



THE BUCKHEAD  
COUNCIL OF  
NEIGHBORHOODS  
P.O. Box 11934, Atlanta, GA 30355

# The Buckhead Council of Neighborhoods

## Board Meeting

August 9, 2012

Peachtree Presbyterian Church, Room 2315

6:30 – 8:30 PM

Meeting Minutes

### Attendees

|    | <b>Full Name</b>  | <b>Neighborhood/Organization</b>   | <b>Email Address</b>                 |
|----|-------------------|------------------------------------|--------------------------------------|
| 1  | Michael Alexander | Pine Hills                         | malexanderinc@bellsouth.net          |
| 2  | Andrea Bennett    | North Buckhead                     | andrea0599@gmail.com                 |
| 3  | Gordon Certain    | North Buckhead                     | gcertain@comcast.net                 |
| 4  | Kathy Collura     | Peachtree Heights East             | KathyCollura@bellsouth.net           |
| 5  | Jean K Cooper     | Pine Hills                         | jeank@mindspring.com                 |
| 6  | George Dusenbury  | Commissioner of DPRCA              | george@parkpride.org                 |
| 7  | Tom Gordon        | Ardmore Park                       | tgordon@mindspring.com               |
| 8  | Alvah Hardy       | Atlanta Public Schools             | ahardy@atlantapublicschools.us       |
| 9  | Barbara Kennedy   | Collier Hills                      | bar2010@aol.com                      |
| 10 | Jim King          | Chastain Park                      | jimking@mindspring.com               |
| 11 | Walda Lavroff     | North Buckhead                     | waldalavroff@comcast.net             |
| 12 | Mike Meyers       | Chattahoochee Riverkeeper          | unknown                              |
| 13 | George Mirgorod   | Pine Hills                         | gmirg@me.com                         |
| 14 | Roger Moister     | Collier Hills North                | Moisters2@yahoo.com                  |
| 15 | Ann O'Connell     | Mt. Paran-Northside                | annoconnell1@bellsouth.net           |
| 16 | Michael Packer    | Buckhead Patch                     | Michael.Packer@Patch.com             |
| 17 | Ken Piernik       | Peachtree Park                     | kenneth.piernik@alere.com            |
| 18 | Alden Potts       | Argonne Forest                     | aldenpotts@dorseyalston.com          |
| 19 | Buff Quillian     | Peachtree Heights West             | buffquillianphw@gmail.com            |
| 20 | Jane Rawlings     | Lindridge Martin Manor /Pres.NPU-F | Chair@npufatlanra.org                |
| 21 | David Ross        | Peachtree Battle Alliance          | dross1102@bellsouth.net              |
| 22 | John Schaffner    | Buckhead View                      | jfschaffner@gmail.com                |
| 23 | Bob Schneider     | Garden Hills                       | bobschneider@me.com                  |
| 24 | Abbie Shepherd    | Garden Hills - NPU-B Rep           | Abbie@Abbieagent.com                 |
| 25 | Howard Shook      | District 7 City Council            | hshook@atlantaga.gov                 |
| 26 | Marsha Sims       | Argonne Forest                     | unknown                              |
| 27 | Alex Smith        | Wildwood                           | asmithconsulting@earthlink.net       |
| 28 | Alice Taylor      | Peachtree Heights - East Duck Pond | A2Taylor@Bellsouth.net               |
| 29 | Ted Taylor        | Peachtree Heights - East Duck Pond | TedTaylor@bellsouth.net              |
| 30 | Katie Thompson    | Collier Hills North                | unknown                              |
| 31 | Patrick Thompson  | Candidate for Congress, 11th Dist. | jpatrickthompson@yahoo.com           |
| 32 | Matt Tolleson     | Brookwood Hills                    | matt.tolleson@turner.com             |
| 33 | Jason Ulseth      | Chattahoochee Riverkeeper          | julseth@chattahoochee.org            |
| 34 | Dan Whisenhunt    | Buckhead Reporter                  | danwhisenhunt@reporternewspapers.net |
| 35 | Caroline Young    | Northside Neighbor                 | cyoung@neighbornewspapers.com        |

### Representation by Neighborhood

| <b>Neighborhood</b>          | <b>Attendees</b>                                  |
|------------------------------|---|
| 1 Ardmore Park               | Tom Gordon  |
| 2 Argonne Forest             | Alden Potts, Marsha Sims                          |
| 3 Brookwood Hills            | Matt Tolleson                                     |
| 4 Chastain Park              | Jim King  |
| 5 Collier Hills              | Barbara Kennedy                                   |
| 6 Collier Hills North        | Roger Moister, Katie Thompson                     |
| 7 Garden Hills               | Bob Schneider, Abbie Shepherd                     |
| 8 Lindridge Martin Manor     | Jane Rawlings                                     |
| 9 Mt. Paran-Northside        | Ann O'Connell                                     |
| 10 North Buckhead            | Gordon Certain, Andrea Bennett, Walda Lavroff     |
| 11 Peachtree Battle Alliance | David Ross  |
| 12 Peachtree Heights East    | Kathy Collura, Alice Taylor, Ted Taylor           |
| 13 Peachtree Heights West    | Buff Quillian                                     |
| 14 Peachtree Park            | Ken Piernik                                       |
| 15 Pine Hills                | George Mirgorod, Michael Alexander, Jean K Cooper |
| 16 Wildwood                  | Alex Smith  |

## BCN Board Meeting Minutes – August 9, 2012

### BCN 2011/12 Officers (Executive Committee)

| Office          | Officer             | Neighborhood              | E-mail                     |
|-----------------|---------------------|---------------------------|----------------------------|
| Chairman        | Jim King            | Chastain Park             | jimking@mindspring.com     |
| Vice-Chairman   | Elizabeth Pritchard | Peachtree Battle Alliance | eliz@epritcharddesigns.com |
| Secretary       | Gordon Certain      | North Buckhead            | gcertain@comcast.net       |
| Treasurer       | Barbara Kennedy     | Collier Hills             | bar2010@aol.com            |
| Communications  | Bob Schneider       | Garden Hills              | bschneider@gardenhills.net |
| Member at Large | George Mirgorod     | Pine Hills                | gmirgorod@comcast.net      |
| Member at Large | Ann O'Connell       | Mt. Paran Northside       | annoconnell1@bellsouth.net |

### BCN Standing Committees

| Committee                | Chair         | E-mail                     |
|--------------------------|---------------|----------------------------|
| Executive Committee      | Jim King      | jimking@mindspring.com     |
| Communications Committee | Bob Schneider | bschneider@gardenhills.net |

### BCN 2011/12 Liaisons

| Topic  | Liaison             | E-mail                     |
|--|---------------------|----------------------------|
| Education                                      | Leslie Churchill    | lschurchill@bellsouth.net  |
| Membership                                     | Elizabeth Pritchard | eliz@epritcharddesigns.com |
| Neighborhood Governance/Topics                 | Kathy Collura       | KathyCollura@bellsouth.net |
| Parks  | Gordon Certain      | gcertain@comcast.net       |
| Property Taxes                                 | George Mirgorod     | gmirg@me.com               |
| Public Safety                                  | Barbara Kennedy     | bar2010@aol.com            |
|  | Tad Linder          | tlinder@lindersecurity.com |
|  | Kim Kahwach         | KAJensen@bellsouth.net     |
| Redistricting                                  | Jim King            | jimking@mindspring.com     |
| Transportation, Development and Infrastructure | Diane Cox           | brookwoodcivic@gmail.com   |
|  | Ron Grunwald        | rgrunwald@bellsouth.net    |
|  | Deborah Wathen      | 6wathens@bellsouth.net     |
|  | Kristy Gillmann     | kristygillmann@gmail.com   |

### I. Welcome & Introductions

**Jim King** called the meeting to order at about 6:35 PM. The attendees introduced themselves. A quorum was present.

### II. Approval of June & July Minutes

Minutes for the June and July meetings were approved.

### III. Admit New Member Neighborhoods

As of this July meeting, 31 neighborhoods had paid 2012 dues. No new neighborhoods requested membership.

### IV. Neighborhood Governance Issues

**Cathy Collura** introduced Chattahoochee Riverkeeper ([Chattahoochee.org](http://Chattahoochee.org)) representative **Jason Ulseth**. Peachtree Heights-East residents who maintain their "Duck Pond" have worked with the Riverkeeper's *Neighborhood Waterwatch* program for a year and a half. Jason, who heads the program, spoke about it. He runs all of their water quality monitoring programs. He said most pollution problems occur in urban areas and that monitoring is really lacking in neighborhoods. He said they started their effort in Collier Hills and now include 23 sites. The focus is on measuring E. Coli bacteria. Regular sampling is needed since streams change regularly. They tracked down a broken sewer line in Tanyard Park through their monitoring efforts. He said that serious problems are currently being investigated on Proctor Creek.

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The Riverkeepers have their own lab, which cuts the cost of measurement by almost 90%. They require monitoring participants to contribute \$300 per year and agree to provide samples weekly or bi-weekly (just \$150) to the Riverkeeper's lab. He said that samples must be taken and delivered to their lab near Puritan Mill on Thursdays only between 7:00 AM and 2:30 PM. He said that the program has expanded to the extent that they hired **Mike Meyers** to work with the program full time. A flyer about the program is at [www.nbca.org/BCN/Flyers/Neighborhood Waterwatch flyer.pdf](http://www.nbca.org/BCN/Flyers/Neighborhood%20Waterwatch%20flyer.pdf). Several meeting attendees praised the program.

### V. Committee and Liaison Updates

- **Communications Committee** – No report.
- **Education** – **[Unknown speaker]** The SPLOST construction priority list will be published next week. Sarah Smith and Inman Middle School were reported to have overcrowding issues.
- **Executive Committee** – No report.
- **Membership** – No Report.
- **Parks** – No report.
- **Property Taxes** – **George Mirgorod** reported that the new Chief Assessor will be available to speak to BCN in October or November.
- **Public Safety** – No report.
- **Redistricting** – No Report.
- **Transportation, Development and Infrastructure** – **Jim King** said that **Councilmember Howard Shook** spoke with **Bob Schneider** during the afternoon and agreed to come to the BCN meeting to discuss the "Lindbergh issue".

Bob outlined the issue as basically being whether the site near the Lindbergh MARTA Station should be rezoned from all residential to all commercial. He said the site was governed by SPI-15 requirements. Bob then asked Councilmember Shook to provide his overview and state his position on the proposed change.

Shook said that the developer wants to take 21-acre portion of a much larger area governed by SPI-15 and currently designated as high-density residential only and turn it into mixed-use. The developer plans to use slightly less than half the site for retail (one big tenant, widely rumored to be Wal-Mart, and smaller retail stores) and slightly more than half the area would remain residential. A three-acre park would also be created. The subject property is either vacant or part of a large older apartment complex [Lindbergh-Morosgo] behind Zesto. NPU-B voted 19-3-1 for denial. The ZRB, 4-1 to approve. The Planning Department made a recommendation to approve. The application is being held in the City Council Zoning Committee (for lack of quorum) until August 20. Shook said he would continue to ask his colleagues to hold it in committee for further discussion. He said that the applicant "is fine with that".

Howard added, "Boy, do people hate Wal-Mart." He said most in the room would understand that he can't base a "no" vote on that. **Barbara Kennedy** responded, "I love Wal-Mart, but let's talk about my local Wal-Mart on Howell Mill Road. Major crime. Major!" Howard acknowledged Barbara's concern and said he needed to go through the crime studies and stats. He added, "It's natural to assume that if this one were to be built there would indeed be an increase in some kinds of crime because there's nothing there now. So sure, at that address, you're going to have a lot of shoplifting. ... And, whenever you have cars in any number, that's an opportunity for problems. The area is hardly pristine now, in terms of crime – you don't want to be walking around there. ... So I am going to very carefully go through those numbers."

A questioner asked if there was a visual depiction of the proposal. Howard said yes. He also said there were elevations. He added he didn't think he had the latest copies of either.

Another questioner, **Walda Lavroff**, asked about the parking and the fact that is was problematic suburban-style *surface* parking in what should be expected to be a "modern urban" setting. Howard acknowledged that while there was some deck parking, there was a lot more

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surface parking, making a lot of people quite unhappy. He said, however, that the proposed parking did meet the legally required ratios.

Jim King noted that there were several NPU reps in attendance and asked if they wanted to be recognized.

**Andrea Bennett**, NPU-B Development and Transportation Chair, said the NPU had been very specific that it was not opposing the development because it was a Wal-Mart. SPI-15 had been hammered out, with great effort, ten years ago and the land use for this parcel was designated to be high density residential. The intent was to bring the Piedmont area into the 21<sup>st</sup> century. She said this one, regardless of the name of the tenant, was a very retro-style project dominated by a huge surface parking lot in the middle. She said what SPI-15 had in mind was more along the lines of what is happening in Brookhaven, Emory Pointe, a more walkable contemporary type of development. They don't exclude cars but are not dominated by cars. She said this is not a knee jerk opposition – they have spent many, many days considering the details.

**Abbie Shepherd**, Garden Hills neighborhood's NPU-B Rep, said a web site, [Lindbergh.org](http://Lindbergh.org), had been set up to organize information in opposition to the project. The site plan and other information is available there. She asked, what is the "hardship" being invoked to justify the rezoning of the *entire* parcel? Why rezone it all when only a portion is planned for commercial? Howard responded that this is not a variance application so they don't need to justify a hardship. He said his legal obligation is to decide whether the application meets the SPI-15 requirements. He said he wants the opponents to explain specifically why this project fails the requirements of SPI-15 and that, in his opinion, no one has done that. Howard observed that the sole "nay" vote on the ZRB said that he thought it met the SPI-15 criteria—he said that when this gets into court, that kind of information is just devastating. That ZRB opponent, an architect, reportedly said he did not see a compelling reason to grant the zoning change.

Abbie asked if Howard planned to vote against the rezoning. Howard said he was a fact-based person and was not going to be bullied by we're-going-to-throw-you-out-of-office rhetoric. He said, show me facts and I will follow you.

Abbie said signed letters explaining opposition had been posted to the web site. Howard requested that the names of the operators of the web site also be shown there. Abbie agreed to do that.

A questioner asked, wasn't the original vision of SPI-15 to be a live-work-play area, to get some of the cars *off* of the Piedmont corridor and surrounding streets? Howard: yes. The questioner asked how a big box development was consistent with that. Howard said the people who defined SP-15 also defined the parking ratios to achieve the kind of development they wanted and this application is apparently consistent with what they required. Howard added that "giant surface parking lot" is not a concept defined in SPI-15. The questioner observed that the application was to change use from residential to commercial – wouldn't you rather want a given number (3.7) of residential cars than that same number of commercial cars? Howard said the goal should be to have mixed uses. He said a lot of protections people assume to be in the SPI (such as no big parking lots) simply aren't there.

**Jane Rawlings**, Chair of NPU-F, asked about the DRI status of the application. She said she understood that the Atlanta Regional Commission had asked the applicant to make a filing – she said the original DRI filing was done by the city. She asked for a status and when the findings would be published. Howard said they have a very short window – 20 days – and he didn't see how they could do it well in that short a time. He was not sure of the details. Jane said, as she understands it, Council cannot take action until the DRI is complete. Howard agreed -- he was not sure the issue should have even been considered by the ZRB. But there may be a letter saying a DRI application wasn't needed. [Pretty confusing.]

Jane said she finds it interesting that people say the applicant meets the requirements of the SPI-15 district. She said, if that were true, they wouldn't need a rezoning.

**Gordon Certain** referred Howard to the TAP Associates case (1999-2001) in which Pope and Land sought to have land designated by the CDP as purely residential to be rezoned to mixed use. The TAP situation was similar to Lindbergh – the CDP's pure residential restriction had been in place for almost ten years. A superior court ordered the city to rezone the TAP land to mixed use in order to allow the developer to make more money. The City, aided by an *amicus* brief by



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the North Buckhead Civic Association, argued in the Georgia Supreme Court that Georgia municipalities have a right (and obligation) to plan long-range land use. The Court agreed and it reversed the lower court – the land remains purely residential to this day. The exact same situation exists today regarding this Lindbergh parcel. As long as the City wants the site to be residential, the developer should not be able to force a rezoning in court because of this precedent. Howard commented he didn't see it as an apples-to-apples comparison. [I do. – GC]

A questioner noted that the developer is proposing to set aside a park area but wants the land to be zoned commercial. Howard said he has been concerned that what is being proposed is what gets built, that there be no shell game.

A questioner who was involved in the SPI-15 negotiations said that, in spite of reports, the NPU never approved the site as all commercial to get a desired grocery store – Howard had said reports of meeting minutes said otherwise. She reiterated that the NPU never took that vote. Andrea repeated that the NPU has never supported the site having a commercial use.

Howard said he was completely open to the facts. He said he was very disappointed by the Garden Hills Crier reporting him as supporting this project. He has asked for a retraction. A Garden Hills resident argued that she was "aghast" at reports that Howard supported the project – it doesn't improve the city, Garden Hills or surrounding neighborhoods – it doesn't improve walkability – a big box with a paved area doesn't lend itself to this area. Howard said he didn't disagree but that SPI-15 isn't what people think it is and is not what people thought what they were writing.

Howard said he is not persuaded that residential uses would result in a better Piedmont traffic congestion outcome than commercial – he plans to look at the traffic issue more. Jane said the development of the area should be done in a way that fosters transportation choices – this proposal eliminates choices by putting commercial uses closest to transit and residential further away – residents would have to negotiate a 600+ space lot to reach transit. Howard responded that that is what they are entitled to have as retail under SPI-15—Jane said "No, they are not, or they wouldn't need a rezoning."

A questioner asked Howard what he was looking for. He said he wanted to keep the conversation going. He is interested in listening more and is hoping for a consensus. He said that the political environment made it likely that this application or some application like it would be approved. He thought we might best turn our attention to making it as favorable as possible: get concessions in design, public safety, environmental impact, transportation impact. He said this is the biggest thing going on in Atlanta.

Howard remains concerned that while the applicant plans less than half the property to be retail, to have it include a three-acre park, and for the remainder be residential, that the application is to change the whole 21-acre parcel from 100% residential to 100% commercial zoning. Regardless, he said he is committed to ensure that what is on the site plan is what gets built.

Jane said her NPU is writing other NPUs to make them and their Councilmembers aware of our concerns and the precedent that may be set by this application.

The steps for application approval are:

1. CDHR Committee: change the CDP land use
2. Zoning Committee: change the zoning
3. City Council: approve the land use and zoning changes.

### **VI. Guest Speaker – Mr. George Duesenbury, Atlanta Parks Commissioner**

Commissioner **George Duesenbury** provided an overview of progress being made by the Atlanta Department of Parks, Recreation and Cultural Affairs. He said the focus of his department has been on recreation. They have a new Executive Director of Recreation and Youth Development, Rodney Close. More than 2000 children registered in Camp Best Friend. Now that school is starting, Parks is starting their After School Program.

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Regarding parks, George hired a new Director of Parks, Doug Voss. Doug has improved the mowing cycle from 11 days to ten and is working on getting the water fountains working. The overall parks vision is to have a park within ½-mile walking distance of every resident – he said the most challenged area in that regard is Buckhead. Reasons for that deficiency include the cost of the land and the presence of rather large lots. He said that on-going initiatives would help: the District 7/BCID Greenspace Plan as well as the GA 400 Trail and the associated Mountain Way park (both of the latter would be on GDOT right-of-way). At Chastain Park, Watershed Management has moved fueling facilities out of about 15 acres in the center of the park. This land can hopefully be used to expand the useful areas of the park. Also, in conjunction with Councilmember Shook, George foresees possibilities for a park in the Lindbergh area.

Addressing various topics, George said they have 30 parks at which wire thieves have stolen copper wire, causing lighting problems. Once water fountains are fixed, they will shift focus to lighting. He said there is a five-year program planned to upgrade equipment, especially emergency tree removal equipment. The addition of grass from the Beltline project and Ft. McPherson acquisition will be a maintenance challenge of which the administration is aware – Parks was one of two city departments that did not have their budget cut this year. He said that another initiative, solar-powered trash compactors, is a big labor (and cost) saver and will pay for itself in about four years.

### **VII. Community Concerns / New Business**

No report.

### **VIII. Announcements**

### **IX. Next Meeting** – September 13, 2012

**X. Adjourn** - The meeting adjourned at about 8:25 PM.

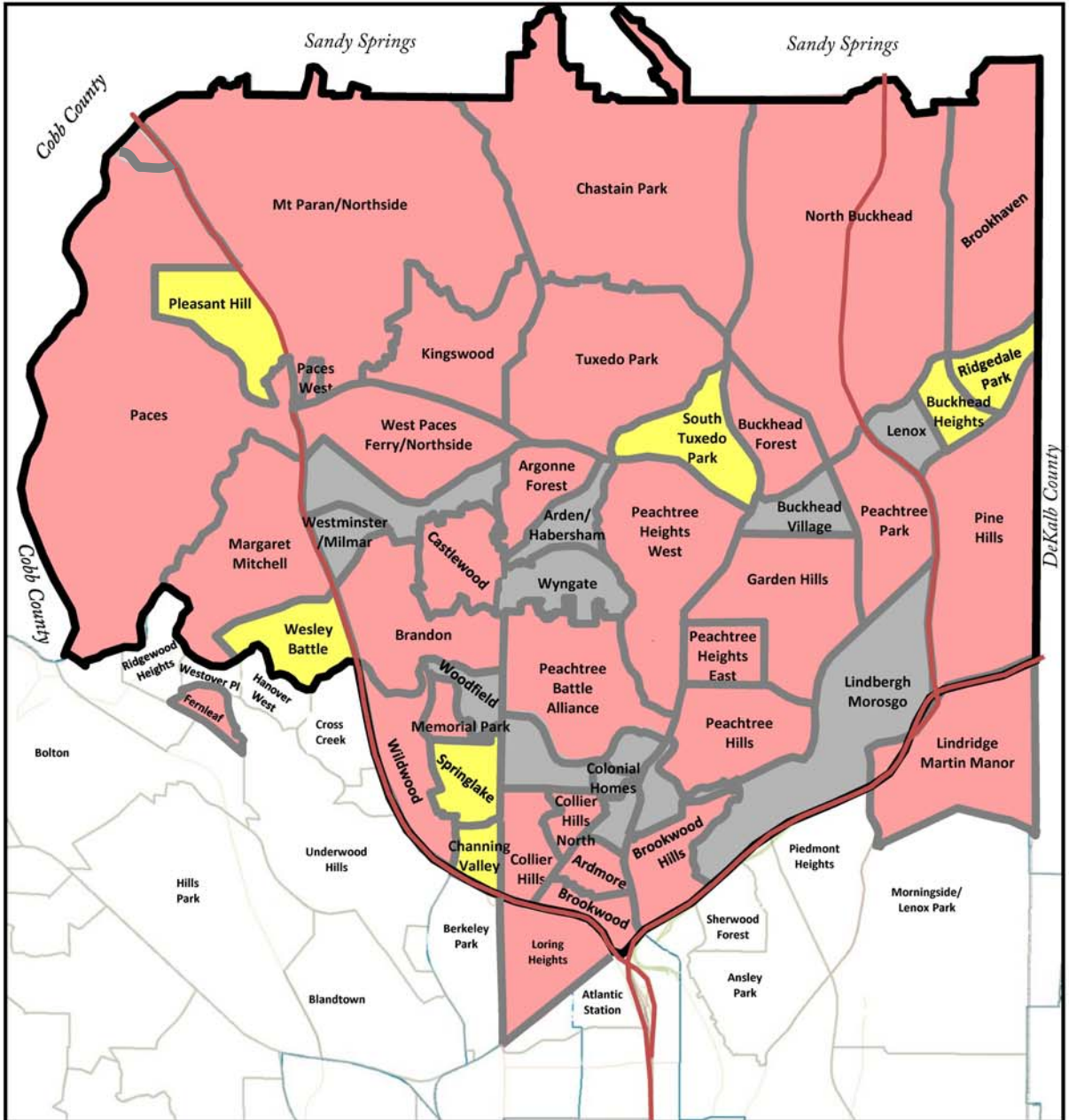
***Note:** The opinions expressed by the speakers and individual neighborhood representatives in these minutes do not necessarily represent those of BCN or its member neighborhoods.*

Prepared by Gordon Certain  
BCN Secretary  
September 11, 2012

# Buckhead Council of Neighborhoods

Paces

## Paid Membership as of 07/09/12



### LEGEND

Paid Membership as of 07/09/12

YES  NO  N/A

7/9/2012

