

CITY OF CHAMBLEE, GA
MINUTES OF CITY COUNCIL MEETING
July 20, 2010 – 7:30 p.m.

Mayor Protem called the meeting to order at 7:40 p.m.

Councilmembers Present: Mayor Protem, Scott Taylor and Councilmembers Tom Hogan, Leslie Robson, Mark Wedge, and Dan Zanger. Mayor Eric Clarkson was absent.

Staff members present were: Mr. Joe Fowler, City Attorney, Mr. Jim Gleason, City Manager; Mr. Tillman Hannon, Public Works Director; Mr. Joel Holmes, Recreation Director; Ms. Angela Hudson, Finance Director; Mr. Marc Johnson, Police Chief; Mr. Dan Schultz, Development Director and Ms. Nancy Williams, City Clerk.

City Clerk:

1. **Approval of Minutes – June 8, 2010 – Tax Rate Public Hearings** – Mr. Hogan made a motion to approve the minutes of the June 8, 2010 Tax Rate Public Hearings, as submitted. Ms. Robson seconded the motion. The motion passed unanimously.
2. **Approval of Minutes – June 9, 2010 – Special Called Meeting** - Mr. Wedge made a motion to approve the minutes of the June 9, 2010 Special Called Meeting, as submitted. Ms. Robson seconded the motion. The motion passed unanimously.
3. **Approval of Minutes – June 10, 2010 – Council Work Session** - Ms. Robson made a motion to approve the minutes of the June 10, 2010 Council Work Session, as submitted. Mr. Hogan seconded the motion. The motion passed unanimously.
4. **Approval of Minutes – June 15, 2010 – Regular Council Meeting** - Mr. Hogan made a motion to approve the minutes of the June 15, 2010 Regular Council Meeting, as submitted. Ms. Robson seconded the motion. The motion passed unanimously.

City Manager:

1. **Extend Moratorium for Variances along Peachtree Blvd until 9-21-10** - Mr. Zanger made a motion to extend the current moratorium to not accept variances for property along Peachtree Blvd and property located 50 feet beyond Peachtree Blvd through September 21, 2010, as recommended by the City Manager. Ms. Robson seconded the motion. The motion passed unanimously.

2. **Contract with Aaron Fortner of Market and Main and Robert Zoeckler, Attorney with Maddox, Nix, Bowman & Zoeckler** – Mr. Zanger made motion to enter into a professional services contract with Aaron Fortner and Robert Zoeckler for the propose of reviewing and rewriting the City Code, Development Regulations, Civic Design, and Adaptive Reuse concerning development in the City of Chamblee, with the contract not to exceed \$10,000. Mr. Hogan seconded the motion. The motion passed unanimously.

Development Director:

1. **Variance Requests by David Shanahan - 5516 Peachtree Boulevard**

To allow a building façade to be less than 24 feet – (Section 903. A.) - Mr. Hogan made a motion to approve the variance request to allow the minimum façade building height to be less than 24 feet. Ms. Robson seconded the motion. Mr. Wedge suggested a friendly amendment to the motion to require final approval by the City Planner and that the variance only apply to IHOP. Mr. Hogan and Ms. Robson agreed to the amendment to the motion. The motion passed unanimously, with the amendment suggested by Mr. Wedge.

To allow parking in the front yard - (Section 904. A.2.) – Ms. Robson made a motion to approve the applicant’s request for a variance to allow automobile parking in the front yard, as suggested by the City Planner to approve 3 parking spaces instead of 4. Mr. Hogan seconded the motion.

Mr. Wedge made a motion to accept the developer’s request to withdraw the variance request. Mr. Wedge’s motion died from a lack of a second.

Mr. Zanger pointed out that the City Planner had recommended denial of the variance request, not approval. Ms. Robson restated her motion to approve a variance to allow 3 parking spaces in the front, with the condition that the variance only apply to IHOP. Mr. Hogan seconded the restated motion. The motion failed, with Ms. Robson and Mr. Hogan voting in favor and Mr. Zanger, Mr. Wedge and Mr. Taylor voting in opposition.

To allow a driveway between the sidewalk and the building - (Section 1202. E.) – Mr. Hogan made a motion to deny the variance request to allow a driveway between the sidewalk and the building. Mr. Wedge seconded the motion. Mr. Zanger said he would like to see the property landscaped. Mayor Protem Taylor allowed the applicant, Mr. David Shanahan of the Trilogy Group to address the Council. Mr. Shanahan said he would like to withdraw his request for this variance. Mr. Hogan restated his motion and moved to accept the applicant’s request to request to withdraw variance request without prejudice. Ms. Robson seconded the restated

motion. Mr. Wedge suggested a friendly amendment to add a condition to require the property to be streetscaped along Peachtree Blvd, in accordance with the Comprehensive Plan. Mr. Hogan and Ms. Robson agreed to the amendment. The motion passed unanimously, with the amendment suggested by Mr. Wedge.

First floor minimum floor-to-ceiling less than 18 feet - (Section 907. A.1.) – Ms. Robson made a motion to approve the variance request to allow the first floor to have a minimum floor-to-ceiling height of less than 18 feet, (12 feet in this case), with the condition the variance only apply to IHOP. Mr. Hogan seconded the motion. The motion passed with Mr. Wedge voting in opposition.

- 2. Three Right of Way Projects** - Staff submitted three projects have proposed working the City's right of way. Council had previously requested that all work in the right-of-way be reviewed by the Mayor and Council. Three projects have been proposed 1) S&S Bottle Shop located at 4865 Peachtree Road, 2) the old Ferguson Plumbing Building, located at 3436 Miller Drive, and 3) the airport property located at Chamblee Tucker and West Hospital Road.

Mr. Hogan asked staff to determine if Council needed to approve work in the right-of-way, or if staff was only advising the Council the work was taking place.

3436 Miller Drive– Mr. Hogan made a motion to approve the work in the right-of-way at 3436 Miller Drive. Mr. Wedge seconded the motion. The motion passed unanimously.

S & S Bottle Shop – Mr. Hogan made a motion to postpone making a decision about this matter until the August Work Session and instruct staff to clarify whether or not Council needed to approve the request. Mr. Wedge seconded the motion. Ms. Robson asked if staff had the opportunity to find out if the Department of Transportation was willing to remove the paved area. Mr. Shultz said he spoke with a representative from DOT earlier that day and was advised the DOT did not have funding to do beautification projects or accept liability for the project. Mr. Hogan made a motion to postpone action on this item until the August Work Session. Ms. Robson seconded the motion. Mr. Hogan restated his motion to post pone taking action on this item until the August Work Session unless it is determined Council does not need to approve the work, then staff can approve. Mr. Hogan withdrew his motion. Ms. Robson made a motion to approve the work in the right-of-way at 3436 Miller Drive, if Council approval is required. Mr. Zanger seconded the motion. The motion passed with Mr. Hogan abstaining from the vote.

Demolition-Peachtree Dekalb Airport, Chamblee-Tucker Road – Mr. Zanger made a motion to approve work in the right of way, as recommended by the City Manager.

Mr. Wedge seconded the motion. The motion passed with Mr. Hogan abstaining from the vote.

Chief of Police:

1. **Approval Federal Grant** – Mr. Zanger made a motion to approve the 2010 Byrne Memorial Justice Assistance Grant application, as submitted by the Police Chief. Mr. Wedge seconded the motion. The motion passed unanimously.

Finance:

1. **Approve-2010 Second Quarter Revenue vs. Expense Report (Jan1- June 30-2010)** – Mr. Hogan made a motion to approve the 2010 Second Quarter Revenue vs. Expense Report, as submitted. Ms. Robson seconded the motion. The motion passed unanimously.

Public Works-Sanitation:

1. **Budget Amendment: Transfer Equipment Operator I, Grade 10, from Sanitation Department to Laborer, Grade 10, Public Works Department** – Mr. Zanger made a motion to approve the request as submitted by the Public Works Director. Mr. Wedge seconded the motion. The motion passed unanimously.

Mayor Clarkson:

1. **National Wildlife Federation Backyard Habitat Signs-** Ms. Robson made a motion to approve the purchase of signs, not to exceed \$250 and to have staff advise of the location the signs will be placed. Mr. Zanger seconded the motion. Mr. Wedge suggested a friendly amendment to the motion to instruct funds come from the City Council's training budget. After some discussion, the amendment was not accepted Mayor Protem Taylor called for a vote. The motion passed unanimously.
2. **Completion of Streetscapes along Peachtree Blvd** - Mr. Zanger made a motion to instruct staff to obtain prices to complete the streetscape, with trees and acorn street lights, along Peachtree Blvd where sidewalks have been installed. Mr. Wedge seconded the motion. The motion passed unanimously.

Councilman Mark Wedge:

1. **Prohibit use of Animals at Carnivals, Circuses and Rodeo's in the City of Chamblee -**
Mr. Wedge made a motion to prohibit the use of animals at carnivals, circuses and rodeo's within the city limits of Chamblee. The motion died from lack of a second.

Councilman Tom Hogan:

1. **Door-to-Door Sales -** Mr. Hogan made a motion to instruct staff to research and prepare a reasonable ordinance to require door-to-door solicitors to register with city police department to obtain a city photo ID, fingerprints and background checks at no cost. Ms. Robson seconded the motion. The motion passed unanimously.

2. **Taste of Chamblee**

Alcohol License - Ms. Robson made a motion to approve the Chamblee Business Association's request for an alcohol license for the Taste of Chamblee, pending submittal of proper paperwork. Mr. Zanger seconded the motion. The motion passed unanimously.

Authorization for City Employees to Work at Taste of Chamblee Event - Mr. Hogan made a motion to approve employees of the city police department and sanitation department to work "Taste of Chamblee" as the city's sponsorship at no charge to the CBA. Employees will be paid over-time, as required and the City will use the Hotel-Motel Funds to cover expenses incurred. Ms. Robson seconded the motion. The motion passed unanimously.

Citizen Comments: There were no citizen comments.

Executive Session - Ms. Robson made a motion to adjourn into executive session to discuss a personnel matter. Mr. Zanger seconded the motion. The motion passed unanimously. No action was taken in executive session.

Mr. Wedge made a motion to reconvene the meeting into open session. Ms. Robson seconded the motion. The motion passed unanimously.

Mr. Wedge made a motion to adjourn the meeting. Ms. Robson seconded the motion. The motion passed unanimously and the meeting adjourned at 9:10 p.m.

Nancy Williams, City Clerk

Attest: _____
Scott Taylor, Mayor Pro Tem