

MINUTES
CLARKSTON CITY COUNCIL
Tuesday, September 1, 2009, 7:00PM

Officials Present

Mayor:	Lee Swaney
Council:	Pat Davis-Morris, Karen Feltz, Warren Hadlock, Rosemarie Nelson, Emanuel Ransom
City Clerk:	Tracy Ashby
City Attorney:	Stephen Quinn

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

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

APPROVAL OF MINUTES

Minutes for the August 4, 2009, Council meeting were before of Council for approval. Pat Davis Morris moved to approve the minutes with any necessary corrections. Mr. Feltz seconded the motion. Mayor Swaney opened the floor for discussion. No discussion followed. **A vote was called and the motion carried.** (5/0)

CITIZENS COMMENTS AND CONCERNS

Chris Busing (Mauck Street) asked for clarification whether the bid procedure for the Waste Management contract had been conducted properly. He expressed that if the bid was conducted improperly, he would like to see the City stop using Waste Management and go back to in-house sanitation services.

Mr. Busing stated he would like to see the City allow a small Farmers' Market in the City Hall parking lot on Saturdays. He stated that the Decatur Farmers' Market expert related to him that the City's liability insurance would cover any exposure the City would have regarding people getting sick from the produce being sold. He stated that Ms. Nelson agreed to speak with that person and questioned if she had. He expressed strong support for the establishment of such a Farmers' Market in Clarkston.

Tracy Bishop (Nielson Drive) addressed the new sign ordinance and suggested that rather than an absolute ban on LED lighted signs that the City make the application process for such a sign so cumbersome that it discouraged applicants.

As the President of the Clarkston Business Association, Mr. Bishop expressed a strong desire to see the City made safer for pedestrians. He stated he would like to see cross-walks re-painted because they are faded and feels it is imperative for the business community that pedestrian shoppers have safe walkways. He stated that Ms. Nelson had requested, and the Council had approved, asking DeKalb County to assist with remarking cross-walks in the City. He urged the Council to put that project on a fast track.

Graham Thomas (Market Street) stated that he and his wife own two houses on Church Street, at 3757 and 3769. He asked that candidates not put up political signs on 3757 property as it is rented. He stated

that he would take political signs down if they are put on that property. He stated that candidates can put political signs on his property at 3769 Church Street if they want to.

Planning and Zoning Commission Report

Ms. Swaney reported that the Commission met on August 17th. The first item was the request from Ruth Vincent to combine two lots that she owns into one lot, which will be taken up by Council at this meeting. IBEX Vending Machines was granted a business license on DeBelle Street under the conditions that he would not sell or store vending machines on the premises, would not have outdoor advertisement and there will be no client traffic at the location. Applications from West Auto Sales and Parts and International Food Mart were denied because no one from the businesses was present at the Commission meeting. A public hearing was held on the new sign ordinance which was lightly attended. Two citizens offered comments regarding placement of LED signs within the City.

NEW BUSINESS:

Request to Combine Property Lots 812 and 816 Waterbury Court

Ms. Ashby pointed out that the application from Ruth Vincent as well as draft minutes from the Planning and Zoning Commission meeting were before Council for reference. Ms. Vincent was present for any questions from Council. Mr. Ransom moved to accept the recommendation of the Planning and Zoning Commission to approve the combination of the two lots. Ms. Nelson seconded the motion. Mayor Swaney opened the floor for discussion. No discussion followed. **A vote was called and the motion carried.** (5/0)

Georgia Power Lighting Fixture Selection for City Projects

Ms. Feltz stated that after much discussion at work sessions and meetings with Harry Housen, the City's consultant, Council needed to vote to approve the lighting fixture selection in order to send technical specifications to Georgia Department of Transportation to finalize plans for implementation of the Stormwater Runoff Parking Lot project. The fixture selection chosen will also be used throughout the Town Center district as it is redeveloped. She presented three choices: a) a bent arm pole with a teardrop fixture, b) straight pole with acorn top, and c) straight pole with cage top. The finish of the fixtures will either be dark green or black. Mr. Ransom moved to approve selection a) bent arm with teardrop fixture. Mr. Feltz seconded the motion. Some discussion followed regarding details of the choices. **A vote was called and the motion carried.** (5/0)

Public Display of Goods for Business

Ms. Ashby explained that a revision of the current ordinance prepared by Pond and Company was before Council for consideration. The requested revision is to more specifically address display of merchandise outside by Clarkston businesses. Two options are drafted. The first modifies the existing code and is quite lengthy. The second option is to prohibit outdoor display totally. Ms. Ashby instructed Council to determine if it wishes to proceed with revision of the current ordinance, and if so, which draft revisions it would prefer. If Council votes to proceed with ordinance revision, the City Attorney would complete the work.

Mr. Ransom stated he feels strongly that no merchandise should be displayed outdoors because of what is currently being displayed and how it makes the E. Ponce de Leon corridor look. Ms. Feltz asked if the provision was in addition to the ordinance for flea markets and display tables to make the ordinance

more inclusive. Mr. Quinn clarified that outdoor displays are already prohibited except on Saturdays. Mr. Ransom stated that's what he wants to prohibit. Ms. Nelson stated that her preference is option one which allows for permits to display merchandise outdoors under certain conditions as it creates a revenue stream for the City and still controls how items are displayed. Ms. Feltz questioned why the City would offer a permit when the purpose of the revised ordinance is to prohibit outdoor displays altogether. Ms. Nelson read from the proposed revision that describes restrictions on what can be displayed outdoors for the benefit of those in attendance. She stated that this was a better option in order to work with businesses in the City. Mr. Hadlock stated he felt that outdoor displays should be prohibited altogether because what he has seen displayed on Saturdays is a detriment to the image of the City. Mr. Hadlock moved to move forward with adopting option two of the revised ordinance which would prohibit outdoor displays of merchandise at all times and direct the City Attorney to finalize the revision. Mr. Ransom seconded the motion. Mayor Swaney opened the floor for discussion. Ms. Nelson asked for clarification that there would be a public hearing before the ordinance was voted on by Council. Mr. Quinn stated there would be no formal public hearing, but citizens would be able to voice comments or concerns about the ordinance during the regular Council meeting. Ms. Nelson stated she felt the used furniture stores were being singled out by the ordinance revision. Ms. Davis-Morris stated that she gets many comments from residents about their dislike of merchandise being displayed outdoors. Mr. Ransom stated he has received similar comments from residents. No further discussion followed. **A vote was called and the motion carried.** (4/1; Ms. Nelson opposed.)

Public Hearing on Revised Sign Ordinance

Mr. Quinn explained that this public hearing is a requirement of the State of Georgia's Zoning Procedures Law because sign ordinances are considered zoning actions. Therefore, public comment must be provided for. Mayor Swaney opened the floor for discussion.

Chris Busing (Mauck Street) stated that he thinks diversity in signage, including diversity in languages used on signage, would be a good promotion of the multi-ethnic character of the City.

Graham Thomas (Market Street) stated that he feels that all signs should use English as the first language, and any other language used on the sign should be secondary.

Tracy Bishop (Neilson Drive) stated that he thinks the Council should be careful not to over-regulate signs when there are other matters within the City that need attention. He suggested that business owners could re-paint faded signs and the City would look much better.

Mayor Swaney stated that public safety officials have let him know that signs that are not in English can sometimes prevent or impede emergency responders finding the correct location. He stated that English should be the primary language on all signage.

Rita Thomas (Market Street) reiterated that police and fire departments and ambulance services of DeKalb County have agreed that for public safety reasons, English should be the main language.

Ms. Thomas also commented on the public display of merchandise proposed ordinance stating that outdoor display of merchandise can be very appropriate and add vitality to shopping areas when zoned correctly, such as for antique shops, flower shops, arts and crafts shops, etc. Such types of outdoor

displays can add great character to shopping districts when done correctly. She cautioned against absolutely prohibiting outdoor displays of merchandise.

Mr. Quinn performed the second reading of the amendment of the current sign ordinance. He summarized changes that would be made to Section 15.5.1-24 of the current ordinance.

Mr. Ransom asked if there would be a deadline included in the amendment to mandate that all existing businesses conform to the new sign ordinance requirements. Ms. Feltz stated that the ordinance is basically the same with minor revisions to make the ordinance more streamlined and to extend the design guidelines established for the Town Center district to all zoning districts within the City. She stated she would like to see businesses have a 30-day time limit to bring their signs into compliance.

Ms. Nelson stated that in the new sign ordinance LED signs are prohibited in all areas of the City and she opposes that prohibition. Ms. Nelson stated that LED signs are a very good way to communicate with residents and visitors to the City. She stated that she would like the guidelines to be flexible enough to provide for LED signs under certain circumstances. She stated that while the City would be able to install an LED sign for use as a reader-board for City Hall without regard to the prohibition, she would prefer not to do that in "violation" of the ordinance. Mr. Ransom stated he had requested Pond and Company to draft the ordinance to allow LED signs only in certain areas. Ms. Feltz stated that Council determined at a work session not to allow LED sign anywhere. Mr. Hadlock suggested that the City could pay the City Attorney to draft an exception for LED signs, but that would be mis-spent money since it would be reasonable for the City to have an LED sign when they are not allowed in the rest of the City. He stated that this subject has been debated by Council previously and the issue has been settled. Ms. Feltz pointed out two articles in County and City Magazine which address traffic safety issues of LED signs. Ms. Nelson reiterated that she is strongly in favor of including provision for LED signs in the City along the major traffic corridors. Ms. Davis-Morris stated that she would like to follow the guidelines that have been developed and suggested that if the City wanted to have an LED sign at City Hall that would be acceptable. Mayor Swaney stated that he likes LED signs. Ms. Feltz stated that Council has been working on updating the sign ordinance since January and that she felt the issue had been thoroughly discussed and examined. Ms. Davis-Morris stated the City is too small for multiple LED reader-board signs and that most of the residents pass by City Hall at some point.

Mr. Ransom moved to approve the draft of the sign ordinance and include mandatory compliance and conformance within 30 days of the effective date. Mr. Davis-Morris seconded the motion. No further discussion followed. **A vote was called and the motion carried.** (4/1; Ms. Nelson abstained.)

CORRESPONDENCE

Ms. Ashby announced the candidates who have qualified for seats on the City Council are Joan Swaney, Dean Moore and Adam White. She announced the candidates who have qualified for the mayor's office are Howard Tygrett, Pat Davis-Morris and Joyce Wade. She stated that Wednesday, September 2, 2009 is the final day of qualification period for the November 3rd election.

Mr. Ransom asked Chief Scipio if he had the cards from citizens addressed to the Police Department that he could share with Council. Chief Scipio responded that they were in his office and he would share the correspondence with Council at the next Council meeting.

CHIEF OF POLICE REPORT

Chief Scipio reviewed the crime statistics report that was distributed to those in attendance. He spoke briefly about a homicide which was committed by an individual from Louisiana. The victim was also from Louisiana. Chief Scipio stated that following the traffic fatality on E. Ponce de Leon involving a six-year-old girl, City officials have met with DeKalb County and MARTA officials to work towards greater public safety along the bus routes. Chief Scipio reported that the driver will be charged with second degree vehicular homicide, which is a misdemeanor. He stated that the Police Department has brought on 10 additional reserve officers.

Lt. Chris Hudson reported on a stand-off situation on Casa Court, which was located in DeKalb County. Clarkston Police Department assisted with the incident and was the first responders which resulted in the suicide of the violator.

Lt. Hudson gave a report on the status of the implementation of the new records management system. Technicians from the company will be in Clarkston on October 6-7 to install equipment and hardware. Lt. Hudson and a court clerk will go to St. Louis for training during October 7-9. The entering of required data will take approximately a month. When that is completed, representatives from the company will return to Clarkston and take the system live. Grants have been awarded to pay for the system including computers and cameras installed in all patrol cars.

Lt. Hudson reported on the safety check conducted in the 1000 block of Montreal Road last Saturday night. Nine tickets were issued, mostly for seat belt violations. Two arrests were made: one was a wanted person in Fulton County and the other was for driving without a license. Another safety check will be conducted next month in coordination with the DeKalb Star Team.

COUNCIL COMMITTEE REPORTS:

Finance Committee Report

None. (Mr. Foster was not present due to illness.)

Parks Committee Report

Mr. Hadlock urged those present and all Clarkston residents to contact the media, MARTA, CSX Railroad and any other parties that may influence or may be able to influence solutions for increased public safety along bus routes, especially along E. Ponce de Leon Avenue. He stated that the City does not have much authority alone to implement improvements. He stressed that the major players in the situation need to know that citizens are demanding action. He suggested solutions like decreasing the number of stops, creating buss pull-over lanes and posting signs reinforcing the no passing zone. He urged citizens that without a public outcry, the City may be unable to move quickly enough to prevent further accidents.

Mayor Swaney reported that DeKalb County is doing a traffic study of the corridor and will report their findings to Chief Scipio. Chief Scipio seconded what Mr. Hadlock suggested, and urged citizens to express their demands to the parties involved in order to cut through some of the bureaucracy involved. Ms. Davis-Morris requested that the public be able to attend the next meeting that the City has with interested parties in a town hall-style meeting. Ms. Nelson reported that she met with MARTA officials yesterday and was assured by MARTA that someone will come to the City next week to investigate

what can be done quickly such as decreasing the number of stops which she feels would cause great hardship to MARTA riders.

Properties and Community Affairs Report

Ms. Feltz reported that she is working on an agenda with MARTA to help get CSX Railroad to work with the City to grant right-of-way access for transportation safety improvements.

Ms. Feltz announced that the sign for the Women’s Club has been received. A frame is being built to hang it on and that will be ready in a week or two. The Women’s Club is booked out a month and a half and is doing well. Ms. Feltz is gradually raising the rental fee as she and Mayor Swaney have planned to do. The rental fee over the summer was dramatically discounted due to the economic downturn.

Police Committee Report

Ms. Davis-Morris asked Chief Scipio for a report of illegal activity involving school-age children over the summer. Chief Scipio reported that the number of incidents decreased from last summer in part due to youth programs like Upward Basketball sponsored by the United Methodist Church, the YMCA program that the City sponsored in Milam Park and the work of Step Up In Georgia, which is a non-profit organization newly relocated in Clarkston.

Streets Committee Report

Ms. Nelson reported that getting traffic-calming devices installed is a lengthy process. Once the City has made a request to DeKalb County, the County will do traffic studies and then meet with neighborhood residents to determine the best device to use to solve the traffic problem. She stressed that residents must be involved in the process or the process stops. She referenced several locations around the City (Rowland Street, Casa Woods and Market Street) that have been approved, and neighborhood captains must make sure that 70% of the residents in that neighborhood participate and agree on what device should be implemented. She indicated that other transportation projects the City is working on can slow down the process. She reported that a request from College Avenue residents has been made, which has been forwarded to DeKalb County.

Ms. Nelson reported that she is coordinating with DeKalb County to repaint cross-walk stripes.

Ms. Nelson reported that the City has transferred \$100,000 to DeKalb County from Stormwater Funds so that the County can begin work on clearing clogged drains. There are 21 catch basins and several minor ditch clearings that are scheduled to be performed. The County is also working with the City to repair Clarkston Lake.

Ms. Nelson reported that she spoke to someone about liability for the City in relationship to a Farmers’ Market and was told that individual vendors and/or organizers of the event would need insurance for liability as the City would not be directly selling the produce and State law requires farmers’ selling produce to have certain insurance coverage. She suggested that the vendors that would like to organize a Farmers’ Market need to get together to determine the best way for them to have liability coverage and then present the plan to the Council for approval.

Ms. Nelson reported that the City of Clarkston is expecting 2,700-3,700 new immigrants by October 2010, which was announced at a Health Collaborative meeting she attended. She stated that the Federal

Government has asked the DeKalb County Health Department to step up their efforts to complete health screenings within the 30-day deadline, which has not been happening. She expressed that this may be the last wave of resettlement for DeKalb County, with other counties being selected for resettlement locations in the future. Mayor Swaney expressed great concern that he had not been notified officially by any resettlement agency. She stated that the Department of Human Resources for the Federal government is the responsible agency. Ms. Nelson committed to sharing further information with residents as it becomes available.

Ms. Nelson shared tips for identity security from the Better Business Bureau for residents in relation to their participating in the 2010 Census. She stated that the Census is very important in determining local Federal spending and in attracting real estate developers to an area.

Sanitation Report

Mr. Ransom reported that Waste Management collected 57 tons of solid waste and 15 tons of recyclables in August, which was a five-week month. Landfill cost for August was \$1,200 as opposed to an average of \$3,200 per month without Waste Management's services.

Mr. Ransom reported that DeKalb County has approved the City's stormwater funds. The DeKalb County Board of Commissioners also has donated to the City a bobcat and a large mower to the City from equipment that was to be auctioned. All three pieces of equipment donated by DeKalb County will be dedicated to the City's stormwater management work.

Mr. Ransom corrected a statement that was published on AboutClarkston.com which reported that Mr. Ransom and Rep. Karla Drenner were working on a state-wide livestock ordinance. That is incorrect. Rep. Drenner had instructed Mr. Ransom to work with the State Legislative Counsel's office to draft a resolution to put a livestock ordinance on a referendum vote in November 2010. Mr. Ransom stated that he has met with the Legislative Counsel's office and they are preparing the resolution.

Mr. Ransom stated that he would like the City to join the Atlanta Regional Commission's Lifelong Communities initiative which encourages cottage-style development to assist senior citizens to maintain independence and a high quality of life as they age. Mr. Ransom reported that he has drafted a resolution to present to Council at the next meeting to work in partnership with DeKalb County and the Atlanta Regional Commission to promote the initiative.

Mr. Ransom responded to Mr. Busing's question about the bid process of Waste Management. Mr. Ransom assured Mr. Busing that the bidding process was conducted ethically, although in the future a different process will be used to select vendors/contractors for the City as suggested to Council by the City's auditor.

City Attorney Report

Mr. Quinn performed the second reading of a revised stormwater ordinance that needs to be adopted for the City to be in compliance with state law titled Clarkston Flood Plain Management and Flood Damage Prevention Ordinance. Mr. Ransom moved to adopt the ordinance. Ms. Nelson seconded the motion. No discussion followed. **A vote was held and the motion carried.** (5/0)

Mr. Quinn performed the second reading of a revised stormwater ordinance that needs to be adopted for the City to be in compliance with state law titled Clarkston Illicit Discharge and Illegal Connection Ordinance. Mr. Ransom moved to adopt the ordinance. Ms. Nelson seconded the motion. No discussion followed. **A vote was held and the motion carried.** (5/0)

Mr. Quinn opened discussion about a contract Mr. Shipman received from the Georgia Department of Transportation regarding the Stormwater Parking Lot project. Mr. Quinn stated that the contract deals with obtaining rights-of-way wherein the Department of Transportation will create maps and drawings that will identify the rights-of-way and the City would be responsible for obtaining the rights-of-way through its powers of eminent domain or purchase. The City would be responsible for all attorneys' fees or damage claims related to such acquisitions. Ms. Feltz stated that this contract is required for the Parking Lot Project to obtain rights-of-way that are currently paved. She stated that this contract allows the City to utilize previous rights-of-way that have been subrogated by the churches. These rights-of-way ring the parking lot as it exists now, after the lot was re-paved and trees were cut down. She stated that the contract is a formality and a mechanism to be able to move forward with the Parking Lot Project. Mr. Quinn stated that he is comfortable with the contract. He also stated that the Department of Transportation has requested that the contract be approved by resolution (model resolution on page 5) which would authorize the Mayor to enter into the agreement on behalf of the City. Ms. Nelson moved to approve the contract by resolution. Mr. Ransom seconded the motion. Mr. Hadlock asked if this contract affected to any other properties that would be subject to downtown redevelopment. Ms. Feltz replied that it does not. Mr. Hadlock questioned how the City had lost the rights-of-way around the parking lot. Mr. Quinn explained that legally it is not possible for a private property owner to capture from the public its right-of-way simply by using the right-of-way. Assuming that a right-of-way of the City existed there, it would still be the City's right-of-way to reclaim at any time. Mr. Feltz stated that this contract is a formality to clarify for the Department of Transportation that the City does indeed control rights-of-way around the parking lot. No further discussion followed. **A vote was held and the motion carried.** (5/0)

Mayor's Report

Mayor Swaney announced that the City is presenting a 9/11 Remembrance Ceremony on Tuesday, September 8th beginning at 8:50am and encouraged everyone to attend.

Mayor Swaney reported that the City, DeKalb County and the Lake Association would work together to repair and maintain Clarkston Lake.

Mayor Swaney stated that refugees go through many agencies before they got to Clarkston. Many refugees don't understand apartment living and modern appliances. He expressed his deep concern about adding more refugee population to the City which is already crowded with refugees in apartment communities. He stated that he will contact officials at DeKalb County regarding this issue immediately.

An unidentified immigrant addressed the Council regarding the refugee influx. He stated that the community needs to look beyond the situation and realize that refugees are coming to Clarkston because of Federal policy. He came to the United States 30 years ago under the Carter Administration. He

stated that the United States needs to change its foreign policy so that it isn't involved in every war around the globe and commit to bringing refugees to the United States.

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

The meeting adjourned.