

**MINUTES**  
**CLARKSTON CITY COUNCIL**  
Tuesday, May 3, 2011, 7:00 PM

	<u>Officials Present</u>
Mayor:	Emanuel Ransom
Council:	Warren Hadlock, Dianne Leonetti (absent), Dean Moore, Joan Swaney, Jean Brown, Adam White
City Clerk:	Tracy Ashby
City Attorney:	Stephen Quinn

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

The Pledge of Allegiance

**Approval of Council Minutes**

The minutes from the April 5, 2011 Council meeting were before Council for approval. Mr. Hadlock moved to approve the minutes. Ms. Swaney seconded the motion. Mayor Ransom opened the floor for discussion. Mr. Moore had questions on the crosswalk and recent town hall meeting. Next town hall meeting will be June 4, 2011. **A vote was called and the motion carried. (5/0)**

**NEW BUSINESS**

**Vote to approve City Manager/Contract-City Attorney**

The City Attorney (Mr. Quinn) suggested going over the details of the contract in an executive session but the City Council can vote to choose its City Manager subject to finalizing the contract. Ms. Swaney made the motion to approve the contract for Keith Barker to become the City Manager for the City of Clarkston. Mr. Hadlock seconded the motion. The floor was opened for discussion.

Jan Gardner made comments on the announcement of the City Manager that was made through the Atlanta Journal Constitution before the official vote.

Graham Thomas commented that the city is lucky to have this gentleman.

**A vote was held and the motion carried. (5/0)**

Mayor Ransom commented on this historic moment for this city and he had everyone recognize Mr. Joe Alvarado who attended this meeting representing C.E.O. of DeKalb Burrell Ellis and his support for Mr. Barker as the City Manager.

Mr. Barker publicly thanked everyone (the Mayor and City Council) for giving him the opportunity to serve the community of Clarkston.

**CITIZENS COMMENTS AND CONCERNS**

Jan Gardner asked if the Mayor and City Council have any plans in place if we happen to have an emergency in this city. Ms. Gardner was at a dinner for Sagal Radio and certain members of the City Council was there at that time and in the beginning it was announced that there was serious weather conditions and when we heard the siren in the City of Clarkston that would give us forewarning to be able to take shelter and pointed to a place in the Community Center to go to. Is this building (Clarkston Community Center) declared safe for that kind of a purpose and is there an emergency plan for the residents of this city should we have a disaster? Ms. Gardner also commented on the Certificate of Occupancy for the businesses.

Rana, 3853 Park Lane Drive concerned with the safety in her condominium because of attacks and she was wondering what steps the police are taking in order to find the offender (located in unincorporated Clarkston). Mayor Ransom informed Ms. Rana that the Clarkston Police work with the DeKalb P.D.

### **Junior Mayor's Presentation**

Mayor Ransom went to Indian Creek Elementary School and asked the principal if it would be alright to ask them to run a contest in the school to have the kids write an essay if they were mayor for a day. There are nine candidates and I have the certificates for these students (presented to each of the candidates at this meeting).

### **Guest**

India Pullin, C.E.O. of Step Up In Georgia here in Clarkston and before getting started I would like to congratulate Mr. Barker. I just wanted to bring an update on the Clarkston International Festival and how we were able to come out of the festival debt free. This year we have moved it to October 1, 2011 (first Saturday in October). We plan to increase the participation in everything we had last year. We are going to have to increase the size of the stage. So I am just asking the council to approve the festival for this year and to give us whatever financial assistance or leads for vendors or companies to support the festival. Ms. Swaney made the motion to approve the International Festival for October 1, 2011. Ms. Brown seconded the motion. Mayor Ransom asked if there was any discussion. **A vote was held and the motion carried. (5/0)**

### **NEW BUSINESS**

#### **Reinstatement of FUGEES Contract – Mayor Ransom**

Luma Mufleh wasn't sure when the contract ended. The contract was usually renewed around the end of their season and May is the end of the season so she is not sure if it is May or January. Mayor Ransom suggested that it be turned over to the City Attorney to negotiate the terms with the Fugees and bring it back before the council.

#### **Resolution-Local Adoption for Approved DeKalb County Hazard Mitigation Plan**

Stephen Quinn (City Attorney) read the resolution. Mr. White made the motion to accept the resolution. Mr. Moore seconded the motion. The resolution was opened for discussion. After pointing out many changes that need to be made before the council can vote on this resolution to bring it up to date and to have the City Manager and the City Attorney take a closer look. Mr. Moore made the motion to table the resolution. Mr. Hadlock seconded the motion. **A vote was held and the motion carried. (5/0)**

#### **Approve Pitney Bowes Postage Meter Contract-City Attorney**

Mr. Quinn read the contract and he has approved it as to form. Mr. Hadlock made a motion to approve the contract. Ms. Swaney seconded the motion. Mr. Moore would like to wait until the City Manager can look at this. **A vote was held and the motion failed. (2/3 - Mr. Moore, Mr. White, Ms. Brown abstained)**

#### **Complete Streets/Resolution – Jean Brown**

“Complete Streets” is a national coalition that advocates for streets that are designed for all users in mind including pedestrians, bicyclists of all ages and abilities. Ms. Brown would like to propose the city to adopt a resolution to consider the “Complete Street” policies in any projects that the city endeavors with upgrading our streets. Ms. Brown provided a draft of the “Complete Streets” resolution and she wanted to know if there was any discussion. Mr. Hadlock feels the city should have a consultant before anything is decided. Mr. Moore read examples of the various well known groups involved in “Complete Streets”.

### **Police IT Request – Mayor Ransom**

Mr. Wells explained the overhaul of IT equipment in the P.D. in 2007 what the normal life cycle is depending on need or use. The video manager software has a high resource need and the computers we have now are not meeting the needs for this software. I am working hard to keep up with the complaints from the officers and Capt. Hudson to meet this need. Capt. Hudson wanted to share with the council that they have started a \$10.00 charge on every ticket that comes to the city of Clarkston and this is put into an IT fund and last month we brought in \$1500.00 and so far this month we have brought in \$2550.00. Right now the server is fine and should last another year. Mr. Moore would like to table this until the City Manager can review this. Capt. Hudson said you are looking at replacing 11 computers.

### **Planning and Zoning Report**

Mr. Wright stated that in their last meeting there were four sign requests and none of the applications they received were complete. There was a public hearing on the docket which we held for Dollar General for variances again and their application was not complete. All applications were tabled for the May 16, 2011 meeting asking for complete applications. He received a memo from Mayor Ransom on April 19, 2011 saying that P&Z had to approve the sign insert for 926 Montreal Road because it is nonconforming sign. On April 26, 2011 he received a second letter from the Mayor advising that he had talked with the City Attorney and because the present sign is nonconforming we should allow the insert and the Mayor was using executive privilege to approve said application. Mr. Wright asked the City Attorney if the Mayor has authority to approve signs in the city. Only the P & Z Board can approve the signs. Section 15.5 of the code relating to signs it says all the requirements are to be made. Mr. Wright also referred to Section 15.5.10 prohibited signs, Section 9 references roof signs, Section 24 says roof signs are not permitted, Section 15.5.14 Section 9 other references were provided. There is nothing saying a sign can be grandfathered. Mr. Wright would like the City Attorney or the Council to draft an amendment to the sign ordinance addressing the grandfather clause and replacement of nonconforming signs.

### **Correspondence**

Ms. Ashby read a letter from Council Woman Dianne Leonetti letting the Mayor, Council and Clarkston residents know she concurs with the choice of Keith Barker as the first City Manager of Clarkston and being a part of this historic event. A letter from Partnership for Community Acton thanked Mayor Ransom for sharing his time and expertise for the 2011 D.N.L.I. class on April 16, 2011.

### **OLD BUSINESS**

#### **Ordinance-Police Dept. under City Manager Control/Home Rule Change**

Mr. Quinn read the drafted ordinance to amend the City Charter, Section 3.02 regarding the City Managers powers and duties. This ordinance must pass at two consecutive regular meetings as a requirement of home rule charter amendment by the Council. The Council can vote on it for the first time at our next council meeting.

#### **Ordinance-Fill Mayor Vacancy Process**

Mr. Quinn read and reminded everyone that the procedure would also need to pass at two consecutive regular meetings since this also is an amendment to the City Charter. This ordinance will change the procedure of how the vacancy of the office of mayor is filled (Section 2.05). Mr. Quinn stated that this needs a little more looking into regarding special elections so the language may be a little different next month.

#### **Discuss the 12 Hour Police Shifts-Mayor Ransom**

Capt. Hudson said the 90 day trial period expired May 1, 2011 and Mayor Ransom wanted to know if it was viable to keep the 12 hour shift. Mayor Ransom would like to turn this over to the City Manager and to continue the 12 hour shifts until the City Manager has time to review.

## **CHIEF OF POLICE REPORT**

Capt. Hudson gave a copy of the new stat sheet to everyone. Officers wrote 166 incidents, worked 25 accidents, arrested 70 people and wrote 525 citations in the month of April.

Mayor Ransom asked the City Council to appoint the City Manager as Director of Public Safety until such time the home rule amendment is passed. Mr. Hadlock made the motion to approve the appointment of the City Manager as Director of Public Safety. Ms. Swaney seconded the motion. The City Attorney interjected on this appointment because he misunderstood that the appointment was for Public Safety Director and he thought it pertained to the Public Works Director and so he feels that because the city charter specifically says otherwise that we should not take this action. Mr. Moore asked that the motion be withdrawn because of the misunderstanding; the motion was withdrawn.

## **COUNCIL COMMITTEE REPORTS:**

### **Public Works**

Mr. Moore had nothing to report.

### **Finance Committee Report**

Mr. Hadlock will meet with the City Manager to see what kind of information he would like to have provided and reported.

### **Police Affairs Committee Report**

Ms. Swaney had nothing to report.

### **Parks and Recreation Committee Report**

Mr. White provided his report in writing to the council members.

### **Roads and Drainage Report**

Ms. Brown reported that there was a cleanup for last Saturday for, "Keep America Beautiful" with 20 volunteers and they picked up over 40 bags of trash along Montreal Road, Indian Creek Drive, Rogers Street, Market Street and Rowland Street. Ms. Swaney would like more advertisement for this event next year and felt they would have more volunteers.

## **MAYOR'S REPORT**

Mayor Ransom understands the concerns about emergency management and it is being worked on and we do have two locations: City Hall (basement) and the Clarkston Women's Club which is a granite building. There will be something put on the website to show the citizens that you are covered if a disaster happens.

Also, the Mayor has received numerous calls about a rat infestation in Clarkston and it is being taken care of so do not fear and if you have any pets do not leave the food outside or drop poison. Be sure to call the Health Dept. of DeKalb County Environmentalists Department and they will show you how to set the traps and set the poison in the ground. This has been a result of the burrowing for the new gas lines in the city which is disturbing the rat burrows underground.

Mayor Ransom is addressing problems with our citizens on Rowland Street and Rogers Street. I have sent a letter to the church concerning heavy motor traffic in the early morning (2:00 am or 7:00am) and we are only asking that they abide by the ordinances. A copy of the letter is available for anyone who would like to see it.

Theodoros, 4300 E. Ponce de Leon Avenue, wanted to welcome Mr. Barker to the City of Clarkston.

## **CITY ATTORNEY'S REPORT**

Mr. Quinn wanted to address the sign ordinance and feels there are a couple of things to be addressed: sign variance and the nonconformities. Right now there is no schedule for ever removing them and that we could set up a reasonable schedule of getting rid of those (nonconforming signs) over time if we would have it in the sign ordinance. Regarding the sign applications he recommends some kind of system where they would never even be received unless someone has gone thru what is being submitted thru a checklist to see that it is a complete application. He would recommend also that the Council also ask me to go in and look at Chapter 14 (the Personnel Code) in light of us going to a City Manager System because the City Manager is not listed in that code because it pre-dates him. So rather than the department heads being the decision makers with an appeal to the council we could consider having an appeal to the City Manager or the City Manager making that decision and issuing. Either way we need to recognize we have a City Manager in place that's in charge of all the personnel of the city within our personnel code. Ms. Swaney made the motion that the City Attorney take on the issue of getting all the changes made to the Personnel Code. Mr. Moore seconded the motion. A short discussion followed on what would happen upon termination do the employees still have the option to appeal to the City Council. **A vote was held and the motion carried.** (5/0)

Mr. Hadlock made a motion to adjourn the Council meeting and pay Council bills before going into Executive Session for an employee matter. Ms. Swaney seconded the motion. No discussion followed. **A vote was held and the motion carried.** (5/0)

The meeting adjourned at 8:30 pm.