



## CITY OF CHAMBLEE, GEORGIA

### City Council Regular Meeting

Minutes – May 16, 2017 – 7:30 PM

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## 1. Call to Order

### *Roll Call*

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, Mayor R. Eric Clarkson: Present, City Manager Jon Walker: Present, Deputy City Manager Al Wiggins: Present, City Attorney Joe Fowler: Present, City Clerk Emmie Niethammer: Present, Director of Development Matthew Dickison: Present, Chief of Police Donny Williams: Present, Finance Director Travis Sims: Present, Director of Public Works Reginald Anderson: Present, Economic Development Manager Adam Causey: Present, Parks and Recreation Director Jodie Gilfillan: Absent.

### *Pledge of Allegiance*

## 2. Announcements and Presentations

## 3. Staff Action Items

### A. *City Clerk*

#### 1. Approval of Minutes

- a. City Council - Public Hearing - Work Session - Apr 13, 2017 6:00 PM

Motion to approve as submitted.

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

- b. City Council - Public Hearing - Regular Meeting - Apr 18, 2017 7:30 PM

Motion to approve the minutes from the Regular Council meeting on April 18, 2017.

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

2. Resolution to Restate City Fees

Motion to adopt the Resolution to Restate City Fees.

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

## ***B. City Manager***

1. North Fork Peachtree Creek Watershed Improvement Plan

Motion to authorize the Mayor to sign the contract with Sustainable Water Planning and Engineering, LLC in an amount not to exceed \$140,000 for the creation of a watershed improvement plan for North Fork Peachtree Creek.

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

2. Storm Water Fund Budget Amendment

Motion to adopt the Resolution to amend the physical year 2017 annual operating budget for items in the Storm Water Management Enterprise Fund.

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

3. Priority Based Budgeting Services

Motion to authorize the Mayor to sign an agreement with Center for Priority Based Budgeting for consultation services and licensing.

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

2. Storm Water Fund Budget Amendment

Motion to adopt the Resolution to amend the physical year 2017 annual operating budget for items in the Storm Water Management Enterprise Fund.

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

4. Quitclaim Deed for Downtown Parcel

Motion to approve and authorize the Mayor to sign the Quitclaim Deed for parcel 18 309 11 003.

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

5. Peachtree Gateway Partnership Annual Dues

Motion to approve the \$2,500 to join the Peachtree Gatewate Partnership.

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

**C. Development Department**

1. PZ-2017-084: Variances & Waivers for 5502 & 5504 Peachtree Road

Motion to approve, with staff recommendations, Variances 1-6 and 8. Approve Variance 7 with the following additional conditions:

- a) If inter-parcel access is provided in the future, the minimum number of required parking spaces may be reduced to 29 spaces;
- b) Restaurant uses shall be limited to a 1,000 square foot unless additional parking is provided;
- c) A cross access easement and agreement shall be provided for future vehicular access to 5520 Peachtree Road located to the east of the subject property as approved by the Development Director. Said

access easement and agreement shall allow for the construction of an inter-parcel access driveway between the two parcels. Any impacts to the site tot satisfy this condition shall not require additional variances from the Unified Development Ordinance.

Staff recommended the following:

- 1) The development of the property shall be in substantial conformance with the Site plan (Exhibit A) labeled as Sheet A-050 in the application submittal; and
- 2) Building elevations shall be constructed in substantial conformance with the Elevations (Exhibit B) labeled as Sheet 200 in the application submittal.

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

Motion to approve staff recommendations on Waivers 1-8.

Staff recommended the following conditions on Waivers 1-7:

1. The development of the property shall be in substantial conformance with the Site Plan (Exhibit A) labeled as Sheet A-050 in the application submittal.
2. Building elevations shall be constructed in substantial conformance with the Elevations (Exhibit B) labeled as Sheet 200 in the application submittal.
3. A one-way directional arrow shall be painted on the paved surface in the one-way drive-aisle in front of the two-story building.
4. The applicant shall provide a landscape bed over the striped paved area of the parking lot located between the eastern-most curb cut along Peachtree Road and the parking space labeled "1" on the site plan, and shall extend this landscaped area so that it is 18 feet in length along the side that abuts parking space "1", so as to provide protection for that space from vehicles entering the property. This area shall be preserved as open space and shall be landscaped subject to approval by the Development Director. Curb and gutter meeting the standards of the UDO shall be installed abutting the landscaped area.
5. The applicant shall provide landscaping in the existing vegetative area along the east side lot line as approved by the Development Director.
6. The applicant shall remove all existing debris from the subject site prior to issuance of the first Certificate of Occupancy.
7. Outdoor storage of goods and supplies, building materials, shipping containers, storage containers, inoperable vehicles, recreational vehicles, vessels, trailers, and similar items shall be prohibited on the site.

8. A corresponding interior sign or painted bar on the driveway shall be provided adjacent to the sidewalk paving as it intersects the driveway which shall communicate that vehicles must stop or yield for the intervening sidewalk.

Since alternative compliance methods are available, staff recommends **DENIAL** of the applicant's request for a **WAIVER** from the following section of Title 3 of the UDO:

Waiver 8. Section 320-39, that requires the site maintain a minimum tree density of 100 inches DBH per acre.

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

Motion to deny Variance #9.

<b>RESULT:</b>	<b>MOTION TO DENY - APPROVED [4 TO 1]</b>
<b>MOVER:</b>	Darron Kusman, Council At-Large Seat
<b>SECONDER:</b>	Leslie C. Robson, Council District 2
<b>AYES:</b>	Robson, Hogan II, Mock, Kusman
<b>NAYS:</b>	Mesa

2. PZ-2017-085: Variances for 5486 Peachtree Road

Motion to approve the Variances for 5486 Peachtree Road with staff recommended conditions and the following additional conditions:

- a) Reduce the shared parking requirement to 29 units with the following conditions:
- 1) Applicant to record perpetual easement with the DeKalb Superior Court Clerk; and
  - 2) Applicant to work with the city manager to address the runoff issues from the dumpster apron on site.

Staff recommended the following conditions:

1. The site shall be limited to 2,900 square feet of restaurant space.
2. Applicant shall record a cross access easement for parking with the property located at 5502 Peachtree Road prior to issuance of any further Certificate of Occupancies.
3. This approval shall only apply to the proposed uses consistent with Exhibit A, and shall not prohibit the replacement of a use in Exhibit A with another use that has lower minimum parking space requirements.

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

3. TIP Funding Application for the CTP

Motion to adopt the Resolution as submitted by staff.

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

4. Multimodal Safety and Access Grant for Peachtree Blvd Sidewalks

Motion to approve the Multimodal Safety and Access Grant for Peachtree Boulevard Sidewalks as presented by staff.

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

5. ARC Green Communities Certification

Motion to approve staff going after the ARC Green Communities Certification at the Silver Level as presented by staff.

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

***D. Police Department***

1. Budget Amendment for Replacement Police Car

Motion to approve the Budget Amendment for Replacement Police Car and adopt the Resolution as submitted by staff.

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

***E. Parks & Recreation***

***F. Finance***

***G. Public Works***

1. Consideration of Resolution in Support of National Public Works Week

Motion to adopt Resolution in Support of the National Public Works Week as submitted by staff.

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

***H. Economic Development***

**4. Boards, Authorities, and Committees**

**5. City Attorney**

***A. 1st Reading of Ordinances***

Motion to allow the city attorney to read headings only.

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

1. Personnel Policy Manual

<b>RESULT:</b> <b>REVIEWED</b> <b>Next: 6/15/2017 6:00 PM</b>
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***B. 2nd Reading of Ordinances***

**6. Mayor and Council Items**

***A. Mayor Clarkson***

***B. Councilman Mesa***

***C. Councilwoman Robson***

***D. Councilman Hogan***

***E. Councilman Kusman***

***F. Councilman Mock***

**7. Citizen Comments**

Motion to go into Executive Session to discuss litigation and real estate matters.

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

**8. Executive Session**

Motion to exit Executive Session.

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

**9. Adjournment**

Motion to adjourn.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Darron Kusman, Council At-Large Seat
<b>SECONDER:</b>	Brian Mock, Council At-Large Seat
<b>AYES:</b>	Robson, Hogan II, Mesa, Mock, Kusman