

**MINUTES**  
**CLARKSTON CITY COUNCIL**  
Tuesday, April 4, 2010, 7:00PM

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.

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

**Approval of Council Minutes**

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

**CITIZENS COMMENTS AND CONCERNS**

Graham Thomas (Market Street) questioned the chances of having a “Farmer’s Market” in the City of Clarkston for an alternate source of fresh produce instead of only the grocery stores. Mr. Thomas feels that there would plenty of local farmers to supply fresh produce. Mr. Thomas was also checking on the status of the parking lot for Clarkston City Hall.

**NEW BUSINESS**

**Safebuilt Building Dept. Svcs. Contract**

Emanuel Ransom made a motion for discussion and Mr. Moore seconded the motion. Mr. Ransom and Mayor Tygrett have met with Safebuilt on two separate occasions. Mr. Ransom also stated that this would be an asset to the City of Clarkston revenue stream by acquiring Safebuilt and outsourcing our building inspections. Mayor Tygrett noted that Safebuilt is a full service building department with a web base solution for the city that would enable us to keep up with building permits and certificates of occupancy. This would help to mainstream our process for tracking where we are on building permits; as to who is in compliance and who is not. The revenue that Safebuilt would collect from the city would be based on the fees that we (City of Clarkston) charge for different services.

Mayor Tygrett asked the city attorney, Mr. Quinn to comment on the contract submitted by Safebuilt. Mr. Quinn has provided the council with a “Red Line” version marked DRAFT which has various changes that are recommended for services provided by Safebuilt. Mr. Quinn asked to be explicit that the city would retain the authority on what fees would be charged. Safebuilt would get 80% based on what fees were set by the Mayor and the City Council. Safebuilt is calling for a resolution as well as just signing the contract. Mr. Quinn has made these changes but has not yet spoken with Safebuilt or a representative to see if it is okay with them. Mr.

Quinn would also like another day or two to look at the contract because he has only had it in his possession for a few days. Also, what he (Mr. Quinn) would recommend as far as council action, is if the council is inclined to use Safebuilt Bldg. Dept. Svcs., would be to adopt this resolution which would give the Mayor and the City Attorney the authority to negotiate the final details which may be either exactly or only slightly different from what we see here assuming Safebuilt would agree to these terms.

Mayor Tygrett has asked Mr. Moore, who had also met with Safebuilt, for his comments in regards to Safebuilt. Also, Mr. Moore has some knowledge of Safebuilt from our sister cities who have utilized the services from Safebuilt, which has been outstanding. Another good benefit would be with apartments/multi-family dwellings. Right now, all that is required is to go to the county in theory; get their permit for electrical HBAC or whatever structural repairs they do. We do not know, nor has the county any method or way of tracking those or in giving us this information. The county can't do that, but, Safebuilt can do this. So it's a good way for following thru especially with code enforcement. The question was asked concerning what relationship might they establish with code enforcement in terms of identifying potential code violations and then relaying that back. Safebuilt has a running data base of where we are on every project and what's been accomplished this year. Safebuilt's suggestion would be to take each apartment complex and call it a "title of the neighborhood" and you would follow every action that they had done that year so that if they are not in compliance with permitting or updating we will know because there will be nothing on record of them asking for a permit. Again, Safebuilt is not going to do our code enforcement. The agreement does have two provisions: 1) Safebuilt's employees, when out in the city for whatever purpose, will be vigilant about looking for code violations and will always report them to the Clarkston Police Dept. 2) The city can also give Safebuilt a particular task if they elect to for \$75.00 an hour check out this block of the city for violations. Example: Safebuilt inspects a complex and he fails a lot of the situations in that building, our code enforcement officer is able to access Safebuilt's database and see who failed and have the avenue to write the violations. Dean Moore said he spoke with a development chairman from Powder Springs, who after the recent floods had Safebuilt come in and do inspections on all their flooded houses. To certify or condemn them, whatever the situation was and worked extra hours to take care of this for the city of Powder Springs. Mayor Tygrett says they have an impressive list of cities that they service and just in Dekalb County alone there is Lithonia, Stone Mountain, John's Creek, Powder Springs just to mention a few.

Mr. Ransom would like to amend his motion to reflect the resolution stated by the city's attorney that we pass the resolution on the condition the Mayor and the city attorney have the right to negotiate the contract. Dean Moore seconded the motion.

Mr. Hadlock was asking for more clarification on what exactly Safebuilt would be doing for the City of Clarkston. Mr. Ransom has responded that Safebuilt would be taking over the entire operation and the only time we would be using Pond Co. would be with our downtown development. Mr. Hadlock has stated he prefers the Request for Proposal for when we do these things. The Mayor has explained that this is not a contract with money exchanged. The fees charged for building permits are paid by the builder to the city and the city then in place pays Safebuilt. But Safebuilt will have an administration fee on our part. The City Attorney addressed the public bidding question, that the city is free to do that in any case but that it is not required here since this is a professional service. Pond Co. will be involved in any long term

development planning. Safebuilt will be involved with building permits and certificates of occupancy. One of the real issues that we have is that people are getting a building permit and a certificate of occupancy from Dekalb county and from the city and we are not able to figure out or track exactly what is going on and it's confusing not only to the person seeking that certificate of occupancy but it's confusing to the city. Safebuilt has systems and software in place that would allow us to track this information. It would be a real time saver for Mr. Shipman and his department as well as council and the mayor not having to deal with whose got a building permit from where how and do they need one from the city also and do they need a certificate of occupancy? It will allow us to track exactly what is going on in the city and it will make it clear to our citizens seeking to open a business what the process is and enable them to go online and download any forms that they might need and they will not only have the city to call for questions, but, Safebuilt to walk them through the process.

Mr. Moore asked if we were going to increase our permit fees. In response, Mr. Quinn has stated that the city actually doesn't have a standard set of fees for a number of types of permits common to the average jurisdiction. We tend to concede to the authority of the county. We would have a competitive fee schedule.

Mr. Quinn is read the resolution. Mr. Hadlock questioned the duration of said contract and informed it was for a one year term renewable with a 90 day notice cancellation on both sides. Mayor Tygrett would like to state that going with Safebuilt is not to replace Pond Co. with the city, but really is to clarify the relationship that we have with Dekalb county and puts this company in charge of what we have had Dekalb county doing; which Dekalb county has not been doing because of shortcomings from lack of personnel or lack of initiative to get involved in the city. Safebuilt has a 5-day turnaround on residential and 10-day turnaround on commercial.

Mr. Ransom also pointed out that all C.O's that were issued by Dekalb county; once we are on board, then Safebuilt will go to every business that has that and make them change it over to the city's C.O. and the ones that don't have it, the code enforcement officer will pay them a visit and tell them to pay their \$25.00 and get their certificate.

Mr. Ransom repeats 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. (6/0)**

### **Application for Permit-Beer/Wine/Malt Beverage Retail Pkg. – Stop & Save 935 N Indian Creek Drive**

Change of ownership: New owner would like to continue selling beer at this location. The new owner has been requested by the police department per Mr. Ransom that he needs to remove some of the signs in his windows since they are obscuring the view for the police department to see inside the building. You can only have 25% of your window covered. This will be taken care of by the new owner and he will contact our code enforcement officer when he has complied.

Mr. Ransom has made the motion to accept the application for alcoholic beverage licenses. Dean Moore seconded the motion. **A vote was called and the motion carried.** (6/0)

### **Re-new Certified City of Ethics**

Mr. Ransom states that the city has to recertify itself as a City of Ethics. The City Clerk has been requested to read the resolution to be put forward so we can be registered again. The resolution whereas the Board of Directors of the Georgia Municipal Association has established a Certified City of Ethics program and whereas the city council wishes to be certified as a Certified City of Ethics under the G.M.A. program and whereas part of the certification process requires the Mayor and Council to subscribe to the ethics principles and pledges to conduct it's affairs accordingly. Now, therefore be it resolved by the governing authority of The City of Clarkston, Georgia that as a group and as individuals the governing authority subscribes to the following ethics, principles and pledges to conduct its affairs accordingly, serve others not ourselves, use resources with efficiency and economy, treat all people fairly, use the power of our positions for the well being of our constituents, create an environment of honesty, openness and integrity resolved this 6<sup>th</sup> day of April 2010 to be signed by the Mayor and Council.

Mr. Ransom has made a motion to accept this resolution as written. Motion was seconded Joan Swaney. **A vote was called and the motion carried.** (6/0)

### **T-Mobile Proposal**

T-Mobile is requesting the placement of a cell phone tower. Mr. Ransom has made a motion to deny. Motion was seconded by Dean Moore. **A vote was called and the motion carried.** (6/0)

### **Purchase Public Works Truck**

Mr. Ransom has given dollar costs concerning a 1994 truck that the city has been spending to keep the truck running properly. The costs are now exceeding what the truck itself is worth. The city has the opportunity to purchase a 2007 truck with low mileage for the price of \$40,000.00 for a truck valued at \$60,000.00. The purchase would be through Gwinnett Ford which we also use for the Police Dept. and all of our vehicles. Ms. Leonetti asked for background information on the truck as to if it may have been in any type of accident. Mr. Ransom has done a carfax on this truck as well and it came back clear. There was a discussion on the storage of the truck and if this is a real necessity to purchase at this time. A motion to purchase was made by Ms. Leonetti that this truck has been researched and guaranteed. Motion was seconded by Mr. Ransom. **A vote was called and the motion carried.** (6/0)

### **Stormwater Ordinance to approve the City as a "Local Issuing Authority" for Stream Buffer Protection**

Mr. White would like to table this for discussion on our upcoming work session. I would like to get some brief consultation from our city attorney. Mr. White referenced the existing body of ordinance regarding erosion control and stream buffer protection there are provisions within our existing ordinance and that we have adopted some other model ordinance language this past year but, this essentially draws on the same thing that we are dealing with Dekalb County in that we

don't have any legal oversight for land disturbance in the city. Erosion control and stream buffer protection are a certification that comes down from the state level. If we don't have that certification then we don't have the authority, even if it says it in our ordinance, it comes from Official Code of Georgia Erosion and Sedimentation Control Act. We would have to go through or due process with Georgia Environmental Protection Division. The model ordinance language that they have is quite similar to our ordinance, but, it is not the same and if it is not the same they will not consider us eligible. Mr. White made a motion to table this item for the upcoming work session. Motion was seconded by Emanuel Ransom. **A vote was called and the motion carried. (6/0)**

### **PLANNING AND ZONING REPORT:**

Tim Berkesch gave the report. We have several business licenses and signs with requests to approve, which we did. We have one issue that is probably going to come up before the Council, Mayor. One of the food marts is requesting a baking or cooking bread and we have a definition problem of what baking and cooking is and whether it has to be okayed by the Health Dept. or whether the Dept. of Agriculture gets involved. So, basically there was a business license that had requested it and it was withdrawn. We allowed the applicant to withdraw without prejudice but it will be coming back. There was some mention that other businesses are doing it already and we were not aware of it. Concerned about electrical problems with these baker/cookers drawing current and whether the Health Dept. even knows when they are coming to look at it.

### **CORRESPONDENCE**

None.

### **OLD BUSINESS**

#### **Amend ordinance for Restaurant hours of operation**

Mr. Quinn has distributed to the Council a copy of the amended ordinance. This would allow operation between 2:00 A.M. and 2:55 A.M. on Saturday and Sunday a.m.'s otherwise known as Friday and Saturday nights. Last month's discussion was adequate for our first read. Mr. Quinn is doing an actual read. The ordinance to amend chapter 11 of the Code of Ordinances regarding limitations upon the permissible hours of operations for businesses within the city whereas the Mayor and Council desire to limit the hours of operations of all businesses within the city in order to promote and protect safety, health, peace, security, good order of comfort, convenience and general welfare of the city and it's inhabitants and whereas surrounding jurisdictions allow the operations of businesses in the serving of alcohol after 2:00 A.M. and whereas operation between 2:00 A.M. and 2:55 A.M are Friday night/Saturday morning and Saturday night/Sunday morning presents an important economic opportunity for businesses located within the city now therefore be it ordained by the City of Clarkston that Chapter 11 of the code concerning licensing, registration, taxation and regulation of businesses within the City of Clarkston be amended as follows: The new statement will be - For section 1113 – It shall be unlawful for any business within the City of Clarkston to be open to the public or to transact any business between the hours of 2:00 A.M. and 6:00 A.M. Monday through Friday. It shall be unlawful for any business within the City of Clarkston to be open to the public or to transact any business between the hours of 2:55 A.M. and 6:00 A.M. Saturday and Sunday mornings. Any owner or other responsible person operating a business in violation of this section shall be guilty

of a misdemeanor punishable by a fine not to exceed \$1000.00 and a period of imprisonment not to exceed six months. Each violation of this section shall constitute a separate offense. Any business operating in violation of this section shall be subject to license revocation pursuant to section 11-6 of this code of ordinances. Mr. Ransom has made a motion that we accept the ordinance as read. Motion was seconded by Ms. Leonetti. **A vote was called and the motion carried. (5/0; 1 Abstain)**

### **CHIEF OF POLICE REPORT**

Capt. Chris Hudson introduced Det. Margaret Clowden to the citizens of Clarkston and City Council. Det. Clowden gave a brief work history and her accomplishments to the citizens and City Council. Capt. Hudson briefly reviewed the statistics report handed out to those in attendance. She stated that tickets issued for the month of March was 401, we gave 40 warnings and answered the total of 361 calls. With the warmer weather, we are going to start back doing our safety checks once a month and try to work up to twice a month. The cameras are up and working in the patrol cars and the computers are here and just waiting for the IT to come out and install them in the patrol cars.

### **COUNCIL COMMITTEE REPORTS:**

#### **Buildings and Grounds Committee Report**

Mr. Moore is making progress with the apartment detail. The English Oaks Apartments have filled in their sink hole and repaired the pipe that was causing the problem. There are still numerous problems and they have a pile of tires back by one of their dumpsters. They have an extensive amount of furniture back behind that fence they built to hide it and we need to jump on those issues as well. Cedar Pines was another bad one with serious problems, but it may be in the process of getting new owners but was not as serious as The English Oaks Apartments. I'm working on a point by point letter to send out to notify the owners we are coming out to bring them up to date.

#### **Police Affairs Committee Report**

Mrs. Swaney made no report.

#### **Finance Committee Report**

Mr. Hadlock stated the budget was adopted at our hearing held March 18, 2010. Mr. Hadlock will continue to pursue our swimming pool funding. We also have other grants to work with and projects to start and we will do what we can to find matching funds for those grants.

#### **Sanitation Committee Report**

Mr. Ransom reported that 54 tons of solid waste and 12 tons of recycling materials were picked up from the City of Clarkston last month. We have had a total to date of 141 ton solid waste and 35 tons of recycling. Also, by having waste management outsource, we have dropped from \$3200 a month just on landfill and we just paid \$1200 this month. I would also like to mention that the Mayor has requested Dekalb County to give us two riding leaf vacuums to help to keep our city clean and will be combined with storm water also.

#### **Parks Committee Report**

Mr. White has stated that we are presently planning on meeting to assess the perspective agreement between the city and Sustainable Urban Village regarding programming and some of

the near term planning goals at Friendship Forest to try to get something informal together in the next week. Tentatively, the Mayor and I are planning to have a meeting with representatives from Decatur/Dekalb Y.M.C.A. to utilize some of the city park facilities for existing program through area schools. The baseball season has organized teams scheduled to use the park already.

Mr. White stated that the baseball infield has had some work done on it and we have also repaired some sidings on the pavilion as well. We are still seeking some reliable source funding for the design phase for the pool.

Mr. White has done a layout the for the proposed wild flower plantings alongside the CSX right of way. Director Shipman has now placed orders for herbicide and seeds by the best bid sources we have had submitted to us.

### **City Attorney's Report**

Mr. Quinn would like to make a note concerning Safebuilt that we will need to put Dekalb County on notice that they are not to issue any more building permits or certificates of occupancy within the city. Mr. Quinn will be happy to work with the Mayor on this.

### **Mayor's Report**

Mayor Tygrett is happy to appoint council woman Ms. Leonetti to an events committee. We are looking for ideas for different events for example: International Festival on Market Street, Clarkston Home Tour, Clarkston Garden and some open houses here at City Hall.

Carroll Estates has been foreclosed on by the bank that was financing it and I have been in contact with the bank and was able to work out a fee for them to pay the city to clean up the front of that very quickly because it was going to take them a month to 6 weeks to get their crew out and that it was in the city's best interest to bill them to clean it up ourselves. The bank has told me that they are planning on putting the three homes already built on the market at current fair value and to try to sell the additional lots to one developer (14 additional lots). The city will partner with the bank during the summer to make sure that the mosquito control is taking place and whatever else needs to happen on the property. As far as the homeowners around it, if you should have any concerns call Mr. Shipman, call the Police Department if you see cars parked there at night or during the day. The police are on alert that there is to be no loitering on the property. The chain is broken on the entrance of the property, but, before the city puts up a new chain (do not want to lock the bank out of their property) we will put up police tape.

Just a reminder to everyone that it is census reporting time and to please fill out the report and return the forms so that we can have accurate statistics for our community.

The update on the parking lot is as follows: We have GDOT and DeKalb County working together on this project. Right now GDOT is waiting for the right of way acquisitions and the work to be completed by DeKalb County at this point. DeKalb County has assured me that they are working on those right of way acquisitions. This can become an issue if the work is not completed by June 30, 2010 because the right of way is in GDOT'S 2010 calendar year which ends on this date. This work could be stalled by many months because it would have to be approved for the 2011 budget. DeKalb County has assured the Mayor that the right of way

acquisitions will be done in plenty of time to GDOT to move forward on this project and breaking ground this year

One of the last things I would like to report in the March budget hearing when we identified an increase in court revenue with a projection of \$600,000.00 up from \$400,000.00 from 2009. Our first quarter ending court revenue was \$176,000.00 compared to the first quarter court revenue from 2009 of \$102,000.00. At this rate we are well on track to hit \$705,000.00 of this year in court revenue and of course that can change at any time, but that is my first quarterly report on court revenue. We have worked very closely with our probation office, our judge, Chief Scipio and Capt. Hudson in identifying this opportunity and making it a reality. So if we hit the \$705,000.00 we will meet our budget this year. With that said, I will now conclude my report.

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

The meeting adjourned.