

CITY OF DORAVILLE
CITY COUNCIL MEETING MINUTES
March 21, 2005

Present: Mayor, Ray Jenkins
Mayor Pro-tem, Lamar Lang
Council, David Weese
Marlene Hadden
Jason Anavitarte
Donna Pittman
Ed Lowe
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 March 7, 2005 minutes as written. Council Member Pittman seconded the motion. Motion carried unanimously.

George Awuku came forth and asked the Council to approve the rezoning of the property located at 7170 Johnson Drive from R-1 to C-1.

Mr. Awuku stated that he would put a six foot wooden fence along the border of the apartment complex with Leland Cyprus planted in the 10' buffer area. Mr. Awuku stated that he would have a 25' buffer along the east side of the proposed property.

Mayor Jenkins asked Rick Powell if he had read the intergovernmental agreement with Gwinnett County. Mr. Powell stated that he had not because he had just received it and that the Intergovernmental agreement was separate from the rezoning.

The city Clerk asked about the parking lot lighting being directed from the apartment complex. Mr. Awuku stated that Mr. Harris wanted the extra lighting for security purpose.

Council Member Anavitarte asked about the hours of operation. The hours of operation would be from 8:00 am until 6:00 pm.

Mayor Pro-Tem Lang made the motion to approve the rezoning from R-1 to C-1 with the referenced conditions. Council Member Anavitarte seconded the motion. Motion carried with Council Member Lowe voting no.

Council Member Hadden made the motion to amend the agenda to include Jeff Nichols, with Peachtree Industrial Square. Council Member Pittman seconded the motion. Motion carried unanimously.

Mr. Nichols stated that he had come before the Council on March 7, 2005 and asked for a letter of intent from the Council stating that a 0 front setback variance would be granted

once the moratorium was lifted. Mr. Nichols stated that he had left off one piece of property that was located at 2711 Peachtree Square and asked the Council to include this parcel in the letter of intent.

Council Member Hadden made a motion to include 2711 Peachtree Square in the letter of intent. Mayor Pro-Tem Lang seconded the motion. Motion carried unanimously.

Mayor Pro-Tem Lang stated that the employees were nervous about the working condition and that the Council should work together so that the employees could relax and have a sense of job security. Mayor Pro-Tem Lang stated that all of the employees could talk to any Council Member at any given time.

Mayor Jenkins stated that an investigation should be done to get to the cause of the employees insecurity.

Council Member Hadden stated that good planning protected a community and that the residents should make recommendations in planning for the future of the City of Doraville. Planning is too important to be left to the planners; the resident's voice should be heard. Council Member Hadden made a motion to approve creating a Planning Commission. The Planning Commission would be for a six-month trial period. If it did not work out then the Planning Commission would not be reappointed. The City Attorney had drafted an Ordinance creating the Planning Commission per the City Charter.

A citizen stated that he could not understand why the Council was hesitant to create a Planning Commission.

Another citizen stated that she had voted for the City Council and did not realize that the workload was so heavy that they had to have a Planning Commission to make recommendations. She also stated that she had understood that the Planning Commission would not cost the City any money when in fact the City Attorney was being paid \$150.00 per hour to answer questions concerning the proposed Planning Commission.

Another citizen stated that when dealing with Planning and Zoning the City Attorney should be involved and that it was worth the money.

Another citizen stated that he did not see that the Planning Commission was necessary since it did not have any power. Everything is spelled out in the City Charter and that the only way for the City to grow is to tear down a building.

Another citizen stated that there was a tremendous amount of public interest in what goes on in the community. The Planning Commission would provide an opportunity for those who want to get involved in what is going on in the community. The Planning Commission could provide suggestions to the Council as the community grows.

Another citizen stated that he would rather the money, being used to pay for legal advice concerning the Planning Commission, be spent on employee pay raises.

Another citizen stated that she thought the Planning Commission should be limited to giving input on rezoning and variances only.

Another citizen stated that the Planning Commission could convey all the citizens concerns and administer to the needs of the community that would not otherwise be heard.

Mayor Jenkins stated that this was the first reading of the Ordinance and that the second reading would be held on April 4, 2005.

Council Member Hadden stated that she has had numerous calls concerning run down and neglected houses in the neighborhoods. When she tried to get something done about the run down and neglected houses, she realized that part of the Ordinance had been deleted. The City Attorney stated that he had made an error and dropped the conditions of the Ordinance that allowed for the enforcement of the ordinance concerning run down and neglected housing. The City Attorney asked the Council to waive the first reading of the Ordinance 05-09 Property Code Ordinance and pass the Ordinance tonight. Council Member Hadden made a motion to waive the first reading of the Property Condition Ordinance. Council Member Weese seconded the motion. Motion carried unanimously.

Council Member Hadden made a motion to approve the Property Condition Ordinance. Council Member Weese seconded the motion. Motion carried unanimously.

Mayor Jenkins stated that five \$100,000.00 CD's had reached their maturity and that he had moved the \$500,000.00 from the International Bank to the American United Bank at an annual rate of 3.60% with the interest staying with the CD's until maturity.

Council Member Hadden wanted to know why the Council had not been informed about moving the CD's and hoped that the banks located within the City of Doraville did not have hurt feelings to not participate business wise with us because the money had been moved to a bank outside the City. Council Member Hadden noted this subject was not brought up during the work session for this meeting. Council Member Hadden objected to \$500,000.00 being moved to a bank outside the city limits of Doraville. Mayor Jenkins noted this objection and Council Member Anavitarte asked why Wachovia Bank was not one of the local banks contacted. The interest rate quotes are made a part of the minutes.

Council Member Hadden stated that the International Bank had offered 3.70% interest and wanted to know why the Mayor had chosen to move the CD's to a bank paying less interest. Mayor Jenkins stated that it was not a good policy for all of the city's money to be located in one bank and that he had gotten the best interest rate he could.

The City Clerk stated that the RFP's for the Solid Waste Management Plan had been opened at the work session on Thursday and hoped that the Council had reviewed the two RFP's. Council Member referred to a letter from Dekalb County stating that the Solid Waste Management Plan could be done jointly with Dekalb County at no cost. The letter was addressed to Mayor Jenkins and had been mailed certified. Council Member Hadden wanted to know why the Council had not received a copy of the letter. Council Member Hadden had gotten a copy of the letter from Dekalb County website along with a copy of the memo that Lee Walton had sent to the Mayor concerning the Dekalb County letter. Council Member Hadden stated that she had gone to city hall on the Friday before the meeting and there was no file available for review on the Solid Waste Management Plan and there was no copy of the certified letter from the County nor a copy of a memo from Robert & Co, available regarding the same. A copy of the certified letter and the Robert & Co. memo is made a part of the minutes.

The City Clerk stated that she had never seen the letter from Dekalb County or the memo form from Robert & Co.

Council Member Hadden made a motion to table the RFP's for the Solid Waste Management Plan until the City Attorney could investigate the matter. Council Member Lowe seconded the motion. Motion carried unanimously.

Mayor Pro-Tem Lang made a motion to approve the Resolution to sell the Prudential stock. Council Member Anavitarte seconded the motion. Motion carried unanimously.

Council Member Hadden made a motion to ratify the two year contract with Infinite Energy for natural gas services. Council Member Weese seconded the motion. Motion carried unanimously.

The City Attorney stated that the Dekalb County Tax Commissioner was offering the City a contract at \$2.00 a parcel plus an administrative fee for the annual property tax billing, storm water fee billing and collection of both. The County would also do the FIFA's on all unpaid bills.

The City Attorney has one change to make to the contract and he can have it by the next meeting.

Council Member Anavitarte made a motion to approve the contract with the Dekalb County Tax Commissioner. Council Member Weese seconded the motion. Motion carried unanimously.

Council Member Anavitarte made a motion to approve the Intergovernmental Agreement, for storm water, with Dekalb County. Council Member Hadden seconded the motion. Motion carried unanimously.

Mayor Pro-Tem Lang made a motion to approve creating an Administrative Assistant position to provide administrative support to the Building Inspector and the Mayor, and

to delete the Property Tax Billing Clerk position. Council Member Anavitarte seconded the motion. Motion carried unanimously. The City Attorney stated that this position was not to be confused with the Administrative position in the Charter that the Mayor could appoint.

Mayor Jenkins stated that the starting salary for the City Clerk was \$42,500.00. Ms. Cloer had started with the City at \$38,000.00. Mayor Jenkins asked the Council to bring Ms. Cloer up to the starting salary for a City Clerk.

Council Member Hadden stated that she did not mind giving Ms. Cloer a raise but she did expect the City Clerk make sure that copies of all paperwork were given to the Council. Council Member Hadden was referring to the letter from Dekalb County concerning the Solid Waste Management Plan.

Mayor Jenkins stated that Ms. Cloer was not getting a raise but being brought up to the starting salary for a City Clerk position.

Council Member Weese made the motion to bring Ms. Cloer's salary up to the starting salary for the City Clerk position at \$42,500.00 per year. Mayor Pro-Tem Lang seconded the motion. Motion carried unanimously.

Council Member Hadden made a motion to waive the first reading on Ordinance # 05-08, Commercial vehicle Ordinance. Council Member Pittman seconded the motion. Motion carried with Council Member Lowe voting no.

Council Member Hadden made a motion to approve the contract with the Dekalb County Convention and Visitors Bureau. Council Member Lowe seconded the motion. Motion carried unanimously.

The MIS contract was tabled.

The City Attorney gave a brief update on the Code Book update with the Municipal Code Corporation. The City Attorney stated that there was a conflict with Ordinance numbering. The City Attorney asked the Council to approve the cost of inserting the 2005 Ordinances in the update. The City Clerk stated that she did not have a cost price at this time and that inserting the 2005 Ordinances would delay the update of the Code Book by three weeks.

Council Member Hadden made a motion to include the 2005 Ordinances in the Code Book update and to approve the cost of including the 2005 Ordinances in the Code Book update. Council Member Weese seconded the motion. Motion carried unanimously.

Chuck Atkinson gave a brief update on the Police Department statistics for February. The Police Department received 1518 call, made 1320 traffic stops, 15 felony arrests and 282 misdemeanors arrest.

The City Council agreed to give the old generators to the Boy Scouts.

Council Member Pittman stated her concerns for employee safety at the Court House and at City Hall. Chuck Atkinson stated that the Police Department was going to put in double doors in the hallway at the Court House and that the double doors would remain locked except for court. The Police Department will replace the existing glass window with bullet proof glass at the ticket counter.

The City Clerk expressed concerns about safety at City Hall and stated that a full door at the counter instead of the half door would be more secure and that some glass could be added above the counter to make the environment more secure.

Council Member Pittman stated that she had gotten a price on sidewalks from Pontiac to Flowers Road. The cost of installing the sidewalks would be approximately \$100,000.00. Council Member Pittman stated that she did not know where the money would come from, but she was still working on it.

Council Member Pittman announced that the first annual Doraville Clean-Up Day would be held on April 16, 2005 from 9:00 am until 4:00 pm. Council Member Pittman asked for volunteers. Anyone wishing to volunteer should contact Mrs. Weese, Jackie Byers, or Council Member Pittman.

Ray Fiedler addressed the Council concerning English Oak Park. Mr. Fiedler stated the park had been wonderful for 18 years. The City had kept the park up and all the residents of that area had enjoyed using the park. The water shed piping along the creek had failed thus flooding the tennis and basketball courts. There are numerous sink holes in the park. Mr. Fiedler stated that he thought the problem could be solved by cleaning out both ends of the pipe and patching the broken sections of the pipe. The sink holes could be fixed with a mixture of sand and sawdust.

Mayor Jenkins stated that he had already talked to Dekalb County about replacing the pipe in the creek. Dekalb County had stated that the park belonged to the City of Doraville and that it was the City's responsibility to bear the cost of replacing the pipe. Mayor Jenkins stated that it would be very expensive to replace the pipe and that this would be the first project listed on the City's Storm Water Management Plan.

Mayor Jenkins will have the Maintenance Department clean out the debris around both ends of the pipe and have the back filling done.

Mayor Jenkins stated that the City needed to readdress the moratorium on all commercial building permits. The moratorium should never have been placed on existing buildings that just need the interior refinished. Council Member Hadden made a motion to exclude all interior finish building permits from the moratorium. Council Member Anavitarte seconded the motion. Motion carried unanimously.

Mayor Jenkins adjourned the meeting.

Ray Jenkins, Mayor

Attest; _____
City Clerk