

1. Agenda

Documents:

[BOMC-1-22-18-SCM-AGENDA.PDF](#)

2. Meeting Called To Order
3. Invocation/Pledge To The Flag
4. Adoption Of Agenda
5. Approval Of Minutes
6. Commissioner Updates
7. Monthly Report By The City Manager
8. Citizens' Comments
9. Old Business: None
10. New Business
  - 10.I. 106 N. Clarendon Ave Suite B Conditional Use Application

Documents:

[SALON COND USE APP.PDF](#)

- 10.II. Resolution To Reappoint One Member And Appoint Two New Members To The Historic Preservation Commission (HPC)/Architectural Review Board (ARB)
- 10.III. Resolution To Appoint Additional Member To The Tree Board

Documents:

[2018 TREE BOARD APPOINTMENT.PDF](#)

- 10.IV. Resolution Of Support Downtown Development Revolving Loan Fund (DDRLF)



Documents:

[CITY SUPPORT RESOLUTION FOR DDRLF.PDF](#)

- 10.V. Resolution By The City Of Avondale Estates

Documents:

[BOMC RESOLUTION RE RCB 1.18.18.PDF](#)

11. Announcements

12. Adjournment



**BOARD OF MAYOR AND COMMISSIONERS  
REGULAR MEETING  
January 22<sup>nd</sup>, 2018  
Immediately Following Public Hearing**

**AGENDA**

- Item No. 1 Meeting Called to Order
- Item No. 2 Invocation (Commissioner Yelton)
- Item No. 3 Pledge to the Flag
- Item No. 4 Adoption of Agenda
- Item No. 5 Approval of Minutes:  
December 6<sup>th</sup> Work Session  
December 11<sup>th</sup> Public Hearing  
December 11<sup>th</sup> Regular Meeting
- Item No. 6 Commissioner Updates – Subjects of General Interest and Concern
- Item No. 7 Monthly Report by the City Manager Concerning the Status of Matters in Progress and Upcoming Issues and Events
- Item No. 8 Citizens' Comments:  
"It's another beautiful day in Avondale Estates" – Thomas P. Samford
- Item No. 9 Old Business: None
- Item No. 10 New Business:

**106 N. Clarendon Ave Suite B Conditional Use Application**

The applicant, Martin Read, would like to open a hair salon in this space to the right of the fire station. Mr. Read presented his plans and answered questions at the Board of Mayor and Commissioners (BOMC) work session on January 17<sup>th</sup>.

**Resolution to Reappoint One Member and Appoint Two New Members to the Historic Preservation Commission (HPC)/Architectural Review Board (ARB)**

The HPC/ARB had three terms expire at the end of October. Two of the three members requests new terms. After advertising the vacancies, the City received two applications. Those applicants were interviewed at the HPC/ARB meeting December 4<sup>th</sup> and the Chair of the HPC, Christine

McMahan, presented their recommendations to the BOMC at the January 17<sup>th</sup> work session.

**Resolution to Appoint Additional Member to the Tree Board**

The Tree Board would like to add resident Christi Granger to its membership. The addition requires an appointment by the Mayor.

**Resolution of Support Downtown Development Revolving Loan Fund (DDRLF)**

Brewkraft L.L.C. plans to construct a new building at 2866 Washington Street and 161 and 163 Pine Street. In order to help Brewkraft L.L.C. finance the project, the Downtown Development Authority has applied for a DDRLF from the Department of Community Affairs (DCA). The application also requires this declaration of support from the City.

**Resolution by the City of Avondale Estates**

This is a resolution regarding the employment of City Manager Clai Brown.

Item No. 11                      Announcements (Commissioner Yelton)

There last of two workshops hosted by the Ad Hoc Committee for Greenspace will be held tomorrow night here at City Hall from 7pm to 9pm.

Our first ribbon cutting of 2018 will take place Friday, February 2<sup>nd</sup> at Tiny House Fitness. The ceremony will be held at 11 a.m.

Sadly, we have lost several residents recently. Gerald Clayton, Nelly Barton, Doris "Jeanne" Chaney, and former commissioner Ed Lovings have passed away.

Item No. 12                      Adjournment



**CONDITIONAL USE PERMIT APPLICATION**

**Cost: \$50**

**THIS SECTION COMPLETED BY CITY STAFF**

Date Received: 12/18/17 Application #: \_\_\_\_\_

Payment: Check# 3834 Cash \_\_\_\_\_ Received by [Signature]

Type of Conditional Use Requested (List Code Section based on Article 9 of the Official Zoning Ordinance):

Section 880 I.

**APPLICANT COMPLETE SECTIONS BELOW**

Applicant: MARTIN READ E-Mail: BRITGUYGA@YAHOO.COM

Applicant Mailing Address: 1199 BERKELEY RD AVONDALE ESTATES GA 30002

Applicant Phone: 678-429-2411 Fax: —

Business Owner(s): \_\_\_\_\_ E-Mail: \_\_\_\_\_  
(If different than Applicant, attach Affidavit of Authorization as an Exhibit)

Business Owner's Mailing Address: \_\_\_\_\_

Business Owner(s) Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Property Owner(s): Delta Salters LLC E-Mail: \_\_\_\_\_  
(If different than Applicant, attach Affidavit of Authorization as an Exhibit)

Property Owner's Mailing Address: \_\_\_\_\_

Property Owner(s) Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Address/Location of Subject Property: 106' B N. CLARENDON RD, AVONDALE ESTATES GA 30002

District(s): 15 Land Lot(s): 249 Block: 11 Parcel(s): 001

Please provide the following description of the proposed use and property, as listed below.

1. General description of the proposed use.

A SMALL SPACE TO ACCOMMODATE MY  
CLIENTELE THAT LIVE IN AVONDALE AND  
DECATUR AREA. I HAVE THIRTY YEARS  
IN THE SALON INDUSTRY. I WILL PERFORM  
HAIRCUTS, COLOR + PERMS ON MEN, WOMEN AND FAMILIES.

2. Hours of Operation.

10AM - 6PM

3. Size of building or tenant space.

24 FT X 24 FT ROOM FOR SALON SPACE.

4. Number of parking spaces dedicated to the building or tenant space.

BUILDING 24

SALON 10

5. Explain how clients will enter and exit the property. Provide a site plan if needed.

FRONT DOOR ENTERS RIGHT IN TO SPACE.  
THERE IS AN EMERGENCY EXIT AT THE  
END OF THE HALL IN REAR OF BUILDING.

- 6. Explain why the proposed use is beneficial and compatible to the surrounding area.

I HAVE WORKED IN AVONDALE/DECATUR FOR 15 YEARS  
 THIS SPACE WOULD BE WITHIN WALKING DISTANCE  
 FOR MANY OF MY CLIENTS. I LIKE TO PROVIDE GOOD  
 SERVICES WITH A FUN FRIENDLY ATMOSPHERE.

- 7. List the uses of all abutting properties.

FIRE STATION  
 DEKALB COLLISION CENTER  
 SAVAGE PIZZA.

**Justification for Conditional Use Permit**

- 1. Would the proposed conditional use be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity of the Subject Property? Provide evidence based on the proposed business.

I HOPE TO CONTINUE TO KEEP THE PEOPLE  
 OF AVONDALE PRETTY IN A COMFORTABLE  
 ENVIRONMENT.

- 2. Would the proposed conditional use diminish or impair property values within the surrounding neighborhood? Explain why the business will be beneficial or detrimental to the surrounding neighborhood.

NO, I LIVE IN AVONDALE, MY CHILDREN  
 ATTEND AVONDALE ELEMENTARY AND I WOULD  
 HAVE A BUSINESS HERE. I BELIEVE  
 IN SUPPORTING MY COMMUNITY.

3. Would the proposed conditional use increase local or state expenditures in relation to cost of servicing or maintaining neighboring properties? Explain.

NO

4. Would the proposed conditional use impede the normal and orderly development of surrounding property for uses predominant in the area? Explain. The Comprehensive Plan and the Downtown Master Plan can assist with the future land use proposed for the area.

NO

5. Would the proposed conditional use be consistent with a desirable pattern of development for the locality in general? Explain. The Comprehensive Plan and the Downtown Master Plan can assist with the future land use proposed for the area.

YES

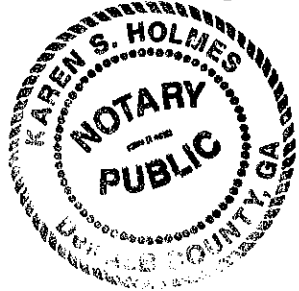


Karen S. Holmes  
Notary Public

M. M. M.      12-18-17  
Signature of Applicant      Date

Check One: Owner \_\_\_\_\_ Agent \_\_\_\_\_

May 21, 2021  
Expiration Date/Seal



Conditional Use Permit Application Approved By:

\_\_\_\_\_

Mayor

\_\_\_\_\_

Date

Revised: 12/30/2016

**A RESOLUTION  
APPOINTING A NEW MEMBER TO THE TREE BOARD FOR THE CITY OF  
AVONDALE ESTATES**

**WHEREAS**, City of Avondale Estates has adopted an ordinance creating a Tree Board;  
and

**WHEREAS**, the Mayor has the authority to appoint its members; and

**WHEREAS**, the Tree Board Chair has requested adding an additional member; and

**NOW, THEREFORE, BE IT RESOLVED BY THE** Mayor of the City of Avondale Estates  
that the following be appointed as a new member to the Tree Board:

Christi Granger

Term to expire on September 22, 2018

**SO RESOLVED** this 22nd day of January, 2018.

**BOARD OF MAYOR AND COMMISSIONERS OF THE  
CITY OF AVONDALE ESTATES, GEORGIA**

\_\_\_\_\_  
**Jonathan Elmore, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Gina Hill, City Clerk**

**Resolution of Support  
Downtown Development Revolving Loan Fund (DDRLF)**

**WHEREAS**, the Georgia Department of Community Affairs' Downtown Development Revolving Loan Fund (DDRLF) Program is designed to assist cities, counties and development authorities in their efforts to revitalize and enhance downtown areas by providing below-market rate financing to fund capital projects in core historic downtown areas; and

**WHEREAS**, Brewkraft L.L.C. plans to construct a new building on certain real property and provide improvements at 2866 Washington Street and 161 and 163 Pine Street in downtown Avondale Estates, and

**WHEREAS**, upon completion of the project the renovated property will serve as small craft brewery; and

**WHEREAS**, the City has determined that the project will promote downtown development for the public good in the City; and

**WHEREAS**, in order to help Brewkraft L.L.C. finance the project, the Downtown Development Authority of Avondale Estates will apply for a Downtown Development Revolving Loan Fund Loan from the Department of Community Affairs ("DCA"); and

**WHEREAS**, DCA requires evidence of municipal support for all projects that are the subject of a DD RLF application submitted by a downtown development authority.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY OF AVONALE ESTATES, GEORGIA** as follows:

That the City of Avondale Estates endorses the submission of the DDRLF application by the Downtown Development Authority of Avondale Estates for the downtown project at 2866 Washington Street and 161 and 163 Pine Street on behalf of Brewkraft L.L.C. and agrees to support the development of the project.

**SO RESOLVED**, this 22 day of January, 2018.

**THE CITY OF AVONDALE ESTATES**

Attest:

\_\_\_\_\_  
Jonathan Elmore, Mayor

\_\_\_\_\_  
Gina Hill, City Clerk

[Affix Seal Here]

## A RESOLUTION BY THE CITY OF AVONDALE ESTATES

**WHEREAS**, the City of Avondale Estates has employed Roy Claiborne Brown as City Manager since 2007; and

**WHEREAS**, the employment relationship between the City and Mr. Brown is governed by that certain Employment Contract dated February 11, 2008; and

**WHEREAS**, by letter dated December 6, 2017, Mr. Brown tendered his resignation from such position, effective February 16, 2018; and

**WHEREAS**, subsequent to Mr. Brown's letter of resignation, the current Board of Mayor and Commissioners became aware of a purported First Amendment to the above-referenced Employment Agreement dated February 23, 2015; and

**WHEREAS**, the purported First Amendment, amongst other provisions, called for Mr. Brown to be paid a substantial severance pay-out in the event of his resignation; and

**WHEREAS**, upon investigation and legal research, the City Attorney has advised the Board of Mayor and Commissioners that the purported First Amendment was not properly approved in a public meeting and, even if it had been properly adopted, cannot legally bind the current Board unless the current Board elects to ratify it (See: O.C.G.A. Section 36-30-3(a) and City of McDonough v. Campbell, 289 Ga. 216 (2011)); and

**WHEREAS**, in light of the City Attorney's legal conclusions, the Board advised Mr. Brown that it would not ratify the First Amendment and would not pay him severance in connection with his tendered resignation; and

**WHEREAS**, Mr. Brown, by letter dated January 11, 2018, has offered to rescind his resignation and "continue to do my job and provide the very best service to our residents and business owners."

**NOW THEREFORE, BE IT RESOLVED** by the Board of Mayor and Commissioners of the City of Avondale Estates as follows:

- 1) The City hereby declines to ratify and formally renounces the First Amendment to the Employment Contract between The City of Avondale Estates and Roy Claiborne Brown dated February 23, 2015, such that said document is null, void and of no legal effect.
- 2) The City hereby ratifies the Employment Contract between the City of Avondale Estates and Roy Claiborne Brown dated February 11, 2007, such that the City and Mr. Brown continue to be bound by the terms of said Employment Contract.

- 3) The Board of Mayor and Commissioners hereby accepts Mr. Brown's rescission of his resignation such that Mr. Brown may remain in his position as City Manager.
- 4) The Board of Mayor and Commissioners is committed to working openly and cooperatively with Mr. Brown to resolve the issues between them and expects Mr. Brown to do likewise, in order to best serve the interests of the citizens of Avondale Estates.

**SO RESOLVED**, this 22<sup>nd</sup> day of January, 2018.

ATTEST:

BOARD OF MAYOR AND  
COMMISSIONERS,  
CITY OF AVONDALE ESTATES, GEORGIA

By \_\_\_\_\_

Gina Hill, City Clerk

\_\_\_\_\_

Jonathan Elmore, Mayor

(SEAL)

Approved as to Form

\_\_\_\_\_

Robert E. Wilson, City Attorney