

BOARD OF MAYOR AND COMMISSIONERS
REGULAR MEETING
December 14, 2009
7:30 p.m.

MINUTES

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

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

Item No. 1 Meeting called to order at 7:30 p.m. by Mayor Rieker

Item No. 2 Invocation (City Manager Brown)

Item No. 3 Pledge to the Flag

Item No. 4 Adoption of Agenda

Commissioner Milliron stated that he would like to add under Old Business, Annexation, Item 9(d).

Mayor Rieker stated that there is nothing to vote or decisions that need to be made tonight on annexation it is just for discussion.

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. 5 Approval of Minutes

Regular Work Session – October 21, 2009
Public Hearing – Conditional Use Permit Application, 100 N. Avondale – October 21, 2009
Regular Meeting – October 26, 2009
Special Called Budget Work Session – November 4, 2009
Regular Work Session – November 11, 2009
Public Hearing – 2010 Proposed Budget – November 16, 2009
Regular Meeting – November 16, 2009

Commissioner Steadman stated she had one change and that has been made.

Commissioner Milliron stated that he had a question on the November 16th Regular Meeting Minutes, Item 9(b) which was during the Memorandum of Agreement with Century for LCI. Commissioner Milliron stated at the end of (b) the last item there was the question about the abstention and the last thing that was said by Mayor Pro tem Varian was that we would have the City clarify it but it is not reflected in the minutes, so he does not know where we stand on that and he assumes that is something that the City Manager followed up on.

Mayor Pro tem Varian stated that she was running the meeting that night and that was when Commissioner Steadman elected to abstain and Commissioner Milliron said she could not do that.

Mayor Rieker stated that you can't force any Commissioner to vote or take a position on anything. Mayor Rieker stated that you can abstain and he thinks Commissioner Milliron's point was that he wanted a yes or no vote out of a Commissioner and you cannot force anyone to vote yes or no.

Commissioner Milliron stated that the question left for the interpretation of the Robert Rules of Order, in that you have a vote and you can have abstention for conflict of interest, so if you vote yea that is great, we are not forcing a vote but the point of order was the abstention where there was not a conflict of interest or at least a stated one.

Mayor Rieker stated that abstaining for voting just means you are not going to vote; recuse is if you have a conflict. Mayor Rieker stated that abstaining is just that I am not going to vote on this issue and you cannot require anyone to vote to take a position they can simply not vote which is to abstain. Mayor Rieker stated if you have a conflict of interest then you withdraw completely from the discussion about that issue, you are not suppose to be present and then you don't vote, but you do recuse yourself ahead of time.

Commissioner Milliron stated that his question is that the part of the minutes where the question was raised from Mayor Pro tem who was running the meeting is not reflected and the second part is did the City actually act on and research that question.

City Manager Brown stated yes it was researched but he will go back to the City Attorney again for clarification on the abstaining and the recuse itself.

Mayor Pro tem Varian stated for clarification, she was running the meeting and in her eight years on the board there have been several abstentions by various board members and a question never arose. Mayor Pro tem Varian stated the evening in question she felt as though members were going overboard with Robert's Rules of Order so she suggested we move forward with the meeting without spending too much time on this one issue.

Mayor Rieker asked that the question be added back into the minutes that is missing.

Commissioner Steadman stated that what happened was she abstained, Commissioner Milliron questioned her ability to abstain and she stated "unless I see something in writing she is abstaining" and then Mayor Pro tem Varian turned to the City Clerk and said put down there is an issue to be addressed.

Mayor Rieker stated to take the Regular Meeting of November 16th out of the minutes and the board will vote on them at the next meeting and then let's combine everything

A motion to engross the minutes with the exception of the Regular Meeting of November 16, 2009 by Commissioner Milliron, seconded by Commissioner Steadman, passed with all ayes (5-0).

Item No. 6

Commissioner Updates – Subjects of General Interest and Concern

Mayor Rieker stated that he was at the Capitol this morning regarding the Charter School Commission vote and if you have not heard it was unanimously approved that we have a Charter for our Charter School. Mayor Rieker noted that they also approved funding for the school. Mayor Rieker commended the Museum School of Avondale Estates team and the fantastic job they did. Mayor Rieker stated that there was an event tonight at 151 Locust Street to celebrate the vote. Mayor Rieker stated that there is already a Head of School that has been hired she starts in January and they will soon be taking applications for students. Mayor Rieker also thanked the community who has been behind this effort.

Commissioner Steadman congratulated everyone who worked on the Charter School and it just goes to show what can be accomplished when everybody gets together and works in a positive way towards a common goal. Commissioner Steadman stated that she thinks this will also encourage development in the City and will be a very positive move for the City.

Commissioner Payne stated that the City has lost so many young families at a certain point because of the lack of the school system so this is a huge undertaking and a great accomplishment. Commissioner Payne stated that the school will need the communities continued support.

Commissioner Milliron echoes the boards' sentiments on the Charter School and history was definitely made in the City and the real works starts now. Commissioner Milliron commended all the behind the scenes work that went into two successful tree lightings the one at North Clarendon and the one at the lake. Commissioner Milliron commended all the community groups that got together to put on the Tour of Homes and Holiday Market. Commissioner Milliron commended the City for all their efforts, The Samford Family for everything they do on the lake tree lighting and also the community club and the many organizations that got behind the Tour of Homes.

Item No. 7

Monthly Report by the City Manager Concerning the Status of Matters in Progress and Upcoming Issues and Events

City Manager Brown thanked Chief Broden and Bryan Armstead, Director Public Works for being here tonight.

City Manager Brown read his monthly report.

- City Manager Brown read a letter commending City Clerk Juliette Owens and Code Enforcement Officer, Caryl Albarran, for assisting them with the Historic Preservation Commission process and the fence permit process and Harold Robinson of Public Works for assisting with disposing of the debris.
- City Manager Brown noted that the City has received an award for "Financial Reporting Achievement" from the Government Finance Officers Association (GFOA). The achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.
- City Manager Brown stated that the City received a certificate from the ALS Association honoring the City of Avondale Estates for our commitment to fund global cutting-edge research to treat and cure Lou Gehrig's disease.

- City Manager Brown gave an update on the progress of the lake. City Manager Brown stated about three weeks ago Bryan and his crew went around the lake and did some maintenance on the edge of the lake looks beautiful especially at night with the lake tree and the house lights reflecting on the water. City Manager Brown stated that the City has signed a proposal with Shields Engineering Group (SEG) and they have started construction drawings showing the stabilization of the lake edge and permits needed to start the work. Once this is complete we will have a rough estimate of what it is going to cost and then the City will put out to bid.

Mayor Pro tem Varian asked what the status was on the lights on the path.

City Manager Brown stated that the City is still waiting on DeKalb County to do the inspection and then Georgia Power will come out to hook them up.

Mayor Pro tem Varian stated that she has spoken to several residents who walk the path and they are delighted about the lights.

Mayor Rieker stated before he opens the meeting up to for public comment, he noted that he has been underwater today with the school. Mayor Rieker stated that he has had a couple of phone calls and he has had a couple of people approach him at the event tonight about annexation and he just wants to be very clear and he has not read the email that has been floating around town, he just has not had time today. Mayor Rieker stated that annexation was not on the agenda tonight so it was not expected to be discussed. Mayor Rieker stated what he has heard disturbs him and it is unfortunate that on a day like today that there is some type of unease in town and he really wishes it was all about the school and he feels that is the best thing that has happened to our town in a long time. Mayor Rieker stated that he has been involved with the City on a couple of different levels and one of which was the comprehensive plan several years ago. Mayor Rieker stated that part of his participation was to encourage that annexation be added to that plan because that plan really governs how we look at our City and how we go forward in a lot of manners and he thought that was very important to the City. Mayor Rieker stated that we have some surrounding properties that would be well suited to be inside the City, one of which is the Mill property and also beyond the Mill onto Rio Drive the industrial area which he believes is a prime target for the City in the future and also down E. College and some portions of that area as well. Mayor Rieker stated several years ago his was fortunate enough to be elected and one of the issues that immediately happened was he had coffee with the Mayor of Decatur and he informed him that the City of Decatur was aggressively pursuing annexation and he brought that news back to this board that Decatur wanted to come all the way to Maple Street and there was talk about them coming up to Rio Drive. The idea from Decatur was that they wanted to touch our borders and eliminate all of the unincorporated DeKalb County. Mayor Rieker stated that at that point he said that the City needs to do something to push back on that. Mayor Rieker stated that until Decatur started this aggressive approach on annexation, annexation was not at the top of the list there were other things that were at the top of the list. Mayor Rieker spoke about the process the City went through, meetings, boundaries, parcels maps, etc. Mayor Rieker stated the board then spent the entire year developing a strategy to annex properties, i.e. Annexation Committee and the board got the Downtown Development Authority and Planning and Zoning board involved.

Mayor Rieker spoke about the annexation process with the legislation. Mayor Rieker stated that last year the City of Avondale Estates was able to get a bill dropped by Stephanie Stuckey-Benfield our representative, Decatur was unfortunately not able to get a bill dropped there was some mix up on some legal issue. Mayor Rieker stated that the deal was that if Decatur did it and we both asked for the annexation the local representative would look at that as a package. Mayor Rieker noted that they did not want each individual City to do it; they wanted both Decatur and Avondale Estates to do it. Mayor Rieker stated what happened was there was not the 10 required vote to move that legislation forward. Mayor Rieker stated that a year ago this board unanimously passed a resolution to ask for the annexation of the East College part. Mayor Rieker stated that the board has had several annexation discussions, the board has had the business owners attend the meetings over six or seven months and the board openly and honestly talked to those business owners. Mayor Rieker stated that he knows he made some statements that he feels are promises in terms of what we were offering and what we would do in terms of when the annexation comes i.e. matching their zoning, etc. Mayor Rieker stated that in January because the bill was alive last session it has the ability to be resurrected for this next session so there is another shot at annexation. Mayor Rieker stated that this board does not need to do any other votes on the annexation that was done a year ago. Mayor Rieker stated when we talk about someone getting in the way of this process and it was mentioned at the work session last week, he had some questions about some of things they were doing based on some of the things that were said a year ago. Mayor Rieker stated that he is a business owner, he owns commercial property here in town and he thinks he is the only one on the board that owns commercial property and he has a business incubator in town and there are only a hand full of high tech incubators in the county let alone right here in Avondale Estates. Mayor Rieker stated that for someone to say that he is anti-business is completely and utterly false and to have that questioned is upsetting to him and especially to have something sent out on a day like today. Mayor Rieker spoke about the great Charter School team and the hard work they have done and will continue to do. Mayor Rieker stated that there is something in process now regarding annexation and it is grinding away. Mayor Rieker noted again that he has not had a chance to read the letter because of everything with the school celebration but he is delighted everyone is here and there is a lot of things we can all do together.

Item No. 8

Citizens' Comments

Daniel Shelles, 14 Devon Lane asked Mayor Rieker if there is any credence to the fact that Stephanie Stuckey-Benfield will not push dropping that legislature at the session without his support.

Mayor Rieker stated that he has not talked to Stephanie Stuckey-Benfield she called him in the middle of the commission meeting this morning and he has not had a chance to talk to her. Mayor Rieker stated that he would be happy to talk to her tomorrow and see what she needs from the Mayor in order to go forward, Mayor Rieker does not think there is going to be a problem. Mayor Rieker noted that this board has voted unanimously to go forward they did that last year as a group.

Daniel Shelles, 14 Devon Lane asked the Mayor if he was in support of the annexation.

Mayor Rieker stated that he is in support but he has some questions and there are some open issues for him. Mayor Rieker stated that honestly he is not prepared tonight because this was kind of sprung on him. Mayor Rieker noted that Commissioner Milliron knew he was busy all day and Mayor Rieker feels as though he was kind of sandbagged. Mayor Rieker stated we have time for the annexation piece; they don't go into session until next month and they will stay in session until March or so, therefore there is plenty of time for this.

Commissioner Milliron stated that he did not appreciate the verbiage sandbagged. Commissioner Milliron stated to answer Mr. Shelles question, he asked this board and was granted the opportunity to champion annexation six to eight months ago. Commissioner Milliron stated that most recently he and Commissioner Steadman went down and met with county government delegation as well as the City of Decatur. Commissioner Milliron noted that he has had ongoing regular conversations, emails, etc. which have been shared with the City Manager and the board at every juncture. Commissioner Milliron stated that it is no secret it has come up at several work sessions, there is a bill that has been drafted, to set the record straight especially where Decatur is, there indeed was an issue with Decatur last year in that they had done all their homework just as Avondale did except our State Representative did not realize she had gotten from Decatur what she needed to get their bill drawn up, ours came out of the legislative office on the last day of the session and obviously after lunch they broke and she could not get the signatures necessary so our bill is not dropped, it does not necessarily carry over, and it is not in process, our representative has to garner the signatures. The Decatur bill and the Avondale Bill are ready to go but they need signatures from our legislative representatives. Commissioner Milliron noted that they are twin bills and our State Representative has said that these bills go together. Commissioner Milliron stated that there was nothing that was alive last session that carries over. Commissioner Milliron stated that the Mayor made a statement about anti-business and he apparently has not had a chance to read the email but Commissioner Milliron nor anyone he is aware of has said that the Mayor is anti-business. Commissioner Milliron noted a meeting that he and City Manager Brown had a couple of months ago with Stephanie Stuckey-Benfield in which she gave all the steps that has to occur, one of the steps was that the City would have to champion and get the signatures. Commissioner Milliron stated that he brought this to the board several times what the State Representative has said, that annexation is controversial and she is not going out there and champion this on her own. Commissioner Milliron stated that we have a unanimous vote as a board. Commissioner Milliron stated that in our City Charter there is verbiage that specifically states that the Mayor is to be the Chief Advocate of policy, and while we are sort of at a crossroad she needs the Mayor of both cities, and she has the Mayor of Decatur on board but she needs the Mayor of Avondale Estates to get together with her and champion this effort to our DeKalb Delegation. The issue that has come up at two work sessions, most recently Wednesday, as part of the discussion, is that the Mayor has basically withdrawn himself if you will, by saying that the vote is there and we don't have to do anything else and the only reason why he told those businesses that we were moving forward is that Decatur was pushing our hand and Decatur is no longer pushing. Commissioner Milliron spoke about a larger residential annexation Decatur backed out of doing because it would impact their schools, so they decided to put that on the back burner until after the 2010 Census but move forward on the commercial annexation. Commissioner Milliron stated that the residents of Avondale Estates

wants the Sam's Crossing corridor cleaned up and they want Avondale to own that as our western entrance into the City. Yes, it is controversial but we have to have our Mayor champion it. Commissioner Milliron stated that we know the Mayor feels uncomfortable supporting this in his own words "for me personally I am not really comfortable telling the residents that now is the time to push for annexation" which is what the Mayor stated at Wednesday's meeting. Commissioner Milliron stated that the Mayor also said that "property owners come into the City on their own accord" and this is what he would prefer. Commissioner Milliron stated that those property owners are not going to come in on their own accord and that is why he asked for annexation to be put on the agenda tonight because the City either has to have Mayor Rieker tell this board tonight that he is with this board and he is going to take this vote forward and he is going to champion it and be the Chief Advocate of policy on this or we just stop. Commissioner Milliron stated that Stephanie Stuckey-Benfield needs to speak to the Mayor about the annexation because she is not going to move forward because all it takes is for those property owners to get in front of that delegation and say "Avondale's own Mayor does not support it" and then she says it is dead.

Daniel Shelles, 14 Devon Lane asked what the Mayor's position is at this point.

Mayor Rieker stated now that he has been quoted let him clarify some things, he is not a politician he is a businessman and he did not hire a political consultant to get him elected as Commissioner Milliron did. Mayor Rieker stated that he is not real happy how this is really being twisted into something that is unfair to have to come in tonight and expect to talk about annexation after a day with the school. Mayor Rieker stated that what happened with the Decatur piece, they were real aggressive about the Decatur piece and then they said they were not going to push it they said if you guys lead the way then we will go along with you. Mayor Rieker stated that when Commissioner Steadman and Commissioner Milliron met with the county commissioners the Mayor of Decatur did not even go. Commissioner Steadman stated that he had a conflict. Mayor Rieker stated to portray this as demanding the Mayor to do something is kind of over the top and he is shocked by the whole thing. Mayor Rieker stated that he has not talked to Stephanie so he does not know what she needs and he is getting third party information from Commissioner Milliron and he is happy to discuss it with her to find out what she really needs. Mayor Rieker stated that last year they went down and talk to the legislature about three or four times and he expects there will be some occasion for that this year. Mayor Rieker stated that he knows that Commissioner Milliron has practically demanded to go to every annexation meeting since the board let him carry it so it is a little bit ironic that now he is demanding that the Mayor now go to the meetings. Mayor Rieker stated that he feels this will all work out as it should be and for him one of the things that we told those business property owners, he knows he did, if Decatur was not pushing this we would not have this high on the agenda and we would not be pushing this as a City.

Unknown resident why do we allow Decatur to dictate our policy.

Mayor Rieker stated that it is not Decatur dictating, that is the circumstance. Mayor Rieker stated that we would not have had the political opportunity to do what we did last year without Decatur forcing it that is the politics part of it.

Howard Wurtzel, 30 Wiltshire Drive asked why doesn't the City force it.

Mayor Rieker stated that we can force it and that is exactly what we are doing now.

Howard Wurtzel, 30 Wiltshire Drive asked why don't you ask the business owners if they want annexation.

Mayor Rieker stated that this is not voluntary annexation, this is "you are being annexed by the state into the City", they are not going to ask them. Mayor Rieker stated they have a right to go down to the legislation and give their comments.

Howard Wurtzel, 30 Wiltshire Drive stated that we need the Mayor to make a commitment.

Mayor Rieker stated that he has made a commitment to being Mayor and at every opportunity he has had to step in for the City he has done it. Mayor Rieker stated that his history is that he has done everything he can for the City.

Commissioner Steadman stated that she understands because of some comments that were made at the last work session there was some concern and she spoke to Commissioner Milliron and she wanted a chance to speak to Mayor Rieker and Stephanie needed a chance to talk to Mayor Rieker but neither one of those things happened today. Commissioner Steadman stated that the email that went out was unnecessary and she thinks these things would have been worked through. Commissioner Steadman stated that she is 100% in support of the annexation, we need to do it now, we need to drive our own agenda and it is something that we need to do now and she thinks we will. Commissioner Steadman stated that people need time to have these discussions before we turn it into a bigger issue than it is.

Camille Harvey, 1051 Lakeshore Drive stated that she does not know what email the board is talking about, is it the one she sent.

The board stated no.

Commissioner Steadman stated that she is taking about the one Commissioner Milliron sent out to the public.

Camille Harvey, 1051 Lakeshore Drive stated that she has served on the Annexation Committee and there was a recommendation to move forward and the board voted to move forward on the annexation. Ms. Harvey stated that she listened to the last work session tape and got the word out and they are hear tonight because the residents want the Mayor to know that it is important to be addressed and she wants to hear him say "yes, I will be there to support it." Ms. Harvey stated that she has not heard the Mayor say that yet and this is crucial to the City. Ms. Harvey stated that she sent the board a letter which states for Avondale, City of Decatur and DeKalb County to work toward annexation together.

Mayor Rieker stated that he does have a history of going down there and supporting annexation.

Mayor Pro tem Varian stated it is ironic that is the last meeting of any substance that she will be involved in after 8 years and she does think that Commissioner Milliron's letter today was bad timing. Mayor Pro tem Varian stated that we were

just celebrating getting a charter school in this City. Mayor Pro tem Varian stated that at the last work session last week she stated very clearly that anything about annexation should come from the City Manager and it was all agreed on that night and she also stated that she wanted to hear what the residents had to say because the board ran for office to represent them. Mayor Pro tem Varian stated that in the Mayor's defense, she has been on this board with several different Mayors and this has been the hardest board she has been on that has a Commissioner on the board that continuously runs with everything. Mayor Rieker hardly has a chance to do anything because Commissioner Milliron is out there ahead of time before the City Manager and out there ahead of the other Commissioners and he is one Commissioner and it takes three votes. Mayor Pro tem Varian stated that the board voted for annexation and the timing of the email today was bad and to personally attack the Mayor was bad and maybe if Commissioner Milliron would back off a little bit and give the Mayor a chance to do his job as Mayor that might be a good thing. Mayor Pro tem Varian stated it is up to the property owners to object to being annexed. Mayor Pro tem Varian stated that she worries about the future board and they need to stick together

Commissioner Steadman stated that the board agreed at the last work session to send out an email this week not only informing the residents of the need for their support for annexation but asking them to do a letter writing campaign.

Commissioner Payne stated he was out of town unexpectedly for the last meeting but he is in support of annexation 100% and we need to proceed aggressively on what we refer to as the "no mans land." Commissioner Payne stated that the board understands there are owners down there that don't agree with it and a few years ago he probably would not have agreed for Avondale to attempt, not that we did not need to do it but because he felt Avondale did not have their ducks in a row. Commissioner Payne stated that now we have a new City Manager and it has changed 180 degrees of how this City is run on a day to day operation so we can't go promising things to property owners whether we like it or not they are private property owners and we have to respect their rights. Commissioner Payne stated that he has confidence in the Mayor that he will go down there and champion this and the board believes he will because this is part of his role.

Julie Feely, 2 Dartmouth Avenue stated she wanted to say what Commissioner Steadman stated was the most important conversation that was had last week was the agreement by the board to send that letter out to the residents and ask them to participate because it is not up to the board to get this done it is up to the residents. Ms. Feely stated on another note she is going to chastise everyone here because she does attend meetings and she has not seen any of them here last September, October, November, December, she has the notebook that they put together with the communication plan, annexation data, all the work Annexation Committee did, etc. Ms. Feely stated that this has been going on since the middle of last year and each person here tonight has a personal independent responsibility to stay abreast of the issues that you care about and not to just show up on a night when you have been tickled by an email and where you have part of the story but certainly by no means not all of the story. Ms. Feely stated that she challenges them to do two things, please start attending working sessions, where you can hear the conversations and whereby they have public comment where they can ask questions and Ms. Feely encouraged everyone to gather their own information and not rely on others, use their own thoughts to draw their own conclusions and when they receive the letter

from the City asking them to write a letter to Stephanie Stuckey-Benfield and the members of the delegation to please do so to do their part.

Mayor Rieker stated that is the biggest thing the residents can do because those elected officials down there want to hear from them and the stronger voice you have for the 10 people who are going to make the decision in the DeKalb Delegation that is really where it counts now.

Joe Juska, 2962 Majestic Circle congratulated the Mayor on the Charter School. Mr. Juska stated that he has seen how politics works and there is a way to work behind the scene in the political area knowing where the levers are, who to push and knowing how to proceed and things get done and the public is not even aware they got done and he encouraged the Mayor to get into that political mode and focus on the things that need to get done.

Mayor Rieker stated that he appreciates that advice and he is happy to do what he can and take that advice to heart.

Joe Juska, 2962 Majestic Circle stated that if he can help in anyway he offer his assistance.

Howard Wurtzel, 30 Wiltshire Drive stated that he has been at many meetings and he has seen the board and community fight for many things and does not think he should be criticized for not attending some of the meeting. Mr. Wurtzel said he got discouraged at how long it takes to get things done. Mr. Wurtzel stated that he did not vote for Commissioner Milliron but this guy has been in the forefront of what has been going on in the City and he appreciates it because that is what he likes to see. Mr. Wurtzel stated that the residents need the Mayor to say yes that he is for the annexation and let's go forward with it. Mr. Wurtzel stated that it is insulting to see the Mayor and Commissioner Milliron criticizing each other.

Ann Moran, 59 Berkeley Road stated she is offended and she resents another citizen chastising other people for coming out whether they come out on a regular basis or whether they come out because someone has prompted them by email we are all here. Ms. Moran stated that she has been here just like Howard at work sessions and City commissions around the development and other meetings as well and she sees people here that she has seen before so they are just not coming out tonight and she is offended by the statement. Ms. Moran supports the annexation and she goes back to Ms. Harvey's question that we need the Mayor to state on record tonight that he will call the State Representative and let her know that our City as well as the commission is behind our resolution to annex.

Mayor Rieker stated that he will call Stephanie Stuckey-Benfield tomorrow and find out what she needs. Mayor Rieker stated that he is also happy to go down there if she needs both Mayors which he has done in the past.

Ann Moran, 59 Berkeley Road asked Mayor Rieker if he will go down to the legislature and support Avondale.

Mayor Rieker stated if that is what they need absolutely but if they don't need that then he does not need to go.

Sharon Wess, 56 Clarendon Avenue stated that since the Mayor has questions now about the annexation can they hear what his questions are, does the Mayor need their feedback. Ms. Wess also stated that if the Mayor has questions how can he be their leader on annexation if he is having some doubts. Ms. Wess stated to the Mayor that they want to know how deep he desires this and they need the Mayor to act or let Commissioner Milliron do it.

Mayor Rieker stated that where we are now is that a resolution has already passed and the only way to undo this is to have three votes to tell the state that we don't want to annex and he does not think that is going to happen. Mayor Rieker stated that any questions he had that was the point of the work session was to talk amongst ourselves about the annexation piece. It is not to send a signal to anybody at the state that we don't want it that was not his intent. Mayor Rieker stated that if he wanted to block this he would simply send out an email and say "this is not a good idea anymore and he is not for it." Mayor Rieker asked the board if anybody has seen an email from him like that. Mayor Rieker stated no.

Keith Brown, 8 Lakeshore Drive stated he does not appreciate being chastised particularly when the person who brings that to the floor says to do your own research and come to your own conclusion. Mr. Brown stated we can go back and look at examples of where doing that often times lead to a false conclusion. Mr. Brown stated that there is a reality why this room is not full consistently when there are meetings, if we can ever get to the point where we acted like a professional board instead of acting like we were at student council meeting maybe we would get more people coming out and participating in City government. Mr. Brown stated that he is very concerned about how we move forward he has seen so much idleness in the past five years that he has begin to wonder when are we ever going to move forward. Mr. Brown stated he will say it again that the Mayor is a fine gentlemen and he respects him as an entrepreneur but and we can be happy about the Charter School but take care of business at the same time while we remain happy to pay attention as tax paying citizens to what we are concerned about. Mr. Brown stated that he will be glad when the information that should be coming from the City begins to come from the City.

Jonathan Belcher, Rays Indian Originals, 32 N. Avondale Road stated that he is happy we got a Charter School and he feels better that the Mayor explained everything about the annexation. Mr. Belcher stated that he would like to see more action and he supports the board.

Commissioner-Elect Gene Lee, 9 Dartmouth Avenue stated that he would not be on this commission unless he thought it was valuable and important. Commissioner-Elect Lee spoke about the comments Mayor Rieker and Commissioner Milliron have stated and he will not listen to this when he is on the board, things have to get done and in the right order. Commissioner-Elect Lee stated he is 100% for annexation.

Dennis Burns, 3256 Wynn Drive asked about the stormwater drainage and what was the status of it and how he could get on the company agenda to let them know what is going on with his property and in his area.

City Manager Brown stated that by the end of the week the City should have all the mapping and surveying done of the entire City including the business district. City Manager Brown stated that today he and Bryan spoke to one of the principals at the company and they are going to put together a proposal and they will come out and do site visit with Bryan and City Manager Brown. City Manager Brown stated that the City does have a pool of areas that they will be taking a look at and what they will do, if the board approves and depending on how much it is, they will do some extensive research in those flooded prone areas. City Manager Brown stated that they have pictures and video.

Dennis Burns, 3256 Wynn Drive asked if there was a way to talk to someone about his specific problem.

City Manager Brown said absolutely and for him to call him and he and Bryan will sit down with him.

Dennis Burns, 3256 Wynn Drive stated that he is also in favor of annexation.

Herman Johnson, 997 Viscount Court stated that he has been working with Planning and Zoning for the last 14 years and there is a reason why some of the cars that just sit up there are not up there anymore and that is because there are laws, rules and regulations that Decatur has that you have to force their hand and he is the guy that has been going up there forcing the guys to move their cars to the back. Mr. Johnson stated that this annexation has to take place and if the City does not do it, the people who come to Avondale who have to come through that route will never get to Avondale. Mr. Johnson stated what he is hearing everyone say is to hear the Mayor say four words and they will leave and be happy, "I am for it and let's go forward."

Mayor Rieker stated that is more than four words, (laughter....) but he is for it and he will do what he can to make it happen.

Herman Johnson, 997 Viscount Court commented on Ms. Feely's comment. Mr. Johnson noted that he has been to these meetings several times and he does not appreciate her saying anything about people who just happened to show up.

Julie Feely, 2 Dartmouth Avenue stated that her comment was directly about the annexation conversation which has been going on since August or September of last year. Ms. Feely stated that people were not showing up for Ms. Harvey's Ad Hoc Committee meetings and people were not showing up much before August of last year and when the press was going on to the get delegation signatures people were not showing up or at the work sessions when the business owners attended the meetings. Ms. Feely stated that there is not a lot of support for the Board of Mayor and Commissioners by coming to the meetings. Ms. Feely stated that she stands by her position and the comment she made.

Doug Leckband, 5 Exeter Road thanked Mayor Pro tem Varian and Commissioner Steadman for their years of service.

Lindsey Forlines, 9 Sussex Road thanked Mayor Pro tem Varian and Commissioner Steadman for their years of service. Ms. Forlines commended Margaret Lunsford and Connie Bryans for all their work on the Tour of Homes and Holiday Market.

Ms. Forlines stated that for the younger people the emails are great and she realizes there is a difference of opinion about whom they should come from but it does get people here and get them motivated.

Joe Juska, 2962 Majestic Circle stated that his wife is concerned about all the breaking in of the cars and apparently it is on the increase. Mr. Juska asked if anything being done about that.

Chief Broden stated that the three break-ins the City had within the last two weeks, they already know two of the three suspects and they are looking for the third. The two motor vehicle thefts the City had on Friday they have recovered both vehicles.

Sharon Wess, 56 Clarendon Avenue stated that if the board does not have enough help then maybe they could make up committees when there is an issue to help organize.

Camille Harvey, 1051 Lakeshore Drive thanked Mayor Pro tem Varian and Commissioner Steadman for their years of service. Ms. Harvey spoke about her frustration in trying to bring the issues forward. Ms. Harvey stated that she felt like the letters were positive and her emails have been positive and it was ok to ask people to write and to come to the meeting tonight and they should not be made to feel guilty about that. Ms. Harvey states that she feels the tone between the board members has been part of what kept people away. Ms. Harvey asked as we go into 2010 that Mayor Rieker get back on Commissioner Milliron's email list and read what he is sending out and Commissioner Milliron read what Mayor Rieker is sending out and everyone communicate and not chastise each other publicly and get off on a better foot in 2010.

Mayor Rieker made a personal commitment to be a kinder, gentler and aggressive Mayor in 2010.

Commissioner Steadman stated that no one blamed Ms. Harvey for writing her email. Commissioner Steadman stated that it was agreed on at the work session that we were going to send out an email this week letting the residents know we needed their support in getting the annexation moved forward and this letter was a little premature from what they expected and we are talking about it in a different manner than we may have been.

Camille Harvey, 1051 Lakeshore Drive stated this was the last meeting before January so it was crucial and part of it was timing.

Amy Abrames, 1097 Chatsworth Drive stated that she is not on that email list, so she did not get the email and she would like to get on that email list.

Robert James, 100 Dartmouth Avenue stated that this is his first meeting and asked if he understood that starting January 1st is when the new session starts and we have the opportunity to push the annexation forward and Clai is going to send out a letter to some of the people that they should contact.

Mayor Rieker stated yes and the biggest piece the City can do in January when the session starts is for individual voters to really send positive messages to the elected officials down at the dome. Mayor Rieker stated that nothing needs to be done here because the board has already voted on that resolution.

Robert James, 100 Dartmouth Avenue asked City Manager Brown if the letter was going to come out soon.

City Manager Brown stated that we are waiting on one item and that was for Stephanie Stuckey-Benfield to talk to the Mayor and once that conversation happens then the letter will go out.

Amy Noack, 3183 Kensington Road stated that communication is fabulous and she loves getting the emails but it seems the City could be so much more effective if you had the opportunity to work together for the common good of the citizens because it is very disheartening.

Mayor Rieker stated he will do a better job in 2010.

Mayor Pro tem Varian stated that she has been pushing for years for information to go out through the City Manager. Mayor Pro tem Varian stated just like this letter that went out we talked last week about sending the letter out from the City and here we are tonight and if Commissioner Milliron would have just waited the letter would have stated what was going on. Mayor Pro tem Varian stated this kind of stuff has to stop.

Commissioner Milliron stated that he would like to correct a couple of issues, first he would like to reiterate again his offer to sit down with the Mayor and have lunch or coffee with him at anytime. Commissioner Milliron stated that he has for two years offered to sit down with the Mayor and the record will reflect and he has hard darts and laurels thrown at him for any reason and he continues to treat the Mayor with the utmost respect, both publicly and otherwise and he would ask for the same in return. Commissioner Milliron stated that the corrections are, the Mayor stated that he hired a public consultant to run for office, that is an incorrect statement and he does not want the record to show that he did. Commissioner Milliron stated that Tony Diastole who worked at a local TV station, very much like the Mayor, he advised and helped him with his campaign, and he ran his own campaign. Commissioner Milliron stated that the Mayor stated he demanded to be on the annexation committee, and absolutely he did because he is extremely passionate about annexation and he wants the annexation to go through and we have been talking about it for two years and now we are trying to finish the process and we have a state legislator who has reiterated to us multiply times that she needs the 10 signatures. Commissioner Milliron stated that Camille Harvey has made a good point the City has put the audio on the web but he wishes the actual minutes were on the web but unfortunately we only post the action minutes but the regular minutes are not posted on the web. Commissioner Milliron asked everyone to listen to the audio and they will see that he put annexation on every work session to put it on the table to discuss it and at the last meeting he was trying to get the Mayor to write a letter to the residents to support the City. Commissioner Milliron stated that he has not left the last two annexation meetings with anything concrete that anyone was going to champion this effort to make it happen. Commissioner Milliron stated to Mayor Pro tem Varian that the letter he sent out to get folks here is because we are up against a deadline. Commissioner Milliron stated last but not least he started his own personal newsletter and Commissioner Payne is still on the list and anyone else is more than welcome to be on it, it is his newsletter. Commissioner Milliron stated that he and the City Manager try not to compete with

one another, there are things that are being sent to him that he is being ask to distribute. Commissioner Milliron stated that our City Newsletter is not what it should be to you as residents and he is glad that we have lost cats and lost dogs as service but the residents want to know what is happening. Commissioner Milliron stated that they get City Manager updates each week and there is no reason that that information or the documents that the board gets for meetings can't be posted on the website that is City information. Commissioner spoke about his efforts with annexation. Commissioner Milliron stated that his goal in sending out that letter was very clear. Commissioner Milliron encouraged as many folks as they can to get involved in the City government.

Amy Noack, 3183 Kensington Road based on what was said why was it not on the agenda. Ms. Noack stated that Commissioner Milliron is extremely talented at the emails he writes and what he does is extremely valuable. Ms. Noack stated but if it needs to come from the City could he help instigate what it would take for the City to do the great work he does, so there is a united front and so some of the wrong impressions that go out are mitigated.

Commissioner Milliron stated that he consulted with the City both proactively and reactive like at any time they needed advice or even have given advice and he also sends things to the City regularly that should get out. Commissioner Milliron would prefer that the City News is truly City News and things happening in your government come out from the City. Commissioner Milliron stated that if you follow his email it has evolved because the City has been getting more and more information out but does not get out everything that is going on, maybe it is a staffing issue but that is for the City Manager to address.

Item No. 9

Old Business

- a) 3rd and final reading the Floodplain Ordinance

City Manager Brown read the third and final readings of the Floodplain Ordinance.

Mayor Rieker stated this has been read three times and this pertains to steps that City has to take to residents flood insurance and tonight the board can vote on it.

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

Commissioner Milliron stated that the board got correspondence from a resident who has expertise in this area which he provided to the City Manager is there anything in reviewing that should be addressed.

City Manager Brown stated he did not see any concerns in that email that Commissioner Milliron sent him.

Public Comment:

Unknown Resident asked if the ordinance will cover the entire City of Avondale or just cover the low lying areas.

Mayor Rieker stated it covers the entire City and there is a floodplain map that was provided by FEMA and there is one tiny area on the map that gets the City the floodplain insurance.

Unknown Resident: is that the only area that is covered.

Mayor Rieker stated yes that is the only area covered.

- b) 3rd and final reading of the 2010 Budget Ordinance

City Manager Brown read the third and final reading of the 2010 Budget Ordinance.

Mayor Rieker stated this is the third and final reading and the City has had the required public hearings and this is the budget for next year that the City has been working on since June and there have been many work sessions.

A motion to adopt the 2010 Budget Ordinance was made by Mayor Pro tem Varian, seconded by Commissioner Payne, passed with all ayes (5-0).

Public Comment:

Tom Brooks, 115 Berkeley Road asked how much the City has in reserves.

Mayor Rieker stated what happens is there is a low point and a high point and the low point is in June/July when the City spends down when the money from the county has not come in from the tax and he asked City Manager Brown where the City was at this time.

City Manager Brown stated we will be at \$800,000.

Mayor Rieker stated the other piece that is going to probably happen next year is one of the opportunities the City has been working on is a new fire station to replace the fire station on N. Clarendon Avenue. Mayor Rieker stated that the City is working with the county and MARTA to do a deal where the City potentially purchases MARTA property north of the City and we exchange that property for the current fire station empty lot and the new fire station would be placed just north of the City.

Tom Brooks, 115 Berkeley Road asked for clarification on the amount in reserves.

Mayor Rieker stated that it is \$800,000 at the end of July and that is the City's true reserve and it is contemplated that the City will need a significant portion of that to purchase this MARTA property in order to do the land swap.

- c) 2nd reading of Solicitation Ordinance Amendment

City Manager Brown read the second of three readings of the Solicitation Ordinance Amendment. City Manager Brown noted that City staff has added some items to the Solicitation Ordinance that we felt needed to be added for example, photographic identification, background checks on all individuals soliciting in our community, permits will expire within 60 days versus if someone received a permit in January they would not expire until the end of the year.

- d) Annexation

Discussed during public comment.

Item No. 10

New Business

- a) Board Appointment to Board of Appeals

A motion to appoint Amy Abrames to the Board of Appeals was made by Mayor Pro tem Varian, seconded by Commissioner Steadman, passed with all ayes (5-0).

Public Comment: None

- b) Board Appointment to Planning and Zoning

A motion to appoint Dennis Burns to the Planning and Zoning Board was made by Commissioner Steadman, seconded by Mayor Pro tem Varian, passed with all ayes (5-0).

Public Comment:

Mayor Pro tem Varian stated that Dennis Burns was a City Planner for many years.

Mayor Rieker stated he will be a good addition.

Item No. 11

Announcements (Commissioner Steadman)

- a) City Hall will be closed Friday, December 25th and Monday, December 28th in observance of Christmas.
- b) City Hall will be closed Friday, January 1st in observance of New Years Day.
- c) There will be a regular Board of Mayor and Commissioners meeting on January 11th at 7:30 p.m. for the installation of the new commissioners.

We regretfully announce the death of:
 Carol Rowe, 845 Stratford Road
 Gerrill Shealy, 75 Wiltshire Drive

Item No. 12

Adjournment

There being no further business, a motion to adjourn at 9:22 p.m. was made by Mayor Pro tem Varian, seconded by Commissioner Steadman, passed with all ayes (5-0).