

**BOARD OF MAYOR
AND COMMISSIONERS**

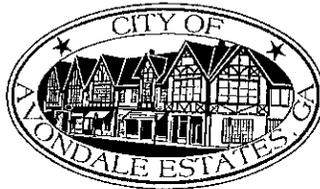
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TERRY GIAGER
MAYOR PRO TEM

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
September 21, 2016
5:30 p.m.**

MINUTES

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

Staff Present: Clai Brown, City Manager
Gina Hill, City Clerk

Item No. 1 Meeting Called to Order

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

Item No. 3 Drainage and Hydrologic Analysis of Clarendon Avenue/Berkeley Road Area
Mark Cooke – Skyline Engineering and Construction

Mark Cooke: The City asked us to look at the back yards of those on Berkeley Road and Clarendon Avenue. The other area we looked at is down by Willis Park. You have 72 acres of contributing area coming to that park. I tried to talk to as many residents in the area that I could. The infrastructure for the City has not kept up with development. It's overburdened. There needs to be more catch basins and inlets. There are different types of inlets we could introduce. We talked about pedestal tops that have grates on the sides for water to enter and go underground into the pipes. There are single or double win inlets or catch basins that are already near the park.

Commissioner Yelton: Does this plan anticipate future development?

Mark Cooke: We worked under the assumption that the zoning and types of uses would not change. If it gets more dense or goes to a commercial change then things would need to be reworked.

Commissioner Fisher: I don't foresee a change in use but older smaller homes are being replaced by bigger ones.

Mark Cooke: If that was on the same sized lots but happened repeatedly, yes, it would have an impact and we would have to go back and refine the numbers.

Mayor Elmore: Or you make people start retaining it on site. We can solve it in the street or have the homeowner's solve it on their property.

Commissioner Fisher: One thing that struck me is that the main pipe down at the park seems big enough to handle a 25 year storm.

Mark Cooke: When we start putting in pipes, water speeds up so it's getting to its destination faster. A 36 inch pipe might be fine for now because the water is not getting there as fast.

Commissioner Beebe: Would any of this require retention ponds?

Mark Cooke: Once more water gets underground and speeds up to its destination, the park, you have to start looking at what to do downstream. You don't want to adversely affect anyone downstream. That's when you start having to look at retention.

Lisa Shortell/6 Clarendon Pl: We're getting lots of water from behind our house. It's gotten worse over the years as more people have built. My neighbors and I have spent thousands of dollars channeling that water to the street. I'm asking the City to do something about it.

Mark Cooke: We would probably address that similar to Clarendon and Berkeley, laying pipe. You'd have to get the City coordinate.

Commissioner Beebe: Is it cheaper to put a pipe along the street or behind the houses? I could see plants growing up around the catch basins behind the homes.

Mark Cooke: They would need to be maintained. We could put wire mesh over the inlets to keep the pipes clear. But you would have to figure out who is responsible for maintaining them. That can be handled through easements. This is a preliminary study. The next step would be to look at this more closely, more of a construction document phase. That would require surveying and going through full engineering with plans you could give to a contractor.

Commissioner Fisher: Is there anything we can do in the interim to alleviate flooding in the areas you studied until we can get to it?

Mark Cooke: It really comes down to budget and priorities. I wouldn't upgrade the pipe at the park just yet. I would wait and see if it can handle the water flow. Right now, it takes a while for the water to get there.

Commissioner Yelton: You said maintenance is a drawback with this solution. What are some of the other drawbacks?

Mark Cooke: Cost and disruption.

Mayor Pro Tem Giager: I you've done a great job. I'm happy with where we are.

Public Comment

Paul Brown/3271 Kensington Rd: Is any of this water coming from outside our boundaries?

Mark Cooke points out areas on map.

Dee Merriam/8 Lakeview Pl: What would be the impact to our trees of doing the infrastructure for this project?

Mark Cooke: If we were the engineers, we would make great effort not to hurt the trees.

Dee Merriam/8 Lakeview Pl: Would you be boring or trenching? What about green solutions like swells?

Mark Cooke: Some trees would be affected. We have experience in green infrastructure solutions as well. But there's just a large amount of water. There has to at least be a combination of green infrastructure with pipes.

Dee Merriam/8 Lakeview Pl: What about an intermediate detention area?

Mark Cooke: That's something to look at. When buying lots and such, it depends on budget. It would require a lot of area.

Mayor Elmore: Thank you for coming. I want to remind everyone that this is just a study. How it gets solved is in the future and to be determined.

Item No. 4

Planning and Zoning Board Openings

Mayor Elmore: The other night we interviewed six of the planning and zoning board (PZB) applicants. The PZB had only two remaining members and was lacking a quorum. We asked them all the same questions. The four that couldn't be here wrote in their answers. We evaluated everyone with a matrix. Everyone turned in their votes today. The two sitting PZB members each had a vote in addition to each member of the BOMC. Each person picked three people without any order or weight. The three candidates that received the most votes, which also happened to be the PZB's picks, were Martha Teall, Todd Pullen,

and Joe Anziano. Congratulations. I'd like to thank all the other candidates for applying, taking the time to answer questions, and just volunteering in general.

Mayor Pro Tem Giager: The other night it was mentioned that the PZB took approximately 12 hours to make their recommendations. In reality, we asked them on August 17th and they turned them in on August 23rd. I just want that on record. Also, there's a resolution in our city that will hopefully help us avoid this problem in the future. Unfortunately, we didn't remember it but I signed it. There are deadlines outlined to give boards ample time to make recommendations. That was missed because we weren't told within that deadline time frame that those three members were not going to re-up. That created a real rush for us. When a board does not have a quorum they can't vote or make decisions. But I said that doesn't prohibit individual board members from making recommendations. Also, outgoing members are not to leave until they're replaced. So legally they're still on the board. I don't know that we need to change the resolution but it pretty much clarifies the procedure.

Commissioner Fisher: I'd like to thank those who applied and congratulate those appointed. I think it's a fantastic group. I think we need more discussion about the role of the PZB. There were good points brought up during the interview process. I would like to see them be more proactive with our existing ordinances. I would also like them to see if the rules we have are encouraging the right kind of development or hindering it. I saw the resolution Mayor Pro Tem Giager is talking about. I'd like to have a deeper discussion about how people are appointed to boards. I liked this process because people we don't know applied who have great gifts. We wouldn't have met them with the current process. I think it's limiting.

Commissioner Yelton: I'd like to thank all the applicants. I hope you will become involved if you weren't chosen for this board. I would like to add a few steps to this process to make it more open and transparent.

Commissioner Beebe: I'd like to thank all the applicants. The pool of people was amazing and they all had excellent experience.

Public Comment

Kathy Kingsbury/817 Stratford Rd: I'm shocked that Mayor Pro Tem Giager had to go looking for this resolution and staff didn't remember it.

Mayor Pro Tem Giager: The City Manager was the one who brought it to my attention.

Sharon Saliba/56 Clarendon Ave: I hope we can start some kind of leadership development program. People that want to be on a particular board could be mentored by current members.

Mayor Pro Tem Giager: That's a good point but all the meetings are open. If someone goes to them regularly then they would be the likely recommendation anyway.

Sharon Saliba/56 Clarendon Ave: I think if it was an official program, people might feel more of a part of things and could encourage them to stick with it. They would feel some responsibility. Maybe UGA could help.

Item No. 5

Lake Avondale and Willis Park Rules

Mayor Elmore: I have disliked the first three rules on the signs at Willis Park and Lake Avondale since I moved here and I've wondered what the purpose was for them. I don't see how these rules are serving us and what they're doing to promote a positive image of our city. In fact, I think these rules are damaging us. They seem very exclusionary. I don't think there are too many ways to read those rules. I just don't think they're serving any good purpose. I talked to the city attorney about this. If those rules were made to be exclusionary based on race, gender, religion, etc. then they're illegal and against federal law. We couldn't even attempt to enforce it. If you read the full sentence, George Willis gave it to the residents to enjoy and it's for the City to maintain. If it's maintained, everything's fine. If it's not maintained, the implication is that the family will come and get it. I think the City has taken very good care of it. These things have not stood up in court in the Southeast where they tend to be prevalent. You can't exclude people and also get federal money for park projects. I'm struck that there are no signs like that in Piedmont Park or Central Park in New York. The attorney feels like the chances of the Willis family coming back and trying to take the park are slim to none. The wills have to be very clear and unequivocal. This will is not written that way. It's not vague but it's not written to be able to stand up to today's court scrutiny. I'm also concerned we can't get state or federal grant money for projects at the lake or park. I'd like to see those rules gone. I also worry that our citizens are trying to enforce these rules even though they're not officers of the law or city officials. To eliminate those rules we'd have to eliminate the language in the ordinance as well.

Mayor Pro Tem Giager: This is a surprise. As long as I've lived here we've never enforced these. The police have more important things to do. I think it's someone exclusionary. I'm torn. I see people every day at the lake that don't live here. I would need to look at it more but I'm inclined to say I agree with the Mayor.

Commissioner Beebe: I tend to agree as well. I always felt like we lived in a compound. I've never been fond of that and I'm especially against excluding people. I would have the same issue with someone outside the neighborhood trashing our neighborhood as I would if a resident was doing it. I use other people's parks and don't think a thing about it.

Commissioner Yelton: I support eliminating the rules. I'm at the park often and there are residents and non-residents using it and it's a beautiful use of space and community where parents and kids connect. Let's be open and encourage that. If those rules are in conflict with who we want to be as a city – open, inclusive, inviting – then let's change them. I'd like to hear from the public.

Commissioner Fisher: I agree. I dislike those rules a lot. I think it sends the wrong message about who the City is. We want to draw people outside the City to our businesses yet they're not allowed to use our lake or park. I think there's a perception of the City that isn't true. I think the rules feed into that and I'd like to see them gone.

Marti Schallern/48 Clarendon Ave: Perhaps there could be a compromise. We could put up signs welcoming people but asking them to take care of our areas, don't litter, etc. Just let people know that we pay for it.

Mayor Elmore: I think that's completely fair.

Kathy Kingsbury/817 Stratford Rd: I agree. I paid for that park. I think we'll have a lot more people using it and not treating it like we want. It also needs to be clear there will be no legal implications with the Willis family. I would like to see residents surveyed about how they feel about this. You can do it online.

Lisa Shortell/6 Clarendon Pl: I agree with you. I don't think the rules serve any good purpose. We do need to deal with the fact that this was built as a neighborhood park and not a regional park. I'm fine with inviting everyone in but it does cause problems. It affects our home values, safety, and the safety of other residents who walk and bike.

Mayor Elmore: I've talked to the mayor of Pine Lake and they have been through the same scenario. She said nothing changed when they eliminated their rule. There is an issue around the park with safety and we still need to talk about that. But that's not what this is about. This is about playing to a perception that I'd rather our city not have.

Lisa Shortell/6 Clarendon Pl: You've got to make absolutely sure no one can come take that property away. It needs to be ironclad.

Lucy Henner/60 Dartmouth Ave: I think having to show an ID absolutely sends the wrong message. The first rule is actually in the deed. I don't think the rule should be struck from the city ordinance. Not having it on the sign would be a compromise.

Mayor Elmore: This is just the first discussion. We'll have to get one or two legal opinions. I'm not sure that we can strike rules from the sign without taking it out of the ordinance. It could pop back up in ten years if you don't. It's a basic decision, do we want the park to be public or not?

Linda Nardone/101 Berkeley Rd: Those rules have never. But I think those rules do give people pause to be respectful. Our tax dollars pay for that and it's for us and our friends. People in Decatur have to get a permit for events in their parks.

Mayor Elmore: I just wonder how much those rules hurt us. How many people do we drive away? For example, an assistant to another mayor in this county asked me point blank "what's up with those rules?" Also, a person on the county board of education asked me the same thing. It could play into a perception that

we don't want. Of course we need legal opinions but our city attorney told us these things don't hold up in court.

Jason Cuda/3043 Majestic Cir: I've lived here a little less than a year. My son goes to The Museum School. Most of our friends have lived here for years. That sign is offensive and off putting. Before we moved here we lived close and came to the park a lot. It makes you feel like an outsider, like you're breaking the law.

Marti Schallern/48 Clarendon Ave: Who is liable if there is an accident or someone gets hurt at the lake or park?

City Manager Brown: It all depends on what the situation is. The City does have liability insurance.

Marti Schallern/48 Clarendon Ave: If someone trips and falls and breaks their leg?

City Manager Brown: Most likely that would fall to the individual.

Commissioner Fisher: The rules wouldn't impact that situation one way or another anyway.

Item No. 6

Residential Tree Ordinance

City Manager Brown: The Board asked City staff to go back and put the draft into ordinance form.

City Planner Stevens: The way it is structured, we thought it was best to put it in article ten, which deals with tree protection and preservation. It will be in the same section as the commercial ordinance but will have its own division. The green sections were items from the ad hoc committee's recommendation. We assumed you would want the definitions for the commercial and residential areas to correlate. There are areas in blue that we added based on the committee's recommendations. The only changes to commercial was I added division two which is tree protection and preservation on non-single family lots. We took out some web links since those can change. We removed "reasons for tree removal" in the notification section. We changed the fine to one thousand dollars (\$1,000) per tree. The committee recommended that verge trees be included in the 40% coverage rate. That concerned us since it's not actually on the site. Also, the appeals process is the same for residential and commercial.

City Manager Brown: I want to point out where it says you need to have a certified arborist write a report saying a tree is diseased, declining or severely damaged. We made some calls and they're about one hundred eighty-five dollars (\$185) an hour. One company has a two hour minimum so that is an additional cost to the homeowner. They might be able to get it for free. If a resident does not get the arborist report before cutting down a tree, will they be fined? That's something to think about. If a resident wants to cut down more than three healthy trees that creates a permit and that has to do with the tree

replacement and conservation plan. To put that report together can be up to three thousand dollars depending on the scope of work.

Mayor Elmore: Where did you get these quotes from?

City Manager Brown: Arborguard. Chain link fence to protect the trees could be an issue because one company says they have a 100 foot minimum and that is four hundred and seventy-five dollars (\$475). Staff still has some forms to create depending on whether or not this moves forward. Another scenario is if a resident is allowed to cut down three healthy trees but must meet a 40% tree canopy. They don't have to submit to whether or not they still meet that if they cut down their allotted three trees. The other thing, on the exempt trees, of course a dead tree needs to go as soon as possible, but the other trees that are eight inches or less or twelve inches or less, they're part of the canopy now but you can remove those as well.

Commissioner Fisher: What about diseased trees that are removed and take you under the 40% canopy?

City Manager Brown: It's not stated in here. It's only mentioned when there is a building permit or if you go over the three tree limit. You won't know you're under the 40%.

Commissioner Fisher: But if you go get a permit to take a tree down...

City Manager Brown: You don't need a permit. All you're doing is notifying the City that you're taking down a tree. It will be looked at by staff before it's taken down. If it's a diseased, damaged or declining tree, they must have an arborists' report. City Hall will keep a copy of that along with tree notifications and they'll go in a file.

Commissioner Yelton: This may be a forms question but can there be examples or average scenarios to guide people through the process? This is a lot to read through for residents.

City Planner Stevens: We can do that.

Commissioner Fisher: If a homeowner takes down four trees and doesn't notify the City because they don't know this ordinance exists, will they be fined four thousand dollars (\$4,000)?

City Manager Brown: No. They would be cited and have to come to court.

Commissioner Fisher: I have a big problem with that. If a resident doesn't have 40% coverage before they even cut anything down, would they have to replace up to at least the 40% level?

City Manager Brown: Yes.

Commissioner Fisher: The verge trees not being included could impact a lot of residents. That's a concern especially on the historic side where many of them are large and mature and there could be no other trees. If you do the math and depending on the situation, you could end up spending \$6,000 to cut down a tree.

City Manager Brown: Keep in mind you can take down three trees. You just have to notify the City first.

Commissioner Fisher: This originally came up because we were having builders come in and clear cut lots. I am all for putting this into place for that. And it's easier to track when having to go through the HPC. I am not for putting this on residents.

City Manager Brown: It would be a lot easier for staff to track through a building permit. Staff can catch everything up front and sit down with the builder.

Commissioner Fisher: Even if it's an existing resident doing a renovation or addition they still have to go through the permitting process. I think that would be an easier way to get what we were looking for. I think this is burdensome.

City Planner Stevens: If they're dead trees they won't count towards your three.

Commissioner Beebe: Some could wait until a diseased tree is dead so they could save money on having an arborist report. I like the idea of tying it to a building permit too.

City Manager Brown: But if you're not getting into the critical root zone or taking down any trees then it wouldn't apply.

Mayor Elmore: The point is to protect the tree canopy. And if it's only triggered by getting a building permit then that doesn't stop everyone else in the neighborhood. I acknowledge it has not been a problem. The main problem is new lots.

City Manager Brown: Here's another scenario. It's probably a worst case scenario but, hypothetically, what if 20 homeowners cut down three trees? That's 60 trees. All you had to do was notify the City.

City Planner Stevens: Another scenario that may or may not be possible is if someone knows they're going to be selling their lot and we don't have a three tree limit, they could take down all their trees.

Commissioner Fisher: Walk me through the board of appeals.

City Manager Brown: The board has five residents on it.

City Planner Stevens: We added wording so that there is an option for appeal.

Commissioner Fisher: I would also include regular names for the trees and not just scientific names.

City Manager Brown: We will.

Mayor Pro Tem Giager: I think it's way too complicated and the citizens are never going to buy it. I do see a need for it but I think it's a hardship. I don't know how city staff is going to be able to keep up with it. I had to have two trees taken down and I didn't have any problem getting an arborist to give me a certified letter for free. I talked to five companies and all but one had an arborist.

Mayor Elmore: Were they with the same companies that cut the trees down?

Mayor Pro Tem Giager: Most arborists want to save trees, not just cut them down.

Mayor Elmore: I mean that if it's an independent arborist they need to make money so probably wouldn't give you a letter for free. If they're with a company and say a tree needs to come down when it doesn't they could have their certification pulled so there's incentive not to do that. I think the ad hoc committee tried really hard to make this as simple as possible. There are just all these situations that need to be taken into account. I've seen it happen.

Commissioner Yelton: I share the concern about enforcement and cost of that. What are other cities doing?

City Manager Brown: They often have an arborist on staff.

Mayor Elmore: But then there's the cost of not doing it.

Commissioner Fisher: I think the ad hoc committee did a great job on this. Our problem has been builders. Where I struggle is putting additional restrictions on them when I don't that's where the problem lies.

City Manager Brown: Also keep in mind that what you do now could protect the canopy in the future too.

Commissioner Fisher: If residents start to become a problem, can't we go back and apply the ordinances to them too?

City Manager Brown: Three readings. As fast as the Board wanted to move. You could do three readings in a week. It would have to be advertised. You'd want the public involved. But it could happen. Normally it would be three months.

Commissioner Yelton: As with any policy, over time we will learn some things.

Mayor Elmore: Are we ready to put this in front of our city attorney? Or should we talk about it more next month?

Commissioner Beebe: I think we need to talk about it again.

Mayor Pro Tem Giager: I think we need to study it more. There have been some good comments. I agree the ad hoc committee did a great job.

Public Comment

Kristin Glover/26 Wiltshire Dr: I noticed the notification form also has an approval line. It can't be just notification if you need approval. The burden on residents is not just money but also time. I work full time while city hall is open. I don't think we should be burdened because of the actions of a few builders.

Joe Anziano/3242 Wiltshire Dr: This ordinance is hugely burdensome and somehow we've gotten a large canopy without it. However, I'd be in favor of it to protect ourselves in the future. If a tree is struck by lightning, you would still need to get an arborist report the way this is written. You can see a tree is damaged without needing an arborist tell you that. Also, often a verge tree can occupy much of the lot's canopy coverage.

City Planner Stevens: There's language in here that would cover a situation where a tree was struck by lightning and leaning severely. It would be exempt.

Martha McDermott/6 Kingstone Rd: I was on the original tree committee and it all started because of clear cutting. You can't have different rules for the builder and a resident because the builder does own the home. I don't think residents want to take trees down unless they have to. Is there a possibility the City could share an arborist with another city?

Mayor Elmore: That's actually a good idea.

Dee Merriem/8 Lakeview Pl: How damaged does a tree have to be? That's why you need someone with some certification to determine that.

Kathy Kingsbury/817 Stratford Rd: We have had three homeowners clear their lots on my street in the past ten years. Also, it would be great if we could hire an arborist to come in one day a month, for example. That person could sign the letters. I just think we need to treat builders and homeowners the same.

Lucy Henner/60 Dartmouth Ave: I think it's good that you anticipate people may cut down trees in anticipation of a builder buying their property. Perhaps the ordinance could have the main bullet points at the beginning.

Jason Cuda/3043 Majestic Cir: I agree this seems burdensome to homeowners.

Item No. 7

US 278 Road Diet Update

Mayor Elmore: A couple of weeks ago, we met at City Hall with staff from GDOT and an engineering consultant to talk about taking a second look at the road diet. A lot of residents wanted to do the road diet but it didn't look like it would be approved by the GDOT. So that was scrapped and a scaled down plan

was submitted. I just wanted to look again to make sure there weren't things we could do as a city to change some intersections and keep the traffic flowing through the city but still have a road diet. I understand the DOT doesn't want to slow down traffic. That's their job. It's our job to keep people safe and make streets look better. I made the same case during our meeting and they understand our point of view. We walked all the way down to the gas stations near Maple Street and talked about options. Basically, what can we do to tweak the road diet model to make it work? The big question is what's the next step in the process we've already begun? How does that affect money and timeline and how would we even introduce the road diet again? I think our current plans from Nelson Nygard did not consider all the possibilities. We can realign streets and change intersections. But how would we even introduce it?

City Manager Brown: The City would probably have to do another traffic study.

City Planner Stevens: And that would not be part of the scope of work as far as the total cost of engineering goes. They will need traffic numbers for the changes you're wanting to make.

Mayor Elmore: How much did the first study cost?

City Planner Stevens: Fifty-two thousand dollars (\$52,000).

City Manager Brown: You would have to put it out for bid. It could be less or more.

Commissioner Fisher: Could they do it and incorporate work that's already been done?

City Manager Brown: They could probably use some of it.

City Planner Stevens: We've been given money for the engineering phase for what we've already submitted, which is the medians and sidewalks. We have one hundred sixty thousand dollars (\$160,000) for that. It would be pretty specific and get down to the exact surveys.

City Manager Brown: A concept plan for a road diet doesn't even exist. That would have to be done first.

Commissioner Fisher: If we don't do the project we've already received the money for, would we have to give it back?

City Planner Stevens: We haven't had that conversation.

City Manager Brown: The City has been approved for two point eight million dollars (\$2,800,000) for this project. We don't have to keep going back and getting approval. The first step is to do the engineering, which is one hundred sixty thousand dollars (\$160,000). Then there is over a million set aside for right-of-way acquisition and a million plus for the construction.

Commissioner Yelton: Do we need a feasibility study to go back to the Atlanta Regional Commissioner (ARC)?

City Planner Stevens: They're going to need to see something that shows how our plans would impact the roadway. We can have the ARC talk to the DOT to see if timelines are flexible. We can talk to them about anything but we need to have a good idea about what we want to do.

City Manager Brown: I'm sure GDOT would be open about anything. They've always been supportive. But if GDOT isn't on board then the ARC won't agree to it.

Mayor Elmore: I was encouraged by how the engineers were talking that day. And the DOT was throwing out ideas. It was just clear to me that these things weren't considered in our earlier plans. We need to speak with the ARC to make sure we're not putting anything at risk. I'd like to know how much it will cost to entertain these ideas. I think it's worth taking the next step and ask "what if".

Commissioner Fisher: What kind of time frame are we talking about?

City Planner Stevens: Five years is probably the most optimistic I would think. There are a lot of moving pieces with these projects. Not just funding and bidding but also in construction if there's an issue.

Commissioner Fisher: I hope the business district is thriving in five years. One of the biggest challenges we'll have is connecting that with the residential area. The road diet is the best way to create that. If it costs more now, I think it would be worth it to do it. We could look back and kick ourselves.

Mayor Elmore: In the past, one person totally changed the direction the City wanted to move in and that's unfortunate.

Commissioner Yelton: I want to acknowledge the work that's gone into this so far. If we want to do this then now is the time. If a road diet helps us achieve our goals then I'm all for it.

Commissioner Beebe: The big thing for me is whether or not GDOT will cooperate and entertain the idea. If they want us to go all the way back through the process then we could be spinning our wheels.

Mayor Pro Tem Giager: I agree with Commissioner Beebe. I don't see anything right now that makes me think they are on board. We just need to feel them out and see where we are.

Commissioner Fisher: In the meantime, can we get an idea about the cost of doing a study for the road diet?

City Planner Stevens: The engineers will probably want to know if you want to redo intersections.

City Manager Brown: I think it probably needs to be a whole new concept plan. It might even need new traffic counts.

City Planner Stevens: I think they will want a new traffic study.

Commissioner Fisher: Will they take having a parallel street like Franklin into consideration?

Mayor Elmore: I think only if that street was dumping a lot of traffic into the main road. I don't think it will be a factor. But I think it's worth making some phone calls.

Commissioner Yelton: Would we have to bid out a study because of the dollar amount or because it's a grant?

City Planner Stevens: We would be doing a study outside of the grant so it wouldn't have anything to do with that. It would probably exceed the cost threshold.

Commissioner Fisher: What is the threshold?

City Manager Brown: Twenty thousand (\$20,000) and over is sealed bids. Below that it is just required to get three quotes.

Public Comment

Dee Merriem/8 Lakeview Pl: I applaud you for going ahead and talking to GDOT. I think it's good to explore what the options are.

Lisa Shortell/6 Clarendon Pl: I agree.

Item No. 8

Annexation Update

Commissioner Fisher: I think where we are now is do we want to move forward with the amended map we put together. If that's what we want to do then we'll need a new feasibility study. If we still wanted to move forward, we would start to have conversations with local politicians we'd need to support it along with residents and businesses that would be affected. We would need to put together a schedule or time frame of meetings with existing residents to get feedback. So now we need to decide do we go with the amended map and do we want a feasibility study. The updated map takes out the residences of Katie Kerr and adds Decatur Terrace. There's also a little area by the DJJ building. It will include Dekalb Elementary School of the Arts in the old Avondale Middle School building, the old Avondale High School, and the Museum School. The American Legion is on there as well.

Mayor Elmore: Can they use the last feasibility study and just modify that?

City Manager Brown: To some degree, yes. But they would still have to do a study.

Commissioner Yelton: Can we ask them to take their best guess at reserve funds like stormwater? That wasn't included in the last study.

Commissioner Beebe: What are other cities doing?

Mayor Elmore: Decatur is preparing. I think Clarkston is as well.

Commissioner Fisher: The city of Stonecrest is on the November ballot. Greenhaven hasn't gone away either.

Mayor Elmore: I think everyone will be proposing some level of annexation.

Commissioner Fisher: My opinion is that we need to be prepared for this session if something should happen. But to do it right, the process should start this year for the next.

City Manager Brown: If an updated feasibility study is under ten thousand dollars (\$10,000) then I can approve that.

Commissioner Fisher: Even so, we need to decide if we want to move forward with this map.

City Manager Brown: So if it's below ten thousand do you want me to move forward with the feasibility study? If it's more than that, does the Board want me to draft a resolution for Monday's meeting approving it?

Mayor Elmore: Yes. We'd still have to vote on it.

Mayor Pro Tem Giager: Is the Dekalb Farmers Market still in the plan?

Commissioner Fisher: I don't think it needs to be part of any feasibility study? But I do think it needs to be part of any map we submit.

Mayor Elmore: We should compartmentalize it so it could be excluded if need be. I bet our city won't be the only one to make claims on it.

Commissioner Yelton: You also mentioned making a schedule and meeting with those involved.

Commissioner Fisher: I think we can do that after a feasibility study if we decide to move forward. We don't have enough information right now.

Commissioner Yelton: We are looking at it and it is public.

John Mizell/3302 Wynn Dr: Are the townhomes being built by The Museum School included in the map?

Commissioner Fisher: Yes.

Lisa Shortell/6 Clarendon Pl: Can you clarify the next steps for the City Manager?

Mayor Elmore: We will talk about this Monday regardless. If the cost is less than ten thousand, it will not require a resolution.

Item No. 9 Fiscal Year 2017 Local Maintenance Improvement Grant (LMIG) Agreement

City Manager Brown: GDOT is accepting applications for the 2017 grant. Our amount is thirty-one thousand four hundred eighty-two dollars and sixty-eight cents (\$31,482.68). Our 30% match would be nine thousand four hundred forty-four dollars and seventy-eight cents (\$9,444.78). The Mayor has to approve it so I request it be signed on Monday at the regular meeting.

Mayor Elmore: Absolutely.

Item No. 10 Service Delivery Strategy (SDS) Resolution

City Manager Brown: I had this on the agenda as a placeholder hoping we would have some answers. All the city managers met about two weeks ago and we came to the conclusion that Dekalb County still owes the cities a lot of information before we can move forward with the SDS. Until I hear back there is no movement on it. I know the deadline of October 31st is getting close. Eventually all the cities are going to have to pass resolutions to move this forward. I will keep the Board posted.

Commissioner Yelton: What can we do to support that?

City Manager Brown: All the city managers got together and we're trying to work as a united front with the Dekalb Municipal Association (DMA) to the county. We're not sure what the county's motivation is.

Commissioner Fisher: It impacts them a lot more than us, right?

City Manager Brown: Yes, I'm sure they have more money at stake. But the City can't sign agreements if we don't know what's in them and that's what they're wanting us to do.

Mayor Elmore: They changing services without changing the millage rate or justifying costs.

City Manager Brown: For example, we pay into a fund for roads, including striping, filling potholes, traffic signals. They removed two of those services but don't want to change the millage rate.

Item No. 11 Amendment to Avondale Estates Code of Ordinance Division 3.PERMITS Sec. 5-76 Expiration

City Manager Brown: This basically says once someone files a permit and starts working, that work has to be completed within six months. It's almost

impossible to build a house in that time period. That period can be extended by 90 days. We have eleven applications right now that are violating this code. Many other cities give a year with an extension of six months. That's my recommendation if the Board wants to move forward. This is just for discussion now. The ordinance would just need to be amended.

Commissioner Fisher: If someone is not done by the time the permit expires, what are the consequences?

City Manager Brown: Work is stopped and they have to go back through the review process.

Commissioner Fisher: Can they be fined or something like that? If the building is just sitting there in disrepair?

City Manager Brown: We have ordinances about that and can put a lien against the property.

Mayor Elmore: I thought you were going to say that South City Partners brought this to your attention.

City Manager Brown: No, but that's a prime example. There's no way that could be done in six months. It's just an ordinance I think needs to be updated. We have an ordinance where you have to start building within six month of when the permit is issued. That's fine. But if you're in the middle of a project. Things happen.

Mayor Elmore: I'm fine with that. Will be approve that Monday night?

City Manager Brown: No, an amendment will need to be written and it will need to go to the city attorney.

Mayor Pro Tem Giager: Does this cover all permits?

City Manager Brown: Yes.

Commissioner Yelton: It could also protect the homeowner against a slow contractor.

Commissioner Beebe: I'm ok with it.

Mayor Elmore: Who would determine if there's an extension?

City Manager Brown: Myself, Caryl Albarran, Oscar Griffin, or Clark Patterson Lee.

Commissioner Fisher: I'm good with it.

Mayor Pro Tem Giager: All the contractors are so busy and split their time between projects. But if we don't do something for minor works projects then

someone could take a year to build a deck and it could be unsafe. I don't have a problem with extending it.

Kathy Kingsbury/817 Stratford Rd: In the city of Atlanta, we say if you don't see any work being done on a property in six months, they have to get another permit.

Item No. 12

Public Comment

Kathy Kingsbury/817 Stratford Rd: You were talking about having streets that look nice and I have to say the ArtLot is an embarrassment. At the other end of the street, there's a restaurant we all know and love that's just starting to look a little sloppy.

Lisa Shortell/6 Clarendon Pl: There has been lots of talk about the streetlights lately. I notice there are sections of road that are completely dark but there are three streetlights in front of my house. It's almost overkill. I'm just throwing it out there.

Mayor Elmore: Is Georgia Power in control of that?

City Manager Brown: Yes, but there are parts of Berkeley, for example, that don't have any lights. They do have shields that you can request from Georgia Power. I'll give you the contact. They've been pretty responsive to that.

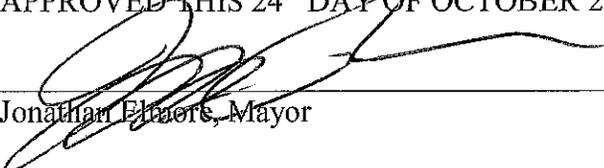
Sharon Saliba/56 Clarendon Ave: I'd like to thank the Board for doing such a wonderful job.

Item No. 13

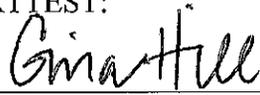
Adjournment

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

APPROVED THIS 24th DAY OF OCTOBER 2016


Jonathan Elmore, Mayor

ATTEST:


Gina Hill, City Clerk