

**BOARD OF MAYOR AND COMMISSIONERS**  
**SPECIAL CALLED MEETING**  
**January 25, 2010 – Immediately following Public Hearing**

**MINUTES**

**Members Present:** Ed Rieker, Mayor  
David Milliron, Mayor Pro Tem  
Michael Payne, Commissioner  
Terry Giager, Commissioner  
Gene Lee, Commissioner

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

*Item No. 1* Meeting called to order at 7:40 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

A motion to adopt the agenda as presented was made by Mayor Pro Tem Milliron, seconded by Commissioner Payne, passed with all ayes (5-0).

*Item No. 5* Approval of Minutes  
Regular Meeting – November 16, 2009  
Regular Work Session – December 9, 2009  
Regular Meeting – December 14, 2009

A motion to adopt the minutes as presented was made by Commissioner Payne, seconded by Mayor Pro Tem Milliron, passed with all ayes (5-0).

*Item No. 6* Commissioner Updates – Subjects of General Interest and Concern

Mayor Rieker stated that the City is moving forward with the county on the Service Delivery Strategy. Mayor Rieker noted that there was a meeting last week with the CEO's office and a couple of commissioners and they are waiting on them to bring back another spreadsheet with some numbers and some percentages and hopefully they will have something that all the cities can adopt in a month or so. Mayor Rieker stated that the board will probably do a Special Called Meeting next month to continue that resolution.

Mayor Rieker gave an update on annexation. Mayor Rieker stated that they expect by next Monday, which is February 1st, that Stephanie Stuckey-Benfield, who is our State Representative, will introduce the legislation to the DeKalb Delegation at their weekly meeting. Mayor Rieker invited the public to come down to that meeting. Mayor Rieker stated that the City will be sending out an email tomorrow with further details. Mayor Rieker stated that the City Manager and City staff will be there as well and he encouraged the board to attend as well. Mayor Rieker stated that the City will give a 5 minute presentation and the Mayor of Decatur will do a presentation. Mayor Rieker stated that the City of Chamblee is also asking for

annexation therefore, the delegation wanted to try to do it all in one meeting. Mayor Rieker noted that this Thursday he has a couple of meetings with some of the county commissioners to speak to them about annexation.

Commissioner Giager stated that he has had several citizens have come to him and asked what the annexation is about, Georgia Duck, etc. Commissioner Giager stated that he informs them that the proposal for annexation that the City is working on now is simply North and South of East College and the City is not talking about annexing up North or anything like that. Commissioner Giager stated that a lot of citizens were confused about that and he wants to make sure that the board gets that out.

Mayor Rieker stated that there is a file on the City website that has a map of what the board is proposing to annex. Mayor Rieker noted that it also has the lots broken down, taxes they are paying, net increase/decrease to the county to the City, and it has a couple of reasons as to why the City is looking at annexation. Mayor Rieker stated that every time a e-news is sent out on annexation, the City adds a link to the information that is posted on the website.

*Item No. 7*

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

City Manager Brown read his monthly report.

- City Manager asked everyone to keep Our Way Café in there prayers, they had a fire Saturday evening and they are going through a big clean-up.
- The East and West signs are gone and the new signs are in the process of being manufactured and should be installed by the end of February, weather permitting.
- The City has applied to the Georgia Municipal Association Safety and Liability Management Grant Program. City Manager Brown stated that this is a grant that will cover 50% of the cities expenditures toward safety. City Manager Brown noted that the City spent a little over \$10,000 last year and the City has applied for a grant that is a little over \$5000 this year and the City will find out in a couple of months if we receive the grant.
- City Manager Brown stated that the City received confirmation from the Georgia Department of Natural Resources and the FEMA Regional 4 Office here locally, that the City's application for the National Flood Insurance Program has been reviewed and that package has been forwarded to FEMA in Washington D.C. and once they approve it the City will be able to purchase flood insurance.
- City Manager Brown stated that the One for the Chipper event was a tremendous success this year. The City chipped and recycled over 500 Christmas trees. City Manager Brown thanked the Public Works staff and Arboguard for donating the equipment to do the chipping.

*Item No. 8*

Citizens' Comments

Jean Penrod, 62 Lakeshore Drive asked for clarification on which signs the City Manager was talking about and what will the new ones look like.

City Manager Brown stated the signs are the one by Twin Oaks and the one by the Legion. City Manager Brown stated the City is replacing those because they are rotted and beyond repair. City Manager Brown explained what the new signs will look like.

Laura Leckband, 5 Exeter Road, asked if the City was going to wait to erect the westbound sign until the City knows if our borders meet.

City Manager Brown stated the east and west signs are mainly stating you are coming into the Historic District and if you take the sign up to the west, there is a lot of graffiti and vandalism going on up there. City Manager Brown stated that he more sees a sign that says "Welcome to Avondale Estates" in the beginning and as the City works to improve that area they will work on putting a nicer sign up.

Commissioner Payne stated that Decatur has done something similar to what City Manager Brown has said, they did major signs and then added some smaller signs.

Ted Penrod, 62 Lakeshore Drive, asked that something get started on the lake because it is eroding unbelievably. Mr. Penrod stated that every time it rains it accelerates more.

Mayor Rieker stated he will put that on a work session agenda.

City Manager Brown stated that there is a company doing permitting and engineering right now for the lake to where the City will be able to submit to get an RFP. City Manager Brown noted that the first phase has started and the City has been in that first phase for about two months. City Manager Brown noted that it has taken time to get all the reports back. City Manager Brown noted that this past Friday he walked the lake with several different associations; there is a grant that he is trying to get to help with the expense for the lake.

*Item No. 9*

Old Business

- a) 3<sup>rd</sup> and final reading of Solicitation Ordinance Amendment.

City Manager Brown read the third and final reading of the Solicitation Ordinance Amendment.

Mayor Rieker noted that this something that has been discussed at a work session and has been going on for three months.

Public Comment: None

A motion to adopt the Solicitation Ordinance Amendment was made by Commissioner Payne, seconded by Mayor Pro Tem Milliron, passed with all ayes (5-0).

- b) 2<sup>nd</sup> of three readings of the Ordinance to Annex Avondale Pattillo United Methodist Church.

City Manager Brown read the second of three readings of the Ordinance to Annex Avondale Pattillo United Methodist Church.

Mayor Rieker stated this about annexation of the church property. Mayor Rieker noted that the board cannot vote tonight it requires three readings and a public hearing, which has already been held.

- c) 2<sup>nd</sup> reading of three readings of the Ordinance of Zoning for Avondale Pattillo United Methodist Church.

City Manager Brown read the second of three readings of the Ordinance to Zone certain property known as 3260 Covington Highway, Avondale Pattillo United Methodist Church to office-institutional.

Mayor Rieker noted that the Planning and Zoning Board has already had a public hearing on this item.

*Item No. 10*

New Business

- a) Conditional Use Application for Avondale Pattillo United Methodist Church.

City Manager Brown stated that the Avondale Pattillo United Methodist Church has submitted a conditional use permit application and the conditional use requested is religious facilities.

Public Comment: None

A motion to approve the Conditional Use Application for Avondale United Methodist Church was made by Mayor Pro Tem Milliron, seconded by Commissioner Payne, passed with all ayes (5-0).

- b) Proclamation to establish February 19, 2010 as Arbor Day in the City of Avondale Estates.

Mayor Rieker read the Proclamation to establish February 19, 2010 as Arbor Day in the City of Avondale Estates.

- c) L.A.R.P. Resolution for the Agreement for Resurfacing Hess Drive.

City Manager Brown read the L.A.R.P. Resolution.

Public Comment: None

A motion to approve the L.A.R.P. Resolution for the Agreement for Resurfacing Hess Drive was made by Commissioner Payne, seconded by Commissioner Lee, passed with all ayes (5-0).

- d) Resolutions to restate the Georgia Municipal Association 401(a) Defined Contribution Retirement Plan and 457(b) Deferred Compensation Plan Update.

City Manager Brown read the resolutions.

Mayor Rieker stated that this is something that was discussed at the last work session. Mayor Rieker stated this is to keep the City retirement plan in compliance.

Public Comment: None

A motion to approve the Resolutions to restate the Georgia Municipal Association 401(a) Defined Contribution Retirement Plan and 457(b) Deferred Compensation Plan Update was made by Commissioner Payne, seconded by Commissioner Lee, passed with all ayes (5-0).

- e) Agreement between the City of Avondale Estates and Clifton, Lipford, Hardison & Parker, LLC as auditors for the 2009 audit.

City Manager Brown read the agreement and noted that this is the same firm the City used last year. City Manager Brown stated that the cost is a little under \$17,000 for the audit and it includes the Downtown Development Authority.

Mayor Rieker noted that the firm did a good job last year.

Public Comment: None

A motion to approve the Agreement between the City of Avondale Estates and Clifton, Lipford, Hardison & Parker, LLC as auditors for the 2009 audit was made by Mayor Pro Tem Milliron, seconded by Commissioner Payne, passed with all ayes (5-0).

- f) Renewal of the contract of Monica Callahan of Piedmont Preservation for preservation services for the 2010 calendar year.

City Manager Brown read the contract.

Public Comment: None

A motion to approve the 2010 contract of Monica Callahan of Piedmont Preservation was made by Commissioner Payne, seconded by Mayor Pro Tem Milliron, passed with all ayes (5-0).

- g) Renewal of the contract of Bill Johnston of Strategic Planning Initiatives LLC for On Demand Planning and Zoning Services for the 2010 calendar year

Public Comment:

Laura Leckband, 5 Exeter Road asked the board to reconsider working with Bill Johnston. Ms. Leckband asked if Mr. Johnson's contract was still hourly

City Manager Brown stated yes.

Laura Leckband, 5 Exeter Road stated that in her interactions with Mr. Johnson she has found his work not thorough and not well researched. Ms. Leckband feels that many of the changes that need to be made now to the zoning ordinance are due to Mr. Johnson.

Mayor Rieker stated that one of things that will be brought up at the February work session is that in the budget for next year is a new position which is Planning and Development, mostly on the planning side. Mayor Rieker noted that the board has every expectation that as part of this job description it will be for this staff person to actually take hold of those kinds of issues in terms of the zoning to assist the Planning and Zoning Board and be the go to person on those types of issues. Mayor Rieker noted that the zoning process was very long with several individuals. Mayor Rieker noted that the contract for Mr. Johnson is at the will of the City Manager and he believes last year he spent \$1000 for Mr. Johnson's services. Mayor Rieker noted that Mr. Johnson's contract is not something that has a fixed cost on it.

Commissioner Giager asked Ms. Leckband is it that the board did not ask the right questions.

Laura Leckband, 5 Exeter Road stated that it is as the Mayor stated, it was a very long process and she feels it could have been a much shorter process with someone directing it who was looking more at providing direction and feedback more than someone looking for someone to tell them what to do.

Commissioner Giager asked Ms. Leckband if she felt that the Planning and Development position would be a solution to the problem or does she feel the board needs to investigate into other areas.

Laura Leckband, 5 Exeter Road stated that she does not know what the job description is for the planning person and she understood that position to be more of a visionary master planning type of person. Ms. Leckband stated that she feels we would still need an outside person to assist with the zoning. Ms. Leckband stated she would not be able to answer this question without knowing the intent of the job description.

Mayor Pro Tem Milliron stated that going off of Ms. Leckband's questions/comments and he will show his hand as to where he was going to vote, he was going to vote nay on the contract. Mayor Pro Tem Milliron stated that the board relies a lot on the recommendation of the City Manager because at the end of the day that is who is working non-stop with this individual. Mayor Pro Tem Milliron spoke of his questions he asked at the work session, costs, the City involvement with the Atlanta Regional Commission and what resources the City has gotten from them and knowing by July the City will be trying to get a very focused planning person. Mayor Pro Tem Milliron stated he has gone through several zoning processes and what he found was that he was getting a lot of input from residents that was in much more detail than from our consultant and he has to balance that out with what was the charge. Mayor Pro Tem Milliron stated that what was frustrating to him was when you walked away from the meetings, you had the minutes and audio tape, and those changes should be reflected in the zoning and too often he saw the board look at each other as to what they agreed upon and the board kept back tracking. Mayor Pro Tem Milliron noted that Julie Feely would sit in the audience because she had done her homework and she would take out her notes to assist with the back tracking. Mayor Pro Tem Milliron was not satisfied that the City got the best resources for our money spent.

Julie Feely, 2 Dartmouth Avenue, spoke about the zoning process and her frustration with Mr. Johnson and his colleague. Ms. Feely feels that a performance standard of some sort might be valuable in Mr. Johnson's contract. Ms. Feely feels that the City needs a Planning and Economic Development Director who has zoning experience so there is a staff person to take the lead.

Commissioner Payne stated that he does not feel he is qualified to say if Bill Johnston did a good job, bad job or indifferent. Commissioner Payne stated that as he sees it, it is for the City Manager if he so decides to use the resource he can use it and he would not want to interfere with the City Manager's operations of the City.

Mayor Rieker stated that is exactly why he would vote for it because the City Manager needs a resource even in the short-term we have things going on and the board has to make sure they don't hinder the City by not supporting the City Manager.

Commissioner Lee asked if this was strictly on an hourly type basis or fee type basis and there is no commitment. Commissioner Lee stated that as long as there is no commitment, it makes sense to him.

Mayor Rieker stated that it his understanding of the agreement that it is strictly hourly and City Manager Brown concurred. Mayor Rieker stated that it also does not prevent the City Manager from finding another resource if he chooses to do that as well.

A motion to approve the 2010 contract of Bill Johnston of Strategic Planning Initiatives LLC for On Demand Planning and Zoning Services was made by Commissioner Payne, seconded by Commissioner Lee; passed with all ayes (4-1).

*Item No. 11*

Announcements (Commissioner Payne)

- a) On Saturday January 30<sup>th</sup> from 10:00 a.m. to Noon Corporal Paul Conroy will hold an Adults Only Firearms Safety Program at City Hall. For more information and to RSVP contact Sherri Dickens of the Neighborhood Watch Program.
- b) Rail Arts District Studio Cruise 2010 will be held on Saturday, February 13, 2010 from 2:00 p.m. to 10:00 p.m. and is free and open to the public. This year's event promises an even more spectacular lineup of studio tours, art exhibitions and demonstrations. For more information visit their website at [www.railartdistrict.com](http://www.railartdistrict.com)
- c) The Avondale Ladies Tea will be held on Sunday, February 28<sup>th</sup> from 3:00 p.m. to 5:00 p.m. at the Avondale Estates Community Club.

*Item No. 12*

Adjournment

There being no further business, a motion to adjourn at 8:145 p.m. was made by Commissioner Payne, seconded by Commissioner Lee, passed with all ayes (5-0).