

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

Officials Present

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| Mayor: | Howard Tygrett |
| Council: | Warren Hadlock, 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.

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

Approval of Council Minutes

The minutes from the February 2, 2010 Council meeting were before Council for approval. Mr. Moore moved to approve the minutes. Mr. Ransom seconded the motion. Mayor Tygrett opened the floor for discussion. Mr. Hadlock stated he had not had time to review the draft minutes. No discussion followed. **A vote was called and the motion carried.** (4/0; Mr. Hadlock abstained)

Mr. Hadlock stated, for the record, that as he was reading over the minutes he noticed that a statement he made was misquoted. One page 8, last paragraph the sentence reading “he reminded Council that only two citizens who spoke to the issue at the last Council were very much in favor of retaining a majority vote requirement for election to the Mayor’s office” should have read, in part, “...in favor of having the Mayor being elected by plurality.”

Mayor Tygrett stated that two items would be added to the agenda. One was to vote on a resolution and the other was a contract concerning the City Hall phone system.

CITIZENS COMMENTS AND CONCERNS

Graham Thomas (Market Street) complimented Mayor Tygrett and Council for getting additional streets lights on Market Street and getting the crosswalks repainted.

Bob Jenkins (Clarkston Station) congratulated the Mayor and newly elected Council members on their inauguration. He stated that he would like to volunteer his time as a consultant to work on community issues and especially focus on internationalism and supporting the business community.

Diane Leonetti (Maclaren Drive) stated that she is a candidate for the vacant Council seat being elected March 16th and asked all those in attendance for their votes. She stated she was drawn to Clarkston because of its diverse population.

Fish (Eritrean Restaurant) stated that he would like closing hours extended for restaurants. He explained that he has a lot of customers that come in later in the evening and is losing business to have to close at 1:00am.

NEW BUSINESS

Approval of Zip to Green Contract

Karen Feltz gave a brief overview of what the contract would offer to the City and its residents. The contract would allow residents access to a website through which each household could perform its own energy audit and get information as to tax rebates and other cost savings programs. The contract would also qualify the City as a sustainable community which would carry points towards various grants and other funding sources. She stated that there is no cost to the City and the City can withdraw from the program at any time without penalty.

Mr. Ransom asked if the power companies have agreed to participate in the program. Ms. Feltz responded that the Southern Companies, the holding company for most southern power operating companies, has chosen not to participate, but several of the operating companies in other states across the country are going to participate.

Mr. Quinn pointed out that two different versions of the contract were before Council for review and he clarified which one Council should be considering. He stated that he suggests two changes to the contract as written: 1) for the City to have approval rights over what is published on the website about the City, and 2) removal of the clause that grants the City 10% of advertising revenue as the City has no authority to participate in a private/public partnership.

Mr. Hadlock moved to approve the contract with Zip to Green as approved by counsel. Mr. Ransom seconded the motion. No further discussion followed. **A vote was called and the motion carried. (5/0)**

Discussion of Ordinance Amendment regarding Closing Time for Restaurants

Mr. Tygrett stated he wanted to introduce this topic for discussion because he wants to make sure that Clarkston restaurants and bars are competitive with similar establishments in surrounding areas. He stated he also wants to make the City attractive to establishments which may want to locate in Clarkston. He asked Council to share their opinions on appropriate closing hours for establishments serving alcohol.

Mr. Ransom asked Fish what hours he would like to be open. Fish replied that his most lucrative hours are between 11:00pm and 4:00am. He stated that because of the economy being bad he doesn't have much business during the day. He stated that Sunday through Thursday he would like to be open till 3:00am with last call at 2:00am. He stated he would like to be open till 4:00am on Friday and Saturday with last call at 3:00am.

Mr. Moore stated that he's not aware of any jurisdiction allowing establishments to be open until 4:00am. Mayor Tygrett agreed. He suggested leaving the weeknight operating hours as they are, and making closing time on Friday and Saturday 2:55am to be competitive with establishments in Decatur.

Mr. White asked if there was much discussion within the restaurant business community about hours of operation. Fish stated that all the restaurants in the TC district are affected by the closing hours and would like to stay open longer. He stated many business owners don't attend

Council meetings because of a language barrier. Mayor Tygrett stated the closing hours ordinance affects four businesses in the TC district.

Mr. Hadlock asked who Fish's clientele is after midnight. Fish stated his clientele is people who come to hear artists that he books from all around the country.

Mayor Tygrett asked if Council wanted to vote to approve offering temporary permits for establishments to extend operating hours. Mr. Ransom stated that issuing such a permit would be solely within the Mayor's purview. Mr. Quinn stated that no permit can be issued in conflict with adopted ordinance. The only way to change hours of operation for businesses is by ordinance. However, since there is no reading requirement to amend ordinances, ordinances could be amended each month by vote of Council.

Mayor Tygrett stated that this topic will be discussed at the next work session. He told Fish it would take a month at least to change operating hours by ordinance.

Review of Grant Writer Contracts

Mayor Tygrett stated that two people had submitted contracts to work with the City on grant writing. Mr. Ransom stated that Council just received the contracts and asked to table the discussion until the contracts could be reviewed.

Mayor Tygrett asked Mr. Quinn to comment on the contract submitted by William McWhirter. Mr. Quinn stated that he found some issues with the contract and recommended that Council table the vote on the contract until further discussion could take place. He stated that his biggest concern was with the payment structure to the grant writer when matching funds are required to utilize a grant. He stated Council should discuss how payment would be made in that situation. Mr. Quinn also stated he had a concern that the services offered in the contract should be contracted through a bidding process. He stated that he could work with Mr. McWhirter over the next month and bring a revised contract to Council for review at the next work session. Mayor Tygrett told Mr. McWhirter Council would need more time to approve his contract. Mr. Ransom moved to table to vote on Mr. McWhirter's contract. Mr. Moore seconded the motion. No further discussion followed. **A vote was called and the motion carried. (5/0)**

Mayor Tygrett stated that the second contract to be considered was submitted by Sustaining Urban Villages. Brendan Barclay was on hand to represent the company. Mayor Tygrett asked Mr. Quinn to comment on the contract under review. Mr. Quinn stated that he has concerns with the contract using the word "partnership" which the City is prohibited from participating in (i.e., private/public partnership). Mr. Quinn also disapproved of the proposal for Sustaining Urban Villages to "manage" Friendship Forest as described in the contract. Mr. Quinn stated that he could not approve the contract as written but he had instead written a resolution for Council's review. The resolution was before Council for consideration.

Mayor Tygrett asked Mr. Barclay for a brief presentation regarding his company and the services it provides. Mr. Barclay stated that his non-profit company focuses on team-building based on cultural diversity, environmental education and service learning. He stated he wanted to speak to Council specifically regarding the service learning aspect of his services as it relates to Friendship Forest. He reported that in the month of February he provided 100 volunteers who

performed the equivalent of two 40-hour work weeks. He stated that his company facilitates the coordination of volunteers from other organizations. He explained that the Hands On Network, which is the parent company of Hands On Atlanta, collaborated with the Disney Company to grant a day-long ticket to Disney World for every day the volunteer performs service. He showed pictures of some of the work that was performed. Mr. Barclay described how his company came into being and a brief history of accomplishments. His goal is to adopt urban forests to sustain them in the wake of City budgets being cut. He stressed using a diverse group of volunteers and focusing on utilizing volunteer services from within the Clarkston community. He stated that he is asking the City for a clear agreement that the two organizations will work together through whatever document may establish that.

In response to a question from the audience, Mr. Barclay stated that his company works with high schools and Scouting groups to educate youth about environmental protection and service to the community. Many youth programs have service learning requirements and sustainability project requirements. He stated he also works with college-aged students.

Mr. Hadlock asked for the definition of an urban forest and if that is consistent with a wildlife sanctuary designation, which is the official designation for Friendship Forest. He also asked to see more specifics on the intensity of use and frequency of work done in Friendship Forest. He commented that there are other groups that are interested in volunteering to work in association with the City in Friendship Forest. Mr. Barclay stated that a loose definition that he operates under is a forest where people live around the edge of a forest. He stated that his intention is to help sustain wildlife sanctuary designations rather than make the area into a City park.

Mr. Ransom asked why Mr. Barclay wanted a contract with the City if his services were provided on a volunteer basis. Mr. Barclay responded that he hopes to publish requests for proposals (RFP's) and then apply for grants to implement projects. He explained that the granting agency usually requires that the recipient send the granting agency a letter of approval and some working guidelines and certain guarantees that Sustaining Urban Villages is authorized to perform the work. Mr. Ransom stated that describes a public/private partnership. Mayor Tygrett summarized that Sustaining Urban Villages would be receiving grant funds and then determining what locality would be the beneficiary of the funds and hopefully Clarkston would be on that list.

Mr. Hadlock asked for clarification that Sustaining Urban Villages was asking for a contract to operate Friendship Forest. Mayor Tygrett clarified that Sustaining Urban Villages is only asking for access to the park to conduct sustainable programs. Mr. Hadlock asked what the term of the contract is. Mr. Barclay stated that the contract asks for a four-year term, which was chosen to coincide with the term of office of the new administration. He stated that he is hoping to acquire a large sustainable grant which would fund a three to five year program. Mr. Hadlock made a motion to postpone the vote on the contract.

Mayor Tygrett thanked Mr. Barclay for the work he has facilitated in Friendship Forest, reiterating that 200 hours of work has been performed at no cost to the City, which has made a remarkable difference.

Mr. Ransom asked for the City Attorney to read the prepared resolution for the record. Mr. Quinn did so, which resolved for the Council to continue to negotiate with Sustaining Urban Villages on a suitable contract to effect the goals of the presented contract to be voted on at the April Council meeting. Mr. Hadlock again moved to table the vote until more details can be worked out. Mayor Tygrett stated that the resolution is to authorize the City Attorney and the Mayor precisely to work out more details. Mr. Hadlock stated that he would prefer to hold off on negotiating the contract. Mayor Tygrett stated that Mr. Hadlock will have ample opportunity to offer input as the contract is negotiated. Mr. Hadlock stated that he would like to see more details on what the agreement will be before the City Attorney is paid to negotiate a contract. Mayor Tygrett asked for a second on the motion to table the vote on the resolution. No second came forward. Mayor Tygrett stated the motion failed.

Mr. Ransom moved to approve the resolution as read. Mr. Moore seconded the motion. Mayor Tygrett opened the floor for further discussion. Mr. White stated that his understanding is that the City is working with other organizations that do similar work (volunteer labor for forestry revitalization) and asked Mr. Barclay if he would be working with those organizations also. Mr. Barclay stated that the Hands On network is a national organization that coordinates volunteers from diverse backgrounds and Mr. Barclay is collaborating with that organization currently. Mr. White asked if the terms of the agreement between Sustaining Urban Villages and the City would need to be renegotiated for each grant award. Mr. Barclay stated that he hoped it would not, and that a contract in place would clarify such matters. No further discussion followed. **A vote was called and the motion carried.** (4/1; Mr. Hadlock opposed.)

One-Day Alcohol Sales Permit for Clarkston Community Center

Ms. Swaney stated that the Clarkston Community Center will be hosting the Peach Blossom Bluegrass Festival on April 3, 2010 and therefore is requesting a one-day permit to sell alcoholic beverages. Mr. Ransom moved to approve the permit. Mr. Moore seconded the motion. Mayor Tygrett opened the floor for further discussion. Mr. Moore asked if this event was in collaboration with WRFG-89.3FM like the Community Center hosted last year. Mrs. Swaney confirmed that it is. Mrs. Swaney stated that the Community Center will ask for volunteers to serve beer at the event. Volunteers must pass a background check which the Community Center will pay for. She encouraged all those interested to see her in her office at the Community Center to sign up to help. No further discussion followed. **A vote was called and the motion carried.** (5/0)

Contract with ATT for Telephone Service

Mayor Tygrett explained that the contract before Council for consideration would amend some of the services the City currently contracts with ATT for which will streamline accounting, upgrade service and reduce costs. Mr. Ransom moved to accept the contract as written. Mrs. Swaney seconded the motion. Mr. Quinn stated that he has not reviewed and approved the contract and recommended that the Council adopt the contract subject to the approval of legal counsel. Mr. Ransom amended his motion to accept the contract as written pending the approval of the City Attorney. Mrs. Swaney seconded the motion. No further discussion followed. **A vote was called and the motion carried.** (5/0)

Planning and Zoning Commission Report

Tim Berkesch gave the report. He stated that the Commission approved an upgrade to the T-Mobile cell tower. The Commission also approved a sign permit for Yass Grocery, four business licenses, and one citizen presented plans for future building for feedback from the Commission on variance possibilities. Mr. Berkesch stated that the Commission is trying to encourage applicants to meet with the Commission before spending money on design services and permit applications. Mr. Berkesch reported that one applicant for a business license did not attend the Commission meeting so that application was tabled until next month's meeting.

Mr. Berkesch stated he is looking forward to new members being appointed to the Commission.

Mr. White recognized the concern the Commission has with business license applicants wanting to open businesses that don't conform to the City's zoning ordinance. He added that he understands that business owners work through DeKalb County to open a business rather than working through the City for permitting and licensing, etc. He asked if this is still a problem for the Commission. Mr. Berkesch stated that it is still a problem and the Commission is encouraging applicants to come to the Commission early in the process to avoid making expenditures for businesses that will be denied business licenses. Mr. White asked if the Commission had determined an outreach plan to solve the problem. Mr. Berkesch stated that when an applicant comes to the City for a business license, they should be directed to someone who can ask the correct questions and not just be given a form.

Mr. Ransom asked Mr. Berkesch if the City would realize any increased revenue from the upgraded cell phone tower. Mr. Berkesch stated that T-Mobile replaced two antennae which were more powerful but the upgrade will not bring more revenue to the City.

CORRESPONDENCE

None.

OLD BUSINESS

Appointment of Vacant Positions on Planning and Zoning Commission

Mr. Moore presented one candidate, Bobby Wright, for Council's approval. He stated that Mr. Wright has formerly served on the Planning and Zoning Commission. Mr. Quinn clarified that the appointment would be made by Council vote with the Mayor voting only to break a tie. Mr. Wright was asked to step to the microphone. Mr. Ransom stated that he supports Mr. Wright's candidacy, but expressed concerns with how blunt Mr. Wright is. Mr. Hadlock stated that he has a great deal of respect for the knowledge Mr. Wright has about zoning and the City's ordinances, but stated that he has concerns with Mr. Wright's demeanor and will probably abstain from voting as he had a very negative first encounter with Mr. Wright some years ago. Mrs. Swaney stated that she has known Mr. Wright a long time and praised Mr. Wright's service to the City. She stated that she also has concerns about the way Mr. Wright conducts himself during meetings. She stated that she has been told that some people feel Mr. Wright is rude. She asked that Mr. Wright make every effort to not antagonize people who come to the Planning and Zoning meetings. No further discussion followed. **A vote was called and the motion carried.** (3/2; Dean Moore, Emanuel Ransom, Adam White in favor; Joan Swaney, Warren Hadlock abstained.)

Mr. Moore asked when the next meeting would be held. Mr. Berkesch stated that the meeting schedule has been permanently changed to the third Tuesday of each month.

CHIEF OF POLICE REPORT

Ofc. Dannie Locket made the report. She briefly reviewed the statistics report handed out to those in attendance. She stated that cameras and computers will be installed in all patrol cars sometime this month.

COUNCIL COMMITTEE REPORTS:

Buildings and Grounds Committee Report

Mr. Moore stated that he is working on a letter to be sent to apartment complex owners to advise them that the City is going to be enforcing City ordinances and violators will be issued citations. He stated that he will ask the City Attorney's input on the letter. He mentioned that there was an open underground water retention system behind the new gymnasium on Church Street which has now been capped and is safe again. He stated that the County has filled in the hole in the bike path by Norman Road.

Police Affairs Committee Report

Mrs. Swaney made no report.

Finance Committee Report

Mr. Hadlock asked those in attendance if there were any questions about the proposed budget. No questions were posed. He stated that Council is still preparing for the budget hearing to be held March 18, 2010 at 7:00pm. He invited all those interested to attend the public hearing.

Mr. Hadlock reported that the City received franchise fees in the amount of \$152,000 from Georgia Power which was more than was received last year.

Sanitation Committee Report

Mr. Ransom reported that 40 tons of solid waste and 9 tons of recycling materials were picked up from the City of Clarkston last month.

Mr. Ransom reported that the vehicles donated to the City by DeKalb County have been delivered. One is a utility vehicle which will be used in the City's parks and the other is a commercial chipper which can accommodate 8-12 inch logs. This will save a great deal of labor for the Public Works employees. Mr. Ransom thanked DeKalb County for the donations on behalf of the City of Clarkston.

Parks Committee Report

Mr. White stated that the potential for Friendship Forest to become a focal point for the community is a tremendous opportunity for the City. He stated that he and his son volunteered at one of the clean-up events and enjoyed it very much. He is looking for additional funding for the City's parks through the Georgia Forestry Commission and through University of Georgia in the form of research grants.

Mr. White stated that the City will be putting resources into the Milam Park athletic fields to renovate the structures of the fields as well as improving the quality of the field surfaces. He stated that the City is working on a more formal reservation system for use of the athletic fields by residents and community groups.

Mr. White stated that the Milam Park Pool Complex will not be open for the 2010 season but the City will move forward with the planning and design phase of the project. Mr. White stated that he met with the City of Decatur Assistant Director of Public Works David Younger who agreed to provide the City of Clarkston the specifications that the City of Decatur used to publish requests for proposals on its pool complex renovation. Mr. Younger has also offered to assist the City with review of credentials of those companies that respond to any request for proposal.

City Attorney's Report

Mr. Quinn made no report.

Mayor's Report

Mayor Tygrett stated that the Special Election to fill one Council seat will be held on March 16th and polls will be open from 7:00am to 7:00pm. Street lights have been added to Market Street which makes the area much brighter and safer for pedestrians at night. Mayor Tygrett stated that DeKalb County has repainted several crosswalks around the City and has a few more to do. He complimented the County on the expediency of getting this done. He stated that there is a preliminary estimate on the cost of renovating the Milam Park Pool Complex which is in the \$725,000 range. The City has funds available from a \$500,000 grant so there is a shortfall of approximately \$125,000. Mayor Tygrett is looking for ways to finance that difference. He expects that the pool will definitely be open by the start of the season next year and hopefully sooner. Mayor Tygrett stated that he has instructed Emanuel Ransom and Mike Shipman to review the City of Stone Mountain's procedures for granting business licenses, building and sign permits, etc. to gather information so the City can streamline its processes and make it easier for business owners to navigate.

Mayor Tygrett stated that he has worked through REI to supply the Fugees with 30 sleeping bags so the children can go camping during spring break. He has also worked through REI to provide Positive Growth with equipment for a camping trip in May which the Mayor will participate in.

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

The meeting adjourned at 8:15 pm.