

**BOARD OF MAYOR  
AND COMMISSIONERS**

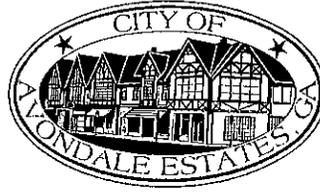
JONATHAN ELMORE  
MAYOR

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**

**August 17, 2016**

**5:30 p.m.**

**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  
Keri Stevens, City Planner  
Stephen Quinn, City Attorney

Item No. 1 Meeting Called to Order

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

Item No. 3 Planning and Zoning Board (PZB) Recommendation on South City Partners Development Agreement

John Pomberg/PZB: During our meeting Monday night, we had a public comment session first of which there was none. We voted unanimously to approve the amendment as it was presented. There is some background information attached to the memo. We opened it up for public comment after our vote and there was none. There were certain things in the procedure to approve the amendment. There were items not presented to the PZB that were reiterated in the memo and City Planner Stevens responded to those.

City Planner Stevens: There are requirements that go with submitting a map amendment, which were submitted and there are things that the PZB and BOMC can use as criteria to review a map amendment. I went through all the criteria and made comments based on the information the City has on all those criteria. The ones mentioned were impact on facilities and services, financial and public resources, and environmental impact.

Mayor Elmore: Thank you for doing that. It's very thorough. This is new to us. When does it have to be done?

John Pomberg/PZB: It has to be done every time a zoning map amendment is applied for. It's background material to support approval or disapproval.

Mayor Elmore: In the future, when should this come forward?

City Manager Brown: We'll do it in the beginning. It's not necessary but it's good to have.

City Planner Stevens: The "shall" is the submittal requirements and the "may" is this part.

City Manager Brown: It's like with a conditional use permit there are certain things the applicant has to fill out explaining why that use would be good. A lot of this was discussed in meetings. This kind of pulls it all together. Some of this information we wouldn't have known in the beginning. This will probably be a living breathing document.

Commissioner Fisher: It was a good PZB meeting from a knowledge standpoint. The amendment we're approving is essentially clarifying questions the South City Partner lawyers had, correct?

City Manager Brown: Correct.

Commissioner Fisher: This amendment clarifies that we have the ability to enter into a development agreement and can in the future if a parcel is over two acres.

City Manager Brown: Right. But the ordinance the Board passed last month allowed SCP's counsel to feel comfortable entering into an agreement. It's two different things.

John Pomberg/PZB: This essentially completes the changing of the map of the SCP property from four individual properties into one. That's what the zoning map amendment does.

Stephen Quinn/City Attorney: What the BOMC approved was a change to the text of the zoning ordinance which created this central business district (CBD) planned development zone. That's now on the books and is available for anyone owning two or more acres. Since then, SCP has filed an application to take advantage of that. That's called a map amendment. It's simply rezoning. SCP

has asked to be rezoned from CBD to CBD planned development. It goes hand in glove with the development agreement.

Commissioner Beebe: I'm not sure where we go next with this. Do we have to approve this?

City Manager Brown: This is just the planning and zoning board recommendation. We'll discuss that with the next agenda item. Then on Monday, would be to approve the development agreement as the Board sees fit.

Mayor Pro Tem Giager: I think the City for its response. There were some items left unanswered. I am for doing the map amendment.

#### Public Comment

Lisa Shortell/6 Clarendon Pl: I was at the PZB meeting and I asked about the three criteria. I'm glad the City was able to address that. I would be interested in the environmental impact. Will that be posted on the website?

City Manager Brown: It will be posted in the morning.

#### Item No. 4

#### South City Partners Development Agreement Update

Stephen Quinn/City Attorney: At the PZB meeting, they found it useful to label the development agreement. We did so by hand if you'd like to do the same. We've been continuing to work with SCP. Since the last time we discussed this, the focus has been almost exclusively on section ten, conveyance of the public park. Based on the direction the Board and SCP has indicated, the attorneys have worked out this section ten. The idea is for SCP to receive a 40% discount on their building permit fees in exchange for developing and then dedicating the green space at the west of the property. There are some issues as to in what order do things occur. How do we make sure both parties get what they bargained for. SCP has been good to work with. We have come up with the plan you see here. The main changes from what we've seen before starts at 10c where we have escrow. Escrow is a neutral third party that carries out instructions from the parties based on objective criteria. Not that we think SCP would get the discount on the building permit fees and then not convey the park but as your attorney that's what we want to protect against. At the time we execute this agreement we also execute an escrow agreement and that's the written instructions for the escrow agent basically. They will be provided with the limited warranty deed conveying the park to the City. The instructions are when you receive the certificate of occupancy for the improvements they're going to build then you release the warranty deed to the City. There's another aspect that goes along with it that has to do with subdivision. I believe what we came up with is the release documents are the certificate of occupancy and a recorded copy of the subdivision plat so the ideas is these things can be provided by the City to the escrow agent to get the warranty deed if need be. Then we put in section E that in order to get the certificate of occupancy, SCP has to follow through on the subdivision. The certificate of occupancy (CO) is the end document. Exhibit P still needs to be detailed. It will be a description of the park

area and tell us exactly where the line will be dividing the park and the SCP property. SCP is working with their engineering consultants and coming up with where that line will be. For example, you have to have so much space underneath a balcony, they need an easement from the City for the residents in case there's a fire to egress across the park. Once those are worked out, they will present it as Exhibit P.

City Manager Brown: I'm not sure if they will have the document ready by Monday. However, this can still move forward.

Stephen Quinn/City Attorney: We've discussed ways to keep things on track for the Board to vote on this on Monday. If Exhibit P is not ready in its final form, we can come up with a minimum acreage that the park will contain. So what the City would be approving on Monday is that we're going to get this park, what it's going to contain generally, and it will be X number of acres. The City would be approving the rezoning subject to the City Attorney and City Manager approving the Exhibit P. So there would be a vote on Monday then the next step would be actually executing the development agreement.

Mayor Elmore: I'd like to see Exhibit P beforehand. I think we all should. When will that be ready?

Stephen Quinn/City Attorney: That's really a question for SCP unless the City wants to hire a surveyor and even if you did they'd have to work with SCP.

City Manager Brown: This has to be advertised three weeks before the vote which it has been. Can the Board change the date without having to do more advertising?

Stephen Quinn/City Attorney: Yes.

City Manager Brown: Legally, you can defer the public meeting to a different day. If anyone is interested in the public hearing they would be there to hear about the date change. If you do the advertising again, you're looking at another five weeks.

Stephen Quinn/City Attorney: I think we can have for you on Monday something that will describe the area of the park in sufficient detail that you'll be comfortable.

Commissioner Fisher: Will the document talk about design expectations?

City Manager Brown: Yes, it has to look exactly like the landscape plans.

Stephen Quinn/City Attorney: Those plans already exist and are exhibits. The development agreement calls for it to look just like the plans and Exhibit P doesn't change that. It just describes the property line.

City Manager Brown: Another thing we're working through is easements for the City to get maintenance equipment to the green space.

Stephen Quinn/City Attorney: Utility easements already exist. But both parties will need easements from the other.

Mayor Elmore: I just think in addition to the City Attorney and City Manager, the Board should see it as well. Not that it should hold anything up.

Commissioner Fisher: If we wait for the specifics of Exhibit P it will hold things up.

Stephen Quinn/City Attorney: What I heard from SCP most recently is that they want to have the flexibility to determine the exact property line after it's built because they're concerned you can't build to the inch of what your plans are. I think we can come up with a description that would guarantee the City a certain amount of acreage and would describe three sides of that parcel. I think we can have that on Monday. There will be more details, specifically the easements. I don't anticipate those will be done. But you could put in here that SCP will grant an easement for access and describe it in pretty good terms. It wouldn't be the actual document that gets recorded. The City could write something similar for granting SCP an easement.

Mayor Elmore: When Exhibit P is done, I would like for the Board to approve it as well.

Stephen Quinn/City Attorney: I'm happy to negotiate that on behalf of the City. I think SCP might find technical problems with that. If you're a developer dealing with a City, it's a big hurdle to get past the point where the elected officials vote. And that's the only way the elected officials can act. If there's another vote down the road, they may not have the finality they or their lender wants to move forward and close on the purchase. There will be a lag between approving this and closing the property so maybe what the Mayor mentions can happen between those two dates.

Commissioner Fisher: It's important to me that we get the park deeded to us and it looks like the plans. There is only one side of the park that is a variable. From an easement standpoint, we've had a good relationship with SCP. They want us to be able to get to the park and we want their residents to be safe if there's a fire. I don't want to delay it especially if we've been advertising that Monday is when we're going to vote on it.

Stephen Quinn/City Attorney: The concept is that by SCP agreeing in a contract that the park will consist of at least this much acreage then you can draw a line along what the minimum would be. Then it's only a question of how much bigger will it be in the final result.

Commissioner Beebe: I'm okay with voting on this Monday if there is an agreement to a minimum acreage. I think we're all working towards the same goal.

Mayor Pro Tem Giager: I'm okay with voting on it Monday as well under those circumstances.

Stephen Quinn/City Attorney: SCP has legal incentive to make that park as big as possible. They want it to be public property and not theirs.

Mayor Elmore: Exhibit P only affects where that line is? It doesn't affect access or anything else, correct?

Stephen Quinn/City Attorney: Yes, except for the easement for the City to access it for maintenance. And we can put language in here that says SCP agrees to grant an easement adequate for trucks and mowers to access the property from the north side where they have a fire lane. That is specific and they're locked into that. What would come about later is the actual easement document that describes that in legal language and gets recorded in the courthouse.

John Long/SCP: I'm not sure where you heard that we could not draw a property line. I think we can draw a line. I would need a no-build zone so when we go to build our building back if it burns down there's enough room for the codes to let us build back the way it was. If it's going to be a park there forever then I don't see why you would want to build something there anyway. We can draw the line tomorrow if you give us that.

#### Public Comment

Joe Anziano/3242 Wiltshire Dr: What about a playground or something like that? Could that be built in that zone?

John Long/SCP: I'm not sure what you can build in a setback area but I suspect things like fire pits and parking lots are fine. This is 100% a fire issue.

Kathy Kingsbury/817 Stratford Rd: Does the City have to follow setback requirements that normal builders have to follow?

Stephen Quinn/City Attorney: The legal answer is that the local government does not have to follow its own zoning regulations. But many times the city does so to be a good example.

City Manager Brown: What are the next steps here so everyone is clear?

Stephen Quinn/City Attorney: As I understand, the attorneys for the City and SCP to have language in the development agreement on Monday in section 10. We'll have an Exhibit P and SCP will provide that. Section 10 will be three easements. An easement so the City can have access to the park to maintain it. Another easement will grant SCP area for fire egress. The third easement will be a no build easement on the eastern edge of the park property. That will be a commitment by the City to not build any permanent building there. Otherwise the development agreement is final.

Mayor Pro Tem Giager: I originally didn't think we needed a tree ordinance but after reading and studying this, I would say this is pretty smart. I don't think we can treat residents and developers any differently. A limit of three trees is really for developers but doesn't punish residents. I think that's fair.

Commissioner Beebe: I agree. I was against this at first. But I think this is a good job. I wish we could have separate rules for developers and residents but this works.

Commissioner Fisher: I have some questions. The limit of three trees per year doesn't count if it's ones from this list, right?

Brad Jones: Correct.

Commissioner Fisher: If a resident was doing a landscaping project or something like that in the back yard, would that require them to pull a permit?

Brad Jones: Only if they were required to pull a building permit or land disturbance permit. A lot of landscape projects don't necessarily require that. What we were pointing out is if you're not getting a building permit it's really just a notification that you're taking down a big tree and that happens anyway in a lot of cases.

Commissioner Fisher: If a builder bought a lot that had not been maintained, who would be making decisions about what they could or could not do?

Brad Jones: They would have a plan showing what trees were on the property and proof showing you would have 40% canopy coverage when it's done.

Commissioner Fisher: How do you determine 40% coverage?

Brad Jones: The critical root zone of a tree is basically the diameter caliper inch. So if the trunk is 24 inches you would go out 24 feet. Most of the time if you dig into that area you can kill the tree. So you have to show how much of that area you're disturbing. It would be the builder's responsibility to come in with that on their plan.

Commissioner Fisher: Who would be in charge of any deviation from that plan?

Brad Jones: It would be added to the City's checklist. We can help make a checklist. We took the City's list of approved trees so if they have to plant trees back each is given a value to help figure out how much percentage canopy they would get with each. We're not telling you where to put the trees. We do indicate spacing I think.

Commissioner Fisher: I don't like dictating what people can do on their own property. But I don't want people clear cutting trees either. I've learned it's

really hard to make a simple tree ordinance. I think we're on the right track with this.

Brad Jones: We're reasonable enough to know you have to cut down a tree to build a house. But we also ask that you be cognizant and protect the trees. Our recommendation is to use a chain link fence around remaining trees which are more protective during construction. Normally, the orange fencing is used but it falls down, gets knocked over, moved. The lots here are small tight areas to work in so if you start storing your lumber around the base of a tree it's not protected. A builder can say they will save a tree but they have to be proactive about it. Otherwise, the homeowner is stuck with having to have it removed later. I've seen examples where builders dig into the root zone to build a driveway or something.

Commissioner Fisher: Is changing the tree protection zones part of this ordinance?

Brad Jones: We indicate that if you get a building permit you have to submit a tree protection plan. This would be something on the checklist.

Mayor Elmore: It shouldn't be a big deal. They're usually on a survey or you can have them added.

Commissioner Fisher: Is the stronger fence a big cost for homeowners? Is it concreted in?

Brad Jones: No. It's temporary. It will be a bit more expensive.

Mayor Elmore: Who will review this? Will it be in house or Clark Patterson Lee (CPL)?

City Manager Brown: There are some operational hurdles that we must overcome. For example, it says a certified arborist must confirm in writing that the tree is diseased. Does the homeowner pay for that? If residents are allowed to take down three trees a year there will be filing and tracking of that. One challenge will be communicating to residents that they need to notify the City when they take a tree down. I can see City Hall getting lots of phone calls reporting others taking down trees.

Brad Jones: I'm not speaking for the rest of the committee but I think the ordinance should be triggered when a building permit is pulled.

City Manager Brown: That would make it a lot easier.

Mayor Elmore: Who is actually reviewing the site plan and canopy, etc.?

City Manager Brown: That will be staff.

Mayor Elmore: I think it would be good if City staff could report back to us what the challenges and extra costs would be of implementing the ordinance.

Commissioner Fisher: I like the idea of it being triggered by a building permit.

Mayor Elmore: What if you're just a homeowner and want to take some trees down?

Commissioner Fisher: You can take down three without an issue.

Brad Jones: I think what he's saying is someone will be taking down a tree and a neighbor will call City Hall claiming they need a permit.

City Manager Brown: What I can see happening is a resident has a crew there ready to take down a tree and a neighbor calls City Hall. Then code enforcement has to go out there and tell them they can't take down the tree because they don't have a note from an arborist.

Mayor Elmore: A building permit will trigger the ordinance anyway. But you will still need to alert City Hall if you want to take down trees.

Brad Jones: But City Hall will be getting a lot of calls even if someone is just taking down one tree that they're allowed to do. The tree people should know what the ordinance is too. It's really on the homeowner ultimately but tree people should be aware.

Mayor Elmore: We just all need to understand the challenges and realize how we're going to do it. As far as the ordinance itself, Mayor Pro Tem Giager has said before that he thinks three trees is too many. I kind of agree with that. Also, in here it says if you improperly take down a tree there will be a one hundred dollar (\$100) penalty per tree. I think it should be a lot higher. I think it should be one tree per year and the fine should be one thousand dollars (\$1,000) per tree.

Brad Jones: We gave the Board a starting point so we expect this to be changed and adjusted.

Commissioner Beebe: For example, if I decide to build a garage behind my house and need to take down three healthy trees.

Brad Jones: You would get a building permit and how the trees – what you had removed and what you have left. If you meet the 40% of lot coverage then you don't do anything. If you don't meet that then plant some trees. If you take down a specimen tree that's not in the footprint of the structure then you have to do extra.

Commissioner Fisher: I'm not in favor of reducing the number of trees a resident can remove. There should be a stiff penalty if you break the rules but that usually happens with builders.

Brad Jones: I think it will be rare for more than three trees to come out of someone's yard and if they do it will be because they are dead or dangerous.

Commissioner Fisher: I'm still in favor of having a building permit trigger the ordinance. I think that's more efficient from an operational standpoint. It will be easier to enforce.

Commissioner Beebe: I'm concerned about City staff having to come up with a system for keeping track of everything.

#### Public Comment

Sharon Saliba/56 Clarendon Ave: If I wanted to sell my house to a builder, I would cut down all the trees first so he would buy it.

Mayor Elmore: That's why I'm not in favor of having the building permit be a trigger. If you go beyond what the ordinance allows, you should have to go through the City.

Brad Jones: In some situations, three trees is all there is on the lot and you can cut those down in a calendar year. However, if a builder bought it they would still have to submit plans outlining what they're planning to achieve the 40% coverage.

Kathy Kingsbury/817 Stratford Rd: This is a great tree ordinance. Did you look at total caliper versus number of trees or percentage of canopy?

Brad Jones: We wanted to keep it simplified.

Kathy Kingsbury/817 Stratford Rd: I was just curious since some people have an issue with three trees. I agree with having a stiff fine for those who don't follow the ordinance. I've seen people having trees cut down on Sunday to avoid the rules. Will the ordinance also apply to City-owned property?

Brad Jones: It only applies to residential property.

Lisa Shortell/6 Clarendon Pl: I just want to clarify, if I wanted to take down three huge trees, I can do that without even filling out an application? I agree with the Mayor. The number might need to be lower. I know some people think that you should be able to do what you want on your own property. But trees are a public resource and they can affect storm water, for example.

Candace Jones/9 Fairfield Dr: I agree. I think the penalties need to be stiff. I think three is too many. Maybe two is a good compromise. I don't think it should be linked to a building permit.

Joe Anziano/3242 Wiltshire Dr: According to the ordinance, the fines can be steep when cutting down a specimen tree. And what if someone wanted to plant things under the tree?

Brad Jones: That's not the same as disturbing the root system during construction.

Sharon Saliba/56 Clarendon Ave: How do you measure the tree canopy? How do you know someone has left enough to cover 40% of the property?

Brad Jones: You have to have someone doing your plan so they would be working in a CAD (computer aided design) program. You draw the circles on the plan and you can calculate the square footage. We also have a list of trees that show how much canopy you'll gain over time.

John Pomberg/3280 Kensington Rd: It seems like there are different rules for different residential areas. Any thoughts of leveling the playing field?

Brad Jones: We just looked at single family.

Mayor Elmore: I would like to move this forward. In the next work session we can hear from the City Manager about any operational impact. I'd like for the first reading to be in September.

City Manager Brown: I think some decisions will need to be made about, for example, the number of trees you're allowed to cut down, the fine, etc.

Mayor Elmore: I think we can cover that in the next work session.

Commissioner Fisher: I don't think we're ready to move on this next month.

City Manager Brown: If City staff goes back and looks at the operational challenges, there could end up being more changes to the ordinance. I thought we were going over the ordinance line by line tonight.

Mayor Elmore: We can do that now. Do you want to change it to one or two trees?

Commissioner Fisher: I'm still thinking about this being triggered by a permit. I still have problems telling people what they can do on their property. If there needs to be a limit, I think three is the way to go.

City Manager Brown: Maybe by the next work session we can have a draft ordinance written up exactly how it would read.

Mayor Elmore: Let's do that.

Item No. 6

Resolution for Public Works Building Design/Build Services

Mayor Elmore: This is a resolution that allows the City Manager to contract for the public works building renovation design using Clark Patterson Lee (CPL). The City will contract with a third party to review the plans and inspect the project as required. That party has not yet been decided.

Commissioner Beebe: I'm fine with it.

Mayor Pro Tem Giager: I'm good.

Commissioner Fisher: For the thirty-one thousand three hundred and fifty dollars (\$31,350), they're doing all the architectural, mechanical, site planning.

City Manager Brown: They will also administer the RFP.

Commissioner Fisher: I'm fine with it.

Commissioner Beebe: Will there be an extra cost if we want to make changes to their plans?

City Manager Brown: Probably. Possibly not if it's just a material change.

Commissioner Beebe: Are we going to tear it down?

City Manager Brown: The goal is to keep the steel frame and foundation. There might be some bump outs.

Mayor Elmore: Is the City Manager in charge of the whole process?

City Manager Brown: Yes, they'll do a site visit and sit down with staff. Meetings will continue.

Mayor Elmore: Is there an alley between the public works property and Jollay?

City Manager Brown: If so, it would be on the other side of Jollay's fence.

Mayor Elmore: I know we don't use our alleys now but it could become part of our overall plan in the future for pedestrians. It would be good if we could keep them open.

Public Comment

Candace Jones/9 Fairfield Dr: Thank you for getting a third party involved.

Item No. 7

Resolution Adopting the 2016 Comprehensive Plan

City Planner Stevens: We had an extensive public process and it's been reviewed by the Planning and Zoning Board and recommended to move forward. We had meetings with the BOMC and there were no comments from the public at either meeting. So this document essentially says that we're adopting it and willing to transmit it for review.

Item No. 8

Planning and Zoning Board (PZB) Openings

Mayor Elmore: The PZB is five people. Three of the five are not seeking reappointment. There has been talk about getting some input from the PZB.

John Pomberg/PZB: Two of the three do not want to continue until their spots are filled. I haven't talked the other member, Keith Melton, about the openings. I didn't know if it was appropriate.

Mayor Elmore: I think the Board should appoint new members Monday night with all that's going on in development and in the interest of continuity. I think the BOMC members should review the applications and call people if you want. Come in Monday with your top three names. We'll total them up.

Commissioner Beebe: What if our names don't match up?

Mayor Pro Tem Giager: If you just appoint one then you have a quorum.

Commissioner Fisher: I think we should wait for Commissioner Yelton to weigh in.

Mayor Elmore: Ok. I would like to make a motion to move item number eight to after item number eleven.

Commissioner Beebe seconds. All ayes.

#### Item No. 9

#### Resolution to Renew Service Delivery Strategy (SDS)

City Manager Brown: It's time for the City and the county to renew this and to send it on for approval. It will be in place for ten years. The SDS helps avoid any duplication in services done by the City and the county. There's a matrix that actually lists all the services provided. The City is in the process of opting in or out of those services. All the services have a tax or fee attached to them, such as tax collection, elections, specialty police services. Where we're at is the county has not provided all the information needed by the cities. A lot of information provided keeps changing. But if the SDS isn't adopted by October 31<sup>st</sup>, every city in the county loses qualified local government status, which means we can't get any grants and other implications. So we just don't have the information needed from the county to make a decision. Every city in the county is in the same situation.

Mayor Elmore: When is the deadline for the resolution?

City Manager Brown: They gave us a deadline of August.

Commissioner Fisher: Is any other city signing this?

City Manager Brown: Not to my knowledge and I've talked to the majority of them.

Mayor Pro Tem Giager: What's the term for an SDS? Isn't it ten years?

City Manager Brown: It hasn't been that long because there have been amendments.

Commissioner Fisher: I see there are amendments every eighteen months or so. Does it lock us into certain things for ten years?

City Manager Brown: No.

Commissioner Fisher: Is this what they're proposing or what it's been in the past?

City Manager Brown: The majority of this is based on what we do here in the City.

Commissioner Beebe: What else has changed?

City Manager Brown: Transportation. GIS.

Commissioner Fisher: Is this something we have to advertise?

City Manager Brown: No, but all the cities have to do it.

Stephen Quinn/City Attorney: All cities greater than 9,000 people have to sign it in order to keep qualified status.

City Manager Brown: There have been meetings about this going on since February. This tonight is more informational. The ball is in the county's court.

Commissioner Fisher: It doesn't affect things like fire service?

City Manager Brown: No, it doesn't.

Stephen Quinn/City Attorney: This is all about taxes and millage. For each of these services, we have a separate intergovernmental agreement (IGA) with the county. So if the City became unhappy with the job the county was doing on traffic signals and wanted to start doing it ourselves, we could cancel the IGA. But under the SDS, the millage the residents pay the county is locked in unless you can get them to renegotiate.

Commissioner Beebe: It's hard for me to think this could get finalized in time. Didn't Decatur sue the county?

City Manager Brown: I believe that was for HOST funds.

Public Comment

Candace Jones/9 Fairfield Dr: Can't you negotiate that the current millage rate holds until this is settled?

City Manager Brown: They are already under a lot of pressure to get this done.

City Manager Brown: The City is moving forward with trying to correct the issue. The City is working with the church to hopefully put a pond in. We're still in executive session so a lot of things can't be said.

Mayor Elmore: All parties are moving forward as fast as possible.

Commissioner Beebe: Was the work just done on Dartmouth Avenue near the pool related to storm water?

City Manager Brown: No, that was a collapsed sewer. The study on Clarendon and Berkeley is being finalized. I met with the engineers about two weeks ago and will again this Thursday.

#### Public Comment

Bill Phelps/3212 Kensington Rd: I'm disappointed this process is not farther along.

Lisa Shortell/6 Clarendon Pl: What's the status of an ordinance about increasing impermeable surfaces?

City Manager Brown: It's in draft form.

Shawn Houston/3206 Kensington Rd: This has been going on a long time and greatly affects my house.

#### Item No. 11

#### Discussion of Allowing Chicken Coops

Mayor Elmore: Resident Peter Plishka was here earlier and he wanted to open this discussion. There has been discussion about chicken coops on Nextdoor Avondale recently. A lot of people were for it. I, in theory, am for it personally. There are some particulars that need to be worked out. We're not approving anything tonight or Monday night. We're just starting the discussion. Some people down the street from us had some chickens for a while and it never bothered us.

Commissioner Fisher: I'm for it. Full disclosure, I would like to have chickens myself. I think we would need a simple ordinance around the number of chickens, no roosters, placement of the coop. If you look at our neighbors like Decatur, it's actually something that's been fun for the community. Nothing we're talking about is like a chicken farm. I was also interested in the conversation on Nextdoor Avondale. Most of the people who commented were in favor of allowing chickens.

Commissioner Beebe: I'm against it. I don't really like chickens but it's a personal thing for me. There are always issues when you're talking about barnyard animals like smell.

Mayor Pro Tem Giager: We talked about this several years ago. I believe state law says you can have chickens and I'm not sure if we can forbid it. I don't have a problem with chickens but I do with roosters. Our City Attorney should look into it.

Mayor Elmore: This is just a discussion and there would have to be more discussion about flock size, coop design, etc. It's been very successful in other cities. You just have to put some controls on it.

Susie Deiters/2 Clarendon Ave: We had chickens and it was a positive experience. In anything we do we have to be considerate of our neighbors.

Kathy Kingsbury/817 Stratford Rd: I'm not against chickens but I think we're just adding another layer of responsibility for City staff to manage. Our resources are already thin. Also, I grew up with chickens and they can smell bad.

Susie Deiters/2 Clarendon Ave: Research I found says that four chickens defecate as much as a medium sized dog.

John Pomberg/3288 Kensington Rd: I was raised on a farm in Iowa and we had several hundred chickens. You get two eggs every three days from the average hen. The droppings attract flies. They're very vulnerable to predators. Coyotes, foxes and feral cats will even try to break into their coops to get them. Their feed attracts rodents. They don't live long like dogs. Two and a half to three years is the norm. I think having chickens in the neighborhood could be a recipe for disaster based on my experience. Maybe I'm wrong.

Candace Jones/9 Fairfield Dr: The CDC has warned against getting salmonella from having chickens. I'm not in favor of it.

Mayor Elmore: We had shelved the planning and zoning board (PZB) openings but Commissioner Yelton won't be here.

Mayor Pro Tem Giager: Commissioner Yelton will probably want something more formal to evaluate the applicants. So I'm not sure how we can do this by Monday. We could each come up with some criteria and send them to each other or City staff can compile them. But that also means we'd have to call all of them.

Mayor Elmore: Is there anything coming up for the next PZB meeting that's critical?

City Manager Brown: Not at this point.

Mayor Elmore: Is the PZB done with the SCP project?

City Manager Brown: Yes.

Mayor Elmore: Then we have some time.

Commissioner Beebe: I think we should each send our top three choices to the City Manager and see where we are.

Commissioner Fisher: My concern about moving too quickly is that I hope this board is very busy over the next few years. I think we should take our time without holding things up. I'd also like to get Mr. Pomberg and Mr. Melton's input.

Commissioner Beebe: There's nothing wrong with calling someone up and asking them who they would recommend. You talk to enough people and things get clearer.

Mayor Pro Tem Giager: There's nothing wrong with Mr. Pomberg and Mr. Melton talking to each other about this either. They could even make a recommendation.

Stephen Quinn/City Attorney: I'm not aware of anything in our code of ordinances that says the PZB has to recommend their replacements. The two remaining members can give you their input together or separately.

John Pomberg/PZB: I was just concerned about giving the impression that things were being discussed behind closed doors. But I'm happy to talk to Mr. Melton. I think it's proper for the PZB to have some input in who is appointed.

Mayor Elmore: I agree. If no one is appointed, the members with expired terms stay on?

Stephen Quinn/City Attorney: That's correct. But you can't compel them to participate.

John Pomberg/PZB: I'll talk to Mr. Melton and get back to you.

Candace Jones/9 Fairfield Dr: Why don't you make a selection committee of the two PZB members and a member of the BOMC?

Commissioner Beebe: The process we normally follow is where the board in question recommends new members.

City Manager Brown: Normally, about 45 days before a term expires, City Clerk Hill will send an email to the chair of the board to see if that member wants to be reappointed. Then it's advertised. It has to be opened up to other resident applicants. If there are no applications then the board brings a recommendation depending on if the person wants to be reappointed. If there are applications, they're sent to the BOMC and the board in question. The applicants can be called or interviewed. Either way, the board brings a recommendation to the BOMC. That procedure has been formally adopted. Since the PZB no longer has a quorum, they can only individually give you recommendations.

Mayor Elmore: That's fine. I'd still like to hear what they have to say. We won't move on this Monday night. Mr. Pomberg will talk to Mr. Melton and they can report back to us.

Item No. 12

Public Comment

Renee Valdes/3221 Kensington Rd: I would like the City to forbid the use of leg hold traps used to catch foxes. A neighbor set up one of these traps. Our cat got caught in it and had to have her leg amputated.

Commissioner Beebe: Do we know if the county already has an ordinance against those traps?

City Manager Brown: I think the only way you can legally use one of those traps is to be licensed.

Renee Valdes/3221 Kensington Rd: The neighbor said he used a licensed trapper but they told us it was a humane trap.

Commissioner Beebe: I thought they had been outlawed pretty much everywhere.

Renee Valdes/3221 Kensington Rd: The trap was in a gully area.

City Manager Brown: That's privately owned.

Mayor Elmore: Thank you for bringing it to our attention. It's a concern. Let's check into this.

Commissioner Beebe: I bet the trapper is not operating legally. I would check with the state to see if there are laws against the traps. I have a feeling there is.

Kathy Kingsbury/817 Stratford Rd: I will say this at every meeting I come to. The parking on the traffic circle at Kensington and Lakeshore is a problem. Please do something about it.

Candace Jones/9 Fairfield Dr: Is there any news with Euramex?

Mayor Elmore: No. We're waiting to hear from them.

Mayor Elmore moves to enter into executive session. Commissioner Fisher seconds. All ayes.

Item No. 13

Executive Session (Real Estate)

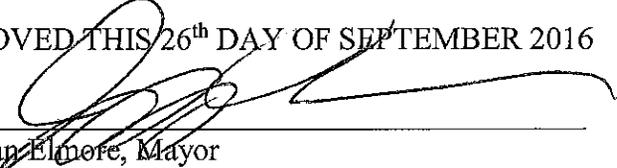
Mayor Elmore moves to exit executive session. Mayor Pro Tem Giager seconds. All ayes.

Item No. 14

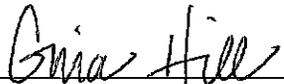
Adjournment

Mayor Pro Tem Giager moves to adjourn. Commissioner Fisher seconds. All ayes.

APPROVED THIS 26<sup>th</sup> DAY OF SEPTEMBER 2016

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

ATTEST:

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