

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

November 11, 2009
5:30 p.m.

MINUTES

Members Present: Ed Rieker, Mayor
Lyda Steadman, Commissioner
Michael Payne, Commissioner
David Milliron, Commissioner
Terry Giager, Commissioner-Elect
Gene Lee, Commissioner-Elect

Members Absent: Sandra Varian, Mayor Pro tem

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

Item No. 1 Meeting called to order at 5:31 p.m. by Mayor Rieker.

Item No. 2 Adoption of Agenda

Commissioner Steadman stated that she wanted to comment on her statement regarding salary increases that she made at the budget meeting. Commissioner Steadman stated that she feels she may have been unclear as to what she was saying and wonders if any board members had interpreted her comment as not wanting to give the employees a salary increase because that was not what she intended to say at all. Commissioner Steadman stated that she was concerned about the level of percentage not whether or not it should be done.

Mayor Rieker stated that he doesn't think anyone took it that way.

Commissioner Milliron stated that when listening to the audio recordings of the meetings the Wi-Fi on some of the board's cell phones is interfering with the microphone. Commissioner Milliron recommended that the board turn off their cell phones.

City Manager Brown stated that he sent the board a copy of the Local Elected Official Agreement and he would like to add that to the agenda tonight.

City Manager Brown noted that when the board had the budget meeting last Wednesday, the board spoke about the additional revenue from the Homeowners Tax Relief Grant and using those funds. City Manager Brown stated he would like to add two items to the list and he would like this added to the agenda.

Mayor Rieker stated that Item 9 will be the Local Elected Official Agreement and Item 10 will be the Homeowners Tax Relief Grant Funds.

Commissioner-Elect Lee stated he would like to add to the agenda a security concern at the Tudor Village. Mayor Rieker asked that this be Item No. 3.

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

Item No. 3 Security Concern at the Tudor Village

Commissioner-Elect Lee stated that many of the owners of the businesses in the Tudor Village are women and he has heard all of them voice concern over the security lighting in the back of the building.

City Manager Brown will contact the landlord and speak to him about the concerns.

Commissioner Payne stated to put it in writing to the landlord.

Item No. 4 Bring One for the Chipper Proclamation

City Manager Brown stated this is a Proclamation for Bring One for the Chipper for recycling of Christmas Trees, January 9, 2010.

Mayor Rieker asked that this item be added to the agenda for November 16th.

Item No. 5 Memorandum of Agreement with Century for LCI Application

City Manager Brown stated that the City is in the final step of sending the LCI Grant application that will award if the City gets the grant \$2.5 million for the relocation of Franklin Street. City Manager Brown stated that the City will have to put up 20% total match if the grant is received. City Manager Brown stated that in speaking with Nayef Haddad of Century they will put up the 20% for the City. City Manager Brown noted that a developer cannot pursue an application for an LCI Grant it has to come from the City.

Commissioner-Elect Lee stated that he is in favor whatever gets things moving.

Mayor Rieker stated that it is no cost to the City.

City Manager Brown stated that is correct.

Commissioner-Elect Giager stated that he is trying to figure out if there is going to be any pressure from Century if they could come back on the City if they put up the 20% and the City does not. Commissioner-Elect Giager stated that he does not mind them doing it but he does not want any agreement that says the City will give them another year on the agreement or they want to defer their payments.

Mayor Rieker stated that this does not obligate us to anything like that.

City Manager Brown stated that if they get the grant the City will have all its money before the project starts and then they will get their money.

Commissioner Milliron noted that there is a provision in section 4 that Century has to give the City the 20% first.

Mayor Rieker stated that it specifically states that the City is not responsible for paying any portion of the match.

Commissioner Milliron asked if ARC handles the bookkeeping.

City Manager Brown stated yes.

Commissioner Milliron stated that he assumes there is some kind of protection that the 80% is not given until the City receives the 20%.

City Manager Brown stated yes and the City has already sent them detailed costs of the construction and that is how they came up with the numbers.

Commissioner Milliron stated that he is good with it then.

Commissioner Payne stated that he is in favor of it.

Commissioner Steadman asked if the City was submitting the same application as they had submitted several years ago.

City Manager Brown stated that this is a totally different application but the plan and design is the same.

Commissioner Steadman stated that the City was turned down several years ago and did not make the awards list.

City Manager Brown stated that the City made the pre-qualification list.

Commissioner Steadman stated that from the beginning she had a problem with cutting Franklin Street right behind the Tudor Village. Commissioner Steadman stated she does not see how that will be good for the Tudor Village or traffic in that particular area by putting another street in that area when we already have the South and North Avondale in there, then another street and then Laredo.

City Manager Brown stated that everything is in the development agreement.

Mayor Rieker asked if Phase 1 and Phase 2 as it relates to this is it Phase 1 A&B and then Phase II which is behind the Tudor Village or is this Phase I and Phase II of building A&B.

City Manager Brown stated Phase 1 and Phase 2.

Mayor Rieker stated all the way to Clarendon.

City Manager Brown stated yes.

Mayor Rieker stated does Century have to build all the way to Clarendon before they get the \$2.5 million.

City Manager Brown stated that is broken down on the application. Phase 1 is \$1.2 million and Phase 2 is \$1.25 million. City Manager Brown stated that Phase 1A is the Publix and the condo and Phase 1B is the condos on the other side of the street on Franklin. City Manager Brown stated that Franklin Street will be included in Phase 1A and then they will come back to Phase 1B which is the condos and then Phase 2 will start. City Manager Brown noted that they will not get their money for Phase 2 until Phase 1 is completed.

Commissioner Steadman stated that she is in favor of the Phase 1 money.

Mayor Rieker noted that the development agreement only covers Phase 1 but the City is anticipating that there will be a Phase 2.

Mayor Rieker asked that this item be added to the agenda for November 16th.

Item No. 5

Annexation Update

Commissioner Steadman stated that she; Commissioner Milliron and City Manager Brown attended the Dekalb meeting on annexation. Commissioner Steadman noted that Decatur attended as well. Commissioner Steadman stated that they did not get much feedback but they were interested in what they had to give them. Commissioner Steadman noted that they wanted to be very clear on the area we were speaking of annexing. Commissioner Steadman stated that DeKalb will discuss the information and get back with us.

Item No. 6

Solicitation Ordinance Amendment

City Manager Brown stated that the reason for the amendment is:

1. Prior to the amendment for the solicitation permit badge no one was required to have a photograph and now they will be required to have a photograph.

2. There was not a background check required on individuals requesting a permit. City Manager Brown noted that he has added that everyone has to go through a background check.
3. City Manager Brown stated that the permit fee was \$10 and it didn't matter how many people were in the group, the fee would only be \$10. City Manager Brown stated that he increased the fee to \$20 and that fee would be per person in a group. City Manager Brown stated that all individuals given a permit will need to also go down to DeKalb County and get a photo ID before they can get their permit to go out into the City.
4. City Manager Brown noted he changed the permit expiration period to 60 days from all expiring December 31st.
5. City Manager Brown stated City Clerk Owens has also come up with a solicitation process.

City Manager Brown stated that he wanted to change the time that solicitors could canvass but it is against the law to change the time per the City Attorney.

Commissioner-Elect Giager stated he is concerned about the canvassing time 9:00 a.m. to 9:00 p.m., it is dark at 5:00 p.m.

City Manager Brown stated that is what he wanted to change so canvassing would end earlier but it is against the law, canvassers have to be able to reach people at home and that is usually after 7:00 p.m.

Commissioner Milliron stated that the Georgia law allows up to \$20 just for the background check, he asked how much the City was currently charging for a background check.

City Manager Brown stated \$25.

Commissioner Milliron stated that we are outside the legal limit.

City Clerk Owens stated that the \$20 is for the background check and \$5 for the notary fee.

Commissioner Milliron feels the fee is cheap.

City Manager Brown stated that they still have to go down to DeKalb County and pay a fee for their photograph.

Commissioner Milliron asked how the process at Dekalb County works.

City Manager Brown stated that individuals have to go up to the window at DeKalb County and inform them they are there for a solicitation photograph for a permit for Avondale Estates and then pay the fee.

Mayor Rieker asked how many permits a year is the City doing.

City Clerk Owens stated three within this year.

Commissioner Milliron stated the reason why he was asking about the pricing is because it discourages people from going door to door.

Commissioner Payne, Steadman and Commissioner-Elect Lee are in favor of the amendment.

Commissioner Elect-Lee stated does this include the Church of Latter Day Saints, bible sales people, etc.

Board stated no that does not include them.

Mayor Rieker asked that this item be added to the agenda for November 16th.

Item No. 7

Tree Lighting Update

City Manager Brown stated that last year the tree lighting was at 8:00 p.m. which is a late for school kids, so he has moved the time up to 7:00 p.m. The lighting of the tree will be a7:00 p.m., caroling will start at 6:30 p.m. and the Boy Scouts will begin setting up for the selling of the hot dogs and coco at 5:30 p.m. City Manager Brown stated that normally the lighting of the tree is the first Monday of December but he moved it up to November 30th to allow the Parents Co-op to do the lighting of the Christmas tree down at the lake on Sunday, December 6th. City Manager Brown stated that they need volunteers to serve the cider and donuts.

Commissioner Steadman asked if the time and date change is just for this year or are we just going to change it permanently.

City Manager Brown stated it depends on what the Parent-Coop wants to do.

Commissioner Steadman stated for ease maybe it could be the first Monday after Thanksgiving,

Item No. 8

Board Appeals Applicants

City Manager Brown stated that the City has been advertising for Terry Giager's seat on the Board of Appeals which he will be leaving to serve on the Board of Mayor and Commissioners. City Manager Brown stated that he would like to fill the seat early so the person would have a month to go over things with Terry. City Manager Brown noted that the board has already received two applicants for the Board of Appeals

Mayor Rieker asked that the applications be sent back out to the board and the board will discuss at the December Work Session. Mayor Rieker asked that the opening be advertised again on the e-blast.

Commissioner-Elect Giager asked if we were going to interview them.

Mayor Rieker stated that the board does not normally interview the applicants.

Commissioner –Elect Giager stated that the board interviewed him.

Commissioner Steadman stated that was the way they did it in the past.

Item No. 9

Local Elected Official Agreement

City Manager Brown stated this is an agreement that the City Attorney has signed on to support DeKalb County with the Workforce Investment Act. City Manager Brown stated that it is a federal program commonly known as Job Core where the government provides grants to local governments, counties, etc. to help with training and recruitment for individuals who are unemployed to help them get employment. City Manager Brown stated that the City benefits by first supporting DeKalb County and secondly if we have any residents who are out of work they will be able to attend some of the classes. City Manager Brown stated that there is no risk to the City to be involved.

Mayor Rieker stated that we have always done this.

Commissioner Steadman stated that historically the City has always done this but she did not know how often it comes up.

Mayor Rieker asked that this item be added to the agenda for November 16th.

Item No. 10

Budget

City Manager Brown distributed a spreadsheet regarding the Homeowners Tax Relief Grant Funds which was discussed at the November 4th budget meeting which was not budgeted for this year that is \$99,616.00. City Manager Brown noted the following projected budgeted expenditures from the grant:

- Police Car: Police car is now \$41,000 but the cost will go down because they are taking some of the equipment off an old vehicle that will not be used and putting it into the new one.
- East/West Entry Signs: City Manager Brown met with Mr. Jollay today and that cost of \$20,000 might come down a little.
- Path Lighting: Was \$10,000-\$12,000 and is now \$7,000. City Manager Brown stated that he received the final quote and those will be in place in two to three weeks.
- Public Works Truck: \$15,000
- Copier Machine: \$7,400 – City Manager Brown stated that the current copier has 856,000 copies and they don't make the parts for it anymore
- Court Metal Detector: \$4,000. The metal detector is for the courtroom for the protection of everybody. City Manager Brown stated it is not a permanent one it can be pulled out for court.

City Manager Brown stated that the board will have a balanced budget which they will have in their board packets on Friday.

Commissioner-Elect Lee stated that the police car was already budgeted at \$41,000 is that correct.

City Manager Brown stated yes, but it is going to go down \$3500 because they are taking some of the equipment off an old vehicle and putting it in the new one.

Commissioner Payne asked City Manager Brown where the City was with the streetlights at Savage Pizza.

City Manager Brown stated there is an opportunity to get two more streetlights to piggyback the one that is on the eastside of the property so it will shine down on the parking lot which would be cheaper than the proposed \$12,000.

Commissioner Steadman stated that it is not the City's responsibility to light up the parking lot.

Commissioner Milliron stated that the thorough way is really not that dark and he knows alleyways and streets that go behind Tudor Village are dark and there are areas further down that we have never extended the lighting.

Mayor Rieker stated that he feels when a business comes into town and they put down \$500,000 for a piece of property especially in these times, if there is something we can do for them that doesn't cost a lot of money the City should try to do it.

Commissioner Milliron stated he disagrees because of the \$12,000 that is why he asked for clarification because he wanted to see where were at.

Mayor Rieker stated yes if it is \$12,000 then we should not do it but he is hearing that the City Manager has a cheaper solution and he is all for that.

Commissioner Steadman stated that she appreciates what was said and she does not disagree but we have to balance that with the other businesses that are in town that have been here. Commissioner Steadman stated that down by Bart Webb Studios they don't even have sidewalks and street lighting back there. Commissioner Steadman stated that the City just has to make sure when we do something like this that we do it equitably and we look at the bigger picture and not just an individual.

Mayor Rieker stated but to do nothing because we can't do something for someone else is not the solution. Mayor Rieker stated that he just put a lot of money for the property at 151 Locust Street and there are other people putting money in the commercial properties in town.

Commissioner Steadman stated that the City Zoning Ordinance requires them to light their parking lot it is not our responsibility to make sure their parking lots are lit.

Mayor Rieker stated that he did not say it was our responsibility.

Commissioner Steadman stated that she is not saying that the City should not do anything but we should keep all of these things in mind and to be balanced in what we do.

Mayor Rieker asked Commissioner Steadman what suggestion she had to keep it balanced.

Commissioner Steadman stated one thing, if we are going to do street lighting she feels we need to do it along our entire corridor and we need to tie that in with finishing off to our City limits where we did not finish and the streetscape.

Mayor Rieker stated we are talking about redeveloping that whole strip and it does not make any sense to spend more money on streetscape.

Commissioner Steadman stated what about the art district are we going to do anything for them.

Mayor Rieker stated sure but he does not think they have asked us for anything but sure.

Commissioner Milliron said the only thing he has seen recently for the art district is a request for a street sign and they got that.

Commissioner-Elect Lee stated that there are certain people that would like to remain in the shadows.

Commissioner Steadman stated that she spoke to Bart during the art festival and she thinks they would like to have some street trees.

Mayor Rieker stated at the Work Session in December the board will have a short discussion on the final budget.

Commissioner-Elect Lee asked when they will have the exact numbers on the items discussed this evening by the December meeting.

City Manager Brown stated probably everything except the signs.

Mayor Rieker stated that we have until the end of February to figure everything out.

Mayor Rieker noted the following:

- There is a Fenner Dunlop Mill District Tour again tomorrow at 10am. Mayor Rieker stated the tour lasts about 1 ½ hours. City Manager Brown stated this will go a little longer than the last tour because DeKalb Planning is going to be there.
- The boards Regular January Meeting will be on January 11th that will be the day of the installation of the new commissioners, then a Work Session on January 20th and a Special Called Meeting on January 25th to actually do business. It was the consensus of the board to have the regular meeting on January 11th.

Commissioner-Elect Giager stated that the Museum School is having their fundraiser this weekend at Bart Webb Studios and they have not sold a lot of tickets and he would like to remind everyone to buy tickets to support them.

Mayor Rieker asked that an e-blast be put out about the Museum School fundraiser this weekend.

Item No. 11 Public Comment

Carl Fite, 1153 Chatsworth Drive asked what the addresses are of the properties the City intends to annex.

The board provided Mr. Fite with a copy of the addresses which is the same as last year.

Item No. 12 Adjournment

There being no further business, a motion to adjourn at 6:16 p.m. was made by Commissioner Payne, seconded by Commissioner Steadman, passed with all ayes (4-0).

Approved this 14th December, 2009

Ed Rieker, Mayor

ATTEST:

Juliette Sims-Owens, City Clerk