

CITY OF DORAVILLE
CITY COUNCIL MEETING MINUTES
June 19, 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 5, 2006 Council meeting.

Council Member Hart seconded the motion. Motion carried unanimously.

Council Member Pittman made a motion to approve \$700.00 for expenditures at the GMA Convention. Council Member Lowe seconded the motion. Motion carried with Council Member Anavitarte voting no.

Council Member Hadden made a motion to approve the low bid from Gwinnett Fence Co. at \$10.85 per foot for 6' high fencing and \$15.38 per foot for 8' high fencing to be placed around the Maintenance Department property. Council Member Lowe seconded the motion. Motion carried unanimously.

Council Member Lowe made a motion to approve the low bid from Cobb Tractor at \$3590.00. The bid was for 2 six foot finishing mowers. Council Member Hadden seconded the motion. Motion carried unanimously.

John Ford, with Robert and Company, stated that this is the proposed motion to transmit the Community Agenda portion of the Comprehensive Land Use Plan Update to the Atlanta Regional Commission and the Department of Community Affairs. When the State of Georgia redrafted the requirements for the adoption of Comprehensive Planning it made it effective on May 1, 2005, they required that you submit essentially three documents. One is the Citizen Participation Plan, another is the Community Assessment, and both of those documents were submitted to the Atlanta Regional Commission and the Department of Community Affairs. They were identified as being complete and submitted and have been included in the third component which is the Community Agenda. The Community Agenda for the Comprehensive Plan includes the proposed future character areas, descriptive text, and includes several other components

all which have been included in the draft before you. Essentially when you adopt the motion, the motion is adopting the plan to be transmitted. It is not officially your adoption of a Comprehensive Plan. When you include a Comprehensive Plan document, I want people to understand that this is not a zoning instrument. That is a completely separate item that is governed by the Zoning Ordinance. The Comprehensive Plan is intended to be a prescriptive instrument. The basic purpose behind Comprehensive Planning is to plan for quality growth and helps local government invest taxpayer money wisely. It helps to insure that private property rights are protected, and helps to make sure with better decisions about where zoning will occur and how the cost of development will be met. Other benefits include cost savings, environmental protection, increased economical development potential, and increased public health. These are items from the Department of Community Affairs web site specifically identified as to why should we be planning or why should they be requiring the Comprehensive Plan and the adoption. The date for adoption is required for the City of Doraville along with all of the other municipalities in DeKalb County itself, and the municipalities are required to submit and have an adopted and approved Plan by October 31, 2006. Failure to adopt the Comprehensive Plan results in the revocation of the City's status as a qualified local government, and therefore means that State funding might be in danger of being cut off to the City if the Plan is not adopted by October 31, 2006. This does include Georgia DOT funding. The State is very insistent that the Plan be prepared and the plan be forwarded to DCA and ARC for approval. This document has been studied several times; we have had several public meetings to discuss potential changes. You have received copies of the most recent Plan.

Council Member Hart asked if the June 9, 2006 version was the latest version. Mr. Ford stated that it was dated June 19, 2006 but was identical to the June 9, 2006 version except for a review of the old short term work program from 1994 to 1998.

As we discussed earlier this is intended to be a Plan to help guide your future growth and is intended to identify what you can or could do. Some of the concerns raised in the public meeting were that the types of land uses that would be allowed under certain types of land use categories and character areas. This Plan gives you a menu of different types of land uses that can be accomplished in the character areas. I think that we have addressed most of the issues. I know that we have several close critical calls where we have made a specific recommendation. These are very close issues and the Representatives from Robert and Company have used their expertise concerning these issues. Mr. Ford stated that he believed the Council had a good strong instrument before them and he believes that the documentation satisfies the planning process and Representatives, from Robert and Company, present this to you for your adoption of a motion to transmit this plan to the Atlanta Regional Commission and the Georgia Department of Community Affairs.

I think that you have some specific elements that you want to address in the plan.

Mayor Jenkins asked Mr. Ford to go step by step on the changes that the Council had recommended.

Changes to be made to the Comp Plan are as follows:

- No new duplexes or apartments in the Neighborhood Preservation Districts
- Carver Hills area is to be a Neighborhood Preservation District with single family dwellings
- Delete page 6
- New Peachtree Road from I-285 to the Clinicare Building is to be designated for mixed use.
- Delete loft apartments, town homes, and condos from the Town Center area
- Delete town homes and condos from the Tilly Mill Road area
- The map will be re-drawn to show the correct city limits on Beacon Drive
- Shallowford Road, south of Buford Highway, area will be designated as single family dwelling and become part of the Neighborhood Preservation District
- The west side of Buford Highway from I-285 to Longmire will be designated as mixed use
- The short term work program will be transmitted as a draft only, with a final revision to follow

The short term work program was included but was based on some previous information. The short term work program identified projects that have been recommended as part of the planning process. These are recommendations for future consideration by the City Council and their inclusion does not obligate the City of Doraville to complete these projects but to use the short term work program as one potential source for future projects for the City. There are some projects in the short term work program that the Council would like to reconsider so Mr. Ford's suggestion is to adopt the plan with the exception of the short term work program and stated that the short term work program will be redefined in the immediate future and submitted as a part of the plan shortly after the transmittal of the plan. This is a part of the document that DCA and ARC will request; however since it includes some previous projects that may be deleted, the Council will need to meet again on those particular projects.

Council Member Hart asked if the Council was going to transmit the short term work program. Mr. Ford stated that the Council could include the short term work program stating that is a draft with a revision to follow immediately thereafter. That way it will start the review process. Mr. Ford's major concern right now is that the 120 day review period has passed. The ARC and DCA do need 90 days to review the Comprehensive Plan. If they have less than 90 days they may not be able to complete the review process.

Mayor Jenkins asked the Council if everything had been covered.

Council Member Anavitarte made a motion to approve the transmittal of the Community Agenda portion of the Comprehensive Land Use Plan Update with the changes listed above. Council Member Spangler seconded the motion. Motion carried unanimously.

Council Member Lowe stated that the Maintenance Department would be putting up a bulletin board to eliminate the clutter of paper work on the City Hall doors.

Council Member Anavitarte tabled items # 9 through 12 until a called meeting on June 22, 2006.

Council Member Hart stated that there was enough money in the budget to have plans drawn for sidewalks along Central Avenue and new street signage. Council Member Anavitarte asked Council Member Hart to table this item until the July 10, 2006 Council meeting.

Council Member Hart stated that the City needed a new logo that would give the City a new image. Council Member Hart was asked to table this item until the July 10, 2006 Council meeting.

Council Member Hart stated that the City needed to be reviewing the Zoning Ordinance as it is being written. Council Member Hart is worried about the architectural standards for buildings that will be built in the City.

Council Member Hadden stated that the architectural standards had been her soap box for a long time. The look and feel of the City needed to be changed and the architectural standards would insure a new image for the City.

Council Member Pittman made a motion to waive the 1st reading for an Ordinance that would amend Section 5-36 to require a maximum grass and weed height to be no more than 10" in height. Council Member Lowe seconded the motion. Motion carried unanimously.

Council Member Lowe made a motion to approve the amendment of Section 5-36 for grass and weed height. Council Member Hart seconded the motion. Motion carried unanimously.

Council Member Anavitarte made a motion to waive the 1st reading of an Ordinance that would amend section 6-5 and 6-7 pertaining to litter. Council Member Hadden seconded the motion. Motion carried unanimously.

Council Member Anavitarte made a motion to approve an Ordinance to amend Section 6-5 and 6-7 pertaining to litter. Council Member Pittman seconded the motion.

Council Member Hadden made a motion to approve the 1st reading of an Ordinance that would amend Sections 15-65 and 15-66. Council Member Lowe seconded the motion. Motion carried unanimously.

Council Member Hadden made a motion to waive the 1st reading of an Ordinance that would change the hours of closing for business who sold alcohol, malt beverages, and wine from 4:00 am to 1:55 a.m. Council Member Spangler seconded the motion. Motion carried unanimously.

Council Member Anavitarte made a motion to approve the Ordinance that would change the hours of closing for a business who sold alcohol, malt beverages, and wine from 4:00 a.m. to 1:55 p.m. The Ordinance would become effective 90 days after the passage of this Ordinance and the City Clerk was instructed to notify all the businesses that would be affected by this Ordinance.

The Ordinance that would amend the Animal Control Ordinance was tabled.

Council Member Anavitarte made a motion to approve the 1st reading of an Ordinance that would amend Section 1403 of the Zoning Ordinance. Council Member Hadden seconded the motion. Motion carried unanimously.

Council Member Lowe made a motion to approve the 1st reading of an Ordinance that would amend the Employee Handbook to require back ground checks for all new hires and transfers. The Ordinance also amend the Rehire/nor rehire Policy. Council Member Pittman seconded the motion. Motion carried unanimously.

Kat Sherlock gave a brief update on the June 14, 2006 Planning Commission meeting and stated that the next meeting would be held on June 28, 2006 at 7:00 p.m. the meeting will be held at the Civic Center and everyone is invited to attend.

Stewart Anderson read the Waffle House variance consideration as written by the Planning Commission:

Waffle house variance considerations

Section 1201; shall provide off – street parking and loading space in an amount sufficient to meet the needs..... No loading dock

To further address this issue: under parking and loading spaces required for taverns and restaurants: parking places are to be one for each three seats plus one for each employee on the largest shift; and under loading “one” is the requirement.

1202: parking spaces shall not be located more than 300 feet in distant from such use, measured along the nearest pedestrian walkway.....to get to some of the “new” parking places “created” [that aren’t new at all but the fire lane from the back of the complex] it is more than 300 feet in a straight line and you walk in traffic lanes to get there. There is not a pedestrian walk way.

1203: In that there are more parking places drawn in, around the waffle house site plan, than are apparently necessary for the proposed seating and employees; I surmise the compact parking on the back of the waffle is to “give” the bank or what ever moves

into the existing building in that corner of the complex; some more parking places while restricting the traffic flow around the bank building to a single lane. The drawn in compact spaces are not on the waffle house property; making the w.h. appear to be providing lots [pun] of parking. [a little visual comfort to the observer of the site plan.

A one way lane between the proposed w.h. and the existing building also restricts any further expansion of that existing building by foot print or elevation. I don't see this as proper adaptive re-use of this space; i.e. not good planning for the city. [more on this restriction later]

1205: subsection [3] "where 90 deg. Parking is utilized, all interior driveways shall be a minimum of 24 feet in width....." This brings up a couple of issues one of which Dan made a strong issue of.

The first observation we made was; [in that the site plan was not dimensioned] [this being our agreement with POND] by using fine measuring tools the end of the parking lot lines as drawn are two feet short giving the required 24 feet between the end of the w.h. and the end of the "full size" single parking spaces. I might be proven wrong by subsequent documents or measurements but I felt this to be rather cleverly done.

The other issue brought by the dimensional question is that the whole complex needs to be dimensioned for correct and honest considerations when one or more buildings are connected by a parking lot; and that the business types be delineated. [all structures and their requirements need to be taken into consideration]

If the planning commission was a planning commission and not a zoning variance only consideration group then the following questions might be addressed and should be addressed by the c.c.

New construction restricting the traffic flow for existing structures, and the acknowledgment of the restriction of expansion of existing structures.

i.e. the "bank building can't expand it's foot print or elevation due to parking requirements impacted by the w.h. requirements will surely be ground for law suit by the owners of existing structures that are "restricted". Poor use of the adaptive reuse concept.

Disregarding the curb cut / acceleration lane onto 285 situation. The existing curb cut doesn't exist, but is in fact the acceleration lane onto 285; i.e. when G.D.O.T. decides that this is indeed not a curb cut there will be a rather serious encroachment into the parking places and toward existing buildings on site now. Not very conscience planning.

Not taking into consideration "non existing legislation" that should affect all new construction where in, all new construction in the city needs to have a provision where in such construction is responsible for run the off of storm water generated by it's impervious surfaces. Reference the fight we seem to be having over the clarification of our current stream buffers / storm water management. [& need I mention the pung me wall and 4101 Windsor oak?]

Two other items:

Reference to the parking spaces per restaurant seat; the p.c. was not informed how many chairs were to be in this waffle house, for consideration purposes. [at a later date we were]

And the most entertaining concept in this proposal is that you can take a finite space i.e. a parking lot and put a building on it, and create more parking places; apparently, not taking up any space with the building. i.e. Waffle House; “total net increase in overall parking spaces - 11 spaces”

The Waffle House presentation stated that the building would occupy a four parking place – space. That would be 750 sq. ft. The building foot print in the site plan provided, scales to approx. 3,369 sq. ft.

The planning commission recommends against the Waffle House construction.

Council Member Anavitarte asked if the Planning Commission’s recommendation to deny the variance request was subjective or objective.

Mr. Anderson stated that only the section concerning much needed storm water and steam buffer legislation was subjective in that those areas of concern to the City that weren’t being addressed by the Council at present.

Mr. Anderson stated that he appreciated Chuck Entsminger’s defense of quality development considerations during the previous exchange concerning the w.h. proposal. He felt that it was inappropriate.

Chief King had nothing to report.

Citizen’s comments: A lady asked how the search for the Library Director was coming along. The Mayor stated that DeKalb County had sent over three applications for the Council to look at.

A lady asks about dangerous dogs and was the owner not supposed to have liability insurance on the animal. Council Member Hadden stated that the animal had to bite some one first before it could be declared a dangerous animal.

A gentleman asked if the vote on the transmittal of the Comp Plan had been unanimous. The Mayor stated that it had been unanimous. The gentleman thanked Chief King for serving in Iraq and stated that he was glad the Chief was back.

The gentleman stated that he hoped the Council was happy with their vote and asked the Council what they had done to improve the Carver Hills area. The Council had done nothing to get a sewer line into the Carver Hills area. The Mayor stated that the water and sewer was served by DeKalb County. The gentleman stated that the Council’s decision was a mistake and wanted to know why it was so convenient for the Council to change the Future Development Map for Carver Hills from mixed use back to single family residential.

A gentleman asked when the decision to change the Carver Hills area was made. He asked when the Council had met to make these changes. The Mayor stated that the changes had been addressed at the 4:00 work session and were voted on at the Council meeting. The gentleman asked again, why the Council changed the Carver Hills area from mixed use to single family residential.

Council Member Hart stated that the Council had gone page by page of the Comp Plan, at the work session, so the Council could vote on the changes at the Council meeting.

The gentleman asked if there had been other meetings. Council Member Hart stated that he had met with Council Members Lowe and Pittman to discuss the Short Term Work Program. The gentleman asked how many Council Members it took to make a quorum. Council Member Hart stated that it took four Council Members.

A lady stated that the Carver Hills people had come to three meetings and stated their desire for the Carver Hills area to be mixed use. The lady asked why the Council was not listening to the voice of the Carver Hills people.

Mayor Jenkins adjourned the meeting.

Ray Jenkins, Mayor

City Clerk