

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

### **REGULAR MEETING OF MAYOR AND COUNCIL OF DECEMBER 21, 2015**

6:00 P.M. Work Session

- Discussion of Agenda Items
- 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. Approval of Minutes

1. Work Session of Mayor and Council December 7, 2015
2. Regular Meeting of Mayor and Council December 7, 2015

VI. Comment Period

VII. Agenda Items

1. Consider renewal of an on-premises consumption alcohol license for beer and wine from Mexican Restaurant Las Tortas, Inc., Las Tortas, 5592-5594 Old Dixie Hwy., no exceptions noted

VIII. Legal Matters

IX. Comments by Governing Body

X. Adjournment

## MINUTES

### WORK SESSION OF MAYOR AND COUNCIL OF DECEMBER 7, 2015

Call to Order: The Work Session of Mayor and Council of December 7, 2015 was called to order by Mayor David Lockhart at 6:00 p.m.

Present: Mayor David Lockhart and Councilmembers Linda Lord, Latresa Akins, Dabouze Antoine, Tommy Smith and Maudie McCord.

Also present were Interim City Manager Al Wiggins, Director of Finance Mike Blandenburg, Director of Support Services Christine Terrell, Director of Public Works Jeff Eady, Deputy Fire Chief Matt Jackson, Major Jamie Reynolds, Management Analyst Angela Redding, Deputy Director of Planning and Zoning Jonathan Jones and City Attorney Winston Denmark.

Agenda Items: *Ordinance establishing Budgets for SPLOST:* Mr. Blandenburg stated this Ordinance establishes the budget for the two SPLOST funds. The Revenue stream has ended for 2008 but we still have projects to be completed and the 2015 has just started.

*Resolution – Retirement Plan:* Mr. Blandenburg stated periodically the Plan has to be updated and resubmitted to the IRS. He stated he has reviewed the changes provided by the Retirement Attorney and is only a housekeeping update.

*Resolution – FAA:* Mr. Wiggins stated previously we were able to collect taxes through LOST on the sale of fuel at the airport. The FAA recently restricted the collection of these funds, and all funds collected from the sales of aviation fuel tax should be used toward airport operations exclusively. We have been asked to partner with the other cities and Clayton County in order to contest this restriction. If this restriction is imposed, the City would not be able to spend that money towards airport operations.

Mayor Lockhart explained LOST was imposed and collected in that LOST, is an extra cent on all sales, including airplane

fuel. The Federal Government states that any tax collected on airplane fuel has to be spent on the operation of an airport. Since we have no airport, Forest Park's estimated collections on the fuel tax portion of the LOST, is roughly \$250,000 per year. He stated we want to do all we can to preserve that revenue and we want to find a plan that would satisfy the Federal Government and allow us to continue to collect it and spend it.

He stated since our law firm also represents four other municipalities subject to the same thing, this proposed resolution allows the cities to share the cost to formulate a plan to address this new rule.

*Ordinance – to facilitate the use of Green Infrastructure:* Mr. Wiggins asked that this Ordinance be tabled in order to make corrections he felt were necessary.

*Resolution – Cable Television Franchise:* Mayor Lockhart explained Comcast did not pay franchise fees as agreed and our City Attorney drafted a resolution authorizing the attorney to proceed with litigation against Comcast for its default. He stated Comcast has since made gestures to suggest that we may be able to reach a settlement.

Mayor Lockhart stated Comcast has thus far refused to execute the settlement agreement.

Mayor Lockhart asked Ms. Traylor if Comcast has execute the settlement agreement that our Attorney presented. She stated we have executed a settlement agreement that is materially the same as another draft that the City Attorney approved.

Mr. Denmark stated there is one agreement the City has authorized, the agreement initially sent to Comcast, and they are unwilling to sign that agreement. The City's position is we will not mutually release Comcast and they would prefer the release to be mutual. Mayor Lockhart stated upon payment as outlined in the proposed settlement agreement, Comcast, is in fact, released by the City for any claims for those franchise fees.

Other Business: Mayor Lockhart stated discussion was held concerning the December 21 regular Council Meeting and asked if Council members would be available for that night. Since all council

members would be present, this meeting will remain as scheduled.

Mr. Jay Francis Springs of WIGO Radio addressed the Council. He asked the City to consider partnering with WIGO to create a positive business climate. He is offering the services of WIGO to help Forest Park grow and the media experience to help the marketing plan.

Mr. Wiggins thanked Ms. Corley and Mr. Eady for their work and effort in making the Christmas parade such a great success.

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

## MINUTES

### REGULAR MEETING OF MAYOR AND COUNCIL OF DECEMBER 7, 2015

Call to Order: The Regular Meeting of Mayor and Council of December 7, 2015 was called to order by Mayor David Lockhart at 7:00 p.m.

Invocation: The invocation was given by Mr. Ray Goodman followed by the Pledge of Allegiance to the American Flag.

Roll Call: Mayor David Lockhart and Councilmembers Linda Lord, Latresa Akins, Dabouze Antoine, Tommy Smith and Maudie McCord.

Also present were Interim City Manager Al Wiggins, Director of Finance Mike Blandenburg, Director of Support Services Christine Terrell, Director of Public Works Jeff Eady, Deputy Fire Chief Matt Jackson, Major Jamie Reynolds, Management Analyst Angela Redding, Deputy Director of Planning and Zoning Jonathan Jones and City Attorney Winston Denmark.

Approval of Minutes: Ms. McCord made a motion to approve the minutes of the Work Session and Regular Meeting of November 16, 2015, seconded by Ms. Akins. Voting for the motion was unanimous.

Comment Period: Ms. Sandra Bagley – thanked everyone for their effort in the Christmas parade and encouraged everyone to work together.

Ms. Lawanda Folomi – asked Council to consider Mr. Wiggins first as the next City Manager.

Proclamations: Mayor Lockhart presented Ms. McCord and Ms. Lord with proclamations for their service to the City during their tenure as Councilmembers with the City.

Alcohol Licenses: Request was made to consider the following renewal of retail alcohol licenses for beer and wine:

- Adonay, Inc. Texaco Food Mart, 4192 Jonesboro Road, no exceptions noted
- SAB Mart, Inc., Piggly Wiggly, 4769 Jonesboro Road, no exceptions noted
- Shree Dharm, Inc. Royal Food Mart, 5604 Old Dixie Hwy., no exceptions noted
- Clipper Petroleum, Inc., Circle M Food Shop #57, 4950 Old Dixie Hwy., no exceptions noted
- Retail Marketing Corporation, Wholesale Food Outlet, 4855 Jonesboro Road, no exceptions noted
- SNZ, Inc., BP Food Mart, 4441 Jonesboro Road, no exceptions noted
- Refresh Investments, Inc., Texaco Food Mart, 503 Forest Parkway, no exceptions noted
- Neelam Investments, Inc., Happy Food Mart, 5971 Ash Street, no exceptions noted
- AA Oil LLC, Shell Food Mart, 4806 Jonesboro Road, no exceptions noted
- Duvell Investment Corp., Pak N Go, 1003 Forest Parkway, no exceptions noted
- Two Brothers Convenience, Inc., Citgo Food Mart, 4578 Old Dixie Highway, no exceptions noted
- Old Dixie "C" Store, Inc., Texaco Food Mart, 5111 Old Dixie Hwy, no exceptions noted

Ms. Lord made a motion to approve the above licenses, second by Mr. Smith. Voting for the motion was unanimous.

Forest Wing  
And Fish:

Request was made to consider the renewal of an on-premises consumption alcohol license for beer only from Forest Wing and Fish, 4430 Jonesboro Road, no exceptions noted.

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

Rio Grande: Request was made to consider the renewal of an on-premises consumption alcohol license for beer only from Rio Grande Restaurant, LLC, Rio Grande Restaurant, 4609 Jonesboro Road, no exceptions noted.

Ms. McCord made a motion to approve the license, seconded by Ms. Lord. Voting for the motion was unanimous.

Red Eyed, Inc. Request was made to consider renewal of an on-premises consumption alcohol license for liquor, beer and wine from Red Eyed, Inc., Crazy Horse, 4730 Frontage Road, no exceptions noted.

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

Restaurant Forest: Request was made to consider renewal of an on-premises consumption alcohol license for liquor, beer and wine from Restaurant Forest, 5025 Jonesboro Road, no exceptions noted.

Ms. Lord made a motion to approve the license, seconded by Ms. Akins. Voting for the motion was unanimous.

Shell Food Mart: Request was made to consider a request for renewal of a retail alcohol license for beer only from Alwani Group of Companies, Inc. Shell Food Mart, 4926 Old Dixie Hwy., no exceptions noted.

Ms. McCord made a motion to approve the license, seconded by Ms. Lord. Voting for the motion was unanimous.

Ordinance-SPLOST: Request was made to consider an Ordinance by the Governing Body of the City of Forest Park, Georgia, establishing the Budgets for the 2008 and 2015 SPLOST Capital Project Funds for the Fiscal Year 2015-2016.

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

Resolution-Retirement Plan: Request was made to consider a Resolution to authorize and Direct the Mayor to execute the Retirement Savings Plan, being an Amendment by the Entirety and Restatement of the Plan.

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

Resolution -  
FAA:

Request was made to consider a Resolution of the Mayor and Council of the City of Forest Park, Georgia, authorizing the Participation with Clayton County Government, Clayton County Public Schools and the Clayton County Cities in preparation and submission of a Compliance Action Plan to the Federal Aviation Administration ("FAA") in response to the FAA Policy Clarification for the use of Aviation Fuel Tax Revenue ("The FAA Policy") published in the Federal Register in November of 2014.

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

Ordinance-  
Green  
Infrastructure:

Request was made to consider an Ordinance to amend Title 5 ("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.

Ms. Lord made a motion to table this Ordinance for further review, seconded by Mr. Smith. Voting for the motion was unanimous.

Ordinance:  
Comcast:

The following Resolution was tabled from the October 4, 2015 Council Meeting: Resolution of the City of Forest Park finding Comcast in Default of Cable Television Franchise Agreement for failure to remit franchise fees in accordance with Cable Television Franchise Agreement and discuss pending settlement negotiations and authorization for Mayor to execute Settlement Agreement after approval by City Attorney.

Mr. Antoine made a motion to remove the Resolution from the table, seconded by Ms. Lord. Voting for the motion was unanimous.

Mr. Antoine made a motion to adopt the Resolution, seconded by Ms. Akins. Voting for the motion were Mr.

Antoine, Ms. Lord, Ms. Akins and Mr. Smith. Ms. McCord voted against the motion. The motion carried.

Ms. Akins made a motion to authorize the Mayor to execute a Settlement Agreement if it is approved by our City Attorney and Comcast, seconded by Ms. Lord. Voting for the motion was unanimous.

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

**DEPARTMENT OF POLICE SERVICES**  
Forest Park, Georgia

**INTEROFFICE MEMO**

**DATE:** December 8, 2015  
**CONTROL NO:** CA153-2016

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

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\*\*\*\*\*RENEWAL\*\*\*\*\*

**RE:** Mexican Restaurant Las Tortas Inc  
Las Tortas  
5592-5594 Old Dixie Hwy  
Forest Park, Georgia 30297

Ricardo Ortega Rivera

**NO EXCEPTIONS NOTED**