

## A G E N D A

### REGULAR MEETING OF MAYOR AND COUNCIL OF JANUARY 2, 2018

6:00 P.M. Work Session

- Call to Order Mayor
- Interim City Manager's Report Chief Hobbs
- Adjournment

I. Call to Order – 6:10 p.m. – Mayor

II. Roll Call

III. Approval of Minutes

1. Work Session of Mayor and Council of December 18, 2017

IV. Adjournment

V. Swearing in: Mayor Elect Angelyne Butler  
Councilwoman Elect Kimberly James – Ward 1  
Councilman Dabouze Antoine – Ward 2

VI. Call to Order – Mayor Angelyne Butler

VII. Comment Period

VIII. Agenda Items

1. Appointment of Interim City Manager

2. Appointment of Mayor Pro Tem

3. Consider a Resolution to approve participation in an agreement that Fincher Denmark LLC anticipates executing with Van Scoyoc Associates, Inc. (VSA) on behalf of the Municipalities of Clayton County, Clayton County Government and the Clayton County Board of Education for the provision of lobbying services working before the U. S. Congress with regard to the collection on local sales taxes on aviation fuels and to authorize the Mayor to execute the Participation Agreement on behalf of the City of Forest Park.

**BACKGROUND AND SUMMARY: Federal Lobbyist Agreement Participation**

– The cities of Clayton County, the County government and the Clayton County Public Schools have joined together to oppose the new Federal Aviation Administration (FAA) policy requiring local taxes on aviation fuel be used only for aviation purposes. This means such amounts collected through LOST must be turned over to the City of Atlanta Hartsfield-Jackson Atlanta International Airport after December 8, 2017. For now, there is an agreement with the U.S. Department of Justice and the FAA that delays any enforcement until ninety days (90) after a court decision on the petition filed by the CCE, should such decision be in favor of the FAA. Given that oral argument in the case is not scheduled until the week of March 5, 2018, it is more likely that enforcement, if any, will not be considered again until after mid-2018.

This proposed participation is the cost to continue to engage a lobbyist to work before the U.S. Congress with regard to the collection of local sales taxes on aviation fuels, including monitoring and evaluating this issue through April 2018. The agreement will be between Fincher Denmark LLC and the lobbying group. Costs will be shared by all participating governments and we will continue an existing relationship with the lobby firm at the same fee rate per month for an additional four (4) months. The cost to the City would be approximately \$1,352.

4. Consider a Resolution by the Mayor and Council of the City of Forest Park, Georgia naming the depositories for funds of the City of Forest Park; authorizing withdrawals of said funds by check or draft; and naming the officers of said City authorized to sign checks or drafts.

**BACKGROUND AND SUMMARY:** The Resolution identifies the banks that hold City funds. The Resolution also authorizes withdrawals of funds by check or draft, and identifies the officers of the City authorized to sign checks or drafts. Two signatures are required on each check or draft of the City.

5. Consider an Ordinance authorizing temporary loans by the City of Forest Park, under the Constitution of the State of Georgia; Article 9, Section 5, paragraph V; and for other purposes.

**BACKGROUND AND SUMMARY:** The Ordinance is presented in January each year to allow the City to acquire temporary loans with specific banks during the calendar year. Any loan, if needed,

would be to pay operating expenses of the City, and would be subject to a limit.

- IX. Legal Matters
- X. Comments by Governing Body
- XI. Adjournment

**NOTE: The next regular meeting of Mayor and Council will be held on Tuesday, January 16, 2018, due to the Martin Luther King, Jr. Holiday.**

**MINUTES**

**WORK SESSION OF MAYOR AND COUNCIL OF DECEMBER 18, 2017**

Call to Order: The Work Session of Mayor and Council of December 18, 2017, was called to order by Mayor David Lockhart at 6:00 p.m.

Present: Mayor David Lockhart, Councilmembers Tommy Smith, Sandra Bagley, Allan Mears, Dabouze Antoine, and Latresa Wells.

Also present were:

Chief Dwayne Hobbs	Interim City Manager
Chief Eddie Buckholts	Fire
Major Chris Matson	Police
Jeff Eady	Director Public Works
Mike Blandenburg	Director Finance
Darren Duke	Director IT
Elaine Corley	Director Parks & Recreation
David New	Interim Director PB & Z
Angela Redding	Management Analyst
Winston Denmark	Fincher Denmark

City Managers Report: None

Approval of Minutes: Work Session & Regular Meeting Minutes of December 4, 2017, and revised minutes of the Special Called Meeting of December 4, 2017.

Agenda Item: *Proclamation to Sutherland's Foodservice.*

*Proclamation to Starr Insurance Agency.*

*Resolution by the City Council of the City of Forest Park declaring certain City property, listed on Exhibit "A", to be surplus property and to provide for its proper disposal either by auction or other methods pursuant to the City's ordinances; and for other purposes.*

No discussion.

*Resolution authorizing the Mayor, on behalf of the City of Forest Park, Georgia, to execute an agreement with Jerry Patrick as Solicitor.*

No discussion.

*Resolution to revise salaries for Mayor and Council.*

Councilman Mears discussed the salaries of the Mayor and Council. Councilwoman Wells discussed the salaries of the Mayor and Council.

*Resolution by the Mayor and Council of the City of Forest Park, Georgia, to increase the number of members serving on the Board of Directors of the Development Authority of the City of Forest Park; to appoint new members to Board; and for all other lawful purposes to accomplish this transaction and effectuate this intent.*

No discussion.

*Resolution by the Mayor and Council of the City of Forest Park, Georgia, appointing three (3) members to the Board of Directors of the Development Authority of the City of Forest Park; and for all other purposes to accomplish this transaction and effectuate this intent.*

No discussion.

*Mayor's appointment of members to the Board of Commissioners of the Urban Redevelopment Agency.*

*Appointments to the Board of Ethics.*

*Use of cell phones on dais.*

Councilwoman Bagley discussed the use of cell phones on the dais.

Legal Matters: None

Adjournment: Councilman Mears made a motion to adjourn the Work Session. Councilwoman Bagley seconded the motion. Voting was unanimous in favor of the motion.

**STATE OF GEORGIA**

**CITY OF FOREST PARK**

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

**A RESOLUTION TO APPROVE PARTICIPATION IN AN AGREEMENT THAT FINCHER DENMARK LLC ANTICIPATES EXECUTING WITH VAN SCOYOC ASSOCIATES, INC. (VSA) ON BEHALF OF THE MUNICIPALITIES OF CLAYTON COUNTY, CLAYTON COUNTY GOVERNMENT AND THE CLAYTON COUNTY BOARD OF EDUCATION FOR THE PROVISION OF LOBBYING SERVICES WORKING BEFORE THE U. S. CONGRESS WITH REGARD TO THE COLLECTION ON LOCAL SALES TAXES ON AVIATION FUELS AND TO AUTHORIZE THE MAYOR TO EXECUTE THE PARTICIPATION AGREEMENT ON BEHALF OF THE CITY OF FOREST PARK.**

**WHEREAS**, the governing authority of the City of Forest Park, Georgia (referred to as the “City”) is the Mayor and City Council; and

**WHEREAS**, the City recognizes there is a need to eliminate or mitigate potential financial impacts relating to the loss of local option sales taxes pursuant to the enforcement of a Federal Aviation Administration (referred to as “FAA”) policy that requires local taxes on aviation fuel to only be used for aviation purposes; and

**WHEREAS**, the FAA policy has an enforcement date of December 8, 2017 that has been delayed related to Clayton County through an agreement with the U.S. Department of Justice. The FAA will, if a decision by the Court does not reverse or delay such enforcement, require local sales taxes on aviation fuel be remitted to Hartsfield-



Jackson Atlanta International Airport's (referred to as "H-JAIA") net of quantifiable offsets as described in the FAA policy; and

**WHEREAS**, the City has joined with the other Clayton County municipalities, Clayton County government and the Clayton County Board of Education to oppose this requirement that will cost the City approximately \$1,000,000.00 annually in local option sales tax revenue or almost 17% of the total annual local option sales tax revenue; and

**WHEREAS**, the governing authority of the City desires to seek ways to mitigate or eliminate this financial impact and wishes to participate with other Clayton County governments in an effort guided by Van Scoyoc Associates, Inc. (referred to as "VSA"); and

**WHEREAS**, principals with VSA successfully provided similar services for the Clayton County governments and this agreement represents a four (4) month extension of that services agreement; and

**WHEREAS**, the extension agreement with VSA is expected to commence January 1, 2018 and end April 30, 2018 at a total monthly fee of \$6,000.00. The City's share of that fee would be based on the local option sales tax distribution percentage of 11.28% or approximately \$338 per month of the \$3,000 that is allocated to the city and Clayton County governments; and

**WHEREAS**, this resolution would benefit the residents of the City of Forest Park, Georgia if there is an offset to the loss of local option sales

tax revenue through the assistance and efforts of the aforementioned lobbying by VSA.

**NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED THAT:** the governing authority of the City of Forest Park, Georgia hereby authorizes the Mayor to execute an agreement and other form of acknowledgement for participation in the lobby services arrangement with VSA (copy attached) through the Firm of Fincher Denmark LLC.

**SO RESOLVED,** this \_\_\_\_ day of \_\_\_\_\_, 2018.

**CITY OF FOREST PARK, GEORGIA**

\_\_\_\_\_  
**Angelyne Butler**, Mayor

\_\_\_\_\_  
**Kimberly James**  
Councilmember, Ward One

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**Dabouze Antoine**  
Mayor Pro-tem, Ward Two

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**Sandra Bagley**  
Councilmember, Ward Three

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**Latresa Wells**  
Councilmember, Ward Four



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**Allan Mears**  
Councilmember, Ward Five

**ATTEST:**

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**Mike Blandenburg**, City Clerk

APPROVED AS TO FORM:

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City Attorney



**TO: Steven Fincher**  
**FROM: Steve Palmer and Channon Hanna**  
**DATE: December 8, 2017**  
**SUBJECT: Proposal: 2018 Legislative Strategy for Clayton County Entities on Aviation Fuels Sales Tax**

Thank you for the opportunity for Van Scoyoc Associates (VSA) to submit this proposed statement of work and fee structure to continue working in support of the Clayton County Entities (CCE) on the issue of restoring the ability of the CCE and other local governments to retain the revenues from sales taxes on aviation fuels. After review of this brief document, we would welcome the opportunity to talk further with you. As we proposed last year, we would be happy to travel to Clayton County to discuss this proposal and our legislative strategies.

In 2018, Congress will continue to face a number of challenges, some of which present opportunities to seek a legislative solution to the aviation sales tax issue. Outlined below is a legislative strategy for the CCE, as we seek to use Congress to change the FAA's interpretation of general sales taxes on aviation fuel as CCE continues to pursue a ruling from the courts.

**Possible Legislative Vehicles**

There are at least three legislative opportunities for the CCE to work on our own and in coordination with other entities aggrieved by the FAA interpretation. In every situation, we will continue to work with Representative David Scott and Representative John Lewis, but our highest priority remains securing a Republican sponsor for a legislative solution. We believe that Senators Isakson and Perdue, along with Representative Drew Ferguson and Representative Rob Woodall remain candidates to step forward. Likewise, we will continue to coordinate with the lobbyists from California to target a Republican member of that State's delegation.

**1. FAA Reauthorization Legislation**

The current FAA authorization expires on March 31, 2018. House Transportation and Infrastructure Chairman Bill Shuster (R-PA) was successful in getting his FAA Reauthorization bill, H.R. 2997, the 21<sup>st</sup> Century Aviation Innovation, Reform and Reauthorization (AIRR) Act approved by the Committee. Debate by the full House of Representatives on this legislation has been postponed twice over a controversial proposal in the bill which would privatize the air traffic control organization. We were successful during the Transportation and Infrastructure Committee's consideration of H.R. 2997 in having Representative Alan Lowenthal (D-CA) and Representative Grace Napolitano (D-CA) to file an amendment that would have exempted all state and local generally applicable sales taxes to the FAA policy on fuel taxes. While the amendment was ultimately withdrawn due to the lack of support by the Chairman,

Representatives Lowenthal and Napolitano were successful in getting the Chairman to commit to trying to find a solution that helps state and local governments.

Before any bill can be debated by the full House, it must be given a rule outlining which amendments are in order and can be offered. During the Rules Committee amendment process, we worked closely with Reps. Lowenthal and Napolitano on an amendment that would be more satisfactory to Chairman Shuster. The amendment would exempt voter-approved generally applicable sales taxes that were in effect prior to September 30, 2017 and would allow generally applicable sales taxes to be spent on surface transportation projects, as well as aviation purposes. We also were successful in getting both Representatives Scott and Lewis to co-sponsor the amendment, in the hopes that should the amendment be successful, they could work to help perfect the amendment during a conference on the bill with the Senate. Further, we were successful in getting Congressman Lewis to file an amendment to the FAA bill which would exempt non-airport sponsors from the FAA policy. Unfortunately, due to the controversial nature of the bill, unrelated to our issue, the House Rules Committee pulled the FAA bill from consideration.

In the Senate, the FAA Reauthorization bill was a broadly bi-partisan process. However, during the markup, Commerce Committee Chairman Thune added a controversial amendment which would relax pilot training rules that were put into place after the 2009 Colgan Air crash. Due to the threat of a filibuster over that rule change, the Senate bill will likely not be brought to the full Senate for its consideration until that language is amended or removed.

With FAA's authority not slated to expire until March 31, 2018, it gives Congress time to work out these controversial issues with the FAA reauthorization bill, but it also presents us with an opportunity to continue to seek support for CCE's position as follows:

- Continue to gather support among House Transportation and Infrastructure Republicans and among House Rules Committee members for the Lowenthal/Napolitano/Scott/Lewis amendment and for the Lewis amendment.
- Work with Senator Isakson and Perdue on a possible amendment to the FAA Reauthorization bill.
- Work on building support with Republicans on the Senate Commerce Committee and Republicans on the Senate Commerce, Science and Transportation Committee in preparation for conference negotiations, should the bills move forward.

## **2. FY 2018 Appropriations**

At the beginning of every year, the House and Senate Appropriations Committee accept requests from every Member of Congress for program funding levels and legislative language that the Committee consider including in their respective bills. This year, several California entities effected by this policy were successful in getting California Democratic Senator Dianne Feinstein to include language in the FY 2018 Senate Transportation, Housing and Urban Affairs (THUD) report, which ask DOT to delay enforcing the FAA's policy and work with local governments to develop a path forward to allow the use of local sales tax revenues generated on the sale of aviation fuel to be used in a manner consistent with their intended purpose. While

DOT did not delay enforcement of the rule, it did announce that it would consider individual requests for delays on a case-by-case basis.

In the coming year, we will make requests to the Georgia House and Senate delegations that they support a request for language in the FY 2019 appropriations bill which would prohibit FAA from using any funds to enforce this FAA policy. This would prohibit FAA from enforcing the policy during FY 2019 and allow CCE continuing time to get a permanent legislative solution.

Deadlines for submitting a request such as ours will likely be late-March or April, if not sooner. Some congressional offices will set their deadlines for the submission of funding and policy requests as early as February. This would be a one-year delaying tactic, but would put Congress firmly on record as opposing what the FAA has done.

- Immediately begin working to ask the Georgia Senators, Congressman David Scott and Congressman John Lewis to submit the legislative language to the Senate and House Appropriations Committees for possible inclusion in the FY 2018 Transportation, Housing and Urban Development Appropriations bill. The request would be for legislative language blocking enforcement of the FAA interpretation.
- There will likely be one member of the Georgia delegation on the Appropriations Committee again this year, Representative Sanford Bishop. We will again reach out to Representative Bishop's office for support and put in a formal appropriations request.
- We will work directly with the THUD subcommittee staff asking for their support of a stronger delaying provision or one that would overturn the FAA interpretation.

### **3. Infrastructure package**

President Trump has said he will send a detailed infrastructure proposal to Congress in January. The proposal is likely to be much broader than aviation and transportation, possibly including energy, housing and hospitals. It will take time for Congress to develop a comprehensive bill as there will be a vigorous debate as to whether it should include additional revenues for direct spending on infrastructure versus utilizing private sector solutions. This will give VSA and CCE time to work for inclusion of our legislative provision through the following actions:

- Work with Senator Isakson, who is a member of the Finance Committee, to urge that he include language in an infrastructure package.
- Work with Representative David Scott and Representative John Lewis, a member of the House Ways and Means Committee, to do the same.
- Work with Members of the Georgia delegation on the House Transportation and Infrastructure Committee: Representatives Rob Woodall, Drew Ferguson and Hank Johnson.

### **Proposed Fee**

As we have over the past 18 months, Van Scoyoc Associates proposes to work with CCE on a monthly retainer, rather than by the hour. Given the amount of work that we believe will be

needed in the coming months, we believe continuation of the current monthly retainer provides a cost-effective approach and is commensurate with the expected workload. Accordingly, we propose keeping the monthly retainer of \$6,000 which would cover all expenses, except any pre-approved long-distance travel.

We propose the consulting agreement run for four (4) months through the end of April 2018 with the contract beginning on January 1, 2018 and continuing through April 30, 2018. This will enable VSA and the CCE team to aggressively push all three of the legislative vehicles discussed above and set the stage for a possible long-term solution.

We believe significant progress has been made on the legislative front and look forward to continuing our relationship with the CCE and the entire CCE team. We are happy to address any questions or issues that team members may have about this proposal or our lobbying efforts for the new year.

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**STATE OF GEORGIA  
CITY OF FOREST PARK**

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

**A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF FOREST PARK, GEORGIA NAMING THE DEPOSITORIES FOR FUNDS OF THE CITY OF FOREST PARK: AUTHORIZING WITHDRAWALS OF SAID FUNDS BY CHECK OR DRAFT: AND NAMING THE OFFICERS OF SAID CITY AUTHORIZED TO SIGN CHECKS OR DRAFTS:**

**WHEREAS**, the City of Forest Park, a municipal corporation of the State of Georgia and Clayton County, has on deposit to it's account certain funds in Bank of America, Forest Park, Georgia; Sun Trust Bank of Georgia, Forest Park, Georgia; Heritage Bank, Forest Park, Georgia and East West Bank, Atlanta, Georgia;

**WHEREAS**, it is necessary to the operation of the government of said City for said funds to be disbursed from time to time by checks or drafts;

**NOW, THEREFORE, BE IT RESOLVED**, that two signatures shall be required on each check or draft drawn against any fund of said City;

**BE IT FURTHER RESOLVED**, that one of the signatures of the following named elected officials shall be required with one of the signatures of the following named appointed officials for all checks or drafts in excess of \$1,000.00;



ELECTED OFFICIALS: Mayor Angelyne Butler

APPOINTED OFFICIALS: Mike Blandenburg

Regina Ivie

**BE IT FURTHER RESOLVED**, that the requirements of each depository as represented on its signature card shall be appointed in full as if said requirements and conditions were recited herein.

**BE IT FURTHER RESOLVED**, that this resolution shall take the place of any other resolution heretofore adopted dealing with the same subject matter.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF JANUARY, 2018, BY THE MAYOR AND COUNCIL OF THE CITY OF FOREST PARK, GEORGIA.

**CITY OF FOREST PARK, GEORGIA**

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Angelyne Butler, **Mayor**

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Kimberly James  
Councilmember, Ward One

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Dabouze Antoine  
Councilmember, Ward Two

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Sandra Bagley  
Councilmember, Ward Three

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Latresa Wells  
Councilmember, Ward Four

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Allan Mears  
Councilmember, Ward Five

ATTEST:

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City Clerk

Approved as to Form:

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City Attorney

**STATE OF GEORGIA**

**COUNTY OF CLAYTON**

**ORDINANCE NO. 18-\_\_\_\_**

**AN ORDINANCE AUTHORIZING TEMPORARY LOANS BY THE CITY OF FOREST PARK, UNDER THE CONSTITUTION OF THE STATE OF GEORGIA, ARTICLE 9, SECTION 5, PARAGRAPH V; AND FOR OTHER PURPOSES.**

**WHEREAS**, under and by virtue of the Constitution of the State of Georgia, Article 9, Section 5, Paragraph V, each municipality of the State authorized to levy taxes is given the authority to make temporary loans between January 1 and December 31 in each year to pay expenses for such year upon certain conditions; and

**WHEREAS**, such conditions have been fulfilled by the City of Forest Park as hereinafter appears; and

**WHEREAS**, the said City of Forest Park has now outstanding no such temporary loans or loans made in the current year or in any prior years; and

**WHEREAS**, the total gross income of said City of Forest Park from taxes in the last preceding fiscal year 2017 was \$19,579,664; and

**WHEREAS**, the total anticipated income (revenue) of the City of Forest Park to meet obligations of the current budget may exceed \$24,840,500 and

**WHEREAS**, the maximum amount allowed to be borrowed, \$14,684,748 plus all other anticipated obligations for expenses of the City of Forest Park for the calendar year 2018, are less than the total anticipated revenue from all sources for such calendar year; and

**WHEREAS**, under the aforesaid authority of the City of Forest Park may make such temporary loan or loans in the year of 2018 in the total amount not to exceed \$14,684,748 which amount is seventy-five (75) percent of \$19,579,664; and

**WHEREAS**, said temporary loans may be needed by the City of Forest Park to pay the current year's operating expenses; and

**NOW, THEREFORE BE IT ORDAINED**, by the Governing Body of the City of Forest as follows:

**Section 1.** That the City of Forest Park is hereby authorized to borrow from Bank of America, Sun Trust Bank of Georgia, Wells Fargo Bank, Forest Park, and Heritage Bank, Forest Park, Georgia sums of money to pay current year's operating expenses from time to time during 2018, the aggregate amount of which is not to exceed \$14,684,748 and the entire amount, together with interest, to be repaid on or before December 31, 2018. The money may be drawn upon from time to time as authorized by Mayor and Council and interest shall be paid only on that portion of the total sum, which is utilized, and only for the period of time it is used.

The loan(s) shall be evidenced by promissory note(s) executed in the name of the City Clerk of said City.

**Section 2.** The Director of Finance is hereby authorized to utilize line items 100-00-0000-12-2700 to accomplish the repayment of any loans sought on behalf of the City of Forest Park and 100-22-1510-58-2300 to accomplish repayment of any interest accrued.

**Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance held to be invalid or unconstitutional for any reason by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, and such remainder shall remain in full force and effect.

**Section 4. Effective Date.**

This Ordinance shall be in full force and effect immediately upon and after its final passage.

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

CITY OF FOREST PARK, GEORGIA

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

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Kimberly James  
Councilmember, Ward One



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Dabouze Antoine  
Councilmember, Ward Two

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Sandra Bagley  
Councilmember, Ward Three

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Latresa Wells  
Councilmember, Ward Four

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Allan Mears  
Councilmember, Ward Five

ATTEST:

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City Clerk

THE SEAL OF THE CITY OF  
FOREST PARK, GEORGIA

Approved as to form:

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City Attorney