

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

June 17, 2009
5:30 p.m.

MINUTES

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

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

Item No. 1 Meeting called to order at 5:30 p.m. by Mayor Rieker.

Item No. 2 Adoption of Agenda

Commissioner Milliron asked that an update on the LEED Ordinance be added to the agenda since a few of the board members were absent for that meeting and the meeting was not recorded (Item #8). City Manager Brown asked that a Geese Management Agreement (Item #9) and tax letter to the residents regarding the Homeowners Tax Relief Grant be added to the agenda (Item #10).

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

Item No. 3 Board Update:
(a) Lake Avondale Advisory Board – Plan of Action for Lake – Steve Sanchez and Camilla Warren

Mayor Rieker stated that the board is trying to figure out who is doing what, what are the immediate needs for the lake and what part can the City do for the implementation of the immediate needs for the lake.

Steve Sanchez provided a summary:

- Immediate repair area: lower part of the lake closet to the dam, Lakeshore around there has the worst erosion of all the areas. Steve noted that to do any of the erosion work the City is going to have to go through a core permit and State permit process which would take 90 days up to six months (six months being worse case scenario). Steve stated that they will need a sediment and erosion plan which they will have to hire an engineer to do which gets submitted with the permit for the State. Steve noted they will also need engineering drawings and Steve is working on the estimates for that. Steve noted that the permit process would cost somewhere in the \$10,000 range but with Steve acting as the agent for the process he could get the cost down to \$3000-\$5000.
- Immediate repair area: bare spots under the trees due to heavy compaction and overuse. Steve noted that two things need to happen, soil needs to be loosened due to the compaction, there needs to be some sort of barrier so it does not happen again which could be some planting around the trees to discourage people from walking in that area.

Mayor Rieker noted that the swings are now 2ft. off the ground due to the dirt. Mayor Rieker asked if there is anything the City can do to assist with this aspect of the lake.

City Manager Brown noted that Public Works has already fixed the swing and put mulch down by the one closest to the Community Club.

Steve Sanchez noted that what they propose in the future for the lakes edge where the stairs are is to put some very demur decking on that lake edge which would be slightly over the waters edge so people have a place to fish or just look over the edge, nothing would be an obstruction of the lake. At the two upper parts particularly where the swing is, there are two greatly eroded areas what they propose is some sort of hard surface (natural stone or concrete pavers) that way you can sit right on the waters edge. Steve noted that in some areas they are also proposing low vegetation and defined areas for paths.

Mayor Rieker asked the board for their thoughts on the plan. It was the consensus of the board to proceed with the engineering and permitting process. They asked the lake board to put together a list of the items that the City staff can do maintenance wise to assist, provide the board with cost estimates and asked the board to continue their dialogue on a no invasive species policy.

Steve Sanchez noted that the board would also like to discuss the maintenance of the trees and cutting down the large mimosas. Mr. Sanchez

noted that he already has a survey of all the tree species which was obtained when the masterplan was done that he has been marking what all the species are at the lake.

The Board of Mayor and Commissioners requested a Special Called Work Session with the Lake Board and the Tree Board to be held at the lake. City Manager Brown will work with the lake board on a date. Mayor Rieker stated that once a date is in place he asked that the City put something out to the residents about the meeting.

Recess – 6:02 p.m.

Resume – 6:07 p.m.

Item No. 4

Avondale Swim and Tennis Club – Bill Elek

Mayor Rieker noted that Mr. Elek is the President of the Avondale Swim and Tennis Club and today he is here to provide an update on what is going on at the Swim and Tennis Club.

Bill Elek stated that he wanted to give an update on their long-term planning vision for the Swim and Tennis Club. Mr. Elek noted the following:

- They recently had the bath house checked by a structural engineer and it was found to be 100% sound. Mr. Elek stated that their long term goal for the bath house is to have proper plumbing installed.
- They are working on the kudzu that is behind the bath house with Steve Sanchez which will be a three to five year process which he will begin in July.
- They recently expanded the deck which expanded the dining capacity by double.
- Geothermal testing is being done on the pool.
- They don't anticipate raising membership fees; the club is currently in a good cash position.

Mr. Elek spoke about the parking issue in regards to the Kingstone and Dartmouth intersection and suggested the curb be painted yellow so no one will park there. Mr. Elek suggested this also be done on Clarendon Place. City Manager Brown will walk the area with Mr. Elek to assess the parking issue.

Item No. 5

Century Update

Mayor Rieker noted that this update is part of the commitment to meet quarterly with Century.

Nayef Haddad of Century stated he was here tonight to provide the City with an update on the current status of the Publix development. Mr. Haddad noted that Charlie Boscarino could not be at the meeting as he is in Hong Kong working on financing. Mr. Haddad introduced several members of the Century team who are involved in the project. Mr. Haddad thanked City Manager Brown for the time and attention that he has provided during this project. Mr. Haddad noted that Publix is very committed to the project and wants to be in Avondale Estates. Mr. Haddad stated that they are in constant communication with them regarding the financing and they understand how the market is currently. Mr. Haddad noted that they are dealing with some national retailers that are interested in coming to Avondale Estates. Mr. Haddad thanked City Manager Brown for providing the information to Century's marketing staff on the background of the City so they can provide that to potential retailers. Mr. Haddad stated that they are not clear on when they will start construction again the entire project is based on getting financing and once financing is obtained it will take about 1 month to 1 ½ months to get the construction going, nothing has changed from the site plan. Mr. Haddad noted that the properties that they currently have under contract there have been some issues raised because of the delay and they have resolved those issues. Mr. Haddad stated that it is their hope to have some good news regarding the financing in the next couple of weeks.

Mayor Pro tem Varian feels that Century should provide better communication to the residents regarding the project to keep the residents assured that the project is going to be completed. Mayor Pro tem Varian spoke about the maintenance on the properties. Mayor Pro tem Varian stated that it is important that they keep their commitment to the City.

Mr. Haddad stated that he is open to come to any meeting and provide an update.

Commissioner Milliron thanked Century for attending the meeting and noted his appreciation for the cleaning up of the properties. Commissioner Milliron noted that Mr. Haddad stated that Publix has applied some project changes and asked him to share with the board if they affect anything the City has approved thus far.

Mr. Haddad noted that there are no project changes whatsoever, just changes in regards to the lease which is between the Publix and Century (legal items).

Commissioner Milliron noted that he has been reading in the news that construction is much cheaper now due to the economy and he assumes as a company they are rebidding. Commissioner Milliron asked Mr. Haddad if the financing had changed.

Mr. Haddad stated that as of last week, construction costs have come down between 25% and 28% of what they had originally figured. Mr. Haddad stated that eventually what will happen once the funding is available they are going to renegotiate the contract and ask the construction company to rebid.

Commissioner Milliron stated with that he knows with the development agreement the City has connected the Maplestreet project to the Publix project. Commissioner Milliron asked what would it take to get the Maplestreet building completed.

Mr. Haddad stated that Century is in total understanding with the Kallenberg's as to where they are with the project and they have reached an agreement. Mr. Haddad noted that this is the first project that will happen, to finish that building once the financing takes place.

Commissioner Milliron asked Mr. Haddad if Century owns that building/property and if the agreement with the Kallenberg's is a swap.

Mr. Haddad stated yes that is correct.

Commissioner Milliron asked does that mean if funding does not come through does that mean that building stays in the erector set, is there no other way to finish that building.

Mr. Haddad stated that the thing that will make it happen is once the funding is there that would trigger it. Mr. Haddad noted that when it comes to construction he assured the board that the steel frames that are there they are very safe and noted that if something should happen they would do the construction or a portion if they needed to.

Commissioner Milliron asked what would it take cost wise to finish that building.

Jeff Easton, Project Manager stated under 2 million.

Commissioner Payne stated that he is delighted they are still on board.

Mr. Haddad stated that once they get the financing worked out they will work with City Manager Brown on getting the Dekalb County permits.

Mayor Rieker noted that he wants Century to provide the board and residents with quarterly updates and work through City Manager Brown on future meeting dates.

Item No. 6 Consideration of a Resolution regarding Business Chase Bank Credit Card

City Manager Brown noted that the City's credit card has expired and when they went to reapply the bank would not issue a card until the City had a resolution signed by the board regarding prompt payment and approval for the City Manager to use the card.

Mayor Rieker asked that this item be moved to the Monday, June 22nd.

Mayor Rieker stated that one of the issues the board needs to talk about and resolve is, right now City Manager Brown is stuck with this \$1000 threshold for moving money in the budget and approving contracts. Mayor Rieker feels that the board should raise that number.

Commissioner Steadman stated that she feels the board should raise the bid amount also which is currently 5K.

Mayor Rieker asked City Manager Brown to research and get back to the board on this issue.

City Manager Brown stated as far as the bid amount he will continue to bid it out but would like to raise the amount to 10K.

Item No. 7 Consideration of a Resolution regarding Avondale Estates Police Department Operations Manual 2009 Revision

City Manager Brown noted that Chief Broden has revised and updated all of the operation manuals for 2009 and they want the board to formally endorse that.

Mayor Rieker asked that this item be moved to the Monday, June 22nd.

Item No. 8 LEED Ordinance Update

Mayor Rieker noted that on June 11th they had a Joint LEED Work Session where they had two people from each committee come that was affected. Mayor Rieker noted that there was not a quorum that night so the meeting was not recorded. Mayor Rieker stated that there was a lot of good discussion about what should be in the LEED ordinance, what the timing should be and the process. Mayor Rieker stated that most of the Environmental Committee was at the meeting, the Planning and Zoning Board and Downtown Development Authority were also represented. Mayor Rieker noted that the process would be for the Planning and Zoning Board and Downtown Development Authority to meet and discuss.

City Manager Brown noted that the Planning and Zoning Board talked about it in the meeting that they had on Monday and they will take some more time and think through it.

Mayor Rieker stated that the Planning and Zoning Board will make a formal recommendation to the Board of Mayor and Commissioners. The Downtown Development Authority had a vote and they took it back and now they will take another vote and give their recommendations to the Board of Mayor and Commissioners.

Commissioner Steadman noted that it was a very good meeting and one of the concerns was that this does not create another layer of bureaucracy and that we can enforce what we have so they want to streamline it to make it more efficient. Commissioner Steadman noted that the big point that really hit home to everyone was that LEED's was an opportunity to up the quality of construction that you are getting in your town to ensure quality development.

Commissioner Milliron asked if there was a timetable given to those boards to get back to the Board of Mayor and Commissioners he feels that there should be some type of deadline imposed.

Board felt the boards should be put on the next work session agenda to provide an update.

Mayor Rieker asked that the Environmental Committee, Downtown Development Authority and Planning and Zoning Board be put on the next Board of Mayor and Commissioners Work Session to give a LEED Ordinance update.

Commissioner Steadman asked that the Zoning Ordinance be added to the next work session agenda. The board was about 90% complete and the board was going to readdress it with the annexation and they never did and there are some things that need to be cleaned up. Mayor Rieker asked that this be put on the next work session.

Item No. 9

Geese Management Agreement

City Manager Brown stated that this is an agreement with the USDA which the City used two years ago to get rid of Canada geese. City Manager Brown noted there have been a lot of complaints regarding the geese droppings. City Manager Brown noted that the cost is 1K.

Mayor Rieker asked that when the geese management is completed that the City send out an e-blast.

Mayor Rieker asked that this item be moved to the Monday, June 22nd.

Item No. 10

Tax letter to the residents regarding the Homeowners Tax Relief Grant

City Manager Brown stated that he thought the draft tax letter was fine except for a couple of corrections with the wording. Board reviewed/revised the draft letter. City Manager Brown noted that the resident's tax bill will remain the same but their payment is going to increase now that the State is no longer giving a credit for the HTRG.

Commissioner Milliron feels the letter needs substantial more work and he will revise the letter and send it to City Manager Brown who in turn will send out to the board.

Mayor Rieker noted that the letter that was revised tonight is plan "A" and once the board reviews the revised letter of that Commissioner Milliron they will determine which letter will be sent.

Item No. 11

Public Comment

Carolyn Chandler, 3282 Majestic Circle spoke about imposing deadlines and how it helps to have deadlines.

Charles Blalock, 116, 121, 126 Maplestreet stated that he wanted to make it very clear that his property is not for sale and never has been. Mr. Blalock also spoke about how people are dumping trash, the high weeds and the rats that on the Century property on Maplestreet. Mr. Blalock suggested they put a chain up at the driveway so people cannot drive onto the property. City Manager Brown will look into this.

Betty Jones 10 Lakeview Place stated what bad shape the Avondale entry sign is by the American Legion. Mayor Pro tem Varian stated that she mentioned this last year as well and nothing was ever done.

Mary Bell, 2996 Majestic Circle asked what the City is going to do about the ducks at the lake. City Manager Brown will look into this.

Carolyn Chandler, 3282 Majestic Circle noted that the basketball goals are all broken at the Elementary school. Ms. Chandler asked if anyone had spoken about putting a committee together to do something about this. Ms. Chandler stated that she knows they are a county school but they are in our community and feels we need to address this. Mayor Rieker noted that the Avondale Education Association was working on this. Ms. Chandler asked if she could go and speak with the principal about this. Mayor Rieker stated as an individual absolutely.

Item No. 9 Adjournment

There being no further business, a motion to adjourn at 7:32 p.m. was made by Commissioner Steadman, seconded by Commissioner Payne, passed with all ayes (5-0).

Approved this 27th day of July, 2009

Ed Rieker, Mayor

ATTEST:

Juliette Sims-Owens, City Clerk