

**CITY OF PINE LAKE  
CITY COUNCIL MEETING MINUTES  
FEBRUARY 11, 2019  
7:00 PM**

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**Call to order**

The meeting was called to order by Mayor Melanie Hammet at 7:00 pm. Present were Mayor Hammet, Council members Megan Pulsts, Augusta Woods Jean Bordeaux, Brandy Hall and Kris Casariego. Also present were City Administrator Valerie Caldwell, City Attorney Laurel Henderson and Chief of Police Sarai Y'Hudah-Green.

**Pledge of Allegiance** was led by Hammet.

**Announcements/Communication**

Hall communicated that the Food Forum Kick Off event meeting was a great success on February 3<sup>rd</sup> and that Pine Lake is the pilot city for the forum to complete a City Agriculture Plan in partnership with the Food Well Alliance and the Atlanta Regional Commission.

**Adoption of Agenda**

Pulsts motioned to approve the agenda; seconded by Bordeaux and approved 5-0.

**Public Comments**

There were not any public comments.

**PUBLIC HEARING**

**Public Hearing on Variance Request** – Applicant Linda Dunlavy, on behalf of Bonnie McQuagge is seeking a variance /or special exception for setback relief on property located at 4616 Park Drive:

Henderson announced the procedure by which the hearing would be conducted. Dunlavy requested, and was granted, an additional 5 minutes for a combined presentation/comment on both the variance/special exception request. Mayor Hammet opened the public hearing with Dunlavy presenting. Upon expiration of time, Mayor Hammet called for opposition. As none was forthcoming, the public hearing was closed. Council first considered the variance request. Finding it did not meet the requisite standards, motion to deny was made by Hall, seconded by Bordeaux and approved 4-1. Pulsts voting in opposition and the variance was denied.

**Special Exception Permit**

Attorney Dunlavy presented and talked about the site plan that indicated the position of the barn.

Bordeaux stated that there is currently a problem underneath the structure and asked Frank Gaddy, Professional Civil Engineer, about the 12 inch concrete pipe that goes into the creek bed and if it could be moved or piped because of the water going into the street. She also said that she doesn't like that water is underneath the structure.

Gaddy responded that the support of the structure is situated in such a way that the flow of water under the barn has plenty of air and that it is not a big problem. He also stated that his main concern would be that he doesn't like when water is underneath a structure and if the structure has to be moved that there is not enough room to relocate the pipe around the structure.

Bordeaux inquired as how can it be mitigated if it stays where it is and that a closed crawl space is needed and not to have the structure on pillars and that if it would be a problem in stormwater situations.

Gaddy replied that it would not as long as the structure remains where currently situated, because not a tremendous amount of water is coming through and that they do not need to build a conventional foundation wall around the structure.

Attorney Henderson stated that this meeting was not the time to address building issues and that if the zoning is approved the building issues will be the next step because the city does not approve open foundations.

Pulsts asked about what Mr. Gaddy's role was and the source of the water.

Gaddy answered that he did the full site plan design and that the water comes from four properties uphill.

Henderson stated that if the zoning approval is in place and the construction goes forward the matters must be resolved in order for the conversion to occur and that this would be an issue for a different day.

There also was conversation regarding the variance and permit that was issued for an address on Park Drive for a studio. Henderson stated that that was before new standards were in place for this matter.

Following deliberation on the Special Exception Pulsts motioned to approve the requested special exception as found in Section 6-3-14(8)(1) to allow conversion of the existing accessory structure to a residential structure in recognition of the tree preservation ordinance,

provided that the structure shall remain in situ; there shall be no expansion of the footprint; there shall be no increase of impervious surface; any trees identified in the special permit application must be preserved; if any of the identified trees die or are critically damaged due to construction impact within 5 years they must be replaced per the tree ordinance; and all construction activity must take reasonable measures to protect the trees' critical root zone. The motion was seconded by Bordeaux and approved 5-0.

## **CONSENT AGENDA**

Minutes of 01/14/19 Council Meeting

The Consent Agenda was unanimously approved on motion by Hall; seconded by Woods.

SEED Appointments:

- Carrie Linblad
- Jennifer Bridges – Chair

MAP Appointment

- Lalah Manley

## **NEW BUSINESS**

There was not any new business.

## **Public Comments**

Tommy Conlon, 4597 Orchid Road thanked Mayor and Council for their diligence and decision in support of the petitioner's request for relief. He also referenced the old building code as it relates to the new code, stating the old codes were established to protect the character of the city. Conlon also asked that the feel and preservation of the city remain.

Erika Brown, former property owner/resident 439 Oak Road thanked Mayor and Council for granting the Special Exception Request and deliberation of keeping it within the code and stated that common sense must be exercised. Brown spoke about Bill Johnston, the city's Zoning Consultant and stated that he is not the final say on zoning matters and that he did the city a disservice by not mentioning the Special Exception Request in his first report.

George Chidi, 4625 Park Drive stated that he lives across the street from 4616 Park Drive and that the deliberations were excellent and that he was pleased with the decision making process regardless of the outcome. He also stated that ninety thousand individuals moved to metro Atlanta in 2018 and that there were thirty thousand units for construction permitted. Chidi also said that property values have been driven up and that every community must do its part in increasing the amount of raw housing stock but not to create poverty.

Stephanie Weeks, 4593 Lakeshore Drive thanked everyone for their due diligence and decision on the 4616 Park Drive property and the character of the city. She also inquired

about the building permits process. Weeks stated that there is a layer of hardship that has not been clarified regarding permitting and zoning. She also talked about issues relating to the prior variance request and the request of tonight's meeting. Bordeaux recommended visiting the website as it addresses the differences between permitting and zoning.

Tommy Colon also commented on Weeks' point that she thought that Safebuilt represented the city and asked how well the citizens are protected. He asked who the custodian of the rules for construction was and stated that there are two-two story homes that were constructed on a slab and asked who does the over sight. Hammet stated that the matter would be checked out.

### **Mayor's Comments**

The Mayor commented that when the zoning ordinance was rewritten and adopted in 2009 and that she and Erica Brown were part of the process and that was a chaotic mess. Hammet said that the variance process must be fair and unbiased with the rulings of the same criteria. The Mayor said that council did a lot of work on this issue and that she appreciates them for giving their best efforts to deliberate the issues.

### **Council Comment**

Pulsts asked Chief Green about the off-duty reserve officer involved in the New Year's Eve incident on Memorial Drive. Green stated that he was doing well. Pulsts also inquired about the investigation and Green stated that she was awaiting a report from Georgia Bureau of Investigation. Pulsts asked Green to let the officer know that Council sends their regards.

Chief also commented that Lt. Robert Palms is out on medical leave that resulted in him breaking his ankle while making an arrest.

Casariago commented that she plans to issue a monthly newsletter instead of bi-weekly beginning this week.

**Adjournment:** upon motion by Pulsts at 8:46 pm and seconded by Hall. 5-0