

MINUTES
CLARKSTON CITY COUNCIL
Tuesday, November 2, 2010, 7:00 PM

Officials Present

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

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

The Pledge of Allegiance

Approval of Council Minutes

The minutes from the October 5, 2010 Council meeting were before Council for approval. Ms. Swaney moved to approve the minutes. Mr. Ransom seconded the motion. Mayor Tygrett opened the floor for discussion. No discussion followed. **A vote was called and the motion carried.** (6/0)

CITIZENS COMMENTS AND CONCERNS

India Pullin talked about how well the International Festival went and the positive feedback from those that attended the event.

Rosemarie Nelson read a "Letter of Appreciation" from the Clarkston Business Association to Chief Scipio for his part in the International Festival.

Graham Thomas, Market Street, suggested that speed bumps be put on Wagner to slow down traffic and signs stating no thru traffic.

Jan Gardner, 1003 Rogers Street, wanted to first comment on the Dollar General and how there has been three accidents in the area where the store is to be opened and how she had asked if there was going to be a study done on traffic in this area. Ms. Gardner also voiced concerns about the citizen's comments at the beginning of the agenda and would like to see an adjustment to where a citizen can comment on an item when it is brought up for discussion.

Chris Busing, Mauck Street, commented that we all have this idea of a farmers market here in Clarkston and he was a small example when he represented Steve Miller's vegetables at the International Festival. Mr. Busing stated that U.S. Senate Bill 510 would prevent all that and if passed would give Monsanto unlimited power over all U.S. seed supplements and food farming. Please go to the U.S. Senate website to see this bill. Mr. Busing also mentioned that Ms. Leonetti has an initiative coming up about distressed/foreclosed properties and that the lenders to keep them up so the city isn't blighted. Mr. Busing also spoke about lender fraud and invited homeowners present to get together for some sort of study session if you feel you could be in any trouble with your mortgage. This would be an opportunity to be educated before going in front of your lender.

Tracy Bishop, 1015 Nielsen, speaking as president of the Clarkston Shores Assoc. I would like to thank everybody for all of your help getting this pushed through (Twin Lakes Project) and that tonight is the vote on the contract. As a citizen, Mr. Bishop, would like to comment on the electronic ballots that we are currently using and would like a member of the Council to make a resolution or a statement that we (Clarkston) would appreciate a transparency of our voting process and that we would like some type of a paper balloting in our near upcoming election (2012).

Paul Oling, 4242 Rue Saint Michael, Stone Mountain, spoke on conditions in Sudan and what goals their organization is trying to accomplish as far as sending a positive message to our people back home. Mr. Oling will be having a march on November 6th at 3:30 pm to 5:00 pm.

NEW BUSINESS

Appointment to Planning & Zoning Committees

We will hold this for the next meeting (December Council Meeting).

Ordinance to Amend Parking and Loading Requirement Striping Color (1st Read)

Mr. Quinn (City Attorney) read the amendment (1st Read). Mayor Tygrett asked if there was any discussion with the Council on this ordinance. Mr. Hadlock is more upset about the enforcement of this code. Mr. Hadlock also stated that this was brought up several meetings ago where we are introducing legislation to undo something (current ordinance) that was done just 3 or 4 years ago because someone does not like it or there are faults. Either way it is costing us extra expense in attorney fees, updating all the code books and Mr. Hadlock thinks it would be just as easy to suspend enforcement of this code. If we do change the code it should read white

striping and not just durable (too vague) paints. Ms. Leonetti agreed to take out the green and be sure it is a reflective paint. Ms. Swaney feels we should specify a reflective white striping. Mr. Quinn, City Attorney, suggested we change the wording from durable green paint to durable reflective parking. This is the 1st Read by Mr. Quinn on the amended ordinance.

PLANNING AND ZONING REPORT:

Bobby Wright stated that P&Z had a couple of Building Permits where some work had already been done and we issued Stop Work Orders because of two of the issues. The Clarkston Baptist Church made an application for signage but the application was incomplete so we recommended it be denied. No one from the church was present; just the person from the sign builder and it was evident he had not read our sign ordinance, (still no response back at this time). We had an application for 4238 E Ponce de Leon to remodel a business as a coffee shop. The applicant was the owner of the building and not the business. The applicant did not meet any of the requirements and we suggested he bring the proper paperwork. Since that time, it has gone to Safebuilt for inspection that brought some recommendations forward. This application will be resubmitted. We also held a public hearing for the property at 4312 E Ponce de Leon where the owner/owners wanted to subdivide into 2 or 3 pieces of property. The owner(s) stated 2 pieces, but it is really 3 pieces of property. This does not meet our code so we recommended for denial because it did not meet our requirements. Since that time, we have been working as a committee with Pond Co. (Michelle) about the organization consolidation of all our forms within the city and the process for when an application is made. Michelle with Pond Co. provided two documents that recommend a flow chart as to what we need and how it should be presented to P&Z with a timetable. Ms. Alexander with Pond Co. presented a report on organizing administrative flow of applications and the review process. First thing would be establishing a submittal deadline and time frame. Right now the city has a rolling deadline and there isn't an official deadline or time frame. Second thing to do would be changes to the current zoning ordinance, which still has the language of a planning and development. To avoid any confusion and to be clear this would be your Safebuilt building inspection service that would be conducting those reviews and working with the applicant to bring them in compliance. We will also draft a language that will have been reviewed and we will have legal staff review and insure it follows legal parameters' then bring it to you for 1st Read. Mr. White questioned about the status of us adopting application forms from Pond & Co. and we were holding up finalizing some of the checklists and some of the guidance documents until we got the full fee schedule for applications. Mayor Tygrett stated that we would have to take an administrative change in our processing inside City Hall and an ordinance change with us looking at the fees later on. This is going in the right direction for the Council and to let it really work for the community.

CORRESPONDENCE

None

OLD BUSINESS

Dredging Contract Twin Lakes

Mr. Quinn (City Attorney) gave a brief introduction saying that we will remember the city, the county and Twin Lake Assoc. entered into an agreement to dredge and improve the Twin Lakes.

This is the contract to actually execute the dredging by using the money DeKalb County is providing, money the City of Clarkston is providing and contributions from the Twin Lake Assoc. to hire McEachern Dredging. Mr. Quinn went over the contract and all the preceding pages the legal language which is to guarantee the City and the contractor will be protected. Mayor Tygrett also introduced Scotty Key from McEachern Dredging and opened the floor for discussion. Mr. Moore read Article 8.1 & 8.2 had a question concerning the clarification of "the city" as to who would be representing the city. Mr. Quinn said one candidate would probably be through the Public Works Director or refer to the Council taking action, the Mayor carrying out that action or paying Safebuilt or someone else to carry the inspections. This will be a 6-8 weeks after receiving their permits. Mr. Ransom made a motion to accept the contract as written and for the Council to authorize the Mayor to sign all necessary documents. Ms. Leonetti seconded the motion.

A vote was called and the motion carried. (6/0)

Amend Sign Ordinance (2nd Read)

Mr. Quinn (City Attorney) did the 2nd read to amend chapter 15.5-14(2) (c) (1) iii to delete the last sentence of this section and is to replace it with the following sentence at the end of the existing sub-section, "No portion of any wall sign shall be located at a height of less than 10 feet above ground level as measured from the sidewalk below the sign or if no sidewalk, the curb located adjacent to the nearest public right-of-way. Mr. White asked if anyone would be grandfathered in on this ordinance. Mr. Quinn stated there is a whole section addressing legal nonconformities so a sign that is already existing and in good repair would not receive a citation and it could stay there for its useful lifetime. Mr. Ransom made a motion to accept this ordinance as read. Mr. Moore seconded the motion.

A vote was called and the motion carried. (6/0)

Application Fees on Pond & Company Service

Ms. Leonetti would like to go with a 10% fee with Mr. Ransom agreeing with this fee amount. Michelle with Pond wanted to clarify that the 10% is the city's fee to the applicants. Mr. Quinn (City Attorney) wanted to clarify what we have already adopted and feels the 10% fee should be made as a resolution. Mr. Quinn read the following: The city resolves to charge the zoning and planning fees indicated on the page labeled 10% city fee and the fees charged would be those indicated in the far right column under the heading

“applicant fee” until changed by resolution of the Council. Mr. Ransom made the motion to accept the resolution as read by the City Attorney.

Ms. Leonetti seconded the motion. **A vote was called and the motion carried. (5/1; Mr. White abstained)**

Business License Fees and Renewal Date – Ordinance

Mr. Quinn did the “1st Read” to amend this ordinance and also made a draft showing a graduated schedule of percentage for late fees. Mayor Tygrett asked if there was any discussion. Ms. Ashby explained what the current process is when a business is late in renewing their business license. Ms. Leonetti also inquired if this would be the same procedure for a home based business.

Amusement Machines- Regulation of Amusement Machines (2nd Read)

Mr. Quinn (City Attorney) did the 2nd read section 11-91; section 11-92 (A)(B)(C)(D); section 11-93 (A)(1)(2)(3)(4)(5), B; section 11-94; section 11-95 (A)(B). Mayor Tygrett asked if there was any discussion. Mr. Hadlock is opposed to having the machine being visible from a window but feels if the machine is in an open area and not behind closed doors that would be sufficient. Chief Scipio gave an explanation why high visibility would be necessary for these machines. Mr. Ransom made the motion to accept this ordinance. Ms. Leonetti seconded the motion.

A vote was called and the motion carried. (5/1; Mr. Hadlock opposed)

Mr. Quinn suggested that either at this meeting or the December Council Meeting to decide by resolution what fee we want to charge for the Amusement Machines.

CHIEF OF POLICE REPORT

The Chief asked about the arrival of Santa Claus in December (will be Dec. 11th) and also brought to everyone’s attention the wave of larceny, assault, store robbery, home invasion, and carjacking/motor vehicle theft that is increasing around November and the holidays. In one week, there were 256 service calls, which brought the monthly total of service calls up to 500+. The crime mapping is in effect. Most of the victims have been refugees. Every year we conduct safety seminars and we update our safety magazine and I strongly urge everyone to take home a copy tonight, read it, go over it, and discuss it with your family. It will help you to help us to keep you safe in the city. November and December will be when we have plainclothes police officers looking for people who are preying on you the victim and trying to get them off the street.

COUNCIL COMMITTEE REPORTS:

Community Activities

Ms. Leonetti wanted to mention that the Christmas Tree Lighting will be on December 11, 2010.

Buildings and Grounds Committee Report

Mr. Moore will be giving a report to the Active Living Plan, who has been doing bike ability -walk ability plan around Clarkston. Mr. Moore also explained why he wanted to clarify his statement on the Twin Lake Project.

Parks and Recreation Committee Report

Mr. White suggested that for next year that the city consider the block party concept for Halloween or have the city host something for the children.

Police Affairs Committee Report

Ms. Swaney spoke about the Month of October Safety and Drug Awareness. The Police Department attended the red ribbon days at the elementary, middle and high schools where the Police Department handed out drug testing kits to the parents. The Police Department also provided the security for the International Festival with only one incident taking place. Officer Lockett finished her three-day code enforcement school. Chief Scipio received the DeKalb County Police Alliance Champion Award at the DeKalb County Police Ball. Ms. Swaney also mentioned the P.D. was awarded a 42” flat screen but is unable to accept because the P.D. doesn’t have a training room to place it.

Finance Committee Report

Mr. Hadlock mentioned the pre-bid meeting on the RFP for the Aquatic Center and of the number of people who attended. Pond has presented a 2.4 million estimate for Streetscaping. Mr. Hadlock also had a question on how items are into the budget.

Sanitation Committee Report

Mr. Ransom reported that 44 tons of solid waste and 16 tons of recycling materials were picked up from the City of Clarkston last month. Mr. Ransom was a special guest at the Indian Creek Elementary School for red ribbon week.

City Attorney’s Report

Mr. Quinn received a letter from GMA reminding us we need to readopt our Ethics Ordinance to remain a “City of Ethics”. Mr. Quinn will get with the Council and Mayor to verify this has already been voted on.

Mayor's Report

Mayor Tygrett thinks it would be a good idea to do something for Halloween next year for the children. The Mayor also recognized Chief Scipio who received a Safety Champion Award from DeKalb County and to also thank India Pullin and Rosemarie Nelson for all the work on the International Festival. It was a big success and he hopes we can have this grow into a major metro Atlanta event in the upcoming years. Mayor Tygrett also recognized all the people who were involved and came out for the event. A special thanks for the city workers who prepared the downtown area. We also have had a number of requests for the RFP Aquatic Center with forty-six contractors at our first Pre-Bid Meeting. There has been an amendment, which will move the bid date to mid-December, but, we hope to move forward by the January meeting and that we will have some very competitive bidding. Mr. Hadlock did ask what the dates on the budget meetings and Mayor Tygrett responded saying he hopes to have them out this week or the beginning of next week and on the website.

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

The meeting adjourned at 8:28 pm.