

MINUTES
CLARKSTON CITY COUNCIL
Tuesday, May 5, 2009, 7:00PM

Officials Present

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

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

Joan Swaney gave the invocation. The Pledge of Allegiance followed.

APPROVAL OF MINUTES

Minutes for the April 7, 2009 Council meeting were before of Council for approval. Ms. Davis-Morris 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)

Zoning & Review Committee Report

None.

NEW BUSINESS:

DeKalb Technical College Student Project

Mr. Ransom explained DeKalb Tech's Vice President Teems and Academic Director Dr. Tanya Gorman directed Mr. Ransom to Ms. Anderson, Drafting Instructor, to request that her class complete a for-credit project of producing renderings of what a proposed redeveloped Town Center District (TC) could look like after implementing principles of the City's Design Guidelines, Livable Centers Initiative and Comprehensive Plan. The project will produce at least five overlays of what the TC could look like which will be the property of the City. The City Clerk read the official memorandum of authorization from DeKalb Tech to the City into the record. Mr. Ransom will present an authorizing resolution at the next Council meeting to approve the arrangement.

Ms. Nelson asked if previous research (multiple photographs and research of other cities) the City had conducted regarding redevelopment had been shared with the students. Mr. Ransom responded that all previous research has been made available to the students.

Ms. Feltz asked what the intended outcome of the project is. Mr. Ransom responded that the materials produced could be used as marketing tools for developers and other people interested in investing in Clarkston. Ms. Feltz commented that Pond & Company has extensive research and images in electronic format that define what City planners have in mind. She asked if this project would supersede what has already been produced. Mr. Ransom responded that all that material has been provided to the student group and they will follow the principles of the LCI, Comprehensive Plan and Design Guidelines in their project. Ms. Feltz reiterated that the vision for the City is that of a railroad town which has been developed over time. Mr. Ransom assured Ms. Feltz that the project will produce a portable portfolio of what the City has already determined it wants with regards to redevelopment.

Millage Rate Update

Ms. Ashby reported that it is the time of the year to review and adopt a millage rate for 2010. She reported that the City has received information that the process has been delayed. She read a letter from the DeKalb County Tax Assessor's office explaining the situation, and a letter that was sent to all property owners. In essence, the Georgia Governor has signed into law changes in determining fair market value of property and will include criteria of foreclosure sales, bank sales and other financial institution or distressed sales. The Tax Assessor's office expects to mail new assessment letters to property owners by mid-May 2009. Ms. Ashby explained that this means the City will not have tax values until May 16th. DeKalb provided information at the end of April but now that information is to be discarded in light of the re-valuation formulas being used. She plans to schedule a Special Call Meeting sometime on or about the 18th of May to discuss millage range changes with accurate property value information in hand. The City will have until June 15th to get that information to DeKalb County.

OLD BUSINESS:

Occupation Business License Fees and Taxes

Mr. Hadlock reported that it was decided at the work session that the research as to the feasibility and legality of raising business license fees should be given to Pond & Co. He would like to consult the City Attorney on these issues as well. He suggested that this subject be discussed further at the next work session after Pond & Co. has completed their review and made their recommendations.

Planning and Development Committee to Review License Applications

Mayor Swaney stated that he would like the Planning and Development Committee to review new business license applications rather than the City Clerk so that businesses can be approved for a license before they actually set up a business. Mr. Quinn presented a draft ordinance providing for the same as a first read which could be discussed further at the next work session, and a vote could be taken at the next Council meeting. Mr. Quinn read the draft ordinances for the record (see attached copy). Mr. Quinn stated that he provided Council with a redlined document highlighting changes in the ordinance.

Ms. Davis-Morris commented that the term "Planning and Development Committee" was used and understood that the name of the committee had been changed to "Planning and Zoning Committee" when the two committees were combined. Ms. Feltz stated that there are still two committees, they merely share membership. Mayor Swaney stated this subject could be considered in the next work session.

City Manager

Mayor Swaney stated that Council has discussed this subject time and time. Mayor Swaney called for a vote of all in favor of a City Manager being pursued. Mr. Ransom stated that he would like to have discussion before a vote. Mr. Ransom read a statement into the record: "I would like again to make it clear that the discussion of having a City Manager form of government does not reflect on any way on the Mayor's ability to govern our City. But the Mayor is retiring at the end of this year and many citizens and Council members feel and desire to leave his office knowing that the City is progressing quickly and the needs are best and possible management guidance for future growth of our City. Previous resolutions that would have put this matter before the State was voted down last Council meeting which prevented us from being able to put it on the ballot on November 2009 referendum for the Citizens of Clarkston to be allowed to cast their votes. Now this issue is being brought forward again and the deadline is fast approaching for getting paperwork to the General Assembly in order to have the vote for the January's Assembly to be authorized the referendum to go on the ballot in 2010 to approve the change. I do hope that tonight we will not again delay until 2011 on getting us a City Manager. Therefore, if the resolution fails to pass again tonight, and the Council and the City are effectively denying the citizens of Clarkston their right to vote, I will not join in the denial. Therefore, I will again vote yes. Thank you, Mayor."

Ms. Nelson stated that she understands the idea of having a City Manager and is not opposed to the idea but she feels the City cannot afford a City Manager. She suggested using a City Administrator, which can do the same job as a City Manager and will cost the City less in salaries, benefits and support staffing. She is concerned with meeting the current budget, much less finding funding for a City Manager. She feels that the City could get the same results with a City Administrator with much less expense and without having to change the form of government.

Mr. Hadlock rhetorically asked Ms. Nelson why so many cities have City Managers rather than City Administrators. He stated that Ms. Nelson is ignoring that fact that a City Manager form of government changes the way the government operates and is not the same thing as having a City Administrator position which still falls under the purview of the mayor. Ms. Nelson stated that a City Manager also falls under the purview of the mayor. Mr. Hadlock and Mr. Ransom explained that is incorrect and that the act of changing the City Charter makes the City Manager under the purview of Council, not the mayor. Mr. Hadlock stated that a City Manager/Council is a professional form of city government which is very different from having a City Administrator.

Ms. Nelson reiterated that the City cannot afford salary and benefits of a City Manager. Mr. Foster stated he feels the City can't afford not to have a City manager. Mr. Ransom asked to look for additional revenue streams, like business taxes, private sanitation, etc. He stated that if the City Council worked together, funding could be found; especially with the lead time it takes to get the change through legislation and the hiring process. He urged the Council to work together to make it possible for the City to have a City Manager/Council form of government. Mr. Foster stated that a City Manager would bring expertise in securing funding and professional budgeting.

Ms. Davis-Morris reiterated that the affordability of a City Manager is an obstacle. She reported that she has talked to other cities that are having financial difficulties because of hiring City Managers prematurely.

Mr. Ransom urged the Council to move forward and be positive about finding funding for professional city management. Mr. Hadlock stated that there are many possibilities for saving money in the budget in the near future. He also stressed expanding revenues through annexation. The best selling point for annexation is to have the best professional management to represent the City. Mr. Hadlock felt that an investment in a City Manager would lead to solving many of the financial difficulties of the City.

Ms. Feltz stated that she had done research with the cities of Marietta and Decatur which do not have City Manager forms of government. She reported that Stone Mountain saved money for five years to have funding to pay for the salary of their City Manager until revenue streams could increase. She stated that the documents the Mr. Ransom has presented do not reflect strengths, limitations and powers that Council has set forth for Clarkston. She stated that there are many mechanisms to affect the change have been glossed over and that she doesn't feel a sense of urgency to move forward until more research has been completed. She stated she is not opposed to a City Manager.

Mayor Swaney called for an end of discussion. Ms. Feltz seconded the motion. **A vote was called and the motion failed.** (3/3; Ransom, Hadlock and Foster in favor; Davis-Morris, Feltz and Nelson opposed. Mayor deferred a tie-breaker vote.)

CORRESPONDENCE

Ms. Ashby read a letter from Greg Zarus, Mayor of Pine Lake, addressed to Mayor Swaney and the City of Clarkston expressing his appreciation of the cooperation between the two cities, especially on the

Snapfinger Creek project. Some discussion followed regarding Snapfinger Creek running through Clarkston, which is part of the South River Watershed.

CHIEF OF POLICE REPORT

Lt. Chris Hudson gave the Chief of Police report. She reviewed highlights of the statistics report that was distributed to those in attendance. Ms. Nelson asked how Lt. Hudson found her first month in Clarkston and Lt. Hudson responded that she was very happy to be working in Clarkston and hoped to do a good job for the citizens. She stated that one of her priorities is for the patrol officers to become more involved with the community by talking to residents as they patrol and to increase the visibility officers.

CITIZENS COMMENTS AND CONCERNS

_____, accountant, (DeBelle Street), expressed concern about not receiving his renewed Occupation License for 2009.

Janice Gardner (Rogers Street) spoke representing the Clarkston Business Association. She asked if written notices have been sent to Clarkston businesses regarding the change in mandatory closing times. She expressed concern that the car wash on Market Street is operating 24 hours a day, 7 days a week.

Ms. Gardner expressed concern that Occupational Licenses expired December 31, 2008 and renewal licenses have not been issued. She stated that the lack of current business licenses is causing problems for businesses that need a current license to conduct business with suppliers and customers.

Tracy Bishop (Nielsen Drive) announced that the Clarkston Business Association is now a member of the DeKalb County Chamber of Commerce. He reported that the Clarkston Business Association is growing and will become a political force in Clarkston. He asked the Council and Mayor to work with the Clarkston Business Association as a partner in formulating business policies for the City.

Mr. Bishop expressed appreciation to the City and Director Shipman for working on the baseball field at Milam Park and reported that it was used over the weekend. He stated it still needs a lot of work. He stated that Armistead Field looked horrific when he saw it reported on by Channel 11 a few weeks ago. He stated he is very upset about the condition of the baseball and football fields. He mentioned that he heard that the Fugees want exclusive use of Armistead Field and he stated he would like a Little League football team to have access to the field as well. He asked for clarification of the arrangement with Fugees regarding use of the field.

Mr. Bishop expressed concern that Clarkston helped Pine Lake with a project related to the South River Watershed area but that the Clarkston Lake has been ruined by silt directed to the lake by DeKalb County and the City. He complained that the City has easements all over the surrounding property but calls the lake a private lake. Mr. Bishop complained strongly that the lake is a health hazard to the City, especially to surrounding residents, and that taxes property owners pay to maintain stormwater utility entitle residents to assistance from the City to maintain and clean up the lake. Mr. Bishop stated that he expects the Council and Mayor Swaney to work with Burrell Ellis, CEO of DeKalb County, to resolve the problems with the lake. He stated property is being destroyed by lack of maintenance of the lake.

Keith Dawson (Operations Manager, Positive Growth Boys Home) announced the annual Family Fun Day to be held 11:30am to 5:30pm on June 13, 2009. He distributed fliers about the event. The event is intended to raise visibility of Positive Growth with City and County residents and to showcase the good work that the organization has accomplished. There will be food and activities geared toward families

and all are invited. There will be a barbeque cook-off and entry information is on the Positive Growth website.

Chris Busing (Mauck Street) reiterated that neighborhoods are suffering because of the noise produced by the 24-hour car wash. He commented on the discussion Council had on a City Manager and stated that all the comments seemed like speculation rather than real analysis that should be done to determine pros and cons of moving forward with a City Manager for Clarkston.

Mr. Busing displayed a frame he built for a Bill of Rights poster. He offered the piece to be displayed at City Hall. He expressed a desire for the City to take steps for emergency preparedness, especially stockpiling storable food.

COUNCIL COMMITTEE REPORTS:

Finance Committee Report

Mr. Foster reported that the 4th Annual Clarkston Surf Fest will be held on May 23, 2009 at the Clarkston Community Center from noon till 9:00pm featuring live music all day.

Parks Committee Report

Mr. Hadlock reported a sewage spill in Friendship Forest which spilled about 600 gallons of raw sewage into the marshy field at the pavilion and directly into Peachtree Creek. The cause of the spill was a grease blockage in the main line. Mr. Hadlock urged everyone in attendance to keep grease out of their drains at home and to urge everyone to tell their neighbors to do the same. He stated that the news will be posted on the City's website.

Mr. Hadlock announced that Little League got started and had a great opening day. He stated that he is working on removing the dilapidated score board from Armistead Field. He stated that there has been no request whatsoever from the Fugees to secure exclusive use of Armistead Field. He clarified that the agreement with the Fugees is for use of the field from 4:00pm to 8:00pm four days a week (Monday, Tuesday, Wednesday and Thursday) for a year. The Fugees pay the City a donation of \$5,000 per year for that arrangement.

Mr. Hadlock complimented Director Shipman and Donnie Roseberry for their assistance planting wildflowers in Friendship Forest.

Mr. Hadlock announced that there is a sign board at the dog park where postings can be made for lost or found pets.

Properties and Community Affairs Report

Ms. Feltz stated that she attended an Economic Development seminar in Denver, Colorado. The seminar was specifically focused on inner-city redevelopment. She learned how Denver has revitalized its downtown and hopes to bring some of the same ideas to Clarkston.

Ms. Feltz reported on a notification from the Board of Health regarding the H1N1 virus and requested that "Wash Hands Often" be put on the reader board.

Ms. Feltz asked why there has been a delay in the renewal of Occupational Licenses. Ms. Ashby responded that Juliette White is working on the project, along with managing payroll, vendor payments, receiving all funds, dealing with everyday issues from citizens, as well as Council and Mayor requests.

She explained that the project is a two-step process involving 150 licenses in addition to 300 licenses for insurance companies that have to be processed. Ms. Ashby explained that there is an informal expedite procedure for anyone who makes such a request. The City does not prosecute expired licenses because the City is issuing them.

Ms. Feltz asked if temporary help could be brought in to assist with the project. Ms. Ashby explained that the process can only be handled on proprietary software and is a confidential process which can only be accessed by two computer terminals which are used all day by the City Clerk and Finance Officer. Ms. Feltz asked if there is other work that temporary staff could perform to free up time for business license processing. Ms. Ashby responded that there is very little work that the Finance Officer performs that can be delegated to temporary staff. Ms. Feltz asked if the receptionist position could be given access to proprietary software to assist with business license processing. Ms. Ashby said that has been considered in conjunction with computer upgrades. Ms. Ashby reiterated that there has been discussion with Mr. Hadlock about restructuring the fee schedule to a flat-fee system to streamline the process in general. Ms. Feltz requested that the issue be on the next work session agenda to establish a person who could serve as a back-up for heavy workload periods. Ms. Nelson stated she didn't feel the situation could wait 30 days to be resolved. Ms. Feltz stated that all businesses are supposed to have grease traps installed which probably requires current business licenses.

Police Committee Report

Ms. Davis-Morris requested that an effective way to communicate the dangers of pouring grease down drains to the citizens needs to be developed. Ms. Feltz stated that Dawn breaks up grease and this can be used in households and this should be communicated to citizens as well.

Ms. Davis-Morris stated that although the City does not enforce expired business licenses the State of Georgia may do so. Ms. Ashby stated that the State does not audit City business licenses.

Ms. Davis-Morris mentioned that it is growing season and sometimes vegetation gets out of hand in empty lots. She suggested residents make Code Enforcement complaints by email or by phone to City Hall. Mayor Swaney stated that there are Code Enforcement Complaint Forms available at the reception desk at City Hall to be used for making complaints.

Ms. Davis-Morris thanked Lt. Hudson and the officers who escorted a funeral earlier in the day.

Streets Committee Report

Ms. Nelson reported that the April "Keep Clarkston Clean and Beautiful" event was successful with about 35 participants, including citizens, council members, members of the Public Works Department and participants from Positive Growth. She thanked all those who participated.

Ms. Nelson reiterated that all citizens should be vigilant not to litter and help pick up litter to keep it from getting in the storm water drains. She announced that a Keep Clarkston Clean and Beautiful Team is being formed and will begin having meetings soon. Four people are already signed up and she invited anyone else who is interested to sign up wither by email.

Ms. Nelson reported that the Storm Water Inventory project being conducted by C.E.R.M. is completed. DeKalb County is now analyzing the data and Ms. Nelson intends to report on problem areas at the next Council meeting. She stated that clean-up will be expensive and there are some aspects of the clean-up that cannot be done by employees of the Public Works Department. Ms. Nelson highlighted the fact that Public Works Employees clean street signs around the City to keep them free of pollen, maintain the City's buildings and grounds, maintain City right-of-ways, dispose of dead animals, as well as maintain

Friendship Forest and Milam Park. She expressed appreciation to all those employees who work so hard every day to keep the City clean.

Ms. Nelson reported on positive press coverage of the international banners that are hung along the City's main corridor.

Saturday, May 9, 2009, from 10:00am to 3:00pm a Red Cross Blood Drive will be held at the Clarkston Community Center. Mr. Nelson encouraged residents to participate.

Several organizations in Clarkston are working together to host a Bike Rodeo on Saturday, June 6, 2009, which will highlight bike safety for children. Safety equipment will be given away and extensive safety training will be offered to children. There is a possibility of an adult bike event being held to showcase the Bike Trail that runs through Clarkston.

Ms. Nelson announced that the price of postage stamps will be going up to \$0.44 May 11, 2009. The Clarkston Postmaster asked me to let everyone know that the price of stamps was increasing and that for a short time the Forever stamp that can be purchased at the current rate and in bulk which will be honored forever.

Ms. Nelson announced that within the first quarter of 2009 there are anniversaries of employment which combined equal 57 years. She thanked and congratulated Andrew Atkins, Thaddeus Brown, Carlos Chipoco, Angela Hatchett, David Meadows, Deborah Samuels, Eddie Carson (11 years), Tracy Ashby (11 years) and James Steedle (15 years).

Ms. Nelson wished everyone a happy Mother's Day.

Sanitation Report

Mr. Ransom reported that the City is averaging 47 tons of trash pickup per month with April's total being 47.11 tons. Recycling is holding steady at 13 tons per month.

Mr. Ransom reported that the DeKalb County Board of Commissioners has authorized the donation of a tractor to the City of Clarkston. The vote will be on the agenda for the May 12, 2009 Commission meeting. Mr. Ransom has been assured that the vote will pass.

Chris Morris asked Mr. Ransom to share information about the Homeless Prevention and Rapid Re-housing Program. More information can be found on the DeKalb County website.

Mr. Ransom announced that the Clear Channel board is being constructed in Clarkston and will be operational by Friday, May 8th. Mr. Ransom suggested that this board will be useful for public service announcements.

City Attorney Report

None.

Ms. Nelson assured Mr. Bishop that the City has not forgotten about Clarkston's lake and its problems. She stated that the City has been working with the Lake Association, of which Mr. Bishop is chair this year. She reported that Clarkston Lake is a private lake and stormwater fees cannot be used to pay for the clean-up of the lake. The City is working with the Lake Association on ways that the Association can help clean-up the lake or partner with other organizations to do so. Ms. Nelson reported that Pine Lake

and Clarkston had worked together to submit projects for funding from President Obama's stimulus package. When the Pine Lake project got approved, it became known as a Clarkston/Pine Lake project because of the way the application had been submitted. Ms. Nelson explained that working in partnership with the other cities keeps us in the minds of the decision-makers on the federal, state, and county levels. She stated that this partnership could also mean for Clarkston employment opportunities for some Clarkston residents to work on the Pine Lake project if it is funded.

Mayor's Report

Mayor Swaney cast a nay vote for moving forward with a City Manager. He stated that funding should be secured for the position before considering having a City Manager.

Mr. Ransom moved to adjourn the Council meeting. Mr. Foster seconded the motion. No discussion followed. **A vote was held and the motion carried.** (6/0)

The meeting adjourned at 8:30 pm.

Attest: _____
Tracy Ashby, City Clerk