

CITY OF DORAVILLE
CITY COUNCIL MEETING MINUTES
March 6, 2006

Present: Mayor, Ray Jenkins
Council, Marlene Hadden
Jason Anavitarte
Donna Pittman
Ed Lowe
Bob Spangler
Tom Hart

City Attorney, Rick Powell

Mayor Jenkins called the meeting to order at 7:00 p.m.

Council Member Anavitarte made a motion to approve the minutes from the February 21, 2006 meeting. Council Member Pittman seconded the motion. Motion carried unanimously.

Mayor Jenkins stated that cost cutting measures needed to be taken now. The next two (2) years are critical to the City with the prospect of the GM Plant closing. The City has saved money for the last two years and will continue to try to save money and cut cost.

The 2007-2008 budget will be developed by late March or early April and plans are already being made to cut the budget as much as possible. Any additional items, city events and sidewalks, put on during the budget amendment can come off as easily as they were put on. The County is responsible for sidewalks.

Mayor Jenkins stated that he was working with DeKalb County to set up another public hearing on the New Peachtree/Shallowford Road project. Hopefully a public hearing will be held in April.

Mayor Jenkins stated that the City had some CD's renewing shortly and that he would like the help of the Investment Committee and any or all Council Members who want to be involved in the investment of the City's money.

GM will be closing for a week starting May 15, 2006 through May 21, 2006. GM will cut back production from 52 vehicles per hour to 42 vehicles per hour. GM will lay off approximately 435 employees at that time.

Ann Chang, with Perimeter Design Consulting, stated that the retail development at 5677 Buford Highway needed a variance of nine (9) parking spaces to build a two (2) story retail center of approximately 15,000 sq. ft. Landscaping and trees will be added to the lot to give it a different look.

Dan Cohen, with Pond & Company, came forth and stated the front set back did not meet the City's specifications, so the parking design would have to be re-drawn. Mr. Cohen stated that the parking variance did not meet any of the City's specifications for variances, so he recommended that the City deny the parking variance request. The owner could put in a parking deck to solve the parking problems.

Council Member Hadden made a motion to deny the parking variance at 5677 Buford Highway. Council Member Anavitarte seconded the motion. Motion carried unanimously.

The City Clerk asked the Council to amend the agenda to include a Resolution to approve the Joint Solid Waste Plan with DeKalb County. Council Member Hadden made a motion to amend the agenda to include a Resolution to approve the Joint Solid Waste Plan with DeKalb County. Council Member Pittman seconded the motion. Motion carried unanimously.

The City Attorney read the Resolution that listed several public hearings that had been held over the last year and a half. The final Joint Solid Waste Plan would cover the period of 2005-2014.

Council Member Hadden made a motion to approve the Resolution for the final Joint Solid Waste Management Plan. Council Member Spangler seconded the motion. Motion carried unanimously.

Council Member Spangler made a motion to approve Kulla Publishing to format the City's Newsletter and to allow Kulla Publishing to print the Newsletter each month. Council Member Hadden seconded the motion. Motion carried unanimously.

Council Member Hadden stated that low income housing struck terror in the hearts of the owners. The term affordable housing is a better application because it does not have to be section 8 or subsidized housing. Council Member Hadden stated that affordable housing was different from low income housing and included nice senior retirement developments, whether it will be assisted living or ambulatory. An apartment complex is now being built off Peachtree Industrial between Clairmont and Chamblee/Dunwoody. Senior Connection is developing a multi story Senior facility behind the current Senior Center in Chamblee. This will be a fixed rent building but when we say low income or affordable housing, we need to say that we could put a senior complex here in Doraville. Property located at I 285 and Chamblee Tucker, behind Embery Hill Shopping Center, where the motel is, has been purchased by a developer to construct five story luxury apartment complex. The rent will start for a 1 bedroom at \$1200.00 to \$1400.00 per month. Behind that development there will be a multi story senior development going in. This will have an affect on Doraville. The old Wachovia Bank at the corner of Buford Highway & I 285 has been purchased by another bank. The Korean Pharmacy property inside I 285 near Oakmont was sold at approximately \$4,000,000.00 and will be torn down and an office type building will be built in its place.

Council Member Hadden gave a brief update on future demolitions in and around the City and redevelopment. Council Member Hadden stated that the proposed Star Towers had not submitted any development plans or building plans to the City but the current zoning would allow them to go up ten (10) stories for motels, hotels, restaurants, and retail and office space. DeKalb County has given preliminary approval for this project.

Bonita reported that the old Service Merchandise building is just outside I 285, will be torn down. A new building will be constructed for office and retail. It is not inside our City but it will be soon.

Inside I285 at Chestnut and Aztec we had some run down two story apartments that was mostly 4 units per buildings. These apartments will be converted to condos with a starting price for 1 bedrooms at \$89,000.00, and will go up to \$185,000.00 for three bedrooms.

Jason reported that Tilly Mill road west of Peachtree Industrial and 141 Windom apartments will be converted to condos.

If you know of anything being torn down or rebuilt please let us know. We would like to tell everyone about it.

Town home info and history: Council Member Hadden stated hopefully this would clear up any misunderstanding or misinformation surrounding these town home developments in Doraville. Council Member Hadden stated that she had always been involved with the citizens and their wishes when it came to residential development. Council Member Hadden stated she had always voted against any residential development that would bring down property values.

On Stewart Avenue the developer wanted to build town homes starting about \$140,000.00 per unit, these are cheap town homes because these were below the market price of surrounding property. Council Member Hadden stated that she went to some of the neighbors and asked them how they felt about the proposed town home development. One of the neighborhood residents was not aware that this town home development had been proposed. The resident got the word out to others in the neighborhood and the Council did vote no on those town homes.

When the old Lutheran Church property became available, Council Member Hadden tried to get this property made into a park. If the Church had been supported it would still be there. The Church was not supported so it had to be sold. The price of the property was too high for a park so a Development Company chose the property for a town home development.

The Chestnut Town home project had been reviewed by the City's Planning Firm and meetings had been held in the neighborhood and by the Doraville Planning Vision Group before the old Lutheran Church property had been rezoned. The Neighborhood Association and Planning Group had gotten the developer to reduce the number of proposed town homes to 47 units. The original price range for the town homes was

\$215,000.00 to \$225,000.00. There were about 100 residents for the town home project and about 6 were against.

Council Member Pittman made a motion on January 3, 2005 to approve the project and Council Member Weese seconded the motion. The motion carried unanimously. The whole Council voted on the project. The developer did not need Marlene Hadden's vote.

The Planning Company recommended that a variance be denied. Council Member Hadden stated that she had made a motion to deny a variance request for the town home development.

Council Member Hadden asked the other Council Members if they would allow her to persuade them on how to vote. The other Council Members state that they would not allow Council Member Hadden to persuade them on any issue to be voted on.

Conflict of interest has been mentioned in conjunction with the Chestnut Town Home Development. Council Member Hadden stated that she was in Real Estate and that about 20 other elected officials were in real estate also. Council Member Hadden stated that she would not vote on an item that would be a conflict of interest. Council Member Hadden stated that she or any other Doraville Council Member did not have an interest in the Chestnut Drive Town Home Development nor any member of her family or any other Council Member's family had an interest in this development. Council Member Hadden stated that she would not be listing any of these town homes. She had been told that Caldwell Banker would be the broker, and would provide a team of agents to sale these town homes.

Council Member Hadden stated that the town homes are not being built where three creeks come together nor are the town homes being built in a floodplain or wetlands. This will be a quality development. The starting price will now be \$ 250,000.00 and into the \$300,000.00's.

Council Member Hadden stated that this was for Council Member Hart's benefit because he has expressed concerns about Council Member Hadden getting money from developers. There was no way that she would vote on anything that would be a conflict of interest or doing anything unethical. Marlene has never been for sale. Mr. Hart you do the City a disservice when you promote misunderstandings or misinformation.

Council Member Hadden quoted the State Constitution "No City shall provide gratuities or donations in favor of any Corporation, person, associations or entities. The City has been furnishing a building, utilities, insurance, and maintenance of the building to the Paul Murphy Boxing Club. Council Member Hadden is not opposed to the Boxing Club. The City has not received no rent or any revenue from enrollment fees from the Boxing Club nor can Council Member Hadden find where this has been required. The Council needs to be accountable to the taxpayers and consider a better way to conduct this relationship. The youth and young adults living in this community need to be considered. No youth living in the City limits utilizes this facility. Carol Stevens, with the Parks and

Recreations Department has stepped up to the plate and has agreed to put on a boxing match. There are youth programs that John King and Tommy McElroy feel very strongly about that would be of a benefit to our community and our youths. Mr. Styles gets money when he books a fight. Council Member Hadden stated that two residents in her neighborhood were willing to sponsor a youth at the boxing Club.

Council Member Pittman stated that she had been involved in Youth Programs for many years and would be glad to help in any way she could.

Council Member Hadden made a motion to place the Boxing Club under the supervision of the Doraville Recreation Department Director and partner with the Doraville Police Department to form a Youth Program for the youth of Doraville. The Doraville Recreation Department will collect any and all revenue from the Boxing Club and supervise any money spent in conjunction with the Boxing Club. The City will know who goes in and out of the Boxing Club. The Recreation Department will handle the scheduling. Council Member Spangler seconded the motion. Motion carried unanimously.

Council Member Hadden stated a volunteer that was already with the Boxing Club was willing to help out with this program and that Council Member Pittman had been involved in programs of this type and was also willing to help out. Chief King has volunteered to help get this going when he comes back from Iraq.

Council Member Hart stated that the City had spent a lot of money in previous years and now it was very economical to run it the way it is being run.

Council Member Hadden stated that the Boxing Club was not paying the City anything and there is not one child over there that lives in the City.

Council Member Hart stated that the Boxing Club did not have a sign on the door stating that citizens of Doraville could not participate.

Council Member Hadden stated that the Boxing Club did not even have a sign notifying people of the hours of operation.

Council Member Hart asked who was running the Boxing Club now. Council Member Hadden stated that it was being run by a volunteer who booked fights and if the fight had a purse, he received a portion of that purse. Again, the City is not receiving any money from the Boxing Club to help pay for any of the expenses.

Mayor Jenkins stated that Bernard Styles had been purchasing supplies for the Boxing Club Members.

Council Member Hadden stated that she had been reluctant when Vernon Jones had asked her to serve on the State and County Blue Ribbon Task Force, she was really apprehensive about taking on more work and she did not know if she could get along

with Mr. Jones. Mr. Jones had told Council Member Hadden that this was not about personalities but about issues. Council Member Hadden stated that Mr. Jones had been correct and that the issues were important. Mayor Jenkins, Mayor Pro-Tem Anavitarte and the Doraville Blue Ribbon Committee will receive invitations to meet with the DeKalb Blue Ribbon Task Force Committee and General Motors Officials from Detroit.

Mayor Jenkins asked if this meeting could be held in Doraville. Council Member Hadden thinks this is appropriate and will do what she can to have the meeting held in Doraville. This is a great opportunity for the State, County and the City to join hands and work towards the future.

Council Member Hadden stated that Oakcliff and Northwoods Neighborhood Associations would be hosting a 15 minute presentation by James Cutzman with MacTec, on the Atlantic Station Development on March 13, 2006, at the Doraville Civic Center.

The Creative Director of the Atlanta Zoo will be making a presentation at the Doraville Civic Center on April 10, 2006 at 7:00 p.m. He will talk about new exhibits at the zoo. Two tickets to the Atlanta Zoo will be given away.

Council Member Anavitarte stated that the City Council would be hearing a rezoning request for the old Sun Auto Repair Shop property at the March 20, 2006 meeting. The property is located at the intersection of Buford Highway and Oakcliff.

The City Attorney read a Resolution to annex property by State Legislation.

Council Member Anavitarte made a motion to approve the Resolution to annex all tracts or parcels of land lying and being in Land Lots 320, 337, 340,342, 356 and 357 of the 18th District and Land Lots 249, 250,277, and 278 of the 6th District of DeKalb County, Georgia. Council Member Spangler seconded the motion. Motion carried with Council Member Lowe voting no. Council Member Lowe stated that he was not against the annexation, but was against the Adult Entertainment Establishments that would be brought into the City with this annexation.

Council Member Hadden stated that all of the property owners should be notified even if legally we don't have to. They are getting annexed into the City and their taxes are going to go up. The City would need an impact study done to see how much this annexation would cost us. With more than 50% of the property being commercial we should be ok.

Mayor Jenkins stated that if studies were required by State Law then he would make sure the studies were completed even if they were not required by law. Mayor Jenkins stated that if the property owners of the land that was proposed to be annexed were to be notified by State Law then he would make sure that the property owners were notified of the intent to annex.

Council Member Anavitarte made a motion to appoint Kat Sherlock, Jim Ambrose, Ben Crawford, Stewart Anderson and Richard Balentine to the Doraville Planning

Commission. Council Member Hadden seconded the motion. Motion carried with Council Member Hart voting no.

Item # 16 was tabled until the March 20, 2006 meeting.

Council Member Pittman made a motion to produce form letters for Code Violations in different languages. Council Member Spangler seconded the motion. Motion carried unanimously.

Council Member Pittman announced that Woodwin Court had been cleaned up, and that she had gotten DeKalb County Code Enforcement out on Woodwin, Johnny's Lane and Beacon Drive. Warning tickets were issued and the property owners were given notice to correct the problem or be cited. One citation was issued to a business for having an unauthorized commercial vehicle stored at the back of the business.

Council Member Pittman stated that she had been working with DeKalb County and the prospect of sidewalks on Tilly Mill was looking good at this time. The County Officials stated that the sidewalks were necessary because of the school.

Council Member Spangler stated that there were some recommendations made at the last Council Meeting concerning the Commercial Vehicle Ordinance. The City Attorney has drafted amendments to the Commercial Vehicle Ordinance.

The City Attorney stated that this was the first reading of an amendment to the Commercial Vehicle Ordinance. The amendment would change the height of a vehicle to 8' and would exempt handicapped and conversion vans used for personal use. The second reading will be held on March 20, 2006.

Council Member Spangler stated that section 15-12 of the City Code Book had been brought up at the last Council meeting and that the City Attorney had drafted an amendment to Section 15-12.

The City Attorney stated this was the first reading of an Ordinance to amend section 15-12 of the City Code Book, Deposit on Property, Streets Prohibited. The following will be inserted into the Ordinance amendment "Nothing herein shall prevent the use of pine straw, mulch, and other such materials for landscaping the premises of a residence or business premises". The second reading will be held on March 20, 2006.

Council Member Hart announced that he had been working with DeKalb County and the Georgia department of Transportation to get sidewalks along Chestnut Drive and Central Avenue. Council Member Hart stated that because of the elevation of Central Avenue, a rest stop would have to be installed. A small park area could be built on the property behind City Hall. Landscaping and park benches could be put in and maybe a small gazebo. Council Member Hart would like to name this area the Lamar Lang Park.

Mayor Jenkins stated that a vote on developing and naming a park behind City Hall was premature at this time.

Council Member Hart asked for the Grease Trap & Dumpster Ordinance to be amended to eliminate certain business from being required to have a grease trap under the dumpster. The City Attorney will have the draft Ordinance amendment ready by the March 20, 2006 meeting.

Council Member Hart asked for the stream buffer requirement would be changed from 25' to 50'. Council Member Lowe and Council Member Hart voted to have the Ordinance amended to extend the stream buffer requirement. Council Member Anavitarte, Council Member Hadden, Council Member Pittman and Council Member Spangler voted no. The stream buffer requirements will stay at 50', 25' on each side of the stream from the middle. Mention was made about current legislation presently on the table down at the Capitol regarding Stream Buffers and it would be prudent to see what, if any, outcome of that legislation is prior to making any decision (s) about stream buffers.

Council Member Hart stated that there used to be a lake at Stewart and Chestnut. The lake was drained several years ago and now water is stagnating and is a mosquito breeding ground. Council Member Hart asked the Council to look into restoring the original lake.

Council Member Hadden announced that Korinna Hirsch, commercial artist, and the Parents Group would be taking pictures of signs and will present the best to the City Council for the development of new Welcome to Doraville Signs.

Acting Chief McElroy had nothing to report.

Citizens Comments: A lady asked if the City had a Jay Walking Ordinance. Acting Chief McElroy stated that the City did not but the State did.

A lady asked about the proposed development at the corner of English Oak and Buford Highway.

A lady asked why they could not get a traffic light at English Oak and Buford Highway.

A gentleman thanked Code Enforcement for getting his neighbors to clean up their yards. The gentleman thanked the Council for the great job that they were doing.

Mayor Jenkins announced that the Council would go into executive session. Mayor Jenkins asked the audience and the City Clerk to leave the room. The audience would be allowed back in when the executive session ends.

Mayor Jenkins stated that the executive session was over and that Council would go back into the regular meeting.

Mayor Jenkins announced that no action was taken in the executive session.

Mayor Jenkins adjourned the meeting.

_____ Ray Jenkins, Mayor

Attest; _____
City Clerk