CITY COUNCIL – DUE TO ELECTION MEETING HELD AT CIVIC CENTER

Donna Pittman - Mayor
Brian Bates – District 2
Maria Alexander – District 3
Mayor Pro-Tem

Pam Fleming – District 1
Karen Pachuta – District 3

AGENDA

December 5, 2011 6:30 PM

I. **CALL TO ORDER**

II. **PLEDGE OF ALLEGIANCE**

III. **ROLL CALL**

IV. **APPROVAL OF MINUTES**:

November 21, 2011

V. **CEREMONIAL PRESENTATIONS, CITY ANNOUNCEMENTS, SPECIAL GUESTS:**

VI. **PUBLIC COMMENTS ON AGENDA ITEMS**

VII. **REPORTS: DEPARTMENTS**

a. Mayor
b. City Attorney
c. Police
   Contract GeoConex – Dispatch Equipment Maintenance – Capt. Brinkley
d. Courts
e. Public Works
f. Library
g. Parks & Recreation
h. City Hall
i. Planning & Zoning

VIII. **ADMINISTRATIVE APPEAL HEARING**

- Appeal of Administrative Decision – 6555 Peachtree Industrial Blvd. – Joe Cooley (Moved from 7/25/11, 9/19/11 & 11/21/11)

IX. **OLD BUSINESS**

- 1st Reading - Ordinance - Modify Sanitation Code - White Goods – Mayor Donna Pittman

- 1st Reading - Fee schedule – City Planner Joe Cooley
- Foot Reflexology, 5187 Buford Hwy, Doraville, GA. Application to expand an existing licensed massage parlor business at 5189 Buford Highway into commercial shopping center space adjacent to the currently licensed business located. – Planner Joe Cooley (Carried over from 11/21/11)
- 1st Reading Ordinance Amending Speed Limits – Chief John King (Carried over from 11/21/11)

X. **NEW BUSINESS**

- Amend the Alcohol Ordinance to Allow for Hearing Officer – Council Member Karen Pachuta
- Meeting Dates – January 2nd to January 3 and also December 19. – Mayor Pittman
- 1st Reading Ordinance - Call for Special Election – Melissa McCain
- Amendment to the City's Defined Benefit Plan – Melissa McCain

XI. **REPORTS: COMMITTEES, COMMISSIONS, BOARDS AND APPOINTMENTS:**

XII. **PUBLIC COMMENTS**:

XIII. **EXECUTIVE SESSION:**

XIV. **ADJOURNMENT:**

THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: GeoConex Contract

Date of Meeting: December 5, 2011

Budget Impact: x Y ___ N

Budget Impact Amount: $8,158.82

Funding Source:
(x)Annual
( )Capital
( )N/A

Regular Meeting	(X)
Work Session	( )
Recommendation	( )
Policy/Discussion	( )
Report	( )
Other	( )

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: Approve to have the annual maintenance contract renewed.

History, Facts, Issues: This contract covers all aspects of maintenance for our dispatch equipment. We have had this coverage renewed on an annual basis since we have had this CAD software.

Options:

Recommended Action: Approve to continue the maintenance service

Department: Police/ Captain Brinkley **Department Head:** Chief John King

Administrative Comments and Recommendation:

Action Taken By Board:

THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Appeal of Administrative Decision

Date of Meeting: 9-19-11 continued to ~~11-21-11~~ 12/1/11

Budget Impact: ☐ Yes ☒ No

Budget Impact Amount: $ n/a

Funding Source:

- ☐ Annual
- ☐ Capital
- ☒ N/A

Regular Meeting ☒
Work Session ☐
Recommendation ☐
Policy/Discussion ☐
Report ☐
Other ☒

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: Appeal to Council of administrative decision regarding allowed uses at 6555 Peachtree Industrial Blvd.

History, Facts, Issues: This is a former NTB store which closed and thereafter rezoned by City initiative from C-2, M-1 and R-1 to C-2 and R-1. Express Auto Collision, Inc., has requested a Determination of Appropriateness for an Occupation Tax Placard to utilize the property as an auto body shop which is not allowed in C-2 or R-1 zoning districts. The administrative decision by the interim planner was denial of the payment for the Occupational Tax Placard (see attached letter dated May 9, 2011).

Options: Sustain the administrative decision, overturn the administrative decision or table the item

Recommended Action:

Department: Planning & Development **Department Head:** Zoning Administrator

Administrative Comments and Recommendation: As an appeal of an administrative decision the hearing will be a quasi-judicial action.

Action Taken By Board:

THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Sanitation Code

Date of Meeting: Monday, October 3, 2011

Budget Impact: X Yes No☐

Budget Impact Amount: $ unknown

Funding Source:

☐ Annual
☐ Capital
X N/A

Regular Meeting	X
Work Session	☐
Recommendation	☐
Policy/Discussion	☐
Report	☐
Other	☐

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: Modify code section and policies regarding white goods pick up

History, Facts, Issues: There are repeated examples, throughout the city, of homes that are abusing our white goods disposal services. One home in District 3 has disposed of approximately a dozen televisions in recent weeks. The City pays $ 30.00 per ton for this disposal service

Options: Institute a call for pick up policy that would assist the City in identifying abusers of the service. Better define items that will be picked up. Begin charging for the service.

Recommended Action: Mayor meets with Public Works Department Head, legal counsel, and staff to evaluate feasibility of policy and procedure changes. Ensure that metal goods picked up by Public Works are being recycled.

Department: Council **Department Head:** Mayor

Administrative Comments and Recommendation: _____

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Action Taken By Board: _____

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THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: City Fee Schedule

Date of Meeting: 12/5/11

Budget Impact: ☐ Yes ☒ No

Budget Impact Amount: $ n/a

Funding Source:

- ☐ Annual
- ☐ Capital
- ☒ N/A

Regular Meeting ☒
Work Session ☐
Recommendation ☐
Policy/Discussion ☐
Report ☐
Other ☒

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: Review of update draft of fee schedule for the City.

History, Facts, Issues: The City has been in the process of updating the fee schedule to reflect current processes and consolidated all fees into a overall fee schedule for all departments in the City. All departments have been involved in the fee schedule preparation and it represents department recommendations. Existing language regarding fees would be taken out of the code of ordinances and language referencing the fee schedule inserted. Much of the code is already in this format. It allows the fee schedule to be changed by resolution of the City Council as opposed to have to do a text amendment everything a few fee or change is fee is required.

Options: Review and approve or recommend modifications.

Recommended Action:

Department: Planning Office **Department Head:** Joe Cooley

Administrative Comments and Recommendation:

Action Taken By Board:

THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Conditional Use Permit for Massage Parlor expansion of area of existing licensed business

Date of Meeting: 10-17-11 deferred to ~~11-21-11~~ 12/5/11

Budget Impact: ☐ Yes ☒ No

Budget Impact Amount: $ n/a

Funding Source:

- ☐ Annual
- ☐ Capital
- ☒ N/A

Regular Meeting	☒
Work Session	☐
Recommendation	☐
Policy/Discussion	☐
Report	☐
Other	☒

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: Conditional Use Permit to allow expansion of an existing licensed massage parlor, Foot Reflexology, into adjacent shopping center space.

History, Facts, Issues: Foot Reflexology is currently located 5189 Buford Highway and has a conditional use permit and massage parlor license issued by the City of Doraville. The subject property is zoned C-2 conditional and is part of Pinetree Plaza Shopping Center. The Applicant wishes to expand the business into the adjacent suite located at 5187 Buford Highway, also in Pinetree Plaza Shopping Center. Each suite has a separate street address. The existing business occupies approximately 1,000 s.f. and adjacent suite is approximately 1,000 s.f. In that Foot Reflexology is an existing licensed business with an existing CUP and massage parlor licence, a new massage parlor license is not required. However, a Conditional Use Permit is required for the new address.

Options: Grant the CUP, deny the CUP, or continue the public hearing.

Planning Commission Recommendation: The Planning Commission reviewed the application, asked questions of the Applicant and listened to public input. They unanimously recommended APPROVAL of the Conditional Use Permit.

Staff Recommendation: Approval of CUP. This will not increase the number of massage parlors in the city and is consistent with requirements of Doraville Code Section 3-318 limiting the number of massage parlors in the City.

THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Amendment to Speed Restrictions

Date of Meeting: ~~11/21/11~~ 12/5/11

Budget Impact: ___Y _X_ N

Budget Impact Amount: $_____

Funding Source:
( )Annual
( )Capital
( )N/A

Regular Meeting	(X)
Work Session	( )
Recommendation	( )
Policy/Discussion	(X)
Report	( )
Other	( )

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: Approve the Ordinance to Amend Chapter 19 (Traffic and Motor Vehicles) Section 19-13 (Speed Restrictions)

History, Facts, Issues:

The City has previously approved speed restriction revisions previously approved by the GDOT as requested by DeKalb County and the City of Doraville for certain streets within the boundaries of the City. The speed limit revisions were based on a duly conducted traffic study conducted in conjunction with DeKalb County in accordance with State law and the City desires to incorporate those adopted revisions into the City of Doraville Code to reflect the currently enforceable speed limits.

Options:

Recommended Action:

Approve the Ordinance as presented

Department: Police Department Department Head: Chief John King

Administrative Comments and Recommendation: _____

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Action Taken By Board: _____

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THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Amend Alcohol Ordinance to allow for Hearing Officer

Regular Meeting	(x)
Work Session	( )
Recommendation	( )
Policy/Discussion	( )
Report	( )
Other	( )

Date of Meeting: 12/5/11

Budget Impact: x Y ___ N

Budget Impact Amount: $ Cost of hearing officer for revocation hearings

Funding Source:
(x)Annual
( )Capital
( )N/A

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Amend alcohol ordinance to allow for a hearing officer to preside over revocation hearings

History, Facts, Issues: The City Council sets policy for the serving and consumption of alcohol within the City via the alcohol ordinance it adopts. Historically, the City Council has also determined whether to revoke alcohol permits for violations of the alcohol ordinance. Thus, City Council has acted as both the legislative and judicial branch of government in regards to alcohol permits. Many municipalities and local governments separate those roles by providing for an independent hearing officer to preside over revocation hearings.

Options: 1) Amend ordinance to allow for a hearing officer to preside over revocation hearings or 2) Leave ordinance as is.

Recommended Action: Direct the City attorney to amend the alcohol ordinance to allow for hearing officers.

Department: _____ Department Head: _____

Administrative Comments and Recommendation: _____

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Action Taken By Board: _____

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THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Meeting Dates

Date of Meeting: December 5, 2011

Budget Impact: ___Y _X_ N

Budget Impact Amount: $

Funding Source:
( )Annual
( )Capital
( )N/A

Regular Meeting	(X)
Work Session	( )
Recommendation	( )
Policy/Discussion	( )
Report	( )
Other	( )

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: To consider changing the regular meeting scheduled for January 2, 2012 and reschedule for January 3, 2012 due to the holiday the City is closed on the January 2, 2012.

Also consider if the December 19, 2011 meeting should be cancelled as has been practiced in prior years.

History, Facts, Issues: The City has consistently only met for one Regular Council meeting in December due to the holiday.

Options: Cancel the December 19, 2011 meeting or hold the December 19, 2011 meeting as scheduled.

Move the January 2, 2012 meeting to January 3, 2012 or cancel the regularly scheduled meeting for January 2, 2012.

Recommended Action: Move the January 2, 2012 meeting to January 3, 2012.

The December meeting schedule is entirely up to the Council

Department: City Hall

Department Head: Donna Pittman

THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Ordinance to Call For Special Election

Date of Meeting: December 5, 2011

Budget Impact: _X_Y ___ N

Budget Impact Amount: $

Funding Source:
(X)Annual
( )Capital
( )N/A

Regular Meeting	(X)
Work Session	( )
Recommendation	( )
Policy/Discussion	( )
Report	( )
Other	( )

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: To approve the ordinance to call for the Special Election on March 6, 2012.

History, Facts, Issues: The City passed the Call for Special Election for March 6, 2011 at the November 21, 2011 meeting. The ordinance stated that the election was to be held in conjunction with the Presidential Preference Primary. Unfortunately upon speaking with DeKalb County Board of Elections we will not be able to meet the deadline for the printing of the ballots which was last Thursday. Our qualifying is in January. This new Ordinance also changes the qualifying officer duties to the City Clerk so residents that want to qualify for office will file at City Hall as they have done in the past.

Options: Call the election with or without the ordinance.

Recommended Action: Approve the first reading of the Ordinance to call for the election.

Department: City Hall/Melissa McCain Department Head: Donna Pittman

THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Addendum to Retirement Plan

Date of Meeting: December 5, 2011

Budget Impact: ___Y _X_N

Budget Impact Amount: $_____

Funding Source: ( ) Annual ( ) Capital (X) N/A

Regular Meeting	(X)
Work Session	( )
Recommendation	(X)
Policy/Discussion	( )
Report	( )
Other	( )

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: Approve Addendum to the Georgia Municipal Employees Benefit System, Defined Benefit Retirement Plan Adoption Agreement.

History, Facts, Issues: Attached is our current plan as well as the amendments the City needs to consider with a summary of changes.

1. I have reviewed this with Attorney Felgin and he noted that they've changed the Agreement to make Council participation in the retirement system mandatory, versus optional as in the previous Agreement (Section 8(B)(1) and Section 12 of the Amended Agreement). It has been my understanding that the Council already automatically participates and that there is no option so the language change will clear up any confusion

2. The Council needs to consider if they would like to put a minimum monthly disability benefit in the agreement. Reviewing with Phil Davis, HR Plus, he stated that the norm is $140.00.

3. In Section 5 of the Agreement, "Pension Committee," they've left a space for the City to designate persons for that committee. If we don't have one, they'll assign them per the master plan (which would be City Clerk and City Manager /Mayor, two employees chosen by the City, and three appointed members (Usually Dept. Heads)of the City). In the past the City has not set up this Committee and it has been chosen for us.

4. In areas where the verbiage "Resolution" is used we will be changing to the verbiage "Ordinance" to be consistent throughout the document as it has been listed by GMA as both a Resolution and an Ordinance.

Options: 1) Approve document with required IRS changes and add $140.00 (or any amount council wishes) minimum disability amount monthly benefit, appoint Pension Committee Members and approve global verbiage change from Resolution to Ordinance.

2) Approve required IRS changes and leave the rest of the document as is with no minimum Disability and no pension committee appointments and approve global changes

3) Approve IRS required items only and change nothing else.

Department: Administration

Department Head: Mayor Pro Tem