

**CITY OF CHAMBLEE, GA.
MINUTES
PUBLIC HEARINGS AND WORK SESSION
JULY 16, 2009**

PRESENT: Mayor Clarkson, Council Members Wedge, Robson, Hogan, Zanger and Taylor

PRESENTATION: Assistant Police Chief, Mark Bender, returning from participation in Operation Enduring Freedom, presented the City with an American Flag flown over Camp Mike Spann in Afghanistan in honor of the City of Chamblee.

Public Hearings called to order: Mayor Clarkson called the public hearings to order at 6:05 p.m.

Public Hearing: proposed amendments to zoning ordinance: Mayor Clarkson read the rules of order for the public hearing and identified eight applications for zoning variances by owner Gary Matthews at 5256 Peachtree Road to allow a master sign package; a dumpster in the side yard; and a loading space facing a public road not in conformance with sections 1307 B, 1308 A 4, 1309 A 1, and 908 D 1 thru 4 of the zoning ordinance.

1. To allow a master sign package: At the direction of Mayor Clarkson, City Planner, Jill Sleuder with Pond and Company, read and entered into the record, the planners opinion on the variance application. The Mayor then asked for those wishing to speak in favor of the variance request to come to the microphone. Owner Gary Matthews and resident Jim Hansen spoke in favor. The Mayor then asked for those wishing to speak in opposition to the variance request to come to the microphone. No one spoke in opposition to the variance requests. The Mayor then gave the City Council the opportunity to ask questions of staff or the applicant.

2. To allow a dumpster in a side yard and a loading area facing a public street: At the direction of Mayor Clarkson, City Planner, Jill Sleuder with Pond and Company, read and entered into the record, the planners opinion on the variance application. The Mayor then asked for those wishing to speak in favor of the variance request to come to the microphone. Owner Gary Matthews spoke in favor. The Mayor then asked for those wishing to speak in opposition to the variance request to come to the microphone. No one spoke in opposition to the variance request. The Mayor then gave the City Council opportunity to ask questions of staff and/or the applicant.

Public Hearing: proposed amendments to zoning ordinance: Mayor Clarkson identified three applications for zoning variances by owner Gordy Germany at 3360 and 3368 Hardee Avenue to allow a residential unit on the ground floor, to reduce parking requirements, and to have more than the allowed square footage for the NC-2 zoning district not in conformance with sections 1007 B, 1007 D, and 1203 of the zoning ordinance.

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Public Hearing – (con't.)

1. To allow a residential unit on the ground floor: At the direction of Mayor Clarkson, City Planner, Keri Stevens with Pond and Company, read and entered into the record, the planner's opinion on the variance application. The Mayor then asked for those wishing to speak in favor of the variance request to come to the microphone. Owner Gordy Germany, architect Joe Trammel and adjacent property owners John Todd and Steve Bancroft spoke in favor. The Mayor then asked for those wishing to speak in opposition to the variance request to come to the microphone. No one spoke in opposition to the variance requests. The Mayor then gave the City Council the opportunity to ask questions of staff or the applicant.

2. To allow a reduction in the number of off-street parking spaces: At the direction of Mayor Clarkson, City Planner, Keri Stevens with Pond and Company, read and entered into the record, the planners opinion on the variance application. The Mayor then asked for those wishing to speak in favor of the variance request to come to the microphone. Owner Gordy Germany and architect Joe Trammel spoke in favor. The Mayor then asked for those wishing to speak in opposition to the variance request to come to the microphone. No one spoke in opposition to the variance request. The Mayor then gave the City Council opportunity to ask questions of staff and/or the applicant.

3. In order to propose more square footage than allowed: At the direction of Mayor Clarkson, City Planner, Keri Stevens with Pond and Company, read and entered into the record, the planner's opinion on the variance application. The Mayor then asked for those wishing to speak in favor of the variance request to come to the microphone. Owner Gordy Germany and architect Joe Trammel spoke in favor. The Mayor then asked for those wishing to speak in opposition to the variance request to come to the microphone. No one spoke in opposition to the variance request. The Mayor then gave the City Council opportunity to ask questions of staff and/or the applicant.

There being no further comments or questions, motion to adjourn the public hearings at 7:30 p.m. was made by Councilmember Robson, seconded by Councilmember Hogan, and carried unanimously.

Work Session called to order: The work session was called to order at 7:30 p.m. by Mayor Clarkson.

Staff Action Items for Regular Meeting 7-21-09:

City Clerk:

5A-1. Approval of Minutes from June meetings: There was no discussion of this item at work session. Item will move to the regular agenda for action.

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Mayor and/or Council Member Discussion:

Council Member Hogan:

7B-1. Taste of Chamblee Update: Council Member Hogan made a suggestion to move this item forward on the work session agenda. Mayor and Council agreed. Bill Watson of JRM Management, a special events management company, provided a presentation regarding the upcoming Taste of Chamblee including an update on committed participants, sponsorship opportunities and advertising. City Manager Gleason advised cost for City services would be approximately \$3,530 for equipment and labor. There was discussion by the Council. Item will move to the regular agenda for action.

Staff Action Items for Regular Meeting 7-21-09 – (con't.)

City Clerk:

5A-2. Request to appoint Municipal Elections Superintendent: City Manager, Jim Gleason, advised that this was an administrative action required by City Code. The former appointee retired. Item will move to regular agenda for action.

5A-3. Request to appoint Pension Committee Secretary: City Manager, Jim Gleason, advised that this was required by GMEBS to administer the City's retirement program. The former appointee retired. Item will move to regular agenda for action.

5A-4. Request to approve job descriptions: There were questions by Council Member Hogan and Mayor Clarkson regarding the Clerk's title and possible Charter amendment. It was determined no change was required and the position would be referred to as City Clerk during Council Meetings. Item will move to regular agenda for action.

Development Director:

5B-1. Request for variances – 5256 Peachtree Lofts – 5256 Peachtree Road: There was no further discussion. Item will move to regular agenda for action.

5B-2. Request for variances – Hardee Avenue Office Development - 3360 & 3368 Hardee Avenue: There was no further discussion. Item will move to regular agenda for action.

5B-3. Request for amendment to City Engineer Fees and Building Permits: Dan Schultz, Development Director, advised that engineering fees for bond review would be applied at a flat rate instead of an hourly rate. Tent and fence permit fees would be lowered. Item will move to regular agenda for action.

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City Manager:

5C-1. Presentation and approval of 2008 Audit by City Auditor (report to follow) City Manager advised that External Auditor would make presentation during the Regular meeting. Mayor and Council will receive Auditor's report prior to the meeting. Item will move to regular agenda.

5C-2. Resolution to appoint authorized individuals to deposit and/or withdraw funds from Georgia Fund 1: Signature authority is required for City staff and elected officials to deposit or withdraw funds. Item will move to regular agenda for action.

Chief of Police:

5D-1. Request for approval of Edward Byrne Memorial Justice Assistance Grant Application. City Manager advised funds would be used for replacement of 27 bulletproof vests. Amount of grant revised from \$14,375 to \$14,283. Item will move to regular agenda for action.

City Attorney:

5E-1. Reading of Ordinance to Amend Chapter 24, Cable Services and Other Telecommunications Services- Second Reading:

5E-2. Reading of Ordinance to Amend the Sign Ordinance - First Reading

5E-3. Reading of Ordinance to Amend the City Charter to add position of Finance Director - First Reading

There was no discussion on City Attorney items at work session.

Staff Discussion Items:

Development Director

6B-2. Discussion of project in public right-of-way: The City Manager suggested moving this item forward on the work session agenda. Mayor and Council agreed. As directed, all projects involving work in a public right-of-way are to be brought for review by the Mayor and Council. Resident is realigning driveway in front of their home on the public right-of-way. Item will not move to meeting on 7-21-09.

City Manager:

6A-1. Second Quarter FY2009 Budget Update: Jim Gleason presented an update on the City's budget for the second quarter of FY 2009. The City Manager discussed projected revenues and expenditures as well as actions staff will take to prevent possible revenue shortfalls. There was discussion by the Mayor and Council. Item will not move to regular meeting agenda.

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Development Director

6B-4. Discussion of shooting range as a permitted accessory use: City Manager suggested moving this item forward on the work session agenda. Mayor and Council agreed. City Attorney reported on issues that may or may not be addressed by the Mayor and Council in developing a shooting range policy. There was discussion by the Mayor and Council. The Development Director and the City Attorney are to develop a draft ordinance for review by Council. Item will move to the regular meeting for further discussion.

City Manager

6A-2. DeKalb County Tax Installment 8-31-09/Tax Anticipation Note: Jim Gleason advised that DeKalb County would not send out first notices for tax installments until 8-31-09, two weeks later than anticipated. The City needs to address cash flow issues by approving a Tax Anticipation Note. He explained that this is not a deficit situation and is normal for most municipalities. There was discussion by the Mayor and Council. Council Member Wedge made the motion to approve the TAN Resolution and authorize the Mayor and City Clerk to sign and execute all required documents to obtain the TAN loan for \$1,000,000 (one million dollars). Motion was seconded by Council Member Hogan and carried unanimously.

Development Director

6B-1. Report on the Basics of Economic Development: The Development Director provided a report for the Mayor and Council on Economic Development. Item will not move to the regular agenda.

6B-3. Discussion reference draft language on Farmer's Markets and/or Special Events: Staff is directed by Council to bring this item forward for discussion during the regular meeting.

Mayor and/or Council Member Discussion:

Council Member Hogan

7A-1. Tree Bank: Tom Hogan requests to allocate resources from the Tree Bank to plant trees along New Peachtree between Clairwood Terrace and Clairmont. Council determines there is no policy for use of the Tree Bank. Staff is directed to bring this item forward to the regular meeting to begin formulation of a Tree Bank policy.

7B-3. GMA Hometown Connection: Council Member Hogan wants to implement a "hometown connection" to showcase the City. There was discussion by the Mayor and Council. This item will not move to the regular agenda.

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Council Member Zanger:

7B-1. Discussion concerning Community Service: Council Member Zanger is interested in the Municipal Court issuing Community Service options allowing qualified participants to assist with City services. Item will move to the agenda for the regular meeting.

Citizen Comment:


Bill Swilley suggested the Council contract out certain services and give up City health insurance coverage. He advised he thinks Council is doing a good job.
Evelyn Kennedy advised the City has a Comprehensive Plan.

Executive Session Pursuant to OCGA § 50-14-4(b):

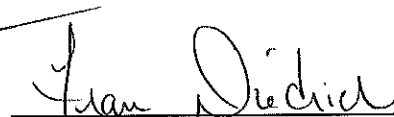
Council Member Wedge made a motion to convene into Executive Session at 10:37 p.m., seconded by Council Member Taylor and carried unanimously.

Council Member Taylor made a motion to adjourn from Executive Session at 10:43 p.m., seconded by Council Member Hogan and carried unanimously.

Meeting adjourned: The work session was adjourned by unanimous consent at 10:45 p.m.



R. Eric Clarkson – Mayor



Fran Diedrich – City Clerk

AFFIDAVIT PURSUANT TO OCGA § 50-14-4(b)

STATE OF GEORGIA

COUNTY OF DEKALB

Personally appeared before the undersigned attesting officer, duly authorized to administer oaths, R. ERIC CLARKSON, who, after being duly sworn, deposes and on oath states the following:

(1) I was the presiding officer of a meeting of the Chamblee City Council held on the 16th day of July, 2009.

(2) That is my understanding that OCGA § 50-14-4(b) provides as follows:

When any meeting of an agency of an agency is closed to the public pursuant to subsection (a) of this Code section, the chairman or other person presiding over such meeting shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.

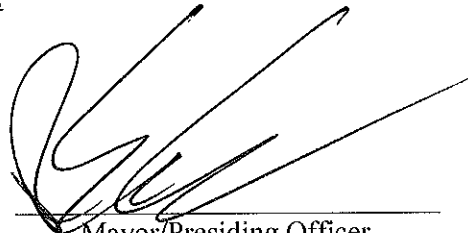
(3) The subject matter of the closed meeting or closed portion of the meeting on the 16th day of JULY, 2009, which was closed for the purpose of

LITIGATION-

as allowed by OCGA, Title 50, Chapter 14, was devoted to matters within those exceptions and as provided by law.

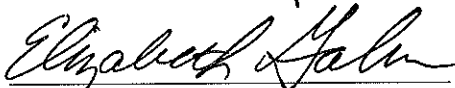
(4) This affidavit is being executed for the purpose of complying with the Mandate of OCGA § 50-14-4(b) that such an affidavit be executed.

This 29th day of JULY, 2009 _____.



Mayor/Presiding Officer

Sworn to and subscribed before me
This 29th day of July, 2009



Notary Public

Oct 9 2011

Commission Expiration:



NOTE: Because violation of the Open Meetings Act may be grounds for recall from office, if there is the slightest doubt, or any question whatsoever, as to whether a matter can be the subject of a closed meeting, DO NOT CLOSE.

TYPERS OF MEETING COMMON TO MUNICIPALITIES WHICH MAY BE CLOSED

1. Staff meetings held for investigative purposes, under duties or responsibilities imposed by law, may be closed. OCGA § 50-14-3(1).
2. Meetings where any agency is discussing future acquisition of real estate may be closed. However, notice that such meeting is taking place must be given and minutes taken. When the deal is either complete or abandoned, those minutes must be disclosed. OCGA § 50-14-3(4).
3. Meetings when discussing employment, periodic evaluations or disciplinary actions regarding a public officer or employee may be closed. However, the presentation of evidence or argument in disciplinary cases must be open. And the vote on such matters must occur at an open meeting. OCGA § 50-14-3(6)
4. Consultations with an attorney regarding pending or potential legal action. However, a meeting with an attorney to discuss legality of closing a meeting must be open. OCGA § 50-14-2(a)(1).