



CITY OF CHAMBLEE, GEORGIA

City Council Regular Meeting

Minutes – February 20, 2018 – 7:30 PM

1. Call to Order

Roll Call

Mayor R. Eric Clarkson: Present, Council District 2 Leslie C. Robson: Present, Council District 3 Thomas S. Hogan II: Present, Council District 1 John Mesa: Present, Council At-Large Seat Brian Mock: Present, Council At-Large Seat Darron Kusman: Present, City Manager Jon Walker: Present, Deputy City Manager Al Wiggins: Present, City Attorney Joe Fowler: Present, Chief of Police Donny Williams: Present, Finance Director Travis Sims: Present, Community and Economic Development Director Adam Causey: Present, Director of Development Matthew Dickison: Present, Parks and Recreation Director Jodie Gilfillan: Present, City Clerk Emmie Niethammer: Present.

Pledge of Allegiance

2. Announcements and Presentations

1. North Decatur Lions Club Presentation

Charlene Fang, former President of the North DeKalb Lions Club, addressed the Mayor and Council.

RESULT:	PRESENTED AND DISCUSSED
----------------	--------------------------------

3. Staff Action Items

A. City Clerk

1. **Approval of Minutes**

- a. City Council - Work Session - Jan 11, 2018 6:00 PM

Motion to approve the minutes for the City Council Work Session on January 11, 2018.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Darron Kusman, Council At-Large Seat
SECONDER:	Leslie C. Robson, Council District 2
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

b. City Council - Regular Meeting - Jan 16, 2018 7:30 PM

Motion to approve the minutes for the City Council Regular Meeting held on January 16, 2018

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Darron Kusman, Council At-Large Seat
SECONDER:	Leslie C. Robson, Council District 2
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

2. Resolution to Add Alcohol License Fees for Wholesaler and Wine Only

Motion to approve the Resolution to add alcohol license fees for Wholesalers and Wine Only.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Leslie C. Robson, Council District 2
SECONDER:	Darron Kusman, Council At-Large Seat
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

3. 2018 Annual Appointments to Fill Vacancies

Motion to approve the 2018 Annual Appointments to Fill Vacancies as submitted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Darron Kusman, Council At-Large Seat
SECONDER:	Leslie C. Robson, Council District 2
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

B. City Manager

1. Contract for HR Software

Motion to authorize the mayor to sign order forms, agreements and proposals with Kronos, Inc., in an amount not to exceed \$45,000 for Human Resources software.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Darron Kusman, Council At-Large Seat
SECONDER:	Thomas S. Hogan II, Council District 3
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

2. Landscape Services and Specifications

Motion to approve and authorize the mayor to sign an agreement with OLM, Inc. for landscape management and maintenance specifications.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Leslie C. Robson, Council District 2
SECONDER:	Thomas S. Hogan II, Council District 3
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

3. Master Right of Way License Agreement - Mobilitie

Council member Hogan made a motion to approve and authorize the mayor to sign the Master Right of Way License Agreement - Mobilitie . This motion died due to lack of second.

Motion to deny the Master Right of Way License Agreement with Mobilitie.

RESULT:	MOTION TO DENY - APPROVED [4 TO 0]
MOVER:	Darron Kusman, Council At-Large Seat
SECONDER:	John Mesa, Council District 1
AYES:	Robson, Mesa, Mock, Kusman
ABSTAIN:	Hogan II

C. Development Department

1. PZ-2017-195: Variances for 3103 Ascot Court (Lopez Residence)

Motion to approve with staff conditions.

Staff conditions:

1. Location of addition shall be in substantial compliance with the Site Plan titled "NEW DECK PERMIT APPROVAL DRAWING" (Exhibit A) and shall not encroach further into the stream buffer than is shown on the site plan.
2. No impervious pathways or walkways to the deck shall be constructed within the stream buffer or impervious surface setback.
3. Land disturbance within the stream buffer and impervious surface setback shall be limited to the area required for the construction of the deck frame.
4. The applicant shall remove the existing shed in the 25-foot stream buffer and relocate it to outside of all stream buffers.
5. The applicant shall install natural vegetation within the stream buffer to reduce erosion and facilitate stormwater infiltration. The applicant shall submit a planting plan to be approved by the Development Director prior to receiving a building permit.
6. The ground beneath the deck shall remain as a pervious surface. No additional impervious surface may be installed beneath the deck.

RESULT:	MOTION TO GRANT - APPROVED [UNANIMOUS]
MOVER:	Darron Kusman, Council At-Large Seat
SECONDER:	Leslie C. Robson, Council District 2
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

2. PZ-2017-189: Variances and Waiver for 2589 Chamblee Tucker Road (Presta Office Building)

Motion to accept the applicants request to withdrawal without prejudice.

RESULT:	WITHDRAWN [UNANIMOUS]
MOVER:	Darron Kusman, Council At-Large Seat
SECONDER:	Leslie C. Robson, Council District 2
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

3. PZ-2017-203: Variances for 2437 Woodside Way (Hendriks Residence)

Motion to defer this item until the March Work Session and request the applicant to provide further details with elevations and drawings of the project.

RESULT:	POSTPONED Next: 3/15/2018 6:00 PM
----------------	--

4. PZ-2017-214: Variances for 3913 North Peachtree Road (World Toyota)

Motion to accept the applicants request to withdrawal without prejudice.

RESULT:	WITHDRAWN [UNANIMOUS]
MOVER:	Darron Kusman, Council At-Large Seat
SECONDER:	Leslie C. Robson, Council District 2
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

5. PZ-2017-220: Variances for 4945 Peachtree Blvd (Gusto!)

Motion to approve items a - l, k - n and deny item j subject to staff conditions with the following additional conditions:

- 1) The rooftop sign shall not be permitted and shall be relocated to the front facade;
- 2) The applicant shall install art or a mural on the interior wall behind the windows facing Peachtree Boulevard;
- 3) The total approved building signage for before building signs shall be 215 square feet;
- 4) Notwithstanding the foregoing changes the building and site shall be in substantial conformity with the drawings submitted on February 16, 2018. a friendly amendment to was made by Council member Robson to add an additional condition to remove the Green Giant Arborvitae and at the Peachtree Boulevard and Peachtree Road and select a separate species that will not take over the sidewalk subject to GDOT and staff approval.

Staff conditions:

1. If off-site parking is provided on the adjacent property to the southwest, applicant shall install a minimum 5-foot wide paved pedestrian path directly connecting the building to those off-site parking spaces.
2. Applicant shall install a minimum of one speed table in the parking lot on the applicant's property, consisting of contrasting materials to the parking lot, in order to discourage cut-through traffic and provide a safe pedestrian path from the parking spaces to the building entrance. The speed table shall be similar in design to the speed tables located at the Peachtree Station development.
3. Applicant shall provide and install a minimum of one bench and one trash/recycling receptacle along each street frontage on a poured concrete pad behind the sidewalk clear zone.
4. The main entryway to the building shall be designed so that a door is facing Peachtree Boulevard.
5. The applicant shall install a minimum of two trellis systems with climbing vines along the building façade facing the retaining wall to provide visual interest. The vines and trellis system shall be similar to those pictured in the application packet submitted by the applicant.
6. If a variance to allow a third wall sign is approved, one wall sign must be located on the façade that fronts Peachtree Road.
7. Parking between the building and street shall be limited to one space if a drive-through restaurant is constructed, or two spaces if a drive-through is not constructed. No fewer than 21 on-site parking spaces shall be provided.
8. An agreement for at least 6 off-site parking spaces on the adjacent property shall be provided to the Development Department prior to a Certificate of Occupancy being issued.

RESULT:	MOTION TO GRANT - APPROVED [UNANIMOUS]
MOVER:	Darron Kusman, Council At-Large Seat
SECONDER:	Thomas S. Hogan II, Council District 3
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

6. PZ-2018-222: Variances for 3971 Buford Highway (Bojangles' Restaurant)

Motion to approve the variances for 3871 Buford Highway, Bojangles' Restaurant, with staff conditions.

Staff conditions:

1. Location and size of the menu-board signage shall be in substantial compliance with the plans titled Bojangles' (Menu) and print dated

Tuesday, January 9, 2018 as well as the "Site Development Plans" dated 8/24/2017 (Exhibit C and Exhibit D).

2. Menu-board sign may not be visible from the public right-of-way.
3. Menu-board sign may not exceed 55 square feet in size.

RESULT:	MOTION TO GRANT - APPROVED [UNANIMOUS]
MOVER:	Darron Kusman, Council At-Large Seat
SECONDER:	Leslie C. Robson, Council District 2
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

7. PZ-2017-151: Variances for 4950 Peachtree Blvd (Lowe's Outparcel)-AMENDED

Motion to approve variances from Section 250-8(c)(1) - variance for reduction of drive thru stacking spaces; Section 260-6(b) - variance for monument sign on frontage without a curb cut; Section 250-8(c)(4) variance to not provide a bypass lane for the drive thru; and a waiver from Section 320-21 - landscape islands less than 10 feet in width or less than 200 square feet with the following conditions:

Development of the site shall be in substantial conformity with Exhibit A and the site plan dated Feb 6, 2018 with the following modifications:

1. Applicant shall move the drive lanes in front of the building toward Peachtree Blvd by 10 feet to allow more planters/landscaping between the patio area and the drive lane.
2. Landscaping shall be installed in the area marked for the bypass lane; notwithstanding the foregoing the applicant shall further modify the bypass as presented to staff during the February 15, 2018 Work Session;
3. Applicant shall install traffic control device to deter left turns onto the drive through lane as approved by the Development Director;
4. Placement of monument sign shall be in substantial conformity with the location on Exhibit A.
5. The building shall be in substantial conformity with Exhibit B: Elevations labeled "Proposed Exterior Changes", dated and received December 12, 2017.
6. The applicant shall construct the streetscape along the Lowe's parcel property frontage on Johnson Ferry Road that connects with existing sidewalks per the City's Streetscape Standard with deviations to accommodate existing utilities and trees per the review and approval of the Development Director.

A friendly amendment was made by Council member Hogan to reference the site with the hand drawings that the city clerk will include

in the minute packet.

RESULT:	MOTION TO GRANT - APPROVED [UNANIMOUS]
MOVER:	John Mesa, Council District 1
SECONDER:	Darron Kusman, Council At-Large Seat
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

8. PZ-2018-226: Waiver for 5553 Peachtree Road (Whaley Machine Workshops)

Motion to approve the waiver for 5553 Peachtree Road (Whaley Machine Workshops) with staff conditions.

Note, there were no staff conditions for this agenda item.

RESULT:	MOTION TO GRANT - APPROVED [UNANIMOUS]
MOVER:	Darron Kusman, Council At-Large Seat
SECONDER:	Thomas S. Hogan II, Council District 3
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

9. Savoy Drive Zoning Analysis

Motion to further explore the Savoy Drive Zoning Analysis with the comments made at the Council Work Session.

RESULT:	MOTION TO GRANT - APPROVED [UNANIMOUS]
MOVER:	Brian Mock, Council At-Large Seat
SECONDER:	Leslie C. Robson, Council District 2
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

10. Parkview Stormwater Management Agreement

Motion to defer this item to the March Work Session and direct staff to consult an attorney to ensure the cities stormwater management needs are met and that there is no further risk or liability imposed on the city with regards to this agreement.

RESULT:	POSTPONED Next: 3/15/2018 6:00 PM
----------------	--

D. Police Department

1. Budget Amendment for Replacement Police Car

Motion to adopt the Resolution for the Budget Amendment for Replacement Police Car as recommended by staff.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Leslie C. Robson, Council District 2
SECONDER:	Thomas S. Hogan II, Council District 3
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

E. Parks & Recreation

F. Finance

G. Public Works

H. Economic Development

1. Chamblee Summer Concert advertising

Motion to approve the Chamblee Summer Concert Marketing and Advertising as submitted by staff.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian Mock, Council At-Large Seat
SECONDER:	Leslie C. Robson, Council District 2
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

4. Boards, Authorities, and Committees

5. City Attorney

A. 1st Reading of Ordinances

Motion to allow the city attorney to read headings only.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Darron Kusman, Council At-Large Seat
SECONDER:	Leslie C. Robson, Council District 2
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

1. Amendment to the City Charter

RESULT:	REVIEWED	Next: 3/15/2018 6:00 PM
----------------	-----------------	--------------------------------

2. Amendment for Chapter 2

RESULT:	REVIEWED	Next: 3/15/2018 6:00 PM
----------------	-----------------	--------------------------------

3. TA-2018-001: General UDO Amendment

RESULT: REVIEWED Next: 3/15/2018 6:00 PM

4. TA-2018-002: Street Facing Facades

RESULT: REVIEWED Next: 3/15/2018 6:00 PM

B. 2nd Reading of Ordinances

1. Amendment of Chapter 58 Section 58-3 Disorderly Conduct

Motion to approve the Amendment of Chapter 58 as recommended by staff.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Thomas S. Hogan II, Council District 3
SECONDER: Leslie C. Robson, Council District 2
AYES: Robson, Hogan II, Mesa, Mock, Kusman

2. Amendment of Chapter 6 Alcoholic Beverages Sec. 6-152.-Hours of sales generally.

Motion to approve the amendment to Chapter 6 Alcoholic Beverages section 5-152 - Hours of sales generally with an effective date of April 1, 2018 as recommended by staff.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Leslie C. Robson, Council District 2
SECONDER: John Mesa, Council District 1
AYES: Robson, Hogan II, Mesa, Mock, Kusman

6. Mayor and Council Items

A. Mayor Clarkson

B. Councilman Mesa

C. Councilwoman Robson

1. Review of City Tree Ordinances

Motion to direct staff to review Chapter 320, Article IV, all sections, for the purpose of making our tree and landscaping ordinances readable, accessible, and understandable to our citizens and to rectify any conflicts found within to be discussed at the March 3, 2018 retreat.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Leslie C. Robson, Council District 2
SECONDER:	Darron Kusman, Council At-Large Seat
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

D. Councilman Hogan

Council member Hogan introduced and thanked Mr. Tatum and Mr. Lee who were both appointed on the Ethics Committee this evening.

1. Discussion of Solar Energy Opportunities

Motion to direct staff to pursue proposals for the installation of a solar array on city property and to come back to the council at the August Work Session with a recommendation for council action.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas S. Hogan II, Council District 3
SECONDER:	Leslie C. Robson, Council District 2
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

E. Councilman Kusman

F. Councilman Mock

7. Citizen Comments

Motion to go into executive session to discuss litigation, personnel and realstate matters.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Thomas S. Hogan II, Council District 3
SECONDER:	Leslie C. Robson, Council District 2
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

8. Executive Session

Motion to exit the Executive Session

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Thomas S. Hogan II, Council District 3
SECONDER:	Leslie C. Robson, Council District 2
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

Motion to approve the mayor to sign the quitclaim deed to the Parkview Property concerning the railroad right-of-way property.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Thomas S. Hogan II, Council District 3
SECONDER:	Leslie C. Robson, Council District 2
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

9. Adjournment

Motion to adjourn.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Thomas S. Hogan II, Council District 3
SECONDER:	Leslie C. Robson, Council District 2
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

