

**MINUTES**  
**CLARKSTON CITY COUNCIL**  
Tuesday, June 2, 2009, 7:00PM

	<u>Officials Present</u>
Mayor:	Lee Swaney
Council:	Pat Davis-Morris, Wayne Foster, Warren Hadlock, Rosemarie Nelson, 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.

**APPROVAL OF MINUTES**

Minutes for the May 5, 2009, Council meeting were before of Council for approval. Ms. Nelson moved to approve the minutes. Ms. Davis-Morris seconded the motion. Mayor Swaney opened the floor for discussion. No discussion followed. **A vote was called and the motion carried.** (5/0)

**PRESENTATION BY HARRY HOUSEN**

Mr. Housen made a presentation on the status of projects at Milam Park and the HBP Grant. He distributed materials to Council for reference. He explained that two pages contained text from the LCI Study which outlined projects the City wants to undertake. He explained that the next few pages refer to the HBP Projects and Milam Park and what needs to be done to be in compliance with requests from Atlanta Regional Commission (ARC) to complete the acquisition of the HBP money. He presented a document which establishes TIP numbers to follow DeKalb County's method of tracking projects through the HBP money. The first project is described as Phase I, what the City is calling the "Eco-Lot" and is numbered DOT 00670007613. The budget for this project through Georgia Department of Transportation (GDOT) is \$594,000. He explained that concept and environmental documents have been approved. The Preliminary Field Plan review has been held and comments have been addressed. The right-of way documents are being prepared by Pond and Company and should be submitted in June with anticipated approval in August 2009. Construction documents can be submitted to GDOT after the right-of-way documents and the City is anticipating the contract being granted in December 2009. Construction may be able to begin December 2009.

Milam Park Pool and Pool House concept plans have been presented to the DeKalb County Community Development and also to Senator Butler, Rep. Drenner, Congressman Johnson, Commissioners Sutton and Gannon, and Ted Reinhard (DeKalb County Director of Public Works and in charge of Parks and Recreation). Current funds available are \$500,000. Mr. Housen has heard that another \$200,000 should be available in 2010 but he has not been able to confirm that. Mr. Reinhard has offered to schedule a meeting regarding additional funding possibilities in June with DeKalb Community Development and DeKalb Parks and Recreation. Total project budget is \$850,000, which means the City needs an additional \$350,000 to complete the project. If the additional funding of \$200,000 is granted, then the budget for the pool project is only \$150,000 in deficit.

The LCI Plan Five Year Update is due in September 2009 and Mr. Housen has scheduled a meeting with Rob LeBeaux to discuss submittal requirements. This update will keep the city in good standing as and LCI Community with ARC.

The Master Plan for Friendship Forest is complete and Mr. Housen is still researching funding opportunities.

Mr. Housen explained that all the projects identified in the short-term work program are being pursued right now. These projects were developed in 2004. The City has not gone to ARC for funding but he is trying to identify projects that will fit their grant criteria.

Mr. Housen explained that Attachment B – 000217 identifies projects as GDOT does. Phase I is Montreal from E. Ponce to N. Indian Creek with a GDOT budget of \$332,500. Phase II is E. Ponce from N. Indian Creek to Montreal with a GDOT budget of \$1.24 million. Phase III is Market Street and Church Street, connecting Market Street across E. Ponce and coming down to City Hall. N. Indian Creek from Montreal to E. Ponce with a GDOT budget of \$875,000. There is a gateway project at E. Ponce and Market Street with a GDOT budget of \$335,000 and a gateway project at E. Ponce and N. Indian Creek with a GDOT budget of \$415,000.

Mr. Housen stated he has been working on matching funds for the second phase of projects with DeKalb County which may offer HOST funds. DeKalb County has also offered to have one of their design contractors do the concept report and environmental report for the six projects listed above, which would be considered one project completed in phases as funding becomes available. Mr. Housen has met with PBS&J which has provided John Goerbles with a cost estimate.

Ms. Nelson asked if figures provided in the distributed materials were consistent with current market figures. Mr. Housen explained that DeKalb calculated the numbers based on their market figures. Ms. Nelson asked if green technology in the pool would increase costs significantly. Mr. Housen commented that environmentally friendly materials and sustainable mechanisms would be used wherever possible but that DeKalb County Health Department does not allow salt-water public pools.

Mr. Hadlock asked for some clarification of abbreviations used on the reports, which Mr. Housen explained.

### **Zoning & Review Committee Report**

None.

### **NEW BUSINESS:**

#### **Draft Sign Ordinance**

Carrie Stephens from Pond and Company distributed a copy and gave an overview of the draft sign ordinance. The revised ordinance applies design guidelines for signs for the TC district uniformly throughout the entire City, corrects names of zoning districts within the ordinance and addresses billboards. At the work session, Council decided that billboards should be excluded from the prohibition of animated signs and an allowance was made for billboards within 120 feet of interstate roadways. Also, particular materials were prescribed for post signs.

Mr. Hadlock asked if the new ordinance addressed spacing between billboards. Mr. Ransom and Mr. Foster stated that GDOT regulated that distance. Ms. Stephens said she would verify that regulation and report back to Council.

Ms. Nelson stated that she was not at the work session and asked if there was a provision for electronic reader boards. Ms. Stephens reported that all animated signs are prohibited within the entire City with the exception of billboards. Ms. Nelson asked that Council reconsider the prohibition of animated signs so that the City could use one in front of City Hall. Mr. Hadlock stated that it was unanimously decided at the work session to prohibit animated signs throughout the City. Ms. Nelson stated concern that the DeKalb Library and the Clarkston Community Center and other institutions along the N. Indian Creek corridor may want to use such signs. Mr. Hadlock stated that this issue was thoroughly discussed at work session and Ms. Nelson should find out what happens at work sessions that she is unable to attend so that she would be familiar with issues to be voted on at Council meetings.

Ms. Nelson asked what the next step is for enacting the sign ordinance. Mr. Quinn reported that the ordinance should be reviewed by the City Attorney and there should be two public readings as sign ordinances are considered zoning issues, so all procedures related to zoning must be followed. Ms. Davis-Morris asked for clarification that since the new ordinance had not been advertised, the reading at this meeting could not be considered the "first read." Ms. Nelson stated she still has questions about the ordinance. Mr. Ransom stated that the issue could be taken back to work session if necessary.

Mr. Hadlock moved that Council initiate the legal process to enact the new sign ordinance. Mr. Foster seconded the motion. Mayor Swaney opened the floor for discussion. Ms. Nelson stated that Council has not approved the new sign ordinance. Mr. Quinn clarified that legal process referenced in the motion would include advertising and sending the ordinance to the reviewing zoning and planning bodies. Ms. Nelson stated that she thinks that Council is moving too quickly to enact the new sign ordinance as it hasn't been considered carefully. Mr. Ransom reiterated that the motion is merely to begin the legal process of enacting the new ordinance. Ms. Davis-Morris raised the concern that if there is another work session the draft ordinance would have to go back to the City Attorney for review again. Mr. Hadlock reiterated that his motion is to begin the legal review process to enact the new ordinance. Mr. Quinn suggested that until the ordinance has its first read any changes can be made informally before it is reviewed by the City Attorney. Mr. Hadlock stated that in that case, the ordinance could be considered at another work session before it is advertised for a first read. Ms. Davis-Morris suggested not to send the ordinance to the City Attorney for review until it has been considered at another work session. Mr. Ransom disagreed, stating that Pond has done extensive work on the ordinance to make changes Council has requested at work session. Mr. Ransom stated that the next logical step is to send the draft ordinance to the City Attorney for review as to form, and then consider the ordinance at the next work session without sending the ordinance back to the attorney for review. Mayor Swaney called for an end to discussion. **A vote was called and the motion carried.** (4/1; Ms. Nelson opposed.)

Mr. Hadlock moved that a moratorium be placed on all sign applications until the September 2009 Council meeting or until the new sign ordinance is enacted. Mr. Ransom seconded the motion. Mayor Swaney opened the floor for discussion. Ms. Nelson asked Mr. Shipman if any sign applications were in the process currently. Mr. Shipman responded there were none. Mayor Swaney called for an end to discussion. **A vote was called and the motion carried.** (4/1; Ms. Nelson abstained.)

### **Two-Day Event Alcohol Permit for Clarkston Community Center**

Ms. Ashby reported that all fees have been paid and a complete application has been submitted to the City Clerk's office by the Clarkston Community Center for the proposed permit. Ms. Swaney gave an overview of the event planned; a Congolese festival to be held on the 3<sup>rd</sup> and 4<sup>th</sup> of July on the Community Center field. Ms. Davis-Morris asked what the hours would be. Mr. Ransom stated that Council passed a resolution that all events had to be off the field by 8:00pm. Ms. Nelson stated that Surf Fest lasted until 10:00pm. Mr. Foster clarified that the 8:00pm cut-off was for using lights on the field. Mr. Ransom stated that the event would need to end by 9:30pm. Ms. Swaney stated that the festival will start about 11:00am. Ms. Nelson asked if the Clarkston Community Center was applying for the permit in its own name or on behalf of the Congolese congregation putting on the festival. Ms. Swaney reported that the application is being made on behalf of both organizations as the Community Center will receive concession proceeds from the event. Mr. Foster moved to authorize the permit. Mr. Ransom seconded the motion. Mayor Swaney opened the floor for any further discussion. No further discussion followed. **A vote was called and the motion carried.** (5/0)

### **OLD BUSINESS:**

#### **Second Reading of Amendment to Business License Ordinance**

Mr. Quinn reviewed that at the April Council meeting Council asked legal counsel to review the business licensing ordinance to clarify ambiguity. The first read of the amended ordinance was held at the May Council meeting. He confirmed that the ordinance is identical to what was read at the first read except previous reference was to the Planning and Development "Committee" and the ordinance uses the term Planning and Development "Commission." Mr. Quinn read the ordinance into the record.

Mr. Quinn stated that if the Council wants to vote to approve this ordinance the two-reading requirement has been met.

Mr. Ransom moved to adopt the ordinance as read. Mr. Foster seconded the motion. Mayor Swaney opened the floor for discussion. Ms. Nelson stated that the first time the Council saw this ordinance was the last Council meeting and disagreed that that discussion qualified as a first read. Mr. Quinn clarified that the general discussion occurred two meetings ago and at the last meeting the ordinance was read exactly as it was read at this meeting.

Ms. Nelson asked for clarification as to why applications would be sent to Planning and Development for decision rather than the City Clerk as the current procedure prescribes. Mayor Swaney suggested that it would lighten the City Clerk's work load and applications currently go through Planning and Development anyway. Ms. Nelson stated that the City's Planning and Development Commission is not qualified to understand business and economic development issues which would cause the process to get bogged down and the result will discourage businesses instead of attract businesses.

Mr. Ransom stated that he has learned that citizens should make decisions about what kind of businesses should be in the City rather than professionals. He stated that most other cities send new business applicants through economic development, which the Planning and Development Commission will serve as in Clarkston. Mr. Ransom suggested sending members of the Planning and Development Commission to classes presented by the ARC to learn more about economic development.

Ms. Nelson stated that the City has to follow federal law in not denying citizens the opportunity to open businesses where they choose. She stated that the only restrictions on businesses should be the zoning ordinances and codes. Mr. Ransom stated that the Planning and Development Commission can counsel potential new business owners as to what businesses are needed in the City. Mr. Ransom stated that he wants to take advantage of volunteers to help shape the business community in the City.

Ms. Davis-Morris expressed concern about liability of the City if the City prohibits certain businesses even though the business would fit into the zoning district.

Mr. Foster reiterated that the ordinance being voting on is merely a change of procedure for the way applications are submitted to City Hall. Mr. Quinn concurred and added that the role of the Planning and Development Commission under the ordinance is to recommend to the City Clerk. The Commission would look at the zoning ordinance and other requirements and make recommendations to the City Clerk.

Ms. Nelson expressed concern that the new ordinance lengthens the turn-around time from 10 days to 30 days which is not business-friendly.

No further discussion followed. **A vote was called and the motion carried.** (4/1; Ms. Nelson opposed.)

### **CORRESPONDENCE**

None.

### **CHIEF OF POLICE REPORT**

Chief Scipio reviewed the police statistics report that was distributed to those in attendance. He commented on continuing work to secure grant funding for salaries for three to five additional officers. Chief Scipio discussed a scanning device for police cars that will scan license plates to assist with traffic violations and other enforcement that he hopes to acquire with grant funds, which will increase court revenues. He is also working on grant funding for digital audio/video cameras that officers will wear on their persons, rather than dash-mounted cameras. Chief Scipio announced that about \$47,000 of grant money has already been approved and he plans to use that money to upgrade the computer systems to reduce paper use and track patrol car activity. He explained that the Department is having trouble with functionality of the new digital radios that were recently purchased. Motorola is working on the problem. Chief Scipio has had further discussions with DeKalb County to improve 911 response times. DeKalb County now has dedicated personnel to work with the 911 system.

Ms. Nelson asked for confirmation that the radios were purchased out of seizure funds and not out of the City's General Fund. Chief Scipio confirmed that is correct.

Ms. Nelson asked the status of the document scanning project that was initiated at the last computer upgrade. Chief Scipio stated that his staff was cut and there is not enough manpower in the Department to complete the project. Chief Scipio also stated that he doesn't have staff that is qualified to complete the project. Ms. Nelson suggested using qualified contract personnel that can finish the project. Chief Scipio suggested that was a decision to be made by Council. Mayor Swaney stated that contract personnel are too expensive.

Ms. Davis-Morris asked Chief to introduce Ofc. Dyer, the temporary code enforcement officer during Ofc. Lockett's absence. He is a reserve officer working full-time on a volunteer basis. Chief Scipio complimented the work he has done to this date. Mr. Ransom also complimented the quick response Ofc. Dyer has given to code complaints Mr. Ransom has turned in.

A question was asked about the use of license plate scanners in other jurisdictions and Chief Scipio named other local municipalities and counties that are employing the units. Chief Scipio has heard that they are very effective but have led to some care chases. The units are very expensive and are usually only outfitted in one car per Department.

Mr. Hadlock asked if probable cause had to be observed before the scanner was used. Chief Scipio reported that the probable cause is the equipment, just like using radar to detect speeding.

### **CITIZENS COMMENTS AND CONCERNS**

Dean Moore (Rayford Trail), who serves on the Zoning and Review Commission, asked Council to please alert the Zoning and Review when Council expects a report so that someone from the Committee can come prepared to deliver a report. He also stated that the Commission will be happy to assist the City Clerk with Business License processing. He stated that the Commission does not determine who should and shouldn't open a business in Clarkston, but rather ensures that the prospective business meets all zoning requirements. Mr. Moore questioned Harry Housen about his presentation and why materials he passed out didn't seem to correspond with information he was reporting. Mr. Moore suggested that materials be carefully reviewed before being distributed so that the information is easier to understand and consistent with Mr. Housen's verbal reports.

Theodros Hallegiorgis (Business owner at E. Ponce de Leon Avenue) stated that he was speaking as a business man in Clarkston and a member of the Clarkston Business Association. He expressed concern that the business community was not given a chance to discuss the proposed changes in the Business License Ordinance and that he feels the new ordinance is burdensome to prospective businesses because of the longer turn-around time for approval. He stated that he respects the Planning and Development Commission but he feels the City Clerk should be able to determine zoning compliance and if she has a question then business license applications could be referred to Planning and Development for a decision. Otherwise, the process is too time consuming, over 30 days, and hinders business development in the City. He also expressed concern that citizens don't have the opportunity to make comments before votes are taken on issues before Council.

Chris Busing (Mauck Street) expressed support for a livestock ordinance and a farmer's market ordinance. He expressed disappointment that the livestock ordinance drafted by Martha Brock was not on the agenda for the last work session. Mayor Swaney responded that it would be on the agenda for the next work session. Mr. Busing urged citizens to attend work sessions to be better informed and to better understand how the Council's decision-making process works. Mr. Busing reported that he understands there are some health concerns with a farmer's market. He stated that he intends to research how the City of Decatur regulates their farmer's market. He suggested that the national food supply may pose greater health risks than locally grown fruits and vegetables. He cited a report he heard on National Public Radio concerning the same.

Debbie Gathman (Mell Avenue) expressed concern that there is no opportunity for public comment before votes on issues. She asked if a copy of the proposed Business License ordinance could be given to the Clarkston Business Association. She expressed concern about businesses which have dark covering over the windows and asked that the ordinance she read on line be enforced so that interiors of businesses are visible from outside. She expressed delight that the budget for the pool is so close to goal. She suggested that collection containers be displayed in businesses and at every event in town to collect money just for the pool fund. She stated that this would bring the community together in working toward a goal and dispel some of the anger citizens have that the pool is not open this summer. She stated she would help with putting out collection containers if the Council would like her to. She stated that after talking to her state representatives and senator she learned that there is federal stimulus money available for “health and wellness” programs, and she is hopeful that the City could obtain funding through that mechanism to raise the remaining \$150,000 needed to complete the pool project. Mayor Swaney reported that Ms. Davis-Morris is already working with state officials on obtaining funding for the project. Ms. Davis-Morris concurred that windows should not be covered and requested that Chief Scipio ensure that all applicable ordinances are enforced to protect public safety and the safety of law enforcement personnel. Chief Scipio stated that he would have Ofc. Dyer work on that issue.

Rita Thomas (Market Street) stated that her understanding is that Planning and Development and Zoning and Review were set up as “committees” rather than “commissions” and she asked for clarification and consistency in the new ordinance. She also expressed concern that public comment is only allowed after votes are taken. She stated that citizens are the constituencies that elected the Council and mayor and complained that citizens cannot be heard on a certain issue until after the vote is taken. She urged that the format of the Council meetings be changed so that citizens can express themselves before a vote is taken. Mayor Swaney stated he would be happy to take care of that situation. Ms. Thomas supported the idea of Planning and Development offering economic development counseling to business license applicants. She reported that when she served on the Committee business license applicants who received economic development advice from the Committee were very appreciative of the process. She expressed concern that there are no overlays prepared to plan for downtown development. She stated that planning would prevent having duplicate businesses (four pool halls, multiple day care centers, etc.). She stated that she has more questions, but since her time was up, she would send them to Council in a different format or she would come talk to Council members in person if they preferred.

## **COUNCIL COMMITTEE REPORTS:**

### **Streets Committee Report**

Ms. Nelson reported that the Environmental Protection Department (EPD) conducted an audit of watershed management in Clarkston and asked Mike Shipman to give a report on same. Mr. Shipman reported that this was the first audit the City had undergone which covers stormwater, sewer systems, littering, MS4, etc. Passing the audit allows the City to be granted a permit to discharge water into the stormwater system. If the City failed the audit it would be fined, up to \$10,000 a day. Mr. Shipman reported that the City needs to update standard adopted floodplain ordinances but on everything else the City passed. Mr. Shipman reported that EPD will be back at the City on June 18<sup>th</sup> for the MS4 audit which will include manually inspecting infrastructure. He reported that it is very helpful that the MS4 inventory project has already been completed. Ms. Nelson asked if Q&A from DeKalb County has been

completed and Mr. Shipman reported that the QAQC has been performed by Mike Walker with the County, a process by which all documents related to the project are certified to be accurate.

Ms. Nelson complained about broken telephone poles along Church Street. Mr. Shipman responded that Georgia Power replaces damaged poles quickly but does not give a time certain when they will take down damaged poles.

Mr. Hadlock asked what revisions needed to be done to the floodplain ordinance. Mr. Shipman reported that the City's flood plain ordinance is outdated. The State of Georgia has mandated a model ordinance meant to conform municipal ordinances to state ordinances. The GMA is assisting cities with implementation of the model ordinance and the City needs to bring its current ordinance into compliance with the model ordinance. Ms. Nelson confirmed that DeKalb County has been of assistance in getting this done.

Ms. Nelson reported that she has spoken with MARTA representatives about putting up bus shelters at three locations around the City. MARTA has responded that they cannot build bus shelters because there are no sidewalks to build them on. Sidewalks large enough to accommodate foot traffic and a shelter are required for safety reasons. Mayor Swaney asked Ms. Nelson to let him make the same request of MARTA at the next Mayor's meeting because he may be able to get shelters built if he asks in person. Mr. Ransom confirmed that MARTA would not build shelters without sidewalks being in place first. Ms. Davis-Morris asked citizens to give questions or concerns they have regarding MARTA to Ms. Nelson and Ms. Nelson can pass those issues along to the Mayor to report to MARTA at the Mayor's meeting.

Ms. Nelson announced that the City is sponsoring a Bike Rodeo on Saturday, June 6<sup>th</sup>, in the parking lot behind City Hall to promote bike safety for children. Prizes will be given away. Additional sponsors include Clarkston Collaborative Health, Bicycle South, SOPO of Atlanta, Safe Kids, DeKalb County Board of Health, Wal-Mart and Thriftown. A bike rack will be dedicated and placed near City Hall for citizens who use the bike path.

Saturday, June 27<sup>th</sup> from 11:00am to 3:00pm a Women's Tea will be held as a meet-and-greet with Ms. Nelson at the Women's Club at 3913 Church Street.

The City of Stone Mountain has invited the City of Clarkston to participate in its 4<sup>th</sup> of July parade to march under the PRISM banner. All are invited and those who would like to participate should contact Ms. Nelson for further information.

Ms. Nelson reported that the results from the ARC's Pay and Classification Study should be ready by the end of June and she hopes to make a full report at the next Council meeting.

Ms. Nelson thanked Mr. Shipman for his work with EPD and thanked representatives of Pond and Company for the work they have done over the past month.

Jan Gardner reminded everyone of the Fun Day being held by Positive Growth next Saturday, June 13<sup>th</sup>.

### Sanitation Report

Mr. Ransom reported that 49 tons of solid waste was picked up and 14.32 tons of recycling was picked up last month. That would have cost over \$3200 in landfill cost and this month the City has only spent \$1500 in landfill cost.

Mr. Ransom reported that he has started contacting residents in the Mell Avenue area that are in DeKalb County about being annexed into the City. He plans to pass out flyers to residents in a few days.

### Police Committee Report

Ms. Davis-Morris reiterated points that Chief Scipio made in his report and encouraged those in attendance to relay the message to friends and neighbors to be very careful driving with children now out of school. She also suggested that citizens secure their homes and possessions since school is out and kids may vandalize out of boredom.

### Parks Committee Report

Mr. Hadlock moved to permit the Fugees Family organization to present a weekly movie night on Saturday nights from 8:30pm to 10:30pm at Milam Park through Labor Day weekend of 2009. Mr. Foster seconded the motion. Mr. Hadlock reported that the Fugees will provide all the equipment and pay all copyright fees and there will be no cost to the City. All movies will be rated PG-13 or under. The City may sell concessions if it chooses. Mr. Hadlock explained the logistics of the set up of equipment in Milam Park. There will be no charge and everyone is invited. The intent is to provide activities for children and families since the pool is closed. Ms. Davis-Morris asked for a guarantee that movies will be age-appropriate. Mr. Hadlock assured Ms. Davis-Morris that Ms. Luma Mufleh would choose appropriate material for showing. Ms. Nelson asked if there would be any other legal liabilities for the City. Mr. Quinn advised there would be no more liability than a softball team using the field, and in fact there would be far less risk of injury. Ms. Nelson asked if there would be any impact on residents of Norman Road. Mayor Swaney assured Ms. Nelson there would be no impact on nearby residents. No further discussion followed. **A vote was called and the motion carried.** (5/0)

Mr. Hadlock reported that he has received complaints that there is not enough information distributed to citizens about the pool being closed. He stated that the pool is empty and the gate is locked, there is a sign on the pool fence stating the closure, and a notice on the City's website stating the closure, and he doesn't know what else the City can do to communicate that the pool is closed.

Mr. Hadlock commented that Milam Park bathrooms will need to be renovated this year which has not been considered in the budget. This expense will need to be considered when millage rate hearings are held.

Mr. Hadlock stated that he wants to establish good communication between the Council and the Zoning and Review and Planning and Development Commissions. He plans to work with the City Clerk to facilitate this.

Mr. Hadlock agreed that citizens should have the opportunity to address the council on certain issues before votes are taken and thanked Mayor Swaney for addressing that issue.

Mr. Hadlock expressed grave disappointment that some council members repeatedly fail to attend official meetings such as millage hearings, employee grievance hearings and work sessions. He stated that the City's work is hindered when all members do not attend. He urged each Council member to consider the importance of attending official meetings, to ensure there is a quorum so business can be conducted, and to protect the City's image.

Ms. Nelson stated that there is a list of pools in DeKalb County that are open and stated the list would be posted on the City's website.

### **Finance Committee Report**

Mr. Foster announced that three hearings will be held to take public comment on the proposed millage rate. The proposed millage rate is 15 mils. The roll-back millage rate is 11.225 mils. The roll-back rate is higher than the 2008 adopted rate due to re-valuation of the tax digest by DeKalb County. The mathematical millage rate has been recalculated to adjust for the outsourcing of sanitation. Sanitation will be moved in the budget into a utility fund to record the expense for charges from Waste Management and revenue for citizens being charged for the service. The budget will be amended to reflect this change. The adjusted mathematical millage rate, which is the millage rate needed to cover the adopted budget, is 11.51. Public hearings will be held June 4<sup>th</sup> at 7:00pm, June 11<sup>th</sup> at 11:30am and June 11<sup>th</sup> at 7:00pm. A Special Call meeting for Council to vote to adopt a 2009 millage rate will be held directly following the June 11<sup>th</sup>, 7:00pm public hearing.

### **Properties and Community Affairs Report**

None. (Ms. Felts was absent due to illness.)

### **City Attorney Report**

Mr. Quinn stated that the Planning and Development and Zoning and Review bodies are named "commissions" in Section 304 of the City Code.

Mr. Quinn commented on a submitted contract from Pond and Company which is for "drawings and renderings regarding right-of-way plans" for the parking lot at a charge of \$6,000, described as "additional engineering services for the GDOT project." The contract claims that this is the necessary next step now that the Preliminary Field Plan review has been held. Mr. Quinn stated he has asked to determine if this was a new contract, which requires Council approval, or if it could be executed under the Mayor's signature only as part of a previously approved contract. Mr. Quinn stated that based on the language of the cover letter as well as language in the contract, this contract is for new work that has not been approved, at additional cost, and therefore he has determined that the Council would need to vote to approve the contract. He stated that legal counsel has not approved the contract as to form as the Council has not approved it yet. Ms. Nelson moved to approve the contract for additional work at a cost of \$6,000 for Pond and Company to continue with design revision in coordination of rights-of-way that was not included in the original scope for the stormwater project. The motion was not seconded. The motion died.

Mr. Ransom stated that if this is a construction project the work described in the new contract should have been included in Pond's RFP response. He questioned why additional engineering work is required. Ms. Nelson stated that the work was for revision according to what GDOT has asked for. Mayor Swaney called for an end of discussion. Ms. Davis-Morris asked if the subject could be

discussed again. She stated that she understood that all services were contracted for from the beginning and the parking lot was not considered as a right-of-way and that now GDOT has changed that designation. She stated a desire to look at the contract issue again. Ms. Nelson explained that Pond explained that an update is needed and will require additional engineering work. Ms. Davis-Morris stated that the \$6,000 should come out of the \$100,000 set aside for the project. She argued that it is not something extra that needs to be taken out of the budget. Mayor Swaney stated that the subject should be discussed in work session. Mr. Ransom suggested another motion be made to approve the additional \$6,000 if it will come out of the \$100,000 set aside for the project. Mr. Ransom moved that Council approve the new contract for additional services from Pond and Company and that the money is to be extracted from the \$100,000 set aside for the project. Mr. Hadlock countered that the motion is contradictory, as Mr. Ransom used the word "additional" so therefore it could not be something that was included in the original budget for the project. Mr. Ransom stated that GDOT is stipulating that the City take back right-of-ways and achieving that will require additional work by Pond & Company, at the cost indicated in the contract of \$6,000. Mr. Hadlock stated that he has heard nothing about this new contract until tonight and was skeptical that this is expense that was budgeted in the \$100,000 set aside for the project. Mr. Ransom stated that the contract has the same project number, so it must be expense that can come out of the set aside budget. Mr. Foster seconded the motion. No further discussion followed. **A vote was held and the motion carried.** (4/1; Mr. Hadlock abstained.)

Mr. Quinn announced a first reading of an ordinance to comply with a new state law regarding municipal collection of telephone fees. GMA recommends that every City adopt the ordinance. Mr. Quinn read the ordinance into the record. Ms. Nelson asked how broadband service would affect franchise fees in relationship to this new ordinance. Mr. Quinn reported that the new ordinance is in response to a state law which caps fees the City can receive from any telegraph or telecommunications organization which likely would include broadband services. To the extent that any existing agreement exceeds 3%, it would remain in force and effect until December 31, 2012 or the expiration of the agreement, whichever is earlier. Mayor Swaney asked for clarification and Mr. Quinn stated that there needs to be a second read at next month's Council meeting and a vote can be held at the July meeting. Ms. Nelson asked if Mr. Quinn has received her written questions about broadband services. Ms. Ashby responded that Mayor Swaney has not given her authorization to pass that information along to the City Attorney.

### **Mayor's Report**

None.

Ms. Nelson 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.** (5/0)

The meeting adjourned at 9:30pm.