

Dekalb County Board of Commissioners Meeting

March 8, 2016

From Civic Association Network

The DeKalb County Board of Commissioners today approved an increase in the budget for the county's ethics board and confirmed the nomination of Stacey Kalberman as Chief Ethics Officer. Both votes were 6-0-1.

The BOC also approved an increase in the Ethics Board's budget to \$300,000, a 42 percent increase over last year's \$212,000.

Kalberman was the head of the state ethics commission in 2010-2011, but saw her hours cut after she subpoenaed records from the 2010 campaigns of Governor Nathan Deal and others. She filed a lawsuit claiming she was forced out of her job. A Fulton County jury agreed and ordered the state to pay her \$725,000 in damages and another \$425,000 in legal fees. Kalberman was the unanimous choice of the ethics board at a meeting last month. Her appointment as Chief Ethics Officer must still be approved by Interim Chief Executive Officer Lee May.

Commissioner Sharon Barnes-Sutton, who has a pending lawsuit blocking Ethics Board action on a complaint against her, abstained from voting on the nomination and budget. However, she sought to delay Kalberman's nomination, complaining it had not been reviewed by a committee. "I really want to be sure this is done properly," she said. "Isn't it our responsibility to at the very least meet the candidate and interview the candidate? ... The candidate is not here today. Never been introduced to us."

Even when County Attorney O.V. Brantley advised that nothing prevented commissioners from having the nomination reviewed by a committee, other commissioners showed little interest in doing so. Commissioner Jeff Rader noted that the Ethics Board had vetted all candidates and unanimously approved Kalberman. "It seems to me the due diligence is the responsibility of the ethics board. Moreover, the recent legislation has put greater autonomy into the hands of our board of ethics," Rader said. Presiding Officer Larry Johnson then announced he supported "moving forward."

In other BOC actions today:

SLUP MORATORIUM

The board unanimously (7-0-0) approved extending an existing moratorium on certain categories of SLUPs until May 10, to give the Planning Department time to revise the existing SLUP ordinance, which has been legally challenged on the grounds that the "proliferation" criterion in the existing ordinance is vague and unenforceable. Planning Director Andrew Baker said he expects to have a revised proposal ready within 30 days.

During the public hearing section on this item, several people complained about having too many Family Dollar stores, used-car lots, beauty-supply stores, etc. These comments did not reflect an understanding of why the ordinance is being revised.

Commissioner Nancy Jester urged robust policing of business licenses and said licenses should be pulled if an applicant lied about the nature of a business. "We have also got to have a robust ability to pull business licenses," she said.

Commissioner Jeff Rader said the county does not check police records or other measures before renewing business licenses. "We have long way to go in enforcing our existing law," he said. "When we renew a liquor license we don't audit that business. ... Many of them have converted to bars ... We have the potential for real conflicts to persist year after year after year. ... We're not enforcing our current law."

NORTHLAKE SLUP

The board unanimously approved a 60-day deferral, for decision only, of a SLUP request by the Newport Design Group for a five-story hotel in the Northlake district. In a YouTube video posted after the BOC meeting, Commissioner Jester said: "I am anticipating getting a different plan back from the developer that does not include an extended stay on that property."

SLUP REQUIREMENT REVISION

The board voted 7-0-0 for full-cycle deferral of a proposed revision to SLUP rules that would allow "major retailers" such as grocers or other large retail outlets to increase the number of gas pumps on their property without obtaining a SLUP. Assistant County Attorney Vivian Ernstes indicated that Commissioner Jester had requested the change. "Major retailer" is not defined in Article 9 (Definitions) in the county's zoning code, so I look forward to seeing the language the county plans to propose.

REZONING

The BOC approved deferral until March 22 of a proposal to rezone from O-I to MR-2 to allow development of 31 townhomes on property west of the southwest corner of Briarcliff Road and LaVista Roads.

STONE MOUNTAIN SIDEWALK

The board approved acceptance of Georgia Department of Transportation funds, the last portion of moneys needed to build a bicycle-pedestrian trail on the west side of Stone Mountain-Lithonia Road to Rockbridge Rd. (Contrary to a statement made by an administration official at the meeting, the trail would not extend to Wade Walker Park and its YMCA. Anyone using the trail would have to cross railroad tracks at a busy intersection and then proceed along Rockbridge Rd., where there are no sidewalks, in order to reach the park.)

JOHNS' HOMESTEAD

Commissioners voted unanimously to erect a fence around Johns' Homestead, the 50-acre greenspace off Lawrenceville Highway outside I-285, to protect it from vagrants and vandalism. Johns' Homestead was on a list of ten Places in Peril released by the Georgia Trust for Historic Preservation in November. The \$4,500 for the fencing will come from 2001 bond proceeds.

WADE WALKER LIBRARY

In comments at the end of the meeting, Commissioner Jester said it was her intention to have the board reconsider its vote to build a library at Wade Walker Park, in light of new information about the location and the county's ability to use that land. She said she would work with the county's legal department and the ICEO regarding a letter from the Georgia Department of Natural Resources that says the county did not seek proper approval before putting a YMCA at the park. The letter further states that the park is only to be used for outdoor recreational purposes. Jester called the matter "a critical concern" and said the commission needed to reconsider its vote.

It was only a passing mention, but in discussion of one agenda item (involving an HVAC contract), Commissioner Kathie Gannon posed the question, "Why are we building new libraries when we can't fix the ones we have?"

BRANNON HILLS

In her closing comments, Commissioner Jester said conditions at the Brannon Hills complex near Georgia Perimeter College are getting worse. She said a crater appeared one month ago and that people have complained to the county with no response.

WATER METER REPLACEMENT

The commission approved a water-meter replacement program, adding a requirement of regular reports to the commission.

APPOINTMENTS

The board unanimously (7-0-0) approved the appointment of Michael Rivera to the Georgia Department of Behavioral Health & Development Disabilities Region Three Planning Board.

MEETINGS

Commissioner Barnes-Sutton said she would postpone a planned meeting that she had planned at the First Baptist Church in Avondale Estates on Thursday, because it conflicts with ICEO May's State of the County address at the Maloof Building that evening.

Commissioner Larry Johnson said the NAACP would host a meeting at 7 pm on Thursday night at the South DeKalb Senior Center regarding HB1099, a proposal to change DeKalb County's form of government.

PUBLIC COMMENTS

A number of roads & drainage employees spoke during public comments, saying it was unfair to give police and fire personnel a raise without giving them a raise, due to their obligation to provide around-the-clock response.

I hope this information is useful to CAN readers.

Mike Cooper

President, Friends of Sue Kellogg Library

Community Affairs Representative, Little Creek Farm Conservancy

Vice Chairman, Community Council District 4