



Mayor and Council Meeting Work Session Minutes August 26, 2013 5:30PM

Call to Order/Welcome:

With a quorum present, Mayor Evelyn Wynn-Dixon called the meeting to order at 5:30PM

Roll Call-City Clerk: All members of the governing body were present.

Approval of Agenda:

The following amendments were made to the agenda:

Addition(s): None.

Deletion(s): None.

Postponement(s): None.

Tabled Item(s): **Resolution No. 23-08-2013 Pay and Classification Plan & Organizational Chart Amendment will be reviewed and discussed at upcoming 9/9 Mayor & Council Meeting.**

Update Regarding the Elderly Exemption by Ann Smith, Tax Collector.

Ann Smith: Advised everyone the City Attorney (Matt Lavallee) submitted a letter and could elaborate on the Elderly Tax Exemption.

Matt LaVallee: Stated we can implement the change and provide a break for elderly residents. However, I need to review the contract with Republic Services. It would need to be passed by a separate resolution and ordinance. It should not be spliced in with existing Homestead Exemptions we currently have in place.

Council Member Wallace: Asked Camilla Moore to share information from meeting/conversation with General Manager with Republic Services.”

Camilla Moore: “Per her conversation with the General Manager at Republic Services- 1) It needs to be in Sanitation Ordinance. 2) Republic Services did not have a problem with giving an exemption. They simply need the addresses and perceived cost.”

Council Member Wallace: “Did they speak on the number of seniors involved?”



Camilla Moore: "Ann Smith provided report at Aug 12th Mayor & Council Work Session."

Ann Smith: "Approximately \$16,000.00 - representing 83 seniors."

Council Member Wallace: "Thank You."

Mayor Dixon: "Can we come to a general consensus to bring this back to the table, once City Attorney (Matt Lavallee) has the opportunity to review the Republic Services contract?"

Council Member Stamps Jones: "How much time does he need?"

Matt Lavallee: "It will not take long, once I receive it -approx. 15 minutes to review it."

Nate Mingo: "Ann when will the bills go out?"

Ann Smith: "Bills have already gone to print."

Nate Mingo: "When are they slated to go out?"

Ann Smith: "Sept 13th."

Mayor Dixon: "We should be realistic regarding the time that will be needed to make the necessary changes and amendments to properly implement. "

Camilla Moore: "Madame Mayor, if the Attorney can do an addendum to the contract - by the Sept 9th Mayor & Council meeting, we can wait on the ordinance. This will meet Ann's deadline before the sanitation bills go out Sept 13th."

Ann Smith: "The bills have already gone to print. Nothing can be changed now, unless we pay money for print changes."

Nate Mingo: "What Ann is saying is, based on previous conversations; the bills have already gone to the printer to be printed. If something changes, and we decided not to give the exemption, we will have to pay to have the bills reprinted."



Camilla Moore: "If Republic Services decides they do not want to absorb the cost of the reprinting; someone would have to pay for it."

Mayor Dixon: "I would like to poll Council to see if they are in agreement with that."

Council Member Stamps Jones: Ok.
Council Member Ruffin: Ok.
Council Member Wallace: Ok.
Council Member Davis: Ok.

Council Member Stamps Jones: "Are we bringing this back on next agenda (9/9)?"

Mayor Dixon: "They are moving forward with the Billing. But amendments will be presented at Sept 9th meeting."

Overview of Mid-Year Crime Report from Samuel F. Patterson, Chief of Police.

Mayor & Council agreed to move the Mid-Year Crime Report from the Work Session Agenda. It will be presented at 7PM Business Session.

Attendance Policy Update for Elected Officials by Matthew LaVallee, City Attorney.

Matthew LaVallee: "I reviewed the current ordinance, concerning attendance policy for the Board (Mayor & Council). The main thing is to ensure it comported with Open Meetings. That we aren't adding something to an Agenda, when it wasn't an emergency to add to the Agenda. The wording allows us, if an absence is something that has to come under review it can be done so at the next regularly scheduled business meeting"

The City Attorney feels the new revised, proposed ordinance is cleaner and can address the concerns of the Board.

Mayor Dixon asked Council, if they had any questions.

Council Member Davis: "No That's Good. Thank you."

Council Member Stamps Jones: "No Questions."

Council Member Ruffin: "It did say to notify the City Manager or City Clerk right?"



Attorney Matthew LaValle: "Correct."

Council Member Ruffin: Mr. Ruffin was concerned about the voting. Most back surgeries are considered electives by insurance company. He is familiar with this, because he recently went through it.

Council Member Stamps Jones requested to respond.

Mayor Dixon: "Yes."

Council Member Stamps Jones: "I think we weren't following the charter. Two (2) meetings weren't able to have a quorum. Defining and implementing the Charter, is not to put anyone in the position to retaliate. It is for everyone to know that a meeting is going to take place. We never received confirmation on where the Council Member was. There was confusion whether information was provided ahead of time or not. We all must follow protocol, whoever it may be. We should know who the contact person is - whether City Clerk or City Manager, someone will be responsible for getting information and sharing it with the Board (Mayor & Council). Even if there's an emergency or accident, people should be informed. We are not here to be vindictive. We simply need to know the business of the City is moving forward, as it should. It is not for retaliation purposes."

Council Member Ruffin: "I fully understand what you're saying". 98% of back surgeries are electives - which was shocking considering the intense pain I was in."

Council Member Stamps Jones: "Even for unforeseen circumstances, 24 hr notice or a notice earlier in the morning could have helped Council and others plan accordingly. This rule is for all members of Mayor & City Council to follow."

Mayor Dixon: "For clarity, Ms. Henderson (Acting City Clerk), if someone calls on behalf of Mayor & Council and states the person is going into surgery that morning, it is imperative to report that information with Mayor and Council immediately as proper action will avoid negligence, hardship, and inconveniences."

Mayor Dixon asks for any comments from Council Member Wallace.

Council Member Wallace -no comment.



Mayor Dixon ask for any comments from City Attorney-Matthew LaVallee

City Attorney, Mathew LaVallee - no comment

Adoption of Development Fee Schedule by Camilla Moore, Director of Planning/Zoning, CD, ED & Business Services.

Camilla Moore: "This item was presented at a previous Work Session. The information provided will be discussed at Business Session this evening. Presented as an Action Item for approval. The resolution will authorize Staff to utilize the Schedule of Fees for Development purposes for the 2013-2014 fiscal year for the City of Riverdale."

Mayor Dixon asked Council if there were any questions.

Council Member Davis: none

Council Member Stamps Jones: none

Council Member Wallace: none

Council Member Ruffin: none

Overview of Fee Waivers by Camilla Moore, Director of Planning/Zoning, CD, ED & Business Services.

Camilla Moore: "Several business and individuals have inquired about fee waivers. Presently staff does not have a policy or procedure that has been adopted by Mayor & Council. "We are asking tonight, that you provide staff 90 days to research further. Allow us time to research what other jurisdictions are doing and bring you back a recommended policy or procedure as to precede". However, in their initial research staff has discovered several jurisdictions do provide fee waivers for new companies, as an incentive. Whether to expedite permits, or waive fees to attract new businesses rather than for existing businesses. We ask for 90 days to research further and present a recommended policy, for Mayor and Council consideration. If you would like to move forward, we can bring it back as an action item."

Council Member Wallace: "I would like that. I looked at a few other cities regarding their fees for new businesses coming in. For established businesses doing remodeling, how would we handle that?"

Camilla Moore: "Staff has looked at existing businesses. It would be a little difficult. Simply because all businesses are different. Typically, what you do for one; you would do for all. It is a revenue source. Typically, if a business is already in business, jurisdictions do not do waivers. But it doesn't mean that you can't. However, if policy is established that will provide waivers to existing businesses, we will need to do so for all businesses."

Council Member Wallace: "Would it be based on a certain dollar amount? For instance, \$10,000 - you do 5-20% off of that. I know we have established businesses here that want to remodel. It's just something to consider, perhaps a percentage base."

Camilla Moore: "Yes, ma'am. I understand. Also for existing business, we can do expedition of permits and other things that can help them get through the process". It's currently based on evaluation of the percentage of the construction that's done, and it varies. The more square footage you have, the more it will cost you for the permit. However, as incentive if Council is looking for a flat dollar amount, we can bring back something for you to review as well."

Council Member Wallace: "Do you give points to existing business?"

Camilla Moore: "No, we don't. But if you are an existing business. We check to see how we can expedite the process for them."

Council Member Ruffin: "I think it should be a case by case basis". It's one thing if you're upgrading \$10,000.00 and a different story, if you're upgrading \$2.5M. We shouldn't simply have a blanket policy based on existing or new or even based on dollar amount. Each case reviewed individually."

Camilla Moore: "We want the policy to be fair across the board" A lot of our small businesses would like to do upgrades as well. So we should be consistent and fair. The value of the upgrades/remodeling is relative in terms to the property owner. "Staff recommends whatever policy we adopt, it should equally apply to everyone". We don't want to be subjective, discriminative, or bias in our decisions."

Matthew Lavelle (City Attorney): "I will take a look at it as well."



Camilla Moore: "We will put something together, get it to Matthew for review and we'll report back to Mayor & Council."

Kenny Ruffin: "It's been almost 5 years since we've done the comprehensive plan, you have to do an upgrade, is that right?"

Camilla Moore: "We are actually bringing you an upgrade Short Term Work Plan the 1st meeting in September 2013. The legislature wanted to change the requirements for the consolidated plan. They believe they have everything worked out, they're asking everyone to do an exemption. We did our exemption, and the Short Term Work Plan is due Sept 1st, we will have ready next week. In January, they will lay out all new guidelines for the comp plan. "

Kenny Ruffin: "The comp plan is a legal binding document. That's fine, thank you . Are you sure you need that much time? Ninety days is a long time."

Camilla Moore: "We want to think it through, make certain it's fair and make sense and have the City Attorney review. Yes, ninety days is needed."

Mayor Dixon asked Council if there were any more questions or concerns.

Council Member Stamps Jones: "No questions. I will wait in 90 days for review."

Council Member Davis: "Yes, I would like to see the comparison study for review."

Council Member Wallace: None

Council Member Ruffin: None

Mayor Dixon: "Yes, Ms. Camilla Moore indicated she would provide us comparison study info in her findings in ninety days."

Overview of Zoning Petitions by Camilla Moore, Director of Planning/Zoning, CD, ED & Business Services.

Camilla Moore provided Mayor & Council detailed reports for the three (3) petitions to allow time for review and consideration.



Petition No. 2013U-0005: Petition by Sonya Ness-Crown Castle is applying for a Use Permit to add and upgrade existing equipment for a cell tower at 6794 Highway 85 Riverdale GA, 30274.

Dept of Planning & Zoning Development Recommendation: Approval w/ Conditions

The proposed use permit will not foster any conditions that can be considered environmentally adverse to the natural resources, environment, and citizens of Riverdale. The upgrading of existing equipment on an existing tower will be safe and environmentally friendly to surrounding residents and land uses.

Mayor Dixon asked Council if there were any questions.

Council Member Davis:	none
Council Member Stamps Jones:	none
Council Member Wallace:	none
Council Member Ruffin:	none

Petition No. 2013U-0006: Petition by Linda Brundrett is applying for a Use Permit to allow for a barbershop/salon establishment to operate at 517 Highway 138 Suite 7, Riverdale, GA 30274.

Dept of Planning & Zoning Development Recommendation: Approval w/Conditions

Camilla Moore: "This particular space was a previous Beauty Salon; the new applicant came in within the 6 months. We didn't see any reason not to move forward, based on our Ordinance. The applicant does not have any problems with the conditions provided nor the recommendations."

Mayor Dixon asked Council if there were any questions.

Council Member Davis:	none
Council Member Stamps Jones:	none
Council Member Wallace:	none
Council Member Ruffin:	none



Council Member Wallace: "When a business opens, how long do they have to put up their sign?"

Camilla Moore: "The temporary sign is only allowed for thirty days. So, the permanent sign must be in place within thirty days."

Council Member Wallace: "Thank you."

Camilla Moore: "If anyone notices anything we may have missed, please let Staff know."

Kenny Ruffin: "For a new business opening in space where a prior business owner had a similar type business, does your staff have the flexibility to suggest legal non-confirming to continue being the same type business verses rezoning it for a different permit type. It's the same \$1000.00, correct?"

Camilla Moore: "They can rezone. But, this type of classification of use is - Use permit. It just overlays a land use. They can rezone it and get a use permit if they desire."

Council Ruffin: "Thank you."

Petition No. 2013ZM-0002: Petition to allow Riverdale Family Dollar Store 10699, LLC to subdivide the commercial property located on Highway 138 & Abington Drive that is zoned C-2 General Commercial into (2) two separate lots. The smaller 1.50 acre parcels will be developed into a Family Dollar store.

Dept of Planning & Zoning Development Recommendation: Approval w/ Conditions Planning Committee Recommendation: Denial

Camilla Moore: "The proposed subdivision does not have any conditions that can be considered environmentally adverse to the natural resources and environment. However, it will adversely affect the Riverdale citizens of nearby subdivisions."

Mayor Dixon: "Please name the subdivision, in which Family Dollar would like to build."

Camilla Moore: "It's Coventry and Highland Subdivisions."

Mayor Dixon asked Council if there were any questions.



Council Member Davis: none

Council Member Stamps Jones: none

Council Member Ruffin: "My only comment is that the Windermere neighborhood were very upset. We have a lot of Family Dollars already in the area."

Council Member Wallace: none

Mayor Dixon: "The Neighborhood Subdivision came out in groves to speak against this build at the recent 8/19/2013 Planning & Zoning Meeting. They were very well prepared- proper signage, proper notification. I actually received an email today from the Conventry and Highlands Subdivisions Homeowners, stating their intent. The homeowners in that community are very passionate about this. I like to see community come out in support of their rights."

Mayor Dixon: "How many Family Dollars do we currently have in the area?"

Camilla Moore: "In terms of those types of stores, we have approx. 7-8 stores within that classification - Family Dollar, Dollar Tree, General Dollar, etc."

Mayor Dixon: "Mayor reviewed information today; Wal-Mart is now taking that adage, "I quote from the internet, they're calling them grocery store killers" - they're selling groceries below the price of grocery stores. Wal-Mart has caught on to it, so we need to be prepared so we they don't start to brand miniature Wal-Mart stores everywhere."

Wanda Wallace: "I noticed another Family Dollar is coming soon in another subdivision (near Clayton County International Park. Is this something that they're doing now? Are they attempting to saturate local communities as a part of their expansion strategy? Have you noticed this?"

Camilla Moore: "The City of Riverdale and Morrow just had this conversation last week. All of our Land Uses has commercial zoning. Because they have commercial zoning, they are commercial entities. Businesses are simply looking for major thorough fares to build. We will have a follow-up meeting in 10 days to discuss Uses, major thorough fares and how we can buffer the neighborhoods. We understand the commercial use, we just want to protect the neighborhoods that sit next to major thorough fares, to have some type of transitional buffer- so neighborhoods are not impacted by this use, within close proximity."

Mayor Dixon: "Thank you. We can continue this discussion downstairs as an action item."

Camilla Moore: "Based on the findings Staff recommends APPROVAL for this Subdivision request provided that traffic and other development concerns are met. Staff recommends allowing Riverdale Family Dollar Store 10699, LLC to subdivide the subject property into (2) lots providing the following conditions are met."

Recommended Conditions: Should the Mayor and Council approve this petition, it should be **APPROVED** with Conditions subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. *The petitioner must get approval from Georgia Department of Transportation for a curb cut off of Highway 138.*
2. *The petitioner must provide acceptable solutions according to traffic engineering standards that would ensure that the residents are not negatively impacted as far as traffic is concerned.*
3. *The petitioner must get approval to install turning lanes off of Abington Drive.*
4. *The petitioner must ensure that the proposed lots will be created in such a way as to meet building separation and landscaping requirements.*
5. *The petitioner must ensure that the proposed lot will be created in such a way as to meet parking requirements (based on the use and footprint of the building).*

Administrative Procedures for Legal Non-Conforming Uses by Camilla Moore, Director of Planning/Zoning, CD, ED & Business Services.

Camilla Moore: "Staff provided a list of all of the Uses, the Mayor, Council, and the public has said they no longer want to allow in the City of Riverdale. There are currently 30 of them. Legal Non-Conforming uses are longer allowed in any zoning district, but will be permitted to exist and operate at their current location in compliance with Sections 2:3; 6.1, and Article VIII, Section 8.2 "Conditional Use Permits" within six (6) months of a vacancy. If the use is vacant for a period greater than 6 months the use "shall constitute evidence of intent to abandon the legal non-confirming status" and would not be permitted any longer."

1. **Barbering establishment**
2. **Cosmetology establishments**
3. **Auto Brokers**
4. **Auto laundry**
5. **Billiards / Pool Hall establishment**
6. **Boarding house**
7. **Body piercing establishment**
8. **Cash establishments**
9. **Convenience store**
10. **Community shelter**
11. **Dealer in precious metals or gems**
12. **Emission testing facilities**
13. **Day Care**
14. **Gasoline Service Station**
15. **Impound lot**
16. **Junk/salvage yard**
17. **Landfill, inert waste**
18. **Laundering establishment**
19. **Manufactured home park**
20. **Massage establishment**
21. **Mini-warehouse/storage lots**
22. **Package Stores**
23. **Pawnbroker**
24. **Psychic service establishment**
25. **Rooming house**
26. **Scrap tire-processing plant**
27. **Tattoo parlors**
28. **Tire Shops**
29. **Tourist home**
30. **Waste incineration facility**

Mayor Dixon asked Council if there were any questions.

Council Member Davis: none

Council Member Stamps Jones: none

Council Member Wallace: none

Council Member Ruffin: none

Overview of Resolution 23-08-2013 Pay & Classification Plan and Organizational Chart Amendments by Sherry D. Henderson, Acting City Clerk.

Mayor Dixon: Recommended Resolution No. 23-08-2013 is tabled upon further review and consideration from Mayor & Council.

Mayor & Council agreed to remove Res # 23-08-2013 from the Agenda, to be tabled upon further review and consideration. Until 9/9/2013 Mayor & Council Meeting,

Matthew LaVallee (City Attorney): confirmed voting is not necessary in Work Session. However, just a general consensus to acknowledge removal of the Resolution from the 8/26/2013 Agenda.



Mayor Dixon thanked everyone for coming to 8/26/2013 Work Session, and mentioned she noticed new face. She asked for introduction.

Mark W. Forsling introduced himself as an Attorney w/ Schreeder, Wheeler & Flint, representing Family Dollar & property owner for the parcel of land, intended to be subdivided for Family Dollar build.

Mayor Dixon: "Welcome. Thank you for coming."

Mayor Dixon looked around for other newcomers. She thanked everyone for their time.

Adjournment

There being no further business to come before Mayor and Council, Council Member Wanda Wallace motioned to adjourn the work session. Council Member An'cel Davis seconded. The time was 6:15PM