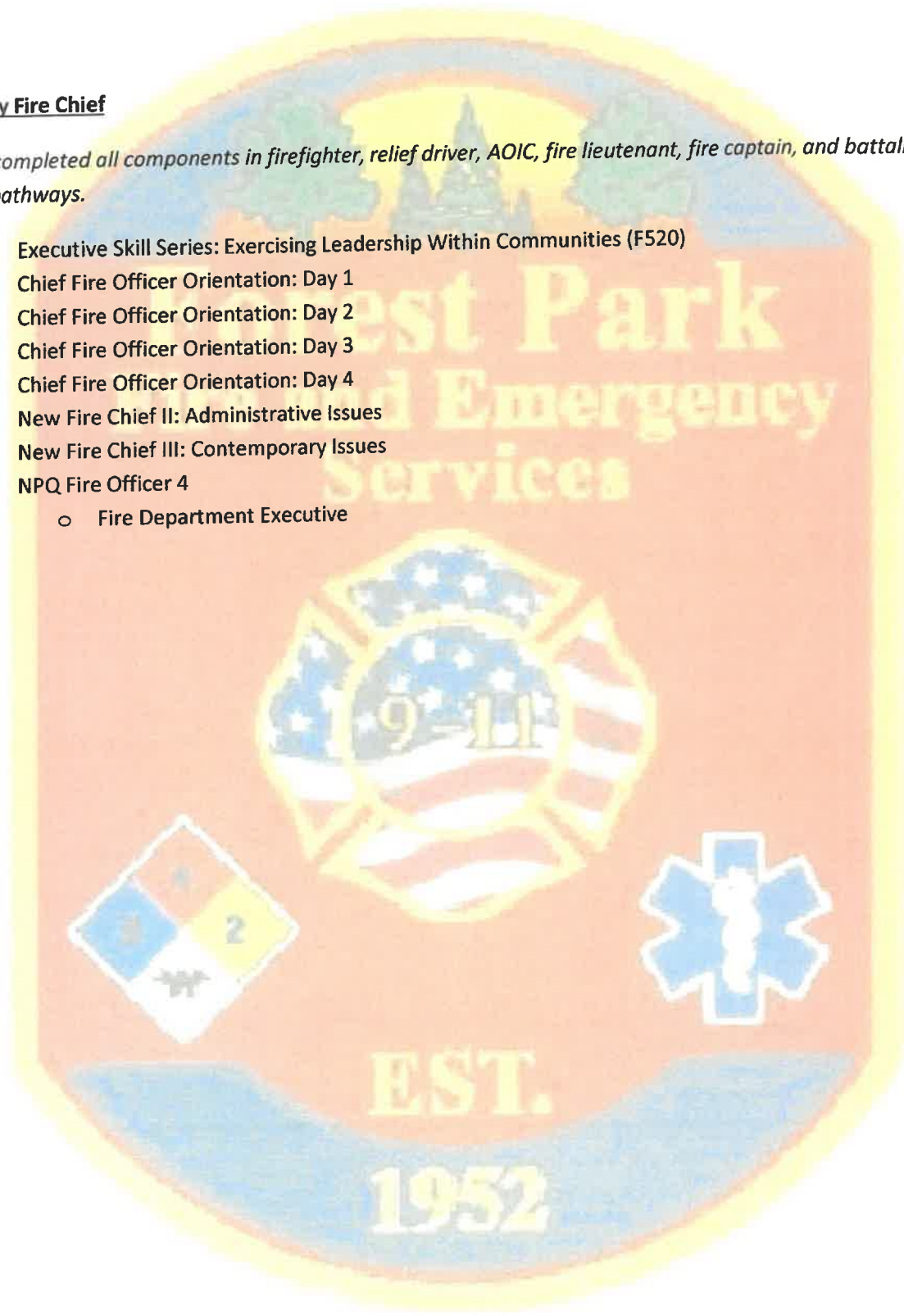
*Have completed components in the firefighter, relief driver, and AOIC pathways.*

- Fire Instructor I
- Fire Instructor II
- Health and Safety Program Manager
- Youth Fire Setter Intervention Specialist
- Youth Fire Setter Program Manager
- Health and Wellness (could not find on GPSTC)
- Youth Growing Up in Crisis (could not find on GPSTC)

**Deputy Fire Chief**

*Have completed all components in firefighter, relief driver, AOIC, fire lieutenant, fire captain, and battalion chief pathways.*

- Executive Skill Series: Exercising Leadership Within Communities (F520)
- Chief Fire Officer Orientation: Day 1
- Chief Fire Officer Orientation: Day 2
- Chief Fire Officer Orientation: Day 3
- Chief Fire Officer Orientation: Day 4
- New Fire Chief II: Administrative Issues
- New Fire Chief III: Contemporary Issues
- NPQ Fire Officer 4
  - Fire Department Executive



**File Attachments for Item:****4. Proclamation In Recognition of National Black Business Month – Executive Offices****Background/History:**

The City of Forest Park is home to a growing number of black-owned businesses that represent various industries, including healthcare, social work, repair and maintenance, beauty salons, restaurants, information technology and more. During the month of August, the city would like to reflect on the history of Black entrepreneurship, its impact on the nation's economy and the determined resilience of the Black business community.





CITY OF  
**FORESTPARK**

# City Council Agenda Item

**Subject:** Proclamation In Recognition of National Black Business Month – Executive Offices

**Submitted By:** Ricky L. Clark, Jr., City Manager

**Date Submitted:** August 4, 2023

**Work Session Date:** August 7, 2023

**Council Meeting Date:** August 7, 2023

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**Background/History:**

The City of Forest Park is home to a growing number of black-owned businesses that represent various industries, including healthcare, social work, repair and maintenance, beauty salons, restaurants, information technology and more. During the month of August, the city would like to reflect on the history of Black entrepreneurship, its impact on the nation’s economy and the determined resilience of the Black business community.

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**Cost: \$**

**Budgeted for:** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

**Financial Impact:**

N/A

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**Action Requested from Council:**

N/A



CITY OF  
**FORESTPARK**

# PROCLAMATION

**WHEREAS:** National Black Business Month was founded in 2004 in an effort to observe the important contributions, successes and exceptional achievements of Black-owned businesses throughout our nation, and;

**WHEREAS:** According to the latest data from the Census' Annual Business Survey, the Atlanta metro area is home to more than 8,660 Black-owned businesses – making up one of the highest percentage rates of any other urban area in the United States, and;

**WHEREAS:** Statistics from the Pew Research Center also show that Black or majority-black-owned firms provided income for more than 1.3 million workers in 2020, with overall annual payroll totaling an estimated \$42.2 billion, and;

**WHEREAS:** For generations, Black business owners have made meaningful strides in the economy, while still striving for equal visibility, corporate sponsorships, access to capital and other essential resources needed to grow, flourish and thrive, and;

**WHEREAS:** From healthcare and information technology to professional services and retail, Black entrepreneurs continue to help pave the way for sustainable community development, increased representation and economic success.

**NOW, THEREFORE BE IT RESOLVED,** the City Council of Forest Park hereby recognizes the month of August as National Black Business Month and invites residents, families and visitors to learn about, support and explore local Black businesses both in Forest Park and throughout Clayton County.

**IN WITNESS WHEREOF,** we have hereunto set our hand on this 7th day of August 2023 and have caused the Official Seal of the great City of Forest Park to be affixed hereto:

\_\_\_\_\_  
Angelyne Butler, MPA  
Mayor

\_\_\_\_\_  
Councilmember Kimberly James  
Ward 1

\_\_\_\_\_  
Councilmember Dabouze Antoine  
Ward 2

\_\_\_\_\_  
Councilmember Hector Gutierrez  
Ward 3

\_\_\_\_\_  
Councilmember Latresa Akins-Wells  
Ward 4

\_\_\_\_\_  
Councilmember Allan Mears  
Ward 5

**File Attachments for Item:****5. Proclamation In Recognition of National Park and Recreation Month – Recreation and Leisure Services Department****Background/History:**

Since 1985, citizens across the United States have celebrated Park and Recreation Month in July as a way to promote strong, vibrant and resilient communities through the power of parks and recreation. During this observance month, municipalities throughout the nation recognize the more than 160,000 full-time park and recreation professionals, along with hundreds of thousands of part-time and seasonal workers and volunteers who maintain our nation's local, state and community parks. The City of Forest Park would like to acknowledge the exceptional efforts and dedication of the City's Recreation and Leisure Services Department, which continues to offer safe and accessible activities and programs for youth, adults, families, seniors and other local constituents.



CITY OF  
**FORESTPARK**

# City Council Agenda Item

**Subject:** Proclamation In Recognition of National Park and Recreation Month – Recreation and Leisure Services Department

**Submitted By:** Tarik Maxwell, Director of Recreation and Leisure Services

**Date Submitted:** July 27, 2023

**Regular Session Date:** August 7, 2023

**Council Meeting Date:** August 7, 2023

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**Background/History:**

Since 1985, citizens across the United States have celebrated Park and Recreation Month in July as a way to promote strong, vibrant and resilient communities through the power of parks and recreation. During this observance month, municipalities throughout the nation recognize the more than 160,000 full-time park and recreation professionals, along with hundreds of thousands of part-time and seasonal workers and volunteers who maintain our nation’s local, state and community parks. The City of Forest Park would like to acknowledge the exceptional efforts and dedication of the City’s Recreation and Leisure Services Department, which continues to offer safe and accessible activities and programs for youth, adults, families, seniors and other local constituents.

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**Cost: \$** Budgeted for:  Yes  No

**Financial Impact:**

N/A

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**Action Requested from Council:**

N/A



CITY OF  
**FORESTPARK**

# PROCLAMATION

**WHEREAS:** Across the United States, parks and recreation serve an integral role when it comes to promoting the importance of health and wellness, encouraging physical activity, and maintaining dedicated, safe spaces where both children and adults of all ages have the ability to connect with nature, and;

**WHEREAS:** According to a report by the National Recreation and Park Association, studies have shown that parks and recreation help stimulate economic growth by expanding tourism, attracting and retaining local businesses, increasing property values and reducing crime, and;

**WHEREAS:** The City of Forest Park's Recreation and Leisure Services Department offers a wide range of accessible recreational activities and programs that focus on families, youth development, adults, seniors and building healthy communities, and;

**WHEREAS:** In 2022, the City's Recreation and Leisure Services Department was recognized statewide by the Georgia Recreation & Parks Association after receiving the Outstanding Program Award for its Ultimate Tailgate Experience event; and;

**WHEREAS:** The City's Recreation and Leisure Services remains committed to strengthening the foundation of the city and improving the quality of life for all residents, while also providing affordable physical, sporting and cultural ventures for all our constituents to enjoy – regardless of their socio-economic status.

**NOW, THEREFORE BE IT RESOLVED**, the Forest Park City Council hereby recognizes the month of July as National Park and Recreation Month and commends the exceptional efforts and continuing dedication of the City's Recreation and Leisure Services Department.

**IN WITNESS WHEREOF**, we have hereunto set our hand on this 7th day of August 2023 and have caused the Official Seal of the great City of Forest Park to be affixed hereto:

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Angelyne Butler, MPA  
Mayor

---

Councilmember Kimberly James  
Ward 1

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Councilmember Dabouze Antoine  
Ward 2

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Councilmember Hector Gutierrez  
Ward 3

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Councilmember Latresa Akins-Wells  
Ward 4

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Councilmember Allan Mears  
Ward 5

**File Attachments for Item:**

**6. Recognition of Ward-4 Yard of the Quarter - Legislative Offices**

**Background/History:**

The purpose of the Yard of the Quarter program is to promote goodwill and recognize and support City of Forest Park Ward 4 residents who demonstrate exemplary efforts in maintaining their homes and yards to enhance the overall appearance of the entire community. The award this month is being presented to residents at 761 Virginia Circle.



CITY OF  
**FORESTPARK**

## City Council Agenda Item

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**Subject:** Ward-4 Yard of the Quarter - Legislative Offices

**Submitted By:** Michelle Hood

**Date Submitted:** July 31, 2023

**Work Session Date:** August 7, 2023

**Council Meeting Date:** August 7, 2023

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### Background/History:

The purpose of the Yard of the Quarter program is to promote goodwill and recognize and support City of Forest Park Ward 4 residents who demonstrate exemplary efforts in maintaining their homes and yards to enhance the overall appearance of the entire community. The award this month is being presented to residents at 761 Virginia Circle.

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**Cost:** \$ N/A

**Budgeted for:** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

**Financial Impact:** N/A

EnterText here

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**Action Requested from Council:**



  
 CITY OF  
**FORESTPARK**  
 Ward 4  
**YARD OF THE QUARTER**  
*Most Beautiful  
 Yard*  
 Councilwoman  
**Latresa Akins-Wells**






  
 FOREST PARK  
 Ward 4  
**YARD OF THE QUARTER**  
*Most Beautiful Yard*  
 Councilwoman  
 Latresa Akins-Wells



**File Attachments for Item:**

**7. Council Approval of Council Work Session and Regular Meeting Minutes from July 17, 2023 - City Clerk**



## CITY COUNCIL WORK SESSION

Monday, July 17, 2023, at 6:00 PM  
Council Chambers and YouTube Livestream

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

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

The Honorable Mayor Angelyne Butler, MPA

The Honorable Kimberly James

The Honorable Hector Gutierrez

The Honorable Allan Mears

The Honorable Dabouze Antoine

The Honorable Latresa Akins-Wells

Ricky L. Clark Jr, City Manager

S. Diane White, City Clerk

Mike Williams, City Attorney

### DRAFT MINUTES

**CALL TO ORDER/WELCOME:** The meeting was called to order at 6:04pm by Mayor Butler.

**ROLL CALL - CITY CLERK:** A quorum was established.

Attendee's Name	Title	Absent	Present
Angelyne Butler, MPA	Mayor, At-Large		✓
Kimberly James	Council Member, Ward 1		✓
Dabouze Antoine	Council Member, Ward 2		✓
Hector Gutierrez	Council Member, Ward 3		✓
Latresa Akins-Wells	Council Member, Ward 4		✓
Allan Mears	Council Member, Ward 5		✓

Jeremi Patterson, Deputy Finance Director; LaShawn Gardiner, Director Planning & Community Development; Javon Llyod, PIO, Diane Lewis, Deputy HR Director; Bobby Jinks, Public Works Director; Nigel Wattle, Deputy Public Works Director; Bruce Abrahams, Director Economic Development; Latosha Clemons, Fire Chief, David Halcome, Deputy Fire Chief; Police Chief; Brandon Criss; Tarik Maxwell, Parks and Recreation, and Joshua Cox, IT Director.

**PRESENTATION(S):**

The agenda was amended to move item number 2 “Proclamation in recognition of Muslim Heritage Month” under presentation from the Regular Session and add it on the Work Session.

Motion made by Councilmember James, Seconded by Councilmember Antione.

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

**1. Proclamation in recognition of Muslim Heritage Month – Legislative Offices****Background/History:**

“Muslim American Heritage Month” celebrates the contributions of Americans of Muslim heritage to the United States from its founding through the present. The national month’s observance spotlights Muslims embracing freedom to pursue the American Dream and celebrates Muslim contributions to American society.

Forest Park has significant numbers of Muslims, and such Proclamation will continue to make Forest Park an inclusive and diverse city. 25 other cities across Georgia are expected to do a Proclamation/Resolution regarding Muslim American Heritage Month. HB 360 - a bill re: Muslim American Heritage Month is a bipartisan bill currently in the House's "Special Rules Committee.”

Mayor Butler, read the proclamation to be presented recognizing July as Muslim Heritage Month, and she and the council took pictures.

Presentation from the Executive Director of the Clayton Housing Authority as a general introduction to the community and to provide a general overview of the Housing Authority.

There was no one available to present this item.

**2. Presentation Regarding “READY REBOUND” – Getting employees back on the job faster. - Marcus Laurinitis, Account Executive.****Background/History:**

When public safety employees get injured, their absence has a profound impact on a department's morale, budget and staffing. Ready Rebound uses the principles of sports medicine to quickly bring your valuable team members “back to the field”.

**Chief Clemons** - I would like to introduce Marcus Laurenitis and Dr Byron Kennedy that's going to do a presentation on ready rebound getting employees back to full duty after injury.

**Marcus Laurenitis** – Gave a presentation on sports medicine of injury for first responders. They have built a network in the Atlanta area with specialists to help expedite care. The city employees, family members, retirees all will receive a 1-800 number and will receive assistance 24/7 from a person. It will be triage; they will work with the members to find out the injury and find the best specialist in the area. They make the appointment for the members and call them back to let them know whom to go see. You will be assigned an advocate to follow-up with you on a weekly basis to ensure you are going to your PT, let you know that

your MRIs approved. If you must go to a doctor's appointment and your vehicle is broken down, they send transportation. This way the person can focus on healing.

**Comments/Discussion from Governing Body:**

**Councilmember Gutierrez** – This is good thank you for bringing this to our people.

**Councilmember Wells** – This is a great idea, thank you chief for bringing this.

**OLD BUSINESS:**

**3. Council Consideration of Request to Reconsider Previous Vote on Redistricting–** Legislative Offices

**Background/History:**

The mayor has proposed that the City Council reconsider its vote from last week's special-called meeting regarding redistricting the City's Wards in order to balance their populations. The City Manager and City Attorney have previously recommended that the ward populations be balanced in order to assure that each resident's vote counts equally to every other resident's vote.

The vote to approve the revised districts failed by 3 votes against and 2 votes in favor. In order for a reconsideration vote to be duly considered, only one of the three who voted against the matter may make the motion to reconsider.

**Mayor Butler** - I wanted to come down and speak to the council directly. This item is a council consideration; a request to reconsider previous vote on. I am speaking to Councilwoman James, Councilman Antoine, and Councilman Mears. Prior to our special call meeting I was in the mindset of the timing of it all, and we all can agree that the timing is horrible. Even with our emotions and our feelings, we do have an obligation, that when something is brought to our attention that we do address it appropriately.

I do find that while some of this is teetering on personnel matters in our city attorney, I must be very careful as to what I say. I will say that as our city attorney, and as our directors, as Councilwoman James let's say who are our subject matter experts; they do have an obligation to bring things to us in a sufficient time frame. So, for us to be at this juncture speaks to the mediocrity that we have been receiving; and because we are going to continue in an executive session, I will refrain from additional comments. Just know that if the city manager and the council are okay with mediocrity, then my words may be mute, but just know that I am not.

In addition to that, at the bed mark of any democracy is our right to vote and I do believe that it is our obligation to ensure that we are having our elections that are free and clear of any constitutional ambiguity that may be before us. So, when it comes down to the regular session and it comes up again, I am really going to ask councilman James, Councilman Antoine, and Councilman Mears to really reconsider this act because time is truly of the essence. The longer we wait the longer the prolonged effect that this just disenfranchisement can have on our residence which I think will do us all a disservice.

**Comments/Discussion from Governing Body:**

**Councilmember James** – Madam Mayor, I do appreciate you coming forth in this, but I speak for myself personally. I will not be in favor of redistricting simply because the qualifying is next month maybe three weeks away or so. Although I do agree that we must redo the lines, as you said the timing right now is not a good time.

**Mayor Butler** - Yes and let me just address that quickly, because I asked Mr. Clark over the weekend to prepare a postcard, so the city could be prepared to mail every week if we have to those voters that are impacted by this redistricting. This is to ensure that they are aware that this is occurring, and that they have been impacted. I know the elections department will do their part as well, but I do not want to solely rely on them, because the onus is on us.

**Councilmember Antione** – Why can't we do it later?

**Mayor Butler** – Why would we when we can act now.

**Councilmember Antione** - In terms of the people, doing the right thing at the wrong time is always not the right thing. I am trying to figure out if the elections qualifying is next month is that fair to the residents, that might not be aware of this because we are rushing.

**Mayor Butler** – What is not fair to the residents is that this has been neglected on behalf of the city. Now keep in mind this is something that has come up at one point or another in our conversations, even after the census had taken place, we knew this was going to be upon us. Our former city manager is not here to speak for himself but for one reason or another it was not brought to us, that is why I do bear some onus on our city attorney because he too knew that this matter needed to come before us. It was not until Mr. Clark got into this seat that he understood the magnitude of what we had neglected, that is why we are in this predicament we are in now. So, I am asking you to be more proactive than we have been and taking this approach to passing it.

**Councilmember Gutierrez** - I voted for it so I do not know what you want to hear from me. I agree, but something that really made me think about it was knowing that it is the right thing to do. I do share Councilwoman James sentiment of it being the wrong time. The margin of votes is so small, and I want everything to be the right way. I won by seven votes, and Councilman Antione was three, I think. All votes make a difference and I do not want to be looked at as a municipality that just did not do the right thing at the right time. I share your sentiment also, not knowing of this I wish this was brought up before.

**Mayor Butler** - We all know that the timing is horrible. That is one thing that we can all unanimously agree on, but to know and still not do anything I think is a disservice to our positions as elected officials.

**Councilmember Wells**- You said it all, I did not understand why it was not voted on. It is like we are asking for a lawsuit. If you know it is wrong, it has nothing to do with time and fix it. Why would we prolong it? I agree and I am one of the ones that will be impacted some people are not. I am not worried about it; I do know that some of the residents in my ward have an issue with it. Some people from other wards are ready for a change and want to go to other wards. I would like to discuss the actual lines of the streets if there is time to do this.

**Councilmember Mears** – This has to be done, but I am going to hold my position until after the elections. For the next elections it will give us time to get it worked out. It is too quick, and I would rather leave it where it is right now.

**City Attorney** - The recommendation that I have had for a while now is that once the Census Data was in that we would go ahead and balance the wards. As you saw from the report last week the highest deviation is seven percent, the lowest is negative seven percent. What that means is we have one ward that has seven percent more residents than it would be if the ward lines were balanced. So, ideally you would adjust the lines so that all the wards have the same number of voting age residents in those wards.

The guidance we have received from GMA from case law is that a 10 percent deviation for a local government is acceptable. It is presumed that the ward lines are okay. What that means is you could have Wards, where you could have up to 10 percent deviation. My point is the fact that the council has opted to wait until the next election cycle to change the ward lines is defensible under case law, but it remains my recommendation that you do it sooner rather than later. There is still time to make the adjustments prior to this current election cycle.

**City Manager** - We reached out to the state to begin this process with minimal impact. To all of the council members we recognized the timing, but as you know with this process in order for us to get to the state reapportionments office we have to be invited. Our local delegation chair gave us the invitation matter of fact we got a meeting the following week with them to start this process. I can share with you as I shared in our previous meeting this is the right thing to do, however we recognize this is just horrible timing. My commitment should this pass is that every resident in this community will be notified.

Mayor Butler is correct; she did contact me on Saturday to talk about this postcard. I think it is a great idea because we can send this mailer to every household. So, the idea is ensuring that our residents know I can assure you they will know. In addition to that, based upon other actions of this council we will be releasing a citywide app next month to which we will also be able to push this and information continuously via that. The positive seven percent as well as the negative seven percent deviation is just something that we want to clarify. If we need to get out with staff and knock on doors, we will do what we need to do to ensure that our residents in this community know of the magnitude of this change should the council approve.

**Councilmember Gutierrez**- The deviation of seven percent you hear, and you might think what that is. So, the average is 3900 and you times that, seven percent which is 0.7 is 273 votes. If everybody in those three blocks were to vote that's more than my whole entire election. I had 139 to 132 which is like 271. That is the difference and hopefully more people will come out and vote. The reality is that seven percent is like roughly 270 votes that are going one way and not the other way.

**Councilmember Akins Wells** - We keep talking about that part of it, I want the attorney to explain it, maybe they do not understand the liability of the city if we do not do it, what could happen?

**City Attorney** – It is not so much liability. If a lawsuit was filed and it was determined that seven percent was not acceptable, and as I indicated a few moments ago that the courts have ruled that up to ten percent deviation is defensible. In this case if the court found that for whatever reason seven percent were not defensible, then you would have an order to change the lines and whether that could all happen prior to this election if in the context of litigation, I couldn't speak to that. We all have said timing is on our side, but that is the extent of the liability. It is just a question of any legal expense of defending the current lines as they are, and whatever that cost would be you could avoid that potential cost by changing them now.

**Councilmember Akins Wells** -I am confused. Even in the email I did not get that from you, I vote to understand. If they want to wait that is fine, in the initial email I think the mayor sent. It was litigation and lawsuit, and other things can be filed before the election.

**City Manager** – The constitutional challenge, relative to one person one vote.

**City Attorney** – That could be, but in terms of the timing. However, long it would take from the time of the lawsuit to the time the order is in. I cannot speak to how soon that would be. All that could be avoided if the city acted prior to.

**Councilmember Mears** – I agree that we need to bring them in line. According to the number of people that voted in the last election to the number of people that are eligible to vote in the election it really would not make a difference. When you put it all together and you take the number that is eligible to vote, and take the number that did vote, all of us together combined collectively, is not enough to make a panic and want to run and do it all at one time. I am in agreement if the state says we need to bring it in line, but we do not need to hurry and do it right now.

**Mayor Butler** – We just heard Councilmember Gutierrez say he won by seven votes and Councilmember Antione by three votes. Every vote does count, and it is not up to us to determine the urgency and the necessity of this matter based on our opinion of who and who will not vote. It is a constitutional right and people have this right if they are going to be impacted by lines being redrawn. So, it is not up to you to say if it is a necessity or not.

**Councilmember Antione** – I heard the city manager say everybody is going to be able to know that the changes are coming up.

**City Manager** -That is my commitment.

**Councilmember Antione** – Why are we still talking about this if everyone is going to be notified.

**Mayor Butler** – Keep in mind the only wards that are impacted are 3, 4, and 5. That will be the focus moving forward because we will have qualifying coming up for those respective wards. Ultimately the entire city is impacted and so while the primary focus is on wards 3, 4, and 5 then definitely everyone throughout the city will know that they are impacted by the lines being redrawn.

**Councilmember Antione** – Everyone is going to get the mailing?

**Mayor Butler** – I called Mr. Clark about 6:30 am. It was on my heart all weekend and so we went through extensively how we could make sure that we do our part to make sure our residents are notified of this change.

**Councilmember Akins Wells** – I think it is very distasteful to know this is something that needs to be done and does not do it. There are a lot of personal feelings involved. We are going to put it off and risk having to pay out some money, because we are afraid that someone is going to complain, and they don't have an election coming up. Let's do it at their election not our elections. That says a lot about the people sitting up here against.

**NEW BUSINESS:**



4. **Council Discussion and Approval on Conditional Use Permit (CUP-2023-05) - 4140 Jonesboro Rd for Self-Storage** – Planning & Community Development

**Background/History:**

This is a request for a conditional use permit to allow a 6,152 square foot renovation in the rear of the International Discount Mall to build self-storage units in the rear of the facility. The self-storage units will be rented by existing mall tenants and the general public. The property is currently zoned GC (General Commercial). The subject property fronts Jonesboro Road and is surrounded by several commercial and retail businesses to the North, West, and South. Parcels located in unincorporated Clayton County is East of the property, and Scott Road is west of the property. Mini-warehouses and storage facilities under the current code are permitted as a conditional use if approved by the governing body. The Planning Commission recommended Approval with the following conditions: (1) The applicant must obtain a building permit for interior renovations; (2) The applicant will provide a letter of approval/consent from the property owner; (3) The applicant will provide detail renderings of what proposed additions will look like; (4) The applicant will provide storage policies for owners; (5) The applicant will provide a circulation plan for entry and exit of the location for self-storage.

**SaVaughn Irons** – This facility has brought to my attention that the business owners do not have a business license. Based on that there will be some additional conditions to follow. Only individuals that have a spot and a valid business license can use the storage facility within the City of Forest Park. Two, must have active valid and current business license. Three rears of property where post storage facility entrance and exit must be well lit and cannot be dark at any time for any reasons. Four if applicant is business owner, we have a right to refusal every booth has to have an active business license with the City of Forest Park.

**Comments/Discussion from Governing Body:**

**Councilmember James** -Just for clarity the storage facility is not for the public it is just for the business owners that currently occupy the plaza.

**SaVaughn Irons** – Yes. From our conversation the owner advised there will be storage facilities developed in the interior of the back of the International Discount Mall, and that it would be for the business owners that occupy the discount mall.

**Councilmember James** – Is that something we can control if we approve to have a storage facility built. Is that something that we can monitor. How can we control it not just being a public facility.

**SaVaughn Irons** – Based on the information provided they would have to provide us with detailed information before we would provide an overall approval. Based on the conditions that were required and also the additional requirements or conditions that were proposed. We would need a detailed outline of everything they are proposing in order to provide them the approval.

**Councilmember James** – For instance if there are 10 units, are we requiring a license for each unit or are we going to just approve all ten and then whoever comes in comes in?

**SaVaughn Irons** – Based on the demographics of the current mall it will only be accessible to the people that have a current business license. If they have a current business license and are inside the International Discount Mall, then they would be able to rent them based on the owner proposed use of storage.

**Councilmember Akins Wells** – How will we be able to monitor if they have license or not? One way we can is to hold the owner accountable. We can just say no and turn it down and hold him accountable for making sure everyone in the business has a license. I say not to approve of this and give them time to get themselves together. You cannot ask us to approve something, and your tenants are not doing what they are supposed to do.

**SaVaughn Irons** – Currently, our code enforcement office along with the police department are doing business licenses sweep. As we speak, I have had an influx of business licenses requests and zoning verification for this property. They will continue to do sweeps to make sure that every person occupying the business is current with the business license standards.

**Councilmember Akins Wells-** I still say no till everyone has a license because we will not be able to monitor if this person that has this storage has a license.

**Mayor Butler** – If I heard correctly this will be for the tenants that are currently in this discount mall?

**SaVaughn Irons** – Correct.

**Mayor Butler** – I just read that it will be for existing mall tenants and the general public.

**SaVaughn Irons** – They were proposing to use it for the public. What we have discussed with them is use for the tenants only.

**Mayor Butler** – Was that before or after this agenda was published?

**SaVaughn Irons** – That was during the Planning Commission meeting, which was prior to today.

**Mayor Butler** – I had in my mind to veto this item if this were to pass based largely on what Councilwoman Wells was saying. They do not have business licenses, all of them. So, how are you going to come to us with a request and you haven't fulfilled your basic obligation to the city. Then I would want it to be exactly what it is. All these changes need to be on the agenda itself and not afterwards. If this were to pass, Mike please have my veto prepared.

5. **Council Discussion and Approval on Rezoning from RS to GC-4233 Thurman Rd.** – Planning & Community Development

**Background/History:**

The applicant is requesting to rezone the subject property from RS (Single Family Residential) to GC (General Commercial). The property is located at 4233 Thurman Road, parcel #1317A B014, Forest Park, Georgia, and is 0.287 acres. Records reflect that a structure was built in 1965, and the In-N-Out Groceries convenience store operated at the location since 2014. A fire destroyed the building in 2022. The store prior to the fire was a pre-existing non-conforming commercial use. The purpose of the rezoning is to bring the use into conformance of the current zoning category of GC. **The Planning Commission recommended to Approve the Rezoning from RS to GC with the following conditions: Reduce the front setback from 25 ft. to 14.62 ft., reduce the side setback from 10 ft. to 2.50 ft., reduce the rear setback from 30 ft. to 12.42 ft, the property shall be for a convenience store only, with no automobile gas sales, the building exterior shall be of brick, stone, or combination thereof, and landscaping shall be planted around the perimeter of the building.** If the rezoning with the noted conditions is approved the applicant will be required to submit an application to the Urban Design & Review Board for

review and approval of landscaping and exterior design of the building façade prior to receiving a building permit. Any changes or deviations from the recommended approval will have to go back before the Planning Commission.

**SaVaughn Irons** – We have been working with this applicant regarding this issue based on a previous zoning of the district. We wanted to make sure based on the peculiar shape of the lot that if granted, they are up to par as far as current zoning and setbacks even though we are asking for a reduction.

**Comments/Discussion from Governing Body:**

**Councilmember Gutierrez** – The permit is still for them to be a store?

**SaVaughn Irons** – Correct, previously this location was a store already. It burned down so they will just be rebuilding for what they previously were. The issue is that the zone is single family residential. For them to be able to rebuild it would have to be rezoned just that parcel for general commercial to operate as the store.

**6. Council Discussion and Approval on Conditional Use Permit (CUP-2023-04)- 5370 Ash Street – Planning & Community Development**

**Background/History:**

The applicant is requesting a Conditional Use Permit to operate a youth performing arts facility, rehabilitation group home for teens, summer camp, health clinic and an adult education program at 5370 Ash St. This property is located within the Single-Family Residential District (RS). Per Section 8-8-28 Single Family Residential District (RS), Places of worship, private school and daycare centers require conditional use permits to operate in the Single-Family Residential District. A church currently exists on the subject property. The Planning Commission recommended **Denial of a Conditional Use Permit** at its meeting on June 15, 2023, based on the potential of a liability of children and adult activities that include clinics, recovering alcoholics and offenders mixing. The following combination would not be allowed as a combined use.

**SaVaughn Irons** - With doing some research of this property the applicant has previously requested a conditional use permit six months prior to applying for this conditional use permit with a few different uses that were proposed as well. Based on the mixed uses in the potential liability that could be provided with children there, we recommended denial based on the fact we did have a conversation to let them know that certain uses are permitted as an accessory use or conditional use, but not all the combination together.

**Comments/Discussion from Governing Body:**

**Councilmember James** - I struggled a little bit with this and I reached out to a couple members of the Planning Commission just to kind of get their feedback. I understand that it is fun for the most part, because of so many different things that were outlined as to what they wanted to do. They wanted them to kind of streamline whatever the application process was.

**SaVaughn Irons** – Correct.

**Councilmember James** - My struggle with this is, I know of a resident a couple residents in the past that needed an AA facility, because they were court mandated to obtain AA classes, and there were none in

Forest Park. So, they had to go to Hapeville and I'm looking at the different things that they're saying, performing arts and other things and it's not unusual in my mind for a non-profit organization, or organization to have multiple things that they do under their house. I don't know if, when you say when the commission says that they're denying it because of the co-mingling of applicants can you define what you see as an issue, as a problem?

SaVaughn Irons -Typically when operating as a church you find churches sometimes have the different programs that are offered to the public but in this case, they are not operating as a church and that is why the mix of the different type of uses would not be allowed based on the code. If we look at what is permitted in the single-family residential district, some of the items requested are not for permitted use. So, based on the zoning ordinance we have to follow the code or as far as what is permitted and what you can and cannot do.

**Councilmember James** – So, if it was a church then it would be different if they had different things they were offering?

**SaVaughn Irons** - Well if they were a church or operating as such of a church there's individual programs would not have an effect on what would be offered to the public.

**Councilmember Akins Wells**- I kind of was going to ask some of the same questions as Councilmember James. I called somebody and asked a question about it. When it comes to our business, I'm trying to make it better, because we need businesses, we need people like this in the community but of course we need them to obey our ordinances as well. What could happen instead of just saying no, what would they need to change to get a yes?

**SaVaughn Irons** - If they wanted to operate as a daycare then we could permit that as a conditional use. There were so many different uses provided in the background history of the different type of users that were already proposed that were operating illegally, that was the basis on the denial with the mixture of uses. Our job in planning is just to make sure that every business that comes into the City of Forest Park follows the code to a T and we can't make any adjustments based on even if we morally feel like it might be okay, we still must do things by the book.

**Councilmember Akins Wells**- Of course. So again, it is other stuff that makes it hard for our business owners. Mike, remember we had the conversation about, if they turned it down, I want them to come back with the information about what is needed to operate. This is what we will allow to operate. Would they have to wait six months or a year to come back if they were to get it together?

**City Attorney** - Under our current ordinance they'd have to wait at least six months.

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

**Background/History:**

The applicant is requesting to rezone the subject property from RS (Single Family Residential) to RM (Multi-Family Residential). The property is currently wooded and undeveloped. Three single-family homes are currently located on Scott Road. Surrounding land uses include light industrial, west, and single-family residential north, south and east of the subject property. The intent is to build 16 townhouses on the property. **The Planning Commission recommended to Approve the Rezoning from RS to RM with**

**the following conditions:** 1. Scott Road shall be improved to city standards prior to development, (2) All buildings shall be constructed of brick, stone, wood, stucco or any combination thereof, (3) There shall be different architectural features between units, no adjacent units shall have the same design characteristics, features or identical, (4) Each unit shall provide 2-car garages, (5) Adhere to the buffer standards as specified in the current code between industrial and residential development, (6) There shall be only 4 rental units on this parcel, and rental units shall be distributed throughout various buildings of the development so that rental units are not segregated in one building; (7) Any deviations from the conditions shall be approved by the Planning Commission.

**SaVaughn Irons** - I'm just a little background of this property as well Mr. Kendrick began the process of trying to develop the property in early 2022. He's requested several variances in the past to reduce the minimum lot size, and the minimum house size. He also wanted to increase the number of single-family homes that can be built per acre. The Ordinance states five homes per acre and Mr. Kendrick wanted to build around 11 square feet of homes per acre.

**Comments/Discussion from Governing Body:**

**Councilmember Gutierrez** - I just still have struggle like with the visuals. We're going to put 16 single homes in a place where we had three homes?

**SaVaughn Irons** – Proposed, yes sir.

**Councilmember Gutierrez** - The variances that he asked for did we give it to them?

**SaVaughn Irons** - No, his previous variance was denied.

**Councilmember Gutierrez** – So, kind of made them to whatever we already our standards are.

**SaVaughn Irons** -Yes, so based on our building standards and façade, what he would be proposing to add to the area. That was the reason for the recommendation of approval.

**Councilmember Gutierrez** -The improvements of the road that has to be done by us?

**SaVaughn Irons**- He said that he would do the improvements as well.

**Councilmember Gutierrez** - Do we regulate that or is that just?

**SaVaughn Irons** - as far as Road improvements, currently I don't think we have a uh update as far as what we regulate as far as the roadways. Typically, roads are done by GDOT. If it is a private road, then it can be regulated.

**City Manager** - Let me speak about that. My understanding is that the road will not be private. The road will become a public street. However, the private developer is funding the cost for the road improvements, and if that is the case then there are specifications. Mr. Jinks would be the entity that would be responsible for reviewing the final road digest, just to ensure that that road is up to our standard.

**Councilmember Gutierrez** – Okay, the reason I bring this up is because residents have reached out that live on that road. They are concerned with 16 new developments there and the conditions of the road. That is why I'm bringing it up.

**Councilmember Akins- Wells** - I am always about the people. They have to live there, and I know that street that you're talking about is not in my ward, but those people have been living there forever. Has anyone spoken to them to see if they would be okay with it, because that is what I would base my decision? These are the residents they have you know been lifelong residents here. What do they think about this change, would it bring apartment complex too?

**Mayor Butler** -We have town homes, and yes, they have reached out. I spoke with them. I know Councilmember James has spoken with them, and they are here. They will be speaking during the public hearing portion of it, so we will get to hear from them. I believe all three of the homeowners are here.

**Councilmember Mears** - I'm like you they've been there a long time and they ought to have a little say. I know it's public land and all but seems to be a little crowded with the number of buildings they want to build in that area.

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

**Background/History:**

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

**Comments/Discussion from Governing Body:**

**Councilmember Gutierrez** - Are any of these new town homes or space going to be allocated towards affordable housing? Any percentage of them for either of the developments?

**City Manager** - We met with them based upon this being in Councilwoman James ward. We met with the developer, my apologies I'll make certain that before you guys vote on this and with any additional item like this coming forward, that you have the full renderings. So, then you can see this Modern Art Deco Design, that they are presenting. It is a beautiful project, and at the other end of the street from the three homes. All these units would be affordable based upon MSA standards, so great question.

**Councilmember Akins Wells** - You say affordable, affordable to who?

**City Manager** - Based upon the MSA it would be within that affordable range for housing costs and with the restriction of a portion of them being rental. What you're seeing here with this development I'm sure miss Savannah can go more into this. The design of this townhome, not that we're advocating one way or the other. The design of this town home fits the motto of what other communities are doing to attract either transient professionals or those individuals that just don't want the upkeep of it of the yard.

If you look at bordering cities to us some of their town home projects are going for six seven hundred thousand dollars. So, it's the new trendy thing to do. One of the things I don't know if the developer is here, they've put a lot of thought into the actual exterior design of this product that they're building. I would waver that it would probably be one of the most modern town home communities that you'll see even in this county. Once we can show you guys the rendering and I have it in my office.

**SaVaughn Irons** - They also proposed adding a green space and a playground for kids. They even spoke with the applicant at the planning commission meeting that said it would not be closed off to their families, which is something that they will be able to enjoy as well.

**Mayor Butler** - I know that the three current homeowners will speak during the public hearing. I don't know if you can go sneak out and grab the renderings, because I really want the council to understand, and when I was speaking with Miss Kay and her husband, I was torn. I was torn, because I understood their plight but then I also had to weigh the greater good for the community as a whole. We do have a dire need to diversify our housing stock, our housing portfolio these homes are beautiful, and we cannot want new developments to come and then when it's before us and it's the quality that the city deserves and then we shut it down.

It is a very fine line. I think that we're right now where do we want to progress and develop, or do we want to stay stagnant? The investors are here, they're coming to various aspects of the city and so just want the council to keep in mind at what this can do holistically for the city and Miss K you know I adore you and your husband, but I really had to weigh the options here and I do feel now the council does have their right to vote how they wish but as a mayor I would like to see this project go prompt a fruition.

**Councilmember Antione**- Could you give us a ballpark figure of the price?

**Mayor Butler** – She would not know that.

**SaVaughn Irons** – I don't have that information. The applicant if they are here, they can provide that information during public comment.

9. **Council Discussion and Approval on City of Forest Park Accident Review Committee – Executive Offices**

**Background/History:**

In reviewing our property, casualty & loss insurance renewal, we were alarmed by the increase based on recurring incidents involving city property. As an organization, we must always remain extremely conscious of the safety of our employees and the citizens of our community. As an employer, we recognize our obligation to ensure the safest possible workplace for our employees. As a governmental entity, we recognize our responsibility to provide a safe environment for the public we serve. It is our belief that most

accidents are preventable. In accordance with this belief, we have allocated resources to administer an aggressive loss control program in our municipality.

**Comments/Discussion from Governing Body:**

**City Manager-** As you will recall, with our recent renewal of our property casualty and loss our exposure and liability rates were out the window. Hence our premium for the year exceeded that of previous years. One of the things that I proposed to the broker is that we start being proactive so that we don't have to always react to something when it happens. The creation of this Accident Review Committee will not only ensure that our employees are accountable to the importance of them protecting our assets, but it'll also let the department head recognize what that impact of that car accident or that injury does to our overall coverage.

The mission of the City of Forest Park Georgia Safety and Accident Review Committee is to protect the general public's safety, the safety of our employees and to begin to minimize the loss to city property. This committee will ensure a fair and partial review of all accidents involving city personnel vehicles, buildings and equipment. One of the things in speaking with Miss Diane Lewis from our HR Department Deputy Director, it was on the books of Forest Park to have an Accident Review Commission, but I'm told it's been since two administrations ago when this committee has even met. What happened at that time if an employee had five chargeable accidents within a three-year period, then that employee was terminated.

What I am proposing is a complete overhaul into that program as well as monthly meetings by which the departments are recognized and identified within this proposed policy are in attendance at these meetings. Each accident is voted on first chargeable then non-chargeable and then based upon the severity of the accident points are assessed, the employees will have an opportunity to present their case. We recognize based upon the function of some of the roles within this organization some accidents are not preventable, because they're not on us.

We want to cause awareness to those things such as backing up the wrong way, backing into mailboxes, having car accidents and not following the SOP is issued. All of those things that are raising our insurance, which affects the bottom line for the organization as a whole. We're hoping that this Safety and Accident Review Committee will help to bring some sort of formality and consistency with the review of these policies. Having a policy on the book relative to the Accident Review Committee and why they were not meeting. I cannot answer that it makes no sense to me, but I can ensure effective this month if this is approved, we will have a meeting and each department will have representation.

**10. Council Discussion and Approval of CDBG Funds Reallocation – Executive Offices**

**Background/History:**

It is proposed that the City's 2021 CDBG Funds be reallocated from Starr Park renovations to perform certain renovations of the former Rite Aid building.

The vision for the new project reallocation request is for a food hall, commissary kitchen and workspace at the old Rite Aid Pharmacy building located on Forest Parkway that the city recently acquired.

With a large percentage of low-to-moderate income individuals residing in our community and the lack of opportunities to adequately provide them with sustainable food options, the City has embarked upon this innovative initiative. This project will provide culinary entrepreneurs with a space to prepare, sale, and



market their goods, while also providing alternative food options for residents and people who live or work in Forest Park. This project will connect to the new City Center Complex that we are aggressively planning for, which will be developed on city-owned property that overlooks Starr Park. The city has hired an architect to develop a conceptual floor plan and renderings to be available within four weeks.

Currently \$276,642 remains in Program Year 2021 funds.

**City Manager** - The thing we recognized is this community is trying to build its economic ecosystem. We have noticed that there are limited food options for residents that either live here or come into this town to work. So, to cure that, one of the things we're looking to do as we start talking more about economic inclusion and how we build the ecosystem of Forest Park; this government is offering opportunities for not only the residents to enhance their quality of life, but they don't have to travel outside the community to get good food, good entertainment, and good shows.

One of the things that we're really looking to hone on is how do we take some of the vacant structures that we have in this community, and really make something positive and something noteworthy out of the building. So, with the city owning Right Aid with us having a food desert here based upon the limited opportunities for food this is just a great way for us to really serve at the ham of cultivating and curating what this new wave of government looks like. Instead of us going out to the private sector to find restaurant tours, we have so many individuals within this community that have good crafts, good food but just may not know how to open a restaurant or may not have the capital funds to open a restaurant. What better way to put a vacant building that's right on our main thoroughfare to use that to revitalize it and repurpose it to allow for individuals that can cook to come inside this food hall with a shared commissary kitchen so that everybody can use it.

You all know, including myself, we purchase food from individuals for meal prep or just because they can cook. A lot of them are not legal because they don't have a business license. This is a way for our Economic Development arm to really push for an educational mission to first showcase to the business community or our community what opportunities you have, and then to allow them an opportunity to test their wares. In addition to the Food Hall concept, we'll have both restaurant tours that are established, as well as the commissary kitchen which is no more than a shared kitchen. Then on the other side of the building we'll have a flex office space so that individuals that are working from home just local entrepreneurs can simply go in utilize the flex space and we're hoping to open the first coffee shop right here on Forest Parkway within this structure.

The beauty of this project is that we're not anticipating it being just Forest Park we're looking at doing this as a concerted effort, buying between the City of Forest Park and Clayton County especially since we're leveraging the use of these Community Development Block Grant Funds to spearhead and start this project. At current we have \$276,000.00 remaining with this fund. The approval of this resolution will allow us to direct account to repurpose their funds for this endeavor. This building is already standing and will require little work that has to be done.

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

**Councilmember James** – The question I have is about the allocation for Star Park renovations. I know there is conversation about the renovations, how will the funds being reallocated how will it affect Star Park?

**City Manager** – The funds had to be expended by June 30, 2023. To keep from losing the funds we asked the county to let us reallocate them, with the understanding that based upon the RFP being released on Star Park and the bids coming back, I know it was way overbid. Because of this the project did not move

forward. Now with the understanding we are in a feasibility plan of this new city center being downtown. The goal was based upon the economy of scale. We are able to do the rehab of Star Park, the renovations to the pool as well as the city center. A nicer park as well as a bigger indoor pool and the city center all at one time, because we already have contractors on site. The focus is to make sure the renovations at Star Park are done first.

**Councilmember Antione** – Will the residents have to pay to enter this facility?

**City Manager** – With the food hall concept you do not pay to enter, you will pay for your food. Let's just say you are great at making donuts, but you don't have the capital to get a brick and mortar. With this incubator style facility, you would essentially be able to rent out your space to go in cook your wares, get workforce training as to the proper steps to open a business not only having a limited LLC, but also going through the process of doing business right here with Forest Park. Then once you get to a certain point where you have the perfect number of customers and you're beginning to see that money turns, the hope is to push you out to get your own brick and mortars and this is just your startup.

## 11. Council Discussion and Approval of Revised Resignation and Paid Leave Policy – Executive Offices

### Background/History:

It is proposed that the City's resignation and paid leave policy be revised to address the issue of employees abusing the process by tendering their resignation and immediately utilizing their paid sick or personal leave for the remainder of the service. This practice has resulted in significant disruptions in City operations and prevents the orderly transfer of duties and functions from the separating employee to other employees.

Under the revised rule, employees would have to tender their resignations at least 10 days in advance and would not be permitted to use their personal leave during this period. They may use their sick leave only if they present a certification from a licensed health care provider stating that they are under the provider's care or treatment for the days in question and that it was the provider's recommendation that the employee remain home from work for that period.

### Comments/Discussion from Governing Body:

**Mr. Clark** - As we continue to dive deep into the operations here in the City of Forest Park, I have just witnessed far too many employees turn in their resignation notices, and then proceed to take days off. In my opinion it is tacky, if the standard is two weeks, I'm not sure why it was ever in the policy for seven days. If we are to run this organization successfully and efficiently, the standard is two weeks so that those departments are able to ensure that all of the information is shared prior to that employee resigning their employment here. Also, I feel a sense of commitment to the city and its residents to ensure that just based upon staffing levels we are still able to provide professional and efficient services.

This policy addresses and changes the seven-day benchmark to 10 days, which is essentially two weeks. In addition to that, I've had directors since I've been here less than 90 days resigned their position and then take two- or three-days' vacation, and sick leave and it baffles me that your commitment to the organization is not such that you would look out that time. However, with this policy should an employee or director take sick leave and or annually during the time in which they file their resignation, they would not be eligible to leave in good standing which means they would not receive payment for their accruals of vacation leave. This is a standard process that most communities do. It's not meant to be punitive it's just simply to say hey we appreciate you working for us for the time that you have. We're not going to hold anyone back from growth, but as an organization we would appreciate having at least two weeks to backfill that position.

## 12. Council Discussion and Approval of Revision to Personnel Manual with Respect to Employee Terminations – Executive Offices

### Background/History:

It is proposed that the City's Personnel Manual be revised to ensure that Department Heads receive the approval of the City Manager prior to terminating any employee.

With the alarming rate of litigation, personnel changes, and change of administration, the City Manager issued an emergency directive to all Department Heads requiring that all terminations be approved by the City Manager as a safeguard for the organization. This measure aims to maintain a set of standards that ensures all terminations are reasonable, fair, and equitable. The goal is to ensure that on the front end, all processes are handled to ensure ease of terminations, when necessary, hence allowing the government to justify any/all separations properly.

It is recommended that this emergency measure be made permanent and be included in the City's Personnel Manual.

**Mr. Clark** - So not to pick on any department, but there was recently a termination in which the termination did not follow city policy. I overturned the termination, I sent that to you. One of the things I continue to hear the governing body say is accountability. So, at no point would I as city manager try to go over the termination that the department has deemed necessary, however the termination must make sense. Meaning all of the paperwork has to be in accordance with policy and the infraction has to be properly documented, because the goal under my administration will always be to improve performance.

If you have an issue with an employee that issue needs to be dealt with on a daily basis, it needs to be written down and notated. Then in those evaluations taking them serious enough, so that if you have a problematic employee, we're able to show for any outstanding or potential litigation we're able to show where we successfully put the employee on a performance improvement and tried to work with them it did not work so we had no other choice but to terminate their employment. Just to ensure that we protect the liability and exposure of this city. Our directors have done an amazing job with this thus far and outside of the one all the terminations that have come across my desk have been valid. Just based upon things outside of our control so it's not meant to hinder the authority of our department heads, but I think everybody in this type of a scenario as we work to get our insurance levels down, we have to have some accountability on all sides.

**Councilmember James** - How does this affect the appeal process that employees have if they're terminated, they can appeal to the City match I think that's part of the ordinance?

**City Attorney** - The way it's written is the appeals are now considered reconsiderations, so a recommendation would come to the city manager for termination. Let's just say he would review it to make sure it's in accordance with the procedure, make sure that it's justifiable but at that point he would not be necessarily hearing from the employee in question. If an employee wishes to have that judgment reconsidered, then they could in the same time frame make a request for reconsideration. That would go before the city manager and he would have a hearing at that point where the employee, employees counsel. If necessary, they could present their side of it, and it could be reconsidered at that point.

**Councilmember Akins Wells** - I would like to say thank you City Manager Clark for coming in and finding things that need to be changed and acting on them. I kind of was under the assumption that directors had to go through the city manager before terminating someone, so that is not what the case was.

**City Manager** - I was under that impression coming in as well. I've never seen it that way where the termination didn't at a minimum go through HR, but this is just one of the things that we're working on to try to streamline those operations.

**Councilmember Mears** – That is a good idea.

### 13. Council Discussion and Approval of Forest Park Fire Department Employee Referral Program – Executive Offices

#### Background/History:

Faced with a competitive labor market in both the public and private sectors, the City Manager sought out a creative way to stand out to potential employees. After brainstorming with the Command Staff of the Forest Park Fire Department, in an effort to ensure we attract the very best fire personnel, we are recommending the implementation of an employee referral program. The employee referral program is designed as a partnership between the city and its most valued asset and best recruiters, our employees.

As governments all across our region experience a diminished pool of well-qualified candidates, we recognize that our number one hiring tool is our employees. There is substantial competition amongst cities, counties, private agencies, and paid internships to recruit staff successfully. In Forest Park, we want to ensure that as part of our ongoing effort to recruit, we only want the best of the best working for Clayton County's largest, full-service municipality.

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

**City Manager**- As you'll recall less than 30 days ago, I presented to you just overtime items relative to our community. I want to say it was an excess of \$777, 000.00. In that same vein I met with each of the departments in an effort to figure out how we can get that overtime number down. One of the things that I learned from Fire & Emergency Services is some of the overtime numbers for the fire department based upon staffing levels. The four to five Battalion Chiefs are essential or have essentially been working every day almost just to ensure that we feel those voids.

I've shared with the Battalion Chiefs that it is not safe for that to happen, and I always want to ensure that all of our departments have work-life balance just to ensure that when they go out on calls, they're physically fit to do the job and they're not fatigued. It's causing us additional issues with this employee referral policy that we are looking at, the successful incumbents would receive three thousand dollars for the successful referral of an employee for the Fire & Emergency Service.

The first fifteen-hundred-dollar referral bonus would be awarded after the employee completes 90 days from the hire date. The second 1500 referral bonus would be awarded after the employee successfully completes one year of employment. One of the things I know based upon my career, your biggest advertisers and recruiters for police and fire are the individuals that work within that agency.

So, we continue to look at robust ways not only to attract candidates to work here, but to retain the individuals that we have. We just feel that this is one attractive way to reward our employees for bringing

us the absolute best candidates. We do not just want to say we are the largest municipality we want to be able to say we have the greatest employees in this county. Chief Clemons is going to speak, and Battalion Chief Baker is going to speak as well, just to provide some additional insight as to the issue that we are going through.

**Chief Clemmons** - As you know staffing has been an issue not just in Forest Park, but throughout the State of Georgia. So, we have been working hard and trying to find creative ways to incentivize our employees. One of the things that I propose during the budget was to reimburse paramedics. I have had discussions with the city manager as well. We are in the process of reimbursing so this new initiative will help increase our hiring to ensure that we are hiring the most qualified candidates for the fire department. As you all are aware of, we have been hiring non-certified recruits. Although that does us well, it does not do the city a wholesome job, as we still must train them to be advanced EMTs and paramedics. This is necessary, and my battalion chief and all three shifts have been working overtime. We are trying to produce creative ways to recruit and retain.

**City Manager** – One of the directives that we put out Mayor Butler and governing body, for a moment I want to stop hiring recruits. Let us focus on hiring certified for both police and fire. With the wages that we are paying, as well as the incentives that we are going to look at providing, we believe that we should be able to get qualified, certified candidates coming in the door. We understand the importance of recruitment, the fire department has done an amazing job with the recruits that they've hired, similar to police, just building people up through the ranks. However, we really want to do a push for certified officers within both fire and police.

**Chief Clemons** - In addition we're competing, we're looking at our neighbor neighboring departments and seeing what they're doing. As far as initiatives we are all pulling from the same pool of candidates. So, any way that we can get more creative to incentivize and increase our pay, although we know that is not the most important, but we do have to be competitive to retain and recruit.

**Chief Baker** - I love our employees, I love our city. I have been here 24 years in two days. The recruitment incentive, the referral bonuses, this is something that when I worked for Children's Healthcare of Atlanta Egleston Campus, we did this to incentivize our employees to reach out and bring in certified nurses. It started off of course there's always the whole, hey I can get a few extra few bucks, but you focus on the greatness of your entity which City of Forest Park has got a lot of greatness. We focus on the greatness of your organization and by speaking that truth out there and letting people know, it also reminds you as the employee how great the place you work is. It helps you to see not the bad, because we may do ninety-eight of everything right but that two percent that could be frustrating or bad is what a lot of people will zero in on. It helps change those dynamics where we focus on the positives of our organization.

**Councilmember James** – I am all for it.

**Councilmember Antione** – Why wasn't something like this done a long time ago?

**Mayor Butler** – No time like the present.

**Councilmember Gutierrez** – Great initiative from both of you.

**Councilmember Akins-Wells** – I love you and everything you bring to your department. This is great and maybe you should talk to other departments. I think public works could use a hand, we have a lot of open

positions, and it is good to have different things employees can receive for going out to recruit other employees. Thank all of you for what you do.

#### 14. Council Discussion and Approval on Purchase of Ford Interceptors - Police Department

##### Background/History:

The Police Department currently has an aging fleet and is need of replacing some of the older emergency vehicles. The Police Department seeks ratification for an Emergency Purchase with Brannen Ford in Unadilla, Georgia for the purchase of fifteen (15) 2023 Ford Police Interceptors at \$44,700.00 each for a total amount of \$670,500.00. Due to a shortage in the automobile industry and the lack of availability of public safety vehicles, the Police Department requests an emergency purchase to ensure the city maintains essential services to its citizens. The emergency purchase process is reserved for rare and extreme circumstances. Therefore, rarely will the emergency purchase process be utilized.

**Chief Criss** – Currently we have a number of aged vehicles inside of the police department. Our oldest vehicles are the 2008, and our highest mile vehicle has 224, 000 miles. The average life of an emergency vehicle on the police side averages about six years. As you can tell, this 2008 should have been dead lined long ago. The great thing about these 670 thousand dollars that is required to purchase these vehicles, will not be coming from the taxpayers. We will be using some of our red speed funds. Those are the red speed cameras that are in the school zones to help slow down the speeders. We have those funds available to purchase these vehicles.

#### 15. Council Discussion and Approval on Reorganization of the Police Department – Police Department

##### Background/History:

The Forest Park Police Chief recently completed a thorough review of the department and seeks to implement a restructuring of the operational command staff. The reorganization will ensure that employees are in the best position to address community needs, respond to emerging crime trends, and build genuine, positive relationships with the community members. Furthermore, it will allow for a clear command structure.

The previous organizational chart had (2) Deputy Police Chief positions, and each chief had 1 Major reporting to them.

The highlights of the reorganization include:

\* The deletion of (1) Deputy Police Chief (salary savings of \$86,115.57)

\* The Department will be divided into 2 bureaus, Support Services and Uniform. The Major/Commander of these 2 units will report to the remaining Deputy Police Chief.

**Chief Criss** - One thing I started, once I got into this position is began to look at each of the areas that are under my control. The organizational chart was one of the things I looked at. Currently we have two deputy chief positions and each one of those deputy chief positions only had one employee reporting to them. It has approximately 15 people reporting to me directly. So, getting rid of some of this one position will put a little bit more responsibility on the remaining deputy chief position. It will have two people that will report to

him directly as it relates to the operations of the agency, and furthermore via salary savings of eighty-six thousand one fifty-seven.

**16. Council Discussion and Approval on Forest Park Fire Department Sign-On Bonus – Executive Offices**

**Background/History:**

Like many other municipalities, the City of Forest Park is currently experiencing difficulty attracting and retaining Firefighter candidates. The City is also preparing and anticipating staffing issues due to future retirements at all levels in the organization and is working on how to attract and, most importantly, how to retain the best staff to continue to deliver superior service. Ideas for recruiting are endless and endlessly challenging, but the time and effort invested in attracting top talent for the city is well worth it. The city desires to be the employer-of-choice and implementing the Signing Bonus for “difficult-to-fill positions” incentivizes new employees to join the City of Forest Park.

**Comments/Discussion from Governing Body:**

**City Manager** - This is just another tool within our toolbox relative to ensuring that we are hiring the best of the best candidates for the fire department. These recommendations that are coming before you stem from a command staff meeting that we hosted with Chief Clemons as well as her Command Staff. The onus was put back on them as to what we can do to bring this overtime number down, because there is no way that we can sustain it as an organization.

When listening to them and hearing their commitment to this organization as you heard one candidate speak up 24 years combined within the Command Staff there's probably over 180 years of experience. Based upon the tenure of some of these individuals they just really dedicated their lives to working in the City of Forest Park. The first part of this incentive is for firefighters AEMT and EMTIs we are recommending a four-thousand-dollar sign-on bonus, \$2,000 at the completion of three months for the employee and then a remaining \$2,000 on the completion of their probationary period.

However, the caveat is for them to be eligible for all payments they must remain employed in good standing with the city of Forest Park. So, let us just say for a period of three years, within that three-year period if they leave, they owe us the money back that we paid out for the sign-on bonus based upon them executing a contract upon their employee employment. I know that fire did not know that I was going to add the caveat about the three-year contract.

Regarding us with the signing bonus, it is only fair if we are dishing out our money for this sign-on bonus. It is only important that if we are providing the best salaries in Clayton County, the best training in Clayton County, then you can at least ensure that the money that we are paying out we are getting a positive return on that investment. As for firefighters and paramedics we are proposing to offer a five-thousand-dollar sign-on bonus for these employees. We know that other departments are going to want us to do something similar. Mayor Butler has already brought it up especially about the referral bonus, as well as Councilwoman Wells brought it up about public works and referral bonus. We just want to pilot this program with fire and then look at how we can push it out to other respective departments within the organization, because again our theme is we want the best of the best working for this city.

**Chief Clemons** - City Manager said it all.

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

**ADJOURNMENT:**

7:40pm

Motion made by Councilmember Antoine, Seconded by Councilmember James.

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

DRAFT





# CITY COUNCIL REGULAR SESSION

Monday, July 17, 2023, at 7:00 PM  
 Council Chambers and YouTube Livestream

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

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

The Honorable Mayor Angelyne Butler, MPA  
 The Honorable Kimberly James  
 The Honorable Hector Gutierrez  
 The Honorable Allan Mears  
 The Honorable Dabouze Antoine  
 The Honorable Latresa Akins-Wells  
 Ricky L. Clark Jr, City Manager  
 Michelle Hood, Interim City Clerk  
 Mike Williams, City Attorney

## DRAFT MINUTES

**INVOCATION/PLEDGE:** The invocation and pledge were led by Minister Cook, Rock Church

**CALL TO ORDER/WELCOME:** The meeting was called to order at 7:50pm by Mayor Butler.

**ROLL CALL - CITY CLERK:** A quorum was established.

Attendee's Name	Title	Absent	Present
Angelyne Butler, MPA	Mayor, At-Large		✓
Kimberly James	Council Member, Ward 1		✓
Dabouze Antoine	Council Member, Ward 2		✓
Hector Gutierrez	Council Member, Ward 3		✓
Latresa Akins-Wells	Council Member, Ward 4		✓
Allan Mears	Council Member, Ward 5		✓

Jeremi Patterson, Deputy Finance Director; LaShawn Gardiner, Director Planning & Community Development; Javon Llyod, PIO, Diane Lewis, Deputy HR Director; Bobby Jinks, Public Works Director; Nigel Wattley, Deputy Public Works Director; Bruce Abrahams, Director Economic Development; Latosha Clemons, Fire Chief, David Halcome, Deputy Fire Chief; Police Chief; Brandon Criss; Tarik Maxwell, Parks and Recreation, and Joshua Cox, IT Director.

## CITY MANAGER'S REPORT

I only have 26 pages tonight. One of the things I would like to inform the residents about is that starting tomorrow the publication of this city manager's report will be online. So in lieu of me going through all 26 pages I'll try to call out some of the highlights. The first thing I want to do as we do every month is bring up our various Chiefs. Chief Clemons as well as Chief Criss who will recognize the new employees that we have had to join our organization since our last city manager's report. He would like to recognize the new employees within the Forest Park Police Department.

**Chief Criss** - Good evening again mayor and Council, our newest employee comes by way of the City of Morrow. He was a lieutenant at the City of Morrow as of the NCID and comes to join us as a Lieutenant NCID, in Forest Park. I would like to welcome you, Lieutenant Skelton.

**Lieutenant Skelton** – Thank you all for the opportunity.

**Chief Criss** – I would like to give a moment of silence if I can. Yesterday in Clayton County there was an incident involving a former Captain Podsiadly, who was shot trying to take a suspect into custody, down in Hampton, GA. He is going to be ok, but I would like to take a moment to recognize him.

**Chief Clemons** – I am going to defer to division Chief King, because we always do it in all recruit fashion foreign.

**Chief King** – I would like to introduce our newest recruits. We are a little short in numbers tonight, a few of them had to go ahead and leave, but I will go ahead and give you the seven names of our new members. The ones that are not here tonight Cameron Moss has been with us about a month. Carol Drake comes from Clayton County Fire Department; Aaron Jackson also comes from Clayton County. We have Latoya Grant who comes to us from Florida, Mr. Yuahrek Johnson who comes to us from Fairburn and DeKalb County with some experience. The other two gentleman here, Mr. Julian Barber and Mr. Devontavious McClendon.

**City Manager** - Just a few of the notable items that I would like to report relative to this city manager's period. Through the efforts of our Planning and Community Development Department our Code Enforcement Department and our Police Department, we have been successful in being able to get into compliance over 35 businesses that have been operating in this city illegally. We are excited about this initiative, we are thankful for the departments that have contributed, but my philosophy is if you make money off the backs of our community then you must pay your fair share. These efforts alone have yielded over 39 thousand dollars just for the period of June.

One of the other things I would like to point out in this revenue recovery initiative that I have for this 100-day period is that we have been able to collect back sanitation fees of \$88, 000, and this was only unpaid sanitation fees. One of the directives that I have put out for all the departments, if it is under your purview, you are responsible for it. If we have monies owed to our community, we need to get that caught up. The third thing we want to report on is our efforts relative to property taxes. We have identified over one million dollars' worth of property taxes that have not been paid in this community.

We believe that by the next report we will have been successful in collecting at a minimum four hundred thousand dollars of that number by our next meeting. In addition to that with our Revenue Recovery Acts this council also approved the contract with Peachtree Recovery, and what they are doing is going out and looking at all the public facilities or utilities that have had claims on them and trying to reclaim some of those funds. We have also through the effort of our public information officer as well as my executive assistant been able to chronologize all the work that is going on every week in this community, so that you are not only holding your city manager accountable, but your city manager is holding your departments accountable. To ensure that the work which we are doing is efficient and effective and that we are operating on the mission of One Forest Park. Last week we released the celebration of

my 100-days within this position of city manager. It feels like 25 years, however that event will be held on August the 26th at the pavilion on Main where the water fountain is. We will have a big announcement that night, that we will be released to the residents of the City of Forest Park. It will be the first of its kind in this community and of course. Our commitment remains to consistent transparent communication across this organization. I have shared with the departments that the onus is on them as directors to ensure that we are doing positive work on behalf of the citizens that call Forest Park home.

## PRESENTATIONS:

### 1. Free Gifts at the Park Recognitions - Legislative Offices

#### Background/History:

Summer 2023 has turned a bit brighter for families in Forest Park, thanks to an event which was coordinated by The City of Forest Park in partnership with Helping Hands Ending Hunger INC. (HHEH). A truckload of donated goods from Good360 was gifted to residents at a summer fun shopping day on June 23, 2023, at the Forest Park High School Gym at an event aptly named: "Free Gifts at the Park."

Kimberly James, Councilwoman Ward 1, Carla Harward, CEO of HHEH, and Arvis Walker, Clayton County Council of PTAs spent the past several months planning and broadening efforts to maximize the impact of this fun event.

**Councilmember James** – June 23, 2023, we had Free Gifts in the park for our residents of Forest Park in Clayton County. This Core Group made the event possible, and we are the reason we were so successful. Hours of behind-the-scenes coordination and effort for the benefit of the Forest Park Community. Helping Hands End Hunger, Good 360, the City of Forest Park, Clayton County Council of PTSA. Thanks to our sponsors, Kroger Delivery, Robinson Week's Partners Chick-fil-A Dwarf House, and Forest Park High School. In Addition, I want to thank our continuous Partners Forest Park High School PTSA, Technique Concrete Construction, Falcon Design, Consultants and Blue Star Studios.

Thank you to all our volunteers. I know we have a great group of people in the audience. If you were all part of the volunteers, would you stand or wave your hand, there are some in the back, thank you so much. Thank you to all of our volunteers who made this one-day event work in four days. There were 24 pallets filled to the brim with Goods. It took a great deal of effort to unload, unpack, and organize; clothing shoes, bags, bedding, baby goods; toys, household, housewares, kitchen wares filled the table. Over 30 volunteers each day work tirelessly to make this effort a special event and we had fun while we were doing it. You can see some of the pictures there.

We cannot thank our partners and sponsors enough. Shout out to local business owner PGI Signs, who designed and printed the shirts. You all saw a picture of the shirts and I have some right here, they are all extra-large. If you all want one you can have one. I want to thank Good 360 for being the non-profit organization that enables communities to bridge the needs gap of organizations like Helping Hands Ending Hunger. Thanks to Robinson Week's partners for the T-shirts and every gesture mattered to the families who trusted us to come out and shop. I want to thank our sponsor Kroger Delivery for the snacks and drinks delivered every day for our volunteers.

As well as unexpected food bags for our shoppers that included dairy meat or pantry staples for our families. Thank you to Chick-fil-A who provided chicken biscuits and fruit trays to feed our volunteers every day. Thanks to the City of Forest Park for coming out to support and lend a hand thanks to our Clayton County Council, PTAS, Clayton County Elections, Dr Anderson, Victoria Williams our school board member. We

even had District Attorney Mosley and her office come out. Gifts, gifts, and more gifts this took place at Forest Park High School. We were able to provide gifts for over 250 families in our diverse community. Our volunteers helped our community shop, baggaged their items and even hand deliver their items to the truck. Finally, Rock Church of Atlanta right here in Forest Park received a generous donation that was left, and you can contact the church to get more information. Rock Church of Atlanta received the remaining items.

Just a couple testimonies that we received. Miss Grant said, thank you for hosting this event. I was so blessed to be able to get some items that I needed. The event was very well organized. Miss Stroud said thank you for everything it was helpful to our family, thank you. I really appreciate it and yes, I am interested in upcoming events and very happy with what we received this Friday. We are indefinitely grateful to you, my family pants baby things and very useful household items. My daughter will wear pants the next time she goes back to school. Finally, this was one of the most organized events. I really appreciate the assistance from the volunteers. I want to give a special thanks to Madame Mayor for coming out and our City Manager for coming out as well. I want to bring up Miss Carla Harwood, she is with Helping Hands Ending Hunger, and the backbone behind this event coming to our city.

**Carla Hardwood, Executive Director, Helping Hands Ending Hunger** -I am the executive director of Helping Hands Ending hunger, and our mission is a simple one we attack food insecurity, and we help bridge the needs gaps of many residents in our communities that suffer. Our unique helping kid model which is school-based and empowers our students to be catalysts for change, by teaching them how to rescue and repurpose uneaten food from school meals and instead of throwing it away, save it and give it to fellow students who need food to eat over the weekends and breaks. Not filling the landfills, making less trash, and reducing those harmful carbon emissions that are in our communities everywhere. We are helping to build a generation of children that are not only environmentally aware, but socially conscious now of the needs of their neighbors, changing educational outcomes as well as cultivating healthier habits in our communities.

Sustainable Solutions is our goal, so gifts at the park was part of our effort to really address the wider need of our communities and because of our partnership with good 360 we were able to financially support this event with all these amazing Goods. The value on a fair market standard was over two hundred fifty thousand dollars. It was amazing, the memories of mine that I'll take away are a grandmother who came with her six foster children and each of these children got to pick out a special toy. Shopping that they've not ever been able to do before. The picture of them still remains in my head. They were lined up against the wall and the big grins on their faces holding up what they were able to pick out.

Another was a mother who had just gotten a new job and she needed some nice dresses to wear to her job and she needed extra small. The clothes were piled up on the table, but all the volunteers came and helped her find her size and she walked away with a handful of new dresses, and right as she was leaving I found another one it was a bright blue it was perfect and beautiful .I handed it to her and she said you know what this one's so nice I'm going to save it for church. There was another mother that came with her twin newborns and two siblings. Two little girls who were just in la la land walking around with all this stuff to look at. Well one found a little princess dress that she had fallen in love with, and the other one came up to me and said I wish I could find a dress that was my size. We started looking and sure enough we found a bright red one that was her perfect fit and so she said this was perfect and they walked away with big smiles on their faces.

That mother kept shopping for baby goods, and we had to make her stop and look for something for herself as well so just the reward of those memories and the families that we were able to help I think made it all worthwhile certainly for me Sharing Hope and joy in the city of Forest Park. Thank you, Councilwoman James for all your effort, it has been a group effort. Mayor Butler, thank you very much for hosting this event

my friend Arvis Walker, Clayton County Council of PTAs. Amazing work and collaboration with all the sponsors that helped, and I'd just like to say you know from the bottom of my heart. I just want to thank everyone who made this event so special, the volunteers especially, it was a pleasure to get to know you and work with you. I look forward to linking arms and doing more in this community together, because you all set the bar. You are an amazing group; you care about your community it's obvious and I know we can do more together.

Councilmember James recognized the volunteers, and sponsors, and the mayor and council took pictures.

## 2. Proclamation in recognition of Muslim Heritage Month – Legislative Offices

### Background/History:

“Muslim American Heritage Month” celebrates the contributions of Americans of Muslim heritage to the United States from its founding through the present. The national month’s observance spotlights Muslims embracing freedom to pursue the American Dream and celebrates Muslim contributions to American society.

Forest Park has significant numbers of Muslims, and such Proclamation will continue to make Forest Park an inclusive and diverse city. 25 other cities across Georgia are expected to do a Proclamation/Resolution regarding Muslim American Heritage Month. HB 360 - a bill re: Muslim American Heritage Month is a bipartisan bill currently in the House's "Special Rules Committee."

Mayor Butler, read the proclamation to be presented, recognizing July as Muslim Heritage Month, and she and the council took pictures.

**This item was approved to be moved to the Work Session.**

## 3. Proclamation in recognition of City of Forest Park 811 Day - Executive Offices

### Background/History:

The Clayton County UCC has partnered with Georgia 811 to promote 811 Day each August for the past total 2 years to coincide with the onset of peak digging season. The initiative was designed to heighten contractor and homeowner awareness of the national 811 notification system. By calling 811, Clayton County residents notify area utility operators, including City of Forest Park, of their intent to dig so that the utilities can be located ahead of the project. The 811-notification system is paramount to the prevention of damage to underground utilities and the safety of Forest Park, Clayton County residents.

Mayor Butler read the proclamation to be presented recognizing 811 Day, and she and the council took photos.

## 4. Presentation of Forest Park Police Departmental Logo/Seal - Police Department

### Background/History:

The Forest Park Police Department recently completed a rebranding project for both the agency’s logo and seal in order to better improve brand awareness and overall communication with citizens, businesses, and community stakeholders.

Strong branding is extremely necessary to establish any law enforcement agency as credible, reliable and – above all – trustworthy.

The color palettes used in the new logo help emphasize the department's commitment to SERVICE, INTEGRITY, and RESPECT through quality policing.

**Chief Criss** - Forest Park Police Department recently completed a rebranding project for both the agency's logo and seal to better improve brand awareness and overall communication with the citizens, businesses, and Community stakeholders. Strong branding is extremely necessary to establish any law enforcement agency as credible, reliable and above all trustworthy. The color palettes used in the new logo help emphasize the department's commitment to service, integrity, and respect through quality policing. We partnered with Lavar Norsworthy who helped us design our new look. This new look goes along with Mr. Clark's One Forest Park initiative.

If I could get everyone to focus their attention on the new look for the police department. At the top is our new shoulder patch, and I have one of my offices here, officer Pope. Now mind you I have on the old patch, and this patch has been in existence for almost 30 plus years. We are in a new place at the Forest Park Police Department, so this new rebrand helps show that. This new patch is more modern, sleek, and clean. These will be our new vehicles; I have these two vehicles parked out front so everyone can go out and take a look. One is a navy blue with our color palette and then the vehicle to our left is silver. The blue vehicles will only be driven by lieutenants and above and the silver vehicles will be driven by sergeants and the remaining officers. This rebranding of the agency will not cost the taxpayers any dollars, because I am using forfeiture funds to fund this initiative project.

## 5. Recognition of Officer of the Month

### Background/History:

Officer of the Month is a newly implemented program that recognizes officers of the Forest Park Police Department for outstanding service to the citizens and businesses of Forest Park. This program was implemented to boost morale and acknowledge our police officers that has gone above and beyond the call of service.

During the Month of June 2023, Officer Akin Frederick and Detective Marvin Malone were the most productive and active officers within the agency.

Officer Frederick excelled in the following areas: citizen contacts, traffic enforcement, law enforcement, and written reports. Officer Frederick overall work performance led him to be selected and recognized as Officer of the Month.

Detective Malone responded to and investigated a call for service where there was a loss of life. Detective Malone worked long hours without complaint and was able to identify the suspect involved, charge the suspect with the appropriate charge, locate the weapon used during the crime, and take the suspect into custody. His exceptional work ethic and dedication make him stand out among his peers.

**Chief Criss** – Introduced Officer Malone and he received a round of applause for a job well done.

## 6. Recognition of Employees – Legislative Offices

**Background/History:**

In an effort to further our commitment to an employee-first environment, as part of Councilwoman Akins-Wells initiatives, she has selected a group of employees in which she wishes to recognize. This initiative will occur quarterly. Councilwoman Akins-Wells will recognize the following employees for the first group who have received recent recognitions: Sgt. Brittney Sparks, Officer Sharaya Bailey, Officer Paris Thomas, Officer Renoldo Pope, Officer Eric Ellis, Officer Skydot Das, Officer Sheena Shelton, Joseph Kidd, Takuya Gatlin, Randell Boone & Kyle Grace.

Councilmember Akins-Wells recognized the employees, and the mayor and council took pictures. She provided dinner for them and their family at the Senior Center.

**PUBLIC HEARINGS:****7. Council Approval on Conditional Use Permit for Self-Storage- 4140 Jonesboro Road – Planning & Community Development**

It was moved to open the Public Hearing to consider the Approval of the Conditional Use Permit- 4140 Jonesboro Rd.

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

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

There was one (1) speaker in favor of this conditional use permit.

**Gerald Tirella, Tirella & Associates Architects** - This is a request for the existing tenants. They are asking that we provide some type of storage inside the facility. The line we put in there about the public just in case someone comes along and might want to rent it, but that is not the focus. There will not be any new construction, just a canopy over the rear door for weather purposes. I just found out this evening about the business license which will be the main hold up. Do I understand correctly if we take care of that everyone is in favor of this?

**Mayor Butler** – This is just your time to speak, it is not a question and answer at this point. Is there anything else?

**Gerald Tirella** – No.

There were no speakers against this conditional use permit.

It was moved to close the Public Hearing for Conditional Use Permit for Self-Storage- 4140 Jonesboro Rd.

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

**Comments/Discussion from Governing Body:**

**Councilmember Gutierrez** – With the majority of the board not being in favor of this until they get their license do they have to wait a certain amount of time, or can this be on the next agenda, if their license is approved.

**Mike Williams** – If it is not approved, they will have to wait 6 months. Alternatively, they withdrew the application they could come back earlier than that.

**Councilmember Gutierrez** – Can we table it? If we do not disapprove of it at this time, that way they do not have to wait six months.

**Mike Williams** – You can table your vote to a date certain, that is possible.

**Councilmember Gutierrez** – That will give us a chance to approve all the licenses or disapprove.

**Mike Williams** – What other conditions might be an issue.

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

Councilmember Gutierrez motioned to table this item.

Motion made by Councilmember Gutierrez, Seconded by Councilmember Antione.

**Councilmember James** – A question came up when he was speaking. He said there will be no new construction. Are you talking about something already existing on the back of the building or is there going to be new construction? I am confused.

**Gerald Tirella** – It is already within the structure it is unused space. It is already walls and doors inside.

**Councilmember James** – I didn't realize that.

**City Manager** – I did not realize that.

**Councilmember Akins Wells** – I didn't either.

**Councilmember Gutierrez** – It is within the structure itself.

**Mayor Butler** – Please answer the question that was brought forth.

**SaVaughn Irons** – It is an interior renovation. He would be doing an outer canopy over the door. Based on other conditions he would have to ensure lighting in the rear of the facility and also exit and entry.

**Councilmember Gutierrez** – This is all inside the only thing outside is the canopy?

**SaVaughn Irons** – Yes.

**Councilmember Akins Wells** – I was thinking these were going to be storage units outside and people inside with the businesses were going to store their things there. So yes, I would be in favor of that.

Councilmember Gutierrez withdrew his motion to table the item.

**City Manager** – There are several conditions that have been recommended.

Councilmember James motioned to approve this item based upon the condition recommended by staff.



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 moved to close the Public Hearing for Conditional Use Permit for Self-Storage- 4140 Jonesboro Rd and open the Public Hearing on Rezoning from RS to GC at 4233 Thurman Rd.

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

**8. Council Approval on Rezoning from RS to GC - 4233 Thurman Rd. – Planning & Community Development**

**City Manager** – We have the attorney for the applicant with us via zoom.

There was one (1) speaker for this item:

**Newton Galloway, Galloway & Lyndall** - My name is Newton Galloway, Griffin Law Firms Galloway and Lyndall and I represent Namrah Qureshi, who is the owner of TR1 USA which is the owner of the store she's present with you tonight, with Noorali Somani who is helping her with the redevelopment and. Also, there is a representative that is helping the owner, which is Ken Enterprises Inc, along with my Law Clerk Hunter Wallace.

In the workshop this evening you received a thorough report from Ms. Irons. A recommendation of approval with conditions and we support the recommendations of the staff and the conditions they have proposed. This is a difficult piece of property, because it is a small tract and has historically been used as a convenient store and then it was destroyed by fire. As a provision in your ordinance, it required this to come back before you to reestablish a nonconforming use, to be zoned commercially and to have the variance approved because of the size. We ask that you approve the conditions and the rezoning as that covers the ability as that allows the property to be redeveloped and allow the owner to reestablish her store.

There were no speakers against the Rezoning.

It was moved to close the Public Hearing for Rezoning of 4233 Thurman Rd.

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

It was moved to approve this item with the conditions made by staff.

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 moved to close the regular meeting and open the Public Hearing for the Conditional Use Permit- 5370 Ash Street

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

**9. Council Approval on Conditional Use Permit (CUP-2023-04)- 5370 Ash Street – Planning & Community Development**

There were two (2) speakers in favor of this conditional use permit:

**Kevin Waters** – I am the owner of the property. I think the young lady said it was different from the school, but it is a part of the school. When I purchased the property was a Christian Private School and my church had to be affiliated with the school. I am asking the board to vote on the school and the daycare. It was an AA there for 23 years. We are trying to get back to the community and give back, so we were adding things inside the church. We did not know it had to be different, if we did, we would not have put it in there. We thought the church and the school was one entity.

When it comes to zoning, the school has its hours and the AA was in the evening, so they were not going to clash. Last time I was here it was something about the accreditation that I did. I had my people do the accreditation if you would like to see it. That school will be a great thing here. We are going into 16 years, and it can help get a lot of kids and get them off the street. We can partner and help build these kids up instead of tearing them down and kicking them out of school where we are taking kids in, that people do not want. We bring them in and develop them. That is what the church and the school are about.

**Pastor Summit** – I am the pastor of that church and I have been here in the Forest Park pastor for 23 years. To have Mr. Walters bring the school as part of the church would be a great asset to the community. Prior to us getting this building they had two AA groups meeting there on Tuesday nights and Thursday nights at 7. I was able to join those meetings to speak to the guys a couple of times. We ask that you give us the opportunity to serve Forest Park again.

There was one (1) person against this conditional use permit:

**Connie Robins** – I am opposing rezoning the Historic Ash Street Baptist Church. It should stay as a religious icon representing our faith in God. Please do not let this change to something it was never meant to be zoned for. My parents, my children and I were baptized at Ash Street Baptist Church. My grandson went to their preschool and serves in the navy, and I am really proud of him. This is a residential area and we do not need all these other things.

It was moved to close the Public Hearing and reconvene the regular meeting.

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

It was motioned to table this item.

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

**Comments/Discussion from Governing Body:**

**Councilmember James** - When this is brought back, I would like a little more clarity. I do understand it is not rezoned. It is a conditional use permit. Is it currently being used as a church, and we are asking for conditional use for the other things to be used or is it not a church. I am confused on if it is operating as a church, a school and requiring these conditional uses.

**SaVaughn Irons** – To our knowledge it is not operating as a church based on its history of the property and the permit that was submitted. They are trying to use it for the usage proposed in the application. None of the uses proposed to staff mentioned being operable as a church.

**Councilmember James** – If I purchase a property and it is a church do I have to get a conditional permit to operate as a church or can I operate as it is a church.

**SaVaughn Irons** – Places of assembly as well as religious workplaces have to have a conditional use permit to operate in the single-family residential district.

**City Manager** - If the business relocates before the nonconformance expires you do not have to get a conditional use, because you are still within that period. However, if you are outside that period you do have to have the permit. One of the things I will articulate that she is referencing is our LUPA and that governs our places of assembly etc. One thing I understand from staff is that you are confused as to the use and so is staff and the planning commission relative to the intent of the facility they are trying to house there.

**SaVaughn Irons** – Typically when we receive applications from businesses wanting to operate as a church it is listed on the application. Nowhere on this application was that listed, but all the other things were.

**Councilmember James** – Mr. Walter, you and your team should seek clarity of what you should put in your application.

**Mayor Butler** – They can have a separate conversation with our city attorney and staff.

**Councilmember James** – We are going to table this because I do not know what to approve.

**Councilmember Antione** – I echo that make sure you get with the planning committee. It sounds like a good program, but something is not being communicated.

**Councilmember Gutierrez** – I also encourage you to reach out to the residents and see how they feel, because the building is historic to the community as well. I am always in favor of bringing in educational resources into our community.

**Councilmember Akins- Wells** – I agree with my colleague. We have to hold them accountable and ourselves, because I am not sure if they have to operate as a church. So, is it clear how they have to operate if it was purchased as a church?

**SaVaughn Irons** – based on the current zoning of that district since it is a single family residential. The additional uses, if they wanted to operate as a private school or daycare center, we can approve that based on the conditional use permit. If there are other uses submitted that are not permitted uses, we would have to deny it based on the code.

**Mayor Butler** – There is so much confusion around this, and I want to remind the governing body that we are in this predicament because during the first hearing, they submitted fraudulent documents to elected

officials, which is a crime. To stand here now and say we do not want to do this, we want to do this adds to the confusion. We do not know what you want to do in that facility. Prior to those documents I did not question the necessity of the school you were trying to bring to the community. In fact, I heard great things about it. The attempt to defraud the government is something I cannot and will not let go of.

I do not know what you have now, but I advise you to take heed to what the council is saying and find out exactly what you want to do and then we will do the follow-up and verify all the documents that you submit.

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

It was moved to close the regular meeting and open the Public Hearing for Rezoning from RS to RM - Scott Rd.

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

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

**10. Council Approval on Rezoning from RS to RM - Scott Rd. (RZ-2023-02) – Planning & Community Development**

**Councilmember James** – Point of order. Can we put these two items together even though they are the same but two separate parcels.

**Mike Williams** – You can streamline the consideration of the second one based on the information, but you have to deal with them separately.

There was one (1) speaker for this item:

**Lorenzo Kendrick, Divine dream Homes ATL-** Bringing 30-35 townhomes to Forest Park. It aligns with your comprehensive plan of wanting to add at least 3,000 households by 2025. We are going to have a workforce where we are going to provide closing costs for the police, fire departments and paramedics of \$5,000. You want employers to bring certain people to this side of town and they will be closer to work. It will also bring extra property taxes to invest in other projects.

There were three (4) speakers against the Rezoning from RS to RM - Scott Rd

**Frank Holtzclaw** – Have valid concerns about what they want to put there. The road is 500 ft long and it is one way in and one way out. There is a lot of crazy traffic coming through there from Jonesboro Rd to Scott Rd. I do not know how 32 cars can exist on this road. Is this community going to have a homeowner's association, will it be rental or for sale. We heard at one meeting they were going to start at \$ 275,000 and they were also going to be for low-income. I am also worried about the crime. How will this be set up, what about the dumpsters, where will they be? We built a new home here a few years ago, this is where we retired, in Forest Park. We spent a lot of money on noise cancellations. We spent everything we had on this house, and it has been peaceful and quiet down there our whole life. We are only 300 feet away from where we will be buried, and I do not think it is fair to come uproot us.

**Kay Holtzclaw** – I was born on Scott Rd; I remember being bare footing and I love it. It started as 7 homes all family. Now it is down to three homes. Just to think of the wooded trees we have there that stop the buffering of JB Hunt and the scenery like I am out in a forest. I love Forest Park, and this is going to be heartbreaking. I can understand 3 or 4 homes going up there, I would love neighbors. You must consider how I feel about town homes. A lot of people will bring a lot of other things. I am not asking you not to let this pass, I am begging you to consider homes instead of townhomes.

**Alice Hummel** – I am asking that they build single homes around there. If they do build townhomes, I would like an 8ft private fence from my property all the way down.

It was moved to close the Public Hearing and reconvene the regular meeting.

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

**Comments/Discussion from Governing Body:**

**Councilmember Gutierrez** - I understand the mayor urge to build here and I honestly have not gone down Scott Rd. I have driven by but never gone down there. I am not comfortable approving this yet. I am about new development, but I also want to make sure we are respecting the people that are here. I am happy the developers chose Forest Park, but many developers are going to choose Forest Park. I don't want us to jump anytime someone comes here with a shiny coin we desperately jump on it.

**Mayor Butler** – That is not the case.

**Councilmember Gutierrez** – I did not say you. I just want to make sure we do not do that. I am not ready to approve this, you all can do what you want to. Thank you for the presentation.

**Councilmember Akins Wells** - I am dealing with this same thing in my ward. Some felt like it was okay to put a transfer station in the middle of a community. I agree with you all 110 percent. I have been down this street, and I have sat in Mrs. Kay house. I agree with Councilman Gutierrez, yes, we want development, but we have to take care of the people that are here, because they have been ignored for a long time. Transfer station for example.

They have been the only families there for a long time, so who are we to say here deal with it. I do not operate like that. I think the residents should have a say in what they have to deal with. They already have to deal with the noise from the trucking company and other things. It is dear to me, because I was on the phone prior to coming to this meeting with Mrs. Thompson from my ward who said they feel neglected by the mayor and council, because they have to live on the road where the transfer station is. I do not feel we should approve it, if you come back with single family homes then maybe we can talk about it.

**Councilmember Mears**- I agree with Councilmember Wells, the people have been there a long time and they say that they are willing to compromise. They would like to have neighbors there but not to that magnitude. I would like to table it to see if we can come to a conclusion with the builder and the people that are there.

**Councilmember James** -This is a tough spot to be in as a council member. We have housing stock issues in Forest Park. I know we have to have something of quality to make people want to move here. I do know Scott Roads and I have been to Mrs. Kay house. I can remember the first developers that came and wanted to commercial, we said no this is residential. What I told them when I was leaving their home is I'm leaning toward approval but would have an open mind and hear what is being said.

I will agree to table but I do believe we need housing stock. Mr. Lorenzo has agreed to do some work on the road, which is a major thing for you, and how the road was going to impede. As a council person, I do not want to stop the city from progressing, but I do not want to impact the quality of life for our legacy residents.

I believe there is a balance as to where we can improve our city as well as maintain the quality of life for our residents. By working with the police department and the work they have been doing over there, addressing the loitering by McDonalds, and trying to combat any crime coming in over there. I just do not want to impede the progress our city has the potential of making. Again, I will agree to table this to see what we can do. I do not know if the developer will even agree to do something smaller.

This is high quality in my mind, and it may seem like a lot, but when you have townhomes that are right there together it is like a big house. This is a tough situation to be in as a council person. I will agree to table this, but if the developer is not willing to do something different, I will lean in favor of approval.

**Councilmember Akins-Wells** – What will we be tabling? What will be tabling it for, just them because other developers can come in too, right.

**Councilmember James** – No. For me personally, I do not know about Councilmember Gutierrez, I would say table it to have a discussion with the developer. I know it has taken a long time, because I have done a little research on the history of how we got to this point. This is the first time this has come in front of us as a council. We were made aware of the other developers; you remember that Councilmember Wells. With this property there are so many different variants he was trying to do there; it never came before us because it kept getting rejected by the planning commission. They are at the point now as to where the planning commission has approved it. With all fairness I can say he has done what he can to come in compliance with what we as a city say we want.

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

It was moved to table this item.

Motion made by Councilmember Antione, Seconded by Councilmember James

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

**Councilmember Gutierrez** – Yes, I would like to take a tour of this area and talk to the developer. What is it that you are planning to do over there outside of these pictures. I plan on visiting Scott Rd.

**Councilmember Wells** – We are tabling this to see what he wants to do, but would you be willing to put single family homes verse townhomes? I agree we need housing, but at the end of the day we do not want to make our residents that have already been here uncomfortable. If you ride down Scott Rd., it is not a place that you see and say oh I want to me here. There is plenty of land here that can be developed. I would be contradicting myself if I agree with this but fighting to have the transfer station moved.

**Councilmember Mears**- I do not know the building codes of zoning, or the room It would take to put that many condominiums there. I knew the guy who wanted to do it before, known him for about 30 years and we have not spoken since, because I didn't vote for him to put a shop or business over there. I would like to table this to see if there will be a compromise and bath parties can come out.

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

It was moved to close the regular meeting and open the Public Hearing for the Rezoning from RS to RM - Scott Rd.

Motion made by Councilmember James, Seconded by Councilmember Antione.

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

**11. Council Approval on Rezoning from RS to RM - Scott Rd. (RZ-2023-02) – Planning & Community Development**

There was one (1) speaker for this item:

**Lorenzo Kendrick** – I presented single family homes a year ago. I am not trying to outcast anyone. I just want it to be a bigger community, that is why we are adding playgrounds and dog parks. If you build it, they will come, it does not matter if they can see it from the expressway. The reason we are not bringing low model stuff is because it brings a different type of neighbor.

If we are having high-end neighbors come in there is not going to be crime. That is why we are investing in police is so they can live here, the paramedics and firemen it will be a nit community. I know, Ms. Kay and everybody, that change is hard. In the words of Ms. Kay, I asked several different ways, how can we do this? She said she would like it to remain woods forever. I said I cannot let it remain woods forever. They said with JB hunt being there they have to pressure wash their homes. The way we built this neighborhood is to block them from JB Hunt, to block the noise to expand the streets, so they can have sidewalks, even biking in and out.

You have 1.6 acres on both sides, and it is big enough to support this. Each individual townhome will have their own rash can just like a house. I do not know what else to do, I have brought multiple things. I think this will be great for the neighbors and for the city.

There were three (2) speakers against the Rezoning from RS to RM - Scott Rd

**Mrs. Kay** – He was basically telling me something is going to be put here, the property has been here for too long we not gone let it deteriorate. He asked what I want, I said the trees. He said something is going to be here I do not care what you say. So, I said we will have to go to the hearing. He can put 4 homes there, beautiful homes, I don't care. I want neighbors just not that many. In the meeting he said it would be \$275,000 for the ends and before the end of the meeting he said it is going to be for low income as well. Just consider a motion to table and if you have not been down the road please come. It is just going to be hard.

**Ms. Felicia Davis** – I could not sit in my chair and not say anything. A lot of times we want economic development and I want it more than anything. People know I work with issues related to the environment and climate. As we are experiencing heatwave and tree cover, this is a situation for trees that she is speaking on that are probably older than all of you. When you take them out it takes that much time to come back. We are defined as the City of Every Season; we do not want the season to be 120 degrees and unbearable. It seems efficient but we all underestimate the value of trees. Our city will become more livable the more trees we are careful to preserve. The two- and three-thousand-dollar homes with trees in the

vicinity can you imagine 500-thousand-dollar homes, in proximity to what you already have, but we have to prioritize sustaining our natural environment.

It was moved to close the Public Hearing.

Motion made by Councilmember Antione, Seconded by Councilmember James.

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

It was motioned to table this item.

Motion made by Councilmember Antione, Seconded by Councilmember Gutierrez

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

**City Manager** – So that we are clear as we motion to table these items, first we need and understand of how soon, and when that tabling is and what the table is. I noticed on the previous item there was no time given by the governing body relative to requests such as these. What I see happening is when a new development goes up on land, the individuals that have been here are not going to want to see the development. The notion that I want to dispel is that town homes are not just afforded to low-income communities. The second thing is just looking at the process that Mr. Lorenzo has gone through to get here. He was essentially told he couldn't do one thing and maximized his opportunity and I must say I have never heard the notion of low-income during the course of this development. What it did hear is that it would be preference to police, firefighters, to keep our employees living here, because of an incentive they would receive. Also, a townhome does not have dumpsters. They have residential garbage cans receptors outside their home and the trashman comes to pick it up once a week.

I would like to get some understanding from the governing body on their wish to do a tour. Second, when we are out and developing this land in the City of Forest Park, how do you want to handle these types of developments. As you have seen, the work that Mr. Lorenzo has done, in response to staff and the planning commission to get to this point. I know we have to preserve it for our legacy resident, but to be successful, we really need to know where this governing body wishes to go. If the governing body wishes to table this, that is fine we just need some direction on what you want to bring back, so we are meeting the mark relative to communication with the developer.

I heard talk of a particular fence that could go up on this site. I don't know if I came out on the playground if it would be afforded to the residence that are already on the street. One of the process improvements that we are going to try and do, as these items are coming up before the planning commission is going ahead and shooting them out to the governing body. So, any and all tours you plan to do can be done prior to the meetings. We can then hear from the governing body, relay that information and keep it consistent across the board so that we can help our developers that are coming into the community.

**Councilmember James** - I would say this is July and we have a meeting coming up in August. Everyone who has not seen the street can see the street and then we can have a meeting with Mr. Lorenzo. From what I am hearing him say, there was a proposal before on single family homes. I do not know the whole story, but I say we be able to come back in August.

**Councilmember Antione** – I think that is fair. It gives me time to look at it and make the right decision.



**Councilmember Gutierrez** – I do not want it to look like I have known about this the whole time. When I got the agenda and looked at it. Based off that I would like to personally go out there and look and talk to the residents. Mr. Lorenzo can give us a tour and inform us of his plans are.

**Councilmember Akins Wells** – Same thing I said before. When we are looking at redevelopment it is not what we want. We are elected officials, and we work for them. So, I feel we need to get the community's input on some of these developments to see what they want. It is not just up to us we are the policy and decision makers. They elected us and we should hear what they want in their community. It would be slapping the residence on Lamar Drive in the face if I said we are going to put townhomes here, and these three families have been here all of their life. We need to take them into consideration when making this decision.

**Councilmember Mears** – The three residents are in a position to make some changes, if we can get them and the other party together to make a compromise that everyone can live with. Like Mrs. Wells, said it is bad to come in and just take over, because this side is open, and this side is building and run over the residence. I think there is a compromise that can be made between the two parties.

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

#### **PUBLIC COMMENTS: (All Speakers will have 3 Minutes)**

**There were three (3) public speakers:**

**Mr. Pellegrine** – I wanted the city manager to know, I have been impressed with the ideas coming out of the Leaflet Report. I agree with you on the home repair fund and having the city take care of handling disbursement of any said funds. SeeClickFix, has not fixed my problem yet, but within three hours of reporting it, I had guys by my home, and I will follow-up with public works. Mr. Pellegrini, missed it, but appreciated the Muslim Heritage month recognition that was giving.

**Ms. Gunn** – I want you to reconsider your vote on the redistricting. The city council are the lawmakers, you govern, and you are supposed to be here to protect us, not open the door and just let people come in and have their way. In the last presentation they came in talking about relining and lawsuits, has me flared up. You say it is not political, but about business, if that is so, why are we tabling this and putting it down the line? If there is no political agenda and it is about business moving forward for the city for our residents take care of the business.

I am hearing things that we need in this city, and you are able to table this and look at it down the line and open the door for these things to come down and ravish us, ravish our finances. That is not sound judgement when it comes to business. Take care of the business and do what you are required to do. Make sure we are sound in the city and moving forward. I have never seen Mayor Butler come and stand on this side and give a presentation. That lets me know how important this is.

**Zack Parker** - This will only get him more promotions but let me start by saying Anthony Morgan should not be on the police force. I have had problems with you, mayor, as well.

**Mayor Butler** – Please direct all comments to the chair, and we will not use name.

**Zack Parker** - This will only get him more promotions but let me start by saying Officer Morgan should not be on the police force.

**Mayor Butler** – This is your last warning?

**Zach Parker** – I have had problems with you mayor, as well as members of the council, going back years. Mayor, you rolled your eyes, when that lady asked about an eight-foot fence. How horrible is that representation of our city mayor. Is technique providing their services to these town homes. When I came to the council of previous city managers, I was never met with answers, but always excuses. Then what would follow is retaliation from officials and police. This is not new; I have come here to talk about retaliation before. If anyone has been around paying attention, they have heard me say these things for years. The Forest Park police and city officials continually retaliate against me for breaking no laws but holding them accountable and asking questions. I was illegally detained by Forest Park police last May, because I was white and suspicious in the words of the caller. I am not sure when that became a crime in Forest Park.

Council, please look into decriminalizing that. We have a new police chief, and I was told to give him a chance. I would love to come before you and say the new chief has solved all the problems and I am no longer retaliated against; this is not the case. I was walking in the park a few weeks ago and there were about 40 other people using the park that day. I was committing no crimes and causing no problems, so why did seven police cars show up at various times in 45 minutes and shadow me, follow me, and four officers made contact with me? The police officers who contacted me I did not see contact any other resident in the park that day then why the interest in me.

My first contact was officer cannot say, who pulls up beside me and asks me how I am doing, gets out of his vehicle and asks me if I'm okay. Breaking no laws and walking on the sidewalk, told him I was okay, and he was free to go. He then gets back in his patrol car, at the same time another officer who was obviously shadowing me as well in his patrol car, because they pair up stopped to ask me if I was related to another white person he happened to know. I guess we all look alike to him. Then about 10 minutes later a police officer in his vehicle came within two or three feet of me, as I was coming off this crosswalk onto the sidewalk.

That officer got on his cell phone and began shadowing me too as I was walking away from the park on the sidewalk in front of city hall. He maneuvered to go around me and get in front of me by going down the parkway. When I saw him do this due to my previous experience with Forest Park police it scared me. Why was he following me, and why was he trying to cut me off in the park? I turned around and began jogging back towards the park on the sidewalk in front of city hall. Remember I had not broken any laws, then why did the officer then activate his lights and siren and pull me over while jogging on the sidewalk. He too got out of his car and was ready to run after me. I asked him if I was being detained or arrested, he told me no I told him he was free to go. At that time another officer pulled in behind him, they continued to follow me in their vehicles on the phone until I got to Hines Ward as another patrol car drove by.

#### **ADOPTION OF THE AGENDA WITH ANY ADDITIONS / DELETIONS:**

It was moved to adopt the Council agenda for July 17, 2023, as printed.

Motion made by Councilmember Antoine, Seconded by Councilmember James.

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

#### **APPROVAL OF MINUTES:**

**12. Council Approval of Council Work Session and Regular Meeting Minutes from June 20, 2023, and Special Called Meeting Minutes from June 22 & 29, 2023 - City Clerk**

It was moved to accept the Council Work Session, Regular Meeting minutes from June 20, 2023, and the Special Meeting minutes from June 22, 29, 2023.

Motion made by Councilmember James, Seconded by Councilmember Gutierrez.

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

**OLD BUSINESS:**

**13. Council Approval of Request to Reconsider Previous Vote on Redistricting – Legislative Offices**

**Mayor Butler** – Councilmember James, Councilmember Antione, and Councilmember Mears, I will need one of you three to make the motion for this.

It was motioned to approve the Request to Reconsider Previous Vote on Redistricting.

Motion made by Councilmember Antoine, Seconded by Councilmember Gutierrez.

**CLOSING COMMENTS BY GOVERNING BODY:**

**Councilmember Akins- Wells** – Where are we, discussing the streets? Are we going to get into that, do we have time to get into it today?

**City Manager** – The motion on the floor is only for this item to be reconsidered. We can go through street by street if you would like Councilwoman Wells.

**Mayor Butler** – Could you send it in an email, would you like to see it now?

**Councilwoman Wells** – No, I just want us to understand because it still looks unbalanced. If we are going to do it, I want to do it right and know exactly what we are doing.

**Councilmember Antione** – So, all wards will be balanced out.

**Councilmember James** – I am going to vote not in favor of this. There is no time and I mean we see the map, but we haven't looked at the map I mean it does look like the lines are cleaner but still um it's still a I mean it still seems a bit rushed. It is rushed because Mr. Clark is just getting the information that should have been to us fair enough. I am in opposition.

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

Voting Nay: Councilmember James, Councilmember Mears

**City Attorney-** Madam Mayor, you can adopt a motion to approve what was presented and prepared by the State Apportionment Office of if you need more time to look at streets, according to the calendar you have about a week or so to finalize it.

**Mayor Butler** – I will just put the vote out there to approve what was presented because that is just a week longer what we have to get the notices out there. Timing is of the essence.

It was motioned to approve the Redistricting as it was presented.

Motion made by Councilmember Antoine, Seconded by Councilmember Gutierrez.  
Voting Yea: Councilmember Antoine, Councilmember Gutierrez,  
Voting Nay: Councilmember James, Councilmember Akins-Wells, Councilmember Mears  
Motioned failed due to a lack of votes.

**Councilmember Akins-Wells**- I want to be clear because I asked specifically, so we can all look at the lines and make sure everything is okay, but you took that out.

**Mayor Butler** – We already went over it.

**NEW BUSINESS:**

**14. Council Approval of City of Forest Park Accident Review Committee – Executive Offices**

It was moved to approve the Forest Park Accident Review Committee.

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

**15. Council Approval of CDBG Funds Reallocation – Executive Offices**

It was moved to approve CDBG Funds Reallocation.

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

**16. Council Approval of Revision to Personnel Manual with Respect to Employee Terminations – Executive Offices**

It was moved to approve Revision to Personnel Manual with Respect to Employee Terminations.

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

**17. Council Approval of Revised Resignation and Paid Leave Policy – Executive Offices**

It was moved to approve Revised Resignation and Paid Leave Policy.

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

**18. Council Approval of Request for Ratification Purchase of Ford Interceptors - Police Department**

It was moved to approve the Request for Ratification Purchase of Ford Interceptors.

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

**19. Council Approval of Reorganization of the Police Department - Police Department**

It was moved to approve Reorganization of the Police Department.

Motion made by Councilmember James, Seconded by Councilmember Gutierrez.

**CLOSING COMMENTS BY GOVERNING BODY:**

**Councilmember James** – I would like City Manager Clark to get us an up-to-date organization chart of all the departments, so we will know where we are. I would also like the council to consider the deputy city manager's position.

**City Manager** – I believe as part of the budget we will be working on updating all the charts. We will work with Lavar to make sure they are all uniform, but we will work to get that document to you.

**Diane Lewis, Deputy Director HR** – We will get that over to you. Part of the finance department and go over to the meetings for the budget review and update the org charts.

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

**20. Council Approval of Forest Park Fire Department Employee Referral Program – Executive Offices**

It was moved to approve Forest Park Fire Department Employee Referral Program.

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

**21. Council Approval of Forest Park Fire Department Sign - On Bonus – Executive Offices**

It was moved to approve the Forest Park Fire Department Sign on Bonus.

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

**CLOSING COMMENTS BY GOVERNING BODY:**

**Councilmember James** – Thank you, it has been a long night. Thursday is the ward meeting. I will be at the senior center instead of 696. Come out at 5'oclock and have a great evening.

**Councilmember Antione** – God bless you, drive safe, and I love you all.

**Councilmember Gutierrez** – We had an amazing time at Food Truck Friday and an amazing time at Bingo night. Make sure you all are coming out. The back-to-school bash was a success. Thank you for coming, reach out if you have any questions and be safe.

**Councilmember Akins Wells-** Mrs. Felicia Davis, thank you for everything you do. She is a hard-working woman, and a little soft-spoken She received a grant from HBCU Green Fund of one million dollars from the Bezos fund announced today in the AGC. As an elected official, I do not go along to get along. I am one of the realest, honest, and transparent people that you will ever meet.

One thing I do not like is for us to disrespect our residents. I do not care how I feel about you personally, I may not want to hear what you have to say, but I got to hear it because it is my job to hear it. That is something we need to pay attention to. How we react and respond to the people that is getting up voicing their opinions, because they can.

As far as the redistricting, my vote lets you all know that either way, if I do my job the people are going to vote. If they do their job the people are going to vote, but I am a voice for my residence and the only reason I wanted to look more into the lines is because my residence requested that we do so. Having that taken out did not make sense to me. I already have people texting my phone. I do not have to explain my vote, but I will. The residents have questions and I need to be able to answer them. If I cannot answer those questions, it seems like I am not doing my job. So, me voting for that and not doing what they asked me to do, I would not have been doing my job. That is why I voted the way I did.

You cannot feel as a developer that you can come to Forest Park and run anything. Yes, we need the development, but you are not going to come here and disrespect our residence, because they are here, and we serve them. I think it was distasteful to want to build in our community and then disrespect our residence. The residents and I are looking forward to Fun Friday, we have a nice band Red Sample, on Friday from 7 to 11. That Saturday, we will have a huge Back to School Bash. Some of the young men and myself will give out uniforms and school supplies, we have the bouncy house for the kids, and I hear pd and fire will come out to volunteer. These are the things I am about, giving back and bringing the community together. I am trying to be One Forest Park, if you have not been to a Fun Friday, or back to school event come out. The employees be enjoying themselves at Fun Friday and that is what we do it for, to bring everyone together. Thanks to everyone that came and joined online and for being patient.

**Councilmember Mears** – I recognize the oldest Forest Park resident that attends the meetings, but he is gone he had to go to bed. I just want everyone to know that Willie was here, thank you.

**Mayor Butler** – I want to thank everyone for coming. Please bear with me a little longer, I have an item for the Executive Session. As it pertains to the redistricting, nothing was removed. Mike was presenting, was essentially that we wait another week to have everyone look at everything, which in my opinion would have just prolonged another week of getting this out to the residence. Nothing was changed, it was what was presented at our Special Called Meeting.

**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 enter in Executive Session for Personnel, Litigation or Real Estate matters at 9:57pm.

Motion made by Councilmember James, Seconded by Councilmember Antoine.

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

It was moved to reconvene back into the Council Regular Session at 10:25pm.

Motion made by Councilmember James, Seconded by Councilmember Gutierrez.

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

It was moved to Reconsider Redistricting.

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

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

Voting Nay: Councilmember James, Councilmember Mears

It was moved to approve the Redistricting.

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

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

Voting Nay: Councilmember James, Councilmember Mears

**ADJOURNMENT:**

It was moved to adjourn the Council Regular Session at 10:27pm.

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

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

**File Attachments for Item:**

**8. Council Approval of Rezoning from RS to RM- Scott Rd. (RZ-2023-02)– Planning & Community Development.**





CITY OF  
**FORESTPARK**

# City Council Agenda Item

**Subject:** Rezoning from RS to RM- Scott Rd.(RZ-2023-02)– Planning & Community Development

**Submitted By:** LaShawn Gardiner

**Date Submitted:** June 20, 2023

**Work Session Date:** August 7, 2023

**Council Meeting Date:** August 7, 2023

**Background/History:**

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

**Cost:** \$ n/a

**Budgeted for:** \_\_\_\_\_ Yes \_\_\_\_\_ No

**Financial Impact:** N/A

No Financial impact.

**Action Requested from Council:**

Approve the Rezoning from RS (Single Family Residential) to RM (Multi-Family Residential)

**STAFF REPORT**  
**Planning Commission Meeting: June 15, 2023**  
**City Council Meeting: August 7, 2023**

**Case:** RZ-2023- 02

**Current Zoning:** RS- Single Family Residential

**Proposed Request:** Rezone property from RS (Residential Single-Family) to RM (Residential Multi-Family)

**Staff Report Compiled By:** LaShawn Gardiner

**Staff Recommendation:**

**APPLICANT INFORMATION**

**Owner of Record:** Divine Dream Homes ATL

**Applicant:** Divine Dream Homes ATL

**Address:** 2486 Moreland Ave.

**Address:** 2486 Moreland Ave.

**City/State:** Atlanta, GA 30315

**City/State:** Atlanta, GA 30315

**PROPERTY INFORMATION**

**Parcel Numbers:** 13015C A003,13015C A009

**Acreage:** 1.628

13015C A002

**Address:** 0 Scott Road

**FLU:** Industrial

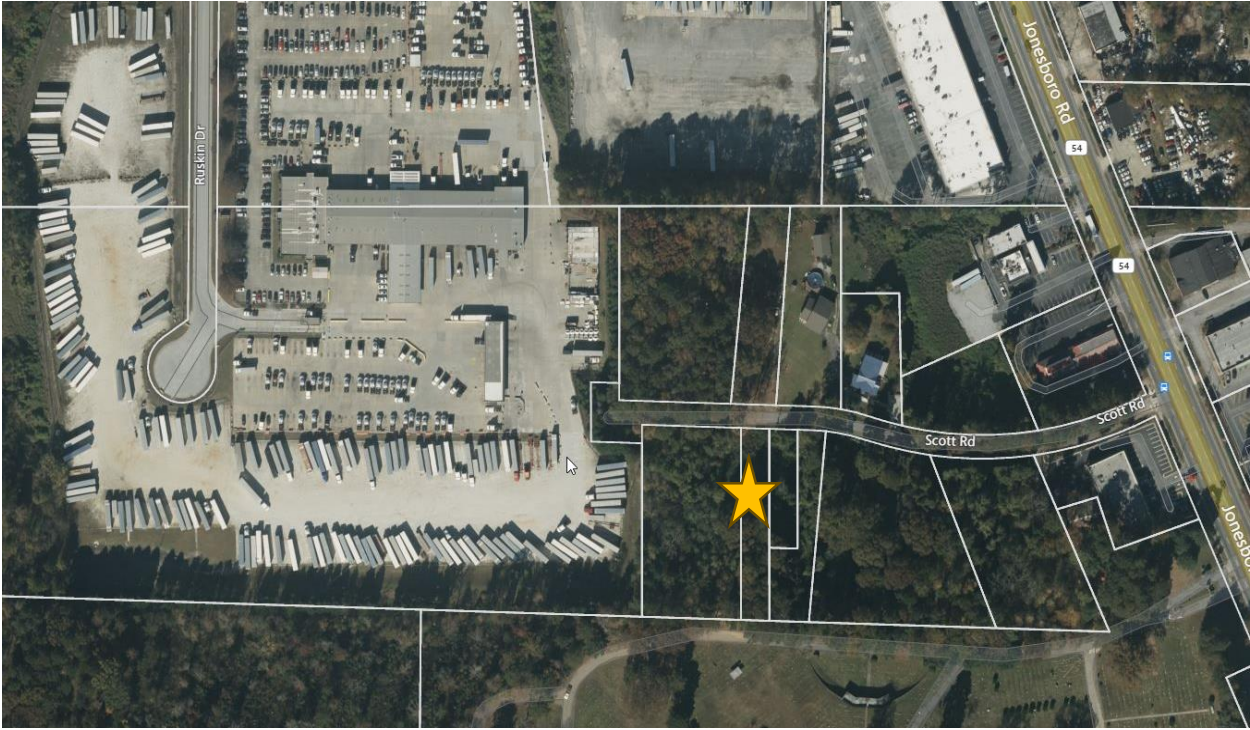
**SUMMARY & BACKGROUND**

The subject property is located at 0 Scott Road. The parcel numbers are 13015C A0063, 13015C A009, and 13015C A002. The subject parcels are currently zoned RS (Single-Family Residential). The property is currently wooded and undeveloped. The applicant's request is to rezone the property from RS (Single-Family Residential) to RM (Multi-family Residential). The parcel is 1.628 acres.

The applicant is requesting to rezone the property from RS (Single-family residential) to RM (Multi-family residential) with the intent to build 16 townhomes.

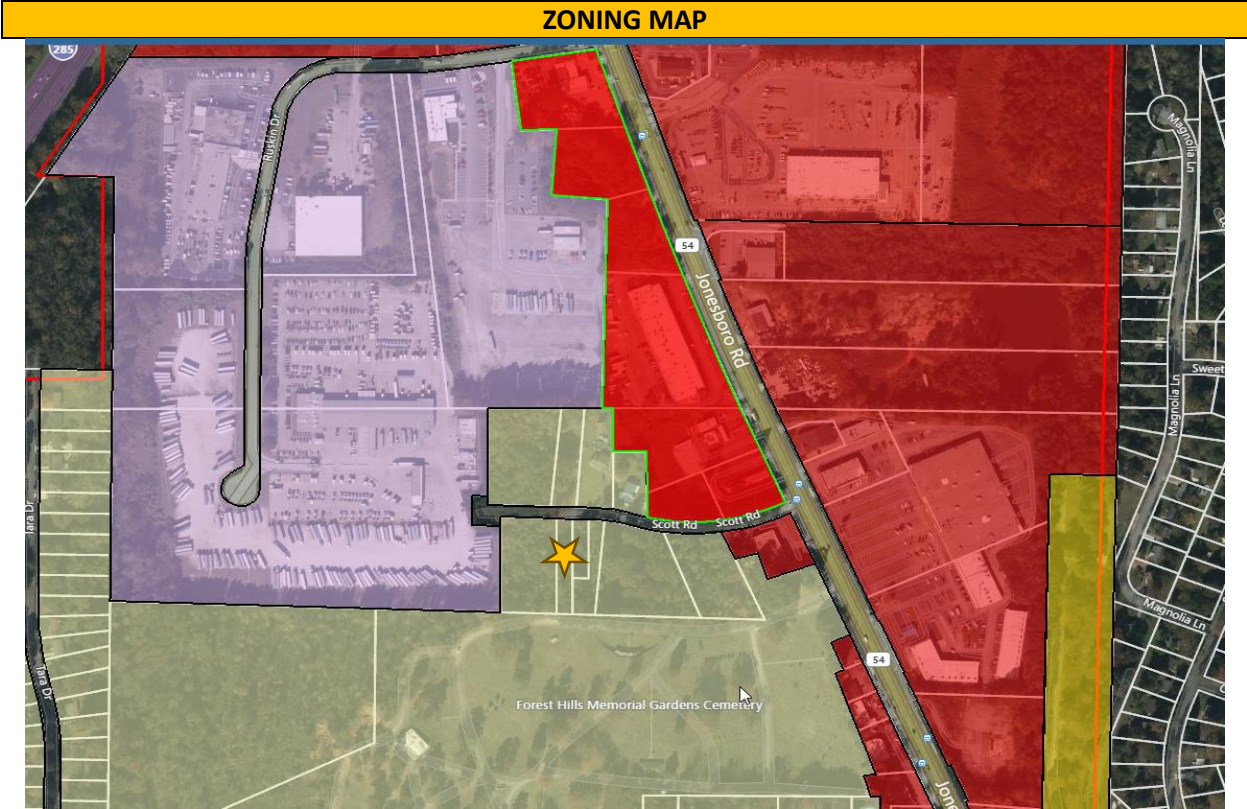
The future land use designates the subject property as industrial.

**AERIAL MAP**



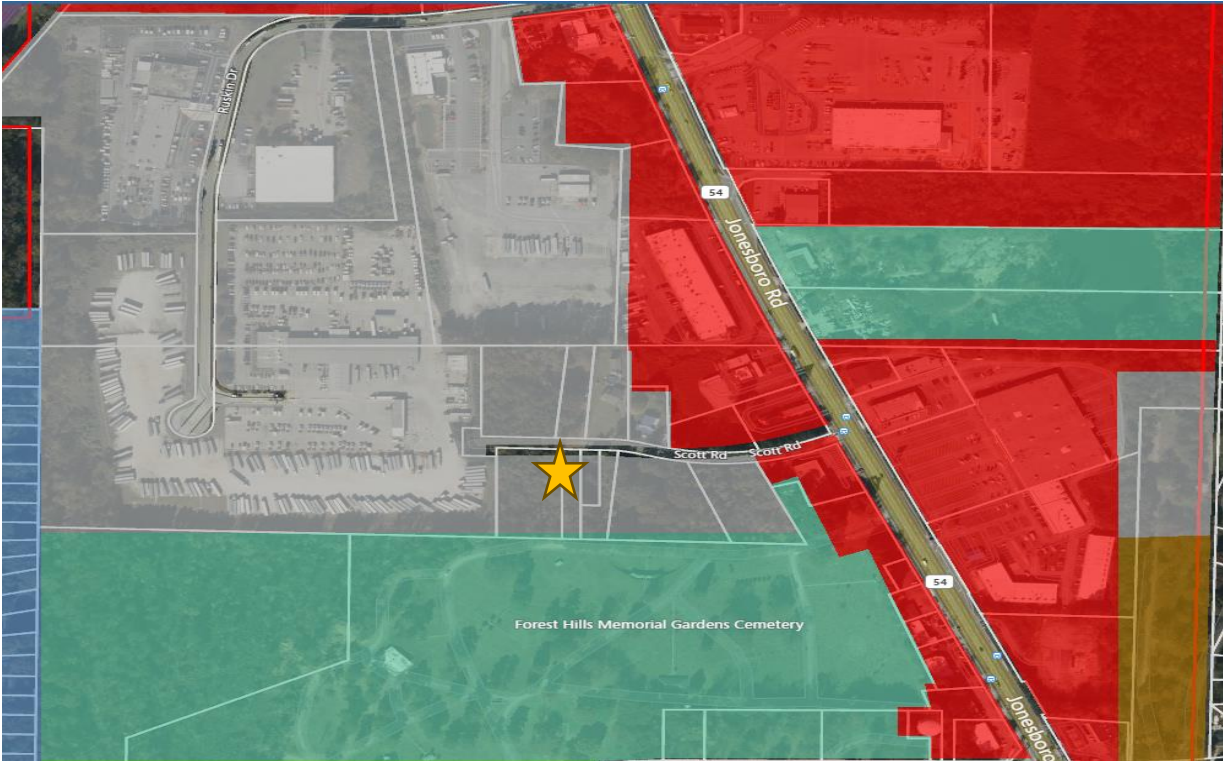
**ZONING CLASSIFICATION OF CONTIGUOUS PROPERTIES**

<b>North</b>	RS (Single-Family Residential)	<b>East</b>	RS (Single Residential)
<b>South</b>	RS (Single Family Residential)	<b>West</b>	LI ( Light Industrial) & RS (Single-Family Residential)



Current Zoning: RS

**FUTURE LAND USE MAP**



**Future Land Use: Institutional**  
**Surrounding Properties**



**3 Single Family Homes Across the Road**

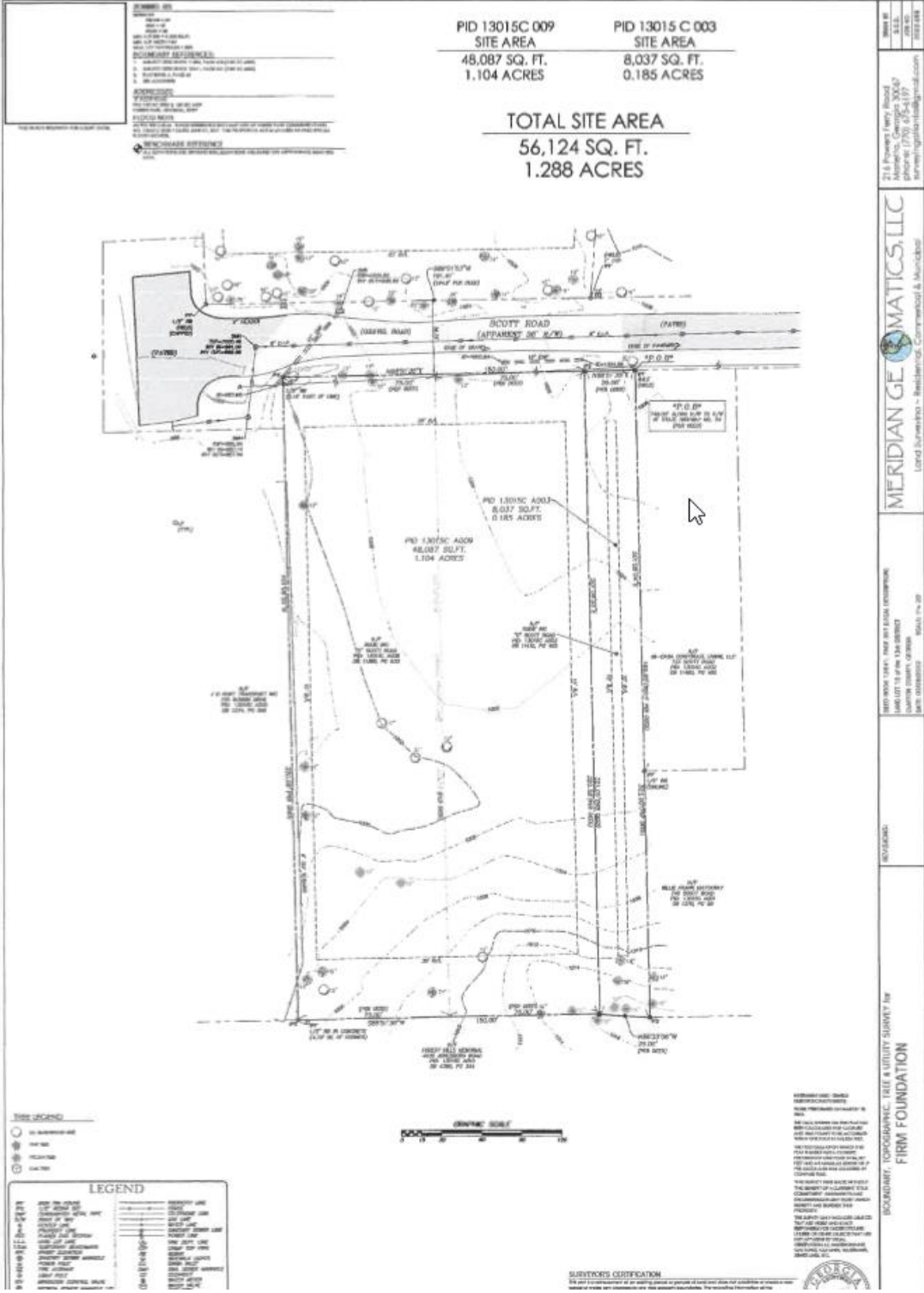


**Vacant, wooded parcel North of parcel 13015C A009**

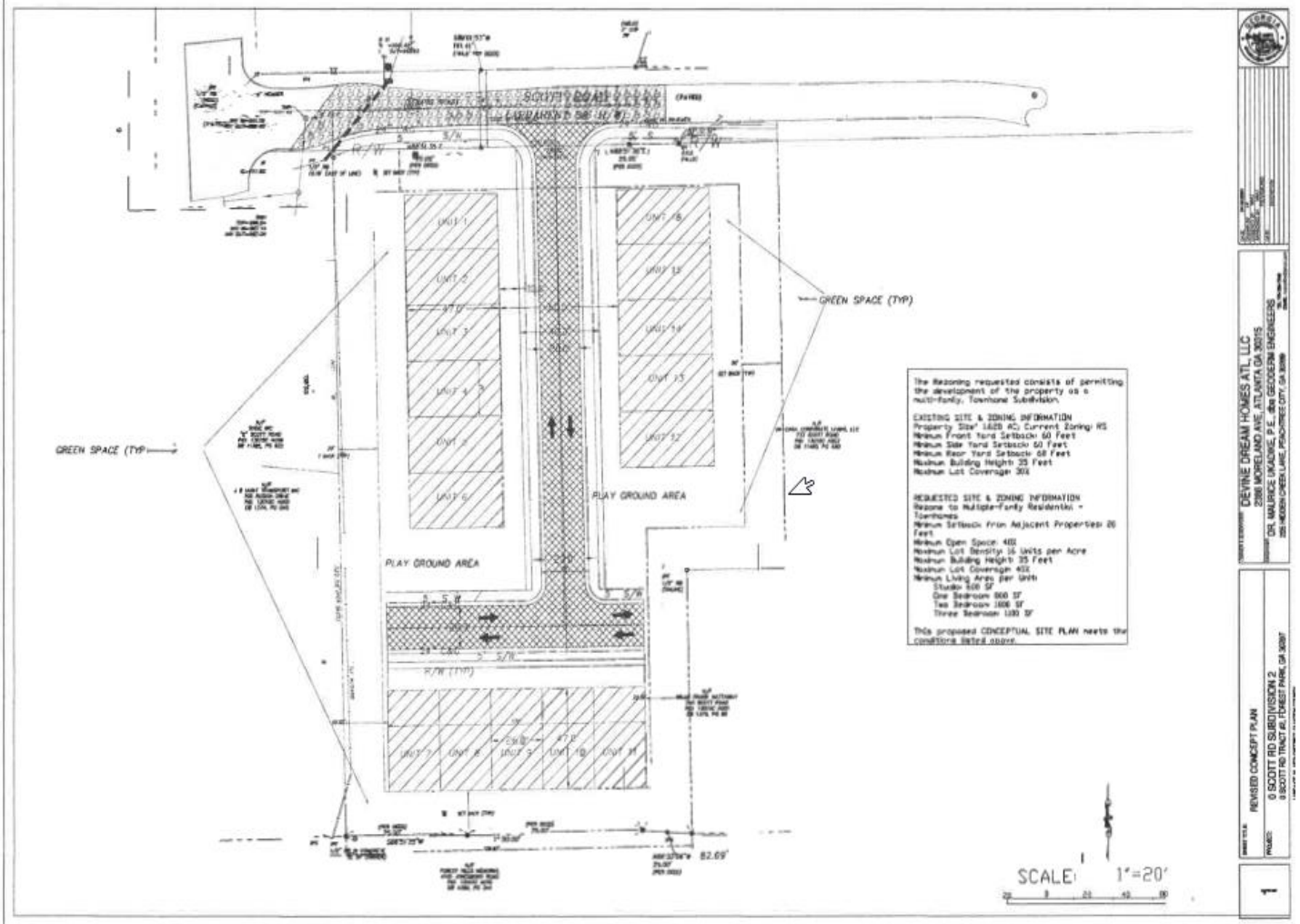


**J.B. Hunt Trucking West of parcel 13015C A009**

**BOUNDARY SURVEY**



**SITE PLAN**



  
 DEVINE DREAM HOMES, LLC  
 2086 MORELAND AVE. ATLANTA, GA 30315  
 DR. MALCOLM MALCOLM, P.E. AND GEORGE ENGELBERG  
 3000 NORTH CHERRY LAKE, POWDER SPRING, GA 30141

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REVISION CONCEPT PLAN  
 0 SCOTT RD SUBDIVISION 2  
 0 SCOTT RD TRACT #4, FOREST PARK, GA 30057



CONCEPT PLAN



This site plan including measurements and dimensions are approximate and for illustrative purposes only. BoxBrownie.com gives no guarantee, warranty or representation as to the accuracy and layout. All enquiries must be directed to the agent, vendor or party representing the site plan.

Scott Road Forest Park, GA

**Impact Summary**

Would the proposed amendment be consistent and compatible with the city's land use and development, plans, goals, and objectives:  Yes  No *The subject property is flanked by industrial zoned property to the west and residential zoned property north, east, and south. Forest Hills Memorial Garden Cemetery is south of the property and is zoned residential.*

Would the proposed amendment tend to increase, to decrease, or to have no impact on traffic safety and congestion in the streets?  Increase  Decrease  No Impact *Currently, there are only 3 homes on Scott Road. The construction of additional homes will result in an increase in traffic. Scott Road is an existing road and is below city standards and two-way traffic flow is at a minimum.*

Would the proposed amendment tend to increase, to decrease, or to have no relationship to safety from fire

and other dangers?  **Increase**  **Decrease**  **No Relationship** *Safety would be a concern for fire due to design of roadway and traffic circulation in and out of the property.*

Would the proposed amendment tend to promote, to diminish, or to have no influence on the public health and general welfare of the city?  **Promote**  **Diminish**  **No Influence**

Would the proposed amendment tend to increase, to decrease or to have no influence on the adequacy of light and air?  **Promote**  **Diminish**  **No Influence**

Would the proposed amendment tend to cause, to prevent, or to have no influence on the overcrowding of land?  **Cause**  **Prevent**  **No Influence** *The proposed amendment could potentially cause overcrowding on the property. Currently the ordinance encourages only 16 units per acre in RM zoned districts. The applicant is proposing to construct 16 townhouses on this tract of property.*

Would the proposed amendment tend to cause, to prevent, or to have no relationship on the population distribution within the city, thus creating any area as dense in population as to adversely affect the health, safety, and general welfare of the city?  **Cause**  **Prevent**  **No Relationship**

Would the proposed amendment tend to impede, to facilitate, or to have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities or facilities?

**Impede**  **Facilitate**  **No Impact** *The circulation and the increase of traffic could potentially impact transportation on Scott Road.*

Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?  **Yes**  **No** *There are no known contributing factors that will affect the value, use and enjoyment of surrounding properties, however the roadway is substandard. Any development on subject property would negatively impact the flow of traffic for the existing three homes.*

Would the proposed amendment tend to promote, to diminish, or to have no influence upon the aesthetic effect of existing and future uses of the property and the surrounding area?

**Promote**  **Diminish**  **No Influence** *Based on the design characteristics of the townhomes, the project could enhance the aesthetics of the surrounding area.*

Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?  **Yes**  **No** *The proposed development could positively impact the use of the surrounding residential properties based on its characteristics and sale prices.*

Would the proposed amendment create an isolated district, unrelated to adjacent and nearby districts?

**Yes**  **No** *The proposed development would create an isolated district; however, it would be a transition from the surrounding industrial uses to the single-family uses currently on Scott Road.*

### **Staff Review**

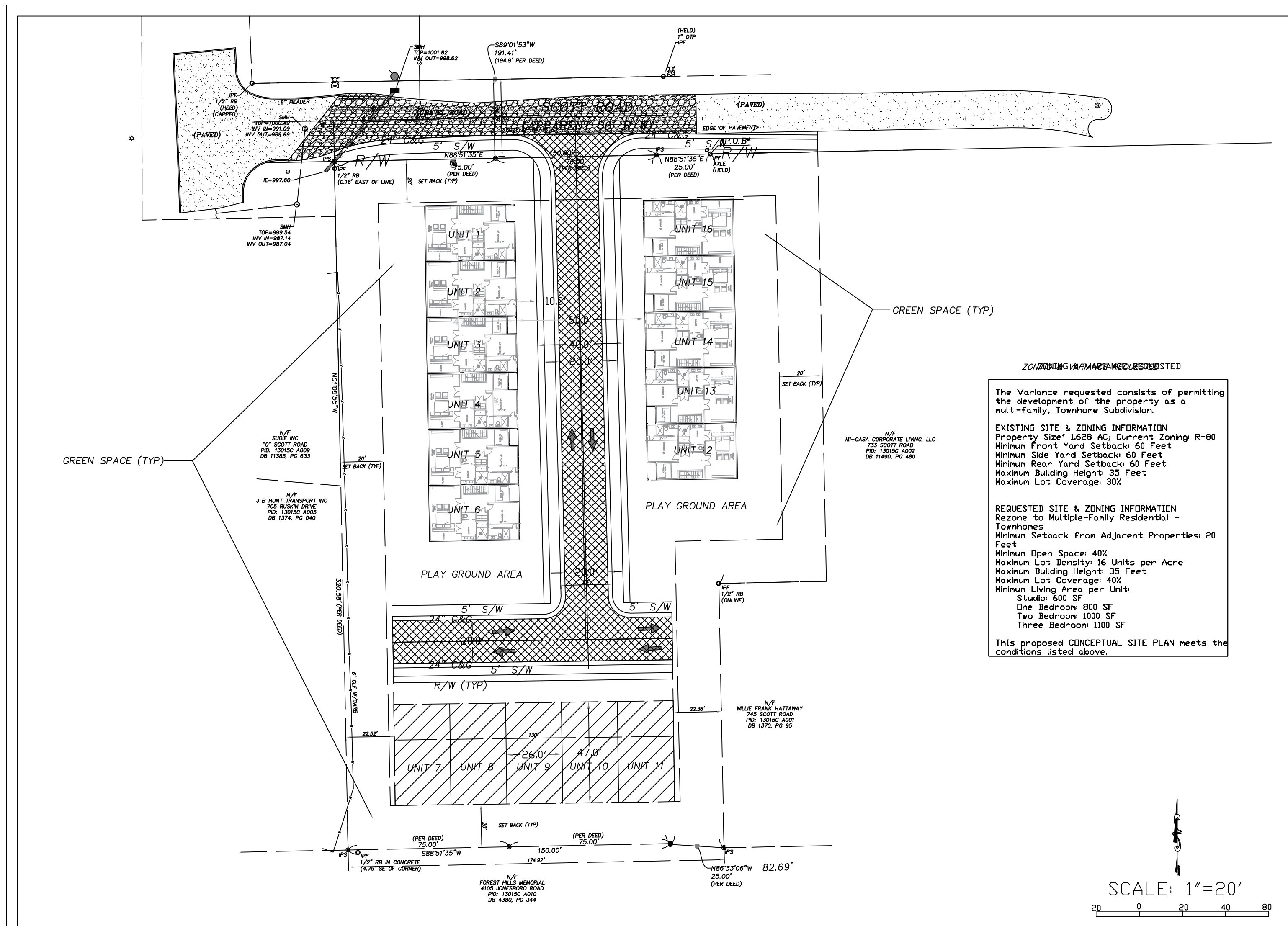
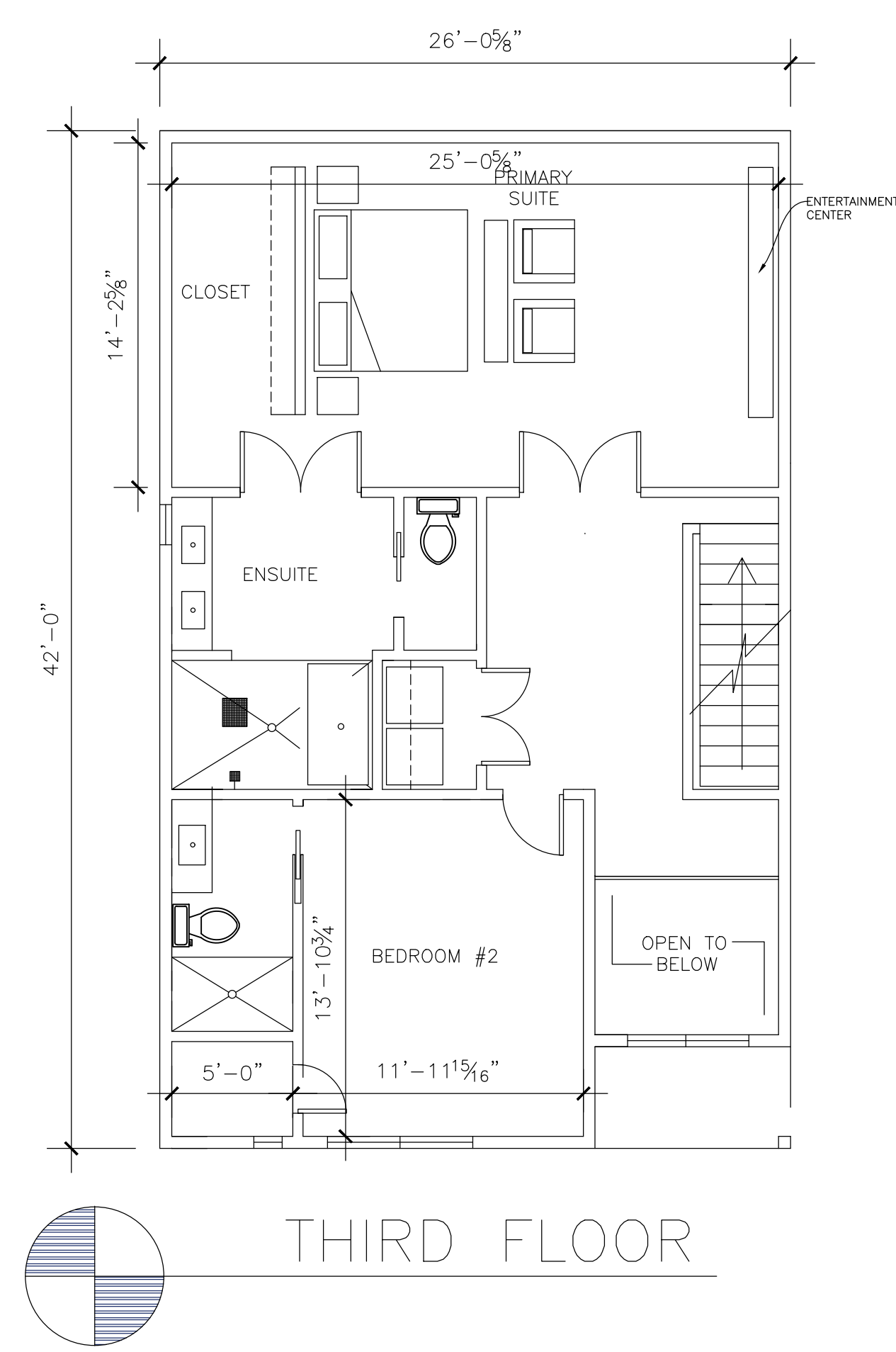
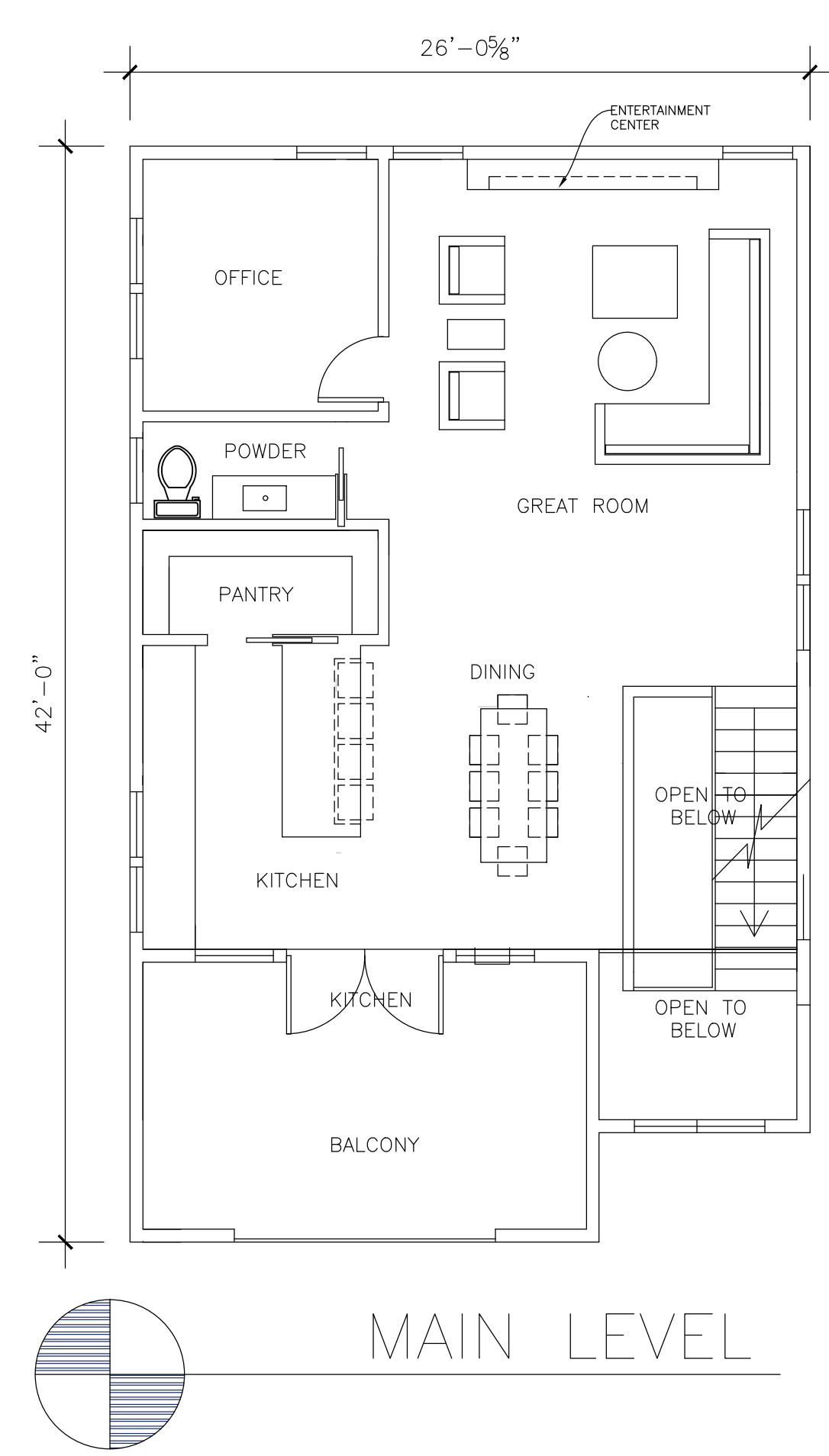
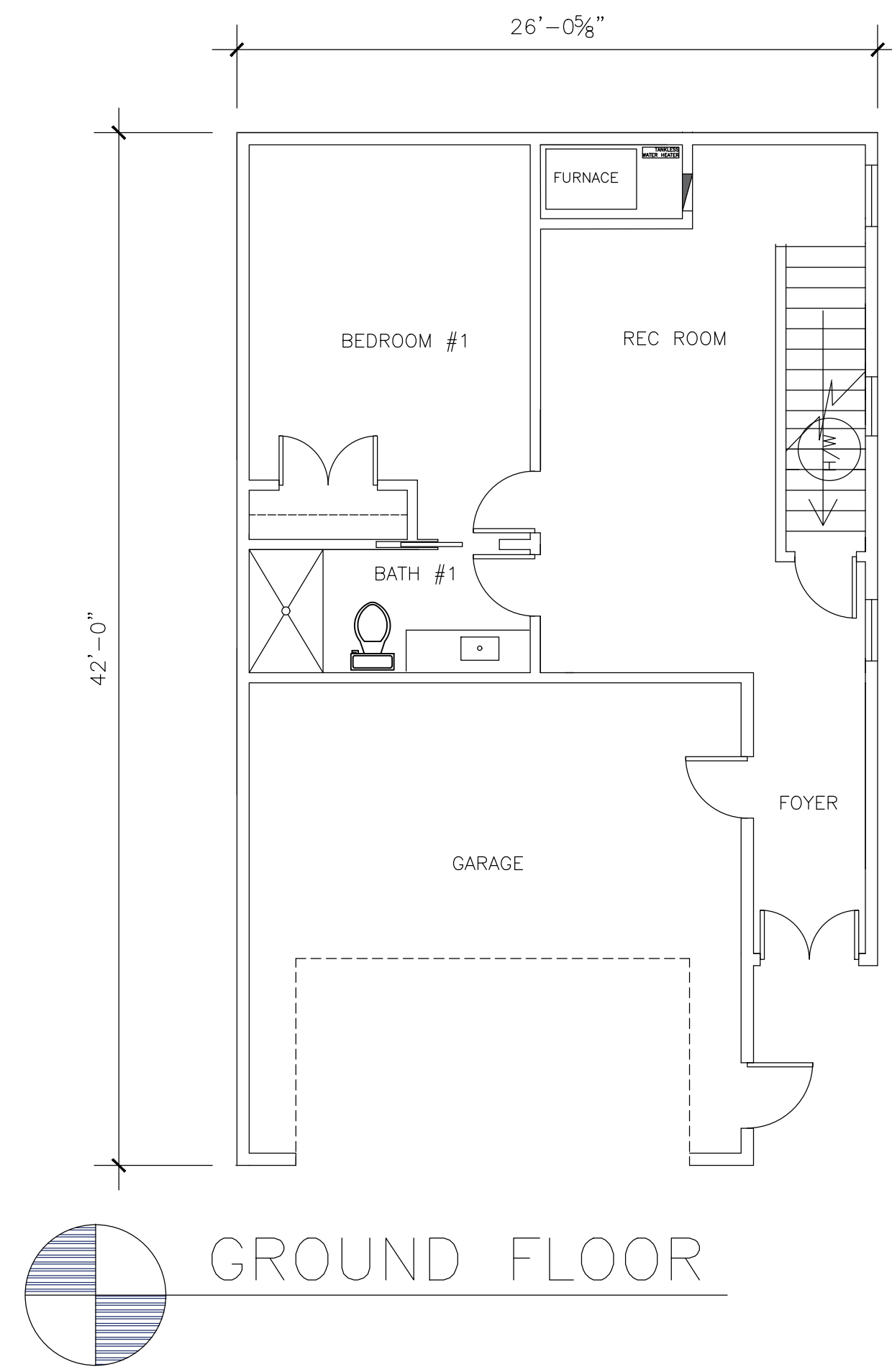
The following departments/divisions had no issues or concerns regarding the requested rezoning:

- Public Works, Police, and Building Inspector. The fire department expressed concern about the design, water availability, road width, and accessibility.

**Staff Recommendation**

The requested rezoning from RS (Single-Family Residential) to RM (Residential Multi-family) zoning category would allow for the property to be developed and result in an increase in the tax base in the city. The property if rezoned and developed would be a transitional use between the two current uses, industrial and residential single family. The proposed amendment will not cause an adverse impact on the surrounding community. **Staff recommends Approval of the rezoning request** along with the following conditions:

1. Scott Road shall be improved to city standards prior to development.
2. All buildings shall be constructed of brick, stone, wood, stucco, or any combination thereof.
3. There shall be differential architectural features between units, no adjacent units shall have the same design characteristics or features or identical.
4. Each unit shall provide 2-car garages.
5. Adhere to the buffer standards as specified in the current code between industrial and residential development.
6. Any deviations from the conditions shall be approved by the Planning Commission.



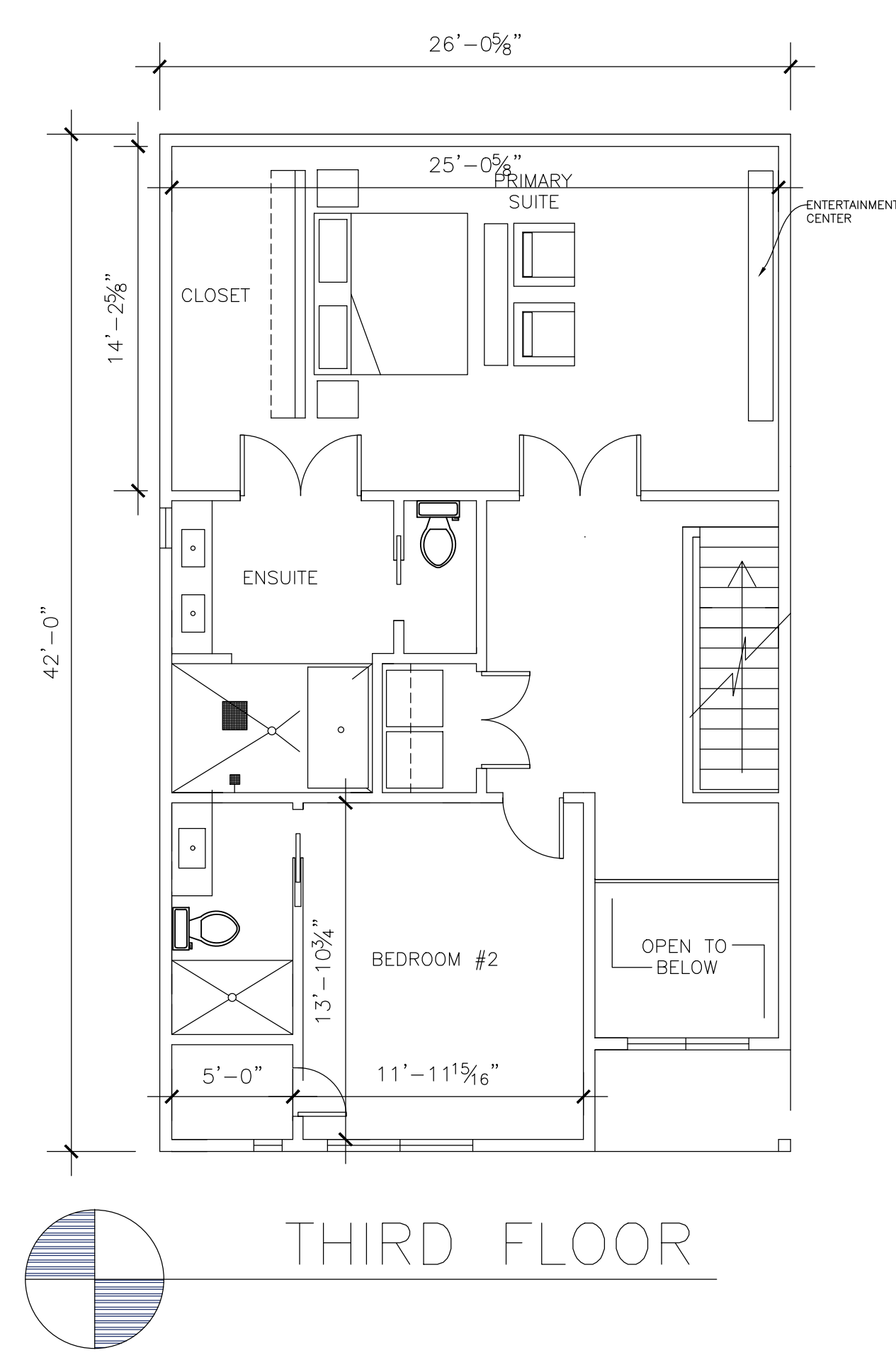
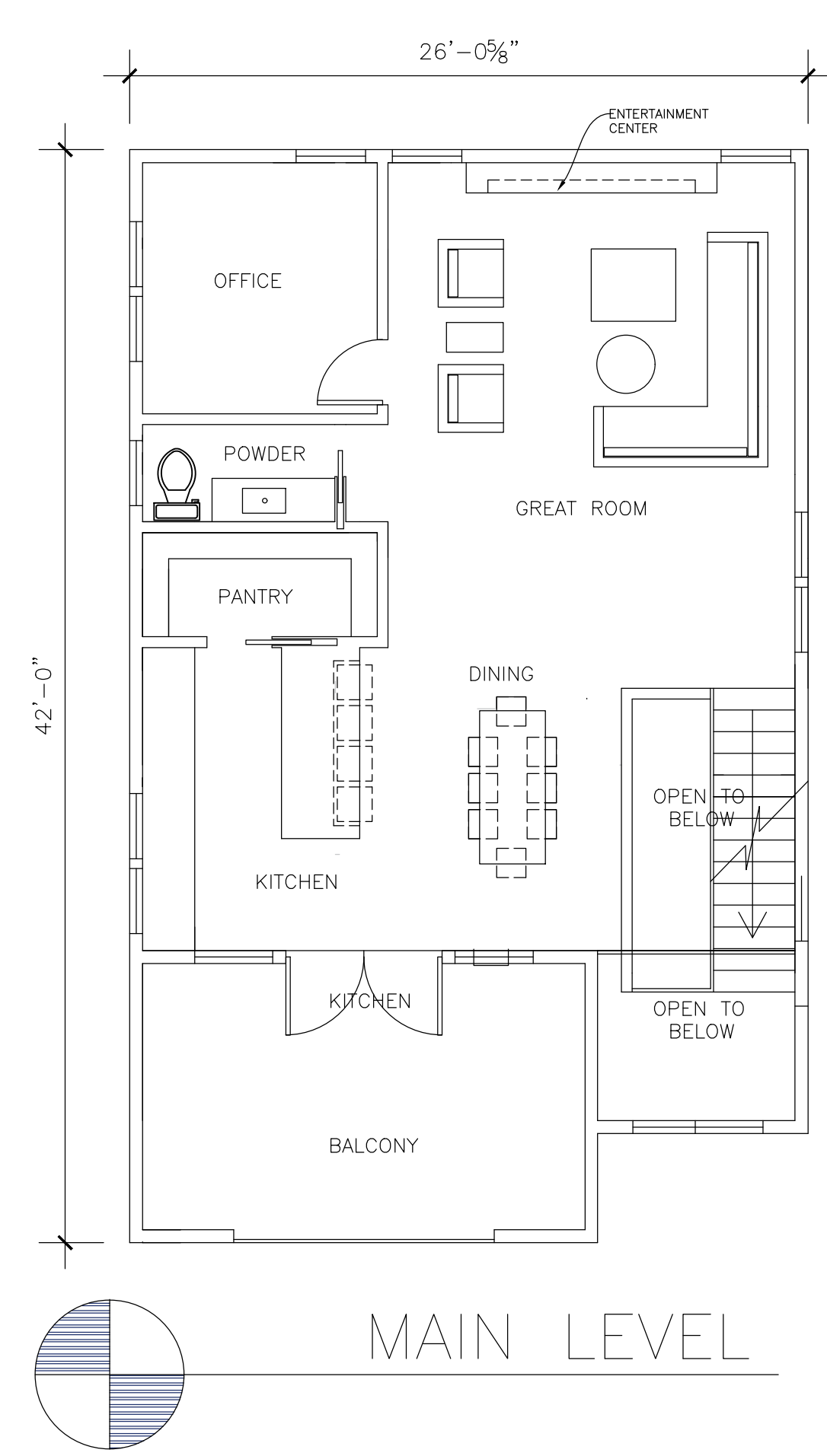
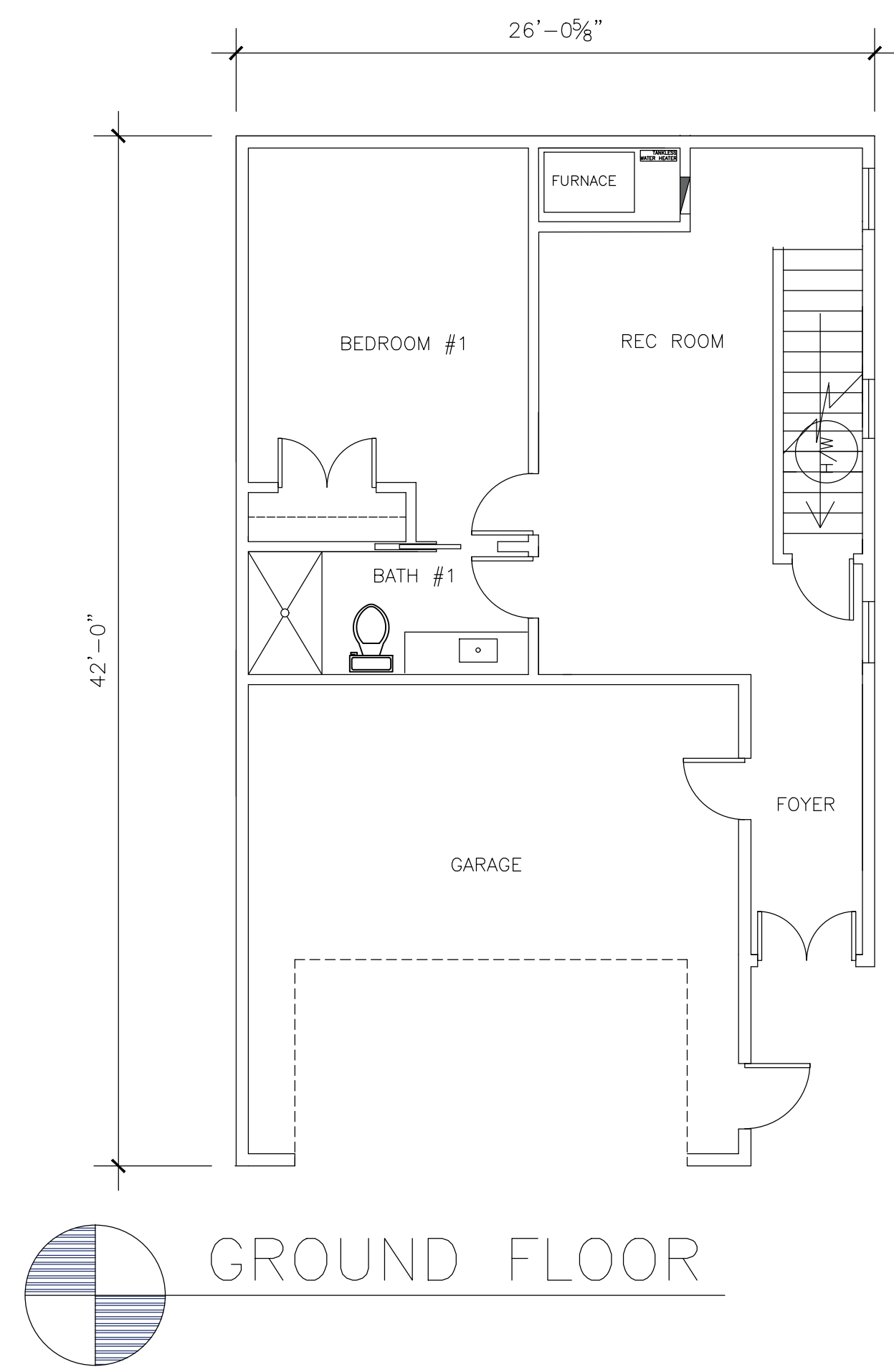
**Warren Delley**  
Principal

(678) 702-0675 Main  
 (678) 904-3514 Direct  
 warren@cawerks.com

300 Colonial Center Parkway, Suite 1  
 Roswell, Georgia 30076

**Cantilever Architectural** www.cantileverarchitectural.com

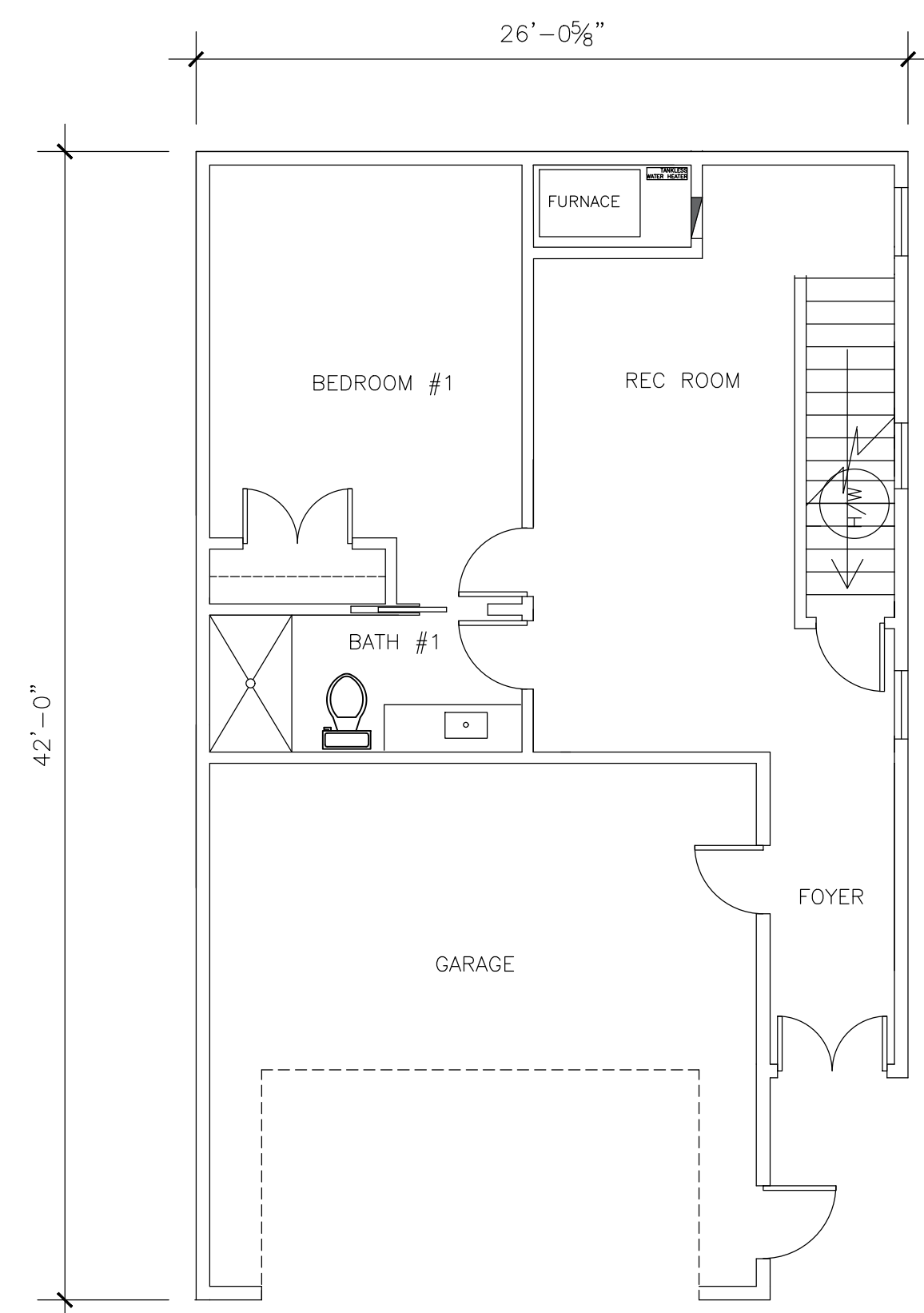
**DIVINE DREAM HOMES**



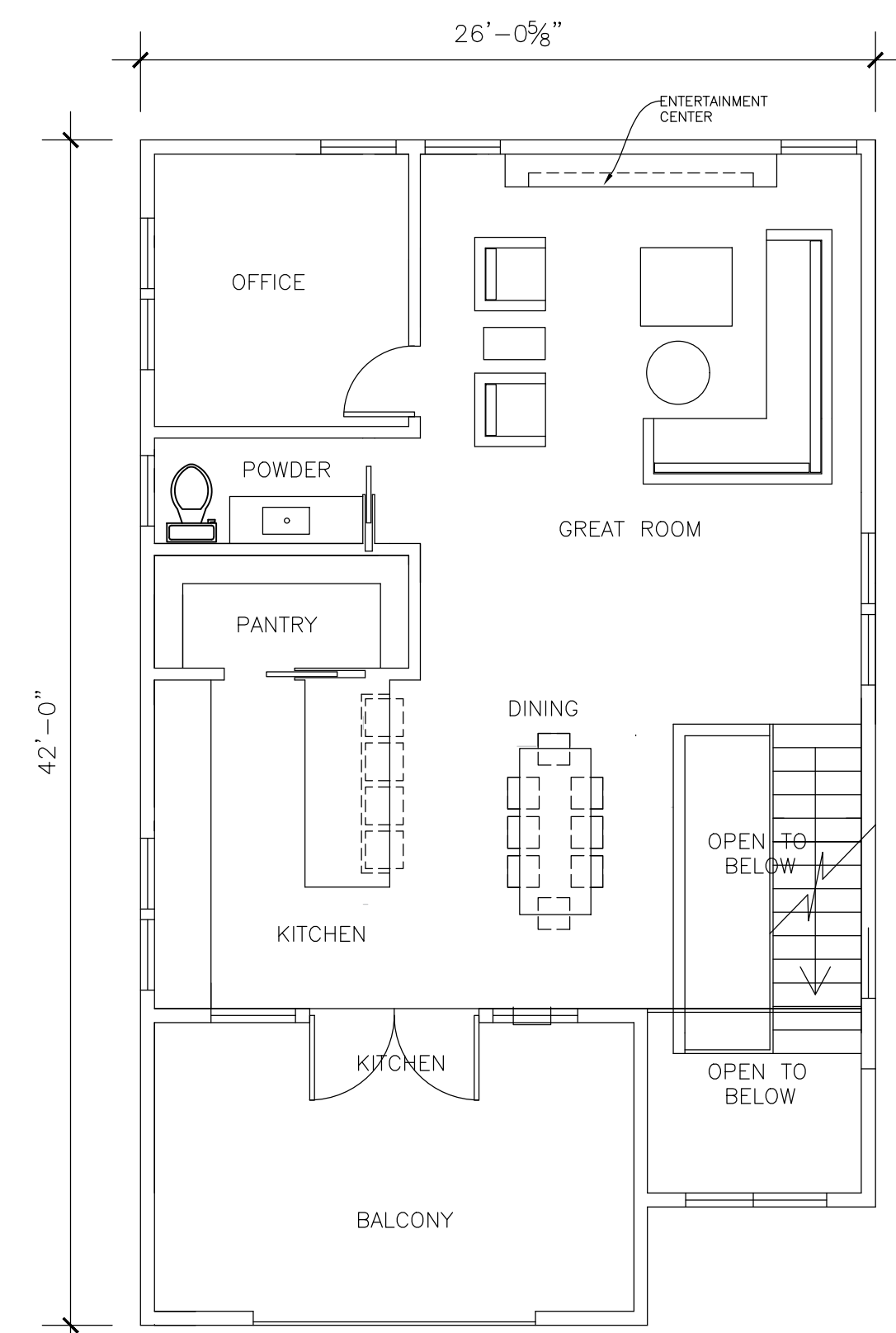
6 UNIT TOWNHOME

**Warren Delley**  
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(678) 702-0675 Main  
(678) 904-3514 Direct  
warren@cwerks.com  
300 Colonial Center Parkway, Suite 1  
Roswell, Georgia 30076  
www.cantileverarchitetural.com

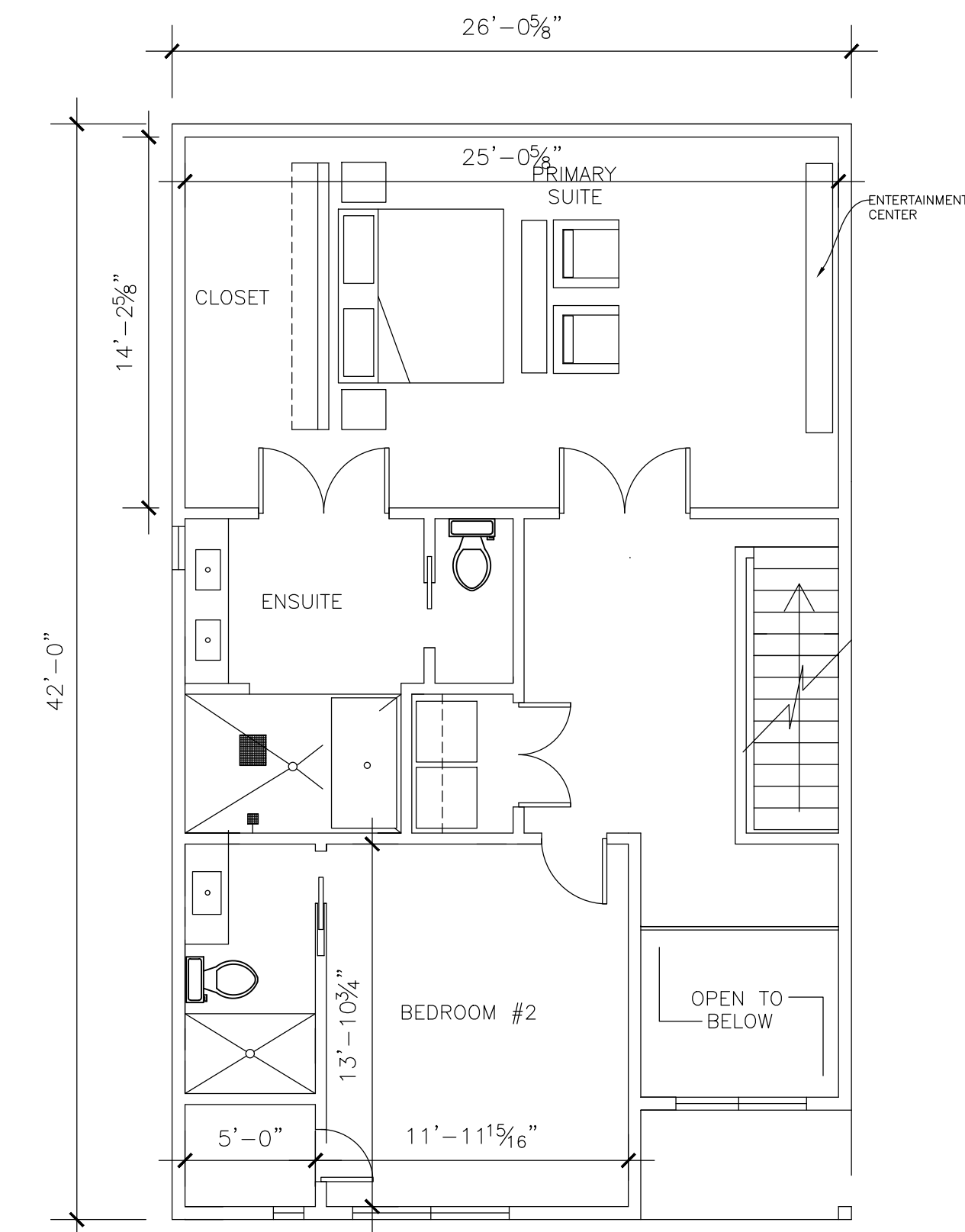
**DIVINE DREAM HOMES**



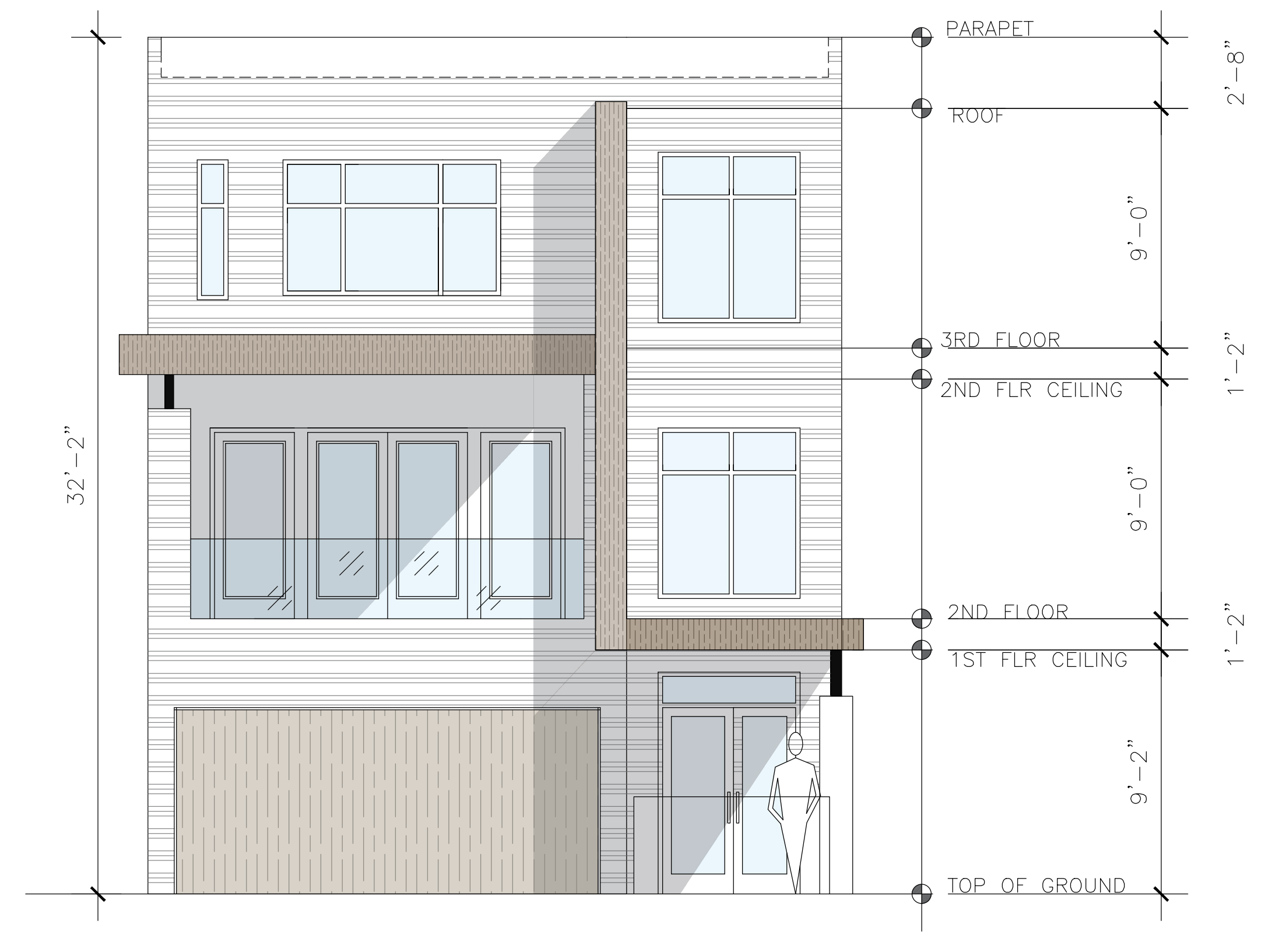
GROUND FLOOR



MAIN LEVEL



THIRD FLOOR



SINGLE UNIT

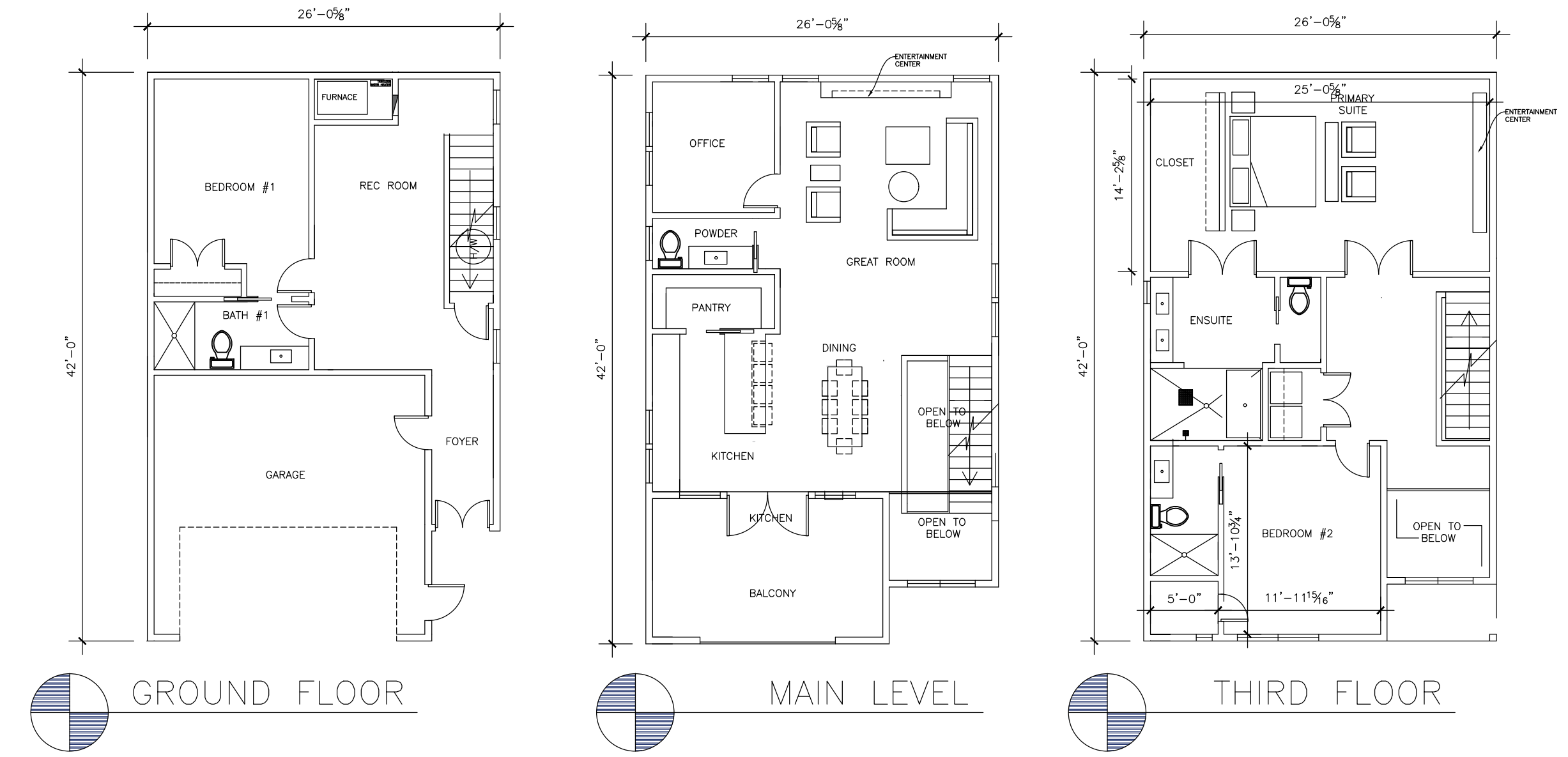
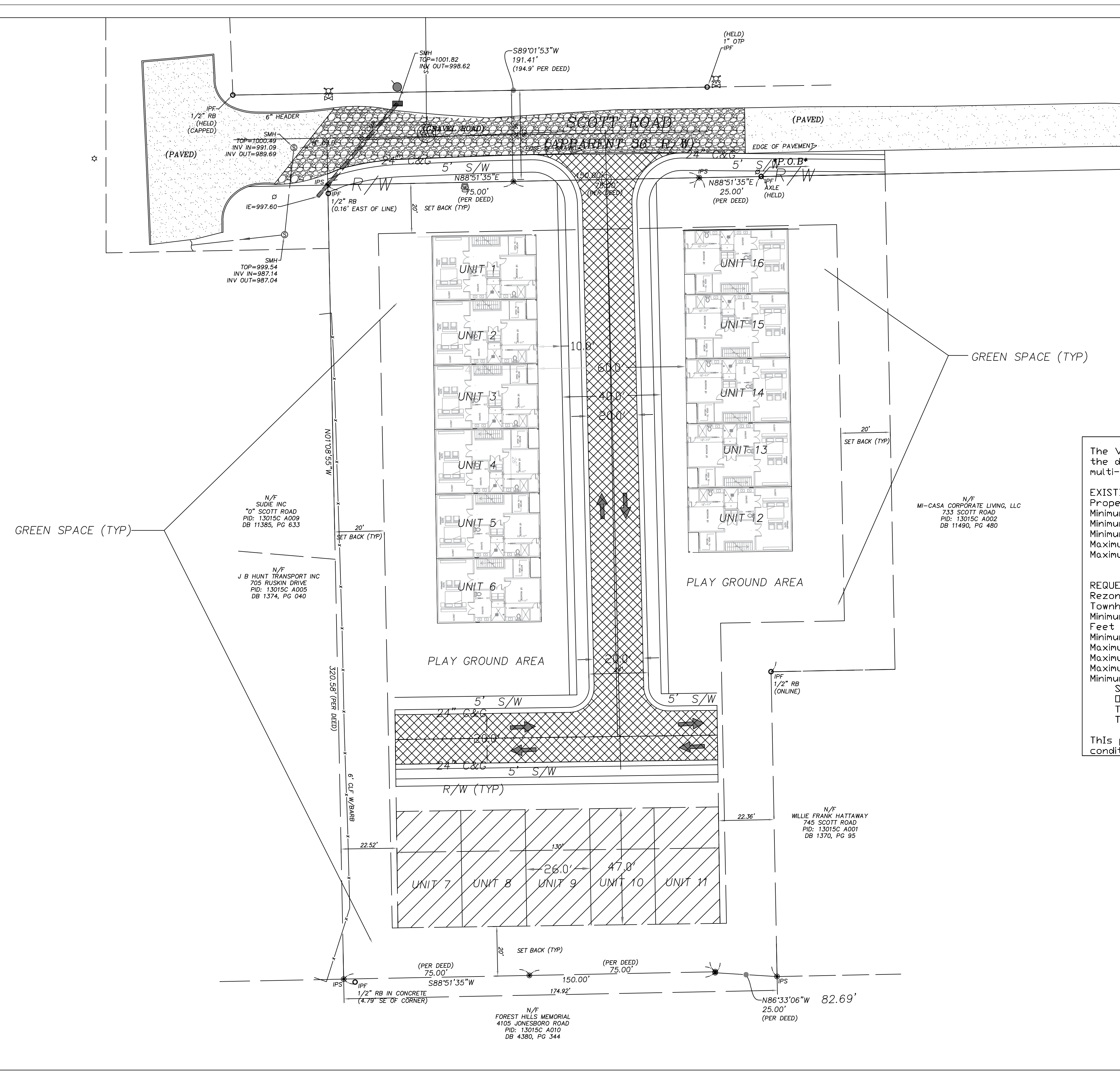


5 UNIT TOWNHOME

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**Cantilever Architectural**

**DIVINE DREAM HOMES**

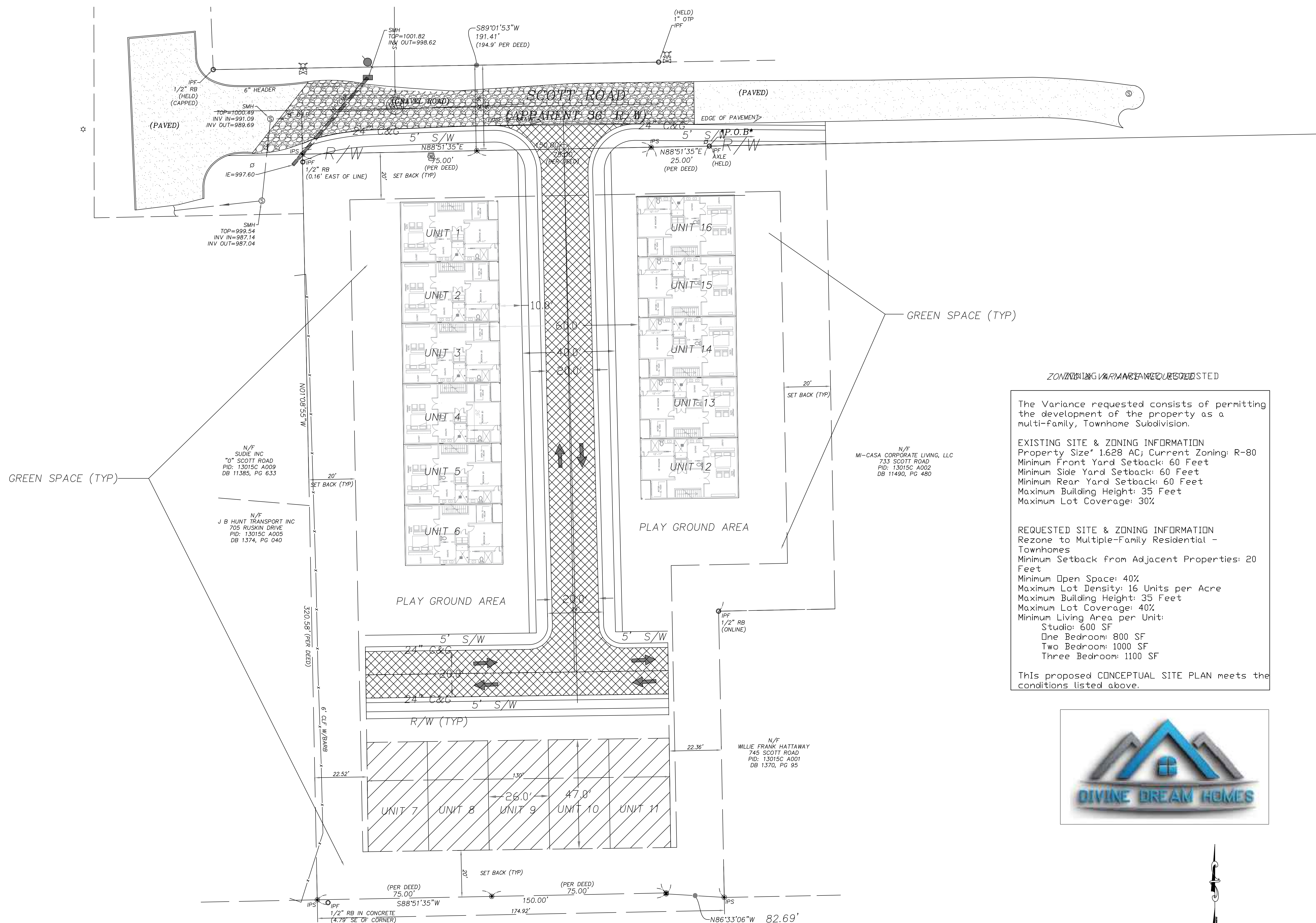


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**DIVINE DREAM HOMES**



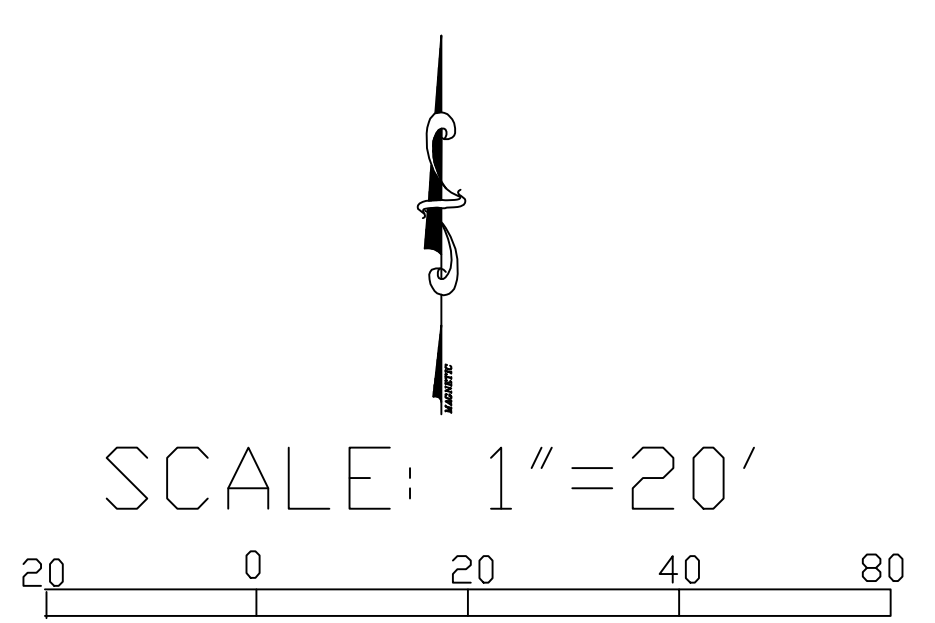
**ZONING VARIANCE REQUESTED**

The Variance requested consists of permitting the development of the property as a multi-family, Townhome Subdivision.

**EXISTING SITE & ZONING INFORMATION**  
 Property Size: 1.628 AC; Current Zoning: R-80  
 Minimum Front Yard Setback: 60 Feet  
 Minimum Side Yard Setback: 60 Feet  
 Minimum Rear Yard Setback: 60 Feet  
 Maximum Building Height: 35 Feet  
 Maximum Lot Coverage: 30%

**REQUESTED SITE & ZONING INFORMATION**  
 Rezone to Multiple-Family Residential - Townhomes  
 Minimum Setback from Adjacent Properties: 20 Feet  
 Minimum Open Space: 40%  
 Maximum Lot Density: 16 Units per Acre  
 Maximum Building Height: 35 Feet  
 Maximum Lot Coverage: 40%  
 Minimum Living Area per Unit:  
 Studio: 600 SF  
 One Bedroom: 800 SF  
 Two Bedroom: 1000 SF  
 Three Bedroom: 1100 SF

This proposed CONCEPTUAL SITE PLAN meets the conditions listed above.





FP City Council  
July 17th

7/5 12 2023

High School)

to make immediate payment to the undersigned, this 11<sup>th</sup> day of May, 2023.

**TO THE CITIZENS OF FOREST PARK, CLAYTON COUNTY, GEORGIA, AND OTHER INTERESTED PARTIES:**

9020-348264, 6/7,14,21,28,7/5,2023

This 18<sup>th</sup> day of May, 2023

**NOTICE IS HEREBY GIVEN:** The City of Forest Park City Council will conduct a meeting on a series of Public Hearings for the purpose of considering the matters listed below. The Public Hearings will be held on **Monday, July 17, 2023, at 7:00 p.m.** at Forest Park City Hall, Council Chambers, 745 Forest Parkway, Forest Park, GA 3029.

Request for Proposals RFP No. 018-23

Clayton County Public Schools is seeking Requests for Proposals from prequalified Construction Management at Risk firms for the Riverdale Early Learning Center located at 6830 Camp Street, Riverdale, GA 30296.

Glenn A. Townsend, Executor of the Estate of Edwin C. Allman, deceased c/o Daniel C. Haygood Attorney at Law Two South Main Street Suite C P.O. Box 207 Watkinsville, Georgia 30677 9025-348794 6/14,21,28,7/5,2023

**TO THE CITIZENS OF FOREST PARK, CLAYTON COUNTY, GEORGIA, AND OTHER INTERESTED PARTIES:**

**NOTICE IS HEREBY GIVEN:** The City of Forest Park City Council will conduct a meeting on a series of Public Hearings for the purpose of considering the matters listed below. The Public Hearings will be held on **Monday, July 17, 2023, at 7:00 p.m.** at Forest Park City Hall, Council Chambers, 745 Forest Parkway, Forest Park, GA 3029.

**Only prequalified firms can submit proposals.**

The proposed project scope of work consists of, but not limited to the following:

The new construction 500 capacity pre-kindergarten facility will include a 2 story Administration wing that will contain offices and conference rooms. 4 classroom pods that will consist of 8 classrooms and a collaboration space. A media center, STEM lab, play, art and music rooms, a fully functional kitchen and cafeteria. On-site parking, bus and parent drop-offs. Outdoor playgrounds and lawn learning areas.

**GDP2952 spn07**  
**Notice to debtors and creditors**  
All Creditors of the Estate of Shirley Jean Short, late of Gwinnett County, deceased, are hereby notified to render in their demands to the undersigned according to law, and all persons indebted to said Estate are required to make immediate payment.  
This 5 day of July, 2023.  
Catherine L. Shepard & Cynthia J. Roisky, co-Executrix Estate of Shirley Jean Short  
3055 Arden Way, Snellville, Gwinnett, GA 30039  
125 NW 13<sup>th</sup> Street, Oak Island, Brunswick, NC 29445  
7/5,12,19,26,2023

**CUP-2023-04** Conditional Use for 5370 Ash St., Parcel # **13079D G010** Forest Park, Georgia. The applicant, Cynthia Waters, is requesting a conditional use permit to allow a youth performing arts facility, rehabilitation group home for teens, summer camp, health clinic and an adult education program in a church within the Single-Family residential District (RS).

**CUP-2023-04** Conditional Use for 5370 Ash St., Parcel # **13079D G010** Forest Park, Georgia. The applicant, Cynthia Waters, is requesting a conditional use permit to allow a youth performing arts facility, rehabilitation group home for teens, summer camp, health clinic and an adult education program in a church within the Single-Family residential District (RS).

**CUP-2023-05** Conditional Use for 4140 Jonesboro Rd., Parcel # **13015D C007** Forest Park, Georgia. The applicant, Gerald Tirella, is requesting a conditional use permit to allow a 6,152-sf renovation of the rear of the International Discount Mall to build self-storage units, to be rented by existing mall tenants and the general public.

The Pre-Proposal Meeting is mandatory for all Pre-qualified Firms and will be held at 218 Stockbridge Road, Jonesboro, GA 30236 at 2 pm on June 14, 2023. Any Firm that fails to attend the mandatory Pre-Proposal Meeting shall not be permitted to submit a proposal on the project.

**NOTICE TO DEBTORS AND CREDITORS**

STATE OF GEORGIA, COUNTY OF CLAYTON

All creditors of the estate of **IRENE FRANKS, Estate number 2022-0171E**, deceased, late of Clayton County, Georgia are hereby notified to render their demands by filing same with the Probate Court of Clayton County, 121 S. McDonough Street, Bldg 3, Jonesboro, Georgia, 30236 according to law, and all persons indebted to said Estate are required to make immediate payment to the undersigned.

**CUP-2023-05** Conditional Use for 4140 Jonesboro Rd., Parcel # **13015D C007** Forest Park, Georgia. The applicant, Gerald Tirella, is requesting a conditional use permit to allow a 6,152-sf renovation of the rear of the International Discount Mall to build self-storage units, to be rented by existing mall tenants and the general public.

**RZ-2023-01-Rezoning** for Parcel # **13015C A006**, 0 Scott Road, Forest Park, Georgia. The applicant, Divine Dream Homes ATL, LLC, is requesting to rezone 1.69 acres from RS (Single-Family Residential) to RM (Multi-family Residential) to build townhomes.

The proposed project scope of work consists of, but not limited to the following:

The new construction 500 capacity pre-kindergarten facility will include a 2 story Administration wing that will contain offices and conference rooms. 4 classroom pods that will consist of 8 classrooms and a collaboration space. A media center, STEM lab, play, art and music rooms, a fully functional kitchen and cafeteria. On-site parking, bus and parent drop-offs. Outdoor playgrounds and lawn learning areas.

This the 13<sup>th</sup> day of June, 2023.

/s/ TED N. ECHOLS, ESQ.  
Attorney  
ECHOLS LAW GROUP, P.C.  
505 Corporate Center Dr., Ste 106 Stockbridge, GA 30281  
9025-349682,  
6/21,28,7/5,12,2023

**RZ-2023-01-Rezoning** for Parcel # **13015C A006**, 0 Scott Road, Forest Park, Georgia. The applicant, Divine Dream Homes ATL, LLC, is requesting to rezone 1.69 acres from RS (Single-Family Residential) to RM (Multi-family Residential) to build townhomes.

**RZ-2023-02-Rezoning** for Parcels # **13015C A003**, **13015C A009**, and **13015C A002**, 0 Scott Road, Forest Park, Georgia. The applicant, Divine Dream Homes ATL, LLC is requesting to rezone 1.628 acres from RS (Single-family Residential) to RM (Multi-family Residential) to build townhomes.

The Pre-Proposal Meeting is mandatory for all Pre-qualified Firms and will be held at 218 Stockbridge Road, Jonesboro, GA 30236 at 2 pm on June 14, 2023. Any Firm that fails to attend the mandatory Pre-Proposal Meeting shall not be permitted to submit a proposal on the project.

**NOTICE TO DEBTORS AND CREDITORS**

STATE OF GEORGIA, COUNTY OF CLAYTON

All creditors of the estate of **JACQUELINE REGINA POTTS, Estate number 2023-0430E**, deceased, late of Clayton County, Georgia are hereby notified to render their demands by filing same with the Probate Court of Clayton County, 121 S. McDonough Street, Bldg 3, Jonesboro, Georgia, 30236 according to law, and all persons indebted to said Estate are required to make immediate payment to the undersigned.

**RZ-2023-02-Rezoning** for Parcels # **13015C A003**, **13015C A009**, and **13015C A002**, 0 Scott Road, Forest Park, Georgia. The applicant, Divine Dream Homes ATL, LLC is requesting to rezone 1.628 acres from RS (Single-family Residential) to RM (Multi-family Residential) to build townhomes.

**RZ-2023-03-Rezoning** for 4233 Thurman Rd., Parcel # **13017A B014**, Forest Park, Georgia. The applicant, KINH Enterprises Inc is requesting to rezone 0.287 acres from RS (Single-Family Residential) to GC (General Commercial) to rebuild a convenience store.

**Only prequalified firms can submit proposals.**

Proposal submission Deadline: July 10, 2023 at 3:00 pm.

CCPS will only accept online submissions for this RFP.

Firms must register in Bonfire as a vendor at: <https://claytonk12ga.bonfire.com/portal/?tab=login> in order to submit a proposal prior to the submission deadline.

This the 8<sup>th</sup> day of June, 2023.

/s/ Christopher J. Horton, Attorney  
**CHRISTOPHER J. HORTON, ESQ.**  
ECHOLS LAW GROUP, P.C.  
505 Corporate Center Dr., Ste 106 Stockbridge, GA 30281  
9025-349456.

**RZ-2023-03-Rezoning** for 4233 Thurman Rd., Parcel # **13017A B014**, Forest Park, Georgia. The applicant, KINH Enterprises Inc. is requesting to rezone 0.287 acres from RS (Single-Family Residential) to GC (General Commercial) to rebuild a convenience store.

LaShawn Gardiner, Director Planning & Community Development Department 404-366-4720 9003-351134, 6/29, 7/5, 12, 2023

9020 Service/Construction Bids

The Clayton County Water Authority will open sealed proposals from qualified vendors via a Virtual Teams Meeting on **Thursday July 20, 2023, at 2:00 p.m. local time** for the:

**Annual Contract for Mitigation Services**

Any proposals received after this date and time will be considered non-responsive.

A Non-Mandatory Pre-Pro

LaShawn Gardiner, Director Planning & Community Development Department 404-366-4720 9003-351134, 6/28, 7/5, 12, 2023

**File Attachments for Item:**

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



CITY OF  
**FORESTPARK**

# City Council Agenda Item

**Subject:** Rezoning from RS to RM- Scott Rd. (RZ-2023-02)– Planning & Community Development

**Submitted By:** LaShawn Gardiner

**Date Submitted:** July 28, 2023

**Work Session Date:** August 7, 2023

**Council Meeting Date:** August 7, 2023

**Background/History:**

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

**Cost:** \$ n/a

**Budgeted for:** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

**Financial Impact:** N/A

No Financial impact.

**Action Requested from Council:**

Approve the Rezoning from RS (Single Family Residential) to RM (Multi-Family Residential)

**STAFF REPORT**  
**Planning Commission Meeting: June 15, 2023**  
**City Council Meeting: July 3, 2023**

**Case:** RZ-2023-01

**Current Zoning:** RS- Single Family Residential

**Proposed Request:** Rezone property from RS (Residential Single-Family) to RM (Residential Multi-Family)

**Staff Report Compiled By:** LaShawn Gardiner

**Staff Recommendation:**

**APPLICANT INFORMATION**

**Owner of Record:** Divine Dream Homes ATL

**Applicant:** Divine Dream Homes ATL

**Address:** 2486 Moreland Ave.

**Address:** 2486 Moreland Ave.

**City/State:** Atlanta, GA 30315

**City/State:** Atlanta, GA 30315

**PROPERTY INFORMATION**

**Parcel Number:** 13015C A006

**Acreage:** 1.60

**Address:** 0 Scott Road

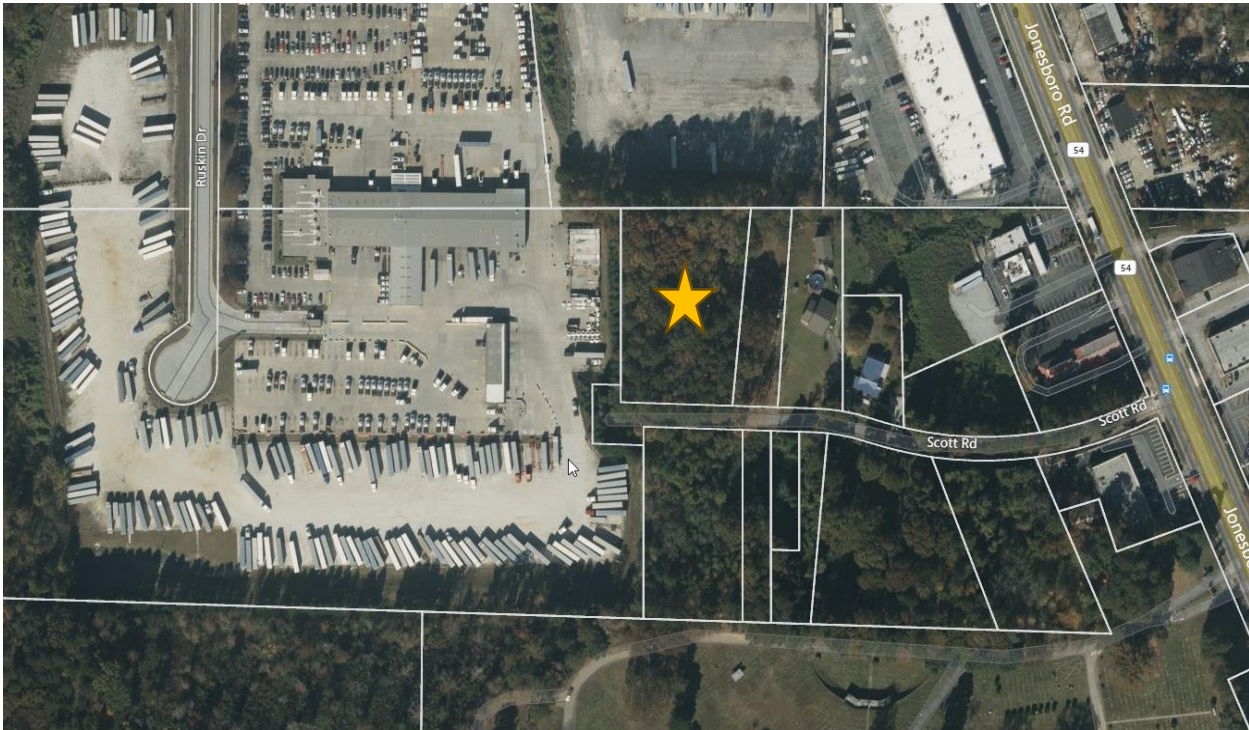
**FLU:** Industrial

**SUMMARY & BACKGROUND**

The subject property is located at 0 Scott Road. The parcel number is 13015C A006 and is currently zoned RS (Single-Family Residential). The subject property is currently zoned RS (Single-Family Residential). The property is currently wooded and undeveloped. The applicant's request is to rezone the property from RS (Single-Family Residential) to RM (Multi-family Residential) with the intent to build 19-townhouses. The parcel is 1.60 acres.

The future land use designates the subject property as industrial.

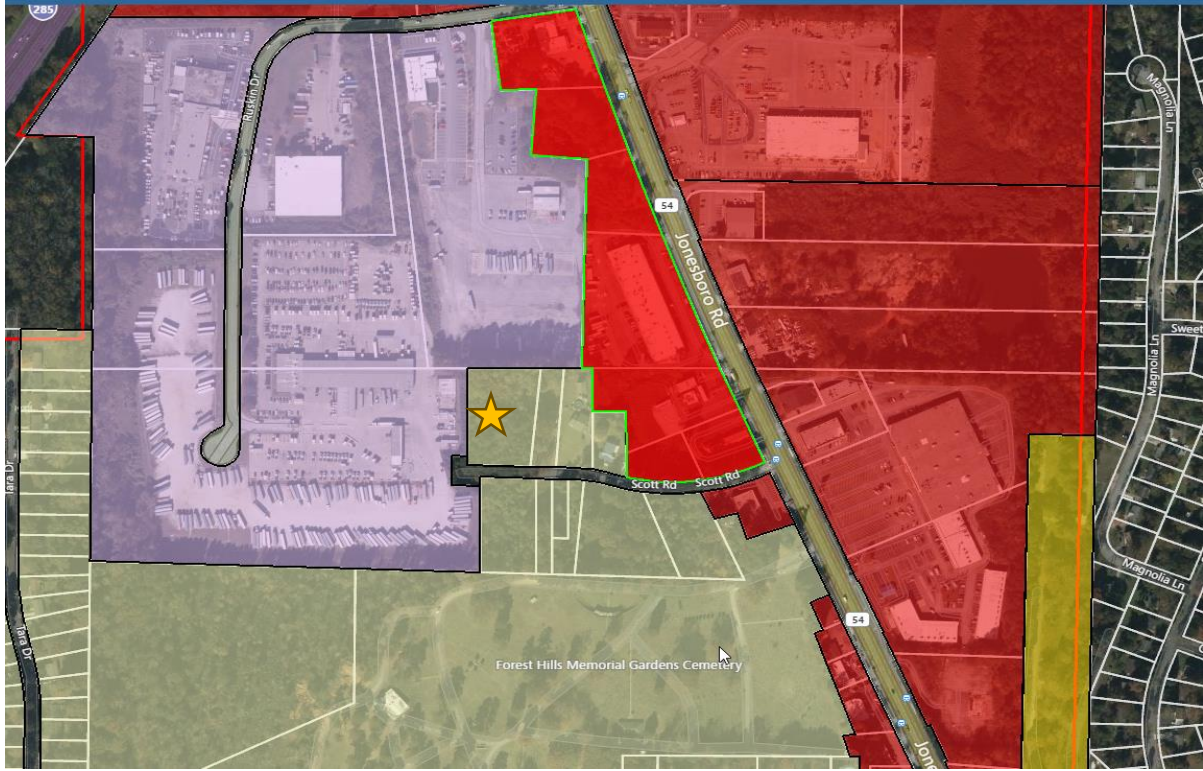
**AERIAL MAP**



**ZONING CLASSIFICATION OF CONTIGUOUS PROPERTIES**

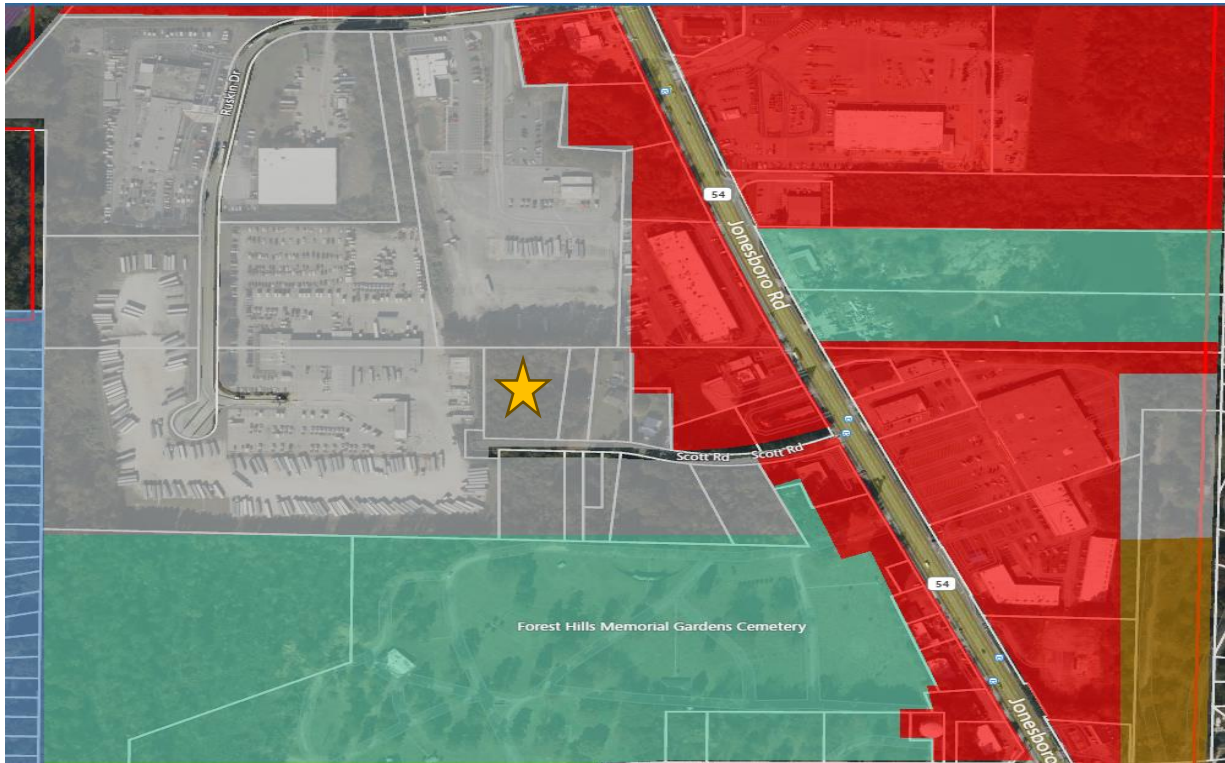
<b>North</b>	LI (Light Industrial)	<b>East</b>	RS (Single Residential)
<b>South</b>	RS (Single Family Residential)	<b>West</b>	LI ( Light Industrial)

**ZONING MAP**



**Current Zoning: RS**

**FUTURE LAND USE MAP**



**Future Land Use: Institutional**

**Surrounding Properties**



**3 Single Family Homes**



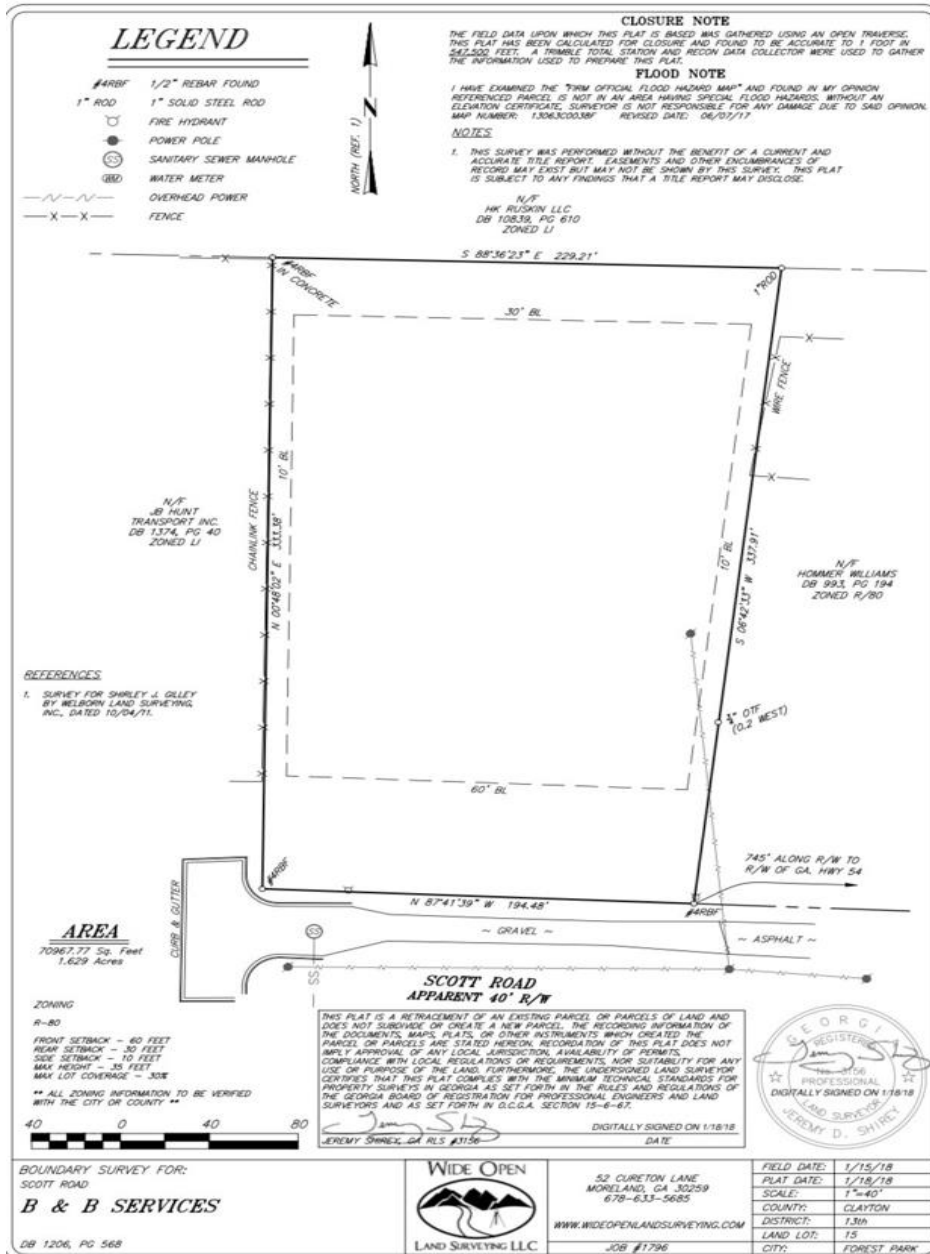
Vacant, wooded parcel south of parcel



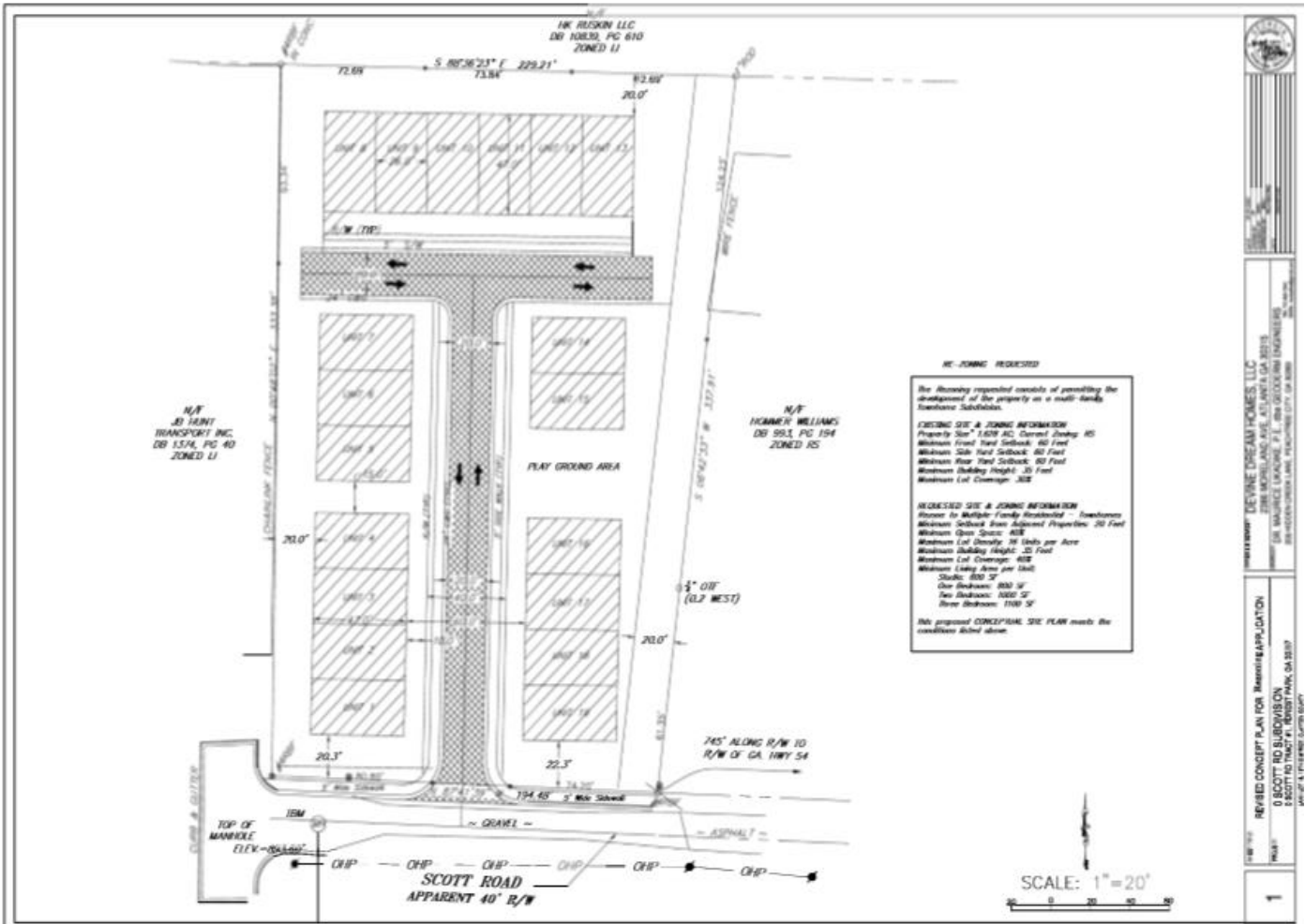
J.B. Hunt Trucking- west of property at end of Scott Road



BOUNDARY SURVEY



SITE PLAN



DEVRIC DREAM HOMES, LLC  
 1000 W. BUCKLEBAY AVE ATLANTA GA 30328  
 (404) 488-1111  
 WWW.DEVRICDREAMHOMES.COM

DEVRIC DREAM HOMES, LLC  
 1000 W. BUCKLEBAY AVE ATLANTA GA 30328  
 (404) 488-1111  
 WWW.DEVRICDREAMHOMES.COM

REVISED CONCEPT PLAN FOR MEMORANDUM  
 & SCOTT RD SUBDIVISION  
 1000 W. BUCKLEBAY AVE ATLANTA GA 30328  
 (404) 488-1111  
 WWW.DEVRICDREAMHOMES.COM

CONCEPT PLAN



LEGEND:  
 LOT  
 LOT  
 REAR PATIO

This site plan including measurements and dimensions are approximate and for illustrative purposes only. BoxBrownie.com gives no guarantee, warranty or representation as to the accuracy and layout. All enquiries must be directed to the agent, vendor or party representing the site plan.

Scott Road Forest Park, GA

Impact Summary

Would the proposed amendment be consistent and compatible with the city's land use and development, plans, goals, and objectives:  Yes  No *The subject property is flanked by industrial zoned property to the west and north and residential zoned property south and east.*

Would the proposed amendment tend to increase, to decrease, or to have no impact on traffic safety and

congestion in the streets?  **Increase**  **Decrease**  **No Impact** *Currently, there are only 3 homes on Scott Road. The construction of additional homes will result in an increase in traffic. Scott Road is below city standards and two-way traffic flow is at a minimum.*

Would the proposed amendment tend to increase, to decrease, or to have no relationship to safety from fire and other dangers?  **Increase**  **Decrease**  **No Relationship** *Safety would be a concern for fire due to design of roadway and traffic circulation in and out of the property.*

Would the proposed amendment tend to promote, to diminish, or to have no influence on the public health and general welfare of the city?  **Promote**  **Diminish**  **No Influence**

Would the proposed amendment tend to increase, to decrease or to have no influence on the adequacy of light and air?  **Promote**  **Diminish**  **No Influence**

Would the proposed amendment tend to cause, to prevent, or to have no influence on the overcrowding of land?  **Cause**  **Prevent**  **No Influence** *The proposed amendment could potentially cause overcrowding on the property. Currently the ordinance encourages only 16 units per acre in RM zoned districts. The applicant is proposing to construct 19 townhouses on this tract of property.*

Would the proposed amendment tend to cause, to prevent, or to have no relationship on the population distribution within the city, thus creating any area as dense in population as to adversely affect the health, safety, and general welfare of the city?  **Cause**  **Prevent**  **No Relationship**

Would the proposed amendment tend to impede, to facilitate, or to have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities or facilities?

**Impede**  **Facilitate**  **No Impact** *The circulation and the increase of traffic could potentially impact transportation on Scott Road.*

Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?  **Yes**  **No** *There are no known contributing factors that will affect the value, use and enjoyment of surrounding properties; however, the roadway is substandard. Any development on subject property would negatively impact the flow of traffic for the existing three homes.*

Would the proposed amendment tend to promote, to diminish, or to have no influence upon the aesthetic effect of existing and future uses of the property and the surrounding area?

**Promote**  **Diminish**  **No Influence** *Based on the design characteristics of the townhouses, the project could enhance the aesthetics of the surrounding area.*

Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?  **Yes**  **No** *The proposed development could positively impact the use of the surrounding residential properties based on its characteristics and sale prices.*

Would the proposed amendment create an isolated district, unrelated to adjacent and nearby districts?

**Yes**  **No** *The proposed development would create an isolated district; however, it would be a transition from the surrounding industrial uses to the single-family uses currently on Scott Road.*

#### **Staff Review**

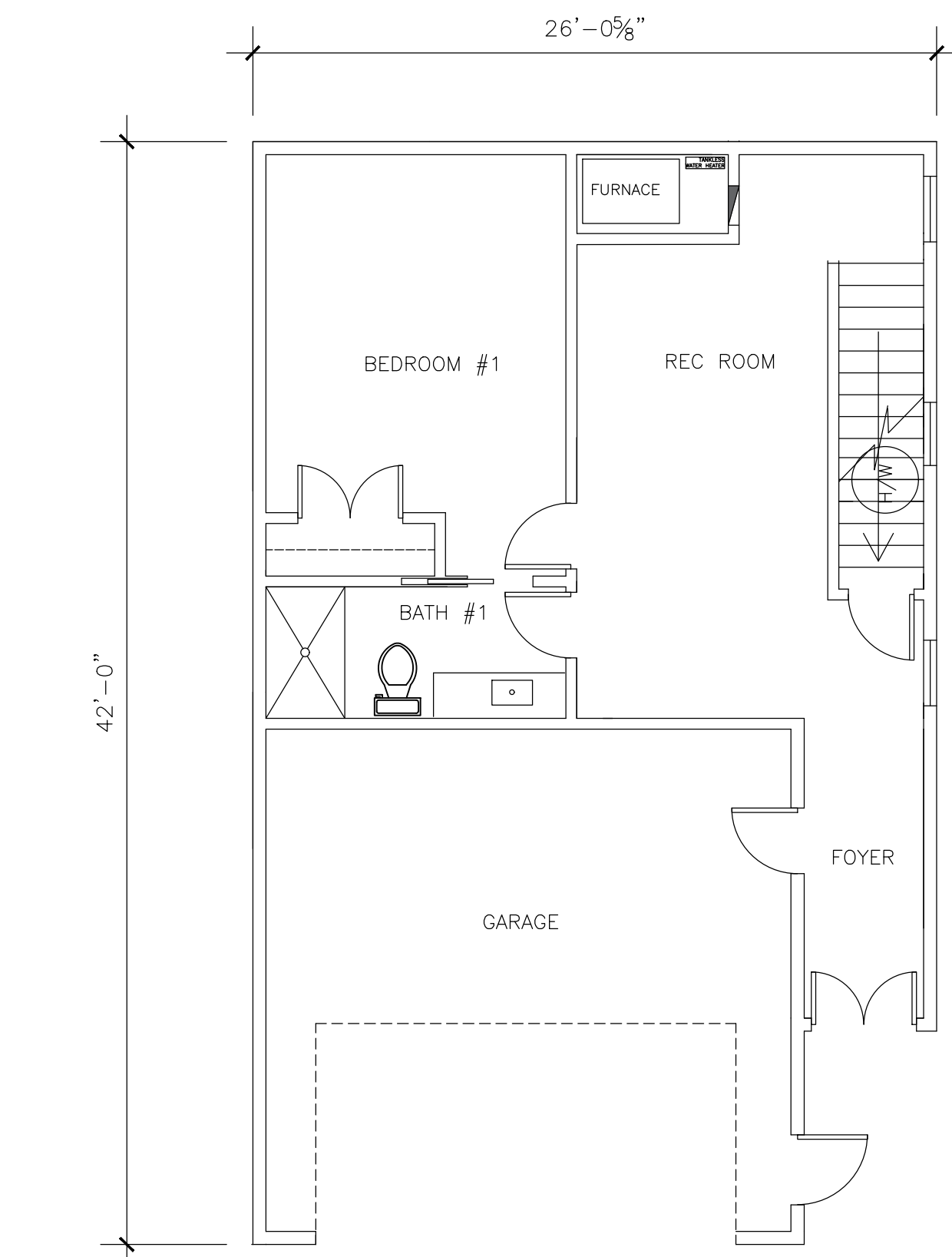
The following departments/divisions had no issues or concerns regarding the requested rezoning:

- Public Works, Police, and Building Inspector. The fire department expressed concern about the design based on water availability, road width and accessibility.

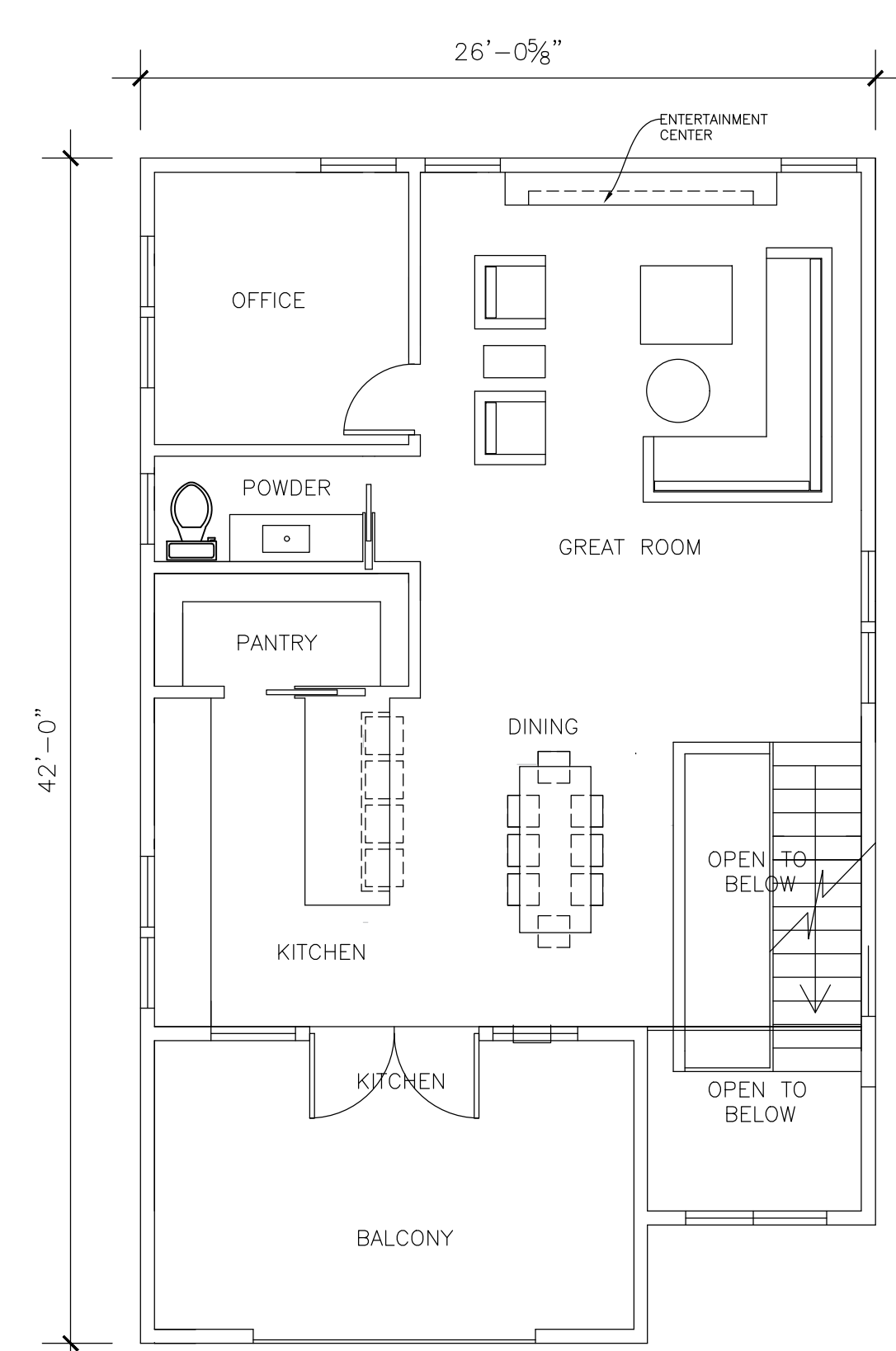
### **Staff Recommendation**

The requested rezoning from RS (Single-Family Residential) to RM (Residential Multi-family) zoning category would allow for the property to be developed and result in an increase in the tax base in the city. The property if rezoned and developed would be a transitional use between the two current uses, industrial and residential single family. The proposed amendment will not cause an adverse impact on the surrounding community. **Staff recommends Approval of the rezoning request** along with the following conditions:

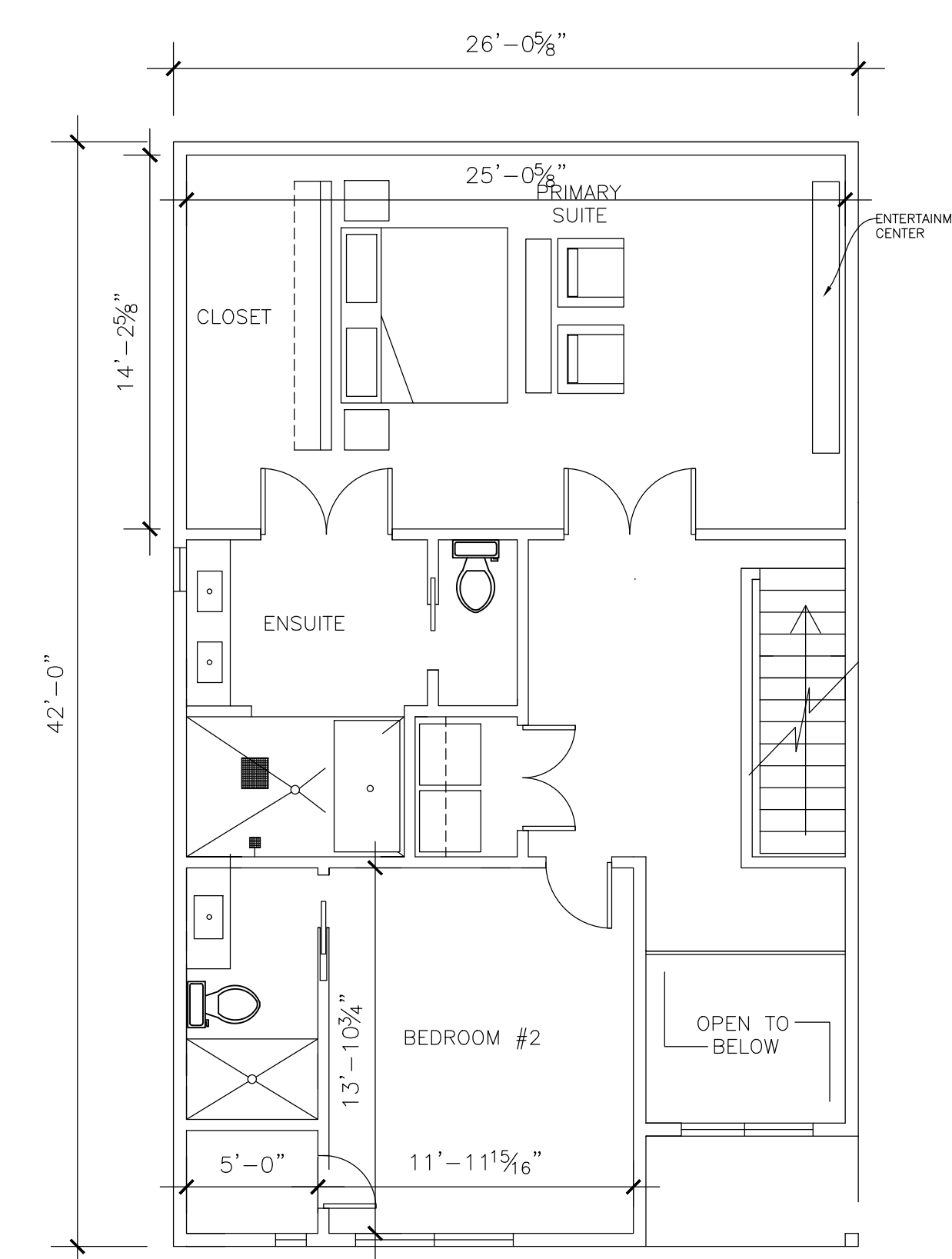
1. Scott Road shall be improved to city standards prior to development.
2. All buildings shall be constructed of brick, stone, wood, stucco, or any combination thereof.
3. There shall be differential architectural features between units, no adjacent units shall have the same design characteristics or features or identical.
4. Each unit shall provide 2-car garages.
5. Adhere to the buffer standards as specified in the current code between industrial and residential development.
6. Any deviations from the conditions shall be approved by the Planning Commission.



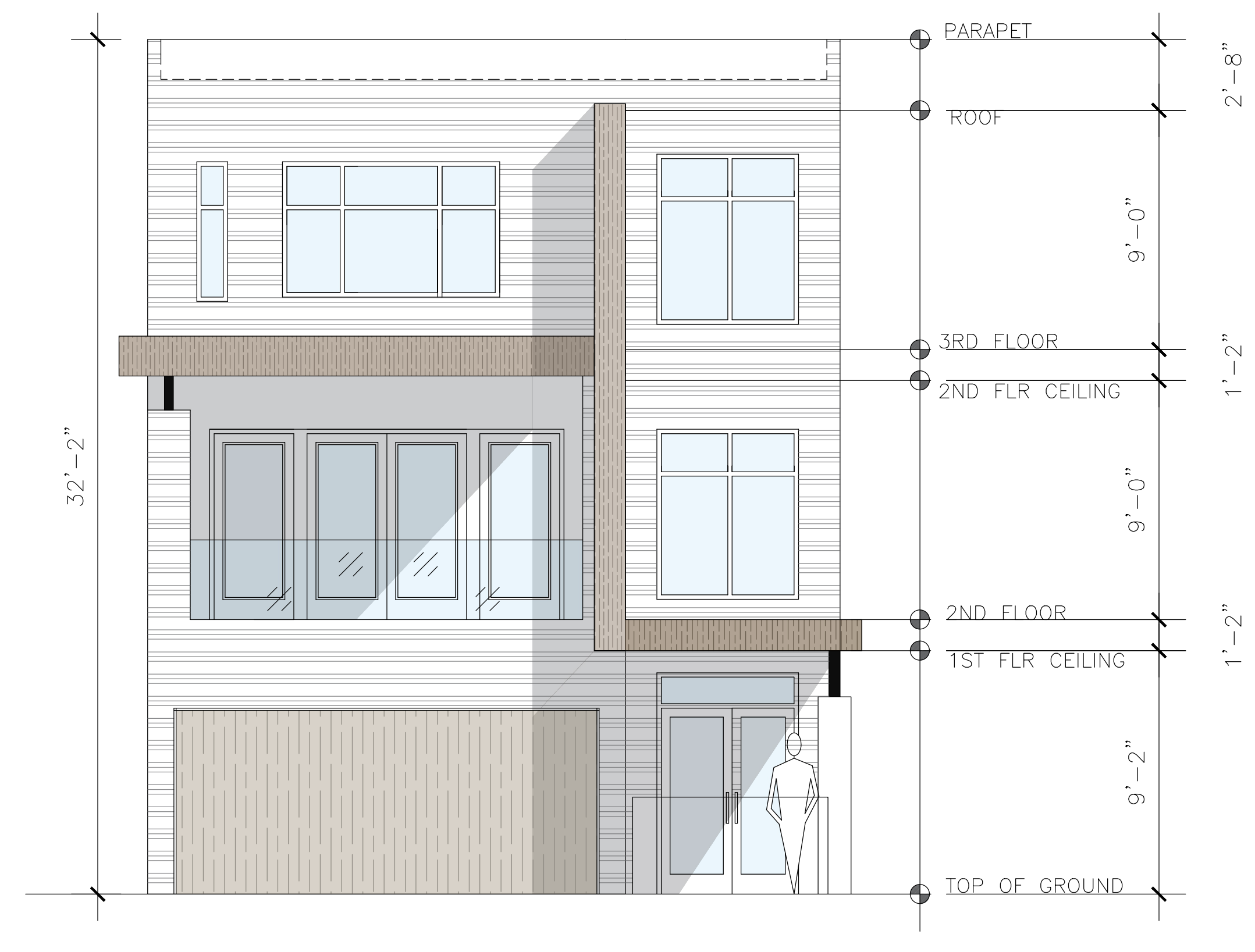
GROUND FLOOR



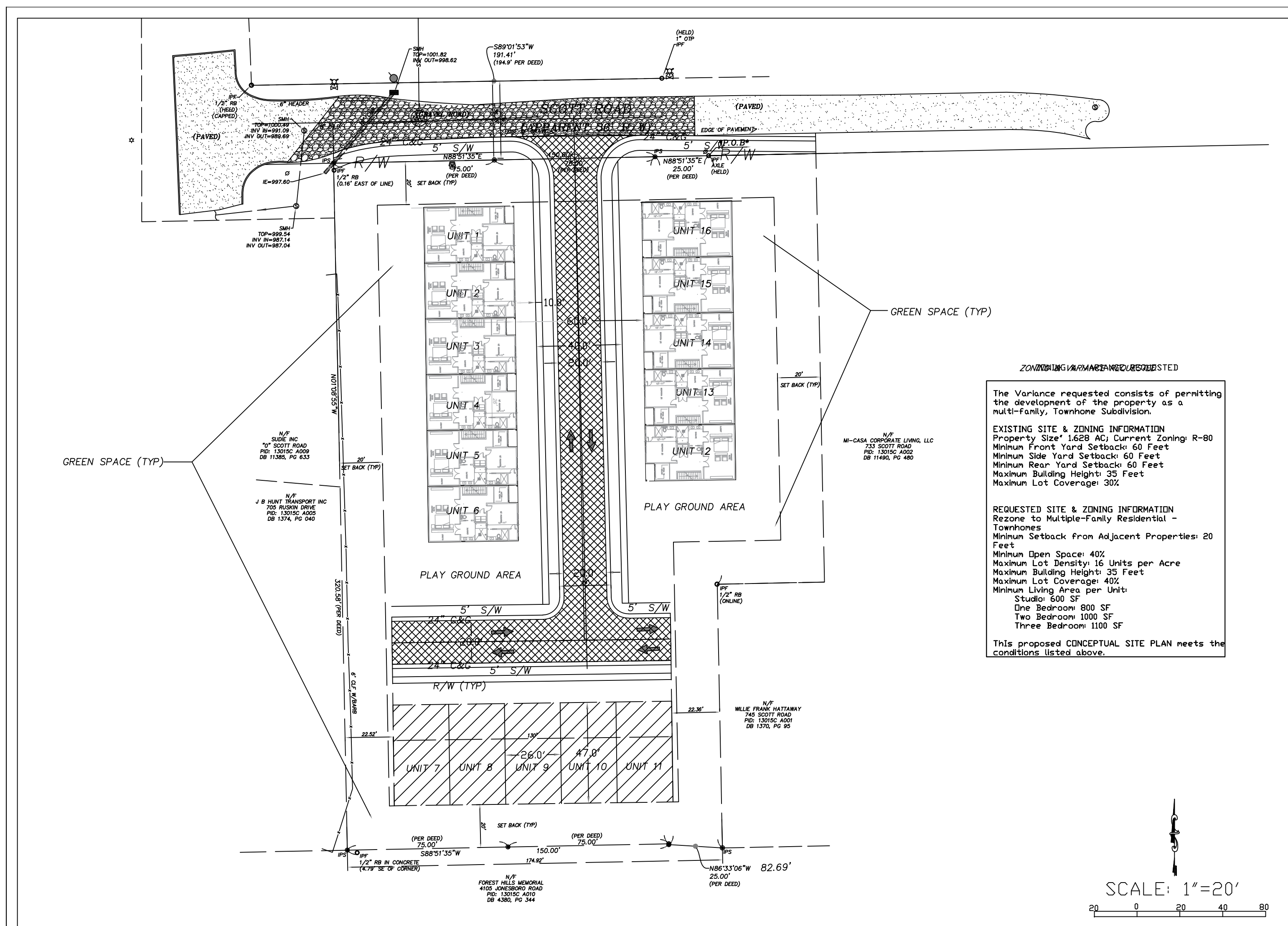
MAIN LEVEL



THIRD FLOOR

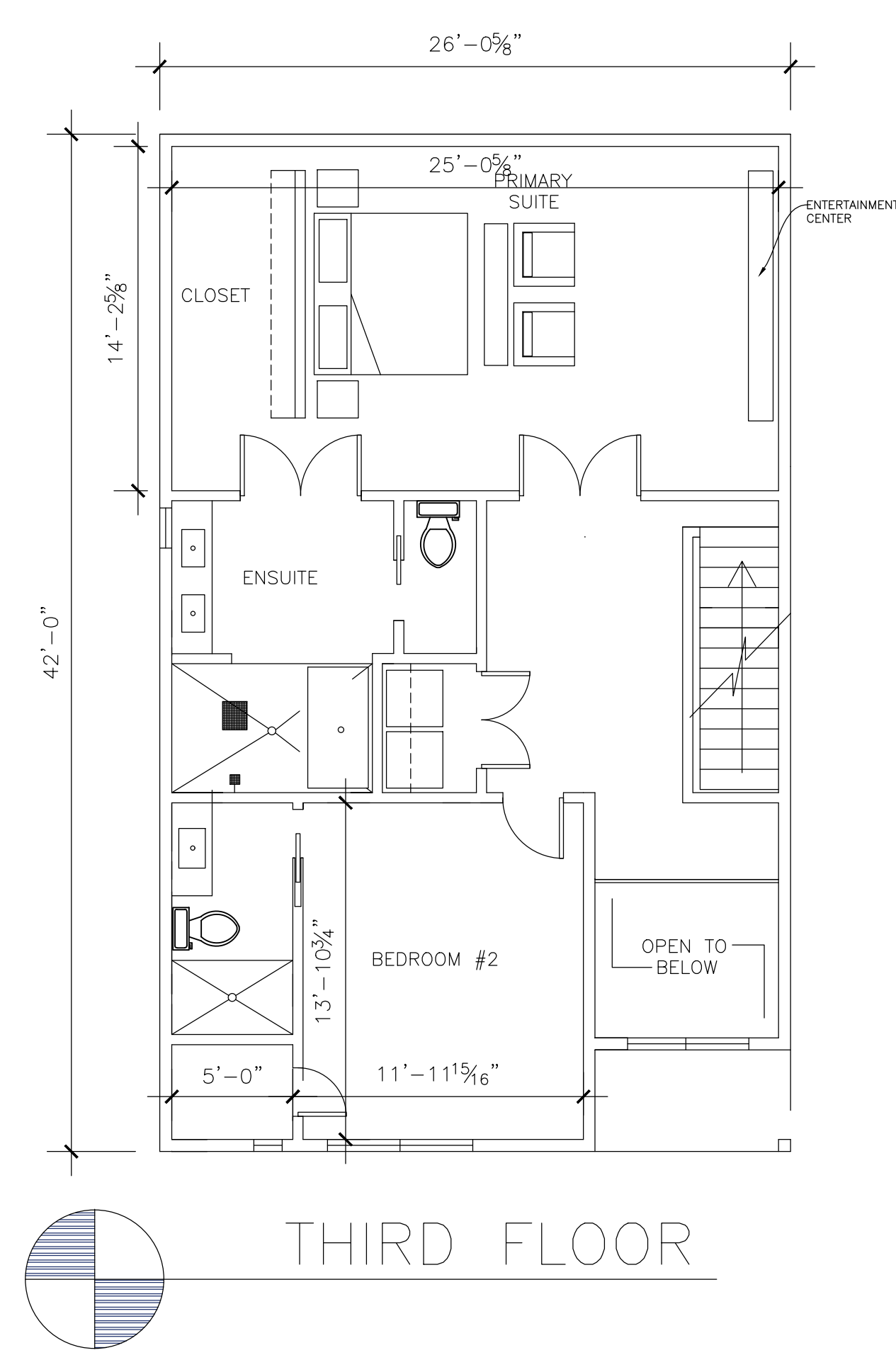
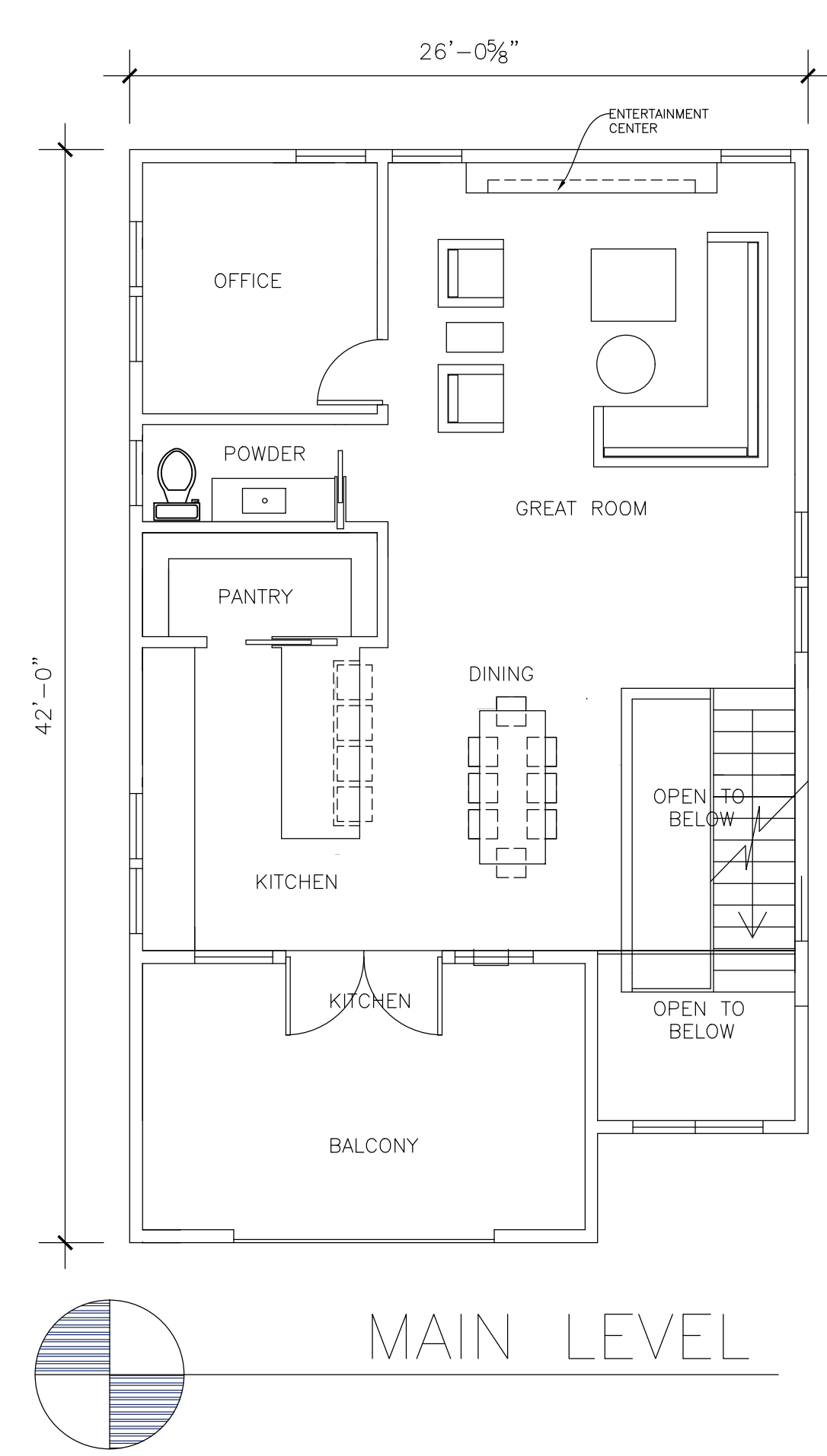
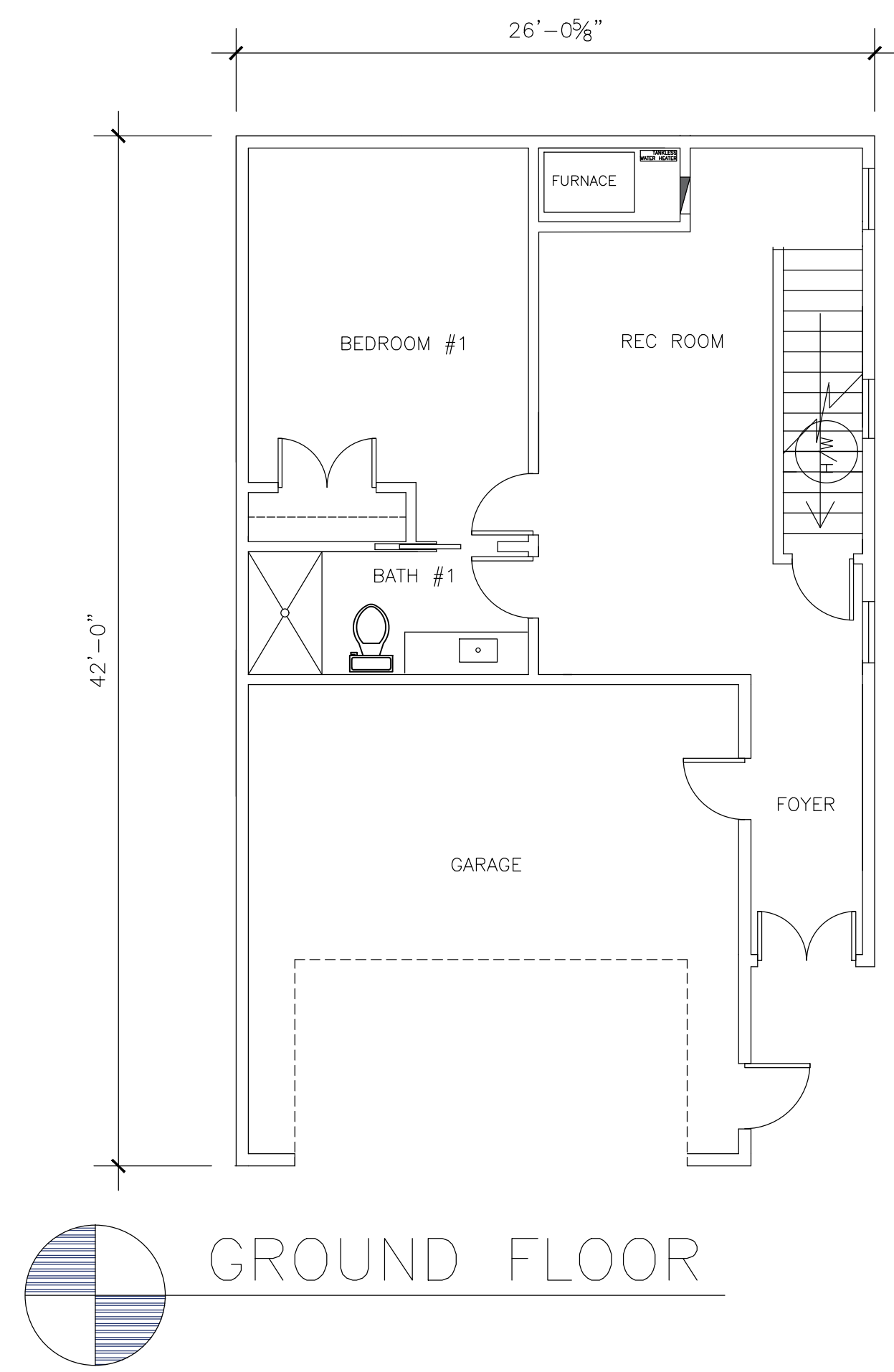


SINGLE UNIT



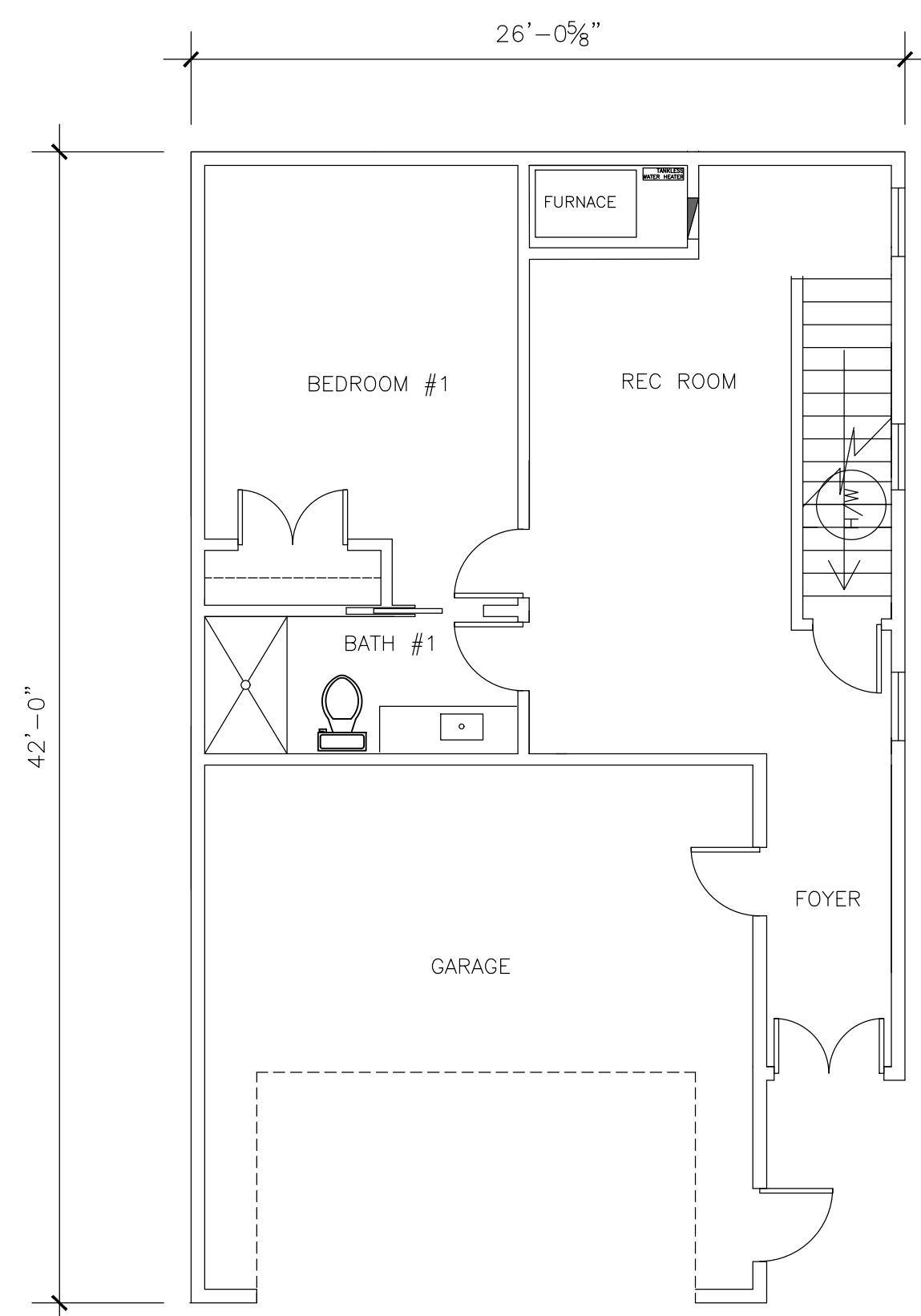
**Warren Delley**  
Principal  
 (678) 702-0675 Main  
 (678) 904-3514 Direct  
 warren@cawerks.com  
 300 Colonial Center Parkway, Suite 1  
 Roswell, Georgia 30076  
 www.cantileverarchitectural.com

**DIVINE DREAM HOMES**

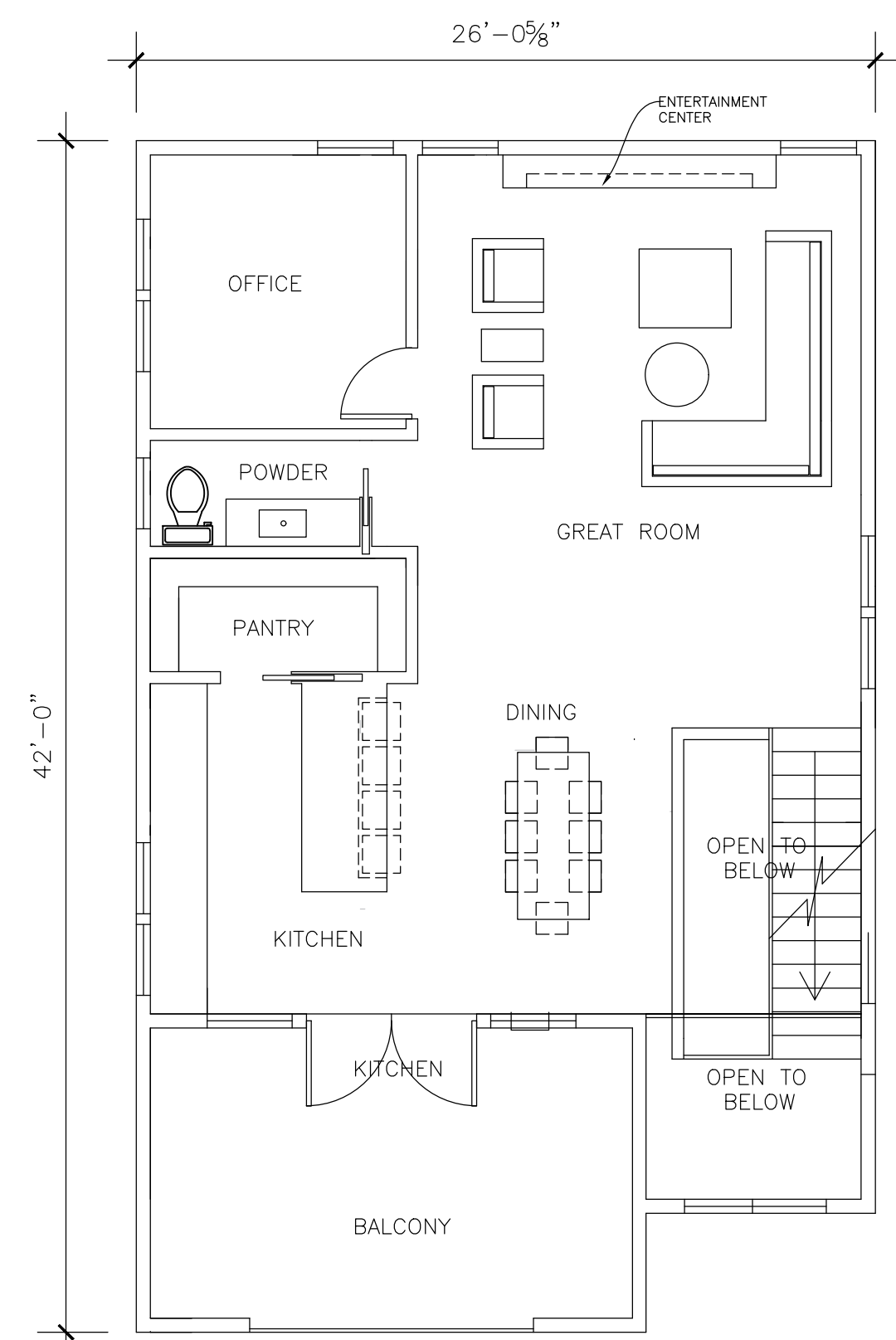


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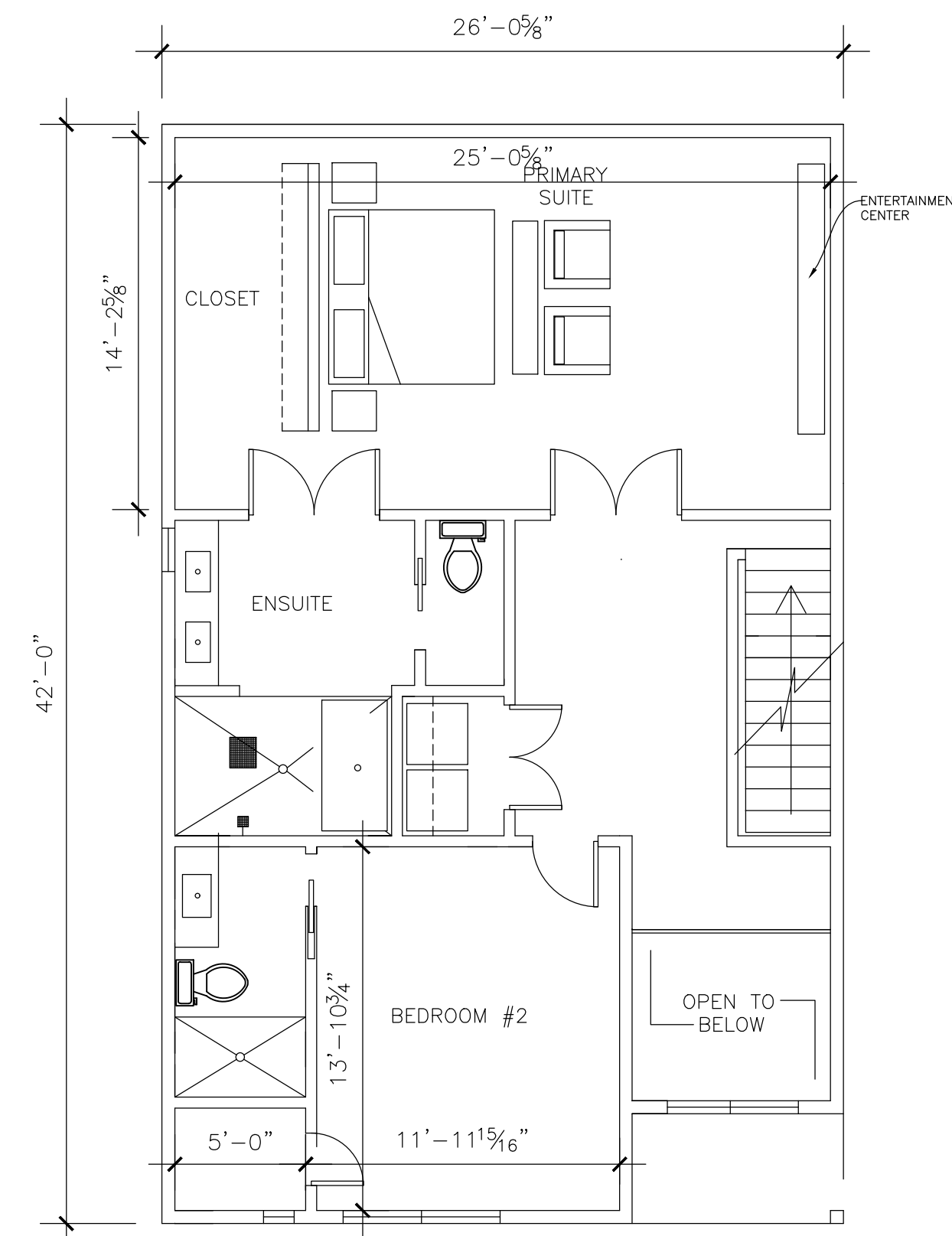
**DIVINE DREAM HOMES**



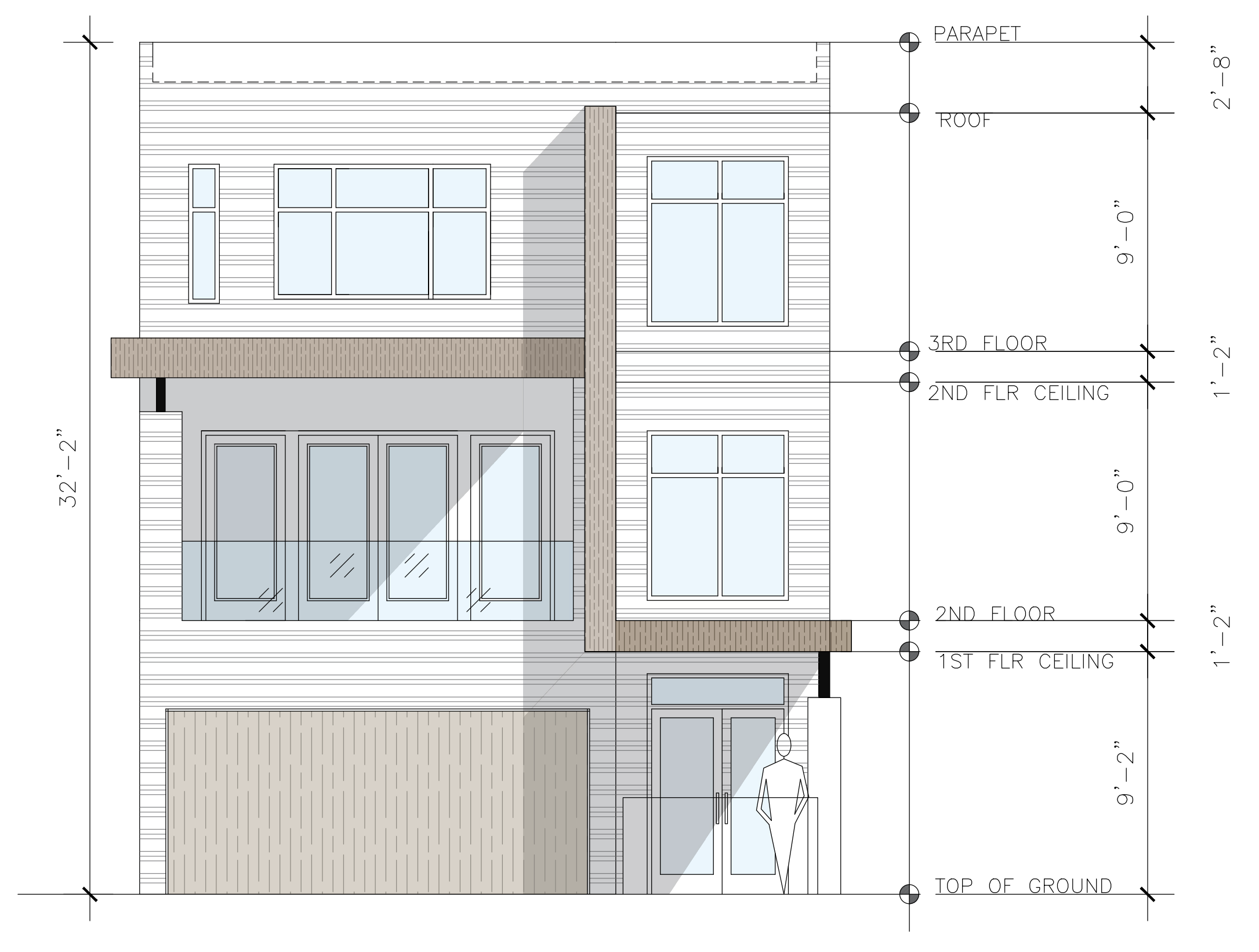
GROUND FLOOR



MAIN LEVEL



THIRD FLOOR



SINGLE UNIT



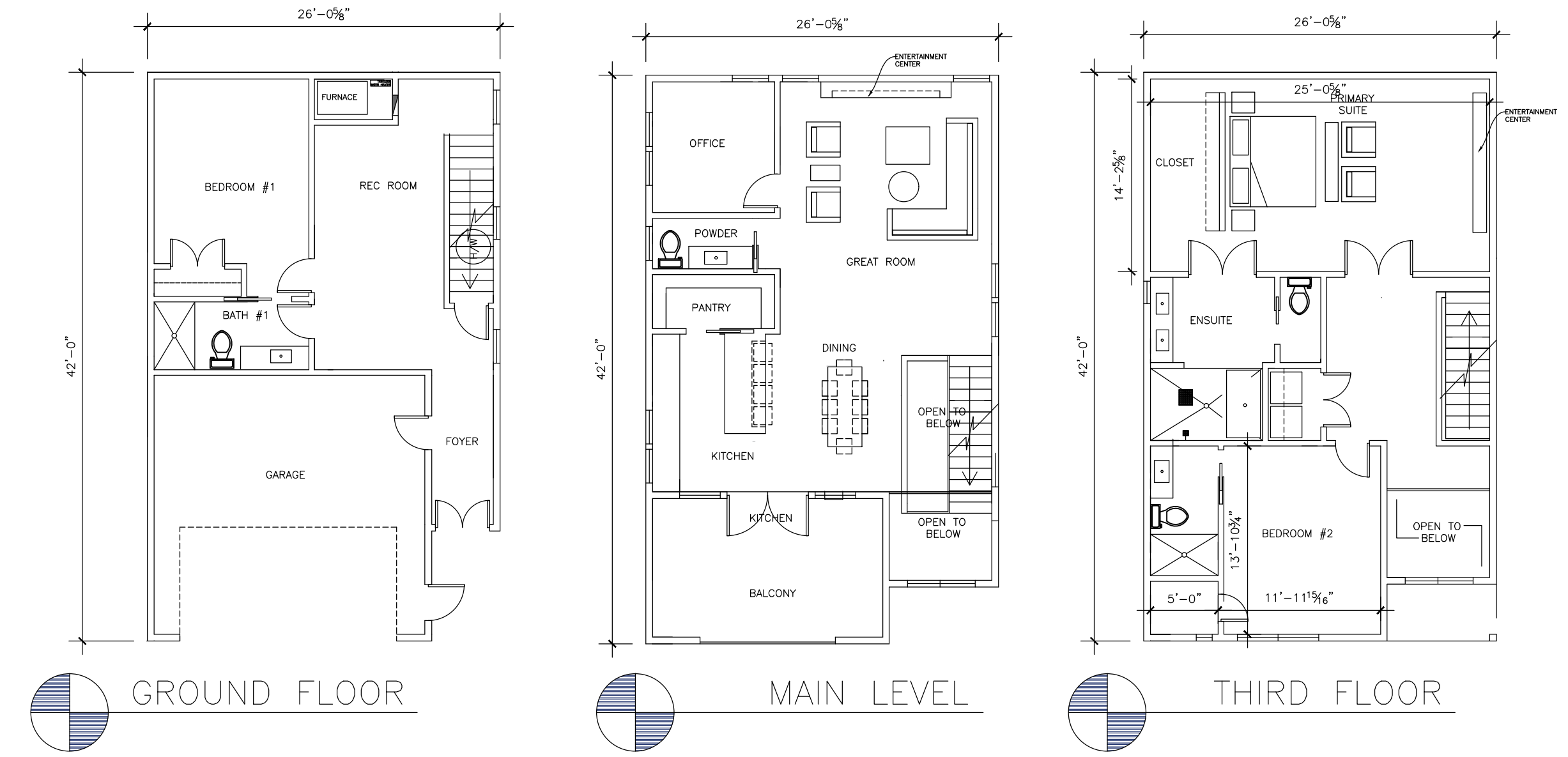
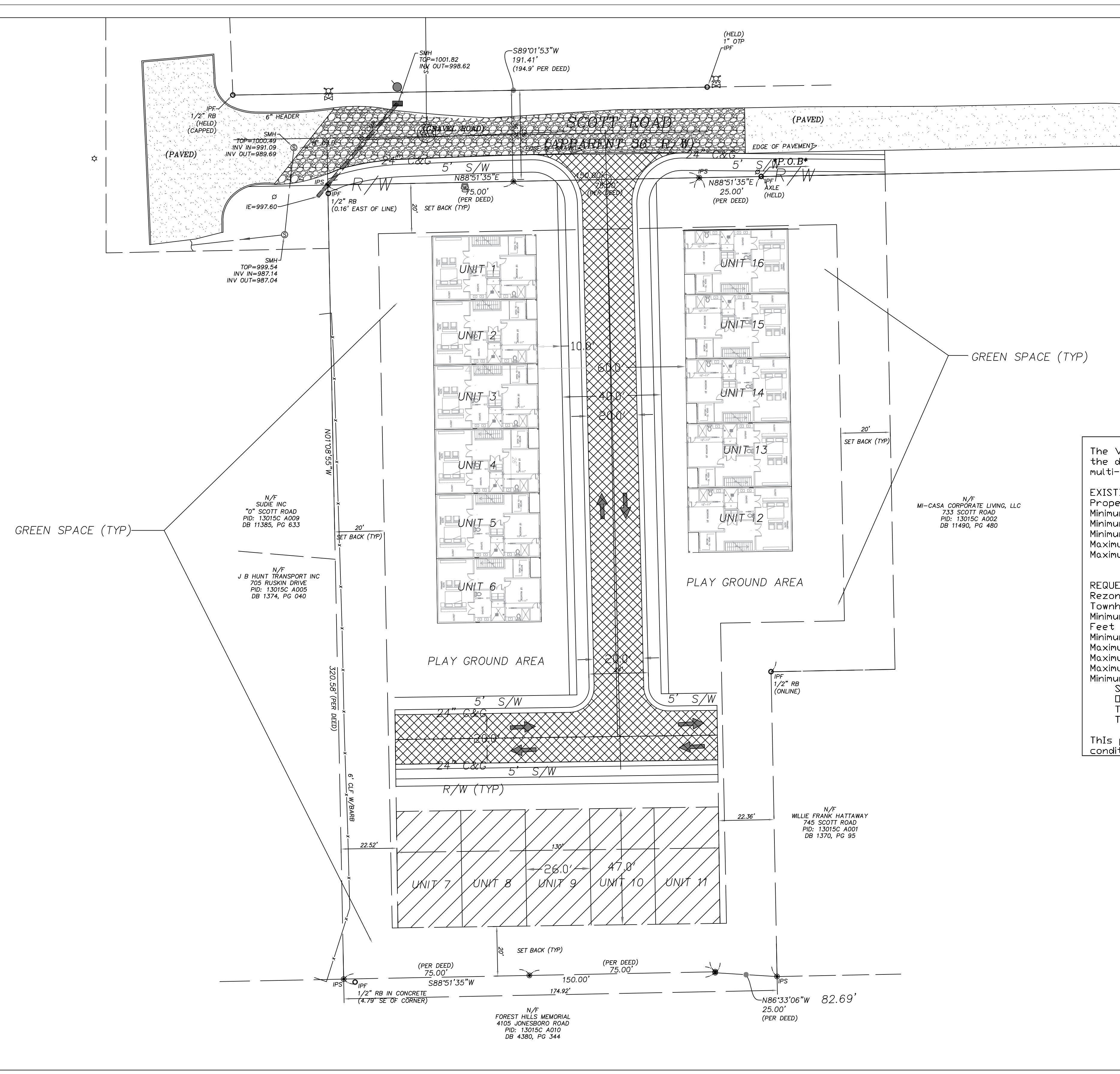
5 UNIT TOWNHOME

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**Cantilever Architectural**

**DIVINE DREAM HOMES**



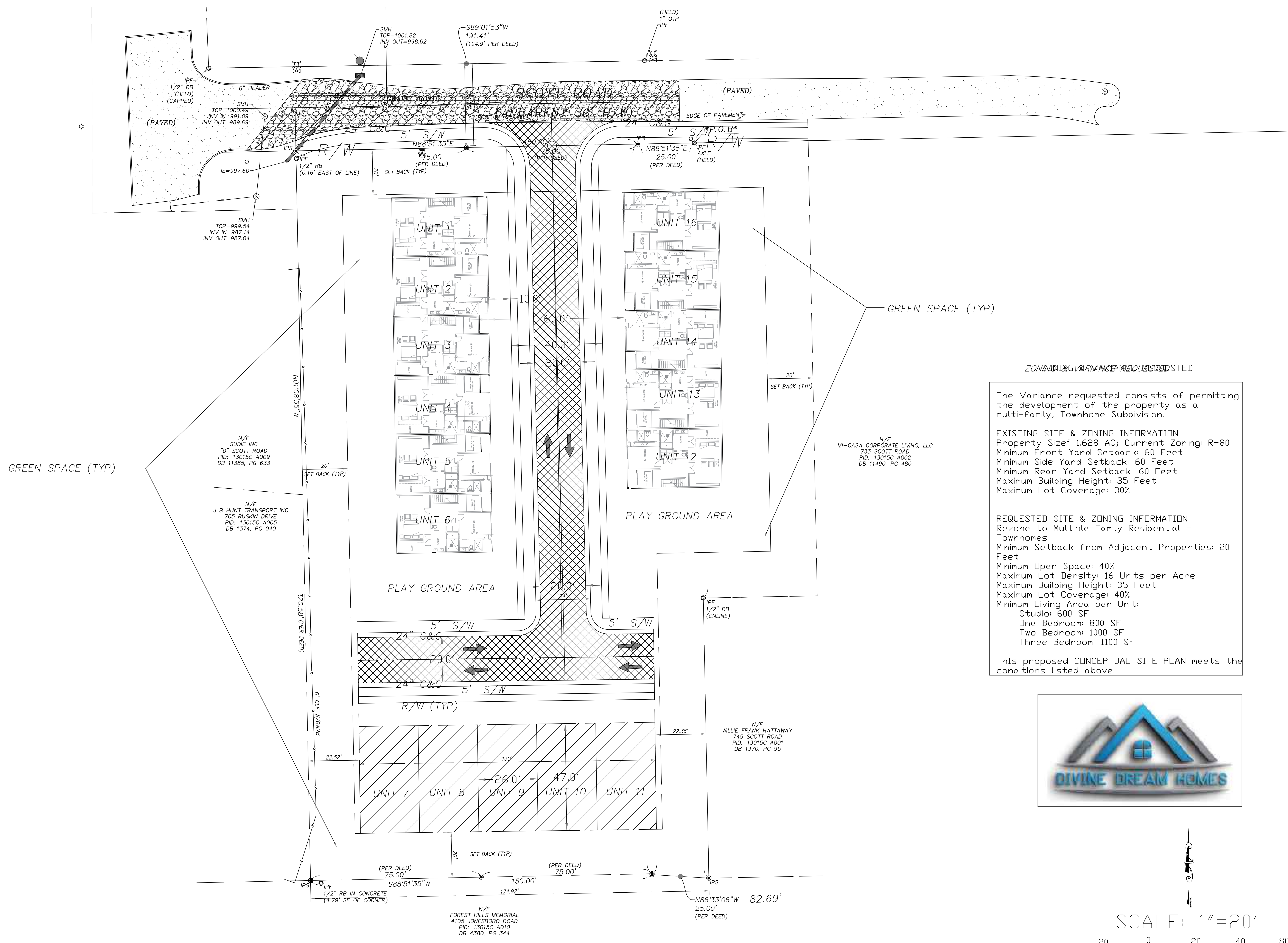


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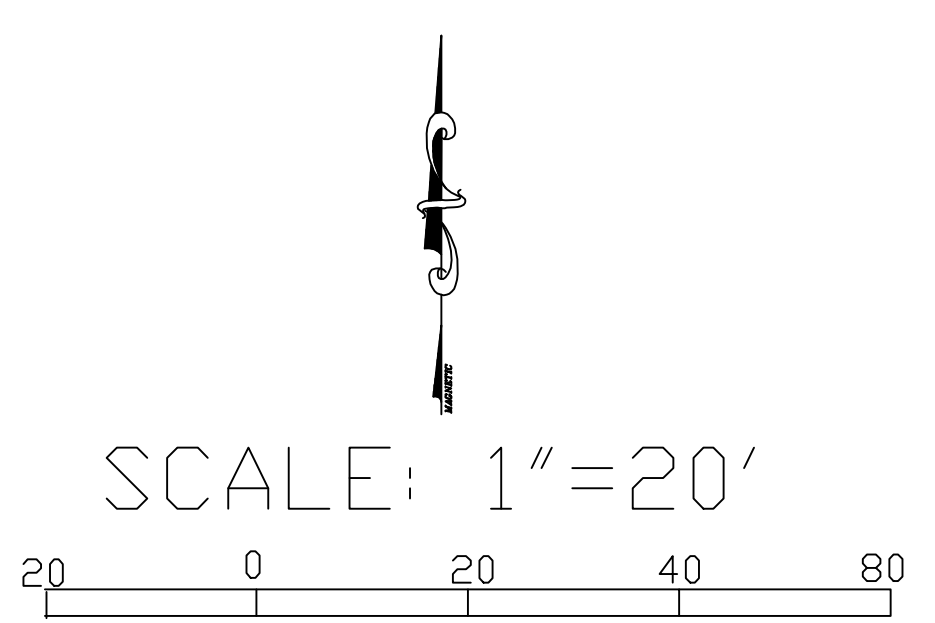
**ZONING VARIANCE REQUESTED**

The Variance requested consists of permitting the development of the property as a multi-family, Townhome Subdivision.

**EXISTING SITE & ZONING INFORMATION**  
 Property Size: 1.628 AC; Current Zoning: R-80  
 Minimum Front Yard Setback: 60 Feet  
 Minimum Side Yard Setback: 60 Feet  
 Minimum Rear Yard Setback: 60 Feet  
 Maximum Building Height: 35 Feet  
 Maximum Lot Coverage: 30%

**REQUESTED SITE & ZONING INFORMATION**  
 Rezone to Multiple-Family Residential - Townhomes  
 Minimum Setback from Adjacent Properties: 20 Feet  
 Minimum Open Space: 40%  
 Maximum Lot Density: 16 Units per Acre  
 Maximum Building Height: 35 Feet  
 Maximum Lot Coverage: 40%  
 Minimum Living Area per Unit:  
 Studio: 600 SF  
 One Bedroom: 800 SF  
 Two Bedroom: 1000 SF  
 Three Bedroom: 1100 SF

This proposed CONCEPTUAL SITE PLAN meets the conditions listed above.



FP City Council  
July 17th

7/5 12 2023

High School)

to make immediate payment to the undersigned, this 11<sup>th</sup> day of May, 2023.

**TO THE CITIZENS OF FOREST PARK, CLAYTON COUNTY, GEORGIA, AND OTHER INTERESTED PARTIES:**

9020-348264, 6/7,14,21,28,7/5,2023

This 18<sup>th</sup> day of May, 2023

**NOTICE IS HEREBY GIVEN:** The City of Forest Park City Council will conduct a meeting on a series of Public Hearings for the purpose of considering the matters listed below. The Public Hearings will be held on **Monday, July 17, 2023, at 7:00 p.m.** at Forest Park City Hall, Council Chambers, 745 Forest Parkway, Forest Park, GA 3029.

Request for Proposals RFP No. 018-23

Clayton County Public Schools is seeking Requests for Proposals from prequalified Construction Management at Risk firms for the Riverdale Early Learning Center located at 6830 Camp Street, Riverdale, GA 30296.

Glenn A. Townsend, Executor of the Estate of Edwin C. Allman, deceased c/o Daniel C. Haygood Attorney at Law Two South Main Street Suite C P.O. Box 207 Watkinsville, Georgia 30677 9025-348794 6/14,21,28,7/5,2023

**TO THE CITIZENS OF FOREST PARK, CLAYTON COUNTY, GEORGIA, AND OTHER INTERESTED PARTIES:**

**NOTICE IS HEREBY GIVEN:** The City of Forest Park City Council will conduct a meeting on a series of Public Hearings for the purpose of considering the matters listed below. The Public Hearings will be held on **Monday, July 17, 2023, at 7:00 p.m.** at Forest Park City Hall, Council Chambers, 745 Forest Parkway, Forest Park, GA 3029.

**Only prequalified firms can submit proposals.**

The proposed project scope of work consists of, but not limited to the following:

The new construction 500 capacity pre-kindergarten facility will include a 2 story Administration wing that will contain offices and conference rooms. 4 classroom pods that will consist of 8 classrooms and a collaboration space. A media center, STEM lab, play, art and music rooms, a fully functional kitchen and cafeteria. On-site parking, bus and parent drop-offs. Outdoor playgrounds and lawn learning areas.

**GDP2952 spn07**  
**Notice to debtors and creditors**  
All Creditors of the Estate of Shirley Jean Short, late of Gwinnett County, deceased, are hereby notified to render in their demands to the undersigned according to law, and all persons indebted to said Estate are required to make immediate payment.  
This 5 day of July, 2023.  
Catherine L. Shepard & Cynthia J. Roisky, co-Executrix Estate of Shirley Jean Short  
3055 Arden Way, Snellville, Gwinnett, GA 30039  
125 NW 13<sup>th</sup> Street, Oak Island, Brunswick, NC 29445  
7/5,12,19,26,2023

**NOTICE TO DEBTORS AND CREDITORS**

STATE OF GEORGIA, COUNTY OF CLAYTON

All creditors of the estate of **IRENE FRANKS, Estate number 2022-0171E**, deceased, late of Clayton County, Georgia are hereby notified to render their demands by filing same with the Probate Court of Clayton County, 121 S. McDonough Street, Bldg 3, Jonesboro, Georgia, 30236 according to law, and all persons indebted to said Estate are required to make immediate payment to the undersigned.

This the 13<sup>th</sup> day of June, 2023.

/s/ TED N. ECHOLS, ESQ.  
Attorney  
ECHOLS LAW GROUP, P.C.  
505 Corporate Center Dr., Ste 106 Stockbridge, GA 30281  
9025-349682, 6/21,28,7/5,12,2023

**NOTICE TO DEBTORS AND CREDITORS**

STATE OF GEORGIA, COUNTY OF CLAYTON

All creditors of the estate of **JACQUELINE REGINA POTTS, Estate number 2023-0430E**, deceased, late of Clayton County, Georgia are hereby notified to render their demands by filing same with the Probate Court of Clayton County, 121 S. McDonough Street, Bldg 3, Jonesboro, Georgia, 30236 according to law, and all persons indebted to said Estate are required to make immediate payment to the undersigned.

This the 8<sup>th</sup> day of June, 2023.

/s/ Christopher J. Horton, Attorney  
**CHRISTOPHER J. HORTON, ESQ.**  
ECHOLS LAW GROUP, P.C.  
505 Corporate Center Dr., Ste 106 Stockbridge, GA 30281  
9025-349456.

**CUP-2023-04 Conditional Use for 5370 Ash St., Parcel # 13079D G010 Forest Park, Georgia.** The applicant, Cynthia Waters, is requesting a conditional use permit to allow a youth performing arts facility, rehabilitation group home for teens, summer camp, health clinic and an adult education program in a church within the Single-Family residential District (RS).

**CUP-2023-05 Conditional Use for 4140 Jonesboro Rd., Parcel # 13015D C007 Forest Park, Georgia.** The applicant, Gerald Tirella, is requesting a conditional use permit to allow a 6,152-sf renovation of the rear of the International Discount Mall to build self-storage units, to be rented by existing mall tenants and the general public.

**RZ-2023-01-Rezoning for Parcel # 13015C A006, 0 Scott Road, Forest Park, Georgia.** The applicant, Divine Dream Homes ATL, LLC, is requesting to rezone 1.69 acres from RS (Single-Family Residential) to RM (Multi-family Residential) to build townhomes.

**RZ-2023-02-Rezoning for Parcels # 13015C A003, 13015C A009, and 13015C A002, 0 Scott Road, Forest Park, Georgia.** The applicant, Divine Dream Homes ATL, LLC is requesting to rezone 1.628 acres from RS (Single-family Residential) to RM (Multi-family Residential) to build townhomes.

**RZ-2023-03-Rezoning for 4233 Thurman Rd., Parcel # 13017A B014, Forest Park, Georgia.** The applicant, KINH Enterprises Inc is requesting to rezone 0.287 acres from RS (Single-Family Residential) to GC (General Commercial) to rebuild a convenience store.

LaShawn Gardiner, Director Planning & Community Development Department 404-366-4720 9003-351134, 6/29, 7/5, 12, 2023

9020 Service/Construction Bids

The Clayton County Water Authority will open sealed proposals from qualified vendors via a Virtual Teams Meeting on **Thursday July 20, 2023, at 2:00 p.m. local time** for the:

**Annual Contract for Mitigation Services**

Any proposals received after this date and time will be considered non-responsive.

A Non-Mandatory Pre-Pro

**CUP-2023-04 Conditional Use for 5370 Ash St., Parcel # 13079D G010 Forest Park, Georgia.** The applicant, Cynthia Waters, is requesting a conditional use permit to allow a youth performing arts facility, rehabilitation group home for teens, summer camp, health clinic and an adult education program in a church within the Single-Family residential District (RS).

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LaShawn Gardiner, Director Planning & Community Development Department 404-366-4720 9003-351134, 6/28, 7/5, 12, 2023

**File Attachments for Item:**

**10. Council to Consider an Override of Mayor Butlers Veto for Conditional Use Permit for Self-Storage – Planning & Community Development**



CITY OF  
**FORESTPARK**

# City Council Agenda Item

**Subject:** Conditional Use Permit for Self-Storage – Planning & Community Development

**Submitted By:** LaShawn Gardiner

**Date Submitted:** June 28, 2023

**Work Session Date:** August 7, 2023

**Council Meeting Date:** August 7, 2023

**Background/History:**

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

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

**Cost: \$ N/A**

**Budgeted for:** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

**Financial Impact: N/A**

**Action Requested from Council:**

Staff needs direction on whether the Council wishes to override the Mayor’s veto.

OFFICE OF THE MAYOR  
 THE HONORABLE ANGELYNE BUTLER, MPA



CITY OF  
**FORESTPARK**

July 24, 2023

Forest Park City Council  
 Forest Park City Hall  
 745 Forest Parkway  
 Forest Park, GA 30297

Re: Veto Message (4140 Jonesboro Road)

Dear Colleagues:

After careful consideration, I hereby exercise my veto authority pursuant to Section 2.32(b) of the Charter and apply said authority to the resolution approving a Conditional Use Permit for Self-Storage located at 4140 Jonesboro Road, during the July 17th, 2023, meeting of the City Council of Forest Park. During the course of the staff presentation on the request in question, the following was brought to the attention of the Governing Body and hereby serves as the premise for my veto:

- I. First, and most egregious, is evidence of a widespread lack of compliance with our occupation tax code. In the most simplistic term, at the location in question, there were several businesses operating sans occupation tax certificates (business licenses).
- II. Staff offered several new conditions that were not previously presented to the Governing Body in an effort to address this lack of compliance. As such, sufficient time to consider these new conditions nor sufficient time to address alternative methods of achieving compliance was present. The only conditions that were available for our prior review were those included in the agenda packet.
- III. Additionally, the applicant stated at the meeting that the self-storage units would only be used by existing tenants at 4140 Jonesboro Road and not be available to the general public.
- IV. The application itself, which was submitted to staff and presented to the Governing Body, indicated that said units would be for the general public to use.

All persons operating within our jurisdiction limits of the City of Forest Park must be in full compliance with all local laws. To grant a request knowing someone is in any manner in non-compliance with the laws set forth by the Governing Body is not a practice we should normalize. Moreover, the Governing Body must approve the information presented in writing to us. Any changes should also be placed in writing and should restart the process to ensure staff has the appropriate time to review said changes before coming to the Governing Body. There is no room nor opportunity for ambiguity. But of the reasons listed above, (lack of compliance and blatant admission and application contradiction) said request, is hereby vetoed. In order for sufficient consideration, it is my desire that the applicant addresses the specific reasons for the denial and resubmit their application accordingly.

With the Utmost Respect,

Angelyne Butler, MPA  
 Mayor

cc: Ricky L. Clark, Jr., City Manager, Michelle Hood, Interim City Clerk



Planning & Community Development Department  
785 Forest Parkway  
Forest Park, Georgia 30297  
(404) 608-2300 Fax: (404) 608-2306

## Staff Report – Conditional Use Permit

Public Hearing Date: June 15, 2023

City Council Meeting: July 3, 2023

**Case:** CUP-2023-05

**Current Zoning:** GC – General Commercial District

**Proposed Request:** Conditional Use for self-storage.

**Staff Report Compiled By:** SaVaughn Irons, City Planner

**Staff Recommendation:** Approval

### APPLICANT INFORMATION

<b>Owner of Record:</b>	<b>Applicant:</b>
<b>Name:</b> Old Peachtree Properties, LLC	<b>Name:</b> Gerald Tirella
<b>Address:</b> 645 Elmwood D.	<b>Address:</b> 4140 Jonesboro Rd.
<b>City/State:</b> Forest Park, GA 30297	<b>City/State:</b> Forest Park, GA 30297

### PROPERTY INFORMATION

<b>Parcel Number:</b> 13015D C007	<b>Acreage:</b> 0.43
<b>Address:</b> 4140 Jonesboro Rd., Forest Park, GA 30297	<b>FLU:</b> Commercial

### SUMMARY & BACKGROUND

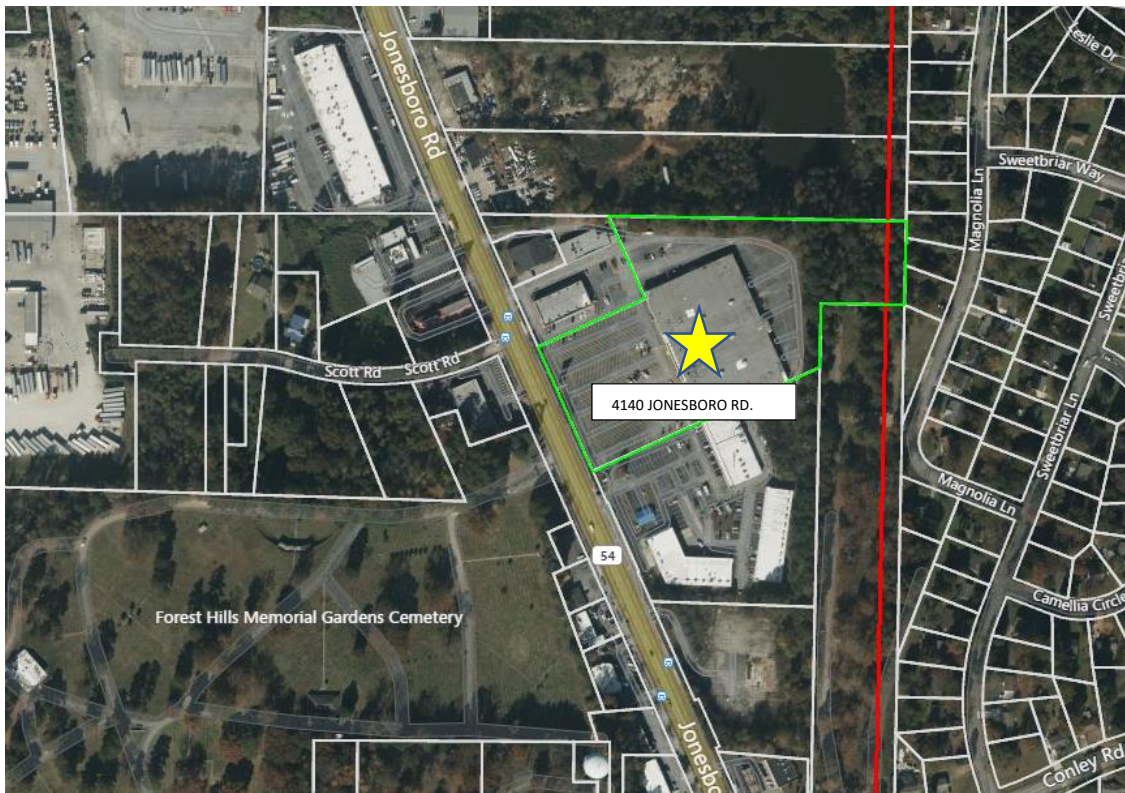
The applicant is requesting a Conditional Use Permit to allow a 6,152-square foot renovation of the rear of the International Discount Mall to build self-storage units in the rear of the facility to be rented by existing mall tenants and general public. Presently, the space is utilized as an International Discount Mall at 4140 Jonesboro Rd. This property is currently zoned General Commercial (GC). The intent of the GC district is to provide a land use category for a diversity of commercial uses that provide products and services on a regional level. Per Sec 8-8-40 General Commercial District (GC) mini-warehouses and storage buildings are only permitted under a conditional use permit. West of the arterial street is Scott Rd. The street frontage for this parcel is Jonesboro Rd; North, West and South of the parcel are commercial/retail businesses and east of the parcel is outside the city limits.

**Property Zoned Institutional Commercial (IC)**

**ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES**

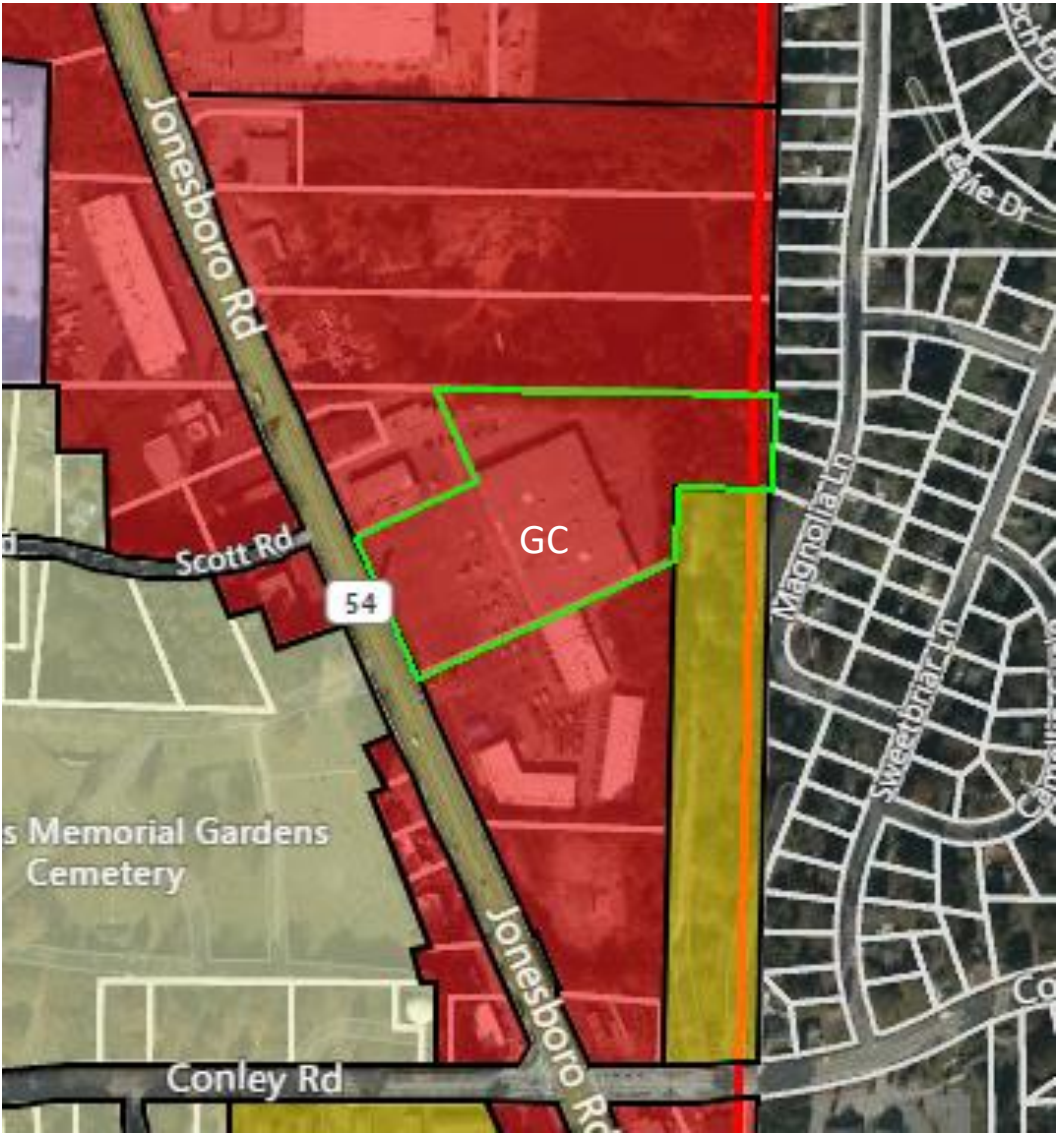
Direction	Zoning & Use	Direction	Zoning & Use
North	GC: General Commercial District	East	Outside of City Limits
South	GC: General Commercial District	West	GC: General Commercial District

**AERIAL MAP**

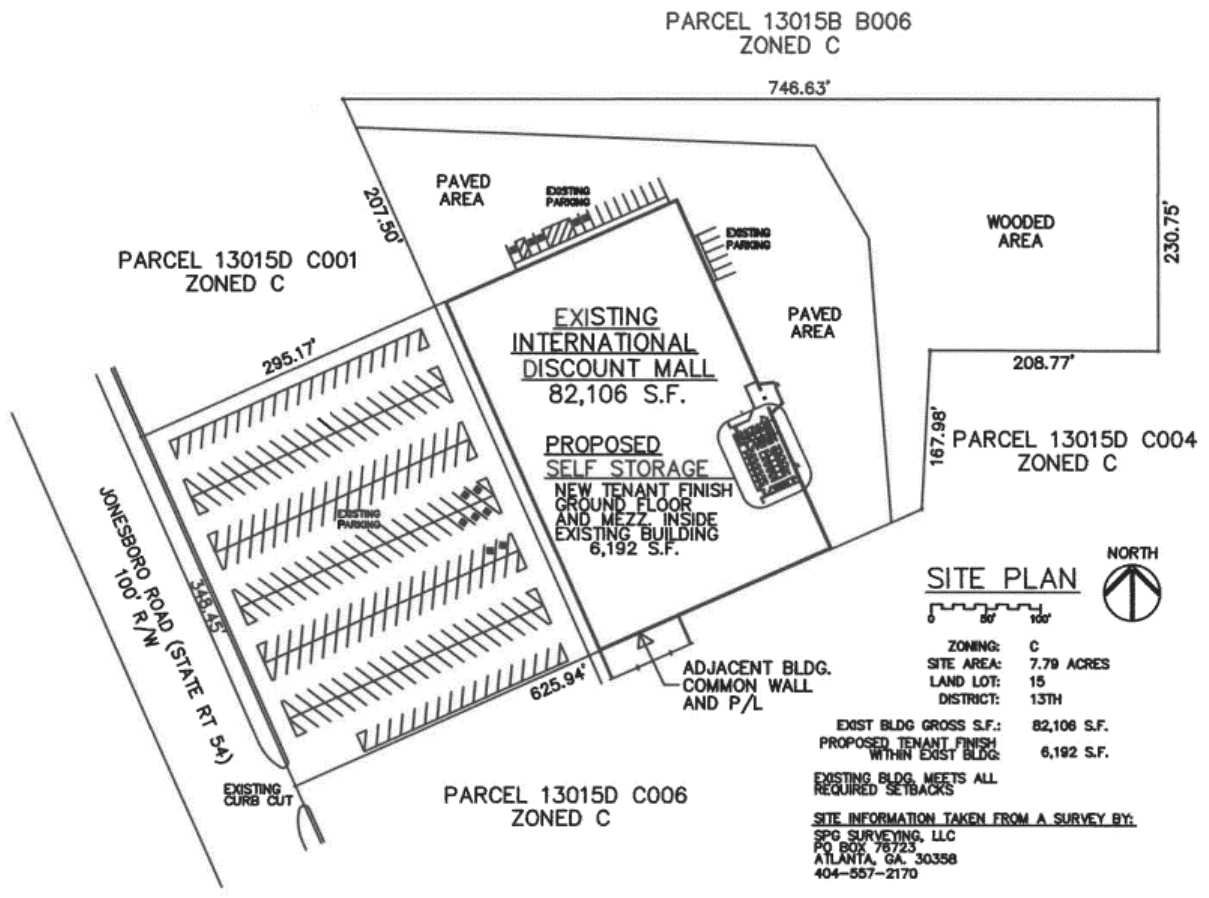


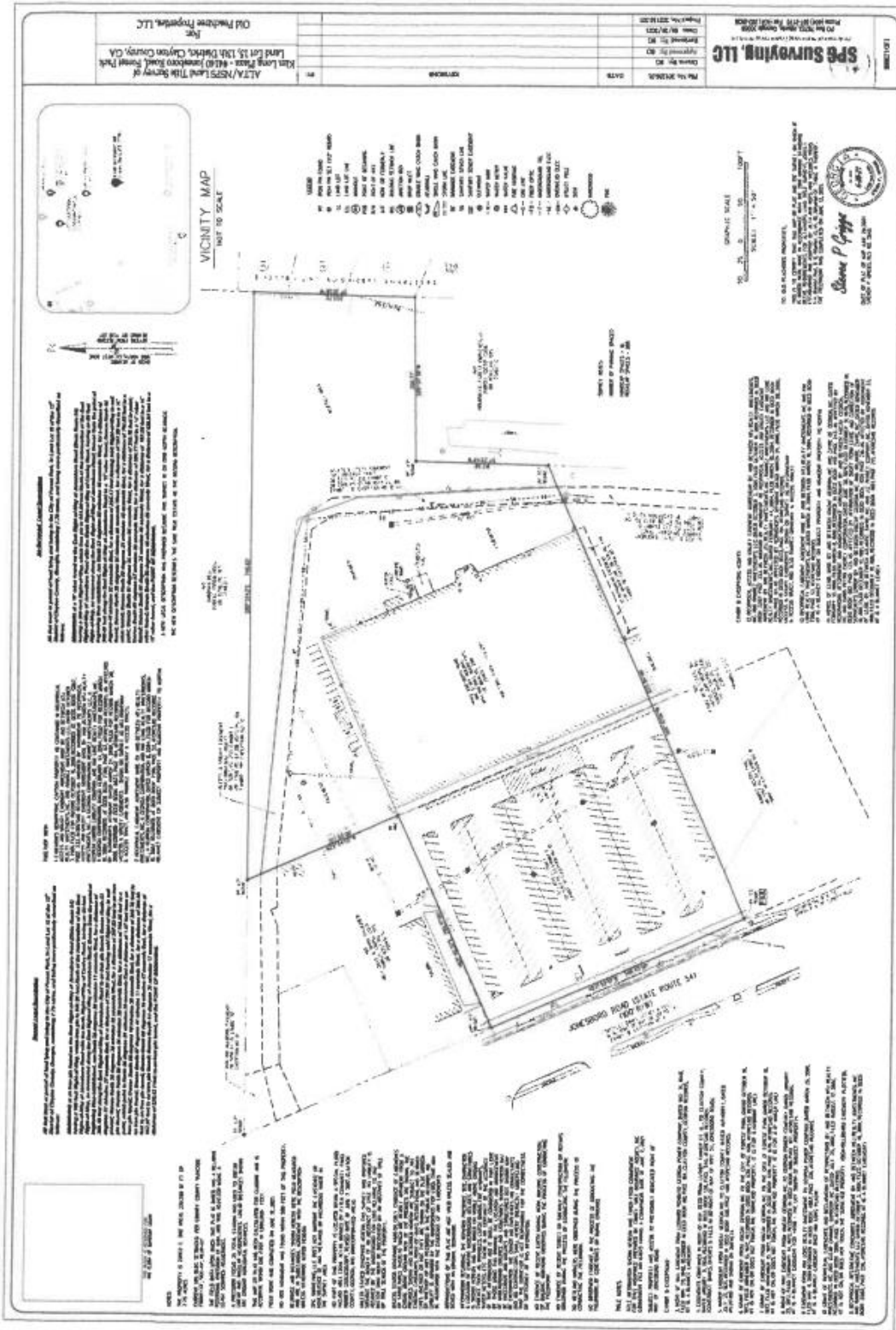


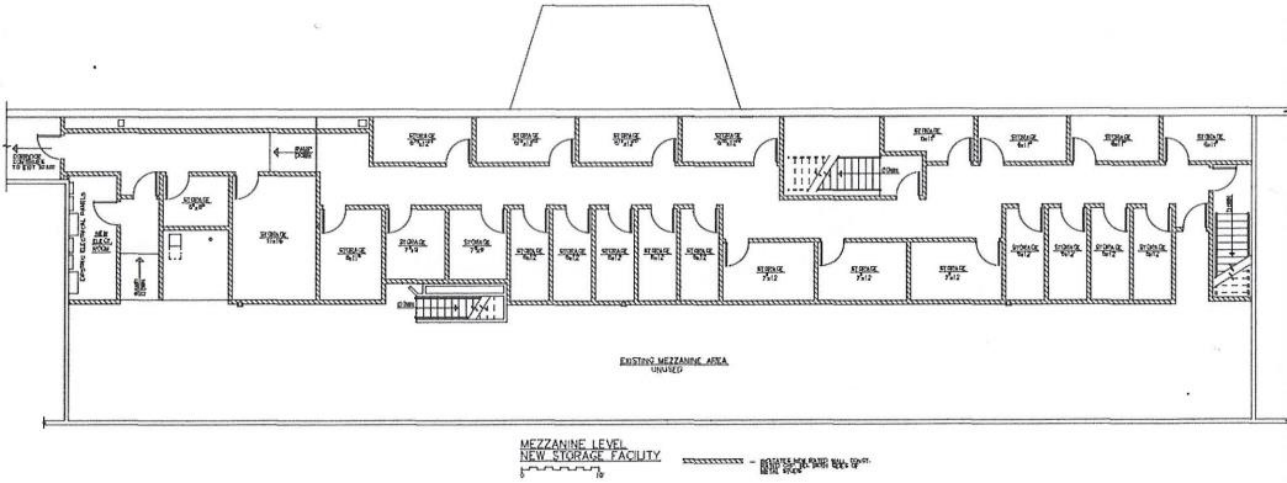
ZONING MAP



# SITE PLAN







**SITE PHOTOS – MARCH 2023**



## ZONING CRITERIA AND ANALYSIS

1. **Would the proposed amendment be consistent and compatible with the City's land use and development, plans, goals, and objectives?** The proposed use is compatible and consistent with the City's land use and development goals and objectives. The new interior addition to the existing discount mall will be built as self-storage for mall tenants. There will not be any renovations to the exterior of building.
2. **Would the proposed amendment tend to increase, to decrease, or to have no impact on traffic safety and congestion in the streets?** The proposal will not cause a significant impact on the transportation infrastructure.
3. **Would the proposed amendment tend to increase, to decrease, or to have no relationship to safety from fire and other dangers?** The proposed use will not have an increase, decrease of the relationship to safety from fire and other dangers if event space attendee numbers are minimized.
4. **Would the proposed amendment tend to promote, to diminish, or to have no influence on the public health and general welfare of the City?** The proposed development does not appear to be a detriment to the public health, safety, morals, or general welfare if the Conditional Use Permit is granted.
5. **Would the proposed amendment tend to increase, to decrease or to have no influence on the adequacy of light and air?** The proposed use will not increase, decrease or have any influence on the adequacy of light and air.
6. **Would the proposed amendment tend to cause, to prevent, or to have no influence on the overcrowding of land?** No.
7. **Would the proposed amendment tend to cause, to prevent, or to have no relationship on the population distribution within the City, thus creating any area so dense in population as to adversely affect the health, safety, and general welfare of the City?** The proposed use will not increase the population or density as to adversely affect the health, safety, and general welfare of the City.
8. **Would the proposed amendment tend to impede, to facilitate, or to have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities, or facilities?** The proposed use will not cause any additional impact on the water/sewer and other utilities or other public services.
9. **Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?** The subject property value has no existing zoning restriction that would diminish the value and enjoyment of surrounding properties.
10. **Would the proposed amendment tend to promote, to diminish, or to have no influence upon the aesthetic effect of existing and future uses of the property and**

**the surrounding area?** Granting a Conditional Use Permit would not diminish the future uses of the property and surrounding area.

11. **Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?** The use appears suitable for the nearby properties. The applicant has advised that the updates made to said property will be internal only. There is no indication of any potential detrimental causes that would decrease the property value of surrounding or adjacent property.
12. **Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?** The Conditional Use Permit would not create an isolated district.

### STAFF RECOMMENDATION

Staff recommends **APPROVAL OF A CONDITIONAL USE PERMIT** to allow a self-storage addition in the rear of the International Discount Mall within the General Commercial District (GC) **WITH THE FOLLOWING CONDITIONS:**

1. The applicant must obtain a building permit for interior renovations.
2. The applicant will provide a letter of approval/consent from the property owner.
3. The applicant will provide detail rendering of what proposed addition will look like
4. The applicant will provide storage policies for owners.
5. The applicant will provide a Circulation plan for entry and exit of location for self-storage.

Attachments Included:

- Application
- Letter of Intent
- Authorization of Property Owner
- Floor Plan

FP City Council  
July 17th

7/5 12 2023

High School)

to make immediate payment to the undersigned, this 11<sup>th</sup> day of May, 2023.

**TO THE CITIZENS OF FOREST PARK, CLAYTON COUNTY, GEORGIA, AND OTHER INTERESTED PARTIES:**

9020-348264, 6/7,14,21,28,7/5,2023

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Glenn A. Townsend, Executor of the Estate of Edwin C. Allman, deceased c/o Daniel C. Haygood Attorney at Law Two South Main Street Suite C P.O. Box 207 Watkinsville, Georgia 30677 9025-348794 6/14,21,28,7/5,2023

**TO THE CITIZENS OF FOREST PARK, CLAYTON COUNTY, GEORGIA, AND OTHER INTERESTED PARTIES:**

**NOTICE IS HEREBY GIVEN:** The City of Forest Park City Council will conduct a meeting on a series of Public Hearings for the purpose of considering the matters listed below. The Public Hearings will be held on **Monday, July 17, 2023, at 7:00 p.m.** at Forest Park City Hall, Council Chambers, 745 Forest Parkway, Forest Park, GA 3029.

**Only prequalified firms can submit proposals.**

The proposed project scope of work consists of, but not limited to the following:

The new construction 500 capacity pre-kindergarten facility will include a 2 story Administration wing that will contain offices and conference rooms. 4 classroom pods that will consist of 8 classrooms and a collaboration space. A media center, STEM lab, play, art and music rooms, a fully functional kitchen and cafeteria. On-site parking, bus and parent drop-offs. Outdoor playgrounds and lawn learning areas.

**GDP2952 spn07**  
**Notice to debtors and creditors**  
All Creditors of the Estate of Shirley Jean Short, late of Gwinnett County, deceased, are hereby notified to render in their demands to the undersigned according to law, and all persons indebted to said Estate are required to make immediate payment.  
This 5 day of July, 2023.  
Catherine L. Shepard & Cynthia J. Roisky, co-Executrix Estate of Shirley Jean Short  
3055 Arden Way, Snellville, Gwinnett, GA 30039  
125 NW 13<sup>th</sup> Street, Oak Island, Brunswick, NC 29445  
7/5,12,19,26,2023

**NOTICE TO DEBTORS AND CREDITORS**

STATE OF GEORGIA, COUNTY OF CLAYTON

All creditors of the estate of **IRENE FRANKS, Estate number 2022-0171E**, deceased, late of Clayton County, Georgia are hereby notified to render their demands by filing same with the Probate Court of Clayton County, 121 S. McDonough Street, Bldg 3, Jonesboro, Georgia, 30236 according to law, and all persons indebted to said Estate are required to make immediate payment to the undersigned.

This the 13<sup>th</sup> day of June, 2023.

/s/ TED N. ECHOLS, ESQ.  
Attorney  
ECHOLS LAW GROUP, P.C.  
505 Corporate Center Dr., Ste 106 Stockbridge, GA 30281  
9025-349682,  
6/21,28,7/5,12,2023

**NOTICE TO DEBTORS AND CREDITORS**

STATE OF GEORGIA, COUNTY OF CLAYTON

All creditors of the estate of **JACQUELINE REGINA POTTS, Estate number 2023-0430E**, deceased, late of Clayton County, Georgia are hereby notified to render their demands by filing same with the Probate Court of Clayton County, 121 S. McDonough Street, Bldg 3, Jonesboro, Georgia, 30236 according to law, and all persons indebted to said Estate are required to make immediate payment to the undersigned.

This the 8<sup>th</sup> day of June, 2023.

/s/ Christopher J. Horton, Attorney  
**CHRISTOPHER J. HORTON, ESQ.**  
ECHOLS LAW GROUP, P.C.  
505 Corporate Center Dr., Ste 106 Stockbridge, GA 30281  
9025-349456.

**CUP-2023-04 Conditional Use for 5370 Ash St., Parcel # 13079D G010 Forest Park, Georgia.** The applicant, Cynthia Waters, is requesting a conditional use permit to allow a youth performing arts facility, rehabilitation group home for teens, summer camp, health clinic and an adult education program in a church within the Single-Family residential District (RS).

**CUP-2023-05 Conditional Use for 4140 Jonesboro Rd., Parcel # 13015D C007 Forest Park, Georgia.** The applicant, Gerald Tirella, is requesting a conditional use permit to allow a 6,152-sf renovation of the rear of the International Discount Mall to build self-storage units, to be rented by existing mall tenants and the general public.

**RZ-2023-01-Rezoning for Parcel # 13015C A006, 0 Scott Road, Forest Park, Georgia.** The applicant, Divine Dream Homes ATL, LLC, is requesting to rezone 1.69 acres from RS (Single-Family Residential) to RM (Multi-family Residential) to build townhomes.

**RZ-2023-02-Rezoning for Parcels # 13015C A003, 13015C A009, and 13015C A002, 0 Scott Road, Forest Park, Georgia.** The applicant, Divine Dream Homes ATL, LLC is requesting to rezone 1.628 acres from RS (Single-family Residential) to RM (Multi-family Residential) to build townhomes.

**RZ-2023-03-Rezoning for 4233 Thurman Rd., Parcel # 13017A B014, Forest Park, Georgia.** The applicant, KINH Enterprises Inc is requesting to rezone 0.287 acres from RS (Single-Family Residential) to GC (General Commercial) to rebuild a convenience store.

LaShawn Gardiner, Director Planning & Community Development Department 404-366-4720 9003-351134, 6/29, 7/5, 12, 2023

9020 Service/Construction Bids

The Clayton County Water Authority will open sealed proposals from qualified vendors via a Virtual Teams Meeting on **Thursday July 20, 2023, at 2:00 p.m. local time** for the:

**Annual Contract for Mitigation Services**

Any proposals received after this date and time will be considered non-responsive.

A Non-Mandatory Pre-Pro

**CUP-2023-04 Conditional Use for 5370 Ash St., Parcel # 13079D G010 Forest Park, Georgia.** The applicant, Cynthia Waters, is requesting a conditional use permit to allow a youth performing arts facility, rehabilitation group home for teens, summer camp, health clinic and an adult education program in a church within the Single-Family residential District (RS).

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LaShawn Gardiner, Director Planning & Community Development Department 404-366-4720 9003-351134, 6/28, 7/5, 12, 2023

**File Attachments for Item:**

**11. Council Approval of Conditional Use Permit (CUP-2023-04)- 5370 Ash Street – Planning & Community Development**





CITY OF  
**FORESTPARK**

# City Council Agenda Item

**Subject:** Conditional Use Permit (CUP-2023-04)- 5370 Ash Street – Planning & Community Development

**Submitted By:** LaShawn Gardiner

**Date Submitted:** June 22, 2023

**Work Session Date:** July 3, 2023

**Council Meeting Date:** July 3, 2023

**Background/History:**

The applicant is requesting a Conditional Use Permit to operate a youth performing arts facility, rehabilitation group home for teens, summer camp, health clinic and an adult education program at 5370 Ash St. This property is located within the Single-Family Residential District (RS). Per Section 8-8-28 Single Family Residential District (RS), Places of worship, private school and daycare centers require conditional use permits to operate in the Single-Family Residential District. A church currently exists on the subject property. The Planning Commission recommended **Denial of a Conditional Use Permit** at its meeting on June 15, 2023, based on the potential of a liability of children and adult activities that include clinics, recovering alcoholics and offenders mixing. The following combination would not be allowed as a combined use.

**Cost: \$ N/A**

**Budgeted for:** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

**Financial Impact:**

N/A

**Action Requested from Council:**

Denial of a Conditional Use Permit in a RS (Single-Family Residential) zoned district.

## Informational Summary

5370 Ash Street, Forest Park, GA

**Current Zoning:** RS | Single Family Residential.

### Background Information:

**April 2022:** Planning Commission recommended Approval to allow a church, school, daycare, and affiliated offices at the subject property in a RS (Single-Family Residential) district.

**May 2, 2022:** City Council voted to approve the recommendation of the Planning Commission to allow the church, school, daycare, and affiliated offices as a conditional use at the subject property in a RS District.

**May 9, 2022:** Mayor Butler vetoed the Conditional Use Permit request stating the following:

*There remain too many existing or changing conditions affecting the use and development of the property which cause for disapproval of the proposal. First, until recently, the applicant was operating a trucking business in violation of our code of ordinances at the location. The applicant was found guilty in Municipal Court and ordered to pay a fine. I am informed that there may have been other for-profit businesses that illegally operating there as well. Second, the City does not have sufficient information about the school the applicant proposes to locate at the property. No information was provided to the Council regarding whether the applicant had received or was likely to receive any necessary state approvals or accreditation credentials pertaining to the school. Additionally, the applicant did not provide information to the Council regarding the number of students, the amount of traffic the school would generate or other pertinent information to allow the Council to decide on whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. Finally, the applicant did not demonstrate he had a feasible plan for making the repairs necessary for the proper use of the buildings at the location.*

**Per Code Section 8-8-189. Reapplication of Conditional Use Permit.** If the decision of the Mayor and Council is to deny the Conditional Use Permit, then the same property may not again be considered for a Conditional Use until the expiration of at least six (6) months immediately following such denial.

**May 10, 2023:** Applicant, Cynthia Waters (Angels of God/Life Christian Academy School of Performing Arts), submitted an application to the Planning & Community Development Department. The request for a Conditional Use Permit at the subject property was for the following uses:

- (1) Youth performing arts facility
- (2) Rehabilitation group home for teens
- (3) AA (Alcoholic Anonymous) meetings for court mandated residents
- (4) Summer camp
- (5) Health clinics

The applicant's application mentioned the following services to be offered: (1) Provide office space for small entrepreneurs to conduct business and (2) weekly food drives

**July 17, 2023,** This item was tabled awaiting more information.



Planning & Community Development Department  
 785 Forest Parkway  
 Forest Park, Georgia 30297  
 (404) 608-2300 Fax: (404) 608-2306

## Staff Report – Conditional Use Permit

Public Hearing Date: June 15, 2023

City Council Meeting: August 7, 2023

**Case:** CUP-2023-04

**Current Zoning:** RS – Single Family Residential District

**Proposed Request:** Applicant is requesting a Conditional Use Permit to operate a youth performing arts facility, rehabilitation group home for teens, summer camp, health clinic and an adult education program in the historic church within the Single-Family residential District (RS).

**Staff Report Compiled By:** SaVaughn Irons, City Planner

**Staff Recommendation:** Denial of Conditional Use

### APPLICANT INFORMATION

<b>Owner of Record:</b>		<b>Applicant:</b>	
<b>Name:</b>	Cynthia Waters	<b>Name:</b>	Cynthia Waters
<b>Address:</b>	5370 Ash street	<b>Address:</b>	5370 Ash Street
<b>City/State:</b>	Forest Park, GA 30297	<b>City/State:</b>	Forest Park, GA 30297

### PROPERTY INFORMATION

<b>Parcel Number:</b> 13079D G010	<b>Acreage:</b> 5.48
<b>Address:</b> 5370 Ash Street, Forest Park, GA 30297	<b>FLU:</b> Institutional

### SUMMARY & BACKGROUND

The applicant is requesting a Conditional Use Permit to operate a youth performing arts facility, rehabilitation group home for teens, summer camp, health clinic and an adult education program at 5370 Ash St. This property is located within the Single-Family Residential District (RS). Per Section 8-8-28 Single Family Residential District (RS), Places of worship, private school and daycare centers require conditional use permits to operate in the Single-Family Residential District. Currently, the property houses a historic church.

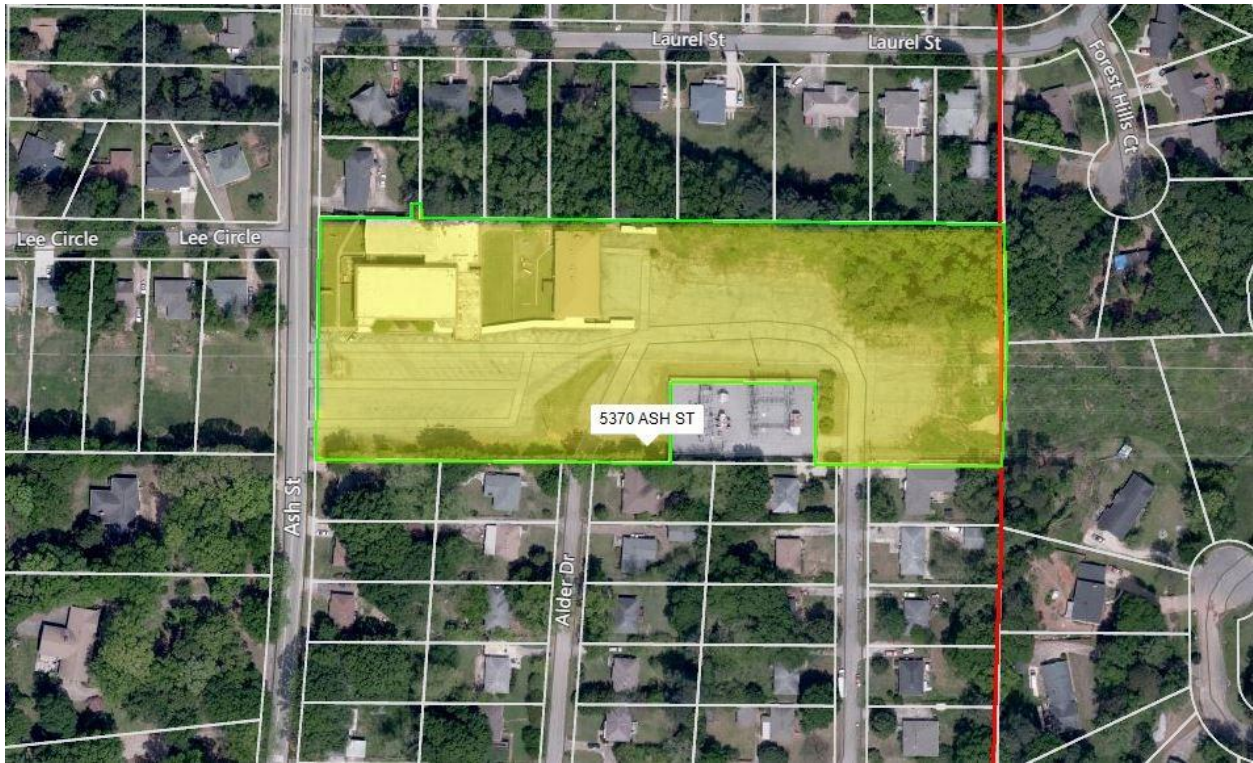
**Property Zoned Single Family Residential District (RS)**

### ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

Direction	Zoning & Use	Direction	Zoning & Use
North	RS- Single Family Residential	East	Clayton County (Morrow)

South	RS- Single Family Residential	West	RS- Single Family Residential
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**AERIAL MAP**



**ZONING MAP**



**SITE PHOTOS – MARCH 2023**







**ZONING CRITERIA AND ANALYSIS**

1. **Would the proposed amendment be consistent and compatible with the City's land use and development, plans, goals, and objectives?** The proposed use is not compatible and would not be consistent with the City's land use and development goals and objectives.
2. **Would the proposed amendment tend to increase, to decrease, or to have no impact on traffic safety and congestion in the streets?** The proposed use can have a significant impact on traffic due to it being a residential area and if granted the continual use, having multiple activities at once can create an environment for increased traffic depending upon the number of people attending each activity.
3. **Would the proposed amendment tend to increase, to decrease, or to have no relationship to safety from fire and other dangers?** The proposed use will not have an increase, decrease of the relationship to safety from fire and other dangers if event space attendee numbers are minimized.
4. **Would the proposed amendment tend to promote, to diminish, or to have no influence on the public health and general welfare of the City?** The proposed development does appear to be a detriment to the public health, safety, morals, or

general welfare if the Conditional Use Permit is granted based on the multiple uses proposed by applicant and the potential liability that could be presented.

- 5. **Would the proposed amendment tend to increase, to decrease or to have no influence on the adequacy of light and air?** The proposed use will not increase, decrease, or have any influence on the adequacy of light and air.
- 6. **Would the proposed amendment tend to cause, to prevent, or to have no influence on the overcrowding of land?** No.
- 7. **Would the proposed amendment tend to cause, to prevent, or to have no relationship on the population distribution within the city, thus creating any area so dense in population as to adversely affect the health, safety, and general welfare of the City?** The proposed use will not increase the population or density as to adversely affect the health, safety, and general welfare of the city.
- 8. **Would the proposed amendment tend to impede, to facilitate, or to have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities, or facilities?** The proposed use will not cause any additional impact on the water/sewer and other utilities or other public services.
- 9. **Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?** The subject property value has no existing zoning restriction that would diminish the value and enjoyment of surrounding properties.
- 10. **Would the proposed amendment tend to promote, to diminish, or to have no influence upon the aesthetic effect of existing and future uses of the property and the surrounding area?** Granting a Conditional Use Permit would not diminish the future uses of the property and surrounding area.
- 11. **Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?** The use does not appear suitable for the nearby properties. There is no indication of any potential detrimental causes that would decrease the property value of surrounding or adjacent property.
- 12. **Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?** The Conditional Use Permit would create an isolated district.

**STAFF RECOMMENDATION**

Staff recommends **DENIAL OF A CONDITIONAL USE PERMIT** based on the potential liability of having children and a mixture of adult activities that include clinics, recovering alcoholics and offenders. The following combination would not be allowed as a combined use.



**In detail, provide a summary of the proposed project in the space provided below. Include the proposed use of each existing or proposed building, and the proposed land use.**

Life Christian Academy is a private performing arts school geared towards under-privileged students needing specialized education. We follow the STEM learning curriculum to prepare and develop our students for college. LCA plans to bring a youth performing arts facility, a rehabilitation group home for teens, AA meetings for court mandated residents, summer camp, health clinics, and much more to Forest Park, GA. Our church Restoration & Deliverance COGIC will have weekly food drives for anyone in the Clayton County area in need of assistance, youth empowerment summer camps, and much more to support the community outreach program. LCA & R&D partnered with a daycare provider to bring their services to 5370 Ash Street in efforts to aid low income working families as an extension of our community development. Our main building has office spaces that can help build small entrepreneurs by offering a professional space to conduct business which correspond with our adult education and reclamation program. The office spaces would only be offered to regular general tax classification businesses. Our overall goal is to provide services that are essential to rebuilding our community, our city, and most importantly our youth because they are the future!

**What are the reasons the property cannot be used in accordance with the existing regulations?**

The property cannot be used in accordance with the existing regulations because it's zoned as a residential building and the plans we have are for commercial use according to the City of Forest Park, GA.

**How would the proposed use impact on public facilities and services?**

The proposed use would not directly impact the public facilities. However, the surrounding businesses would generate more revenue due to our building/facility bringing customers to the area.

**File Attachments for Item:**

**12. Council Approval of Newton County Fire Service Clinical Agreement - Fire Department**



CITY OF  
**FORESTPARK**

# City Council Agenda Item

**Subject:** NEWTON COUNTY FIRE SERVICE CLINICAL AGREEMENT

**Submitted By:** SANDRA DAVIS – FIRE DEPT. OFFICE COORDINATOR

**Date Submitted:** July 26, 2023

**Work Session Date:** August 7, 2023

**Council Meeting Date:** August 7, 2023

Background/History:

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

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

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

**Cost: \$** N/A

**Budgeted for:** \_\_\_\_\_ **Yes**  X  **No**

**Financial Impact: NONE**

**Action Requested from Council: Agreement to be approved by City Manager and adopted by Council**

Newton County Fire Service  
Clinical Agreement

This agreement of understanding is made and entered into this the 19th day of July, 2023 by and between Newton County Fire Service (hereafter referred to as NCFS), whose address is 4136 Highway 278, Covington, Ga 30014 and the City of Forest Park (hereafter referred to as FOREST PARK), whose address is 745 Forest Parkway, Forest Park, GA 30297.

Whereas, FOREST PARK desires to assist and improve the general healthcare provided to the citizens of our service areas; and

Whereas, an important element of emergency health care involves the field treatment and transportation of patients to an appropriate medical facility; and

Whereas, the medical care and attention given to patients in the field and during transportation is a critical element in the provision of emergency health and

Whereas, NCFS has Fire Fighters and Responders from our service areas enrolled in their EMT program; and

Whereas, FOREST PARK agrees to allow the students of NCFS the privilege of clinical experience while observing on a FOREST PARK response Unit; and

Whereas, the above-named parties, through their respective representatives, desire to cooperate in the operation of a clinical training program in order to provide for a training experience where individuals desiring to become licensed Emergency Medical Technicians/Advanced Emergency Medical Technicians so as to assist the students in improving their skills and knowledge.

Now, therefore, in consideration the mutual promises and agreements contained herein the parties do hereby agree as follows:

**Section A: NCFS shall do or cause to be done the following:**

- 1) Be responsible for the initial training and education of the student participating in an approved DPH program.
- 2) Will ensure that the individuals participating in this rotation have satisfactorily completed the necessary portions of their curriculum prior to beginning their rotation with FOREST PARK.
- 3) Be responsible to FOREST PARK for the quality of care rendered to patients by the students. But FOREST PARK will maintain overall responsibility for providing care to all patients.
- 4) Provide adequate written information regarding the students and the clinical experiences needed prior to the scheduling of each educational experience.
- 5) Will provide FOREST PARK with the objectives of the clinical rotation while assigned to report to FOREST PARK.
- 6) Assure observance by all of its participating students of existing FOREST PARK policies and procedures, which includes confidentiality of medical records and patient information.
- 7) Initiate, as needed, appropriate follow-up with FOREST PARK concerning all students entering the clinical experience, to ascertain appropriateness of performance, behaviors and need for restructuring of clinical program.
- 8) Will provide evidence of student's good health including, but not limited to, PPD test, Hepatitis immunity, and Rubella vaccination (a signed letter by the instructor verifying the above will suffice unless specific proof is requested). Tetanus vaccination is advised, but not required.

Newton County Fire Service  
Clinical Agreement

- 9) Will verify that all students are covered by professional liability insurance, at a level of at least \$1,000,000.00 and show evidence of coverage prior to scheduling (a signed letter by the instructor attesting to the above will suffice unless specific proof is requested).
- 10) Will ensure that students are aware that they will individually be responsible for any expenses incurred by the students due to illness or accident while participating in the program. Each student will be responsible for signing a waiver to this effect prior to their scheduled shifts with FOREST PARK.
- 11) Agrees to ensure that all students assigned to FOREST PARK are assigned solely for the purpose of obtaining clinical education and experience and they will not be considered employees of FOREST PARK.
- 12) Will withdraw from the clinical rotation program any student whom FOREST PARK requests to be withdrawn for reasons including, but not limited to, one whose behavior or work is hazardous or potentially hazardous to patient service.
- 13) Will ensure that there is a qualified Licensed instructor representing NCFS Program who is ultimately responsible for the conduct and actions of the students and this person will be available (on call) at all times for the students and FOREST PARK. The name and contact number of each responsible instructor must be on file prior to the clinical rotation, and documented on student liability waivers.
- 14) Will abide by all local, state, and federal laws, regulations, and rules and abide by all applicable licensing/certification requirements.
- 15) Will ensure that all students report to clinical rotations wearing their official class/school clinical uniform.
  - a) All students must be well groomed.
  - b) All students must wear an ID clearly indicating them as students.
- 16) Assure that all students have a comprehensive, nationwide criminal background check prior to participation in clinical rotations at FOREST PARK. Students with felony arrests, violent histories, and/or sex offender status will be excluded from participation.
- 17) Assure that all students complete drug screening prior to their assigned clinical rotation with FOREST PARK (at student's/program's expense), and that all participants are negative for tested substances (a signed letter by the instructor verifying the above will suffice unless specified proof is requested). Assure that participants sign an agreement of understanding that FOREST PARK is a drug free workplace and, that random screens may be conducted during training. Chemically dependent persons will be excluded from participation. Students taking prescribed medications which Impair performance/judgment (i.e. narcotic pain medications) are requested to refrain from participating in clinical rotations until those medications have cleared their system.
- 18) Assure that all students have reviewed and signed the Student Guidelines agreement prior to beginning rotations with FOREST PARK.

**Section B: FOREST PARK shall do or cause to be done the following:**

- 1) Provide adequate clinical services for NCFS students in accordance with the objectives to the extent possible considering staffing restrictions and availability of preceptors.
- 2) As requested by NCFS, assist in a supervised orientation for the students and provide accessibility to equipment and records as necessary for teaching purposes.

Newton County Fire Service  
Clinical Agreement

- 3) Assist in the evaluation of NCFS students learning, performance, and patient care.
- 4) Complete required verification of student attendance forms, skill completion, and other documents as requested by NCFS
- 5) Investigate any reports, and if indicated, initiate disciplinary action of unsatisfactory clinical experiences resulting from FOREST PARK employee conduct.

**Section C: Privacy Agreement (HIPAA Compliance)**

- 1) Use of Protected Health Information—NCFS shall ensure that its Faculty, Participating Trainees, and Training Supervisors, do not use Protected Health Information received from FOREST PARK in any manner that would constitute a violation of the Privacy Standards. NCFS will specifically instruct students that no personally identifiable information will be taken from FOREST PARK in any form.
- 2) Reporting of Disclosures of Protected Health Information—NCFS, within five (5) days of becoming aware of a disclosure of Protected Health Information in violation of this Agreement by NCFS it's EMS Faculty, Participating Trainees, and Training Supervisors, report any such disclosure to FOREST PARK.

**Section D: NCFS and FOREST PARK agree to be mutually responsible for the following:**

- 1) Clinical assignments for EMT/AEMT students taking part in the rotation based on goals and objectives of the program and availability of student slots. .
- 2) Both will work together to maintain an environment which provides quality student teaming.
- 3) The parties mutually agree that neither party will discriminate against any applicant for enrollment for a course of study or against any student in his/her course of study on the basis of race, color, sex, creed, national origin, age or handicap; provided such handicap does not preclude such n person's physical and mental ability to participate therein. The applicable provisions of Executive Order 1 1246, 503 of the Rehabilitation ACT of 1973 and the Vietnam Veterans Readjustment Assistance Act, and applicable regulation thereunder, are incorporated by reference.

**Section E: It is understood that:**

- 1) This agreement shall remain in full force and effect for a period of two years, unless terminated by either party or a mutual decision by both NCFS and FOREST PARK.
- 2) Either party may terminate with or without cause this agreement within 30 days' written notice to the other party before the start of the next rotation.
- 3) This agreement may be modified by mutual consent, provided any and all modification will be in writing and signed by both parties, NCFS and FOREST PARK.
- 4) This agreement will be interpreted and constructed by the Laws of the State of Georgia.
- 5) Any provision of this agreement is held to be illegal, invalid or unenforceable under present or future laws effective during the term of this agreement, the legality, validity, and enforceability of the remaining provision shall not be affected thereby,

Newton County Fire Service  
Clinical Agreement

- 6) Under this agreement, the relationship of the parties Will be that of independent contractors. Neither party shall exorcise control over the method, manner, or means by which the other performs its duties.
- 7) Any addendums or amendments to this agreement are made apart of this agreement by reference.
- 8) This agreement cannot be assigned without written approval of both parties.
- 9) Please see attachment forms requiring student signature referred to in Section A of this document.

\_\_\_\_\_  
Chief Michael W. Conner  
Newton County Fire Services

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Latosha Clemons  
Forest Park Fire & Emergency Services

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ricky Clark  
Forest Park, GA City Manager

\_\_\_\_\_  
Date

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION TO AUTHORIZE A CLINICAL AGREEMENT WITH THE NEWTON COUNTY FIRE SERVICE**

WHEREAS, the City of Forest Park (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with being fiscally responsible concerning the use and expenditure of all public funds; and

WHEREAS, the City proposes to enter into a certain clinical agreement with the Newton County Fire Service for students enrolled in the Newton County EMS training program;

THEREFORE, THE CITY COUNCIL OF THE CITY OF FOREST PARK HEREBY RESOLVES:

**SECTION 1. Approval of Contract.** The Clinical Agreement attached hereto as Exhibit A and as presented to the City Council on August 7, 2023 with Newton County is hereby approved by the City Council.

**SECTION 2. Public Record.** This document shall be maintained as a public record by the City Clerk and shall be accessible to the public during all normal business hours of the City of Forest Park.

**SECTION 3. Authorization of Execution.** The Mayor is hereby authorized to sign all documents, including the contract with such changes and modifications as recommended by the City Attorney, necessary to effectuate this Resolution.

**SECTION 4. Attestation.** The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this Resolution, subject to approval as to form by the City Attorney.

**SECTION 5. Effective Date.** This resolution 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.

[SIGNATURES APPEAR ON FOLLOWING PAGE]



SO RESOLVED this 7<sup>th</sup> day of August, 2023.

\_\_\_\_\_  
Mayor Angelyne Butler

ATTEST:

\_\_\_\_\_  
City Clerk (SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

EXHIBIT A  
CLINICAL AGREEMENT

**File Attachments for Item:**

**13. Council Approval of Text Amendment – Planning & Community Development**



CITY OF  
**FORESTPARK**

# City Council Agenda Item

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**Subject:** Text Amendment – Planning & Community Development

**Submitted By:** LaShawn Gardiner

**Date Submitted:** 7-28-2023

**Work Session Date:** 8-7-2023

**Council Meeting Date:** 8-7-2023

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**Background/History:**

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

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**Cost:** \$ N/A

**Budgeted for:** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

**Financial Impact:** N/A

N/A

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**Action Requested from Council:**

Approval of the Text Amendment

STAFF REPORT – Text Amendment

Planning Commission

Public Hearing Date: July 20, 2023

City Council Meeting: August 7, 2023

**Case:** TA-2023-02

**Proposed Request:** Text Amendments to the City of Forest Park Sign Ordinance

**Staff Report Compiled By:** LaShawn Gardiner, Director-Planning & Community Development

**Staff Recommendation:** Approval to amend the Sign Ordinance

**PROPOSED TEXT AMENDMENTS**

1. The Planning & Community Development Department is proposing three text amendments to the Sign Ordinance. Case #TA-2023-02 includes an amendment providing an addition to Sec. 8-3-3 Definitions, an amendment eliminating language from Sec. 8-3-14 Prohibited Signs and Devices, and an amendment adding standards to Sec. 8-3-23 Restrictions Based on Location.

**BACKGROUND**

The Planning & Community Development Department has discovered an area of the Sign Ordinance that needs to be amended. The requested text amendments will not be injurious to the public health, safety, morals, and general welfare of the community. The use will not be affected in a substantial, adverse manner.

The following text amendments have been proposed:

2. An amendment to Section 8-3-3 Definitions, adding Changeable Copy, Message Board, and Reader Board.
3. An amendment to Section 8-3-14 Prohibited Signs, eliminating the word changeable copy signs.
4. An amendment to Section 8-3-23 Restrictions Based on Location.

The update creates a standard for the type of signs allowed in said zoning districts. The current sign ordinance limits the ability of establishments such as theaters, auditoriums, and cultural arts venues to advertise and promote performances. This update will clarify the requirements.

*ARTICLE A. GENERAL PROVISIONS*

**Sec. 8-3-3. Definitions-The addition of New Definitions**

**Changeable Copy Sign--** A sign which allows characters, letters, or illustrations to be changed without altering the sign.

**Message Board Sign**-- a board or sign on which messages or notices are displayed.

**Reader Board Sign**-- Reader board means a sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign.

### **Sec. 8-3-14. Prohibited signs and devices.**

The following types of signs are prohibited in the city:

- (1) *Balloons, pennants, streamers.* Balloons, except as explicitly allowed herein, pennants, streamers, feather signs, or air or gas filled figures.
- (2) *String lights.* Signs consisting in whole or in part of a series, line, or row of lights, whether supported or connected by cables or wires or other physical means, within one hundred fifty (150) feet of a street and visible therefrom. Notwithstanding the foregoing, white string lights shall be exempted from this section and colored string lights and decorations displayed during the months of November, December and January shall be exempted from this section. At no time may string lights be used to outline building elements such as roofs, windows, archways, or doors.
- (3) *Beacons, search lights, laser.* Promotional beacons, search lights or laser lights or images.
- (4) *Audible signs.* Any sign which emits a sound which is audible or emits a signal which can be converted into audible sounds, whether by radio or other means.
- (5) *Signs in right-of-way.* Signs in a public right-of-way, other than those belonging to a government, public service agency, or railroad.
- (6) *Signs on tree or utility pole.* Signs mounted or located on a tree, utility pole, or other similar structure.
- (7) *Roof signs.* Roof signs and signs which extend vertically above any portion of a roof or parapet of the applicable wall that is visible to adjacent property owners.
- (8) *Portable signs.* Portable signs (except sidewalk/sandwich signs), including signs attached to any parked vehicle or trailer, so as to be visible from a public right-of way.
- (9) *Obscene signs.* Signs which depict obscene material.
- (10) *Illegal activity signs.* Signs which advertise an activity which is illegal under federal, state, or local laws.
- (11) *Signs not maintained.* Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures, or missing letters.
- (12) *Abandoned signs.* Abandoned signs.
- (13) *Animated; flashing; electronic.* Animated signs, flashing signs, electronic signs, and **changeable-copy signs** (except as explicitly allowed herein).
- (14) *Imitation traffic signs.* Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "warning," or similar words in such a manner as to resemble official traffic control signs.

### **Sec. 8-3-23. Restrictions based on location.**

If not otherwise stated, any sign not specifically allowed in a zoning district as provided under this section shall be prohibited in that district, except as otherwise provided for under this chapter. The following standards govern signs within specific zoning districts.

- (1) RS—Single family residential district.

- a. *Entry feature sign/freestanding sign.* One (1) maximum thirty-two (32) square foot, freestanding monument sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage. The sign may have sign panels.
1. One (1) maximum thirty-two (32) square foot, freestanding monument sign or two (2) single-faced freestanding monument signs not to exceed sixteen (16) square feet for each side of a platted single-family subdivision entrance shall be permitted for each street on which the subdivision has an entrance. If developed with a mixture of detached and attached dwellings in separate pods or phases, an additional sixteen (16) square foot sign shall be permitted for the attached dwelling phase.
  2. Entry feature signs shall have a maximum height of six (6) feet, may be externally illuminated, and shall not have changeable copy.
  3. Entry feature signs may be attached to a subdivision entrance wall, provided the wall is no more than eight (8) feet in height, and so long as the top of the sign panel is no more than six (6) feet in height.
- (2) RT—Two family residential district.
- a. *Entry feature sign/freestanding sign.*
1. One (1) maximum thirty-two (32) square foot, freestanding monument sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage. The sign may have sign panels.
  2. One (1) maximum thirty-two (32) square foot, freestanding monument sign or two (2) single-faced freestanding monument signs not to exceed sixteen (16) square feet for each side of a platted single-family subdivision entrance shall be permitted for each street on which the subdivision has an entrance. If developed with a mixture of detached and attached dwellings in separate pods or phases, an additional sixteen (16) square foot sign shall be permitted for the attached dwelling phase.
  3. Entry feature signs shall have a maximum height of six (6) feet, may be externally illuminated, and shall not have changeable copy.
  4. Entry feature signs may be attached to a subdivision entrance wall, provided the wall is no more than eight (8) feet in height, and so long as the top of the sign panel is no more than six (6) feet in height.
- (3) RM—Multiple family residential district.
- a. *Entry feature sign/freestanding sign.*
1. One (1) maximum thirty-two (32) square foot freestanding monument sign shall be permitted for each street on which the multi-family lot has frontage. The sign shall have a maximum height of six (6) feet, may be externally illuminated, and shall not have changeable copy.
  2. One (1) maximum thirty-two (32) square foot, freestanding monument sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage. The sign may have sign panels.
- (4) MH—Mobile home park district.
- a. *Entry feature sign/freestanding sign.*

1. One (1) maximum thirty-two (32) square foot freestanding monument sign shall be permitted for each street on which the multi-family lot has frontage. The sign shall have a maximum height of six (6) feet, may be externally illuminated, and shall not have changeable copy.
  2. One (1) maximum thirty-two (32) square foot, freestanding monument sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage. The sign may have sign panels.
- (5) IC—Institutional commercial district.
- a. Freestanding signs.
    1. One (1) maximum thirty-two (32) square foot, freestanding monument sign per street frontage shall be permitted for each lot which contains less than fifteen (15) acres.
    2. For lots that contain more than fifteen (15) acres, one (1) maximum sixty-four (64) square foot, freestanding monument sign for the primary frontage and one (1) thirty-two (32) square foot, freestanding monument sign for each street on which the lot has secondary frontage. If the primary frontage of the lot is five hundred (500) linear feet or more and if the lot has two (2) or more entrances on the street on which it has primary frontage, the one (1) maximum sixty-four (64) square foot sign may be substituted by two (2) single-faced freestanding monument signs not to exceed thirty-two (32) square feet. The sign shall have a maximum height of six (6) feet if thirty-two (32) square feet or less and eight (8) feet if sixty-four (64) square feet or less.
    3. All freestanding monument signs may be internally or externally lit. Each sign may have sign panels. If constructed as part of a brick or stone wall, at least thirty (30) feet in length, the sign face may double the allowable size, and sign panels may be measured separately rather than as part of a continuous polygon as required by this section. If the freestanding sign is constructed on a wall with the increased sign size allowance, the parcel shall not be permitted to construct a separate directory sign. The freestanding sign size may be increased by thirty-two (32) square feet if the owner of the parcel opts to not construct a separate directory sign.
  - b. Changeable copy, message board, or reader board wall signs.
    1. One (1) changeable copy, message board, or reader board sign shall be permitted for the following establishments:
      - Theaters
      - Auditoriums
      - Performing Arts Centers
      - Museums (Art, music)
      - Community Centers/Dinner Club offering theatrical/cultural performances/plays
      - Art Galleries (offering occasional art showcases)
    2. The changeable copy, message board, or reader board wall sign shall be considered the primary sign of the building and shall face a major street.
    3. If the business location is on a corner of a building or corner lot, a secondary business wall sign is permitted, but it cannot be a changeable copy, reader board or message board sign.



4. Changeable copy, reader board, message board wall signs shall be in an enclosed case so that letters and other characters are not blown onto the property during inclement weather or other activities or events which would cause letters to be blown off.
5. Such signs shall be mounted to the wall or façade of the building.
6. Current Wall Sign standards shall apply, refer to Sec. 8-3-24 (g) Wall Signs.
7. Signs may be illuminated during evening /normal dark hours only.
8. Sign face shall only spell out the business name when there are no events/shows being advertised.
9. Letters or copy shall be one color.
10. Illumination of sign face shall not be designed to blink or cause any type of movement; illuminated sign face shall be static at all times.

(6) GC—General commercial district.

a. *Freestanding signs.*

1. One (1) maximum thirty-two (32) square foot per street frontage for each lot which contains less than fifteen (15) acres. The freestanding monument sign shall have a maximum height of six (6) feet.
2. For lots that contain more than fifteen (15) acres, one (1) maximum sixty-four (64) square foot, freestanding monument sign for the primary frontage and one thirty-two (32) square foot, freestanding monument sign for each street on which the lot has secondary frontage. If the primary frontage of the lot is five hundred (500) linear feet or more and if the lot has two (2) or more entrances on the street on which it has primary frontage, the one (1) maximum sixty-four (64) square foot monument sign may be substituted by two (2) single-faced freestanding monument signs not to exceed thirty-two (32) square feet. The sign shall have a maximum height of six (6) feet if thirty-two (32) square feet or less and eight (8) feet if sixty-four (64) square feet or less.
3. All freestanding signs may be internally or externally lit. Each sign may have sign panels. If constructed as part of a brick or stone wall, at least thirty (30) feet in length, the sign face may double the allowable size, and sign panels may be measured separately rather than as part of a continuous polygon as required by this section. If the freestanding sign is constructed on a wall with the increased sign size allowance, the parcel shall not be permitted to construct a separate directory sign. The freestanding monument sign size may be increased by thirty-two (32) square feet if the owner of the parcel opts to not construct a separate directory sign.

(7) **DM- Downtown Mainstreet District.**

**A. Streetscape Signage.**

1. Streetscape Signage design shall be compatible in scale, style, and composition with the building and storefront as a whole.
2. Durable materials and quality construction shall be evident in all streetscape signage.

3. Projecting Sign. Any sign which is suspended or projected from the wall, eave, or soffit of the building. Projection signs shall be located a minimum of 12 inches below the second story windowsill or top of the building, whichever is lower. Corner buildings may place projecting signage on their corner.

4. Blade signs. Shall be mounted to provide an eight-foot clearance under the lowest part of the sign and shall not extend more than five (5) feet into the right-of-way; all right-of-way encroachments shall require an encroachment permit.

5. Channel letters, silhouette signage, and individualized letter signs may be located in a signage band above the storefront windows.

6. Awning Signs. Any sign that is a part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. Awnings may include signage.

7. Freestanding Signs. Freestanding signs are prohibited.

8. Neon Signs. Neon signs are prohibited.

#### **B. General Provisions**

1. Signs shall be located to fit the architectural elements such as in the lintel or sign frieze that separates the ground level from the upper façade, on the upper façade walls, or projecting from the face of the building.

2. Signs shall not obstruct the architectural elements and details of a building.

3. Wall signs shall be placed such that they align with other signs on the block.

4. Roof signs shall not be incorporated.

5. For buildings with multiple tenants, signs shall be located only on the portions of the building directly outside the area occupied by that tenant or contained within consolidated directories, as defined in the City Sign Ordinance.

6. Signs shall be illuminated by indirect lighting. Internally illuminated box-type plastic signs shall not be permitted, but signs composed of illuminated individual letters shall be permitted.

#### **(8) UV—Urban village district.**

##### **a. Freestanding signs.**

1. One (1) maximum thirty-two (32) square foot, freestanding monument sign per street frontage shall be permitted for each lot which contains less than fifteen (15) acres.
2. For lots that contain more than fifteen (15) acres, one (1) maximum sixty-four (64) square foot, freestanding monument sign for the primary frontage and one (1) thirty-

two (32) square foot, freestanding monument sign for each street on which the lot has secondary frontage. If the primary frontage of the lot is five hundred (500) linear feet or more and if the lot has two (2) or more entrances on the street on which it has primary frontage, the one (1) maximum sixty-four (64) square foot monument sign may be substituted by two (2) single-faced freestanding monument signs not to exceed thirty-two (32) square feet. The sign shall have a maximum height of six (6) feet if thirty-two (32) square feet or less and eight (8) feet if sixty-four (64) square feet or less.

**(9) Industrial districts.**

a. *Freestanding signs.*

1. One (1) maximum thirty-two (32) square foot, freestanding monument sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.
2. One (1) maximum sixty-four (64) square foot, freestanding monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.
3. One (1) maximum seventy-two (72) square foot, freestanding monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.
4. One (1) maximum thirty-two (32) square foot, freestanding monument sign per spin site or out-parcel which is identified on a site plan approved pursuant to a single zoning case.
5. Freestanding monument signs on arterial streets may be ten (10) feet in height.
6. All freestanding signs may be internally or externally lit. Each sign may have sign panels. If constructed as part of a brick or stone wall, at least thirty (30) feet in length, the sign face may double the allowable size, and sign panels may be measured separately rather than as part of a continuous polygon as required by this section. If the freestanding sign is constructed on a wall with the increased sign size allowance, the parcel shall not be permitted to construct a separate directory sign. The freestanding sign size may be increased by thirty-two (32) square feet if the owner of the parcel opts to not construct a separate directory sign.

**(10) GZ Gillem zoning district.**

- a. *Billboards.* Billboards are prohibited.
- b. *Freestanding.*

1. One (1) maximum thirty-two (32) square foot, freestanding monument sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.
2. One (1) maximum sixty-four (64) square foot, freestanding monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear

- square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.
3. One (1) maximum seventy-two (72) square foot, freestanding monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.
  4. One (1) maximum thirty-two (32) square foot, freestanding sign per spin site or out-parcel which is identified on a site plan approved pursuant to a single zoning case.
  5. Freestanding signs on arterial streets may be ten (10) feet in height.
  6. All freestanding signs may be internally or externally lit. Each sign may have sign panels. If constructed as part of a brick or stone wall, at least thirty (30) feet in length, the sign face may double the allowable size, and sign panels may be measured separately rather than as part of a continuous polygon as required by Section 23 hereof. If the freestanding sign is constructed on a wall with the increased sign size allowance, the parcel shall not be permitted to construct a separate directory sign. The freestanding sign size may be increased by thirty-two (32) square feet if the owner of the parcel opts to not construct a separate directory sign.

Staff's recommendation is **Approval** of the proposed text amendment to the identified code sections of the sign ordinance.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF FOREST PARK, GEORGIA TO PROVIDE FOR CERTAIN TECHNICAL TEXT AMENDMENTS; 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 Section 8-3-3 Definitions of the Code of Ordinances, City of Forest Park, Georgia, is hereby amended by adding the following additional definitions to said section:

*“Changeable Copy Sign-- A sign which allows characters, letters, or illustrations to be changed without altering the sign.*

*Message Board Sign-- a board or sign on which messages or notices are displayed.*

*Reader Board Sign-- Reader board means a sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign.”*

**SECTION 2.** That Section 8-3-14 of the Code of Ordinances, City of Forest Park, Georgia is hereby amended by deleting said section in its entirety and replacing it with the following in lieu thereof:

**“Sec. 8-3-14. Prohibited signs and devices.**

*The following types of signs are prohibited in the city:*

- (1) Balloons, pennants, streamers. Balloons, except as explicitly allowed herein, pennants, streamers, feather signs, or air or gas filled figures.*
- (2) String lights. Signs consisting in whole or in part of a series, line, or row of lights, whether supported or connected by cables or wires or other physical means, within one hundred fifty (150) feet of a street and visible therefrom. Notwithstanding the foregoing, white string lights shall be exempted from this section and colored string lights and decorations displayed during the months of November, December and January shall be exempted from this section. At no time may string lights be used to outline building elements such as roofs, windows, archways, or doors.*
- (3) Beacons, search lights, laser. Promotional beacons, search lights or laser lights or images.*
- (4) Audible signs. Any sign which emits a sound which is audible or emits a signal which can be converted into audible sounds, whether by radio or other means.*
- (5) Signs in right-of-way. Signs in a public right-of-way, other than those belonging to a government, public service agency, or railroad.*
- (6) Signs on tree or utility pole. Signs mounted or located on a tree, utility pole, or other similar structure.*

- (7) *Roof signs.* Roof signs and signs which extend vertically above any portion of a roof or parapet of the applicable wall that is visible to adjacent property owners.
- (8) *Portable signs.* Portable signs (except sidewalk/sandwich signs), including signs attached to any parked vehicle or trailer, so as to be visible from a public right-of way.
- (9) *Obscene signs.* Signs which depict obscene material.
- (10) *Illegal activity signs.* Signs which advertise an activity which is illegal under federal, state, or local laws.
- (11) *Signs not maintained.* Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures, or missing letters.
- (12) *Abandoned signs.* Abandoned signs.
- (13) *Animated; flashing; electronic.* Animated signs, flashing signs, and electronic signs, (except as explicitly allowed herein).
- (14) *Imitation traffic signs.* Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "warning," or similar words in such a manner as to resemble official traffic control signs."

**SECTION 3.** That Section 8-3-23 of the Code of Ordinances, City of Forest Park, Georgia, Georgia is hereby amended by deleting said section in its entirety and replacing it with the following in lieu thereof:

***“Sec. 8-3-23. - Restrictions based on location.***

*If not otherwise stated, any sign not specifically allowed in a zoning district as provided under this section shall be prohibited in that district, except as otherwise provided for under this chapter.*

*The following standards govern signs within specific zoning districts:*

- (1) RS—Single family residential district.**
  - a. *Entry feature sign/freestanding sign.* One (1) maximum thirty-two (32) square foot, freestanding monument sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage. The sign may have sign panels.
  - 1. *One (1) maximum thirty-two (32) square foot, freestanding monument sign or two (2) single-faced freestanding monument signs not to exceed sixteen (16) square feet for each side of a platted single-family subdivision entrance shall be permitted for each street on which the subdivision has an entrance. If developed with a mixture of detached and attached dwellings in separate pods or phases, an additional sixteen (16) square foot sign shall be permitted for the attached dwelling phase.*
  - 2. *Entry feature signs shall have a maximum height of six (6) feet, may be externally illuminated, and shall not have changeable copy.*
  - 3. *Entry feature signs may be attached to a subdivision entrance wall, provided the wall is no more than eight (8) feet in height, and so long as the top of the sign panel is no more than six (6) feet in height.*

**(2) RT—Two family residential district.**

- a. *Entry feature sign/freestanding sign.*
  1. *One (1) maximum thirty-two (32) square foot, freestanding monument sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage. The sign may have sign panels.*
  2. *One (1) maximum thirty-two (32) square foot, freestanding monument sign or two (2) single-faced freestanding monument signs not to exceed sixteen (16) square feet for each side of a platted single-family subdivision entrance shall be permitted for each street on which the subdivision has an entrance. If developed with a mixture of detached and attached dwellings in separate pods or phases, an additional sixteen (16) square foot sign shall be permitted for the attached dwelling phase.*
  3. *Entry feature signs shall have a maximum height of six (6) feet, may be externally illuminated, and shall not have changeable copy.*
  4. *Entry feature signs may be attached to a subdivision entrance wall, provided the wall is no more than eight (8) feet in height, and so long as the top of the sign panel is no more than six (6) feet in height.*

**(3) RM—Multiple family residential district.**

- a. *Entry feature sign/freestanding sign.*
  1. *One (1) maximum thirty-two (32) square foot freestanding monument sign shall be permitted for each street on which the multi-family lot has frontage. The sign shall have a maximum height of six (6) feet, may be externally illuminated, and shall not have changeable copy.*
  2. *One (1) maximum thirty-two (32) square foot, freestanding monument sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage. The sign may have sign panels.*

**(4) MH—Mobile home park district.**

- a. *Entry feature sign/freestanding sign.*
  1. *One (1) maximum thirty-two (32) square foot freestanding monument sign shall be permitted for each street on which the multi-family lot has frontage. The sign shall have a maximum height of six (6) feet, may be externally illuminated, and shall not have changeable copy.*
  2. *One (1) maximum thirty-two (32) square foot, freestanding monument sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage. The sign may have sign panels.*

**(5) IC—Institutional commercial district.**

- a. *Freestanding signs.*
  1. *One (1) maximum thirty-two (32) square foot, freestanding monument sign per street frontage shall be permitted for each lot which contains less than fifteen (15) acres.*
  2. *For lots that contain more than fifteen (15) acres, one (1) maximum sixty-four (64) square foot, freestanding monument sign for the primary frontage and one (1) thirty-two (32) square foot, freestanding monument sign for each street on which*

*the lot has secondary frontage. If the primary frontage of the lot is five hundred (500) linear feet or more and if the lot has two (2) or more entrances on the street on which it has primary frontage, the one (1) maximum sixty-four (64) square foot sign may be substituted by two (2) single-faced freestanding monument signs not to exceed thirty-two (32) square feet. The sign shall have a maximum height of six (6) feet if thirty-two (32) square feet or less and eight (8) feet if sixty-four (64) square feet or less.*

3. *All freestanding monument signs may be internally or externally lit. Each sign may have sign panels. If constructed as part of a brick or stone wall, at least thirty (30) feet in length, the sign face may double the allowable size, and sign panels may be measured separately rather than as part of a continuous polygon as required by this section. If the freestanding sign is constructed on a wall with the increased sign size allowance, the parcel shall not be permitted to construct a separate directory sign. The freestanding sign size may be increased by thirty-two (32) square feet if the owner of the parcel opts to not construct a separate directory sign.*

b. *Changeable copy, message board, or reader board wall signs.*

1. *One (1) changeable copy, message board, or reader board sign shall be permitted for the following establishments:*

- *Theaters*
- *Auditoriums*
- *Performing Arts Centers*
- *Museums (Art, music)*
- *Community Centers/Dinner Club offering theatrical/cultural performances/plays*
- *Art Galleries (offering occasional art showcases)*

2. *The changeable copy, message board, or reader board wall sign shall be considered the primary sign of the building and shall face a major street.*

3. *If the business location is on a corner of a building or corner lot, a secondary business wall sign is permitted, but it cannot be a changeable copy, reader board or message board sign.*

4. *Changeable copy, reader board, message board wall signs shall be in an enclosed case so that letters and other characters are not blown onto the property during inclement weather or other activities or events which would cause letters to be blown off.*

5. *Such signs shall be mounted to the wall or façade of the building.*

6. *Current Wall Sign standards shall apply, refer to Sec. 8-3-24 (g) Wall Signs.*

7. *Signs may be illuminated during evening /normal dark hours only.*

8. *Sign face shall only spell out the business name when there are no events/shows being advertised.*

9. *Letters or copy shall be one color.*

10. *Illumination of sign face shall not be designed to blink or cause any type of movement; illuminated sign face shall be static at all times.*



**(6) GC—General commercial district.***a. Freestanding signs.*

1. *One (1) maximum thirty-two (32) square foot per street frontage for each lot which contains less than fifteen (15) acres. The freestanding monument sign shall have a maximum height of six (6) feet.*
2. *For lots that contain more than fifteen (15) acres, one (1) maximum sixty-four (64) square foot, freestanding monument sign for the primary frontage and one thirty-two (32) square foot, freestanding monument sign for each street on which the lot has secondary frontage. If the primary frontage of the lot is five hundred (500) linear feet or more and if the lot has two (2) or more entrances on the street on which it has primary frontage, the one (1) maximum sixty-four (64) square foot monument sign may be substituted by two (2) single-faced freestanding monument signs not to exceed thirty-two (32) square feet. The sign shall have a maximum height of six (6) feet if thirty-two (32) square feet or less and eight (8) feet if sixty-four (64) square feet or less.*
3. *All freestanding signs may be internally or externally lit. Each sign may have sign panels. If constructed as part of a brick or stone wall, at least thirty (30) feet in length, the sign face may double the allowable size, and sign panels may be measured separately rather than as part of a continuous polygon as required by this section. If the freestanding sign is constructed on a wall with the increased sign size allowance, the parcel shall not be permitted to construct a separate directory sign. The freestanding monument sign size may be increased by thirty-two (32) square feet if the owner of the parcel opts to not construct a separate directory sign.*

**(7) DM- Downtown Mainstreet District.****A. Streetscape Signage.**

1. *Streetscape Signage design shall be compatible in scale, style, and composition with the building and storefront as a whole.*
2. *Durable materials and quality construction shall be evident in all streetscape signage.*
3. *Projecting Sign. Any sign which is suspended or projected from the wall, eave, or soffit of the building. Projection signs shall be located a minimum of 12 inches below the second story windowsill or top of the building, whichever is lower. Corner buildings may place projecting signage on their corner.*
4. *Blade signs. Shall be mounted to provide an eight-foot clearance under the lowest part of the sign and shall not extend more than five (5) feet into the right-of-way; all right-of-way encroachments shall require an encroachment permit.*
5. *Channel letters, silhouette signage, and individualized letter signs may be located in a signage band above the storefront windows.*
6. *Awning Signs. Any sign that is a part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. Awnings may include signage.*
7. *Freestanding Signs. Freestanding signs are prohibited.*
8. *Neon Signs. Neon signs are prohibited.*

## **B. General Provisions**

1. Signs shall be located to fit the architectural elements such as in the lintel or sign frieze that separates the ground level from the upper façade, on the upper façade walls, or projecting from the face of the building.

2. Signs shall not obstruct the architectural elements and details of a building.

3. Wall signs shall be placed such that they align with other signs on the block.

4. Roof signs shall not be incorporated.

5. For buildings with multiple tenants, signs shall be located only on the portions of the building directly outside the area occupied by that tenant or contained within consolidated directories, as defined in the City Sign Ordinance.

6. Signs shall be illuminated by indirect lighting. Internally illuminated box-type plastic signs shall not be permitted, but signs composed of illuminated individual letters shall be permitted.

### **(8) UV—Urban village district.**

#### *a. Freestanding signs.*

1. One (1) maximum thirty-two (32) square foot, freestanding monument sign per street frontage shall be permitted for each lot which contains less than fifteen (15) acres.
2. For lots that contain more than fifteen (15) acres, one (1) maximum sixty-four (64) square foot, freestanding monument sign for the primary frontage and one (1) thirty-two (32) square foot, freestanding monument sign for each street on which the lot has secondary frontage. If the primary frontage of the lot is five hundred (500) linear feet or more and if the lot has two (2) or more entrances on the street on which it has primary frontage, the one (1) maximum sixty-four (64) square foot monument sign may be substituted by two (2) single-faced freestanding monument signs not to exceed thirty-two (32) square feet. The sign shall have a maximum height of six (6) feet if thirty-two (32) square feet or less and eight (8) feet if sixty-four (64) square feet or less.

### **(9) Industrial districts.**

#### *a. Freestanding signs.*

1. One (1) maximum thirty-two (32) square foot, freestanding monument sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.
2. One (1) maximum sixty-four (64) square foot, freestanding monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall

*have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.*

3. *One (1) maximum seventy-two (72) square foot, freestanding monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.*
4. *One (1) maximum thirty-two (32) square foot, freestanding monument sign per spin site or out-parcel which is identified on a site plan approved pursuant to a single zoning case.*
5. *Freestanding monument signs on arterial streets may be ten (10) feet in height.*
6. *All freestanding signs may be internally or externally lit. Each sign may have sign panels. If constructed as part of a brick or stone wall, at least thirty (30) feet in length, the sign face may double the allowable size, and sign panels may be measured separately rather than as part of a continuous polygon as required by this section. If the freestanding sign is constructed on a wall with the increased sign size allowance, the parcel shall not be permitted to construct a separate directory sign. The freestanding sign size may be increased by thirty-two (32) square feet if the owner of the parcel opts to not construct a separate directory sign.*

**(10) GZ Gillem zoning district.**

- a. *Billboards. Billboards are prohibited.*
- b. *Freestanding.*

1. *One (1) maximum thirty-two (32) square foot, freestanding monument sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.*
2. *One (1) maximum sixty-four (64) square foot, freestanding monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.*
3. *One (1) maximum seventy-two (72) square foot, freestanding monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.*
4. *One (1) maximum thirty-two (32) square foot, freestanding sign per spin site or out-parcel which is identified on a site plan approved pursuant to a single zoning case.*
5. *Freestanding signs on arterial streets may be ten (10) feet in height.*
6. *All freestanding signs may be internally or externally lit. Each sign may have sign panels. If constructed as part of a brick or stone wall, at least thirty (30) feet in length, the sign face may double the allowable size, and sign panels may be measured separately rather than as part of a continuous polygon as required by Section 23 hereof. If the freestanding sign is constructed on a wall with the increased sign size allowance, the parcel shall not be permitted to construct a*

*separate directory sign. The freestanding sign size may be increased by thirty-two (32) square feet if the owner of the parcel opts to not construct a separate directory sign.”*

**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.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor Angelyne Butler

ATTEST:

\_\_\_\_\_ (SEAL)  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**File Attachments for Item:**

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



CITY OF  
**FORESTPARK**

# City Council Agenda Item

**Subject:** Text Amendment-Arts Entertainment District – Planning & Community Dept.

**Submitted By:** LaShawn Gardiner

**Date Submitted:** July 28, 2023

**Work Session Date:** August 7, 2023

**Council Meeting Date:** August 7, 2023

**Background/History:**

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

**Cost: \$ N/A**

**Budgeted for:** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

**Financial Impact:**

N/A

**Action Requested from Council:**

Approval from City Council



EXHIBIT A

Proposed Arts & Entertainment District

City of Forest Park, Georgia

■ Parcels



**STAFF REPORT –Text Amendments**

**Public Hearing Date: July 20, 2023**

**City Council Meeting: August 7, 2023**

**Case:** TA-2023-04

**Proposed Request:** Text Amendments to the City of Forest Park Zoning Code of Ordinance

**Staff Report Compiled By:** LaShawn Gardiner, Director

**Staff Recommendation:** Staff Recommends Approval

**PROPOSEED TEXT AMENDMENTS**

1. The Planning and Community Development Department is proposing several text amendments to the Code of Ordinances. Case #TA-2023-04 includes an amendment providing an addition to Article A, Section 8-8-4 Definitions and Article B, to establish a new Section 8-8-55. Arts and Entertainment Overlay District.

**BACKGROUND**

In June 2021, the LCI Update listed several goals for Downtown Forest Park as follows:

- Provide a link to Main Street
- Historic Identity
- Walkable Community
- Diverse Development
- Connected Streets
- Inclusive Downtown and
- Quality of Life

In order to further the downtown vision and to implement and accomplish these goals it is necessary to amend the Zoning Ordinance to include a new Arts and Entertainment Overlay District. This district will create a sense of place, incorporate public art that celebrates the history of downtown Main Street and the city as a whole, and encourage a walkable, live, work and play community with diverse development, connectivity and activities that encourage inclusivity while supporting health and wellness.

The requested text amendments will not be injurious to the public health, safety, morals, and general welfare of the community, and the use will not be affected in a substantially adverse manner. The following text amendments are proposed:

2. An amendment to Section Article A, Section 8-8-4 Definitions, adding, Arts, Art/Artisan Gallery, Art Center, Art Use, Artist Studio, Artist, Drive-through, Entertainment (Live), Food Truck, Food Truck Court, Food Truck Vendor, Makerspace, Microbrewery, Outdoor arts market, and Small Power Tools.

3. An amendment to establish a new Section 8-8-55. Arts and Entertainment Overlay District.

This update will provide definitions for retail and business uses that are currently permitted in several zoning districts, and further enhance the current Article I. Forest Park Entertainment District.

#### **Article A, Section 8-8-4 Definitions- The Addition of New Definitions**

**Arts.** The interpretation of imagination and creativity in a physical form or performance.

**Art/Artisan Gallery.** An establishment that engages in the sale, loan or display of paintings, sculptures, photographs, video art or other works of art. "Art gallery" does not include a cultural facility such as a library, museum or non-commercial gallery that may also display works of art or an arts studio.

**Art Center.** A facility whose mission is to promote the arts and make them available to the public. An arts center may host art exhibits and shows, provide studio space for the use of artists and engage in public education and exposure to the arts.

**Art Use.** Creation or assembly of visual art, including two- and three- dimensional works of fine art or craft, or other fine art objects created or assembled for purposes of sale, display, commission, or trade by artists or artisans. Art use may also include classes held for art instruction.

**Artist Studio.** An area in a building used for creation, production, rehearsal, study or teaching of any visual art or craft, including but not limited to painting, drawing, graphic design, photography, video, film, sculpture, and pottery; written works of fiction or nonfiction; or any performing art, whether for live or recorded performance, including music, dance, and theater. Arts studio may include performance space related to classes taught on-site and recording studios; a studio for artisan related crafts, such as small-scale metalworking, glassblowing, furniture making, pottery, leather craft and similar activities. Artist Studio may also include accessory sales of art produced on the premises.

**Artist.** A person who practices one of the fine arts, design, graphic, musical, literary, computer, or performing arts; or a person whose profession relies on application of these skills to produce a creative product. The term includes, but is not limited to, individuals who practice visual arts, such as painters, print makers, illustrators, sculptors, potters, jewelry makers, glass makers, craft artists and photographers; performing arts, such as musicians, composers, playwrights, choreographers and dancers; literary arts, such as creative writers and literary translators; architecture and design, such as architects, landscape architects, engineers, urban designers and planners, interior designers and decorators, industrial designers, graphic designers and fashion designers; and media arts, such as filmmakers, video and audio artists and web-based designers.

**Artisan Shop.** A shop in which goods are custom prepared, displayed, or sold in small quantities, that are often one-of-a-kind items. May also include the production, display, and sale of such goods or a place where a small number of persons are engaged in arts and crafts activities in a class or studio.

**Drive-through.** Any facility that may be accessed directly by means of a motor vehicle for transacting business.

**Entertainment, live.** Any musical act, including karaoke; theatrical act, including a play, revue or stand-up comedy; dance; magic act; disc jockey or similar activity performed live by one or more persons, whether or not for compensation or an admission charge.

**Food Truck.** A motorized vehicle or trailer drawn by a motorized vehicle used to prepare and sell food to the public directly from the vehicle or trailer.

**Food Truck Court.** An area designated in a private parking lot that is an accessory to a permitted use conducted in a building on the lot or a freestanding commercial parking lot.

**Food Truck Vendor.** Any person or entity that prepares and sells food from a Food Truck in a designated Food Truck Court.

**Makerspace.** An indoor or outdoor facility or both intended to be used by artists as studio and retail space. Makerspaces often combine production, equipment, community, and education for the purposes of enabling participating individuals to design, prototype, and create works that said individuals would have difficulty producing if working alone due to a lack of resources, tools, artistic input, and/or space. Such space may be in a residential, commercial, mixed use or a live/work building and often provides tools for community use. Makerspaces are characterized by consistent design elements, such as high ceilings, large windows, durable surfaces and wide entrances. These spaces are designed to accommodate and foster a variety of creative activities. Makerspaces may also include common space such as galleries, meeting rooms and open space -that encourages resident engagement and community involvement.

**Microbrewery.** Any establishment where malt beverages are produced or brewed, such as breweries and brewpubs.

**Outdoor arts market.** A temporary event held on private or public property where artwork is offered for sale.

**Small power tools.** Hand equipment driven by other than human means. Examples include circular saws, power drills, portable mitre saws, routers, electric belt sanders and

wood lathes. Not defined as small power tools are chain saws, mounted mitre saws, band saws, jackhammers, and similar power tools.

## **ARTICLE B. ZONING DISTRICTS, OVERLAY DISTRICTS, AND DESIGN GUIDELINES ESTABLISHED**

### **SEC. 8-8-55. Arts and Entertainment Overlay District.**

There is hereby established an Arts and Entertainment Overlay District. The purpose of the Arts & Entertainment Overlay District is to facilitate the creation of an arts destination, sustain established arts and cultural uses and promote new arts and cultural uses. The Arts & Entertainment District Overlay seeks integration of the arts into the fabric of the community and is conceived as the location of art galleries and art studios forming the core of an arts district. A complementary mix of shops, restaurants and entertainment venues will support these uses. These elements are expected to generate interest in downtown Forest Park and attract arts and cultural events.

The Arts & Entertainment District Overlay features an expanded range of permitted uses focused on the arts while retaining all property rights established by the underlying zoning. The Arts & Entertainment District Overlay encourages adaptive reuse of historic buildings and new construction technologies, affording owners expanded development options. These measures will enhance the market attractiveness of the arts district.

Arts venues, community festivals, expanded arts uses and pedestrian character are expected to promote an arts district. Planned investment in public art, lighting, sidewalks, and off-street parking will leverage private investment and enhance public safety. This combination of public and private investment is expected to advance Forest Park's position in regional leadership in the arts and stimulate broad economic revitalization. Importantly, the Arts District Overlay features walkable distances from nearby neighborhoods to small-scale establishments and live entertainment venues accommodated by the Arts District Overlay and compatible with the neighborhood character.

#### **Sec. 8-8-55.1. Applicability.**

Unless expressly modified by regulations in this Article establishing the Arts & Entertainment District Overlay, the regulations governing the use of land and structures shall be as set forth in the underlying zoning districts and as regulated by other provisions of the Forest Park City Code. The Architectural Design Standards shall control development in the Arts & Entertainment District Overlay, unless an alternate provision is adopted in the Arts & Entertainment District Overlay. Where a conflict with other Forest Park City Code and ordinance provisions exists, the more permissive standard shall apply.

### **Sec. 8-8-55.2 Boundaries.**

The Arts & Entertainment District Overlay radiates from the current Downtown Forest Park Entertainment District and the Downtown Main Street District running along Main Street (i.e. from Jonesboro Road west to West Street), and expanding to include properties south of Forest Parkway; Ash Street (from Forest Parkway to South Avenue) and Oak Street (i.e. from Forest Parkway, merging onto Lake Drive to South Avenue) to include Starr Park, City Government Buildings, and adjoining property). The District is more specifically identified in Exhibit A entitled "Forest Park Arts & Entertainment District Overlay Zone."

### **Sec. 8-8-55.3. Scale.**

Downtown Forest Park and the Starr Park complex is the focus of the Arts & Entertainment District Overlay. Forest Park was established at a time when walking was the primary means of travel, and downtown is characterized by a pedestrian scale. This scale is preserved by height limits inherent in the development intensity assigned to downtown in the Zoning Ordinance as described in Sec. 8-8-54.8 Special Building Standards for Development Subareas in Downtown. A sense of place will be maintained by adherence to these height limits. Preservation of pedestrian scale is important as arts districts are typically designed to encourage walking to a variety of venues.

### **Sec. 8-8-55.4. Permitted and Encouraged Uses in the Arts & Entertainment District Overlay.**

Uses permitted by the underlying zoning are unaffected by adoption of the Arts & Entertainment District Overlay; the following uses shall be specifically permitted in the Arts & Entertainment District Overlay:

#### **Arts Uses**

- Art gallery
- Artist studio
- Artist studio workspace
- Artist co-op to allow multiple artist spaces that are not bazaars, junk stores, specialty shops and flea markets, etc.
- Arts and crafts retail sales
- Arts center
- Arts related businesses and services such as craft shops, galleries, and studios within which is conducted the preparation, display, or sale of art products such as antiques, collectibles, custom apparel, jewelry, paintings, photography, picture framing, pottery, sculpture, stained glass and similar

arts, crafts merchandise, and activities such as set design and restoration of artwork.

- Arts supply store
- Cabaret, concert hall or other performing arts space, dinner theater, legitimate theater or movie theater
- Craftsman or artisan shop
- Music store, Musical instruments store
- Performing arts ticket office or Booking agency
- Photographic studio
- Recording studios, provided appropriate soundproofing is installed
- Television and Radio broadcast studio
- Video and movie production

### **Retail Uses**

- Farmers market
- Framing shop
- Pottery and ceramics shop
- Growler shop

### **Cultural and Entertainment Uses**

- Brew pubs, including outdoor seating
- Microbreweries, subject to the provisions of Title 9-Licensing & Regulation, Chapter 2, "Alcoholic Beverages.
- City-sponsored and/or approved outdoor cultural events and performances that feature visual art, music, dance, theater, performance art, science, design, or cultural heritage
- Live entertainment, provided that all establishments hosting live entertainment shall comply with any and all applicable noise regulations and ordinances of the City of Forest Park.

### **Educational Uses**

- Art school and other visual and performing arts instruction including school of dance, photography, filmmaking, music, writing, painting, sculpting and printmaking, but excluding adult entertainment and erotic dance.
- Educational or instructional activities, including training, vocational or craft schools, the arts and personal development

- Libraries
- Museums
- Social and philanthropic institutions
- Training studios, including martial arts studios, gymnastics and yoga

### **Permitted Accessory Uses**

- Outdoor display of artwork and merchandise during hours of operation of the primary business or activity on the property.
- Power tools. The use of hand tools is encouraged; the use of small power tools is allowed. All tools shall be used in compliance with the noise regulations and ordinances of the City of Forest Park.
- Street performers
- Food Trucks, in designated Food Truck Courts only.
- Makerspaces.

### **Sec. 8-8-55.5. Uses Prohibited In the Arts & Entertainment District**

The following uses shall be prohibited in the Arts & Entertainment District Overlay:

- Any drive-through facility, with the exception of restaurants which shall have no visible drive-through.
- Any outdoor storage of materials or any outdoor processing, fabricating or repair work, except for work performed with hand tools and small power tools
- Use of any structure primarily for storage (meaning no more than 25% of the total interior space of said structure may be used for storage of goods, materials, or equipment)
- Car wash
- Convenience Store with or without fuel sales
- Gas station
- Motor vehicle service or repair
- Tire stores
- Any use that involves the outdoor storage of materials or products. The production of offensive noise, vibration, smoke, dust or other particulate matter, heat, humidity, glare or other objectionable effects shall also be prohibited.

### **Sec. 8-5-55.6. Public Art Placement**

Placement or installation of outdoor sculpture and other art forms on private property intended to be viewed from a public right-of-way or other public property shall not be subject to setback standards of the applicable zoning district and shall not require a permit, provided that:

- The art is not offered for sale.
- The art does not constitute an advertisement; and
- The placement does not impede the flow of pedestrian, bicycle or vehicle traffic or block motorist visibility at intersections, alleys, or driveways.

### **Sec. 8-8-55.7. Art & Entertainment District Use Specific Standards.**

The following standards shall control the development and manner of operation of the following uses within the Arts & Entertainment District Overlay:

#### **1. Food Truck Court.**

A. Food Truck Courts may be established in free-standing commercial parking lots accessory to an operating, permitted use provided that (a) the lot has been designated for Food Truck Courts, (b) the property is zoned DM (Downtown Main Street) or IC (Institutional Commercial) and (c) parking supply exists in excess of that required by ordinance or code for uses or commercial space existing on the site and two (2) off-street parking spaces shall be reserved for the exclusive use of customers of each Food Truck Vendor. Such designation shall be subject to review and approval by the City Manager who shall maintain the following database:

- i. Property address and number of spaces designated as a "Food Truck Court."
- ii. Site sketch depicting the building, parking spaces and parking spaces so designated.
- iii. Dimensions and color photos (front, both sides and rear) of the dispensing vehicle. Include the make, model, vehicle identification number and license plan number of the vendor unit (if applicable).



- iv. A copy of all lease agreements between the property owner and/or landlord and any Food Truck Vendor, including the specific space being leased which shall be marked on the ground.
  - v. Proof of compliance with all Clayton County Health Department regulations.
  - vi. An occupational tax permit issued by the City of Forest Park or other jurisdiction, which permit shall be posted in the front window of the Food Truck Vendor vehicle or trailer while in use.
  - vii. A vendor permit issued by the City.
  - viii. All permits or licenses as may be required by the State of Georgia, including Clayton County and the Department of Public Health.
- B. Food Trucks shall not be permitted on the premises before 7:00 AM or after 10:00 PM.
- C. Each Food Truck Vendor shall submit on an annual basis a written application for a vendor permit prior to operating in any area designated as a Food Truck Court.
- D. No minimum or maximum number of Food Trucks shall be established; Food Truck Courts need not be contiguous and may be designated in several locations within a single lot.
- E. No waste of any kind shall be discharged from a Food Truck. Trash receptacles shall be provided by the Food Truck Vendor for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food, and other such waste. Such receptacles shall be located no more than ten (10) feet from the Food Truck. The Food Truck Vendor shall be responsible for removing all trash, litter and refuse from the site at the end of each business day.
- F. No LED strip lighting shall be used in conjunction with any Food Truck Court.

G. No loudspeakers shall be used for announcements or hawking of products in conjunction with any Food Truck Court.

H. The property owner and/or landlord may provide limited seating on the Food Truck Court to customers of the Food Truck Vendor(s). Canopies for the protection of customers from the elements may also be provided by the property owner and/or landlord or the Food Truck Vendor(s). Such canopies shall be temporary, located within three feet of the Food Truck, not to exceed an area of one hundred and forty-four (144) square feet and shall be subject to approval by the City Manager.

I. A minimum distance of one hundred (100) feet shall be maintained between any Food Truck and the entrance to any permanent restaurant building.

J. The Food Truck shall not be located within any required setback, any sight distance triangle or required buffer. Access aisles sufficient to provide emergency access to any Food Truck shall be provided subject to approval by the Fire Marshall.

K. Sales of articles other than food shall be prohibited.

## **2. Kilns.**

A. The total volume of kiln space shall not exceed twenty-four (24) cubic feet and no individual kiln shall exceed eight (8) cubic feet.

B. Kilns may be located outside, preferably in the back of the business if applicable. Outside kilns shall be set back a minimum of twenty-five (25) feet from any boundary common to property zoned residential or in residential use.

## **3. Street performers.**

A. Street performers shall obtain a permit from the City of Forest Park.

B. Performers shall operate only in designated areas.

C. No street performer shall impede movement along a public sidewalk; a minimum sidewalk width of five feet, independent of the performance area, shall be maintained throughout any performance.

**Sec. 8-8-55.8. Signs in Art & Entertainment District.**

Signs with lights and movable elements that contribute to the unique character of the district shall be permitted. However, signage located in the underlying DM (Downtown Main Street) District should adhere to the design standards established for the Downtown Main Street District. All signs in the Arts & Entertainment District shall be subject to approval by the Planning Director or his/her designee upon the submission of a sign application, and any applicable documents and fees.

The purpose of this amendment is to create an Arts & Entertainment District to facilitate creation of an arts destination, sustain established arts and cultural uses and promote new arts and cultural uses. Incorporating the arts into the current entertainment district and expanding this overlay district into Starr Park and adjacent properties connects the fabric of the community to provide for a walkable place to live, work, play and have a good quality of life while generating an interest in downtown Forest Park. **Staff recommends Approval** of this text amendment.

ORDAINCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF FOREST PARK, GEORGIA TO PROVIDE FOR TEXT AMENDMENTS; 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 Article A, Section 8-8-4 Definitions of the Code of Ordinances, City of Forest Park, Georgia, is hereby amended by adding additional definitions to said section:

*“Arts. The interpretation of imagination and creativity in a physical form or performance.*

***Art/Artisan Gallery.** An establishment that engages in the sale, loan or display of paintings, sculptures, photographs, video art or other works of art. “Art gallery” does not include a cultural facility such as a library, museum or non-commercial gallery that may also display works of art or an arts studio.*

***Art Center.** A facility whose mission is to promote the arts and make them available to the public. An arts center may host art exhibits and shows, provide studio space for the use of artists and engage in public education and exposure to the arts.*

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***Artist Studio.** An area in a building used for creation, production, rehearsal, study or teaching of any visual art or craft, including but not limited to painting, drawing, graphic design, photography, video, film, sculpture, and pottery; written works of fiction or nonfiction; or any performing art, whether for live or recorded performance, including music, dance, and theater. Arts studio may include performance space related to classes taught on-site and recording studios; a studio for artisan related crafts, such as small-scale metalworking, glassblowing, furniture making, pottery, leather craft and similar activities. Artist Studio may also include accessory sales of art produced on the premises.*

***Artist.** A person who practices one of the fine arts, design, graphic, musical, literary, computer, or performing arts; or a person whose profession relies on application of these skills to produce a creative product. The term includes, but is not limited to, individuals who practice visual arts, such as painters, print makers, illustrators, sculptors, potters, jewelry makers, glass makers, craft artists and photographers; performing arts, such as musicians, composers, playwrights, choreographers and dancers; literary arts, such as creative writers and literary translators; architecture and design, such as architects, landscape architects, engineers, urban designers and planners, interior designers and decorators, industrial designers, graphic designers and fashion designers; and media arts, such as filmmakers, video and audio artists and web-based designers.*

***Artisan Shop.** A shop in which goods are custom prepared, displayed, or sold in small quantities, that are often one-of-a-kind items. May also include the production, display, and*

*sale of such goods or a place where a small number of persons are engaged in arts and crafts activities in a class or studio.*

**Drive-through.** *Any facility that may be accessed directly by means of a motor vehicle for transacting business.*

**Entertainment, live.** *Any musical act, including karaoke; theatrical act, including a play, revue or stand-up comedy; dance; magic act; disc jockey or similar activity performed live by one or more persons, whether or not for compensation or an admission charge.*

**Food Truck.** *A motorized vehicle or trailer drawn by a motorized vehicle used to prepare and sell food to the public directly from the vehicle or trailer.*

**Food Truck Court.** *An area designated in a private parking lot that is accessory to a permitted use conducted in a building on the lot or a freestanding commercial parking lot.*

**Food Truck Vendor.** *Any person or entity that prepares and sells food from a Food Truck in a designated Food Truck Court.*

**Makerspace.** *An indoor or outdoor facility or both intended to be used by artists as studio and retail space. Makerspaces often combine production, equipment, community, and education for the purposes of enabling participating individuals to design, prototype, and create works that said individuals would have difficulty producing if working alone due to a lack of resources, tools, artistic input, and/or space. Such space may be in a residential, commercial, mixed use or a live/work building and often provides tools for community use. Makerspaces are characterized by consistent design elements, such as high ceilings, large windows, durable surfaces and wide entrances. These spaces are designed to accommodate and foster a variety of creative activities. Makerspaces may also include common space such as galleries, meeting rooms and open space -that encourages resident engagement and community involvement.*

**Microbrewery.** *Any establishment where malt beverages are produced or brewed, such as breweries and brewpubs.*

**Outdoor arts market.** *A temporary event held on private or public property where artwork is offered for sale.*

**Small power tools.** *Hand equipment driven by other than human means. Examples include circular saws, power drills, portable mitre saws, routers, electric belt sanders and wood lathes. Not defined as small power tools are chain saws, mounted mitre saws, band saws, jackhammers, and similar power tools.”*

**SECTION 2.** That Title 8, Chapter 8 of the Code of Ordinances, City of Forest Park, Georgia, is hereby amended by adding a new Section 8-8-55 as follows:

**“SEC. 8-8-55. Arts and Entertainment Overlay District.**

*There is hereby established an Arts and Entertainment Overlay District. The purpose of the Arts & Entertainment Overlay District is to facilitate the creation of an arts destination, sustain established arts and cultural uses and promote new arts and cultural uses. The Arts & Entertainment District Overlay seeks integration of the arts into the fabric of the community and is conceived as the location of art galleries and art studios forming the core of an arts district. A complementary mix of shops, restaurants and entertainment venues will support these uses. These elements are expected to generate interest in downtown Forest Park and attract arts and cultural events.*

*The Arts & Entertainment District Overlay features an expanded range of permitted uses focused on the arts while retaining all property rights established by the underlying zoning. The Arts & Entertainment District Overlay encourages adaptive reuse of historic buildings and new construction technologies, affording owners expanded development options. These measures will enhance the market attractiveness of the arts district.*

*Arts venues, community festivals, expanded arts uses and pedestrian character are expected to promote an arts district. Planned investment in public art, lighting, sidewalks, and off-street parking will leverage private investment and enhance public safety. This combination of public and private investment is expected to advance Forest Park’s position in regional leadership in the arts and stimulate broad economic revitalization. Importantly, the Arts District Overlay features walkable distances from nearby neighborhoods to small-scale establishments and live entertainment venues accommodated by the Arts District Overlay and compatible with the neighborhood character.*

**Sec. 8-8-55.1. Applicability.**

*Unless expressly modified by regulations in this Article establishing the Arts & Entertainment District Overlay, the regulations governing the use of land and structures shall be as set forth in the underlying zoning districts and as regulated by other provisions of the Forest Park City Code. The Architectural Design Standards shall control development in the Arts & Entertainment District Overlay, unless an alternate provision is adopted in the Arts & Entertainment District Overlay. Where a conflict with other Forest Park City Code and ordinance provisions exists, the more permissive standard shall apply.*

**Sec. 8-8-55.2 Boundaries.**

*The Arts & Entertainment District Overlay radiates from the current Downtown Forest Park Entertainment District and the Downtown Main Street District running along Main Street (i.e. from Jonesboro Road west to West Street), and expanding to include properties south of Forest Parkway; Ash Street (from Forest Parkway to South Avenue) and Oak Street (i.e. from Forest Parkway, merging onto Lake Drive to South Avenue) to include Starr Park, City Government Buildings, and adjoining property). The District is more specifically identified in Exhibit A entitled “Forest Park Arts & Entertainment District Overlay Zone.”*

**Sec. 8-8-55.3. Scale.**

*Downtown Forest Park and the Starr Park complex is the focus of the Arts & Entertainment District Overlay. Forest Park was established at a time when walking was the primary means of travel, and downtown is characterized by a pedestrian scale. This scale is preserved by height limits inherent in the development intensity assigned to downtown in the Zoning Ordinance as described in Sec. 8-8-54.8 Special Building Standards for Development Subareas in Downtown. A sense of place will be maintained by adherence to these height limits. Preservation of pedestrian scale is important as arts districts are typically designed to encourage walking to a variety of venues.*

**Sec. 8-8-55.4. Permitted and Encouraged Uses in the Arts & Entertainment District Overlay.**

*Uses permitted by the underlying zoning are unaffected by adoption of the Arts & Entertainment District Overlay; the following uses shall be specifically permitted in the Arts & Entertainment District Overlay:*

**Arts Uses**

- *Art gallery*
- *Artist studio*
- *Artist studio workspace*
- *Artist co-op to allow multiple artist spaces that are not bazaars, junk stores, specialty shops and flea markets, etc.*
- *Arts and crafts retail sales*
- *Arts center*
- *Arts related businesses and services such as craft shops, galleries, and studios within which is conducted the preparation, display, or sale of art products such as antiques, collectibles, custom apparel, jewelry, paintings, photography, picture framing, pottery, sculpture, stained glass and similar arts, crafts merchandise, and activities such as set design and restoration of artwork.*
- *Arts supply store*
- *Cabaret, concert hall or other performing arts space, dinner theater, legitimate theater or movie theater*
- *Craftsman or artisan shop*
- *Music store, Musical instruments store*
- *Performing arts ticket office or Booking agency*
- *Photographic studio*
- *Recording studios, provided appropriate soundproofing is installed*
- *Television and Radio broadcast studio*
- *Video and movie production*

**Retail Uses**

- *Farmers market*
- *Framing shop*
- *Pottery and ceramics shop*
- *Growler shop*

**Cultural and Entertainment Uses**

- *Brew pubs, including outdoor seating*
- *Microbreweries, subject to the provisions of Title 9-Licensing & Regulation, Chapter 2, "Alcoholic Beverages.*
- *City-sponsored and/or approved outdoor cultural events and performances that feature visual art, music, dance, theater, performance art, science, design, or cultural heritage*

- *Live entertainment, provided that all establishments hosting live entertainment shall comply with any and all applicable noise regulations and ordinances of the City of Forest Park.*

### **Educational Uses**

- *Art school and other visual and performing arts instruction including school of dance, photography, filmmaking, music, writing, painting, sculpting and printmaking, but excluding adult entertainment and erotic dance.*
- *Educational or instructional activities, including training, vocational or craft schools, the arts and personal development*
- *Libraries*
- *Museums*
- *Social and philanthropic institutions*
- *Training studios, including martial arts studios, gymnastics and yoga*

### **Permitted Accessory Uses**

- *Outdoor display of artwork and merchandise during hours of operation of the primary business or activity on the property.*
- *Power tools. The use of hand tools is encouraged; the use of small power tools is allowed. All tools shall be used in compliance with the noise regulations and ordinances of the City of Forest Park.*
- *Street performers*
- *Food Trucks, in designated Food Truck Courts only.*
- *Makerspaces.*

### **Sec. 8-8-55.5. Uses Prohibited In the Arts & Entertainment District**

*The following uses shall be prohibited in the Arts & Entertainment District Overlay:*

- *Any drive-through facility, with the exception of restaurants which shall have no visible drive-through.*
- *Any outdoor storage of materials or any outdoor processing, fabricating or repair work, except for work performed with hand tools and small power tools*
- *Use of any structure primarily for storage (meaning no more than 25% of the total interior space of said structure may be used for storage of goods, materials, or equipment)*
- *Car wash*
- *Convenience Store with or without fuel sales*
- *Gas station*
- *Motor vehicle service or repair*
- *Tire stores*



- *Any use that involves the outdoor storage of materials or products. The production of offensive noise, vibration, smoke, dust or other particulate matter, heat, humidity, glare or other objectionable effects shall also be prohibited.*

**Sec. 8-5-55.6. Public Art Placement**

*Placement or installation of outdoor sculpture and other art forms on private property intended to be viewed from a public right-of-way or other public property shall not be subject to setback standards of the applicable zoning district and shall not require a permit, provided that:*

- *The art is not offered for sale.*
- *The art does not constitute an advertisement; and*
- *The placement does not impede the flow of pedestrian, bicycle or vehicle traffic or block motorist visibility at intersections, alleys, or driveways.*

**Sec. 8-8-55.7. Art & Entertainment District Use Specific Standards.**

*The following standards shall control the development and manner of operation of the following uses within the Arts & Entertainment District Overlay:*

**1. Food Truck Court.**

*A. Food Truck Courts may be established in free-standing commercial parking lots accessory to an operating, permitted use provided that (a) the lot has been designated for Food Truck Courts, (b) the property is zoned DM (Downtown Main Street) or IC (Institutional Commercial) and (c) parking supply exists in excess of that required by ordinance or code for uses or commercial space existing on the site and two (2) off-street parking spaces shall be reserved for the exclusive use of customers of each Food Truck Vendor. Such designation shall be subject to review and approval by the City Manager who shall maintain the following database:*

- i. Property address and number of spaces designated as a “Food Truck Court.”*
- ii. Site sketch depicting the building, parking spaces and parking spaces so designated.*
- iii. Dimensions and color photos (front, both sides and rear) of the dispensing vehicle. Include the make, model, vehicle identification number and license plan number of the vendor unit (if applicable).*
- iv. A copy of all lease agreements between the property owner and/or landlord and any Food Truck Vendor, including the specific space being leased which shall be marked on the ground.*
- v. Proof of compliance with all Clayton County Health Department regulations.*

- vi. *An occupational tax permit issued by the City of Forest Park or other jurisdiction, which permit shall be posted in the front window of the Food Truck Vendor vehicle or trailer while in use.*
- vii. *A vendor permit issued by the City.*
- viii. *All permits or licenses as may be required by the State of Georgia, including Clayton County and the Department of Public Health.*
- B. *Food Trucks shall not be permitted on the premises before 7:00 AM or after 10:00 PM.*
- C. *Each Food Truck Vendor shall submit on an annual basis a written application for a vendor permit prior to operating in any area designated as a Food Truck Court.*
- D. *No minimum or maximum number of Food Trucks shall be established; Food Truck Courts need not be contiguous and may be designated in several locations within a single lot.*
- E. *No waste of any kind shall be discharged from a Food Truck. Trash receptacles shall be provided by the Food Truck Vendor for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food, and other such waste. Such receptacles shall be located no more than ten (10) feet from the Food Truck. The Food Truck Vendor shall be responsible for removing all trash, litter and refuse from the site at the end of each business day.*
- F. *No LED strip lighting shall be used in conjunction with any Food Truck Court.*
- G. *No loudspeakers shall be used for announcements or hawking of products in conjunction with any Food Truck Court.*
- H. *The property owner and/or landlord may provide limited seating on the Food Truck Court to customers of the Food Truck Vendor(s). Canopies for the protection of customers from the elements may also be provided by the property owner and/or landlord or the Food Truck Vendor(s). Such canopies shall be temporary, located within three feet of the Food Truck, not to exceed an area of one hundred and forty-four (144) square feet and shall be subject to approval by the City Manager.*
- I. *A minimum distance of one hundred (100) feet shall be maintained between any Food Truck and the entrance to any permanent restaurant building.*
- J. *The Food Truck shall not be located within any required setback, any sight distance triangle or required buffer. Access aisles sufficient to provide emergency access to any Food Truck shall be provided subject to approval by the Fire Marshall.*
- K. *Sales of articles other than food shall be prohibited.*

## **2. Kilns.**

- A. *The total volume of kiln space shall not exceed twenty-four (24) cubic feet and no individual kiln shall exceed eight (8) cubic feet.*

*B. Kilns may be located outside, preferably in the back of the business if applicable. Outside kilns shall be set back a minimum of twenty-five (25) feet from any boundary common to property zoned residential or in residential use.*

**3. Street performers.**

*A. Street performers shall obtain a permit from the City of Forest Park.*

*B. Performers shall operate only in designated areas. “*

*C. No street performer shall impede movement along a public sidewalk; a minimum sidewalk width of five feet, independent of the performance area, shall be maintained throughout any performance.*

**Sec. 8-8-55.8. Signs in Art & Entertainment District.**

*Signs with lights and movable elements that contribute to the unique character of the district shall be permitted. However, signage located in the underlying DM (Downtown Main Street) District should adhere to the design standards established for the Downtown Main Street District. All signs in the Arts & Entertainment District shall be subject to approval by the Planning Director or his/her designee upon the submission of a sign application, and any applicable documents and fees.”*

**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.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor Angelyne Butler

ATTEST:

\_\_\_\_\_ (SEAL)  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

EXHIBIT A

*Forest Park Arts & Entertainment District Overlay Zone.*

**File Attachments for Item:**

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



CITY OF  
**FORESTPARK**

# City Council Agenda Item

**Subject:** Text Amendments TA-2023-03 – Planning & Community Development

**Submitted By:** SaVaughn Irons

**Date Submitted:** July 28, 2023

**Work Session Date:** August 7, 2023

**Council Meeting Date:** August 7, 2023

**Background/History:**

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

**Cost: \$ 0.00**

**Budgeted for:** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

**Financial Impact:** n/a

N/A

**Action Requested from Council:**

Approval of the text amendment.



STAFF REPORT – Text Amendments  
Public Hearing Date: July 20, 2023  
City Council Meeting: August 7, 2023

Case: TA-2023-03

Proposed Request: Text Amendments to The City of Forest Park Zoning Code of Ordinance

Staff Report Compiled By: SaVaughn Irons, City Planner

**PROPOSED TEXT AMENDMENTS**

- 1. The Planning & Community Development Department is proposing a text amendment to the Code of Ordinances. Case # TA-2023-03 includes an amendment to Article F. Boards and Commissions. Section. 8-8-161 Design approval procedures b) Application review.

**BACKGROUND**

The Planning & Community Development Department has discovered some areas of the Code of Ordinances that need to be amended for clarity and formal processes. The requested text amendments will not be injurious to the public health, safety, morals, and general welfare of the community, and the use will not be affected in a substantially adverse manner. The following text amendments have been proposed:

- 2. Article F. Boards and Commissions. Section. 8-8-161 Design approval procedures b) Application review process, adding an application deadline schedule and scheduled calendar date for scheduled meeting to occur based on application submittal deadline.

This update creates a standard monthly due date for applications to be submitted by the second Wednesday of each month as well as proposing the meeting date to occur on the third Friday of each month. The previous ordinance did not provide an organized process for when applications can be received, and did not provide an explicit timeline, leaving too much room for an unorganized process for both applicants and staff. This update will clarify application submittal deadlines, meeting dates and create a more fluid process for the urban design review board members, city staff and the applicant.

**ARTICLE F. BOARDS AND COMMISSIONS**

**Sec. 8-8-161. Design approval procedures b) Application Review.**

b) *Application Review.* A design plan application shall be submitted in triplicate to the planning and community development director for review to ensure compliance with provisions of this section and for transmission of two (2) copies to the urban design review board for review and final action. The architectural design plan application is to be submitted in completion by the second (2<sup>nd</sup>) Wednesday of each month by close of business to be reviewed

on the following month calendar. The chairman of the board shall call a formal meeting once each month on the third Friday of each month of the application's acceptance. Within seventy-two (72) hours after the date of the formal review meeting, the board shall take final action on the design plan application. If the board shall fail to take final action upon the application, the application shall be deemed to be approved. The board may extend this deadline by a majority vote of those members present. When circumstances necessitate, the board may defer action on an application until its next meeting.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF FOREST PARK, GEORGIA TO PROVIDE FOR CERTAIN TECHNICAL TEXT AMENDMENTS; 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 Article F. Boards and Commissions. Section. 8-8-161 Design approval procedures b) Application review of the Code of Ordinances, City of Forest Park, Georgia, Georgia is hereby amended by updating the Application review formal processes to include an application deadline schedule and scheduled calendar date for scheduled meeting to occur based on application submittal deadline by the following in lieu thereof:

*“Sec. 8-8-161 Design approval procedures*

*b) Application review. A design plan application shall be submitted in triplicate to the planning and community development director for review to ensure compliance with provisions of this section and for transmission of two (2) copies to the urban design review board for review and final action. The architectural design plan application is to be submitted in completion by the second (2<sup>nd</sup>) Wednesday of each month by close of business to be reviewed on the following month calendar. The chairman of the board shall call a formal meeting once each month on the third Friday of each month of the application's acceptance. Within seventy-two (72) hours after the date of the formal review meeting, the board shall take final action on the design plan application. If the board shall fail to take final action upon the application, the application shall be deemed to be approved. The board may extend this deadline by a majority vote of those members present. When circumstances necessitate, the board may defer action on an application until its next meeting.*

**SECTION 2. 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 3. Approval of Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

**SECTION 4. 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 5. 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 6. Repeal of Conflicting Provisions.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 7. 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.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
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

**File Attachments for Item:**

**16. Council Approval of Charter Amendment to Establish New Ward Lines – Legal**



CITY OF  
**FORESTPARK**

# City Council Agenda Item

**Subject:** Council Consideration of and Vote on Charter Amendment to Establish New Ward Lines – Legal

**Submitted By:** City Attorney

**Date Submitted:** August 1, 2023

**Work Session Date:** August 7, 2023

**Council Meeting Date:** August 7, 2023

**Background/History:**

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

Municipal charters may be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart. This is the first formal adoption. The second and final adoption of the charter amendment will occur on August 21, 2023.

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

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

**Cost:** \$ N/A

**Budgeted for:** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

**Financial Impact:**

**Action Requested from Council:**

Approval of the ordinance.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF FOREST PARK TO PROVIDE FOR NEW WARD LINES PURSUANT TO O.C.G.A. § 36-35-4.1 AND O.C.G.A. § 36-35-3; 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 as follows:

**SECTION 1.** That Section 5.11(a) of the City Charter of the City of Forest Park is hereby amended by deleting said Section in its entirety and replacing it with a new Section 5.11(a) as set forth below:

“5.11(a) Unless and until changed by any future Ordinance of the City, the Wards of the City of Forest Park shall be established as set forth below:

(i) For the purpose of electing council members the City of Forest Park, Wards 1, 2, 3, 4, and 5 shall be and correspond to those five numbered wards described in Exhibit A attached to and made a part of this ordinance and further identified as “User: ForestPark, Plan Name: ForestPark-Draft-2023, Plan Type: Local.”

(ii) For the purposes of this description, the term "VTD" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2020 for the State of Georgia. The separate numeric designations in the description which are underneath a VTD heading shall mean and describe individual blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2020 for the State of Georgia.”

**SECTION 2. 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 Charter of the City of Forest Park, and the sections of the ordinance may be renumbered to accomplish such intention.

**SECTION 3. Approval of Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

**SECTION 4. 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 5. 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 6. Repeal of Conflicting Provisions.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 7. 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.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor Angelyne Butler

ATTEST:

\_\_\_\_\_ (SEAL)  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**EXHIBIT A**

User: ForestPark  
Plan Name: ForestPark-Draft-2023  
Plan Type: Local

**WARD 1**

County Clayton GA  
VTD FOREST PARK 1  
Block 040302:  
1000 1001 1005 1009 1010 1011 1012 1013 1015 1016 1017 1018  
1019 1020 1021 2000 2005 3000 3005 3006 3007 3008 3009 3010  
3011 3012 3013 3014 3017 3019 3021 3022 3023 3024 4000 4001  
4002 4008 4010  
Block 040309:  
1004  
VTD FOREST PARK 2  
Block 040309:  
1003  
VTD FOREST PARK 3  
Block 040302:  
3018

**WARD 2**

County Clayton GA  
VTD FOREST PARK 1  
Block 040302:  
2001 2002 2003 2004 2006 2007 2008 2009 2010 2011 4003 4004  
4005 4006 4007 4009 4011 4012 4013 4014 4016 4017 4018 4019  
4020 4021 4022 4023 4024 4025 4026  
Block 040310:  
2004 2005 2006 2008 2009  
VTD FOREST PARK 3  
Block 040302:  
3020 4015  
Block 040308:  
1035 1036 1037 1042 1043 2008 3002 3003 3004 3010 3011 3012  
3013 4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010  
4011 4012 4013 4014 4015 4016 4017 4018 4019 4020 4021 4022  
4023 4024 4025 4026 4027 4028 4029 4030 4031

**WARD 3**

County Clayton GA  
VTD ELLENWOOD  
Block 040410:

3015  
 VTD FOREST PARK 1  
 Block 040310:  
 1016 1017 1020 1021 1022 2000 2001 2003 2007 2010 2011  
 VTD FOREST PARK 2  
 Block 040309:  
 1010 1011 2008 2014 2015 2016 2018  
 Block 040310:  
 1000 1002 1004 1005 1007 1010 1013 1014 1015 1018 2002 2012  
 2013 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010  
 3011 3012 3013 3014 3015  
 VTD FOREST PARK 3  
 Block 040308:  
 3000 3001 3005 3006 3007 3008 3014 3016  
 Block 040407:  
 1001 1002 1003 1006 1007 1008 1009 1010 1017 1018  
 VTD LAKE CITY  
 Block 040407:  
 2001  
 VTD MORROW 1  
 Block 040310:  
 1012 1019 1023 1024 1025 1026 1027  
 Block 040407:  
 2009  
 Block 040410:  
 1014 2000 2001 2002 2003 2004 2005 2006 2007 2015 2016 2017

**WARD 4**

County Clayton GA  
 VTD FOREST PARK 1  
 Block 040308:  
 1016 1017 1018 1020 1022 1023 1024 1025 1026 1027 1028 1029  
 1031  
 VTD FOREST PARK 3  
 Block 040202:  
 1004 1038 1039  
 Block 040306:  
 1000 1001 1009 1010  
 Block 040308:  
 1030 1032 1033 1034 1041 2000 2001 2002 2003 2004 2005 2006  
 2007 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019  
 2020 2021 2022 2023 2024 2025 2026 2027 3009 3015 3019  
 Block 040407:  
 1023 1024  
 VTD FOREST PARK 5

Block 040306:  
2000 2001  
Block 040307:  
1009

**WARD 5**

County Clayton GA

VTD FOREST PARK 4

Block 040307:  
1000 1001 1019 1020 3000 3001 3003 3004 3008 3009 3010 3011

Block 040407:  
1019

VTD FOREST PARK 5

Block 040307:  
1002 1003 1005 1006 1007 1010 1011 1012 1013 1014 1016 1017  
1018 1021 1022

Block 040414:  
1000

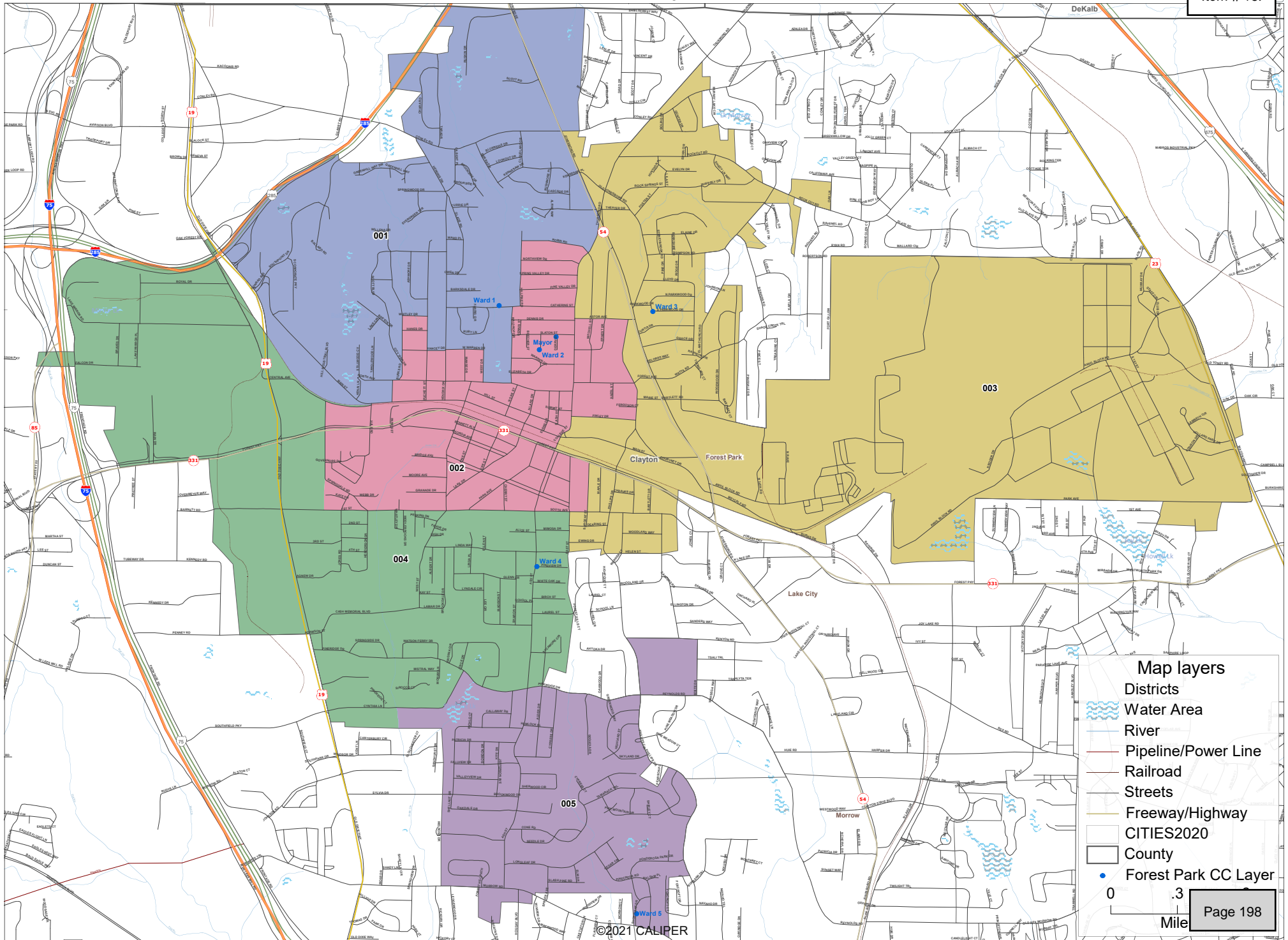
Block 040416:  
1023

VTD FOREST PARK 6

Block 040307:  
2000 2001 2002 2003 2004 2005 2006 2007 2010 2011 2012 2013  
3002 3005 3012

# Draft of Forest Park City Council Districts

Item # 16.



**Map layers**

- Districts
- Water Area
- River
- Pipeline/Power Line
- Railroad
- Streets
- Freeway/Highway
- CITIES2020
- County
- Forest Park CC Layer

0 0.3 Mile

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**File Attachments for Item:**

**17. Council Approval on Extension of ABM Contract for Maintenance of HVAC Systems –  
Procurement**



CITY OF  
**FORESTPARK**

# City Council Agenda Item

**Subject:** Council Consideration of and Vote on Extension of ABM Contract for Maintenance of HVAC Systems – Procurement

**Submitted By:** Procurement

**Date Submitted:** August 1, 2023

**Work Session Date:** August 7, 2023

**Council Meeting Date:** August 7, 2023

**Background/History:**

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

Staff recommends approval of the contract.

**Cost:** \$ 117,000 annually.

**Budgeted for:**  Yes  No

**Financial Impact:**

**Action Requested from Council:**

Approval of the contract.



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION TO AUTHORIZE THE EXTENSION OF A CONTRACT WITH ABM BUILDING SOLUTIONS FOR THE MAINTENANCE OF CERTAIN HVAC SYSTEMS**

WHEREAS, the City of Forest Park (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with being fiscally responsible concerning the use and expenditure of all public funds; and

WHEREAS, the City proposes to extend its contract with ABM Building Solutions for the maintenance of HVAC systems;

THEREFORE, THE CITY COUNCIL OF THE CITY OF FOREST PARK HEREBY RESOLVES:

**SECTION 1. Approval of Contract.** The Contract attached hereto as Exhibit A with ABM Building Solutions as presented to the City Council on August 7, 2023 is hereby approved.

**SECTION 2. Public Record.** This document shall be maintained as a public record by the City Clerk and shall be accessible to the public during all normal business hours of the City of Forest Park.

**SECTION 3. Authorization of Execution.** The Mayor is hereby authorized to sign all documents, including the contract with such changes and modifications as recommended by the City Attorney, necessary to effectuate this Resolution.

**SECTION 4. Attestation.** The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this Resolution, subject to approval as to form by the City Attorney.

**SECTION 5. Effective Date.** This resolution 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.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO RESOLVED this 7<sup>th</sup> day of August, 2023.

\_\_\_\_\_  
Mayor Angelyne Butler

ATTEST:

\_\_\_\_\_  
City Clerk (SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

EXHIBIT A  
**ABM Building Solutions Contract**

# City of Forest Park HVAC Maintenance

**PRESENTED BY:** Katherine Peoples, ABM Building Solutions

**PRESENTED TO:** City of Forest Park

**DELIVERED ON:** July 11, 2023

## Agreement Signature

Proposal Date	Proposal Number	Agreement
07/11/2023	FPHVAC23	

**BY AND BETWEEN:**

ABM Building Solutions  
745 Forest Parkway  
Forest Park, GA 30297  
hereinafter CONTRACTOR

**AND**

City of Forest Park  
745 Forest Parkway  
Forest Park, GA 30297  
hereinafter CUSTOMER

**SERVICES WILL BE PROVIDED AT THE FOLLOWING LOCATION(S):**

Contractor will provide the services described in the maintenance program indicated below, which are attached hereto and made a part of this Agreement, in accordance with the terms and conditions set forth on the following maintenance program pages.

**MAINTENANCE PROGRAM**                      **Guaranteed Lifetime Protection Program**  
and associated Terms and Conditions

AGREEMENT coverage will commence on August 1, 2023 and continue through July 31, 2024. The AGREEMENT price is \$116,976 per year, payable \$9,748 per month in advance beginning on the effective date of August 1, 2023.

Should the City of Forest Park decide to continue coverage after July 31, 2024, the AGREEMENT will be negotiated at that time.

Schedules Included:

Schedule 1: Inventory of Equipment

Schedule 3: Special Services and Provisions

This proposal is the property of Contractor and is provided for Customer's use only. Contractor guarantees the price stated in this Agreement for thirty (30) days from proposal date above. This proposal will become a binding Agreement only after acceptance by Customer and approved by an officer of Contractor as evidenced by their signatures below. This Agreement sets forth all of the terms and conditions binding upon the parties hereto; and no person has authority to make any claim, representation, promise or condition on behalf of Contractor which is not expressed herein. This annual Agreement shall will be agreed upon and signed each year by both parties.

Sales Rep	Customer	Manager
Signature	Signatures	Signature
Name (Printed/Typed)	Name (Printed/Typed)	Name (Printed/Typed)
Title	Title	Title
Date	Date	Date

TO ORDER SERVICES UNDER THIS AGREEMENT WITH A PURCHASE ORDER, PLEASE PROVIDE THE FOLLOWING:

PO Number: \_\_\_\_\_ Date of Issue: \_\_\_\_\_ Customer Signature: \_\_\_\_\_

NOTE: When issuing a purchase order for this Agreement, the services, responsibilities, terms and conditions for both parties remain as detailed in this Agreement.

## Special Services and Provisions

Proposal Date	Proposal Number	Agreement No.
07/11/2023	FPHVAC23	

- This agreement is for one year from August 1, 2023, to July 31, 2024.
- Should the City of Forest Park decide to continue coverage after July 31, 2024, the AGREEMENT will be negotiated at that time.
- The following buildings are covered under our Guaranteed Lifetime Protection Program (GLP):
  - Annex
  - City Council Office
  - Fire Station #1
  - Fire Station #2
  - Fire Station #3
  - Fleet Services
  - Parks & Recreation
  - Police Station
  - Sign Shop
- The following buildings are covered under **preventive maintenance only** (CPM II), which mean all emergency services call, repairs, parts replacement, etc. will be invoiced separately at our prevailing service rate.
  - Annex (6 New Package Units)
  - City Hall (All Equipment)
  - Fleet Services (2 New Split Units, 8 New Unit Heaters)
  - Parks & Recreation (2 New Split Unit, 2 New Indoor Pool Units, 2 Boilers)
  - Police Station (1 New Rooftop Unit)
  - Public Works (All Equipment)
  - Senior Center (2 New Package Units)

## Guaranteed Lifetime Protection

Proposal Date	Proposal Number	Agreement
07/11/2023	FPHVAC23	

This **GUARANTEED LIFETIME PROTECTION (GLP)** program provides the Customer with an ongoing, comprehensive maintenance program for the lifetime of the contract and all renewals thereof. The GLP program will be initiated, scheduled, administered, monitored and updated by the Contractor. The service activities will be directed and scheduled, on a regular basis, by our comprehensive equipment maintenance scheduling system based on manufacturers' recommendations, equipment location, application, type, run time, and Contractor's own experience. The Customer is informed of the program's progress and results on a continuing basis via a detailed Service Report, presented after each service call for Customer's review, approval signature and record.

**CONTRACTOR WILL PROVIDE THE FOLLOWING PROFESSIONAL MAINTENANCE SERVICES FOR THE BUILDING ENVIRONMENTAL MECHANICAL SYSTEM(S) COMPRISED OF THE EQUIPMENT LISTED ON SCHEDULE 1 (INVENTORY OF EQUIPMENT):**

**TEST AND INSPECT:** Job labor, travel labor and travel and living expenses required to visually **INSPECT** and **TEST** equipment to determine its operating condition and efficiency. Typical activities include:

- **TESTING** for excessive vibration; motor winding resistance; refrigerant charge; fan RPM; refrigerant oil (acid); water condition; flue gas analysis; safety controls; combustion and draft; crankcase heaters; control system(s), etc.
- **INSPECTING** for worn, failed or doubtful parts; mountings; drive couplings; oil level; rotation; soot; flame composition and shape; pilot and igniter; steam, water, oil and/or refrigerant leaks, etc.

**PREVENTIVE MAINTENANCE:** Job labor, travel labor and travel and living expenses required to clean, align, calibrate, tighten, adjust, lubricate and paint equipment. These activities are intended to extend equipment life and assure proper operating condition and efficiency. Typical activities include:

- **CLEANING** coil surfaces; fan impellers and blades; electrical contacts; burner orifices; passages and nozzles; pilot and igniter; cooling tower baffles, basin, sump and float; chiller, condenser and boiler tubes, etc.
- **ALIGNING** belt drives; drive couplings; air fins, etc.
- **CALIBRATING** safety controls; temperature and pressure controls, etc.
- **TIGHTENING** electrical connections; mounting bolts; pipe clamps; refrigerant piping fittings; damper sections, etc.
- **ADJUSTING** belt tension; refrigerant charge; super heat; fan RPM; water chemical feed and feed rate; burner fuel/air ratios; gas pressure; set point of controls and limits; compressor cylinder unloaders; damper close-off; sump floats, etc.
- **LUBRICATING** motors; fan and damper bearings; valve stems; damper linkages; fan vane linkages, etc.
- **PAINTING**, for corrosion control, as directed by our scheduling system and on an as-needed basis.

**REPAIR AND REPLACE:** Job labor, travel labor, parts procurement labor (locating, ordering, expediting, and transporting) and travel and living expenses required to **REPAIR** or **REMOVE AND REPLACE** broken, worn and/or doubtful components and or parts.

**TROUBLE CALLS:** Job labor and travel labor, including overtime, plus travel and living expenses required for unscheduled work resulting from an abnormal condition.

**COMPONENTS, PARTS AND SUPPLIES:** The cost of **COMPONENTS, PARTS AND SUPPLIES** required to keep the equipment operating properly and efficiently.

## Guaranteed Lifetime Protection Terms and Conditions

1. Customer shall permit Contractor free and timely access to areas and equipment and allow Contractor to start and stop the equipment as necessary to perform required services. All planned work under this Agreement will be performed during the Contractor's normal working hours.
2. In case of any failure to perform its obligations under this Agreement, Contractor's liability is limited to repair or replacement at its option and such repair or replacement shall be Customer's sole remedy. This warranty is conditioned upon proper operation and maintenance by Customer and shall not apply if the failure is caused or contributed to by accident, alteration, abuse or misuse, and shall not extend beyond the term of this Agreement.
3. The annual Agreement price is conditioned upon the system(s) covered being in a maintainable condition. If the initial inspection or initial seasonal start up indicates repairs are required, a firm quotation will be submitted for Customer's approval. Should Customer not authorize the repairs, Contractor may either remove the unacceptable system(s) component(s) or part(s) from its scope of responsibility and adjust the annual Agreement price accordingly or cancel this Agreement.
4. The annual Agreement price is subject to adjustment on each commencement anniversary to reflect increases in labor, material and other costs.
5. Customer shall be responsible for all taxes applicable to the services and/or materials hereunder.
6. Customer will promptly pay invoices within thirty (10) days of receipt. Should a payment become thirty (30) days or more delinquent, Contractor may stop all work under this Agreement without notice and/or cancel this Agreement, and the entire Agreement price shall become due and payable immediately upon demand. All past due amounts shall accrue interest at the maximum rate permitted by applicable law.
7. Excluded from this Agreement, unless otherwise stated herein, is main power to the equipment disconnect, equipment structural supports, oil storage tanks, chimneys, cleaning interior of system(s) duct work.
8. If there is any alteration to, or deviation from, this Agreement involving extra work, the cost of materials and/or labor will become an extra charge (fixed price amount to be negotiated or on a time and material basis at Contractor's rates then in effect) over the sum stated in this Agreement.
9. Contractor will not be required to move, replace or alter any part of the building structure in the performance of this Agreement.
10. This Agreement does not include responsibility for the design of the system, safety test, and valve bodies other than those associated with equipment listed on Schedule 1, repair or replacement necessitated by freezing weather, lightning, electrical power surges or failure, low voltage, burned out main or branch fuses, low water pressure, vandalism, misuse or abuse of the system(s), negligence of others (including Customer), failure of Customer to properly operate the system(s), requirements of governmental regulatory or insurance agencies, or other causes beyond the control of Contractor.
11. If a trouble call is made at Customer's request and inspection indicates a condition which is not covered under this Agreement, Contractor may charge Customer at the rate then in effect for such services.
12. Customer shall permit only Contractor's personnel or agent to perform the work included in the scope of this Agreement. Should anyone other than Contractor's personnel perform such work, Contractor may, at its option, cancel this Agreement or eliminate the involved items of equipment from inclusion in this Agreement.
13. In the event Contractor must commence legal action in order to recover any amount payable or owed to Contractor under this Agreement, Customer shall pay Contractor all court costs and attorneys' fees incurred by Contractor.



14. Any legal action against the Contractor relating to this Agreement, or the breach thereof, shall be commenced within one (1) year from the date of the work.
15. Contractor shall not be liable for any delay, loss, damage or detention caused by unavailability of machinery, equipment or materials, delay of carriers, strikes, including those by Contractor's employees, lockouts, civil or military authority, priority regulations, insurrection or riot, action of the elements, forces of nature, or by any cause beyond its control.
16. Customer shall make available to Contractor's personnel all pertinent Material Safety Data Sheets (MSDS) and/or Safety Data Sheets (SDS) pursuant to OSHA'S Hazard Communication Standard Regulations.
17. Contractor expressly disclaims any and all responsibility and liability for the indoor air quality of the Customer's facility, including without limitation injury or illness to occupants of the facility or third parties, arising out of or in connection with the Contractor's work under this Agreement.
18. Contractor's obligations under this Agreement and any subsequent agreements do not include the identification, abatement or removal of asbestos or any other toxic or hazardous substances, hazardous wastes or hazardous materials. In the event such substances, wastes and materials are encountered, Contractor's sole obligation will be to notify the Customer of their existence. Contractor shall have the right thereafter to suspend its work until such substances, wastes or materials and the resultant hazards are removed. The time for completion of the work under this Agreement shall be extended to the extent caused by the suspension and the Agreement price equitably adjusted.
19. To the fullest extent permitted by law, Customer shall indemnify and hold harmless Contractor, its affiliates, agent and employees from and against all claims, damages, losses and expenses (including but not limited to attorneys' fees) arising out of or resulting from the performance of work hereunder, provided that such claim, damage, loss or expense is caused in whole or in part by an active or passive act or omission of Customer, anyone directly or indirectly employed by Customer, or anyone for whose acts Customer may be liable, regardless of whether it is caused in part by the negligence of Contractor.
20. UNDER NO CIRCUMSTANCES, WHETHER ARISING IN CONTRACT, TORT (INCLUDING NEGLIGENCE), EQUITY OR OTHERWISE, WILL CONTRACTOR BE RESPONSIBLE FOR LOSS OF USE, LOSS OF PROFIT, INCREASED OPERATING OR MAINTENANCE EXPENSES, CLAIMS OF CUSTOMER'S TENANTS OR CLIENTS, OR ANY SPECIAL, INDIRECT OR CONSEQUENTIAL DAMAGES.

**File Attachments for Item:**

**18. Council Approval of Proposal to Temporarily Suspend the Borrowing of Funds from Employee Empower Retirement Accounts – Executive Offices**



CITY OF  
**FORESTPARK**

# City Council Agenda Item

**Subject:** Council Consideration of and Vote on Proposal to Temporarily Suspend the Borrowing of Funds from Employee Empower Retirement Accounts – Executive

**Submitted By:** City Manager

**Date Submitted:** August 1, 2023

**Work Session Date:** August 7, 2023

**Council Meeting Date:** August 7, 2023

**Background/History:**

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

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

**Cost:** \$ N/A

**Budgeted for:** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

**Financial Impact:**

**Action Requested from Council:**

Approval of the resolution.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION TO TEMPORARILLY SUSPEND ANY FURTHER LOANS FROM CITY EMPLOYEES’ EMPOWER RETIREMENT ACCOUNTS**

WHEREAS, the City of Forest Park (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with being fiscally responsible concerning the use and expenditure of all public funds;

WHEREAS, in recent years, a number of problems have been identified with respect to City employees borrowing funds from their Empower retirement accounts;

WHEREAS, the City needs time to gather information and investigate potential solutions to these problems; and

WHEREAS, the City proposes to temporarily suspend any further loans from City employees’ Empower retirement accounts to give the staff sufficient time to resolve these problems;

THEREFORE, THE CITY COUNCIL OF THE CITY OF FOREST PARK HEREBY RESOLVES:

**SECTION 1. Suspension of Borrowing from Empower Retirement Accounts.** The City Council hereby suspends the borrowing of funds from Empower retirement accounts for a period of six months. The City Manager is further authorized to extend such suspension for an additional six months if deemed necessary to accomplish the purposes of this resolution.

**SECTION 2. Public Record.** This document shall be maintained as a public record by the City Clerk and shall be accessible to the public during all normal business hours of the City of Forest Park.

**SECTION 3. Authorization of Execution.** The Mayor is hereby authorized to sign all documents, including the contract with such changes and modifications as recommended by the City Attorney, necessary to effectuate this Resolution.

**SECTION 4. Attestation.** The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this Resolution, subject to approval as to form by the City Attorney.

**SECTION 5. Effective Date.** This resolution 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.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO RESOLVED this 7<sup>th</sup> day of August, 2023.

\_\_\_\_\_  
Mayor Angelyne Butler

ATTEST:

\_\_\_\_\_  
City Clerk (SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**File Attachments for Item:**

**19. Council Approval of Georgia Municipal Association – Pension Plan**



CITY OF  
**FORESTPARK**

# City Council Agenda Item

**Subject:** Georgia Municipal Association – Pension Plan

**Submitted By:** Ricky L. Clark, Jr., City Manager

**Date Submitted:** August 4, 2023

**Work Session Date:** August 7, 2023

**Council Meeting Date:** August 7, 2023

**Background/History:**

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

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

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

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

**Cost: \$ Variable**

**Budgeted for:**  X  **Yes**       **No**

**Financial Impact:**

N/A





**File Attachments for Item:**

**20. Council Approval of Public Works – Double Time Overtime Pay - Executive Office**



CITY OF  
**FORESTPARK**

# City Council Agenda Item

**Subject:** Public Works – Double Time Overtime Pay (Executive Offices)

**Submitted By:** Ricky L. Clark, Jr., City Manager

**Date Submitted:** August 4, 2023

**Work Session Date:** August 7, 2023

**Council Meeting Date:** August 7, 2023

**Background/History:**

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

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

**Cost: \$ Variable**

**Budgeted for:**  **Yes**  **No**

**Financial Impact:**

N/A

**File Attachments for Item:**

**21. Council Approval of Intergovernmental Agreement with Clayton County to Conduct the 2023 Municipal Elections – Executive Offices**



CITY OF  
**FORESTPARK**

# City Council Agenda Item

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

**Submitted By:** City Clerk

**Date Submitted:** August 1, 2023

**Work Session Date:** August 7, 2023

**Council Meeting Date:** August 7, 2023

---

**Background/History:**

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

---

**Cost: \$** Budgeted for:  X  Yes       No

**Financial Impact:**

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**Action Requested from Council:**

Approval of the Intergovernmental Agreement.

**INTERGOVERNMENTAL AGREEMENT  
FOR THE PROVISION OF ELECTION SERVICES BETWEEN  
CLAYTON COUNTY, GEORGIA AND  
THE CITY OF FOREST PARK, GEORGIA**

THIS INTERGOVERNMENTAL AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023, between Clayton County, Georgia (the "**County**"), a political subdivision of the State of Georgia, and the City of Forest Park, Georgia (the "**City**"), a municipal corporation lying wholly or partially within the County.

**WHEREAS**, the parties to this Agreement are both governmental units; and

**WHEREAS**, the County and the City desire to maintain a mutually beneficial, efficient and cooperative relationship that will promote the interests of the citizens of both jurisdictions; and

**WHEREAS**, both parties are interested in serving the needs of the citizens of the City by the County providing for the services of conducting all elections required and permitted by law; and

**WHEREAS**, the City desires to contract with the County to conduct all municipal elections for the citizens of the City pursuant to the applicable laws of the State of Georgia; and

**WHEREAS**, the City and the County are authorized by Art. IX, Sec. III, Par. I of the Constitution of the State of Georgia to enter into such an agreement for the conduct of the City elections; and

**WHEREAS**, O.C.G.A. § 21-2-45(c) authorizes the governing authority of any municipality to contract with the county within which that municipality wholly or partially lies to conduct any or all elections; and

**WHEREAS**, pursuant to O.C.G.A. § 21-2-45(c), a city may by ordinance authorize a county to conduct such election(s), and the City has adopted such an ordinance; and

**WHEREAS**, the Clayton County Board of Elections and Registration ("**BER**") has jurisdiction over the conduct of primaries and elections and the registration of electors in the County; and

**WHEREAS**, the BER, among other things, is responsible for the selection and appointment of the elections supervisor and the selection, appointment, and training of poll workers in elections;

NOW THEREFORE, in consideration of the following mutual obligations, the County and City agree as follows:

## ARTICLE 1 CONDUCT OF ELECTIONS

1.1 This Agreement will govern the conduct of the 2023 Municipal Special Elections (hereinafter referred to as "City Election") which the City requests the County to conduct, including any and all runoffs which may be necessary. It is the intent of the parties that City Elections be conducted in compliance with all applicable federal, state and local legal requirements.

1.2 For each City Election, City, at its sole option, shall submit to County a request in the form attached hereto as **Exhibit A**. Requests must be made in conformance with O.C.G.A § 21-2-540, now and as it may be amended hereafter, to the address specified in the Notice Section below. If a timely request is not made, the County shall have no obligation to conduct the City Election which was the subject of the request.

1.3 In the event any Special City Election becomes necessary, the City and the County shall confer and determine a mutually convenient date as allowed by law to conduct any such election.

## ARTICLE 2 TERM OF AGREEMENT

This Agreement shall commence on the date that it is executed by or on behalf of the governing authority of Clayton County, Georgia and will terminate on December 31, 2023, unless otherwise terminated as set forth herein.

## ARTICLE 3 DUTIES AND RESPONSIBILITIES

Pursuant to this Agreement, each party shall provide the following enumerated services:

3.1 Upon receipt of request to perform a City Election, the BER and/or the County Elections Director, or their designee(s) shall be responsible for:

- a) Designating early and advance voting sites and hours;
- b) Placing the City's candidate(s) on the electronic and printed ballots for City Elections after qualifying;
- c) Placing the City's referendum question(s) on the ballot for a City Election after timely written notice from the City is received by the County (which such notice shall include all necessary details and information);
- d) Hiring, training, supervising and paying poll officers and absentee ballot clerks;
- e) Preparing and submitting to the City Clerk, as required by state law O.C.G.A. § 21-2-224(e), now and as it may be amended hereafter, a list of electors;
- f) Performing duties of election superintendent/supervisor, and absentee ballot clerk for City Elections;
- g) Performing logic and accuracy testing as required by Sections 183-1-12-.02 and .07 of the Official Compilation of Rules and Regulations of the State of Georgia, now and as

they may be hereafter amended;

- h) Providing staff, equipment and supplies for conducting City Elections at City polling places on City Election days and for conducting recounts as may be required;
- i) Certifying City Election returns as required by state law O.C.G.A. § 21-2-493, now and as it may be amended hereafter, and submitting certified City Election returns to the Georgia Secretary of State and City Clerk or as otherwise directed;
- j) Upon a change in City precincts or voter districts, notifying City residents of any change in voting districts and/or municipal precincts; and

3.2 The City shall be responsible for:

- a) Adopting Election Resolutions pursuant to O.C.G.A. § 21-2-45(c), now and as it may be amended hereafter, and Calls for Special City Elections (the “Calls”) as required by O.C.G.A. § 21-2-540, now and as it may be amended hereafter;
- b) Preparing qualifying materials for potential candidates and performing qualifying of candidates, including any write-ins, for City Elections as required by state law, specifically O.C.G.A. § 21-2-130 *et seq.*, now and as it may be amended hereafter;
- c) Placing advertisements in the City's legal organ regarding Calls, as required by state law O.C.G.A. § 21-2-540, now and as it may be amended hereafter;
- d) Fixing and publishing the qualifying fee as required by state law under O.C.G.A. § 21-2-131, now and as it may be amended hereafter;
- e) Collecting and retaining the qualifying fee as required by state law O.C.G.A. § 21-2-131, now and as it may be amended hereafter;
- f) Performing filing officer duties as required by the Georgia Government Transparency and Campaign Finance Commission for any and all state reports filed by the candidates or committees in conjunction with City Elections to ensure compliance with Title 21, Chapter 5 of the Official Code of Georgia;
- g) Verifying, in a timely manner, accuracy of voter list(s) for City residents;
- h) Providing the County with a detailed map showing the City's Municipal Boundaries and Voting District Boundaries;
- i) For all aspects related to the issuance of bonds by the City, except for City referendum election duties specifically requested of the County as provided herein;
- j) Notifying the County immediately of the need for a Special City Election including election races and/or ballot referendum questions;
- k) Providing the County with an electronic copy of referendums that must be placed on a ballot;
- l) Providing the County, via electronic mail or facsimile, affidavits and listing of candidates immediately after close of qualifying;
- m) Reviewing ballot proofs and notifying County of corrections or approval within twenty-four (24) hours of receiving proofs for candidate listings; and
- n) Otherwise cooperating with the County in the performance of this Agreement and providing the County such documentation and information as it may reasonably request to facilitate the performance of its duties under this Agreement.

#### **ARTICLE 4 COMPENSATION AND CONSIDERATION**

Pursuant to this Agreement and O.C.G.A. § 21-2-2-45(c) now and as it may be amended hereafter, the City shall pay to the County all costs incurred in performing the functions agreed upon herein as detailed in the budget attached as **Exhibit B** plus a 10% administrative fee. City agrees to pay County the actual costs incurred by County in conducting City Elections and administrative fees as stated on the County's invoice. City shall remit said funds to County within thirty (30) days of receipt of invoice.

#### **ARTICLE 5 LEGAL RESPONSIBILITIES**

5.1 The City shall be solely responsible for any liability resulting from any claims or litigation arising from or pertaining to any City Election, except claims or litigation regarding the acts of agents or employees of the County, the County Board of Elections and Registration, and/or the County Elections Director in connection with any City Election held pursuant to this Agreement. The City agrees to reimburse the County for all costs, including, but not limited to, court costs and attorney fees for the County Attorney or outside counsel, incurred by the County as a result of any such claim or litigation. The City shall make payment of such reimbursements to the County within thirty (30) days of receipt of any invoice for reimbursement from the County.

5.2 In the event that a City Election is contested, the City shall be solely responsible for any liability resulting from any claims or litigation arising from or pertaining to any contested City Election, except claims or litigation regarding the acts of agents or employees of the County, the County Board of Elections and Registration, and/or the County Elections Director in connection with any City Election held pursuant to this Agreement. The City agrees that it is the sole arbiter of whether its charter requires the City to conduct a runoff election in the event that a candidate receives a plurality or majority vote during an election. The City agrees to reimburse the County for all costs incurred in responding to the election challenge, including, but not limited to, attorney's fees for the County Attorney or outside counsel and all expenses associated with the election challenge and any appeals thereafter. The City shall make payment of such reimbursements to the County within thirty (30) days of receipt of any invoice for reimbursement from the County. If a second election is required, such election will constitute a City Election under this Agreement and shall be conducted in accordance with the terms of this Agreement.

5.3 It is the intent of the parties to be covered under the auspices of any applicable immunity granted by law.

5.4 Should it be necessary to comply with legal requirements that any of the County's personnel shall be sworn in as a temporary officer or employee of the City, such formality shall be observed without limitation.



## **ARTICLE 6 EMPLOYMENT STATUS**

6.1 All County personnel assigned under this Agreement are and will continue to be employees of the County for all purposes, including, but not limited to: duties and responsibilities, employee benefits, grievance, payroll, pension, promotion, annual or sick leave, standards of performance, training, workers compensation and disciplinary functions.

6.2 All County personnel assigned under this Agreement are and will continue to be part of the Clayton County Elections and Registration and under the supervision of the Elections Director.

6.3 All City personnel assigned under this Agreement are and will continue to be employees of the City.

## **ARTICLE 7 RECORDKEEPING AND REPORTING**

7.1 The County Elections and Registration Department is the central repository for all departmental records and makes available public records as defined and required by the Georgia Open Records Act, O.C.G.A. § 50-18-70, *et seq.*, O.C.G.A. § 21-2-51 and O.C.G.A. § 21-2-72, now and as they may be amended hereafter. During the term of this Agreement, the County will continue to comply with the applicable provisions of the Georgia Open Records Act and the Georgia Election Code.

7.2 Except as limited by any provision of state or federal law, the City may request, review and access data and County records at a mutually agreed upon time to ensure compliance with this Agreement.

## **ARTICLE 8 TERMINATION AND REMEDIES**

Either party may unilaterally terminate this Agreement, in whole or in part, for any reason whatsoever by notice in writing to the other party delivered at least thirty (30) days prior to the effective date of the termination.

## **ARTICLE 9 NOTICES**

All required notices shall be given by certified first class U.S. Mail, return receipt requested.

The parties agree to give each other non-binding duplicate facsimile notice. Future changes in address shall be effective upon written notice being given by the City to the County Elections Director or by the County to the City Manager via certified first-class U.S. mail, return receipt requested. Notices shall be addressed to the parties at the following addresses:

If to the County: Clayton County Elections and Registration, Elections Director  
Jonesboro Historical Courthouse, Main Floor  
121 South McDonough Street  
Jonesboro, GA 30236

With a copy to: Clayton County Staff Attorney’s Office  
112 Smith Street  
Jonesboro, GA 30236

City Clerk: Michelle Hood  
City of Forest Park  
745 Forest Parkway  
Forest Park, GA 30297

With a copy to: City of Forest Park Municipal Attorney

**ARTICLE 10  
NON-ASSIGNABILITY**

Neither party shall assign any of the obligations or benefits of this Agreement.

**ARTICLE 11  
ENTIRE AGREEMENT**

The parties acknowledge, one to the other, that the terms of this Agreement constitute the entire understanding and Agreement of the parties regarding the subject matter of the Agreement. This Agreement constitutes the entire understanding and agreement between the Parties concerning the subject matter of this Agreement, and supersedes all prior oral or written agreements or understandings. No representation oral or written not incorporated in this Agreement shall be binding upon the City or the County. All parties must sign any subsequent changes in the Agreement.

**ARTICLE 12  
SEVERABILITY, VENUE AND ENFORCEABILITY**

If a court of competent jurisdiction renders any provision of this Agreement (or portion of a provision) to be invalid or otherwise unenforceable, that provision or portion of the provision will be severed and the remainder of this Agreement will continue in full force and effect as if the invalid provision or portion of the provision were not part of this Agreement. No action taken pursuant to this Agreement should be deemed to constitute a waiver of compliance with any representation, warranty, covenant or agreement contained in this Agreement and will not operate or be construed as a waiver of any subsequent breach, whether of a similar or dissimilar nature. This Agreement is governed by the laws of the state of Georgia without regard to conflicts of law principles thereof. Should any party institute suit concerning this Agreement, venue shall be in

the Superior Court of Clayton County, Georgia. Should any provision of this Agreement require judicial interpretation, it is agreed that the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agent prepared the same, it being agreed that the agents of all parties have participated in the preparation hereof.

**ARTICLE 13  
BINDING EFFECT**

This Agreement shall inure to the benefit of, and be binding upon, the respective parties' successors.

**ARTICLE 14  
COUNTERPARTS**

This Agreement may be executed in several counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be signed by their duly authorized representatives as of the date first above written.

**CLAYTON COUNTY, GEORGIA**

\_\_\_\_\_  
Jeffrey E. Turner, Chairman

ATTEST:

\_\_\_\_\_  
Courtney Rushin, Clerk

(SEAL)

**CLAYTON COUNTY BOARD OF  
ELECTIONS AND REGISTRATION**

\_\_\_\_\_  
Dorothy Foster Hall, Chair

ATTEST:

\_\_\_\_\_  
Shauna Dozier, Director

(SEAL)

**CITY OF FOREST PARK, GEORGIA**

\_\_\_\_\_  
Angelyne Butler, Mayor

\_\_\_\_\_  
Michelle Hood, City Clerk

(SEAL)

**EXHIBIT A – REQUEST TO CONDUCT ELECTION**

As per the Agreement executed on \_\_\_\_\_, THE CITY OF FOREST PARK hereby requests that Clayton County conduct its \_\_\_ Election on \_\_\_\_\_. The last day to register to vote in this election is \_\_\_\_\_. The absentee poll will be located at \_\_\_\_\_ Forest Park, Georgia.

Submitted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
(SEAL) Municipal Clerk

The Clayton County Board of Elections and Registration agrees to conduct the CITY OF FOREST PARK Municipal Election on November 7, 2023, within the boundaries of Clayton County.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_(SEAL)  
Shauna Dozier, Elections Director  
Clayton County Board of Elections and Registration

**EXHIBIT B - BUDGET**

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION TO AUTHORIZE INTERGOVERNMENTAL AGREEMENT WITH CLAYTON FOR THE CONDUCT OF THE 2023 MUNICIPAL ELECTIONS**

WHEREAS, the City of Forest Park (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with being fiscally responsible concerning the use and expenditure of all public funds; and

WHEREAS, the City Council to contract with Clayton County for the purpose of allowing the County elections staff to conduct the 2023 Forest Park municipal elections;

THEREFORE, THE CITY COUNCIL OF THE CITY OF FOREST PARK HEREBY RESOLVES:

**SECTION 1. Authorization of Intergovernmental Agreement.** The Intergovernmental Agreement with Clayton County for the conduct of the 2023 municipal elections attached hereto as Exhibit A as presented to the City Council on August 7, 2023 is hereby approved.

**SECTION 2. Public Record.** This document shall be maintained as a public record by the City Clerk and shall be accessible to the public during all normal business hours of the City of Forest Park.

**SECTION 3. Authorization of Execution.** The Mayor or Mayor Pro Tem is hereby authorized to sign all documents necessary to effectuate this Resolution.

**SECTION 4. 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 5. Effective Date.** This resolution 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.

**[Remainder of Page Left Intentionally Blank]**

SO RESOLVED this 17<sup>th</sup> day of July, 2023.

\_\_\_\_\_  
Mayor Angelyne Butler

ATTEST:

\_\_\_\_\_  
City Clerk (SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



EXHIBIT A  
INTERGOVERNMENTAL AGREEMENT