

**BOARD OF MAYOR AND COMMISSIONERS  
PUBLIC HEARINGS & REGULAR MEETING**

**JUNE 23<sup>rd</sup>, 2021**

**5:30 p.m.**

**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  
Shari Hillman, Admin Assistant  
Ken Morris, Permitting Coordinator  
Stephen Quinn, City Attorney

Item #1 Meeting Called to Order

Item #2 Adoption of Agenda  
Commissioner Shortell motioned to adopt. Commissioner Merriam seconded. All ayes.

Item #3 **Public Hearing on the 2021 Tax Millage Rate**  
The Governing Authority of the City of Avondale Estates has tentatively adopted a 2021 millage rate of **9.8** mills, the same rate as the past three years.

City Manager Bryant and Assistant City Manager Hanebuth give background about how this millage rate was chosen. They fielded a question from one audience member, which was inaudible.

Item #4 **Public Hearing on Proposed New Zoning Ordinance and Zoning Map**  
The Board of Mayor and Commissioners will receive public comment on the proposed new Avondale Estates Zoning Ordinance and accompanying rezoning of properties currently zoned CBD, MD, MARTA, and CBD-PD1, 2, and 3 to CBD-1, CBD-2, or CBD-3, as well as the adoption of a new zoning map.

City Manager Bryant explained the city has developed a new zoning code from the ground up, unlike most cities that just borrow codes from other municipalities. He added a timeline of the development of the draft code and public engagement. Bonnie Chaffin asked for definitions for certain terms in the code and wanted to know how the changes would help the city. Mr. Bryant

responded that the new code will match the vision of the Downtown Master Plan. Andy LaRocco asked Commissioner Shortell if she would be ok with a Dunkin Donuts or gas station next to her house. Ms. Shortell explained how that could not happen. Discussion continued with Mr. Bryant adding more explanation. Lawrence Shaw felt the language of the code left the door open for commercial development in the residential area. City Attorney Quinn offered some legal explanation about what can and can't be put into a zoning code. Robin Hughes asked questions but they were inaudible. Mayor Elmore responded by recalling the zoning audit that found hundreds of inconsistencies in the old code. Mr. Bryant also mentioned the old code and said it would made for past decades and did not include things like sidewalks and streetscapes. Mr. Quinn answered her other questions. In response to an audience question, Mr. Bryant said the Planning & Zoning Board would be combined with the Architectural Review Board. Kathy Deprey noted that the map she saw was cause for concern and confusion. Mr. Bryant, Mr. Quinn and Ms. Shortell explained details of the map. Faye Noble also had questions about the map. Ernie Alquist didn't feel like a two-acre threshold was very high. Paul Dorroh asked for clarification of previous comments, especially where it applies to PUDs in residential areas. Mr. Bryant responded. Elizabeth Goodstein asked the BOMC to delay acting on this since interest is so high. Jan Hover read a statement. Phil Feibish had questions about how the changes would apply to his property. Mayor Elmore and Mr. Bryant explained how his lot is non-conforming which is common. Mr. Feibish believes the draft code is mistaken. Mr. Hover of 89 Berkeley Road shared his concern about PUDs. Mr. Quinn explained why he thinks there is not reason for concern. Klaus van Den Berg suggested an overlay district to protect the residential area.

Item #5

**Public Hearing on Conditional Use Permit Application for Chiropractic Office**

This application is for the space at 8 North Clarendon Avenue, Suite 300.

No comments.

Item #6

**Commissioner Comments**

Mayor Elmore wished Assistant City Manager Hanebuth a happy birthday. Commissioners Laratte and Merriam spoke on the community's robust participation. Commissioner Shortell remarked that her mind is not made up about the draft zoning code and PUDs. She didn't appreciate assumptions that she has made a decision. Ms. Shortell also gave dates for police accreditation in August. Mayor Pro Tem Fisher called into the meeting and said he appreciates the public's input. Mr. Elmore gave more details about plans for the July 4<sup>th</sup> parade.

Item #7

**Approval of Minutes**

May 12<sup>th</sup> regular meeting

May 12<sup>th</sup> work session

May 18<sup>th</sup> executive session

May 26<sup>th</sup> regular meeting

May 26<sup>th</sup> work session

Commissioner Laratte made a motion to engross the minutes. Commissioner Merriam seconded. All ayes.

Item #8 **First Reading – New Zoning Ordinance**

Commissioner Laratte said he does not support PUDs in the residential area. Commissioner Merriam shared those concerns and also had issues with the amount of public notice required in the draft zoning code. Commissioner Shortell felt she needed to take a step back and was undecided about certain points of the zoning. She added that she's been thinking and listening to residents but found it frustrating that this has been discussed for a year and a half and these concerns are just now arising. Mayor Pro Tem Fisher also said that PUDs have been discussed for a while now. He cited the Avondale condos and homes on Coventry Close as examples of building outside of zoning at the time. He said members of the BOMC at the time those were built had to approve it and the BOMC has had and still has the power to do that. Mr. Fisher offered that any zoning code is not going to be perfect and will always be subject to challenges. He felt that a PUD in the residential area would rarely, if ever, be used and it would require a great deal from a developer applying for it. A PUD is easy to set up, he added, and could be done by a BOMC in the future. He pointed out there could be something outside zoning in the future that residents did want and this would allow it to be considered. Mayor Elmore said he's happy with the draft zoning code and the process leading up to it. He also felt that PUDs gave the BOMC more control over development, not less. Ms. Merriam described each of her concerns with the draft. Mr. Laratte wanted to vote on removing the residential PUD allowance from the draft. Mr. Elmore did not want to vote without Mr. Fisher, who had since left the meeting.

Item #8 **First Reading – Ordinance to 2021 Adopt Millage Rate**

Mayor Elmore said he'd like to slowly lower the millage rate and revenues rose. Elizabeth Goodstein wanted the BOMC to consider a lower millage rate. She cited a rise in stormwater fees, high sanitation fees, and rising property values. Jan Hover spoke but her comment was inaudible.

Item #9 **Resolution to Amend to City's Classification and Compensation Plan**

Commissioner Shortell motioned to approved. Commissioner Merriam seconded. All ayes.

City Manager Bryant explained that he wished to combine two vacant job positions – communications and events manager. Mayor Pro Tem Fisher rejoined the meeting.

Item #10 **Adopt Entertainment District Ordinance**

An amendment to the ordinance will allow for open alcohol containers in specified areas.

Commissioner Shortell motioned to approve. Commissioner Laratte seconded. All ayes.

City Manager Bryant gave more detail on this measure and described ways it could benefit local businesses. Mr. Laratte had concerns about the types of cups that would be used in the entertainment district. Mr. Bryant explained the reasoning behind the cups. Other commissioners spoke on the item and were in support. Audience questions and comments touched on enforcement, the map, litter, and the environmental impact of plastic.


Item #11 **Conditional Use Permit Application for Chiropractic Office**  
Commissioner Merriam motioned to approve. Commissioner Laratte seconded. All ayes.

Item #12 Public Comment

Paul Dorroh had a question about the draft zoning code. Phil Feibish observed the "in memoriam" were no longer hanging in the courtroom. Mayor Elmore said that should be discussed in a future meeting.

Item #13 Adjournment  
Commissioner Merriam moved to adjourn. Commissioner Laratte seconded. All ayes.

APPROVED AUGUST 25<sup>TH</sup>, 2021



---

Gina Hill, City Clerk