

BOARD OF MAYOR
AND COMMISSIONERS

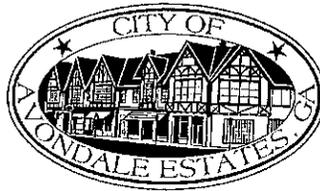
JONATHAN ELMORE
MAYOR

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
WORK SESSION
June 15, 2016**

MINUTES

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

Members Absent: Adela Yelton, Commissioner

Staff Present: Clai Brown, City Manager
Gina Hill, City Clerk
Stephen Quinn, City Attorney

Item No. 1 Meeting Called to Order

Item No. 2 Adoption of Agenda

Mayor Elmore: I would like to make 2 amendments to the agenda. I'd like to make a motion to add an item to discuss the Avondale Art Lot proposal by the Avondale Arts Alliance. Commissioner Fisher moves to amend. Commissioner Beebe seconds. All ayes. That will become item #14.

I'd also like to add a discussion of the county SPLOST IGA. The county has been a little behind. The City Manager and I just met with the interim CEO and the economic developer. We're under a deadline on that so we'd like to go ahead and talk about it in a public forum. Commissioner Beebe moves to amend the agenda. Commissioner Fisher seconds. All ayes. That will be item #15.

Item No. 3 Conditional Use Permit – 2864 Franklin Street-Jessica L. Bilz-Batting Cages and Associated Uses

Jessica Bilz: I currently give pitching lessons in Decatur and the Chamblee Tucker area. I'm a contract employee at 7th Inning Softball which is part of 9th Inning Baseball. They would be about the only competition inside the perimeter. I developed a softball program there. The plan was always to have my own place. I have between 18-20 clients right now. There would be 3 batting cages. I would use one cage for my lessons and the other 2 would be allotted for baseball and softball. I'm mainly targeting youth. Right now, girls don't really have a place to go. People in the area don't have an indoor facility. This would be within about 10 minutes from most of my clients' homes.

Mayor Elmore: This would be an indoor facility. How many kids would you expect to have in the building at any given time?

Jessica Bilz: I would say 20 at the most.

Mayor Elmore: I'm just thinking about parking.

Jessica Bilz: One of the owners of My Parent's Basement was my boss at Brickstore Pub and he is letting me use his parking in the back area for any overflow. There are about 20 spots there. Often, parents drop their kids off with me and then leave to run errands.

Mayor Elmore: I think it sounds great.

Commissioner Fisher: I love it. There aren't a lot of facilities for some youth sports in the area. I think it would be a good addition to the community.

Commissioner Beebe: You answered the questions I had about capacity and parking so I'm good to go.

Mayor Pro Tem Giager: Teams will carpool and parents will drop off. I think it's great for our community.

Public Comment

Lisa Shortell/6 Clarendon Pl: Could you explain the conditional use permit?

City Manager Brown: There are some uses in the zoning ordinance. They're either permitted, conditional use, or not permitted at all. This is conditional use which means the Board has to decide if it's compatible with our master plan. The next step is a public hearing on Monday. Then they approve or deny the application that same night.

Item No. 4

Tree Canopy Survey Presentation
Michael Edelson of Interdev

Michael Edelson: We're not arborists but what we're providing is a quantitative way to measure a tree canopy over time. We compared aerial images from 2009 and 2015 and basically found there was no significant change in the tree canopy here in that time. We found about 54% coverage for the entire city. I was asked to do residential versus commercial. There was a small increase in the business district but it's within a margin of error. Throughout the city, there was growth in some areas and decline in others. About every 3 years, the U.S. Department of

Agriculture does aerial imagery. Most imagery is done during the winter but we needed it in the summer. And if you're comparing several years apart, it almost needs to be done on the same day at the same time with the same cloud cover. One of the biggest errors when doing this kind of work is shadows. We essentially go pixel by pixel with that imagery and assign it canopy or non-canopy. There are hundreds of thousands of pixels per square mile. The first round of analysis is automated and then we follow up with quality control where we pick 100 random points in the city and someone visually determines if they are canopy or not. Then we run the automated process again to determine accuracy with a goal of above 90%. We ran it 3 times and were over 90%.

Commissioner Beebe: Can you tell the difference between large and small trees?

Michael Edelson: Not with aerial imagery. That can only be done with satellite imagery.

Commissioner Beebe: What's your definition of canopy versus non-canopy?

Michael Edelson: Basically something you could walk under.

Commissioner Fisher: I think it's good information to create a baseline as far as a tree ordinance goes.

Dee Merriam/8 Lakeview P1: For us to have this much coverage for a city that is already built out is impressive.

Lisa Shortell/6 Clarendon P1: I think how you perceive our tree canopy can depend on where you live in the city.

Michael Edelson: Correct. When the city of Atlanta did their study, they broke it down by neighborhood.

Item No. 5

South City Partners (SCP) Development Agreement

Mayor Elmore: We received some revisions from SCP last week and I'd like to go through those.

City Attorney Quinn: The changes were proposed by the developer to the document I drafted. I spoke with their attorneys. On the first page, the changes are minor and just a way to say the same thing differently. They said in any construction project, there is no way the final result matches exactly what's on the plans. In the language there could be some middle ground.

Commissioner Fisher: There's a huge margin of error in their language. It's too nebulous.

Mayor Elmore: Is substantial conformance a standard term in these documents?

City Attorney Quinn: I think somewhat so. You see the word substantial in all kinds of contracts. The thing about that word is that it would come down to a case by case basis. Substantial means it meets the spirit and intent of what the parties agreed to.

Mayor Elmore: Is there wording you'd be more comfortable with?

City Attorney Quinn: There are many ways to phrase it. The key is to get something both parties can agree on. I thought they would try to soften that language and you can see their perspective. It's pretty tight. One option is to eliminate that modifier in either direction and just say in conformity with plans.

Commissioner Fisher: We could define what substantial conformance means.

City Attorney Quinn: The thing about trying to define it is that it can apply to so many different things in these plans. Defining it is possible but would be a substantial job. Another way to do it is to set up a mechanism for testing. One way might be to have our inspectors certify that it's in conformance before issuing a certificate of occupancy. They do that already but at what point is varying from the plans too much?

Mayor Elmore: Those two words make me extremely uncomfortable. Lots of changes could be made and in the end you have a very different product.

City Attorney Quinn: You could define specific aspects of it that are of major concern, such as the building height.

Mayor Elmore: That could be the right path even though it would be a lengthy list.

Commissioner Fisher: How often does Clark Patterson Lee go out and inspect for the City?

City Manager Brown: They have certain requirements to visit and certain points of construction. The City takes care of the zoning requirements like setbacks.

Commissioner Fisher: SCP has more experience with this so surely they can suggest some language that is more specific without having to be cumbersome.

City Attorney Quinn: If the building official determines there's any variance from the plan, then it's up to the City to specifically approve of that or not. That could get into an administrative burden. There's a section in this agreement about the city manager being able to approve variances that aren't substantial. It's their opportunity to be forgiven if things don't come out exactly right but they would have to have faith in the City.

Commissioner Fisher: Are you comfortable with that, City Manager Brown?

City Manager Brown: I am but we need to be more specific because currently that's not how Clark Patterson Lee works. They don't go out and measure buildings, for example. Major changes in material, for example, would have to go back before the Architectural Review Board (ARB).

Commissioner Beebe: Who would catch that?

City Manager Brown: City staff.

Mayor Elmore: I'd like to move forward. There was some debate about whether we were even allowed to do a developer agreement.

City Attorney Quinn: Correct. That was brought up by the SCP attorneys. It's my opinion that the City does have the power to have a developer agreement. Zoning is a legislative function. They indicated they wanted to see our ordinance. At their request, I prepared an ordinance that would accomplish that. It's a way to document in our codebook what we're contemplating here.

Commissioner Fisher: It's mentioned that the City has the ability to do that but it's up to the City to do it. I don't think we should do something that will call into question past agreements. Plus, I'm not in favor of taking all that time.

City Attorney Quinn: There's nothing out there that would be undermined by passing an ordinance.

Mayor Elmore: There's something in the agreement regarding fire and if the building would be built as planned or the process would start all over again. I don't understand that.

City Attorney Quinn: Basically what they told me was they needed that provision to obtain funding for the project. They left in that approval from the ARB would still be required. They made it sound like that was a major point they had to have.

Mayor Elmore: But it sounds to me that they can build pretty much whatever they want.

Mayor Pro Tem Giager: The bank may want to make sure the land is still viable. I've seen this type of language before. If it's a fire, they will have insurance.

Commissioner Fisher: The bank would get the insurance money. I don't understand why this is in here either.

City Attorney Quinn: They say they won't have to comply with the design as long as the residential units is the same or fewer, the building height is the same or lower, the unit size is the same or similar, and they would still have to supply the look to the ARB.

Commissioner Beebe: It sounds like SCP and the City would have to agree that whatever they decided to build would be suitable.

Mayor Elmore: Is the greenspace required defined as public greenspace?

City Planner Stevens: Just that percentage of the lot.

Mayor Elmore: If they sign over the greenspace to us then that would change their density. That would be 100 units per acre and that could set a precedent. But I know each agreement is unique. We get the greenspace but how much do we waive in fees?

City Manager Brown: That depends on what the Board negotiates with SCP.

City Attorney Quinn: I discussed that with them and explained what you just said about outsourcing that function. I said it was one thing for the City to give up its 40% of the fees but it's another for it to pay Clark Patterson and Lee SCP's 60% share. They said there was room to negotiate.

Mayor Pro Tem Giager: I don't think anyone from around here is going to walk up to Sams Crossing to walk around that park. I understand we want access but I don't think we really need it.

Mayor Elmore: So I guess the question is do we want it as a public park and are we willing to pay for it.

City Attorney Quinn: They aren't crazy about owning and maintaining that property and then opening it up to the general public.

Commissioner Beebe: I'm not so concerned with us owning the park as I am with it staying a park. I don't feel the need to have it opened to everyone. We would have to maintain it and I think they would maintain it well to promote their property. I could go with leaving it with them.

Commissioner Fisher: I like the idea of having the park. I think long term it ties in to our downtown as a gateway to our city. I don't want to eat money but they could sell and you don't know who the future owner could be.

City Manager Brown: We could take them to court if they don't maintain the property.

City Attorney Quinn: It's hypothetical but the City has the right to clean it up if it's a big mess and put a lien on it.

Commissioner Fisher: I still like the idea of having the park. I think it's been a big selling point for the citizens.

City Manager Brown: Another question is who would develop the greenspace. The City or them?

Mayor Elmore: It bothers me that it skews the density so much. I'm inclined to leave it in their hands. The last big thing for me is the no insurance, no indemnity. I don't understand that.

City Attorney Quinn: I talked to them about that. There will be insurance on the project. The only way the City is at risk is if someone gets hurt during the construction or by the building after the fact. They could include the City as a defendant for approving the project. I told them I would consider a compromise of them putting the City's name on their insurance. They seemed okay with that.

Mayor Elmore: What about the indemnification?

City Attorney Quinn: I don't think we need that as long as we're insured.

Commissioner Fisher: I have a question about the section that implies that if they sell during construction we just accept who buys it?

City Attorney Quinn: They told me that they create a subsidiary company whenever they do a project. So the idea is that SCP never actually does the development. It creates a company just for that task. They also mentioned removing exhibits L and O. That's because they're extremely detailed. For example, how would you plant a plant. They didn't want to be held to that level of precision. The other exhibits around those really cover it. Another note is that in my conversations with them they said they were open to a bike path.

City Manager Brown: Do we need to discuss the text amendment? There needs to be three readings and advertised. It has to go before the Planning and Zoning Board as well. They'll have to schedule a public hearing.

City Attorney Quinn: I think we have the authority to enter into an agreement and zone the property that way. However, I can understand their reservations because there's nothing in our ordinance to that effect. Plus, there's no other case in Georgia that says it works that way. Number three, in other jurisdictions in Georgia where they entered into a development agreement, there was something written in their ordinances that gave them that power. So I drafted an ordinance based on what they said would make them comfortable and this gives you an idea of what they wanted it to say. Specifically, what concerned them is that in our zoning ordinance it says the Board of Appeals has the authority to grant variances. By signing this development agreement, it's effectively approving a bunch of variances. One could argue that the BOMC doesn't have that power themselves to grant variances. I don't see a problem with it but I could see it from the point of view of the person representing the lender. The more I think about it, the more I think the City would be well served by adopting something like this and not just for this project but if we want to do this kind of thing again. The central business district zoning ordinance has fallen behind the master plan. You could think of it as an overlay zoning tied to specific plans like this. City Planner Stevens and I worked together to try to limit what it could do so it wouldn't apply to every situation.

Mayor Elmore: Do developer agreements exist because the ARB and PZB don't have permitting authority?

City Attorney Quinn: Somewhat.

City Manager Brown: The City won't give a permit if a zoning variance is not met.

Commissioner Fisher: Couldn't a developer appeal to us if the Board of Appeals turns them down?

City Attorney Quinn: I'm not saying you don't have the authority to do this but I have seen benefit in amending the code beyond this project. It sets up some criteria. Right now, anyone can request a development agree. So what's the criteria for telling one developer yes and the other no? We would be less vulnerable if we had something like this.

City Manager Brown: You could add more criteria to it as well.

Mayor Elmore: You're the city attorney and if you say we need it, we've contemplated it, discussed it publicly, gotten feedback, then it sounds like something we should do.

Commissioner Fisher: I'd like to spend more time reading it and understanding it.

Commissioner Beebe: I agree with Brian. I'm not sure we need it right now. Would this take about 90 days?

City Manager Brown: Maybe 60-90 days. Keep in mind that this is a request from South City Partners.

City Attorney Quinn: At first, I didn't think we needed it but I grew to realize it has advantages. The idea is to encapsulate in a policy what we're doing in this instance. It's putting the idea of development agreements into our code book.

City Manager Brown: There would need to be lots of discussion about what criteria would be in this.

City Attorney Quinn: This development is a collection of uses that are either permitted or conditional. What they want that's different from the zoning ordinance is development controls.

Mayor Pro Tem Giager: I agree with Stephen but do we have to adopt it to approve this development agreement? Or could we put it on the books later? And I think everyone in the central business district (CBD) is going to want a development agreement. If SCP wants this done now, do they understand there will be a delay for them to start?

City Attorney Quinn: Yes, and they asked us to do this through special meetings as quickly as possible. Under this draft, they would have to have at least 2 acres. We put in those types of criteria to limit the people wanting a development agreement. They can still ask for variances and such under the regular channels.

Mayor Elmore welcomes South City Partners members to the table: Thank you for your patience. We're dealing with a lot of language we're not used to. The major hang ups are the definition of substantial conformance. To me, it creates too much subjectivity.

John Long, SCP: Substantial conformance scared me because I thought it was close to exact. There was a lot of conversation amongst ourselves about if that was something we could live with. It will be very close to the original plans and only trained architects will notice the difference. And all the things we're talking about would fall under the scope of things the city manager would approve. We would prefer a legal phrase that more closely matches our intent. There needs to be leeway if, for example, the printer's color on the plans isn't exactly like the finished product. I'm not trying to get out of anything we obligated ourselves to.

City Attorney Quinn: So these are changes so small that they wouldn't even need the City Manager's approval.

John Long, SCP: Correct.

City Attorney Quinn: Maybe I could work with your counsel and come up with better wording.

Mayor Elmore: What about the part regarding rebuilding?

John Long, SCP: For example, we're building a big parking garage. If it burns down and all the residents are taking Uber I don't want to have to rebuild the same garage. There was no intent to avoid any approvals. We would come back through the process. But right now it basically says rebuild just the way it was or nothing at all.

City Attorney Quinn: It could be written that you can build it back the way it was or if conditions change there could be a good faith negotiation. We already have ARB review required, limitations on the number of units and building height. Sounds like the City's concern would be the configuration. Because the ARB would approve finishes. The problem with these scenarios is they're contingent future events so it's hard to be precise.

Charles Welch, SCP: I think the intent is to be able to rebuild without going through the whole process again.

City Attorney Quinn: And I think that's the best way to handle it. Unless you can't find the exact same materials then the ARB would need to approve the new ones. If there is mutual agreement to make any changes, then it would come back before the BOMC for a shorter version of this process.

John Long, SCP: Regarding the park, we said we'd give that to the City because we thought you really wanted it. What we don't want is for it to be a public park that we own and have full liability for. If you don't care to have it then we can use it as part of our development.

Mayor Elmore: I'm on the fence about it and I'd like to hear what the public thinks. There's also the part about getting the City added to your insurance.

John Long, SCP: I'm not sure if we can add an entity to our insurance that has no interest in the project. I've never heard of doing that. The City is already protected just by being a city. I'm not sure I can do it and I think it would cost a lot of money. It's either a park and you own it or it's ours and part of our property.

City Attorney Quinn: He's right in that cities don't have liability for parks. The issue is during construction. The chance of the City incurring any liability during that is pretty miniscule.

John Long, SCP: I'm concerned that someone could just say the building doesn't meet the legal requirements and stop work. That was the legal advice given to me.

City Attorney Quinn: The SCP counsel sent me a provision Sandy Springs has in their ordinance and SCP endorsed it. I found it confusing and crafted my own but we could adopt that approach if you're focused on getting this particular project approved. It would amend our zoning code and be in the book.

City Manager Brown: It would have to go through the PZB. I don't know what their schedule is but they've always been willing to help. There are also legal requirements for advertising.

Commissioner Fisher: If we're changing an ordinance then we want to make sure it's done right. But I don't want to slow down this project.

Mayor Elmore: This is a lot for us to wrap our heads around.

Public Comment

Dee Merriam/8 Lakeview Pl: I think the greenspace was what was so exciting about this project. I think the City will regret not having control over that greenspace at the gateway to the City. As for the density issue, it could be calculated on the basis that the developers donated the land to the City.

Unknown Resident: Reads definition of substantial conformance.

Dianne Pomberg/3288 Kensington Rd: I don't think we necessarily need a park there but a nicely landscaped area would be a good gateway to the City.

Candace Jones/9 Fairfield Dr: I agree that having the park there is one thing that made the project so appealing.

City Manager Brown: So what are the next steps?

City Attorney Quinn: I'll talk to their counsel about some of these phrases. You can advertise a zoning change as quick as tomorrow. Start the process. Whether or not we have power to enter into a development agreement, if the developer doesn't have confidence in it then the text amendment is a required precursor.

Mayor Elmore: If we can state the density based on that greenspace even if we end up owning it, I think that would be a better position to be in.

Commissioner Fisher: I don't think any city has ever said they had too much greenspace.

Mayor Elmore: We're not getting that for free, however.

Mayor Pro Tem Giager: It will cost somewhere around \$180-\$190 thousand.

Commissioner Fisher: I don't know what the next step is with that. We should wait for Commissioner Yelton to be here.

Mayor Elmore: I think there will be more meetings about that coming up and we'll have a chance to make a decision during those. I would like to know what this is going to cost. I want everyone to be okay with it.

Commissioner Fisher: So SCP would develop the park in return for reduced developer and permitting fees.

Mayor Pro Tem Giager: If the City doesn't take it then SCP will do something else with it.

City Attorney Quinn: It won't be difficult to make the development agreement account for that. It's a matter of deciding if the City wants it and is willing to concede the fees.

John Long, SCP: I would suggest any transfer of the property take place after the certificate of occupancy is issued for the building. That's in case we are storing supplies on the greenspace. It would make more sense for both parties.

City Attorney Quinn: I will help the city manager advertise but we need to know when the BOMC and PZB can have those meetings. We have to know the dates before advertising.

John Long, SCP: It can't happen fast enough for us. We already have a date that we will not meet.

City Attorney Quinn: Two dates need to be advertised: the PZB public hearing and a BOMC public hearing. There also has to be three readings. Also, the ad has to run at least 15 days before the public hearing. The language isn't locked in just because we advertise either. What we're advertising is the concept and we're giving people a draft.

Commissioner Fisher: Can we get the PZB's opinions on the text amendment before the public hearing? It might expedite things.

City Manager Brown: The speed of this happening depends a lot on when the PZB can get a quorum. They schedule their own meetings.

Item No. 6

Board of Mayor and Commissioners Stipend

Mayor Elmore: I asked the city manager to look into this at the recommendation of a citizen. It sounds like we can put the stipend on the November ballot as a referendum item. If it's voted in it would take effect on January 1st, 2018. If it's voted down then obviously it's something the residents don't want. Since this is a unique case that involves paying ourselves I think it should go to a referendum. Is there associated cost with that?

City Manager Brown: No.

Mayor Elmore: That's what I think we should do.

Commissioner Fisher: I'm not for a referendum. The reason is that we were elected to make decisions. I don't really care. I think there are other things we need to deal with. I just don't want to spend more time on it. If the others want it on a referendum then I'm ok with that but I just don't want it on the agendas anymore.

Mayor Elmore: I think it's just because it's a unique case.

Commissioner Beebe: I agree with you both. I don't want a referendum either. But I think the other stipulation would be that it would be four years ago – 2020 – so none of us are voting ourselves a raise. I'm tired of it too.

Mayor Pro Tem Giager: I'm definitely against a referendum. We were elected by the people to make decisions. I think volunteering for your city is a civic duty. I'm not for a stipend. I think Adela should be back before we vote on this.

Commissioner Fisher: If we amended it to start in 2020 would it have to go through three more readings?

City Manager Brown: No, we can just change the ordinance. You only need one more reading.

Commissioner Beebe: Why don't we just table this and bring it back up when we're not so busy.

Mayor Elmore: We'll move it to at least July.

Public Comment

Betty Jones/10 Lakeview Pl: I think it's ludicrous the Board would ask to be paid for a voluntary job.

Item No. 7

Discussion of the Board of Mayor and Commissioners Regular Meeting Time Change to 6:30 p.m.

Mayor Elmore: You know where I stand on this since it was my idea.

Commissioner Fisher: I'm fine with it.

Commissioner Beebe: I care what the public thinks but it doesn't make any difference to me.

Mayor Pro Tem Giager: I think 7:30 was there so people could get here after work. Maybe things are easier than they used to be. I hate to see a tradition changed but I don't want to always be the person against change. I'll go with whatever the Board and public thinks.

Commissioner Beebe: Didn't City staff put out a survey?

City Manager Brown: Yes, four responses were in favor and one was opposed.

Commissioner Beebe: One thing to consider is that the work sessions usually last the longest.

Mayor Elmore: Is this something we can vote on Monday?

City Manager Brown: No, it will require three readings. If I can get it turned around with the attorney then the first reading could be Monday.

Item No. 8

City Manager Spending Threshold on Non-Budgeted Purchases

Mayor Elmore: In looking at the information that City staff put together, we're in line with other cities when it comes to a percentage of city budget. I wonder if there are other limits to what the city manager can spend.

City Manager Brown: The Board brought this up as a way to save time.

Mayor Elmore: I'm just wondering, if it's \$10 thousand a month, should that be allowed a certain number of times per month, for example.

Commissioner Fisher: Does this have to go through three readings too?

City Manager Brown: Yes.

Commissioner Fisher: I want to raise it. I was even thinking to \$15 thousand.

Commissioner Beebe: We might want to do it as a percentage of budget. That way, if the budget goes up, so does the spending limit. I said perhaps .25% which brings it up to \$7,500. The percentages of other cities is all over the place. The .25% is arbitrary.

Mayor Pro Tem Giager: The city manager doesn't come to us often needing more money.

Commissioner Beebe: Does it slow you down?

City Manager Brown: It slows the process down, yes.

Mayor Elmore: I think it should be closer to \$10 thousand, I don't think \$7,500 makes a big difference. So \$10 thousand a month per calendar year. There have to be caps because we could have a new city manager at some point.

Commissioner Fisher: I think it should be \$15,000 for any capital good. I don't want City staff to have to wait to do the things they need to do.

Mayor Pro Tem Giager: The city manager would know ahead of time about something like that.

Public Comment

John Pomberg/3288 Kensington Rd: If it's not broken, don't fix it.

Jen Singh/108 Clarendon Ave: I'm in favor of raising the cap to \$10,000.

Parke Kallenberg/1035 Lakeshore Dr: I like the idea of using a percentage of the budget. If it doesn't work out, it can always be changed. It could expedite some of the smaller decisions.

Candace Jones/9 Fairfield Dr: I would be in favor of \$10,000 for equipment.

Margie Means/167 Locust St: What are non-budgeted purchases?

City Manager Brown: It could be equipment. Another example is we're doing a study of the Clarendon Avenue drainage study. We put out an RFP so we didn't

know what the cost was going to be. We just did a contract to repair some steps down by the lake.

Dee Merriam/8 Lakeview Pl: I support raising the limit.

Mayor Elmore: I would like to see what has been spent on things like this in the past.

Commissioner Fisher: I'm in favor of raising it.

Commissioner Beebe: I'm in favor of increasing it as a percentage.

Mayor Pro Tem Giager: I agree with Randy.

Commissioner Fisher: It could be a percentage with a minimum of \$10,000.

Commissioner Beebe: .30% is \$9,000. If we want to give him \$10,000, .33% to .34% is in the neighborhood.

City Manager Brown: I would consider just saying \$10,000 so the figure won't have to be recalculated each year. I'm in favor of it being as simple as possible.

Mayor Elmore: I agree.

City Manager Brown: If I can get the ordinance amended the first reading could be on Monday.

Item No. 9

Resolution Supporting City of Doraville Tax Allocation District (TAD)

Mayor Elmore: The mayor of Doraville would like to create a TAD on the old General Motors (GM) site. The Board of Education is not for that. It could mean the difference between a bigger development and a much small development.

City Manager Brown: From what I hear, most of the surrounding cities are supporting this.

Commissioner Fisher: The school board has been pretty resolute that they won't sign onto any TAD. I'm not sure our support would make a difference and I hate to pick a fight with them.

Commissioner Beebe: I'm in favor of supporting it.

Mayor Pro Tem Giager: I think it could be a bad idea politically. If there is a TAD there, taxes would go up for us. I would say no.

Public Comment

Joe Anziano/3242 Wiltshire Dr: I agree with Terry. Supporting this could anger the county school board.

Mayor Elmore: Since it looks like it's 2-2 we should wait for Adela to return. We should push this to July.

City Manager Brown: It could be added to a special called meeting June 29th.

Item No. 10

2015 Budget Amendment

City Manager Brown: Every year the City does an audit. The auditor requests this budget amendment be done before the audit can be completed. Anything over that must be approved by the BOMC. For the auditor, it ensures that the city manager and the BOMC have seen the City's financials and they are aware of changes from the original adopted budget. This is done every year so we can complete our audit.

Mayor Elmore: So we'll move this to Monday to vote.

Item No. 11

2016 Tax Millage Rate

Commissioner Fisher: I wouldn't be for a tax increase unless we can list the capital improvements it would be used for or if we could put it in a designated fund for infrastructure improvements. Otherwise, I think we should go to the rollback because I think we have plenty of reserves.

City Manager Brown: My recommendation would be that any increase go towards roads. With the roads we're talking about paving, the first estimate was about \$400,000. We have a list of all the roads that will need repair in the coming 15 years but it's hard to put a dollar amount on them. It will depend on their condition when they're repaired. We can keep costs down by repairing roads before they're in bad shape.

Mayor Pro Tem Giager: I would be in favor of the raise. We have a lot to do. There's the public works building in addition to the roads.

Commissioner Beebe: I agree.

Commissioner Fisher: I'm fine if it's used for capital improvements. I don't want to see it go towards operations. What happens when people appeal their assessments?

City Manager Brown: That's why we get updated numbers throughout this process. Those numbers can go up or down.

Mayor Elmore: I think we should just add road paving to our budget along with other items like the public works building, lake maintenance, etc.

Public Comment

Candace Jones/9 Fairfield Dr: I agree.

Item No. 12

Annexation

Commissioner Fisher: I sent an email to the mayor and city manager with my thoughts around annexation. I am for it based upon the feasibility study. I feel like we need to start talking about it now so there are no surprises or rushing. I think we should amend the map as it stands. I think the Katie Kerr area is too

separate from the City. Forrest Hills feels more connected. I think we should include Decatur Terrace.

Commissioner Beebe: I think Commissioner Fisher is right in that we need to start talking about this now.

Mayor Pro Tem Giager: I think if we have any chance of getting any commercial property, another city needs to come this far. And I think they will. The American Legion is key.

Commissioner Fisher: Starting the conversation early is important.

Commissioner Beebe: The American Legion just got a new commander.

Mayor Elmore: I've always been in favor of it because I think it's in our best long-term interest. Bill Floyd, former Decatur Mayor and now with the Dekalb Municipal Association, suggests cities get together and work out their maps and any overlap, eliminate any islands. Legislators will not just leave the American Legion out there or put it in a city that doesn't make sense. But the idea is to present those plans on day one as a unified force. I agree with a lot of what Commissioner Fisher said about what to annex and what not to. I think we should move forward.

Public Comment

Dee Merriam/8 Lakeview Pl: It sounds like a good plan.

Unknown resident: Ditto.

Item No. 13

Ethics Board Appointments

Mayor Elmore: The two members with expiring terms are interested in continuing and we have received one application from Mary Ann Anziano. I have heard from a couple of attorneys in town that they're interested that have not yet applied. I'd be interested in talking to all three candidates. If the two attorneys I mentioned applied then we could get them on the July work session agenda.

Commissioner Fisher: I was happy to see that Mrs. Anziano applied. I thank her for doing that. That sounds like a good plan to me.

Commissioner Beebe: I would like for Mrs. Anziano be appointed and let one of the two attorneys have the other seat.

City Manager Brown: The Mayor appoints one and the BOMC appoints one.

Mayor Elmore: Last year there was a complaint before the Ethics Board that shouldn't have even gone before them. The attorney on the board realized that right away and that's why I lean towards having attorneys on the board.

Commissioner Beebe: But don't forget the person who filed the complaint was a lawyer.

Mayor Elmore: That's a good point.

Mayor Pro Tem Giager: I know Mrs. Anziano really well and it's not that she's not qualified but I'd like to talk to everyone interested in the position.

Mayor Elmore: I'd also like to hear Commissioner Yelton's thoughts on this. Let's move this to the July work session.

Item No. 14

Art Lot

Parke Kallenberg/DDA: We are very excited about this project. This is a pop up park. It would be the first one in Georgia. It will create an arts-friendly meeting place in downtown. It's will be nice visually as people drive or walk by. It will clean up and revitalize a blighted area. It will create momentum and be good for residents and businesses. The DDA passed two motions last night. One was to be supportive of the park and the committee any way we could. The other motion was to fund their initial start-up, which was \$12,500 from our budget. They have a start-up of around \$25 thousand. We thought the City might help out as well but we're just not sure how to go about it. The City could fund the rest of the start-up and ongoing expense as a co-sponsor. Another option was to create funding for the DDA so we could pass the money on and become the oversight committee for the project. The City could say no to offering funds. Or there might be options we haven't thought of.

Jen Singh/Avondale Arts Alliance: We were excited by the DDA's support. We have a powerpoint presentation and renderings for more information.

Skye Westphal/Avondale Arts Alliance: We want to create this temporary park in the lot where Avondale Pizza used to be. This will be a destination similar to the Beltline. It would be a meeting place that would showcase local art. We'd like to bridge the two ends of the business corridor that has this blighted area in the middle. We want to encourage foot traffic. We chose this lot because of it's location. It's visible and has parking close by and the City owns it. These have been successful in other cities (gives examples). Some examples of activities to have at the Artlot include fitness classes, performing arts, car shows, local art, community art projects. Regarding safety, it will be lit at night, loose concrete will be cleaned up, elevation changes will be mitigated. There will be foliage along the street and structures to keep everyone in a central location. Other similar parks have had a positive impact on local businesses. It will bring new visitors to the City and increase business traffic. We would like to work on this during the summer and finish before the holidays.

Corey Bardin: We would utilize pallets and recycled material to save money and make a statement as to what kind of community we are. We'll have a natural barrier between the park and the road. Many artists have expressed interest. We want people to be interested enough about the space to stop and come in, not just drive by. We talked about having outdoor movie nights.

Jen Singh/Avondale Arts Alliance: We know we approached the DDA quickly but we think it's a great project and we can actually get it all done in a couple of weeks. We have volunteers just waiting to help. The \$25 thousand budget would be the entire build-out and incidentals to go with that. We also request \$2,000 a month for programming. That could be anything from port-a-potties to paying

an artist to do an installation. We want to pay the artists and performers and just estimated that amount. This is also temporary so it could easily be moved if a developer wanted to buy the property, for example.

David Newbern/Avondale Arts Alliance: Currently this site is very unsafe and our build out will tremendously increase safety. This will slow traffic and encourage walking.

Commissioner Fisher: How hard will it be to get electrical power and water to it?

David Newbern/Avondale Arts Alliance: It's already there. We would have to hire electricians and plumbers, however. It would be minimal.

Jen Singh/Avondale Arts Alliance: Summer is the perfect time to start this since kids are out of school.

David Newbern/Avondale Arts Alliance: We've been building relationships and have lots of support – especially from businesses. They want this to happen. Businesses are struggling.

Commissioner Fisher: Will the Avondale Arts Alliance oversee this project?

Jen Singh/Avondale Arts Alliance: Yes, and we want to partner with the DDA.

David Newbern/Avondale Arts Alliance: I think it says something that the DDA has agreed to fund us for \$12,5000. It could even improve property values. At least will make the area more interesting.

Jen Singh/Avondale Arts Alliance: It would be great to have the Artlot up and running the same weekend as Autumnfest.

Commissioner Beebe: I totally support the idea. We are hearing some concerns about due diligence and how we're spending taxpayer money.

David Newbern/Avondale Arts Alliance: There's a chance we wouldn't even need all the money we've mentioned. We would be accountable to the DDA for everything involved.

Commissioner Beebe: I would prefer all the money go through the DDA. We are accountable to the voting public and have to pay attention when they voice opinions. I still support it and it doesn't seem like much money to promote our city.

Skye Westphal/Avondale Arts Alliance: We also don't want this to be underwhelming. If we do it, we want to do it right.

Mayor Pro Tem Giager: What will your opening hours be? Seasonal?

David Newbern/Avondale Arts Alliance: We'll be open every day but adhere to any ordinance and laws. My suggestion is that it stay open til about 10 p.m.

Mayor Pro Tem Giager: I think it's a good concept and could work. The things that worry me are safety and security. It will be difficult for our police to monitor it. And we constantly talk about walkability but people of Avondale don't walk. The public lot is never used. There is often no parking in front of the Tudor Village or behind so people end up not stopping because they can't find parking.

David Newbern/Avondale Arts Alliance: Business owners think that parking area is dangerous because there is no lighting. Also, they're not aware of the signage.

Mayor Pro Tem Giager: When it's really hot or cold or rainy out, I don't think people will go there. Festivals are fine but I'm not sure about being open all the time. There is a lot to iron out.

Mayor Elmore: I support this 100%. I think it's a fantastic idea. There's a desire to bring people into the central business district. I think it will. But I think the point is that we support the arts, that we're doing something with the property, it's an opportunity for us to really step forward as an arts community. It's immediate and fun and we can all see this thing happening. It gives the DDA a platform for events. It satisfies a lot of requirements for them quickly. These people were behind Autumnfest. We have a proven track record here. I think they know what they're doing. But I agree with Commissioner Beebe. The buck stops with us and there is the due diligence aspect. That can't be avoided. If you could put this into the community participation program (CPP) format, that would be helpful. That could answer a lot of Terry's questions. You could put it in that format and then talk to City staff about safety issues. We'll have to discuss event insurance. I'd be interested in seeing what your first month or two of programming would be. It could be packaged up more and put on the City website. Is there any Arts Alliance money left?

David Newbern/Avondale Arts Alliance: There is some but we pay insurance on ourselves. Every year we have taken on a lot of expense with putting on Autumnfest. We're a small volunteer force. We have a small operating budget that goes mostly to insurance.

Mayor Elmore: I think you should start seeking donations too. I'm not sure how this would work. Would the City give you money or fund the DDA to give you the money?

Commissioner Fisher: I love this idea but I'm not of a creative mind. This is truly a blighted area and something like this could be a precursor to a future town green. We could see if people would actually go to it. I like the idea of the DDA managing it. The fact that this group was responsible for Autumnfest means a lot to me. It's going to take creative people to draw others here. I think it would be worth \$12,500 in free advertising alone. I don't want to slow down the momentum.

Jen Singh/Avondale Arts Alliance: This is a small temporary project that will be a good test. This will be talked about and we need to be innovative. I loved Autumnfest but place making is our passion. We want to create places for people to come and be inspired. I understand process but we want to stay inspired and keep the momentum.

Commissioner Fisher: I'd like to know what kinds of liability issues we have.

City Manager Brown: I need to look into that. Technically, we don't own that land. The Georgia Municipal Association owns it.

Unknown resident: I think it's a wonderful idea. But how will you protect the artwork there?

David Newbern/Avondale Arts Alliance: There is a lot of art on the Beltline and artists who display their art publicly accept that they run a risk.

Public Comment

Unknown resident: How will you publicize events?

David Newbern/Avondale Arts Alliance: We will use a lot of social media and free print media. There is lots of free advertising out there.

Dee Merriam/8 Lakeview Pl: I'm very excited about this.

Candace Jones/9 Fairfield Dr: I suggest having the entrance on a different side other than on 278. And I suggest consulting one of the landscape architects in the City for advice on plantings, etc. We need due diligence and public input.

Ann Van Slyke/1067 Lakeshore Dr: I'm excited about the arts moving forward in the City. I'm concerned about how quickly this is moving. It seems to be a lot of expense for a short time period. I would like to see how this fits into a larger arts development downtown. I don't think it's a good idea to rush things piece meal. I'm concerned about safety and insurance issues. It's a much bigger investment than any investment made by the Decatur Arts Alliance since I've been on the board there. I don't think people want to cross that main road with their families. If it's open every day, what kind of supervision will be there?

Klaus Van den Berg/3243 Wiltshire Dr: Can't hear.

Elizabeth Goodstein/3243 Wiltshire Dr: I'm also concerned about the amount of money going into this. Perhaps they could get a grant. Maybe the businesses that support it could create a funding model or public/private partnership. I'm concerned there is not enough infrastructure to support having performances there and such. I think it's a great idea and look forward to a broader conversation.

Commissioner Fisher: How soon could we get the budget and presentation on the website?

City Manager Brown: We can do it as soon as I get it.

Commissioner Fisher: I'd like to see the liability, from an insurance standpoint. Otherwise, I'm still in favor of moving forward.

Commissioner Beebe: I agree. I think we need to do due diligence which may cost us some time. We've got to get it out there so people can learn about it and

comment or it won't be supported. Everyone supports it but some just think it's too quick.

Mayor Pro Tem Giager: There were good points made, pro and con. We need to get some questions answered.

Mayor Elmore: To answer some of the comments, this is just a jump start and it's all new for us. This is test waters for a town green. It's an investment, but we have to put our money where our mouth is. But there is due diligence that we have to do.

Jen Singh/Avondale Arts Alliance: One weekend of Autumnfest cost \$25 thousand. We're asking for that much for a year.

Item No. 15

SPLOST Intergovernmental Agreement (IGA)

City Manager Brown: Last year, legislation was passed allowing the county and qualified local governments to raise funds for capital projects through a SPLOST – a special purpose local option sales tax. It's basically adding a 1% sales tax to the existing 7%. It will be voted on in a referendum this fall. It goes along with an E-HOST. Right now we have a HOST. According to the county's projections, we would receive about \$1 million above what we're already receiving over a 5 year period. As more cities are formed, our share of HOST funds goes down. The IGA would allow this to go 6 years. The City doesn't have to participate but it's just a show of good faith. The E-HOST would mean residents get relief from their property taxes. It would be \$1.7 million over the HOST exemption now over a 5 year period. We just sat down with the county today.

Commissioner Fisher: Are they asking us to sign an IGA before that date?

City Manager Brown: Yes. We have a meeting with the county next week to go over the entire process.

Commissioner Beebe: Why wouldn't we do it?

City Manager Brown: A lot of the roads on the county's list for working on are in unincorporated Dekalb County and I would wonder how they calculate per capita, especially if there is annexation. Often these things are voted on again after the 5-year period and that will most likely happen because HOST will go away if this is passed. I think this past year we got about \$400 thousand in HOST money. And that money would go back to residents in tax abatement if this passes.

Commissioner Beebe: Let's say, for example, Katie Kerr has projects to do on their list. Are those projects still done there if we annexed them?

City Manager Brown: I would say those projects probably wouldn't get done.

Mayor Elmore: Could we write something about that into our IGA?

City Manager Brown: No. Also, the SPLOST and E-HOST have to be passed together. If one fails, they both fail.

Commissioner Beebe: What's for us to decide? I don't see how we can not be a part of it.

City Manager Brown: We have the resolution and the IGA. The Board can decide what the project list should be. I suggest you add the roads into that.

Mayor Elmore: I wanted it on the agenda tonight just so it could get out there. It's going to happen fast.

City Manager Brown: It will come down to the voters of the county.

Mayor Pro Tem Giager: We have to do it. We don't have a choice.

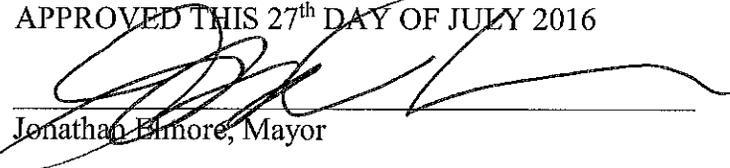
Candace Jones/9 Fairfield Rd: I think this is the county's way to impact annexation too. I still think something should be written into the IGA.

Item No. 16

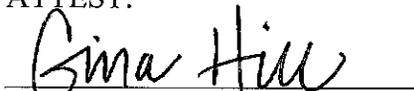
Adjournment

Mayor Pro Tem Giager moves to adjourn. Mayor Elmore seconds. All ayes.

APPROVED THIS 27th DAY OF JULY 2016


Jonathan Elmore, Mayor

ATTEST:


Gina Hill, City Clerk