

MINUTES

DECATUR CITY COMMISSION

Regular Meeting
April 6, 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, April 6, 2009.

PRESENT: Mayor Floyd, Mayor pro tem Baskett, Commissioner Kemp; and, City Manager Merriss.

ABSENT: Commissioners Boykin and Cunningham

MINUTES of the Executive Session and Regular Meeting of March 16, 2009 were approved on a motion by Commissioner Kemp, second by Mayor pro tem Baskett and all present voting “aye”.

PLANNING COMMISSION RECOMMENDATIONS.

Planning Director Amanda Thompson stated that the Planning Commission recommended approval of amendments to the text of the zoning ordinance to create a new zoning district: MU - Mixed Use. Ms. Thompson stated that the proposed new district was designed based on the goals developed during the Avondale-Decatur Livable Centers Initiative (LCI) plan and that all guidelines pertaining to the MU district would be contained in the new section of the zoning ordinance.

Ms. Thompson stated that the primary differences between the proposed Mixed Use (MU) zoning district and the City’s existing zoning districts are that the MU zoning district: requires adoption of a regulating plan that outlines where public infrastructure and amenities would be located; requires mixing uses within developments and within buildings once the building reached a certain size threshold; provides for two residential density levels based on the proximity of the site to transit facilities; and, provides clearly defined site design standards to maximize the pedestrian friendliness of each development site. Ms. Thompson noted that the City Commission could approve exceptions to the required ordinance standards.

In response to a question from Mayor pro tem Baskett, Ms. Thompson stated that the City Commission could impose a MU district on non-applicant property owners.

Mayor Floyd opened the meeting for public comment.

Wardell Castles, 331 Ponce de Leon Place, requested that the definition of “transit stop” be clarified and questioned whether or not the City could enforce its standards in portions of the Avondale Decatur LCI area that were not in the City’s incorporated limits.

Kathy Hightower, 237 Derrydown Way, stated that she was concerned that the district regulations would allow the minimum size of a condominium to be 550 square feet. She also was concerned that balconies were allowed to be calculated towards open space requirements.

Hearing no other comments, Mayor Floyd closed the public portion comment of the meeting.

Commissioner Kemp concurred with Ms. Hightower that counting balconies as towards open space requirements was problematic.

In response to a question from Mayor pro tem Baskett, Ms. Thompson stated that the stipulation for balconies was included as an incentive to develop dwelling spaces with outside access.

City Manager Merriss stated that the City Commission had the capacity to control the amount of greenspace and open space in a MU district through the approval of the district's regulating plan.

In response to a question from Mayor Floyd, Ms. Thompson stated that open space was any space that was open and undeveloped and that it was not necessarily the same as greenspace.

Mayor Floyd noted that the 550 square feet minimum dwelling unit was the same requirement that existed in the current zoning ordinance.

In response to a question from Mayor Floyd, Ms. Thompson stated that typical zoning ordinances set minimum size standards, and that the 550 square feet minimum was based on federal housing standards.

City Manager Merriss noted that the 550 square feet minimum dwelling unit would allow one bedroom efficiency apartments to be built and while the market did not support such units today, there might be a demand in the future.

Mayor Floyd stated that the City had no say in how the properties in the LCI outside of the City would be treated but that a transit stop would have to be significant in order for MU district to be approved as a transit subarea.

Mayor pro tem Baskett stated that the City Commission would need to be convinced of the need for extra density to in order to warrant approval of the transit subarea designation.

In response to a question from Mayor Floyd, Ms. Thompson stated that the process to have an area designated as MU district would normally begin when a property owner or owners presented a regulating plan to the City.

Commissioner Kemp proposed that balconies not be counted towards meeting the requirements for open space. Mayor pro tem Baskett and Mayor Floyd both commented that allowing the balconies to count as open space was acceptable to them as long as the City Commission had approval over the total amount of greenspace required in each development.

On a motion by Commissioner Kemp, second by Mayor pro tem Baskett, and all present voting “aye”, the City Commission adopted Ordinance O-09-Z-02 amending the text of the zoning ordinance to create a new zoning district of MU - Mixed Use.

PUBLIC COMMENT ON AGENDA ITEMS.

There were no comments from the public.

AGREEMENT WITH DECATUR TOURISM BUREAU, INC.

Assistant Director of Community and Economic Development Linda Harris recommended that the City Commission designate the Decatur Tourism Bureau, Inc. (DTB) as the official agency for the expenditure of the City’s hotel-motel tax funds for the purpose of promoting tourism and attracting visitors to the City. Ms. Harris stated that for the past 20 years the City of Decatur had allocated the majority of its hotel-motel tax receipts to pay off the construction bonds for the Decatur Conference Center and parking deck, and now that the bonds had been retired, the hotel-motel tax funds could be allocated for other purposes as authorized by the State of Georgia. Ms. Harris noted that State law required a percentage of all hotel-motel tax revenues be spent on marketing and promotion efforts to attract tourists and visitors and that such funds be spent through a 501 (c) 6 non-profit organization set up for this purpose. Ms. Harris noted that the DTB would provide the City of Decatur with a report of its activities and an accounting of how funds were spent after June 30, 2009.

In response to a question from Mayor Floyd, Ms. Harris stated that the \$56,000 noted on the proposed budget was an estimate of revenues for the period from December 2008 through June 2009.

In response to a question from Commissioner Kemp, Ms. Harris stated that the DTB would have a website soon.

On a motion by Commissioner Kemp, second by Mayor pro tem Baskett, and all present voting “aye”, the City Commission authorized the Mayor to execute an agreement with the Decatur Tourism Bureau, Inc. for the expenditure of hotel-motel tax funds.

RESOLUTION EXTENDING THE SERVICE DELIVERY STRATEGY.

City Manager Merriss recommended adoption of Resolution R-09-09 extending the effective date of the existing service delivery strategy from April 30, 2009 until October 31, 2009. City Manager Merriss stated that since the last extension the jointly funded tax equity study had been completed, and that currently the Mayors of all DeKalb

municipalities were meeting regularly to develop a proposal to take to DeKalb County. City Manager Merriss stated that the resolution called for a proposal to be delivered to DeKalb County by May 20, 2009 and gave DeKalb County officials approximately six weeks to respond.

On a motion by Mayor pro tem Baskett, second by Commissioner Kemp, and all present voting “aye”, the City Commission adopted Resolution R-09-09 extending the current Service Delivery Strategy to October 31, 2009.

APPROVAL TO PURCHASE TELECOMMUNICATIONS SWITCHING EQUIPMENT.

Assistant City Manager David Junger recommended purchase of new telecommunications equipment from Blackbox Network Services in the amount of \$19,537. Mr. Junger stated that the equipment included a variety of hardware and software items necessary to upgrade the central telephone system located at City Hall so that Fire Station Number 1, Fire Station Number 2 and other City facilities would be able to use the City’s digital telephone service. Mr. Junger noted that at present the City’s telephone system did not support direct inter-facility dialing service at either of the fire stations.

Mr. Junger stated that it had been anticipated that funds for this purchase would be requested as part of the FY 2009-2010 budget; however, Fire Station Number 2 would be completed prior to the adoption of that budget and that the upgrade needed to be made now in order to provide necessary service. Mr. Junger noted that a total of \$330,000 was included in the FY 2008-2009 Capital Improvements Fund budget for improvements to Fire Station Number 1 and that it was anticipated that only \$150,000 of that amount would be used in this fiscal year so it was recommended that the cost of the telecommunications equipment be allocated from that budget amount.

Mr. Junger stated that Blackbox Network Services provided general telecommunications services to the City of Decatur and that the equipment would be purchased using U.S. General Service Administration schedules which assured competitive pricing.

In response to a question from Commissioner Kemp, City Manager Merriss stated that the improvements to Fire Station Number 1 were “shovel ready” but that the improvement process would not be started in this fiscal year since there was chance of receiving stimulus grant funds to rebuild Fire Station Number 1.

On a motion by Commissioner Kemp, second by Mayor pro tem Baskett, and all present voting “aye”, the purchase of telecommunications equipment from Blackbox Network Services in the amount of \$19,537 was approved.

CITYWIDE NETWORK UPGRADE.

City Manager Merriss stated that the adopted FY 2008-2009 Capital Improvements Fund budget included a network upgrade totaling \$125,000 with anticipated financing over three years. City Manager Merriss stated that as a result of competitive quotes the updated budget for the project was reduced to approximately \$96,000. City Manager Merriss noted that the network had not undergone a comprehensive upgrade since it was built in early 2000 and one network switch had to be replaced recently due to failure. City Manager Merriss stated that the financing had been pre-approved by the Georgia Municipal Association through the 1998 Georgia Local Government Equipment Lease Pool.

In response to a question from Mayor pro tem Baskett, City Manager Merriss stated that one-third of the amount would be included in the next three fiscal year budgets.

On a motion by Commissioner Kemp, second by Mayor pro tem Baskett, and all present voting "aye", the City Commission approved the project budget and approved financing the citywide network upgrade through the GMA lease pool program.

REQUESTS AND PETITIONS.

Wardell Castles, 331 Ponce de Leon Place, noted the need for a formal communications process between the Decatur City Commission and the City Schools of Decatur.

The following people spoke in opposition to the proposed sidewalk installation on Lamont Drive and Vidal Boulevard: Robin Bittman, 252 Lamont Drive; Ken Hughes, 186 Lamont Drive; Ann Fossett, 204 Lamont Drive; Eddie Rumsey, 196 Lamont Drive; Phil Marsden, 256 Lamont Drive; Jack Wilkes, 252 Lamont Drive; Becky & Mark Valentine, 131 Vidal Boulevard; Reid Fotion, 123 Vidal Boulevard; Tom Roche, 179 Vidal Boulevard; Eugenia Massengale, 135 Vidal Boulevard; Scott Reeves, 116 Lamont Drive; Charlie Vogel, 128 Vidal Boulevard; Tom Cooper, 224 Lamont Drive; and Patricia Culpepper, 110 Lamont Drive.

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

REPORTS AND OTHER BUSINESS.

Mayor Floyd read the Zoning Board of Appeals agenda for April 13, 2009.

Mr. Junger stated that the property at 416 Oakland Street was being maintained with trash, debris, tall weeds and grass. Mr. Junger stated that the property owner had been notified by certified letter and by posting the letter on the property but to date the owner had not contacted the City and little corrective action had been taken. Mr. Junger recommended that the City Commission place this matter on the May 4, 2009 agenda for a public hearing.

On a motion by Mayor pro tem Baskett, second by Commissioner Kemp, and all present voting “aye”, the City Commission set May 4, 2009 as the public hearing date for codes enforcement violations at 416 Oakland Street.

On a motion by Commissioner Kemp, second by Mayor pro tem Baskett, and all present voting “aye”, the City Commission adopted Resolution R-09-10 confirming the Executive Session of March 16, 2009.

City Manager Merriss stated that the Police Department recommended approval of an alcoholic beverage license for the retail sale for consumption on premises of beer and wine and spirituous liquors to Kathleen Marie Cushing for Saba at 350 Mead Road. City Manager Merriss stated that all fees had been paid but that renovations were on-going so a certificate of occupancy had not been issued by the Building Official, so it was recommended that an interim license be issued with the final license being issued after the certificate of occupancy was approved.

On a motion by Commissioner Kemp, second by Mayor pro tem Baskett, and all present voting “aye”, the license was approved as recommended by the City Manager.

City Manger Merriss stated that the City Commission had been provided with copies of the Vidal Boulevard sidewalk opposition petition.

City Manager Merriss stated that the Fire Marshall, Assistant Chief Toronto Thomas and the Fire Department were distributing “File of Life” personal information packets to residents in the community to aid first responders in the case of any emergencies. City Manager Merriss noted that the distributions would begin with the senior community.

City Manager Merriss noted that the City had just received notice from FEMA that it would be receiving grant funding to install four severe weather warning sirens around the City.

City Manager Merriss stated that the easement information form received by residents residing in floodplain areas was sent to residents by the City of Decatur on behalf of FEMA, which has stimulus funds available to apply towards securing permanent easements for floodplain properties but that residents had to contact FEMA directly, not the City of Decatur.

City Manager Merriss stated that landscape maintenance along a creek was the homeowner’s responsibility.

Commissioner Kemp stated that the Earth Day Celebration would be by April 18, 2009 in Oakhurst and that the Jazz Nights at Scottish Rite music series would begin on April 9, 2009.

Mayor pro tem Baskett stated that questions posed by residents during the meeting were typically addressed at the end of the meeting, unless further clarification was needed from staff, to avoid a back and forth exchange during public comment but that this practice should not discourage residents from asking questions.

Local Government Management Fellow Lena Stevens stated that the digital inclusion part of the WiFi grant program was underway and that the “Connecting Families” program had 15 participants from the Decatur Housing Authority learning to use computers.

Mayor Floyd expressed appreciation to the Lamont Drive and Vidal Boulevard residents who came to the meeting to oppose the proposed sidewalks but stated that there were times when sidewalk placement would be made for the greater public good even if it went against the wishes of a particular neighborhood.

There being no other business, the meeting was adjourned.

Peggy Merriss
Acting City Clerk