

**BOARD OF MAYOR  
AND COMMISSIONERS**

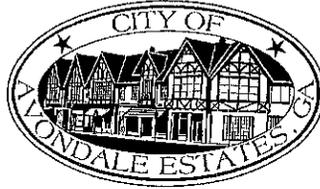
JONATHAN ELMORE  
MAYOR

TERRY GIAGER  
MAYOR PRO TEM

RANDY BEEBE  
COMMISSIONER

BRIAN FISHER  
COMMISSIONER

ADELA YELTON  
COMMISSIONER



R. CLAI BROWN  
CITY MANAGER  
GINA HILL  
CITY CLERK  
ROBERT E. WILSON  
CITY ATTORNEY  
STEPHEN W. NICHOLAS  
CITY JUDGE

**BOARD OF MAYOR AND COMMISSIONERS  
SPECIAL CALLED WORK SESSION**

**February 1<sup>st</sup>, 2016**

**5:30 p.m.**

**MINUTES**

**Members Present:** Jonathan Elmore, Mayor  
Terry Giager, Mayor Pro Tem  
Randy Beebe, Commissioner  
Brian Fisher, Commissioner  
Adela Yelton, Commissioner

**Staff Present:** Clai Brown, City Manager  
Gina Hill, City Clerk  
Oscar Griffin, Public Works Director  
Gary Broden, Police Chief  
Keri Stevens, City Planner

Item No. 1 Meeting Called to Order

Item No. 2 Adoption of Agenda  
Commissioner Fisher moves to adopt agenda. Commissioner Yelton seconds. All ayes.

Item No. 3 Stormwater

City Manager Brown: Resident Sid Thompson wrote a letter about stormwater. I made copies and gave one to each Board member.

Rich Edinger/Civil Engineer/Clark, Patterson and Lee: We did a drainage study for the City six years ago around Kensington Road down to Memorial Drive. The top areas of the study area are very impervious and create a lot of stormwater runoff. The pipes under Kensington don't have the capacity to handle all that runoff. The system was designed probably in the late 1920s. Standards today are set by the state. It requires culverts to handle a hundred year storm and lateral systems to handle 25-year storm. A hundred year storm has a 1% chance of happening any given year.

Twenty-five year storm has a 4% chance. There probably was no standard in the 1920s. Often the ground gets saturated from a lot of rain and can't accept anymore and causes flooding. One thing we recommend is that you add a water detention area upstream. If you enlarge the pipe system you will just transfer the problem downstream. The other recommendation is to replace the pipes that are too small. We also recommendation adding catch basins along Kensington. The rule of thumb is to have catch basins every 400-450 feet apart. It would need to be a sizeable pond but it could be underground. With the retention pond, you would have a 61% reduction in the 25-year storm. The effectiveness of the pond decreases the farther away you get from it. You don't have to bring it up to today's standards because they are really for new construction. Underground ponds are more expensive that above ground ponds.

Commissioner Fisher: Did you look at other areas besides Kensington?

Rich Edinger: We looked farther down towards Memorial, such as the area along Hess Drive with the culverts under all the driveways.

Commissioner Yelton: Is there a study for the whole city?

Rich Edinger: That doesn't happen very often but it is possible. The city is in two basins so none of this research would help others on the other side of the neighborhood. I have talked to City staff about some of the problems in the other basin, however. A lot of the pipes run under private property. The City would probably ask for an easement to do the work. The pipes are probably four or five feet deep. Some are up to 20 feet. New ones might not have to be that deep. If you took these steps, you would build the retention pond first. That would benefit everyone up and down the basin. We looked at putting detention ponds farther down in the basin and it didn't have as large of an affect.

City Manager Brown: The measures discussed would cost about \$600 thousand not including any land acquisition.

Commissioner Yelton: Just the pond would be \$82 thousand not including the land acquisition.

Mayor Pro Tem Giager: We tried in the past to buy property to no avail. We need property for a retention pond. I hope people don't think we haven't tried to solve the problem.

Commissioner Yelton: How much did this study cost?

Rich Edinger: About \$20 thousand. We can identify all the areas that need to be studied at one time and I can give you a proposal.

Lisa Shortell/6 Clarendon Pl: Are builders in our city charged anything for our storm water fund?

City Manager Brown: No.

Lisa Shortell: A lawyer told me that it's common law that people who build more impervious surface than what they have are responsible for taking measures to reduce the storm water runoff caused by it. I also have people

behind me that have their drain pipes leading my property. We need ordinances to curb this behavior.

George Kennedy/3225 Covington Hwy: My property was part of the discussion about a retention pond. A lot of water that comes through my property comes from an easement Marta has.

City Manager Brown: I think that comes through one of the pipes that will be tied into the pond.

Bill Phelps/3212 Kensington Rd: From what I understand, a big part of the flood water comes from the south side of Covington Highway. That could be looked at.

Bruce Johnston/30 Clarendon Ave: My home has regular flooding. There are problems between at least 26 Clarendon through 40 Clarendon. The problem has gotten worse since the construction at 22 Clarendon. We need to do something about the construction and increase in impervious surfaces.

Mayor Elmore: We have lot coverage limits but it's the most basic control.

Paul Brown/Kensington Rd: A lot of people buy property unaware that there are flooding issues. How can we prevent that?

City Manager Brown: There is a flood map from FEMA that shows if you're in a flood plain. The only part of the city on that map is down on Hess Drive.

Rich Edinger: If your property has flooding issues, that's a disclosure that has to be made legally during the transaction. If you are in a FEMA flood zone, typically the mortgage company will force you to buy flood insurance. Also, anyone can get flood insurance. And the residents here would get the best deal.

Mary Ann Anziano/3242 Wiltshire Dr: I'm a real estate agent. The homeowner has to fill out the disclosure form and if they don't disclose flooding issues they are liable for fraud.

Christine McMahan/32 Berkeley Rd: We need to have a strong ordinance saying builders cannot grade a lot.

Mayor Elmore: There are three issues here. One is the flooding issues on Kensington. Another is the issues on Clarendon which have not even been studied yet. We may also need to strengthen our ordinances to protect property owners too. It's hard to do an ordinance that covers all situations. We need to look at construction. You can regrade your lot but I'm hearing stories of it being damaging.

Dave Deiters/2 Clarendon Ave: In Decatur, they have very strict regulations about keeping your own water if you build or add on. They will come back and check.

Vicky Bolton/3 Berkeley Rd: There used to be a ditch under the power lines along the backs of the properties. That was a runoff channel. That ditch has become overgrown and doesn't work like it's supposed to.

Red Murphy/5 Clarendon Pl: The water comes from both directions. I think part of that is because Clarendon has been paved so many times that the road is higher now.

City Manager Brown: Currently the stormwater fund has about \$1,040,000. The City collects about \$135,000 per year.

Commissioner Yelton: Can that be used for land acquisition?

City Manager Brown: I'll have to look into that.

Commissioner Fisher: How does the \$60 annual fee per parcel compare to other cities?

City Manager Brown: There is a range of which we are roughly in the middle of.

Rich Edinger: They range anywhere between about \$48 and \$75.

Candace Jones/9 Fairfield Dr: Is that \$1,040,000 part of our \$2 million reserve?

City Manager Brown: No. They are totally separate accounts.

Ted Penrod/62 Lakeshore: The flooding problem is all over the city.

City Manager Brown: I did some research and found this December was the wettest in over 100 years. November was one of the wettest as well.

Unknown resident: When does the City plan to start doing something?

Commissioner Yelton: I'd like to add another issue to the list. That is awareness and education for homeowners.

Commissioner Fisher: We definitely have a problem. It seems like we have more information on Kensington and we need more information on the other areas as well. I know the stormwater fund sounds large but it would not be hard to spend all of it. There is no quick fix either. We need to study the other areas.

Commissioner Yelton: I agree we should study other areas.

Commissioner Beebe: I think Kensington is our biggest priority right now. We could study the other areas too as see if what we're doing to help the Kensington area could help those as well.

Mayor Elmore: The City needs to figure out what we're going to do each year and how much we should be investing. That would help planning with the budgets and millage rates.

Commissioner Fisher: How do we get easements?

City Manager Brown: The City could contract with a third party.

Rich Edinger: It's done all the time. You just explain the project and ask. Most of the time a city can get the easements for free.

Mayor Pro Tem Giager: Residents need to be more aware of putting yard waste on the street where it can end up clogging up the catch basins.

Danny Corkran/3243 Majestic Cir: I've never heard anyone say anything about that. I've seen city employees drive by piles of leaves in the street and do nothing about it. That code should be enforced.

Mayor Pro Tem Giager: The pipes near my house never run at full capacity. It's not the pipe, it's the size of the gutter.

Commissioner Yelton: The things you said about cleaning debris would go under education of residents and enforcement.

City Manager Brown: It is an ordinance and you can be fined. The City needs all the residents' help on keeping yard debris out of the street. When City staff sees that, we do leave door hangers. We also send reminders out in the e-news.

Danny Corkran/3243 Majestic Cir: If that isn't working, maybe do a mailer telling people the code and warning them they'll be fined.

Bruce Johnston/30 Clarendon Ave: Our problems did not start on Christmas. They've been going on for several years.

Mayor Elmore: I'd like to propose a few things. We should add fines to the ordinance. A hanger on the door is a warning. Then increasing fines after that. We should look at other controls we can put into the ordinance about draining water onto others' property, rules for new construction. Orange water means it's coming from construction.

Unknown resident: There are already state and county controls for new construction. They are just not enforced. City of Decatur is a different story.

City Manager Brown: We've already started researching some of this.

Mayor Elmore: We would have a public hearing or something of that sort to discuss any changes. We need to see what is the next step with Kensington. Is there a rule of thumb about how much you can safely spend out of a fund like our stormwater fund? Maybe there isn't one. I'd like to talk to City Manager Brown and Finance Director Ken Turner about what they would feel comfortable spending.

Rich Edinger: Any time you do anything on an emergency basis it will cost more money. You're much better off planning it and getting bids. You can spread this out over time. I wouldn't try to tackle this in one year. There are things you can do that will benefit everyone. I think you would get the most for your money with the detention pond.

Commissioner Yelton: I would like to see what other cities do.

Commissioner Beebe: I think a retention pond is the crucial piece here. So we need to find a piece of land to put a retention pond on.

Mayor Elmore: I think we're in a good position and that says a lot about City Manager Brown's management of the City. We need to figure out what the next steps are.

City Manager Brown: We need to have the land to put the pond on. Tying the storm water pipes from Covington and Stratford will go a long way towards fixing this issue. If it doesn't, you just keep going to the next steps.

Commissioner Fisher: Does it make sense to go ahead and study the other areas?

Mayor Elmore: We do need to look into that. Maybe put out an RFP so see how much it would cost, what areas it would cover.

Commissioner Fisher: Are there blockages in any of the pipes?

Rich Edinger: We don't know that from these studies.

Lisa Shortell/6 Clarendon Pl: We appreciate the Board facing this head on and grappling with it. I would suggest having smaller meetings between neighbors to collect information about our particular areas.

Rich Edinger: That would be helpful.

Commissioner Yelton: There are always opportunities for neighbors to organize. I think that's always valuable.

#### Item No. 4

#### Annexation

Mayor Elmore: We're here to discuss moving forward on option number one and what the next steps are and what the contingency plans would be if things change during the process.

Commissioner Fisher: I'd like to move forward with this option, including Rio Circle. I'm not sure about a contingency plan right now.

Commissioner Yelton: I like option one as is, too. My contingency plan would be to pull the whole thing.

Commissioner Beebe: After seeing the feasibility studies, I feel better about annexing residential areas. I prefer option one but would be ok with option two.

Mayor Pro Tem Giager: I want to wait and hear what others have to say.

Mayor Elmore: I'd be in favor of moving ahead with option one. If the commercial area was to be removed I would want to pull the whole thing.

Commissioner Beebe: I don't think I would pull everything if the commercial area was removed.

#### Item No. 5

#### Public Comment

Jim Bishop/Financial Officer/American Legion: We have 15 acres and a 12,000 square foot building constructed in 1992. We were chartered in 1919. We've been at the current location since 1943. The post has never wanted to be annexed. Only recently has the City expressed interest in annexing us. We do not need or want another layer of government. We feel the best government is the least government. We have nothing to gain by being part of Avondale Estates. We don't need more oversight, rules, inspections, etc. We don't think the City gains anything by annexing us either. We don't pay taxes. We've always been good neighbors to the City, perhaps better than the City's leadership. A few years ago the City built a brick sign by our driveway without even talking to us first. We let people walk their dogs on our property. You are sitting here in a free country because of us as veterans. We want to remain independent like we have been for the past 73 years and don't think that's too much to ask. We don't want to have to be on the defenses. This could become a battle between war veterans and politicians. You can imagine how the public will react to that. Don't drag us kicking and screaming into Avondale Estates.

Mayor Elmore: None of us want to add more government. The American Legion has always been a good neighbor. There's no ulterior motive. We just want you to be part of our community. I think we can offer you better services. I didn't know you were against this until now.

Commissioner Beebe: I'm a vet and a member of the Legion. I've always thought if you don't want to be part of annexation you shouldn't have to be.

Commissioner Fisher: My issue is that if anything happened to Dekalb County's properties like the high school, middle school, or American Legion, a developer could come in and buy those properties which would then fall under the county's zoning and ordinances. I would like to protect the City even if it's 100 years from now. I don't know what added government we'd put upon you that you're not already dealing with.

Jim Bishop: We just want to be left alone.

Commissioner Fisher: You'd be grandfathered in where a lot of ordinances are concerned.

Jim Bishop: I don't believe that.

Mayor Elmore: If the American Legion was taken out of the map, how would that affect the continuity rule for annexing the other property in that area?

City Manager Brown: I would have to look into that.

Mayor Elmore: It would create an island.

Unknown American Legion Member: Why do you want to annex us? Just leave us alone. If you want to annex property, annex the apartments next to Stratford Green.

Mayor Elmore: Stratford Green requested to be annexed.

Unknown American Legion Member: We didn't request it.

Ted Penrod/62 Lakeshore Drive: You will have over 200 veterans protesting this move.

Steven Carson/American Legion: If you pass ordinances, such as no smoking, for restaurants, will that pertain to us even though we're a private club? If you annex us, what are the chances you would eminent domain our property?

City Manager Brown: We don't have a no smoking ordinance.

Commissioner Yelton: There's a chance of eminent domain with Dekalb County. I appreciate you coming out and speaking. I was under the assumption you wanted to be annexed.

Jim Bishop: What's the next step? Will you notify us with what you decide? You gave us very short notice for this meeting.

Mr. Hall/424 Rammel Oaks: We would like to be annexed so we have more of a sense of community. Can you explain the continuity issue?

Mayor Elmore: In order to annex something, 1/8 of the area to be annexed has to be touching your border.

Mayor Pro Tem Giager: There's another problem. Annexation cannot create an island. This would definitely cause an island if the American Legion is taken out of the map.

Mayor Elmore: I can say I don't want to annex the American Legion now after hearing their opinions. But we're not the bad guys. We're not trying to do a hostile takeover. We would like you to see us as governance that's better than what you would get with Dekalb County.

Commissioner Beebe: Some of the confusion may stem from the last time annexation was brought up, everything was going to be in a city. That doesn't seem to be the case currently.

Mr. Hall/424 Rammel Oaks: If the American Legion is out then what does that mean for the rest of us who want to be annexed?

Mayor Pro Tem Giager: The legislature will want to know if our proposed annexation map is contested, which this one obviously is. I don't think they will approve it.

Parke Kallenberg/1035 Lakeshore/Finders Keepers: We own a building on Rio Circle. We've talked to some of our neighbors there. Some want to be annexed, some don't.

Mayor Pro Tem Giager: I've talked to all the business owners there and unless another city is trying to annex them, they do not want to be part of Avondale Estates.

Commissioner Yelton: I'm new and I know there is history there but we really are trying to do great things with the city. It's a future benefit that you might not see right now.

Candace Jones/9 Fairfield Dr: I'm only in favor of annexing the American Legion and the high school, I think those are best for the future of the city. I think Avondale Estates is the best option if being faced with being annexed to area cities. The service is better here than in Dekalb County.

Jim Bishop: We can look at this again in the future but leave us alone now.

Martha McDermott/6 Kingstone Rd: It feels like the American Legion is already a part of the city.

Commissioner Fisher: We were elected to do what's in the best interest of the City and I think this map is in the best interest of the City. The reason we're looking at these properties is because of what could happen down the road. It's our responsibility.

Mayor Elmore: I still think we should drop the American Legion.

Commissioner Beebe: That basically leaves the high school and Sherwin-Williams.

Mayor Pro Tem Giager: Annexation is not a big issue with the legislature this year. I just don't see the urgency to do it this year. We can still discuss it and try to work out our problems. We're not in jeopardy of losing property to other cities right now.

Commissioner Fisher: But do we have a better chance of fighting off a Greenhaven now or when they have their act together more?

Mayor Pro Tem Giager: Greenhaven may not come to fruition.

Mayor Elmore: It is fraught with too many issues. It's too big. It hasn't been studied enough. It would just create more problems than there are right now.

Commissioner Yelton: If the American Legion is open to discussing this in the future it would be a good idea to be proactive instead of reactive.

Mayor Pro Tem Giager: We have lots of issues to work through so we can use our time more wisely than pursuing annexation right now.

Commissioner Fisher: Do we take the bill off the table that is currently at the legislature?

Mayor Elmore: First we need to answer the island and continuity question. There will be no vote tonight. If we get a positive answer on that we will need to reconvene and put that to a vote very quickly whether we're going to move forward or not. We need to vote either way. We can't have this in limbo.

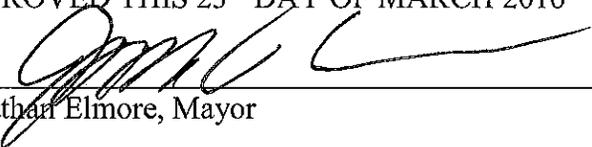
City Manager Brown: You won't need to vote to not pursue annexation but you will need to discuss removing the current map from the legislature.

Item No. 6

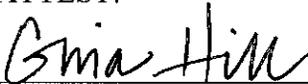
Adjournment

Commissioner Beebe moves to adjourn. Commissioner Yelton seconds. All ayes.

APPROVED THIS 23<sup>rd</sup> DAY OF MARCH 2016

  
\_\_\_\_\_  
Jonathan Elmore, Mayor

ATTEST:

  
\_\_\_\_\_  
Gina Hill, City Clerk