

MINUTES
CLARKSTON CITY COUNCIL
Tuesday, March 3, 2009, 7:00PM

	<u>Officials Present</u>
Mayor:	Lee Swaney
Council:	Pat Davis-Morris (arrived late), Karen Feltz (arrived late), Wayne Foster, Warren Hadlock, Rosemarie Nelson, Emanuel Ransom
City Clerk:	Tracy Ashby
City Attorney:	Stephen Quinn

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

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

APPROVAL OF MINUTES

Minutes for the February 3, 2009, Council meeting were before of Council for approval. Ms. Nelson presented minor changes to the minutes to be included before approval. Ms. Nelson moved to approve the minutes. Mr. Ransom seconded the motion. Mayor Swaney opened the floor for discussion. Changes to the minutes were discussed. **A vote was called and the motion carried.** (5/0) Mayor Swaney urged Council members to give comments on draft minutes to the City Clerk early enough so that changes can be made before minutes come before Council for approval.

Zoning & Review Committee Report

Ms. Swaney reported that the Committee reviewed one application for a sign permit which was denied because the sign proposed was a neon sign. The applicant will re-apply to the Committee on March 16, 2009.

Mr. Ransom inquired as to the status of the application for 4260 E. Ponce de Leon. Mike Shipman, Director of Public Works, answered that the application was reviewed by Dan Cohen who presented three pages of corrections needed to be made for engineering approval.

NEW BUSINESS:

Annual Renewal of Fugees' Contract

Mr. Hadlock moved to approve the renewal of the Fugees Soccer Team Armistead Field rental agreement for a period of one year from its expiration in March. Ms. Feltz seconded the motion. Mayor Swaney opened the floor for discussion. Mr. Ransom asked if fees would change. Ms. Nelson asked if any terms would change. Mr. Hadlock confirmed there are no changes in the agreement. No further discussion followed. **A vote was called and the motion carried.** (6/0)

Alcohol Permits for Clarkston Community Center

Ms. Swaney briefly described plans for two events to be held at the Clarkston Community Center. The Peach Blossom Blue Grass Festival will be held on April 4, 2009 inside the Community Center. Surf Fest will be held on May 23, 2009. One-day beer sales permits have been issued for those dates by the

State of Georgia. Organizers of the events are aware that alcohol pouring permits must be obtained from the City of Clarkston for those who will be serving alcohol at these two events. Mr. Ransom moved to approve alcohol permits for the two events. Mr. Foster seconded the motion. Mayor Swaney opened the floor for discussion. No further discussion followed. **A vote was called and the motion carried. (6/0)**

Approval of Atlanta Regional Commission (ARC) Pay and Job Classification Study Proposal

Ms. Nelson briefly described the study which is designed to audit pay scale and job descriptions of City employees in order to determine whether those things are in line with similarly situated municipalities. A copy of the proposal was before Council. Ms. Nelson reported that the normal cost for such a study by ARC is \$2,080 but the cost to the City would be \$800. Ms. Nelson moved to accept the proposal. Mr. Ransom asked if the proposal had been reviewed by legal counsel. Mr. Quinn stated that the proposal has not been reviewed but the Council could approve it subject to legal review as to form and then upon Mayor Swaney's signature the acceptance would become final. Mr. Hadlock seconded the motion. Mayor Swaney opened the floor for discussion. No further discussion followed. **A vote was called and the motion carried. (5/1- Ms. Davis-Morris opposed.)**

Approval of Consultant Contract with Harry Housen

Mayor Swaney reported that Mr. Housen was at the previous work session to discuss the contract. Ms. Davis-Morris moved to approve the contract with Mr. Housen to continue City projects in progress. Mr. Quinn interjected that the contract has not been reviewed by legal counsel but could be approved by Council subject to legal review as to form with Mayor Swaney's signature finalizing approval of the contract. Mr. Feltz seconded the motion. Mayor Swaney opened the floor for discussion. Mr. Ransom stated he has concern about the \$30,000 plus expenses fees and amended the motion on the floor to table the vote until further discussion and review. Ms. Feltz expressed frustration with postponement of a vote as the contract was fully discussed in the previous work session. Mr. Ransom stated that he wanted to discuss plans for the streetscape projects to be done at Montreal Road, E. Ponce de Leon Avenue and N. Indian Creek Drive. Mr. Ransom stated that Mr. Housen was supposed to set up a meeting regarding the projects with DeKalb County officials and he has failed to do so.

Mr. Hadlock stated that he wants to get a bid from Harry Housen for continuing with shovel-ready projects and get other bids for the streetscape project and consider that project for a later date. He stated he does not want to commit to \$30,000 for Mr. Housen to do those projects. Mr. Hadlock stated he wants to move ahead with the swimming pool, parking lot and storm drain projects.

Ms. Feltz stated that Chris Morris of DeKalb County suggested bundling the projects together so that research studies can be combined at a cost savings. She reiterated that Mr. Housen told Council members that all projects are ready to be implemented as soon as funding is secured.

Mr. Hadlock stated he understood that the three streetscape projects would be bundled together, but streetscape projects would not be combined with the pool, parking lot and storm drain projects.

Ms. Feltz stated that Council discussed bundling the street repairs together because the CDBG funding will cover three main sections of repairs needed: 1) sewer and water infrastructure, 2) the swimming pool, which is next to a project regarding sewer and water infrastructure, and 3) repair on the dam in front of the lake. She stated that it was also discussed that the CDBG funding provides a financing

facility that could be used for the swimming pool house which cannot be separated from the swimming pool project.

Mr. Hadlock stated that those projects were not related to the streetscape projects. Ms. Feltz stated that preliminary studies that need to be done for each project can be combined into a single study at a cost savings to the City as the studies run \$15,000 each.

Mayor Swaney suggested the motion be tabled until further discussion by Council. Mr. Hadlock stated he would be willing to attend a Special Call meeting on the subject. Ms. Felt expressed frustration that more discussion is required.

Ms. Davis-Morris stated that she asked Mr. Housen if the \$50,000 coming from Chris Morris's office could be used to cover Mr. Housen's fees for these projects and was told he would look into the possibility. Ms. Foster stated that the City has already contracted with Pond & Company.

Ms. Nelson seconded Mr. Ransom's amended motion to table the vote on approval of Mr. Housen's contract. Mayor Swaney opened the floor for further discussion. None followed. **A vote was called and the motion carried. (5/1 – Ms. Feltz opposed.)**

Temporary Fencing at Dead End of East Avenue

Mayor Swaney explained that there has been illegal dumping on the mulch pile at the end of East Avenue and would like to see temporary fencing put up to restrict general access to the area. Ms. Davis-Morris asked if temporary fencing would be secured sufficiently as to prevent access. Mr. Shipman explained that temporary fencing is structurally secure enough to prevent access. Mr. Hadlock asked how tall the fence would be and Mr. Shipman replied it would be 6 feet tall. Ms. Feltz suggested posting "No Dumping" notices and imposing \$1,000 fines for violators. Ms. Nelson asked for clarification that this would be done for a year at a cost of \$500/month. Mr. Shipman clarified that the cost is \$500 annually and that the fence company is responsible for any repairs or maintenance needed on the fence. Mr. Ransom moved to erect temporary fencing at the site. Mr. Hadlock seconded the motion. Mayor Swaney opened the floor for further discussion. None followed. **A vote was called and the motion carried. (6/0)**

Update Sign Ordinance

Mayor Swaney opened the floor for discussion. Mr. Ransom asked for clarification as to how the ordinance would be updated. Ms. Feltz explained that she has contacted Pond & Company and asked them to incorporate the sign guidelines from the Town Center zoning guidelines for City-wide application in the City Ordinances. Pond & Company has begun this process. She anticipates that a draft of the new sign ordinance will be discussed at the next work session. The updated ordinance could be before Council in April for a first read and voted on at the May meeting.

Mr. Hadlock asked whether or not Council should discuss combining the Planning & Development and Zoning & Review Committees as was discussed at the work session. Mr. Quinn stated that a change to combine the two committees would not be consistent with the existing ordinance so a new ordinance would have to be drafted and approved so the City Ordinance is consistent and the public would be able to determine appropriate procedure.

Ms. Feltz stated that she doesn't feel that making a change in the ordinance has been discussed sufficiently to merit paying attorneys' fees to draft a new ordinance. Mayor Swaney stated that the subject had been discussed at the previous work session. Ms. Davis-Morris stated that her understanding was that the committee membership would be combined but the ordinance creating the structure of the committees would not be changed. Ms. Feltz agreed. Ms. Davis-Morris stated that the membership of each committee was dwindling and combining the memberships would provide enough people to do the actual work of the committees so that projects would not be delayed. Mr. Quinn suggested the ordinance could be drafted to indicate that where each committee name is used it would refer to the same body. Ms. Feltz asked how that would affect the functionality of each committee, which functions should remain distinct. Mr. Quinn asked if the objective was to name the same individuals to both committees. Ms. Feltz said yes. Mr. Quinn stated that the objective could be accomplished by administratively appointing the same individuals to both committees, and then the current ordinance would not need to be changed. Ms. Davis-Morris stated that Mayor Swaney has already appointed the same individuals to serve on both committees. Council agreed that no Council action was required to combine the committees.

OLD BUSINESS:

Occupational Business License

Ms. Ashby reminded Council that this discussion was to be about setting hours of operation for businesses in the City, as originally presented by Mr. Ransom. Mr. Ransom stated he had talked to the City Attorney about the feasibility of enacting ordinance to force closure of businesses in the Town Center zoning area on Sundays because the mechanic shops located in that zoning area now create a noise nuisance on Sundays. He stated that other municipalities disallow mechanic shops to operate on Sundays. Ms. Feltz asked for Mr. Quinn's opinion. Mr. Quinn stated that he saw the change as problematic. He clarified that what Mr. Ransom described is a zoning action, and would require notice that the City has not put out. He cautioned that some business owners might interpret the action as an infringement of property rights as they have been allowed to use their property in these ways in the past. He stated he needs to research the issue before rendering an opinion. Mr. Ransom explained that other municipalities have been able to stop repairs shops from being open on Sundays because they created a noise nuisance in those municipalities. Mr. Ransom stated the repair shops do create a noise nuisance in the City's Town Center district. Mayor Swaney instructed Mr. Quinn to research the issue and make his recommendation to Council.

CORRESPONDENCE

None.

CHIEF OF POLICE REPORT

Chief Scipio thanked everyone who participated in the Public Safety Seminar last Saturday. He stated that there were about 52 participants from the community and the FBI and DeKalb Police Gang and SWAT Units helped present the program. He thanked Ms. Swaney for hosting the event at the Clarkston Community Center. He specifically thanked the Clarkston Business Association, Tracy Bishop, Chris Busing and Ms. Davis-Morris for their contributions. He announced plans to hold the seminar again in May of this year. Literature and information on how to crime-proof communities was

shared with participants. Chief Scipio stated that the economic slump is creating some challenging issues for crime prevention and one of the best tools of crime prevention is education.

Chief Scipio reviewed statistics which he had distributed to those in attendance. He highlighted that there was a total of 1,274 service calls made during the month of February. This is very high volume for a city the size of Clarkston, although the number is down from the previous month's total of about 1,300.

Mayor Swaney asked if the bad economy would cause an increase in crime. Chief Scipio stated crime goes up when times are hard. He explained that he tries to get convictions on federal statutes rather than state and local statutes so those convicted get maximum sentences. He is working closely with the Atlanta Regional Field Office of the FBI to try to get the strongest convictions.

A citizen asked about gang activity in Clarkston. Chief Scipio responded that there is some gang activity within the City, mostly within the Somali community. The Clarkston Police Department is working with the FBI on gang-related issues.

Mr. Ransom asked if action has been taken to put information about the Police Department and crime in the City on the City's website. Chief Scipio stated that citations can be paid online, but that was all. Mr. Ransom stated his understanding was that information would be developed to be posted on the website. Ms. Davis-Morris asked for specifics about what kind of information was being asked for and how would it benefit the public to have it on the City's website. Mr. Ransom said it would be helpful for citizens to have access to crime statistics and public events such as the seminar held on Saturday. Chief Scipio stated that his understanding was that the monthly fee for that service was cost prohibitive. Chief Scipio stated that he distributes crime statistics in writing to citizens at Council meetings.

CITIZENS COMMENTS AND CONCERNS

Mayor Swaney recognized Cassie Wilson who is an identity theft specialist with the Lionheart Group. Ms. Wilson explained that her company is a consulting group specializing in education and prevention of identity theft. Her company offers such services free of charge to municipalities and non-profit groups. She encouraged Council to hold a community event for her company to present a training seminar.

Rita Thomas (Market Street) requested that law enforcement information be posted on the City's website. She suggested including the statistics that Chief Scipio distributes at Council meetings, pictures of officers so that they are recognizable to citizens, mug shots so that suspects might be positively identified by the citizenry, as well as other useful information to help citizens prevent crime. She stated that this was discussed two years ago and has not been acted upon. She urged Council to make creation of such a website a priority so that citizens may be better informed, and therefore better protected.

Ms. Thomas stated she is aware that Chief Scipio and others were a little disappointed in the turn-out for the Public Safety Seminar and asked if that was announced in the City's newsletter or publicized through the auto-call telephone system that the City employs. Mayor Swaney stated that Ms. Nelson would answer Ms. Thomas' questions.

Chris Busing (Mauck Street) acknowledged the amount of work involved in putting together the report that Chief Scipio distributes but he would like to see statistical analysis put in graph form so they could be tracked from month to month.

Mr. Busing presented the idea of Clarkston adopting alternative currency. He passed around examples of “The Foxy”, currency used in East Lake, and the “Clarkston Silver Certificate” which Mr. Busing has created using silver coins. He explained that many cities including Ithaca, NY and Milwaukee, WI have adopted alternative currency locally. He stated that this is a mainstream idea now and urged Council to consider adopting alternative currency. Mr. Busing exhausted the 3-minute time limit for citizen comments.

Joan Swaney announced events to be held at the Clarkston Community Center. The Chattahoochee Contra Dancers will start performing Friday, April 10th, and will perform every Friday night thereafter from approximately 7:00-10:00pm. Ms. Swaney explained that a contra dance is a low-impact dance performance to string music. There will be a \$7 ticket charge at the door.

Ms. Swaney announced that the Peach Blossom Blue Grass Festival will be held April 4th and the Fourth Annual Surf Fest will be held May 23rd. Thai Chi and table tennis are offered regularly and citizens are encouraged to attend. A Blood Drive will be held on May 9th. Wade Medlock and the Goatville Jam performs every Thursday night. This session is open to any musician who would like to attend. There is a \$5 ticket price at the door. The Health Collaborative meets the fourth Tuesday of every month at 6:30pm. The Clarkston Business Association will have a meeting on March 17th at 7:00pm.

COUNCIL COMMITTEE REPORTS:

Sanitation Report

Mr. Ransom stated that this month the City saved \$3,825.53 by using Waste Management instead of having to pay for use of the DeKalb County Landfill. The City is still picking up yard trash, debris, appliances, furniture, etc. Mr. Ransom reiterated that trash cans can be put on the curb on Sunday but must be removed from the curb by sundown the day of pick-up, which is Monday. Tonnage for February was 44 tons, down from 45 tons last month. Recycling is up to 10 tons for February. Mr. Ransom assured citizens that the savings would increase through the year and thanked residents for their participation in the recycling program.

Mr. Ransom announced Keep DeKalb Beautiful will hold its annual electronics recycling drive this Saturday, March 7th, in the parking lot of the Wal-mart at the corner of Columbia and Memorial Drive. He encouraged citizens to take advantage of this event to dispose of any unwanted electronics devices.

Mr. Ransom congratulated Susan Garrett on her new appointment as City Attorney for the City of East Point.

Mr. Ransom and Ms. Davis-Morris announced they are planning a program with schools and churches to involve young people in the community to encourage recycling efforts in the City.

Police Committee Report

Ms. Davis-Morris thanked Chief Scipio for doing a good job with the Public Safety Seminar. She noted that she heard from citizens who want to know more about Neighborhood Watch programs and how to get them started in their neighborhoods. Ms. Davis-Morris would like to see more about that subject presented at the next Public Safety Seminar.

Ms. Davis Morris gave a brief report on a seminar entitled “How to Deal with Difficult People” that she attended along with some employees of City Hall. It was a study of personality types and communication styles for more effective interpersonal interactions. She reported that the information presented was very helpful.

Streets Committee Report

Ms. Nelson reported that C.E.R.M., the company that is working on the City’s stormwater inventory project, is about a quarter of the way through with the project. Approximately 200 structures have been inventoried. C.E.R.M. is working with independent contractors to perform inspections and those inspections are completed. A number of structures have been blocked with leaves. These systems are being mapped to determine how to clean the complete lines. She encouraged residents to prevent leaves and grass cuttings to get into the City’s sewer system and warned that the City’s Code Enforcement Officer will be checking around town and will issue citations to residents who do not prevent such materials from being washed into the sewer system. Ms. Nelson reported that according to the MS4 Stormwater Survey the City is more than 20% ahead of schedule.

Ms. Nelson corrected her report from last month regarding the cost related to independent contractors and stated the cost was actually about \$9,000.

Ms. Nelson reported that a light has been scheduled to be installed in Market Commons within the next few weeks. She encouraged residents to notify City Hall of any problems with street lights or signs.

Ms. Nelson announced the schedule of the City’s clean-up campaign titled “Keep Clarkston Clean and Beautiful.” The dates for the clean-up sessions will be Saturday, March 14th, Saturday March 28th and Saturday, April 18th. The first date will target the Town Center central business district. If wildflower seeds that have been ordered have been delivered by then, they will be planted along the railroad right-of-way.

The City will hold a blood drive on Saturday, May 9th probably 9:00am to 12:00pm. The Red Cross contacted the City to hold another drive because the last blood drive attracted so much interest.

Ms. Nelson invited concerned citizens to join the Streets Committee to help improve conditions related to the City’s streets.

Ms. Nelson reported that the group of Georgia State University students began their work on an economic development survey about three weeks ago. These students will get academic credits for completing this project. When asked, they were unable to identify the city limits of Clarkston and what the Town Center district was. The group is working with a marketing company to analyze data collected and plan to have a report ready by the end of the month.

Ms. Nelson reported that the City's budget was not amended in 2006 and 2007 because the City performed under budget and therefore no amendments were necessary.

Ms. Nelson reported that the grant application made in concert with the cities of Pine Lake, Stone Mountain and Lithonia was submitted last week. She is hopeful an award will be made that can be used as matching funds to be able to utilize the \$4 million Transportation Grant. Greg Zarus, the Mayor of Pine Lake, is monitoring the process.

Ms. Nelson reported that she and Mr. Ransom attended a seminar presented by the ARC titled "Making Lemonade from Lemons" which focused on economic development issues.

Properties and Community Affairs Report

Ms. Feltz stated that she has been working on economic development issues for the past two years and hopes that more can be accomplished with coordinated efforts.

Ms. Feltz reported that the Women's Club is reserved every weekend, for sometimes more than one event, through the middle of April. She has made arrangements for a high-end catering company to look at the Women's Club and possibly recommend it to its clients as a niche facility for smaller, intimate events. Ms. Feltz reported that Rep. Karla Drenner will use the Women's Club to host a forum titled "Eggs and Issues Breakfast" on the last Saturday of every month from 9:00am-11:00am to discuss local and state issues. Ms. Nelson mentioned that there is literature from Rep. Drenner's office available concerning unemployment which was developed as a result of the last "Eggs and Issues Breakfast" that was held. Ms. Feltz reported that about 30 people attended that forum.

Ms. Feltz reported that a refugee approached her for assistance and she thanked the many volunteers who provided household items for a family of four (not residents of Clarkston) which had no means of support and a sick child. Carloads of items were collected within 36 hours to provide for this needy family. She encouraged residents to be aware of those in need in the City and try to find ways to help them.

Parks Committee Report

Mr. Hadlock announced T-ball and baseball camps starting on March 7th for local youth and presented a flyer with more information for those who are interested.

Finance Committee Report

Mr. Foster read aloud highlights of the most recent budget report, which was available to those in attendance, and urged all council members to spend money wisely and think creatively about how to stay within budget for 2009.

Mayor Swaney gave each council member a chance to make any additional comments.

Ms. Feltz asked if one of the clean-up days could be used to also clean-up the cemetery. She would like to have benches built, too. Ms. Davis-Morris stated she understood the April 18th day was already being combined with the electronics recycling event. Ms. Feltz withdrew her request.

Ms. Nelson reminded all those in attendance that Governor Purdue has stated he will not fund the Homestead Exemption for DeKalb County. She urged residents to contact the Governor's office to express their opinions on the issue and to urge the Governor to accept the economic stimulus money recently authorized by Congress. Ms. Feltz added that the Governor plans to refuse extension of unemployment insurance benefits funded by the federal economic stimulus bill and encouraged residents to contact the Governor's office with their concerns.

City Attorney Report

Mr. Quinn stated that there are two contracts that need action by the Council.

LARP Contract – LAU 08 S011-00(41)C1

This contract is for DeKalb County to repave a road. The form contract has been reviewed and approved by legal counsel. Mr. Quinn called to the Council's attention that the City makes representations to DeKalb County that it is in compliance with certain federal statutes. Mr. Quinn asked for a motion to approve the contract. Ms. Nelson moved to approve the contract. Mr. Foster seconded the motion. Mayor Swaney opened the floor for discussion. No discussion followed. **A vote was held and the motion carried.** (6/0)

Maudlin & Jenkins Audit Contract

Mr. Quinn stated that this is a renewal contract for fiscal year 2008 to audit financial records of the City. The agreement is identical to last year's contract and has been reviewed and approved by legal counsel. Mr. Foster moved to renew the contract. Warren Hadlock seconded the motion. **A vote was held and the motion carried.** (6/0)

Mayor's Report

Mayor Swaney stated that all expenditures by the City should be made very cautiously and directed that no money should be spent unless approved by Council.

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 at 8:30pm.