

**BOARD OF MAYOR AND COMMISSIONERS
REGULAR WORK SESSION**

December 10, 2008
5:30 p.m.

MINUTES

Members Present: Ed Rieker, Mayor
David Milliron, Commissioner
Michael Payne, Commissioner
Lyda Steadman, Commissioner

Members Absent: Sandra Varian, Mayor Pro tem

Staff Present: Clai Brown, City Manager
Juliette Sims, City Clerk
Ken Turner, Finance Director

Item No. 1 Meeting called to order at 5:32 p.m. by Mayor Rieker

Item No. 2 Adoption of Agenda

Mayor Rieker stated that Item No. 9 deals with a piece of property that he owns; therefore he will be leaving before Item No. 9. Mayor Rieker noted that he would like to have public comment twice, once after Item No. 8 and once after Item No. 9. Mayor Rieker noted that he will be turning the meeting over to Commissioner Steadman, since Mayor Pro tem Varian is still recuperating from her surgery. City Manager Brown stated that he would like to add one agenda item, Lake Board Appointments.

A motion to adopt the agenda as amended was made by Commissioner Milliron, seconded by Commissioner Steadman; passed with all ayes (4-0).

Item No. 3 Board Update:

Downtown Development Authority (Steve Grubenhoff)

Mr. Grubenhoff distributed a handout with the Downtown Development Authority recommendations for the zoning. Mr. Grubenhoff noted they came up with three things which he discussed with the board.

Mayor Rieker noted that the board would like for Mr. Grubenhoff to relay back to his group that they would like to see the DDA focus in on helping existing businesses. Mayor Rieker stated that the board would like to see activity quickly.

Commissioner Steadman noted that one thing they would like back quickly from the businesses is where the BOMC is falling short on serving them and what can the BOMC do to make things easier.

Item No. 4

Review of Lake Avondale Master Plan & Next Steps (Sandra Neuse)

Sandra Neuse, Chairman of Lake Board gave an update on the Lake Avondale Advisory Board. Ms. Neuse noted that Ted Waters has elected not to continue on the board. Ms. Neuse noted that she has some suggestions of candidates to replace Mr. Waters. Ms. Neuse noted that at AutumnFest they had a display so residents could come by and ask about the lake master plan and they got a lot of great comments and input. Ms. Neuse asked the board what the next steps are since the lake advisory board now feels they have a complete plan. Ms. Neuse stated that she understood that the master plan requires three readings. Ms. Neuse noted that the Lake Advisory Board can't move forward to recommend any specific work to be done at the lake until that master plan has been accepted.

Mayor Rieker stated that Monday the board will do the first reading of the adoption of the master plan and continue the readings in January. Mayor Rieker noted that he would like for the Lake Advisory Board to have a public question/answer sometime in January/February.

Commissioner Payne asked Ms. Neuse if they are working on a portion to start on the lake.

Ms. Neuse stated that they have to get permitting since it is a body of water that is why they are pushing to have the plan approved because once that is approved they will know what type of permit to apply for.

Mayor Rieker asked Ms. Neuse to have one of her board members look at applying for money through the economic stimulus plan.

Ms. Neuse stated that they are working on a lot of different funding.

Commissioner Milliron noted at the beginning of the year Stephanie Stuckey-Benefield gave a long list of opportunities. Commissioner Milliron asked if the lake board had attempted at this point to contact and work any of those suggestions.

Ms. Neuse stated that the board has explored several of those and they are still coming back that the most likely funding would be, specifically for the stormwater management behind the dam. Ms. Neuse noted that they are not finding a lot of funding for the lake itself and they are open to suggestions.

Item No. 5

Annexation Discussion

Mayor Rieker noted tonight the board wanted to cover some of the loose ends regarding annexation. Mayor Rieker noted that he has asked Allan Kirwan and Commissioner Steadman to put together a one pager for the business property owners regarding what their tax might be vs. Decatur vs. Avondale compared to their tax now, so all the property owners are aware of what might be their tax consequences. Mayor Rieker noted that the board is also putting together a one pager about the annexation and Commissioner Steadman has the idea of putting together a binder so the board has all the same information organized in the same way. Mayor Rieker noted that he would also like some communication from this board to the Downtown Development Authority that the board would like them to absolutely focus on helping existing and new businesses in town before they go off and do anything else; the board really needs that focused on now.

Commissioner Payne stated that he feels that is a good idea and perhaps the Downtown Development Authority should send a representative to the Business Association and solicit a list from them of what they feel the issues are so this board knows.

Mayor Rieker noted that almost once a day he is having discussions with a property owner about annexation.

It was the consensus of the board that Mayor Rieker will take what he has heard from the board tonight and send Chairman Jill Joyner-Bush of the Downtown Development Authority an email with the strongest voice possible that the Board of Mayor and Commissioners would like them to focus on helping new and existing businesses in town and he will carbon copy the board on the email.

Commissioner Milliron stated that he did put in that request to Stephanie Stuckey-Benfield but he hasn't got back a dropdown deadline from her as to when she would have to hear from the board regarding the resolution. Commissioner Milliron noted that when the board does get the dropdown deadline they will need to put a timeline together which they would then convey to Ms. Benefield. Mayor Rieker noted that the board will put together a schedule with milestones.

Mayor Rieker noted that there were some business property owners in the audience and he would welcome their comments now.

Carl Fite, asked what is the DDA?

Mayor Rieker explained that was the Downtown Development Authority and that they had met last night.

Commissioner Payne noted that one of the things discussed in that meeting last night was when the City gets to the point of putting information out about the annexation, they will have plain language instead of abbreviated because they realize a lot of individuals don't know that the DDA means Downtown Development Authority that way everyone will know what the board is talking about.

Mayor Rieker explained the role of the Downtown Development Authority.

Charles Blalock, 126 Maple Street, asked what does dropdown deadline mean and what is that date?

Mayor Rieker noted that is the dropdown date for the Legislative Assembly to actually pass a bill. Mayor Rieker explained the process and noted that they are anticipating nothing happening until as early as February/March. Mayor Rieker stated to Mr. Blalock that the board has to do some things with zoning to make sure that the City does not have any zoning issues with the proposed annexation properties. Mayor Rieker noted that everyone will get grandfathered in. Mayor Rieker stated that the City is passing new zoning hopefully in January and they will do another piece of zoning probably in February/March that will encompass the zoning that would be necessary for the parcels for the annexation.

Carl Fite, asked if a business is in one zone now and it gets sold does it go to C2? Mr. Fite spoke about how the annexation will affect him.

Mayor Rieker noted that it is the intent that they will grandfather everybody in, their property and their business. Mayor Rieker stated to Mr. Fite that as long as you have your business there you are alright and if you sell your business, you are alright as long as it does not shut down for a length of time and you are not operating, that would be another story, you would not be able to start that business back up for 180 days. Mayor Rieker noted that all of this will be put in the new zoning ordinance. Mayor Rieker noted that the board's intent is not to hurt any existing businesses or property owners by changing the zoning of their property.

Unknown, stated that in his experience what the board is talking about is creating non-conforming uses. He stated that if anything happens to that building it is possible you cannot rebuild it. He stated that it causes a lot issues such as getting insurance, etc. that a lot of people don't think about when you are going around changing zoning.

Mayor Rieker noted that one of things that he feels is unique in the new zoning is that the board recognizes that the City has a lot of non-conforming properties in our existing business district and as he recalls the City board put something in there about this that you can build within your existing footprint right back to where you were.

Commissioner Steadman stated that you are allowed to build within your existing footprint right back to where you where you just can't necessarily expand.

Charles Blalock, 126 Maple Street spoke about being grandfathered in and about the new zoning.

Commissioner Steadman noted that the City has things in place now regarding zoning and the board is going to change it in January and then change it again in March because of the annexation.

Mayor Rieker noted to Mr. Blalock that the zoning has to be done before the annexation and the board is working on the new changes for the second batch for February right now. Mayor Rieker stated that the zoning they are passing in January the City has been working on for 2 ½ years, the second batch is specific to the annexation.

Julie Feely, 2 Dartmouth Avenue, stated that she feels people are talking past each other just a little bit. Mr. Blalock keeps using the word re-zoning and the City is not rezoning in order to embrace the areas proposed for annexation we are creating zoning.

Mayor Rieker noted that the City of Decatur has expressed to the City that they are going to come to Avondale's borders and in order for the City to protect the city limits and historic district then Avondale needs to meet them somewhere. Mayor Rieker noted that the idea is from the Rio side all the way down to Sam's crossing, those seem like natural boundaries and borders and the City would like to see eventually redeveloped and we don't control it then Decatur might control it. Mayor Rieker noted that annexation is a part of our comprehensive plan.

Unknown, asked why do they have to be either/or, why can't it be left like it is. Why do they have to be in Decatur or Avondale?

Mayor Rieker noted that it is not up to the board to decide it will be left up to the legislative session next year. Mayor Rieker stated that the development is coming right down that corridor.

Commissioner Payne noted that the City of Decatur is on a annexation, either Avondale acts or the City of Decatur takes it, the cities hands were forced and annexation has been talked about for years but now that Decatur has stated that is their intention and Avondale has to act.

Commissioner Steadman stated that he will find Avondale easier to deal with business wise in getting permits than Dekalb County.

Unknown, asked if he had to pay for another business license

Commissioner Steadman stated to he would not have to pay for another business license fee.

Mayor Rieker noted to that he will get additional personal property tax.

Unknown expressed his concerns regarding the annexation from his personal standpoint; he can't understand what he is missing out on by coming to Avondale and why he would need an additional layer of government.

Commissioner Steadman stated that it is not an additional layer of government, it is additional taxes.

Mayor Rieker stated that he understood his concerns, it is more taxes, it is more cost for him but the idea is that the City is trying to partner with him. Mayor Rieker noted that the City can do nothing and let the City of Decatur have it or we have to act on it.

Doug Leckband, 5 Exeter, spoke about the advantages of being in Avondale.

Allan Kirwan, 12 Clarendon Avenue, spoke about the advantages of Avondale larger meeting room compared to Decatur for public to come and listen to things, Avondale has a very strong business association and the City is looking at other high end restaurants/businesses to come to Avondale.

Item No. 6

Charter School Initiative & Proposed AE Zoning Code (Laura Leckband)

Laura Leckband distributed a handout and spoke regarding her thoughts on the proposed zoning in regards to the Charter School Initiative. Ms. Leckband noted that the next meeting of the Charter School Initiative is this Thursday at 6:30 p.m. Ms. Leckband stated that they are looking at federal level funding for the school. Ms. Leckband noted that she will send a letter from the Charter School to the BOMC regarding her request for permitted use.

Item No. 7

Review of Final Budget (City Manager Brown)

City Manager Brown noted that there were only minor changes in the budget from the detailed meeting held in November and the board reviewed those changes. City Manager Brown noted that Commissioner Steadman in the last meeting in November requested a revised salary structure which he completed and distributed to the board. Commissioner Steadman distributed the DCA Wage and Salary Survey and her average on the key four positions for the City for the board to review/discuss. City Manager Brown noted that the salary scale has not been revised in over 8 years.

Mayor Rieker noted that the board will vote on the budget on Monday night.

Item No. 8

2008 Budget Amendment (Ken Turner, Finance Director)

Finance Director, Ken Turner reviewed the 2008 budget amendment with the board.

City Manager Brown noted that the budget amendment requires three readings.

Mayor Rieker asked that the first reading be Monday night.

City Manager Brown noted that one thing that is not in 2008 budget and the money is in there to do this and it will be part of the amendment if the board let's the City Manager proceed is the entrance signs, east and west, they need to be replaced. City Manager Brown noted that he has been working on getting estimates and they range from \$6000 to \$8000. City Manager Brown noted that the cheaper one is for wood, there an aluminum one and steel one which he provided examples to the board. City Manager Brown is proposing to do the east and west signs in brick to match Carl's Corner, which he provided examples to the board. City Manager Brown noted that it would cost about \$10,000 per each entrance sign. City Manager Brown stated that the signs are cracked, warped, and peeling apart.

Mayor Rieker noted the way things are currently money wise, he does not want to spend \$20,000 on signs. Mayor Rieker noted what he would like to see done is what they did down at the pool where the City solicits donations, such as sell names on the bricks and fund it that way, the board was in agreement.

Public Comment:

Charles Blalock, 126 Maple Street asked if the 36 feet in height was for the residential or commercial.

Mayor Rieker stated to Mr. Blalock it is in the CBDZ. Mayor Rieker noted that the concern is to keep the taller buildings within scale.

Mayor Rieker recused himself and Commissioner Steadman took over the meeting.

Item No. 9

BOMC Consideration to approve the paving of the City alley between Locust and Oak

Commissioner Steadman noted that this is a consideration to approve the paving of the City alley between Locust Street and Oak Street.

City Manager Brown noted that a permit application has been submitted to the City for 151 Locust Street which is owned by Mayor for improvements to the alleyway. City Manager Brown noted that what the developer wants to do is pave the alleyway and the only way they can pave or make an improvement to

City property is the board has to vote on it. City Manager Brown's recommendation to the board is to allow them proceed. City Manager Brown noted that the owner is paying for the improvement with the stipulation that it has to be a good proposal of drainage down Locust Street and not down the ravine to the other property owner and some type of safety guardrail due to the embankment for liability to the City and the other property owners.

Commissioner Payne asked if the adjourning property owners had been contacted. City Manager Brown stated yes.

Item moved to Monday night agenda. Commissioner Milliron asked that on the agenda note that the property is owned by the Mayor.

Item No. 10 Public Comment: None

Item No. 11 Adjournment

There being no further business, a motion to adjourn at 7:45 p.m. was made by Commissioner Payne, seconded by Commissioner Milliron; passed with all ayes (4-0).

Approved this 23rd of February 2009

Ed Rieker, Mayor

ATTEST:

Juliette Sims-Owens, City Clerk