

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

May 13, 2009
5:30 p.m.

MINUTES

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

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

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

Item No. 2 Adoption of Agenda

Commissioner Steadman noted that she would like to add to the agenda discussion of March 24th minutes. Mayor Rieker asked that this be added to Item No. 9.

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

Mayor Rieker noted that he will proclaim National Garden Week at Monday's meeting.

Commissioner Steadman noted that she will be out of town on Monday and will not be in attendance at the meeting.

Item No. 3

Board Updates:

(a) Planning and Zoning – Julie Feely

Julie Feely reported on the Green Building Ordinance which covers LEED and Green Globe as a proposed ordinance. Ms. Feely noted that the Planning and Zoning Board discussed the draft ordinance on Monday but did not develop a recommendation. Ms. Feely noted

that the board is interested in having a joint meeting with the Historic Preservation Commission/Architectural Review Board/Planning and Zoning and Environmental Committee and then each board will be able to go back and make better recommendations to the BOMC. Ms. Feely asked for clarification on timetables regarding the ordinance.

Mayor Rieker noted that there is not a deadline on the ordinance. Mayor Rieker stated that he would like to have a Joint LEED Ordinance Work Session with the boards Ms. Feely recommended to be held on June 11th at 6:30 p.m. City Manager Brown will send an email to each of the board chairs asking that two members attend.

Julie Feely will draft a small paragraph regarding how to approach the joint meeting to ensure a successful, focused meeting and City Manager Brown will send that out to each of the board chairs to disseminate to their members.

Ms. Feely spoke about the proposed Fenner Dunlap Mill District. Ms. Feely noted that Patrick Ejike of Dekalb County is in charge of long term planning and he noted to Keith Melton on Friday that all he needed was the go ahead from CEO Ellis in order to proceed. Ms. Feely stated that when they do get the go ahead to move forward the Planning and Zoning board will try to turn everything around in 30 days.

Mayor Rieker noted that he is attending the Mayor's Luncheon at Dekalb County on Monday and he will mention the Mill District. Ms. Feely stated that she will send an email to Mayor Rieker to remind him. Mayor Rieker also asked the Planning and Zoning Board to look into stakeholders.

Mayor Rieker noted to City Manager Brown that he thought Century was coming tonight to provide an update on the Publix development.

City Manager Brown noted that Charlie Boscarino the President of Century Commercial Development had an emergency and just got back in town. City Manager Brown will work on having Century attend the next work session.

(b) Downtown Development Authority – Bart Webb

Bart Webb stated that the DDA is inviting the lady who started the Stone Mountain Open Air Market to their next DDA meeting along with one of their DDA members because Avondale is looking at

having an Open Air Market on Franklin Street. Mr. Webb also noted that the DDA is looking at various stimulus packages.

Commissioner Payne asked Mr. Webb if the DDA was looking into anything for the Tudor Village.

Bart Webb stated stimulus dollars.

Bart Webb thanked everyone for all their support including the Business Association for coming together for his Art-B-Que.

Item No. 4

Savage Pizza beer and wine application for patio sales

City Manager Brown noted that Savage Pizza has submitted a beer and wine application for patio sales and it is in the City Ordinance for the Board of Mayor and Commissioners to approve the application.

Mayor Rieker requested this be added to the May 18th agenda.

Item No. 5

4th of July Fireworks Contract

City Manager Brown noted that this is an agreement with the City of Avondale Estates and Pyrotechnico for the 4th of July Fireworks show for the amount of \$10,225 which is the same as last year.

Mayor Rieker requested this be added to the May 18th agenda.

Item No. 6

Chris Wolski Presents Contract (Atlanta Blue Notes Band – 4th of July)

City Manager Brown stated that this is an agreement with the City of Avondale Estates and the Atlanta Blue Notes Big Band to provide the entertainment from 7 pm to 11 pm on the 4th of July for the amount of \$3500 which is the same amount as last year.

Commissioner Milliron stated that some people can't always hear the band and he asked City Manager Brown if there was some way to amplify the sound.

City Manager Brown will check into this.

Mayor Rieker requested this be added to the May 18th agenda.

Item No. 7

Update on Proposed Millage

City Manager Brown noted that the City just received more updated numbers from the county after they went back and did their reassessment. City Manager

Brown recommends that the millage rate remain at 11.0. City Manager Brown stated that he will have to advertise the 2009 Tentative Millage Rate on May 21st for the upcoming meetings.

Commissioner Milliron noted that when the City originally raised the millage it was because the City had some emergency infrastructure issues, City Hall roof, the clock tower, engine replacements etc. and all the that has been paid and the City is going to end the year with \$200,000 from what he understands from a statement Mayor Rieker made. Commissioner Steadman asked if that was 2008. Mayor Rieker stated yes that is from 2008. Commissioner asked budget wise if the City is going to keep it in place and keep that money coming in or what.

Mayor Rieker stated that what we have to do for the rest of the year is look at the budget to see where the number falls for the needs. Mayor Rieker noted that it is two separate transactions that they are working on.

City Manager Brown stated that the reason he is recommending to keep the millage at 11.0 is because there are too many uncertainties out there right now.

Commissioner Steadman stated that hasn't the City been chipping away at the reserve over the last couple of years.

Mayor Rieker stated yes there was a period of almost 4 years but last year the City did not.

City Manager Brown stated that the City would want to keep anywhere from 3-6 months in reserves of expenditures with no cash flow coming in.

It was the consensus of the board to keep the millage rate at 11.0.

Commissioner Steadman asked if the City was going to send out a letter to the residents.

City Manager Brown stated the county is going to send one with the bill and the City will send a separate one.

Item No. 8

Reappointment of Chris McArthur to Lake Avondale Advisory Board

City Manager Brown noted that Chris McArthur's reappointment was up December 31, 2008.

Mayor Rieker requested that the reappointment of Chris McArthur to the Lake Avondale Advisory Board be added to the May 18th agenda.

Mayor Rieker noted at the last meeting there was some discussion about adding another member to the Lake Board and he asked if City Manager Brown had looked into it.

City Manager Brown stated that he corresponded with the board by email and the entire board does not want to add anybody else right now and maybe when they get through some of the first phase they might add some people.

Mayor Rieker asked if there anything the City can do to assist with cleaning up some of the areas at the lake.

City Manager Brown stated that he walked the lake with Bryan Armstead, Director of Public Works and Oscar Griffin, Parks and Recreation Supervisor and they are going to have to do some research because there are two maple trees that have root issues, etc.

Mayor Rieker asked City Manager Brown to contact the Lake Avondale Advisory Board and request a plan of action for the Lake for the remainder of this year.

Item No. 9

Open Meeting Policy Discussion

Mayor Rieker requested that if anyone on the board is sending anything out to more than three commissioners, that they send the information to City Manager Brown and let him decide whether the information is appropriate to send out to the rest of the board. Mayor Rieker stated that he does not want to receive any emails from the board in group mailings.

Commissioner Milliron stated that he and Mayor Rieker have had this discussion because repeatedly the Mayor has sent out emails after for instance members of this board have sent out FYI emails or communications to the board and the Mayor's feedback consistently has been is to make sure we are not side stepping the Open Meetings Act. Commissioner Milliron expressed his disappointment that the Mayor was not going to entertain updates or communications from fellow board members and he is very saddened that the board is continuing to want to reduce the City Manager to a secretary clerk by taking communication and forwarding it. Commissioner Milliron referred to an email regarding a question he posed to Dennis Dunn the Deputy Attorney General for the State of Georgia. Commissioner Milliron noted that nothing this board has done with a few exceptions is a violation of the Open Meetings Act. Commissioner Milliron noted that he is saddened that Mayor Rieker is bringing this to the table tonight. Commissioner Milliron noted that he went back into his email archive and he pulled out all of the emails that Mayor Rieker has sent which violates what he is asking here and Commissioner Milliron noted that Mayor Rieker had sent out FYI's to the board and that there is nothing wrong

with what he did. Commissioner Milliron noted that what he takes issue with and what he decided not to respond to was Mayor Rieker's last email where he accused Commissioner Milliron of partaking in a secret meeting regarding the City awards. Commissioner Milliron stated that until the board has taken this as an official policy there is no policy here it is Mayor Rieker's desire and if Mayor Rieker tells Commissioner Milliron that he does not want to get an email from him from him anymore then he gladly will stop sending him emails but he is not going to reduce our City Manager to a mailman distributing emails. Commissioner Milliron stated that everyone on the board is an elected official and can adhere to the Open Meetings Act which they have done just fine. Commissioner Milliron stated that he did not understand the issue of Mayor Rieker's misunderstanding of the law or maybe he is going to be that cautious to make sure he stays within the law but it is pretty simple to stay within the letter of the law and that is, do not engage with two way communication via email with the majority of the board.

Mayor Rieker stated to please not send him anymore emails and if they are clear about that that is good.

Commissioner Milliron stated he wrote it down.

Mayor Rieker stated that his problem is when Commissioner Milliron sends out his opinions about what the City Manager should do or what this board should do, his belief is that when the board has these work sessions that is an opportunity for the board to express their opinions on the issues and how the board feels about doing City business and that is done in the open. Mayor Rieker stated that he does not believe that this board all of them together or three of them should be carrying on or passing information that is not available to the public and that is his opinion. Mayor Rieker stated that he is cautious on that side of the law because of things that has happened in the past and he is fine with Commissioner Milliron not sending him emails because he believes everything he needs as an elected official is from the City Manager or at this table or contacting commissioners on an individual basis.

Commissioner Steadman stated that what she heard Mayor Rieker say was not that Mayor Rieker did not want anymore emails from Commissioner Milliron but that he did not want anymore emails that were including two other commissioners.

Mayor Rieker stated that is exactly what he said. Mayor Rieker stated so there is no misunderstanding just don't send him anymore emails and then it is pretty easy.

Commissioner Payne stated he does not have a problem with it. Commissioner Payne noted that he thinks the board has done pretty good as a board not discussing issues back and forth and they should continue to be careful that the board adheres to the law.

Mayor Pro tem Varian spoke about the secret thing for picking residents for awards. Mayor Pro tem Varian noted that Commissioner Milliron was adamant that we could not do that but it had been done for years and it had always been done kind of behind the scenes because it was not a policy it was just honoring a resident or business and it is a lovely thing to do but because of Commissioner Milliron's objections and because it was a secret it was cancelled last year. Mayor Pro tem Varian stated that she was glad the City had it again this year and she does not feel that is conspiring or going behind someone and the board was in agreement of whom to give those awards to and she is glad that it is back with the State of the City and she hopes it continues.

Mayor Rieker noted that is one thing that all commissioners participated in. Mayor Rieker stated that he sent out an email stating that if you don't want to participate then send him an email back stating that they did not want to participate.

BOMC Minutes of March 24th

Commissioner Steadman noted some revisions to the March 24th minutes. Commissioner Steadman will contact the City Clerk regarding the revisions.

Item No. 10

Commercial Annexation Update

Commissioner Million gave an annexation update from the meeting held on May 8, 2009 with City Manager Brown, himself and Representative Stephanie Stuckey Benfield. Commissioner Milliron and Commissioner Steadman will work with City Manager Brown regarding preparing for the upcoming possible annexation.

Item No. 11

Public Comment

Allan Kirwan, 12 Clarendon Avenue spoke about the Decatur Living that is coming out and how well the City is represented in it, Hauswerks, Bart Webb Studios, etc.

Commissioner Milliron noted that Bart Webb did the signage for Savage Pizza and that it is going to the Architectural Review Board tonight.

Parke Kallenberg, 1035 Lakeshore Drive asked the BOMC to tell the Lake Board to talk to the University of Georgia and Auburn University both of them do extensive classes and extensive graduate work on shoreline reclamation and it is not just the dirt touching the water it is 80 feet back from the water. Mr. Kallenberg noted that it is probably much cheaper because they have students doing the work.

Julie Feely, 2 Dartmouth Avenue asked for clarification on the letter writing campaign Rep. Stephanie Stuckey Benfield did showing support from the City and was that just from the businesses or also from the residents.

Commissioner Milliron stated residents also.

Item No. 12

Adjournment

There being no further business, a motion to adjourn at 6:40 p.m. was made by Commissioner Steadman, seconded by Commissioner Milliron, passed with all ayes (5-0).

Approved this 27th day of July, 2009

Ed Rieker, Mayor

ATTEST:

Juliette Sims-Owens, City Clerk