

CITY OF PINE LAKE

CITY COUNCIL MEETING MINUTES

May 12, 2014

7:30 PM

The City Council meeting was called to order at 7:31 PM by Mayor Kathie deNobriga. Present were Mayor Pro Tem Megan Pulsts, Council Members Mike Stuckey, Lynn Ehrlicher and Erika Brown. Also present was City Administrator Valerie Caldwell and Chief Sarai Green. Council Member George Chidi was absent.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS AND COMMUNICATIONS

Mayor Kathie deNobriga announced that she has communicated with Commissioner Stan Watson in regards to expediting the Fire Marshall to sign off for the Beach House. To date there is not an estimate time for the Fire Marshall's site visit but she will continue the effort.

On Saturday May 17, 2014 from 9:00 AM – 12:00 PM there will be a facilitated meeting on Police and Public Safety matters at the Court House.

The Mayor announced that at the time of Public Comments for citizens to announce names, address and to speak for three minutes. She said that after each statement the audience will stand for depth of support regarding the proposed Miller Valentine development.

ADOPTION OF AGENDA

The agenda was adopted with amendments to withdraw Consideration of Conceptual Site Plan Submitted by Miller-Valentine for Construction of 97 Unit Multi-Family Workplace Housing Project on a 5.54 Acre Site Located at Rockbridge Road and Aberdeen from the agenda.

Brown requested to add an Executive Session at the end of meeting.

Pulsts motioned to accept amended agenda; seconded by Ehrlicher, approved 4-0.

PUBLIC COMMENTS

Melanie Hammet 648 Laurel Road requested Council to look at the original zoning for mixed use because the plans does not comply with the current proposed Miller Valentine Development.

Lynn Nygaard 648 Laurel Road read an email sent to Council by Sue Clites addressing the stream buffer and the environmentally sensitive property on Aberdeen Road for the Miller Valentine development. She also read that about the storm water runoff risk for flooding and the 190+ parking of impervious surface. Tree removal and increase population of 25% was addressed and how the city would handle the growth. (Copy of email available in minute book).

Mayor deNobriga recapped the highlights of the email addressing the environment sensitivity of the lots, impervious surface and the rapid expansion of population. The Mayor also stated that Fox Environmental, LLC was on top of the situation and that Miller Valentine was fined and issued a stop work order.

Greg Zarus 4553 Park Drive stated he is in support of the proposed development on Aberdeen Road. He also addressed the environment issue of the property and stated that the property is sensitive. Zarus said that there is a blue line on the map that shows pipes for storm water discharge and where the storm water collects.

Barbara Davis 489 Spruce Drive inquired about the Miller Valentine fine and citation. Davis also asked about storm water runoff at the creek and where the water was coming from. She said that the creek is constantly bombarded by storm water runoff and that the current storm water runoff is not being managed and that the creek can't take any more water. Ehrlicher said that the maximum fine was originally a \$5,500 but they were ordered to pay \$1000.

Charlaine Welch 4660 Orchid Drive asked who insures maintenance and who will take care of the developments maintenance concerns. Mayor deNobriga stated that they should have a long term maintenance plan in place.

John Weeks 534 Pine Drive questioned the legal process of the city being sued and if there is a position of a lawsuit.

Frank Brown 482 Spring Drive spoke on the commercial code and ordinance and the adoption of the zoning code. He stated that UT-Uptown Zoning mandates mixed use and that the first floor ceiling height is 14 feet.

Tommy Conlon 603 Iris Road asked how does the proposed Miller Valentine fit in with downtown development and long term maintenance. He inquired if the proposed development meet the requirements of storm water. Conlon stated that the city needs growth because taxes are high and encourages growth, but that this is not the right use. He asked if the neighbors on Aberdeen had been considered regarding the impact of the development. Conlon also questioned the storm water retention features on Miller Valentine underground plans.

Phyllis Weist 4557 Ridge Drive addressed concerns of crime and the strain on the Police Department and asked if the development will be Section 8 Housing. She asked if the city wants to give up what it is especially the tree canopy and the bird's natural habitat. Weist said that home values are down and that most residents did not know about the proposed development until the day before the meeting. She said that the community do not want the giant development.

Eva Sotus 525 Spring Drive spoke on crime and asked who gave the over whelming support that Miller Valentine stated that they received for the development to be built. She said that she will leave Pine Lake if the development comes and that others will as well.

Ehrlicher read the income requirement levels and said that per a web announcement Miller Valentine received an 8.5 million bond from DeKalb County Housing Authority for Section 8 housing. The Mayor stated that the documents that the city has does not match with senior housing.

Jessica Long 4620 Poplar Road said that the potential development is privatized public housing. She also asked about tax credits and asked the city to apply for the tax credit and to build the development. She said that she is ashamed of the city for allowing Family Dollar to come into the city and that the city can do better. Long asked if the local school system was aware of the

potential development and for the city not to compromise. She addressed visitability and said that we have nothing to offer people coming here.

Jim Moore 4571 Orchid Road stated that the project would affect ingress and egress to the neighborhood. He said that he saw the stop work order and that the community was not notified. Moore stated that it would have been ethical if the neighborhood was notified because of the impact that the development would have.

David Brachman 4558 Park Drive thanked the community for getting the word out and that developers depend on no public involvement. He asked the community not to let the Mayor and Council walk along and to provide community support.

Barbara Davis 489 Spruce Drive raised the objection to suppress development.

Senator Steve Henson introduced himself to the citizens attending the meeting.

Alan Gordon 487 Oak Drive addressed the potential Miller Valentine development and zoning. He stated that the property needs an environmental and impact study.

Gideon Amir 446 Spruce Drive said that he is a new residence to the city. He asked how much tree damage the development would cause on the edge of Spruce Drive. Amir said that he purchased the house because of the trees on his property.

Charlaine Welch 4660 Orchid Drive asked if Foxx Environmental LLC could meet with the citizens. Mayor deNobriga stated that Catherine Foxx, Foxx Environmental LLC has been on the job taking care of matters and that they are making sure that the laws are followed.

John Weeks 534 Pine Drive said that there is a group that wants to know if the problem can be mitigated. He also asked if the city is stuck with the potential development or if it is too late. The Mayor stated that currently Miller Valentine has withdrawn their plans for the development and that they are redrawing them and will resubmit. She said that Miller Valentine will address or ask for a variance from Council.

Elsie Porter 492 Spruce Drive said that she is confused about Mixed Use Zoning and that the plans that Miller Development submitted was not for Mixed Use and if it was ignored.

Amy Colburn 654 Laurel Road raised the question regarding the fine issued to Miller Valentine and if they will correct their mistake. The Mayor said that they did not get permission to disturb the land and that there is a difference between violating the law and fines. Colburn asked for the developers not to destroy the wet lands.

Tommy Conlon 603 Iris Road said that the property is wooded and privately owned and the land is for mixed use and commercial development.

Greg Zarus 4553 Park Drive stated that the zoning is permissible and recommended the citizens to review the zoning map and ordinance.

Dugan Trodglan 432 Spruce Drive spoke about the community being supportive and the \$1000 fine for Miller Valentine. He said that the developer was relying on public ignorance. Mayor deNobriga said that the city did not release a statement to Miller Valentine and that the city has not said if they were in favor or against the development.

Frank Brown 482 Spring Drive said that talking about Mixed Use Zoning was not the matrix. He stated that this would not be allowed in Decatur.

April Scoll 4561 Old Sage Court talked about crime in the area and that her car has been broken into three times.

Donna Hoffman 653 Olive Road spoke about the community and for the city not to consider transitional rental homes because the residents do not own property.

OLD BUSINESS

There was not any new business.

CONSENT AGENDA

Motion to adopt the Consent Agenda was made by Stuckey, seconded by Brown and was approved 4-0. Items approved was the minutes of the 3/25/2014 and 4/29/2014 meeting minutes; Award of Bid to Comfort Air of Atlanta in the Amount of \$1,850.00 for Plumbing Repair at the Clubhouse and approval of Resolution #R-05-2014 Amending Plot and Storm Water Fees

NEW BUSINESS

There was not any new business.

COMMITTEE REPORTS

There was not a report from the Tree Authority Board.

Architecture Review Board-Jean Bordeaux reported that there was a meeting on May 5th and the board reviewed the Miller Valentine development plans. She stated that there were nine items that did not meet the zoning code requirements and did not include the stream buffer and storm water specifications. Bordeaux said that the current plans have been withdrawn and if the developer submit new plans they will be reviewed.

PUBLIC COMMENTS

Phyllis Weist 4557 Ridge Drive asked if the new design will have design review and code review and will the community have input. She also asked if there will be a referendum on the matter.

Melanie Hammet 648 Laurel Road said that the design elements are imbedded in the city codes.

Charlaine Welch 4660 Orchid Drive stated that there is a level of mistrust from the development company.

Jean Bordeaux commented that when the codes are looked at they are the law and that the codes can be changed.

Laura Smith 4649 Willow Road asked about what is causing the algae in the lake.

John Weeks 534 Pine Drive commented that the lake is still very young; a decade old; and that the algae is a sign that the lake is naturally healthy.

Greg Zarus 4553 Park Drive said that the lake will turn over twice per year and that the the algae dies and sinks to the bottom of the lake.

Susan Lightcap 451 Clubhouse Drive said that the lake level is way up and is pushing the algae out.

COUNCIL COMMENTS

Pulsts commented that her theory is that Miller Valentine had the exact same language for Senior Housing a few years ago.

Ehrlicher read load guidelines from DeKalb Housing Authority and commented that the creek follows Spruce and state waters. She presented the State Water 2011 Redevelopment Plan from Georgia Natural Resources. Ehrlicher said that she will be notifying the Army Corp of Engineers because the stream dumps into the wetlands and it should be protected.

Stuckey commented that the problem with Miller Valentine is attitude. He said that the Architecture Review Board and Council will review the plans and that nothing will take place without community input.

ADJOURNMENT

Stuckey motioned to adjourn and was seconded by Brown. The meeting adjourned at 8:49 PM.

EXECUTIVE SESSION

Brown motioned to go into Executive Session seconded by Ehrlicher and approved 4-0. Motion to reconvene into regular session by Brown seconded and approved.

The Administrator was directed to take appropriate action regarding a personnel matter.

Missye Varner, Administrative Assistant

Approved minutes are posted on the website at <http://www.pinelakega.com/city-government/minutes/archive-minutes/>