

BOARD OF MAYOR
AND COMMISSIONERS

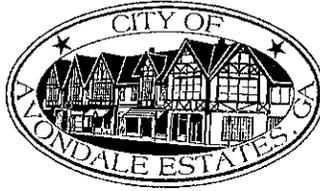
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MAYOR PRO TEM

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ADELA YELTON
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GINA HILL
CITY CLERK

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CITY ATTORNEY

STEPHEN W. NICHOLAS
CITY JUDGE

BOARD OF MAYOR AND COMMISSIONERS

WORK SESSION

May 18, 2016

5:30 p.m.

MINUTES

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

Staff present: Clai Brown, City Manager
Gina Hill, City Clerk
Keri Stevens, City Planner

Item No. 1 Meeting Called to Order

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

Mayor Elmore: I would like a representative of the Planning and Zoning Board (PZB) to come up and present their recommendations on the South City Partners (SCP) development. That could happen between items three and four on the agenda.

Commissioner Fisher moves to add the item. Commissioner Yelton seconds.
All ayes.

Item No. 3 South City Partners Development Update

City Manager Brown: A lot of citizen comments and questions are listed in the recommendations by the PZB. Charles Welch with SCP is here to answer any of those.

Mayor Elmore: I think we should go through these one by one.

Commissioner Yelton: Will we also get recommendations from the Architectural Review Board?

City Manager Brown: No. They have already approved it.

Mayor Elmore: If we go through this now we won't have to have another special called meeting. We will already have several in June because of the millage rate. The first citizen comment is that the developers take advantage of the existing grade going downhill towards the railroad tracks so the front of the building won't need to be as high?

Charles Welch, SCP: The short answer is no. The five-story height is what's recommended in the master plan. Also, as far as density and height goes, we are currently at the maximum at the back of the building. Code won't allow us to add a story at the back.

Commissioner Fisher: Isn't it consistent with the development going in across the street at the Marta station?

Charles Welch, SCP: They are the same height but that one will look taller because it's higher off the ground.

Mayor Pro Tem Giager: I don't think the five stories is in our master plan. I think that comes from the highest elevation we allow at the back at the Fenner Dunlop area. But I don't have any problem with the elevation.

Mayor Elmore: It's literally at the other end of Avondale. And it's a good looking building. It will be a nice part of the western gateway. I don't have any problem with it. The next issue is confusion over the Georgia Department of Transportation (GDOT) and what it will and won't allow with canopy trees on the greenspace. Can you do canopy trees within GDOT's regulations?

Charles Welch, SCP: Within GDOT's regulations, no. Could they give us a variance of some kind? Maybe. They've been uncooperative in other cities our landscape architect has worked in recently. That doesn't mean a few letters of support from the public wouldn't help.

Mayor Elmore: If you just left that planter area, could this be settled later?

Charles Welch, SCP: Yes. The issue is that in 2011, the billboard lobby managed to get passed legislation saying that billboard companies can get permits allowing them to manage the landscape within 500 feet of a their billboard. If you want to get the owner of the billboard to confirm with GDOT that we're outside the sight corridor of the sign then we are happy to help.

Commissioner Yelton: We have citizens with expertise in that area so I'm sure they'd be willing to help.

Charles Welch, SCP: I'm not sure if going to GDOT with a stack of letters would be the best way to approach it yet or not.

Mayor Elmore: I think going to the owners of the billboard would be best.

City Manager Brown: The billboard is on the adjacent four acres that's for sale so I'm not sure what would happen to the sign if the land sells.

Charles Welch, SCP: The billboard would probably go away.

Commissioner Fisher: We all want canopy trees so we can work together to make that happen.

Charles Welch, SCP: One of the ARB's recommendations was bigger planting beds to allow for canopy trees to be planted there in the future and we accommodated for that in more recent plans.

Mayor Elmore: Next issue, it's requested that construction staging areas not be in the current greenspace. Did you plan to use the greenspace.

Charles Welch, SCP: I can't answer that. We'd have to discuss it with the contractor building it and we haven't chosen one yet. There are laws that prohibit disturbing the areas around construction. We will do lots of landscaping and the grass there now won't be the grass when it's done. We designed a building around those trees so we'll be very careful to keep them. Again, there are laws requiring the protection of trees during construction.

Commissioner Yelton: Can't we just put a statement about that in the development agreement?

City Manager Brown: We have ordinances requiring them to replace a tree if one dies.

Mayor Elmore: Another concern is about construction traffic with a recommendation that traffic flow over the bridge at Sams Crossing over to East Ponce de Leon. What about parking for construction workers?

Charles Welch, SCP: The parking deck will be the first part completed and workers can park there. A lot of workers won't start showing up until the deck is finished. I think it's a problem that solves itself. There will probably be 200 people working on the site at the peak of the project. That will be after the parking deck is finished. As far as the big trucks go, I don't know that I can control how they arrive at the site. We can certainly ask the contractor. All deliveries will be unloaded within our site. So there won't be trucks blocking traffic.

Mayor Elmore: If you could give us a reasonable estimate of the number of trucks per day at various times during the project that would be good. That's especially important while building the parking deck.

Commissioner Fisher: I think there's a limit to the amount of rules you can put in the developer agreement. There is going to be disruption. And the more rules we have, the longer it will take to get built. We could just request that every reasonable measure be taken to minimize construction traffic.

Mayor Elmore: What's next in the process?

City Manager Brown: John Pomberg, representative from the PZB, will come up and give their recommendation. Then the BOMC has to have a public hearing and the development agreement has to be executed. I know SCP is going through the agreement right now. The City hasn't received any comments from them so far. The public hearing will be advertised in the newspaper, signs will be posted on the property, etc.

Mayor Elmore: Number six, a recommendation was made that the BOMC explore creating public access between the rear of the parking deck and the property line. The intent is to give safe bike and pedestrian passage to certain areas of the city behind the development and through the greenspace to the Marta station. So could you do a path instead of the holly trees now shown on the plans?

Charles Welch, SCP: I don't think so. I think we accomplish the same goal along the front of the property.

Mayor Elmore: I think the idea is to get bikes, roller bladers, etc. away from sidewalks where there might be conflicts. It's also part of a notion to create our own beltway or path from Laredo all the way to Hillyer along the railroad tracks. So it would basically be take out the hollies and put in 10 feet of sidewalk.

Charles Welch, SCP: That's something we can look at in the future. Right now, the hollies are there to screen the parking deck. That doesn't mean they can't come out in the future.

Mayor Elmore: I'm in favor of doing it so we can create path. Until it's connected though it doesn't mean a lot but it could be the start of that.

Charles Welch, SCP: Since you have to move south to connect with the main road anyway, can you just make that jog down Hillyer and then connect with our wide front sidewalk?

Mayor Elmore: Sure. But again, the whole idea is to avoid any conflict with other traffic.

Commissioner Fisher: It could be the start of something we'd have to get others to agree to down the road. It would be good to start that process now. It doesn't mean we'd get the rest of the property we'd need to make the whole path. I'd be interested in learning more about the setback requirement. Another concern is access to the park if SCP sells the property. Covering or screening the parking deck is another we would like to see you do, so you can't see the cars within the deck.

Charles Welch, SCP: We can take a look at that. I think the way it will sit, you won't be able to see as much as you think.

Commissioner Fisher: Would it be safer if it was covered?

Charles Welch, SCP: I think it's six of one, half a dozen of the other.

Mayor Pro Tem Giager: I talked to our state representative and she said there is a committee meeting coming up that will discuss renovations to the Sams Crossing bridge. SCP might want to be involved in that.

Commissioner Yelton: I really like the idea of a path. It promotes walkability.

Mayor Elmore: There is concern over having residential units at street level on Hillyer.

City Planner Stevens: There is something to that effect written into an ordinance concerning the central business district but it doesn't impact this location.

Charles Welch, SCP: I should clarify that these are not at street level either. They're at a much more comfortable height.

Mayor Elmore: At some point we're going to have to look at zoning in the central business district and make sure it jives with our master plan and goals. I don't think our zoning is where it needs to be for us to be where we want the City to be. But with this project, if you look at it as a whole, I think it will be a positive impact on our community.

Commissioner Fisher: I don't have an issue with the parking deck.

Commissioner Yelton: I don't have an issue either. I did hear a comment that the retail was reduced from what we originally wanted.

Charles Welch, SCP: It's about 6,900 square feet or so. We've put in a lobby with the leasing office to try to bring in some activity since it takes a while for the retail to fill up.

Mayor Elmore: Would you ever abandon, shrink or move the leasing office if all the residences are leased?

Charles Welch, SCP: It will stay active. It will take about a year to fill the place up and then at that point, someone will be moving out. It will be a consistent flow and there will always be a need for the office. That's also where people come if they need something fixed, etc. It will be staffed daily by 3 or 4 people.

Commissioner Beebe: I'm ok with it.

Mayor Pro Tem Giager: I think they meet all the requirements and it's a great thing to happen for our City. I am concerned down the road about being able to fill a lot of retail especially if it is off the main road.

Mayor Elmore: Number eight, there is concern that the design is generic and doesn't have the stamp of Avondale Estates with references to the Tudor Village. This is part of a bigger question of what do we want to be when we grow up. I think just as there's a variety of houses and people in the City, there should also be a variety of architecture. I think this project is good looking and I have no problems with it.

Commissioner Fisher: I like Tudor architecture but I think I like it more closely tied to the Tudor Village. I like the brick so I'm much more interested in any changes in building material instead of style.

Charles Welch, SCP: Instead of brick along the north east side where there is a brick tower, we've started looking at hardy plank.

Mayor Elmore: When can we have those final plans before us?

Charles Welch, SCP: Certainly before the Board is ready to vote in four weeks or so.

Commissioner Yelton: Is the Tudor suggestion something that would've been reviewed by the ARB? If they've already approved this then the subject has been taken care of. I do agree that a variety of styles is a good thing.

Commissioner Beebe: I also don't want to see the Tudor style all up and down the street. I like the variety.

Mayor Pro Tem Giager: When we were working on the master plan, most residents did not want Tudor buildings everywhere.

Mayor Elmore: Number nine, a comment was offered that the City should advocate for public art on the parking garage façade on the north side of the building. I have seen really nice treatments done on parking garages. I don't know where the money for this would come from. I think it's a nice idea but at this point we just want to get the parking deck built.

Commissioner Yelton: These are partnerships and when these opportunities come up we need to be able to have these conversations and look at projects that are mutually beneficial.

Commissioner Beebe: I think it's something we need to look at down the road.

David Sacks/89 Dartmouth Ave: I encourage the City to put something about tree protection in the development agreement. I think the last question is asking what makes us Avondale and that doesn't necessarily mean Tudor. That's a discussion we had at the ARB meeting and I think we should continue that discussion.

Russell Sigman, The Preston Partnership : Our intent was to play off the warehouse designs of the early 1900s and 1950s and 60s with the red brick and put a more contemporary spin on that per the guidelines.

Mayor Elmore: I think Brian's point about the brick is good. This is a better looking building that I've seen -- even in Decatur. This is our first go at this. As we move down the road, we'll have to figure out how all these pieces fit together.

John Pomberg/3288 Kensington Rd/PZB: I think three and four overstate the reality of what happened. I don't think the City can tell the contractors where to park and such. I watched the development on N. Decatur Rd which is much bigger than this project. I never saw any traffic problems.

Julie Feely/2 Dartmouth Ave/PZB: If you look at our master plan, it specifically says that buildings in that area can be as high as six stories. I just wanted that on the record. Five stories is not correct.

Dennis Burns/26 Dartmouth Ave/PZB: I'm confused. I thought this was at the western gateway and it says at the western gateway there could be one story and up to five stories back by the railroad tracks. I just think you should keep the

height in mind and know it's a concern for the community. And don't assume everything is etched in stone. The meat of the development agreement should be in the drawings, not in the words. The memo that City staff did for the PZB was helpful at clarifying things. I think the BOMC should have a copy of that.

Paul Brown/3271 Kensington Rd: I've had some experience with these projects. Often trees die after construction has ended. I bet some of the trees in the greenspace will be lost. It's smart to think ahead. Mr. Pomberg mentioned the lack of traffic around that other project but there are more roads available over there too. We have one road through here that gets back up every day.

Brad Jones/10 Kingstone Rd: Hopefully the developers will bring in an arborist occasionally just to make sure everything is going ok. Maybe instead of a cheap orange plastic fence, they could put up a temporary chain link fence around the tree protection zone.

John Pomberg presents on behalf of the PZB: We met May 16th and have two recommendations for the development agreement. The PZB recommends that the BOMC adopt a development agreement after considering if a permanent easement or use agreement is needed in addition to the development agreement to ensure continued future public access of the greenspace at the intersection of Sams Crossing and E. College. The PZB also recommends that all exhibits be initialed and dated so at the time of the execution of the development agreement there is no confusion as to which exhibit is cited in the development agreement. The agreement we're referring to is dated May 13th, 2016.

Mayor Elmore: That's the one we have as well. As to the first recommendation, if you check the special provision B, it says the general public shall have free use and access to greenspace in the western portion of the subject property near Sams Crossing. We added that in since the last one. Does this cover that?

City Manager Brown: Yes, I talked to the City Attorney today and to take it a step further, he's going to add something to this. It would be a rider that would need to be recorded with Dekalb County that this development agreement would run in perpetuity of the property. That would hold if SCP sells the property.

Commissioner Fisher: Would they be giving us a legal opinion of that in case it were ever challenged? What if it's found down the road that it doesn't hold up?

Commissioner Yelton: I've never heard of an attorney assuming liability on behalf of a client in case something like that happens in the future.

Commissioner Fisher: It's done. It's in case their legal opinion is incorrect they be held accountable for it. It may or may not be applicable in this case. I understand where the PZB is coming from. It's important that we have continued access to the park.

Mayor Elmore: What mechanisms are used to ensure something like this?

Charles Welch, SCP: Easements. We would file it with the county.

Mayor Elmore: Once that's filed, it remains even after the property is sold. Why aren't we doing that?

Commissioner Beebe: Does it need to be zoned differently to make sure it stays a park?

City Manager Brown: No. They have greenspace requirements.

John Pomberg: On the other recommendation, before I was on the PZB, apparently something went awry with a construction project in the past where there was a disagreement about what was being built versus what was agreed to and there were different sets of drawings. This is to prevent that kind of confusion.

Mayor Elmore: That's a good recommendation.

Dee Merriam/8 Lakeview Pl: I want to commend the PZB.

Item No. 4

Education Ad Hoc Committee Updates

Susan Belmonte/9 Coventry Close: Mr. Joyner and I are co-chairs of the committee. We've had eight meetings so far. The first meetings were more of a storming phase to just get a sense of who we were and what our charge was. Then we compiled a list of resources to post on the City website for new families or those doing research about where to live. It started out really broad and then we narrowed it down and left off independent schools because there are so many. I haven't seen it on the website yet.

City Clerk Hill: I passed the information onto Mayor Elmore so he could see it first.

Mayor Elmore: I do have some comments.

Susan Belmonte/9 Coventry Close: Most of the Board members have been to a few of the meetings.

Mayor Elmore: On the webpage, I thought private schools should be left off as well. I think it should just be the public school resources serving the City. I'd like to see as much information as we could, such as The Museum School. It's a charter school, there's a lottery to get in, deadlines to enter the lottery. For Avondale Elementary, it's part of the Dekalb County system, it's an IB school. But as much neutral, objective information as possible. And if you want your child to go to Dekalb School of the Arts, you have to know that there's an audition. People need to know how to get into these schools. We all know we need a committee like yours but we're not all sure what it should be. It's kind of shaping itself so I appreciate your diligence and patience. Lately I've been more of the mind that it needs to be getting kids into Avondale Elementary because that's the one you're guaranteed to get into. I don't want to ignore the other schools but they tend to be doing pretty well on their own right now. I appreciate your time.

Commissioner Fisher: I try to go to all the meetings and the ones I've been to have all been good. But this last one was the best of all. We have so many things in our community right now to be proud of right now. The opportunity to rally

behind Avondale Elementary and break down preconceived notions of our City is really powerful.

Susan Belmonte/9 Coventry Close: I think at this last meeting we were finally able to figure out who we are as a committee and what we're capable of. It can take a couple of months just to get a meeting with any principal because they're so busy.

Mark Joyner/14 Fairfield Dr: I know some members of the Board met with county school board member Dr. Michael Erwin and we hear that was a very positive meeting. I think one of the things our committee needs to do is open as many doors as possible and just get the dialogue started. I think the ball has really started rolling in the past month. Dialogue has been opened with the county school board and the local elementary school. Supporting the principal of Avondale Elementary is, in my eyes, a priority of this community. He's done some incredible things over there. He has a list of ways individual citizens and businesses can contribute. We want to start a plan. But it is his school and we will follow his lead without stepping on any toes.

Mayor Elmore: I appreciate that approach and attitude. There are great schools in our county and it's all about community support and working together.

Mark Joyner: I think Avondale Elementary is on its way back. It's a priority for a lot of people in the community and hopefully our committee can be a bridge between the City and the different schools around us.

Commissioner Fisher: I think at one time the perception of Avondale Elementary and the reality were the same. I think they're different now with the principal's leadership. There is still a ways to go but we should publicize that and make the public aware of it.

Commissioner Yelton: I'm encouraged by your update and appreciate your volunteerism and leadership.

Commissioner Beebe: Thank you both. My kids are grown but I understand the need for better education in our city. I'm excited about what we can do to help.

Mayor Pro Tem Giager: Thank you and I look forward to more updates.

Bruce Johnston/30 Clarendon Ave: The Avondale Garden Club has been helping landscape the front of the school.

Susan Belmonte: The principal there did bring that up and it's an area that he did ask for help, improving the looks of the front of the school. He's aware of the impression it gives.

Commissioner Yelton: We can make a note of it along with your other suggestions and see what we can do within the city and our relationships with the county. We can get creative.

Commissioner Beebe: Give us a list from your brainstorming sessions. We may or may not be able to do some of them.

Mayor Elmore: I'd like to thank the Garden Club for their help. Anytime we have a positive interaction with the school we need to build on that.

Commissioner Fisher: And tell your friends about it. Spread the word.

Mayor Elmore: Was there any discussion about having the Museum School Foundation helping them form their foundation?

Mark Joyner: There is a need. I'm not sure how we're going to navigate that. The principal said they were forming a foundation and once that happens, the community could help form partnerships. Then a follow up email said they may need more immediate help in forming the foundation. I have a phone call with him tomorrow and I've already lined up some resources to help them figure out what they need. I'm not tapping into The Museum School at this time. Any activity between the two schools needs to be mutually beneficial.

Susan Belmonte: Their school council and PTO are combining to form the foundation of the foundation. I'm trying to bring in Georgia Tech students to help with tutoring. We're tapping into resources beyond just being parents of Museum School students.

Item No. 5

Greenspace Ad Hoc Committee Updates

Brad Jones: We've had four meetings plus a site visit meeting where we visited two pocket parks. We've had several visitors to our meetings. Our first goal was to do a draft residential tree ordinance. We have finished that and delivered it to City staff. Part of that was to do a canopy inventory of the City. The consultant who did that will be presenting to the BOMC in June.

Dee Merriam: They looked at aerial photography done in 2009 and in 2015. They were done at the same time of day to reduce shadows. In 2009, they estimated we had 415 acres of tree canopy citywide. In 2015, that had increased slightly to 419 acres. It was 198 acres in the central business district in 2009 and 214 acres in 2015. It was 53.4% coverage in 2009 and 54% in 2015. They really see this as zero net change, that it's essentially stayed static. I asked them for some comparisons. In 2010, the City of Decatur had a 45.1% coverage. Atlanta was 47.9% in 2014. This study is on the City website and those comparisons are on the last page.

Brad Jones: What's interesting about the report when you look at the graphic map. It shows blue as increase and red as canopy decrease. The blue is just growth of existing trees. Red is where houses were recently torn down. We tried to make the ordinance we developed as straightforward as possible. We kept it separate from any commercial tree ordinance. In my opinion, they should be combined. The gist of the ordinance is if you're getting a building permit, you have to show the existing trees on the lot, what's coming out, what's being protected, what replacement trees, if any, are going in. So basically, it's a planting plan submitted with a building plan. They need to show a 40% canopy preservation or provision in a lot. Since there are trees at the street and at property borders, sometimes they'll only have to plant one tree. Now if a resident wants to take down a few trees, that's fine. If they want to take down every tree, they would have to get a tree removal permit. There's a provision to provide someone to take down three trees per calendar year. It's a very

straightforward ordinance. City staff can look at this and put it up for public comment. We're happy to answer any questions. But it's in the hands of the Board now.

David Sacks: There a three page overview that explains the ordinance, there's the ordinance itself, then Brad put together a draft tree removal notification form, a list of trees and how big they could get, and tree protection details.

Brad Jones: We thought the notification form would be helpful since sometimes the street is blocked during the process. It's just to give a heads up to the City.

Mayor Elmore: Thank you. I know this took a lot of effort. I've seen streets decimated and people don't think it can happen here but it can. I appreciate what you've done.

Commissioner Fisher: Thank you. I think it's important to have. It's difficult to strike a balance between clearcutting and allowing property owners to do what they need to do. I'm looking forward to reviewing it.

Commissioner Yelton: I appreciate all the hard work. I need to look at it more closely. Looks like a lot of good information. What prompted this in the first place?

Brad Jones: I was a member of the ad hoc tree ordinance committee because there was concern in the neighborhood about not having one. The draft ordinance the City put out received some backlash so things went quiet for a while. I think it was a matter of a lot of tear downs and trees coming down.

Commissioner Yelton: So the canopy study showed that, left to our own devices, the canopy stayed the same but we're going to stay on top of it.

Brad Jones: We recommended the study before we even did a draft ordinance so there would be a benchmark.

Commissioner Yelton: Also, earlier we were talking about putting language in the development agreement with SCP that would help protect the trees at the construction site. Is that something your committee could help with?

David Sacks: I think we could do that. I know Brad and I have both done that in our work.

Commissioner Yelton: I would like to see an example of that language.

David Sacks: We should look in the commercial ordinance and see what it already says and see if there's anything we might add. Arborguard is a great resource for something like this. I think the tree canopy study does validate some citizen concerns that sparked this tree ordinance. Any growth of existing tree canopy has been offset by builders cutting down trees. And about half of the study duration we were in the middle of a real estate slump. So if you look ahead at how desirable Avondale is becoming, there's going to be more pressure for renovation and new construction. I think we're getting ahead of the curve here.

Mayor Elmore: And the first houses to go will be the smallest houses which have the most trees.

Dee Merriam: And bigger houses mean they take up more of the lot which has a huge impact.

Commissioner Beebe: I like where the committee is going with this. I like the notification approach as opposed to having to get a permit to cut down a tree. I think that will work.

Mayor Pro Tem Giager: Thank you for your work. I have mixed feelings. I've cut four trees in 26 years here. Residentially, I think we're fine. But I have no problem doing something with construction activity. That's where the problem is. I hate to put another burden on residents. Is there even a need to have an ordinance for residents?

Brad Jones: It's just a way of covering residential zone properties while protecting the trees themselves. Otherwise, it's almost like erosion control as opposed to a tree protection ordinance. You could also get into weird situations where a builder asks a homeowner to cut down a tree. I think the county ordinance allows for five trees to be cut down per year.

Jennifer Pindyck: There are also a lot of species that are exempt. So people can cut those down and they're not even really considered trees.

Brad Jones: Yes, those are considered weedy trees.

Mayor Pro Tem Giager: I will look at it more.

Martha McDermott/6 Kingstone Rd: I'd like to thank the committee. It's a lot of work. I don't see how you can discriminate against the building if they're the owner too. Also, I think residents owe the Tree Board gratitude. I think they are the reason our canopy hasn't been reduced. They steadily plant trees. I think they were offended by the first tree ordinance board and didn't feel appreciated.

Item No. 6

2016 Tax Digest/Millage Rate

City Manager Brown: Every year around this time we have to set the City's millage rate. Dekalb County has given a deadline of July 1st to send our millage rate in to them so they can get it to the state. We just received last week the report that helps us set the millage rate. One is called the reval sheet. It assesses that our property values/tax digest has increased over 7%. These numbers are preliminary and will probably change. We could get up to six new versions of this before July 1st. There's reval and then there's growth. Growth is more about new construction, remodeling. It's \$221,000. Right now, we are challenging that number. Since we do our own permitting, we submit all our permits to the county tax assessor's office. Our initial report to them was about \$6 million. We let the county know about the discrepancy so we're still waiting to see if that number will go up or down. There's also a rollback millage worksheet, which our millage rate would be 9.3 mills. We are currently at 9.957 mills. If we kept it there it would be a 6.9% tax increase. There are a lot of advertising and public hearings involved if there's going to be a tax increase. Because so much lead time is involved, we need a number as a place holder until the Board decides if a

tax increase is needed to fund capital projects. You just have to advertise the placeholder. It doesn't mean you have to adopt that number. Your final number can be lower, but not higher than your place holder.

Mayor Elmore: Are we just starting the discussion tonight or setting the place holder?

City Manager Brown: If you think there will be a tax increase, I need to know by next Wednesday to be able to meet the requirement for advertising before the July 1st deadline. The Board can have time to decide what the millage rate should be but we can satisfy the advertising requirement at the same time. That's what the place holding number allows us to do.

Commissioner Fisher: Shouldn't the digest and the growth numbers be added together?

City Manager Brown: The growth number is added to the reval number to get the total. The other numbers are just broken out to show them.

Commissioner Yelton: Where did you come up with the placeholder?

City Manager Brown: Last year we were at a 10.957 mill. We lowered it to 9.957. We just don't know yet for this year. And you can't raise the rate once it's advertised in the paper.

Mayor Elmore: So we set a place holder for 11. When we get our final numbers we adjust it down.

City Manager Brown: You can keep adjusting it down until you have that last public hearing.

Commissioner Fisher: I'd like to hear from the Board members who have been through this before.

Commissioner Beebe: I like 11 as a place holder. It looks bad initially because it looks like a big tax increase but it protects us.

Commissioner Yelton: Is it a press release or what?

City Manager Brown: It's a press release that has to go in the paper. You have to publish the digest for the past five years, in addition to the current year. It's a 30 square inch ad, not in the legal section, a week in advance of each public hearing.

Commissioner Yelton: I'd like to see what's advertised to the public.

City Manager Brown: Last year was the first time the millage rate was lowered. People actually wanted it to stay the same and have the excess funds put away for future use.

Commissioner Yelton: I'd also like to see a list of projects that any excess money might be used on.

Mayor Pro Tem Giager: I agree with Randy on the placeholder. I know we have some big expenditures to look at, such as the public works building, paving, infrastructure. Some people have said they'd rather have their taxes go up than annex to the City. Hopefully it will be a short term thing until the Juvenile Justice Building is paid off. So I'm looking at a tax increase.

Commissioner Fisher: I'm with Commissioner Beebe and Mayor Pro Tem Giager as far as setting a place holder. I don't like a tax increase and I think City staff has done a great job of managing our resources. We need a tangible amount of what we think our rainy day fund should be. And we should decide what that money will be spent on. I think it needs to be more tangible about what results the residents would see if we raised taxes.

City Manager Brown: The millage rate of 9.309 is enough to run the operations of the City. That's our budget. Anything over that could go to the items discussed.

Commissioner Yelton: I know a list of projects to do would amount to way more than what we're talking about and we'll have to pick and choose but I think it's a good idea to have a plan and be able to show that to the public.

City Manager Brown: I would need the Board's help with prioritizing. We still owe \$450 thousand on the land we purchased. That could be paid off and thousands in interest saved, for example.

Commissioner Yelton: There are also expenses with storm water that could come up that go beyond what's in the storm water fund.

Commissioner Fisher: If there are any changes in the storm water fee or sanitation fee, when does that need to be decided?

City Manager Brown: Now. It's not done through this process. The county just needs to know what it's going to be.

Martha McDermott/6 Kingstone Rd: When will the storm water project begin?

Mayor Elmore: The Kensington part is moving forward. Progress is being made.

Item No. 7

Clarendon Avenue Storm Water Study Quotes

City Manager Brown: The City received four quotes to study the drainage in this roughly 50 acres. The quotes ranged from \$7,800 to \$14,400. City staff reviewed the quotes and called references. Our recommendation would be to pick either Clark Patterson and Lee or Rindt-McDuff Associates, Inc. We have a personal relationship with CPL and know what kind of work they do. RMA put together a wonderful presentation. Dovetail, which is the \$7,800, didn't provide us with any references so we couldn't follow up. RMA and Skyline both had great reviews from their references. All said the work could be done in 3-4 weeks, depending on weather.

Mayor Elmore: So why not Skyline?

City Manager Brown: RMA's presentation was better. But Skyline was good and I wouldn't have any issue going with them. CPL knows the history here but more in regards to the Kensington area.

Commissioner Fisher: Do we know anything about Dovetail? They offered a good price.

City Manager Brown: They said 5 acres in their quote when it's really 50 acres. I'm not sure if that's a typo. And they didn't give us any references. Skyline and RMA actually gave backgrounds of the principal and project manager who would be onsite doing the work. They also have more staff who could step in and take over if anything happened.

Commissioner Yelton: We're talking about a \$15 thousand project and your spending threshold is \$5 thousand. We talked about raising that. Where does that stand?

City Manager Brown: It was on tonight's agenda but was postponed because the agenda was getting too big.

Commissioner Beebe: The study area is from Berkeley to Clarendon. What are the other borders.

City Manager Brown: From South Avondale Plaza down to Willis Park.

Mayor Elmore: Does this include the area behind Lisa Shortell's house?

City Manager Brown: Yes.

Commissioner Beebe: And it's totally different from what the City is doing on Kensington?

City Manager Brown: Yes.

Mayor Pro Tem Giager: We've spent a lot of time with CPL but we have a lower bid with good references. So I would recommend we go with Skyline.

Mayor Elmore: I would agree. I know it's not a lot but it's taxpayer money. If the references are good and they can do it then that would be my recommendation. I think it's always good to have two or three reliable resource in whatever you're doing.

Commissioner Fisher: Please clarify the study area.

City Manager Brown: It starts at Clarendon and goes through South Avondale Plaza all the way down Berkeley and Clarendon to Wiltshire. Then it will go down Dartmouth to Willis Park, up Kingstone. I'm good with Skyline. Their references spoke highly of them.

Commissioner Fisher: I agree with Terry. I know CPL is good but it would be nice to get a different perspective. I'm fine with Skyline.

Commissioner Beebe: I'm good with Skyline.

Commissioner Yelton: I'm sure we'll still work with CPL on other projects.

City Manager Brown: They already do all of our inspections and permitting so they're not going anywhere.

Joe Anziano/3242 Wiltshire Dr: I may not be reading the estimate correctly. It looks like a lot of money to get \$2,100 worth of work. If it costs so little then why did we wait so long?

Mayor Elmore: A lot of this was driven by the Christmas Eve flooding.

Item No. 8

Agreement to Provide Service to Verify Building Height

City Manager Brown: Staff is requesting that Clark Patterson Lee to spot check and verify building heights. If a builder submits plans for new construction or some remodels, we would have CPL go out and verify the elevation of the site plan before anything is built. They would go out again after the first floor is done and then again when it's finished. Three shots would be \$630.

Commissioner Beebe: Would this be required for every home?

City Manager Brown: All new construction.

Mayor Elmore: Or second story additions, for example.

Commissioner Beebe: Would we charge the fee to the builders?

City Manager Brown: Yes. Whether or not it passes down to the homeowner depends on the builder.

Mayor Elmore: I'm actually not in favor of this. I think it puts an undue burden on new home construction. The drawings have to show any changes in the existing grade elevation. That has to be stamped by a surveyor.

City Manager Brown: The plans have all that information. But we can't measure actual height until it's done and by then it's already built. Are you going to make them tear it down because they built it too tall?

Mayor Elmore: I say you do. They know what they're doing.

City Manager Brown: But if we do first floor elevation, we can catch any mistake early on.

Mayor Elmore: I feel like we're penalizing every new home in the future for what someone did at 30 Berkeley when we ought to penalize him. This should be part of site inspection. I don't know why we're just now noticing this. If we're paying someone to do inspections then this should be part of the inspection -- comparing the site plan to what is being built.

Commissioner Yelton: What do other cities do?

Commissioner Beebe: My concern is that it's every house. What if you're building a ranch?

Mayor Elmore: I'm not ready to vote on this Monday because I don't think it's the right solution.

Commissioner Fisher: Is this a common problem or did it happen one time and we're trying to prevent it from happening again?

City Manager Brown: It comes from all the new construction and 30 Berkeley. There are a lot of houses currently being built?

Commissioner Yelton: When was the last time our contract with CPL was negotiated?

City Manager Brown: When it first initiated in the fall of 2014.

Commissioner Yelton: Is it worth it to go back and have that discussion?

Commissioner Beebe: What would the cost difference be to have them just come out at the end instead of the staged approach?

City Manager Brown: It's about \$230 each time they come out.

Commissioner Beebe: We are tearing down smaller homes and building bigger ones so maybe this is something we need.

Commissioner Fisher: If this is a regular issue then I would be in favor of it. But if it's an issue with one builder then we should figure out how to keep that builder from building in our city. How much time would it add to the process?

City Manager Brown: They said it could be done within 2 days of the request. It would be a different person than the person doing the inspections.

Commissioner Yelton: I think we should table this until we find out what other cities are doing.

Mayor Elmore: Maybe we should make the contractor prove to us what the height is.

Mayor Pro Tem Giager: The contractor would still pass the cost onto the home buyer.

Mayor Elmore: But that's the contractor charging them instead of us charging everyone.

Item No. 9 Resolution to Provide Fee to Verify Building Height – No action taken

Item No. 10 Board of Mayor and Commissioners Stipend

Mayor Elmore: A resident had an interesting idea. It's to give the data collected to the personnel board and let them decide on an amount. Then we could put out a survey monkey.

Commissioner Fisher: I would not be in favor of that. We're elected to make decisions. I'm tired of talking about it. I would rather spend our energy on other things.

Mayor Elmore: This is just unique because it's self-serving.

Commissioner Yelton: I like the idea of having a process documented showing how the amounts were determined. I don't like the idea of a survey. If we were going to use that then there are much bigger issues to use it for.

Commissioner Beebe: I think we should make a decision.

Mayor Pro Tem Giager: You know where I stand on it.

Commissioner Yelton: Can we put the website showing the amounts for other cities on the website?

Mayor Pro Tem Giager: I don't think it's the amount that matters. It's the act.

Commissioner Yelton: I've heard the opposite from people.

Mayor Elmore: I few people have told me they're against it but many, many more have told me they support it. I agree that we should put our information on the website and push this to June for a vote.

Joe Anziano/3242 Wiltshire Dr: I support the issue. You would only get negative feedback on that survey. It's only about \$9 per citizen. I think considering the amount of time you put in it only comes about to \$5-\$6 per hour. To make it easier, you could not have it start until the next full term. That takes the current board out of the equation.

Commissioner Beebe: That's a good idea.

Mayor Pro Tem Giager: I'm still against it just on principal.

Mayor Elmore: I wouldn't be against it.

Commissioner Yelton: I'd like to stay on the path we're on.

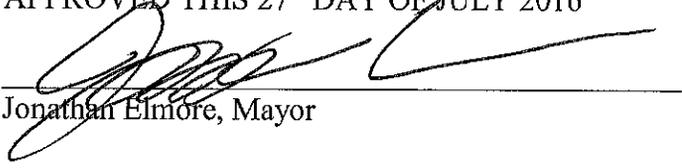
Item No. 11 Proclamation for National Garden Week June 5th-11th

Item No. 12 Public Comment

Item No. 13 Adjournment

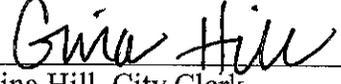
Mayor Elmore moves to adjourn. Commissioner Fisher seconds. All ayes.

APPROVED THIS 27th DAY OF JULY 2016



Jonathan Elmore, Mayor

ATTEST:



Gina Hill, City Clerk