

MINUTES
CLARKSTON CITY COUNCIL
Wednesday, November 4, 2009, 7:00PM

Officials Present

Mayor:	Lee Swaney
Council:	Pat Davis-Morris, Warren Hadlock, Emanuel Ransom
City Clerk:	Tracy Ashby
City Attorney:	Stephen Quinn

Mayor Swaney called the meeting to order at 7:10pm.

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

SPECIAL GUESTS: CEO BURRELL ELLIS, COMMISSIONER JEFF RADER

Mayor Swaney announced that CEO Burrell Ellis and Com. Jeff Rader were in attendance. He stated that Mr. Ellis is the first DeKalb CEO to attend a Clarkston City Council meeting. Mayor Swaney and council members presented Mr. Ellis with an award in appreciation of the support he has shown the City of Clarkston. Mayor Swaney presented Com. Rader with a hat in appreciation of the support he has shown the City of Clarkston. Mr. Ellis and Com. Rader each made brief remarks of their appreciation of the City of Clarkston working with DeKalb County government and stating that they look forward to a continued good working relationship. Councilman Ransom asked Mr. Quinn to read aloud the Resolution to Adopt Lifelong Communities, which he did. Mr. Ransom thanked Com. Rader for his leadership on that initiative.

SPECIAL PRESENTATION

Director Shipman presented certificates of completion to Donnie Roseberry and Dennis Young for completing the training for the operation of one of the new pieces of stormwater management equipment, an 860 Series Bobcat.

APPROVAL OF MINUTES

Minutes for the October 10, 2009 Council meeting, October 28, 2009 work session, and October 29, 2009 Special Call meeting were before of Council for approval. Mr. Ransom moved to approve the minutes. Ms. Davis-Morris seconded the motion. No discussion followed. **A vote was held and the motion carried.** (3/0)

CITIZENS COMMENTS AND CONCERNS

Tracy Bishop (Nielsen Drive) congratulated the winners of the election held November 3, 2009 and thanked the current elected officials for their service to the City. He stated concerns that the proposed motion picture ordinance may inadvertently adversely affect still photographers, film editors, wedding videographers and other small businesses in the photography/film industry. He stated that he has suggested alternate language by email to Council members and Mayor Swaney. He urged Council members to carefully consider the language before the ordinance is adopted.

Chris Busing (Mauck Street) reported on the exit poll he conducted during the election November 3. He stated that it was successful and he was pleased with the participation. He stated that there was one negative incident, that being the theft of a registration sheet. Mr. Busing chased the perpetrator but was

unable to apprehend him. Mr. Busing shared his concern that this theft violates the integrity of the exit poll.

PLANNING AND ZONING COMMISSION REPORT

Tim Berkesch reported that at the September 21st meeting the Commission reviewed three applications for business licenses. All applicants attended the meeting and all applications were approved. He stated that there is a need for better communication with applicants to advise them of all legal and administrative prerequisites so that business licenses aren't potentially denied after a good deal of time and money has been spent. He stated that he has spoken with Mayor Swaney about this issue and a system is being worked out.

CORRESPONDENCE

Ms. Ashby announced the Fall Celebration hosted by the Clarkston Health Collaborative at the Clarkston Community Center to be held on Thursday, November 19, 2009 at 6:30pm. This is event is a pot-luck dinner.

NEW BUSINESS:

Ordinance to Amend the City Code to Restrict Drive-Through Windows

Mr. Ransom asked to table discussion of this ordinance until further notice. Council agreed.

OLD BUSINESS:

Ordinance to Amend City Code to Regulate Motion Picture Productions

Mayor Swaney asked to table the second reading and reconsider this ordinance at the next work session. Council agreed.

Ordinance to Amend the Health and Sanitation Chapter of City Code to Add a New Article Regarding Scrap Tires

Mr. Quinn performed the second reading of the ordinance. Mr. Ransom moved to approve the ordinance as read. Ms. Davis-Morris seconded the motion. Mayor Swaney opened the floor for discussion. No discussion followed. **A vote was held and the motion carried.** (3/0)

Ordinance to Amend City Code to Prohibit the Public Display of Merchandise for Sale

Mr. Quinn performed the second reading of the ordinance. Mr. Ransom moved to approve the ordinance as read. Ms. Davis-Morris seconded the motion. Mayor Swaney opened the floor for discussion. Ms. Davis-Morris suggested adding exceptions for some businesses such as florists and antique shops where outdoor displays can be an attraction to the business. She suggested that Code Enforcement approve exceptions. Mr. Hadlock stated that he would like the ordinance to address problems that the City has at the present time and ban all outdoor displays. Mayor Swaney made an exception to the public comment policy and allowed Ms. Rita Thomas to address Council. Ms. Thomas urged Council to adopt an ordinance that could accommodate potential businesses which might desire to appropriately display merchandise outdoors. Ms. Thomas explained that the current draft ordinance may dissuade businesses that might improve the community from locating in the City. Mr. Hadlock continued to argue against any modification of the draft ordinance. Mr. Ransom stated that the ordinance could be amended at any time in the future should the need arise. Mr. Quinn suggested that the ordinance set up a process whereby businesses may make application for a permit to display good outdoors and have Code Enforcement or the Planning and Zoning Commission approve such

application. Council expressed approval of Mr. Quinn's idea. Mr. Quinn gave the first reading of the re-drafted ordinance which included a process to make an application for a permit for outdoor display of merchandise.

Ethics Committee Membership

Ms. Ashby stated that the Council is in the process of discussing possible amendments to chairmanship qualifications to allow more flexibility in chairperson selection. Mayor Swaney stated that Lynn Samuel is an attorney who lives just outside the City limits and is available to serve as Chairperson of the Ethics Committee. Mr. Ransom moved to accept Option 2 amendment to chairmanship qualifications for the Ethics Committee. Ms. Davis-Morris seconded the motion. Mr. Hadlock asked for a review of what the options are. Mr. Quinn stated that Option 1 would be to remove the requirement that the chairperson shall be an attorney in good standing with the State Bar of Georgia. Option 2 would be to remove the residency requirement for the attorney chairperson provision, meaning the chairperson would need to be an attorney but would not have to live within the City limits. Option 3 would be to remove the attorney and residency requirements and leave the chairmanship open to anyone who is willing to serve as committee chair. No further discussion followed. **A vote was held and the motion carried.** (3/0)

Mr. Quinn stated that this should be the first reading of the amended ordinance. He suggested that the vote to appoint Ms. Lynn Samuel take place after the second reading of the amended ordinance.

CHIEF OF POLICE REPORT

Lt. Hudson made the report. She announced that a road safety check would take place on November 12, 2009 in partnership with DeKalb County Police Department.

Lt. Hudson announced that the grant funds to put in the new records management system should be available within the next two weeks. Cameras and computers will be installed in all patrol cars with these funds.

Lt Hudson briefly described an accidental shooting that took place in the City November 3, 2009.

Lt. Hudson briefly reviewed the crime statistics report which had been distributed to those in attendance.

Lt. Hudson urged all residents to look out for suspicious activity since the holiday season is approaching and crime usually spikes during this time.

Lt. Hudson reported that there were reserve officers at the polling location and the election was conducted without incident.

COUNCIL COMMITTEE REPORTS:

Sanitation Report

Mr. Ransom congratulated all newly elected officials.

Mr. Ransom reported that the City used one of the donated pieces of heavy equipment for the first time and it worked wonderfully. He stated that the City needs a trailer to carry the equipment on and asked if anyone knew of one for sale to please let the Dir. Shipman know.

Mr. Ransom reported that Waste Management picked up 44 tons of solid waste and 3.22 tons of recyclable materials during the month of October.

Police Committee Report

Ms. Davis-Morris asked Chief Scipio to report on the results of the last road safety check. Chief Scipio reported that several wanted persons were caught, several persons with multiple state ID's were caught, and lack of child safety restraints tickets were written. He stated that the safety checks are used for crime prevention and not to harass drivers. He stated that the safety checks also prevent high-speed chases.

Properties and Community Affairs Report

Ms. Feltz was not in attendance.

Parks Committee Report

Mr. Hadlock gave no report.

Finance Committee Report

Mr. Foster was not in attendance.

City Attorney Report

Mr. Quinn gave no report.

Dir. Shipman stated that DeKalb County assisted the City with repairs to the Clarkston Lake dam and Milam Park caused by flooding in September. The washed-out soil has been replaced, a new storm drain has been installed and the banks of the lake will be re-armored. The chain-link fence has been repaired along Norman Road.

Dir. Shipman stated that the fence at Armistead Field will be repaired soon.

Mayor's Report

Mayor Swaney reminded everyone about the Tree Lighting Ceremony to be held on December 12, 2009 at the Women's Club. He stated that Santa Clause would arrive by helicopter and there would be a fireworks display. He stated this would be his last Christmas as Mayor of the City and encouraged everyone to attend and let their friends and neighbors know about the event.

Mayor Swaney stated that election results would be official on Friday, November 6, 2009 and congratulated all candidates who were elected into office.

Mayor Swaney recognized Mr. and Mrs. Orr, who were in attendance, for their longevity and for being long-time residents and supporters of the City.

Mr. Ransom 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.** (3/0)

The meeting adjourned at 8:15pm.