CITY COUNCIL – TO BE HELD AT CIVIC CENTER DUE TO ELECTION

3770 CENTRAL AVE, DORAVILLE

Donna Pittman - Mayor
Bob Roche – District 2
Karen Pachuta – District 3
Pam Fleming – District 1
Brian Bates – District 2
Maria Alexander – District 3
Mayor Pro-Tem

AGENDA

November 7, 2011 6:30 PM

I. **CALL TO ORDER**

II. **PLEDGE OF ALLEGIANCE**

Peachtree Charter Middle School - Jared Wilhite

III. **ROLL CALL**

IV. **APPROVAL OF MINUTES:**

- October 03, 2011
- October 17, 2011
- October 20, 2011

V. **CEREMONIAL PRESENTATIONS, CITY ANNOUNCEMENTS, SPECIAL GUESTS:**

- Donation to Children's Health Care of Atlanta – Scott Rodgers

VI. **PUBLIC COMMENTS ON AGENDA ITEMS**

VII. **REPORTS: DEPARTMENTS**

a. Mayor
b. City Attorney
c. Police
   - Hire for COPS Grant Position
   - Lift hiring freeze to fill position
d. Courts
e. Public Works
f. Library
g. Parks & Recreation
h. City Hall
i. Planning
   - U&CF Grant - Management Contract – Barneycastle Forestry Services

VIII. **OLD BUSINESS**

- Vacated Council Seats – Council Member Pam Fleming
  (Carried over from 09/19/1, 10/03/11 & 10/17/11)
- 2nd Reading - Amend Hearing Procedures for Occupational Tax and Massage License – Attorney McLendon (carried over from 9/19/11, 10/3/11, 10/17/11)
- Discussion – Modify Sanitation Code - White Goods – Council Member Maria Alexander (carried over from 10/3/11, 10/17/11)
- Real Estate (Carried over from 10/17/11)

IX. **NEW BUSINESS**

- Amendment to Alcoholic Beverage Reporting Dates – Melissa McCain

ADMINISTRATIVE REVOCATION HEARING:

- Volcano International Inc DBA: El Amigo Revocation Hearing

X. **REPORTS: COMMITTEES, COMMISSIONS, BOARDS AND APPOINTMENTS:**

XI. **PUBLIC COMMENTS**:

XII. **EXECUTIVE SESSION:**

XIII. **ADJOURNMENT:**

THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: DONATION TO CHILDREN'S HEALTH CARE OF ATLANTA

Date of Meeting: 11-07-11

Budget Impact: ___Y ✓N

Budget Impact Amount: $_____

Funding Source:
( )Annual
( )Capital
( )N/A

Regular Meeting	(✓)
Work Session	( )
Recommendation	( )
Policy/Discussion	( )
Report	( )
Other	( )

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

History, Facts, Issues: AFTER ALL EXPENSES ASSOCIATED WITH THE DORAVILLE 5K WERE PAID WE WERE LEFT WITH $1,719.20 AND THAT MONEY WILL BE DONATED TO THE CHILDREN'S HEALTH CARE OF ATLANTA.

Options: _____

Recommended Action: _____

Department: RECREATION Department Head: DONNA PITTMAN

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: LIFT HIRING FREEZE

Date of Meeting: 09 17 2011

Budget Impact: ___Y X N

Budget Impact Amount: $_____

Funding Source:
( )Annual
( )Capital
( )N/A

Regular Meeting (X)
Work Session ( )
Recommendation ( )
Policy/Discussion ( )
Report ( )
Other ( )

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: TO OBTAIN APPROVAL TO LIFT THE HIRING FREEZE IN ORDER TO HIRE A CERTIFIED POLICE OFFICER TO FILL ONE OF THE 5 EMPTY OFFICER POSITIONS AT THE POLICE DEPARTMENT.

History, Facts, Issues: WITH THE RECENT RESIGNATION OF 3 CERTIFIED OFFICERS, THE FIELD OPERATIONS DIVISION IS NOW DOWN 5 ADDITIONAL CERTIFIED POLICE OFFICERS.

Options: _____

Recommended Action: LIFT THE HIRING FREEZE IN ORDER TO FILL ONE OF THE 5 VACANT POLICE OFFICER POSITIONS.

Department: POLICE DEPARTMENT Department Head: CHIEF. JOHN KING

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: U&CF Grant – Management Plan

Date of Meeting: Nov 7, 2011

Budget Impact: Yes

Budget Impact Amount: $ 4,000

Funding Source: Tree Bank
( )Annual
( )Capital
( )N/A

Regular Meeting	(X)
Work Session	( )
Recommendation	( )
Policy/Discussion	( )
Report	( )
Other	( )

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

City Council to approve entering into a contract with Barneycastle Forestry Services for the Management Plan as part of the grant

History, Facts, Issues: City has been awarded the grant and $1000 in volunteer services. City will pay $4,000 from the Tree Bank.

Options: Approve or identify required action

Recommended Action: Approval

Department: Arborist

Department Head: S Strickland

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Vacated Council Seats

Date of Meeting: ~~September 19, 2011~~ November 7, 2011

Budget Impact: ___Y _x_ N

Budget Impact Amount: $_____

Funding Source:
( )Annual
( )Capital
( )N/A

Regular Meeting	(x)
Work Session	( )
Recommendation	( )
Policy/Discussion	( )
Report	( )
Other	( )

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: To draft an amendment to the City of Doraville Charter Article II, City Government, Section 2.05 Vacancy in Office of Mayor or Councilmen to provide for additional options of appointment and/or election.

History, Facts, Issues: A vacancy on Council is not in the best interest of City Management, nor Representation and must be reconsidered through an act of legislation, not through "Home Rule". See Section 2.05 City of Doraville Code of Ordinances below.

"Be it further enacted, that a vacancy shall exist if the Mayor or a councilman resigns, dies, moves his residence from the City or is absent from four (4) consecutive regular meetings of the governing authority, except if granted a leave of absence by the council, which leave shall be entered upon the minute books; or if he is adjudged incompetent or is convicted of malfeasance in office, or of a felony, or any violation of election laws.

The council shall appoint a qualified person to fill any such vacancy in the office of councilman for the remainder of the unexpired [term]; provided, however, that at least four (4) members of council must vote in favor of the person so appointed.

At no time shall there be more than one (1) council member so appointed holding office;"

Options: Don't change the Charter.

Recommended Action: Adopt a resolution to change the Charter to reflect the following: (discussion needed)

1. One Vacated Council Seat less than six months of expired term remains open for general election.
2. One Vacated Council Seat greater than six months to one year of expired term requires appointment of 3 approved votes.
3. One Vacated Council Seat greater than one year of expired term requires Special Election.
4. Two Vacated Council Seats requires a Special Election.

Department: City Council

Department Head: Mayor Donna Pittman

Submitted by: Pam Fleming

THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: **Ordinance to amend Hearing Procedures for Occupation Tax and Massage Licenses**

Date of Meeting: ~~Sept. 19~~ ~~10/3~~ 10/17

Budget Impact: _X__Y ___ N

Budget Impact Amount: $__N/A at this time

Funding Source:
( )Annual
( )Capital
( )N/A

Council Meeting	(X)
Work Session	( )
Recommendation	(X)
Policy/Discussion	( )
Report	( )
Other	( )

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

City Council recently adopted an Employee Hearing Procedures amendment that revised the procedures to include hearing by a Hearing Officer. The Ordinance, as attached here, proposes revisions to revocation hearing procedures for Massage and Commercial Soft Tissue Touch or Manipulation Establishments that allow for the City decision to be subject to a hearing upon request of applicant/license holder rather than an immediate hearing upon revocation decision. This would streamline in many respects the revocation process and reduce the amount of extended hearings that the City would need to conduct. Furthermore, allowing any hearings to be conducted by a Hearing Officer once again takes the burden from the City Council and allows for more flexibility on timing and allows for a Hearing Officer experienced in licensing matters to expedite the process. In addition, as revocation/denial procedures were not clarified in the Occupation Tax provisions of Chapter 6, this Ordinance also creates similar procedures, with Hearing Officer decisions, in order to have a more standard and easily accessible process for citizens to use when appealing a City's decision to deny/revoke an occupation tax certificate or Massage/CSTTOM license. This Ordinance is offered to City Council for your consideration and adoption.

Options: To pass this Ordinance or to keep the procedures as they currently remain in the Code.

Recommended Action: The City Attorney's Office recommends adoption of this Ordinance.

Department: City Attorney Department Head: _Cecil G. McLendon, Jr.

Administrative Comments and Recommendation: _____

_____

_____

Action Taken By Board: _____

_____

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THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Sanitation Code

Date of Meeting: ~~October 3, 2011~~ October 17, 2011

Budget Impact: X Yes No☐

Budget Impact Amount: $ unknown

Funding Source:

☐ Annual
☐ Capital
X N/A

Regular Meeting	X
Work Session	☐
Recommendation	☐
Policy/Discussion	☐
Report	☐
Other	☐

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: Modify code section and policies regarding white goods pick up

History, Facts, Issues: There are repeated examples, throughout the city, of homes that are abusing our white goods disposal services. One home in District 3 has disposed of approximately a dozen televisions in recent weeks. The City pays $ 30.00 per ton for this disposal service

Options: Institute a call for pick up policy that would assist the City in identifying abusers of the service. Better define items that will be picked up. Begin charging for the service.

Recommended Action: Mayor meets with Public Works Department Head, legal counsel, and staff to evaluate feasibility of policy and procedure changes. Ensure that metal goods picked up by Public Works are being recycled.

Department: Council **Department Head:** Mayor

Administrative Comments and Recommendation: _____

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_____

Action Taken By Board: _____

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THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Amendment to Alcohol Ordinance – Reporting Dates

Date of Meeting: 11-7-11

Budget Impact: ___Y _x__ N

Budget Impact Amount: $_____

Funding Source:
( )Annual
( )Capital
( )N/A

Regular Meeting	(x)
Work Session	( )
Recommendation	( )
Policy/Discussion	( )
Report	( )
Other	( )

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: To consider approving the amendment to make all reporting documents due on the same date.

History, Facts, Issues: While putting together a policy revamping the procedure for the reporting and tracking of excise taxes it has come to staffs attention that the current code has inconsistent submission dates. For the convenience of the business owners I would like to make all reporting dates the same date. I am proposing the 20th day of each month be the designated reporting date. This will cover the reporting requirement of Sec 3-13 – report of current employees serving alcohol, Section 3 -67 – Beverage Tax/Excise tax due dates, excise tax report/return due date and Section 3-69 – submission of State ATT-122 form. I feel if all the reports are due at the same time the business community will be less likely to miss a reporting requirement. The prior code had reporting dates of the 10th, 15th and the 20th. This will also allow businesses to only have to mail items once a month instead of three times a month.

Options: Leave the dates as currently listed or amend the code for a consistent reporting date.

Recommended Action: Approve ordinance amending the reporting dates.

Department: Melissa McCain – Administration

Department Head: Mayor