

MINUTES
Board of Directors Meeting
Druid Hills Civic Association
7:30PM Wednesday, November 14, 2007
St. John's Lutheran Church

Call to Order, Recognition of Guests: **Bruce MacGregor**, President, called the meeting to order and welcomed members and guests. Guests included **Gean Luker** of Glenn Memorial Methodist Church, and **Davis Fox** of AIEV.

Secretary's Report (approval of minutes): **Dick Shuey**, Secretary, presented the minutes of the October 17, 2007 meeting. The minutes were approved.

New Business/Old Business

Candler Mansion at Emory West: **Thea Roeser** reported that the Cathy family wants to restore the Candler Mansion to serve as a residence for families of Emory cancer patients. It could become a project of the WindShape Foundation, which was founded by Truett and Jeannette Cathy.

Policy on Speaking with One Voice: **Joanna Stroud, Paul Shanor and Dick Shuey** reported that the Policy Committee had added an explanatory paragraph to the policy that was originally presented at the September meeting. After the additional paragraph was read aloud, the Executive Committee's motion to approve the new policy passed, with one dissenting vote.

First Vice President's Report – Jim Morawetz

Land Use/Zoning Update – Bruce MacGregor

Nunan Update: On 11-8-07, the Georgia Court of Appeals ruled that the Historic Planning Commission does not have to be fully constituted in order to render a valid decision. Rob Benfield noted that the Association owes a word of thanks to former DHCA President **Mike Terry**, who wrote the amicus curie brief on behalf of the DHCA, the Georgia Municipal Association, the ACCG, and the Georgia Trust. Part of the case is still in litigation and will be heard by the trial court in December. The plaintiffs are continuing to challenge the validity of the Historic District, but they have not won anything, so far. In the meantime, Commissioner Gannon has said that the proposed redesignation of the Historic District will be done by the County Planning Department instead of a consultant.

The By-Way Lot Merger Lawsuit: The property owners have hired Linda Dunlavy to sue the County over denial of COA's to build 2 houses on a merged lot. Appeal is by writ of certiorari from the BOC's decision upholding the HPC's denial of a COA to build two houses on two historically platted nonconforming lots that are developed with one house. The applicants also sought a demolition permit for the existing house. They have added a complaint for declaratory and injunctive relief and damages. The damages claim is that the refusal to grant the demo permit is preventing them from selling the property. They have

asserted, or plan to assert the same challenges to the Historic District designation that we have seen in the Buckler/Daughdrill litigation. The Association owes a word of thanks to the County Law Department for the excellent work it has done on this case.

Potential Peavine Park: The Mann property at Vickers and Peavine Creek is back on the market. This was formerly on the FEMA buyout list.

Recommendation: DCHA approve a motion for the county to look into buying this property for flood control and as part of a potential Peavine Park system. Approved.

Emory Update:

(1) Gatewood Construction. New Hillel House on Gatewood will begin soon. Ronald McDonald House construction is underway nearby.

(2) Relocation of Road at Burlington. Proposed curb cut onto N. Decatur Rd between N. Decatur Bldg and Law School has been put on hold until the hospital relocation is determined.

(3) Nine-story Building behind Rollins Building. Emory will hold a public meeting at 7:00pm Nov 26 on the 8th Fl of the Rollins Bldg. Emory has hired **Chuck Palmer** to handle the SLUP for a height variance (5 stories > 9 stories). Issues: Traffic, and the need for developing an agreement between EU and DHCA regarding height and setbacks in campus center vs. campus edge.

(4) Emory Hospital Relocation. Clinic and Hospital relocation has been put on hold in order to study the feasibility of relocating them to Emory's Clairmont Campus, instead. A Decision is expected at the end of March 2008. If done, this will remove a major traffic and growth generator from the neighborhood.

(5) CCP Design Guidelines will be presented at a 7:00 pm meeting Nov 27 at the EU Alumni House.

(6) Burbanck Park Assurances. In order to fulfill its fiduciary responsibilities to members and donors, the DHCA asked Emory for the following regarding Burbanck Park:

- Legally binding assurance the site would remain a public park in perpetuity
- A budget for park Development
- An outline of all the partners in the park development, and the amount of money each partner would be responsible for raising.

Emory responded in a letter dated 11-7-07 that “. . . Emory remains committed . . . to keep Burbanck Park as green space to be used as an amenity for our community.” They also said they “will classify the site as ‘preserved’ land [in their internal classification system] in order to ensure that it will be used as a public park.” It has not been determined if this constitutes a legally binding agreement, or is sufficient to fulfill our fiduciary responsibilities. We have not received the budget or other info.

Chelsea Heights Character Area. **Kathleen Duffield**, an attorney who lives on Vickers Dr, has been appointed to be the point person for this issue during **Steve Misner's** recovery from heart surgery. **Chris Leeth** will take the lead in revising the recommendations of the Jaeger Study for the character area, with the intention of relaxing the architectural standards while maintaining the environmental, landform and “building envelope” (height/mass/scale/rhythm) considerations.

Lullwater Apartments. Sale of the apartments at the corner of Lullwater and N. Decatur Rd is imminent. A non-Emory-related private developer reportedly

wants to build upscale townhouses, and is aware of the stream buffer/floodplain issues. Emory asked the developer to contact DHCA and our BOC members.

Emory Village Liquor License Proposal. *(Background excerpted from October Minutes: **Jeff Rader** explained a conflict that has arisen between the zoning overlay, under which liquor sales (pouring licenses) are a permitted use, and an overarching county ordinance that prohibits . . . [the sale of beer, wine and distilled spirits within specified distances of a church or school]. Although at least two establishments are grandfathered, and another lies outside the protected area, the owner of the former Park Bench is seeking a blanket exception to the ordinance for the entire Emory Village, for beer, wine, and distilled spirits. DHCA is being encouraged to support the exception and work with the property owner. When asked whether a beer and wine license might suffice, as opposed to a license to pour distilled spirits, Commissioner Rader responded that there is no distinction in the code other than the cost of the license, and that there is no difference between a bar and a restaurant in DeKalb County. He asked DHCA to work on trying to determine the sensitivities of the community.)*

In response to this entreaty, **John Hudson** met with the property owner, who appeared to be inflexible. **Davis Fox** spoke in favor of the blanket exception, but did not bring the requested maps and revised distance calculations that would result from the planned roundabout taking frontage from the church and school. **Judy Yates** explained that the liquor ordinance was clarified in 1998 to specify measurements from the property line rather than the door.

Davis Fox stated that neither Emory nor Glenn Memorial objected to the blanket exception. **Gean Luker** corrected him, stating the Glenn Memorial was still seeking information regarding the issue, and is not “neutral.” A board member noted that Emory currently buses students to nearby bars and entertainment districts and has some incentive to support the establishment of more convenient facilities. Apparently neither AIEV nor the property owner has made inquiries among local residents who would be directly impacted.

Another issue involved the propriety of an AIEV board member seeking AIEV support in promoting a measure from which he would personally benefit financially. **Davis Fox** was also asked whether the AIEV would consider language limiting the number of bars in the overlay district, to which he responded that they will talk.

Several members expressed concern that a blanket exception to the established liquor laws would open the door to development of a bar and entertainment district in Emory Village that would set an undesirable precedent for similar development in other neighborhoods in addition to creating an untenable situation in Druid Hills. A motion to oppose the blanket exception ordinance supported by AIEV was countered by a substitute motion to defer so AIEV could revise the proposed ordinance to take into consideration DHCA’s objections. The substitute motion was defeated, whereupon the board passed the motion to oppose the blanket exception ordinance as drafted. The board also passed a follow-up motion to support the concept of reinstating the liquor license lost by Park Bench if such an application is submitted.

Morningside Kindergarten Annex (former Howard School).

Alida Silverman reported that Atlanta Public Schools staff recommended approval of the location and concept of the proposed addition to the Neel Reid house, with conditions.

Administrative Vice President's Report

Thomas Winn extended special thanks to Chad Henderson and the myriad others who helped make Druid Hills Day a success.

The meeting adjourned at 9:58 p.m.

Respectfully submitted,

Richard Shuey, Secretary