

A G E N D A

REGULAR MEETING OF MAYOR AND COUNCIL OF FEBRUARY 1, 2016

6:00 P.M. Work Session

- Presentation by Kem Kimbrough, CEO Southern Crescent Habitat for Humanity
- Report by City Manager

I. Call to Order – 7:00 p.m. – Mayor David 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 January 19, 2016
2. Regular Meeting of Mayor and Council of January 19, 2016

VII. Agenda Items

1. Consider renewal of on-premises Consumption Alcohol License for liquor, beer and wine from Los Broncos Mexican Restaurant, LLC, Los Broncos, 4510 Jonesboro Road, no exceptions noted
2. Consider new on-premises Consumption Alcohol License for beer and wine from Grub Southern Style, LLC, Grub Southern Style, 4839 Jonesboro Road, no exceptions noted
3. Appointment to the Board of Zoning Appeals

VIII. Legal Matters

IX. Comments by Governing Body

X. Adjournment

MINUTES

WORK SESSION OF MAYOR AND COUNCIL OF JANUARY 19, 2016

Call to Order: The Work Session of Mayor and Council of January 19, 2016 was called to order by Mayor David Lockhart at 6:00 p.m.

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

Also present were Interim City Manager Al Wiggins, Director of Finance Mike Blandenburg, director of Public Works Jeff Eady, Deputy Director of Recreation and Leisure Services Sharon Smith, Chief Eddie Buckholts, Deputy Director of Planning and Zoning Jonathan Jones, Management Analyst Angela Redding, Major Chris Matson and City Attorney John O'Neal.

Keep Forest Park Beautiful: Ms. Edie Yongue of Keep Forest Park Beautiful gave a presentation on projects performed during the year.

Resolution to apply for HUD Funding through the Community Development Block Grant Program (CDBG): Mr. Wiggins explained this is a continuation of projects that are currently underway.

Ordinance to amend Title 6, Title 8 and Title 9 to revise certain provisions to facilitate the use of Green Infrastructure: Mr. Wiggins stated the City received a mandate from the Federal Government that requires the City to put measures in place to reduce the impervious surfaces and also implement environmental standards to our existing development ordinances. He stated these changes will benefit the city and its citizens.

Discussion of removal of Felicia Davis from the URA: Mayor Lockhart stated he has had inquiries with respect to the removal of Ms. Felicia Davis from the Urban Redevelopment Agency. He explained there is a statutory provision that outlines the process, which states: A board member may be removed for inefficiency, neglect of duty or misconduct in office, but only after a hearing. They should be given a copy

of the charges at least 10 days prior to such hearing and shall have an opportunity to be heard in person or by Counsel.

Mayor Lockhart asked Mr. Bryant if he has observed conduct that would rise to inefficiency, neglect of duty or misconduct in office. Mr. Bryant detailed what he has observed.

As the Executive Director of the URA, I am the only full time staff to support the Chairman and the Members of the Board. I am responsible to ensure our meetings and action items are handled in accordance with our by-laws and rules. As an attorney and working with the City Attorney, I also work to make sure that the Chairman and Board are aware of any possible ethical or legal issues and that they act properly in all matters. I am aware of at least three matters in which Ms. Felicia Davis ignored or appeared to ignore my and the City Attorney's advice:

1. In September 2014, the Board adopted a Minority Participation Policy that called for contractors to make a good faith effort to have 25% of their contract staffed by minority contractors. This goal is laudable and has been determined to be legal by the City Attorney. He indicated that percentage of minority participation cannot be a selection criteria or requirement. In considering the award of the second phase of the Hood Avenue work, Ms. Davis and two other members of the Board initially voted to disapprove the award to the lowest responsive, responsible bidder. Much of the discussion before voting centered around the contractor not having met the goal. Subsequently, the contractor increased its minority participation to exceed the goal, but also increased its contract price. At the next meeting, Ms. Davis and the Board voted to approve the original bid with the lower minority participation and price. In response to my question, Ms. Davis indicated had the contractor originally met the goal she would have approved the award at the first meeting.

2. In October 2015, Ms. Davis alerted me that a representative for Project Victory had approached her about acquiring and developing land at the Gillem Logistics Center. I contacted the representative and obtained the information necessary to begin the staff review and recommendation process. I advised Ms. Davis and the rest of the Board to please refer these matters to the Chair or staff, and to not

have direct conversations with the company or its representative. As is normal practice, Staff would bring the matter to the entire Board with its recommendation after completing its work. At the October meeting, Ms. Davis brought copies of a proposal from Project Victory and attempted to place these before the Board for action. The Project Victory proposal she possessed was an apparent response to the counter proposal sent directly to the company on behalf of the URA and City staff.

3. In January 2016, Ms. Davis sent me a three page email in which she criticized previous actions taken by the URA and the City with regard to the Gillem property transfer and the agreement to sell land to Kroger. She specifically questioned the agreement with our development partners and indicated they were not acting in our best interests. She listed eight items that must be placed on the agenda for 2016, one of which was to hire an attorney other than the City Attorney. The Chairman advised me that he had not previously received this email from Ms. Davis.

Mr. Brandon, Chairperson of the Urban Redevelopment Agency stated in the last seven months he has not received any e-mails or phone calls from Ms. Davis, yet things have tried to be placed on the agenda without his knowledge. He stated he found that unprofessional and inappropriate. Mr. Brandon stated in an e-mail that Ms. Davis expressed she already had three members of the URA that will support Project Victory buying property without it going before the Agency.

Ms. Akins stated this position is volunteer position and people want to remove her because she is too involved and sees no legitimate reason to remove her.

Mayor Lockhart said he has some specific concerns with respect to the Diversity Supplier Goal. He stated we have a goal which is legal. He said if we change a goal to a requirement, setting a benchmark, that a supplier must have x percentage of minority participation, that becomes illegal, and that is what Mr. Bryant's first point was.

He stated there was a suggestion of untoward relationships concerning the Development Partners, complaining about actions she had even voted for and then insisted 8 things be on the agenda and didn't copy the Chairman. He stated

what concerned him most was discussing a separate attorney for the URA. He stated this suggests to him the URA interests are in conflict with the City's.

Planning Retreat: Mayor Lockhart stated he would like to have a retreat to discuss the Master Plan and get ideas and find ways to accomplish goals that we ultimately agree on. He asked that we begin an agenda and get some suggestions for dates. He asked Council to consider things they would like to accomplish at a retreat and send those to Mr. Wiggins. He then asked Mr. Wiggins to begin preparing a draft agenda and give Council a copy of the Master Plan and summary of where we should be going according to that Plan. Councilman Antoine did not approve of the retreat.

Consideration of a permanent City Manager: Ms. Akins asked this added to the agenda and suggested Al Wiggins become the permanent City Manager.

Adjournment: Mr. Mears made a motion to adjourn, seconded by Mr. Smith. Voting for the motion was unanimous.

MINUTES

REGULAR MEETING OF MAYOR AND COUNCIL OF JANUARY 19, 2016

- Call to Order: The Regular Meeting of Mayor and Council of January 19, 2016 was called to order by Mayor David Lockhart at 7:10 p.m.
- Invocation: The invocation was given by Mr. Carl Evans followed by the Pledge of Allegiance to the American Flag.
- Roll Call: Mayor David Lockhart and Councilmembers Tommy Smith, Dabouze Antoine, Sandra Bagley, Latresa Akins and Allan Mears.

Also present were Interim City Manager Al Wiggins, Director of Finance Mike Blandenburg, director of Public Works Jeff Eady, Deputy Director of Recreation and Leisure Services Sharon Smith, Chief Eddie Buckholts, Deputy Director of Planning and Zoning Jonathan Jones, Management Analyst Angela Redding, Major Chris Matson and City Attorney John O'Neal.

- Comment Period: Ms. Lawanda Folomi – asked Council to consider giving Mr. Wiggins the opportunity to be City Manager. She stated the City has a Hall of Famer in the field of Cricket and she has invited her here.

Ms. Petula Samuels – stated she is happy to be here and she is happy to say Forest Park has embraced Cricket and is now being played at Forest Park High School.

Ms. Mary Thomaston – said on October 3, 2015, there was a fire at 4666 Jonesboro Road and that building is still standing and asked how long is the City going to allow the owner of the property not do something because it is an eyesore.

Ms. Frances Elder –she stated Clayton County Water Authority and the City dug a hole in her yard in 2011 and was told they would be back and wanted something done about this.

Gregory Hanes – stated the City started out in 2015 with chaos and was hoping 2016 would be a better year and everyone could work together. He said from what he is hearing now, we are going to be just as divided as we were for the last few years.

Felicia Davis - stated while serving on the URA, she has done her best to serve your interests and every rule that she was presented with, she followed. When people came to her she brought them to Fred, when she had questions, she put them in an e-mail. She stated she stands on her word, her honor, her integrity and never did she violate anything. She stated three board members never met and felt Project Victory would be a good project for the City. She said other than being introduced, she never had additional meetings with the introducer. She said she does this voluntarily and accepts nothing, she violates nothing and serves with people that would never do that.

**Approval of
Minutes:**

Ms. Akins made a motion to approve the minutes of the Work Session and Regular Meeting of January 4, 2016, seconded by Mr. Antoine. Voting for the motion was unanimous.

Grant Memorial:

Mayor Lockhart presented a proclamation to the family of Rev. Charles Grant recognizing the completion of the Grant Memorial on Main Street in June, 2015.

**Keep Forest Park
Beautiful:**

Ms. Edie Yongue informed everyone that the Award for the best Residential Christmas Decorations went to Ms. Elton Adams on Longleaf Drive. Certificates were also awarded to Mr. Vincent Green, Mr. Lewis Huynh and Ms. Lisa Gibbon.

**Retail Alcohol
Licenses:**

The following were presented for consideration:

- 1) new retail alcohol license for beer and wine from Boon Investments, Inc., Twin Pic, 4869 West Street, no exceptions noted
- 2) new retail alcohol license for liquor, beer and wine from Tipsys Package Store, LLC, Tipsys Package Store, 819 Forest Parkway, Suite A, no exceptions noted
- 3) new on-premises consumption alcohol license for liquor, beer and wine from RC Fiesta Palace, LLC, RC

Fiesta, 4140 Jonesboro Road, Suite A-1, no exceptions noted

- 4) renewal of a retail alcohol license for beer and wine from Eckerd Corporation, Rite Aid #11787, 833 Forest Parkway, no exceptions noted

Mr. Smith made a motion to approve all of the above Licenses, seconded by Mr. Mears. Voting for the motion was unanimous.

Resolution -
HUD FUNDING:

Request was made to consider a Resolution by the Mayor and City Council of Forest Park, Georgia, to apply for HUD Funding through the Community Development Block Grant Program (CDBG) for Curb and Gutter, Sidewalks, and Storm Water Piping on West Street from South Avenue to Cash Memorial and a Neighborhood Stabilization Officer and to accept the HUD Funding through the CDBG Program once it becomes available; to repeal all Resolution and parts of Resolutions in conflict herewith; to provide an effective date; and for other purposes.

Ms. Akins made a motion to approve the Resolution, seconded by Mr. Antoine. Voting for the motion was unanimous.

Resolution -
Brd. Member to
Development
Authority:

Request was made to consider a Resolution by the Mayor and Council of the City of Forest Park, Georgia to appoint a Board Member to the Development Authority to replace resigned Board Member Councilman Allan Mears; and for all other purposes necessary to accomplish this transaction and effectuate this intent.

Mr. Mears made a motion to appoint Roy Lunsford to serve on the Development Authority, seconded by Mr. Smith. Voting for the motion were Mr. Smith, Ms. Bagley and Mr. Mears. Voting against the motion were Mr. Antoine and Ms. Akins. The motion carried.

Ordinance-
Green
Infrastructure:

Tabled from December 7, 2015 agenda is the Ordinance to amend Title 6 ("Public Works"), Title 8 ("Planning and Development"), and Title 9 ("Licensing and Regulation") of the Code of Ordinances, City of Forest Park, Georgia, to revise certain provisions to facilitate the use of Green Infrastructure or Low Impact Development Technologies; to provide for codification, to provide for severability; to repeal

conflicting ordinances; to provide an adoption date; to provide an effective date; and for other purposes allowed by law.

Ms. Akins made a motion to remove this item from the table, seconded by Mr. Antoine. Voting for the motion was unanimous.

Ms. Akins made a motion to approve the Ordinance, seconded by Mr. Antoine. Voting for the motion was unanimous.

Removal of
Felicia Davis
From the URA:

Request was made to discuss removal of Felicia Davis from the Urban Redevelopment Agency, including notice of charges and hearing schedule.

Mr. Antoine made a motion to remove this item from the agenda, seconded by Ms. Akins. Voting for the motion were Mr. Antoine and Ms. Akins. Voting against the motion were Mr. Smith, Ms. Bagley and Mr. Mears. The motion failed.

Mayor Lockhart stated since this is a statutory procedure, and if Council is so inclined to hold a hearing, then Council would need to list the charges, provide Ms. Davis with those charges and set a hearing date.

Mayor Lockhart stated from the information they received this evening, he does not presume Ms. Davis to be in violation of the code but this reading, absent an effective defense, could equate to these charges:

- 1) Using race and/or minority status as a requirement prior to awarding bids
- 2) Circumventing the appropriate channels to negotiate, discuss and/or obtain information from potential purchasers of Gillem Logistics Center property
- 3) Recommending that the URA hire separate legal counsel than the City's
- 4) Shouting over the Chairman at a URA meeting
- 5) E-mailing demands to the Executive Director and failing to include the Chairman in the communication
- 6) Meeting with a quorum of the URA outside the public advertised meetings and that such conduct equates to inefficiency, neglect of duties or misconduct in office

Ms. Akins stated she did not think these are legitimate reasons, and are made up because someone wants her removed for personal reasons. She stated she did not believe these are reasons to have someone removed.

Mr. Antoine felt these are not charges and said this City will never move forward because of race issues. He said if we have problems with board members, they could be solved without coming to the Council meeting.

Mr. Smith made a motion to formulate a list of charges and hold a hearing, seconded by Ms. Bagley. Voting for the motion were Mr. Smith, Ms. Bagley and Mr. Mears. Voting against the motion were Mr. Antoine and Ms. Akins. The motion carried.

It was the consensus of Council to hold the hearing on January 29th.

Ms. Bagley made a motion to present Felicia Davis with a list of charges, those being:

- 1) Using race and/or minority status as a requirement prior to awarding bids
- 2) Circumventing the appropriate channels to negotiate, discuss and/or obtain information from potential purchasers of Gillem Logistics Center property
- 3) Recommending that the URA hire separate legal counsel than the City's
- 4) Shouting over the Chairman at a URA meeting
- 5) E-mailing demands to the Executive Director and failing to include the Chairman in the communication
- 6) Meeting with a quorum of the URA outside the public advertised meetings and that such conduct equates to inefficiency, neglect of duties or misconduct in office

The motion was seconded by Mr. Mears. Voting for the motion were Mr. Smith, Mr. Mears and Ms. Bagley. Voting against the motion were Mr. Antoine and Ms. Akins. The motion carried.

Mr. Smith made a motion to schedule a Hearing date before Mayor and Council on January 29, 2016 at 7 p.m. in the Council Chambers during which time Ms. Davis will have a chance to be heard in person or by counsel, seconded by Ms. Bagley. Voting for the motion were Mr. Mears, Mr. Smith

and Ms. Bagley. Voting against the motion were Mr. Antoine and Ms. Akins. The motion carried.

Position
of City
Manager:

Ms. Akins made a motion to appoint Al Wiggins as the permanent City Manager, seconded by Mr. Antoine.

Mayor Lockhart stated the Charter provides two statuses of City Manager, an indefinite City Manager and the other option is with a contract. Mayor Lockhart stated to change his current status, would require a contract with a maximum status of 2 years.

Ms. Akins withdrew her previous motion.

Ms. Akins made a motion to appoint Mr. Wiggins as City Manager and authorize the Mayor to execute an employment agreement/City Manager Agreement, seconded by Mr. Smith. Voting for the motion was unanimous.

Adjournment:

Mr. Mears made a motion to adjourn, seconded by Mr. Smith. Voting for the motion was unanimous.

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: January 11, 2016
CONTROL NO: CA155-2016

TO: Al Wiggins, Interim City Manager
FROM: L. Dwayne Hobbs, Director, Dept. of Police Services 
SUBJECT: On-Premises Consumption Alcohol License (Liquor, Beer & Wine)

*****RENEWAL*****

RE: Los Broncos Mexican Restaurant LLC
Los Broncos
4510 Jonesboro Rd
Forest Park, Georgia 30297

Juan M. Garcia

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: January 13, 2016
CONTROL NO: CA159-2016

TO: Al Wiggins, Interim City Manager
FROM: L. Dwayne Hobbs, Director, Dept. of Police Services 
SUBJECT: On-Premises Consumption Alcohol License (Beer & Wine)

*****NEW*****

RE: Grub Southern Style, LLC
Grub Southern Style
4839 Jonesboro Rd
Forest Park, Georgia 30297

Donta Cofield

NO EXCEPTIONS NOTED