

CITY OF DORAVILLE
CITY COUNCIL MEETING MINUTES
April 17, 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 April 3, 2006 Council meeting and the Called Council meeting held on April 10, 2006. Council Member Spangler seconded the motion. Motion carried unanimously.

Mayor Jenkins stated that item #2 had been taken care of at the work session.

Item #3 was tabled until the May 1, 2006 Council meeting.

Item # 4 was tabled indefinitely.

Mayor Jenkins called the Waffle House parking variance hearing to order.

Mr. Sanford McAllister, a representative for the Waffle House, stated that he was requesting a variance to allow a change to the existing non-conforming use at 5600 Buford Highway (site of the Farmers Market just north of I-285). He is proposing to build a Waffle House restaurant on the North side of 285 in the Highway Shopping Center LLC lot.

The proposed Waffle House would lesson the total number of parking spaces in our leased area of the shopping center by four (4) spaces. However, Waffle House would add 15 additional spaces to the shopping center as labeled on the attached plans. This means that there would be 11 more spaces available after the Waffle House development than before the development.

In addition to adding more parking to the shopping center and constructing a new Waffle House restaurant building, we will also add landscaping to our leased area to improve the appearance to the entrance to the center.

Council Member Lowe asked where the dumpster and grease traps would be located.

Mr. McAllister stated that the dumpster and grease trap would be located in an enclosed building behind the proposed Waffle House. The building would have the same façade as the Waffle House. Landscaping will be added around the building.

Council Member Hart asked if the new parking spaces would be close to the Waffle House.

Mr. McAllister stated that the parking spaces would be near the grassed area at the other end of the parking lot.

Council Member Hart asked about the now vacant Wachovia Bank building. When a new business opens up there, where will their customers park.

Mr. McAllister stated that the Waffle House met the parking requirements.

Council Member Anavitarte asked Dan Cohen, with Pond and Company to present his review.

Mr. Cohen stated that the whole area of the Highway Shopping Center LLC was only 65 % in compliance with parking. Building the Waffle House would make the parking non-compliant with the existing Parking Ordinance. The Waffle House building itself would only take up 4 parking spaces. The Waffle House would need 35 parking spaces. The Waffle House would have 31 parking spaces after the building is built. They would be adding 15 parking spaces thus producing 11 more parking spaces than they need for the Waffle House.

The proposed Waffle House is considered to be an adaptive re-use of the property and would utilize space not in use now as additional parking. The re-use of the property would be a benefit to the City of Doraville.

Mr. Cohen stated that the owner of the Highway Shopping Center LLC had given his consent when the variance application was filled.

Mr. Cohen stated that the Waffle House did not need a variance since they meet the parking requirements. Mr. Cohen stated that the area would be upgraded with landscaping.

Mr. Cohen stated that the engineered plans would have to be approved by him before a permit could be issued.

Mr. Cohen recommended approval of the Waffle House and again stated that the Waffle House could be built without a variance.

Council Member Anavitarte asked that this item be tabled until the May 1, 2006 meeting.

The City Attorney stated that since the Waffle House met the parking requirements, that there was nothing to vote on.

Mayor Jenkins called the Variance Hearing for Steve Alderman to order.

Steve Alderman, at 3604 Wilton Avenue, asked the Council to grant a 15' rear yard setback. Mr. Alderman stated that he and his family had lived there approximately 10 years and had purchased the property about 4 years ago.

Mr. Alderman stated that the laundry room was downstairs. They like this area and want to stay in this area. They would like to sub-divide the lot, so they can build a single story house on the back of the lot, so they would not have to go up and down the stairs to do the laundry.

Dan Cohen, with Pond and Company, stated that the current rear yard setback was 25'. The applicant is asking for a variance that would reduce the existing dwelling's rear yard to only 10'. The variance would allow the applicant to construct a single story dwelling on the property sometime in the future.

Mr. Cohen stated that Mr. Alderman had not produced a plat that subdivided the lot or plans showing exact size, location, and set backs of the proposed structure on the lot. Until Mr. Alderman produces the plat and plans, Mr. Cohen cannot recommend the variance request.

Council Member Hart made a motion to deny the variance request. Council Member Hadden seconded the motion. Motion carried unanimously.

Item # 7 was addressed at the work session.

Council Member Hadden stated that the property located at 3967 Tilly Mill Road would become an upgrade. Mr. Brackbill will be working with the property owner to buy the property. The buyer will build new homes in the range of \$350,000.00 to \$400,000.00.

Council Member Hadden stated that she had been doing research on liquor license fees for several months. She had checked on the fees from several surrounding cities and they were much higher than the City of Doraville's liquor license fees. Some of the ones she had researched were complicated and included wine tasting and beer gardens. Each Council Member received a copy of the fee schedules. Council Member Hadden asked the Council to review the fee schedules and be prepared to make a decision at the May 1, 2006 Council meeting. Raising the liquor license fees would bring in a little more revenue for the City.

Council Member Hadden read a Resolution that would recognize the Galloway Homestead as the City of Doraville's first Historical Site (3982 Tilly Mill Road). This is a wonderful thing that would recognize the contributions of the Galloway family to the

City of Doraville. The house was built in 1883 and sits on three acres of the original tract.

Council Member Hadden made a motion to approve the Resolution that would recognize the Galloway Homestead, at 3982 Tilly Mill Road, as the City of Doraville's first Historical Site. Council Member Pittman seconded the motion. Motion carried unanimously.

Council Member Hadden announced that a Town Hall meeting had been scheduled for April 18, 2006, at 7:00 p.m. The meeting will be held at the Civic Center. The purpose of this meeting is for the citizens to ask question concerning Ordinances and Code Enforcement. Sgt. Lowe will host the meeting.

Council Member Hadden stated the City had a Service Delivery Agreement with DeKalb County that allowed the County to hire the Library Director even though the City of Doraville paid the salary.

Council Member Hadden stated that they were not pleased with the Service Delivery Agreement but would have to live with it for several more months.

Council Member Hadden stated that Jim Draper, the Library Director, had retired and another Library employee was resigning. The City is desperately looking for another Library Director.

Council Member Hadden gave the Mayor a list of salary ranges from DeKalb County and stated that perhaps the City could hire someone just out of college for less. If the City does not hire a Director with a Masters Degree in Library Science, the Library could loose its accreditation.

Council Member Hadden stated that they had all agreed to pursue getting a qualified Library Director as soon as possible and work with the County on this matter.

Item # 13 was stricken at the work session.

Council Member Anavitarte made a motion to appoint Rob LeBeau, Land Use Chief for the Atlanta Regional Commission, to the Blue Ribbon Committee. Council Member Hadden seconded the motion. Motion carried unanimously.

Item # 15 was stricken at the work session.

The City Attorney gave each Council Member a copy of the review that he had drafted on the existing Stream Buffer Ordinance and Council Member Hart's proposed Stream Buffer Ordinance.

The City Attorney stated that the Soil and Sedimentation Control Ordinance and the Stream Buffer Ordinance conflicted. The City Attorney stated that the Council needed to

tell him whether they wanted the state minimum buffer of 25' or the 50' buffer that was in the existing Stream Buffer Ordinance, or the 75' buffer in Council Member Hart's proposed Ordinance.

Council Member Hart stated that the City's current Stream Buffer Ordinance did not define the 25' section. Mr. Hart stated that the Ordinance that he was proposing did define each 25' section and did not have the grandfather clauses that the current Stream Buffer Ordinance did.

Council Member Anavitarte made a motion to table this item until the May 1, 2006 Council Meeting. Council Member Pittman seconded the motion. Motion carried unanimously.

Council Member Hart stated that the sidewalk plans were finished but needed the engineer stamp to finalize them.

Council Member Hart made a motion to approve sending out an RFP for a contractor to pull the pipe out of the creek at English Oak Park and open up the creek. The motion also requested that the City go through the Georgia Soil and Water for those contractors.

Council Member Anavitarte made a motion to deny Council Member Hart's motion until all options are exhausted. Council Member Spangler seconded the motion. Motion carried with Council Member Hart voting no.

Item # 19 was taken off at the work session.

Item # 20 was addressed at the work session.

Item # 21 was addressed at the work session.

Council Member Spangler stated that he appreciate the Mayor's commitment at the April 3, Council meeting, to building a ramp (handicap accessible) from Timber Oak to Honeysuckle Park, which will make it easier and safer for all Oakcliff neighbors to access the park

Council Member Spangler and his neighborhood thanked the Mayor, Bobby Pittman and the Maintenance Department for installing the split rail fence at the creek on Windsor Oak. It really looks nice if you have driven by there.

Council Member Spangler also wanted to thank Councilwoman Hadden for sponsoring the April yard of the month for Oakcliff. The first winner for the month of April goes to the DeWolf's.

Council Member Spangler stated that the Maintenance Department did a great job on the pipe on Red Oak. There was some sink holes in that area. They did a very professional job and Council Member Spangler stated that he wanted to thank them for that.

Item # 23 had already been discussed.

The City Attorney stated that this was the 2nd reading of an amendment to the Sign Ordinance. The Ordinance would require a permit, fee and bond for temporary signs and banners. The Ordinance would exempt the City from obtaining a permit and would exempt non-profit organizations for the permit fee and bond.

Council Member Hadden made a motion to adopt the amendment to the Sign Ordinance. Council Member Spangler seconded the motion. Motion carried unanimously.

Council Member Pittman made a motion to appoint Cliff Howard as a Solicitor, at \$300.00 per session for the 1st Thursday of the month and on as needed basis for the Tuesday sessions. Council Member Spangler seconded the motion. Motion carried unanimously.

Stewart Anderson stated that the Planning Commission had met, appointed officers and reviewed variance request.

Captain Atkinson stated that Acting Chief McElroy was still out but continuing to improve. Acting Chief McElroy should return to work soon.

Captain Atkinson stated that there had been 2 fatalities over the weekend. One was a traffic fatality and the other had been a fatality at a residence. The resident died by a gunshot at a residence and the death is suspected to be an accident but the Corner's report has not come back.

Council Member Anavitarte thanked Captain Atkinson, Lt. Brinkley, Sgt. Lowe, Officer Hess, Officer Eubanks, and Sgt. Kanupke for their hard work and participation during Operation Code Breakers. Council Member Anavitarte also thanked Council Member Pittman and Mayor Jenkins for their participation in Operation Code Breakers. Council Member Anavitarte stated that some of the Officers had come in on their day off to help work Operation Code Breakers.

Council Member Anavitarte stated that they had visited 30 to 40 businesses along Buford Highway and had found numerous Code Violations. Auto Land, Car Man and Polito's Auto Sales where the business with the most violations.

Council Member Anavitarte stated that he would like to see this done on a quarterly basis and perhaps the next Code Breakers Operation being held in July or August.

Council Members Anavitarte stated that he would like to see Buford Highway cleaned up so that it will be a better place for new business to relocate to, and for the citizens to feel safe when they are spending their money shopping in the City of Doraville.

Mayor Jenkins stated that he wanted to thank Captain Atkinson. Captain Atkinson was

under the weather himself, during Operation Code Breakers, but he came out and gave it his all.

Mr. Fiedler thanked the Mayor for getting his fence repaired. Mr. Fiedler stated that the City should go after landlords who could rent houses that were occupied by more than one family. This would help the neighborhoods greatly.

Mr. Fiedler announced that the Oakcliff Neighborhood Association picnic would be held this Saturday at English Oak Park. Everyone is invited.

A lady asked if the ice cream truck that ran in her neighborhood had a permit.

A lady stated that she wished that there was something the City could do to discourage people from bringing Pit Bulls into the neighborhood.

A gentleman asked if the City was going to disassociate the Doraville Library from the DeKalb County Library System. Council Member Hadden stated that the City furnished the building, utilities and paid employees and benefits for the employees, but the City could not hire its own Library Director.

The gentleman stated that he liked he Library the way it was.

Council Member Pittman stated that the City had no plans at this time to disassociate from the County Library System at this time.

A gentleman stated that the Council was doing a good job and had his vote.

A lady asked if the Library accepted donated books. The answer was yes.

Mayor Jenkins adjourned the meeting.

Ray Jenkins, Mayor

City Clerk