

**CITY OF FOREST PARK  
MAYOR & CITY COUNCIL AGENDA  
REGULAR MEETING  
June 18, 2018**

**ANGELYNE BUTLER**  
MAYOR

**Kimberly James**  
*Ward 1*

**Dabouse Antoine**  
*Ward 2*

**Sandra Bagley**  
*Ward 3*



**Latresa Akins-Wells**  
*Mayor Pro-Tem/ Ward 4*

**Allan Mears**  
*Ward 5*

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

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**Work Session 6:00PM**

- Call to Order
- City Manager's Report
- Discussion of New Hands Free Law
- Adjournment

Mayor Butler  
Angela Redding  
Councilman Antoine

**Regular Meeting 7:00PM**

- I.** Call to Order
- II.** Invocation
- III.** Pledge of Allegiance
- IV.** Roll Call
- V.** Comment Period
- VI.** Approval of Minutes
  1. Work Session of Mayor & Council of June 4, 2018
  2. Regular Meeting of Mayor & Council of June 4, 2018
  3. Budget Meeting of Mayor & Council of June 6, 2018
- VII.** Recess for Public Hearing
- VIII.** Open Public Hearing to receive comments on the Proposed Budget for Fiscal Year 2018-2019

**CITY OF FOREST PARK  
MAYOR & CITY COUNCIL AGENDA  
REGULAR MEETING  
June 18, 2018**

**IX.** Close Public Hearing and Reconvene Meeting

**X.** Agenda Items

1. Consider an Ordinance Amending the Code of Ordinances, City of Forest Park, Georgia with Respect to Ice Cream Trucks; To Repeal Conflicting Ordinances; To Provide an Effective Date; and for other Purposes.

**SUMMARY AND BACKGROUND**

It is proposed that the City's current prohibition on Ice Cream Trucks be lifted. Two alternative ordinances have been prepared. The first option simply repeals the prohibition. Under this alternative, Ice Cream Trucks would be subject to the same regulations as other food trucks and would not be permitted to travel throughout the city. The second option repeals the prohibition but allows Ice Cream Trucks to travel throughout the city under certain regulations.

2. Consider a Resolution Authorizing Clayton County and/or the City of Forest park to accept grant or other funds from the State of Georgia to Compensate the County and the qualified Clayton County Municipalities ("The Cities") for the loss of revenue due to the suspension by the Governor or the collection of the joint Local Option Sales Tax on Aviation Fuel at Hartsfield-Jackson Atlanta International Airport or Legislative action by the General Assembly resulting in the loss of revenue and further to evidence the City's intent not to challenge the Governor's Authority to impose such a suspension and further not to appeal the decision on the 11<sup>th</sup> Circuit Court of Appeals in the case of Clayton County, GA. ET.AL vs. FAA, File Number 17-10210; To provide an effective date of this Resolution; and for other purposes.

**SUMMARY AND BACKGROUND**

It is proposed that the City acquiesce to the Governor's Suspension of the Collection of the Sales and Use Tax on Aviation Fuel. In exchange, the Governor would release certain funds appropriated during the 2018 session of the General Assembly to make Clayton County and each of its cities whole during the remainder of the Current voter-approved Local Option Sales Tax. This Resolution Evidences the City's Acceptance of this Agreement.

**CITY OF FOREST PARK  
MAYOR & CITY COUNCIL AGENDA  
REGULAR MEETING  
June 18, 2018**

- XI.** Executive Session for Personnel, Litigation and Real Estate Matters
- XII.** Legal Matters
- XIII.** Comments by Governing Body
- XIV.** Adjournment

**\*\*There will be a Special-Called Meeting of Mayor and Council on  
Thursday, June 28<sup>th</sup> 2018 at 6:00p.m. to adopt the Budget for  
FY2018- 2019**

**OPTION A**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES,  
CITY OF FOREST PARK, GEORGIA WITH RESPECT TO ICE  
CREAM TRUCKS; 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 9-6-12 of the Code of Ordinances, City of Forest Park, Georgia is hereby repealed.

**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.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor Angelyne Butler

\_\_\_\_\_  
Council Member Kimberly James, Ward 1

\_\_\_\_\_  
Council Member Dabouze Antoine, Ward 2

\_\_\_\_\_  
Council Member Sandra Bagley, Ward 3

\_\_\_\_\_  
Council Member Latresa Wells, Ward 4

\_\_\_\_\_  
Council Member Allan Mears, Ward 5

ATTEST:

\_\_\_\_\_ (SEAL)  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**OPTION B**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES,  
CITY OF FOREST PARK, GEORGIA WITH RESPECT TO ICE  
CREAM TRUCKS; 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 9-6-12 of the Code of Ordinances, City of Forest Park, Georgia is hereby repealed.

**SECTION 2.** That Section 9-6-32 of the Code of Ordinances, City of Forest Park, Georgia is hereby amended by adding a new subsection (n) as shown on the attached Exhibit A.

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

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

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

**SECTION 6. Codification and Severability.**

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

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

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

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

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

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor Angelyne Butler

\_\_\_\_\_  
Council Member Kimberly James, Ward 1

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Council Member Dabouze Antoine, Ward 2

\_\_\_\_\_  
Council Member Sandra Bagley, Ward 3

\_\_\_\_\_  
Council Member Latresa Wells, Ward 4

\_\_\_\_\_  
Council Member Allan Mears, Ward 5

ATTEST:

\_\_\_\_\_ (SEAL)  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

## EXHIBIT A

(n) Ice cream trucks as defined in Section 9-6-27 shall be subject to the following regulations:

- (1) Ice cream trucks shall, before making any sale, park the vehicle at the right curb and at least eight feet from any other vehicle that may be parked on the street and not less than 100 feet from any intersecting street. When the vending vehicle stops, all sound equipment or other devices used to notify customers of the presence of the vendor shall be stopped and shall not be resumed until the vehicle is again put in motion.
- (2) Ice cream trucks may use sound equipment provided that no vehicle using sound equipment or other method of attracting customers shall operate such equipment before 11:00 a.m. or after 7:00 p.m. daily or between the hours of 9:30 a.m. and 12:00 noon on Sundays. Furthermore, such equipment shall not be operated within one block of a church between the hours of 7:00 a.m. and 9:00 p.m. on Sundays.
- (3) Ice cream trucks shall may not travel in excess of 25 miles per hour when utilizing sound equipment.
- (4) On days in which schools are scheduled to be in session, no ice cream truck shall be operated within 600 feet of any public school in the city one hour before or one hour after published school hours.
- (5) Ice cream trucks shall not stop or stand and do business for more than 30 minutes.
- (6) No ice cream truck may operate on the rights-of-way, streets, or sidewalks adjacent to any properties where "no solicitation" or similar signs are posted.
- (7) Ice cream trucks shall not be restricted to any operational area or location specifically described in Section 9-6-32(c).
- (8) Every ice cream truck shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.
- (9) Every ice cream truck shall be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the area to the rear, along both sides of the vehicle.

**STATE OF GEORGIA  
CLAYTON COUNTY  
CITY OF FOREST PARK**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING CLAYTON COUNTY AND/OR THE CITY OF FOREST PARK TO ACCEPT GRANT OR OTHER FUNDS FROM THE STATE OF GEORGIA TO COMPENSATE THE COUNTY AND THE QUALIFIED CLAYTON COUNTY MUNICIPALITIES (“THE CITIES”) FOR THE LOSS OF REVENUE DUE TO THE SUSPENSION BY THE GOVERNOR OF THE COLLECTION OF THE JOINT LOCAL OPTION SALES TAX ON AVIATION FUEL AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT OR LEGISLATIVE ACTION BY THE GENERAL ASSEMBLY RESULTING IN THE LOSS OF THIS REVENUE AND FURTHER TO EVIDENCE THE CITY’S INTENT NOT TO CHALLENGE THE GOVERNOR’S AUTHORITY TO IMPOSE SUCH A SUSPENSION AND FURTHER NOT TO APPEAL THE DECISION OF THE 11TH CIRCUIT COURT OF APPEALS IN THE CASE OF CLAYTON COUNTY, GA. ET.AL. VS. FAA, FILE NUMBER 17-10210; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.**

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 providing public services to residents located within the corporate limits of the City;

WHEREAS, Clayton County (“the County”) approved the collection of a local option sales tax pursuant to O.C.G.A. §48-8-110 et. seq. (L.O.S.T.);

WHEREAS, pursuant to said section, L.O.S.T. applies to aviation fuel sales transactions in Clayton County at Hartsfield Jackson Atlanta International Airport (“Hartsfield”);

WHEREAS, as a result of an interpretation of the Federal Aviation Administration (“FAA”), a dispute exists regarding whether, under federal law, local taxes on aviation fuel must be used exclusively for aviation purposes by a local government entity that does not own an airport and cannot receive federal airport grant funds;

WHEREAS, neither the County nor the City is the owner or operator of Hartsfield or any other airport and neither has yet established an FAA-approved use of said sales tax revenue for aviation purposes;

WHEREAS, the Governor proposed, and the General Assembly approved, during the 2018 session of the Georgia General Assembly a budget amendment (HB

683) for funds to be used to offset a loss up to \$27,000,000 in L.O.S.T. revenue by the County up to the collection period approved pursuant to the referendum authorizing the L.O.S.T. as a result of the loss of the sales tax on aviation fuel at Hartsfield;

WHEREAS, the City has been notified by the office of the Governor that the Governor intends to suspend the collection of all taxes on aviation fuel that are not exempt under the FAA interpretation effective July 1, 2018;

WHEREAS, the City, in light of this decision, and in exchange for the payment of the grant funds set aside in the State budget for funding a loss up to \$27,000,000 in L.O.S.T the City is willing to forego any challenge to the authority of the Governor to take such action and further not to appeal further the decision of the 11th Circuit Court of Appeals in the case of Clayton County, Ga., et. al. v. FAA, File Number 17-10210.

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF FOREST PARK GEORGIA AS FOLLOWS:

**SECTION 1. Repeal of Resolution** – The hereby agrees that in exchange for the payment of approximately \$27,000,0000 funds to Clayton County and the Cities set aside in the 2018 State of Georgia budget to offset lost revenue by Clayton County and its Cities as a result of the loss of the L.O.S.T. on aviation fuel at Hartsfield, the City will not take any action to challenge the Governor's authority to suspend the collection of said taxes and further, the City will not appeal the decision of the 11th Circuit Court of Appeals in the above referenced matter.

**SECTION 2. Distribution of Funds** – In the event the funds from the State are distributed to the County in total, or on a periodic basis, the County shall distribute the funds to the Cities according to the L.O.S.T. distribution percentages listed on the attached Exhibit A within ten (10) days of receipt of funds from the State.

**SECTION 3. Reservation of Rights** – In the event that the suspension of the collection of said taxes on aviation fuel is lifted by the current Governor or any future Governor, the City reserves the right to work with the FAA to (a) identify any and all FAA-approved uses of said sales tax revenue for aviation purposes with the City of Forest Park and (b) continue to collect sales tax revenue on aviation fuel to fund such FAA-approved uses.

**SECTION 4. Approval of Execution** - The Mayor is hereby authorized to sign all documents and to perform all other necessary acts necessary to effectuate this Resolution on behalf of the City of Forest Park. The City Clerk is authorized to execute, attest to, and seal any document which may be necessary to effectuate this Resolution.

**SECTION 5. Severability** - To the extent any portion of this Resolution is declared to be invalid, unenforceable, or non-binding, that shall not affect the remaining portions of this Resolution.

**SECTION 6. Repeal of Conflicting Provisions** – All City Resolutions inconsistent with this Resolution are hereby repealed.

**SECTION 7.**    **Effective Date.**    This resolution shall become effective immediately upon its adoption by the City Council of the City of Forest Park as provided in the City Charter.

SO RESOLVED this \_\_\_\_\_ day of June 2018.

\_\_\_\_\_  
Mayor Angelyne Butler

\_\_\_\_\_  
Council Member Kimberly James, Ward 1

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Council Member Dabouze Antoine, Ward 2

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Council Member Sandra Bagley, Ward 3

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Council Member Latresa Wells, Ward 4

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Council Member Allan Mears, Ward 5

ATTEST:

\_\_\_\_\_ (SEAL)  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney