

CITY OF CHAMBLEE, GA
MINUTES OF CITY COUNCIL MEETING
May 18, 2010 – 7:30 p.m.

Mayor Eric Clarkson called the meeting to order at 7:30 p.m.

Councilmembers present were: Mr. Tom Hogan, Mrs. Leslie Robson, Mr. Scott Taylor, Mr. Mark Wedge, and Mr. Dan Zanger.

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

Presentation and Announcements:

1) Certificate of Appreciation for Postal Worker, Donald Wortham - Mayor Clarkson and Police Chief Johnson presented an award to Postal Worker Donald Wortham for saving the life of a young couple who had no idea their home was on fire. The home located in the 3000 block of Janice Court suffered significant damage.

2) Kewswick Park DVD – A slide show presentation showing Public Works employee's progress on building a bridge at Keswick Park was shown.

City Clerk: Approval of Minutes – April 15, 2010 – Public Hearing and Work Session
Approval of Minutes – April 20, 2010 – Regular Council Meeting
Approval of Minutes – April 28, 2010 – Special Called Council Meeting

Mr. Wedge made a motion to approve the minutes of the Public Hearing and Work Session held on April 15, 2010, as submitted. Ms. Robson seconded the motion. The motion passed unanimously.

Mr. Zanger made a motion to approve the minutes of the meeting held on April 20, 2010, as submitted. Mr. Taylor seconded the motion. The motion passed unanimously.

Mr. Zanger made a motion to approve the minutes of the special called meeting held on April 28, 2010, as submitted. Ms. Robson seconded the motion. The motion passed unanimously.

Development Director:

1) Appeal of staff's decision to deny the application of site plans for 4906 Peachtree Blvd.

The City Council heard the applicants appeal at the City Council Work Session held on May 13, 2010.

Ms. Robson made a motion to postpone this item until the June Work Session and to instruct to schedule a Council meeting with legal counsel about this matter. Mr. Wedge seconded the motion. Mr. Wedge suggested a moratorium on future variances.

After much discussion among the City Council members, Ms. Robson amended and restated her motion to postpone making a decision about the appeal until the June work session and to issue a 90-day moratorium on accepting any variance requests for property along Peachtree Blvd and property located 50 feet beyond Peachtree Blvd. Mr. Wedge seconded this motion. The motion passed unanimously.

2) Variance Request – Eco-Lofts Development - 3400 Malone Drive

- a. Request to allow residential use on the first floor of a multi-family building**
- b. Request to allow the percentage of residential to be greater than 80%.**

Mr. Taylor moved to consider both items together in one motion. Mr. Hogan seconded the motion. The motion passed unanimously.

Mr. Taylor made a motion deny the variance request as submitted, but to approve a variance for the one unit discussed during last month's meeting. (Residential/Personal Fitness Training) with several conditions. Mr. Hogan seconded the motion. Mr. Zanger requested a friendly amendment to Mr. Taylor's motion. Mr. Hogan also requested a friendly amendment to Mr. Taylor's motion. After much discussion, Mr. Taylor amended and restated his motion as follows:

The variance request shall be denied as submitted, but shall be granted for one unit with the following conditions:

1. No residence will be allowed in the storefront.
2. No residential component is to exceed 50% of the total unit and there shall be no less than 50% non-residential use.
3. The non-residential component will be separated from the residential component in a way that will eliminate any line of sight directly to the residential component.

4. The occupant of the unit is to be both the primary resident and the primary business owner. The occupant is not able to rent out one portion of the unit. The occupant is able to rent out or sell the entire unit as long as the new tenant or owner occupies the entire unit or it becomes 100% non-residential.
5. Under the variance request, the Occupancy Permit will be a business permit that will allow residential occupancy. Under this provision, if the business closes, the occupancy permit becomes invalid.

Mr. Wedge seconded this motion. The motion passed unanimously.

Mr. Hogan made a motion to suspend the rules to allow an agenda item to be added. Mr. Taylor seconded the motion. The motion passed unanimously.

Mr. Hogan made a motion to add "Live/Work Space" to the agenda. Ms. Robson seconded the motion. The motion passed unanimously.

Mr. Hogan made a motion to direct staff to research and come back to the City Council in August with a recommendation on changes that can be made to the Zoning Ordinance as it relates to Life/Work Spaces. Ms. Robson seconded the motion. After much discussion, Mr. Hogan withdrew his motion.

3) Chamblee Antique Dealers Association

a. Sign Permit Approval - Mr. Hogan made a motion to approve the Sign Permit. Mr. Zanger seconded the motion. After much discussion, Mr. Hogan amended his motion. He moved to approve the sign permit with the condition that the design of the sign shall be approved by the City and in keeping with the design standards of the City. Mr. Wedge seconded this motion. The motion passed unanimously.

b. Funding for Sign – Mr. Hogan made a motion to authorize funding for the sign, not to exceed \$2,500. Mr. Wedge seconded the motion passed unanimously.

c. Funding for Brochures – Mr. Hogan made a motion to post-pone making a decision about this item until the June meeting to allow time for the brochure to be re-designed. Mr. Wedge seconded the motion. Mr. Hogan wanted the brochure to promote the entire city and not just members of the Chamblee Business Association. There was much discussion among the members of City Council and members of the audience. Mayor Clarkson called for a vote. The motion passed unanimously.

4) Variance Request – 3593 London Road – Mr. Zanger moved to approve the request for a variance at 3593 London Road, as submitted. Ms. Robson seconded the motion. Mr. Wedge suggested a friendly amendment to the motion to state that the height of the building should not exceed 34 feet from the old threshold. Mr. Taylor believed the

Council should approve the variance as requested and as recommended by staff. After much discussion, Mr. Zanger restated his original motion to approve the request for a variance at 3593 London Road, as submitted. Mr. Hogan seconded this motion. The motion passed with Mr. Wedge and Ms. Robson voting in opposition.

Parks and Recreation:

- 1) **Appointment to Recreation Advisory Committee** – Mr. Zanger made a motion to appoint Ms. Jennifer Robins to a two-year term on the Recreation Advisory Committee, as recommended by staff. Ms. Robson seconded the motion. The motion passed unanimously.

Finance Director:

- 1) **Review Fiscal Year 2009 Income Statement** – Mr. Taylor made a motion to approve the “Fiscal Year 2009 Income Statement” submitted by the Finance Director. Mr. Hogan seconded the motion. The motion passed unanimously.

- 2) **Review Fiscal Year 2010 Income Statement, First Quarter** - Mr. Taylor made a motion to approve the “Fiscal Year 2010 Income Statement, First Quarter” submitted by the Finance Director. Mr. Hogan seconded the motion. The motion passed unanimously.

- 3) **2009 Budget Amendments** – Mr. Taylor made a motion to approve amendments to the 2009 Budget, as recommended by staff:

Fund Description	Current 2009 Budget Balance	Requested Budget Amended	Amended 2009 Budget Balance
General Fund	\$8,464,062	(\$306,000.00)	\$8,158,062.00
Hotel-Motel Special Revenue Fund	0	\$50,300.00	\$50,000.00
Confiscated Asset Special Revenue Fund	0	\$1,800.00	\$1,800.00
Solid Waste Enterprise Fund	0	\$596,756.83	\$596,756.83
TOTAL	\$8,464,062	\$342,856.83	\$8,806,918.83

Ms. Robson seconded the motion. The motion passed unanimously.

City Attorney:

- 1) **Second Reading – Personnel Policy Ordinance Amendment** - Mr. Fowler presented the second reading of an amendment to the Personnel Ordinance to prohibit employment discrimination based on sexual preferences. Mr. Wedge made a

motion to approve the ordinance amendment as presented. Mr. Taylor seconded the motion. The motion passed unanimously.

- 2) **Second Reading – Personnel Policy Ordinance Amendment** - Mr. Fowler presented the second reading of an amendment to the Personnel Ordinance to amend the definition of breaks. Mr. Wedge made a motion to approve the ordinance amendment as presented. Mr. Taylor seconded the motion. The motion passed unanimously.
- 3) **First Reading – Personnel Policy Ordinance Amendment** – Mr. Zanger the proposed ordinance was lengthy. Mr. Zanger made a motion to ask the City Attorney to only read the headers of the proposed ordinance. Mr. Hogan seconded the motion. The motion passed unanimously. Mr. Fowler presented the first reading of an amendment to the Erosion Sediment Control Ordinance. A second reading will take place at the June meeting prior the City Council taking action to approve it.

Mayor-Council:

1) Councilmember Tom Hogan – Resolution – Economic Development Advisory Committee

Mr. Hogan made a motion to approve a resolution to adopt procedures for the Economic Development Advisory Committee. The resolution is attached and made a part of these minutes. Mr. Taylor seconded the motion. The motion passed unanimously.

Public Comments:

Mr. Allen Moise, from the Huntley Hills neighborhood, said he was the director of the Chamblee Farmers' Market and they planned to have a soft opening of the market on June 12, 2010.

Mr. Dwayne Heller, Granger Drive, expressed concern about a possible night club in Chamblee.

Ms. Robson announced Chamblee Community Wildlife Habitat had planned their annual Garden Tour for Saturday, May 22nd from 10 a.m. until 4 p.m. Tickets (\$10.00) will be available ahead of time at Ashe-Simpson Nursery or you can buy tickets at the first home on the tour, 3747 Longview Drive.

Mr. Wedge made a motion to adjourn the regular meeting. Ms. Robson seconded the motion. The motion passed unanimously and the meeting adjourned at 8:39 p.m.

Nancy Williams, City Clerk

Attest: _____
Eric Clarkson, Mayor

RESOLUTION

Economic Development Advisory Committee Authority Presented by Councilmember Thomas S. Hogan, II City of Chamblee, Chamblee, GA

WHEREAS, the City of Chamblee created the Chamblee Economic Development Advisory Committee, in November or 2009 for the purpose of researching, evaluating and recommending public-private economic development initiatives in the City of Chamblee; and whereas the Committee was initially created with loosely defined authority and structure that involved Council Members, City Staff, and Community Representatives;

NOW, THEREFORE, BE IT RESOLVED, that the City adopt the following policies, procedures and definitions regarding the Chamblee Economic Development Advisory Committee:

Name: The Name of the Committee shall be the Chamblee Economic Development Advisory Committee (the "Committee").

Purpose: The Committee shall be created as a "Special Purpose" Committee, whose exclusive purpose shall be to research, evaluate and make recommendations regarding the creation of a Comprehensive Economic Development Plan for the City of Chamblee. The Committee shall be dissolved upon completion of the defined Purpose.

Executive Board: The Executive Board shall be made up of a Chairman and Executive Board Representatives. Executive Board Representatives may be appointed and confirmed, and removed from the Committee, by a majority vote of the Chamblee City Council.

Chairman: It is the duty of the Chairman act as chief executive and to set the agenda, call the Committee together, and run the meetings. It shall also be the duty of the Chairman to act as the secretary of the Committee. The Chairman shall vote only in a case of a tie.

Executive Board Members: The right to vote on measures before the Committee shall be vested in Executive Board Members. Members shall be granted the authority to attend and participate in all regular meetings, and shall be granted a vote when items are being considered for recommendation to the City Council.

Board of Advisors: The Board of Advisors shall be made up representatives of local merchant committees, representatives of larger local businesses, and other

government and quasi-government organizations. New members shall be nominated by the Mayor, any member of City Council, or any member of the Executive Board, and confirmed by a simple majority vote of the Executive Board. The Board of Advisor members shall be granted the authority to participate in all regular meetings.

Meetings: The regular meetings shall be held on the first Wednesday of each month, except in January and July. The regular scheduled time for the meetings shall be 1:00 p.m. Due to the likelihood that many members of City Council may attend any given meeting, all regularly scheduled meetings shall be publically advertised by City staff. Each meeting will give the Public an opportunity to speak to the Committee.

Therefore, be it resolved that the above definitions be made the policy of the Economic Development Advisory Committee.

Adopted this 18th day of May, 2010, by the Mayor and City Council of the City of Chamblee.

Eric Clarkson, Mayor

Attest: _____