

BOARD OF MAYOR AND COMMISSIONERS
REGULAR MEETING
April 26, 2010 - 7:30 p.m.

MINUTES

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

Members Absent: Terry Giager, Commissioner

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

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

Item No. 2 Invocation (Mayor Pro Tem Milliron)

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 (4-0).

Item No. 5 Approval of Minutes

January 20, 2010 Special Called Meeting
February 22, 2010 Regular Meeting
February 24, 2010 Special Called Work Session
February 25, 2010 Special Called Meeting
March 22, 2010 State of the City

A motion to engross and approve minutes was made by Commissioner Payne, seconded by Mayor Pro Tem Milliron; passed with all ayes (4-0).

Item No. 6 Commissioner Updates – Subjects of General Interest and Concern: None

Item No. 7 Monthly Report by the City Manager Concerning the Status of Matters in Progress and Upcoming Issues and Events

City Manager Brown welcomed Sgt. Lynn Thomas who is here tonight in place of Chief Broden and Oscar Griffin, Supervisor of Public Works who is here in place of Bryan Armstead, Director of Public Works.

City Manager Brown gave the following monthly board update:

- City Manager Brown read a letter from a resident commending the Public Works Department for all their hard work and how much they are appreciated. City Manager Brown noted that he also received a phone call

from a resident on how fast an associate in the Public Works Department was retrieving the trash and how impressed they were with the associate. City Manager Brown recognized the police department and the great job the Chief did in putting together the Citizens Police Academy along with Cpl. Conroy, Cpl. Finley and all the other officers who had their hands involved in it.

- The City has added a new online service request feature to the City website. City Manager Brown noted that instead of having to call City Hall now to say, “there is barking dog next door” or “my trash got missed”, comments on City staff, comments on the website and other items, citizens can submit their requests through the online service request feature. City Manager Brown explained the process and noted that once the form is submitted it will automatically go to the appropriate associate within the City.
- The City has received all permits for the Department of Natural Resources and the Environmental Protection Division to move forward with the bank restoration and the path around the lake. City Manager Brown noted that currently the contract documents are being put together and once the City receives those they will send it out for bids.
- City Manager Brown noted that the 4th of July activities this year will be on Saturday, July 3rd.

Item No. 8

Citizens’ Comments

Sandra Varian, 3259 Wiltshire Drive apologized for missing the State of the City she was out of town. Ms. Varian stated that she had asked City Manager Brown if Nayef Haddad had been released from Century and he confirmed he was no longer working with Century.

City Manager Brown stated that is correct.

Sandra Varian, 3259 Wiltshire Drive stated that she has heard that the former President of Century has come out of retirement to take on the various development projects and he is going to pick and choose which ones they are going to invest their time in and the ones they are not.

City Manager Brown stated yes that is what was relayed to him. City Manager Brown stated that he is not the President he was the owner.

Sandra Varian, 3259 Wiltshire Drive stated that she also had heard that the former owner is offering the owners of the properties that were bought is offering to sell them back to the owners and she asked if there was any truth in that.

City Manager Brown stated this is the first time he has heard of that.

Sandra Varian, 3259 Wiltshire Drive expressed her concerns over this development and she wants to know if the properties are going to be kept up so not to look rundown.

City Manager Brown stated that he had a conversation with Braxton Bone who is basically putting everything up to Charlie Boscarino. City Manager Brown stated that he has been getting his information from their attorney here in Atlanta, Ted

Sandler who has been in contact with the Century staff in Florida. City Manager Brown noted that in his last conversation with Mr. Sandler last week, he is suppose to hear something back from Century by the middle of this week and once City Manager Brown hears back from him then he will report back to the board with the findings.

Sandra Varian, 3259 Wiltshire Drive stated that whatever City Manager Brown hears back she asked that it be conveyed to the residents.

City Manager Brown stated yes he will.

Sandra Varian, 3259 Wiltshire Drive stated that she would like to address this to Mayor Pro Tem Milliron, there has been a lot of contention between the Minick Team and the James Joyce Irish Pub over the parking and he goes to the business meetings and he asked what the thoughts are on whether they are going to boot the cars if you park on the Minick side.

Mayor Pro Tem Milliron stated that he has met with both parties and with Jonathan Belcher of Rays Indian Original. Mayor Pro Tem Milliron stated that obviously the City has been involved because it has escalated to the police, trespass notices, etc. Mayor Pro Tem Milliron stated that he thinks he has almost gotten to the point where both parties will sit down and try to arbitrate because he feels the issue is a lot bigger than their land use. Mayor Pro Tem Milliron stated that he is not interested in mitigating or negotiating any terms of who can and cannot come to someone's establishment but he can help get the parties to the table and let them work out their issues. Mayor Pro Tem Milliron stated that for the board members who are not aware of it, the James Joyce has a lot of "no parking" signs where we used to park but the property is really owned by the Minick Team and ReMaxx that is there property/parking lot and there have been past agreements on paying for use of that parking lot but there has been no money that has changed hands and after some incidents on a personal nature for them they put "no parking" signs up and starting towing patrons if they parked on the ReMaxx or Rays Original side of the parking lot.

Sandra Varian, 3259 Wiltshire Drive stated whatever the City can do to mitigate this situation, she would be most grateful. Ms. Varian stated that her final comment is about barking dogs and how fed up she is with this issue. Ms. Varian noted that the dogs in her area start at 8:30 a.m. and don't shut up until 11:00 a.m. and it is very disturbing especially since her husband works a late shift. Ms. Varian stated that residents who have inside dogs and leave them out at night should be considerate of their neighbors because some of them bark a lot a night when left outside. Ms. Varian stated that maybe something could be put in the newsletter.

Lyda Steadman, 3118 Majestic Circle asked with the Century development, once we hear back from them is the board contemplating any action at this point. Ms. Steadman stated that they are in default of the development agreement and will the board take action for the default of the development agreement and if not what do they see are the advantages either way.

Mayor Rieker stated that they had this very same topic at the work session last week and what the board heard was that Century was in the midst of this reorganization and they are suppose to get back to Clai this week and what the majority of the

commissioners agreed to do is wait until the next work session in order to hear back to get further details. Mayor Rieker stated that there are a number of commissioners that feel it is at the end of the rope and hopefully the City will here something definitive from them this week or next week.

Lyda Steadman, 3118 Majestic Circle asked if anyone else wanted to comment.

Commissioner Payne stated he was one of the commissioners that wanted to wait because we do not know what is going on in the background and if she is asking him if he is optimistic if they are going to do the development that was first showed to the board, no he is not and he is not optimistic that we will end up with a Publix either. Commissioner Payne noted that there could be some part of this development that could be salvage and they would come to us and address them and the Mayor is correct, it has run its course.

Commissioner Lee stated he is one of the commissioners that felt that we should pull the plug but it was the consensus of the board to wait to here back from Century.

Lyda Steadman, 3118 Majestic Circle stated if they came back and all they were willing to do was a grocery store is this board inclined to move forward with that.

Mayor Rieker stated the board cannot answer that question. Mayor Rieker stated if they come back with something it will be entirely something new. Mayor Rieker noted that we have a development agreement with them but that does not just address a grocery store it has a lot of other things in it as well.

Sandra Varian, 3259 Wiltshire Drive stated to the board to not let them shuck you around because they have been doing that for years and she has witnessed it. Ms. Varian would like City Manager Brown to be supported by this board to keep on Century and get answers from them for our residents.

Parke Kallenberg, 1035 Lakeshore Drive stated that whether Century moves forward or not they still need to adhere to the same standards as all other property owners do for the upkeep of their property and if they don't they need to be fined just like others. Mr. Kallenberg stated that there is still energy in the community in hoping that the Publix will move forward but he is not very optimistic either.

Ted Penrod, 62 Lakeshore Drive stated in the words of Tom Samford "it was a another lovely day in Avondale."

Item No. 9

Special Recognition of Sandra Varian and Lyda Steadman

The board thanked former Mayor Pro Tem Varian and former Commissioner Steadman for all their years of service on the Board of Mayor and Commissioners and presented them with a certificate of merit.

Item No. 10

New Business

a) First of three readings of the Sign Ordinance

City Manager Brown read the first of three readings of the Sign Ordinance.

Mayor Rieker stated this is the first of three readings of the Sign Ordinance and the board cannot take any action until all three readings are done. Mayor Rieker encouraged everyone to review the sign ordinance and provide any feedback they can.

City Manager Brown noted that the sign ordinance is on the website and there will be a public hearing on it on May 24th.

b) 4th of July Fireworks Contract

City Manager Brown noted that this is the contract for Pyrotechnico to do the Fireworks for Exhibition and Display at the Lake on Saturday, July 3rd.

Mayor Rieker stated this was discussed at their work session and asked what was the cost.

City Manager Brown stated \$10,225 which is the same as last year for the same show.

Public Comment: None

A motion to adopt the 4th of July Fireworks Contract was made by Commissioner Payne, seconded by Commissioner Lee; passed with all ayes (4-0).

c) Google Resolution

City Manager Brown stated that this is a resolution between the cities of Avondale Estates, Chamblee, Decatur, Doraville, Dunwoody and Emory University which are working together to answer Google's search for its trial location to test its ultra high speed broadband network. City Manager Brown noted that all the cities he has just mentioned have applied under the name of Atlanta Area Urban Partnership for Google Fiber. City Manager Brown noted that Google has announced that they will be installing a network that will deliver internet speeds of 100 times faster than what anyone has now for areas of up to an area of 50,000 to 100,000 residents at no cost to the City.

Public Comment:

Ted Penrod, 62 Lakeshore Drive asked if the City did not have an exclusive contract with Comcast.

City Manager Brown stated we do not have an exclusive contract with anybody, residents can pick anyone they want.

A motion to adopt the Google Resolution was made by Mayor Pro Tem Milliron, seconded by Commissioner Payne; passed with all ayes (4-0).

d) Downtown Development Board Appointment

Mayor Rieker noted that there is a board opening on the Downtown Development Authority Board and the board has recommended Tres Indermark.

Public Comment:

Sandra Varian, 3259 Wiltshire Drive asked what Mr. Indermark's background is.

Mayor Pro Tem Milliron stated he is an attorney and he was actually hired in the initial stages of the Downtown Development Authority as their board attorney.

A motion to appoint Tres Indermark to the Downtown Development Authority was made by Mayor Pro Tem Milliron, seconded by Commissioner Payne; passed with all ayes (4-0).

e) Service Delivery Strategy Renewal Resolution

City Manager Brown read the resolution and noted that this will renew the contract until February 28, 2011 and noted that this will get all the municipalities back in compliance with the law and the DCA.

Mayor Rieker noted that the last couple of days down at the Dome they have been working on passing some legislation that amends the Service Delivery Strategy which will allow the City to pick different portions of the SDS that we want, there is police basic, police non-basic, parks and recreation and roads and streets. Mayor Rieker stated that once that gets done it will come back to the City and the board will look at it at a work session and decide what to opt out of.

A motion to approve the Service Delivery Strategy Renewal Resolution was made by Commissioner Payne, seconded by Mayor Pro Tem Milliron with all ayes (4-0).

f) Avondale Estates Cultural Affairs Foundation Inc. Agreement

City Manager Brown stated that this is an agreement between the City of Avondale Estates and Avondale Estates Cultural Affairs Foundation Inc. for the City to pay 5K to the Avondale Estates Cultural Affairs Foundation Inc. for the purpose of advertising/marketing the upcoming Art-B-Que to be held June 11-13, 2010.

A motion to adopt the Avondale Estates Cultural Affairs Foundation Inc. Agreement was made by Mayor Pro Tem Milliron, seconded by Commissioner Payne; passed with all ayes (4-0).

g) Proclamation for Municipal Clerk Week, May 2-8, 2010

Mayor Rieker read the Proclamation for Municipal Clerk Week, May 2-8, 2010

Item No. 11

Announcements (Mayor Pro Tem Milliron)

- a) Art in the Afternoon, Saturday, May 1st from 3:00 p.m. to 7:00 p.m. experience plein air artists in the gardens of Avondale Estates carriage houses. Attendance is Free. For more information about this event visit www.avondalearts.org
- b) The Avondale Fishing Derby will be held on Saturday, May 29th from 8:30 a.m. to 12:30 p.m. at the Lake. Prizes will be awarded for the largest fish, the most fish caught, the youngest and oldest fisherman to catch a fish.

We regretfully announce the death of:

Marion Reavis, Former Resident

Leah Anne Crouch Walters, Former Resident

Item No. 12

Adjournment

There being no further business, a motion to adjourn at 8:32 p.m. was made by Mayor Pro Tem Milliron, seconded by Commissioner Payne, passed with all ayes (4-0).