

BOARD OF MAYOR
AND COMMISSIONERS

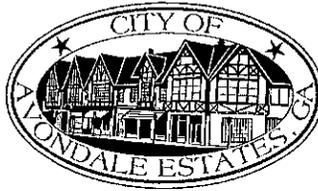
JONATHAN ELMORE
MAYOR

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

July 20, 2016

(Immediately Following Special Called Meeting)

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
Stephen Quinn, City Attorney

Item No. 1 Meeting Called to Order

Item No. 2 Adoption of Agenda
Mayor Elmore moves to adopt. Commissioner Fisher seconds. All ayes

Item No. 3 Planning and Zoning Board Recommendation on Amending Zoning Ordinance to Provide for a New Central Business District Planned Development Zone

John Pomberg/PZB: The memorandum says it all. We did meet and discuss it. We approved the ordinance as written with a four-to-one vote. Julie Feely did have an issue with the two acre threshold. I think Mayor Pro Tem Giager explained that at an earlier meeting.

Mayor Pro Tem Giager: She just felt like having it at two acres and above would restrict the Board and City.

Mayor Elmore: Where did the two acre threshold come from?

City Manager Brown: It came from the city attorney and City Planner Stevens. The idea was to have some limitations on the number of development agreements we could have requested by developers. If it's less than two acres, they would need to go before the board of appeals for a variance.

Mayor Pro Tem Giager: If the board of appeals turns them down, they still have the option to come before the Board. If there is a project that the Board or the City did want a development agreement for, we wouldn't be able to if the land is under two acres.

Stephen Quinn/City Attorney: The thinking City Planner Stevens and I had was to protect the integrity of the zoning ordinance overall by making the option of having a development agreement not too readily available or every single project. There's no rhyme or reasons for choosing two acres and it's not specific to the South City Partners project.

Mayor Pro Tem Giager: Most of the lots in the proposed downtown schemes we've been seeing are no more than an acre and a half.

Commissioner Yelton: Thanks to the PZB for putting the memo together. I want to make sure what we're doing is in line with the downtown master plan and current ordinances. Is this a one-time exception?

Stephen Quinn/City Attorney: No, it's more ad hoc or on a per project basis. This ordinance would be on the books and available for any project that met the criteria. But each project would be evaluated individually.

Commissioner Fisher: I see both sides of the issue. We're just doing this because the attorneys for South City Partners weren't sure the City had the authority to enter into an agreement so this ordinance just validates that.

Stephen Quinn/City Attorney: That's the impetus. But also a purpose is to have this on the books to guide both the staff and people out there about what's possible.

Commissioner Fisher: And if the threshold is too small then everyone would want to get variances through development agreements.

Stephen Quinn/City Attorney: That's the concern.

Commissioner Fisher: I'm all for it and I'm open. You don't want it to be too small or too big.

City Manager Brown: For timing reasons, it would be great if a decision could be reached tonight. The second reading is tomorrow night and the third and final reading is Monday.

John Pomberg/PZB: So if the Board decides to change the acreage, does that start the clock over again?

City Manager Brown: No.

Commissioner Beebe: If you have over two acres, are you required to do a development agreement? Or can you still go through the traditional channels?

Stephen Quinn/City Attorney: No.

Commissioner Beebe: I'm ok with it then.

Mayor Pro Tem Giager: I think it should be changed to maybe an acre because so many of our parcels are smaller than two acres.

City Planner Stevens: It would work either way.

Mayor Elmore: I think Mayor Pro Tem Giager has a great point. I would be for lowering it to an acre to give us the leverage we need.

Public Comment

Candace Jones/9 Fairfield Dr: I think it should be two acres because you'd diminish the value of the PZB. I suggested mixed use be added as a criteria too.

Paul Brown/3271 Kensington Rd: Spot zoning could cause a hardship for adjacent properties. I think the lot size should be larger.

Mayor Pro Tem Giager: Well, we would still have control over what they can do through the development agreement.

Commissioner Fisher: Ultimately, the case would end up in the same place, before the Board. It would just get here through different routes.

Stephen Quinn/City Attorney: Actually, the board of appeals grants variances which is different from the planning and zoning board reviewing rezoning applications development agreements which is a form of rezoning. To qualify for a variance, you need to present a hardship that's particular to your lot. That's not the case here. We're trying to find a balance that works for the City and the developer.

Lisa Shortell/6 Clarendon Pl: Lowering the two acre threshold puts more responsibility on the BOMC. We have zoning so everything can be set to a certain standard. I understand both sides but that makes me uncomfortable. Also, I have heard that a lot of developments have problems around the edges. They have problems interfacing with adjoining properties.

Mayor Elmore: I'd like to hear from some of the DDA about this.

Joe Anziano/3242 Wiltshire Dr: If you lower the threshold then there is more onus on the Board to defend your position if you deny it.

Commissioner Fisher: So this won't slow down South City Partners, right?

City Manager Brown: No, a decision will just need to be made by the third and final reading.

Item No. 4

South City Partners (SCP) Development Agreement Update

Stephen Quinn/City Attorney: Everyone should have a redlined agreement and an email I sent to the city manager. I was asked to make some assumptions and this is just for your consideration. The developer has asked that the City accept

the greenspace area as a public park in exchange for reduced building permit fees. That's the main thing that's a redline and I had to do some some drafting of the details of how that would look. If we go back to the last time we discussed this there was concern around a phrase used throughout so I decided on "material" after consulting with a real estate attorney. It's more exact than "substantial" but not exact exact. The SCP attorneys say they'll accept that. I accepted the change we talked about last time on page two. The developer ask that we take out the detailed information about the landscaping. We need to discuss the new section four. It addresses what happens if the project is built and then something happens like a fire. The developer wants the ability to rebuild without having to go back through this process. There's a balance there to be struck so that both parties feel comfortable. I changed some of the language to make it clearer but what it says is fundamentally what they asked. It now says it can be rebuilt as long as the number of units is the same or fewer, the building height is the same or lower, and the unit sizes are the same or similar. The exterior look of the project must be submitted to the architectural review board for approval before they can start work.

Commissioner Fisher: Were their lawyers ok with that?

Stephen Quinn/City Attorney: We haven't gotten to that point yet. They sent some language to me and I changed it. I don't anticipate they'll have a problem with it. It still basically gives them what they requested.

Mayor Elmore: I'm fine with all of it.

Commissioner Yelton: It looks good to me. Does the developer have the option to not rebuild in case of a casualty?

Stephen Quinn/City Attorney: Under this agreement they wouldn't be required to rebuild.

Mayor Elmore: If that happened they wouldn't sit on it for too long because they're still paying on it. They would either rebuild or they would sell it.

Stephen Quinn/City Attorney: They would still need to follow the zoning in a sense. The uses would still apply. They just wouldn't need to follow exactly the exhibits attached to this agreement which tell them how to build it the first time.

John Long/SCP: We can't build something that you don't approve. We're just trying to protect the lenders and investors in case you change the zoning or something and say we can only build back 50 units.

Stephen Quinn/City Attorney: The City is protected by the architectural review board (ARB) having to approve the rebuild. But they have to work within a range of essentially what you have approved.

Commissioner Fisher: So if ten years down the road, if SCP no longer owns it, whoever does at that time would just go back through the normal process if they wanted to do something different? I'm good with this.

Commissioner Beebe: I feel like we're protected. I'm ok with what we have here.

Mayor Pro Tem Giager: I'm good. I didn't know that we had decided to take the park. If we do that, we need to do something there, like a statue or something.

Stephen Quinn/City Attorney: The park won't become that until the project is completed. Once it's developed by SCP it will be conveyed to the City. The fees would be reduced as you pay them by 40% and that covers Clark Patterson Lee.

Stephen Quinn/City Attorney: I can send this to their attorneys in the morning and say basically that we're ok with it if they are.

Candace Jones/9 Fairfield Dr: Would they also have to rebuild the retail on the first floor?

Stephen Quinn/City Attorney: No. If that's something the Board wants, it would need to be put in the agreement. Does the zoning ordinance insist on retail on the first floor?

City Planner Stevens: No. It's an allowed use but not a requirement.

Commissioner Fisher: If retail is successful there then they're going to put it back in. If it's not successful then we may not want it. I think I'm for leaving that open.

Commissioner Yelton: Why is there no retail along the side?

John Long/SCP: I don't think there's market demand for it.

Sharon Saliba/56 Clarendon Ave: We should put retail in this agreement and they could always request to change the zoning. If the economy goes back, what if it burns down and we have to look at a mess?

Mayor Elmore: The City wouldn't allow that. There are ordinances that protect us.

Commissioner Yelton: I would like something in the agreement about the retail.

Commissioner Beebe: I don't think it needs to be in there.

Mayor Pro Tem Giager: I agree. If the retail is booming then they'll put it back. If it's been vacant for two years, they won't.

Commissioner Yelton: What about adding "mixed use"?

Mayor Elmore: Or say a certain square footage has to be other allowed use?

City Manager Brown: That other allowed use could still be residential.

Mayor Elmore: I would be for that. I think we're trying to stick to the intent of it being a mixed use project.

John Long/SCP: I agree with more of a free market approach.

City Planner Stevens: The Board needs to be ok with, in the future, them wanting to just rebuild residential.

Commissioner Beebe: I think we should be able to adapt and be flexible depending on the market if and when the time came.

City Planner Stevens: The ARB would have control over how the building sits on the property.

Stephen Quinn/City Attorney: If they're forced to build retail that wasn't successful then they might not want to rebuild at all.

John Long/SCP: I agree.

Mayor Elmore: Do we all agree to send this agreement to SCP for their review?

City Manager Brown: There is still time. There are advertising requirements. It will have to go back before the PZB with a recommendation back to the BOMC. Then you'll have to have a public hearing and vote. The quickest that can happen is August 22nd.

Item No. 5

Comprehensive Plan Update

Jared Lombard/Atlanta Regional Commission (ARC): There are really three parts to the comprehensive plan. There are public engagement meetings that we had last summer and early fall. We did a lot of research and analysis. Then we condense all that into the final report. City Planner Stevens and I have been working on that the past few months. In the public meetings, when asking about the assets of the City, people cited the development potential, location, downtown, esthetics of the community, the people. We also asked about challenges. Schools was the number one issue. We made some recommendations for working with the county school system but that will impact your growth. Smart growth, economic development, walkability, affordability, preserving lifestyle and character were challenges. We asked residents how they would spend city money. Economic development was the number one thing. Transportation was on the list. Surprisingly, public safety wasn't that high. To me, that says that the residents feel this is a safe place. Parks ranked as well. We did a survey and one of the questions was what does greenspace mean to you. They said everything from kids, nature, passive parks, open space, activities. So greenspace has wide meaning. We asked what the city could do to facilitate greenspace. The answers included maintaining existing parks, develop trails and paths that connect those areas, promote programming, expand the number of parks. We asked what passive or active recreational activities would you like to see. Having a town green and walking paths came up as well as soccer and activities like that. Regarding businesses, people would like to see restaurants and small local shops. Local bars/pubs and a grocery store were also mentioned. Regarding annexation, at the time of the survey last summer, 50% of people said they supported it, 30% were unsure and 20% said no. Part of the report is goals – what does the city want to achieve over the next

decade or two. One was to protect the city's character and downtown atmosphere while facilitating smart growth and development. Others included access management for US278, pursue funding for Carl's Corner, signage, update historic and architectural guidelines (the ARC is working with the city on that right now), working with neighboring jurisdictions on the Marta stations that bookend the city. Clarify long-term capital spending needs includes storm water, sidewalks, street paving, and the public works building. Also mentioned was maintaining and expand the range of housing options to accommodate a diverse population. Study options for allowing accessory buildings. The next one is promote and active, healthy community, recreation and enjoyment of the outdoors. Continue to monitor Avondale High School and identify opportunities for purchase or annexation of that or other school properties. Consider a city dog park. The city is already taking on a lot of these issues. Finally, use the city's unique character and location to strengthen existing businesses and drive new economic development. Continue to implement the downtown master plan, study annexation, do a parking study. Develop a marketing campaign to attract retail shoppers. Develop a façade grant program. We recommend you keep using the downtown master plan to guide you. The residential area is stable and will likely remain single-family homes. When we asked what other types of residential would people like to see, what came up was smaller footprint homes or accessory buildings (such as a carriage house, guest house, garage apartment). A final copy is on the website. It looks at data analysis on economic development, transportation and housing. It has lots of information.

Mayor Elmore: I'd like to thank Mr. Lombard and the ARC.

Commissioner Yelton: Thank you so much and I appreciate the steering committee for all their work. I like having documents that reflect the will of all the stakeholders. I notice points we discussed in the Board's strategic planning session earlier in the year.

Jared Lombard/ARC: The Board will be asked to adopt the plan but not in the near future.

Commissioner Yelton: How often does this get updated and reviewed?

Jared Lombard/ARC: It went from every ten years to every five.

Commissioner Fisher: I'd like to thank all involved. I'm encouraged because a lot on there we have already acted on. I like the idea of a report card at the end to see what we've accomplished. I think there are a lot of positive things going on right now where schools are concerned. I'm encouraged how the community is investing itself in the schools.

Commissioner Beebe: I think this is a good guiding document. I like that they reduced the time to five years because it allows you to adapt. Thank you.

Mayor Pro Tem Giager: I encourage everyone to go to the website and look at this. Go through it several times because you discover more each time. Everyone did a great job.

Public Comment

Sam Collier/DDA: This is impressive. Thank you. Can you explain what LCI is and how much a city of our size can get from it?

Jared Lombard/ARC: It's a matching program which is the limitation. The city would pay 20% of a project and the ARC would pay 80%. It's transportation related and is also granted based on how well you implement other parts of your comprehensive plan. It is a competitive process.

Susie Deiters/2 Clarendon Ave: Is it "in kind" donations?

Jared Lombard/ARC: It's reimbursement.

Kathy Kingsbury/817 Stratford Rd: Are all LCI grants related to transportation?

Jared Lombard/ARC: Yes, it's federal highway money. Every time you buy gas you help support the program.

Sam Collier/DDA: If we had a street run parallel to US278 could grant money go towards that?

Jared Lombard/ARC: It would be a case-by-case basis based on how the street is designed and used.

Dave Deiters/DDA: From what I understand, if the DDA adopts the comprehensive plan and takes ownership of it then we can tap into opportunities available through the Main Street program, correct?

City Planner Stevens: Right now there is no funding through the Main Street program, only technical assistance.

Candace Jones/9 Fairfield Dr: Thank you and I like the idea of having it pulled all together and having one guiding document.

Dee Merriam/8 Lakeview Pl: Is walkability part of this plan?

Jared Lombard/ARC: Yes, but it's not worded like that. I think it's called a trails plan.

Candace Jones/9 Fairfield Dr: Is people walking considered transportation?

Jared Lombard/ARC: Yes.

Item No. 6
Grant

US 278 Redesign Transportation Project – Livable Centers Initiative (LCI)

Mayor Pro Tem Giager: My understanding with this is that we're looking at presenting one proposal to GDOT. In talking with different people in the city who are in the know and the ARC there's talk that we could lose out if we present more than one plan. I was told that's not the case, that we can present options and we won't lose funds by doing that.

Mayor Elmore: Initially there were two concepts. One was the road diet that would reduce a lane going in each direction. The other was the same number of lanes but with medians and better crosswalks. We were told the GDOT would not approve a road diet but that might not be the case, correct?

Mayor Pro Tem Giager: I feel like we should set both plans in front. There are good things about both.

Commissioner Yelton: Where did we hear that presenting two plans would not jeopardize our grant?

Mayor Pro Tem Giager: Amy, the LCI transportation manager.

Commissioner Yelton: What about GDOT? Is that a relationship in progress?

Mayor Pro Tem Giager: There is an opportunity there.

Mayor Elmore: We are receiving funds to help with the design portion. The concern was if we presented the road diet the funds would come out of our pocket.

City Planner Stevens: We have a set amount of money based on the scope of the project approved by ARC. That's two million eight hundred thousand dollars (\$2,800,000) for the whole project. As part of that, we have one hundred sixty thousand dollars (\$160,000) for the engineering portion which is phase one. But that's just based on one concept. With two concepts, there will likely be cost not built in to our current grant.

City Manager Brown: The road diet was going to cost about eight million dollars (\$8,000,000). Those funds aren't there. So that's something that everyone would have to think about.

Mayor Elmore: Right now, we're essentially talking about the cost of putting another proposal in front of GDOT, correct?

City Manager Brown: You have to have a concept plan first to put in front of the consultant that's going to do the design. We have a concept plan that would probably need to be fine tuned. But just to give you an idea, the concept plan we have now is one hundred and sixty thousand dollars (\$160,000). ARC is giving 80% of that. Another plan would likely be completely city money.

Mayor Elmore: There is some commonality to them. I'm not sure what that would be but I wouldn't think it would be an entire one hundred and sixty thousand dollars (\$160,000) again. All of this is based on our perception that GDOT would not approve a road diet. So the question is whether they would entertain the idea now. Do we want to open this back up?

City Manager Brown: City staff started with a walkability study in 2013. Out of that came the idea for the roundabout. But there were issues with building one. Then came the road diet idea.

Mayor Elmore: What was the community's preference?

City Manager Brown: The road diet. The ARC said if there wasn't GDOT support most likely it would not get funded.

Jared Lombard/ARC: What City Manager Brown said is definitely accurate. GDOT owns the road and the ARC doesn't want to fund something that they won't allow.

Commissioner Fisher: Have the initial plans already been approved by GDOT?

City Manager Brown: Yes, and we just received the agreement from them to move forward with that.

Commissioner Fisher: So once we pay our portion of the one hundred and sixty thousand dollars (\$160,000) we'll have drawings and decide if we want to move forward? If we decide to move forward then we would go back for an LCI grant of two million eight hundred thousand dollars (\$2,800,000)? If they approved it then we would owe 20% of that?

City Manager Brown: There's also right of way acquisition. They estimated that to be around one million dollars (\$1,000,000).

Mayor Elmore: The road diet is total about eight million dollars (\$8,000,000) and the other plan is two million eight hundred thousand dollars (\$2,800,000).

Commissioner Fisher: The city output would be five hundred fifty-six thousand dollars (\$556,000) versus one million six hundred thousand dollars (\$1,600,000) for the road diet.

City Planner Stevens: The eight million dollar (\$8,000,000) is a very approximate number.

Commissioner Fisher: Without a nod from GDOT we could be throwing that money away. I feel that the ability for residents to safely cross US278 is key for the success of the downtown area. I think a road diet would be best but we have to think about cost.

City Manager Brown: Even the plan we have now will be a lot safer.

Mayor Elmore: Can TAD funds be used for this?

City Manager Brown: No.

Commissioner Fisher: If we move forward on the current plan, when could construction start?

City Manager Brown: It could take three to six years. Keep in mind that we've already been working on this a few years. If you started over with a road diet plan, it could take up to 10 years.

Jared Lombard/ARC: We have a cap on LCI funds at six million dollars (\$6,000,000) per project.

Commissioner Yelton: Is this as simple as making a meeting with GDOT to see if they're open to the idea?

Commissioner Fisher: If the project costs eight million dollars (\$8,000,000) then the city's portion would be three million two hundred thousand dollars (\$3,200,000).

Jared Lombard/ARC: You would actually get six million dollars (\$6,000,000) in grant money.

Commissioner Beebe: I would need a nod to GDOT to know how they feel about the road diet. I would like a road diet but wouldn't want to wait for years.

Mayor Elmore: I'd like to know how much of a delay it would cause.

Mayor Pro Tem Giager: I would want to hear public opinion before I went further.

Public Comment

Dave Deiters/DDA: The businesses would love a road diet. This is a multi-decade decision. Even if it takes longer, the outcome is far reaching. Even if it cost the city in the short term, such as several hundred thousand dollars more, it would be paid for by future generations who will enjoy a smaller road.

Kathy Kingsbury/817 Stratford Rd: The GDOT did a lot of studies and research about how it would slow down traffic and they are not in favor of that. Also, a road diet could increase the amount of people cutting through the neighborhood.

Jared Lombard/ARC: Perhaps you could make the current plans such that they would not preclude doing a road diet in the future.

Dee Merriam/8 Lakeview Pl: The road diet did get adopted into our master plan and one analysis found it would increase traffic time in one direction by 45 seconds and would actually speed things up in the other direction. The pedestrian frontage on North Avondale Road is critical to how we're going to make out downtown redevelopment work. If it's a robust link to the Marta station, we can reduce the amount of parking needed. I think the city should be talking to GDOT before getting into the public process just to explore the options.

Lisa Shortell/6 Clarendon Pl: We should be thinking long term. No one wants traffic diverted into the neighborhood. However, it might be worth it if it makes things better in the future. I hear Decatur wants a road diet too.

Mayor Elmore: We actually talked to the Decatur mayor and city manager. They're thinking about it but it's not their number one priority as far as transportation projects go. I'm sure they would be encouraged if we did a road diet first.

Lisa Shortell/6 Clarendon Pl: We should keep our options open.

Joe Anziano/3242 Wiltshire Dr: I'm concerned about the residents being able to cross US278 to support the businesses on the other side. The road diet could be the solution and would be worth waiting for.

Candace Jones/9 Fairfield Dr: I agree with what everyone is saying. There are so many moving parts. We have no idea how much it will cost. We don't want to lose any options. I suggest you meet with GDOT very soon.

Sam Collier/DDA: I agree with everything said. I think maybe the only way to influence GDOT is a good study.

Kathy Kingsbury/817 Stratford Rd: We did a study not that long ago.

City Manager Brown: That study was presented to GDOT as well.

Dee Merriam/8 Lakeview Pl: I think there's opportunity to explore more pedestrian friendly solutions in between the current plan and the road diet. I don't like the current plan. It's not pedestrian friendly enough.

Kerry Quinn/5 Fairfield Dr: I think part of the problem is there are too many stoplights and they don't seem to be coordinated. That could keep traffic moving.

City Manager Brown: There is an upgrade in the works for lights at Mountain Drive all the way to Agnes Scott. The funds have already been allocated but it's slow moving. They've been working on it for about four years.

Commissioner Fisher: Can't we use LCI money for other surface streets like Franklin?

City Manager Brown: Back when the Publix was supposed to be built, we classified Franklin as a collector street and were awarded about five million dollars (\$5,000,000) for straightening out Franklin Street.

Commissioner Fisher: Since we want to build out our street grid and discussed making Franklin our main street, could we use LCI grants to offset that cost?

City Manager Brown: If you got approved for it.

Jared Lombard/ARC: You would be competing against a hundred and eighteen (118) more communities.

John Pomberg/3288 Kensington Rd: Georgia touts itself as being very pro-business. Slowing traffic down is not considered pro-business. Maybe that is why GDOT is resistant.

Mayor Elmore: I heard that the guy who turned down our idea of a road diet was new in the job and trying to be conservative.

Lisa Shortell/6 Clarendon Pl: A lot of things I've read actually say that slowing down traffic and increasing foot and bike traffic actually is better for business.

Mayor Elmore: We need to push what's best for the city. We need a road diet.

Kathy Kingsbury/817 Stratford Rd: We need people to come to Avondale and that will only happen if you can get where you need to go and park.

Sharon Saliba/56 Clarendon Ave: I think a nice streetscape is more important than being able to move freely when it comes to getting people to the city. How things look and feel is more important. We don't need to worry about how they get here.

Mayor Elmore: I would be fine with having another conversation with GDOT and seeing where it goes.

Commissioner Yelton: I agree. I also think we should update the design to open it up to future options.

Dee Merriam/8 Lakeview Pl: I suggest meeting with certain people at GDOT about the best way to approach this before meeting with the engineer.

Commissioner Fisher: I would prefer a road diet. I think we should meet with GDOT. I don't want to slow down what we've done to date. I like the idea of doing something now that can be added to later. Cost would be important. But we should check with GDOT before we even spend any money to go down that path.

Commissioner Beebe: I think Ms. Merriam's suggestion is excellent. Again, I would need to know how they feel before spending a bunch of money.

Mayor Pro Tem Giager: I agree. Aren't we still studying the effect of medians?

City Planner Stevens: That would all be done during the engineering phase. All we have now is a concept plan. Engineering plans would have to be fully done before implementation or right-of-way acquisition. That includes how wide they'd be, where they'd be located, what they would look like, down to what type of signals they would use.

Mayor Pro Tem Giager: I think there's opportunity to make changes and improvements then.

Commissioner Beebe: I think we should look at the in between concepts. Not as big as five lanes but more than two.

Mayor Elmore: I guess we need to strategize about who to talk to first. It sounds like everyone is in favor of talking to GDOT.

Item No. 7

Board of Mayor and Commissioners Stipend Ordinance

Mayor Elmore: I would like to vote on this next week and having it start in 2018.

Commissioner Yelton: I vote that we read it for the third time as it is written.

Commissioner Fisher: If we agree tonight I will do it as written.

Commissioner Beebe: I agree with the stipend but not the dates so I would not vote for it.

Mayor Pro Tem Giager: You know where I stand on the subject. I'm opposed.

Public Comment

Sharon Saliba/56 Clarendon Ave: I'm in favor of a stipend. Being a commissioner is a stress on your family.

Joe Anziano/3242 Wiltshire Dr: I am for the stipend but against the timing. I think it should start for the next round of commissioners.

Kathy Kingsbury/817 Stratford Rd: I thought according to state law you could not vote yourself any compensation while still in office. I agree with Mr. Anziano.

City Manager Brown: They can at the next election cycle which will be the beginning of 2018, when it's set to take effect.

Candace Jones/9 Fairfield Dr: I agree it should not take effect until after all of you have served your terms. I also think it should cover your cell phone or something like that instead of a larger set amount.

Item No. 8

Bid results for the Avondale Estates-Road Maintenance Project CIP 2016-001

City Manager Brown: The City received five bids for repair and paving from North Avondale Road to Rockbridge Road, Berkeley Road from Clarendon Avenue to Dunwick, Lakeshore Drive from Hess to Fletcher Park, then the entirety of Hess Drive. The low bid was HEH Paving at four hundred thirty-two thousand, eight hundred and seventy-seven dollars and fifty cents (\$432,877.50). The highest bid was six hundred and sixty-one thousand nine hundred and twenty-three dollars (\$661,923). Staff is recommending moving forward with HEH Paving. They've done work for the City before and did a good job.

Mayor Elmore: All these bidders were vetted?

City Manager Brown: Yes.

Mayor Elmore: I agree with your recommendation.

Commissioner Fisher: Do we require that they be bonded?

City Manager Brown: Yes.

Commissioner Fisher: I have a client in the paving business and he told me it was less expensive to pave in the spring and fall and a lot has to do with timing. I'm all for moving forward with HEH.

Commissioner Beebe: Is any of this covered by a grant?

City Manager Brown: Yes. LMIG is seventy-eight thousand dollars (\$78,000). Funds are set aside. About five thousand (\$5,000) is going to have to come out of our budget. There's a line item for that. It's not a problem.

Mayor Pro Tem Giager: I support the city staff recommendation.

Commissioner Yelton: I support the recommendation as well.

Commissioner Fisher: Once we move forward, how do we let residence know and is there a schedule?

City Manager Brown: Next week, the Board will sign a resolution allowing me to enter into a contract with the paving company. Then the paving will be scheduled. There will be fliers going out to the residents and there will be e-news.

Item No. 9

Request for Proposals (RFPs) for Public Works Building Renovation

City Manager Brown: A request for proposals was issued on June 7th with a closing date of July 8th. We had a pre-proposal meeting at the current facility and toured it. The Board toured it as well. Based on the scope of work, the bids ranged from thirty-one thousand dollars (\$31,000) to one hundred and nineteen thousand (\$119,000). Staff is recommending to go with the low bidder which is Clark Patterson Lee. The highest hourly rate is one hundred eighty dollars (\$180) and that's the principal engineer down to secretarial which is thirty-three dollars an hour (\$33). Construction administration for a principal is one hundred seventy-five dollars an hour (\$175) to sixty dollars (\$60).

Mayor Elmore: All these bidders were proposing the same thing?

City Manager Brown: Yes. There were three bidders. The next one up was fifty-seven thousand three hundred and twenty-five dollars (\$57,325).

Mayor Elmore: I would be in favor of using Clark Patterson Lee.

Commissioner Beebe: I'm concerned about the part in here about additional services. Who decides what is needed?

City Manager Brown: That would come into play if and when they actually oversee the construction.

Commissioner Beebe: So we would get the plans for the amount listed?

City Manager Brown: Correct.

Mayor Elmore: They also do our permitting. Is there a conflict there? They're permitting their own work.

Commissioner Yelton: Where are the checks and balances?

City Manager Brown: They would be designing the documents and approving the documents. Then they would do inspections on the building. They wouldn't be doing the building themselves.

Commissioner Yelton: Have we ever done anything like this before?

City Manager Brown: We've never done anything of this magnitude.

Commissioner Fisher: They would be coming up with the architectural, mechanical, engineering, site plan. They would come to us with a design of what the renovation would look like. Once it's finalized, they would start bidding it out to general contractors to do the work. Then they would do the construction administration. They would inspect the work to make sure it meets our code.

Mayor Elmore: But they're doing two jobs here. They're inspecting a job like any other job regardless of who designed it. But they're also administering the contract for design services that they struck with the city. Just like Dekalb County would do inspections. The designer and inspector are the same.

Commissioner Beebe: Will they just be permitted by the city?

City Manager Brown: Yes, and CPL is our third party. They inspect all our drawings.

Commissioner Yelton: They didn't say anything about conflict of interest?

City Manager Brown: No.

Mayor Elmore: This is becoming more commonplace. A lot of engineering firms are starting to offer these services for cities like ours.

Commissioner Yelton: I know some accounting firms that work like this but they have two different partners that work on different parts of the project. There is probably some separation.

Mayor Elmore: The question is does the city attorney have a problem with this and will our insurance company have a problem with this? This bothers me.

Commissioner Yelton: It's worth asking about.

Commissioner Fisher: Let's ask CPL. They've done a lot of work for the City. Also check with the city attorney.

Mayor Elmore: We should ask them also if there is any separation internally.

Commissioner Beebe: How is this different from what you do as an architect? You draw things up and make sure it meets code.

Mayor Elmore: To the best of my ability. But it has to go through plan review and someone's interpretation of code might be different from mine.

Commissioner Beebe: Who would inspect it?

Mayor Elmore: For example, City of Atlanta plan review. Then you get your permit. As the building goes along, the City of Atlanta sends out inspectors to check framing, plumbing, electrical, etc.

Commissioner Beebe: But this is the same firm, same department?

Commissioner Yelton: That's what we're trying to figure out.

Mayor Elmore: It's like I design it and I'm the building inspector.

Commissioner Fisher: But you're not the builder.

Mayor Elmore: No.

Commissioner Fisher: So he's inspecting the work the builder did, not the drawings. The drawings would've already been approved.

Mayor Elmore: Yes, by them. Usually there is a separation.

Commissioner Beebe: We should ask the city attorney about how this sounds to him.

Commissioner Fisher: We can use them for the plans but have someone else do the construction administration or something like that. Or the inspections.

Commissioner Yelton: Were the other bids broken down into hourly rates as well?

City Manager Brown: Yes.

Mayor Elmore: But their numbers don't include seven and eight, those extra hourly rates. We should talk to the attorney and see if our insurance company has a problem with it.

Mayor Pro Tem Giager: We have a history with CPL and it's hard for me to believe that they would do something that's not above board. But these are very valid points.

Mayor Elmore: If something happens, the insurance company is going to be looking for a reason to not pay.

Mayor Pro Tem Giager: I would be shocked if they weren't two separate departments. The issue needs to be looked at but I don't think it's a legal questions.

Mayor Elmore: It's legal in the sense that we should talk to the attorney about it.

Public Comment

Candace Jones/9 Fairfield Dr: Is it an option to hire someone else to do the inspections?

Mayor Pro Tem Giager: We're under contract with them so they'd have to agree with it.

Kerry Quinn/5 Fairfield Dr: Sounds like you just need someone independent to review their plans.

Kathy Kingsbury/817 Stratford Rd: I'm not comfortable with someone inspecting their own design.

Mayor Elmore: If we can get these questions answered, should we vote on this next week? Or should we bring the answers back in a public forum?

Commissioner Beebe: I'm willing to vote on it if we get these questions answered to our satisfaction.

Commissioner Yelton: I'd like to see a written statement from them.

Mayor Pro Tem Giager: I'm fine with that. Are we that much in a rush? Can we give the attorney time to look into it?

Mayor Elmore: I think you're right. We can put it on the August agenda.

Commissioner Fisher: If he comes back and says it's not an issue then why are we waiting another 30 plus days?

Mayor Elmore: If we can get a written answer from the insurance company and a written answer from the city attorney in the affirmative then we can move forward.

Item No. 10

Ethics Board Appointment

Mayor Elmore: Thank you, Ms. Anziano, for applying. I think you'd be a fine addition to the ethics board. I would be in support of appointing you.

City Manager Brown: The Mayor appoints one open seat and the collective Board appoints the other. You need to vote on this next week.

Commissioner Fisher: I'm all for it.

Mary Ann Anziano/3242 Wiltshire Dr: This is an area where I felt like I had some expertise and could give back to the City.

Commissioner Beebe: There are two openings. Megan Gurley and Andrew Cohen want to stay on the board. Is the third seat vacant?

Mayor Elmore: No, that's Patrick O'Connor. His term ends in two years.

Commissioner Beebe: Do we have an attorney on the board?

Mayor Elmore: Patrick O'Connor is an attorney.

Commissioner Yelton: Thank you for applying. I'd like to understand the skill set currently on this board. Will Andrew and Megan be coming to talk to us? In order to make a decision, it would be nice to know a little more about everyone.

Mayor Elmore: We'd need to ask them to come to a meeting.

City Manager Brown: You can also individually talk to them.

Mayor Pro Tem Giager: We have four applicants for two spots.

Commissioner Fisher: We've had Ms. Anziano's application for quite a while. I think out of respect, I think we owe it to all of them to make a decision soon. I don't know the other applicants. What I can say about Ms. Anziano that I appreciate and think would be important is that she's extremely involved as it is. She's at almost every one of our meetings. If there's an ethics complaint, she probably heard it in real time. I think it's important to have someone that's that engaged. I'm comfortable appointing her.

Mayor Elmore: There was an ethics complaint a while back. As an attorney, Patrick O'Connor was quickly able to figure out that the board shouldn't even be hearing the complaint. It was not the right arena. That's why I would lean towards having another attorney on the board.

Commissioner Yelton: Can you tell us about your process when you were hearing grievances for the realtors?

Mary Ann Anziano/3242 Wiltshire Dr: Grievances are between realtors. One would bring a complaint that has to meet certain criteria. If it meets the criteria, the grievance committee gets together and hears them present their sides. They can have attorneys or not. The committee reaches a decision and everyone agrees to abide by the decision. It's usually about commissions. Complaints can be brought by the public too for failing to abide by the code of ethics. The complaint has to meet certain criteria but almost all of them are heard. The professional standards committee gets together and hears it and makes a decision.

Mayor Elmore: I think knowing the process is important.

Mary Ann Anziano/3242 Wiltshire Dr: Is there any training?

Mayor Elmore: There is training available.

Commissioner Yelton: We also spent some time with the city attorney.

Mary Ann Anziano/3242 Wiltshire Dr: I read some information and it sounds like you're guiding principal is doing what's right for the community.

City Manager Brown: It's a five year term, not four.

Commissioner Beebe: So how long does Patrick O'Connor have?

City Manager Brown: His term goes to 2018.

Mayor Pro Tem Giager: Normally, the ethics board doesn't even meet. Hopefully, that will continue.

Mayor Elmore: We did receive another application from Josh Norris. He lives in the neighborhood and does child welfare law. He couldn't be here tonight but can be Wednesday. He's the person I'd like to appoint.

Mayor Pro Tem Giager: I do like Mrs. Anziano because of her experience.

Commissioner Beebe: I like what Commissioner Fisher was saying about Mrs. Anziano. She's actually here at lots of our meetings. She knows what's going on. I do like Patrick O'Connor though too. Megan Gurley was very supportive of us but she wasn't present at meeting.

Commissioner Yelton: I like Mrs. Anziano's experience with taking criteria and applying it in a practical way. Attorneys don't always have that ability.

Commissioner Fisher: I think they would both be great.

Mayor Elmore: We'll vote on this Wednesday at our regular meeting.

Item No. 11

Annexation Map Update

Commissioner Fisher: Mayor Pro Tem Giager and I met with the city manager to discuss an upcoming meeting between the cities in Dekalb County to discuss annexation plans. I sent an email out earlier with some recommendations about annexation and changes to the current map. Most of it had to do with residents in area B. The other areas are the same. We looked at the areas around the Marta and juvenile justice building. Area C would include the American Legion and middle school. Area A is the commercial district we would like to have more of, including Rio Circle and the Dekalb Farmers Market. That was a big area of contention before. We're not actively pursuing the Dekalb Farmers Market now. The reason it's in this map is because if it's going to go to any city in the county, we wanted to make it very clear that if it was going to be in anyone's map it should be ours. Area B is the majority of changes. These are suggestions I've made just based on talking to residents and other people. This part of area B is the Sherwin Williams and high school. It also includes Forrest Hills. Katie Kerr and Forrest Hills feel completely different from each other. Forrest Hills has been around for a long time and Katie Kerr has no access to Avondale. So it just didn't feel like it fit the way Forrest Hills fit. Area B also includes the Museum School. We added Decatur Terrace and the thought process is that it's one of the few walkable places to our downtown. It doesn't make sense to me to develop all these amenities for one of the only areas that are truly walkable to it. A lot of the homes there are being renovated or new ones are coming up. In my opinions, I would like zoning to be put in place for this area to forbid McMansions put up. It would be great if we had an affordable place where teachers, firefighters and police officers could live within our city. This is the map that the Mayor Pro Tem and city manager and I discussed. I recommend this is what we go to Dekalb County with as our annexation plan. We're on a tight timeframe if we're going to move forward with annexation this year. To do this correctly there's a lot of work that needs to be done. We need to have

conversations with all those people who could be impacted. That includes the American Legion. The residents in area C seem to be for it. The Rio Circle area would not like to be annexed but we need to be having conversations with them. The same goes for Forrest Hills, Decatur Terrace and our residents. Between now and January is not a long time to do that. This is step one and something we'll continue to talk about.

Mayor Pro Tem Giager: The Dekalb Farmers Market to me is a kill switch. I think anyone with it in their plan will get turned down. I was against putting in on our map. I think we'll do public relations harm, at least with the owner of the Dekalb Farmers Market. We will have to tell the legislature up front that the owner will contest being annexed. If Rio Circle can stay unincorporated they will. If they're forced to annex somewhere then they would go with us. But we have to talk to these people soon. I am for this. I like the high school, Forrest Hills. Decatur Terrace won't want to be annexed. I think area C will be in favor of it.

Commissioner Beebe: Is it like last year where our thinking is that everyone is going to go to some city?

Mayor Pro Tem Giager: No, there will still be unincorporated Dekalb. The Dekalb Farmers Market will not be made an island. The legislature would not want to adopt a Clarkston, Decatur, Greenhaven plan that includes the Dekalb Farmers Market because they don't want an island so they will turn down whoever has it.

Commissioner Beebe: Does this map cover the expansion of the market?

Mayor Pro Tem Giager: Yes.

Commissioner Beebe: I think Decatur Terrace will want the schools of Decatur so they'll want to be annexed by them. I agree with area B. I'm ok with area C but I'm not too crazy about taking that service station.

Commissioner Yelton: I just want to clarify, the purpose of this initial map is to take it to the Dekalb Municipal Association meeting next week?

Commissioner Fisher: Yes.

Commissioner Yelton: Is it just open discussion or negotiation? What are we trying to accomplish with this map?

Commissioner Fisher: Everyone is staking out their territory as to what they'd like to see in their cities and then conversations from there as far as what overlaps, what doesn't, what's feasible and what's not. Greenhaven will come in and take as much as they possibly can of unincorporated Dekalb.

Commissioner Yelton: Who is going to this meeting?

Commissioner Fisher: Me and Mayor Elmore.

Commissioner Yelton: I'm worried about putting this out there before we engage the stakeholders. If this is what we want then let's do it full force with a positive attitude. We should keep in mind there could be changes coming to Dekalb School of the Arts. The Museum School is reapplying for their charter. We need to keep the county school system in mind and make sure our goals align.

Commissioner Fisher: All of these areas have been on our map at one time or another so I don't think that would be a surprise. The question is are we comfortable going to the DMA with this map knowing it could change. I agree with the Mayor Pro Tem that the Dekalb Farmers Market is a risk. I'm trying to prevent someone else from getting it if it's on their map through this whole process.

City Manager Brown: Decatur has told us that they have been talking to Rio Circle and the business owners there would prefer to be with them.

Commissioner Fisher: I think ultimately the people of Rio Circle will want to pay the lowest taxes and we would have the lowest taxes.

Mayor Pro Tem Giager: The people there were given erroneous data that the taxes would be less in Decatur.

Commissioner Fisher: This is a start but we have to get out and have conversations with people. Unless something changes, I think we may be too late for this next legislative session.

Mayor Elmore: I do think Decatur Terrace and Forrest Hills should be on the map. I agree Katie Kerr doesn't feel like Avondale and is not connected. Yes on the high school and yes on the area around the DJJ building. We have to talk to the American Legion. As for area A, I agree we need to go ahead and stake our claim and say we'd like to have the Dekalb Farmers Market. I know Decatur will do it. Clarkston can't.

Commissioner Fisher: They can if they take Scottdale and all the land that butts up to it.

Mayor Elmore: That's a lot of area. Even then, I don't know if they'd meet the rules. Decatur does want Rio Circle and the Dekalb Farmers Market. We should stake our claim because Avondale has just as much right to it. But I agree with the Mayor Pro Tem, if the farmers market is on the map we submit to legislators, it will be shot down. That does worry me.

Commissioner Fisher: This is just going to the DMA and not the legislature.

Mayor Elmore: And I think going to the DMA with this plan is spot on.

Commissioner Yelton: I don't think it's too soon to start having courtesy conversations, even with the schools.

Commissioner Fisher: Do you think Dekalb County will have an issue with cities annexing their schools?

Commissioner Yelton: If it impacts the county getting SPLOST money, then yes.

Item No. 12

Public Comment

Joe Anziano/3242 Wiltshire Dr: I agree with all of it unless having the farmers market on there means we won't get anything. Why is the border of area C jagged? Why not just do a straight line?

Mayor Pro Tem Giager: Part of that is a blighted area.

Commissioner Fisher: It also most closely fits with the feasibility study we've already had done. This map also includes the Avondale apartments, which is not currently a part of our city.

Mayor Elmore: Why are those townhouses on Covington Highway not on this map?

City Manager Brown: They don't want to be in the city.

Dee Merriam/8 Lakeview Pl: This part looks like an island

City Manager Brown: That's the Marta service yard.

Candace Jones/9 Fairfield Dr: Have you thought about doing this more logically by street or other criteria?

Commissioner Fisher: Part of the meeting next week is to see where there's overlap and also to see where there are any islands. If the referendum for Stonecrest passes in November and Greenhaven still hasn't given up on their bid, then you might see others jump in.

City Manager Brown: Brookhaven may come all the way down to Northlake.

Candace Jones/9 Fairfield Dr: I appreciate the Board starting the conversation. This is a better approach than in the past. I agree that Katie Kerr doesn't fit at all. I would add those condos in there as well so it looks more logical and not as cherry picked.

Mayor Pro Tem Giager: Unincorporated Dekalb County is not going away. When cities have feasibility studies done, they have to show how it benefits them to annex and also how it affects the county. I don't think there will be a lot of annexation going on right now.

Kathy Kingsburg/817 Stratford Rd: I'm also for annexing the townhomes on Covington Highway because we are always talking about having more affordable housing. Also, there's a lot of town around the Katie Kerr area about the new development. I'm not a big fan of annexation. We can barely take care of what we have. Do we try to get more just because we don't want someone else to get it? Have we done any studies about how much Stratford Green has

cost the city? That's something you might want to do. Their roads are not in great shape and will need work.

Lisa Shortell/6 Clarendon Pl: I think if we annex residents there needs to be businesses along with them.

Kathy Kingsbury/817 Stratford Rd: I'm very concerned about the amount of street parking in the neighborhood. It's getting to be dangerous. There are also cars parked on or close to the traffic circle at Lakeshore that reduces visibility. I encourage everyone to drive by there.

Dee Merriam/8 Lakeview Pl: I want to commend City staff on the 4th of July festivities.

Mary Ann Anziano/3242 Wiltshire Dr: There are also trees around that need to be trimmed because they block signs.

Kathy Kingsbury/817 Stratford Rd: There's also a spot on Clarendon Avenue where you can't see the stoplight.

Candace Jones/9 Fairfield Dr: I agree. I think parking is getting to be a real problem.

Commissioner Fisher: Before we leave, I want to encourage everyone to vote.

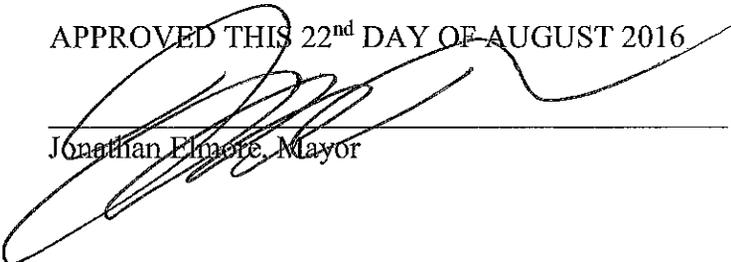
Mayor Elmore: I couldn't agree more.

Item No. 13

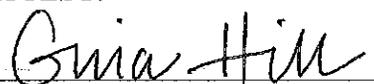
Adjournment

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

APPROVED THIS 22nd DAY OF AUGUST 2016


Jonathan Elmore, Mayor

ATTEST:


Gina Hill, City Clerk