

Revised 05/15/06

CITY OF DORAVILLE
CITY COUNCIL MEETING MINUTES
May 1, 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 17, 2006 Council meeting. Council Member Pittman seconded the motion. Motion carried unanimously.

Mayor Jenkins stated that this was a Council meeting not a public hearing on eminent domain. A public hearing will be held tomorrow night on the Comprehensive Land Use Plan Update required by the State of Georgia. The Comprehensive Land Use Plan hearing is not a hearing on eminent domain. Mayor Jenkins referred to an unsigned letter that had been passed out to residents and business owners stating that a public hearing would take place on May 1, 2006 concerning eminent domain and accusing the Council and developers of intending to take citizens property through eminent domain. Mayor Jenkins stated that who ever wrote the letter was attempting to mislead the public or was grossly misinformed about the law. The legislature at its last session severely limited the exercise of eminent domain. Eminent domain can only be used for public use other than traditional use such as roads, public utilities, buildings, and to clear title to property. The other public use is to remedy blight. Blight is strictly defined in the law. Mayor Jenkins stated that the GMA report on eminent domain was available to the public and copies of the law were along side the agendas. Contrary to the letter, the City Council has no plans to exercise any eminent domain. The other Council Members and I regret the actions of those who circulated this misinformation.

Mayor Jenkins invited everyone to the Comprehensive Land Use Plan Update that will be held tomorrow night at City hall.

Again, Mayor Jenkins stated that this is not a public hearing, but a regular Council meeting.

Council Member Lowe told the Mayor that he might want to mention that the meeting is at 7:00 pm tomorrow night.

Council Member Hadden stated that she was disappointed that Council Member Hart was involved in the publishing and distributing of a notice that attempts to question the new Comprehensive Land Use Plan Update that is under consideration by our City.

The notice makes numerous allegations that are simply lies. If you refuse to sell your land then an attempt to seize it through the City by eminent domain or when this redevelopment is incorporated or adopted by the City, developers with the blessing of the City can begin taking your land, your business or your livelihood, just take it. Or the developers will decide how you will develop your property or they will seize it to develop it themselves. Ladies and gentleman, these are lies. The adoption of a Land Use Plan by a Local Government in Georgia does not contemplate utilization of eminent domain.

Such a plan is adopted and utilized by progressive local Governments as a road map for planning and land use for a community. The City of Doraville has no agreement with any individual, corporation, or partnership to utilize eminent domain for private development or redevelopment of real property within our City Limits. As responsible members of this City Council, we must look to the future of this community. One such proactive step is the consideration of a new Comprehensive Land Use Plan. The Comprehensive Land Use Plan is mandated on us by the State. As a result of the adoption of a new plan areas within the City may eventually change, but I am not aware of any statement by any Council Member supporting the use of eminent domain to achieve any such change. Based on reactions I have received concerning the notice in question, I seriously doubt that any member of this Council would support such action, I know that I don't, but of course that is what one would expect of responsible elected officials. Progressing thinking is based on a foundation of fact, applicable law, and the needs of the City. The needs of the City is what we need to be addressing and not lies.

Mayor Jenkins stated that the Council needed to address the millage rate.

Council Member Hart asked if the 10 minutes speech by Council Member Hadden was on the agenda. Mayor Jenkins stated that this should come out in a public meeting.

Mayor Jenkins stated that we need to get a motion on the millage rate so that it could be advertised with the millage rate hearings. Mayor Jenkins stated that the Council could raise, lower or leave the millage rate as it is.

Council Member Spangler made a motion to leave it as it is and give back to the citizens the quarterly sanitation bill until we can work through increasing homestead exemption. Council Member Lowe seconded the motion.

Council Member Spangler withdrew his motion.

Council Member Anavitarte made a motion to advertise the millage rate at 7.5 mills. Council Member Hart seconded the motion. Council Members Hart, Lowe and Pittman

voted yes. Council Members Spangler, Hadden and Anavitarte voted no. Mayor Jenkins broke the tie by voting yes. The millage rate will be advertised at 7.5 mills.

Council Member Hadden made a motion to allow Connie Rockelein to transfer to the Library as Principal Librarian at her current rate of pay. Council Member Spangler seconded the motion. Motion carried unanimously.

Council Member Hadden stated that the City was still working with the DeKalb Library System to fill the vacant Library Director position.

Council Member Hadden made a motion to deny the request from Marta for a 3'x25' easement for a bus stop. Council Member Hadden stated that Marta could approach the City again when the plans were drawn up for sidewalks and streetscapes along Park Avenue. Council Member Lowe seconded the motion. Motion carried unanimously.

Mayor Jenkins asked the Council to make a decision on the merit raise range. Mayor Jenkins suggested that the Council consider 1% to 4or 5%.

Council Member Hadden stated that Carol Stephens, the Recreation Director, should get a larger increase because of her outstanding job performance.

Council Member Anavitarte made a motion to approve a merit raise based on 0 to 1.5%. The merit increase would be based on base pay not current pay and become effective July 1, 2006. Council Member Spangler seconded the motion. Motion carried unanimously.

Mayor Jenkins asked the Council to consider having one work session and one Council meeting per month. The work session will be held on the third Monday of each month and the Council meeting on the first Monday each month. The effective date for the meeting change would be October, 2006. Council Member Anavitarte made a motion to approve the meeting change effective October, 2006. Council Member Spangler seconded the motion. Motion carried unanimously.

Council Member Lowe made a motion to accept the bid, from Atlanta Paving, to put in a walking trail at Honeysuckle Park. The bid was \$15,718.72. Council Member Hadden seconded the motion. Motion carried unanimously.

Council Member Lowe thanked Captain Atkinson and Sgt. Lowe for hosting the Town Hall meeting on Code Enforcement. The meeting was very informative and the citizens appreciated it greatly.

Council Member Hadden made a motion to approve the alcohol license fee schedule with changing the liquor license to \$3,000.00, Consumption on the premises to \$3,000.00, and the Investigative fee of \$100.00. Council Member Lowe seconded the motion. Motion passed with Council Members Hart and Anavitarte voting no. The alcohol license fee schedule will be come effective on July 1, 2006 and anyone applying for a new license will be prorated for the rest of 2006.

Council Member Hadden stated that the red light camera on Buford Highway and I 285 was doing its job. Accidents have declined and people now know that if they run the traffic light they will get a ticket in the mail. Council Member Hadden stated that she would like to see a red light camera placed at the exit of I 285 and Peachtree Industrial Blvd. The red light camera is needed there because of the safety issue.

Council Member Hart stated that the exit to Motors Industrial Way needed to be straightened out first. Council Member Hart will check with the Georgia Department of Transportation on this issue.

Council Member Anavitarte stated that he and the Mayor had been looking at the possibility of forming a partnership between Doraville and the Georgia Tech College of Architecture. Georgia Tech is working with the City of Hapeville to help determine the best use of the Ford Hapeville Plant. Georgia Tech might be willing to do the same for the GM site in Doraville. There is a small charge for this that would be a fraction of what a company would ordinarily charge. Council Member Anavitarte will have more to report on this at a later council meeting.

Council Member Anavitarte stated that he and Council Member Spangler would be forming a committee to study the transportation issues on Oakcliff and the committee would also be studying the entrances off of Oakcliff.

Council Member Anavitarte made a motion to add 21 more street lights in Oakcliff to be effective July 1, 2006.

- 3980 Scarlet Oak Ct. 3300 Scarlet Oak Ct. 3282 Scarlet Oak Ct. 3265 Moss Oak
- 3221 Moss Oak 3167 Moss Oak 3149 Moss Oak
- Corner of Darlington & Windsor Oak 3163 Darlington 3209 Darlington
- 3231 Darlington 3179 Pin Oak 3139 Pin Oak 3891 Water Oak
- 3779 Water Oak 3873 Water Oak Corner of Water Oak and Pin Oak
- 3143 Timber Oak 4013 Red Oak 3971 Red Oak 3941 Red Oak

Council Member Spangler seconded the motion. Motion carried unanimously.

Council Member Hart stated that he could not get 2 streetlights repaired in his District. Council Member Hart asked Council Member Anavitarte if there would be a light on every pole.

Item # 12 had already been discussed.

Item # 13 was taken off the agenda.

Item # 14 was taken off the agenda. Council Member Hart invited all in attendance to attend the Comprehensive Land Use Plan Update tomorrow night. The meeting will start at 7:00 p.m.

Item # 15 was taken of the agenda

Council Member Hart stated that he was trying to get sidewalks along Chestnut Drive to Buford Highway. The plans had been drawn and approved. Council Member Hart asked what was holding up the sidewalk project. Mayor Jenkins stated that the plans had been submitted to DeKalb County and as soon as he heard something from the County, he would let Council Member Hart know.

Council Member Hart made a motion to submit an application to the State Legislator to increase the homestead exemption. Council Member Anavitarte seconded the motion. Motion carried unanimously.

Council Member Hart made a motion to delete the PUD Ordinance from the Zoning Ordinance. Council Member Lowe seconded the motion. Motion carried unanimously. The City Attorney stated that this was the 1st reading and he would advertise for the 2nd hearing at the May 15, 2006 meeting.

Council Member Spangler made a motion to approve the Commercial Debris Removal Policy. Council Member Anavitarte seconded the motion. Motion carried unanimously.

The hearings for alcohol violations was set for May 22, 2006 at 11:30 a.m.

The millage rate hearings were set for May 22, 2006 at 11:00 a.m. and 6:00 p.m. and June 5, 2006 at 7:00 p.m. The millage rate will be adopted on June 5, 2006.

Susan Fraysee invited everyone to the Comprehensive Land Use Plan Update on May 2, 2006 at 7:00 p.m. The meeting will be held at City Hall.

Stewart Anderson stated that the Planning Commission meet on April 26, 2006.

Acting Chief McElroy asked the Council to allow him to hire a Janitorial Service to clean the Police Department 3 times a week. The janitorial service will cost approximately \$15,000.00 per year. The cost of hiring a janitor would cost approximately \$31,000.00 per year.

Council Member Anavitarte made a motion to allow Acting Chief McElroy to hire the janitorial service. Council Member Hadden seconded the motion. Motion carried unanimously.

Acting Chief McElroy stated that the Police Department had passed the State Accreditation and he and Chief King should receive the Certificate of Accreditation in July at the Chief's Convention.

Citizen's comments: Susan Crawford announced that the Art Show will be held on May 15, 2006 at the Civic Center.

A lady stated that exit 32 off I 285 was very dangerous. Council Member Hart stated that he would get with the Georgia Department of Transportation on this issue.

Council Member Anavitarte stated that I 285 would be widened in the next couple of years.

A lady asked what the codes were for putting children's playground equipment and TV satellites in the front yard. The Mayor stated that they could not keep these items out of front yards.

Council Member Anavitarte stated that the Georgia Environmental Protection Agency would allow the creek at English Oak Park to be re-piped without a variance. **This is according to an email received by Ronald Buice.** Council Member Anavitarte thanked Ronald Buice for his help in this matter.

Mayor Jenkins announced that John King would be coming home from Iraq in about 2 weeks. The Mayor asked all of the residents to put up yellow bows in Chief Kings honor.

A lady asked what happened to the Waffle House.

A lady stated that students were parking on the south east portion of Raymond Dr. They are parking close to the intersection and making it dangerous for the traffic flow. She asked if anything could be done about this. Mayor Jenkins stated that he would have the Police Department to check this out.

Tom Abbott announced that ARC would be hosting a Transportation meeting on May 16, 2006, at the Civic Center. Tom Abbott also stated that he had attended an ARC workshop on growth. These work shops are open to the public and Mr. Abbott encouraged others to attend.

A gentleman complimented the Mayor and Council for hiring a Planning firm.

Mayor Jenkins adjourned the meeting.

Ray Jenkins, Mayor

City Clerk