

MINUTES

DECATUR CITY COMMISSION

Regular Meeting
March 16, 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 Monday, March 16, 2009.

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

MINUTES of the Executive Session and Regular Meeting of March 2, 2009 and the Executive Session of March 4, 2009 were approved as amended on a motion by Commissioner Cunningham, second by Commissioner Kemp and all voting “aye”.

SPECIAL EVENT TEMPORARY ALCOHOLIC BEVERAGE LICENSES.

Special Events Coordinator Cheryl Burnette recommended approval of special event licenses for the retail sale of beer and wine at the following 2009 events sponsored by Decatur non-profit organizations: Decatur Green Fest, the Decatur Arts Festival, the Beach Party, the BBQ Blues & Bluegrass Festival, the AJC Decatur Book Festival, the Decatur Craft Beer Tasting Festival and the Decatur Wine Festival.

In response to a question from Commissioner Cunningham, Ms. Burnette stated that the term ‘craft’ had been added to the name of the Beer Tasting Festival because the festival would be highlighting beers brewed using more traditional methods.

In response to a question from Commissioner Boykin, Ms. Burnette stated that the Earth Day Celebration had changed its name to the Decatur Green Fest to avoid confusion with the City of Decatur Active Living Division’s Earth Day activities.

Ms. Burnette stated that the City would be participating for a second year in the World Wildlife Fund’s Earth Hour program scheduled for Saturday, March 28, 2009. Ms. Burnette stated that lights at City Hall and along the MARTA plaza would be turned off from 8:30p.m. to 9:30p.m. that evening in order to highlight energy conservation.

Ms. Burnette noted that the ING Marathon would occur on Sunday, March 29, 2009 and that volunteers were still needed to staff water stations and cheer along the route.

On a motion by Commissioner Boykin, second by Commissioner Cunningham, and all voting “aye”, the City Commission approved the special event alcoholic beverage licenses as requested.

PUBLIC COMMENT ON AGENDA ITEMS.

Reid Fotion, 123 Vidal Boulevard, stated that traffic along Church Street was terrible twenty years ago and that it improved when the street was widened from two lanes to four lanes.

Kathy Hightower, 237 Derrydown Way, stated concerns about the impact of the proposed annexation of commercial properties along East College Avenue.

There were no further comments from the public.

TAX PAYMENT ORDINANCE.

City Manager Merriss stated that the proposed ordinance was presented to the City Commission on an annual basis and that it established the payment due dates for collection of real property taxes. City Manager Merriss stated that the first installment property tax bill would be due on June 1, 2009 and the second installment would be due on December 21, 2009 since December 20th was a Sunday. City Manager Merriss stated that the ordinance also established past due dates of June 15, 2009 for the first installment and January 7, 2010 for the second installment. City Manager Merriss noted that the ordinance allowed the City to issue tax executions for all unpaid taxes after January 1, 2010.

On a motion by Commissioner Kemp, second Mayor pro tem Baskett, and all voting "aye", Ordinance O-09-02 establishing payment dates for real property taxes was adopted.

HOMEOWNER TAX RELIEF GRANT.

City Manager Merriss stated that the Georgia General Assembly had funded the \$8,000 homestead exemption provided by the Homeowner Tax Relief Grant (HTRG) for 2008 but that future State funding of the HTRG remained uncertain. City Manager Merriss noted that Governor Perdue had recently signed HB 143 which appropriated funding in the current state budget to cover the cost of HTRG for 2008. However, HB 143 also provided that in the future, the General Assembly would only provide funding for the state HTRG program in the next fiscal year if the estimated revenues needed to fund the program exceeded the actual amount of available revenues in the current year by 3% plus CPI.

City Manager Merriss stated that the new formula did not provide sufficient security to local governments that any reimbursement would be available in the future and that it was unreasonable to place over \$1 million of City and School System assets at risk. City Manager Merriss recommended removal of the HTRG credit from the first installment of 2009 City of Decatur tax bills. City Manager Merriss noted that if funding were to be made available for 2009, the credit would be placed back on the second installment tax bill in the Fall.

In response to a question from Commissioner Kemp, City Manager Merriss stated that staff recommended taking the credit off of the first installment tax bill but that it could be placed back on the second installment should funding become available.

Mayor Floyd stated that he preferred that the credit remain on the bill for the first installment because funding might become available.

City Manager Merriss noted that the City had applied for reimbursement for 2008 and that a second option for consideration was to leave the credit on the first installment billing and consider remove it in on the second installment billing since that would allow for more time to assess the situation.

Commissioner Boykin stated that he thought it prudent to follow the staff's recommendation.

Mayor pro tem Baskett noted that the City Commission would have a hard decision to make before the second installment billing.

Mayor Floyd stated that a homeowner's tax bill would increase by approximately \$125 per billing installment, or a total of \$250, if the credit were removed entirely.

In response to a question from Commissioner Kemp, City Manager Merriss stated that she did not anticipate including HTRG funds in the City's proposed 2009-2010 budget.

Mayor pro tem Baskett requested that staff add a notice to the tax bill that alerted homeowners that a potential increase was possible due actions of the state legislature, not because of a millage increase levied by the City Commission.

Mayor Floyd stated that the members of the Georgia General Assembly should be given the benefit of the doubt at this time so the credit should remain on the first installment tax bill.

Mayor pro tem Baskett stated that there was no rationale for leaving the credit on the bill if there was little chance it would be funded in the future.

Mayor Floyd stated that funding for the HTRG program was included in the State's budget but it was dependant on certain economic thresholds being met on an annual basis.

City Manager Merriss stated that the City was at a slight disadvantage since it was one of the first local governments in the state to bill for property taxes so keeping the credit on the bill until the second installment would not have a large fiscal impact.

By consensus, consideration of removing the HTRG was deferred until the second installment billing.

SANITATION FEE SCHEDULE.

City Manager Merriss stated that after analyzing costs, service delivery needs, and taking into account current economic conditions, it was recommended that the single-family residential unit fee be reduced while bag prices and commercial collection fees remain the same. City Manager Merriss stated that Assistant City Manager David Junger and Sanitation Services Superintendent Sean Woodson had worked diligently to develop an accurate model for residential and commercial sanitation services that reflected as closely as possible the true cost to the City of providing service.

City Manager Merriss stated that in July 2009 the City of Decatur awarded a contract for providing residential recycling services to Latham Home Sanitation and that the contract resulted in a significantly reduced cost for volume based recyclable collection. City Manager Merriss stated that the current contract cost for residential recycling services was \$49.50 per ton of recyclables; however, beginning in September 2008, post consumer recycling commodity prices began falling drastically as a result of the slow-down in the manufacturing and housing industries which severely curtailed market demand for recycled materials. City Manager Merriss stated that due to such conditions, Latham Home Sanitation had requested a review of the current contract in order to renegotiate a recycling fee that would continue to allow them to provide service in the City.

City Manager Merriss stated that under the proposed fee schedule, the fee for single-family residential collection would be reduced from \$235 per unit to \$225 per unit and that the various bag prices remain the same at \$1.35 for the 33-gallon (blue) bag; \$0.65 for the 5-gallon (yellow) bag; and \$0.38 for the 8-gallon (green) bag. City Manager Merriss stated that based on collection costs for commercial service, it was recommended that the commercial refuse container cubic yard charge remain unchanged at \$3.99; the charge for collection of 95-gallon carts remain at \$650; and the charge for collection of 3 cubic yard containers remain at \$970.

City Manager Merriss stated that on June 30, 2004, the Solid Waste Fund had retained earnings of approximately -\$801,700 and in the past five years the City had been able to reduce that amount to -\$242,106. City Manager Merriss stated that the fiscal year 2008-2009 budget anticipated an additional -\$131,150 in retained earnings, creating an increase in the total negative retained earnings to -\$373,256. City Manager Merriss noted that due to reduced recycling costs, it was estimated that the Solid Waste Fund would end fiscal year 200-2009 in a positive position, thereby further reducing the overall negative retained earnings liability.

City Manager Merriss noted that it was anticipated that there would be sufficient revenues to cover operating costs in the current year; however, the estimated revenues from the proposed fees did not provide much of a margin if economic conditions changed beyond what had already been anticipated. City Manager Merriss stated that the estimate for the residential recycling services was based on average \$89.00 per ton cost. City Manager Merriss cautioned that should market conditions continue to deteriorate and

Latham Home Sanitation was not able to continue providing services it was likely that expenditures would be higher than currently estimated, which might result in a new recommendation being brought before the City Commission.

Mayor pro tem Baskett stated that a rate reduction for single-family collection was a good thing but that it was unfortunate that the demand for materials was down.

In response to a question from Commissioner Kemp, Mr. Junger stated that the current contract did not allow recyclables collected in the City to be disposed of in a landfill and that Latham Home Sanitation had a contract with a recycling processor that was still being honored.

In response to a question from Commissioner Boykin, Mr. Junger stated the recycling processor was stockpiling the recyclable materials until the market rebounded.

City Manager Merriss noted that the Latham Home Sanitation was not reducing the types of materials that would be collected for recycling.

City Manager Merriss stated that a coupon would be included in every tax bill that would allow a taxpayer to collect a reusable tote bag imprinted with the City logo that could be used for grocery or other shopping to reduce the need for disposal or recycling of either plastic or paper bags. City Manager Merriss noted that the tote bag was extra large in size and would be available from May 1, 2009 through June 12, 2009 at the Concerts on the Square, City Hall and at the Public Works facility and that the bags would be available for purchase.

In response to a question from Commissioner Boykin, City Manager Merriss stated that bags would be available to purchase for \$2.

On a motion by Mayor pro tem Baskett, second by Commissioner Boykin, and all voting "aye", the City Commission adopted the recommended fee schedule for various sanitation services.

RESOLUTION SUPPORTING ANNEXATION OF TEN PARCELS ON EAST COLLEGE AVENUE.

City Manager Merriss recommended the adoption of Resolution R-09-05 supporting the annexation of ten parcels along East College Avenue through local legislation of the General Assembly. City Manager Merriss noted that Representative Benfield had agreed to sponsor the local legislation in two separate bills for the City of Decatur and the City of Avondale Estates with the caveat that both cities agree to move forward. City Manager Merriss stated that all ten parcels were commercial properties located in the gap between the City of Decatur and the City of Avondale Estates and that it was the City's understanding that the City of Avondale Estates would be adopting a similar resolution.

City Manager Merriss stated that the recommendation was consistent with the action taken by the City Commission in January 2009 to generally defer annexation with one of the exceptions being that the City Commission should seriously consider any opportunities to reduce the unincorporated area between the City of Decatur and the City of Avondale Estates.

In response to a question from Mayor Floyd, City Manager Merriss stated that the property was currently being surveyed.

Mayor Floyd reiterated that the City of Avondale Estates wanted to pursue this annexation and that was the main reason the City was agreeing to participate in the local legislation.

In response to a question from Commissioner Boykin, City Manager Merriss stated that annexation would result in the Decatur city limits becoming contiguous to the Avondale Estate city limits.

In response to a question from Commissioner Cunningham, City Manager Merriss stated that the liquor store could remain as is since it would be grandfathered in as long as it did not vacate its current premises for a year or more.

In response to a question from Commissioner Kemp, Mayor Floyd stated that the local legislation did not require a referendum.

On a motion by Commissioner Cunningham, second by Mayor pro tem Baskett, and all voting "aye", the City Commission adopted Resolution R-09-05 supporting the annexation of ten parcels on East College Avenue.

AWARD OF BID FOR CHURCH STREET ON-STREET STRIPING.

Deputy City Manager Hugh Saxon stated that the improvements to Glenlake Park would begin soon and that during construction there would be no on-site parking. Mr. Saxon stated that in order to provide parking, Church Street would be narrowed from four lanes to two lanes and that it would be restriped to allow on-street parking. Mr. Saxon recommended approval of a contract to the low bidder, Peek Pavement Marking, Inc. in the amount of \$15,111.50. Mr. Saxon noted that the restriping work would begin on Monday, March 23, 2009 and that variable message boards had been placed on the street near the work to warn motorists of the impending changes.

In response to a question from Commissioner Kemp, Mr. Saxon stated that the variable message boards would be placed at the beginning and end of the restriping project and that the message would flash and change to warn motorists about the construction and the lane changes.

In response to a question from Mayor Floyd, Mr. Saxon stated that the speed limit on Church Street would be reduced from 35 miles per hour to 25 miles per hour during construction.

Mr. Saxon stated that the long term plan for Church Street was to permanently reduce the street to two lanes and that the change would include incorporating bike lanes and improved sidewalks.

Mayor Floyd stated that the temporary narrowing was a good way to measure the impact of the reduced number of lanes.

In response to a question from Commissioner Boykin, Mr. Saxon stated that temporary probably meant the remainder of 2009.

In response to a question from Commissioner Kemp, Mr. Saxon stated that on-street parking would begin after the Candler Grove development in the northbound lane of the Church Street and end just before the Knob Hill development and would begin just before Willow Lane in the southbound lane and would end past Geneva Street.

In response to a question from Commissioner Boykin, Mr. Saxon stated that if crosswalks were shown on the map then they should be in the plan.

In response to a question from Commissioner Kemp, Mr. Saxon stated that the proposed changes had been announced in the *FOCUS* and that a letter had been sent to residents residing near the park and along Church Street in the affected area.

On a motion from Commissioner Boykin, second by Mayor pro tem Baskett, and all voting “aye”, the bid was awarded.

TRAFFIC CONTROL – SAMS STREET AND TALLEY STREET.

Mr. Junger recommended traffic control improvements for the intersection of Sams Street and Talley Street. Mr. Junger stated that the Engineering Division had received requests for installation of a crosswalk from the sidewalk along the west side of Sams Street crossing to the sidewalk located in front of the DeKalb County Department of Family and Children Services property. Mr. Junger noted that this crosswalk would facilitate pedestrian movement to the Avondale MARTA station and would be designated by means of a painted crosswalk and “Stop for Pedestrian” centerline marker.

Mr. Junger also recommended that the intersection of Sams Street and Talley Street be designated as an all way stop since currently only vehicles travelling south on Sams Street were required to stop. Mr. Junger stated that in order to improve both pedestrian and vehicular safety, a stop sign should be installed to regulate westbound traffic on Talley Street.

On a motion by Mayor pro tem Baskett, second by Commissioner Cunningham, and all voting “aye”, traffic control improvements were approved as recommended.

REQUESTS AND PETITIONS.

Wardell Castles, 331 Ponce de Leon Place, stated that he was generally in favor of the Mixed Use ordinance, especially the requirement for a reduction in density as commercial approached residential areas, but that he was concerned by the lack of consideration for traffic impact or the impact on the City Schools of Decatur.

Mr. Castles commended the staff for the Decatur 101 program.

Chris Billingsley, 146 Norris Street, commended City Manager Merriss and Mr. Saxon for keeping residents apprised of the Glenlake Park improvements but stated that a plan was needed to keep people out of the park during construction.

The following people spoke in opposition to the proposed sidewalk installation on Lamont Drive and Vidal Boulevard: Reid Fotion, 123 Vidal Boulevard; Scott Reeves, 116 Lamont Drive; Jack Wilkes, 252 Lamont Drive; Robin Bittman, 252 Lamont Drive; Mike McCallister, 135 Vidal Boulevard; Jim Thompson, 182 Lamont Drive; Ken Hughes, 186 Lamont Drive; Tom Roche, 179 Vidal Boulevard; Matt Beyer, 143 Vidal Boulevard; and Eugenia Massengale, 135 Vidal Boulevard. Residents cited concerns regarding storm-water run-off, environmental impacts, excessive disturbance of front-yards that the sidewalks would increase safety hazards and that sidewalks were not needed because walking in the street was acceptable due to the lack of traffic.

Mayor Floyd stated that the sidewalk improvement plan item would be on the April 20, 2009 agenda for City Commission consideration.

REPORTS AND OTHER BUSINESS.

Mayor Floyd read the Planning Commission agenda for April 14, 2009.

City Manager Merriss stated that as part of the City Commission's approval of a multiple-family development at 315 West Ponce de Leon Avenue in December 2008, city staff was directed to prepare recommendations related to traffic calming options in the Ponce de Leon Terrace neighborhood using the "City of Decatur Traffic Calming Study – Ponce de Leon Terrace Neighborhood" as a basis. City Manager Merriss stated that in 1999, the City of Decatur retained Sycamore Associates to conduct an extensive traffic study of the Ponce de Leon Terrace neighborhood, and as a result of the study eight specific recommendations were made for traffic calming. City Manager Merriss stated that the City completed the first five items as recommended at a cost of about \$25,000 and that staff anticipated being able to upgrade or install striping at a number of existing intersections as part of the sidewalk improvement plan in order to substantially complete recommendation number six.

City Manager Merriss stated that traffic issues were one of the primary concerns the City heard about from all residents and in order to allocate the limited funding available for addressing neighborhood traffic calming on an equitable basis, an attempt was made to distribute projects throughout the City. City Manager Merriss stated that efforts in the Ponce de Leon Terrace neighborhood appeared to be substantially

consistent with the City's use of resources and application of effort in other Decatur neighborhoods. City Manager Merriss recommended that a neighborhood advisory group be appointed by the City Commission to work with staff to determine neighborhood support for the implementation of the two remaining traffic calming measures in accordance with the City Commission's established policy for considering speed hump petitions. City Manager Merriss stated that additional traffic studies or additional traffic calming measures were not recommended for this neighborhood at this time.

Commissioner Boykin stated that he would like for staff to find alternatives to the speed hump.

City Manager Merriss noted that speed humps were the City's most effective means for traffic calming given available resources.

Mayor pro tem Baskett noted that the Ponce de Leon Terrace neighborhood had many crosswalks so the issue may not be speed but volume.

Commissioner Boykin stated that volume cannot be controlled if access is not controlled.

Mayor Floyd stated that a mechanism was needed to determine neighborhood support before implementation could occur and that putting together a study group was a good idea.

Commissioner Cunningham stated that the City Commission had to make sure that services were provided equitably throughout the entire city.

In response to a question from Mayor pro tem Baskett, City Manager Merriss stated that the study group would be comprised of six to eight neighborhood representatives.

Mayor Floyd stated that he was willing to participate in the study group.

City Manager Merriss stated that the City would host a meeting with Mayor Floyd, Mayor pro tem Baskett, and Commissioner Boykin convening in order to narrow down the scope of the study group's focus.

On a motion by Commissioner Cunningham, second by Commissioner Boykin, and all voting "aye", Bill Adams, Sally Brozek, Michael Harbin, Wendy Heaps, Mamie Jennings Mabry, Michael Pratt, Don Rigger, Parky Rogers and Miriam Vos were appointed to the Active Living Advisory Board.

Mayor pro tem Baskett stated that it had been a pleasure to conduct the interviews and get to know more of the City's residents.

On a motion by Commissioner Kemp, second by Commissioner Cunningham, and all voting “aye”, resolutions confirming the Executive Sessions of March 2, 2009 and March 4, 2009 were adopted.

City Manager Merriss stated that the City of Decatur would once again be participating in the World Wildlife Fund’s Earth Hour on March 28, 2009 by encouraging all city employees to turn off all non-essential lighting in city government buildings for an hour between 8:30 and 9:30 p.m.

On a motion by Mayor pro tem Baskett, second by Commissioner Kemp, and all voting “aye”, a resolution supporting Earth Hour was adopted.

City Manager Merriss noted that the City was a finalist for a Robert Wood Johnson Foundation grant application to evaluate programs to decrease the effects of childhood obesity. City Manager Merriss thanked the grant team, Lyn Menne, Amanda Thompson and Dan Magee for their work on the preliminary grant application.

Commissioner Kemp stated that the Active Living Division was hosting the Georgia Recreation and Parks Association Senior program coordinators at a two-day event in Decatur.

Commissioner Boykin thanked Ms. Burnette and members of the public works, public safety and active living staff for their assistance with the Bicycle Ride to the Capitol event.

Commissioner Boykin stated that he would be out of town for the April 6, 2009 meeting.

City Manager Merriss recommended that the questions posed during the requests and petitions portion of the meeting in regards to sidewalks be collected and answered on the city’s website.

Mayor pro tem Baskett stated that the money for the sidewalk improvements was from the bond funds approved by voters in September 2006.

Commissioner Boykin noted that a walk around the Lamont Drive-Vidal Boulevard neighborhood with Mr. Saxon would be held on March 25, 2009 at 4:00 p.m.

Commissioner Cunningham stated that the Winnona Park Neighborhood Association meeting was March 17, 2009 and that Fire Chief Dixon would be in attendance.

Commissioner Cunningham stated that Eddie’s Attic had received good press coverage on NPR.

Mayor pro tem Baskett stated that the resurfacing along Lamont Drive was contracted and paid for by the State of Georgia and that the sidewalk construction project would be locally controlled by the City.

In response to a question from Mayor Floyd, Mr. Saxon stated that the sidewalk improvement plans did not call for leaving the right-of-way but that the implementation plans were still conceptual.

In response to a question from Commissioner Boykin, Mr. Saxon stated that any additional pavement would generate some stormwater run-off.

Mayor Floyd stated that he was delighted to appoint nine residents to the Active Living Board and that he recommended appointing Bill Adams as temporary chair.

Mr. Junger stated that the Touch-A-Truck event would be March 21, 2009 from 12:00 to 3:00 p.m. in the upper parking lot of Decatur High School and that Agnes Scott College was hosting the Georgia Organics Conference on March 20 and 21, 2009.

There being no other business, the meeting was adjourned.

Peggy Merriss
Acting City Clerk