



**BOARD OF MAYOR AND COMMISSIONERS
WORK SESSION
FEBRUARY 24TH, 2021
IMMEDIATELY FOLLOWING REGULAR MEETING
VIA ZOOM**

MINUTES

Members Present: Jonathan Elmore, Mayor
Brian Fisher, Mayor Pro Tem
Lisa Shortell, Commissioner
Lionel Laratte, Commissioner
Dee Merriam, Commissioner

Staff Present: Patrick Bryant, City Manager
Paul Hanebuth, Asst. City Manager
Shannon Powell, Asst. City Manager
Rebecca Long, Communications Manager
Gina Hill, City Clerk
Stephen Quinn, City Attorney

Item #1 Meeting Called to Order

Item #2 Adoption of Agenda

- Commissioner Shortell motioned to remove items #5 and #7 from the agenda. Commissioner Laratte seconded. All ayes.
- Mayor Pro Tem Fisher moved to adopt the agenda as amended. Commissioner Merriam seconded. All ayes.

Item #3 **Conditional Use Permit Application**

The applicant seeks to open a repair shop for computer and device screens at 8 N. Clarendon Avenue, Suite 200.

The applicant was having technical issues and could not speak during the call. Members of the BOMC voiced initial support for the application. Commissioner Shortell had a question about there being any concerns of toxic chemicals at the business. It was agreed these questions could be posed at the next meeting where this application will have a vote.

Item #4 **Residential Sanitation Fees for 2021**

The prior two meetings have included discussions of appropriate fees for different service level options. The BOMC will need to set residential sanitation fees by resolution so that DeKalb County can include the proper amount on property tax bills.

City Manager Bryant explained staff's recommendation to continue with Latham Home Sanitation for recycling services and he cited a rise in sanitation fees to cover capital expenditures and rising costs from Latham. Commissioner Shortell was supportive. She described the potential impact of going to once a week garbage collection and asked to hear from residents about their preferences. Mr. Bryant clarified that once a week pickup wouldn't necessarily save money but would free up public works staff to complete other tasks. Mayor Pro Tem Fisher gave a breakdown of the extra fees, explained his position, and also asked to hear from residents. Commissioner Laratte said he'd reserve judgement until he heard from more residents. Mr. Elmore talked about the inequities between single family homes and the trash pickup at the condos and townhomes since they do not have back door pickup. He also noted that those in the condos do not generate yard waste because they have landscaping crews. The BOMC would like discussions to continue. Mr. Bryant provided a timeline of what parts of this overall issue need to be decided and when.

Item #5

Stormwater Priority Plan and Fees

The recently-completed Stormwater Priority Plan (also called the Stormwater Master Plan) included estimated costs for short-term capital and operating needs, as well as outlining longer-term needs. The BOMC will discuss the optimal time frame for completing short- and long-term projects and the fee level necessary to fund the outlined needs within that time frame. This fee will also need to be set by resolution and forwarded to DeKalb County.

- Removed from agenda.

Item #6

Zoning Code Rewrite

This is a continuing conversation about the rewrite to offer updates and field questions from the BOMC.

City Manager Bryant spoke about five themes he's hearing when getting feedback from the BOMC and the public. The first was status of the Architectural Review Board (ARB). He explained that the goal was to move from a subjective code to one that's more objective. The next them was PUDs (planned urban development). He described them as a safety net in case a desired development doesn't fit the zoning. He explained the difference between a PUD and a DCI. Mr. Bryant then discussed ADUs. The last item was height planes. Staff recommended a 45-foot height plane. Mayor Elmore agreed with all points. Mr. Elmore and Mr. Bryant talked about the ARB, Planning & Zoning Board (PZB), and the Historic Preservation Committee (HPC) and how they may operate in the future. Commissioner Merriam had questions about the number of multi-family units the city could expect to see in the future. Mr. Bryant responded that much of that will be driven by market forces. She said she had serious concerns about eliminating the ARB and Board of Appeals (BoA). The believes these boards have helped make some of the developments in the city better with their oversight and suggestions. Commissioner Laratte felt that not all architectural details can be covered in zoning. Commissioner Shortell reminded the group that the elimination of the ARB was a recommendation from the zoning code audit and explained why. She added that she's like to see a couple of seats added to the PZB for members with an architecture background. Mr. Bryant said that was staff's recommendation. Mr.

Laratte felt that was a reasonable path. Ms. Merriam believed that by the time most developments are made public, the design is too far along for suggestions. The city has many qualified residents, she added, and their talents should be utilized. Mayor Pro Tem Fisher pointed out that city staff now has more expertise in development than in the past when these boards were created. He also added that relying on a more clear-cut path to development and zoning was a better practice. Assistant City Manager Powell's experience has been that staff played the biggest role early in the development process to influence and guide builders. Ms. Shortell wanted to point out that with these proposed changes, the new code will be more stringent than it was before even with the ARB. Ms. Merriam listed other items she wanted to discuss. She posed several questions about the draft code to Ms. Powell. The group talked about how to address these questions in an efficient way moving forward. Ms. Merriam pointed out that others besides the property owner may not be allowed to appeal a decision and that's something that should be explored. City Attorney Quinn gave his legal opinion. It was agreed upon that Ms. Merriam could email some questions to staff. She still wanted to discuss PUDs as a group. She was concerned the tactic could be misused and discussion followed.

Item #7

Historic Preservation Ordinance Updates

The re-assessment of three tiers of home designations is complete. Staff will explain the new two-tier classifications.

- Removed from agenda.

Item #8

US278 Property Encroachment of Right-of-Way

Staff seeks direction on whether to require that the owner, Tanha Nguyen of 2729 East College Avenue remove the portion of the structure that encroaches into the public right-of-way in preparation for the complete street project.

City Manager Bryant gave more detail about the situation about this property that was built at some point without proper permitting before it was annexed into the city. Mayor Elmore felt the structure needed to be removed. The other commissioners agreed. Mr. Bryant said staff would move forward with the board's approval.

Item #9

Strategic Planning Session

The BOMC is holding their annual retreat February 25th & 26th via Zoom. It will be open to the public and an agenda will be posted in the days beforehand.

Mayor Elmore gave a preview of the retreat. City Manager Bryant said it would be held virtually and open to the public but there will be no questions from listeners. Commissioner Shortell believed they should give a recap of the retreat at a future meeting as well.

Item #10

Path Between Berkeley Road & Banbury Cross

The BOMC will discuss proposed improvements to this area.

Mayor Elmore described the property in question. He said some have suggested putting a gravel path there and he thinks that's a good idea. He hesitated to make the path very nice because the county plans to update the sanitary sewer

system which may impact that area. City Manager Bryant sought direction from the BOMC about moving forward with improving the area. The group discussed the county's plans and timeline. All members of the BOMC approved staff moving forward with improvements to the area.

Item #11 Public Comment

Larissa Paredes-Muse suggested posting a public question and answer section on the city website about the zoning code rewrite. She also asked if an area along Berekeley Road was public or private. Mayor Elmore responded that it is owned by the city. City Manager Bryant said there are multiple opportunities for members of the public to ask questions about the zoning code rewrite and staff doesn't have the capability to respond to online questions. Ms. Paredes-Muse had a question about what areas would qualify for a PUD. Mr. Elmore said that it could be anywhere. Commissioner Shortell offered that there is another open house about the zoning code the following night. Erika Brown spoke about item #8 and said perhaps staff could discuss a façade grant with the owner of the property. She also asked if the BOMC turns down a PUD request would the application have the ability to appeal. City Attorney Quinn responded that it's possible legally but would be a losing proposition. More questions, answers and discussion on the topic followed. Ms. Brown also expressed concern that not enough people knew about the zoning rewrite. Sharon Saliba was concerned that swimming pools would be allowed to be built on the sides of houses under the new zoning code. Staff said they would investigate. Ms. Saliba also commented that she feels that PUDs are too subjective and put too much burden on the BOMC. Mr. Elmore said that, in his opinion, that is part of his job but they will try to put as much into zoning as possible to cut down on subjectivity. David Sacks spoke out again the elimination of the ARB and other review processes. He also felt there has not been enough public engagement during the zoning rewrite process and the proposed zoning process is more ad hoc than before. Mr. Elmore disagreed and outlined why.

Item #12 Adjournment

Mayor Pro Tem Fisher moved to adjourn. Commissioner Shortell seconded. All ayes.

MINUTES APPROVED 4.28.2021



GINA HILL, CITY CLERK