

CITY OF DORAVILLE
CITY COUNCIL MEETING MINUTES
January 16, 2007

Present: Mayor, Ray Jenkins
Council, Marlene Hadden
Jason Anavitarte
Donna Pittman
Ed Lowe
Bob Spangler
Tom Hart

City Attorney, Rick Powell

Mayor Jenkins called the meeting to order at 7:00 p.m.

Item # 1 was discussed at the work session.

Council Member Lowe made a motion to approve the minutes from the January 2, 2007 Council meeting. Council Member Pittman seconded the motion. Motion carried unanimously.

Mayor Jenkins stated that he would be limiting the citizen comments until the end of the meeting. Those citizens who wished to speak could do so under the agenda item Doraville citizen comments.

Mayor Jenkins stated that the Council had gone back and forth at the last meeting on the appointment of a Mayor Pro-Tem. Mayor Jenkins asked the Council if anyone would like to make a motion to appoint a Mayor Pro-Tem.

Council Member Hart made a motion to appoint Ed Lowe, the senior member of the Council, as Mayor Pro-Tem. Council Member Pittman seconded the motion.

Council Member Spangler stated that since the Mayor Pro-Tem served as the Mayor when the Mayor is out of town or disabled that it would be unethical for Council Member Lowe to serve as Mayor Pro-Tem since he has a son who is on the Police Force.

Mayor Jenkins asked the City Attorney if it was unethical for Council Member Lowe to serve as Mayor Pro-Tem. The City Attorney stated that it was not illegal but could cause conflict if he was called upon to serve as the Mayor.

Mayor Jenkins asked for comments.

John Noonan stated that he had submitted an agenda request to speak on this subject and had requested to speak before the vote on the Mayor Pro-Tem issue took place.

Mayor Jenkins stated that he had placed this agenda item on the agenda two weeks ago and that the items on the agenda were placed as they came in.

Council Members Hart, Lowe, and Pittman voted yes. Council Members Hadden, Anavitarte, and Spangler voted no. Mayor Jenkins broke the tie by voting yes. Motion passed.

Jimmy Whitaker, of Meeks and Whitaker, gave the annual audit report at the work session. The City is in great financial condition with a surplus of \$ 1, 106,849.00 for audit year 2005-2006.

Mark Knowles, with the Carl Vinson Institute of Government, gave each Council Member a copy of the job study for the Clerks position, Building Official, and Maintenance Supervisor. The job study had recommendations for procedures to be followed, sample job descriptions, and salary surveys. Mr. Knowles stated that the salary surveys were entry level starting salaries and that the salaries were based on state wide surveys, not regional. Mr. Knowles stated that the City was getting a lot for a little.

The City Clerk asked the Council Members to allow each Department to have their own purchase orders or go back to the way it was being handled through City Hall.

Council Member Hart made a motion to place the issuance of purchase orders back to City Hall. Council Member Hadden seconded the motion. Motion carried unanimously.

Council Member Hadden related the history of how she had found only two responders to the RFP for a new auditor. She had first called several firms from a State approved list of City Auditors and she had been the one to help bring the new auditor to the City.

Council Member Lowe made a motion to retain Meeks & Whitaker, as the City's auditing firm for two more audits. Council Member Pittman seconded the motion. Motion carried with Council Member Anavitarte and Spangler voted no.

John Noonan stated that the City Council and the Mayor took an oath when they went into office. The oath of office is as follows: " I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Georgia; that I will in all respects, observe the provisions of the Charter and Ordinances of the City of Doraville, and I will faithfully discharge the duties of Council Member or Mayor. So help me God". Mr. Noonan also read the portion of the Georgia Constitution that relates to Council Members and Mayors. When taking the oath of office, you are to base your vote on the most qualified, not your **personal**.

Mr. Noonan read the portion of the Charter that states that a Mayor-Pro-Tem was to be appointed at the first meeting in May of each year.

Mayor Jenkins explained that State Election Laws have changed since the Charter was written and that State Laws take **precedence** over Local Laws.

The City Attorney stated that the Charter did conflict with State Laws in several places.

Council Member Hadden asked the City Attorney to submit the conflicts in the Charter to the Council for approval and then send the changes to the Georgia General Assembly for approval.

Mayor Jenkins stated that he had asked the City Attorney to research the City paying for a table at the Chinese New Year Banquet at the Westin Atlanta Perimeter North Hotel. The City Attorney stated that it was perfectly legal for the Mayor and Council to purchase a table at the cost of \$600.00.

Council Member Pittman made to **motion** amend the agenda to allow Council Member Hadden to present a Resolution to Charlene Fang. Council Member Hart seconded the motion. Motion carried unanimously.

Council Member Hadden presented the framed Resolution to Charlene Fang and stated that we all appreciated Charlene.

Council Member Hadden made a motion to refund \$1,360.00 in alcohol license fees to Young Chung. Council Member Spangler seconded the motion. Motion carried with Council Member Anavitarte voting no.

Council Member Lowe stated that the Employee Handbook would be finished in about 2 to 3 weeks. Council Member Lowe stated that he would give it to the City Attorney to review as soon as it was finished.

Council Member Anavitarte stated that he would like for the Council to review the Employee Handbook before it was presented to the City Attorney. Council Member Lowe did not have a problem with that.

Council Member Hadden stated that Autumn Park had a stream bank erosion problem that needed to be addressed before any other work was done on the park. Council Member Hadden stated that the stream bank had eroded back to the swing sets. Ronald used to be able to get a commercial mower between the stream bank and the swing sets but that could not be done anymore.

Council Member Hart stated that the erosion problem was on the low side of Allen Street and that the park and the street needed to be looked at by a surveyor.

Council Member Hadden made a motion for the Mayor to get a surveyor to survey the park and do a similar study as to what was done at English Oak Park. Council Member Lowe seconded the motion. Motion carried unanimously.

Council Member Anavitarte stated that a Resolution had been drawn up that asked the Georgia Assembly to take up a bill for a legislative annexation. The Resolution, legal description and map will be transmitted to State Officials and the bill will be introduced in a couple of days. The bill will go before the House of Representatives, then the State Senate and would wind up on the Governor's desk for approval. A referendum will be held after the legislative annexation is approved and the cost of the referendum will be incurred by DeKalb County. The referendum will probably be held in June of this year.

Johnny Lawler presented the future boundary map of the City of Doraville and stated that the newly proposed boundaries would define the City better. The City's boundaries will run for I-85 to the Gwinnett County line, Peachtree Industrial Blvd. to the Chamblee City limits.

Council Member Hart stated that the map had changed. A couple of parcels on the I-85 side of the City had been taken out.

Johnny Lawler stated that a partial non-profit group did not want to be in the City and wanted to remain in unincorporated DeKalb County. Leaving these parcels out of the proposed annexation will not create an island.

Council Member Hart asked about the City of Chamblee boundaries. The City of Chamblee is proposing a legislative annexation themselves and that is their proposed boundaries.

Council Member Hart asked about Jenny's Place. Johnny Lawler stated that Jenny's Place was in DeKalb County and in the City of Doraville.

The City Attorney stated that Senator Dan Weber had asked him to put in a clause that would allow Johnny Lawler and the City Attorney to represent the City of Doraville if necessary.

Council Member Anavitarte read the Resolution and asked that a clause be added to the Resolution that would refer to the three public hearings that had been held.

The Mayor asked that Council Member Anavitarte be added as a representative for the City.

Council Member Anavitarte made a motion to approve the Resolution, with the aforementioned changes, and that the Resolution be transmitted to the Georgia General Assembly, Senator Dan Weber, House Representative Jill Chambers, Governor Perdue, and DeKalb County.

Council Member Spangler seconded the motion carried unanimously.

Council Member Anavitarte stated that it was time for mid-year reviews to be done. Council Member Anavitarte asked where the Department Heads were on this.

The City Clerk stated that she would have hers finished by the 26th of January.

Chief King stated that they were in the process of doing the mid-year reviews.

Council Member Anavitarte asked the Building Official if he had done the mid-year reviews for his Department.

Council Member Anavitarte stated that he would like to get an independent study done on a City Manager position. Council Member Anavitarte stated that he would like to schedule a Town Hall meeting within the next few weeks. Council Member Anavitarte will check with the Carl Vinson Institute and Georgia Tech concerning the study.

The Mayor stated that he was moving item # 25 up on the agenda because Steve Edwards needed to leave.

Steve Edwards stated that he had held a public hearing back in June of last year. The citizens were undecided about curb side recycling. Mr. Edwards stated that the recycling done at Honeysuckle Park was efficient. The City does have some scavengers digging in the bins for cans to sell but the recycling program still worked at that location.

Mr. Edwards stated that a public hearing had been set for Feb. 13, 2007 for 7:00 p.m. at the Civic Center. Mr. Edwards stated that he would be presenting three options:

- Curbside recycling for those who are willing to pay for it
- Adding another recycling location
- Doing the recyclables separately

Council Member Anavitarte asked if these three options would be discussed at the public hearing. Mr. Edward that he would be talking about the three options for recycling.

Council Member Anavitarte asked what was being done about the code violation on Woodwin Court. Council Member Anavitarte stated that garbage was piled higher than the mailboxes at this location. Council Member Anavitarte stated that this was a reoccurring code violation.

Council Member Pittman stated that she had been working on this violation for many months. The owner would get the mess cleaned up and then it would be piled up again. This is a duplex and people move in and out constantly. The City has even furnished a truck to help get the mess cleaned up. Council Member Pittman stated that the owner needed to be fined.

Council Member Anavitarte asked what the Judges were doing about locations that are being cited over and over again.

The City Attorney stated that the code violation citations coming to court did have fines and convictions.

The Police Chief stated that this property needed to be declared a nuisance. Then the City could take the property and clean it up.

The City Attorney stated that it was not that easy to take someone's property. The process of declaring a property a nuisance is very lengthy.

The Police Chief stated that the \$1,000.00 maximum fines was not going to solve the problem.

The City Attorney **stated** again that the taking of property is not that easy.

Council Member Hart stated that he had been speaking with three other companies about recycling and they would be coming to the public hearing to present their proposals.

Council Member Hart asked the Council to approve getting wireless connection for the Court, Civic Center, and the Library. Council Member Hart stated that the City might need only 2 connections because of the location of the Library, Court, and Civic Center. The wireless connection range is approximately 300'. The equipment cost for each connection is \$743.00 with a monthly charge of \$ 68.00.

Council Member Spangler stated that this seemed like a considerable expense being that Council Member Hart had stated at the last meeting that the City needed to cut expenses.

Council Member Hart made a motion to approve getting wireless connection at the Court, Library, and the Civic Center. Council Member Pittman seconded the motion. Motion passed with Council Members Anavitarte and Spangler voting no.

Item # 19 was taken off the agenda.

Council Member Hart presented each Council Member with a flow chart of how the permitting process should work.

The Building Official asked why the Council would have to sign off on certain building permits.

The Building Official stated that Council Member Hart needed to keep the variance process out of the flow chart since it did not pertain to building permits.

Council Member Hart stated that the first bricks, for the new sidewalk along Chestnut St., had been sold. Council Member Hart thanked Ms. Emily for the great job she had done on painting the cross-walk.

Council Member Hart stated that section 1402, pertaining to the granting of variances, needed to be re-addressed. Council Member Hart will work with the City Attorney and Johnny Lawler to re-draft this section.

The City Clerk stated that the qualifying fees for the 2007 election needed to be set before February.

Council Member Anavitarte made a motion to approve the following qualifying fees:

- Qualification fees for Mayor \$1,800.00
- Qualification fees for Council Members \$216.00

Council Member Spangler seconded the motion. Motion carried unanimously.

The resolution for the legislative annexation has already been addressed.

The City Attorney stated that the Parking Ordinance needed to be re-addressed. The Parking Ordinance will be brought up at the next meeting.

The City Attorney stated that the e-mail policy needed to be amended to allow Department Heads to approve the deletion of certain e-mails. The City Attorney stated that when the e-mail policy was amended that a Department Head meeting needed to be held to go over the changes in the policy.

Chief King stated that he was asking the Council to give him a policy on e-mails that would allow for the deletion of span e-mails.

Council Member Pittman made a motion to place the e-mail policy on the next agenda. Council Member Hadden seconded the motion. Motion carried with Council Member Anavitarte voting no.

Chief King asked permission from the Council to do a traffic study for the feasibility to increase the number of red light cameras. Chief King stated that two more red light cameras were needed at Buford Highway and I-285 and that two red light cameras were needed at Peachtree Industrial Blvd. and I-285.

Council Member Anavitarte made a motion that would allow Chief King to proceed with the traffic study for the feasibility to increase the number of red light cameras. Council Member Hart seconded the motion. Motion carried unanimously.

Chief King asked the Council's permission to hire 2 non-sworn Code Enforcement Officers to handle the code enforcement issues. Chief King stated that the starting pay should be around \$30,000.00. The Code Enforcement Officers would have white pick up trucks and wear white shirts and khaki pants. This item will be placed on the next agenda.

Cat Sherlock gave the Planning Commission report. Ms. Sherlock stated that the Planning Commission had held a public hearing for a variance request at 2666 Turner St. and would recommend to the Council approval of this variance request.

Ms. Sherlock stated that the Planning Commission would hold weekly meeting to review that proposed Zoning Ordinance and would have their recommendations by the end of the month.

Doraville Citizens Comments: Ginny Calvert asked how much the job study had cost. The City Clerk replied it had cost a little over \$900.00.

Ginny Calvert stated that in order to save money, she suggested that the Planning Commission replace the City Council, since the Planning Commission was a non-paid board.

Ginny Calvert stated that the money saved could be used to put in underground utilities.

Susan Crawford stated that the Planning Commission did not receive any pay from the City.

Susan Crawford stated that she had called in a location that was putting on an addition without a permit. Mrs. Crawford asked what had been done with that complaint. The Building Official stated that the location had been hard to find without an address. Once he found the location, the Building Official had put a stop work order in place. The contractor did come in and get a permit but the Building Official had made him tear out all of the sheet rock so that a complete inspection could be done.

A gentleman asked about a renovation project that had been going on a long time on Green Oak. The Building Official stated that the work on the renovation had been continuous but was finally about to be finished.

A citizen asked about a driveway that had a stop work order placed on it. The Building Official stated that DeKalb County had issued them a curb cut for the driveway and that a permit had been issued for the driveway.

Mayor Jenkins adjourned the meeting.

Ray Jenkins, Mayor

City Clerk