

CITY OF TUCKER
MARCH 29, 2016
SPECIAL CALLED MEETING MINUTES

The Mayor and Council of the City of Tucker held a Special Called Meeting on Tuesday, March 29, 2016 at 5:00 pm at the Tucker Recreation Center. Present for this meeting were the following:

Frank Auman, Mayor
Honey Van De Kreke – District 1, Post 1
Bill Rosenfeld - District 1, Post 2
Michelle Penkava – District 3, Post 1
Anne Lerner – District 3, Post 2

CALL TO ORDER: Mayor Frank Auman called the meeting to order at 5:05 pm.

INVOCATION: Mayor Auman dispensed with the invocation.

PLEDGE OF ALLEGIANCE: All Council Members led the Pledge of Allegiance.

AGENDA APPROVAL: The agenda was adopted without objection.

APPROVAL OF MINUTES: The Council reviewed the minutes of the March 24, 2016 Special Called Meeting. Council Member Rosenfeld moved to approve the minutes; Council Member Van de Kreke seconded. The motion passed unanimously.

PUBLIC COMMENTS: The City Council moved to the Public Comment portion of the meeting. The public comments were as follows:

1. Matt Robbins – He advised that District 2 will be active, hold the Council accountable, and grow with the Council. He thanked all who worked with him.
2. Barry Stoltz – He has been a resident of Tucker since 1994 and lives in District 2. He does not think the Council should be meeting without District 2 representatives. He asked for more communications and that the Charter be amended so that there is never again an absence of members on the Council due to a runoff.
3. LaVonne Randall: She is a Smokerise resident. She's happy to be part of the new City and hopes there will be forms of communication in addition to Facebook.

RESOLUTION 2016-03-02: Acting City Clerk Anne Lewis read the caption of Resolution No. 2016-03-02, relating to the adoption of procedures for public hearings. Mayor Auman explained the procedures and the need for them. Council Member Penkava moved to adopt the resolution; Council Member Van de Kreke seconded. The Council approved the resolution unanimously.

PUBLIC HEARING ON AND ADOPTION OF PROPOSED ORDINANCE 2016-03-04: CHAPTER 16 – LICENSES, PERMITS AND BUSINESS REGULATIONS:

Mayor Auman explained that the ordinance is identical to DeKalb's and that the City needs to adopt it by April 1, 2016. He explained that the amounts will still be calculated and collected by DeKalb County but that Tucker will receive the revenue. Council Member Lerner echoed that this is not a double tax and that in the second and third quarters of the year, the Council will consult with a panel of business owners in the City regarding to various issues, including the amount to be assessed in the future. Council Member Penkava reiterated that owners will pay as expected, and the tax is computed in the same manner as the County computes it. She also noted that this tax is one of the reasons that the Council needed to begin meeting right away. The County advised that the City should "take action" as soon as possible, and the City "acts" through an ordinance.

The Council moved into the Public Hearing on Proposed Ordinance 2016-03-04. Mayor Auman asked those who wished to speak in favor or the ordinance to speak.

Neil Stubblefield offered several comments. In Section 16.3, he thinks it is a good provision, but he does not think the County is following this Section any longer. In Section 16.27(b), he thinks the number should be based on actual profits. He assumes the next Section means there will be a schedule adopted later. In Section 16.30(c), he asks why lawyers are excluded. Acting City Attorney Anderson responds that lawyers are under the exclusive jurisdiction of the Georgia Supreme Court.

Charlton Allen commented that lawyers are excluded based on a Supreme Court case from several years back. He noted that by statute, one only pays a single level of taxes; this action is just a rechanneling of funds, and we need to act quickly.

Carmel Booth asked a question about insurance but then stated that her question was about the other ordinance to be considered tonight.

There being no further public comment, Mayor Auman closed the public hearing for comments in favor. There were no comments in opposition to the ordinance. Council Member Rosenfeld moved to adopt the ordinance; Council Member Lerner seconded. The Council unanimously approved Ordinance 2016-03-04.

PUBLIC HEARING ON AND ADOPTION OF PROPOSED RESOLUTION 2016-03-03: A RESOLUTION TO ADOPT THE BUSINESS OCCUPATION TAX SCHEDULE

The Council moved to the public hearing on Resolution 2016-03-03 regarding the adoption of the Business Occupation Tax Schedule. No one spoke in favor or in opposition to the Resolution. The Council discussed what the purpose of the resolution is and the fact that it is based on overhead, which the City does not yet have. Acting City Attorney Anderson said that the lack of an overhead number is why the City's current number is based on

DeKalb's number, which is set. Council Member Lerner reiterated that there will be a committee of business owners to help the Council set the number in the future.

There being no further comments, the public hearing portion of the meeting was closed.

Council Member Van de Kreke moved to adopt the ordinance; Council Member Rosenfeld seconded. There was no further discussion, and the Council unanimously approved Resolution 2016-03-03.

ADOPTION OF PROPOSED RESOLUTION 2016-03-04 SETTING INSURANCE LICENSE RATE

Acting City Attorney Anderson explained that state law allows a license fee for each insurer doing business in the City. Both cities and counties can charge the fee.

Council Member Van de Kreke moved to adopt the resolution; Council Member Lerner seconded. There was no further discussion, and the Council unanimously approved Resolution 2016-03-04.

MAYOR AND COUNCIL COMMENTS:

Council Member Lerner thanked all for attending the meeting and noted that she considers herself to represent all of Tucker. She appreciates the desire of citizens to have as much communication as possible. The City is doing what it can without any funds to do it. She closed by asking people to contact the Council with any and all suggestions.

Council Member Rosenfeld echoed Council Member Lerner's thanks to all for coming. He looks forward to the election of the new members and to having a full council. With respect to communications, he said that most members will have town halls and that there will soon be a regular meeting schedule. He wants to build Tucker with all of his fellow citizens.

Council Member Van de Kreke expressed her thanks to all for attending. She asked that everyone manage their expectations. The Council has done what is necessary to get a revenue stream going and has kept all the District 2 candidates informed.

Council Member Penkava said she was so glad to have public comment. She is sure that some of the things that are frustrating to citizens also frustrate the Council. The Council has to meet to do the necessary things. She hopes to have a local publication but we cannot do everything at once.

Mayor Auman closed by saying he wants to get a regular meeting schedule as soon as possible after the new members join. He hopes to have only the occasional special-called meeting. The current members now have City of Tucker emails. Example: fauman@cityof tucker.com. He reminded all of the City of Tucker Celebration from 5-8 on March 31 and

Tucker Day on May 14th. The swearing in for new members will be on Friday, April 1 at a time and place to be determined.

ADJOURN: There being no further business, the meeting was adjourned at 5:47 p.m.

Approved by:



Frank Auman
Mayor

Attest:



Acting City Clerk