

CITY OF DORAVILLE
CITY COUNCIL MEETING MINUTES
August 7, 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 June 19, 2006 Council meeting. Council Member Hart seconded the motion. Motion carried with Council Member Spangler voting no.

Council Member Hart stated that the last minutes were altered. Mayor Jenkins asked the Clerk if this was so. The Clerk stated that the 06/19/06 minutes had been altered per Council Member Hart. Council Member Hart stated that he had asked the Clerk to type the portion pertaining to the Comp Plan verbatim.

Council Member Anavitarte stated that instead of wasting administrative cost, could we insert the tape into the minutes. Council Member Hart stated that it would be ok if the minutes were not changed every time. Council Member Anavitarte stated that at the last meeting Council Member Hart wanted the June 19, 2006 minutes tabled so that he could have something changed in the minutes.

Council Member Anavitarte made a motion to approve the minutes from the July 10, 2006 Council Meeting. Council Member Pittman seconded the motion. Motion carried with Council Members Hart and Spangler voting no.

Council Member Anavitarte made a motion to approve the minutes from the Called Council Meeting held on July 12, 2006. Council Member Pittman asked if these minutes had been altered. The Clerk stated that Council Member Hadden had changes to the minutes. Council Member Hadden stated that there was some thing left out of the minutes that were on the tape. Council Member Hadden stated that each of the Council Members need to review the minutes after the draft is completed to see if there are any changes that need to be made. Council Member Hadden seconded the motion. Motion carried with Council Members Hart and Spangler voting no.

Mayor Jenkins appointed Council Member Pittman as the Library Commissioner. Mayor Jenkins stated that he had appointed Council Member Pittman because she had been very knowledgeable in the interviews and works very closely with Hightower School.

Council Member Hadden asked the Mayor to develop a list of goals and responsibilities for any Council Member appointed to a Commissioner position . Mayor Jenkins stated that he had no problem with that.

Jim Ambrose stated that he had been a resident of the City of Doraville for 45 years and that he was also on the Planning Commission. Mr. Ambrose stated that the Planning Commission had been reviewing the proposed amendment to the Zoning Ordinance, 06____. If passed, it would make it a law for the City to spend money on variance questions that the City can't legally make a decision on. However; the new Zoning Code will rectify this legal impasse.

More importantly however, is that if 06_____ is passed; not only will the development company (currently Pond) have the legally mandated cart blanche on spending (zoning and variances) that Mr. Hart referred to in a recent debate with Council Member Hadden. Which is the spending of City monies, that the City chooses to be legally out of control of.

The second issue with this amendment is that it will establish the first leg of a paid City **Manager**; created by law here in this chamber; without a public referendum or even the vote as to the possibility of having a referendum that the Council could have voted on a few weeks ago.

Mr. Ambrose asked the Council why they were paying thousands of dollars to develop a new Zoning Ordinance when the City had an elected Mayor and Council and a free Planning Commission who was more than willing to help develop the new Zoning Ordinance. Mr. Ambrose asked the Council to turn against this and vote this down.

Stewart Anderson stated that he was a member of the Planning Commission, but he was stating his own opinions. These are things that he has thought about and drawn together and is in no way connected to the Planning Commission. Mr. Andersons stated that he had read the sections of the new Zoning Ordinance that had taken Pond Co. five months to develop and had came in the form of five generic templates. This draft of the Zoning Ordinance came forth only after some pressure was applied. The Zoning rewrite expenditures of \$105,000.00 were made on January 6, 2006 and Pond presented the draft on July 12, 2006. Mr. Anderson stated that he had problems with the Zoning & Development Review Process, the Buffer and Landscape requirements left out the R-1 residential zoning. These buffer requirements are to protect the existing neighborhoods. The draft also reduces the buffers from 75' to 40'. This is a generic template PUD management document. **Mr. Anderson stated that** Article 13 **Signs**, disturbs **him** somewhat, as proof of work done as importance. There are other areas of importance such as Stream Buffers and etc. The PUD Ordinance had been reinstated after the Council had deleted it.

Council Member Anavitarte asked Mr. Anderson what he was getting at.

Mr. Anderson stated three of the five issues are PUD supported issues. The Council had voted to delete it from the Zoning Ordinance. We asked for guidance from Pond and they brought back five issues. Three of the issues are in support of PUD

Council Member Anavitarte asked Mr. Anderson if he was asking for a legal clarification. Mr. Anderson stated that he was asking for consideration for whom we have hired and the performance of what we have got.

Council Member Anavitarte asked Mr. Anderson if this was the decision of the Planning Commission or the decision of the City Council. Mr. Anderson stated that this was his thoughts and not the Planning Commission. Council Member Anavitarte asked Mr. Anderson if he was aware that he is a member of the Planning Commission. Mr. Anderson stated that he was very aware of that.

Mr. Anderson stated that the five templates presented did not show very good performance much less faith. Mr. Anderson asked the Council to possibly break the contract with Pond and Co. for the Ordinance rewrite for non-performance. He is aware that this is late in the process.

Council Member Anavitarte asked Mr. Anderson if he found that it was appropriate to question contractual legal issues as a member of the Planning Commission.

Mr. Anderson stated that as a citizen he was asking for consideration of the thought.

Council Member Anavitarte asked Mr. Anderson again if he was a member of the Planning Commission. Mr. Anderson stated that he was a member but he was not speaking for the Planning Commission and that the Planning Commission had not voted on this issue and was not in this discussion. Mr. Anderson stated that it was late to change this process from the Pond & Co. but he is asking for the City to utilize on an on-call-basis another Planning Company which would be a better fit for the City and at a reasonable cost.

Mr. Anderson stated that they had comparisons for the expenditures that were made and other companies have stated that they would do it for considerable less. Mr. Anderson stated that there were several other companies who were willing to do the work and receive questions, Jenkins and Olson, Sycamore Consulting and Keck & Wood, etc.

Mr. Anderson asked the Council to consider the possibility of changing your allegiance with this group and consider some of these other people though the bidding process.

Mayor Jenkins asked Mr. Noonan if his camera was on. Mr. Noonan stated that it was. Mayor Jenkins asked Mr. Noonan to turn off the camera. Captain Brown stated that Mr. Noonan would have to have permission from the Council to video the Council meeting.

Mr. Noonan asked for permission from the Council to turn the camera back on. Council Member Hadden made a motion to allow Mr. Noonan to video the Council meeting. Council Member Spangler seconded the motion. Motion passed unanimously. Mr. Noonan was allowed to turn his camera back on.

Charlene Fang gave a brief update on the upcoming Dragon Boat Race in which the Doraville SWAT Team will be competing in the New York Dragon Boat Race. Ms. Fang stated that the team would be leaving for New York next Friday and hoped that the team would get in one more practice session before they left. Ms. Fang thanked the Council for helping with the expenses incurred in New York. Group pictures will be taken on August 11, 2006 at 11:00 a.m. and Ms. Fang stated that she hoped the Council would be present for the pictures. Ms. Fang thanked the Council again for their support.

Charlene Fang stated that the Hip Sing Association private parking lot was being used by the Cuban Club. The Hip Sing youth are using this facility and people at the Cuban Club are drunk when they leave the parking lot and break bottles in the parking lot. Ms. Fang asked if the Police Department could do anything to help. Chief King stated that his officers could not patrol a private parking lot but he could make sure the area was patrolled.

Council Member Pittman made a motion to hire Lynn Watanabe as the Library Director, Mrs. Watanabe has the qualifications and has passed the background check and drug test. Jim Draper had reviewed her application and had stated that she was the most qualified candidate for the job. Council Member Lowe seconded the motion. Motion passed with Council Members Anavitarte and Spangler voting no.

Council Member Pittman stated that a sex offender lived in the Tilly Mill area. A Judge had recently overturned a law that stated that the sex offender could not live within a certain distance from a bus stop. Council Member Pittman stated that the sex offender was monitored on a weekly basis. There are no sexual predators in DeKalb County.

Council Member Anavitarte stated that residents of Oakcliff had requested that the City of Doraville develop a Resolution opposing a commercial rezoning for the Stanley Steamer Company on McElroy Road. Council Member Anavitarte read the Resolution and made a motion to approve the Resolution and that it be sent over to Vernon Jones and the DeKalb County Commissioners ASAP. Council Member Hadden seconded the motion. Motion carried unanimously.

Council Member Anavitarte made a motion to allow the City Clerk to research the EPA Brownfield Grant and apply for grant money if applicable. Council Member Hadden seconded the motion. Motion carried unanimously.

Council Member Anavitarte made a motion to establish a moratorium on all commercial re-zoning, variances and development including the issuance of permits excluding remodeling and refurbishing existing buildings. This moratorium will allow for the

completion of the Comprehensive Land Use Plan and the adoption of the new Zoning Ordinance. The moratorium will begin tonight and end October 31,2006 at midnight. Council Member Hadden seconded the motion. Motion carried unanimously.

Council Member Anavitarte made a motion to remove the Domestic Partnership Ordinance from the table. Council Member Hadden seconded the motion. Motion passed with Council Member Lowe voting no.

Council Member Anavitarte made a motion to approve the 2nd reading of the Domestic Partnership Ordinance and approve the Ordinance. The City Attorney read the Ordinance. Council Member Hadden seconded the motion. Motion carried with Council Members Anavitarte, Hadden and Spangler voting yes. Council Member Lowe voted no and Council Members Hart and Pittman abstaining.

Council Member Anavitarte stated that the University of Georgia was conducting an impact study on the proposed annexation. An annexation map is being developed and will be presented to the University of Georgia as soon as it is developed. The annexation map and the UGA Study will be presented to the State Legislator this year.

Council Member Anavitarte reported that the Town Hall meeting on the redesign of English Oak Park was a big success. Citizen participation was good and the Council has received a lot of comments and suggestions. Comments and suggestion are still being taken from those who were not able to attend the meeting. Council Member Anavitarte and Council Member Spangler will receive your suggestions and comments. The City Clerk will also be receiving comments and suggestions and will turn these suggestions and comments over to MacTech. The final draft of the park redesign will be presented at a later date.

Council Member Hart made a motion to send out an RFP for Planning Services. Council Member Lowe seconded the motion.

A gentleman asked what proof did the City have that Pond & Co. was not doing the job that they were hired to do.

Council Member Anavitarte stated that the Council could not prejudge the work that Pond & Co, has done on the Zoning Ordinance. We have no evidence to judge whether the Zoning Ordinance is good or bad.

A gentleman asked who was responsible for dealing with Pond & Co. The Mayor stated that he was.

A lady asked if the City would loose the money it has paid on the Zoning Ordinance. Council Member Hadden stated no.

A gentleman asked what they had done. What have they violated?

Council Member Hart stated slow delivery and mistrust.

A lady stated that according to the minutes Pond & Co. was waiting on direction from the Council.

Council Member Hadden referred to the 07-12-06 minutes where Council Member Hart stated that Starbucks had fired Pond & Co. Council Member Hadden stated that she had spoken with the legal representative from Starbucks and the Pond & Co. had never been contracted to do work for Starbucks.

Council Member Hart stated that he had not stated that it was Starbucks.

Cat Sherlock stated that it is the Planning Commission's opinion that Pond & Co. is not being evaluated. They don't have much to show for 5 months of work.

A lady asked if any bench marks had been set for Pond & Co. and would it not be fair to set bench marks and then evaluate Pond & Co.

The City Attorney stated that he was told by Pond & Co. that the Zoning Ordinance was 40% complete.

Council Member Pittman stated that the City had asked for itemized bills. We were not getting these. Council Member Pittman also stated that Mr. Cohen was supposed to go look at property in conjunction with a variance request. He had not gone out.

Council Member Spangler stated that Mr. Cohen had asked for information from the Council. Some of the Council Members had given Mr. Cohen the requested information and some had not.

Council Member Anavitarte asked the Mayor what he and Mr. Cohen had talked about. The Mayor stated that he had talked to Mr. Cohen about the bills and that Mr. Cohen had asked for a 1 & 1/2 hour work session with the Council.

Council Member Pittman stated that she would like to give Mr. Cohen until October, when the Zoning Ordinance is finished, and then evaluate him.

Council Member Hart stated that he had a problem with the timeliness of plan reviews.

Council Member Hart tabled his motion until the next meeting.

Council Member Hadden asked about the check list for builders and developers.

Council Member Anavitarte asked for a progress report by this Friday on what Pond & Co. had done and where they were at on the Zoning Ordinance.

Council Member Hadden stated that the Council needed to meet with the Planning Commission.

Council Member Hadden stated that there was set charges for what Pond & Co. billed the City for.

Council Member Hadden stated that the Council needed to meet with Mr. Cohen, of Pond & Co. A work session was set for August 21, 2006 at 4:00 p.m. A Called Council meeting was set for August 21, 2006 at 5:30 p.m.

Council Member Hart stated that a portion of the Chestnut Street side walk had been poured on Saturday morning. Mr. Hart stated that some of the residents in Northwoods had paid concrete finishers out of their own pockets. Council Member Hart stated that they were going to build a bridge over the creek and then finish the sidewalk up to the Karaoke Bar. Mr. Hart thanked all those who had helped with the sidewalk project. Some of these volunteers had come out at 5:00 a.m.

A lady stated that she was very appreciative of all the volunteers who had worked on the sidewalk and who had contributed money to the sidewalk project. "It looks great", she stated. The lady did ask why the volunteers had to contribute money when \$5,000.00 was budget for the sidewalk project. Council Member Hart stated that the plans had cost \$2,100.00. DeKalb County has given 75 yards of concrete, some of the crusher run, rebar and wire for the sidewalk project. Council Member Hart stated that C.W. Mathis had given him a quote for the portion of the sidewalk, from the Karaoke Bar to Buford Highway, in the amount of \$30,000.00. Council Member Hart stated that they would have to put this section of sidewalk in themselves because it was not budgeted for.

Council Member Hart stated that he would like to see new street signs placed on the new light poles at the various intersections along Buford Highway. Council Member Hart is working with GDOT on this item.

A lady asked if the City's name could be placed on the street signs so people would know which town that they were in. Council Member Hart stated that he was working on it.

The City Attorney stated that this would be the 1st reading of an Ordinance to amend the **Speed Zone Ordinance for a School Zone** to allow for school hours from 7:15 to 8:15 am and 2:15 to 3:15 pm during school session. Council Member Pittman stated that this was the hours for the elementary school. The middle schools and high school have other hours. The City Attorney will research this matter before the 2nd reading.

The City Attorney stated that this was the 2nd reading of an Ordinance that would amend Sections 15-65 and 15-66 of the Litter Ordinance to define litter and prohibition of litter. Council Member Hadden made a motion to approve the amendments to Section 15-65 and 15-66 of the Litter Ordinance. Council Member Spangler seconded the motion.

Council Member Hart asked if this was the one with the leaves on it. The City Attorney stated yes. Council Member Hart asked if we were talking about outlawing leaves and pine straw here. The City Attorney stated that the definition is that it is for controlling when it is allowed to accumulate.

Motion carried with Council Members Hart and Lowe voting no. Council Member Pittman stated that she did not vote one way or the other because she does not understand it. The City Attorney stated that it is the definition that goes into the control of accumulation.

Mr. Hart stated that if you have a wooded area next to your house or behind your house you are going to issue people tickets for having leaves in the woods.

Council Member Pittman stated that she needed some more clarification on this matter and how would the Police Department go about enforcing it. What would they look for? What would they be looking for to enforce this?

After several questions and a long discussion on this Ordinance, Council Member Spangler asked for the adoption of this Ordinance to be tabled until the next meeting.

Council Member Hart stated that the Ordinance did not pass because there was only 3 yes votes. The City Attorney stated that the Ordinance had passed.

Council Member Hadden made a motion to rescind the motion to adopt the amendments to Sections 15-65 and 15-66 of the Litter Ordinance. Council Member Spangler seconded the motion. Motion carried unanimously.

The City Attorney stated that this was the 2nd reading of an amendment to the Zoning Ordinance Sections 1602, 1603, and 1604 that would include that a Certified Planner and the Planning Commission to review all rezoning and variance request, with the exception of administrative variances, and forward their recommendations in writing to the City Council at least 7 days prior to the public hearing and said recommendation shall be read at the public hearing. The City Attorney read the Ordinance.

Council Member Anavitarte made a motion to adopt the amendment to the Zoning Ordinance to include that a Certified Planner and the Planning Commission to review all rezoning and variance request, with the exception of administrative variances, and forward their recommendations in writing to the City Council at least 7 days before the public hearing and said recommendation shall be read at the public hearing. Council Member Pittman seconded the motion. Motion carried unanimously.

The City Attorney stated that he needed permission to be served in a lawsuit against the City instead of the City Council being served. Council Member Lowe made a motion for the City Attorney to be served in lieu of the Council. Council Member Spangler seconded the motion. Motion carried unanimously.

Richard Balentine stated that he was a member of the Planning Commission. Mr. Balentine stated that the Planning Commission had been reviewing the Pond 06____ Ordinance and Mr. Ambrose stated that the Planning Commission had gone over some of their concerns with the Pond 06_____ and what that implies.

Another concern that the Planning Commission has is that it put in a request to the City Council over 2 months ago for questions that the Planning Commission wanted answers to. Some of the questions is how can they get feed back from the City Council and the City Inspector. What is the difficulty in getting variance request to the Planning Commission? How many new buildings are in our neighborhood and who determined that these new buildings did not need a variance? What does the City hope to accomplish with the Planning Commission. What are your goals by having the Planning Commission? The Planning Commission still does not have information on how they are supposed to operate in conjunction with the City Inspector, the City Council and Pond & Co. The Planning Commission has been putting a lot of time into current Ordinance books and pretty much know when a variance would be needed. They don't have any variance request but the Planning Commission is expected to meet every other week. The Planning Commission would like for the City Council to give them something to do and the process to do it. You appointed us and we would like for you to use us for the good of Doraville...They would still like to have a written response to the questions that were asked over 2 months ago.

The City Attorney stated that the Planning Commission was only supposed to review and make recommendations on rezoning and variances. The Planning Commission was not established to review the Zoning Ordinance. Mr. Balentine stated that they were using it as a point of reference.

Council Member Hadden stated that the Planning Commission could use the copy machine at City Hall and if anyone had made out of pocket expenses, then speak with the Mayor about reimbursement.

The City Clerk asked why the Planning Commission was meeting every other week. Mr. Balentine stated that they were meeting twice a month not every other week. Mr. Balentine stated that they had been meeting twice a month because of the circumstances to get established and after that they will probably only meet once a month...

The City Clerk stated it was normal for a Planning Commission to meet once a month and to stay on a monthly schedule so that the meeting could be properly advertised.

Council Member Hart stated that the Building Official would be giving a monthly Building Department report. That way everyone would know what is going on.

Council Member Hadden stated that there are some buildings that would not need a rezoning or variance.

Chief King stated that his Department had been assisting the City of Chamblee with an open homicide that may have a connection with some criminal activity that is going on in Doraville. They are helping Chamblee out more than they have in the past. Their problems will eventually become our problems.

The Police Department had sent an undercover agent to a Barber Shop that was allowing illegal activities. The Barber Shop's business license was revoked by the City Council.

The Police Department served a search warrant at a house on Shallowford Road. The people at the house on Shallowford Road were selling drugs so the Police Department shut them down and put them in jail.

Chief King stated that he wanted to recognize two employees, Brandie Rodgers and Jamie Brown, who were very instrumental in helping the Police Department to achieve State Accreditation. Out of 714 Police Departments in the State of Georgia 100 of them are State Certified. It is a process where an agency gets tested and reviewed on policies and procedures by a group of experts. It is a hallmark of agency as to **where** you stand when you become State Accredited. **Chief King thanked Brandie Rodgers and Jamie Brown for all of their help during the review process.**

Chief King stated that the Doraville Police Department was now a State Accredited Agency and presented the City with a plaque.

Chief King stated that he had been working with the City of Sandy Springs to house their prisoners. This would bring in some revenue to the Police Department. Chief King stated that the jail was certified to hold prisoners up to three days but he is researching the matter in order to hold prisoners for a longer period of time.

Citizen's comments: Jackie Beyer announced that the next Senior Birthday luncheon would be held on August 16, 2006 at 11:30 a.m. The luncheon is held at the Civic Center. All seniors are welcome.

A gentleman stated that he was pleased with the new sidewalks and street lights along Buford Highway.

A gentleman stated that no thru truck traffic was allowed on Pontiac Circle, but the Police Department was not enforcing the no thru truck traffic.

Bonita Hoffmeister stated that the sidewalks along Buford Highway were dirty and stained. She asked if the City could get someone to clean the sidewalks.

A lady thanked the Mayor for getting a sign put up.

A gentleman applauded Council Member Hart for working in 97 degree weather to put in the sidewalk along Chestnut Drive.

Mayor Jenkins adjourned the meeting.

Ray Jenkins, Mayor

City Clerk