

CITY OF DORAVILLE
CITY COUNCIL MEETING MINUTES
October 2, 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.

Mayor Jenkins asked for a motion to approve the September 5, 2006 minutes and the minutes from the Called Council meeting held on September 14, 2006. Council Member Pittman made a motion to approve the minutes from the September 5, 2006 minutes and the minutes from the Called Council meeting held on September 14, 2006. Council Member Anavitarte seconded the motion.

Council Member Hart wanted the minutes to be typed verbatim. The City Attorney explained that the minutes were a summary of action taken at the Council meetings and not a transcript. Council Member Hart stated that the City Clerk did not type the minutes correctly.

Mayor Jenkins asked Council Member Hart if he had changes to the minutes. Council Member Hart stated that the minutes were different from the tape. Mayor Jenkins asked Council Member Hart if he had listened to the tape. Council Member Hart stated no, that he was at the meeting.

Mayor Jenkins called for a vote on approving the minutes. Motion carried with Council Member Hart voting no.

Mayor Jenkins stated that he did not have the bids for the **handicap** bathroom, at the DUI School building. The bids have not come in.

Mayor Jenkins stated that he and the Finance committee had worked together to get the best interest rate for the following:

Renewed \$2,800,000.00 in CD's at First Intercontinental Bank at 5.75%
Renewed \$1,000,000.00 in CD's Summit Bank at 5.88%
Renewed \$1,200,000.00 at First Intercontinental Bank at 5.90%

Mayor Jenkins stated that he would move the Public Hearing, for the rezoning request for the Carver Hills area up on the agenda. Mayor Jenkins stated that there **were** sign-in

sheets for those who wished to speak for or against the rezoning. No one would be allowed to speak unless they had signed the sheet. Mayor Jenkins stated that there were disclosure forms for those who wished to speak. The disclosure forms must be filled out and signed before they speak.

Mayor Jenkins asked Dan Cohen, with Pond & Co. to come forth and give his report. Pond & Co. is the City's contract Planner.

Mr. Cohen's report is as follows: **ZONING REVIEW TRANSMITTAL**

A review of the Rezoning request on the property has been completed.

Background:

REQUESTED ACTION: Applicant is requesting a rezone from R-1 Single-Family Residence to R-4 Multiple Family Residence (Condominium, Cooperative and Townhome)

PROPOSED USE: Residential Townhome Subdivision, 255 units proposed

SITE INFORMATION: 23.91 Acres, currently occupied by 25 single family homes on large lots (avg. 1 acre)

(Size & Boundaries) Bounded by I-285 to the south/southeast, Peachtree Industrial Boulevard to the east, residential developments to the north and west

SURROUNDING ZONING North - Dunwoody (Unincorporated DeKalb RM-100 and R-15)

DISTRICTS: South - City of Doraville across I-285 (R-1)
East - City of Doraville (R-1 and O-I)
West - Dunwoody (Unincorporated DeKalb RM-100)

SURROUNDING LAND USES: North - Residential
South - Residential
East - Office-Institutional and Residential
West - Residential

FUTURE LAND USE MAP (1994): Residential

FUTURE DEVELOPMENT MAP (2006): Neighborhood Preservation District

SUBJECT PROPERTY HISTORY: There have been no previous rezones approved for this property (R-1)

ACCESS: Peachtree Industrial Boulevard and local access road

Analysis:

Consistency with Comprehensive Plan Future Development/Future Land Use

The current Comprehensive Plan for the City of Doraville was adopted in 1994. The City of Doraville recently completed its Comprehensive Plan Update several months ago. The City Council approved this document for submittal to the Atlanta Regional Commission and the Department of Community Affairs in August 2006. In the interest of the City, this report analyzes the subject development with respect to the future land use designation in both documents. The reason for this is that the 1994 Comprehensive Plan is the basis for the existing zoning map, which is the zoning map of record at this time. Based on 1994 Comprehensive Plan alone, a case could be made that the subject development meets the criteria of the 1994 Plan. However, the recent Plan Update expresses the will of the City Council at this time and cannot be ignored. When the contents of the update Comprehensive Plan document are considered alone, the subject development does not meet the intent of the language contained therein. In point of fact, the 1994 Plan is very broad while the Plan Update contains a greater level of specificity and direction for the future of Doraville.

The 1994 Plan establishes the future land use for the subject site as Residential without regard to density or type. In fact, there is only one residential category for the entire City providing no land use distinction between apartments and single family homes, for example. As stated, the general intent of the residential category is to preserve the stability of the City's residential neighborhoods. The plan clearly states the importance of regarding land use as flexible given that changes occur in the surrounding areas (i.e., social, economic, and land use). As written, the greatest threat to the residential neighborhoods was seen as the possibility of encroachment of incompatible land uses. The Carver Hills neighborhood was identified at this time as a "potential problem" regarding encroachment due to its proximity to I-285 and Peachtree Industrial Blvd and the heavy volumes of automobile traffic on each facility. As stipulated, an active program of Land Use Planning and zoning administration is the best means of discouraging encroachment. The subject development does not represent a change in land use, but a greater intensity of a residential land use due to the change from single family homes to town homes. Because it is a similar use, it is not truly encroachment of an incompatible land use.

The approved 2006 Comprehensive Plan Update, on the other hand, designates this area as a Neighborhood Preservation District (NPD) on the Future Development Map and supporting narrative. As such, the intent and direction of the Comprehensive Plan is to maintain single family detached residences as the primary use. In fact, the inclusion of town homes as a designation for the Carver Hills area was discussed and voted on at a City Council meeting during the

Comprehensive Planning process. It was decided that town homes were not an appropriate residential type for this area. However, the properties in the subject area appear to be in need of rehabilitation and land costs have risen dramatically since the 1994 Comp plan was completed. The City Council is considering the annexation of property to the north of the subject site, and Dunwoody is attempting to incorporate the area to the northwest. All of these areas are currently characterized by a lack of access due to a system of cul-de-sac streets. Once again, this site/neighborhood was classified as stable by its designation as a NPD.

The primary threat to such neighborhoods in the Plan Update remains their close proximity to high-volume commercial corridors and industrial districts. Recommended uses for the NPD include: Single Family Detached Residential, Public/Institutional, and Parks/Recreation. Based on the guidance provided by the Plan Update and the City Council meetings themselves, the subject development does not meet the intent of future development in this area, though it is not an incompatible or encroaching land use.

Consistency with Zoning Ordinance

Current Minimum Lot Size in the existing R-1 district: 10,200 ft²

Maximum allowable number of units under current zoning: 102 single family detached homes

Minimum Lot Size in the proposed R-4 district (for which the applicant is applying) is 3,630 ft²

Maximum allowable number of units under proposed zoning: 286 units (12 units per acre for multiple family dwellings)

The proposed development meets the minimum lot size requirements and is within the allowable density on the site for multiple family dwellings. The R-4 district is intended only for multiple-family residences according to Section 906 of the City of Doraville Zoning Ordinance. Townhouses (including townhomes) are defined in the Zoning Ordinance as follows:

86. Townhouse: A type of dwelling that is one or more stories in height which has outside, individual front and rear entrances, is separated from other dwellings by fire-rated common party walls extending from the foundation to the roof decking, is part of a contiguous group of at least three townhouses, shall be considered a multi-family structure, and all of which are under condominium or cooperative ownership.

Thus, the proposed density and use are compatible with the intent of the R-4 district as established in the Zoning Ordinance.

Proposal Review Standards: Review of Application for Amendment

Based on the criteria established in Article XVI, section 1603 of the City of Doraville Zoning Ordinance, Pond & Company reviewed the rezoning request as follows.

- 1. The existing uses and zoning nearby; Assessment: The existing use is residential, as is the proposed use. The adjacent zoning is a combination of single family, multi-family and office-institutional, as presented in the background information.
- 2. The extent to which property values are diminished by their particular zoning restriction; Assessment: The property values of the subject land are somewhat diminished at this time due to the condition of the current housing stock. The homes in the Carver Hills neighborhood could be characterized in fair to declining condition with poorly lighted streets and potentially unsafe conditions. Additionally, the upgrading of the site would add value to the City's overall tax base, with the potential to increase the median home value in the City, which was \$112,000 in 2000. The zip code in which Carver Hills is located (30360), has a much higher median new home sales price of \$216,000 (due to the fact that it also includes portions of unincorporated DeKalb County).

The decision to rehabilitate a home as compared to rebuilding is typically made when rehabilitation costs exceed 60% of the value of the new construction costs. Without a home inspection, this is difficult to determine. Rebuilding a single-family house on an existing single family lot typically cannot be sold for more than 20-30% above current home sales prices. Based on this, it seems the viable price point for home sales in this area would be in the \$270,000-\$285,000 range. Given the current cost of the land, offering new single-family detached homes in this range would be extremely difficult.

- 3. The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public; Assessment: The proposed development has the potential to improve and promote the health, safety, and welfare of the public. The eradication of current unsafe conditions and reported crime could have a significant positive impact on the health, safety, and welfare of current residents/property owners and those in adjacent areas. Property values would not be diminished by the rezoning as it encompasses the entire neighborhood and the areas is self contained without conduits to other neighborhoods. The increase in variety of housing products offered in Doraville can be seen positively as less than 5% of all housing in Doraville was attached in 2000. The majority of homeowners in this area have demonstrated their intent to sell, and the property value and benefits to the

community as a whole would not be realized if redevelopment does not occur.

- 4. The relative harm to the public as compared to the hardship imposed upon the individual property owner; Assessment: The applicant is not yet the property owner, so this comparison is not applicable; the public harm is linked to potentially negative transportation and school impacts that may be created due to increased number of housing units in the area. Additionally, there is only one point of ingress and egress from the site; transportation improvements may be considered if the rezoning progresses.
- 5. The suitability of the subject property for zoning proposed; Assessment: The subject property is suitable for rezoning to a higher density. However, due to questions of access and further impact on its surroundings, the proposed development may need to be scaled back in order to be more appropriate on the subject site.
- 6. The length of time the property has been vacant as zoned, considered in the context of land development of adjacent and nearby property; Assessment: The subject properties do not appear vacant.
- 7. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; Assessment: The surrounding development includes a wide variety of housing types, including single family homes and multi-family apartments. A townhome development is a suitable use and not seen as creating conflicts with surrounding existing land uses as the area is self contained and bounded by major roadways. The residential nature of the development matches generally with the surroundings and significant buffers may be required to ensure a transitional area between neighborhoods and the major roadways.
- 8. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; Assessment: The proposed zoning and development would not adversely affect the existing use of the subject property as an overwhelming number of the current owners have agreed to sell and are generally in favor of the proposed redevelopment. Nearby property owners are not anticipated to be adversely affected due to the fact that the proposed development will upgrade the subject property.
- 9. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; Assessment: The property does have a reasonable economic use as currently zoned, however the

property is currently underutilized due to the current large lot sizes with very small homes. The current zoning on the site is R-1, which allows a maximum density of 4 units per acre. The site is a prime candidate for redevelopment in a range of densities, including that under the current zoning with an allowance for 95 new single family homes (based on gross acreage.) Doraville is essentially a built out City with few large sites suitable at this time for housing redevelopment only. If this property is not targeted for redevelopment, the conditions may continue to decline as rehabilitation of the current housing stock would place a significant burden on the current or future homeowners.

- 10. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; Assessment: The zoning proposal will have a significant impact on streets and schools. The school impact analysis is detailed below as is a transportation impact summary. The road network, especially the major arterials, are burdened in this area, but are designed for high capacity and do allow for direct links to other portions of the regional transportation system.
- 11. Whether the zoning proposal is in conformity with the policy and intent of the Land Use Plan; Assessment: The zoning proposal is not in conformity with the policy and intent of the Future Development Map (future land use) included in the 2006 Comprehensive Plan. The Comprehensive Plan designates this area as a Neighborhood Preservation District, promoting single family detached homes. It is consistent, however with the residential category in the Future Land use Map included in the 1994 Comprehensive Plan since the type of residential housing is not specified.
- 12. Whether there are other existing or changing conditions affecting the use and development of property which gives supporting grounds for either approval or disapproval of the zoning proposal; Assessment: Existing or changing conditions include issues of safety and crime in the area given the poor visibility based on the roadway network. There is value added in the creation of a new and different housing stock within the City and there is potential for change in other nearby neighborhoods as well. The potential for change in surrounding properties, including the proposed annexation of neighboring property into incorporated areas must be monitored in order to gauge the impact on the subject site and vice versa.
- 13. The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community; Assessment: The rezoning, if approved, would change the character in several ways. There would be an

increase in the density of housing units, accompanied by upgraded site conditions and the creation of a new neighborhood that will become a valued and desirable residential community. It would not negatively impact its neighbors because there is no direct roadway access between neighboring communities. Increased development will require appropriate buffers along the periphery of the proposed development. Increased development will cause an increase in stormwater runoff and appropriate stream buffers will also have to be considered. The community could benefit as a whole by the influx of residents contributing to and participating in the community.

- 14. The impact of the proposed zoning change upon pedestrian and vehicular circulation and traffic and thoroughfare capacities and capabilities. Assessment: Upon redevelopment, the site itself must include adequate internal pedestrian and vehicular circulation capacities that are not in conflict with one another. There will be more cars entering and exiting the proposed development than are currently in operation in this area. However, if the rezoning progresses, a more detailed traffic analysis may be required with the final site plan in order to investigate overall impact and the potential necessity of infrastructure improvements.

Impact on surroundings including schools, transportation, environment, and public safety
Schools

The school impact analysis of the referenced rezoning application is summarized below.

I. Schools serving this property, their current total memberships, and net operating capacities are as follows:

<i>School Name and Number</i>	<i>Grade Level</i>	<i>Capacity</i>	<i>9/15/05 Membership</i>	<i>2005-2006 Membership</i>	<i>Memb/Cap Difference 2005-2006</i>
Chestnut Elementary	K-5	528	581	581	-53
Peachtree Middle	6-8	1342	1083	1083	259
Dunwoody High School	9-12	1452	1388	1388	64

II. The requested rezoning could increase or reduce projected student membership as shown in the following analysis:

School Level (by Grade)	Unit Type		Proposed Zoning		Unit Type	Existing Zoning			Student Increase/Decrease
		Units	Ratio	Students		Units	Ratio	Student	
Elem	TH	255	0.21	54	SFD	25	0.244	6	47
Middle	TH	255	0.053	14	SFD	25	.07	2	12
High	TH	255	.109	28	SFD	25	.159	4	24
Totals				95				12	83

With a potential calculated increase 83 students, the majority of which are elementary aged children, the DeKalb County School System would be impacted. Chestnut Elementary, which serves the Carver Hills neighborhood, is currently operating over capacity and would be severely impacted by an increase of 47 students at one time. The Middle and High schools serving the neighborhood currently have some additional capacity for new students. The addition of the above students impacts not only capacity of schools but also the cost of providing education for all pupils. In 2004, the annual cost for education per student in DeKalb County was \$7,827. Based on this figure, the annual cost of educating 83 new students generated by the proposed development would be **\$649,641**.

If this rezoning moves forward, it is recommended that the City Council place a condition on the rezoning that the developer must meet with the planning department for DeKalb County Schools and the City Planner prior to final approval in order to discuss mitigation measures. The foregoing information does not take into account the potential impacts of other pending proposals that could affect the same schools.

Transportation

Significant upgrades to the onsite road network may be necessary in order to provide improved access as well as the ability to handle the traffic volume increase. The following table presents an analysis of the Average Trip Generation rates for the proposed conditions in comparison to the current conditions. The proposed development will generate a total of 6 times more trips per day per household than those currently generated on the subject site/property on any given day.

	Number of dwellings	Weekday trips	Weekday total	Saturday trips	Saturday total	Sunday trips	Sunday total
Townhomes	255	5.86	1494.3	5.67	1445.85	4.84	1234.2
Single-family detached	25	9.57	239.25	10.1	252.50	8.78	219.50

The off-site capacity for the increased trips and the impact on Peachtree Industrial Boulevard may require further evaluation.

Environment

Stormwater runoff increases with the expansion of impervious surface such as roads, driveways, and buildings. Because the proposed development will lead to a significant increase in the amount of land covered by these surfaces, the stormwater capacity must be considered. The City of Doraville has challenges in dealing with stormwater throughout the City. However, on-site detention facilities would be required to mitigate the impact of the direct flow of stormwater into the municipal system. Additionally, the amount of discharge added to the system could be evaluated for costs and the City could assess the developer with a fee or with required system improvements in conjunction with the proposed development.

Public safety

Observations of the current conditions in the subject area include the presence of abandoned buildings/property and a lack of lighting which contributes to an environment of compromised safety. The Doraville Police department has reported that a certain amount of crime occurs in this area and that the City would benefit from new development which would significantly upgrade the site, including better lighting and more “eyes on the street”.

Recommendation:

The proposed rezoning will have a significant impact on this area and has been carefully considered and researched in order to determine an appropriate planning recommendation. There are positive impacts that would be created by the redevelopment of the subject site, including increased safety, the provision of a variety of housing types in Doraville and investment into the community by the developer and many new potential residents. These benefits come, however with costs created by increased intensity of road use, school services and loss of open space. The site plan should be viewed as illustrative and if a rezoning were approved, a greater level of engineering and planning would have to occur as well as DeKalb County and Georgia Soil and Erosion Control approvals before a land disturbance permit would be issued.

The site plan as submitted with the rezoning application presents a direct contradiction with the character area map and text for this area as stated in the 2006 Comprehensive Plan Update in that it is not a single family detached residential development. However, it can be argued that it does meet the intent of the 1994 Comprehensive Plan and future land use map in that it is a residential product and not a change in land use. The 2006 document does represent the current thinking and desires of this City Council and therefore should have a greater weight on land use and zoning decisions. Based on an examination of all information, it is suggested that a compromise be worked out between the applicant and the City Council that satisfies the intent of both documents and the current thinking of Council. Discussion of mitigation measures and their

resolution needs to occur before a rezoning can be approved. Without this resolution and despite the benefits of a project of this nature, Pond & Company, acting by request as City Planner recommends denial of this request at this time for a rezoning from R-1 to R-4.

Mark Forsling came forth and stated and I am an attorney for Ashton Atlanta Residential, LLC. I am here on behalf of Ashton Atlanta Residential together with Mike Busher who is a representative of the company.

I would like to address you in favor of the application followed by Mike and at this point it opens up to community participation. As you know this is about a 24 acre tract that is known as Carver Circle and Ashton Atlanta has contracted to purchase 25 residences in the area and is seeking to redevelop this under the existing R-4 zoning category that is in your zoning ordinance.

The site plan that we have presented is consistent with the R-4 zoning category. We believe that this excellent area for redevelopment given the current statuses of the residences, the desire of the neighborhood to relocate, the excellent transportation available; of the Carver Circle connector that connects immediately to Peachtree Industrial, and the fact that the neighborhood is unto itself. The redevelopment won't affect other neighborhoods because they are not connected. We believe that this is an excellent opportunity for the City to redevelop that part of the City. That part of the City needs redevelopment under the existing zoning ordinances in a manner that we find to be compatible with your existing Land Use Plan.

Now when looking at the fourteen factors that are set forth in your ordinance for you to weigh in connection with this zoning that Mr. Cohen just addressed.

I think when you focus even on the report that he gave you I think that at least 10 of these factors, based on the facts that he's given you, weigh heavily in favor of granting this rezoning. There are only a few that he has given you that weigh against it. I want to caution you that although there seems to be some confusion about the Land Use Plan for the City.

My understanding is that the 1994 Land Use Plan controls because the 2006 plan has not been fully approved by the ARC and of course the 1994 Land Use Plan noted that the stability was being threatened in this area, due to the location of it next to an interstate highway.

Redevelopment is to be expected, and the Land Use Plan of 1994 calls for residential use which is what we are proposing. One other point that I want to make is that when you look at the 14 factors, the Land Use Plan and the compatibility of the proposed rezoning, the Land Use Plan is just one of the factors. So your zoning ordinance is not one of those that is saying that every zoning you do has to be compatible with the Land Use Plan. Like for example in

DeKalb County to rezone anything not compatible with the Land Use Plan you have to at the same time amend the Land Use Plan. You don't have to do that under your zoning ordinance. Your zoning ordinance states that the Land Use Plan is one of the 14 factors to be considered. So our people looked at all of the other factors that are in this report.

Mike is going to do that in more detail when I give him the floor. I wanted to leave that to him to go through those factors but what I wanted to go through these just briefly before I let him address the last few items in the report regarding education, transportation, environment, and public safety.

I think that those factors also favor the redevelopment of this property as proposed. There will be an impact on the schools, any redevelopment is going to have an impact on the schools, anytime you have a growing community and a growing population, and you're going to have an impact on the schools. But, this to me, is a very minimal impact. If you look at the numbers for middle and high schools, they are under capacity and greatly in excess of the amount that the elementary schools are over capacity. You have to remember that the 53, the number 53 students that the elementary is over capacity is spread out through K through 6th grade, so its not going to have a tremendous impact on that school and will have no impact on the other two schools.

With respect to transportation, we believe that given the placement of this property immediately adjacent to a major roadway, it can easily be developed R-4 and carry the capacity of the additional traffic. With respect to the environment, the concerns regarding development are things that need to be addressed at the stage when you are looking for a development permit and a land disturbance permit, not in the zoning process.

The question before you now is the proper use of this land, given the overall uses available in the City and the proper use of this specific location. When this property is developed, it will be developed pursuant to your tree ordinance, pursuant to your buffer requirements for streams and with respect to water run off you have more stringent requirements with respect to that. There is no onsite detention on any of this property now. When this property is redeveloped, there will be onsite detention of water. It will leave the site slower **than** it comes on the site now. All of that is required by the ordinances and by state laws, and the engineers will draft the detailed plans to make that happen.

Finally, with respect to public safety, Mr. Cohen has pointed out is that more eyes, more lighting, more people will make this a safer neighborhood. I think all of those factors favor the R-4 development that we are requesting. In the end you have a balancing test, you have to take all of these factors and determine if this is an improvement for **your** City or not, and we believe that overwhelmingly it is and therefore you should grant this zoning. Thank you.

Mike Busher stated that for the record, I am an employee of Ashton Woods Homes in their land acquisition department. Most of what Mark has covered, I'm going to touch upon and Dan actually provided some information as well. Obviously; I want to thank you all for having this opportunity to speak about this proposed development. It's a difficult one to reach a decision on but we're thankful that we're here.

I think that everybody in this room that is part of the Planning Commission is here tonight. I was encouraged by the recommendation for approval. We also recognize that you have your own individual questions and if we don't have an answer tonight we'll certainly do our best to get it to you.

I've passed out some additional materials, that I'd like you to look at when I'm going through some of my presentation tonight, and leave behind if you have more questions.

First of all Ashton Woods has been building for over thirty years nationwide. In Georgia, we've probably built close to 10,000; we estimate about 9,000 single family detached and about 1,000 town homes. So we are not a newcomer to the area. We are a two time award winner from J.D. Powers for highest customer satisfaction among homebuilders in the Atlanta area. What that survey essentially says is that if you buy a home from us, a year later, are you happy with it and would you buy again. So the fact that we won it once was obviously nice, but **the** fact that we won it a second time it says that it was no accident. That ranks us against our peers, **Syntex, Beaver, John Wieland, Wellies**, all those people have a candidate to beat us. We are proud of the fact that we won it twice.

Probably the best way to judge who we are is to go out and look at the product itself. We have 14 active neighborhoods in the Atlanta area. You can see them all by going to our website ashtonwoodshomes.com and I encourage you to do that. Walk through the units see what you like, see what you don't like.

In review of your Comprehensive Plan, it seems that our commonalities out way our differences. If anything I'll leave you with that thought tonight.

Overwhelmingly I think what we are trying to do the City a favor. What the City is trying to do is against what we are trying to do. Let's start with the things we both agree on:

People want to call Doraville home. No question about that. One of the major themes in your Comprehensive Plan is a desire for growth. It is no secret that with Doraville's exceptionally strong placement in Atlanta metro area it's going to continue to be highlighted by developers. When we go about the process of selecting these sites we look for three general areas, great access to

employment, and an emphasis of strong commitment to development within the community or City, and a high quality of life.

Doraville has all of the above. While Doraville possesses all these strong attributes, it's pretty clear that it doesn't offer as many new housing options for its residence. For a developer that spells out an opportunity, providing that it is done in the right way. Resale's and older homes are certainly suitable uses and for some people that's the way to go. But for those who would like to purchase a new home and live in Doraville the options are limited. Even more specifically if you'd like to live in Doraville and live in an attached home there are very few options ,if any, currently.

The Comprehensive Plan recognizes this, one quote, "growth must be directed in order to achieve a balance between commercial development and the provision of housing that meets the needs of a diverse population". So it's essentially saying that it recognizes that not everyone prefers the same housing type.

Recent demographics say 60% of households have three or less people. That's an overwhelming change, the traditional household as we probably might think of it is changing. Singles, married couples, retirees are making up our consumer base. What they are telling us is that they want to own a home, but they want some benefits of a detached home in a smaller City.

The three things we keep hearing are: access to central locations, larger living space of a larger family home without the exterior maintenance or appearance to be responsible for, and a desire not to have anyone living above or beneath you. So town homes sort of fill that middle ground between a stacked flat, apartment, and a single family detach. I think Doraville has ample opportunity for apartment, single family, but very little in the medium density which leaves us here.

Another thing I think we'd agree on is that overall new housing attends to attract new retailers, and overall economic development. The old adage that retail follows rooftops. Employers also keep track of development; I'm called frequently by employers asking "where we are looking", "where are we targeting". I think what they are trying to find is that if we're targeting an area for residential development that means that area is strong, it's growing and they are also going to target those areas to follow along with us. Smyrna and Vinings have certainly benefited from this. Residential development seems to be the fuel for where other people decide to develop. I don't think Doraville should be left out of that equation.

This is only one development, its not going to change the entire face of Doraville, that's for sure. But it's certainly a good indication that people want to live here and that it is a positive place to be.

Which brings us to the heart of this case, I won't go through all the points because they have already been mentioned. There are many things you've got to consider. I just want to concentrate on four. Whether the proposal conforms to the policy and intent of the Land Use Plan, the assessment of the existing uses, whether the plan is suitable, and whether it will adversely affect usability of adjacent parcels.

The first one I think we have covered. Does it conform to the Land Use Plan? Yes it does. The Comprehensive Plan is a blueprint, we know it is something you use, it's a living document, but it is something that we use as well. We consult it when we assess growth, you do as well. Does it conform to the policy and intent? As it states today, the 1994 plan just calls for residential. So yes it conforms. You heard Dan Cohen from Pond and Company, based upon the current Comprehensive Plan alone, the development meets the criteria of the plan. It does reference your 2006 plan, but it's not the standard that we are measured by today.

The second couple of questions are about surrounding zoning and adjacent uses. I think that the map is the best way to look at this. You heard Dan say that to the north is RM-100 and R-15 to the west also RM-100, south I-285 and to the east R-1 and O&I. But what you also have to include in this discussion is what this actually means to RM-100. That's the third **most dense** residential unit in DeKalb County, there are 12 units per acre. Those are apartments. When you are sitting in this home you are staring into the back of 12 units per acre. In fact this entire site, if you look at it from a geographical standpoint is 12 units per acre for just about the entire quadrant of the location.

The south does have R-1 but it also has eight lanes of highway that it has to be crossed. So really its pinned by interstate to the south.

To the east, sure it has R-1 but that's because its part of Carver Hills itself. If you jump over the highway as we do here, then you know that there are town homes across Peachtree Industrial. The one area that will be impacted and adversely affected is Ridgeway Dr.

Again if you look at where these homes are, in relation to our proposed development they certainly are not right behind it, in fact they are just in the entryway, they are R-1.

One of the things that **was** encouraging to us in the Planning Commission meeting was that none of the residents came and protested; in fact three of them came in support. So if there was an adverse affect we expect it to have come from them.

The last question is will it be adversely affect? You've already heard a lot about that. I think that we have to ask the question first before we ask you to judge.

Will it adversely affect? About six months ago we had a plan that was drawn that showed 370 units, 15.4 units per acre. But after listening to some of the discussions that we had with Planning Commission, and with some members of Council, it was pretty clear that constituted high density. So we reduced ourselves first before we got to this point.

What you are seeing in front of you is a density of 10.6 per acre, which we **thought** was much better suited to the neighborhood given the 12 units per acre that surround the site, and given the fact that there is interstate to the south, and given the fact there are town homes of approximately eight units per acre to the east. I don't think you can argue then, that it would adversely affect those people living in the apartments to the west and to the north.

Certainly I don't think anybody is a candidate to complain to the south and to the east. We would ask those people who came here tonight to come forward and say that it is adversely affecting them. They are allowed to speak tonight.

I think we also need to recognize that no plan is perfect, what you have in front of you is an illustration; it shows 255 units. The maximum density under R-4 is actually 286. So if we start to look at it; I'd almost wish we'd some times we could just say put R-4 up on a map. Because that's what we are talking about, how it is configured, the fact that there is an amenity in front, that there is a circular driveway really is something that you get into after a zoning has been established.

The maximum amount of units that we can put on there true is 286, so if anybody comes before you and says well there showing 255 but its really 286 it's true, its 286, mathematically that's the case. We think 255 is about the number we're likely to build. But again it's just an R-4 category that we're asking you to consider.

Mark mentioned that the Comprehensive Plan is a living document so the difficulty for us is the same difficulty for you. It shows residential, we think it fits. We also know it's not quite that simple. We just ask that you be open minded as you look at **it**. I think that the most normal response that we get whenever we apply for anything that's higher density is why can't you just reduce it. Because whatever we come up with seems to be too high so in the guise of conceding lets present high and go low.

We haven't done that tonight; we felt that we could police ourselves pretty well. Further reduction passed in R-4 category will make this site economically not feasible for us. I think that's important to know. If there was a way to make it possible under R-1 or R-2 we would gladly do it. We don't feel like there is **a way**. The final thought I'd leave you with and this is more for the benefit of the people who have been with us this long, it's been about two years in the making to get to here, since I first started looking at this site.

The one thing I heard over and over was that people would say, it's nice that you have expressed interest but if you're serious put a contract on it, so we did that.

We know that it was difficult for everybody, adjustments had to be made on the part of the sellers on how much money they could get for their property, and how much density we could get. We did that on the front end to make sure that everybody had to take/experience some kind of pain to get to where we are. We just ask that you respect that fact knowing that if it would be great in a perfect world to say lets hold off, that in ten years this will be ready for this. We can't wait ten years, its in front of you now, it may not be perfect but we do ask that you consider it. We do think respectfully that it's a fair use. Thanks.

Mayor Jenkins asked those in favor of the proposed development to come forth and speak. Mayor Jenkins stated that the time limit would be 2 minutes per person, and only those who had signed the sheet would be allowed to speak.

Pete Scott came forth and stated that he would be the only speaker for the Carver Hills community. Mr. Scott asked those of you in the audience, since you are not speaking and are from the Carver Circle community, who are in favor of this rezoning would you please stand.

Some thirty years ago, the City of Griffin and Spalding County had an opportunity to get exit ramps from I-75 South. The late Senator Herman Tallmadge told me about this, he said that they were trying their best to get some exit ramps in Spalding County. The leaders said that they don't want the exit ramps, no, no, no. Well Henry County was different they did want them, Henry County is now thriving, Spalding isn't. A little closer to home, my wife of 41 years thought she'd do something special for me on my birthday, so she got me this big screen television set. I was a little fussy about it because in the end I figured I was going to pay for it. She got it for me. I got the thing, I had to use one remote to turn it on, and another remote to do something else, it was too much trouble I didn't need all that fancy stuff. But when the baseball and football season came along I was as happy as can be because of the split screen feature. She could watch what she wanted to watch, and I could watch what I wanted to watch. So I was pleased.

Now locally, you set up some rezoning criteria, and the developers have worked hard to try to meet that. The Planning Commission recently thought that they had done enough and made a recommendation to you. Your City Planner disagrees somewhat.

You've asked is this rezoning suitable and we think it is. You've asked about the economic impact and you've been told about an economic impact.

Just imagine what you could do for Chief King if you received some new taxes and he could get some new interpreters to deal with this international community that you're going to have.

Imagine the money that you can provide Ms. Cloer and the Clerk's office so that she can have some more help over there.

You've got a proposal and I don't know if you're going to talk about it tonight but you want to get a PR firm to talk about the image of your City, all this stuff can help. I know you think about all of this and I'm not telling you anything new. I was told recently about one of the residents that came to Doraville when General Motors came here years ago. Leon Marvinton was a Union Steward who said General Motors told the community that we expect them to be here about thirty years and that's about it. You are going to become industrial because of all this development that is going to take place around you.

I called a friend of mine, Crandall Bray, who was once head of the Atlanta Regional Commission and also spoke with Chick Progler who is the new director. I don't know Chick that well but I asked him about the plans for this area, and I'm sure you guys know all about this and I'm repeating something you already know. But one of the things they said at this end of town was to provide for intense development because of the public transportation facilities that are available.

Now I know that you have the authority to do what you want to do, but I know that is what they talked about in terms of future plans in this area. We believe this is a win, win situation for everyone; the CITY OF DORAVILLE stands to have new housing stock. It will get some more money in its coffers, you're going to get some new residents, and you'll get some old residents moving back into those same areas.

As far as I know, you haven't had anyone to stand in opposition to this. The opposition that we've seen has come from those of you on the Council. If it is anything different I guess we'll hear about it tonight. I know you have a tough job and have tough things to consider. One of the things we ask you to do is look into your hearts and to look at the zoning and give it a fair hearing.

We know this is a public hearing and we initially came to you; I'll be frank with you, I think some of us were reluctant to come back even to this meeting. We thought that your minds were already made up on what you were going to do. But I sat there on the front row and I looked at your eyes and looked as you listened to the presenters. I have faith and belief that you're going to make the right decision for the people on North Carver Circle. Thank you for this time and thank you very much.

Mayor Jenkins asked if anyone who wanted to speak on the opposition side?

A lady stated that she would just like to ask a question. I'm in the Doraville mailing district, would that be possible for me to ask a question?

Council Member Hadden stated that she is not on the list.

The lady stated that she wanted to know how much the homeowners are being paid for the homes. Their lots are about an acre?

Mayor Jenkins stated I have no idea. Does anybody have an answer to that?

Mike Busher stated that their contracts are confidential; I am not allowed to discuss this with anyone.

Mayor Jenkins asked the lady if she had put her name on the list?

The lady stated that she had not.

Mayor stated that he was sorry, but the lady cannot speak.

Mayor Jenkins asked again if there was any opposition.

Stewart Anderson stated that he was not in opposition but wanted to speak for the Planning Commission at this point.

Mayor Jenkins asked Mr. Anderson to come to the podium.

Mr. Anderson stated that his name was Stewart Anderson and that he was Chairman of the Planning Commission for Doraville. As you know we voted for the passage of this rezoning with recommendations.

The questions that Dan brought up and other people brought up need to be answered. What I'm trying to say is that I guess once the technical thing has been answered, the traffic and the school and the rest of that has been answered satisfactorily or unsatisfactorily that's up to you to decide.

What I'm saying is once those technical considerations have been thought of and considered and worked on and thought of again, it is up to you to decide if this type of project, this project in particular, is appropriate for that place in the City. Whether it will be an addition or it will not be an addition to the City. The technical stuff matters don't get me wrong, it's up to you at this point to be planners I guess. It is up to you to decide if that is the plan that you want to propose or to go forward with.

Also I want to say that as far as the Planning Commission itself goes, I apologize, for myself and the Planning Commission. I don't think we gave you the City

Council fair shake last week. I think we should have asked more questions. This is nothing against Carver Circle I'm just saying that we didn't do as much due diligence. We were new, we didn't ask as many questions as we should have, and we'll try to do better in the future. Thank you.

Mayor asked the Council Member if they had questions or discussion concerning the rezoning.

Ben Crawford stated to the Mayor and City Council, that his name was Ben Crawford. I'd like to add something to what was just said. That last meeting that with the Planning Commission had, I felt was a positive decision that was made by the Planning Commission. I don't think we're at odds for a lot of information. I think our job was to represent the interests of the community and I personally felt that we did exactly what we needed to do.

There is a little bit more training that would happen over the course of time, because we are new at it. I strongly believe that we had a vote on it that was unanimous with things to be looked at by the City Council. It was a very positive vote, very positive experience, the community was involved.

I feel very strongly that, it should be left on a note that the Planning Commission had a positive feeling about the whole thing. I'm not speaking for myself; I'm speaking as a member of the Planning Commission. That was there, throughout the whole evening. Thank you.

Mayor Jenkins asked if anyone else on the Planning Commission wished to speak.

Cat Sherlock stated that she would be real quick. Questions that have been, I'm sorry my name is Cat Sherlock; I'm on the Planning Commission. I voted against this, and I understand what our friends at Ashton Woods are saying that a lot of the questions I have would be answered after we rezoned. I'm not comfortable with that, it's not in the training that I've received so far, and that's why I voted against it. It was not unanimous it was four to one. Thank you.

Richard **Balentyne** stated that his name was Richard **Balentyne** and that he was a member of the Planning Commission. We had a very good meeting; I was very impressed with the community support. The people from Carver Circle came out to support the community, and we received very positive responses from them. They realize this could be a benefit to the community. I think the City Council really needs to look at the community itself, Carver Circle. They need to look at the City as a whole, realizing that this is a positive issue that I certainly voted for, the Carver Circle development, and I think it would benefit the City as a whole as a development. Thank you.

Council Member Pittman stated that she would like to say something. I've given **this** rezoning lots of thought, drove through there a couple of times and it has been difficult. Very difficult being we would like to remain residential but I think what they have proposed to us is good. We need a lot more conversation and there is a lot of things that we need to work on. I think this could be very beneficial; the town homes could be very beneficial for the City. That was not what I originally said, but this could be a good thing. We just need to work together on this.

Council Member Hadden stated that she agreed with Ms. Pittman. I would like to know what your plans are for starting sales price for one of these homes.

Mike Busher stated there are two different products proposed, at the low end we think that actual sales price will be \$240,000's, \$250,000's for that product. For the larger, we expect them to be over \$300,000.

Mayor Jenkins asked if anyone else at the table had any questions or wanted to say anything?

Council Member Anavitarte stated that he would just briefly echo, that he agreed with what Marlene and Donna. I really believe that we can come to some sort of middle ground. I think that the residents of this City are tired of the status quo attitude, they are tired of the constant things that bring this City down. I think that this is a project that can have a long lasting positive impact for the City for decades to come. I think that we've got some time to work on this. I think that we can work towards some middle ground with probably some certain conditions or whatever. I think that that's the direction we need to work in, and I think that it would be premature to say that this is bad for the community that this is an unnecessary thing. I think this City needs some life breathing, breathed into it. I think that this has the potential to do that. I just hope everybody keeps an open mind, that the debate remains civil and that we can continue to move forward in a positive manner and see some new things for the future.

Mayor Jenkins again asked if anyone else at the table had questions or something to say.

Council Member Lowe asked if any of the impact studies had been done.

Mike **Busher** stated that he did not want the Council or the Planning Commission to think that this is a whitewash. I think that what we are trying to do now and in kind of in the spirit of what has been said already, is that if there are studies required, we'll do them. If it needs to be looked at in terms of traffic impact, it's typically not something we'll spend money to do. **They are** expensive to do on the front end until we know what the Council is looking for. A lot time and money will be spent on getting these reports. I know a question that the planning staff had and we didn't have great answers for, was how did we arrive at the numbers

for the impact on the school system. I think it is something that we should look at.

Ed Lowe stated it would help the Council come to a decision if we had those studies in front of us.

Mike Busher stated that he needed to know which impact studies were required by the Council. Getting into the storm water issue before a rezoning is something we never do. We will never spend \$100,000 on more of the fully engineered sites for hydrology until the property is rezoned. But questions like traffic studies come up all the time. But I would just like to know what exactly you would need. We are working on sewer and water availability, and we put that request into the county. That was something that did happen since the Planning Commission meeting.

Mayor Jenkins asked the City Clerk if we had the 2nd reading of this rezoning request advertised for the first of November.

The City Clerk stated that the 2nd reading of the rezoning would be advertised for the first Monday in November. That will be the night the Council makes the decision on this rezoning request.

Mayor Jenkins stated that the first meeting in November will be the voting meeting. We're going to take a five minute break and go back into the regular Council meeting.

Mayor Jenkins reconvened the meeting.

Mayor Jenkins stated the next agenda item was to open the bids for the RFP on public relations.

Mayor Jenkins stated that while we are waiting to get the bids opened, do we have anybody by the name of Sun Hui Mun? Sun Hui Mun was not present.

Mayor Jenkins asked if Kesha Dent was present? Ms. Dent was not present.

The City Clerk stated that we have five RFP's and I'm going to start passing them down as I open them. You all may want to do like you've done in the past and review the RFP's before making a decision. The City Clerk stated that since we only have one copy of each, I can make copies for you all to review. You might want to get some of these people to come to the next work session.

Mayor Jenkins stated that sounds alright. We'll look at them and then vote on them the first of November. Is that alright?

The City Clerk stated do you want to table that maybe until the next meeting, maybe get some of these people to come to the work session to present their proposals.

Council Member Lowe made a motion to table the RFP's until the next meeting. Council Member Hadden seconded the motion. Motion carried unanimously.

Council Member Hart stated that each Council Members needed a copy of each of these proposals

The City Clerk stated that she had no problem making the copies.

Council Member Hart again stated that the Council Members needed a copy of each one of these to look at.

Mayor Jenkins told Council Member Hart that there would be no problems with getting copies to the Council Members.

Council Member Pittman stated that Police Appreciation Day would be held on October 14, 2006, starting at 10:00 a.m.

The Council gave permission for Brian Bates and the Committee sponsoring the Police Appreciation Day to hang the banner at the Court House.

Council Member Pittman reminded everyone to please bring the children. Lots of activities have been planned for the children.

Council Member Hart asked if the Dragon Boat would be at Police Station for the Police Appreciation Day. Charlene Fang stated yes.

Council Member Lowe stated that Carol Stephens would not be here and he would be presenting the bids for her. Council Member Lowe presented the bids.

Council Member Hadden made a motion to accept the bid from Georgia Duplicating Products in amount of \$7,550.00 for a new copy machine at the Arena. Council Member Spangler seconded the motion. Motion carried unanimously.

Council Member Hadden made a motion to approve the bid from Upgrade Roofing in the amount of \$5,850.00 for replacing the sky lights at the arena. Council Member Pittman seconded the motion. Motion carried unanimously.

Council Member Hadden made a motion to approve the bid from Stevens Gymnasiums, Inc. in the amount of \$12,400.00 for the refinishing of the floor at the Arena. Council Member Pittman seconded the motion. Motion carried unanimously.

Ginny Calvert stated that the City of Doraville did not need another park like Halpern Park. The Maintenance Department has to clean up after all the people who cook at Halpern Park.

Ms. Calvert stated that English Oak Park had always been a children's park. All the neighborhood children played at English Oak Park, including hers as they were growing up.

Ms. Calvert stated that English Oak Park used to have tall shrubs in it. She and Bridgett Weese had called the police on people who were sleeping in the park and on lovers who hid behind the bushes. Ms. Calvert stated that the tall bushes were no longer there and the police could see into the park as they ride by. Ms. Calvert does want to see tall shrubs put back into the park.

Ms. Calvert stated that they were only asking for the pipe to be replaced. The park is quite now. Ms. Calvert asked the Council to not make a park where people will come from other neighborhoods to use. This is a neighborhood park.

Ms. Calvert stated that she had received permission, from the former Mayor to use the service drive into the park to get to the back of her property. Bridgett Weese owns the property to the center of the creek and Mrs. Weese has given her permission to come across her property. The Maintenance Department needs to get into the park with mowers and trucks. If you close off the service drive how are they going to get to the back of the park.

Council Member Anavitarte stated that he had lived in the neighborhood all of his life. Council Member Anavitarte stated that the park is not safe for children to play in.

Council Member Anavitarte stated that the neighborhood had undergone a lot of change in the last 15 years and it need to have new life put back into. Redeveloping the park according to what the neighborhood residents want is a good thing. Council Member Anavitarte stated that he was going support what the neighborhood residents wanted, he is not here to win a popularity contest, but to do what is right for all the citizens. Council Member Anavitarte stated that this item would be discussed later on in the meeting.

Ms. Calvert read the definition of ethics. Ms. Calvert stated that the City did have an Ethics Ordinance and wanted to know why the Council was considering changing the current Ethics Ordinance. Ms. Calvert stated that she did not think it was right for some Council Members to judge other Council Members on Ethical issues. Ms. Calvert stated that **it** was not right for some Council Members to publicly embarrass and **humiliate** other Council Members in public. Ms. Calvert stated that it was not ethical to change the Ethics Ordinance just to get a Council Member off of the Council.

Ms. Calvert stated that a Council Member had saved the City a lot of money on the Chestnut Street sidewalk project. Ms. Calvert asked if it was wrong of a Council Member to want the creek in English Oak Park opened back up. Why cannot the Council work together and quit creating all of the stress.

Dan Cohen stated that it was time to pre-qualify for Transportation money for the LCI projects. Mr. Cohen stated that it was his understanding that the City wanted to combine 4 projects into one or two. The projects are as follows:

- Town Center area intersection improvements Central at New Peachtree
- Marta Pedestrian improvements
- New Peachtree sidewalks- 4 lane area
- Park Avenue sidewalks

Council Member Hart wanted to know why the LIC Study still contained the Oakmont extension. Dan Cohen could not answer that question.

Dan Cohen reminded the Council that the due date for the pre-qualification was October 20, 2006.

Council Member Anavitarte made a motion to give Dan Cohen permission to fill out the application for pre-qualification for the LCI projects. Council Member Pittman seconded the motion. Motion carried unanimously.

Council Member Hart asked when the City would get the transportation money. Mr. Cohen stated that this was just the pre-qualification application. The money would not be available until next year. Mr. Cohen reminded the Council that the City would be required to match 20%. The 20% could be used for start up cost such as engineering fees.

Council Member Hadden gave an update on the Straight Answer Town Hall meeting. Council Member Hadden stated that numerous topics were discussed but the focus was on Code Enforcement, boarding houses and absentee land lords. Someone had suggested taking digital pictures so that the Code Enforcement cases would not be thrown out of court.

Council Member Hadden stated that a committee had been formed. The committee members would include: Marlene Hadden
Susan Fraysee
John Noonan

The committee would be researching ordinances on Code Enforcement and will come up with the best fit for Doraville. Council Member Hadden made a motion to allow the City Attorney to help with the research and draft ordinances.

Council Member Hart asked how much this was going to cost. The City Attorney stated that he would spend approximately 3 hours on the research and ordinances.

Council Member Anavitarte seconded the motion. Motion carried unanimously.

Council Member Hadden stated that she and Council Member Anavitarte had been working together to find solutions to the Code Enforcement problems and ask Council Member Anavitarte to speak. Council Member Anavitarte stated that this was a turning point. Code Enforcement is the #1 issue in the City. Necessary changes are needed and steps will be taken to clean up the neighborhoods and ordinances will be developed to deal with absentee landlords. Two main steps are being taken:

1. A citizen committee be set up to access all rental property. City Hall will not be required to do the research but will maintain the information once compiled.
2. Two additional Code Enforcement positions will be added.

Mayor Jenkins stated that he would work with Council Member Hadden and Council Member Anavitarte on this project.

A gentleman in the audience stated that he had just moved to Doraville from Raleigh, North Carolina and Raleigh required all landlords to be registered and charged a small annual fee for Code Enforcement.

A lady stated that the police had gotten rid of 2 multi-family residences in her neighborhood.

A lady stated that the empty houses on Darlington Oak were in deplorable condition.

A gentleman stated that in some of the yards on Windsor Oak, the grass was knee high and wanted to know if the City could clean the yards up. Chief King stated that the City had to notify the property owner at least 10 days before it could charge the owner to clean up the yards. Finding the property owner was the problem.

Council Member Hadden stated that there were a lot of storm water problems in the City. The City need to set some criteria for prioritizing these storm water projects. Council Member Hadden stated that Ronald Buice was doing a great job but he needed some guidance from the Council. Mr. Buice was directed to obtain information on prioritizing the storm water needs and bring it back to the Council.

Council Member Hart stated that if you can spend \$350,000.00 to \$400,000.00 to fix a pipe then you could fix the other storm water projects in the City. You just can't use all of the money to fix one pipe. The City needs to buy equipment so that it can repair the storm water problems. The pipe under Chestnut Street is separated and the road will cave in.

The City Attorney stated that he had researched going on to private property. You need a dedicated easement to be able to go onto private property to do storm water repair.

Mayor Jenkins opened the final public hearing for the redesign of English Oak Park.

Lee Walton came forth and stated that Mactech was the Company that had been chosen to redesign English Oak Park. Mr. Walton stated that public hearings had been held so that citizens could have an input into the redesign of English Oak Park. Mr. Walton stated that the residents wanted it to be a children's park with walking trails and picnic areas. The multi-purpose play area has been made smaller by request. Low level lighting will be added.

The pipe in the park needs to be replaced before the park redesign work can begin. Mactech recommends that the entire pipe be replaced with concrete pipe. Lee Walton and Ronald Buice will meet with DeKalb County concerning the pipe replacement of the pipe.

Council Member Anavitarte made a motion to adopt the English Oak Park Master Plan. Council Member Spangler seconded the motion. Motion carried with Council Member Hart voting no.

Council Member Lowe made a motion to give District 2 the sidewalk money that was designated for District 1. Council Member Pittman seconded the motion. Motion carried with Council Members Hart, Lowe and Pittman voting yes. Council Members Anavitarte and Spangler voted no. Council Member Hadden did not vote.

Council Member Pittman made a motion to establish Friends of the Library for the Doraville Library. Council Member Lowe seconded the motion. Motion carried unanimously. Council Member Hart asked how much this would cost. Council Member Hart wanted to establish a budget of \$300.00 to set up the Friends of the Library Organization. Council Member Pittman stated that it was not necessary at this time.

Council Member Pittman made a motion to allow the Park & Recreation Director to set up an after school program at **Halpern** Park. Council Member Lowe seconded the motion. Motion carried unanimously.

Council Member Hadden stated that some people in the Northwoods Neighborhood Association wanted to sponsor Breakfast with Santa. The Holiday Inn will provide the use of one their ballrooms. Breakfast with Santa will be held on December 16, 2006 from 9:00 a.m. until 11:00 a.m.

Council Member Hart stated that Chief King and his officers had made a survey of all the City streets and street signs. There are still some questions of why no-parking signs were installed on some of the streets. This item was tabled until the next meeting.

Council Member Hart stated that he was waiting on the graphic design for the new street signs.

Council Member Hart tabled the stream buffer classes pending more information.

Council Member Hart reported that the Chestnut Street sidewalk project was up to the Karaoke Bar. There were approximately 40 volunteers on the sidewalk project. A lot of plants had been donated for the street scapes.

Council Member Hart made a motion to send out an RFP for a Real Estate Attorney. Council Member Hart stated that the Planning Commission needed questions answered by a Real Estate Attorney. Mr. Hart stated that the City Attorney had been unable to answer their questions.

Council Member Pittman asked the City Attorney if he could answer the Planning Commissions questions. The City Attorney stated yes.

Stuart Anderson, Chairman of the Planning Commission, stated that he had a conference call with the City Attorney and the City Attorney had not answered five of his questions.

Council Member Hart stated that Rick Powell is not a Real Estate Attorney.

Council Member Lowe seconded the motion. Council Members Hart & Lowe voted yes. Council Members Anavitarte, Hadden, Pittman, and Spangler voted no. The motion did not pass.

Item # 25 was skipped

Item # 26 was skipped

Item # 27 was skipped

Council Member Lowe made a motion to approve a Resolution that set the deadline for agenda items to Thursday noon before the scheduled work session.

Council Member Pittman seconded the motion. Motion carried with Council Member Anavitarte voting no.

Council Member Hadden made a motion to approve a Resolution to extend the current Service Delivery Strategy Agreement until August 31, 2006. Council Member Spangler seconded the motion. Motion carried unanimously.

The City Attorney stated that he thought that the City of Sandy Springs and the City of Doraville would have an agreement on the Jail Contract soon.

The City Attorney stated that this was the 1st reading of the new Ethics Ordinance. The Ordinance would cover Council Members, appointed boards and employees.

Council Member Hart stated that section 2-159 from the old Ethics Ordinance was missing from the new one. Council Member Anavitarte stated that it was in there just under a different section number.

Council Member Anavitarte made a motion to approve the 1st reading of the new Ethics Ordinance. Council Member Pittman seconded the motion. Motion carried with Council Member Hart voting no.

The Planning Commission had nothing to report.

Chief King stated that the living conditions at the Atlanta Inn were horrible. The owners of the Atlanta Inn are renting single occupancy rooms to groups of Hispanics. There was a homicide at the Atlanta Inn last year and a stabbing recently. Chief King is not asking the Council to take any action at this time he just wanted to make the Council aware of what was going on.

Council Member Hadden made a motion to allow Chief King to purchase \$138,000.00 worth of laptop computers. The City will be reimbursed by a GEMA Grant in the amount of \$138,000.00. Council Member Spangler seconded the motion. Motion carried unanimously.

Council Member Hadden made a motion to approve the 2005-2006 Asset Forfeiture Audit and budget. Council Member Pittman seconded the motion. Motion carried unanimously.

Citizen's comments: Susan Crawford announced that the Oakcliff Neighborhood Association would hold its annual picnic on October 21, 2006. The picnic hours are from 11:00 until 2:00 p.m.

Bonita Hoffmeister thanked the City for replacing the Oakcliff entrance sign. Ms. Hoffmeister asked the Council to get the sign post painted. Ms. Hoffmeister

stated that English Ivy was growing up onto the sign post and she wanted it removed.

Doris Roberts stated that Bridgett Weese had planted the flowers at the entrance sign and that the vine was not English Ivy. It was a blooming plant.

Mayor Jenkins adjourned the meeting.

Mayor Jenkins adjourned the meeting.

Ray Jenkins, Mayor

City Clerk