

MINUTES
CLARKSTON CITY COUNCIL
Wednesday, August 4, 2010, 7:00PM

Officials Present

Mayor:	Howard Tygrett
Council:	Warren Hadlock, Dianne Leonetti, Dean Moore, Emanuel Ransom, Joan Swaney, Adam White (Arrived 8:00 pm)
City Clerk:	Tracy Ashby
City Attorney:	Stephen Quinn

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

The Pledge of Allegiance.

The Mayor requested an amendment to the agenda by adding discussion for a contract for Pond. Mr. Ransom made the motion to add the consultant work order to the agenda. Mr. Hadlock seconded the motion. A vote was called and the motion passes. (5/0)

Approval of Council Minutes

The minutes from the July 6, 2010 Council meeting were before Council for approval. Ms. Swaney moved to approve the minutes. Ms. Leonetti seconded the motion. Mayor Tygrett opened the floor for discussion. No discussion followed. **A vote was called and the motion carried.** (5/0)

CITIZENS COMMENTS AND CONCERNS

Karen Feltz, commented on the way the city looks and is asking for help to clean up our city. Ms. Feltz is concerned why she has not heard any response from code enforcement on violations that were brought to their attention. She pointed out instances of trash sitting for 2-1/2 weeks because the city has no communication with Dekalb County to pick up this trash. Ms. Feltz also commented on the upkeep of the lawn at the Women's Club which is not good (weeds and needs watering).

Chris Busing, Mauck Street, said that it was a nice gathering last night. Feels that the proactive theme for Clarkston would be to support someone for sheriff on the platform moratorium on home foreclosures and that person would win because we would be behind them. Mr. Busing has a petition idea to hand out to all in attendance and asks everyone to listen to what goes on in our legislation.

Janice Gardner, 1003A Roger Street, is upset that she does not receive return calls or updates or answers from someone when she calls city hall. Says she has flooding on Roger Street because no one bothered to pick up the grass that was cut at the parking lot. Ms. Gardner also talked about how dangerous it is for some of our workers with our city dump truck.

Eric Kane, would like to find out who he needs to contact concerning having no sidewalks at Lovejoy to Northern Avenue; because there is no sidewalk, he has to go into the street with his wheelchair.

Graham Thomas, Market Street, would like to know the status of the church parking lot.

NEW BUSINESS

Public Hearing: Titlemax, 4222 E Ponce de Leon Avenue. Request for a variance to have a permanent sign on front fascia of building. Public comment will be taken.

Before public comment, Michelle Alexander with Pond & Co. would like to read the report for parcel 4222 E Ponce de Leon Ave. a variance request from section 15.5-1 sign ordinance to attach an illuminated sign to the front fascia of the building. Pond & Co. recommends denial of this request for variance. Mr. Quinn (City Attorney) suggests that anyone in favor of the variance should have an opportunity to speak and anyone

opposed to the variance an opportunity to speak. Mr. Graham Thomas is opposed to the variance. Mr. Wright of P&Z said that part of the issue is that an application comes before P&Z and not the owner of the property but the individual or sign manufacturer is who comes in front of the committee. The committee had no one from Titlemax to quiz on this variance or to choose from one type of sign instead of two signs. No one from Titlemax is in attendance tonight for their representation. Open to public comment. No comments. Mr. Ransom made a motion to deny this variance. Mr. Moore seconded this motion. Motion passed to deny (5/0)

Public Hearing: Dollar General Store, 980 N Indian Creek Drive. Requests for (3) three variances: 1) to exceed maximum floor area, 2) to allow off-street parking between the building and the street and 3) to reduce the minimum number of off-street parking spaces. Michelle Alexander read the report for parcel 980 N Indian Creek Drive. A variance request from article 7 section 711 which Pond & Co. recommends approval upon (7) seven original conditions from Pond & Co. along with (1) one condition from P&D and (1) more condition; second variance request is from article 11 section 1102; third variance request is from article 11 section 1107.

Mayor Tygrett introduced Brian Sullivan who is the builder on this project and asked if there were any questions. New design is the faux shutters which would be attached to the flat surfaces. The landowner is responsible for the upkeep of the landscaping. Bobby Wright wanted to know about the shared parking agreement which Mr. Sullivan said he will pursue after the first two variances are passed. Mr. Ransom asked Mr. Sullivan to show proof of trying to get the shared parking which is one of the conditions by Pond & Co.

Jan Gardner would like a traffic study to see how it would impact the area. Ms Gardner is not opposed or in favor of these ordinances. Pat Holcomb is in favor and states that there is already a lot of foot traffic in Clarkston and feels it should not be much impact in this particular area. No other comments from the public. Mayor Tygrett also commented that Dollar General has a community outreach for literacy which ties in well for our community. Mr. Ransom would like to make a motion that we accept Pond's recommendations on all three (3) variances to approval. Mr. Moore seconded the motion. **A vote was called and the motion carried.** (5/0)

Public Hearing: 4312 E Ponce de Leon. Request rezoning from NR3 to TC. Bobby Wright gave the report from P&Z concerning the cons for changing the zoning because of how it would affect future tenants because he would land lock people on the second property because there is no egress to the second property if it should be sold in the future. P&Z recommended denying the request for rezoning from NR3 to TC. Berhane Nune, who is requesting the rezoning presented what he is planning to do at this property and why he is asking for rezoning of this property. Mr. Nune would like to open a real estate office at 4312 and feels the city would economically benefit by zoning this to TC. Mr. Quinn (City Attorney) has brought to the attention of the council that the original application was to rezone the entire parcel and now he wants to rezone only half. Mr. Quinn suggested we table tonight's application so the applicant won't have to repay and re-file and Mr. Nune would need to subdivide his property by going through Dekalb County and to where he would now have (2) parcels. Mr. Ransom made the motion to table the application for rezoning from NR3 TC. Ms. Leonetti seconded the motion. Mr. Wright suggested the application should go back before P&Z. Mr. Ransom has made a motion to amend the motion already made to ask the applicant to come back from Dekalb County with the proper documents which would be the survey plans and the purpose of what you will be doing with the land. Ms. Leonetti seconded the motion. **A vote was called and the motion carried.** (6/0)

Ordinance to adopt City of Clarkston Soil Erosion, Sedimentation and Pollution Control Ordinance

Mr. White stated that this ordinance will replace the existing ordinance chapter 22 dealing with erosion & sedimentation control and stream buffer protection. This is an improved model ordinance as per the specifications of the state of Georgia Environmental Protection Division whereby they can then provide a certification to the City of Clarkston as a local issuing authority. The City of Clarkston would then be able to review all applications for stream buffer variances, certification to perform erosion and sedimentation control inspections through all phases of the land development in the city. Mr. Quinn recommends approving this

ordinance. Tonight will be the first read for this ordinance. Copies of this ordinance are available to pick up at Clarkston City Hall.

Pond & Co. Contract Renewal

This contract has been deferred to the next work session. This is to give the city attorney a chance to review/re-write the contract and see what changes need to be made to reflect fees and services, etc. with Pond & Co. Mr. Ransom made a motion to reflect what the City Attorney has requested of Pond & Co. and to table at this time. Mr. Moore seconded the motion. **A vote was called and the motion carried.** (6/0)

Discussion to change allowed period for Non-Conforming Use

The City of Clarkston is requesting to change the Town Center (6) six month rule to (3) month. Mr. Quinn would like more time to research this and then give a memo to the Mayor and the City Council in a public meeting. Mr. Quinn has suggested a first reading next month.

Council adopt mobile vendor fees and guidelines

The City Attorney was not clear on how this ordinance was different from the ordinance the city already has in place. Mr. Ransom read the differences between the existing ordinance and the new ordinance. Mr. Quinn would like to review and draft an ordinance and then have questions for the Council to do at the work session so we can then have first read at our next Council Meeting. This has been deferred to the next work session.

PLANNING AND ZONING REPORT:

Mr. Wright gave his report. P&Z approved a couple sign permits and a home renovation. The renovation at Cedar Pines Apartment was approved on the contingency that Pond approved all of the issues and had asked for a written report so we would know for the minutes if they had been conformed to as requested. P&Z continues to have issues with applicants who are not on the agenda and having incomplete paperwork and expect us to hear them. The policy is if they are not on the agenda P&Z will not hear them.

CORRESPONDENCE

None

OLD BUSINESS

Ordinance to amend Alcohol Serving Hours-Second Read

Mr. Quinn the city attorney did the second reading for the ordinance to amend the alcohol serving hours. Mr. Ransom made the motion to accept the ordinance amendment as read by Mr. Quinn. Ms. Leonetti seconded the motion. **A vote was called and the motion carried.** (6/0)

Amusement Machines-Discussion for Regulation of Amusement Machines

Mr. Moore made the motion to table this item to do more study on this until the next work session. Ms. Swaney seconded the motion. **A vote was called and the motion carried.** (6/0)

Vote to approve CDBG Milam Pool/Pool House Contract-Dekalb County

Mr. Quinn has reviewed and approved this contract as to form and he has given the Council a letter with six points that as the City Attorney we advise the city to be aware of when proceeding under this contract. Most important aspect is that we make this contract an exhibit to the bid that goes out for our sub-contractors to do the work and that we pass certain obligations that the County has put on us unto the sub-contractors. There is a resolution required by that contract and Dekalb County left it in a format as a regular corporation rather than a municipal corporation (which Mr. Quinn brought to their attention) so Mr. Quinn drafted a resolution for the City of Clarkston to approve the contract and the Mayor is our authorized signature. Mayor Tygrett read the resolution. Both the contract and the resolution will have to be approved. Mr. Moore made comments on parts of the contract in reference to reduction of funding and how it would affect us. Mr. Ransom made a motion to

approve the resolution as read. Mr. White seconded the motion. **A vote was called and the motion carried.** (6/0) Mr. Ransom made a motion to approve the contract for CDBG as read. Ms. Swaney seconded the motion. **A vote was called and the motion carried.** (6/0)

CHIEF OF POLICE REPORT

Chief Scipio wanted to report that the Police Dept. is responding to every code complaint (400 service calls this month). Code Enforcement Officer Lockett along with City Council and the Police Department are all working diligently to clean up the Town Center by having the dealerships to move inoperable vehicles. We are also working on cleaning the empty lots at Carroll Estates and trying to find out who are the owners to the property (have sent out certified letters).

COUNCIL COMMITTEE REPORTS:

Buildings and Grounds Committee Report

Mr. Moore has been checking over the water bills for the city and was able to correct a plumbing problem at Milam Park and is checking into why the Women's Club water usage is so high. Lines have been checked for leaks, but, unable to locate the problem (water meter?).

Parks and Recreation Committee Report

Mr. White thanked Mr. Moore and Chris Busing for the volunteer work at Milam Park which is greatly appreciated.

Police Affairs Committee Report

Ms. Swaney wanted to say NNO was a great time for everyone. Ms. Swaney also reported that it was the water meter and that the meter was replaced.

Finance Committee Report

None

Community Activities

Ms Leonetti said NNO had (8) eight neighborhoods participate and there was a good turnout. The Blues Festival tickets are on sale online with pay pal capabilities. The International portion of the festival is going really well with numerous activities. Planning committee meets every Thursday night at Milam Park (6:00 pm) for whoever would like to come. Comcast is giving us free advertisement for 20 days before the festival and we will have live interviews with the local news shows.

Sanitation Committee Report

Mr. Ransom reported that 42.8 tons of solid waste and 16.29 tons of recycling materials were picked up from the City of Clarkston last month. Mr. Ransom was able to attend a public meeting for Private Partnerships for Refugee Resettlement Services and met with the Director of the Refugee Services for the state of Georgia. The report that came out of this meeting is online and on their website (thegaresettlement.com).

City Attorney's Report

None

Mayor's Report

The city will be sending out a RFP proposal for a quick re-design layout of the right-a-ways around the parking lot. The Council will have to look at these RFP's. The grant money is still in place and will remain in place per GDOT and Congressman Hank Johnson unless there is new legislation that changes it (September 2010). Code Enforcement has had to track down owners because they are really elusive. Also, some complaints that come in

for code enforcement are not a code enforcement issue. City is adding (4) four reserve officers to help with code enforcement (20 hours). Mayor Tygrett will be in Washington on Wednesday, August 11, 2010 to meet with the Director of the Office of Refugee Resettlement to see if there are ideas or funding concerning refugee resettlement. Mayor Tygrett also presented a slide show for NNO. Thanks to everybody who helped with NNO and thanks to people who hosted the parties. It was a great event for the city.

Ms. Swaney made the motion to go into Executive Session for the purpose of discussing a personnel issue. Mr. Moore seconded the motion. **A vote was held and the motion carried.** (5/0)

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

The meeting adjourned at 10:06 pm.