

## **A G E N D A**

### **REGULAR MEETING OF MAYOR AND COUNCIL May 1, 2017**

6:00 P.M. Work Session

- Interim City Managers Report

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 April 17, 2017
2. Regular Meeting of Mayor and Council of April 17, 2017

VII. Recess for Public Hearing

VIII. Open Public Hearing to receive comments with regard to a petition for rezoning of two parcels of property located at 4467 Hwy. 42 and 4443 Hwy. 42, Conley, GA, from the RS110SF Residential (Clayton County) to GZ Gillem District.

**BACKGROUND AND SUMMARY:** The business located on the two parcels is Cole Concrete Products, Inc. and was founded in 1962 by Bill and Myra Cole, a family owned and operated manufacturer of concrete products. The company has been providing clients all over Northern Georgia quality goods for two generations. However, the primary business operated at the location at this time is one of commercial trucking and logistics (DOT #885545). Its' fleet predominantly consists of trucks and tractors. They also do commercial truck parking, allowing other small transportation companies to park on the premises in between hauls. At its April 13, 2017, meeting, the City of Forest Park Planning Commission voted to recommend approval of the rezoning and annexation of the parcels.

IX. Close Public Hearing and reconvene meeting

## X. Agenda Items

1. Consider an Ordinance to annex into and rezone within the City of Forest Park, Georgia certain property and to amend the official zoning map of the City of Forest Park, Clayton County, Georgia; to provide for severability; to repeal conflicting ordinances; to provide an effective date; and for other purposes.

**BACKGROUND AND SUMMARY:** The Owner of the properties located at 4467 and 4443 Hwy 42, Conley, Georgia 30288 desires to annex her property into the City. This is a 100% annexation with 100% of the property owners consenting to such annexation. The property is currently zoned in the County as RS110SF (Residential) and will be rezoned in the City to GZ (Gillem Zone).

2. Consider a Resolution authorizing the Mayor to enter into a contract with Combined Services for restroom renovations of City Hall Council Chambers.

**BACKGROUND AND SUMMARY:** Originally part of the City Hall equipment Upgrade project, as an option, the restroom renovation was re-bid separately. The lowest responsible and responsive bidder is Combined Services with a bid price of \$82,976.04. The project consist of upgrading approximately 300 sq. ft. of facilities including the service closet to comply with the ADA requirements and executing a complete refit of the fixtures, finishes and equipment. The footprint will remain mostly the same, the restrooms will be flipped and the service closet will be reduced in size.

3. An Ordinance by the City Council for the City of Forest Park, Georgia, to amend the 2016-2017 Operating Budget to appropriate funds to cover workers' compensation costs for the Support Services Department; to repeal all ordinances and parts of ordinances in conflict herewith; to provide an effective date; and for other purposes.

**BACKGROUND AND SUMMARY:** A budget amount is requested to cover Workers' Compensation claims incurred by the Support Services Department. The total amount of the costs could not be reasonably projected or budgeted prior to being incurred.

- XI. Legal Matters
- XII. Comments by Governing Body
- XIII. Adjournment

## MINUTES

### REGULAR MEETING OF MAYOR AND COUNCIL OF APRIL 17, 2017

Call to Order: The Regular Meeting of Mayor and Council of April 17, 2017, was called to order by Mayor David Lockhart at 6:10 p.m.

Invocation: The invocation was given by Roy Lunsford, followed by the Pledge of Allegiance to the American Flag.

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

Also present were Chief Dwayne Hobbs, Interim City Manager; Mike Blandenburg, Director Finance; Jonathan Jones, Director PB & Z; Jeff Eady, Director Public Works; Angela Redding, Management Analyst; Christine Terrell, Director Support Services; Chief Eddie Buckholts, Fire; Darren Duke, Director Technology Services; and City Attorney, Winston Denmark.

Comment Period: Roy Lunsford, 5585 Skyland Drive, discussed shortening the time to repair derelict properties, US Flag and GA flag need to be replaced, and Station #2 back driveway is in need of repair.

Linda Lord, 652, Valleyview Drive, discussed dog control.

Approval of Minutes: Councilwoman Wells made a motion to accept and approve the minutes together of April 3, 2017, Councilman Smith seconded the motion. Voting was unanimous.

Mayor Lockhart asked for a motion to amend the agenda to consider a \$2500 contribution toward the ARC Freight Mobility Plan if the application is granted.

Councilman Smith made a motion to amend the agenda and add the consideration of a \$2500 contribution toward the ARC Freight Mobility Plan if the application is granted.

Councilwoman Wells made a motion to approve a \$2500 contribution if the application is granted. Seconded by Councilwoman Bagley. Voting for the motion was unanimous.

Resolution: Resolution of the City of Forest Park recognizing  
Georgia Cities Week, April 23-29, 2017, and encouraging all  
Week citizens to support the celebration and corresponding activities.

Councilwoman Wells made a motion to adopt that resolution.  
Councilman Smith seconded the motion. Voting was unanimous.

Giving Back to Forest Park Kids: Approval of Giving Back to Forest Park Kids Program to  
be recognized as an official city sponsored event.

Councilman Smith made a motion to approve the Giving  
Back to Forest Park Kids Program to be recognized as an  
official annually city sponsored event. Councilwoman Wells  
seconded the motion. Voting was unanimous.

Resolution: Resolution authorizing the Mayor to enter into a contract with  
Flint Facilities Maintenance Company for Driveway Replacement,  
Maintenance Co. Fire Station #1.

Councilman Smith made a motion to adopt the resolution.  
Seconded by Councilwoman Bagley. Voting was unanimous.

Legal Matters: None

Adjournment: Councilwoman Wells made a motion to adjourn. Seconded  
by Councilwoman Bagley. Voting was unanimous.



## MINUTES

### WORK SESSION OF MAYOR AND COUNCIL OF APRIL 17, 2017

Call to Order: The Work Session of Mayor and Council of April 17, 2017, was called to order by Mayor David Lockhart at 6:00 p.m.

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

Also present were Chief Dwayne Hobbs, Interim City Manager; Mike Blandenburg, Director Finance; Jonathan Jones, Director PB & Z; Jeff Eady, Director Public Works; Angela Redding, Management Analyst; Christine Terrell, Director Support Services; Chief Eddie Buckholts, Fire; Darren Duke, Director Technology Services; and City Attorney, Winston Denmark.

City Managers Report: Chief Hobbs stated that the City could not reach a mutual agreement with the GA Radio Museum and Hall of Fame. Chief Hobbs stated that Ralph McDuffie will be presenting a proposal for Council to consider in renting the 696 Main Street building on a more frequent basis.

4466 Jonesboro Rd, Briarwood & Taj Mahal: Jonathan Jones gave an update on the demolition of 4466 Jonesboro Rd. Mr. Jones stated that the demolition contractor is waiting on utility letters from the water and gas companies. Upon receipt they will be submitting complete application for demolition. They should be submitting that within the next week and if not, they will be cited at the end of the month.

Rezoning & Annexation: Mr. Jones stated that this is something that came to the city on the 13<sup>th</sup> of last month. There is a timeframe from the time that we received it to notify the county and also that the county must notify us as it relates to their response. It is a petition that we received from Mrs. Myra Cole regarding two (2) parcels that total about 8.3 acres on Hwy. 42 just north of Fort Gillem. Mr. Jones stated that it has been reviewed at the staff level and they do think it would be beneficial to proceed with this annexation. Our Planning Commission did review it and they did also recommend that we move forward. However, the county has objected and it is standard that they would object, but in talking with our

county attorney's, it is generally believed that the objections are not solid. We could oppose their objections and that would require an arbitration process. This also has a timeframe on it.

Atlanta  
Regional  
Commission  
Freight Mobility  
Plan Grant:

Mr. Jones stated that this would be a plan that we would participate in with a number of municipalities to include Forest Park, East Point, College Park, Clayton County, Fulton County, Hapeville, the Airport and the Aerotropolis Alliance, combining to go into this plan which is looking at freight mobility in this cluster that is south of the airport to see if there might be other routes proposed whether or not on some streets there might be a need for street widening. In each of the municipalities that will be participating, issues relating to freight mobility will be looked at as a part of this grant. The total grant will be \$250k and we would be requested to submit a match at the amount of \$2500. That \$2500 would only be a commitment and only be dispersed if in fact the grant was approved by the Atlanta Regional Commission (ARC). Mayor Lockhart asked that this be added to the Regular meeting as an action item.

Main Street  
Phase II:

Angela Redding discussed the process the city goes through in acquiring right-of-way.

City Hall:

Jeff Eady gave an update on the equipment upgrade at City Hall, 745 Forest Parkway. We are over fifty percent (50%) through the project and four (4) weeks out until completion.

Giving Back to  
Forest Park Kids:

Bruce Robinson reported on the 2016 Giving Back to Forest Park Kids requested approval from Council to hold this event again. Mayor Lockhart stated that he would hope Council would make it an annual event.

Agenda Items:

*Resolution of the City of Forest Park recognizing Georgia Cities Week, April 23-29, 2017, and encouraging all citizens to support the celebration and corresponding activities.*

*Approval of Giving Back to Forest Park Kids Program to be recognized as an official city sponsored event.*

*Resolution authorizing the Mayor to enter into a contract with Flint Facilities Maintenance Company for Driveway Replacement, Fire Station #1.*

Legal Matters:     None

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

STATE OF GEORGIA  
CITY OF FOREST PARK

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

AN ORDINANCE TO ANNEX INTO AND REZONE WITHIN THE CITY OF FOREST PARK, GEORGIA CERTAIN PROPERTY AND TO AMEND THE OFFICIAL ZONING MAP CITY OF FOREST PARK, CLAYTON COUNTY, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

**WHEREAS**, the governing authority of the City desires to annex certain property into the City and to rezone of such property located within the City; and,

**WHEREAS**, the health, safety, and welfare of the citizens of the City, will be positively impacted by the adoption of this Ordinance.

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

**Section 1.** The following parcels of property are hereby annexed into the City of Forest Park, Georgia pursuant to the authority of O.C.G.A. § 36-36-21 et seq.: Tract One—4467 Highway 42, Conley, Georgia 30288 (PARCEL ID # 12237C B009) and Tract Two—4443 Highway 42, Conley, Georgia 30288 (PARCEL ID # 12237C B010)

(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 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 7.** Penalties in effect for violations of the Zoning Ordinance of the City of Forest Park at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.



**Section 8.** The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

**ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

[SIGNATURES CONTINUED ON NEXT PAGE]

**CITY OF FOREST PARK, GEORGIA,**

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**David Lockhart, Mayor**

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**Tommy Smith**  
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 BY:**

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**City Attorney**



## **EXHIBIT "A"**

### **PROPERTY DESCRIPTION**

Tract 1: Land Lot 237, of the 12th District of Clayton County, Georgia, being Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and parts of 43, 44 and 45 of the E. H. and H. V. Williamson Subdivision recorded in Plat Book 3, Page 81, Clayton County, Georgia Records, and being more particularly described as follows:

BEGINNING at the intersection of the Easterly line of Slate Road with the Southwesterly line of State Highway 42, said point of beginning being an iron pin at the Northwest corner of Lot 17, said plat; thence running North 33 degrees 53 minutes West along the present right of way line of Highway 42 a distance of 250.3 feet to an iron pin at the Southwest corner of Lot 11, said plat; thence running North 88 degrees, 17 minutes West along the South line of Lot 11, said plat, and the South line of property now or formerly owned by E. L. Summerford, 520.9 feet to an iron pin; thence running South 1 degree 28 minutes East 477.1 feet to an iron pin on the South line of said land lot, which iron pin is also the Southeast corner of Land Lot 23, said plat, which point is also described as being 700 feet East of the Southwest corner of Land Lot 237; thence running North 89 degrees 20 minutes East, along the South line of said land lot line 609.4 feet, more or less, to an iron pin at the Southwest corner of Lot 17, said plat; thence running North 8 degrees 38 minutes East 250.9 feet to the iron pin on the Southwest side of Highway 42 at the point of beginning.

Being that property devised to Myra Cole under Will of William H. Cole, deceased and further conveyed to said Myra Cole by Assent of Executor to Devise recorded in Deed Book 0956, Page 38, Clayton County County Registry. The described parcel is located at 4467 Highway 42, Conley Georgia and is identified by Clayton County, Georgia for tax purposes as Parcel No.12237C B009.

Tract 2: All that tract or parcel of land containing 2.84 acres of land lying and being in Land Lot 237 of the 12th District of Clayton County, Georgia, as shown on plat of survey prepared for William H. Cole by Robelert M. Kirkley, Registered Land Surveyor No. 1844, dated November 2, 2000 and being more particularly described according to said plat as follows:

BEGINNING at a 1.25" pipe found on the East Right of Way line of Craig Drive (40' R/W) which point is located 488.3 feet Northwesterly as measured along said East R/W line of Craig Drive from its intersection with the centerline of Slate Road; running thence North 01 degrees 00 minutes 00 seconds West along said East R/W line of Craig Drive a distance of 195.60 feet to a 1" pipe found; thence leaving said R/W line of Craig Drive and running South 89 degrees 22 minutes 13 seconds East a distance of 439.94 feet to a point; running thence South 34 degrees 10 minutes 32 seconds East a distance of 146.66 feet to a 1" pipe found; running thence South 88 degrees 27 minutes 38 seconds East a distance of 281.51 feet to a concrete monument located on the Southwest R/W line of Georgia Highway 42/U.S. Highway 23 (R/W Varies); running thence South 29 degrees 12 minutes 02 seconds East along said R/W line of Georgia Highway 42/U.S.

Highway 23 a distance of 95.49 feet to a concrete monument found; thence leaving said R/W line of Georgia Highway 42/U.S. Highway 23 and running thence North 88 degrees 32 minutes 40 seconds West a distance of 847.15 feet to a point located on the East R/W line of Craig Drive and the POINT OF BEGINNING.

Being that property conveyed to William H. Cole and Myra P. Cole by Administrator's Deed recorded in Deed Book 4654 at Page 288 of the Clayton County Registry and being devised to Myra P. Cole under Will of William H. Cole, deceased and further conveyed to Myra P. Cole by Assent of Executor to Devise recorded in Deed Book 9565 at Page 40 of the Clayton County Registry. Said parcel is located at 4443 Highway 42, Conley, Georgia and is identified by Clayton County for tax purposes as Parcel No. 12237C B010.

## **Planning Commission**

### **Minutes**

**April 13, 2017**

- Call To Order:** Chairman Darnell Moorer called the meeting of the Planning Commission to order at 6:00 p.m. on Thursday, April 13, 2017.
- Roll Call:** Darnell Moorer - Chairman, Don Wright, Ray Goodman, Janice Colvin and Gail Brooks, Secretary. Also present was Jonathan Jones, Director of Planning, Building & Zoning.
- Approval of Minutes:** Ray Goodman made a motion to approve minutes with corrections made for the February 16, 2017 meeting of the Planning Commission. Don Wright seconded the motion. Voting on the motion was unanimous.
- Old Business:** No Old Business.
- New Business:**
- Item 1:** Proposed annexation and rezoning of 4467 Highway 42 and 4443 Highway 42, Conley, GA. Currently, the county zoning for both parcels is RS110SF. Application has been filed to rezone property to municipal zoning of GZ Gillem District. The subject property is a combined 8.345 acres located in unincorporated Clayton County along the Hwy 42 corridor and situated just north of the City of Forest Park city limits, contiguous to the Gillem Logistics Center.
- Mr. Jones reported the requested zoning amendment from the RS110 to the GZ zoning category will not cause an adverse impact on the surrounding community. Although it is zoned residential, the predominant use of this area along Hwy 42 is industrial which fits the allowable uses to the Gillem Zone. Staff recommends approval of the rezoning and approval of the annexation petition.
- Public Comment:** Kathy Cole Valdivieso stated this property has been in her family for many years and their intentions were for it to become a part of the City of Forest Park.
- Ray Goodman made a motion to approve the rezoning of 4467 Highway 42 and 4443 Highway 42 from RS110SF to GZ once the properties are annexed. Don Wright seconded the motion. Voting on the motion was unanimous.
- Mr. Jones informed the board that Clayton County has submitted an opposition to the annexation. The City attorney's office will be handling the opposition.
- Other Business:** No other business.
- Adjournment:** There being no further business, Don Wright made a motion to adjourn. Ray Goodman seconded the motion. Meeting was adjourned.

Proposed Annexation  
Preliminary Economic impact

Parcel/Tract 1 is located at 4467 Highway 42, Conley Georgia 30288, and is identified by Clayton County, Georgia for tax purposes as Parcel No. 12237C B009.

Parcel/Tract 2 is located at 4443 Highway 42, Conley, Georgia and is identified by Clayton County for tax purposes as Parcel No. 12237C B010.

Based on 2016 mileage rate/ value:

Parcel/Tract 1 4467 Hwy 42/ Parcel No. 12237C B009.

**\$1,232.29**

Parcel/Tract 2 4443 Hwy 42 (Land Only)/ Parcel No. 12237C B010

**\$311.09**

**Please note this does not include Personal Property taxes, which would be determined once inventory is calculated.**

Also based on the estimated gross receipts for the Occupational Tax Certificate, which is **\$600,000**. The estimated Business License fee would be approximately **\$800.00**. If Parcel/Tract 2 is located at 4443 Highway 42, Conley, Georgia and is identified by Clayton County for tax purposes as Parcel No. 12237C B010 would be used as a business (ex. storage) as well considering that it is (Land only) a charge of **\$75.00** for administrative fee would be included making it a total amount of approximately **\$875.00**



**REZONING APPLICATION**

**DEPARTMENT  
OF  
PLANNING, BUILDING & ZONING  
785 FOREST PARKWAY  
FOREST PARK, GA. 30297  
404-608-2303**

CITY OF FOREST PARK

ANNEXATION PETITION

3-13-17

(Date of Submission)

To the Mayor and City Council of Forest Park, Georgia:

I, the undersigned sole owner of all real property described herein respectfully request that the Mayor and City Council of the City of Forest Park annex this real property to the City of Forest Park, Georgia, and extend the City boundaries to include the same.

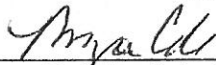
I request that the territory to be annexed be zoned GZ Gillem District to permit the continued operation of logistics and transport facility upon the property.

I understand that my execution of this petition, as evidenced by my signature below, does not guarantee the annexation of my property into Forest Park. I further understand that as a condition of my property being annexed into the City of Forest Park, the property must be contiguous to the present or future legal corporate limits of the City of Forest Park. The City will inform me of the date of the public hearing at which my property will be considered and voted on for annexation.

I further understand that I may withdraw this annexation petition at any time prior to the time the Annexation Petition is acted upon by the Mayor and Council of the City of Forest Park.

The territory to be annexed is unincorporated and contiguous (as described in O.C.G.A. §36-36-20) to the existing corporate limits of Forest Park, Georgia, and the description of such territory is as following:

See Exhibit "A" attached hereto.



Myra P. Cole, Sole Owner

Date: March 13, 2017

EXHIBIT "A"

Territory to Be Annexed - Legal Description

TRACT 1:



Land Lot 237 of the 12<sup>th</sup> District of Clayton County, Georgia, and being Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and parts of Lots 43, 44, and 45 of the E. H. and H. V. Williamson Subdivision recorded in Plat Book 3, Page 81, Clayton County, Georgia Records, and being more particularly described as follows:

BEGINNING at the intersection of the Easterly line of Slate Road with the Southwesterly line of State Highway 42, said point of beginning being an iron pin at the Northeast corner of Lot 17, said plat; thence running North 33 degrees 53 minutes West along the present right of way line of Highway 42 a distance of 250.3 feet to an iron pin at the Southeast corner of Lot 11, said plat; thence running North 88 degrees, 17 minutes West along the South line of Lot 11, said plat, and the South line of property now or formerly owned by E. L. Summerford, 520.9 feet to an iron pin; thence running South 1 degree 28 minutes East 477.1 feet to an iron pin on the South line of said land lot, which iron pin is also the Southeast corner of Lot 23, said plat, which point is also described as being 700 feet East of the Southwest corner of Land Lot 237; thence running North 89 degrees 20 minutes East, along the South line of said land lot line 609.4 feet, more or less, to an iron pin at the Southeast corner of Lot 17, said plat; thence running North 8 degrees 38 minutes East 250.9 feet to the iron pin on the Southwest side of Highway 42 at the point of beginning.

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#### TRACT 2:

All that tract or parcel of land containing 2.84 acres of land lying and being in Land Lot 237 of the 12<sup>th</sup> District of Clayton County, Georgia, as shown on plat of survey prepared for William H. Cole by Robert M. Kirkley, Registered Land Surveyor No. 1844, dated November 2, 2000 and being more particularly described according to said plat as follows:

BEGINNING at a 1.25" pipe found on the East Right of Way line of Craig Drive (40' R/W) which point is located 488.3 feet Northwesterly as measured along said East R/W line of Craig Drive from its intersection with the centerline of Slate Road; running thence North 01 degrees 00 minutes 00 seconds West along said East R/W line of Craig Drive a distance of 195.60 feet to a 1" pipe found; thence leaving said R/W line of Craig Drive and running South 89 degrees 22 minutes 13 seconds East a distance of 439.94 feet to a point; running thence South 34 degrees 10 minutes 32 seconds East a distance of 146.66 feet to a 1" pipe found; running thence South 88 degrees 27 minutes 38 seconds East a distance of 281.51 feet to a concrete monument located on the Southwest R/W line of Georgia Highway 42/U.S. Highway 23 (R/W Varies); running thence South 29 degrees 12 minutes 02 seconds East along said R/W line of Georgia Highway 42/U.S. Highway 23 a distance of 95.49 feet to a concrete



monument found; thence leaving said R/W line of Georgia Highway 42/U.S. Highway 23 and running thence North 88 degrees 32 minutes 40. seconds West a distance of 847.15 feet to a point located on the East R/W line of Craig Drive and the POINT OF BEGINNING.

Being that property conveyed to William H. Cole and Myra P. Cole by Administrator's Deed recorded in Deed Book 4654 at Page 288 of the Clayton County Registry and being devised to Myra P. Cole under Will of William H. Cole, deceased and further conveyed to Myra P. Cole by Assent of Executor to Devise recorded in Deed Book 9565 at Page 40 of the Clayton County Registry. Said parcel is located at 4443 Highway 42, Conley, Georgia and is identified by Clayton County for tax purposes as Parcel No. 12237C B010.

**CITY OF FOREST PARK, GA.**

**DEPARTMENT  
OF  
PLANNING, BUILDING & ZONING  
785 FOREST PARKWAY  
FOREST PARK, GA. 30297**

**AL WIGGINS, DIRECTOR**

**404-608-2303**

**404-608-2306 (FAX)**

**SUBMITTAL CHECKLIST FOR  
REZONING APPLICATION**

- Submit complete **APPLICATION** with notarized signatures.
- Submit **AUTHORIZATION(S) OF PROPERTY OWNER(S)**.
- Submit notarized **AUTHORIZATION(S) OF ATTORNEY**, if an attorney is filing the application on behalf of a property owner.
- Submit **LETTER OF INTENT**.
- Submit a copy of a **SURVEY PLAT** of the property to be considered.
- Submit a written **LEGAL DESCRIPTION** in metes and bounds.
- Submit a conceptual **SITE PLAN** drawn to scale depicting the proposed use of the property including:
  - A correct scale and north arrow;
  - The proposed land use and building outline as it would appear should the zoning map amendment application be approved;
  - The present zoning classification of all adjacent parcels;
  - The gross square footage of all proposed buildings;
  - The proposed location of all driveways and entry/exit points for vehicular traffic, using arrows to depict direction of movement;
  - The location of all required off-street parking and loading spaces, including number of spaces and driveway dimensions;
  - Required yard setbacks appropriately dimensioned;
  - The location and extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation if required.
- File application with the Forest Park Planning, Building & Zoning Dept.
- Pay application fee. **(\$250.00)** Make check payable to the City of Forest Park.
- The Planning, Building & Zoning Dept. will not accept an incomplete application.
- Submittal of partial or incomplete applications will not be considered for placement on the Planning Commission agenda until the application is accepted as complete and the appropriate fee paid.

CITY OF FOREST PARK, GA.  
PLANNING, BUILDING & ZONING DEPT.  
REZONING APPLICATION

Name of Applicant Myra Cole  
Mailing Address 5916 EAST LAKE PKwy Suite 174 McDonough, GA  
Telephone                      Mobile 770-845-3837 30253  
Property Owner(s) Myra Cole  
Mailing Address SAME as above  
Telephone                      Mobile 770-845-3837

Address/Location of Property:

4467 Hwy 42, Conley, GA 30288; 4443 Hwy 42, Conley, GA 30288  
\* See Annexation  
Map # Petition Size of Property: Square foot 363,401 Acres 8.345

Present Zoning Classification: RS110 Proposed Zoning Classification: GZ G. Item District

Present Land Use: trucking / logistics company

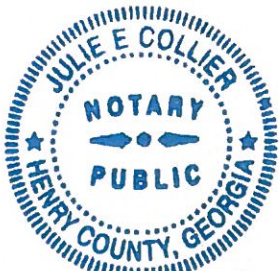
Proposed Land Use: same

I hereby make application to the City of Forest Park, Georgia to rezone the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Forest Park, Georgia reserves the right to enforce any and all ordinances regardless of any action or approval on this application. I further understand that it is my/our responsibility to conform with all of City of Forest Park's ordinances in full. I hereby acknowledge that all requirements of the City of Forest Park shall be adhered to. I can read and write the English language and/or this document has been read and explained to me and I have full and voluntarily completed this application. I understand that it is a felony to make false statements or writings to the City of Forest Park, Georgia pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for a violation thereof.

Myra Cole 3-13-17  
Applicant's Signature / Date

Sworn to and subscribed before me

This 13<sup>th</sup> day of march, 2017.  
Julie E. Collier  
Notary Public



exp 5/22/18

LETTER OF INTENT

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.

All property and buildings will be used to operate a trucking/logistics business.

What are the reasons the property cannot be used in accordance with the existing regulations?

The properties are zoned RS110, but have been taxed & used as heavy manufacturing since 1962.

Will the proposed zoning change, create an isolated zoning district that is unrelated to adjacent and nearby districts? Yes: \_\_\_\_\_ No: ☒

If so, why should this property be placed in a different zoning district than all adjoining property?

N/A

How would the proposed zoning change impact on public facilities and services?

There should be no changes to public facilities and services.

What environmental impacts would the proposed project have?

NONE

Describe the effect the proposed zoning request will have on the adjacent properties and how it will impact the character of the neighborhood.

The Rezoning will have no impact on any adjacent properties. It has been used and operated as a precast concrete manufacturing plant since 1962. Our company utilized trucks & heavy equipment for delivery of products. There are currently several trucking & logistic companies located within 2 miles of our property.

Are there any proffered conditions you would like to apply to and be made part of this application for rezoning? Yes ☒ No ☐

Please list any written proffered conditions below

operation of trucking / logistics company

Any development and site plans or other demonstrative materials presented as proffered conditions shall be referenced below and attached to this application as follows: (Please include a date or other identifiable information of each piece of material attached)

NONE

**AUTHORIZATION OF PROPERTY OWNER**

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY LOCATED AT:

44167 Hwy 42, Conley, GA 30288  
4443 Hwy 42, Conley, GA 30288

City of Forest Park, County of Clayton, State of Georgia

WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN PURSUIT OF A REZONING OF THE PROPERTY.

Name of Applicant: Nathy Cole Valdivieso

Address of Applicant: 5916 East Lake Pkwy, Suite 174, McDonough GA 30253

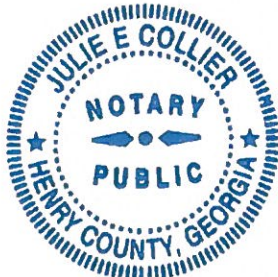
Telephone of Applicant: 770-845-3837

Nathy Cole  
Signature of Owner

Nathy Cole  
Print Name of Owner

Personally Appeared Before Me this 13<sup>th</sup> day of March, 2017.

Julie E. Collier  
Notary Public



exp 5/22/18



CITY OF FOREST PARK, GA.  
PLANNING, BUILDING & ZONING DEPT.  
REZONING APPLICATION

Date: \_\_\_\_\_

**AUTHORIZATION OF ATTORNEY**

THIS SERVES TO CERTIFY THAT AS AN ATTORNEY-AT-LAW, I HAVE BEEN  
AUTHORIZED BY THE OWNER(S) TO FILE THE ATTACHED APPLICATION FOR  
REZONING OF THE PROPERTY LOCATED AT:

N/A  
\_\_\_\_\_  
\_\_\_\_\_

City of Forest Park, County of Clayton, State of Georgia

\_\_\_\_\_  
Name of Attorney

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone



**CITY OF FOREST PARK, GA.  
PLANNING, BUILDING & ZONING DEPT.  
REZONING APPLICATION**

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND GIFTS**

Application filed on March 13, 2017 for action by the City Council on the following rezoning:

G12 Gillem District  
Address to be rezoned 4447 Hwy 42 & 4443 Hwy 42, Conley, GA 30288

All individuals, business entities or other organizations having a property or other interest in said property that is subject of this application are as follows:

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. Seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on this form as provided.

Have you as applicant or anyone associated with this application or property, within the two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Forest Park City Council? Yes \_\_\_\_\_ No ✓

If YES, please complete the following section (attach additional sheets if necessary):

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250.00 or more)	Date of Contribution (Within last two (2) years)

I do hereby certify the information provided herein is both complete and accurate to the best of my knowledge.

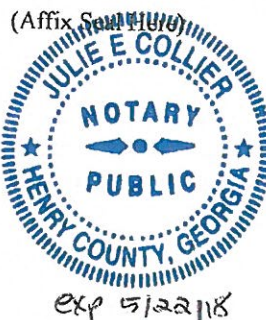
Maura Cole  
Signature of Applicant

Maura Cole, owner  
Type or Print Name and Title

Kathy Cole  
Signature of Applicant Representative

Kathy Cole Valdivieso, daughter  
Type or Print Name and Title

Julie E. Collier 3/13/17  
Signature of Notary Date



This property is adjacent to 4467 Hwy 42 and is also owned by Myra Cole. The Address is 4443 Hwy 42

RY STREET  
GA., 30281  
957-4614)

BASED ON THE INFORMATION SHOWN ON  
THE FLOOD HAZARD BOUNDARY MAPS  
FURNISHED BY THE FEDERAL EMERGENCY  
MANAGEMENT AGENCY, IT IS MY OPINION  
THAT THIS PROPERTY IS OUTSIDE OF  
THE 100 YR FLOOD HAZARD AREA.  
PANEL # 1302300303E  
EFFECTIVE DATE 09-05-2007

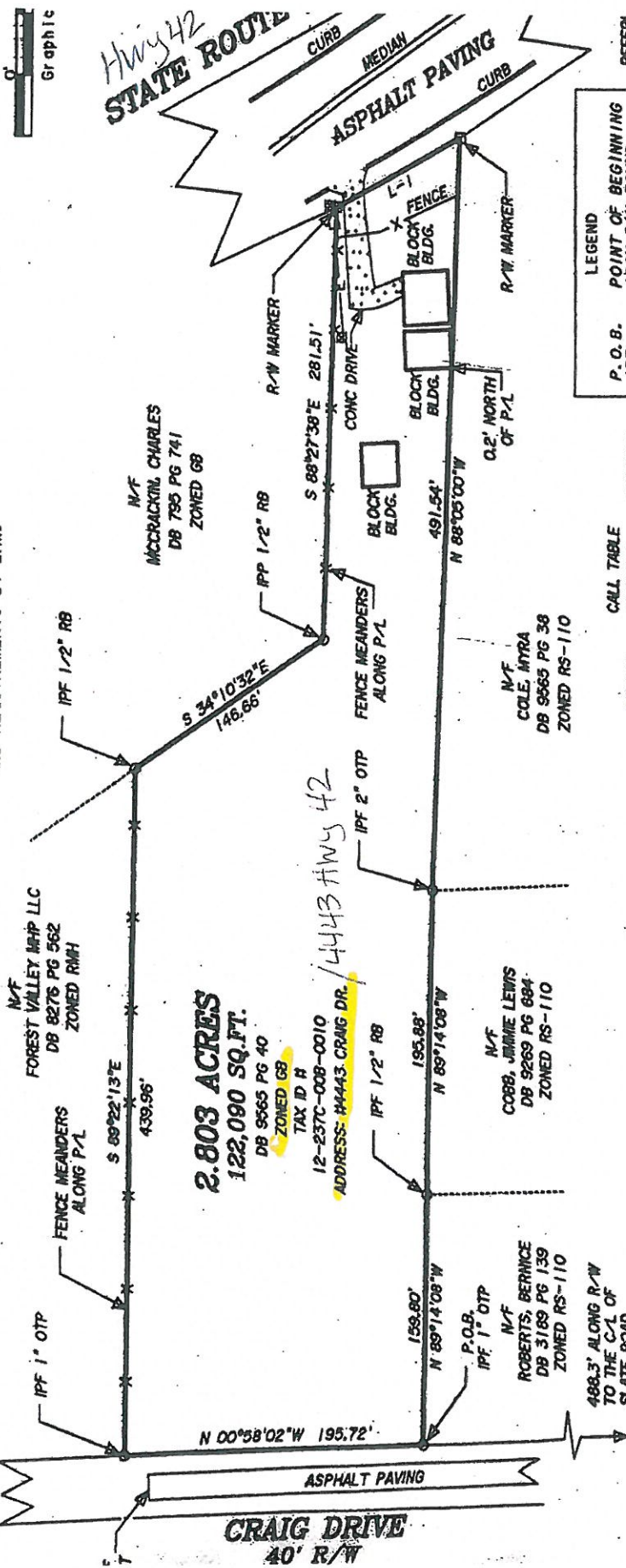
T USED TO  
RVEY WAS A  
TOTAL STATION

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE  
USES OF THAT NAME APPEARING IN THE TITLE  
BLOCK AND IS CERTIFIED TO NO OTHER PARTY.

IN MY OPINION THIS PLAT IS A  
CORRECT REPRESENTATION OF  
THE LAND PLATTED AND HAS  
BEEN PREPARED IN CONFORMITY  
WITH THE MINIMUM STANDARDS  
AND REQUIREMENTS BY LAW.

PROPERTY  
LAND LOT 237 \*  
CLAYTON COL  
Scale: 1" = 80' \*

Graphic



LEGEND

P.O.B.	POINT OF BEGINNING
IPF	IRON PIN FOUND
IPP	IRON PIN PLACED
RB	REBAR
MTP	MASH TOP PIPE
OTW	OPEN TOP PIPE
R/W	RIGHT-OF-WAY
B/L	BUILDING LINE
N/F	NOW OR FORMERLY
DB	DEED BOOK
PG	PAGE
L-L	LAND LOT
L-L-L	LAND LOT LINE

CALL TABLE

COURSE	BEARING	DISTANCE
L-1	S 29°12'53"E	95.26'

IF YOU DIG GEORGIA...  
CALL US FIRST!  
1-800-282-7411  
UTILITIES PROTECTION CENTER

THIS MAP OR PLAT HAS BEEN CALCULATED  
FOR CLOSURE AND IS FOUND TO BE ACCURATE  
WITHIN ONE FOOT 578.407 FEET.  
THE FIELD DATA UPON WHICH THIS SURVEY  
IS BASED HAS A CLOSURE PRECISION OF ONE  
FOOT IN 15,007 FEET AND ANGULAR  
ERROR OF 00'00'05" PER ANGLE POINT



PROPERTY LOCATED IN:  
LAND LOT 237 \* 12TH DISTRICT  
CLAYTON COUNTY, GEORGIA  
Scale: 1" = 50' \* 02-11-2009

Scale: 1" = 50' \* 02-11-2009



THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USES OF THAT NAME APPEARING IN THE TITLE BLOCK AND IS CERTIFIED TO NO OTHER PARTY.

IN MY OPINION THIS PLAN IS A  
CORRECT REPRESENTATION OF  
THE LAND PLATTED AND HAS  
BEEN PREPARED IN CONFORMITY  
WITH THE MINIMUM STANDARDS  
AND REQUIREMENTS BY LAW.



based on the information shown on  
THE FLOOD HAZARD BOUNDARY MAPS  
FURNISHED BY THE FEDERAL EMERGENCY  
MANAGEMENT AGENCY. IT IS OF NO OPINION  
THAT THIS PROPERTY IS OUTSIDE OF  
THE 100 YR FLOOD HAZARD AREA.  
/S/ JESSE COLEMAN  
PANEL II  
EFFECTIVE DATE 08-16-2008

IF YOU DIG GEORGIA...  
CALL US FIRST!  
1-800-282-7411  
UTILITIES PROTECTION CENTER  
IT'S THE LAW



THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT; THEREFORE ALL MATTERS OF RECORD MAY NOT BE SHOWN ON THIS SURVEY.

CURVE TABLE					
PIVE	RADIUS	TANGENT	LENGTH	DELTA	CHORD
C-1	66.77	33.71	74.00	49°15'40"	68°02'08"
C-2	237.25	51.40	101.39	24°19'11"	24°09'07"
					72.32
					S 29°01'12" W
					100.68
					S 81°28'51" W

036010 H 601 01300000 CHECKED BY KTRI

908

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT OF 200,000 FEET.

THE FIELD DATA UPON WHICH THIS SURVEY WAS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 100,000 FEET AND ANGULAR ERROR OF 0.00001 PER ANGLE/POINT AND WAS ADJUSTED USING LEAST SQUARES RULE.

THE EQUIPMENT USED TO MAKE THIS SURVEY WAS A SOKKIA SEITE TOTAL STATION

REFERENCE INFORMATION TAKEN FROM PLAT  
BOOK 3 PAGE 81, DEED BOOK 753 PAGE 741,  
DEED BOOK 3189 PAGE 133, DEED BOOK 8276  
PAGE 582, DEED BOOK 8359 PAGE 694, DEED  
BOOK 8663 PAGE 38 & 40 OF CLAYTON  
COUNTY RECORDS.

NY  
COLE, MYRA P.  
DB 9563 PG 40  
ZONED GB

5.542 ACRES  
241,401 SQ.FT.  
D.D. BOES PO 38  
ZONED RS-110  
TAX ID #  
16-2370-008-003  
ADDRESS: # 6457 HWY 42

EDGE OF GRAVEL PARKING

LEADING

POINT OF BEGINNING  
IRON PIN FOUND  
IRON PIN PLACED  
MILKMAN  
GREEN TOP PIPE  
RIGHT OF WAY  
NEW CHAIN LINK FENCE  
DEED BOOK  
PLAT BOOK  
LANG LOT  
LAND LOT  
CENTURY LINE  
MASH TOP PIPE  
POWER POLE  
OVERHEAD POWER LINE

A.G.B.  
IAC  
APP  
MTP  
OTF  
A.G.  
W.C.  
W.C.  
P.B.  
L.L.  
L.L.  
C.C.  
MTP  
-B  
-E-

COURSE	CALL	TABLE	BEARING	DISTANCE
1-7	41064280	N	082°50'44"	40.00'

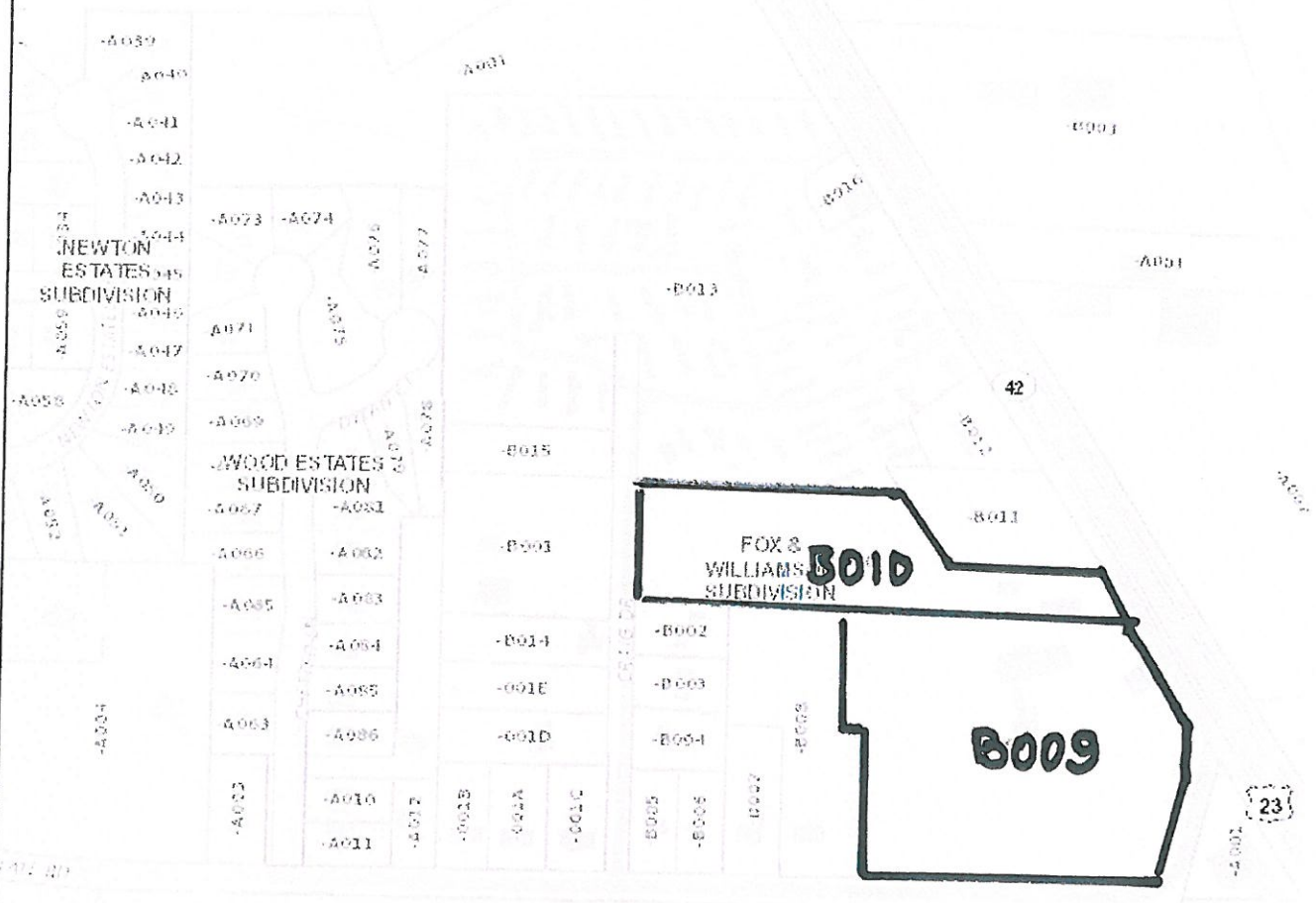


2011/2



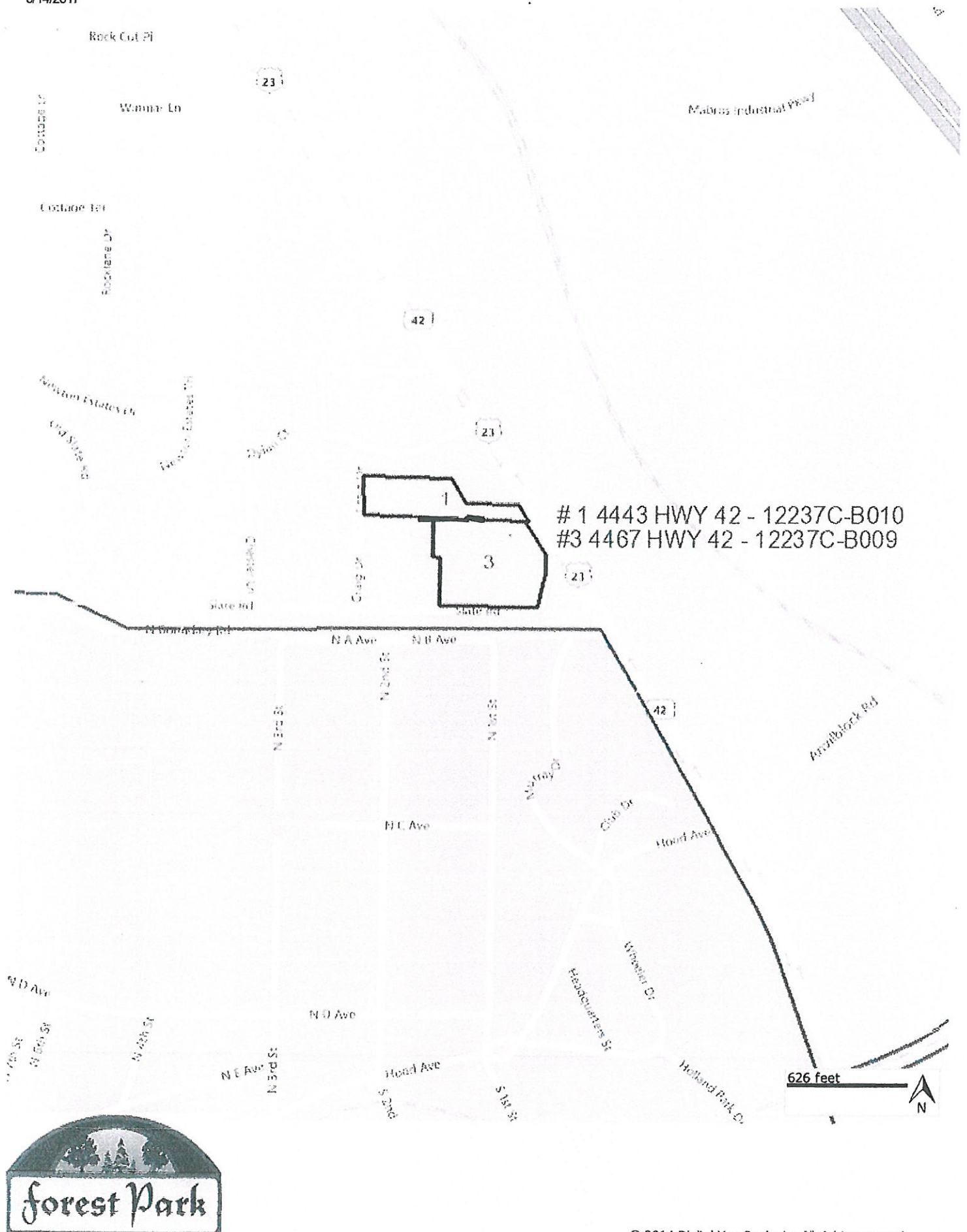
Parcel Viewer

▼ Search all databases here 🔍



300ft

All Rights Reserved





## Staff Report- Zoning Amendment Request

City of Forest Park

Planning, Building and Zoning Department  
785 Forest Parkway, Forest Park, Georgia  
(404) 608-2300

Date: 4/13/2017

Case: Z-2017-001 GZ

Current Zoning: RS110I – Residential District (County)

Proposed Zoning: GZ – Gillem District (City)

Staff Report Compiled By: Jonathan Jones, Director

Staff Recommendation: Approval

Hearing Dates: Planning and Zoning Board: 4/13/2017

Mayor and Council: 5/1/2017

### Applicant Information

#### Owner of Record:

Name: Myra Cole  
Address: 203 English Oaks Lane  
City/State/Zip: McDonough, GA 30253

#### Applicant:

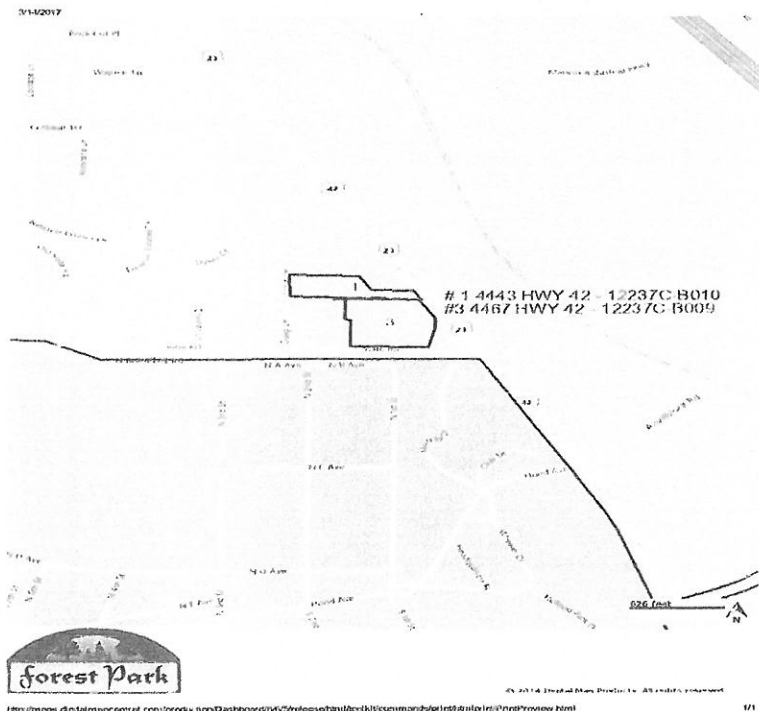
Name: Kathy Cole Valdivieso  
Address: 5916 East Lake Parkway, Ste 174  
City/State/Zip: Mc Donough, GA 30253

### Property Information

PIN (s): 12237C B009, 12237C B010

Acreage: 5.542, 2.803

Addresses: 4467 and 4443 HWY 42, Conley, GA 30288



Area Map



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## General Information

The subject property is a combined area of 8.345 acres, including two (2) parcels currently in Clayton County owned by Ms. Myra Cole, mother of the zoning amendment petitioner, Ms. Kathy Cole Valdivieso. The property is located in unincorporated Clayton County along the HWY 42 corridor and situated just north of the City of Forest Park City Limits, contiguous to the Gillem Logistics Center (GLC), as they are only separated by Slate Road to the north of the GLC. Parcel/Tract 1 is located at 4467 Highway 42, Conley Georgia 30288, and is identified by Clayton County, Georgia for tax purposes as Parcel No. 12237C B009. Parcel/Tract 2 is located at 4443 Highway 42, Conley, Georgia and is identified by Clayton County for tax purposes as Parcel No. 12237C B010.

Parcel 1 is a 5.542 acre tract. Clayton County has assessed the 2016 value of the parcel at \$184,000.00

Parcel 2 is a 2.803 acre tract. Clayton County has assessed the 2016 value of the parcel at \$46,450.00

Founded in 1962 by Bill and Myra Cole, **the company is officially named Cole Concrete Products, Inc.**, a family owned and operated manufacturer of concrete products. The company has been providing clients all over Northern Georgia quality goods for two generations. However, the primary business operated at the location at this time is one of commercial trucking and logistics (DOT #885545). Its fleet predominantly consists of **trucks and tractors**. It runs a **highly localized operation** and is one of the smallest-scale firms of its type, employing only 3 drivers and recording just 30,000 miles for its 5 vehicles. While many trucking and transportation companies carry multiple types of cargo, Cole Concrete Products Inc. **exclusively transports construction equipment**. Their comparatively narrow range of cargo renders them a rather niche carrier. They transport freight by tractor trailer throughout the southeast. They have their own trucks and they hire drivers. Also they hire individuals with their own trucks. They also do commercial truck parking, allowing other small transportation companies, such as TLS Logistics LLC USDOT # 2967981, with its one truck, to park on the premises in between hauls. Arviz Transport LLC, also listed at that address states that it is "currently hiring drivers for OTR (over the road), Company drivers and owner operators". A Mobile Truck Repair business is also listed at the address.

Though zoned by the county as RS110 – Residential, the area is heavily industrial and the owners state that they have been taxed and property used as heavy manufacturing since founded in 1962.

Based on 2016 millage rate/ value, the estimated local property taxes would be:

Parcel/Tract 1 4467 Hwy 42/ Parcel No. 12237C B009.

**\$1,232.29**

Parcel/Tract 2 4443 Hwy 42 (Land Only)/ Parcel No. 12237C B010

**\$311.09**

**Please note this does not include Personal Property taxes, which would be determined once inventory is calculated.**

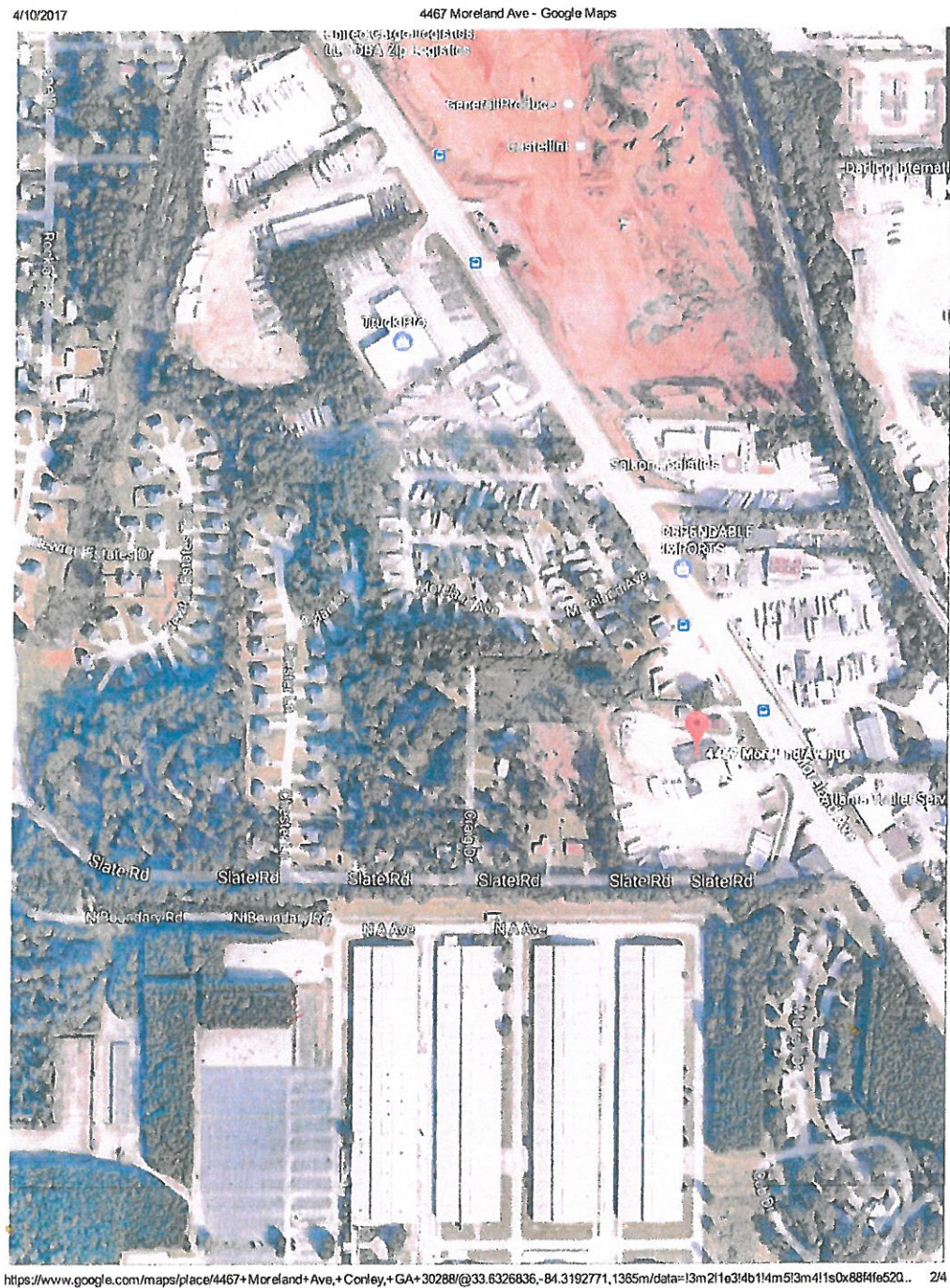
Also based on the estimated gross receipts for the Occupational Tax Certificate, which is **\$600,000**. The estimated Business License fee would be approximately **\$800.00**. If Parcel/Tract 2 is located at 4443 Highway 42, Conley, Georgia and is identified by Clayton County for tax purposes as Parcel No. 12237C B010 would be used as a business (ex. storage) as well considering that it is (Land only) a charge of **\$75.00** for administrative fee would be included making it a total amount of approximately **\$875.00**. **Other businesses co-located at the property would also be required to obtain an Occupational Tax Certificate.**



The purpose of the applicant's request is to:

- Rezone the property from the Clayton County RS 110 Residential Zoning Classification to the City of Forest Park Municipal GZ Gillem Zoning Classification.
- Move forward with annexation of said property into the City of Forest Park should the zoning amendment petition be approved by the Planning Commission and Mayor and Council.

#### Aerial View





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## Site Photographs



4443 Conley Road



4443 Conley Road (rear on Craig Drive)



4443 Conley Road



4467 Conley Road



4467 Conley Road



4467 Conley Road



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## Site Photographs (Continued)



4467 Conley Road (rear on Slate Road)



4467 Conley Road (side from Slate Road)



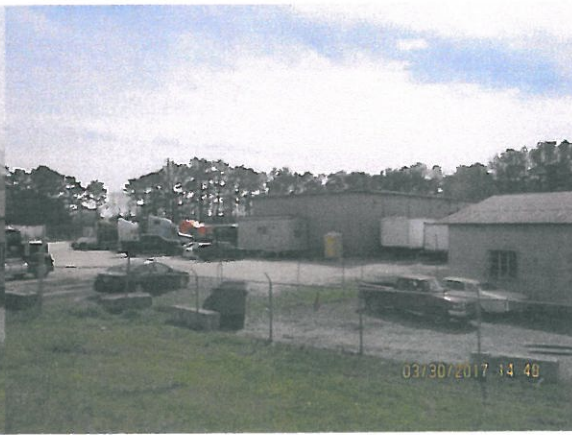
4467 Conley Road (side from Slate Road)



4467 Conley Road



Both 4443 and 4467 Conley Road



Both 443 and 4467 Conley Road

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### Site Photographs (Continued)



Taken from adjacent lot

Taken from adjacent lot

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### Zoning Classifications of Contiguous Properties

Direction	Zoning		Direction	Zoning
North	RS 110 - Residential (County)		East	Heavy Industrial (County)
South	GZ Gillem (City)		West	RS 110 - Residential (County)

---

### Impact Summary

Would the proposed amendment be consistent and compatible with the city's land use and development, plans, goals and objectives: ☒ **Yes** ☐ **No**

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** *Staff does not anticipate an increase in traffic congestion or detriment to traffic safety as a result of this rezoning*

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** *A Fire Station is located next door at the GLC.*

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

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

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*

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

Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property? ☐ Yes ☒ No

Would the proposed amendment create an isolated district, unrelated to adjacent and nearby districts?  
☐ Yes ☒ No

---

#### Staff Concerns

- Staff has no additional concerns regarding the rezoning of this property.

---

#### Staff Recommendation

The requested zoning amendment from the RS 110 – Residential (County) to the GZ – Gillem Zone (City) zoning category will not cause an adverse impact on the surrounding community. For the most part, though parts of the area are zoned residential, the predominant use, particularly along HWY 42 is industrial. This use does fit the allowable uses in the Gillem Zone. For these reasons, Staff recommends **APPROVAL** of the zoning amendment request. Staff also recommends approval of the annexation petition.

#### Attachments:

- ☒ LEGAL DESCRIPTION
- ☒ APPLICATION
- ☒ Authorization of Property Owner(s)
- ☒ Proposed Survey Plat

**STATE OF GEORGIA  
COUNTY OF CLAYTON**

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

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A  
CONTRACT WITH COMBINED SERVICES FOR RESTROOM  
RENOVATIONS OF CITY HALL COUNCIL CHAMBERS.**

**WHEREAS,** the City of Forest Park solicited bids for renovation of the restrooms in the City Hall Council Chambers.

**WHEREAS,** four bids were received for the project, and

**WHEREAS,** Combined Services was the lowest qualified bidder on the project with a bid of \$82,976.04, and

**WHEREAS,** the cost of the services will be paid from 2015 SPLOST funds, and

**WHEREAS,** attached hereto as Exhibit "A" is a copy of the Contract;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR  
THE CITY OF FOREST PARK, AS FOLLOWS:**

Section I. Approval of Contract. The form, terms and provisions of the Contract presented to this meeting are hereby approved, and all of the terms and provisions thereof are hereby incorporated herein by this reference as if the Contract was set out in this Resolution in its entirety. The Mayor is hereby authorized, empowered and directed to execute, acknowledge and deliver the Contract with Combined Services for restroom renovations of City Hall Council Chambers. The Contract is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as may be deemed necessary by the persons executing the same, upon advice of counsel, to accomplish the purposes of the transaction contemplated therein and in this Resolution and shall not be inconsistent with or contrary to such purposes.

Section II. No Personal Liability. No stipulation, obligation or agreement herein contained or contained in the Contract shall be deemed to be a stipulation, obligation or agreement of any council member, officer, agent or employee of the City in his individual capacity, and no such officer, director, agent or employee

shall be subject to personal liability or accountability by reason of the execution of the Contract.

Section III. General Authority. From and after the execution and delivery of the documents hereinabove authorized, the Mayor of the City of Forest Park, Georgia and the proper officers, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed and are further authorized to take any and all further actions and execute and deliver any and all other documents and certificates as may be necessary or desirable in connection with the Contract. In the event that Mayor is not available to execute the documents herein authorized, the Mayor Pro-Tem is hereby authorized to execute such documents.

Section IV. Actions Ratified, Approved and Confirmed. All acts and doings of the officers of the City which are in conformity with the purposes and intents of this Resolution and in the furtherance of the execution, delivery and performance of the Contract shall be, and the same hereby are, in all respects ratified, approved and confirmed.

Section V. Severability of Invalid Provisions. If any one or more of the agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof.

Section VI. Repealing Clause. All resolutions or parts thereof of the City in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section VII. Effective Date. This Resolution shall take effect immediately upon its adoption.



SO RESOLVED, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**CITY OF FOREST PARK**

\_\_\_\_\_  
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:

\_\_\_\_\_  
CITY CLERK

(THE SEAL OF THE CITY OF  
FOREST PARK, GEORGIA)

Approved as to form:

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

# FOREST PARK CITY HALL

## TABULATION

VENDOR	CITY HALL	RESTROOM OPTION	TOTAL
FOUR POINTS	\$599,354.91	\$83,511.21	\$682,866.12
DIVERSIFIED CONSTRUCTION OF GEORGIA INC.	\$720,331.00	\$117,902.00	\$838,233.00
RANDOLF & COMPANY	\$773,000.00	\$56,000.00	\$829,000.00
COPPER CONSTRUCTION	\$757,381.00	\$119,772.00	\$877,153.00

## SECOND BID PROCESS RESTROOMS

3/31/2017

VENDOR	CITY HALL
COMBINED SERVICES	\$82,976.04
FOUR POINTS	\$88,190.00
LEFKO	\$95,200.00
RR&B	\$133,138.26



# AIA<sup>®</sup> Document A101<sup>™</sup> – 2007

## Standard Form of Agreement Between Owner and Contractor where the basis of payment is a Stipulated Sum

AGREEMENT made as of the  
in the year 2017

(In words, indicate day, month and year.)

11<sup>th</sup>

day of

April

BETWEEN the Owner:

(Name, legal status, address and other information)

The City of Forest Park, Georgia  
745 Forest Parkway  
Forest Park, GA 30277

and the Contractor:

(Name, legal status, address and other information)

COMBINED SERVICES, INC  
PO Box 2910  
Tucker, GA 30085

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AIA Document A201<sup>™</sup>–2007, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

for the following Project:

(Name, location and detailed description)

Building Improvements - City Hall, Rest room renovations

The Architect:

(Name, legal status, address and other information)

S. Nance Inc.  
188 15<sup>th</sup> St. NW  
ATLANTA, GA 30318

The Owner and Contractor agree as follows.

Init.

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041211ACD44



## TABLE OF ARTICLES

- 1 THE CONTRACT DOCUMENTS
- 2 THE WORK OF THIS CONTRACT
- 3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION
- 4 CONTRACT SUM
- 5 PAYMENTS
- 6 DISPUTE RESOLUTION
- 7 TERMINATION OR SUSPENSION
- 8 MISCELLANEOUS PROVISIONS
- 9 ENUMERATION OF CONTRACT DOCUMENTS
- 10 INSURANCE AND BONDS

### ARTICLE 1 THE CONTRACT DOCUMENTS

The Contract Documents consist of this Agreement, Conditions of the Contract (General, Supplementary and other Conditions), Drawings, Specifications, Addenda issued prior to execution of this Agreement, other documents listed in this Agreement and Modifications issued after execution of this Agreement, all of which form the Contract, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral. An enumeration of the Contract Documents, other than a Modification, appears in Article 9.

### ARTICLE 2 THE WORK OF THIS CONTRACT

The Contractor shall fully execute the Work described in the Contract Documents, except as specifically indicated in the Contract Documents to be the responsibility of others.

### ARTICLE 3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

§ 3.1 The date of commencement of the Work shall be the date of this Agreement unless a different date is stated below or provision is made for the date to be fixed in a notice to proceed issued by the Owner.

*(Insert the date of commencement if it differs from the date of this Agreement or, if applicable, state that the date will be fixed in a notice to proceed.)*

*date fixed in a notice to proceed, after pre construction meeting*

If, prior to the commencement of the Work, the Owner requires time to file mortgages and other security interests, the Owner's time requirement shall be as follows:

*N/A*

§ 3.2 The Contract Time shall be measured from the date of commencement.

Init.

§ 3.3 The Contractor shall achieve Substantial Completion of the entire Work not later than ( 42 ) days from the date of commencement, or as follows:  
(Insert number of calendar days. Alternatively, a calendar date may be used when coordinated with the date of commencement. If appropriate, insert requirements for earlier Substantial Completion of certain portions of the Work.)

Portion of Work

Substantial Completion Date

, subject to adjustments of this Contract Time as provided in the Contract Documents.  
(Insert provisions, if any, for liquidated damages relating to failure to achieve Substantial Completion on time or for bonus payments for early completion of the Work.)

N/A

#### ARTICLE 4 CONTRACT SUM

§ 4.1 The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor's performance of the Contract. The Contract Sum shall be Eighty two Thousand Nine Hundred Seventy Six dollars and 04/100 (\$ 82,976.04 ), subject to additions and deductions as provided in the Contract Documents.

§ 4.2 The Contract Sum is based upon the following alternates, if any, which are described in the Contract Documents and are hereby accepted by the Owner: N/A

(State the numbers or other identification of accepted alternates. If the bidding or proposal documents permit the Owner to accept other alternates subsequent to the execution of this Agreement, attach a schedule of such other alternates showing the amount for each and the date when that amount expires.)

§ 4.3 Unit prices, if any: N/A  
(Identify and state the unit price; state quantity limitations, if any, to which the unit price will be applicable.)

Item

Units and Limitations

Price per Unit (\$0.00)

§ 4.4 Allowances included in the Contract Sum, if any:  
(Identify allowance and state exclusions, if any, from the allowance price.)

Item

Price

MS Floor Tile  
Certi  
Wall Tile

\$ 5.00 per sq. ft.

\$ 5.00 per sq. ft.

Init.



## ARTICLE 5 PAYMENTS

### § 5.1 Progress Payments

§ 5.1.1 Based upon Applications for Payment submitted to the Architect by the Contractor and Certificates for Payment issued by the Architect, the Owner shall make progress payments on account of the Contract Sum to the Contractor as provided below and elsewhere in the Contract Documents.

§ 5.1.2 The period covered by each Application for Payment shall be one calendar month ending on the last day of the month, or as follows:

§ 5.1.3 Provided that an Application for Payment is received by the Architect not later than the <sup>5th</sup> day of a month, the Owner shall make payment of the certified amount to the Contractor not later than the <sup>15th</sup> day of the <sup>same</sup> month. If an Application for Payment is received by the Architect after the application date fixed above, payment shall be made by the Owner not later than <sup>Fifteen</sup> (15) days after the Architect receives the Application for Payment.  
(Federal, state or local laws may require payment within a certain period of time.)

§ 5.1.4 Each Application for Payment shall be based on the most recent schedule of values submitted by the Contractor in accordance with the Contract Documents. The schedule of values shall allocate the entire Contract Sum among the various portions of the Work. The schedule of values shall be prepared in such form and supported by such data to substantiate its accuracy as the Architect may require. This schedule, unless objected to by the Architect, shall be used as a basis for reviewing the Contractor's Applications for Payment.

§ 5.1.5 Applications for Payment shall show the percentage of completion of each portion of the Work as of the end of the period covered by the Application for Payment.

§ 5.1.6 Subject to other provisions of the Contract Documents, the amount of each progress payment shall be computed as follows:

- .1 Take that portion of the Contract Sum properly allocable to completed Work as determined by multiplying the percentage completion of each portion of the Work by the share of the Contract Sum allocated to that portion of the Work in the schedule of values, less retainage of <sup>Zero</sup> percent ( <sup>0</sup> %). Pending final determination of cost to the Owner of changes in the Work, amounts not in dispute shall be included as provided in Section 7.3.9 of AIA Document A201™-2007, General Conditions of the Contract for Construction;
- .2 Add that portion of the Contract Sum properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the completed construction (or, if approved in advance by the Owner, suitably stored off the site at a location agreed upon in writing), less retainage of <sup>Zero</sup> percent ( <sup>0</sup> %);
- .3 Subtract the aggregate of previous payments made by the Owner; and
- .4 Subtract amounts, if any, for which the Architect has withheld or nullified a Certificate for Payment as provided in Section 9.5 of AIA Document A201-2007.

§ 5.1.7 The progress payment amount determined in accordance with Section 5.1.6 shall be further modified under the following circumstances:

- .1 Add, upon Substantial Completion of the Work, a sum sufficient to increase the total payments to the full amount of the Contract Sum, less such amounts as the Architect shall determine for incomplete Work, retainage applicable to such work and unsettled claims; and  
(Section 9.8.5 of AIA Document A201-2007 requires release of applicable retainage upon Substantial Completion of Work with consent of surety, if any.)
- .2 Add, if final completion of the Work is thereafter materially delayed through no fault of the Contractor, any additional amounts payable in accordance with Section 9.10.3 of AIA Document A201-2007.



§ 5.1.8 Reduction or limitation of retainage, if any, shall be as follows:

*(If it is intended, prior to Substantial Completion of the entire Work, to reduce or limit the retainage resulting from the percentages inserted in Sections 5.1.6.1 and 5.1.6.2 above, and this is not explained elsewhere in the Contract Documents, insert here provisions for such reduction or limitation.)*

§ 5.1.9 Except with the Owner's prior approval, the Contractor shall not make advance payments to suppliers for materials or equipment which have not been delivered and stored at the site.

## § 5.2 Final Payment

§ 5.2.1 Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner to the Contractor when

- .1 the Contractor has fully performed the Contract except for the Contractor's responsibility to correct Work as provided in Section 12.2.2 of AIA Document A201-2007, and to satisfy other requirements, if any, which extend beyond final payment; and
- .2 a final Certificate for Payment has been issued by the Architect.

§ 5.2.2 The Owner's final payment to the Contractor shall be made no later than 30 days after the issuance of the Architect's final Certificate for Payment, or as follows:

## ARTICLE 6 DISPUTE RESOLUTION

### § 6.1 Initial Decision Maker

The Architect will serve as Initial Decision Maker pursuant to Section 15.2 of AIA Document A201-2007, unless the parties appoint below another individual, not a party to this Agreement, to serve as Initial Decision Maker.

*(If the parties mutually agree, insert the name, address and other contact information of the Initial Decision Maker, if other than the Architect.)*

### § 6.2 Binding Dispute Resolution

For any Claim subject to, but not resolved by, mediation pursuant to Section 15.3 of AIA Document A201-2007, the method of binding dispute resolution shall be as follows:

*(Check the appropriate box. If the Owner and Contractor do not select a method of binding dispute resolution below, or do not subsequently agree in writing to a binding dispute resolution method other than litigation, Claims will be resolved by litigation in a court of competent jurisdiction.)*

☐ Arbitration pursuant to Section 15.4 of AIA Document A201-2007

☒ Litigation in a court of competent jurisdiction

☐ Other: *(Specify)*



## ARTICLE 7 TERMINATION OR SUSPENSION

§ 7.1 The Contract may be terminated by the Owner or the Contractor as provided in Article 14 of AIA Document A201-2007.

§ 7.2 The Work may be suspended by the Owner as provided in Article 14 of AIA Document A201-2007.

## ARTICLE 8 MISCELLANEOUS PROVISIONS

§ 8.1 Where reference is made in this Agreement to a provision of AIA Document A201-2007 or another Contract Document, the reference refers to that provision as amended or supplemented by other provisions of the Contract Documents.

§ 8.2 Payments due and unpaid under the Contract shall bear interest from the date payment is due at the rate stated below, or in the absence thereof, at the legal rate prevailing from time to time at the place where the Project is located.  
(Insert rate of interest agreed upon, if any.)

§ 8.3 The Owner's representative:

(Name, address and other information)

Jeffrey A Eady (404) 608-2310  
Director of Public Works  
City of Forest Park, GA  
5230 Jones Road, Forest Park, GA 30297

§ 8.4 The Contractor's representative:

(Name, address and other information)

Jeff Morilton  
PO Box 2710, Tucker, GA 30085  
Email: Jeff@CombinedServicesInc.com  
Cell: 404-617-8509

§ 8.5 Neither the Owner's nor the Contractor's representative shall be changed without ten days written notice to the other party.

§ 8.6 Other provisions:

## ARTICLE 9 ENUMERATION OF CONTRACT DOCUMENTS

§ 9.1 The Contract Documents, except for Modifications issued after execution of this Agreement, are enumerated in the sections below.

§ 9.1.1 The Agreement is this executed AIA Document A101-2007, Standard Form of Agreement Between Owner and Contractor.

§ 9.1.2 The General Conditions are AIA Document A201-2007, General Conditions of the Contract for Construction.

§ 9.1.3 The Supplementary and other Conditions of the Contract:

Document

Title

Date

Pages

WHA

Init.

**§ 9.1.4 The Specifications:**

*(Either list the Specifications here or refer to an exhibit attached to this Agreement.)*

Section	Title	Date	Pages
(00.02) N/A			

**§ 9.1.5 The Drawings:**

*(Either list the Drawings here or refer to an exhibit attached to this Agreement.)*

Number	Title	Date
SEE EXHIBIT A		

**§ 9.1.6 The Addenda, if any:**

Number	Date	Pages
N/A		

Portions of Addenda relating to bidding requirements are not part of the Contract Documents unless the bidding requirements are also enumerated in this Article 9.

**§ 9.1.7 Additional documents, if any, forming part of the Contract Documents:**

- 1 AIA Document E201™-2007, Digital Data Protocol Exhibit, if completed by the parties, or the following: N/A

- 2 Other documents, if any, listed below: N/A  
*(List here any additional documents that are intended to form part of the Contract Documents. AIA Document A201-2007 provides that bidding requirements such as advertisement or invitation to bid, Instructions to Bidders, sample forms and the Contractor's bid are not part of the Contract Documents unless enumerated in this Agreement. They should be listed here only if intended to be part of the Contract Documents.)*

Init.



# ARTICLE 10 INSURANCE AND BONDS

The Contractor shall purchase and maintain insurance and provide bonds as set forth in Article 11 of AIA Document A201-2007.

(State bonding requirements, if any, and limits of liability for insurance required in Article 11 of AIA Document A201-2007.)

Type of Insurance or Bond

performance bond  
payment bond

Limit of Liability or Bond Amount (\$0.00)

100%0

100%0

This Agreement entered into as of the day and year first written above.

OWNER (Signature)

David Lockhart, Mayor  
(Printed name and title)

CONTRACTOR (Signature)

Mark C. Sykes, Secretary  
(Printed name and title)

**CAUTION:** You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

Init.

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BUILDING IMPROVEMENTS  
CITY HALL  
RESTROOMS RENOVATIONS  
THE DRAWINGS  
EXHIBIT A

Page A 0.00 - Project Information - Cover page for the Alterations and Repairs to Existing Commercial Forest Park City Hall Bathroom Renovation - Latest Revision date 3-11-15

Page A 1.00 - Floor Plans - Proposed bathroom floor plan an Existing Bath floor plan w/Demo - Latest revision date 3-11-15

Page A 1.01 - Plans + Section - Partial Section and Proposed Partial Ceiling Plan - Latest revision date 3-11-15

Page P 1.00 - Plumbing fixture schedule, connection schedule, notes - No revisions, Latest date 2-27-15

Page P 1.01 - Plumbing Enlarged Floor Plans & Riser Diagram - No revisions, Latest date 2-27-15

Page P 1.02 - Plumbing Details (Water Heater, Floor Drain, Cleanouts) - No revisions, Latest date 2-27-15

Page M 1.01 - Partial Floor Plan, Notes, & Details - HVAC - No Revisions, Latest date 2-27-15

Page E 1.01 - Partial Floor Plan Electrical No Revisions, Latest date 2-27-15

**STATE OF GEORGIA**

**CITY OF FOREST PARK**

**ORDINANCE NO. 17 - \_\_\_\_\_**

**AN ORDINANCE BY THE CITY COUNCIL FOR THE CITY OF FOREST PARK, GEORGIA, TO AMEND THE 2016-2017 OPERATING BUDGET TO APPROPRIATE FUNDS TO COVER WORKERS' COMPENSATION COSTS FOR THE SUPPORT SERVICES DEPARTMENT ; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, Section 6.33 of the City Charter ("the City Charter") for the City of Forest Park, Georgia ("the City") provides that the City Council "shall by ordinance adopt the final operating budget" for the City for each fiscal year, and a final operating budget has been adopted for the current fiscal year; and

**WHEREAS**, Section 6.35 of the City Charter provides that the City Council "may make changes in the appropriations contained in the current operating budget" with the limitations provided for therein; and

**WHEREAS**, an amount is requested to be appropriated to the Workers' Compensation expense line item for the Support Services Department. The appropriation is needed to cover the total unexpected claim costs incurred by the Department; and

**WHEREAS**, the increase to the Workers' Compensation line item will require an appropriation to the operating budget in the amount of \$77,000.00.



**NOW THEREFORE BE IT ORDAINED BY THE  
GOVERNING BODY OF THE CITY OF FOREST PARK,  
GEORGIA, as follows:**

**Section 1.** The sum of \$77,000.00 is hereby appropriated from line item number 100-22-1510-57-9000, Reserve For Contingencies, to line item 100-25-1540-51-2702, Workers' Compensation Claims in the amount, for the 2016-2017 annual budget for the City of Forest Park, Georgia;

**Section 2.** That the changes to the ordinances set forth above shall not be included in the City of Forest Park Code of Ordinances.

**Section 3.** Severability. If any section, paragraph, sentence, clause or phrase of this Ordinance is 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, which such portions shall remain in full force and effect.

**Section 4.** Repealer. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 5.** Effective Date. This Ordinance shall be in full force and effect immediately upon and after its final passage.

**SO ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.



## CITY OF FOREST PARK, GEORGIA

---

David Lockhart, Mayor

---

Dabouze Antoine  
Mayor Pro-tempore (Ward Two)

---

Tommy Smith  
Councilmember, Ward One

---

Sandra Bagley  
Councilmember, Ward Three

---

Latresa Wells  
Councilmember, Ward Four

---

Allan Mears  
Councilmember, Ward Five

ATTEST:

\_\_\_\_\_  
City Clerk

(THE SEAL OF  
THE CITY OF  
FOREST PARK,  
GEORGIA)

Approved as to form:

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