



CITY OF CHAMBLEE, GEORGIA

City Council Regular Meeting

Minutes – June 20, 2017 – 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, Director of Development Matthew Dickison: Present, Finance Director Travis Sims: Present, Director of Public Works Reginald Anderson: Present, Parks and Recreation Director Jodie Gilfillan: Present, City Clerk Emmie Niethammer: Present, Economic Development Manager Adam Causey: Present.

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 - May 11, 2017 6:00 PM

Motion to approve the minutes for the Public Hearing and Work Session meeting held on May 11, 2017.

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

- b. City Council - Regular Meeting - May 16, 2017 7:30 PM

Motion to approve the minutes for City Council meeting held on May 16, 2017.

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

2. Request to Waive Penalty and Interest

Motion to approve the request to waive penalty and interest on the 2017 Occupation Tax Renewals for the 26 businesses that applied for their original certificates between September 28, 2016 and December 31, 2016 provided that the renewal is received by July 31, 2017.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian Mock, Council At-Large Seat
SECONDER:	Darron Kusman, Council At-Large Seat
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

B. City Manager

1. Personnel Policy Rewrite

Motion to accept and authorize the Mayor to sign the contract with Jarrard & Davis, LLP for an amount not to exceed \$7,000 for a rewrite of the City of Chamblee Personnel Policy Manual.

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

2. Chamblee Tucker Median Project

Motion to accept the proposal and authorize the mayor to sign an agreement with Services Group, LLC for the Chamblee-Tucker Median Project with a cost amount not to exceed \$377,537.01.

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

C. Development Department

1. PZ-2017-101 DCI Major Modification for 5251 Peachtree Blvd (Attiva Malone)

Motion to approve Variances 1 through 4 with friendly amendments for the DCI Major Modification for 5251 Peachtree Boulevard with all the

conditions of staff, Architectural Design Review Board (ARB) and the following additional conditions of the council:

- 1) Applicant to provide interparcel access to what was formerly the Comcast building;
- 2) Would like to change Variance number 3 from "required parking" and replace with "an adequate amount of parking for retail and restaurant uses subject to the city managers approval";
- 3) Residential uses on the site shall be limited to active adult apartments and accessory uses and structures in an age restricted community regulated by the Fair Housing Act of 1968 and Housing for Older Persons Act of 1995 (HOPA).

Staff and ARB Recommendations:

Staff conditions, 1-10 below, are the same as those that were presented to the ARB. The condition recommended by the ARB has been incorporated as condition 11.

EXHIBIT A: Plan book titled "Attiva Malone DCI Amendment Package", dated 05-12-2017

EXHIBIT B: Master Signage Plan, dated March 31, 2016

1. All previous DCI approvals and conditions for these properties shall be repealed.
2. Development shall be in substantial conformity with Exhibit A, plan book titled "Attiva Malone DCI Amendment Package", dated 05-12-2017
3. and Exhibit B Master Signage Plan dated March 31, 2016
4. The building shall incorporate a change of materials for the uppermost floor to give relief from the massing of the building.
5. A **Variance** is granted from Sec. 240-13(a)(5)(e) to reduce the size of balconies on multifamily residential units, to allow units to have balconies that are less than 50 square feet in area, and to allow 10% of the balconies to be juliette balconies.
6. A **Variance** is granted from Section 230-2(a) to allow the encroachment of balconies into the required yard setbacks by 5 linear feet.
7. A **Variance** is granted from Section 250-2 to reduce the minimum parking space requirement for mixed-use residential units from 2 spaces, to 1.2 spaces per dwelling unit spaces per dwelling unit.
8. A **Variance** is granted from Section 240-13(a)(5)(a) to remove the requirement to install an enclosed, weatherproofed, and lockable private storage space that is 24 square feet in area with a minimum height of 7 feet, per residential dwelling unit, either in the same building as the units, or in an accessory building to serve the occupants of the development.
9. A **Variance** is granted from 230-33(a)(1)(c), that states "Building step

backs: Buildings in excess of 50 feet in height shall be required to step back that portion of the building greater than 50 feet in height a minimum linear distance of ten feet away from the building facade located below the 50-foot height plane as described in Section 230-12”.

10. A **Variance** is granted from Section 350-2(c) that requires inter-parcel access to adjacent parcels on the south (Comcast) and east (Miller Station).
11. A detailed plan for the rooftop amenity area shall be submitted and approved by the Development Director prior to issuance of building permit.

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

2. PZ-2017-082: PUD Major Modification for The Park at Fifth Street

Motion to approve PZ-2017-082: PUD Major Modification for The Park at Fifth Street including the Variance and the Waiver subject to staff and Architectural Design Review Board (ARB) recommendations with the following additional condition:

1. The project shall be in substantial conformity with the architectural design style and color pallet shown on the renderings on page 140 of the Public Hearing Agenda Packet (conducted on Thursday, June 15, 2017).

Staff Recommendations (prior to the motion):

EXHIBIT A: “Preliminary Plat for The Park at Fifth Street”, dated May 12, 2017.

EXHIBIT B: Plan book titled, “The Park at Fifth Street, Design Review Board Follow up Submittal”, received May 15, 2017

EXHIBIT C: Master Signage Plan, received May 15, 2017.

1. All previous PUD approvals and conditions for these properties shall be repealed.
2. Development shall be in substantial conformity with Exhibit A, plan book titled “Preliminary Plat for The Park at Fifth Street”, dated May 12, 2017.
3. Development shall be in substantial conformity with Exhibit B, Master Signage Plan titled “The Park at Fifth Street, Design Review Board Follow-up Submittal”, undated.
4. Fences installed along public streets shall be decorative metal, no taller than 42 inches in height, with brick piers placed no more than 50 ft. apart.

5. The HOA shall also establish covenants requiring the HOA to maintain all perimeter fencing and keep it free of vegetation.
6. The HOA shall establish covenants requiring homeowners to use matching metal fencing.
7. The internal street and alleys shall remain private and not be dedicated to the city.
8. HVAC units shall be screened so as to not be visible from public and private roads.
9. The dwellings on lots 20, 21, 28, and 29 shall have sprinkler systems installed.
10. Applicant shall install a second row of appropriate landscape trees to the east of units 21 and 29.
11. A **Variance** is granted from **Section 240-13(a)(1)(j)** requiring 5 foot wide sidewalks connecting the front of all townhouse buildings to the nearest sidewalk, to be reduced to three foot and six inch (3'6") wide paved paths.
12. A **Waiver** is granted from **Section 350-3(a)(3)** requiring streets longer than 150 feet to end in a cul-de-sac, to allow the private alley identified as Dalton Drive on the site plan to end in a stub out.
13. Final exterior building materials must be approved by the Architectural Review Board (ARB) prior to issuance of building permits. This approval shall take place at a regularly scheduled meeting of the ARB following submittal of sample materials and building elevations to the Development Department. Efforts shall be made to provide diversity of tone, specifically related to brick color and materials.
14. The side elevation of units (Units 1, 8, 9, and 13) fronting Clairmont Road shall include full masonry facades to the bottom of the gable. A revised plan book shall be submitted and approved by the Development Director.

ARB Recommendations (prior to the motion):

EXHIBIT A: "Preliminary Plat for The Park at Fifth Street", dated May 12, 2017.

EXHIBIT B: Plan book titled, "The Park at Fifth Street, Design Review Board Follow up Submittal", received May 15, 2017

EXHIBIT C: Master Signage Plan, received May 15, 2017.

1. All previous PUD approvals and conditions for these properties shall be repealed.
2. Development shall be in substantial conformity with Exhibit A, plan book titled "Preliminary Plat for The Park at Fifth Street", dated May 12, 2017.
3. Development shall be in substantial conformity with Exhibit B, Master Signage Plan titled "The Park at Fifth Street, Design Review Board Follow-up Submittal", undated.

4. Fences installed along public streets shall be **non-aluminum** decorative metal, no taller than 42 inches in height, with brick piers placed no more than 50 ft. apart.
5. The HOA shall also establish covenants requiring the HOA to maintain all perimeter fencing and keep it free of vegetation.
6. The HOA shall establish covenants requiring homeowners to use matching metal fencing.
7. The internal street and alleys shall remain private and not be dedicated to the city.
8. HVAC units shall be screened so as to not be visible from public and **public private** roads.
9. The dwellings on lots 20, 21, 28, and 29 shall have sprinkler systems installed.
10. Applicant shall install a second row of appropriate landscape trees to the east of units 21 and 29.
11. A Variance is granted from Section 240-13(a)(1)(j) requiring 5 foot wide sidewalks connecting the front of all townhouse buildings to the nearest sidewalk, to be reduced to three foot and six inch (3'6") wide paved paths.
12. A Waiver is granted from Section 350-3(a)(3) requiring streets longer than 150 feet to end in a cul-de-sac, to allow the private alley identified as Dalton Drive on the site plan to end in a stub out.
13. **Final exterior building materials must be approved by the Architectural Review Board (ARB) prior to issuance of building permits. This approval shall take place at a regularly scheduled meeting of the ARB following submittal of sample materials and building elevations to the Development Department. Efforts shall be made to provide diversity of tone, specifically related to brick color and materials.**
14. **The side elevation of units (Units 1, 8, 9, and 13) fronting Clairmont Road shall include full masonry facades to the bottom of the gable. A revised plan book shall be submitted and approved by the Development Director.**

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

3. PZ-2017-099: Variances and Waiver for 3467 Pierce Drive

Motion to approve the Variances 1 through 4 and Waiver for 3467 Pierce Drive with conditions of staff and the Architectural Design Review Board (ARB).

Staff Recommendations (prior to the motion):

Exhibit A: Proposed Site Plan, received May 12, 2017

Exhibit B: Rendering labeled “ADA Ramp Brick”, received June 2, 2017

1. Development shall be in substantial conformity with Exhibit A: Proposed Site Plan, received May 12, 2017.
2. Development shall be in substantial conformity with Exhibit B: Rendering labeled “ADA Ramp Brick”, received June 2, 2017.
3. A variance from **Section 230-5(c)** to reduce the front yard setback from 15 feet to 3 feet, for the installation of an ADA ramp.
4. A variance from **Section 240-13(a)(10)(b)** to not provide 100 square feet per child of outdoor play area at maximum enrollment at a day care facility, to install an outdoor play area approximately 8,700 square feet in area.
5. A variance from **Section 240-13(a)(10)(d)** to not provide a circular drive for off-street loading and unloading of children at a day care facility.
6. A variance from **Section 250-22** to allow a dumpster to be located in a side yard, to bring an existing dumpster area into compliance.
7. A variance from **Section 250-22** to allow a dumpster to reduce the setback of a dumpster area from 5 feet to 2.24 feet, to bring an existing dumpster area into compliance.
8. A waiver from **Section 320-21(a)(3)** to reduce the requirement that vehicles be separated from sidewalks by a landscape strip 10 feet in width, to zero feet.

Note: No ARB recommendations were made on this agenda item.

RESULT:	MOTION TO GRANT - APPROVED [UNANIMOUS]
MOVER:	Leslie C. Robson, Council District 2
SECONDER:	John Mesa, Council District 1
AYES:	Robson, Hogan II, Mesa, Mock, Kusman

4. PZ-2017-075: Final Plat for Collection at Perimeter Park Subdivision Phase II

Motion to approve the Final Plat for Collection at Perimeter Park Subdivision Phase II as submitted.

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

5. PZ-2017-074: Final Plat for Townsend at Ashford Park Subdivision Phase I

Motion to approve the Final Plat for Townsend at Ashford Park Subdivision Phase I as submitted.

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

6. PZ-2017-111: Amended Master Signage Plan for 5001 Peachtree Blvd (Peachtree Station)

Motion to approve the Amended Master Signage Plan for 5001 Peachtree Boulevard, also known as Peachtree Station, subject to staff and Architectural Design Review Board (ARB) recommendations with the following modification:

1. The digital sign shall be permitted as requested by the applicant.

Staff Recommendations (prior to the motion):

1. The proposed digital kiosk sign shall be revised to become an internally lit panel sign without any electronic signs.
2. All signs requiring a permit must be in substantial conformance with the Master Signage Plan (Exhibit A) as revised according to condition 1 and approved by the Development Director.

ARB Recommendations (prior to the motion):

At their Tuesday, June 6, 2017 meeting the ARB heard the applicant's request for the Master Signage Plan amendment, and reviewed the submittal. After much discussion with the applicant and staff, the ARB recommended approval with the following recommendations and amended staff conditions (**additions: ~~strikethrough~~**):

- ~~1. The proposed digital kiosk sign shall be revised to become an internally lit panel sign without any electronic signs.~~
1. All signs requiring a permit must be in substantial conformance with the Master Signage Plan (Exhibit A) as revised according to condition 1 and approved by the Development Director.
2. **The master signage plan shall be amended to remove the limitation that wall signs are only permitted to be one line of text and to remove the requirement of a minimum letter size.**
3. **The LCD directory sign shall meet the requirements for "Variable Message Board Signs", located in section 260-15 of the UDO.**

Note: At the City Council Public Hearing and Work Session held on Thursday, July 13, 2017, Council member Kusman provided clarification for the minutes on this agenda item. He stated, the intent of the approval was that the amended Master Signage Plan would not apply to Junior

Anchor and Anchor tenants. Signage for the Junior Anchor and Anchor tenants will be per the previous approval. The council agreed by consent to add the notation to the minutes.

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

D. Police Department

1. Add Truck Restrictions to Chapter 86

Motion to approve the Resolutions to amend section 86-36, the Schedule of Traffic Rules, Regulations and Orders, adding the Truck Restrictions 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. Reclassification of Position in Police Department

Motion to adopt the Resolution to reclassify one Patrol Officer position to a Sargent position and authorize the Finance Director to update the city allocations positions.

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

4. Boards, Authorities, and Committees

5. City Attorney

Motion to allow the City Attorney to read headings only.

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

A. 1st Reading of Ordinances

1. Hotel-motel tax ordinance amendment

RESULT:	REVIEWED	Next: 7/13/2017 6:00 PM
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B. 2nd Reading of Ordinances

1. Personnel Policy Manual

Motion to adopt the ordinance Personnel Policy Manual as read by the City Attorney.

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

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 a real estate matter.

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 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 authorize the Mayor to sign a purchase/sale agreement for the property known as Hern Driving Range in an amount not to exceed \$4,500,000.

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:	Leslie C. Robson, Council District 2
SECONDER:	Darron Kusman, Council At-Large Seat
AYES:	Robson, Hogan II, Mesa, Mock, Kusman