

**CITY OF BROOKHAVEN**  
**BROOKHAVEN CITY COUNCIL**  
**FINAL MINUTES**

**June 29, 2017**

**Regular Meeting**

**7:00 PM**

4362 Peachtree Road, Brookhaven, GA 30319

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**A) INVOCATION**

The gavel gang, Isabel and Maribel, opened the meeting.

**B) CALL TO ORDER**

Attendee Name	Title	Status	Arrived
Linley Jones	District 1	Present	
John Park	District 2	Present	
Bates Mattison	Mayor Pro Tem / District 3	Present	
Joe Gebbia	District 4	Present	
John Ernst	Mayor	Present	

**C) PLEDGE OF ALLEGIANCE**

**D) RECOGNITION OF PET BY LIFELINE**

Communication Department Director Burke Bernan gave details about "Tracker" the dog of the day by LifeLine.

**E) MAYOR'S ANNOUNCEMENTS**

1. (7:05 - 7:15 PM) - Recognition of Murphey Candler Little League Championship

Mayor Ernst mentioned that this was the first time the City of Brookhaven was doing this recognition. Parks and Recreation Director Brian Borden recognized the following teams: 2017 Murphey Candler Girls Fast Pitch Tournament champions - Sun Rays, Blue Bandits, Black Knights and Tucker Lady Tigers. He also recognized the 2017 Murphey Candler Baseball League Tournament Champions: Frontier I - Lugnuts, Frontier II - Phillies, Frontier III - Braves, Atlantic - Lugnuts, International -Muck Dogs, Coastal - Hot Rods, AA - Royals, AAA - Blue Jays, Majors - Red Sox.

Photos were taken.

2. (7:15PM - 7:25 PM) - Commendations / Recognition

Police Chief Yandura presented commendations to three people from his department. The first Distinguish Metal Award was given to Officer Thomas Lafever. He also recognized Officer Charles McCoy and Abby Lucas, Crime Analyst. He provided background information about the awards and the each of the recipients.

**F) SETTING OF 2017 MILLAGE RATE - ASSISTANT CITY MANAGER STEVE CHAPMAN**

Assistant City Manager Steve Chapman noted Council had two items to set the Millage rate for 2017. (Public hearings were held June 15, 2017 at 7:00 p.m., June 29, 2017 at 10:30 a.m. and June 29, 2017 at 6:30 p.m.)

1. Setting of 2017 Millage Rate - Assistant City Manager Steve Chapman - *Action Item*

Council Member Jones made a motion to approve the Millage Rate at 2.74 mils for 2017. Council Member Gebbia seconded the motion. The motion passed unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Linley Jones, District 1
<b>SECONDER:</b>	Joe Gebbia, District 4
<b>AYES:</b>	Jones, Park, Mattison, Gebbia

2. Setting of 2017 Millage Rate for Special Tax District - Assistant City Manager Steve Chapman - *Action Item*

Council Member Gebbia made a motion to approve the Special Tax District Millage Rate at 6.45 mils for 2017. Council Member Park seconded the motion. The motion passed unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Gebbia, District 4
<b>SECONDER:</b>	John Park, District 2
<b>AYES:</b>	Jones, Park, Mattison, Gebbia

**G) PUBLIC HEARINGS**

1. **Ordinance ORD-2017-06-01:** TA17-05 an Ordinance to Amend Section 27-1462 Walls, Fences, & Retaining Walls, of the Code of the City of Brookhaven - *Action Item After Public Hearing*

Mayor Ernst introduced the item and recognized City Manager Christian Sigman.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bates Mattison, Mayor Pro Tem / District 3
<b>SECONDER:</b>	Linley Jones, District 1
<b>AYES:</b>	Jones, Park, Mattison, Gebbia

**Open and Close of Public Hearing**

Mr. Sigman explained that staff presented this item in a previous meeting. This was recommending no cost permit to install a fence to allow homeowners an opportunity to have their fence in the right spot. He recognized Community Development Director Patrice Ruffin. Ms. Ruffin mentioned that the Planning Commission recommended approval and staff was recommending the same.

Mayor Ernst opened the Public Hearing. There was no comments for opposition or support. Public Hearing was closed. Mayor Ernst opened the item for discussion from Council.

Council Member Mattison thanked staff for working on the ordinance and expressed concerns about corner lots and lengths. He asked if there was the ability to wave the 20 feet distance through ZBA He asked about corner lots, side yards, and front yards that were discussed previously. Ms. Ruffin explained that one side would be considered a side yard and the other a front yard. Council Member Mattison would like to continue to look at where corner lots have 8 foot fences on back side and visually not best aesthetics. Ms. Ruffin mentioned that the side fence would be six feet.

Council Member Mattison made a motion to approve the item. Council Member Jones seconded the motion. The Motion passed unanimously.

**H) APPOINTMENTS**

1. Appointment of the Peachtree Creek Greenway Steering Committee

Mayor Ernst appointed Nahtaniel Coles, Delores Crowell, Betsy Eggers, Kim Gokce, Mark Reich, and Robert Turner to the Peachtree Creek Greenway Steering Committee.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bates Mattison, Mayor Pro Tem / District 3
<b>SECONDER:</b>	Linley Jones, District 1
<b>AYES:</b>	Jones, Park, Mattison, Gebbia

2. Appointment of the Charter Review Committee

Mayor Ernst appointed Kevin Fitzpatrick, Rebecca Chase Williams, Pat Hoban, Jennifer Owens and JD Clockadale to the Charter Review Committee.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	John Park, District 2
<b>SECONDER:</b>	Joe Gebbia, District 4
<b>AYES:</b>	Jones, Park, Mattison, Gebbia

**I) AGENDA ANNOUNCEMENTS - NONE**

**J) PUBLIC COMMENT**

1. Tomoko Ohyama

Tomoko Ohyama, from the Japanese Consulate, expressed opposition of the installation of the Comfort Women statue.

2. Tony Marano

He spoke about the different countries the Comfort Women statue should list including Vietnam and South Korea.

3. Yoshie Brandt

She opposed the installation of the Comfort Women statue.

4. Aysuto Tsuchihashi

He opposed the installation of the Comfort Women statue.

5. Shizuko Culpepper

She provided information about her background. She noted that the City was a public organization. She mentioned that the residents of Brookhaven were not informed of the decision process for the Comfort Women statue.

**6. Bob Imai**

He was a minister of business organization. The Comfort Women statue was a political issue. He noted there were no evidence of the Comfort Women against the Japanese. The City installation of the Comfort Women was kept a secret. He asked the Council to postpone the installation of the statue.

**7. Dale Boone**

He met the commander of Pearl Harbor. He had spent a good amount of time in Asia. He mentioned that honor was a big deal in Asia. He requested for the Council to take a step back on the Comfort Women statue.

**8. Vickie Rusek**

Vickie Rusek spoke about the Kroger Shopping Center at Cambridge Square. She asked the Council to defer item # 2064 for a month to find a better solution to the traffic.

**9. Toshiaks Sumimato**

Toshiaks Sumimato spoke against the Comfort Women statue. This was not a City issue, this was a diplomatic issue. He asked the Council to reconsider their decision.

**10. Arata Tamura**

He asked Council to turn down the plan for the Comfort Women Statue. He had respect for both Japanese and Korean. He was from Japan and he had a lot of friends from Korean. He was against the Comfort Woman statue in Park.

**11. Laurenthia Mesh**

Ms. Mesh thanked Mayor and Council for responsiveness to residents and businesses. The City was fortunate to have this Council. At the zoning rewrite meeting people were concerned about the rate of trees being cut down in their neighborhood. On behalf of Brookhaven Tree Commission committee and citizens, she was requesting a moratorium on residential construction.

**12. Betsy Eggers**

She was representing the Peachtree Creek Greenway. She thanked the Council for making things happen in the City. The Peachtree Greenway, Inc. and other people were in support of eminent domain to determine fair and equitable price of the land at 1793 Briarwood Rd.

**13. Heidi Underwood**

She spoke in support of Peachtree Greenway. She thanked the Council for their work.

Motion to extend time limit nine (9) more minutes was made by Council Member Park and seconded by Council Member Jones. The motion passed 4-0. Time was extended.

**14. Lizzie Stahlman**

She spoke about the Comfort Women statue and what it represented. There was a horrific practice, by specific segment of a particular regime during a specific time in history. It also represented the courage of victims as well as the struggle of women worldwide and the current human trafficking. She referred to the effort to fight and educate the community about human trafficking by Chief Yandura. The statue did not represent hostility towards any particular nation, or a demand for any apology from anyone in any current government. This was to honor women and girls who were victims years ago and reminded the citizens of the current crimes of which women were victims and the need to eliminate this horrific situations. She was passionate about the need to bring women out of the shadows into full equality. If the past was ignored, it could be repeated some other time, in some other place by some other perpetrators on others victims. She asked the Council to accept the statue as a

reminder of the struggles of women faced now.

15. Asako Takahashi

She spoke strongly against the Comfort Women Statue in the Park.

16. Do Not Wish to Speak: Noriko Takeda; Sara Kennedy; Martha Johnson; Shiji T.; Tom Yamamoto

**K) CONSENT AGENDA**

Council Member Mattison made a motion to approve the consent agenda. Council Member Park seconded the motion. The motion passed unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bates Mattison, Mayor Pro Tem / District 3
<b>SECONDER:</b>	John Park, District 2
<b>AYES:</b>	Jones, Park, Mattison, Gebbia

1. Approval of May 23, 2017 Brookhaven City Council Work Session Meeting Minutes
2. Approval of May 23, 2017 Brookhaven City Council Regular Meeting Minutes
3. Consideration and Approval of the Omnibus Grant Application Report, June 2017
4. **Resolution RES-2017-06-04:** Consideration and Approval of the Resolution for Transmittal of the Brookhaven-Buford Highway Corridor Livable Centers Initiative (LCI) Study
5. **Resolution RES-2017-06-01:** Consideration and Approval of Resolution to Ratify and Approve the Emergency Actions of the City Manager in Responding to an Imminently Dangerous Condition on Fernwood Circle

**L) ANNOUNCEMENTS - NONE**

**M) REPORTS AND PRESENTATIONS**

1. Alcohol Ordinance Presentation - Assistant City Manager Steve Chapman

City Manager Christian Sigman provided background of the recommended rewrite of the ordinance. This item was presented to Council in a previous meeting. (A memo of June 29, 2017 summarizing the proposed Alcohol Ordinance Revision and Power Point Presentation for Alcohol Permit Analysis are attached in the agenda packet. Also, a redlined version of the Alcohol Ordinance was available in the agenda packet information.)

Chief Yandura explained a presentation by Crime Analyst Abby Lucas and Deputy Chief Grullon. (Presentation available in the record.) The issues with the current hours were responding to calls all the time from midnight to 6:00 a.m. The Police Department was experiencing violent crimes with those hours. He checked with other jurisdictions and they have changed their hours to 2:00 a.m. and the crime had decreased.

Ms. Lucas presented the City of Brookhaven Alcohol Permit Analysis. There were 73 businesses with alcohol licenses in the City. There were 10 top locations identified based on the highest police requests. An analysis was conducted to determine the primary time frame when Police presence was requested. Calls for service and

incident reports were analyzed. The time frame was from January 1, 2016 to May 15, 2017. There were 291 calls reported from the 10 businesses analyzed and 69% were between 12:00 a.m. and 6:00 a.m. Also, 22% of the calls occurred from 3:00 a.m. and 4:00 a.m. for an entire day. Of the 795 calls for service received at the top ten alcohol serving businesses, 479 occurred between 12 a.m. and 6 a.m., representing 60% of the total calls for service. Of the DUI incidents between 3 a.m. and 4 a.m., 72% of the incidents of the DUI arrest offender lived outside of the City of Brookhaven. She presented some pictures of crashes due to DUI's that happened in the City. She reported on a case where firearms were fired and case of aggravated assault that occurred at 3 a.m. She reported on aggravated assaults after leaving the clubs. The analysis demonstrated that requested police presence increased dramatically the longer each alcohol serving establishment remained open and spiked between 2 a.m. and 4 a.m.

Assistant City Manager Steve Chapman explained that the City looked at the Alcohol Ordinance and noticed there were changes that needed to be made. When first started getting complaints, he took hard look at actual ordinance and discussed with the Police Department, Legal, and the Finance Department. He explained that having an alcohol license was a privilege. He summarized the recommended changes and noted they were listed in the Memo of June 29, 2017 (available in the agenda packet information).

Mr. Chapman referred to the memo and summarized the changes:

Section 4-101 - This added section documents that the acquisition of an alcohol permit is a privilege and not a right.

Section 4-102 - This added section documents that the City's intent is to set standards and regulation for alcohol permits.

Section 4-103 - This section has been enhanced with additional and greater detail of definitions as they relate to the remainder of the code section. The "disciplinary action", "complimentary service" and "change of ownership" definitions are examples that have been greatly expanded. This section also defines an "entertainment venue" and an "event venue".

Section 4-200 - This section has been enhanced to include an expanded requirement regarding "change of ownership".

Section 4-201 - This section has been enhanced to include an expanded table that clearly identifies the different license/permit types and classes. The table is followed with a detail of each license/permit class. This change should minimize any ambiguity with respect to the type of alcoholic beverage license/permit the applicant is pursuing.

Section 4-203 - This section has been enhanced to further define "who" can apply and "how" does one apply for an alcohol license/permit.

Section 4-205 - This is an added section that documents the process in which the granting of an alcohol license/permit will be conducted. This section provides for action to be taken if a license is denied/suspended/revoked or has been refused to be renewed.

Section 4-206 - This section has been enhanced to include posting of an advertisement on the premises in which the alcohol license is being sought. This advertisement will also be required for any change of ownership.

Section 4-300 - This added section documents the conditions that are required to be followed by the alcohol license/permit holder. This section primarily deals with the conduct of the business as it relates to its patrons and the space in which it is operating. In addition, there is a new requirement to display the license number in the window of the business.

Section 4-301 - This added section mandates cooperation with the police department.

Section 4-302 - This section addresses the hours of operation. The major change in this section is the change of hours to be similar with those of surrounding cities. This change is designed for public safety purposes. This change should discourage individuals from driving to the City of Brookhaven from other areas that may have closed earlier.

Section 4-304 - This added section prohibits alcohol to be dispensed to individuals in motor vehicles (i.e. no drive through beverage sales).

Section 4-305 - This added section prohibits alcohol consumption on City streets (except permitted events).

Section 4-306 - This section has been greatly enhanced to include the conditions under which an employee of a license holder may obtain/hold a license. Also, clarification is provided to license holders that they must

also hold an individual pouring license if they wish to pour drinks.

Section 4-309 - This section removes the sexually oriented business requirements. Section 4-201(b) specifically prohibits sexually-oriented businesses from holding an alcohol license. It will not apply to any SOB that has a separate agreement with the City.

Section 4-315 - This section has been revised by eliminating the distance requirement between purchase and consumption.

Section 4-500 - This is a new section added to address the requirements for a "home brew" event.

Section 4-503 - This section has been enhanced to include a requirement for ingress/egress to the premises.

Section 4-700 - This section has been added to address the requirement for caterers to hold an alcohol license/permit.

Section 4-701 - This section has been added to detail the eligibility and application for a caterer.

Section 4-900 - This section has been greatly enhanced to define the requirements for persons under the age of 21 years at premises that serve alcohol.

Section 4-901 - This section has been added to reinforce that persons under the age of 21 are prohibited from drinking alcoholic beverages.

Section 4-1000 - This section has been added to define the penalties either through a revocation or a monetary penalty for violation of the ordinance. Fines for a second or third offense have been increased.

For fiscal impact, the license and permit fees would be reviewed annually as part of the budget process. Staff was recommending Council take the information to review and consider. The item would come back at the July 25 work shop meeting for consideration and discussion, and final approval on August 27 if Council considers. Mayor Ernst referred to the information and noted the information was out to the community.

City Attorney Chris Balch noted that the City had already had conversations with the Georgia Restaurants Associations and attorneys around the area that represented businesses in the City that sold retail and have licenses from Brookhaven for sell of alcohol. His goal would be to invite those folks to the work session in July and it would require an amendment to the rules to allow colloquial speaking with the alcohol establishments.

City Manager Christian Sigman commended staff for the approach taken on this matter. He explained how the proposed ordinance started in the Finance Department to sure up the document to align processes for auditing and inspections, then we looked at resources dedicated as City for responding to places that have alcohol permits. As seen from the presentations, there were a lot of resources used at a particular time of the day. He commended Mr. Chapman, City Attorney, Finance Department, and Police Department for pulling together a great report.

## 2. Presentation of 2017 Community Development Fee Schedule Update

Community Development Director Patrice Ruffin explained as part of the Community Development Department's summary included with the 2017 budget report, the department indicated the desire for inclusion of a re-submittal fee for building permits, land disturbance permits, and subdivision plan reviews that have been re-submitted multiple times for review. The addition of the re-submittal fee allowed the City to recover costs for projects that consistently failed to address applicable City codes.

In addition, the department was also proposing general fee updates. She named sign re-facing, related to panel replacement fees which would be a reduced fee, building permit fees, and electronic plan review fee. She noted the new fence fee indicating that there was no fee for that type of permit, and minor text edits and moving of fees under appropriate division. This update was presentation to City Council. It would be posted at City Hall front counter and on the City's website tomorrow, which would meet the at least 45 days before the change was to take effect (Per Section 2-177 of City of Brookhaven Code) The effective day of the fee schedule would be Monday, August 14, 2017.

Mayor Ernst asked if there were any questions. There was none.

## **N) OLD BUSINESS**

## **O) NEW BUSINESS**

1. **Ordinance ORD-2017-06-02:** Consideration and Approval of an Ordinance of the Mayor and City Council of the City of Brookhaven, Georgia Amending the Brookhaven Code of Ordinances, at Chapter 24, Taxation, Article VI, Excise Tax on Hotels, Sections 82-61 through 82-71, Pertaining to the Levy and Imposition of an Excise Tax on Short-Term Lodgings, Pursuant to O.C.G.A. 48-13-52, by Repealing the Present Article in Its Entirety and Enacting a New Article III, Excise Tax on Short-Term Rentals of Rooms, Lodgings, and Accommodations, Pursuant to ACT 213 (HB 575), 2017 Regular Session of the General Assembly of Georgia, Levying and Imposing a Tax at the Rate of Eight (8.0%), and Regulations Pertaining Thereto - *Public Comment for Ordinance - Action Item*

City Manager Christian Sigman explained that this was the last step administratively to get the Hotel/Motel Tax increase implemented.

Mayor Ernst opened Public Comment. There was no public comment. Mayor Ernst closed the Public Comment section.

Council Member Gebbia made a motion to approve ORD2017-06-02. Council Member Jones seconded the motion. The motion passed unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Gebbia, District 4
<b>SECONDER:</b>	Linley Jones, District 1
<b>AYES:</b>	Jones, Park, Mattison, Gebbia

2. **Ordinance ORD-2017-06-03:** Consideration and Approval of an Ordinance to Amend Section 32 of Chapter 5 - Animals of the City of Brookhaven Code of Ordinances to Allow for the Keeping of Domestic Fowl and for the Keeping of Bees; and for Other Purposes - *Public Comment for Ordinance - Action Item*

Mayor Ernst introduced the item and recognized City Attorney Chris Balch. Mr. Balch explained that the ordinance was to address the limits for keeping domestic animals and bees. The ordinance was similar to the surrounding cities in the area. He explained the measurement that was required for animals and hives kept on properties.

Mayor Ernst opened the Public Comment.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bates Mattison, Mayor Pro Tem / District 3
<b>SECONDER:</b>	John Park, District 2
<b>AYES:</b>	Jones, Park, Mattison, Gebbia

### Esther Graff-Radford

Ms. Graff-Radford mentioned she was known as the chicken lady. She had chickens and bees on her property. She was in contact with communities on Facebook including people who had backyard chickens, beehives, and gardens. She was happy the City was doing this to formalize something that was already present and a joyous part of the community. It was a wonderful thing that brought people together. She thought the suggested 10,000 sq. foot lot size limitation seemed restrictive. Her lot was 1/2 acre and had 15-20 hens and it worked for her. The 2500 sq. ft. lot size per hen was excessive. She offered to be a resource and thanked the Council for doing the ordinance.



There was no other public comment and Mayor Ernst closed public comment. He asked if there were any questions for staff.

Council Member Jones spoke about subsection b2 - the word 'housing' to be changed to the word pen or coop. Council deliberated of how to describe ground space for the bird to have space to walk as well as space for roosting. The chicken house was called the coop, the chicken pen was the walk around area.

Council Member Park agreed that 2500 square feet per hen was extreme but he was not sure to go as low as 1000. Mr. Balch explained that if Council wanted to have one bird per 1000, but have a cap of the total limit number of birds so not include commercial operation within the City. Council Member Mattison agreed on going to 1000 so could have enough birds to provide eggs for homes with a limit. Mr. Balch recommended upper limit. Council Member Mattison expressed it aligned well with consumption for a family.

Council Member Jones mentioned she loathed putting restrictions on personal property. If not disturbing anyone else, there were other restrictions in place for commercial activity. Mr. Balch referenced other ordinances from other cities. The City of Brookhaven was trying to create a middle ground.

City Manager Christian Sigman mentioned that this issue came to attention due to code complaint about smells from a neighbor's property. The neighbor had way too many chickens. It would be public health issue, though there was not noise, there was a smell.

Council Member Jones noted that commercial issues were already prohibited by an ordinance. Following discussion, there was an agreement to a limit for 25 hens' maximum and a 7.5 side yard setback and 4 beehives for quarter acre and no more than 8 pet lot.

There was a five minute recess for Mr. Balch to compose the ordinance.

Following the recess, Mr. Balch presented the changes per Council's discussion and request ORD 2017-06-03. The ordinance changes were; how and where the animals should be kept, the fenced yard area would be 2500 square per bird, each bird should have 4 square feet of ground area in the coop, 7.5 feet from any property line, domestic animals should be kept on the side or rear yard, minimum lot size to 6000 square feet, maximum number of birds per lot regardless of lot size was 25, and 1 bird per 1000 square feet area. All lot area measurements would be based on plat on file with DeKalb Superior Court and any fractions of ownership would be rounded down, and no rosters/male birds allowed. About bees: no more than 4 hives per quarter acre lot, but no more than 8 hives total per any lot size, and setbacks 7.5 feet from any property line.

Council Member Mattison made a motion to approve the ordinance ORD 2017-06-03. Council Member Park seconded the motion. The motion passed unanimously. City Clerk Susan Hiott confirmed that the ordinance was effective August 1, 2017.

**3. Resolution RES-2017-06-02: Consideration and Approval of Resolution to Authorize the City Attorney to Bring Such Action as May be Necessary to Secure, in Fee Simple, Real Property Located Within the City of Brookhaven for Public Purposes And/OR Roadways as Authorized Under Georgia Law - 1793 Briarwood Road - *Action Item***

Mayor Ernst introduced the item and recognized City Attorney Chris Balch. Mr. Balch provided background. He introduced Mr. Warren Power who would be lead counsel on the condemnation and acting as lead counsel. His firm currently served as County Attorney for Henry County. This was unique area and required specialized counsel. He specialized in eminent domain. The purpose of the resolution was to authorize the use eminent domain under Title 22 and Title 32 of Georgia Code. The City had exhausted all efforts to reach an agreement with the property owner. The owner was provided with the requisite notice under the statute and it was also posted on the property as required.

Mayor Ernst asked if there were any questions.

Council Member Park made the motion to approve. Council Member Gebbia approved. Mayor Ernst asked for discussion among council.

Council Member Park believed that taking a property for public use was at the discretion of City Council but he disagreed. He did not like idea of taking property but Council was running City for roads, schools, pathways, sidewalks, etc. There were times when this was necessary. Council could not let one individual stop the City's progress. He was doing this with hesitation but at end of day, it was the right thing to do.

Council Member Jones mentioned that she loathed to exercise eminent domain, but this was a unique situation, and it was unfortunate that it had to be this way. Council Member Gebbia noted that he was not a fan of eminent domain. Council offered fair market value, even more, but only obvious course to take was eminent domain.

Mayor Ernst mentioned that this was not first option, but was the last option.

The motion passed unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	John Park, District 2
<b>SECONDER:</b>	Joe Gebbia, District 4
<b>AYES:</b>	Jones, Park, Mattison, Gebbia

4. **Resolution RES-2017-06-03:** Consideration and Approval of a Resolution Authorizing the Installation of No Left Turn Signs at Northbound Approach to the Entrance of Cambridge Square on Ashford Dunwoody Road During Evening Rush Hour - *Action Item*

Council Member Jones made a motion to defer the item for 30 days. Council Member Park seconded the motion. The motion was passed unanimously.

<b>RESULT:</b>	<b>DEFERRED [UNANIMOUS]</b>
<b>MOVER:</b>	Linley Jones, District 1
<b>SECONDER:</b>	John Park, District 2
<b>AYES:</b>	Jones, Park, Mattison, Gebbia

5. Consideration and Approval of Award of Contract for Website Design, Development & Hosting - Municode/AHA Consulting - \$45,000 - *Action Item*

Mayor Ernst introduced the item and recognized City Manager Christian Sigman. Mr. Sigman mentioned the items were discussed in a previous meeting. He explained that after an extensive RFP process, staff selected the firm which was Municode/AHA. The contract was approximately for \$45,000 and was hopeful to have the migration to this new website by the end of the year. Municode was also used for the City's codification and they already had the software applications. AHA did a lot of private sector work. Staff was recommending approval.

Council Member Mattison asked if the website was going to take in consideration the integration of paperless forms and submittals from residents and business. Mr. Sigman explained that it was not in the development phase but the City was in the process of working to be able to receive electronic forms and applications. Community Development Director Patrice Ruffin mentioned that the City was working with a new software for plan review to be rolled out in the fall, which would be link to the website.

Council Member Jones asked if this would improve accessibility to the City's Code. Mr. Sigman responded, yes.

Council Member Gebbia asked if Council could get a presentation at the next meeting for Council's feedback. Mr. Sigman agreed with the concept but mentioned that it would be better in the fall.

Council Member Jones made a motion to approve the item. Council Member Mattison seconded the motion. The motion passed unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Linley Jones, District 1
<b>SECONDER:</b>	Bates Mattison, Mayor Pro Tem / District 3
<b>AYES:</b>	Jones, Park, Mattison, Gebbia

#### 6. Consideration and Approval 2018-2020 Community Development Block Grant Urban County Letter of Intent - *Action Item*

Assistant City Manager Steven Chapman explained the letter of intent was to extended urban county agreement with DeKalb County to administer the CDBG and HOME funding for 2018, 2019, and 2020. This would give the Mayor authority to enter into an agreement with DeKalb County. For fiscal year 2017 the City already requested \$105,000 to be drawn down from this programs, and the City would be submitting request for 2018, 2019 and 2020 to the maximum amount for the City.

Council Member Jones asked if the City was confident that the City was going to receive a fair share under the agreement for 2018, 2019 and 2020. Mr. Sigman explained that the agreement did not guarantee an amount for any jurisdiction that participate in this agreement. He was confident that staff would put forth programs hoping to prevail for a fair share but the document was not a guarantee. Staff was recommending to continue to work with DeKalb County. Council Member Jones asked if the City was going to be locked in until 2020. Mr. Sigman noted that the City would be locked in but the City was going to be doing concurrent paperwork to become an entitlement City. Council Member Jones asked if there would be any recourse if the City was not treated fairly. Mr. Sigman explained that the City did not have recourse to get out of this agreement. But if the City did not participate, the City would lose the funds because they would continue to be sent to DeKalb County. If the City would go down that road as entitlement city, the City may lose funding for the year.

Council Member Mattison asked how much the City received from DeKalb County. Mr. Sigman explained the City of Brookhaven did not receive anything in the previous years because there was not a request to receive funding. This past year with the Fund Development Director coming on board the City received over \$100,000. There were also some social services offices in Brookhaven that received money directly from the County after they submitted their request directly. Council Member Mattison was in support of the agreement.

Council Member Mattison made a motion to approve the item. Council Member Gebbia seconded the motion. The motion passed unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bates Mattison, Mayor Pro Tem / District 3
<b>SECONDER:</b>	Joe Gebbia, District 4
<b>AYES:</b>	Jones, Park, Mattison, Gebbia

## P) OTHER BUSINESS

**Q) PUBLIC COMMENTS**

Dale Boone spoke about the night club request that would be coming in front of Council for July 25 and requested denial. He spoke about eminent domain the Council approved.

**R) MAYOR'S COMMENTS**

Mayor Ernst mentioned that he was looking forward to seeing everyone at 10:00 am meeting the next day.

**S) EXECUTIVE SESSION TO DISCUSS PERSONNEL, REAL ESTATE, AND/OR PENDING/POTENTIAL LITIGATION**

1. Motion to enter into Executive Session to discuss real estate.

Council Member Park made a motion to go into Executive Session. Council Member Gebbia seconded the motion. The motion passed unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	John Park, District 2
<b>SECONDER:</b>	Joe Gebbia, District 4
<b>AYES:</b>	Jones, Park, Mattison, Gebbia

2. Motion to close Executive Session.

Council Member Park made a motion to close Executive Session. Council Member Mattison seconded the motion. The motion passed unanimously.

<b>RESULT:</b>	<b>APPROVED [3 TO 0]</b>
<b>MOVER:</b>	John Park, District 2
<b>SECONDER:</b>	Bates Mattison, Mayor Pro Tem / District 3
<b>AYES:</b>	Jones, Park, Mattison
<b>AWAY:</b>	Gebbia

**T) ADJOURNMENT**

1. Motion to adjourn.

Council Member Park made a motion to adjourn the meeting. Council Member Mattison seconded the motion. The motion passed unanimously.

<b>RESULT:</b>	<b>APPROVED [3 TO 0]</b>
<b>MOVER:</b>	John Park, District 2
<b>SECONDER:</b>	Bates Mattison, Mayor Pro Tem / District 3
<b>AYES:</b>	Jones, Park, Mattison
<b>AWAY:</b>	Gebbia

APPROVED:

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John Arthur Ernst Jr., Mayor

ATTEST:

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Susan Hiott, City Clerk

Approved