

CITY OF JOHNS CREEK
COUNCIL MEETING
December 19, 2011 @ 7:00pm

The Mayor and Council of the City of Johns Creek held a monthly meeting on Monday, December 19, 2011. The meeting was held at 7:00pm in the City Hall Council Chambers located at 12000 Findley Road, Suite 300 in Johns Creek, Georgia.

COUNCIL PRESENT: Post 1-Randall Johnson - **Absent**
Post 2-Dan McCabe
Post 3-Karen Richardson
Post 4-Ivan Figueroa
Post 5-Kelly Stewart
Post 6-Bev Miller
Mayor Mike Bodker

STAFF PRESENT: City Clerk Joan Jones
City Manager Kachmar
City Attorney Bill Riley

PLEDGE OF ALLEGIANCE: Led by Eagle Scout Gaurav Phadke of Troop 3143.

OPENING REMARKS: Mayor Bodker welcomed everyone to the meeting and remarked the December 12th Council Meeting was canceled due to a power outage in the area. He thanked Georgia Power for their efforts to restore the power, and commended City Manager Kachmar and staff, who worked from remote locations to keep City services functioning. Mayor Bodker announced, due to legal requirements for advertising, the zoning cases originally scheduled for December 12th will be heard at the January 9, 2012 Council Meeting. He thanked Council Member Randall Johnson for Chairing the Founders Day Committee on behalf of Council, congratulated staff on a great week of activities to celebrate the City's fifth anniversary, and thanked all who participated. The Mayor commented on his participation on the Governor's Regional Transportation Task Force and congratulated the new Executive Director of the Georgia Municipal Association, Lamar Norton and recognized retiring Director Jim Higdon for his service. In closing, Mayor Bodker congratulated the City Council candidates Swampna Bhavne and Steven Broadbent for seeking public office, welcomed Council Member-elect Brad Raffensperger and wished everyone happy holidays.

MINUTES: Council Member Richardson motioned, seconded by Council Member Stewart to approve the November 28, 2011 Work Session Summary and Council Meeting Minutes as presented. There being no discussion, the motion passed unanimously.

MEETING AGENDA APPROVED: Council Member McCabe motioned, seconded by Council Member Figueroa to approve the meeting agenda as presented. There being no discussion, the motion passed unanimously and the agenda was approved.

PUBLIC COMMENT: Stephanie Endres commented on the proposed resolution to adopt a fee for retail package sales of alcoholic beverages on Sunday, saying Council should not impose the additional fee.

CONSENT AGENDA: Council Member Figueroa motioned, seconded by Council Member Miller to approve the Consent Agenda, which included- ***ACTION ITEM***-Approve Privileged

Resolutions recognizing Eagle Scouts Jacob Vinson Brasher of Troop 629 and Gaurav Phadke of Troop 3143; **RESOLUTION 2011-12-31**-Approve CH2M Hill Inc.'s Assignment of Certain Agreement between the City of Johns Creek, Georgia and CH2M Hill, Inc. to CH2M Hill Engineers, Inc. There being no discussion, the motion passed unanimously and the Consent Agenda was approved.

ANNOUNCEMENTS: City Clerk Jones announced the following upcoming meetings:

- *Friday, 12/23 and Monday, 12/26 - City offices will be closed for the Christmas Holiday.*
- *Monday 1/02 - City offices Closed for the New Year's Holiday.*
- *Monday, 1/09@ 5:00pm - Work Session; followed by the 7:00pm - City Council Meeting*

REPORTS & PRESENTATIONS: Council Member Richardson read the following Privileged Resolution recognizing Eagle Scout Gaurav Phadke of Troop 3143:

The City of Johns Creek recognizes Gaurav Phadke of Troop 3143 on obtaining the rank of Eagle Scout. Whereas, Eagle Scout Phadke completed his community service project in which he updated and repaired the outdoor classroom at Northview High School; and Whereas Eagle Scout Phadke refurbished the lectern, cleaned existing benches, sealing them against water damage and constructed new benches, and built and put in place five birdhouses; and Whereas this project has improved the outdoor learning environment at Northview High School, benefitting the many students and teachers throughout the year; it also demonstrates Eagle Scout Phadke's commitment to his community and the values of the scouting program. The Mayor and Council of the City of Johns Creek hereby recognize and applaud Eagle Scout Gaurav Phadke for all his accomplishments and wish him well in all his future endeavors.

Council Member Figueroa read the following Privileged Resolution into the record recognizing Eagle Scout Jacob Vinson Brasher of Troop 629:

The City of Johns Creek recognizes Jacob Vinson Brasher of Troop 629 on obtaining the rank of Eagle Scout. Whereas Eagle Scout Brasher completed his service project by enhancing the area around the tennis courts at the Autrey Mill Middle School, which included the assembly and installation of benches, planting two Crepe Myrtles, a Red Maple tree and laying landscape timbers to prevent erosion; and Whereas Eagle Scout Brasher contributed many hours to this project, creating a beautiful, shaded area students can enjoy while attending sporting events, it is another example of the important and lasting benefits the scouting program provides to our community. The Mayor and Council of the City of Johns Creek hereby recognize and applaud Eagle Scout Jacob Vinson Brasher and wish him well in all his future endeavors.

Council Member Figueroa presented a Proclamation from Secretary of State Brian Kemp to Council Member Dan McCabe recognizing his public service to the City. Mayor Bodker thanked Council Member McCabe for his commitment and service to the city as a member of the inaugural City Council body and wished him the best of luck in the future. Council Member McCabe thanked Mayor and Council for their kind words and their hard work on behalf of the citizens of Johns Creek. He explained it has been an honor to serve the community and thanked his wife and family for their support.

Mayor Bodker recognized Kevin Doyle of Troop 27 attending the meeting to work on his Citizenship in the Community Badge.

OLD BUSINESS: No Old Business.

NEW BUSINESS:

AMEND FY 2012 BUDGET FOR ENCUMBRANCE CARRY-OVERS FROM FY 2011

BUDGET: As this item was discussed during a previous Work Session, Council had no additional questions for Finance Director Vavra. Council Member McCabe motioned, seconded by Council Member Figueroa to approve Ordinance 2011-12-31 Amending the 2012 Budget for the Encumbrance Carry-Over from the 2011 FY Budget. There being no discussion, the motion passed unanimously. (*ORDINANCE 2011-12-31*)

ESTABLISH CITY OF JOHNS CREEK CHARTER COMMISSION: Assistant City Attorney Scott Hastey reviewed the Ordinance which is the formal process to officially establish the Charter Commission. It incorporates the operating rules and procedures adopted by Council during the October 24, 2011 meeting. Council Member McCabe motioned, seconded by Council Member Miller to approve Ordinance 2011-12-32 Establishing the Charter Commission for the City of Johns Creek. There being no discussion, the motion passed unanimously. (*ORDINANCE 2011-12-32*)

CHARTER COMMISSION NOMINEE FROM COUNCIL MEMBER JOHNSON: As Council Member Johnson was absent, Mayor Bodker announced his nominee, Robert Horne. Council Member Figueroa motioned, seconded by Council Member Stewart to approve Resolution 2011-12-32 Appointing Robert Horne as the Nominee of Council Member Johnson, to the Charter Commission of the City of Johns Creek. There being no discussion, the motion passed unanimously. (*RESOLUTION 2011-12-32*)

CHARTER COMMISSION NOMINEE FROM COUNCIL MEMBER MCCABE: Council Member McCabe motioned, seconded by Council Member Miller to approve Resolution 2011-12-33 Appointing David Kornbluh as the Nominee of Council Member McCabe, to the Charter Commission of the City of Johns Creek. There being no discussion, the motion passed unanimously. (*RESOLUTION 2011-12-33*)

CHARTER COMMISSION NOMINEE FROM COUNCIL MEMBER RICHARDSON: Council Member Richardson motioned, seconded by Council Member Figueroa to approve Resolution 2011-12-34 Appointing Susan Grissom as the Nominee of Council Member Richardson, to the Charter Commission of the City of Johns Creek. There being no discussion, the motion passed unanimously. (*RESOLUTION 2011-12-34*)

CHARTER COMMISSION NOMINEE FROM COUNCIL MEMBER FIGUEROA: Council Member Figueroa motioned, seconded by Council Member McCabe to approve Resolution 2011-12-35 Appointing Emmett Shafer as the Nominee of Council Member Figueroa, to the Charter Commission of the City of Johns Creek. There being no discussion, the motion passed unanimously. (*RESOLUTION 2011-12-35*)

CHARTER COMMISSION NOMINEE FROM COUNCIL MEMBER STEWART: Council Member Stewart motioned, seconded by Council Member McCabe to approve Resolution 2011-12-36 Appointing Rhonda Wilson as the Nominee of Council Member Stewart, to the Charter Commission of the City of Johns Creek. There being no discussion, the motion died as the vote was tied with Council Members Stewart, McCabe and Mayor Bodker voting in support of the motion and Council Members Richardson, Figueroa and Miller voting in opposition. (*RESOLUTION 2011-12-36-Failed*)

CHARTER COMMISSION NOMINEE FROM COUNCIL MEMBER MILLER: Council Member Miller motioned, seconded by Council Member McCabe to approve Resolution 2011-12-37 Appointing David Meskell as the Nominee of Council Member Miller, to the Charter

Commission of the City of Johns Creek. There being no discussion, the motion passed unanimously. (**RESOLUTION 2011-12-37**)

CHARTER COMMISSION NOMINEE FROM MAYOR BODKER: Mayor Bodker nominated Bob Frame to the Charter Commission, per the City's Rules of Order the Mayor cannot make a motion, therefore Council Member Figueroa motioned, seconded by Council Member McCabe to approve Resolution 2011-12-38 Appointing Bob Frame as the Nominee of Mayor Bodker, to the Charter Commission of the City of Johns Creek. There being no discussion, the motion passed unanimously. (**RESOLUTION 2011-12-38**)

CHARTER COMMISSION NOMINEE FROM THE GEORGIA HOUSE OF REPRESENTATIVE DELEGATION: Council Member Figueroa motioned, seconded by Council Member Miller to approve Resolution 2011-12-39 Appointing Tim Jennette as the Nominee of the Georgia House of Representative, to the Charter Commission of the City of Johns Creek. There being no discussion, the motion passed unanimously. (**RESOLUTION 2011-12-39**)

CHARTER COMMISSION NOMINEE FROM THE GEORGIA SENATE DELEGATION: Council Member Stewart motioned, seconded by Council Member McCabe to approve Resolution 2011-12-40 Appointing Cleve Gaddis as the Nominees of the Georgia Senate, to the Charter Commission of the City of Johns Creek. The vote was 4 in favor with 2 in opposition; the motion carried as this was a majority of two-thirds of the voting body. The motion passed. In support of the motion were Mayor Bodker and Council Members Stewart, McCabe and Richardson with Council Members Figueroa and Miller voting in opposition. (**RESOLUTION 2011-12-40**)

ADOPTION OF CHARTER COMMISSION MISSION STATEMENT: Mayor Bodker reviewed the three (3) draft Mission Statements that were presented and reviewed at previous Work Session meetings. Council Member Miller motioned to approve the action item and adopt Council Member Richardson's draft Mission Statement with a minor addition and correction of scrivener's error. Council Member Richardson seconded the motion. Mayor Bodker reviewed the Charter Commission Mission Statement as follows: Appointment to the Charter Commission of the City of Johns Creek is both an honor and responsibility. *"The Charter for the City of Johns Creek is the foundation of Johns Creek's city government. The mission of the Charter Commission is to review and evaluate current provisions of the Charter and recommend revisions to the state legislatures that reflect and balance the guiding principles of our government - fiscal responsibility, transparency and responsiveness - with the long term interests of our government process and the citizens served."* He called for any further discussion, there being no further discussion, the motion carried unanimously. (**ACTION ITEM**)

FEE FOR SUNDAY PACKAGE SALES OF ALCOHOLIC BEVERAGES: Assistant City Attorney Scott Hastey presented the proposal to adopt a fee for retail package alcohol sales on Sundays. The City currently administers a \$250.00 fee for Sunday sales for on-premise consumption licensees, such as restaurants and bars. It was suggested to require the package stores to pay this cost as well, to help defray the regulatory costs associated with the additional day of business, such as conducting inspections to ensure compliance with sale restrictions. The fee would be effective on January 2, allowing time for the package stores, which have already received 2012 license renewals, to come in and pay the additional fee if they choose to sell alcohol on Sunday.

There was discussion on the impact on Sunday sales for retail package stores if the fee was not adopted, Assistant City Attorney Hastey clarified sales would be allowed, but without the additional Sunday fee, which on-premises consumption establishments currently pay.

Council Member Miller motioned, seconded by Council Member McCabe to approve Resolution 2011-12-41 adopting a fee for retail package sales of alcoholic beverages on Sundays. During discussion, Council Member Richardson expressed dissatisfaction with the process of imposing the fee; Council Member McCabe was concerned about imposing the additional costs on small businesses; Council Member Miller felt this is equitable, as the restaurants are paying the additional fee for Sunday sales, the package store should also be subject to this fee and they have the option to opt out of Sunday sales. Council Member Richardson commented the restaurants are bound by State law, but there should be more discussion on the City's fee structure; Mayor Bodker commented on the use of the fee to offset added regulatory costs and the difficulty in finding an appropriate measure and balance for imposing fees to cover costs. Counselor Riley noted additional inspections will be necessary to regulate Sunday sales; City Manager Kachmar reiterated the package stores have the option to opt out of Sunday sales. There being no further discussion, Mayor Bodker called the question. The vote on the motion tied - 3 in favor, 3 opposed, therefore the motion failed. Mayor Bodker, Council Members Miller and Figueroa voted in support of the motion with Council Members McCabe, Richardson and Stewart voting in opposition. ***(RESOLUTION 2011-12-41)***

CITY HALL LEASE RENEWAL: As this item was discussed during tonight's Work Session, Council had no additional questions. Council Member Figueroa motioned, seconded by Council Member Miller to approve Resolution 2011-12-42 Authorizing and Approving the Exercise of an Option to Extend the Lease Term for City Hall (12000 Findley Road) for an Additional One-(1) Year Term. There being no discussion, the motion passed, 5-1 with Council Members McCabe, Richardson, Figueroa, Stewart and Miller voting in support of the motion and Mayor Bodker voting in opposition. ***(RESOLUTION 2011-12-42)***

OTHER BUSINESS: After clarification from Counsel, Mayor Bodker requested Council Member Stewart submit another nominee to the Charter Commission at the January 9th meeting. In addition, clarification was made that retail package stores are permitted Sunday sales.

PUBLIC COMMENT: No Public Comment.

MAYOR'S COMMENT: The Mayor congratulated the appointees to the City's Charter Commission and wished them all the best in their efforts and thanked them for their service to the City of Johns Creek. The Mayor also wished everyone a joyous holiday season and invited Council Members to share farewell comments to Council Member McCabe.

EXECUTIVE SESSION: No Executive Session.

ADJOURNMENT: There being no further business, Council Member McCabe motioned, seconded by Council Member Figueroa to adjourn the meeting. The motion carried unanimously and the meeting was adjourned.

Approved by:

Attested by:

Michael E. Bodker, Mayor

Joan C. Jones, City Clerk