

**CITY OF CHAMBLEE, GA.
MINUTES
REGULAR COUNCIL MEETING
AUGUST 18, 2009
7:30 P.M.**

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

Mayor Clarkson called the meeting to order at 7:36 P.M.

Approval of Minutes: July 16, 2009 Work Session, and July 21, 2009, Council Meeting Minutes. Motion to approve Minutes as submitted made by Councilmember Hogan, seconded by Councilmember Zanger and **carried** unanimously.

Councilmember Hogan requested to suspend the rules to add item from the Police Chief. Motion to suspend the rules to add item for action as submitted by the Police Chief made by Councilmember Hogan, seconded by Councilmember Zanger and **carried** unanimously. Item was added to the agenda as Item 2. C2.

Chase WaMu Conversion - 1841 Chamblee Tucker Road – Requesting to amend zoning conditions to allow an insignia to be larger than the sign’s lettering. Motion to deny approval made by Councilmember Wedge, seconded to allow discussion by Councilmember Taylor and **carried** unanimously for discussion. After discussion and clarification by the Development Director, **Motion was withdrawn by consent of the Council.**

Motion to amend zoning condition that applies to the Chase sign and any other signs at the Walmart site to allow symbols to be larger than letters made by Councilmember Robson, seconded by Councilmember Zanger **not carried.** There was discussion by the Council and staff. **Friendly amendment that we restate the Motion to amend the changes and zoning conditions as recommended by the City Planner** made by Councilmember Hogan. Okayed by Robson.

Au-Rendez-vous Restaurant – 4102 Clairmont Road – Requesting a variance to allow a reduction of the required rear buffer. Councilmember Robson requested to address items 2. B.2 and B.3 at the same time. **Motion to postpone voting on Items 2 B.2 and B.3 until September’s Worksession and Council Meeting to allow the applicant and/or his representative to work with City staff and the neighborhood to explore any and all possible solutions to parking** made by Councilmember Robson, seconded by Councilmember Zanger and **carried** unanimously.

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Request for approval of Police Department Reorganization Proposal. There was no discussion. Motion to approve Police Department Reorganization Proposal effective September 11, 2009, made by Councilmember Taylor, seconded by Councilmember Wedge and carried unanimously.

Request to adjust GCIC fee structure per specific contract request. Motion to direct staff to negotiate a volume price for full records requests with GCIC as stated in the emergency request dated August 18, 2009 presented by the Chief of Police, made by Councilmember Hogan seconded by Councilmember Taylor. There was some discussion. Motion carried unanimously.

Request to review Community Service Program Pros and Cons. Motion to direct staff to implement a Community Service Program for the City of Chamblee Municipal Courts as outlined by Chief Johnson in his memo to the Council and discussed in the Council Work Session dated August 13, 2009, made by Councilmember Zanger, seconded by Councilmember Hogan motion carried with Council members Robson, Taylor, Hogan and Zanger voting in favor; Councilmember Wedge opposed.

Reading of Ordinances – City Attorney

Second Reading of an Ordinance to Amend the Sign Ordinance by City Attorney. Motion to adopt ordinance as read made by Councilmember Hogan, seconded by Councilmember Taylor and carried unanimously.

Second Reading of an Ordinance to Amend the City Charter to add position of Finance Director by City Attorney. Motion to adopt ordinance to Amend the City Charter as read made by Councilmember Taylor, seconded by Councilmember Hogan and carried unanimously.

First Reading of an Ordinance to Amend the Zoning Code regulating and providing for indoor shooting ranges as a permitted use by City Attorney.

First Reading of an Ordinance to Amend the Zoning Code regulating Farmers Market and/or Special Events by City Attorney. Item was tabled until properly advertised.

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A request was made by the City Manager to approve compensation, job description and hire of the Finance Director. Motion to suspend the rules and add an item to the agenda made by Councilmember Robson, seconded by Councilmember Taylor and carried unanimously. Motion to approve hire of Angela Hudson as Finance Director made by Councilmember Taylor, seconded by Councilmember Wedge and carried unanimously.

Citizen Comment: Kiet Changivy, owner of Au-Rendez-vous Restaurant, thanked the Council for their interest and spoke regarding his need for variance in order to open. Arthur Gibert reminded the Council of the complexities of gaining consensus in neighborhoods supporting zoning variances. Kay Shaheed emphasized she was still not “head-over-heels” on the idea of placing a restaurant abutting her property.

Mayor Clarkson recognized Scouts from Troop 268 attending the meeting in an effort to obtain their Citizenship badges.

There being no further business, Councilmember Wedge made a motion to adjourn at 8:04 p.m., seconded by Councilmember Hogan and carried unanimously.



R. ERIC CLARKSON - MAYOR



FRAN DIEDRICH - CITY CLERK

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CHAMBLEE, GEORGIA, CHAPTER 94, "ZONING", SECTION 301, "DEFINITIONS", TO PROVIDE FOR A DEFINITION OF "SPORT SHOOTING RANGE," BY ADDING A SECTION 621 TO PROVIDE GENERAL USE PROVISIONS AND REGULATIONS FOR THE OPERATION OF SPORTING GOODS RETAIL ESTABLISHMENTS WITH ACCESSORY INDOOR SHOOTING RANGES AND BY AMENDING SECTION 1003 TO PROVIDE FOR SUCH INDOOR SHOOTING RANGES AS AN ACCESSORY USE AND FOR ALL OTHER LAWFUL PURPOSES

BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHAMBLEE, GEORGIA that the provisions of Chapter 94, "Zoning" shall be amended as follows:

PART I

The provisions of Section 301 "Definitions" shall be amended by adding thereto a subparagraph 105.1 which new subparagraph shall read as follows:

- 105.1 *Sport shooting range or Range:* An area designated and operated by a person or persons for the sport shooting of firearms and not available for such use by the general public without payment of a fee, dues, membership contribution or by invitation of an authorized person, or any area so designated and operated by a unit of government, regardless of the terms of admission thereto.

PART II

The provisions of Article VI, General Use Provisions, shall be amended by adding thereto a Section 621 which new section shall read as follows:

Section 621. Sporting Goods Retail with Accessory Indoor Shooting Ranges.

Under no circumstances shall a Shooting Range be permitted as a principal use. Sporting goods retail establishments with accessory indoor shooting ranges shall comply with the following provisions:

- (A) Construction and Site Planning.
 - 1. Buildings containing ranges shall have walls, ceilings and floors that are impenetrable to the bullets of the firearms being used within it, and shall

provide an absorption system for wall, ceiling and trap for bullet proofing and lead containment. Provisions shall also be made to stop glancing bullets or particles of bullets at the sides of the target area.

2. Absorption systems shall be constructed of rubberized media such that a majority of captured projectiles remain intact.
 3. A ventilation system shall be installed and maintained within the range that complies with the standards and requirements of the Environmental Protection Agency (the "EPA").
 4. Buildings containing ranges shall comply with all requirements of the National Association of Shooting Ranges (NASR) and the Occupational Safety and Health Act (OSHA).
 5. All indoor shooting ranges shall be of such construction whereby the sound from the discharge of any firearm and the impact of any projectile shall not exceed the sound level limitations as set forth in Section 34-27, Article II, "Noise," of Chapter 34 of this Code of Ordinances.
 6. Fifty (50) per cent or more of the overall square footage of a structure containing shooting range facilities shall be used for the retail sale of sporting goods.
 7. Residential uses shall not be permitted on the same site as a retail sporting goods establishment with an accessory indoor shooting range.
- (B) No piece of any projectile or target shall leave the building as a result of the activities taking place therein.
- (C) All indoor shooting ranges shall comply with all local, state, and/or federal regulations related to indoor shooting ranges.
- (D) No firearms other than handguns, shotguns or rifles with a bore of .50 caliber or less shall be discharged on premises containing a shooting range.
- (E) There shall be posted conspicuously inside any building containing a shooting range a sign stating the rules and regulations of the range.

PART III

The provisions of Section 1003 "Accessory uses" shall be amended by inserting into the "Accessory Uses Table" the following:

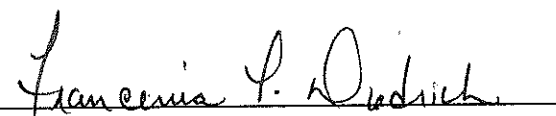
"Indoor Shooting Ranges wholly contained within retail sporting goods establishments subject to and in compliance with Section 621 of this zoning ordinance."

Such accessory use shall be authorized in the CC, VC and I zoning districts and the Accessory Uses Table shall be amended to indicate that Sporting goods retail establishments with Accessory Indoor Shooting Range shall be an accessory use in the CC, VC and I zoning districts.

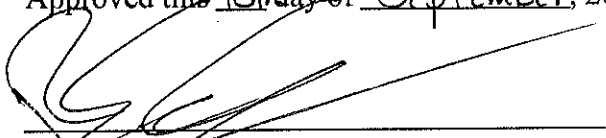
PART IV

It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

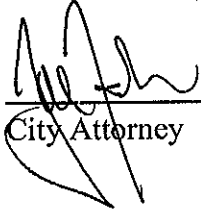
The foregoing was proposed by Council member Zanger with a motion that the same be adopted. Said motion was seconded by Council member Taylor. Same was then put to a vote and 4 Council members voted in favor of the Ordinance and 1 Council members voted against the Ordinance. Said motion was thereupon declared passed and duly adopted this 15th day September, 2009.


Fran Diedrich
City Clerk, City of Chamblee, Georgia

Approved this 15th day of September, 2009.


The Honorable R. Eric Clarkson
Mayor, City of Chamblee, Georgia

Approved as to form



City Attorney

First reading: August 18, 2009

Second reading: September 15, 2009

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 15th day of September, 2009.

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

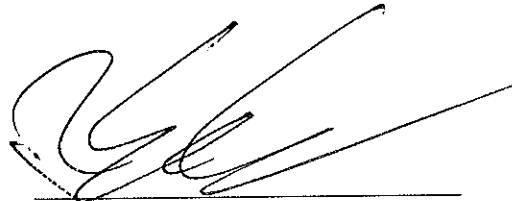
When any meeting of an agency of an agency is closed to the public pursuant to subsection (a) of this Code section, the chairman or other person presiding over such meeting shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter 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 15th day of September, 2009, which was closed for the purpose of REAL ESTATE

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 22nd day of September, 2009



Mayor/Presiding Officer

Sworn to and subscribed before me
This 22nd day of SEPTEMBER, 2009

Francenia P. Diedrich

Notary Public

8/12/13

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).