

December 14, 2015
Morningside-Lenox Park Association
Monthly Board Meeting Agenda
www.mlpa.org

Call to order and welcome:

MLPA President Carmen Pope called the meeting to order.

Deferral of the October Minutes / Approval of the November 2015

Meeting Minutes:

A motion to defer the October 2015 Meeting minutes until January was made by Bill Long. The motion was seconded by Chuck Tobias. The Motion to Defer the minutes until December was approved 8-0-0.

A motion to approve the 2015 November Meeting minutes was made by Bill Long. The motion was seconded by Chuck Tobias. The Motion to Approve the November minutes was approved 8-0-0.

Introduction of the Nominating Committee for 2016 Board and Vote

Lynn Ayers – on the Board as a standing member

Vern McCarty – Member of MLPA; has lived in neighborhood for 20+ years and former City Council

Kirk Rich – current 2015 MLPA Traffic Rep

Bob Silvia – current 2015 MLPA Security Rep

Chuck Tobias – current 2015 MLPA Treasurer

Phyllis Wingo – active neighborhood resident for 20+ years

Bill Long made a motion to approve the 2016 Nominating Committee. *The following people were approved to be on the Nominating Committee: Vern McCarty, Phyllis Wingo, Lynn Ayers, Kirk Rich, Chuck Tobias and Bob Silvia. All meetings, in-person and conference call, are to be open and held with at least two weeks advance notice, the notice must be posted on the website with an additional email notice sent to all Board Members. The committee itself will approve the leader of the Nominating Committee.* The motion was seconded by Sally Bayless. The motion was approved 8-0-0.

Zoning Report/Variances:

****V-15-378 – 1118 East Rock Springs Road**

Applicant (Jonas Goodman) seeks a variance to reduce the East side yard setback from 7 feet to 3.5 feet to construct an addition (a screened porch) to a single family dwelling.

Tad Christian made a motion to approve per the site plan dated 11-18-15 pending neighbor notification letters. Rae Conlan seconded the motion. Motion Passed 9-0-0.

****V-15-334 – 1170 Cumberland Road**

Applicant seeks a variance to reduce the West side yard setback from 7 feet to 4 feet (amended from 3 feet due to neighbor input) and to reduce the rear yard setback from 15 feet to 3 feet to allow for the construction of an accessory structure (detached 2-car) garage. A neighbor spoke about how will the culvert be enforced.

Motion to approve per the site plan dated 12/14/2015 was made by Tad Christian. Tom Coggin seconded the motion. Motion passed 11-0-0.

****V-15-375 – 1367 Northview Avenue**

Applicant (Hillary Black – mother of the applicants) seeks a variance to reduce the North side yard setback from 7 feet to 3'-6" to add livable attic space to a single family residence. The footprint of the house will not change.

Motion to approve per the site plan dated 11-18-15 was made by Tad Christian. Lynn Ayers seconded the motion. Motion Passed 11-0-0.

****V-15-382 – 1301 North Highland**

Applicant (Lisa McFarland) seeks a variance to reduce the North side yard setback from 7 feet to 3 feet to allow an attic build out and front porch roof modifications (replace the metal overhangs).

Tad Christian made a motion to approve per the site plan dated 11-19-15. Lynn Ayers seconded the motion. The motion passed 11-0-0.

****V-15-260 – 1476 North Highland Ave NE**

Applicant (Kim Guy – owner, April Ingraham - consultant) seeks a special exception from zoning regulations to allow a 6' high privacy fence in the required half-depth front yard. Applicant seeks no other special exceptions at this time.

A Motion to defer was made by Tad Christian as the applicant was not in attendance. Lynn Ayers seconded the motion. Motion passed 11-0-0.

Liquor Licenses:

Prior Family Dog Space Liquor License – Benji Shirah (South Capital Partners) spoke. He will be moving into the former Family Dog restaurant space and will be requesting a Liquor License for his planned operations there. Benji is from South Georgia and went to UGA. He currently owns The Ivy in Buckhead among 6 other restaurants in the southern area (Nashville, Birmingham, Tallahassee). He has a goal for the Family Dog of elevating the level of service/cuisine (65% to 75% food) and has eliminated the stage/live music. Food will be served the entire time they are open. They support the local farmers as much as possible and hoping to create a family friendly concept including providing a kids menu.

Prior Rosebud Space Liquor License – Tom Murphy (of Murphys Restaurant) spoke. He will be moving into the former Rosebud space and will be requesting a Liquor License for his planned restaurant operation there. He plans to provide dinner and brunch (using an American contemporary food concept) but with a new restaurant name – it will be a casual neighborhood place/maybe a rotisserie concept. Tom Harvey will be the chef – he worked for Tom in the past but moved to Arizona and is now coming back. Dinner nightly and brunch on the weekends will be served – no lunch.

Sprouts: Spouts representative Laura Martino spoke. Sprouts will apply for carry-away beer and wine license. Sprouts is a boutique grocery with a large produce section, fresh cut meat, etc and a small beer/wine section.

Speaker:

Michelle Constantinides spoke on behalf of Kevin Lyman regarding the Inman Foundation whose goal is to raise money for technology and professional development that APS is unwilling or unable to provide. The Foundation is requesting a donation from the MLPA. *A question was raised by Sally Bayless and Bill Long regarding the percentage this \$3000 request would be to the non-Security Patrol Budget. The estimation was somewhere between 10 and 20% of all remaining discretionary spending. Comments were made that this did not seem financially prudent, and we need more time and information.* Sally Bayless made a motion to defer until more information is received. Bill Long seconded the motion. The motion was approved 11-0-0.

Security:

Bob Silvia spoke. Street Captains are working with neighbors regarding delivered packages and minimizing theft. Ric Vazquez has asked if we'd like to increase the MLPA Security Patrol by 4 hours a day for 2 weeks during this holiday season.

Bob Silvia made a motion to increase the MLPA Security Patrol by 4 hours a day for 2 weeks. Sally Bayless seconded the motion. The motion was approved 11-0-0.

The Edmund Park Neighborhood Association has asked to be part of the MLPA Security Patrol although they have to remain their own “neighborhood” association. Edmund Park has a total of 98 homes. They are now annexed into the City of Atlanta and some habitants would like to leave the Druid Hills Security Patrol due to this annexation and are hoping to join MLPA Patrol. Charlie Nalbome pointed out that we many not want to extend our security patrol to another neighborhood for several reasons: Will they have enough members to warrant this? And will Ric have enough capacity to handle? And for Ric – how much more patrols would he need to add? Bob will research the details on this with Ric and the board agreed to take an email vote later with the additional information. This decision is time-sensitive as the Druid Hills Security Patrol has annual renewals in February.

Bob made a motion to defer this to an email vote once more information is received from Ric. Rae Conlan seconded the motion. The motion to vote over email was approved 11-0-0.

Bob also mentions that many neighbors are complaining about dogs off leashes etc so please keep all dogs on a leash. *Bill Long asked Bob to define “many,” but he did not.*

New Business

A neighbor (Rene Perlstein who lives on Greystone) spoke about putting a left-hand signal (not lane) going south on Piedmont to turn left onto Morningside Drive. *She has the increasing problems of traffic in the neighborhood, much of it since the Sprout Development began. She met with the City of Atlanta traffic representatives and would like the board to write a letter in support. Carmen agreed that we would be willing to write the letter.*

Parks:

Sally Bayless spoke about the *proposed* 1866 North Rock Springs conservation easement under which approximately 1/3 of the area of this property would be donated to the MLPA as green space. Under the terms of the conservation easement, the MLPA would have the authority to enforce the easement, but not an obligation to do so. The MLPA would not take title to the property; the land would be owned by the homeowners and their title would include a covenant stating that the homeowners are prohibited from building in or developing the area. The area in the conservation easement would remain natural green space. The property specified in the conservation easement would be fenced and the MLPA would have the right to inspect the property to make sure the rules are followed. Sally Bayless made a motion to approve the conservation easement (copy attached). Lynn Ayers seconded the motion. The motion was approved 8-0-0.

Sally also discussed the project to renovate the fountain in Smith Park. We may have to raise more money than \$11,000 originally estimated due to having to use the city issued contractors and meet other city requirements. Lynn Ayers has generously offered her home for a fundraiser. Between monetary and in kind donations, we have raised approximately \$10,000. If there are additional funds in our Park Pride fiscal account after the Smith Park project has been completed, we will be able to use them on other parks in the neighborhood.

The Taylor family has made a gift of \$15,000 to provide new signage for Herbert Taylor Park. Part of the new signage will be related to the City of Atlanta’s project of assigning addresses to all parks in the event of an emergency in the park area so that the emergency personnel will know where to go. The remainder of the money for signage will be used to mark the trails in the Johnson Taylor Nature Preserve. Sally is working with a group of neighbors and the City of Atlanta on this project.

Final Items:

Carmen is waiting to hear back from the church on dates for the annual meeting. We will likely have to move it to March again this year (in lieu of April) due to other bookings at the church.

Adjourn:

MLPA President Carmen Pope adjourned the meeting.

Return recorded document to:
Mitchell T. Bagwell
Martin Bagwell Luke, P.C.
400 Northridge Road, Suite 1225
Atlanta, Georgia 30350

DECLARATION OF COVENANTS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS AND RESTRICTIONS (this "Covenant") is hereby made by is made this ____ day of _____, 2015, by **Rock Springs, LLC**, a Georgia limited liability company, (hereinafter "Covenantor"), in favor of **Morningside Lenox Park Association, Inc.** (hereinafter "the MLPA").

RECITALS

WHEREAS, Covenantor is the sole owner in fee simple of certain real property in Fulton County, Georgia more particularly described in Exhibit "A", and generally depicted on the Survey attached as Exhibit "B", both attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, Covenantor intends to develop, or sell to others for development, Lot 1, Lot 2 and Lot 3, as depicted on the Survey; and

WHEREAS, the Property possesses significant value in its natural state, which the Covenantor desires to preserve and conserve for the benefit of the resident members of the Morningside Lenox Park neighborhood;

NOW THEREFORE, for TEN DOLLARS (\$10.00) and other good and valuable consideration from the MLPA to Covenantor, the receipt and sufficiency of which is hereby acknowledged, Covenantor hereby places certain restrictions on the Property exclusively for conservation purposes, in order that it shall remain substantially in its natural and scenic condition in perpetuity.

Except as may be approved in writing by the MLPA, Covenantor agrees not to develop or improve the Property, or to zone or permit the Property for development. The actions encompassed as prohibited by this Covenant shall include, but shall not be limited to, the following:

- A. Placement of refuse or any other waste.
- B. Draining, ditching, diking, dredging, channelizing, pumping, impounding, excavating;
- C. Diverting or affecting the natural flow of surface or underground waters within, or out of the Property;
- D. Mining, drilling;
- E. Burning,
- F. Removing, cutting or otherwise destroying trees except for pruning or removal of diseased or unsafe trees.
- G. Raising of any structure, except for benches , birdhouses, trails, pedestrian bridge or the like, so long as not inconsistent with the purposes of this Covenant;
- H. Display of billboards, signs or advertisements on or over the Property, except for the posting of no trespassing signs, signs indicating the property is for sale, signs identifying the conservation values of the Property or their protection, and/or signs identifying the owner of the Property.

2

Covenantor, its personal representatives, heirs, executors, administrators, successors and assigns, shall retain all other customary rights of ownership, including but not limited to the exclusive possession of the property, the right to fence the Property, and the right to use the Property in any manner which would not defeat or diminish the intent of this Covenant.

3

It is expressly understood and agreed that this covenant does not grant or convey to members of the general public, any rights of ownership, interest in, or use of the protected property.

4

The MLPA shall at reasonable times and upon notice to the Covenantor (which will be multiple owners), have the right of ingress and egress to inspect the Property in order to monitor compliance and enforce the terms and conditions of the permit and this Covenant.

This Covenant shall be binding upon the Covenantor, its heirs, successors and assigns, and upon occupiers or users of the Property forever. This covenant shall not terminate upon some fixed amount of time, but shall run with the land both as to benefit and as to burden. It shall not be amended or extinguished except by written approval of Covenantor and the MLPA.

Covenantor shall execute and record this instrument in timely fashion in the Office of the Clerk of Superior Court in Fulton County and provide the MLPA with a recorded copy.

IN WITNESS WHEREOF Covenantor has duly executed this covenant on this the _____ day of _____, 2015.

Signed, delivered in the presence of

ROCK SPRINGS, LLC

Witness

By: _____
Cole Forsyth, Manager

Notary Public

EXHIBIT "A"

Legal Description of Property

North Rock Springs Conservation Easement

Legal Description:

Commencing at a reference point, being a 1/2" rebar found monumenting the southern most corner of lot 4 of Windemere Heights Subdivision, as shown on that plat of survey recorded in plat book 27, page 49, thence N 36°59'46" W, 72.52 feet, to a point, thence N 58°19'04" E, 41.46 feet, to a point, said point being the POINT OF BEGINNING;

thence N 39°30'57" W, 133.16 feet,
thence N 34°03'32" E, 12.71 feet,
thence N 70°07'44" E, 120.39 feet,
thence S 56°33'40" E, 124.02 feet,
thence S 58°19'04" W, 163.47 feet and the POINT OF BEGINNING;

Containing 0.41 acres.

Survey

