

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

### **REGULAR MEETING OF MAYOR AND COUNCIL OF JULY 20, 2015**

#### 6:00 P.M. Work Session

- Discussion of Agenda Items
- Discussion of Quality of Life Program – Planning & Zoning
- Update on Fort Gillem – Fred Bryant

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 of July 6, 2015
2. Regular Meeting of Mayor and Council of July 6, 2015

VI. Comment Period

VII. Agenda Items

1. Consider member to the Urban Redevelopment Agency to fill the unexpired term of Joe Wimberly, ending February 2, 2017
2. Consider member to the Development Authority of the City of Forest Park to fill the unexpired term of Joe Wimberly, ending April 30, 2018
3. Consider an Ordinance to annex into and rezone certain property within the City of Forest Park, Georgia and to amend the Official Zoning Map of the City of Forest Park, Georgia; 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

VIII. Legal Matters

IX. Comments by Governing Body

X. Adjournment

\*Directly after the meeting, please gather with Mayor, Council and City Manager at the new Community Center located at 696 Main Street

## MINUTES

### WORK SESSION OF MAYOR AND COUNCIL OF JULY 6, 2015

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

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

Also present were City Manager Frank Brandon, Director of Finance Mike Blandenburg, Director of Public Works Jeff Eady, Director of Planning and Zoning Al Wiggins, Chief Eddie Buckholts, Deputy Director of Recreation and Leisure Services Sharon Smith, Major Jamie Reynolds, Director of Support Services Christine Terrell and City Attorney Kiran Mirza.

Agenda Items: *Ordinance to amend provisions regarding construction of "LEED" Certified structures in the Main Street Overlay District and Ordinance – amend provisions regarding construction of drive-throughs in the Main Street Overlay District:* Mr. Wiggins explained the Associated Credit Union submitted an application to erect a credit union where the previous C & S Bank was. However, that area falls under the Main Street Overlay District with specific guidelines and specifications that have to be met. One of the challenges they are having is that the current ordinance prohibits drive-through facilities and they have petitioned the City Manager to allow for drive-throughs. The Planning Commission refused the request and the Mayor and Council makes the final determination.

Mayor Lockhart asked if the proposed ordinance before council would put the Associated Credit Union in the position that they requested to be in to get the building constructed. Mr. Wiggins stated with approval of this ordinance, it would.

Ms. Lord asked why we did not want drive-throughs? Mr. Wiggins stated although we currently have drive-throughs on Main Street, when the Mayor and Council requested a study be conducted in conjunction with the City implementing the LCI on Main Street, the concept was to create a walkable pedestrian oriented community. The drive-throughs would put pedestrian traffic in competition with vehicular traffic.

Mr. Smith stated he had no problem with it because we need businesses on Main Street.

Ms. Lord asked if the drive-through is on Main Street and if so, is there a way they could do it otherwise. Mr. Wiggins stated it is planned for Main Street but could exit on Evans or Hill Street. The present ordinance prohibits the drive-throughs to exit onto Main Street. Ms. Lord felt there would be too much traffic in that one area.

Mr. Wiggins explained the Associated Credit Union has placed this before the Architectural Design Review Board and they denied the request, subsequent of that, that's when the recommendation to change the Ordinance came about.

Mr. Wiggins explained the LEED structures, is a requirement that all new structures be built according the "LEED" specifications, basically green standards that are energy conservation measures. This recommendation comes from the Planning and Zoning Department based upon the substantial cost of building a facility that meets the "LEED" specifications and also the ordinance is not very clear. He stated if the City mandates this, it will have an effect on the development of Main Street. He would rather encourage this rather than make it a mandate, and leave us with more options.

Ordinance-  
OEA Grant:

Community Economic Adjustment Planning Assistance Grant: Mr. Brandon stated this is a continuation of the OEA Grant we get every year and included in this is an opportunity to establish a firm to look at a plan to promote Fort Gillem.

Ms. McCord questioned the amount of local funds in the Ordinance of \$62,526. Mr. Brandon explained this is the 10% match the City contributes. Mayor Lockhart stated the City receives \$606,057 from Federal Funds, plus \$70,433 in non-federal funds, totaling \$676,490, but we budget to spend more than that, which is \$62,526.

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 JULY 6, 2015

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

Invocation: The invocation was given by Councilwoman Linda Lord followed by the Pledge of Allegiance to the American Flag.

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

Also present were City Manager Frank Brandon, Director of Finance Mike Blandenburg, Director of Public Works Jeff Eady, Director of Planning and Zoning Al Wiggins, Chief Eddie Buckholts, Deputy Director of Recreation and Leisure Services Sharon Smith, Major Jamie Reynolds, Director of Support Services Christine Terrell and City Attorney Kiran Mirza.

Approval of Ms. McCord made a motion to approve the minutes of the Work Session and Regular Meeting of June 15, 2015, seconded by Mr. Smith. Voting for the motion was unanimous.

Comment Period: Bruce Robinson – asked the community to join in and sponsor the Back to School Supply Drive for children on August 1<sup>st</sup>. He explained it was their intention to give out 400 book bags with school supplies.

Sandra Bagley – thanked the Public Works Department for cleaning the lot on Waverly Drive.

Recess: Ms. Smith made a motion to recess for a Public Hearing, seconded by Ms. Akins. Voting for the motion was unanimous.

Ms. Lord made a motion to open a Public Hearing, seconded by Mr. Smith. Voting for the motion was unanimous.

Mayor Lockhart opened the Public Hearing to receive comments on an amendment to the Zoning Ordinance of the

City, Article "L" entitled Forest Park Main Street Overlay District as the City desires to remove the requirement that all new construction and renovations performed within the Forest Park Main Street Overlay District must be built to LEED-certifiable standards.

Mr. Wiggins explained the Planning and Zoning Department is asking that this be repealed because of the cost of LEED certifiable buildings. He believes we should recommend it but not mandate it.

Ms. McCord made a motion to close the Public Hearing and reconvene the meeting, seconded by Ms. Akins. Voting for the motion was unanimous.

Public Hearing: Mr. Smith made a motion to recess and open a public hearing, seconded by Ms. Lord. Voting for the motion was unanimous.

Mayor Lockhart opened the Public Hearing to receive comments on an amendment to the Zoning Ordinance of the City whereas the City desires to remove the prohibition on construction of drive-throughs on property within the Forest Park Main Street Overlay District.

Mr. Wiggins stated this ordinance suggests that a portion of the ordinance that prohibits drive-throughs on Main Street be repealed. This was heard before the Planning Commission and the request was denied.

Ms. Bagley asked about the traffic on Main Street and asked if this would be for anyone or is this a one time request. Mayor Lockhart stated with respect to this ordinance, the ordinance is not specific to a parcel or a specific entity, this ordinance would repeal the prohibition on the drive-throughs in the Main Street Overlay District. She then asked if they had other options to have less traffic on Main Street. Mayor Lockhart stated this is an option that has been discussed.

Ms. Pamela Lake asked if we would be generating that much traffic to cause a problem. Mr. Wiggins stated that would be based on businesses but there is a potential for undesirable traffic associated with the position of a particular drive-through.

Ms. Julio asked if the drive-through would be for any sort of business including fast food in the future and asked if there is currently a variance process of the current ordinance to apply for a drive-through on a case by case basis.

Mr. Wiggins explained the three scenarios: the applicant goes before the Architectural Design Review which approves or denies the request and the appeals process goes directly to the Mayor and Council; or the ordinance could be eradicated to allow drive-throughs throughout the entire Main Street Overlay District or the drive-through could be built where it does not impede traffic on Main Street. The Credit Union drive-through could exit on Hill Street or Evans.

Mr. Lunsford asked if the Main Street design is for parking in the back or front of the building. Mayor Lockhart stated what we currently have would prohibit parking between Main Street and the building.

Ms. Akins made a motion to close the Public Hearing and reconvene the meeting, seconded by Ms. Lord. Voting for the motion was unanimous.

Public Hearing: Ms. Lord made a motion to recess and hold a public hearing, seconded by Mr. Smith. Voting for the motion was unanimous.

Mayor Lockhart opened the public hearing to receive comments on the Edward Byrne Justice Assistance Grant.

Mayor Lockhart stated the grant amount is \$11,856 with no matching funds. The Forest Park Police Department intends to use the funding for the purpose of purchasing ballistic shields that can be used to stop rifle caliber ammunition.

Mr. Smith made a motion to close the Public Hearing and reconvene the meeting, seconded by Ms. McCord. Voting for the motion was unanimous.

Proclamation: Mayor Lockhart presented the Community Emergency Response Team (CERT) with a proclamation thanking them for their service and volunteer hours given to the City.

Mayor Lockhart presented a proclamation to Ms. Rebecca Wimberly posthumously honoring Joe Wimberly for his

service, dedication and many hours of volunteer work with the City.

Ordinance-  
LEED Structures,  
Main Street: Request was made to consider an Ordinance to amend Article 1, "Forest Park Main Street Overlay District," of Chapter 8, "Zoning", of the Code of Ordinances, City of Forest Park, Georgia; to amend provisions regarding construction of "LEED" Certified structures in the Main Street Overlay District; 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 approve the Ordinance, seconded by Ms. Lord. Voting for the motion was unanimous.

Ordinance-  
Drive-Throughs,  
Main Street: Request was made to consider an Ordinance to amend Article L, Forest Park Main Street Overlay District," of Chapter 8, "Zoning", of the Code of Ordinances, City of Forest Park, Georgia; to amend provisions regarding construction of Drive-Throughs in the Main Street Overlay District; 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. Lord made a motion to deny the Ordinance, seconded by Ms. Akins.

Mr. Antoine stated we are trying to attract businesses and as a city there are accommodations we would have to make with any type of business.

Ms. Akins stated this would not stop them from putting a drive-through just not coming off of Main Street.

Voting for the motion were Ms. Lord, Ms. Akins and Ms. McCord. Voting against the motion were Mr. Smith and Mr. Antoine. The motion carried.

Resolution:  
Forest Park  
Youth  
Football: Request was made to consider a Resolution by the City Council of the City of Forest Park authorizing the Mayor to execute a License Agreement with Forest Park Youth Football for the use of Kiwanis Stadium, Lopez Field, Baker Field, Burke Field, Stanford Field and Johnson Field from July 27,

2015 through November 21, 2015 to conduct football and cheerleading practices and games in their Youth Football Program, Game Dates are: August 15, 22, 29, September 5, 12, 19, 26, October 3, 10, 17, 24, 31 and November 7, 14, 2015; to provide for severability; to provide an effective date; and for other purposes.

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

Resolution-  
Clayton Co.  
Public Schools:

Request was made to consider a Resolution by the City Council of the City of Forest Park authorizing the Mayor to execute an Intergovernmental License Agreement with Clayton County Public Schools for the use of Kiwanis Stadium and Concession Stand to conduct football games, August 25, September 9, and October 5, 2015 at a rate of \$100 for use of field per date and \$50 for use of Concession Stand per date; to provide for severability; to provide an effective date; and for other purposes.

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

Ordinance  
OEA Grant:

Consider an Ordinance by the City Council of the City of Forest Park authorizing the Mayor to sign and accept a Community Economic Adjustment Planning Assistance Grant for Fiscal Year 2016 from the Department of Defense Office of Economic Adjustment for the purpose of preparing an Outreach and Comprehensive Reuse Plan for Fort Gillem and to appropriate the matching funds from the transfer to LRA Fund Line Item 100-22-1510-61-1001; to provide for severability; to repeal all Ordinances and parts of Ordinances in conflict herewith; to provide an effective date; and for other purposes.

Mayor Lockhart explained there was some discussion during the Work Session on the numbers that didn't seem to add up. He explained the numbers have since been corrected and the local match of \$62,526 should be \$70,433.

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

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

STATE OF GEORGIA  
CITY OF FOREST PARK

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

AN ORDINANCE TO ANNEX INTO AND REZONE CERTAIN PROPERTY WITHIN THE CITY OF FOREST PARK, GEORGIA AND TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF FOREST PARK, GEORGIA; 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.

**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 modify the zoning designation of such property located within the City; and,

**WHEREAS**, the Mayor and Council have, as a part of planning, zoning and growth management, been in review of the City's zoning ordinances and have been studying the City's best estimates and projections of the type of development which could be anticipated within the City; and

**WHEREAS**, the Mayor and Council therefore consider it paramount that land use regulation continue in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City. The Mayor and Council have always had a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics and the general welfare of the community; and in particular the lessening of congestion on City streets, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

**WHEREAS**, it is the belief of the Mayor and Council that the concept of “public welfare” is broad and inclusive; that the values it represents are spiritual as well as physical, aesthetic as well as monetary; and that it is within the power of the City “to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled.” Kelo v. City of New London, 545 U.S. 469 (2005); Berman v. Parker, 348 U.S. 26 (1954). It is also the opinion of the City that “general welfare” includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and

**WHEREAS**, the Mayor and Council are, and have been interested in, developing a cohesive and coherent policy regarding certain uses in the City, and have intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole; and

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

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

**Section 1.** The following properties are hereby annexed into the City of Forest Park, Georgia pursuant to the authority of O.C.G.A. § 36-36-21 et seq.:

All that tract or parcel of land lying and being in Land Lots 20 and 45 of the 18th District of Clayton County, Georgia and being more particularly described as follows:

Beginning at the intersection of the northerly right-of-way of Interstate 285 per Georgia D.O.T. right-of-way map I-FI-285-1(119)69, sheet 35 with the westerly right-of-way of Old Dixie Highway; thence leaving said intersection and along said right-of-way of Interstate 285 proceed North 59°37'17" East for 37.75' to the intersection with the westerly right-of-way of the Central of Georgia Railroad (Forsyth to Atlanta, MP 283 to 284); thence leaving said right-of-way of Interstate 285 and running along the said westerly right-of-way of Central of Georgia Railroad proceed North 33°06'15" West for 300.00 feet to a point; thence leaving said westerly right-of-way of Central of Georgia Railroad and crossing said railroad right-of-way proceed North 56°53'45" East for 106.29 feet to a point on the easterly right-of-way of Central of Georgia Railroad; thence along said easterly right-of-way of Central of Georgia Railroad proceed South 33°06'15" East for 305.06 feet to a point on the northerly right-of-way of Interstate 285; thence along said northerly right-of-way of Interstate 285 proceed South 59°37'17" West for 106.42 feet returning to the point of beginning. Said parcel contains 32,157 square feet or 0.7382 acres, more or less.

The area to be annexed is further identified on the survey prepared on April 9, 2015 by Site Works Surveys and Planning, which is attached hereto and incorporated herein by reference as Exhibit A.

**Section 2.** The property described in Section 1 hereof is hereby rezoned from the County zoning designation of LI, Light Industrial, to the City zoning designation of LI, Light Industrial conditional. The condition is as follows: The restrictions and uses within this zone shall parallel the Light Industrial regulations contained within Appendix A of the Code of Ordinances of Clayton County, Georgia, except for any regulations regarding signage.

**Section 3.** The rezoning indicated in Section 2 hereof is to be noted on the City of Forest Park Official Zoning Map approved by Mayor and Council as soon as reasonably possible following adoption of this Ordinance. Until the rezoning is indicated on the City of Forest Park Official Zoning Map and in the event of any discrepancy between this Ordinance and the City of Forest Park Official Zoning Map, this Ordinance shall govern.

**Section 4.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 5.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or

otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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

**Section 7.** This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

**Section 8.** 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 9.** The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

CITY OF FOREST PARK, GEORGIA

---

David Lockhart, Mayor

---

Tommy Smith  
Councilmember, Ward One

---

Dabouze Antoine  
Councilmember, Ward Two

---

Maudie McCord  
Councilmember, Ward Three

---

Latresa Akins, Mayor Pro-tem  
Councilmember, Ward Four

\_\_\_\_\_  
Linda Lord  
Councilmember, Ward Five

ATTEST:

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

THE SEAL OF THE CITY OF  
FOREST PARK, GEORGIA

Approved as to form:

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

**EXHIBIT "A"**

**PROPOSED ANNEXED AREA**

**(ATTACHED)**

