



**BOARD OF MAYOR AND COMMISSIONERS  
REGULAR MEETING  
August 30, 2018  
*Immediately Following Public Hearing***

**MINUTES**

- Members Present: Jonathan Elmore, Mayor  
Brian Fisher, Mayor Pro Tem  
Adela Yelton, Commissioner  
Lionel Laratte, Commissioner  
Lisa Shortell, Commissioner
- Staff Present: Ken Turner, Interim City Manager/Finance Director  
Gina Hill, City Clerk  
Keri Stevens, City Planner  
Lynn Thomas, Police Chief
- Item No. 1 Meeting Called to Order
- Item No. 2 Invocation (Commissioner Shortell)
- Item No. 3 Pledge to the Flag
- Item No. 4 Adoption of Agenda  
Commissioner Laratte moves to adopt the agenda. Commissioner Shortell seconds. All ayes.
- Item No. 5 Approval of Minutes:  
June 25<sup>th</sup> public hearing (2)  
June 25<sup>th</sup> regular meeting  
June 25<sup>th</sup> special called meeting  
July 9<sup>th</sup> special called meeting  
July 11<sup>th</sup> special called work session  
July 18<sup>th</sup> work session  
July 23<sup>rd</sup> public hearing  
July 23<sup>rd</sup> regular meeting  
August 1<sup>st</sup> special called meeting  
August 8<sup>th</sup> special called work session  
Mayor Pro Tem Fisher moves to engross. Commissioner Shortell seconds. All ayes.
- Item No. 6 Commissioner Updates – Subjects of General Interest and Concern

Commissioner Laratte mentions that Blue Tarp Brewery is moving to Tucker but The Lost Druid is a brewery moving into Avondale. Commissioner Yelton thanks all those present for coming and she acknowledges not everyone can make to the meetings. Commissioner Shortell encourages everyone to come to the Labor Day Race. Mayor Pro Tem thanks all the business owners in attendance. Mayor Elmore also thanks everyone in the audience. He adds that the Waffle House Museum will be open next Saturday for the museum's 10<sup>th</sup> anniversary.

Item No. 7

Citizens' Comments:

"It's another beautiful day in Avondale Estates" – Thomas P. Samford

Alan Harvey praises the City staffer employee Karen Holmes for all her work on the Labor Day Race every year. Resident Jenny Norris thanks the Board of Mayor and Commissioners (BOMC) for how much time and effort they put into their offices.

Item No. 8

Old Business:

### **Second of Three Readings of Residential & Commercial Tree Ordinance**

Item No. 9

New Business:

### **Downtown Development Authority (DDA) Boundaries**

There has been discussion about amending the boundaries of the downtown area under the DDA's purview to include US278 and a few other properties. The Atlanta Regional Commission assisted City staff to create a new proposed boundaries map. This was first discussed at the August 8<sup>th</sup> special called work session.

Commissioner Shortell moves to approve. Commissioner Laratte seconds. All ayes.

Ms. Shortell comments that this change will allow the DDA to share more projects with the BOMC and she supports the move. Resident Candace Jones supports the change as well.

### **State Road and Tollway Authority Grant**

The State Road and Tollway Authority (SRTA) awarded the City funds in the amount of \$1,500,000 through the Georgia Transportation Infrastructure Bank Grant to assist with needed funds for the US 278 project. The City Attorney has reviewed the agreement and the BOMC must vote to execute the contract.

Commissioner Laratte moves to approve. Mayor Pro Tem Fisher seconds. All ayes.

Commissioner Shortell thanks City Planner Keri Stevens for obtaining this grant. Candace Jones says this is another positive step forward.

**Application for Rezoning to CBD-PD and Approval of the Related Development Agreement to Allow the Proposed Trammell Crow Development at Maple Street and East College Avenue**

The Board of Mayor and Commissioners will vote on rezoning and the development agreement for this proposed mixed-use project at 40/2748 East College Avenue and 134/142 Maple Street. This project would include 281 apartments and approximately 5,000 square feet of retail/restaurant space. All associated documents can be found on the homepage of the City's website.

Mayor Pro Tem Fisher moves to approve. Commissioner Laratte seconds. Four ayes, one nay (Commissioner Shortell).

Commissioner Laratte thanks the Mayor and Trammell Crow for the work they put in to get to this point. Commissioner Yelton thanks everyone who sent her emails recently. She said the Trammell Crow proposal wasn't perfect but is a good one. She hopes everyone can work together after the vote. Commissioner Shortell thanks Trammell Crow for making the plan better. She talks about the Planned Development (PD) ordinance and comments that she still feels the project's scale is too large. Mayor Pro Tem Fisher points out that zoning does not coincide with the DMP. He adds he feels this project is ideal for the City at this point in time and gives us a lot of what we need to grow.

Ashley Hess says she's familiar with other Trammell Crow developments and they are wonderful properties. Holler Rector, landscape architect and former Architectural Review Board member, describes how the scale and massing of the building is reduced by them adding the courtyards. Richard Joseph says better decisions are made when a process is followed. He feels the changes are positive but the approval process is being rushed. The new plan should go back before the lower boards, he adds. Marti Schallern asks how the BOMC could overrule the lower boards and Mayor Elmore says he will respond after the vote. Michael Gargiulo says he supports the project reminds the crowd that the BOMC chose the members of the lower boards and there has been negotiation going on for a year. He adds he doesn't think it's fair to say the BOMC is ignoring the opinions of others, including those other boards. Jane Howe feels not following the proper process will set a dangerous precedent. Josh Norris appreciates everyone's participation in this process. He feels ultimately that the BOMC is the elected body and can get advice from lower boards but that they are elected to make these final decisions. He feels the process has been transparent and the goal is to bring forth information. He doesn't feel the BOMC can gain any more information than they already have and he asks them to vote for the project. Liz Goodstein asks the BOMC to follow the approved process and not doing so is very dangerous. She requests the new plans go back through the lower boards.

After the vote, Mayor Elmore thanks all involved. He says the City's development process is not perfect but that is being worked on. This is a good project for Avondale at this time, he says. He was initially against

the proposal but was happy to see the road added in the back and the improvements to the City-owned four acres be promised. He feels the size of the building is not an issue if you actually walk the streets and look at the area. He adds that the BOMC does respect the opinions of the lower boards but this is an opportunity he feels we cannot lose. He believes there is no better option to come along for this property in the foreseeable future. He asks everyone to respect each BOMC member's decision and to have faith in this development. Ms. Yelton says a vote for this development is not a vote against the DMP. She says she supports quality growth and the BOMC is currently working on projects that are in the DMP. Mr. Laratte comments that he doesn't believe we can have the walkable downtown we want without more density. Ms. Shortell suggests the lack of growth in the City is not due to zoning or the DMP. Instead, she thinks it's because the City hasn't invested in downtown infrastructure.

**Appeal of the Architectural Review Board's Decision to Deny the Application for Certificate of Appropriateness for the Proposed Development by Trammel Crow Residential at Maple Street and East College Avenue**

On August 6<sup>th</sup>, the ARB unanimously voted to deny the proposed development.

Mayor Pro Tem Fisher moves to approve appeal. Commissioner Laratte seconds. Four ayes, one nay (Commissioner Shortell).

City Attorney Stephen Quinn says the Mayor asked him to give an opinion on the standard of review the BOMC should consider when looking at this appeal. He says the BOMC can reject the Architectural Review Board's (ARB) decision if they find they "abused their discretion". Looking at the nature of the ARB, he said it exists only through the zoning ordinance of which the BOMC is the ultimate authority, per the state Constitution. He says as an administrative agency under the Constitution, the ARB isn't allowed to exercise much discretion and therefore can easily abuse it. Mr. Quinn believes the subjective opinion of the BOMC trumps that of the ARB. Commissioner Shortell says this appeal does not take the new plans presented tonight into consideration. She also feels the ARB made the correct decision. In Mr. Fisher's opinion, the development follows the DMP more than it veers away from it. He feels the decision should be overturned. Mr. Laratte says he feels this is a quality development and they are ultimately tasked with making decisions they feel are best for the City. Commissioner Yelton adds that regardless of how the vote goes, the City needs everyone to band together. Mayor Elmore says he has confidence in the City Attorney's opinion and thinks this will be a good development.

Alan Harvey says he believes the appeals process is not being properly followed. He feels the BOMC should only be considering what is in the record and that is clearly spelled out in the code. David Sacks says it's ill-advised for the BOMC to ignore its own code. Paul Varian asked if the BOMC had seen the updated plans before this meeting. Parts of it,

replied the Mayor. Mr. Varian feels this is being rushed. Trammell Crow attorney Jessica Hill says the burden of proof is on the appellant. She goes on to say the request before the BOMC is for the record of what was presented to them at the beginning of August. They contend there was abuse of discretion and their project was consistent with the architecture and fabric of the area. She added the ARB guidelines on the City website do not even include this area. She concludes the people present who object to the appeal do not have standing to do so.

Item No. 10                      Announcements (Commissioner Shortell)

Labor Day is coming up on Monday, September 3<sup>rd</sup>. The annual Labor Day 5K and 1-mile fun run will be held that morning at Willis Park. All the details can be found on the homepage of the City's website. Also, City Hall will be closed in observance of the holiday.

Saturday, September 8<sup>th</sup> will see the return of the Avondale Art Walks and on the following Saturday, the 15<sup>th</sup>, the City will host the Southern Surf StompFest!

Other events to keep in mind include a lantern-making class on Sunday, September 23<sup>rd</sup> for the October Lantern Parade and the Avondale Elementary School Runs the World 5K and fun run planned for Saturday, September 29<sup>th</sup>. A busy fall ahead!

Item No. 11                      Adjournment  
Commissioner Laratte moves to adjourn. Commissioner Yelton seconds.  
All ayes.

APPROVED THIS 4<sup>th</sup> DAY OF OCTOBER, 2018

  
Jonathan Elmore, Mayor

ATTEST:

  
Gina Hill, City Clerk