



CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING MINUTES

November 19, 2018

7:00pm.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. **CALL TO ORDER:** Mayor Pro Tem George Turner
- II. **ROLL CALL:** All Council Members present, and Mayor Lary was absent.
- III. **INVOCATION:** Council Member Rob Turner
- IV. **PLEDGE OF ALLEGIANCE:**
- V. **ADOPTION OF THE CITY COUNCIL AGENDA:**

Council Member Adoma asked to remove item #3 Lot Combination of Lakeview at Stonecrest Subdivision and item #4 Lot Combination Pod D of Stonecrest Subdivision from the Consent Agenda. Council Member Clanton requested to add to the Consent Agenda #12 Resolution to Authorize the Mayor to swear in DeKalb County Police Chief, Police Majors and respective Fire Department Officials and #13 Resolution to Authorize the City Council to utilize the members of the Alcohol License Appeal Board to hear the Business License Appeal Cases.

Council Member Clanton made a motion to adopt the agenda with the stated changes with Council Member Rob Turner providing the second. **The motion carried.**

- VI. **MINUTES:** Approval of Minutes of the City Council Meeting of November 7, 2018

Council Member Adoma said under public comments she would like to add to Mera Cardenas comments the ordinance is good for the city with potential to bring in funding. The City Clerk said she will have to listen to the minutes. Council Member Adoma said also, under the SPLOST discussion she would like to add that nominees

for District 5 were nominated by the Mayor. Council Member Clanton requested clarity from the City Attorney about adding information that was not said at the meeting to the minutes. The City Attorney said you can not add what was not said at the meeting in the minutes. The City Clerk said she will bring back verbatim minutes on the SPLOST discussion. After much discussion, Council Member Adoma made a motion to defer the minutes to the next meeting with Council Member Cobble providing the second. **The motion carried unanimously.**

VII. PUBLIC HEARING:

1. Ordinance for Rezoning Application RZ-18-006-18-006 6206 Covington Highway

Nicole Dozier, Director of Community Development gave an overview of the Rezoning Application RZ 18-006, 6206 Covington Highway.

Council Member Adoma made a motion to open the Public Hearing with Council Member Rob Turner providing the second. **The motion carried unanimously.**

Spoke In Favor

Attorney Larry Dingle

Kenneth Woods

Spoke Against

No one

Council Member Adoma made a motion to close the Public Hearing with Council Member Rob Turner providing the second. **The motion carried unanimously.**

Council Member Rob Turner made a motion to approve the Ordinance for the Rezoning Application RZ 18-006 6206 Covington Highway with the conditions from the Planning Commission. Council Member Adoma provided the second. **The motion carried unanimously.**

2. Ordinance TMOD 18-0006 (Amend Section 3.5.15 Low-Rise Mixed-Use Zone, Tier III)

Nicole Dozier, Community Development Director gave an overview of the TMOD 18-006 and the Ordinance to amend Section 3.5.15 Low-Rise Mixed-Use Zone Tier III.

Council Member Rob Turner made a motion to open the Public Hearing with Council Member Adoma providing the second. **The motion carried unanimously.**

Spoke in Favor

Michelle Battle

Bernard Knight

Spoke Against

Faye Coffield

Council Member Adoma made a motion to close the Public Hearing with Council Member Clanton providing the second. **The motion carried unanimously. This was the first read.**

VIII. PUBLIC COMMENTS:

Faye Coffield spoke on the Blue Room regarding license, revocation and police. She also spoke on the Master Plan and the cutting down of trees.

Dave Marcus spoke on the division and distrust for almost the whole existence of the City of Stonecrest.

Bernard Knight spoke on the timeline of the LCI Plan and the Overlay.

IX. CONSENT AGENDA ITEMS:

5. Intergovernmental Agreement for Solid Waste Management Services with DeKalb County- **City Attorney**
12. Resolution to Authorize the Mayor to swear in County Police Chief, Police Majors and respective Fire Department Officials and Authorize them to Swear in all officers working in the City of Stonecrest
13. Resolution to Authorize the City Council to Utilize the Members of the Alcohol License Appeal Board to also hear Business License Appeal Cases.

Council Member Clanton made a motion to approve the Consent Agenda. Council Member Adoma providing the second. **The motion carried unanimously.**

X. AGENDA ITEMS:

3. Lot Combination of Lakeview at Stonecrest Subdivision, 7196,7340,7345,7280,7226 and 7290 Rockland Road

Nicole Dozier, Community Development Director gave an overview.

Council Member Clanton made a motion to approve the Lot Combination of Lakeview at Stonecrest Subdivision, 7196,7340,7345,7280,7226 and 7290 Rockland Road. Council Member Cobble provided the second. **The motion carried unanimously.**

4. Lot Combination Pod D Parks of Stonecrest Subdivision

Nicole Dozier, Community Development Director gave an overview. Council Member Adoma inquired about the Master Plan. Ms. Dozier called on Jake Coombe to respond. Mr. Coombe said there is a plan for 117 units for single family detached homes.

Council Member Rob Turner made a motion to approve the Lot Combination Pod D for Parks at Stonecrest Subdivision with Council Member Clanton providing the second. **The motion carried unanimously.**

6. 2019 Planning Commission Meeting Schedule

Council Member Adoma made a motion to adopt the 2019 Planning Commission Meeting Schedule with Council Member Rob Turner providing the second. **The motion carried.**

7. An Ordinance Adopting Chapter 22 to the City Code (Solid Waste)

Attorney Laura Cosgray gave the overview of the Ordinance Adopting Chapter 22 of the City Code (Solid Waste) **First Read Only.**

8. An Ordinance Adopting Chapter 22.5 to the City Code (Storm Sewer Illicit Discharge and Illegal Connection)

Attorney Laura Cosgray gave the overview of the Ordinance Adopting Chapter 22 of the City Code (Storm Sewer Illicit Discharge and Illegal Connection) **First Read Only.**

9. An Ordinance Adopting Chapter 25 to the City Code (Water, Sewer and Sewage Disposal)

Attorney Laura Cosgray gave the overview of the Ordinance Adopting Chapter 25 to the City Code (Water, Sewer and Sewage Disposal) **First Read Only**.

Mayor Lary arrived at 9:25p.m.

10. Resolution to Amend the Resolution for the Formation of the SPLOST Citizen Oversight Advisory Committee and Appointment of Members

Council Member Cobble stated she was not present at the last meeting. However, some revisions to the resolution was presented. She said Attorney Kurrie noticed some discrepancies between the City Code and the proposed resolution and she would like him to weigh in on the revision.

Council Member Cobble stated that she wasn't sure if Attorney Kurrie was reading the additions from today or prior. She said the language says the Mayor would nominate all seven members and be approved by Council and it also says for one year.

Council Member Cobble asked if the council has authority to change the resolution. Attorney Kurrie stated Council cannot amend a resolution that contradicts the ordinance. He further said provide two sponsors and he'd drive through legislature.

Attorney Kurrie informed Council Member Cobble that if Council makes any changes in the resolution; they would be in violation since the ordinance had not been amended.

Council Member Cobble said that there was no language that indicated that amendments could not be made limiting number of members and it does not say is only up to the Executive Branch to determine how many members can be on a committee.

Attorney Kurrie stated that the Ordinance is the law and council must go through the proper procedures to make changes in the Ordinance.

Council Member Cobble stated that according to the charter she has it states that every proposed ordinance or resolution shall be introduced in writing; and the City Council shall have the authority to amend, disapprove or approve any ordinance or resolution.

Council Member George Turner stated when this was put together it was more like a board, authority or a commission more so than a committee. He said the terms for a committee are one year and this one says four. Boards and Authorities can go up to four years. Council Member George Turner expressed concerns that this committee was more than just a committee.

Attorney Kurrie stated when there are limitations on the authority of the Mayor compared to what the ordinance says then council is changing the ordinance. Attorney Kurrie said, "Change the ordinance. It's real simple."

Council Member Rob Turner asked, "So what we have here as amendments can be changed by the ordinance?" Attorney Kurrie responded saying, "I'll go through it with you and let you know what can be changed by the ordinance." Attorney Kurrie will put it in writing and send to Council.

Council Member Clanton suggested letting Council Member George Turner and Council Member Cobble air out their issues with the City Attorney and come back with information. He said the bottom line is that it is the Mayor's decision when it comes to the committee. Council Member Clanton suggested moving forward with what we have now.

Council Member Cobble stated that council does have the authority to amend the legislation as this is the council's job.

Council Member Adoma asked Attorney Kurrie how difficult would it be to convert a resolution into an ordinance. She said she agrees with Council Member Cobble that this is one of the duties of the legislative branch.

Attorney Kurrie stated that the council has the authority to change an ordinance and all that's needed is to submit the information to him. Attorney Kurrie said council could amend the ordinance to fit what council wants and all that is needed is to get two sponsors and vote it through.

Council Member Adoma stated that she wants Attorney Kurrie to exercise his legal duty and to create an ordinance that is reflective of what Council Member Cobble mentioned. Attorney Kurrie asked Council Member Adoma if she was going to be a sponsor and she said she would. Attorney Kurrie told Council Member Cobble that she needed two to sponsor and Councilmember Rob Turner said he would second this.

Mayor Lary asked if council was still in discussion mode. Mayor Lary stated he will give Attorney Kurrie some ordinances to change for every committee. Mayor Lary stated that he is not going to single out the SPLOST Committee for whatever reason. Mayor Lary said the SPLOST Committee was set up just as the Arabia Mountain Steering Committee.

Council Member George Turner said he did go back and noticed that the comparison shows a difference in how the SPLOST committee and the Arabia Mountain committee function. Council Member George Turner stated that the two committees don't match at all.

Council Member George Turner stated that the council needed more information. Mayor Lary said he did not understand why more information was needed since this had already been discussed for months.

Council Member George Turner stated that council had not seen a list of who was on the committee other than the one or two who were nominated. Mayor Lary asked Council Member George Turner if there was voters' remorse.

Mayor Lary stated that he gave each council member an opportunity on every committee to select who they wanted, and he feels council should be able to make the confirmations and have say in the committee choices. Mayor Lary stated these committee members have ten times the experience that Mayor and Council has. Mayor Lary pointed out that the other committees are not under such scrutiny as the SPLOST Committee. Mayor Lary said if council is going to undo the SPLOST Committee then undo them all.

Council Member Adoma asked Attorney Kurrie for his legal opinion on the creation of committees where priority preference is given to the members of the committee. Council Member Adoma requested that Attorney Kurrie would provide this information in writing.

Attorney Kurrie asked Council Member Adoma what she meant by priority preference. Council Member Adoma explained that priority preference was given to Stonecrest residents with experience in the following areas: legal services, contracting RFP valuations, road services, purchasing, road construction, engineering, and information technology.

Attorney Kurrie asked Council Member Adoma did she want to write whether a committee could be formed using a selection process such as priority preference. Council Member Adoma said her request is for a legal opinion based on what the law says about creating committees with a priority preference with experience in certain areas with case law attached to the document.

Council Member George Turner stated that creating a SPLOST committee is fundamental in overseeing the expenditures of the SPLOST funds. Council Member George Turner suggested further discussion.

11. Development Authority Replacement Member

City Manager Michael Harris asked that this item be deferred.

Council Member Clanton made the motion to defer this item based on the recommendation of the City Manager with Council Member Adoma providing the second. **The motion carried unanimously.**

XI. CITY MANAGER COMMENTS:

City Manager, Michael Harris said he provided each member a letter addressed to Patrick Bradshaw at the Atlanta Regional Commission regarding the Panola Road Project. He also said all the appointments need to be redone by the 1st of the year.

XII. CITY ATTORNEY COMMENTS:

XIII. MAYOR AND COUNCIL COMMENTS:

Council Member Cobble said Happy Thanksgiving to all.

Council Member Rob Turner said Happy Thanksgiving.

Council Member Clanton announced his regular meeting this month on the 15th of December at the Stonecrest Library. He also said when it is all said and done, he would like to see us paving our roads in the Spring.

Council Member George Turner had no remarks.

Council Member Adoma announced a Christmas luncheon to feed the Police Officers at the East Precinct. Also, on December 18th at the Stonecrest Library she will be collecting clothing, and toys for children in Stonecrest and they will be delivered on Christmas Eve.

Mayor Lary said it was good seeing everyone and thanked them for the cards, calls and text and said he is doing as good as he can. He said no matter how spirited they are they have the best interest of the city.

XIV. EXECUTIVE SESSION:

Mayor Lary made a motion to adjourn into Executive Session for a Real Estate Matter with Council Member Adoma provided the second. **The motion carried unanimously at 9:48p.m.**

Council Member Clanton made a motion to come out of Executive Session and reconvene back into the regular meeting with Council Member Rob Turner providing the second. **The motion carried unanimously.**

XV. ADJOURNMENT:

Council Member Clanton made a motion to adjourn the meeting at 11:13 p.m. with Council Member Cobble providing the second. **The motion carried unanimously.**

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE