



MINUTES OF THE REGULAR CITY COUNCIL MEETING
Tuesday, August 6, 2019 @ 6:30 pm
City Hall, 875 Main Street, Stone Mountain, Georgia 30083

CALL TO ORDER

Mayor Wheeler called the meeting to order at 6:31pm

DETERMINATION OF A QUORUM

Mayor Wheeler determined that a quorum was present. Council Members Little, Mailman, Hollis, Johnson, Waller and Bryant were present.

INVOCATION AND PLEDGE

Council Member Hollis gave the Invocation and Council Member Mailman led the Pledge of Allegiance.

CITIZEN COMMENTS – NON-AGENDA ITEMS ONLY

Joan Monroe

5499 Woodsong Trace

-Questions about flag being at half mast and DeKalb County Police involvement in the City.

Lozelle Harley

762 Brittany Court

-Concerns with a ticket that she was issued.

Rory Webb

1130 Ridge Avenue

-Concerns with 50/50 rule for liquor license.

Gina Cox

787 Fourth Street

-Asked for more police presence between the hours of 6am – 10am on the street she lives on due to speeders.

READING AND APPROVAL OF THE JOURNAL

- Minutes of Regular City Council Meeting 07/02/19

Mayor Pro Tem Johnson moved to approve the minutes of the Regular City Council Meeting on July 2, 2019; seconded by Council Member Hollis.

Approved 6-0.

- Minutes of Special Called Meeting 07/16/19

Mayor Pro Tem Johnson moved to approve the minutes of the Special Called Meeting on July 16, 2019; seconded by Council Member Hollis.

Approved 6-0.

- Minutes of Work Session Meeting 07/16/19

Mayor Pro Tem Johnson moved to approve the minutes of the Work Session on July 16, 2019; seconded by Council Member Hollis.

Approved 6-0.

READING OF COMMUNICATIONS

Mayor Wheeler had no communications to read.

ADOPTION OF THE AGENDA OF THE DAY – Request to add by unanimous consent under New Business Item F. Installation of Stop Signs at the Intersection of Second Street and Manor Drive and Item G. Fireworks Contract for Christmas Parade December 7, 2019 – Southern Sky Fireworks, LLC – \$3600.

Mayor Pro Tem Johnson moved to adopt the agenda of the day with a request to add by unanimous consent the following items under New Business, Item F the installation of stop signs at the intersection of Second Street and Manor Drive, Item G the Fireworks Contract for the Christmas Parade to be held on December 7, 2019 with Southern Sky Fireworks, LLC in the amount of \$3600.00 and Item H discussion of nuisance abatement on Evans Lane and Fourth Street ; seconded by Council Member Hollis.

Approved 6-0.

UNFINISHED BUSINESS

A. Hearthstone Subdivision Covenant Restrictions – update

City Manager Thornton asked for the update from the City Attorney Joe Fowler.

City Attorney, Joe Fowler, advised that Hearthstone's representation is willing to record a covenant that no more than 50% of the properties in the subdivision could be rental properties. City Attorney Fowler has offered 15% as negotiations so far and he advised that the City doesn't have much leverage since the existing covenant does not provide for a rental restriction.

City Manager Thornton explained that the original court order language was that the homes be owner occupied and doesn't think that it is enforceable at this time and previously the Council agreed the way to establish enforceability at this time would be to conduct these negotiations with Hearthstone's representative.

Council discussed further and asked questions.

Council agreed to negotiate.

B. Easement Agreement – 5197 Central Drive (18 090 04 015) – Bradford Botwick – Requestor – update

City Manager Thornton reviewed the engineered stamped survey received on July 31, 2019 by email which was provided to Council in the packet. Based on the survey the recommended easement changed. The proposed cost of the easement is recommended at \$2854.00. She sent the amount back to the Attorney and haven't received anything from the Attorney since.

Council questioned that we would wait on a response from the representing Attorney before acting. City Manager Thornton advised that a Special Called meeting may be necessary before the Work Session.

NEW BUSINESS

A. Application for Conditional Use on 1051 Hill Street, Stone Mountain, GA 30083, Parcel 18 090 14 004; for a Special Use Permit for a Bed and Breakfast Home Facility within the Traditional Residential (R2) District.

Mayor Pro Tem Johnson moved for the approval of the Conditional Use application on 1051 Hill Street, Stone Mountain, GA 30083, Parcel 18 090 14 004; for a Special Use Permit for a Bed and Breakfast Home Facility within the Traditional Residential (R2) District; seconded by Council Member Hollis for discussion.

Council Members discussed that it was built as a Single-Family home and parking concerns.

City Manager Thornton advised that the code allows for a Single Family home to obtain a home occupation tax certificate license and allows for this type of application as it is the property owner's right and that the home has enough off-street parking according to code that they must have one parking space per bedroom and they have four bedrooms and four parking spaces.

Application was approved 4-2.

B. Application for Variance on 5368 E. Mountain Street, Stone Mountain, GA 30083, Parcel 18 089 27 007; for Deviation from the Parking Requirements and the District Regulations for Village Center Mixed Use (VCM).

Mayor Pro Tem Johnson moved for approval of the application for variance on 5368 E. Mountain Street, Stone Mountain, GA 30083, Parcel 18 089 27 007; for Deviation from the Parking Requirements and the District Regulations for Village Center Mixed Use (VCM); seconded by Council Member Hollis.

Council Members discussed and questioned the parking and if a parking agreement was obtained for the shared parking with Landmark.

The Applicant came forward and advised that the parking agreement was not submitted because there are new tenants for the space.

There was a consensus by Council that parking is an issue within the City and needs to be fixed as soon as possible.

Application was approved 6-0.

- C. Permit Application to Install Aerial Fiber, Install HDPE Duct, and Maintain Utility within the Stone Mountain Public Right of Way – W. Mountain Street at Ridge Avenue; Ridge Avenue to Mimosa Drive; Mimosa Drive to Sheppard Road; Sheppard Road to Address 979 – Zayo Fiber Solutions.

Mayor Pro Tem Johnson moved to approve the permit application to Install Aerial Fiber, Install HDPE Duct, and maintain utility within the Stone Mountain Public Right of Way – W. Mountain Street at Ridge Avenue; Ridge Avenue to Mimosa Drive; Mimosa Drive to Sheppard Road; Sheppard Road to Address 979 – Zayo Fiber Solutions; seconded by Council Member Hollis

Council asked if a permit fee was set. City Manager Thornton advised that it would be set administratively.

Application was approved 6-0.

- D. Request to Landscape Area at the Northside Heartstrings Cemetery Plot

Mayor Pro Tem Johnson moved to approve the request to landscape an area at the Northside Heartstrings Cemetery Plot; seconded by Council Member Hollis.

There were questions by Council about where along the plot, if any plots were being disturbed, who will maintain the landscaping.

City Manager Thornton answered questions and concerns of Council that right side of the plot will be tree and left side will be the shrubs as you are facing the street; no lots will be disturbed, and Northside and Wages and Sons will maintain the landscaping.

Approved 6-0.

- E. Extension of East Mountain Street Sidewalk to Stone Mountain Park West Gate

Mayor Pro Tem Johnson stated for discussion only on the extension of East Mountain Street sidewalk to Stone Mountain Park West Gate; seconded by Council Member Hollis for discussion only.

City Manager Thornton advised that she received a voicemail from Becky Kelly where she expressed that the corporation and SMMA had come to a consensus as to what they are willing to do and that the preliminary engineering was also going to be done and wanted to discuss the outcome. City Manager Thornton will provide City Council a summary of the meeting once a meeting is arranged and conducted.

- F. Installation of Stop Signs at the Intersection of Second Street and Manor Drive.

Mayor Pro Tem Johnson moved to approve the installation of stop signs at the intersection of Second Street and Manor Drive; seconded by Council Member Hollis.

No discussion.

Approved 6-0.

- G. Fireworks Contract for Christmas Parade December 7, 2019 – Southern Sky Fireworks, LLC – \$3600.

Mayor Pro Tem Johnson moved for the approval of the fireworks contract for the Christmas Parade to be held December 7, 2019 for Southern Sky Fireworks, LLC in the amount of \$3600; seconded by Council Member Hollis.

No discussion.

Approved 6-0.

- H. Nuisance abatement on Evans Lane and Fourth Street.

Mayor Pro Tem Johnson stated for discussion only on nuisance abatement at Evans Lane and Fourth Street; seconded by Council Member Hollis for discussion only.

City Attorney updated Council on his research into these properties and advised that the properties are owned by DeKalb County and taxes are still owed on the properties. Next move should be to either talk to the County about cleaning up the properties or selling them to the City.

There was discussion amongst Council that the City shouldn't be responsible for demolishing these properties, but should search out the owners and hold them responsible.

NEW ORDINANCES AND RESOLUTIONS

A. Resolution 2019-18 Pursuant to the Fair Treatment of Our Citizens

Mayor Pro Tem Johnson moved to approve Resolution 2019-18 pursuant to the Fair Treatment of Our Citizens; seconded by Council Member Hollis.

No discussions or questions.

Approved 6-0

B. Resolution 2019-19 FY2019 Budget Amendment

Mayor Pro Tem Johnson moved to approve Resolution 2019-19 Fiscal Year 2019 Budget Amendment; seconded by Council Member Hollis.

City Manager Thornton explained the amendment to the budget for funding of storm water projects at Stone Trace, Zachary and Main Street as well in the amount of \$146,936, and from confiscated asset fund pending from our previous year's audit in the amount of \$22,085.

No discussion or questions from Council.

Approved 6-0.

COMMITTEE DISCUSSION ITEMS

A. Planning and Zoning

No report from Planning and Zoning Committee.

B. Economic Development/Downtown Development Authority

Mayor Pro Tem Johnson announced that next Thursday, August 15 6:30pm at City Hall they will be hosting a business retention meeting with Decide DeKalb for all existing businesses in the City.

C. Historic Preservation Commission

No report from Historic Preservation Commission.

D. Sub-Committee for Busking Permissions

Council Member Little reported that the committee will have their presentation next Work Session.

E. Parks & Recreation Committee

Gina Cox invited the community to meet the Committee at Medlock Park on September 7 to get feedback from the community as to what they would like to be done at the City parks.

REMARKS OF PERSONAL PRIVILEGE

There were remarks of personal privilege from Council Member(s) Mailman, Little and Johnson.

City Manager Thornton invited the public to the City's next Government 101 Session hosted by Public Safety speaking on Active Shooter Training to be held August 22 at 6:30pm.

ANNOUNCEMENTS BY THE MAYOR

Mayor Wheeler had no announcements.

ADJOURNMENT

Mayor Pro Tem Johnson moved to adjourn; seconded by Council Member Hollis.

Approved 6-0.

Meeting adjourned at 7:34pm.

Patricia Wheeler, Mayor

Alicia Daniels, Assistant City Clerk