

MINUTES
CLARKSTON CITY COUNCIL
Tuesday, January 5, 2010, 7:00PM

Officials Present

Mayor:	Howard Tygrett
Council:	Warren Hadlock, Dean Moore, Emanuel Ransom, Joan Swaney, Adam White
City Clerk:	Tracy Ashby
City Attorney:	Stephen Quinn

Swearing In Ceremony

Mayor Swaney welcomed those in attendance. He recognized Rev. Ellen Hopkins of Clarkston United Methodist Church, Father Allan Sadlin from Holy Trinity in Decatur, Mayor Bill Floyd of Decatur, former Council members and the Clarkston police officers in attendance.

Father Sadlin gave the invocation. The Pledge of Allegiance followed.

Mayor Howard Tygrett was sworn in as Mayor of the City of Clarkston.

Dean Moore, Joan Swaney and Adam White were sworn in as members of the Clarkston City Council. Judge Nicholas administered the oath.

Mayor Tygrett addressed those in attendance recognizing those in attendance and introducing his vision for the City of Clarkston.

Mayor Swaney presented Mayor Tygrett with a gavel and block.

A reception was held until 7:00pm. Mayor Tygrett called the meeting back to order at 7:00pm.

Mr. Gordon Burkett from DeKalb CEO Burrell Ellis' office presented Mayor Swaney with a Proclamation honoring his service to the City.

Mayor Tygrett and the Council members presented Mayor Swaney with a Key to the City and a Proclamation to honor his service to the City.

Election of Vice Mayor

Mr. Moore nominated Emanuel Ransom as Vice-Mayor. Mr. Hadlock seconded the motion. Mayor Tygrett opened the floor for discussion. No discussion followed. **A vote was called and the motion carried.** (5/0)

Council Committee Chair Appointments

Mayor Tygrett made the following Chairmanship appointments:

Adam White - Parks and Recreation Committee
Dean Moore – Buildings and Grounds Committee
Joan Swaney – Police Affairs Committee
Warren Hadlock – Finance Committee

Mayor Tygrett will name the new council member elected in March to chair the Streets and Sanitation Committee.

Approval of City Attorney

A proposal for services was before Council for consideration from Bryan Downs of Wilson, Morton & Downs. Mr. Moore moved to accept the proposal. Mrs. Swaney seconded the motion. Mayor Tygrett opened the floor for discussion. No discussion followed. **A vote was called and the motion carried.** (5/0)

Approval of City Auditor

Ms. Ashby explained that the City Auditors are under contract with the final year of the contract to audit FY2009 at a cost of \$16,000. Mr. Ransom moved to retain the current City Auditor. Mr. Hadlock seconded the motion. Mayor Tygrett opened the floor for discussion. No discussion followed. **A vote was called and the motion carried.** (5/0)

Approval of City Judge

A proposal from Judge Steven Nicholas was before Council for consideration. Mr. Ransom moved to accept the proposal from Judge Nicholas for a 12-month period. Mr. Moore seconded the motion. Mayor Tygrett noted that Judge Nicholas has been the City of Clarkston's Municipal Court Judge for 20 years. Mayor Tygrett opened the floor for discussion. No discussion followed. **A vote was called and the motion carried.** (5/0)

Amendment to Election Ordinance

Mr. Quinn explained that the purpose of the amendment was to enact election by plurality vote for 1) the offices of Mayor and City Council, 2) the office of Mayor only, or 3) the offices of Council only. He stated that the current draft of the legislation is to apply election by plurality vote to all offices. He stated that if Council wanted to change that, he could still perform the first read. Mayor Tygrett asked Mr. Quinn to read the ordinance as written before any discussion took place. Mr. Quinn did so. Mayor Tygrett opened the floor for discussion. Mr. Moore asked what the current ordinance states. Mr. Quinn stated that the current ordinance is unclear whether the election of Mayor is by plurality or majority vote and the purpose of this ordinance amendment is to clarify the current ordinance. Mr. Hadlock stated that he is in favor of election of Mayor by majority vote to ensure a mandate from the voting population, so that the office is not filled by a low percentage of the vote because of the number of candidates running. Mr. Quinn asked for an informal vote on what the Council would like to do so that appropriate filings can be made with the US Department of Justice in time to have the ordinance clarified for the special election to be held in March 2010. Mr. White asked if the Council members are not already effectively being elected by both plurality and majority. Mr. Quinn confirmed that conclusion. Mr. White asked for clarification that using a plurality vote to elect the Mayor would eliminate the need for a run-off. Mr. Quinn confirmed that conclusion. Mr. Ransom stated that he supports using a plurality vote to elect the Mayor and each Council member. Mr. Moore and Mrs. Swaney concurred. Mr. Hadlock reiterated that he would prefer a majority vote to elect the Mayor. Mr. White stated that he would support plurality of vote to elect the Mayor. Mr. Quinn asked for confirmation that the Council would like to move forward with a filing with the Department of Justice to enact the ordinance to elect Council members and the Mayor by plurality vote. Council confirmed this intention. Mayor Tygrett stated that the second read of the amended ordinance would be performed at the February Council meeting.

Call for Special Election March 16, 2010

Ms. Ashby issued a call for a Special Election to be held March 16, 2010, to fill the sixth Council seat. She stated that the date of the Special Election is determined by the Georgia Election Code. Mr. Ransom moved to approve the call for a Special Election. Mrs. Swaney seconded the motion. Mayor Tygrett opened the floor for discussion. No discussion followed. **A vote was called and the motion carried.** (5/0)

Determination of Qualifying Period for Special Election

Ms. Ashby stated that the beginning date of the qualifying period is set by Georgia Election Code to be 29 days before the Special Election which is February 15, 2010. Council must decide how long the qualification period will be from at least three days to up to five days. Mr. Hadlock stated he was in favor of having the qualifying period be for five days. Mrs. Swaney moved for the qualification period to be for three days. Mr. Ransom

seconded the motion. Mayor Tygrett opened the floor for discussion. Mr. White asked for Council's opinion about the options. Mrs. Swaney stated that three days was long enough. Mr. Moore stated that the sooner qualification is completed the sooner the community will know the candidates and the candidates will be able to start campaigning. No further discussion followed. **A vote was called and the motion carried. (5/0)**

Appointment of Election Superintendent and Deputy Election Superintendent

Ms. Ashby read the requirements and responsibilities for appointment of the positions as stated in the Georgia Election Code. Mr. Ransom moved to appoint the City Clerk as Elections Superintendent and Juliette White as the Assistant Elections Superintendent. Mr. Moore seconded the motion. Mayor Tygrett opened the floor for discussion. No discussion followed. **A vote was called and the motion carried. (5/0)**

Appointment of Members to Planning and Zoning Commission

Mr. Moore stated that volunteers are needed to serve on the Planning and Zoning Commission and to serve as Recording Secretary. Mr. Ransom moved to table appointments to the Commission until the February Council meeting. Mr. Moore seconded the motion. Mayor Tygrett opened the floor for discussion. No discussion followed. **A vote was called and the motion carried. (5/0)**

APPROVAL OF MINUTES

Minutes for the December 2, 2009, Council meeting were before of Council for approval. Mr. Ransom moved to approve the minutes with any necessary corrections. Mrs. Swaney seconded the motion. Mayor Tygrett opened the floor for discussion. Mr. White stated that the minutes incorrectly identify him as an employee of the Department of Natural Resources. He stated that he is employed by the Army Corps of Engineers. Ms. Ashby stated she will make the necessary corrections. No further discussion followed. **A vote was called and the motion carried. (5/0)**

Planning and Zoning Commission Report

Tim Berkesch reported that the Planning and Zoning Commission met December 11, 2009 to review one item which was a business license for Cafe ATL, LLC located at 3647 Market Street. The Commission recommended approval of the business license.

Mr. Berkesch stated that the Commission needs to fill two seats left vacant by newly elected Councilmen. He urged citizens to get involved and volunteer.

CORRESPONDENCE

Ms. Ashby reported that Rep. Karla Drenner sent a letter to Mayor Swaney stating that she had received the City's request to change the form of government to a City Manager/Council form of government and that she plans to submit the requested Charter change to Sen. Gloria Butler and into the legislative process.

Mr. White stated that he submitted a letter of resignation as City Arborist to Mayor Swaney.

CITIZENS COMMENTS AND CONCERNS

Tracy Bishop (1050 Nielsen Drive) thanked the new and retiring members of Council for working with the Lake Association on the Twin Lakes Restoration Project. He offered any information on the project that any new members may want to review. He stated that the Lake Association is very much looking forward to working with the new administration on the project.

Mr. Bishop stated his desire that the amended election ordinance would establish a majority vote needed to elect the Mayor.

Chris Busing (Mauck Street) urged the City to conduct the special election by paper ballot. He passed out a flyer he distributed around the City and pointed out that a state sovereignty bill (SB 632) is being considered in the Georgia legislature this session and it is very important for citizens to be aware of.

Martha Brock (4087 Church Street) stated that she agrees with Mr. Hadlock and Mr. Bishop that the Mayor's office should be elected by majority vote. She urged Council to reconsider how it will proceed to amend the election ordinance. She stated that she hopes that Council committee reports will be brief under the new administration. She also urged Council to amend the three-minute time limit on citizens speaking during citizens' comments.

Diane Leonetti (Maclaren Drive) announced that she will run for the open Council seat during the special election.

OLD BUSINESS

None.

CHIEF OF POLICE REPORT

Chief Scipio stated that the members of the Police Department are excited about the new administration and thanked Mayor Swaney for his support and leadership during his terms in office. He complimented Mayor Tygrett on his desire to improve public safety in Clarkston. He reported that the Police Department is moving forward with the installation of new technology which will improve officers' visibility and productivity in the community. He reported that there were only three homicides during 2009. He reported that he plans to conduct more public safety seminars in 2010 similar to the very successful seminars that were conducted during 2009.

Lt. Chris Hudson gave a report on the progress of the installation and application of the new records management software and hardware in the Police Department. She stated that the system went live December 10, 2009. The grant money to pay for the upgrade has been received. The next step is to install computers and cameras in the patrol cars.

COUNCIL COMMITTEE REPORTS:

Sanitation Report

Mr. Ransom reported that during 2009, 599 tons of solid waste were picked up from the City of Clarkston. He reported that 170 tons of recycling were picked up as well and he complimented the citizens for the success of the recycling initiative. The average monthly tonnage pickup for solid waste in 2009 was 44.7 tons. The average monthly recycling tonnage was 31.9 tons.

Mr. Ransom reported that he is moving forward on acquiring additional heavy equipment by donation from DeKalb County to be used by the Public Works Department.

Parks Committee Report

Mr. Hadlock stated that he has enjoyed being Chair of the Parks and Recreation Committee. He stated that he will work with Mr. White to get up to speed on current projects. He reported that he has been working with Path Foundation to renovate and improve the pathways in Friendship Forest. Mr. Hadlock reported that the City has re-applied for a Department of Natural Resources grant for \$100,000 which requires a 20% match from the City.

City Attorney Report

Mr. Quinn reported that the amendment to the City Charter to change the City's form of government to City Manager/Council form of government is moving through the legislative process and encouraged Council to take an active role in determining how the new form of government will operate rather than just handing the responsibility over to the Legislative Counsel's office to draft the charter amendment. He stated that he has talked to the Legislative Counsel's office which has already started drafting the amendment. Mr. Quinn stated that Council may want to review the Georgia Model Charter (which he had emailed to each member) to become familiar with several options that can be made to the Charter during the form of government amendment. Mr. Quinn outlined several areas and issues that need to be resolved which could be handled through Charter amendments. After being questioned, Mr. Quinn stated that the legislature can consider the amendment through July. He reiterated that the Model Charter provides options that can be "cut and pasted" rather than having to spend a lot of time and expense to draft provisions from scratch. Mr. Quinn suggested that provisions be discussed at the next work session and, coordinating through the Mayor, Mr. Quinn can continue to work with the Legislative Counsel's office to prepare the amendments. Mayor Tygrett urged Council to review the Georgia Model Charter to be prepared to discuss provisions at the next Work Session.

Mayor's Report

Mayor Tygrett reported that the 2010 budget process was suspended in December and will be continued now that Council has taken office. He stated that public hearings will be announced in the next few weeks.

Mayor Tygrett thanked citizens who made comments and encouraged citizens to make their thoughts and concerns known to Council.

Mayor Tygrett addressed comments made regarding the election ordinance. He stated that his priority is to clarify election ordinances in time for the Special Election to be held in March. He stated that since the next Mayor's election will be years in the future, those election provisions can be reconsidered after the Special Election if citizens still have concerns.

Mr. Ransom moved to adjourn the Council meeting. Mrs. Swaney seconded the motion. No discussion followed. **A vote was held and the motion carried.** (5/0)

The meeting adjourned at 8:00pm.