

## MINUTES

### DECATUR CITY COMMISSION

Regular Meeting  
February 17, 2009  
City Hall: 7:30 p.m.

Mayor Floyd called the Regular Meeting of the Decatur City Commission to order at 7:30 p.m. on Tuesday, February 17, 2009.

PRESENT: Mayor Floyd, Mayor pro tem Baskett, Commissioners Boykin, Cunningham, and Kemp; and, City Manager Merriss.

MINUTES of the Regular Meeting of February 2, 2009 were approved on a motion by Commissioner Cunningham, second by Commissioner Kemp and all voting “aye”.

#### PRESENTATION OF THE “CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING” AND THE “DISTINGUISHED BUDGET PRESENTATION AWARD.”

City Manager Merriss stated that the City had received the Government Finance Officers Association’s “Certificate of Achievement for Excellence in Financial Reporting” for the fiscal year ending June 30, 2008.

Mayor Floyd presented Assistant City Manager Andrea Arnold and City Clerk Karen des Isles with a plaque and commended them for their hard work in achieving such an honor.

City Manager Merriss stated that the City had also received the Government Finance Officers Association’s “Distinguished Budget Presentation Award” for the fiscal year beginning June 30, 2008.

Mayor Floyd presented Ms. Arnold and Management Analyst Meredith Roark with a plaque and commended them for their hard work in achieving such an honor.

#### PUBLIC HEARING.

Decatur Housing Authority Executive Director Paul Pierce stated that the Decatur Housing Authority (DHA) was continuing to move forward with the redevelopment of Allen Wilson Terrace. Mr. Pierce stated that one of the steps in obtaining tax exempt financing was to go through a “TEFRA” hearing process and that the DHA requested that the City hold the required public hearing and adopt a resolution supporting issuance of the bonds. Mr. Pierce noted that the City would not be financially obligated in any way for the repayment of the bonds.

In response to a question from Mayor Floyd, Mr. Pierce stated that the site redevelopment plan had been previously reviewed and approved by the City Commission.

In response to a question from Mayor pro tem Baskett, Mr. Pierce stated that DHA had to secure various approvals from a number of agencies before relocation and then demolition for the first phase of the project could begin.

Mayor Floyd opened the meeting for public comment.

Hearing none, the public comment portion was closed.

#### PLANNING COMMISSION RECOMMENDATIONS.

Planning Director Amanda Thompson stated that at the December 15, 2008 meeting the City Commission requested that the Planning Commission consider and recommend limited changes to the zoning ordinance in order to address immediate development issues where C-2 commercial zoning areas were adjacent to parcels designated as single-family residential zoning. Ms. Thompson stated that the Planning Commission held a work session in January 2009 and at its February 2009 meeting recommended approval with amendments. Ms. Thompson stated that the proposed changes to the zoning ordinance were intended to be interim in order to quickly addressing transitional buffer concerns until further study of the issue could occur during the City's planned review of land development issues.

Ms. Thompson stated that the proposed amendments to the ordinance addressed several areas such as increasing yard requirements, the height limiting plane, conflict between the City Commission and the Zoning Board of Appeals over parking issues, treatment of intervening streets and the role of the Downtown Development Authority (DDA). Ms. Thompson stated that the amendments were a codification of existing practices.

In response to a question from Commissioner Cunningham, Ms. Thompson stated that the current ordinance did not include the construction of public amenities, such as streets, in the usable land calculation.

Ms. Thompson added that the proposed ordinance required a review of commercial projects by the Decatur Downtown Development Authority (DDDA) as part of the permitting process.

In response to a question from Mayor pro tem Baskett, Ms. Thompson stated that the DDDA review was required before the permit was issued in order to reflect current practice.

Mayor Floyd opened the meeting for public comment.

Ed O'Conner, 302 Ponce de Leon Place, stated that he lived directly across from a C-2 zoning district and that he supported the proposed 45 degree height plane limiting angle but that the 30 foot setback requirements should be calculated from the curb line, not from the centerline of an adjacent street. Mr. O'Conner also stated he supported the Planning Commission's recommendation in regards to limiting the height to 60 feet.

Scott Kentner, 121 Barry Street, generally spoke in favor of the interim recommendations but indicated that he supported the Planning Commission's proposed amendments.

Philip Raines, 125 Barry Street, stated that he was opposed to the density being calculated at 70 units per acre and the minimum parking requirement of one parking space per unit. He added that he also supported providing a public hearing process for projects.

Wardell Castles, 331 Ponce de Leon Place, stated that the density calculation provided that the whole lot area could be used and not just the amount of buildable land. He also stated that he did not support changing the parking variance process. Mr. Castles requested that the City Commission include protection of adjacent neighborhoods from adverse traffic impacts by obtaining traffic studies for potentially affected neighborhoods.

Gil Rogers, 227 Montgomery Street, stated that the interim guidelines were a step in the right direction but that the 30 foot setback should be determined from the property line. Mr. Rogers also suggested that the neighborhood's traffic concerns should be addressed in the interim guidelines.

Leonard Thibadeau, 320 Ponce de Leon Place, stated that the proposed changes did not explicitly express that they were interim in nature and that the density calculation formula was not appropriate.

Mary Visscher, 317 Oakland Street, stated that a task force was needed to improve the way density was calculated and that she was opposed to the proposed changes to section 6.10 but that she was in support of the 30 foot setback if it did not include the street area and the 45 degree height limiting plane.

Jennifer Hyde, 128 Oakland Street, stated that the 30 foot setback should be measured from the commercial property line. She added she was concerned with the traffic, density and parking issues that were not specifically addressed in the interim ordinance.

Kay Fulmer, 331 Ponce de Leon Place, stated that the more protective measures should be included in the interim ordinance and that the Zoning Board of Appeals should continue to hear parking variances.

There were no further comments from the public.

Assistant City Manager Lyn Menne, speaking on behalf of the Decatur Downtown Development Authority, stated that the DDDA had reviewed the proposed changes to the zoning ordinance at its meeting on February 13, 2009 and that the Board understood the need for the interim nature of the ordinance. In addition, the DDDA was supportive of the ordinance being applied throughout the city, and not just for the projects at 315 West Ponce de Leon Avenue and 432 East Howard Avenue. Ms. Menne stated that the DDDA was concerned with establishing the setback requirement at the commercial property line and not allowing for use of half of the street right-of-way because the City's design standards called for developments to have an interaction with the street.

In response to a question from Mayor Floyd, Ms. Thompson stated that approval of the 315 West Ponce de Leon Avenue project included a 90-day moratorium on accepting any type of building permit application for the site that was not part of the plan approved on December 15, 2008.

Ms. Thompson added that the City Commission would be receiving a traffic study report at the March 2, 2009 meeting.

Mayor Floyd stated that if the proposed amendments were adopted, that after March 15, 2009, anyone interested in developing the property at 315 West Ponce de Leon Avenue would have to follow the interim ordinance requirements if they decided to build anything other than what had been previously approved by the City Commission.

In response to a question from Mayor Floyd, City Manager Merriss stated she intended to recommend in the fiscal 2009-2010 budget that the City undergo a review of all land development ordinances and regulations. She added that a steering committee appointed by the City Commission would be included as part of the recommendation.

Mayor pro tem Baskett stated that the term “interim” was being used for descriptive purposes only and was not included in the text of the proposed amendments because once an ordinance is adopted it become effective. Mayor pro tem Baskett noted that the proposed changes were limited in scope and that public input had been limited because of the time constraints. He added that the City Commission had decided that action needed to be taken on a limited number of items that seemed to have general support and that these recommendations as well as other issues would also be part of the more extensive process.

Commissioner Boykin stated that he was concerned with how to best balance the differing recommendations given by the Planning Commission and the DDA.

Commissioner Cunningham stated that there was a need to balance protection for the neighborhoods with the desire for development.

Commissioner Kemp stated that it was obvious that the City Commission did not like everything in the proposed changes but that there were two choices – let things remain as is until the conclusion of the future planning activities or to take some small steps now to offer some additional protections to residential areas.

Mayor Floyd stated that the City Commission had promised the neighborhood that some more protective measures would be considered, so action needed to occur.

Mayor pro tem Baskett recommended omitting the proposed amendments to section 6.10 and retaining the current wording.

On a motion by Mayor pro tem Baskett, second by Commissioner Kemp, and all voting “aye”, the City Commission adopted Ordinance O-09-Z-01 as amended.

PUBLIC COMMENT ON AGENDA ITEMS.

There were no comments from the public.

RESOLUTION APPROVING THE ISSUANCE OF BONDS BY THE DECATUR HOUSING AUTHORITY.

City Manager Merriss stated that the resolution allowed the DHA the authority to issue up to \$5 million in revenue bonds and that the bonds were not an obligation of the City of Decatur.

Mayor pro tem Baskett stated that the federal government regulations required local government action as part of the bond issuance process.

On a motion by Commissioner Kemp, second by Commissioner Cunningham, and all voting “aye”, the Resolution R-09-03 was adopted.

CHANGE ORDER FOR DESIGN SERVICES FOR GLENLAKE PARK IMPROVEMENTS.

Deputy City Manager Hugh Saxon recommended approval of a change order with jB+a Landscape Architects to provide additional design services for Glenlake Park improvements in an amount not to exceed \$100,000. Mr. Saxon stated that the change order was necessary because additional design services were required when the total project budget was increased from \$2 million to \$3 million for Phase 1 of the Glenlake Park Master Plan and that additional design expenses were incurred to prepare separate bid documents for the Glenlake Pool bathhouse so that construction could be completed by Memorial Day. Mr. Saxon stated that the change order would increase the total design fees from \$195,190 to \$295,190 which was a reasonable fee for the amount of work required and that funds were available in the current capital improvements bond budget.

In response to a question from Mayor Floyd, Mr. Saxon stated that the funds in the capital improvements budget for this project were from proceeds of the general obligation bonds.

In response to a question from Commissioner Kemp, Mr. Saxon stated that the project budget had increased because the scope of construction had also increased.

On a motion by Commissioner Kemp, second by Commissioner Cunningham, and all voting “aye”, the change order was approved.

CHANGE ORDER FOR STREETSCAPE IMPROVEMENTS ON WEST HILL STREET.

Mr. Saxon recommended approval of a change order in the amount of \$47,262 for construction of sidewalk improvements on West Hill Street at Fire Station Number 2. Mr. Saxon stated that the planned streetscape improvements on West Hill Street were supposed to be part of the overall Oakhurst Streetscapes improvement project but due to delays in obtaining required approvals from the Georgia Department of Transportation, he recommended going ahead with the sidewalk work at Fire Station Number 2 would close a gap of about 400 linear feet in the sidewalk system. Mr. Saxon noted that if approved, the funds for the work would come from the Oakhurst Streetscape Improvements budget.

In response to a question from Commissioner Kemp, Mr. Saxon stated that the improvements included two locations for tree plantings but no street lighting as street lights were located across the street.

On a motion by Commissioner Cunningham, second by Mayor pro tem Baskett, and all voting “aye”, the change order was approved.

#### AGREEMENT FOR HISTORIC RESOURCES SURVEY.

Ms. Thompson recommended approval of an agreement with the firms of Keystone Preservation Associates, LLC and Morrison Design, LLC for a historic resources survey, in an amount not to exceed \$35,000. Ms. Thompson stated that work included a survey of all the properties in Decatur outside of existing local historic districts and that the survey would include a digital photograph and property inventory sheet for each parcel. Ms. Thompson added that the information would be placed into a GIS compatible database. Ms. Thompson stated that a final report and public presentation would be prepared that provided an overview of the city’s historic resources and recommendations for properties eligible for the National Register of Historic Places.

Ms. Thompson noted that the proposed firms were well qualified and had already begun considering how to begin preliminary mapping of the City. Ms. Thompson stated that \$25,000 had been included in the 2008-2009 budget for the survey but that \$5,000 would be redirected from the City Manager’s budget and the Planning division budget to provide funding of \$35,000 for the project.

In response to a question from Commissioner Cunningham, Ms. Thompson stated that areas already listed in the National Register would be included in the survey but that properties located in the City’s four local historic districts would not be initially included.

In response to a question from Commissioner Boykin, Ms. Thompson stated that the properties in local historic districts would be imported into the GIS database at the completion of the survey.

On a motion by Commissioner Kemp, second by Commissioner Boykin, and all voting “aye”, the City Commission authorized the City Manager to execute an agreement with Keystone Preservation Associates and Morrison Design in an amount not to exceed \$35,000 for the Decatur Historic Resources Survey.

#### CONTRACT FOR SERVICES.

City Manager Merriss recommended authorization to execute a “Contract for Services” with the Decatur Preservation Alliance for a grant of \$20,000 to make capital improvements as provided for in The Woodlands master plan. City Manager Merriss stated that funds were available in the Greenspace Fund and this would be the final payment of the \$250,000 five-year grant pledge for The Woodlands.

Mayor pro tem Baskett thanked that City for its commitment to The Woodlands.

On a motion by Mayor pro tem Baskett, second by Commissioner Cunningham, and all voting “aye”, the contract for services was authorized.

#### REQUESTS AND PETITIONS.

City Manager Merriss stated that residents of Fayetteville Road were requesting speed humps and residents of Drexel Avenue and Emerson Avenue were requesting a three-way stop.

By consensus, the City Commission accepted the requests and referred them to staff for analysis and recommendation.

Assistant Community and Economic Development Director Linda Harris stated that the Decatur Business Association’s annual Black History Celebration would be February 24, 2009 at the Old Courthouse and that Mayor Emerita Elizabeth Wilson had convened a Decatur-Emory Connections panel for the event.

Ms. Menne stated that Mayor Wilson would be honored at a luncheon hosted by the DeKalb Historical Society on February 26, 2009.

#### REPORTS AND OTHER BUSINESS.

Mayor Floyd read the Planning Commission agenda for March 5, 2009.

On a motion by Commissioner Boykin, second by Commissioner Kemp, and all voting “aye”<sup>1</sup>, Resolution R-09-02 confirming the Executive Session of January 20, 2009 was adopted.

City Manager Merriss commended the Decatur Police Department for its diligent work in apprehending suspects in a burglary at Glennwood Academy and a robbery at Oakhurst Park.

City Manager Merriss commended the Decatur Active Living division staff for hosting 700 participants at the Decatur Recreation Center for a Little Shop of Stories sponsored book signing.

Commissioner Boykin stated that he looked forward to the work ahead in revising and updating the land development ordinances.

Commissioner Boykin stated that he enjoyed the City Commission retreat and thanked City staff for their preparation and analysis offered at the retreat.

Commissioner Boykin noted that interviews for the Active Living Board would occur the first week in March 2009.

Commissioner Boykin stated that the Georgia Rides to the Capital would be March 3, 2009 and that 10 mayors and 11 council members from around the region had signed up to participate.

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<sup>1</sup> Commissioner Cunningham abstained from voting due to her absence on January 20 , 2009.

Commissioner Kemp commended Ms. Arnold, Ms. desIslets and Ms. Roark for their work in excellent financial reporting, as well as Paul Pierce and the Decatur Housing Authority for serving the community so diligently.

Commissioner Cunningham commended Mayor Emerita Wilson on her honor from the DeKalb History Center.

Mayor pro tem Baskett commended Ms. Arnold, Ms. des Islets, and Ms. Roark for their financial work.

Mayor Floyd stated that he had attended an ICMA training with City Manager Merriss, Ms. Arnold, Ms. Harris and Assistant City Manager David Junger and that the City of Decatur stood head and shoulders above other communities around the nation.

There being no other business, the meeting was adjourned.

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Peggy Merriss  
Acting City Clerk