

**MINUTES**  
**CLARKSTON CITY COUNCIL**  
Tuesday, October 6, 2009, 7:00PM

Officials Present

Mayor:	Lee Swaney
Council:	Pat Davis-Morris, Karen Feltz, Wayne Foster, Warren Hadlock, Emanuel 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.

Mayor Swaney announced the DeKalb County CEO Burrell Ellis was unable to attend as planned due to illness in his family and he will plan to attend the next Council meeting.

Mayor Swaney announced that India Pullin was not in attendance.

Mayor Swaney announced that County Commissioner Jeff Rader was not in attendance, although he may arrive late.

**APPROVAL OF MINUTES**

Minutes for the September 1, 2009 Council meeting, September 30, 2009 work session, and October 5, 2009 Special Call meeting were before of Council for approval.

Ms. Davis-Morris presented minor changes to the work session minutes to be included before approval. Changes to those minutes were discussed. Ms. Davis-Morris moved to approve the minutes as amended. Mr. Foster seconded the motion. Mayor Swaney opened the floor for discussion. No discussion followed. **A vote was called and the motion carried.** (5/0)

Mayor Swaney announced that India Pullin, of Step Up in Georgia, was in attendance. She stated that she wants to have a good working relationship with the City of Clarkston and made a presentation of activities she is currently involved in. She is president of DeKalb Neighborhood Leadership Alumni Association which works with CEO Ellis to engage all neighborhoods in DeKalb County. She announced that Ms. Davis-Morris attended the last work session of that organization. The organization is sponsoring a DeKalb Neighborhood Summit on November 14, 2009 at the Arts Center on Rainbow Drive. She encouraged Clarkston neighborhoods to become involved in the organization. She announced that the organization will have a graduation ceremony for DeKalb Leadership Institute graduates on October 17, 2009. She stated the organization will begin the interview process for new students for the school year starting in January 2010 around the first part of December 2009.

Ms. Feltz asked for a contact phone number for Ms. Pullin. She stated that she can be reached at Step Up in Georgia at 404-343-1452.

## **CITIZENS COMMENTS AND CONCERNS**

Graham Thomas (3747 Market Street) asked for clarification of the banners hanging on telephone poles. He stated he thought they were stops for MARTA. Mayor Swaney explained that they are welcome signs that Ms. Rosemarie Nelson arranged to have hung around the city.

Theodros Hallegiorgis (E. Ponce de Leon Avenue) announced that the Clarkston Community Center will host the 6<sup>th</sup> Annual Ethiopian Cultural and Food Festival this coming weekend and invited all to attend. The festival will run from noon till 9:00pm.

Allison Moses (Owner of Oriental A-Dong Market on Market Street) stated that her store has been in business for 26 years. She stated that Clarkston has too many oriental markets and it is hurting her business. She asked if business owners could open different kinds of businesses instead of oriental markets. She stated that there is a store opening right next to her which is selling the same items that her business is selling. She asked that the City prevent more grocery stores from opening.

Mayor Swaney asked if the owners of the shopping center have been in touch with her yet. She replied that they told her that they had to rent the spaces to whoever would pay the rent. She expressed a fear that if she complains too loudly the landlords will not renew her lease. Ms. Feltz asked if all the grocery stores were selling the same things or were they ethnically specific. Ms. Moses stated that basically all Asian people eat the same foods but cook them differently. Mr. Ransom stated that the City should have an overlay district in Clarkston to prevent duplication of businesses to protect existing and longtime business owners.

Chief Scipio stated that from a public safety standpoint, duplication of businesses breeds jealousy and high competition and causes an increase in vandalism and similar crimes.

Tracy Bishop (Nielsen Drive) stated that the Lake Association is ready to assist with repairs caused by the recent flooding. As President of the Clarkston Business Association (CBA), he announced that the CBA is having its fall membership drive. He stated that the DeKalb Chamber of Commerce will host a website and will assist with the design and launching of the site which will feature an online business directory of members. He announced that the CBA currently has a Facebook page.

Mayor Swaney announced that the City has met with FEMA which is working in the area to assist with flood damage repair.

## **PLANNING AND ZONING COMMISSION REPORT**

Dean Moore reported that the committee met to evaluate three applications for business licenses. Two were recommended for approval; a travel and tax business and an international foods business in the Thriftown shopping center. The third is an auto wholesaler business. However, the owner has failed to attend the meetings two months in a row (the last was due to flooding issues), so that application has not been approved. Mr. Ransom asked if the auto business applicant was located on Clarkston Industrial Boulevard because there is a business there with signs already put up. Mr. Moore responded that he saw signs but wasn't sure if they belonged to this applicant. Mayor Swaney stated he would ask Code Enforcement to investigate the situation.

Ms. Feltz asked if the grocery store application was approved. Mr. Moore stated it was. Mr. Ransom asked if it was the business that was cutting and packaging meat. Mr. Moore stated it was. He explained that the application is to effect a change of ownership of the business.

### **CHIEF OF POLICE REPORT**

Lt. Hudson reviewed the crime statistics report distributed to those in attendance. She stressed that neighbors look out for each other as the holiday season is coming soon and crime usually rises during that time.

Chief Scipio displayed weapons seized in a drug bust at 1083 Jolly Avenue and discussed the arrests made at that time. He stated there was another drug bust at Southern Place Apartments which was related to the arrests on Jolly Avenue. Four of those arrested were already convicted felons. The individuals retained excellent legal representation and are currently out on bond. Chief Scipio stated that neighbors had reported suspicious activity at the 1083 Jolly Avenue location which led to the arrests. He encouraged citizens to report suspicious activity. Upon questioning, Chief Scipio stated that most drug crime is conducted by non-residents of Clarkston who feel they can hide in a small town. He explained that he is working with Clarkston officers to teach them when and how to investigate suspicious activity.

### **NEW BUSINESS:**

#### **Ordinance to Amend City Code to Regulate Motion Picture Productions**

Mr. Quinn gave the first reading of an ordinance to regulate the production of commercial motion pictures within the City which is modeled after an Avondale Estates, Georgia ordinance. The ordinance would require permits, posting of an insurance bond and filing of safety procedures in order to film in the City. A copy of the draft ordinance is on file with the City Clerk's office.

#### **Pay Council Stipend Monthly or Quarterly**

Ms. Ashby stated that currently the City council members get paid at the end of the year. Several council people have requested earlier payments. Therefore, Council is being asked to vote on being paid quarterly or monthly in order to keep payments within the payroll cycle. Mr. Foster stated he would like to be paid quarterly. Ms. Feltz agreed. Mr. Foster moved for the City to pay council and mayor stipends on a quarterly basis. Ms. Feltz seconded the motion. No further discussion followed. **A vote was called and the motion carried. (5/0)**

#### **Ordinance Regarding Scrap Tires**

Mayor Swaney stated that the City is finding scrap tires in storm drains and asked citizens to notify the City if they see that. Mr. Quinn gave the first reading of an ordinance to amend the Health and Sanitation section of the City Code to include regulations regarding scrap tires. It is modeled after a DeKalb County ordinance which prohibits dumping, applies penalties for dumping, and prescribes procedures for proper storage of scrap tires. A copy of the draft ordinance is on file with the City Clerk's office.

#### **Newly Elected Officials Active Participation/Transition**

Mayor Swaney stated this item was to discuss whether newly elected officials should be allowed to attend executive sessions after election but prior to being sworn into office. Mr. Quinn stated that he

had spoken with Mr. Ransom, who proposed the idea in work session, and the two had agreed that attendance at executive sessions by newly elected officials was not appropriate. Mr. Quinn presented a draft resolution to Council for review which would provide for an orientation period to take place between the election and the swearing in ceremony and encouraged mayor-elect and council-elect officials to actively participate in affairs of City government before they are sworn in. Mr. Ransom moved to approve the resolution as read. Mr. Foster seconded the motion. Ms. Feltz asked for clarification that officials-elect would not have voting powers before they were sworn in. Mr. Quinn confirmed the resolution only authorizes officials-elect to comment at public meetings of Council. Mr. Hadlock stated he didn't see a need for the resolution and asked for a definition of taking an "active role in City government." Mr. Feltz suggested that meant sharing of information on administrative matters. Mr. Ransom stated that the resolution is to offer an invitation to officials-elect to participate and facilitate a smooth transition into office. Mr. Foster and Ms. Davis-Morris stated their support of the resolution. No further discussion followed. **A vote was called and the motion carried.** (5/0)

## **OLD BUSINESS:**

### **Ordinance Regulating Public Display of Goods for Sale**

Mr. Quinn gave the first reading of an ordinance to prohibit the public display of goods for sale by amendment to Section 11 of the City Code. A copy of the draft ordinance is on file with the City Clerk's office.

### **Creation of City Administrator Position**

Mr. Ransom stated this resolution is to change the form of government from Mayor/Council to Council/City Manager and/or create the position of City Administrator. Mr. Ransom explained that this process could take as long as two years to be completed through an Act of the General Assembly. He explained that in the interim the Council may delegate the powers of a City Manager to a City Administrator or the sitting mayor. Mr. Ransom moved to adopt a resolution to officially change the form of government and create such a position. Mr. Foster seconded the motion. The mayor opened the floor for discussion.

Ms. Davis-Morris asked if the City could have a City Manager without changing the form of government. Mr. Foster, Mr. Hadlock and Mr. Ransom stated the answer is no. Ms. Feltz stated the answer is yes. Ms. Davis-Morris insisted the answer is yes. Mr. Ransom stated the mayor could be granted the duties of City Manager or a City Administrator until an additional person could be hired to fill the position. Ms. Davis-Morris stated that she is not against hiring a City Manager. She stated that during her second campaign, at the candidates' forum, she stated she thought that the City would have a City Manager in the future. She stated that she does not want to change the form of government in order to do that. She stated that the change would cost legal fees which the City shouldn't spend. Ms. Davis-Morris stated that other cities have stated that they took up to five years to secure funding for a City Manager's salary so the City should be saving as much money as it can right now. Mr. Ransom described the process of changing the charter, which is done by Legislative Counsel's office at the General Assembly and described the process as very time concerning.

Mr. Quinn stated that the form of government does need to be changed in order to have a City Manager because City Manager is vested with the duties of running the day-to-day operation of the City and can only be hired or fired by the Council. The Council would set policy but have no input into the

administrative procedures of City business. The only remedy Council would have to over-ride administrative decisions of the City Manager would be to fire him/her by majority vote. Mr. Quinn reiterated that the charter must be amended in order to have a true Council/City Manager form of government because that change can only be done by the legislature. A City Administrator would work under the Mayor's office and would not require a charter amendment. Mr. Quinn also stated that legal fees would be minimal because the work is largely done by officers of the General Assembly.

Ms. Feltz stated that the City of Decatur does very well without a city manager form of government. Mr. Ransom and Mr. Foster stated that the City of Decatur does have a City Manager. Ms. Feltz insisted that the City of Decatur does have a City Manager but not a city manager form of government prescribed by its charter. Mr. Ransom repeated that was incorrect and that the city manager form of government is in the City of Decatur's charter. Ms. Feltz asked how the city would pay for a city manager. Mr. Ransom stated that the City can take as long as necessary to raise revenue to pay for the salary of a City Manager and that the process of changing the charter should be started as soon as possible since it is a lengthy process.

Ms. Feltz stated that she has been advised by state officials that funding for municipalities will be dramatically decreased by 2011 and the City already has budget issues. Mr. Foster sarcastically suggested that the City be dis-incorporated to save money. He stated that there must be professional management in the City for the City to survive. Ms. Feltz asked why that couldn't be done without changing the City charter. Mr. Foster stated that if the changes are not made in the charter the changes will never take place in the operation of the City.

Mr. Quinn stated that the charter does not have to be changed to hire a City Administrator but the charter must be changed in order to hire a City Manager because a City Manager is autonomous from elected officials and therefore is a change in the form of government that Clarkston currently has.

Mr. Hadlock stated that Stone Mountain put the charter change on a referendum vote. He urged Council to go ahead and approve the resolution to move the process forward and at some point the citizens will probably have a chance to vote on the subject.

Mr. Quinn read the resolution aloud to clarify exactly what vote was before Council. Mr. Ransom stated that the resolution was drafted by the Legislative Counsel's office at the General Assembly.

No further discussion followed. **A vote was called and the motion carried.** (3/1; Ms. Davis-Morris opposed; Ms. Feltz abstained.)

### **Term Limits for Elected Officials**

Mr. Quinn read the resolution to request the General Assembly to enact an amendment to the City's charter to limit elected officials' service to two consecutive terms, and each would become eligible for office again after a period of one term out of office. Mr. Foster moved to approve the resolution. Mr. Ransom seconded the motion. Mr. Hadlock asked how the City would fill elected offices if not enough candidates run for office. No further discussion followed. **A vote was called and the motion carried.** (5/0)

### **Ethics Committee Membership**

Mr. Swaney stated that the chair of the Ethics Committee had to be an attorney and reside in the City. One member of the committee is running for a Council seat. Mayor Swaney suggested that the current Chair of the committee be removed and replaced. He suggested that another member will need to be replaced after the election. Mr. Quinn reported that he has delivered a memo to Council suggesting how membership requirements could be changed by ordinance to make the candidate pool larger. He stated that the removal of the current chair can be done by resolution but a replacement should be lined up or the City would not be compliant with existing ordinances regarding the committee. Ms. Davis-Morris asked if this matter is urgent because she is speaking to two people who may be interested in serving on the committee. Mr. Ransom moved to defer the matter to the next Council meeting. Mr. Foster seconded the motion. No further discussion followed. **A vote was called and the motion carried.** (5/0)

## **COUNCIL COMMITTEE REPORTS:**

### **Sanitation Report**

Mr. Ransom reported that solid waste tonnage was 49.9 tons and recycling tonnage was 14.35 tons for the month of September. He announced that this Friday the remaining two pieces of heavy equipment donated by the County was delivered to the City. The value of this equipment (in new condition) is about \$73,000 and the equipment will be used in the maintenance of the City's stormwater utility. Mr. Ransom complimented Waste Management on the customer service it is providing to residents of Clarkston, in particular Mr. Frankie White, Supervisor, and Mr. Vic Knight, Account Representative, and Mr. Human Muwikia and Hardin Route who service the routes.

Mr. Ransom reported that DeKalb County will be treating the retention pond at Carroll Park for mosquito control. He stated that the County will treat any area of standing water so citizens should call City Hall if they see a problem anywhere in the City.

### **Police Committee Report**

Ms. Davis-Morris reported that she is working with Ms. Pullin and the neighborhood summit groups to increase the participation of residents in code enforcement and public safety issues.

She also stated that she is working with DeKalb Perimeter College and MARTA to create a program to educate elementary school-age children about safety issues.

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

Ms. Feltz reported that the Women's Club is rented almost through the end of the year. She stated that a pole is being made to hang the new Women's Club sign. She also stated that the Women's Club needs more gravel for the parking lot.

She reported that the City will add a link on the City's website to give exposure to the developers of the Carroll Park project in an effort to get the 17 empty lots developed so the City can realize revenue from the development.

Ms. Feltz reported that she has talked with CEO Ellis about keeping grass mowed around MARTA bus stops outside of Clarkston city limits.

### **Parks Committee Report**

Mr. Hadlock reported that the dog park was closed due to flood damage. The fence had been pushed down and has been repaired so the park should be open shortly. Mr. Hadlock reported that the City is moving forward with the proposal for rebuilding the path through Friendship Forest working with the Path Foundation and DeKalb County. He is in talks with Harry Housen to re-submit the Department of Natural Resources grant that was denied earlier this year. Mr. Hadlock thanked Mr. Ransom for the work he has done to acquire the heavy equipment from DeKalb County.

### **Finance Committee Report**

Mr. Foster announced that during the month of October all department heads of the City will be meeting with committee chairs to prepare budget worksheets to develop the budget for 2010. All worksheets will be submitted to the Finance Department for compilation and review. That information will be given to the Mayor to prepare the Mayor's budget for 2010. A series of work sessions are planned for November to finalize the budget which are public meetings and Mr. Foster encouraged citizens to attend. A public hearing will be held in December on the proposed 2010 budget, which will be adopted prior to December 31.

### **City Attorney Report**

Mr. Quinn made no report.

### **Mayor's Report**

Mayor Swaney announced that the election and the next Council meeting are scheduled at the same time. Mayor Swaney asked the Council if they would like to meet on November 4th. Ms. Feltz moved to hold the November Council meeting on November 4, 2009, the day after the City elections. Ms. Davis-Morris seconded the motion. No discussion followed. **A vote was held and the motion carried.** (6/0)

Mr. Ransom complimented Chief Scipio and Lt. Hudson on an officer who pulled over a passenger vehicle who tried to pass a stopped MARTA bus across double yellow lines. Mayor Swaney concurred with the commendation and praised the entire police force as the best Clarkston has ever had.

Ms. Feltz moved to pay Council bills and 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 9:00pm.