

**MINUTES**  
**CLARKSTON CITY COUNCIL**  
Tuesday, February 3, 2009, 7:00PM

Officials Present

Mayor:	Lee Swaney
Council:	Pat Davis-Morris, Karen Feltz, Wayne Foster, Warren Hadlock, Rosemarie Nelson, Emanuel Ransom
City Clerk:	Tracy Ashby
City Attorney:	Stephen Quinn

Mayor Swaney called the meeting to order at 7:00pm.

Pat Davis-Morris gave the invocation. The Pledge of Allegiance followed.

**APPROVAL OF DECEMBER MINUTES**

Minutes for the following meetings were before of Council for approval:

- December 2, 2008 Council Meeting
- December 11, 2008 Special Call Meeting
- December 18, 2008 Special Call Meeting
- January 6, 2009 Council Meeting

Mr. Ransom moved to approve the minutes. Ms. Nelson seconded the motion. Mayor Swaney opened the floor for discussion. No discussion followed. **A vote was called and the motion carried.** (6/0)

**NEW BUSINESS:**

**Application for Beer, Wine and Malt Beverage Alcohol License by the Drink, Almaz's Café located at 4238 E. Ponce de Leon Avenue; Owner, Almaz West**

Ms. Ashby stated that Ms. West had previously made an application. Ms. West was making her second application and had paid a full application fee again. Code Enforcement Ofc. Lockett was present and available for questions. Ms. West stated that she operates a coffee shop and would like to offer beer and wine for her customers. Mayor Swaney asked her if she was conducting more than one business on the premises. She explained that she tried to operate a boutique but the business was unsuccessful so she has ceased that pursuit, but she continues to operate a coffee shop and a hair salon. Mr. Ransom asked if the hair salon was physically separated from the coffee shop. Ms. West stated that locks have been installed on the door between the businesses. After questioning, she stated that she has keys to the door and is capable to opening the door. Mr. Ransom told her that there must be no access between the two spaces. He also questioned Ms. West about previously deficient electrical wiring. Ofc. Lockett reported that Ms. West has removed the stove that was in the coffee shop. Ms. West stated she does not cook on the premises, that she serves sandwiches that are heated in a microwave, and cookies and cakes. Mr. Ransom asked how serving beer and wine would increase Ms. West's business. She stated she serves mostly coffee and cappuccino during the day, but customers would like to have beer in the evening hours and she is losing customers because she cannot serve beer and wine. Mr. Ransom asked Ms. Ashby if Ms. West's business is operating in a probationary period. Ms. Ashby stated that should Council approve Ms. West's application, Ms. West must present gross receipts from alcohol and food sales at the end of three months. This is needed to document that at least 60% of sales is in food. Ms. Nelson asked for clarification that the business must come back to

Council to be granted a permanent license after the temporary license is granted. Ms. Ashby stated that once a business demonstrates 60% of sales are food sales at the end of three months, then the license is approved for a full year. Mayor Swaney asked Ofc. Lockett if the business has passed a fire inspection. Ofc. Lockett stated that the business has been inspected as a coffee shop. Ofc. Lockett stated that the location of the storage of beer and wine will require a further inspection to make sure refrigeration does not draw too much power and cause a fire hazard. Ms. West stated that she had a new circuit box installed when she opened the business. Mr. Ransom asked Ms. West what the maximum capacity for the coffee shop is according to the Certificate of Occupancy from DeKalb County. Ms. West stated that she did not remember. Mr. Ransom asked how large the refrigerators would be. Ms. West stated not very big because the restaurant is small and she closes at 9:00pm. Also, most of her sales come from food. Mayor Swaney asked if the refrigerators she has are where she plans to store beer, wine and malt beverages. Ms. West responded yes. Mr. Ransom further clarified that Ms. West will not serve draught beer and that all the alcohol will be consumed on the premises. Mayor Swaney told Ms. West that alcohol cannot be taken outside. Ms. West asked if customers consuming alcohol on the restaurant's patio would be permitted. Mr. Ransom stated it was acceptable only if the alcohol was transferred to unmarked plastic containers. Ms. Davis-Morris asked for clarification that Ms. West was applying for a temporary license. Mr. Ransom stated that the application is for an annual license which will include a three-month probationary period, pending appropriate sales percentages.

Ms. Davis-Morris moved to approve Ms. West's application for a beer, wine and malt beverage alcohol license by the drink permit. Ms. Feltz seconded the motion. Mayor Swaney opened the floor for discussion. Mr. Hadlock asked for any further comments from Ofc. Lockett. She reiterated her intent to revisit the property in 90 days and urged the Council to follow-up on checking Ms. West's sales receipts. Mr. Ransom strongly cautioned Ms. West not to open the door between the café and the salon under penalty of losing her license. Ms. Nelson stated her concern about two businesses operating in one location. Ms. West explained the space was used for two separate businesses previously and that she has rented both spaces. Ofc. Lockett confirmed that there are two separate entrances for two separate suites. She reiterated that the interior door between the suits must not be opened or used under any circumstances. Ms. West agreed to comply. No further discussion followed. **A vote was called and the motion carried.**  
(6/0)

### **Zoning & Review Committee Report**

**Dean Moore** reported on two items that the Committee has reviewed. The resident at 3785 Poplar Street requested a building permit for a shed in the backyard. All requirements have been met by the resident and the committee has recommended granting the permit.

Compro Tax submitted an application for a sign permit. The Committee did not have clear guidelines regarding sign requirements for the location so the Committee would like to refer the matter to a Council work session for Council to make a determination. Mr. Ransom clarified that the location was in the Thriftown Shopping Center. Ms. Nelson asked if Mr. Moore was the new chair of the committee. He stated that he the interim representative of the Committee. Mr. Ransom asked why the sign ordinance doesn't cover this situation. Mayor Swaney stated that the Zoning and Review Committee should be able to make a determination without consulting Council. Mr. Moore stated that the sign ordinance calls for a standardization of signs in that shopping center and the Committee didn't have the details of the requirements to accomplish that. He stated that the property currently has a variety of styles of signs. Mr. Ransom stated that businesses in that shopping center had five years to comply with the new sign ordinances, which was written about five years ago. He suggested having Code Enforcement review current signs

which now should be in compliance. Mayor Swaney reminded Council that the new sign ordinance applies to all businesses in the city limits. Mr. Moore restated that the Committee does not have specific details to determine compliance. Mr. Ransom asked the business owner when the sign needed to be hung. The business owner replied immediately. Mr. Ransom again suggested that Zoning and Review approve the sign. Ms. Nelson interjected that Mr. Moore is stating there is a lack of clarity in the guidelines. Mr. Ransom stated that the requirements are in the code that was written five years ago, and reiterated that the code authorizes Zoning and Review to make the final determination. Mayor Swaney concurred. Mr. Ransom suggested contacting members of the appropriate committee to get approval. Mr. Moore stated that the Committee physically inspected the sign in question and it looks compliant.

#### **Update Occupational Business Ordinance**

Ms. Ashby stated that Council decided at the last work session to ask the City Attorney to draft changes to the Occupational Business Ordinance with regard to hours of operation of certain businesses. Mayor Swaney opened the floor for discussion. Ms. Feltz restated for Council that restaurants which have alcohol serving permits are not required by City code when to close and she feels that the city code should state a mandatory cease pour time and closing time. She stressed that the vote before Council would be to initiate review of the ordinance and direct the City Attorney to look at the issue rather than approve actual ordinance changes. Ms. Feltz moved to authorize the Council to update the Occupational Business Ordinance to include a closing time. Mr. Ransom seconded the motion. Mr. Foster asked for clarification that the closing time ordinance would apply only to restaurants serving alcohol. Ms. Feltz stated it would apply to all businesses. Mayor Swaney asked Chief Scipio if DeKalb County ordinances required all business to have a closing time. Chief Scipio responded that closing time is 3:00am or 4:00am depending on the county. No further discussion followed. **A vote was called and the motion carried.** (6/0)

#### **Stormwater Inventory Contract Approval**

Ms. Ashby clarified that the contracts at issue are for three independent contractors that are working with C.E.R.M. on the Stormwater Inventory project for the City. Full discussion took place at the last work session. Mayor Swaney asked the City Attorney if he had the contract with him. Mr. Quinn stated that the other parties have signed the contracts already. Ms. Nelson moved to accept the contracts. Mr. Foster seconded the motion. Mayor Swaney opened the floor for discussion. No further discussion followed. **A vote was called and the motion carried.** (6/0)

#### **OLD BUSINESS:**

##### **Amend City of Clarkston Personnel Ordinance**

Ms. Ashby reviewed the issue briefly for Council. Copies of the proposed ordinance language were before the Council and distributed to the audience. Ms. Nelson reiterated the previously discussed reasons for updating the Personnel Ordinance. The City Attorney commented on the appropriateness of using the word “disability” in the ordinance as it is a legally defined term in the federal Americans and Disabilities Act. Mr. Foster reiterated that he is personally offended by the word “disabled” and prefers the word “handicapped.” He stated that he would vote for the amendment using the word “disabled” if there was valid reason for doing so. The City Attorney explained that the word “citizenship” was taken out of the draft amendment presented because in many cases the employer is required to discriminate based on citizenship such as applicants having illegal alien status. Ms. Nelson moved to adopt changes in the Personnel Policy for Article 1, Section 14-3 and Article 9, Section 14-90. Mr. Ransom seconded the motion. (The text of the amendment is attached hereto and incorporated by reference herein.) Mr. Hadlock and

Mr. Foster stated for the record that they are very proud of the City for taking such a position of inclusiveness. No further discussion followed. **A vote was called and the motion carried.** (6/0)

#### **Adoption of Dog Park Rules and Fees**

Mr. Hadlock moved to adopt the Dog Park Rules as provided to Council members by mail Friday, January 30, 2009. Mr. Foster seconded the motion. Mayor Swaney opened the floor for discussion. Mr. Foster pointed out a repeat of one rule that was redundant. Ms. Nelson asked for a copy of the proposed rules. Ms. Feltz pointed out a misspelled word. Ms. Nelson asked if requiring a collar and ID tag for each dog would add an undue financial burden to any potential user of the park. Mr. Hadlock responded that expense for a collar and ID tag is minimal. Ms. Nelson asked for a definition of aggressive dogs. She noted that DeKalb County has ordinances against certain breeds and asked which breeds would be prohibited from the Dog Park under this rule. Mr. Hadlock stated that the dictionary definition of aggressive is a sufficient explanation or definition of an aggressive dog. Mr. Foster stated that the rule is intended to ban specific behavior of any dog rather than a specific breed regardless of individual behavior. Mr. Quinn reiterated that the purpose of the rules is not only for legal notice but to assure Dog Park users that their dogs are safe from aggressive dogs while in the Park. Mayor Swaney asked if the rules are currently posted at the Dog Park. Mr. Hadlock stated that the rules have been repeatedly torn down, but as soon as Council approves the rules a permanent sign will be made. Mr. Ransom asked if the hours of operation will be posted. Mr. Hadlock stated that the hours of operation are the same for Armistead Park, as the Dog Park is located inside Armistead Park. Ms. Nelson asked if large and small dogs will be physically separated. Mr. Hadlock stated that there has been no request from the public to do so and that would require another water fountain, which is fairly expensive. Ms. Nelson asked how repeated violations would be handled. Mr. Hadlock stated that complaints will be registered with Code Enforcement which will keep a record of complaints. Chief Scipio confirmed the process that complaints made through the police in the Dog Park would be forwarded to Code Enforcement. Ofc. Lockett stated that the complaints would be tracked through the handler. No further discussion followed. **A vote was called and the motion carried.** (6/0)

Mr. Hadlock moved for Council to approve a fundraising drive to raise funds for operating expenses for 2009 for the Dog Park, rather than instating usage fees, and to authorize Mr. Hadlock to plan and execute such fundraising efforts. Mr. Foster seconded the motion. Mr. Hadlock stated that he will reach out to other Council members, business and residents to assist with the fundraising efforts. No further discussion followed. **A vote was called and the motion carried.** (6/0)

#### **CORRESPONDENCE**

Ms. Ashby read aloud a letter of appreciation dated January 22, 2009, from the President of DeKalb Technical College addressed to Chief Scipio regarding a police car that Chief Scipio donated to the College's campus police department. Chief Scipio reported that the vehicle was purchased with drug seizure money and disposal of such acquired property is regulated by federal law. Such equipment cannot be sold or auctioned but rather must be donated to another law enforcement agency, usually a smaller agency or an agency starting up. Ms. Nelson asked the value of the car. Chief Scipio stated he did not know the value of the car, only that it was a 2003 model with an odometer reading of 90,000 miles. Mayor Swaney commended Chief Scipio's efforts in donating equipment to DeKalb Technical College.

#### **CHIEF OF POLICE REPORT**

Chief Scipio distributed the stat sheet for Clarkston Police Department for January 2009. A total of 1,323 service calls were made during January. Call volumes are still high, and Chief Scipio

predicts the number to increase as the economy declines. Chief Scipio urged residents and business owners to help law enforcement by reporting suspicious persons or activity. Chief Scipio went through the stat sheet and briefly defined terms and highlighted the number of events under each description. Chief Scipio reported that the single murder case that happened in January has been bound over to DeKalb Superior Court for continued prosecution, with suspects in custody. Chief Scipio related to Ms. Feltz and Ms. Davis-Morris the family's appreciation for helping with the funeral and memorial arrangements.

#### **CITIZENS COMMENTS AND CONCERNS**

**Dolly Purvis, representative from Karla Drenner's Office.** Ms. Purvis commended the Council on the amendment to the Personnel Ordinance. Ms. Purvis announced that DeKalb Technical College will host the DeKalb House and Senate Delegation Public Hearing on Tuesday, February 10, 2009 at 7:00pm and urged all concerned parties to attend.

**Tracy Bishop** (Nielson Drive) announced the he is the interim President of the new Clarkston Business Association, which is a group that intends to work with the City on business development opportunities and crime prevention. Mr. Bishop requested results of the Stormwater Inventory project be made public. Mr. Bishop encouraged the City and citizens to spruce up the ball fields for youth sports as spring approaches.

**Chris Busing** (Mauck Street) stated that Martha Brock has been working on language for a livestock ordinance. He shared a letter addressed to him from Bill Floyd, Mayor of Decatur, stating support for Decatur's livestock ordinance and offering assistance to the City of Clarkston if needed. Mr. Busing showed a petition he would like to distribute to homeowners in Clarkston which features a postcard that can be sent to City Hall in support of a livestock ordinance. Mayor Swaney requested that flyers be put on doors rather than stuck in the mailbox flag because mailboxes have been damaged and flyers fall off and create litter. Ms. Davis-Morris reported that citizens have complained during political campaigns about litter that is created from flyers falling off mailboxes. Mr. Busing stated that he would like the draft ordinance discussed by Council members at the next work session so the ordinance could come to a vote in the spring season.

#### **COUNCIL COMMITTEE REPORTS:**

##### **Finance Committee Report**

Mr. Foster made no report.

##### **Parks Committee Report**

Mr. Hadlock had left the meeting due to illness.

##### **Properties and Community Affairs Report**

Ms. Feltz reported that during the last Mayor's Day Conference, ending January 26, 2009, she attended two committee meetings which she serves on. One was the State Committee on Community Development. Alternative funding sources were discussed because traditional funding sources are in jeopardy due to the economic downturn. She also attended the meeting of the Environmental and Natural Resources Committee which discussed water issues. There will be 14 different water councils throughout the state which will work in partnership with their regional development centers. One of the topics discussed regarding environmental impact issues was a bill in the House of Representatives to enact a livestock ordinance which will supersede any municipal or local livestock ordinance in effect. Ms. Feltz is working hard to find ways to keep at the State level the City moving forward. Ms. Nelson asked if there was any discussion of

community gardens at the conference. Ms. Feltz reported there was no discussion of community or public gardening initiatives.

### **Police Committee Report**

Ms. Davis-Morris complimented the work of Chief Scipio and Ms. Feltz to assist the family of Brittany Wells who was killed in the City last month. Several churches and community organizations were involved and the cost of funeral was taken care of for the family. The family reported they felt strong support from the community.

Ms. Davis-Morris reminded the public that the first in a series of public safety workshops will be held February 28<sup>th</sup>, 4:00-6:00pm to discuss crime prevention measures. She urged residents and non-residents alike to attend the workshop. Ms. Davis-Morris asked Ms. Nelson to put the meeting on the calling post a week prior to the workshop.

### **Streets Committee Report**

Ms. Nelson reported that the Stormwater Inventory is currently in progress. When findings are compiled, the City will get an electronic copy for review. She clarified that the contracts voted on in this meeting were for independent contractors working with C.E.R.M. Ms. Davis-Morris questioned the cost of the independent contractors and Ms. Nelson reported that it was a very reasonable amount. She reported that two water pipes have been found to be broken and one or two sink holes were identified. She stressed the necessity of repairing and maintaining the City's infrastructure. DeKalb County has been generous in assisting with the project. She reported that Dir. Shipman is preparing a work plan for repairs, as they are identified, which will be paid for with stormwater fees.

Ms. Nelson reminded citizens that the streets will be swept during the month of February and every other month after that throughout the year.

Ms. Nelson reported that Keep Clarkston Clean and Beautiful starts in March. Volunteers will be needed to help clean up neighborhoods and parks, as well as business districts. The City will work in partnership with the Clarkston Business Association to clean up in business districts throughout the 30021 zip code. She is particularly concerned with Clarkston Station, East Ponce de Leon Avenue, Montreal Road, Market Street, Indian Creek Drive and Church Street, which will require a community effort. P.R.I.S.M. (Pride Rings in Stone Mountain) will be organizing a clean-up of parts of Memorial Drive and would like Clarkston volunteers to participate also.

Ms. Nelson announced that the Redevelopment Powers Act was enacted into law in November. The next steps are to have a consultant study data and make recommendations about redevelopment in Clarkston. Georgia State University has agreed to assign the consulting work to a class as a project for credit which will save the City some of the cost of consulting fees. John Matthews was instrumental in making this happen.

Ms. Nelson reported that she attended the Mayor's Day Conference and attended the Community Relations and Dealing with the Media presentation. As information becomes available, she will distribute it to citizens and Council members.

Georgia Cities Week will be a conference hosted by the Georgia Municipal Association April 19-25, 2009. The theme of this year's conference will be "Georgia Cities: A Story to Tell." It will be a showcase of cities and highlights services that cities provide to draw attention to the positive influences cities have on communities. Mr. Ransom will be organizing Clarkston's participation.

Ms. Nelson reported that the U.S. Census Bureau is now accepting applications for census-takers, which will pay \$18.00/hour, to assist with the 2010 census. Interested parties should call 1-866-861-2010 for more information.

Ms. Nelson reminded residents that free mulch is available at Armistead Field. The City can assist residents getting mulch to their homes if requested.

Ms. Nelson informed Dir. Shipman that the Clarkston Post Office wrote her a letter commending the work of the Public Works Department in responding to the Post Office's needs.

Ms. Nelson reminded everyone that February is Black History Month. She mentioned that Madame C. J. Walker (1867-1919) was one of the first American women to become a millionaire. Madame Walker once said, "If I have accomplished anything in life, it is because I have been willing to work hard. I never yet started anything doubtingly, and I have always believed in keeping at things with a vim. There is no royal flower-strewn road to success, and if there is, I have not found it, for what success I have obtained is the result of many sleepless nights and real hard work." Ms. Nelson reiterated that it will take real hard work to turn Clarkston around. She made a note that she did not vote in favor of the last budget because it was increased instead of decreased. Ms. Nelson asked Mr. Foster to discuss the findings of the 2008 financial audit. Ms. Ashby clarified that the 2008 financial audit has not begun, and the 2007 Annual Report is available for review at no cost at City Hall or can be purchased for \$10 per copy.

### **Sanitation Report**

Mr. Ransom reported that waste tonnage picked up by Waste Management in January was 58 tons, which included 13 tons of recyclable materials. Mr. Ransom referenced the trend of Georgia cities outsourcing city services (with the exception of police and fire services) which saves those cities money. He cautioned that money saved by using Waste Management will not show up until around December 2009 or early 2010. This saves the city the cost of using DeKalb County's landfills. All residents are now charged for trash and recycling pick-up and per household cost will drop to about \$11.00 per month by the end of 2009.

Ms. Davis-Morris inquired as to the status of a letter to be addressed to all citizens regarding when trash receptacles are to be put on the street for pick-up and when they are to be removed from curbside. Mr. Ransom stated that he drafted the letter and had given it to Dir. Shipman. Dir. Shipman stated that the Mayor had requested that letter be discussed in a work session. Ms. Davis-Morris inquired as to the status of getting smaller receptacles for some residents. Mr. Ransom stated that a few cans are available for residents who cannot physically maneuver the larger cans, but Waste Management cannot supply smaller cans to all residents. Ms. Nelson asked for clarification as to the schedule for trash pick-up. Mr. Ransom stated that all trash and recycling is picked up on Mondays. Yard trash is collected Monday through Friday.

Mr. Ransom related a request from the Post Office for all citizens to mark street address numbers on their mailboxes and/or houses so the numbers are visible from the street. This will facilitate mail delivery, public safety service and sanitation service.

### **City Attorney Report**

Mr. Quinn made no report.

### **Mayor's Report**

Mayor Swaney made a clarifying statement regarding the complaint he mentioned that had been made against Ms. Feltz by a local business owner at the last Council meeting. The Mayor stated

that no written complaint had been made, only a verbal statement to the Mayor. Mayor Swaney apologized to Ms. Feltz and to her husband, Jack Eddington, for his comments causing them any offense.

Mr. Foster moved to pay Council bills and adjourn the Council meeting. Ms. Davis-Morris seconded the motion. No discussion followed. **A vote was held and the motion carried.** (6/0)

The meeting adjourned at 8:45pm.

Attest: \_\_\_\_\_  
Tracy Ashby, City Clerk