

**BOARD OF MAYOR AND COMMISSIONERS  
PUBLIC HEARING**

January 5, 2009  
**6:00 p.m.**

**Minutes**

**Members Present:** Ed Rieker, Mayor  
Sandra Varian, Mayor Pro tem  
David Milliron, Commissioner  
Michael Payne, Commissioner  
Lyda Steadman, Commissioner

**Staff Present:** Clai Brown, City Manager  
Juliette Sims, City Clerk

*Item No. 1* Meeting called to order at 6:00 p.m.

*Item No. 2* Adoption of Agenda

A motion to adopt the agenda as presented was made by Commissioner Steadman, seconded by Mayor Pro tem Varian; passed with all ayes (5-0).

*Item No. 3* Receive Public Comment on the Conditional Use Application for Publix

Mayor Rieker noted that tonight's meeting is a public hearing about the conditional use application for Publix, for the purpose of hearing any concerns or issues that the public may have concerning this conditional use permit. Mayor Rieker noted that the board is not going to vote on the application tonight another meeting will be held to vote on the application.

Mayor Rieker noted that this morning he attended the inauguration for the new CEO of Dekalb County and it was well done. Mayor Rieker stated that he heard a lot of good things about including the cities in things going forward and he was very encouraged by that.

Public Comment:

Tom Samford, 890 Stratford stated that he would like the Publix to proceed on. Mr. Samford also noted that the lake Christmas tree requires maintenance at times. Mr. Samford asked for all those that enjoy it, to please make a small donation which will be greatly appreciated. Checks should be made payable to the City of Avondale Estates and mark it for "Lake Christmas Tree."

Mayor Rieker asked Mr. Samford how much is needed for the maintenance. Mr. Samford stated he did not know how much is needed but the expenses this year were a little over \$700.

Mayor Rieker stated the City will get the word out on that.

Charles Blalock, business owner, 126 Maple Street, Mr. Blalock noted that the Maple Street Village is looking worse and worse since they have stopped the construction. Mr. Blalock noted that the black blinder is now gone. Mr. Blalock asked the board if there was anyway to get the contractor to enclose the area until they start building again.

Mayor Rieker stated that the City will contact the builder regarding this issue.

Charles Blalock, business owner, 126 Maple Street asked when the construction will resume at Maple Street.

Mayor Rieker stated to Mr. Blalock that he could tell him where the City is with this process. Mayor Rieker noted that this board has to vote on the conditional use permit and once that is voted on, which should be pretty shortly, then Century AG has to go out and find the money to develop that property. Mayor Rieker noted that the first part of that development is to actually finish the building that Mr. Blalock is speaking of on Maple Street. Mayor Rieker noted that as soon as they finish that building, then the Kallenberg's can move their Finders' Keepers into that building. Mayor Rieker stated that they have an option for 30 days and if at the end of 30 days they are happy with that property then it is theirs and then they can start taking down the old Finder's Keepers. Mayor Rieker noted that this is the process the City is in right now and the City is at the mercy of the financial markets.

Charles Blalock, business owner, 126 Maple Street noted his concerns about the financing and how bad the City looks.

Mayor Rieker stated that he cannot express what is going on in the financial markets, they have ceased up over the last six months. Mayor Rieker noted that there is nothing the City can do about the financing.

Ted Penrod, 62 Lakeshore Drive Mr. Penrod questioned the house that didn't get a permit to tear it down a few years ago that is still standing and the property that was formerly Mooney's garage. Mr. Penrod asked when will something be done about those, they don't look any better than they did a year ago. Mr. Penrod noted that he would like to see something done with the upkeep of the development and he knows there must be a timetable.

Mayor Rieker stated that the City had to get the development agreement signed and they did that last month, as soon as the board passes the conditional use permit, then the next step for Century/AG to do is to go out and find the money to build the development and that releases the ability to get permits. Mayor Rieker noted that the City can't let them do just a little bit; the entire thing has to be done. Mayor Rieker noted that he completely agrees with Mr. Penrod on the condition of some of those buildings. Mayor Rieker noted that they own the property the City does not own the property.

Commissioner Payne stated to Mr. Penrod that part of the development agreement is that a lot of those businesses are already closed and the City did not want to end up with a bunch of vacant buildings and when they get the Publix up and going they don't want next door a bunch of vacant buildings and they have agreed to demolish a lot of those buildings and grass them over. Commissioner Payne reiterated that they are working on their financing.

Ted Penrod, 62 Lakeshore Drive stated that will be a vast improvement.

City Manager Brown noted that the Senior Project Manager of Century, Jeff Eidson is here tonight. City Manager Brown asked Mr. Eidson did he have any comments.

Jeff Eidson, Century/AG stated that the screens will be going back up and they will address the concerns the City has along the back side as well. Mr. Eidson noted that Century/AG wants the Publix development as much as anyone here does but it is exactly as the Mayor stated, they need financing and leases. Mr. Edison believes they will have everything into place in the next couple of months. Mr. Eidson noted that he will provide a timetable to City Manager Brown.

Charles Blalock, 126 Maple Street asked Mr. Eidson if they were going to put a blinder fence down Maple Street because it is making his property look bad.

Jeff Eidson, Century/AG stated no, they were not planning on doing that.

Mayor Rieker asked Mr. Blalock to get with Mr. Eidson after the meeting to express his concerns. Mayor Rieker also noted that our City is not the only one in this situation, he spoke to another Mayor this morning and they have a 3 million square ft. building that is already permitted and ready to go that is waiting on money, so it is not us it is the marketplace.

Anne Adams, 59 Berkeley Road, stated that she supports the development and requests that the board at the appropriate time approve the conditional use application for a grocery store for Publix.

*Item No. 4*

Adjournment

There being no further business, a motion to adjourn at 6:18 p.m. was made by Commissioner Steadman, seconded by Mayor Pro tem Varian; passed with all ayes (5-0).

Approved this 26th day of January 2009

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Ed Rieker, Mayor

ATTEST:

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Juliette Sims-Owens, City Clerk