

CITY OF DORAVILLE
CITY COUNCIL MEETING MINUTES
November 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 6:00 p.m.

The City Attorney stated that the employee appeal hearing that had been scheduled has been canceled. Mayor Jenkins asked if that was item #11. The City Attorney stated that it was but Council Member Hadden had other things to discuss under item #11.

Council Member Anavitarte made a motion to approve the minutes from the October 2, 2006 minutes. Council Member Pittman seconded the motion. Motion carried unanimously.

Mayor Jenkins stated that he would table the report on the COPS Unit until the next meeting.

Charlene Fang was not present.

Sun Hui Mun was not present.

A representative from CMH2Hill gave a brief overview of the proposed contract with the City of Doraville. The contract offers 3 services:

1. Defines the storm water management process
2. Prioritizing capital improvement projects
3. Develop a revised budget for the Storm Water Utility Department

The total contract price is \$19,360.00.

The Mayor requested that the Council consider renewing CMH2Hill's contract for appraisal of commercial properties for storm water billing.

Council Member Hadden made a motion to approve the contract with CMH2Hill at a contract price of \$19,360.00. Council Member Lowe seconded the motion. Motion carried unanimously. **The work is to be completed by 12/31/2006.**

The Storm Water Inspector stated that he and Lee Walton had meet with representatives from DeKalb County on the English Oak Park pipe. It was agreed that replacement of 60' of the pipe and shotcreting the rest of the pipe would be the best thing to do. Lee Walton, with Mactech wants to do a Hydrology Study at a cost of \$5,500.00.

Council Member Hart wants the pipe replaced with 84" concrete pipe. Council Member Hart asked what the cost would be if the pipe is replaced with concrete. The Storm Water Inspector did not know.

The Storm Water Inspector asked the Council if they wanted the 60' of replacement pipe to be shotcreted also. The total cost for the project as a whole, including shotcreting the 60' of replacement pipe would be approximately \$312,119.00.

The Hydrology Study will determine if shotcreting the pipe will increase the water flow through the pipe.

Council Member Hadden made a motion to amend the agenda to add the English Oak pipe and the Mactech Hydrology Study. Council Member Anavitarte seconded the motion. Motion carried unanimously.

Council Member Anavitarte made a motion to approve replacing 60' of pipe and shotcreting the entire pipe at English Oak Park at an approximate cost \$312,119.00, and approve the Mactech Hydrology Study at a cost of \$5,500.00. Council Member Spangler seconded the motion. Motion carried with Council Member Hart voting no.

John Noonan stated that he would keep this short this evening. Halpern Park is a nice Park. It has a tennis court, ball field, pavilion and play ground equipment, and it has adequate parking and access to a foot path in the back. Both the parking and the access could be improved by incorporating a vacant lot owned by the City into the planning and redevelopment of this park. It would give better access for the people who live in the subdivision and would give more parking.

Mr. Noonan stated that Chicopee Park was also a nice park with a pavilion, playground equipment and open space. This park would be a nice place for a family gathering except for one major problem. There is no parking. You spent \$45,000.00 on a pavilion and you can't use it. So he would like to ask the City Council to add some parking to this park.

Mayor Jenkins stated that this was a neighborhood park and that the park was not designed to have parking.

Mr. Noonan asked where his park was. He lives in Homeland subdivision. How is he supposed to get to Chicopee Park with his 5 year old granddaughter?

Council Member Lowe stated that some parking was allowed along Chicopee Dr.

Council Member Pittman stated that the residents on Chicopee Dr. had asked the Council not to allow parking in the park. Council Member Pittman stated that the Council needed to revisit the parking issue.

Council Member Hadden stated that she would like for the City to consider adding parking to Chicopee Park. People could use the area for large gatherings.

Mr. Noonan stated that he recently had a birthday party for his 5 year old granddaughter and had 20 people in his house with 10 kids running around. It was a beautiful autumn day and we should have been spending the day down at the park. The problem is that walking down Winters Chapel may be hazardous to your health plus you may need a parade permit.

Mayor Jenkins stated that there was some property between the last house and the park that could be used as parking. Mayor Jenkins stated that he would look into this.

John Noonan thanked the Mayor and Council.

A representative for the Star Tower project asked the Council to postpone this agenda item until the next meeting. The Star Tower developer will have addition information to present to the Council.

The Building Official stated that he was not an Engineer and that he could not sign the FEMA Community Acknowledgement Form to take the Star Tower property out of the flood plain. This item was tabled until the next meeting.

Council Member Hadden stated that item # 8 should come after item # 11.

Council Member Hadden stated that Operation Turning Point was developed to deal with abandoned and vacant property. Council Member Hadden asked Susan Fraysee to come forth and give a committee report on Operation Turning Point.

Ms. Fraysee stated that the committee had been working hard on developing a spread sheet of all the residential properties in the City.

Ms. Fraysee stated that the committee had also been working on a Good Neighbor Flier. The flier would educate the residents on City Code and thank them for caring enough to maintain their property. The flier will be in several languages.

Council Member Anavitarte stated that the committee has been focusing on boarding houses.

Ms. Fraysee stated that 28 properties had been identified as having maintenance problems and owners had been located. Eleven of these owners had received a notice of violation letter and four of these properties owners had received citations. One of the property owners had brought the property into compliance.

Charlene Fang apologized for being late. She had not known that the meeting was starting at 6:00 p.m. instead of 7:00 p.m.

Ms. Fang stated that Summit Bank was merging with United Commerce Bank. The merger would allow for more services to be offered and better customer service. The merger will take place in early 2007.

Ms. Fang stated that she would like to recognize Canine Officer Velez for his community work with the Asian Community. Ms. Fang presented a framed photo to Officer Velez.

Council Member Hadden stated that there **were** parking violations going on at Yeshiva High School and people were speeding through the school zone. The property around the High School is not being kept up as it should be **and includes an abandoned engine block near the fence on the left side of the school.**

Council Member Hart stated that the Church had made agreements with people for parking but the rules for the parking are not being adhered to. People are parking vertically on the street and the rear of the vehicles is sticking out in the road.

Council Member Hart stated that people were parking **in the bike parking zone** making it impossible for the students to use the bike paths.

Mayor Jenkins stated that this matter will be looked into.

The City Attorney stated that this was the first reading of the proposed Litter Ordinance. The City Attorney went through the changes in the Ordinance and asked the Council Members to read the Ordinance and get any changes to him before the next meeting.

Council Member Hadden stated that the City of Doraville had a contract with a gentleman to assist and perform commercial and residential inspections to help with the work load in Mr. Entsminger's office. The City had used the gentleman only one time. The City Building Inspector had given the man 3 commercial inspections and the gentleman had performed the inspections in an hour. The Building Inspector had stated that there is no way that the man could have done the inspection in that amount of time.

Council Member Hadden had traced the gentleman down and found out that Mr. Campbell has a contract with the City of Chamblee to perform inspections and had worked for several other cities. The City of Chamblee **and several other cities including Lula, Duluth, and Auburn had contracted** Mr. Campbell to do inspections and gave Mr. Campbell very good recommendations **and stated that he was fair and they had no**

complaints. Mr. Campbell provides his own vehicle and insurance, such as his own liability insurance to protect himself and the City.

Council Member Hadden stated that she wanted to apologize to Mr. Campbell on behalf of the City of Doraville.

Council Member Hadden stated that the commercial inspections that had been given to Mr. Campbell, were in the same building and that is why Mr. Campbell could do the inspections so quickly. Council Member Hadden stated that the City of Doraville owed Mr. Campbell an apology and that he should be given another chance. Council Member Hadden stated that she felt like the Council had been misled about Mr. Campbell's certifications and qualifications as an inspector.

The Building Inspector stated that he had given Mr. Campbell 6 residential inspections and 3 commercial inspections and that there was no way that the inspections could have been completed in an hour.

Mr. Campbell stated that he would like to work for the City of Doraville but the Building Inspector would have to accept him before they could have a working relationship.

Mayor Jenkins stated that the City had placed a moratorium on building permits and that is why the City had not used Mr. Campbell. Mayor Jenkins stated that the building permit moratorium was now over and that the City would use Mr. Campbell's service again.

Council Member Hadden asked if Mr. or Mrs. Cooper was present. The Coopers had applied for a swimming pool permit and had spent \$900.00 for a topo. The Coopers are from the Northwoods neighborhood and bought one of the new homes on Chestnut. Mr. Entsminger was the inspector on the new houses on Chestnut. Council Member Hadden stated that she was not saying Mr. Entsminger was wrong or anything like that. Council Member Hadden stated that Mr. Cooper has a problem and we need to get it solved. He applied for a permit for a pool in his back yard. Mr. Entsminger having known those houses on Chestnut and was aware that those houses were in the flood plain. However a topographical survey was asked for and provided to the inspector by the Coopers. The topographical survey cost \$900.00 and Mr. Cooper still cannot get the permit. Council member Hadden was wondering if we needed Pond & Company to look into this matter since they do have Engineers on staff and see if there is not something we can do to help this gentleman. Council Member Hadden stated that we needed to do something about the flow of the paper work and give people some kind of a list and that is where we get into Mr. Hart's flow charts or a list. This would keep someone from going out and spending \$900.00 and then get turned down for something. The Coopers still do not have a permit to put in their pool.

Chuck Entsminger stated that the permit was received on September 14, 2006. The permit application was not complete at that time. We have to have the contractor or owner provide us with some drawings. Our maps do not show the exact flood

Plain and the owner has to submit engineered plans. The drawing was submitted on August 29, 2006. Chuck has tried to get FEMA and Georgia Soil & Water to approve the plans. They both stated that we would have to operate under our Ordinance. Mr. Cooper could not find the Ordinance and wanted a copy of the Code. The Code is a very large document. I gave him the code section. Chuck stated that he did not have the authority to sign off on anything that is in the flood plain.

Council Member Hadden asked the Inspector if the City needed to send this to Pond and Company. The Inspector stated that he did not have a problem with Pond & Company reviewing this.

Mr. Cooper stated that the original permits were applied for on August 4, 2006. The Coopers were on vacation and the pool company turned in the original application for the pool. There was a drawing on the survey. It did not have the flood plain located on it. If you look at the flood plain map, it has the flood plain drawn in all along Chestnut. There is no doubt that there is a flood plain there. I did give him the survey with the flood plain in early September. But even if it were early September it was still over a month to deny the permit.

Council Member Hadden stated that we were in the customer service business and owe the citizens our time and being polite and accommodating to them and she does not want to see anyone spending \$900.00 thinking they are going to get a permit and then they are out of luck and have wasted their money.

Mr. Entsminger stated that he had called FEMA and it took two to three weeks for them to return his call, what is he supposed to do. Mr. Entsminger had called Georgia Soil & Water and they were out of town on a convention for a week, what is he supposed to do.

Council Member Hadden asked Mr. Cooper if he was able to get through to Georgia Soil & Water. Mr. Cooper stated that he had gotten through to them in one day.

The gentleman, with Georgia Soil & Water, asked what the size of the pool was. Mr. Cooper stated that it was 17x34 and that the pool was in a flood plain. The gentleman said because of the size of the pool that they had no problem with the pool going in. Mr. Cooper told Mr. Entsminger what the gentleman for Georgia Soil & Water had stated and Mr. Entsminger stated that the ok was needed from FEMA, not Georgia Soil & Water.

Mr. Cooper had found a contact with FEMA and called and left a message. FEMA called him back and stated that they had no standing on the pool either way. It would be up to the City. This was near the end of September.

Council Member Hadden asked if the Council would allow Pond & Company to review the permit application and topo to determine if the pool would be in the flood plain.

Mr. Cooper stated that he had talked to Blue Haven and he has a statement from them stating that they have built pools in the flood plains in Georgia.

Council Member Hart asked if they were going to build the pool next to the rock quarry. Mr. Cooper stated that the quarry was at the edge of the property.

Mayor Jenkins asked if it was determined that the pool would be in the flood plain. Mr. Cooper stated that it was. It is 110' from the back of the deck to the center of the stream. The closest point to the stream buffer is 57'. You are talking about a long ways away from that creek.

Dan Cohen, with Pond and Company, stated that they would take a look at the plans.

Council Member Hadden stated that was all she wanted to hear.

Mrs. Cooper stated that they were not upset because the pool was denied. They are upset because we applied for it on August 4, 2006, and if there was a flood plain why were they not told up front instead of waiting three months and spending the money and paying closing cost on a loan and etc. to do this. Tell us up front.

The Administrative Assistant, for the Building Department, stated that the first time the pool company came in to inquire about a permit, the trees that were in the path of the swimming pool had not been taken out, nor had a permit been issued to remove the trees.

Council Member Hadden stated that Council Member Hart had suggested flow charts in a previous meeting so that people who were applying for permits would know what they needed to have when applying for a permit before they spent a lot of money. The flow charts will be addressed at the next meeting.

Item # 12 was tabled until the next meeting.

Mayor Jenkins called the 2nd public hearing to order to hear a zoning request, from Ashton Atlanta Residential to rezone 23.91 acres from R-1 to R-4 in the Carver Hills area.

Mayor Jenkins asked Dan Cohen, with Pond and Company, to come forth and read his report. The report is as follows:

The following conditions and administrative actions are recommended for the City Council and Mayor to consider regarding the subject development project. The imposition of such conditions prior to project approval and issuance of a land-disturbance permit will ensure that the development meets the needs of residents and city leaders while at the same time supporting the intent of local plans. Additionally, these conditions will ameliorate the impact of the increase in intensity/density of development on the proposed site.

A. DESIGN (site and buildings)

- Condition 1: Zoning is granted per the conceptual site plan; specific site development plans shall be submitted for land-disturbance permit approval and will indicate, along with all other City code requirements: (1) environmental constraints such as streams, floodplain, and associated buffers, and (2) any additional open space and/or land-use buffers agreed upon between the City and the applicant, as specified below.
- Condition 2: A 25 foot, exterior buffer shall be established around the project periphery along the side yard; a 6 foot privacy fence will be installed along the northern boundary adjacent to the apartments in the RM-100 zoning category.. Along the adjacent R-1 property boundary to the east, the buffer shall be 50 feet. Buffers shall be undisturbed or augmented to achieve visual screening. All buffer areas shall include a combination of over- and under-story with shrubs, and have evergreen species for 2/3 of the total.
- Condition 3: In addition to the recreational amenities area, all common areas and yards are to be sodded and landscaped. Total percentage of open space noted on the site plan.
- Condition 4: That developer agrees to contribute toward the improvements of local parks such as Halpern Park or Chicopee; not to exceed the amount of \$___ to be determined from cost estimates
- Condition 5: An exterior lighting plan shall be submitted for approval by the Mayor or designee; plan shall demonstrate that minimum light spillage is achieved, as well as fixture type and provision of pedestrian lighting.
- Condition 6: Provision for the buffer, landscaping and grounds maintenance required by the Zoning Ordinance shall be determined as per site plan and administered by Home Owner's Association. The developer is mandated to establish a Home Owners Association which will maintain all common areas.
- Condition 7: Prior to the issuance of any land-disturbance permit, a landscape plan shall be approved by City Engineer. The plan shall be approved if it includes: (a) plantings that achieve screening of retention ponds; (b) enhanced entrance landscaping (minimum 70% of landscaped area must be comprised of plantings with specie variety) with monument location, dimensions and materials schedule; (c) plantings for exterior buffer, that identify existing canopy retained and that added as needed to create screening. Prior to CO, applicant shall provide documentation from a

Certified Landscape Architect that plantings **were** installed per approved landscape plan.

Condition 8: Setbacks and buffer areas may be disturbed for detention, utilities and storm water management, as deemed necessary per engineering review and as allowed by Article XIX of the Zoning Ordinance (the Stream Buffer Ordinance).

B. INFRASTRUCTURE AND PUBLIC FACILITIES

Condition 9: Sidewalks shall be installed along roads interior to the project where it fronts entrances to units, as well as installed along entrance drive and entrance roundabout..

Condition 10: All utilities shall be buried underground.

Condition 11: A detailed traffic analysis/ study of the on and off-site impacts and potential changes that may improve service to and from the subject site shall be submitted for approval prior to site development. Per study results, applicant shall provide road and traffic improvements necessary, including those required for safe egress and ingress and minimization of traffic flow impacts.

Issues to note:

- Plan review for permitting should include review of plans that provide details of interior site transportation/circulation facilities for cars and people (control of vehicular ingress, egress, and circulation) in addition to street dedications and improvements, service roads and alleys, and constraints regarding on-street parking identified.
- Per the ordinance, new development would have to connect to sanitary sewer rather than septic systems currently serving the area.
- The City may wish to coordinate with DeKalb BOE regarding the impact of the project upon the schools.

C. ADDITIONAL ADMINISTRATIVE CONSIDERATIONS

- Applicant will ensure compliance with Future Development Map included in the 2006 Comprehensive Plan update.
- Failure to complete all site improvements should constitute non-compliance with these conditions.
- **PARKING:** Minimum requirement for all multi-family districts (including R-4) is 2 spaces. However, off-street parking for uses other than single and two-family

may be located up to 300 feet away from the residence along the nearest pedestrian walkway (See Sections 1202 and 1203 of Z.O.) For the one garage homes, I presume the second space could be in the driveway or in a nearby cluster.

- **BUFFERING:** Applicant should be directed to see Sections 1102, 1103, and 1104 for further specifications, including the requirement that buffers shall not be disturbed but only augmented with plantings to achieve visual screening purposes.
- **MINIMUM FLOOR AREA:** All dwelling units shall have two or more bedrooms. Two bedroom units shall have a minimum of 1,000 square feet and three or more bedroom units 1,200 square feet each plus an additional 200 square feet for each bedroom over three. (See section 906). The developer is proposing a 1700 square foot minimum, so this does not appear to be in conflict with the proposed townhome types.

NOTE: I have included some issues that are addressed in the Zoning Ordinance and do not need conditions *per se*; I draw your attention to them so that the City can exercise enforcement as appropriate.

Dan Cohen reminded the Council that his recommendation at the 1st public hearing was to deny the rezoning request but the Council could approve the rezoning request with conditions.

Dan Cohen stated that he had a meeting with the City Attorney and the developers on the proposed townhome development and had gone over the conditions with them.

Council Member Hart asked who all attended the meeting with the developers and who had authorized this meeting.

Dan Cohen stated that he and the City Attorney had meet with the developers and that Mayor Jenkins had authorized the meeting.

Council Member Hart asked how the conditions applied to the R-4 zoning.

Dan Cohen stated that it did not apply to the R-4 zoning but added to it.

Council Member Hart asked if the density, for the 23.91 acres, was approximately 12 units per acre.

Dan Cohen stated that the density was just over 11 units per acre.

Dan Cohen introduced the Traffic Engineer and the Civil Engineer and stated that if the Council had questions, his staff would be glad to answer them.

Council Member Pittman asked what would happen if the townhomes did not sell. Would they be turned into apartments or rental property.

Dan Cohen stated that only 20% of the units could be rental property. 80% of the units have to be owner occupied.

Mayor Jenkins stated that he wanted a condition added for a time limit for the townhome development to start construction or the zoning would revert back to R-1.

Council Member Hadden stated that Mr. Busher had promised her that the Homeowners Association would maintain all common area and the exterior of all buildings and that there would be a maximum of 255 units built in the development.

Council Member Pittman asked what the percentage of the common area was. Mr. Busher did not have percentages at this time.

Council Member Anavitarte stated that the City's Tree Preservation Ordinance must be adhered to.

Council Member Hart asked that if you put 12 units per acre and all that asphalt, where you are going to plant the trees.

Council Member Hart stated that you are painting a pretty picture, but where are the gates in the fence, where are the driveways, where are you going to put 12 units per acre, where are you going to put everything. Council Member Hart stated that he would like to see something specific not conceptual.

Mr. Busher stated that they would have to meet the development code, all the state laws, and all laws that relate to the Fire Marshals Office. The site plan will have to be reviewed and approved before we can build anything. There is a limit of 255 units for this development.

The Civil Engineer, for Pond and Company, stated that the site plan would have to meet all local laws, state and federal laws, and all laws pertaining to the Fire Marshall's Office. The Fire Marshall's Office will have to tell them how wide the streets can be and how tall the buildings can be.

Council Member Hart asked who, at the meeting that the City Attorney attended, decided what the requirements was for rezoning property from R-1, a neighborhood preservation district to R-4 multi-family. Who gave you the authority to do this?

The Traffic Engineer, for Pond and Company, stated that he had reviewed the traffic study and in fact had done his own. The additional traffic will have minimal impact on the area. The traffic will spill out onto the Access Road and then onto Peachtree Industrial Blvd.

Council Member Hart stated that there was already a traffic jam on Peachtree Industrial Blvd. southbound. Are you telling me that all the additional cars will not have an impact on this existing condition.

The Traffic Engineer stated that there was an existing condition, but the addition of approximately 67 cars added to the existing condition would not have an impact.

Council Member Lowe stated that a normal family usually had 2 cars per family. How did you come up with 67 cars when you have 255 units. If you multiply this times 2 it is 510 additional cars.

The Traffic Engineer stated that not everyone left or came home at the same time. This is the estimate of peak hours.

The Traffic Engineer stated that the townhome development will have minimal impact on the school system but that the City Council can check with the DeKalb School System.

Council Member Hart asked about all the traffic that will cut through to the schools.

Council Member Hart asked if the townhomes only had a 1 car garage. Mr. Busher stated yes. Council Member Hart asked where the other cars would be parked. Mr. Hart referred to an existing townhome community in the City where the driveways were not long enough to hold a car and the rear of the cars were out in the street.

Mr. Busher stated that the existing townhome community did not have anything to do with them. They build a quality product. The Council can visit any of their existing projects or go on line to see the developments that they build.

Bill Grossman, with the Dunwoody Homeowners Association thanked the Council for the opportunity to speak. Mr. Grossman asked the Council to delay the decision on this rezoning until a site specific plan can be produced. The Council would get a better idea of what the development would look like with a site specific plan.

Gerri Penn, Vice President of Zoning and Code Enforcement of the Dunwoody North Civic Association, stated that the mission of their association was to represent the Dunwoody North communities in city, county, and state issues concerning the Dunwoody neighborhoods. The Civic Association is supportive of responsible development which has enhanced their community. Ms. Penn asked the Council to defer voting on this issue until you are given a specific site plan that is firm on the number of units and other issues.

Ms. Penn stated that homes on their side of the creek north of Carver Circle already experienced flooding problems and they are concerned about the impact of such a huge land disturbance of these homes. The owners of these homes have no desire to deal with worse problems than they are already experiencing.

They are concerned about the traffic impact that 255 townhomes could create or cut through traffic on their neighborhood streets. Children already walk on the streets to get to school.

The City of Doraville is proposing to annex property on Van Fleet and Ridgeway. We are afraid of a domino affect of this type of impact and the effect that it will have on the environment.

The current conceptual site plan submitted to you calls for the interior private streets which allow the developer/builder to use the street as part of the lot size there enabling them to build more units with substandard lot sizes so that they would not be true R-4 lots. We have asked on two different occasions whether they are using the streets as part of the lot. Ashton Woods has replied they have not determined that yet. There is no great benefit to homeowners with a private street. They end up with a huge homeowners association assessment for a reserve fund for repair of the streets. I am not sure if they will be entitled to have trash pick up on a private street. There is no condition dealing with the length of the driveway and additional parking spaces. As you know, Avery Park is a one car garage townhome development with driveways too short to accommodate even a car like a Nissan Altima.

If you pass this rezoning, we would appreciate it if you could make as a part of the conditions, an enforceable buffer zone with a brick wall or decorative fencing so that upon occupancy, **owners** cannot take down trees and disturb the buffer zone.

In closing, I hope you will take into consideration our concerns about the negative impact this rezoning could have on our community now and in the future. Thank you for affording me time to speak on behalf of the Dunwoody North Civic Association.

Mark Forsling, Attorney for Ashton Atlanta Residential, stated that they had complied with all of the requirement set forth in the Zoning Ordinance and had submitted everything that was required. A site specific plan is not part of the zoning requirements. DeKalb County does not require a site specific plan.

Mr. Forsling stated that he did not know if the project could be built with some of the conditions. The buffer requirements and the required sidewalks would take up property designated for townhomes. The City does not have impact fees so therefore the development should not be required to contribute to the parks.

Council Member Anavitarte asked Mr. Forsling what **were** the item numbers for the conditions that he was in conflict with. Mr. Forsling stated that the item numbers were 2, 4, & 9.

Council member Lowe stated that he would like to see a specific site plan.

Mr. Forsling stated that a specific site plan cost in excess of \$200,000.00. You do not put that kind of money into property before it is rezoned.

Council Member Hart asked what would happen if you get the zoning and the project cannot be built.

Mr. Forsling stated that they had a certain amount of time between the zoning hearing and the closing to have the engineering done and a specific site plan drawn. If they cannot build the project, then they will not purchase the property.

Council Member Hart stated that he wanted to see a specific site plan that located the streets, building, driveways, buffers, etc. Council Member Hart wants to see the whole picture before the property is rezoned to R-4.

The design engineer, who drew the conceptual plan, for Ashton Atlanta Residential, stated that it was normal to draw a conceptual plan for a rezoning hearing. The engineered site plan would come later.

Council Member Pittman stated that she had gone to the web site of Ashton Atlanta Residential and was impressed with their developments.

A representative for the Carver Hills area stated that the Council needed to concentrate on Doraville. Representatives from Dunwoody had spoken but they were not part of Doraville. The residents of the Carver area have been waiting over a year to sell their property. The representative from the Carver Hills area stated that this development would be a benefit to the Carver Hills area and to the City of Doraville. The representative asked the Council to approve the rezoning request.

Pete Scott, another representative from the Carver Hills area, asked the council to look into their hearts when making a decision on this rezoning request. Mr. Scott stated that no one in their right mind would cut through Dunwoody to try to avoid the traffic. Dunwoody has its own traffic problems. Mr. Scott stated that the people who would buy the townhomes would be concentrating on making money to pay for them and not be concentrating on making babies. Mr. Scott stated that there was a stream on the property but no one in the Carver Hills area has ever had any problems with flooding.

A Baptist Minister stated that he had been a citizen of Doraville for over 25 years. He had always had a good relationship with former Mayor Lively and the current Mayor Jenkins. The Minister stated that people perished without a vision. The people of Carver Hills have a vision of something much better than what is there now. The people are united in their vision. The Minister stated that he would like to keep Doraville a good place to live and asked the Council to approve the rezoning request.

Susan Fraysee stated that she was a 22 year resident of the City of Doraville and had served on the Steering Committee for the Comp Plan. Ms. Fraysee stated that this townhome development would be good for the City.

Stuart Anderson stated that the Planning Commission had recommended rezoning of this development with conditions. Mr. Anderson asked the Council if they had considered the Planning Commissions recommendations. Mr. Anderson stated that a lot of questions still needed to be answered. Mr. Anderson would like to see the answers to be answered in writing before a decision of the rezoning is made. The Carver Hills people had come together and have come up with a plan but the questions need to be answered.

Council Member Hadden stated that four of the Council Members had gone to the Dunwoody Homeowners Association last night and most of the people thought it was the appropriate use of the property.

Dan Cohen stated that the zoning map would be amended to allow for R-4C. R-4 zoning with conditions and would have to be built with these conditions. If the property is sold to another developer the same conditions would apply.

Mayor Jenkins asked the Council Members if they had any questions or concerns.

Council Member Anavitarte stated that on item # 4, he would require that the developer pay the City \$300,000.00. The \$300,000.00 would be split equally between Halpern Park, Autumn Park, and English Oak Park.

Council Member Spangler stated that he agreed with Council Member Anavitarte on the \$300,000.00 for the parks and the way the money would be split.

Council Member Hart stated that the City already had storm water problems, and was spending a lot of money to repair the pipe in English Oak Park.

Mayor Jenkins asked Council Member Hart what this had to do with the Carver Hills area.

Council Member Hart wants a specific site plan with all streets, buffers, houses, fences, and driveways shown on the site plan. Council Member Hart wants all concrete storm drain pipes in the development. Council Member Hart wants the streets in the development to be public streets, not private.

Mark Forsling stated that it would be almost impossible for this development to be built with public streets. This is a condominium development with the homeowners association owning all of the streets and maintaining them.

Council Member Hart wanted to know if the Police Department could enforce traffic laws on private streets.

Chief King stated that the Police Department could enforce everything except speeding.

Council Member Hart wanted to know who was going to incur the cost of putting in water and sewer lines. Mr. Cohen stated that the developer would be paying for all of this.

Council Member Anavitarte stated that he wanted other conditions added to this rezoning request.

- The developer will pay the City \$300,000.00 for City Parks. The money will be split equally between Halpern Park, Autumn Park, and English Oak Park.
- If the project is not started within one year the zoning will revert back to R-1 neighborhood preservation district.
- The maximum of a 255 unit limit on the number of units that can be built.
- The Tree Ordinance will take precedence over the Landscape Ordinance.
- 20% of the units are limited to rental property. 80% of the units will be owner occupied.

Dan Cohen stated that if the rezoning is approved the Comp Plan would have to be revised to allow for R4C zoning in this area.

Council Member Hart stated that the ink was not dry on the Comp Plan and you already wanted to change it.

Mark Forsling stated that they had complied with everything that the Zoning Ordinance had required and stated that he thought the conditions were harsh.

Council Member Pittman made a motion to approve the rezoning request for Ashton Atlanta Residential to rezone 23.91 acres on Carver Drive and Carver Circle from R-1 to R-4C with the conditions **set forth by pond and Company and the additional conditions as stated by Council Member Anavitarte:**

Additional Conditions:

- The developer will pay the City \$300,000.00 for City Parks. The money will be split equally between Halpern Park, Autumn Park, and English Oak Park.
- If the project is not started within one year the zoning will revert back to R-1 neighborhood preservation district.
- The maximum of a 255 unit limit on the number of units that can be built.
- The Tree Ordinance will take precedence over the Landscape Ordinance.
- 20% of the units are limited to rental property. 80% of the units will be owner occupied.

Council Member Spangler seconded the motion. Motion carried with Council Members Hart and Lowe voting no.

The City Attorney handed out copies of the amended No-Parking Ordinance. Some Council Members had questions and concerns. The first reading of the Ordinance was

approved and Council Member will get the City Attorney changes to the Ordinance before the second reading.

Council Member Hart stated that the speed limits were not uniform throughout the City. He would like to see the speed limit on Buford Highway lowered to 35 MPH and 25 MPH on all residential streets.

Chief King stated that 7 pedestrians had been struck on Buford Highway. Lowering the speed limit might help this situation.

Chief King asked the Council to approve a traffic study and allow him to apply to the State to lower the speed limit.

Council Member Lowe made a motion to allow Chief King to get the necessary traffic studies done on Buford Highway and residential streets and apply to the State to lower the speed limit. Council Member Spangler seconded the motion. Motion carried unanimously.

Council Member Hart stated that there were lots of illegal signs on Buford Highway and wanted to get the Maintenance Department to remove all the illegal signs. Mayor Jenkins stated that the Maintenance Department had all they could do and directed Council Member Hart to remove the signs himself.

Council Member Hart stated that bricks would be sold for \$65.00 each to finish the Chestnut Street sidewalk. City Hall will receipt and account for the money. The person who buys the brick will have their name on it.

The City Attorney stated that this was the 2nd reading of the amended Ethics Ordinance. The City Attorney had checked with GMA to see if this would affect the City of Doraville being a Certified City of Ethics.

The City Attorney stated that the Chairman of the Ethics Committee had recommended some changes. The City Attorney went over the changes. The only change that was not accepted was the paragraph that required all the Council Members to vote yes to remove an Ethics Committee member. It will remain that an Ethics Committee member can be removed with majority vote.

Council Member Hart stated that he objected to the proposed amendments, Council Member Hart stated that this would create a hardship on appointed board members and employees. The Current Ethic Ordinance only addressed Council Members and the Mayor. Employees are being attacked. Council Member Hart stated that he had been attacked at a Council meeting and could not vote on the situation. The Council is divided and one half of the Council is trying to eat the other half. Employees and or board members could be dismissed for no reason.

Council Member Anavitarte made a motion to approve the amended Ethic Ordinance with the change mentioned above. Council Member Hadden seconded the motion. Motion carried with Council Member Hart voting no and council Member Lowe abstaining.

The City Attorney stated that the part of this Ordinance that pertained to employees needed to be added to the Employee Handbook.

Council Member Anavitarte made a motion to waive the first reading of an Ordinance that would incorporate the Ethics Ordinance into the Employee Handbook. Council Member Hadden seconded the motion. Motion carried unanimously.

Council Member Hadden made a motion to approve an Ordinance to incorporate the Ethics Ordinance into the Employee Handbook. Council Member Anavitarte seconded the motion. Motion carried unanimously.

Stuart Anderson, Chairman of the Planning Commission, stated that he had already spoken.

Chief King gave a **statistics** report and asked that the report be attached to the minutes.

Citizens Comments: Susan Crawford asked what the City was doing for the needy for the Holidays.

Council Member Pittman stated that the City itself was not allowed to collect donations for the needy. Hightower School was doing a food drive and anyone who wished to contribute can do so at the school.

Council Member Hadden stated that IOH, on Buford Highway, also helped the needy and anyone who wished to contribute can contact them.

Mayor Jenkins reminded everyone that it was time again for the Mayor's Motorcade. All donations will go to the Atlanta Regional Mental Hospital.

Linda Rollins stated that trucks were still parking in the shopping center parking lots. Ms. Rollins asked if anything could be done about this.

_____Ray Jenkins, Mayor

Attest; _____
City Clerk