

A G E N D A

REGULAR MEETING OF MAYOR AND COUNCIL

October 2, 2017

6:00 P.M. Work Session

- Call to Order
- Interim City Managers Report
- Adjournment

Mayor Lockhart
Chief Hobbs

- I. Call to Order – 6:10 p.m. Mayor Lockhart
- II. Invocation
- III. Pledge of Allegiance
- IV. Roll Call
- V. Comment Period
- VI. Approval of Minutes
 1. Work Session of Mayor and Council of September 18, 2017
 2. Regular Meeting of Mayor and Council of September 18, 2017
- VII. Agenda Items

1. Consider an Ordinance to amend Chapter 2 (“Alcoholic Beverages”) in Title 9 (“Licensing and Regulation”) of the Code of Ordinances, City of Forest Park, Georgia, by amending Section 9-2-7 (“Hours and Days of Operation”); to provide for severability; to repeal conflicting ordinances; to provide an effective date; and for other lawful purposes.

BACKGROUND AND SUMMARY: Upon review of the Alcohol Code within the City’s Code of Ordinances, it was determined by staff that the hours of off-premises sales of beer and wine should be amended. Accordingly, an amendment to Section 9-2-7 (Hours and Days of Operation) is provided for your review and consideration.

2. 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: 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 that local taxes on aviation fuel be used only for aviation purposes meaning that such amounts collected through LOST must be after December 8, 2017, turned over to the City of Atlanta Hartsfield-Jackson Atlanta International Airport. This participation is in the cost 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. The agreement would be with Fincher Denmark LLC with the lobbying group and costs shared by all participating governments and would continue an existing relationship with the lobby firm at the same fee rate per month for an additional three (3) months.

3. Consider a Resolution urging President Trump to honor his campaign promises to the Haitian American community by extending Haiti's temporary protected status designation for 18 months beyond January 22, 2018.

BACKGROUND AND SUMMARY: The Trump administration will announce between Nov. 6 and 23 if it will end or extend Temporary Protected Status (TPS) for 58,000 Haitians. Termination would be catastrophic. The issue affects 58,000 non-criminal Haitians who have lived in the U.S. for 7.5 to 20 years, i.e. since before the 2010 earthquake. Many have US-born children who shouldn't have to choose between their birthright as Americans and their children.

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

MINUTES

WORK SESSION OF MAYOR AND COUNCIL OF SEPTEMBER 18, 2017

Call to Order: The Work Session of Mayor and Council of September 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

Jeff Eady

Mike Blandenburg

Darren Duke

Christine Terrell

Jonathan Jones

Angela Redding

Chief Buckholts

Major Reynolds

John O'Neal

Interim City Manager

Director Public Works

Director Finance

Director IT

Director Support Services

Director P B & Z

Management Analyst

Fire

Police

Fincher Denmark

City Managers Report: Chief Hobbs stated what an incredible job Public Works, Fire, and Police did September 11, 2017, due to the storm.

Agenda Items: *Resolution by the City Council of the City of Forest Park acknowledging the City Council has reviewed the Grant Application for the Edward Byrne Memorial Justice Assistance Grant, Award Year 2017, for the purchase of emergency tower phones and authorizes the Mayor to execute an Agreement with the Department of Justice for said Grant in the amount of thirteen thousand eight hundred and fifty dollars (\$13,850); to provide an effective date; and for other purposes.*

No discussion.

Resolution to provide a Conditional Use Permit, to operate a Home Daycare Center within the residence located at 4085 Tara Drive, City of Forest Park, Georgia.

Councilman Mears asked if the daycare has procured licenses and permits from the government to open the daycare. Mr. Jonathan Jones stated that the daycare is currently operating commercially and have an active license.

They could not operate and we, in fact, would not be able to issue a new operational tax certificate unless it is state approved.

Councilwoman Bagley asked if the CPA was an existing business licensed in the city or a new business. Mr. Jonathan Jones stated that it was an existing business.

Ordinance to amend the Official Zoning Map, City of Forest Park, Georgia, by rezoning certain parcels of real property located at 4914 West Street.

No discussion.

Councilman Smith made a motion to recess for Executive Session to discuss litigation. Seconded by Councilwoman Wells. Voting was unanimous in favor of the motion.

Councilman Smith made a motion to reconvene the Work Session. Seconded by Councilwoman Bagley. Voting was unanimous in favor of the motion.

Resolution to approve participation in an agreement that Fincher Denmark LLC anticipates executing with Freeman Mathis & Gary LLP ("FMG") on behalf of the municipalities of Clayton County, Clayton County Government, and the Clayton County Board of Education for the provision of lobbying services during the 2017-2018 Session of the Georgia General Assembly relating to various matters concerning the tax exempt status of Hartsfield-Jackson Atlanta International Airport ("H-JAIA"), the vendors who operate businesses within the H-JAIA and matters related thereto and to authorize the Mayor to execute the Participation Agreement on behalf of the City of Forest Park, Georgia (the "City").

No discussion.

Resolution to approve an agreement with Fincher Denmark LLC to execute a special services project contract related to the identification of revenue enhancement opportunities and expenditure reduction options for the City of Forest Park, Georgia (the "City") on an at risk percentage fee arrangement as detailed in the Fincher Denmark LLC proposal dated August 31, 2017, and attached as Exhibit 1 along with the agreement attached as Exhibit 2; and to authorize the Mayor to execute the agreement on behalf of the City of Forest Park, Georgia.

Mr. Marshall Mitchell discussed the Special Services Project Contract.

Councilman Antoine asked if part of the discovery would be noise pollution. Mr. Mitchell said it would be non-grant funds so we could use it as offset. Councilman Smith discussed noise litigation on the North side of Forest Park.

Resolution to approve participation in an agreement that Fincher Denmark LLC anticipates executing with Dickerson Communications ("DC") on behalf of the municipalities of Clayton County, Clayton County Government, and the Clayton County Board of Education for the provision of public relations services related to the strategic plan to eliminate or mitigate the enforcement of the FAA Policy to be effective December 8, 2017, requiring local sales taxes on aviation fuel collected in Clayton County only be used for aviation purposes and to authorize the Mayor to execute the participation agreement on behalf of the City of Forest Park, Georgia (the "City").

No discussion.

Legal Matters: None

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

MINUTES

REGULAR MEETING OF MAYOR AND COUNCIL OF SEPTEMBER 18, 2017

Call to Order: The Regular Meeting of Mayor and Council of September 18, 2017, was called to order by Mayor David Lockhart at 6:10 p.m.

Invocation: The invocation was given by Carl Edwards followed by the Pledge of Allegiance to the American Flag.

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

Also present were:

Chief Dwayne Hobbs

Jeff Eady

Mike Blandenburg

Darren Duke

Christine Terrell

Jonathan Jones

Angela Redding

Chief Buckholts

Major Reynolds

John O'Neal

Interim City Manager

Director Public Works

Director Finance

Director IT

Director Support Services

Director P B & Z

Management Analyst

Fire

Police

Fincher Denmark

Comment Period: Yvonne Mussington, 4950 Governor's Drive, Forest Park, gave appreciation to the members of our community who helped during the latest storm.

Samuel Ibanez, 5030 Old Dixie Rd., Forest Park, gave appreciation for help during the latest storm.

Noelia Martinez, 5086 Old Dixie Hwy., Lot #2, Forest Park, discussed the damage during the latest storm.

LaWanda Falomi, 1080 Lloyd Drive, Forest Park, discussed concerns within the city.

Shelley Gawel, 819 North Ave., Forest Park, discussed putting benches at the Marta bus stops, etc.

Approval of Minutes: Councilwoman Wells made a motion to approve the minutes of the Work Session and Regular Meeting of September 5, 2017, with corrections. Councilman Antoine seconded the motion. Voting was unanimous in favor of the motion.

Public Hearing Councilwoman Wells made a motion to recess for a Public Hearing with respect to a Department of Justice Grant Application. Councilwoman Bagley seconded the motion. Voting was unanimous in favor of the motion.

Councilwoman Wells made a motion to open the Public Hearing to receive comments on the Grant Application to the Department of Justice for 2017 Edward Byrne Memorial Justice Assistance Grant. Councilman Smith seconded the motion. Voting was unanimous in favor of the motion.

Public comments were heard.

Councilman Mears made a motion to close the Public Hearing and reconvene the Regular Meeting. Councilman Smith seconded the motion. Voting was unanimous in favor of the motion.

Public Hearing Councilman Mears made a motion to recess for a Public Hearing to receive comments for the request of a Conditional Use Permit for 4085 Tara Drive. Councilman Smith seconded the motion. Voting was unanimous in favor of the motion.

Councilman Mears made a motion to open that Public Hearing to receive comments for the request of a Conditional Use Permit for 4085 Tara Drive. Councilman Smith seconded the motion. Voting was unanimous in favor of the motion.

No public comments.

Councilwoman Bagley made a motion to close the Public Hearing and reconvene the Regular Meeting. Councilman Smith seconded the motion. Voting was unanimous in favor of the motion.

Public Hearing Councilwoman Bagley made a motion to recess for a Public Hearing to receive comments on the rezoning request to rezone 4914 West Street from RM-85 to C-1. Councilman Antoine seconded the motion. Voting was unanimous in favor of the motion.

Councilwoman Wells made a motion to open the Public Hearing to receive those comments. Seconded by Councilman Mears. Voting was unanimous in favor of the motion.

Public comments were heard.

Councilwoman Wells made a motion to close the Public Hearing and reconvene the Regular Meeting. Councilwoman Bagley seconded the motion. Voting was unanimous in favor of the motion.

Resolution:
Edward Byrne
Memorial
JA Grant

Resolution by the City Council of the City of Forest Park acknowledging the City Council has reviewed the Grant Application for the Edward Byrne Memorial Justice Assistance Grant, Award Year 2017, for the purchase of emergency tower phones and authorizes the Mayor to execute an Agreement with the Department of Justice for said Grant in the amount of thirteen thousand eight hundred and fifty dollars (\$13,850); to provide an effective date; and for other purposes.

Councilwoman Wells made a motion to adopt the Resolution. Councilman Smith seconded the motion. Voting was unanimous in favor of the motion.

Resolution:
Daycare

Resolution to provide a Conditional Use Permit, to operate a Home Daycare Center within the residence located at 4085 Tara Drive, City of Forest Park, Georgia.

Councilwoman Wells made a motion to adopt the Resolution. Councilman Antoine seconded the motion. Voting was unanimous in favor of the motion.

Ordinance:
4914 West St.

Ordinance to amend the Official Zoning Map, City of Forest Park, Georgia, by rezoning certain parcels of real property.

Councilwoman Bagley made a motion to adopt the Ordinance. Councilwoman Wells seconded the motion. Voting was unanimous in favor of the motion.

Resolution:
Lobbying Srvc.

Resolution to approve participation in an agreement that Fincher Denmark LLC anticipates executing with Freeman Mathis & Gary LLP ("FMG") on behalf of the municipalities of Clayton County, Clayton County Government, and the Clayton County Board of Education for the provision of lobbying services during the 2017-2018 Session of the Georgia General Assembly relating to various matters concerning the tax exempt status of Hartsfield-Jackson Atlanta International Airport ("H-JAIA"), the vendors who operate businesses within the H-JAIA and matters related thereto and to authorize the Mayor to execute the Participation Agreement on behalf of the City of Forest Park, Georgia (the "City").

Councilwoman Wells made a motion to adopt the Resolution. Seconded by Councilman Smith. Voting was unanimous in favor of the motion.

Resolution: Resolution to approve an agreement with Fincher Denmark
Revenue LLC to execute a special services project related to the
Enhancement identification of revenue enhancement opportunities and
expenditure reduction options for the City of Forest Park,
Georgia (the "City") on an at risk percentage fee arrangement as
detailed in the Fincher Denmark LLC proposal dated August
31, 2017, and attached as Exhibit 1 along with the agreement
attached as Exhibit 2; and to authorize the Mayor to execute
the agreement on behalf of the City of Forest Park, Georgia.

Councilman Mears made a motion to adopt this Resolution. Councilwoman Bagley seconded the motion. Voting was unanimously in favor of the motion.

Resolution: Resolution to approve participation in an agreement that
Dickerson Fincher Denmark LLC anticipates executing with Dickerson
Communications Communications ("DC") on behalf of the municipalities of
Clayton County, Clayton County Government, and the Clayton
County Board of Education for the provision of public relations
services related to the strategic plan to eliminate or mitigate
the enforcement of the FAA Policy to be effective December 8,
2017, requiring local sales taxes on aviation fuel collected in
Clayton County only be used for aviation purposes and to
authorize the Mayor to execute the participation agreement on
behalf of the City of Forest Park, Georgia (the "City").

Councilman Mears made a motion to adopt this Resolution. Councilwoman Bagley seconded the motion. Voting was unanimous in favor of the motion.

Legal Matters: None

Adjournment: Councilman Smith made a motion to adjourn. Seconded
by Councilwoman Wells. The motion carries unanimously
in favor of the motion.

STATE OF GEORGIA

CITY OF FOREST PARK

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 2 ("ALCOHOLIC BEVERAGES") IN TITLE 9 ("LICENSING AND REGULATION") OF THE CODE OF ORDINANCES, CITY OF FOREST PARK, GEORGIA BY AMENDING SECTION 9-2-7 ("HOURS AND DAYS OF OPERATION"); TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing body of the City of Forest Park, Georgia (the "City") is the Mayor and Council thereof; and

WHEREAS, the governing body of the City has the power to adopt ordinances promoting the health, safety and general welfare of the citizens of the City; and

WHEREAS, Chapter 3 of the City Code currently contains regulations of alcoholic beverages and Section 9-2-7 of said Chapter regulates the hours alcoholic beverages may be sold in the City; and

WHEREAS, the City Council finds it necessary to amend said provisions to standardize the hours of sale to those utilized by surrounding jurisdictions.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FOREST PARK, GEORGIA, and by the authority thereof:

Section 1. The Code of Ordinances, City of Forest Park, Georgia is hereby amended by revising Section 9-2-7 ("Hours and Days of Operation") of Chapter 2 ("Alcoholic Beverages") in Title 9 ("Licensing and Regulation") therein to read and to be codified as follows:

“Sec. 9-2-7. - Hours and days of operation.

- (a) Subject to subsection (f), licensees holding licenses for the retail package sale of wine, malt beverages, or both, shall engage in the retail package sale of wine, malt beverages, or both, only between the hours of 6:00 a.m. and 2:00 a.m. Monday through Saturday and until 2:00 am. on Sunday.
- (b) Sales of alcoholic beverages for consumption on the premises shall be authorized only between the hours of 9:00 a.m. and 2:00 a.m. Monday through Saturday and until 2:00 am. on Sunday.
- (c) Reserved.
- (d) The sale of alcoholic beverages is hereby authorized on any election day pursuant to the authority granted in O.C.G.A. § 3-3-20(b). Said sales shall only be authorized during the hours permitted under this chapter; provided, however, nothing herein shall authorize the sale of alcoholic beverages within two hundred fifty (250) feet of a polling place during any time that the polls are open on any election day, and such sales are hereby prohibited.
- (e) All the preceding notwithstanding, no alcoholic beverages may be sold, traded, dispensed, or delivered on Easter Sunday and Christmas Day. This will begin at 12:00 a.m. on Easter Sunday and Christmas Day.
- (f) All alcoholic beverages sold, traded, dispensed, or delivered on Sundays shall be allowed only between the hours of 12:30 p.m. and 11:30 p.m.”

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section 4.

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

(b) It is hereby declared to be the intention of the Mayor and 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 Mayor and 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 phrase, clause, sentence, paragraph or section 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 Mayor and 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 phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this _____ day of _____, 2017.

CITY OF FOREST PARK, GEORGIA,

David Lockhart, Mayor

Tommy Smith
Councilmember, Ward One

Dabouze Antoine
Mayor Pro-tem, Ward Two

Sandra Bagley
Councilmember, Ward Three

Latresa Wells
Councilmember, Ward Four

Allan Mears
Councilmember, Ward Five

ATTEST:

Mike Blandenburg, City Clerk

APPROVED BY:

City Attorney

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 is the Mayor and City Council; and

WHEREAS, the City recognizes that 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 (FAA) policy that requires local taxes on aviation fuel to only be used for aviation purposes; and

WHEREAS, the Federal Aviation Administration policy has an enforcement date of December 8, 2017, and will require that local sales taxes on aviation fuel be remitted to H-JAIA net of a quantifiable offsets as described in the FAA policy; and

WHEREAS, the City has joined with the other municipalities, Clayton County Government and the Clayton County Board of Education to oppose this requirement that will cost the City approximately \$1,000,000 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 VSA; and

WHEREAS, principals with VSA successful provided similar services for the Clayton County governments and this Agreement represents a three (3) month extension of that services agreement; and

WHEREAS, the agreement with VSA is expected to commence in October 2017, and end in December 2017, at a monthly fee of \$6,000. 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 if there is an offset to the loss of local option sales tax revenue through implementation of the FAA Policy effective December 8, 2017.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED THAT: the governing authority of the City of Forest Park 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 _____, 2017.

CITY OF FOREST PARK, GEORGIA

David Lockhart, Mayor

Tommy Smith
Councilmember, Ward One

Dabouze Antoine

Mayor Pro-tem, Ward Two

Sandra Bagley

Councilmember, Ward Three

Latresa Wells

Councilmember, Ward Four

Allan Mears

Councilmember, Ward Five

ATTEST:

Mike Blandenburg, City Clerk

Attorney

MEMORANDUM OF AGREEMENT

Fincher Denmark LLC on behalf of Clayton County, Georgia, Clayton County Public Schools, the Cities of College Park, Lake City, Jonesboro, Lovejoy, Forest Park, Riverdale and Morrow (collectively referred to as "the Clayton County Entities") hereby retains Van Scoyoc Associates, Inc., (hereafter "VSA") a District of Columbia corporation located at 800 Maine Avenue SW, Suite 800, Washington, D.C. 20024. The company consists of consultants and advisors working before the U.S. Congress with regard to the collection of local sales taxes on aviation fuels. VSA undertakes monitoring and evaluating this issue and will advise the Clayton County Entities through Fincher Denmark LLC on the components of an agency and legislative plan and the appropriate strategy necessary to achieve the goals of such a plan. The proposed plan is attached to this document as Exhibit A. VSA will perform such services with regard to those issues as are mutually agreed to between VSA and the Clayton County Entities through Fincher Denmark LLC. VSA will prepare and submit monthly reports to keep the Clayton County Entities through Fincher Denmark LLC apprised of ongoing activities.

It is understood that VSA may be required to register for work performed on behalf of Fincher Denmark LLC under the terms of the Lobbying Disclosure Act of 1995, as amended (2 USC § 1601 et seq.) and any subsequent laws or regulations. The Clayton County Entities may be listed as "affiliated organizations" on LDA registrations and reports if required by applicable law.

In consideration of the performance of these services, the Clayton County Entities through Fincher Denmark LLC shall pay VSA the sum of \$6,000.00 per month. VSA shall be reimbursed for preapproved long-distance travel costs. The Clayton County Entities through Fincher Denmark LLC represent and warrant these payments shall not be made with federally appropriated funds.

This Agreement shall become effective on October 1, 2017, and shall continue in effect until December 31, 2017, or until terminated by the Clayton County Entities through Fincher Denmark LLC or by VSA by written notice to Fincher Denmark LLC at least thirty (30) days prior to the proposed date of termination. Any fees earned prior to the receipt of said notice of termination shall be paid by the Clayton County Entities through Fincher Denmark LLC.

VSA acknowledges and agrees that in connection with performance of the services, VSA will have access to and potentially receive Clayton County Entities' through Fincher Denmark LLC confidential information and other proprietary information (the "Confidential Information"). For the purposes of this Agreement, "Confidential Information" shall include, without limitation, all information in whatever means of expression, tangible or intangible, written or oral, which (i) bears any stamp or notice indicating the same is confidential or proprietary to the Clayton County Entities and/or Fincher Denmark LLC (or its customers, licensors or other third parties it has business dealings with); (ii) is of a technical or business nature not generally disclosed by the Clayton County Entities and/or Fincher Denmark LLC to the public; and/or (iii) is derived from Confidential Information including residual mental impression of such information. VSA shall not, during the term of this Agreement or at any time thereafter, divulge, furnish or make accessible to anyone, other than the Clayton County Entities through Fincher Denmark LLC (and its authorized agents and representatives) any Confidential Information for any purpose other than performing the services in accordance with this Agreement solely for the benefit of the Clayton County Entities through Fincher Denmark LLC. All Confidential Information shall remain the exclusive property of the Clayton County Entities and/or Fincher Denmark LLC, shall be kept confidential by VSA and VSA shall protect and safeguard the Confidential Information by using

all reasonable efforts to prevent the unauthorized use dissemination or publication of the Confidential Information.

Notwithstanding anything in the paragraph above to the contrary, the term Confidential Information shall not include information which (i) is or hereafter becomes public knowledge through no act or fault of VSA; (ii) was not created in connection with the services and is proven by written evidence to have been independently developed by VSA without any reference to information discussed by the Clayton County Entities and/or Fincher Denmark LLC to VSA; or (iii) is disclosed pursuant to law or any governmental or court order, provided that VSA shall first have given written notice to the Clayton County Entities through Fincher Denmark LLC thereof and made a reasonable effort to obtain a protective order.

This Agreement shall be deemed to be a contract made under the laws of the District of Columbia and for all purposes shall be construed in accordance with said laws. In the event of a dispute between the parties, they mutually consent to jurisdiction in the Superior Court for the District of Columbia. The prevailing party shall be entitled to costs and interest on any award at the rate of 1.5% per month to run from ten (10) business days after the date of the award.

This Agreement contains all of the terms agreed upon by the Clayton County Entities through Fincher Denmark LLC and VSA with respect to the subject matter hereof and supersedes all prior agreements, arrangements and communications between the parties dealing with such subject matter, whether oral or written. This Agreement shall not be assignable by either party.

VAN SCOYOC ASSOCIATES, INC.

Date: 9-26-17

By: H. Stewart Van Scoyoc
H. Stewart Van Scoyoc, President

FINCHER DENMARK LLC

Date: _____

By: _____
Steven M. Fincher, Attorney for the Clayton County
Entities

**STATE OF GEORGIA
CITY OF FOREST PARK**

RESOLUTION NO. _____

**RESOLUTION URGING PRESIDENT TRUMP TO HONOR
HIS CAMPAIGN PROMISES TO THE HAITIAN
AMERICAN COMMUNITY BY EXTENDING HAITI'S
TEMPORARY PROTECTED STATUS DESIGNATION FOR
18 MONTHS BEYOND JANUARY 22, 2018.**

WHEREAS, President Trump on September 16, 2016 told Haitian Americans he would be their “greatest champion,” praising their “perseverance, entrepreneurship, creativity, [and] faith” and saying “all the things that make America good and strong can be found right here, amazing people, so I come here today to say that the Haitian American community deserves our gratitude and our respect, and I want you to know you have my respect,” and

WHEREAS, President Trump continued, “it’s simply hard to believe that something like that could have happened, the turmoil and pain and suffering that so many people are going through. The 2010 Haitian earthquake unleashed a horrible and catastrophic devastation: over 300,000 dead, unbelievable, 300,000, millions displaced or injured, homes, businesses, schools reduced to rubble; amid the suffering Haiti showed the world so much heart and so much incredible resilience, but the truth is *Haiti is still suffering very badly, maybe as badly*, after all of the tears and all of the money and all of the work” (italics added), and

WHEREAS, President Trump continued, “The Haitian people deserve better, so ... I will give them better. Today we begin a new chapter, together we will build a relationship based on mutual respect and friendship and love, and ... we will really do something very special with our commonly shared values, because we have lots of

commonly shared values, maybe *full* shared values.... and whether you vote for me or don't vote me, I really want to be your greatest champion, and I will be your champion whether you vote for me or not.... we are going to do things for you folks that you have really deserved for a long time. You're an amazing community, and it's an honor to be with you," and

WHEREAS, an issue of great concern and shared value in Haitian American communities is that the Department of Homeland Security (DHS) should extend Haiti's Temporary Protected Status (TPS) designation for no less than 18 months beyond its current January 22, 2018, expiration date due to, and until it has recovered from, recent extraordinary calamities, including the 2010 earthquake from which recovery remains incomplete, with nearly 40,000 earthquake victims still remaining in internally displaced persons (IDP) camps and 200,000 more in a camp simply renamed a "settlement" (Canaan); the unchecked cholera epidemic introduced by United Nations (UN) peacekeepers in October 2010 (Haiti had not had cholera for at least the prior 100 years) which has killed at least 10,000 and sickened over 800,000, and for which the UN to date has raised only \$10 million of its recently-targeted \$400 million to address the epidemic; and last October's devastating Hurricane Matthew, a Category 4 hurricane with 145 mph winds and the worst to hit Haiti in 52 years, which killed 1,000 people, left hundreds of thousands without safe water or food, inundated vast areas and towns and destroyed crops, livestock, and infrastructure in broad areas; struck Haiti's southern peninsula, one of the nation's key breadbaskets, greatly exacerbating the nation's food insecurity crisis after a three-year drought in Haiti's rice-growing Artibonite; exacerbated the unchecked cholera epidemic, spiking cases of the water-borne disease; and caused Haiti's government recently to declare a "state of emergency" in Haiti's south; and

WHEREAS, on May 22, 2017, DHS extended Haiti's Temporary Protected Status (TPS) designation for only six months, warning recipients to be prepared to return to Haiti, and it is now scheduled to end on January 22, 2018; and

WHEREAS, Haiti's government is requesting an extension of no less than 18 months to enable it to deal with the overwhelming challenges facing the nation due to these calamities, and DHS by November 23 must decide whether to terminate or extend Haiti's TPS designation, and

WHEREAS, President Trump will have violated his campaign promises to the Haitian American community if DHS does not extend Haiti's TPS designation for 18 months; and

WHEREAS, before May 22, prior Haiti TPS extensions had always been for 18-month periods, based on an accurate assessment of Haiti conditions; and

WHEREAS, in a detailed December 2016 assessment, United States Citizenship and Immigration Services (USCIS) concluded that conditions in Haiti warranting TPS persist, and then-Secretary of State Kerry recommended its extension; and

WHEREAS, a few months later USCIS under President Trump recommended *against* extension, contradicting its December assessment, and its new head of policy and strategy urged staff to find evidence of Haitian "criminality" to justify ending TPS, demonizing an entire ethnicity and despite the TPS statute's disqualification of anyone with a felony or two misdemeanors; and

WHEREAS, TPS is a humanitarian program to which such considerations are irrelevant and violative of the President's promise to respect and greatly champion Haitian Americans; and

WHEREAS, Haiti's government, overwhelmed by the extraordinary recent calamities of earthquake, cholera epidemic, Hurricane Matthew, and food insecurity, is struggling to cope; and

WHEREAS, the 58,000 Haitians with TPS have been in the US since at least January 12, 2011, most for 7 to 16 years, and have community ties including U.S.-born children who should not have to choose between their parents and their birthright as Americans; and

WHEREAS, these 58,000 Haitians regularly send remittances which sustain about 320,000 to 500,000 relatives in Haiti, which in 2015 received from Haitians in the United States \$1.3 billion in remittances, which are Haiti's chief source of foreign assistance; and

WHEREAS, Haiti's government while struggling to recover from the recent catastrophes described above — including incomplete earthquake recovery, the unchecked cholera epidemic for which the UN to date has raised insufficient funds, Hurricane Matthew's vast destruction, and food insecurity, plus an influx of repatriates expelled from the Dominican Republic and other challenges — until at least mid-2019 will be unable to safely receive or assimilate 58,000 Haitians with TPS or replace their remittances, which help sustain its economy, rendering such deportations both unsafe and destabilizing; and

WHEREAS, such deportations would increase desperation and migration, resulting in tragedies at sea and entailing increased U.S. Coast Guard interdiction resources; and

WHEREAS, Haiti's recovery and stability are in the national security interest of the United States, and the extension of Haiti's TPS designation for no less than 18

months is therefore in the national security interests of both the United States and Haiti;
and

WHEREAS, Haiti is a textbook case for TPS and its generous extension, given
the extraordinary events and facts described above; and

WHEREAS, bipartisan support for a generous extension of Haiti's TPS
designation includes U.S. Senators Rubio and Nelson joined by eight US
congresspersons from Florida (September 18 letter) and resolutions by the U.S.
Conference of Mayors (June 21), the Broward County Commission (September 14), and
the City of North Miami (August 22), all urging an 18 months' extension; and many
others urging extension include FL and MA Governors Scott and Baker, 100 U.S.
senators and representatives, 416 faith leaders, 550 U.S. doctors, 14 big city mayors,
the entire Massachusetts congressional delegation, at least 15 members of New York's,
and the editorial boards of the *Miami Herald*, *New York Times*, *Washington Post*, *Boston
Globe*, *Orlando Sentinel*, *Palm Beach Post*, and *Sun Sentinel* in at least 10 editorials; and

WHEREAS, TPS recipients must pay \$410 in fees each time they reregister;

NOW, THEREFORE, BE IT RESOLVED that the City of Forest
Park **STRONGLY:**

Section 1. Urges President Donald Trump to instruct DHS to extend
Haiti's TPS designation for no less than 18 months beyond its current January 22, 2018,
expiration date; and

Section 2. Urges Secretary of State Rex Tillerson to recommend to President
Trump and to DHS that conditions in Haiti fully warrant that DHS should extend Haiti's
TPS designation for no less than 18 months beyond its current January 22, 2018,
expiration date; and

Section 3. Urges DHS Acting Secretary Elaine Duke to extend Haiti's TPS designation for no less than 18 months beyond its current January 22, 2018, expiration date; and

Section 4. Authorizes transmission of this Resolution to President Donald F. Trump, White House Chief of Staff John F. Kelly, Secretary of State Rex Tillerson, and Acting DHS Secretary Elaine Duke.

SO RESOLVED, this _____ day of _____, 2017.

CITY OF FOREST PARK, GEORGIA

David Lockhart, Mayor

Tommy Smith
Councilmember, Ward One

Dabouze Antoine
Mayor Pro-tem, Ward Two

Sandra Bagley
Councilmember, Ward Three

Latresa Wells
Councilmember, Ward Four

Allan Mears
Councilmember, Ward Five

ATTEST:

Mike Blandenburg, City Clerk

Attorney