

## MINUTES

### DECATUR CITY COMMISSION

Regular Meeting  
April 20, 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 20, 2009.

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

MINUTES of the Regular Meeting of April 6, 2009 were approved on a motion by Commissioner Kemp, second by Mayor pro tem Baskett and Mayor Floyd, Mayor pro tem Baskett and Commissioner Kemp voting “aye”<sup>1</sup>.

#### PLANNING COMMISSION RECOMMENDATIONS.

Planning Director Amanda Thompson stated that the Planning Commission held a public hearing on Tuesday, April 14, 2009 to hear a request from Cypress Cityville at Decatur, LP for approval of an amendment to Ordinance O-08-Z-06 to modify the approved site plan for the property at 233-253 East Trinity Place and 233 East Howard Avenue. Ms. Thompson noted that due to a lack of quorum the Planning Commission did not make a recommendation.

Mike Sullivan, Looney Ricks Kiss Architects, requested approval of a revised site plan that relocated the parking garage from the west property line to the south end of the project abutting Howard Avenue to better buffer the development from rail noise. Mr. Sullivan noted that the new alignment of the garage shifted the entrance on East Trinity Place to the south. Mr. Sullivan stated that the garage would be screened on three sides and that the side that was open to West Howard Avenue would be a mixture of brick façade and “greenscreen.” Mr. Sullivan stated that there were still commercial uses on the ground floor of the building facing East Trinity Place and that the Dairy Queen remained in the same location as on the previously approved site plan. Mr. Sullivan stated that the new plan increased pedestrian circulation by connecting East Trinity Place to West Howard Avenue through a greenway and provided better access for restaurant patrons from the parking garage to the restaurants.

Mayor Floyd opened the meeting for public comment.

Assistant City Manager Lyn Menne, speaking on behalf of the Decatur Downtown Development Authority (DDA), stated that the DDA supported the requested amended plan with several conditions including that the developer must continue to work

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<sup>1</sup> Commissioners Boykin and Cunningham abstained from voting due to their absence on April 6, 2009.

with the DDA to ensure that the parking deck was adequately screened. Ms. Menne stated that developer should work with the Planning, Zoning and Inspections division to coordinate traffic flow from their project with improvements planned for the intersection, as well as provide a name other than Cityville for the project.

Hearing no other comments, the public hearing was closed.

In response to a question from Mayor pro tem Baskett, Mr. Sullivan stated that there were several alternative project names that were being considered but that none of them had been presented to the developer.

In response to a question from Mayor pro tem Baskett, Ms. Thompson stated that the new plan still contained on-street parking for the Dairy Queen but as the proposed deck would be more easily accessible, the Planning Commission no longer had an issue with the number of available spaces.

In response to a question from Commissioner Kemp, Mr. Sullivan stated that there would be several entrances to the garage.

In response to a question from Commissioner Cunningham, Mr. Sullivan stated that the screening for the garage along West Howard Avenue would consist of brick, stucco and vegetation.

In response to a question from Commissioner Boykin, Mr. Sullivan stated that the vegetation would drape down the façade.

In response to a question from Commissioner Cunningham, Ms. Menne stated that by mimicking the façade of the building, the parking garage would not create a blank wall for passersby.

In response to a question from Commissioner Cunningham, Mr. Sullivan stated that farthest point in the garage to an entrance into the residential units was approximately 180 feet.

Mayor Floyd stated that the relocation of the parking garage was a concern as it would create a solid wall along West Howard Avenue and suggested that the use of shadowboxes on the ground floor level be investigated.

Nic Whittaker, Cypress Cityville at Decatur, LP, stated that shadowboxes were an option but that they were often expensive to install.

Mayor pro tem Baskett stated that he had a concern about the sight of the garage from South Candler Street.

Mr. Whittaker stated that a portion of the garage would be exposed no matter where it was located on the property.

Mayor Floyd stated that he did not understand why the garage needed to be relocated because many City residents already lived along the railroad without complaint but that he was willing to approve a plan that met the City's needs and was financially feasible.

Commissioner Boykin concurred.

Commissioner Kemp suggested placing public art along the exposed West Howard side of the parking garage.

Mayor Floyd suggested that the DDA and the developer continue to work together with the understanding that the DDA had authority to approve any decisions.

Mayor pro tem Baskett stated that having visitor parking closer to the retail and restaurants was a better option but that PATH users would only see the garage wall if the plan was approved as proposed.

City Manager Merriss pointed out the current ordinance O-08-Z-06 already provided a condition that granted the DDA the capacity to approve design recommendations.

Mayor pro tem Baskett suggested tabling the proposal until the developer could come back with more suitable options for the garage façade.

Mr. Whittaker stated that he could return for another public hearing if necessary but that his firm had yet to start the design phase and requested that the plan be approved contingent upon approval of the design for the south side of the garage.

On a motion by Mayor pro tem Baskett, second by Commissioner Boykin, and all voting "aye", the City Commission adopted Ordinance O-09-Z-03 amending Ordinance O-08-Z-06 to allow relocation of the parking deck with the condition that no permits would be issued until the design was completed and approved by the City Commission.

#### PUBLIC COMMENT ON AGENDA ITEMS.

Paul Jones, 229 Second Avenue, stated his concerns that it was not clear that the accumulated \$4.1million already collected through SPLOST III was restricted for the bond capital projects; that the principal and interest schedule was not published; and, that he wanted to know how much interest had accumulated on the bond funds since they were issued.

Martha Shepherd, 437 Avery Street; Diane Jackson, 433 Avery Street; and, Adair Caperton, 427 Avery Street, spoke in opposition to the installation of sidewalks on Avery Street because they were not necessary due to a sidewalk being located across the street, that construction would unnecessarily disturb existing landscaping and vegetation; that it

was expensive due to relocation of utilities; that it would not be safe for children because of the steep slope to the creek; and that it would contribute to existing flooding issues.

Robin Bittman, 252 Lamont Drive and Tom Roche, 179 Vidal Boulevard, spoke in opposition to the installation of sidewalks along Lamont Drive and Vidal Boulevard because of all of the reasons stated in previous City Commission meetings and in emails and correspondence with the City Commission but thanked the City Commission for diligently listening to their concerns.

Brian Smith, 2534 Midway Road, spoke in support of the annexation application.

There were no further comments from the public.

#### RESOLUTION PROVIDING FOR GENERAL OBLIGATION SALES TAX NOTES.

City Manager Merriss stated that she had received a letter from Superintendent Dr. Phyllis Edwards requesting that the City Commission consider adopting a resolution providing for the issuance, execution, and delivery of \$5,900,000 in general obligation sales tax notes on behalf of the City Schools of Decatur (CSD) for capital improvement projects. City Manager Merriss stated that CSD was receiving funds from SPLOST III and that the requested bonds would have a 4-year term. City Manager Merriss stated that CSD had prepared conservative projections that showed SPLOST III revenues would be adequate to cover the bond principal and interest payments but that the issuance did ultimately carry a full faith and credit pledge for repayment.

City Manager Merriss stated that interest rate on the notes could not exceed 5% and that a schedule for repayment would be established after the final sale. City Manager Merriss stated that the bonds were expected to be sold in July 2009.

In response to a question from Mayor Floyd, City Manager Merriss stated that the there were blanks in the proposed resolution that would be filled in after the sale and that the City's authority to levy a tax increase for repayment was included in Section 8 of the resolution.

In response to a question from Commissioner Cunningham, City Manager Merriss stated that having blanks in this type of resolution was not unusual since the interest rate would not be established until after the sale. City Manager Merriss stated that the City Commission would have to adopt another resolution after the sale finalizing the transaction.

Mayor pro tem Baskett noted that the City Commission was fulfilling the necessary steps to complete the process approved in September 2006.

City Manager Merriss noted that the charter did not authorize the City Schools of Decatur to issue this type of debt.

On a motion by Commissioner Cunningham, second by Mayor pro tem Baskett, and all voting “aye”, the City Commission adopted Resolution R-09-11 providing for the issuance, execution, and delivery of \$5,900,000 in general obligation sales tax notes for City Schools of Decatur capital improvement projects.

#### SIDEWALK IMPROVEMENT PLAN.

Deputy City Manager Hugh Saxon stated that the city-wide sidewalk improvement program began in 2004 with funding from annual appropriations by the City Commission, and that approximately 3.5 miles of new and replacement sidewalks had been built to date. Mr. Saxon stated that Phase 2 of the sidewalk improvement program was developed after evaluating petitions, considering traditional sidewalk priorities, and discussing options with the City Commission at a work session in the summer of 2008.

Mr. Saxon stated that there were three types of improvements on the list: general sidewalk improvements, petition-supported sidewalk improvements, and special crosswalk improvements. Mr. Saxon stated that two alternates had been developed which included placing the Lamont Drive and Vidal Boulevard sidewalks in the street on Vidal Boulevard and building sidewalks on West Dougherty Street between South McDonough Street and Adams Street.

In response to a question from Mayor pro tem Baskett, Mr. Saxon stated that the sidewalk recommendations for Lamont-Vidal and West Dougherty Street were included as alternates.

In response to a question from Commissioner Cunningham, Mr. Saxon stated that the sidewalks proposed on Avery Street, if installed, would result in the relocation of a few utility boxes and poles.

In response to a question from Mayor pro tem Baskett, Mr. Saxon stated that the sidewalks would be installed in existing right-of-way on Avery Street.

In response to a question from Commissioner Kemp, Mr. Saxon stated that if necessary for safety reasons, fencing would be placed alongside the sidewalks on Avery Street to prevent people from falling into the creek.

In response to a question from Commissioner Cunningham, Mr. Saxon stated that the sidewalk gap spanned four properties on Avery Street and that it looked as though there should be a sidewalk there.

In response to a question from Commissioner Kemp, Mr. Saxon stated that the City was awaiting a response on the Safe Routes to School grant application.

Mayor pro tem Baskett requested that the sidewalks proposed on Lamont Drive and Vidal Boulevard be removed from Phase 2 of the improvement plan.

Commissioner Kemp noted that Avery Street did have a gap that needed to be addressed since it would result in a complete sidewalk on both sides of the street which would be safer for school children.

Commissioner Boykin stated that the runoff issue along Lamont Drive and Vidal Boulevard was a concern and that he appreciated the participation in the neighborhood walkabout. Commissioner Boykin stated that while he strongly encouraged active living and was generally in favor of sidewalks but without neighborhood support there was little need to implement such an expensive project.

Commissioner Kemp stated that installation of all of the sidewalks in the plan was the right thing to do.

Commissioner Cunningham expressed her disappointment over the lack of support for sidewalks on Lamont Drive and Vidal Boulevard since the neighborhood was a Safe Routes to School corridor, and that in most other communities sidewalks were considered an amenity, not a detriment.

Mayor pro tem Baskett stated that he considered deletion of the sidewalks on Lamont Drive and Vidal Boulevard a political decision because of the introduction of a petition process. Mayor pro tem Baskett stated that if the City had enough funds to do the entire plan it would but because that was not the case it did not make sense to install sidewalks where they were not desired.

Mayor Floyd reiterated that he considered the decision a political decision and that the attitude of the Lamont Drive and Vidal Boulevard residents was disappointing. Mayor Floyd noted that sidewalks were an amenity in a walkable city.

On a motion by Mayor pro tem Baskett, second by Commissioner Boykin, and all voting “aye”, the sidewalk improvement plan was approved as amended to remove Lamont Drive and Vidal Boulevard and to add West Daugherty.

#### ANNEXATION APPLICATION.

City Manager Merriss stated that the City had received an application from Brian Smith, 2534 Midway Road, requesting annexation into the City of Decatur of 11 parcels including even numbered properties between 2502 to 2562 Midway Road, the parcel at 2541 McKinnon Drive and two parcels listed as 0 Midway Road. City Manager Merriss stated that the application was being submitted using the 60% annexation option. City Manager Merriss stated that the application was being provided to the City Commission for consideration in terms of accepting the application in order to begin the process, not for approval. City Manager Merriss noted that if the City Commission decided to accept the application, the City would have to notify DeKalb County, schedule a land use and zoning hearing before the Planning Commission, and research & prepare a service delivery report.

Mayor pro tem Baskett stated that he was reluctant to accept the application because he did not consider it consistent with the City Commission's decision not to accept any annexation applications unless such annexations would benefit the City or clean up its boundaries.

Commissioners Cunningham and Kemp stated that the annexation application was not large scale in scope so it could be accepted.

In response to a question from Mayor pro tem Baskett, City Manager Merriss stated that the current application included a section of Midway Road that was not annexed several year ago due to issues with meeting minimum requirements of the 60% annexation method.

Mayor Floyd stated that he did not have any objections to accepting the application even if it might not be approved.

By consensus, the request was accepted.

#### AGREEMENT WITH LACOUR, INCORPORATED.

Mayor Floyd and Commissioner Cunningham recused themselves from the meeting<sup>2</sup>. Mayor Floyd relinquished the chair to Mayor pro tem Baskett.

Mayor pro tem Baskett stated that the City Commission had requested that staff prepare an agreement that addressed the concerns raised by the City Commission at the March 2, 2009 meeting.

Julia Carter, CEO of LaCour Incorporated, stated that ZiptoGreen.com would promote energy efficiency in the City of Decatur and other municipalities around the country. Ms. Carter stated that the proposed agreement was for a twelve-month period and either party could terminate the agreement with 90-days notice. Ms. Carter stated that there was no financial obligation on the part of the City of Decatur.

In response to a question from Commissioner Kemp, City Manager Merriss stated that instead of operating as a founding city, the City would approach the project on a pilot basis.

Ms. Carter stated that she would be designating the City as a founding city on the website and that the website would launch in August 2009.

On a motion by Commissioner Kemp, second by Commissioner Boykin, and Mayor pro tem Baskett and Commissioners Boykin and Kemp voting "aye", the agreement was approved.

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<sup>2</sup> Mayor Floyd and Commissioner Cunningham declared a conflict of interest in regards to the ZiptoGreen because of personal and financial involvement in the project.

Mayor Floyd and Commissioner Cunningham rejoined the meeting. Mayor Floyd resumed the duties as chair.

#### AMENDMENT TO BUDGET FOR FIRE STATION NUMBER 2.

Mr. Saxon recommended approval of an amended budget for additional work at Fire Station Number 2. Mr. Saxon stated that in the approved budget sufficient funding was not included to cover costs for a new telecommunications system, fees for new utility services, and repairs to a fire engine exhaust system. Ms. Saxon stated that an additional \$5,000 was needed in the furniture, fixtures, and equipment budget. Mr. Saxon stated that if approved, the additions will increase the approved budget by \$65,000 and would increase the total budget to \$1,665,000. Mr. Saxon stated that funds were available in the Capital Bonds Fund for this budget amendment.

On a motion by Commissioner Cunningham, second by Commissioner Boykin, and all voting “aye”, the City Commission approved the budget amendment.

In response to a question from Mayor Floyd, Mr. Saxon stated that a ribbon cutting ceremony would be held in late May and that the Firefighters would be able to move into the station in June.

#### REQUESTS AND PETITIONS.

City Manager Merriss stated that the City had received a petition requesting installation of a three-way stop at the intersection of Drexel Avenue and Emerson Avenue. City Manager Merriss stated that the Public Safety and Engineering Departments had analyzed and reviewed the request and recommended installation.

On a motion by Mayor pro tem Baskett, second by Commissioner Boykin, and all voting “aye”, the City Commission authorized the installation of the recommended all-way stop.

City Manager Merriss stated that the City received a request for “Resident Only Parking” at Pinetree Drive and West Ponce de Leon Avenue.

Mayor Floyd noted that the “resident only parking” designation did not work very well for the residents of the Charter Square Condominiums.

By consensus, the petition was referred for review and recommendation.

#### REPORTS AND OTHER BUSINESS.

Mayor Floyd read the Planning Commission agenda for May 12, 2009.

City Manager Merriss noted that the Planning Commission had moved its meeting time to the second Tuesday of each month.

Assistant City Manager David Junger stated that repairs were needed on an HVAC compressor at the Decatur Conference Center in order to cool one of the

ballrooms. Mr. Junger stated that the repairs should be less than \$22,000 and that the City was scheduled to receive bids on the work on April 24, 2009. Mr. Junger stated that he was requesting authorization to begin the repair work on the compressor as soon as possible.

In response to a question from Commissioner Kemp, Mr. Junger stated that the compressor and the replacement of the 25 ton rooftop unit were two different items. .

In response to a question from Mayor Floyd, Mr. Junger stated that the RFP requested that equipment be Energy Star rated.

On a motion by Commissioner Cunningham, second by Commissioner Kemp, and all voting "aye", a budget of \$22,000 was approved for emergency repair of the compressor at the Conference Center and the City Manager was authorized to enter into a contract for emergency repairs.

Commissioner Kemp stated that she was pleased to read the story about one of the City's firefighter helping a young man at the CVS.

Commissioner Kemp commended public safety and public works employees for their hard work protecting and cleaning up the City after the severe weather.

Commissioner Boykin stated that he had been asked to present on Decatur's Safe Routes to School program at the national conference in August 2009.

Commissioner Boykin noted that the Georgia Municipal Association newsletter contained a nice photo spread from the Georgia Rides to the Capitol event.

Mayor pro tem Baskett commended the staff for their efforts during the severe weather.

Mayor Floyd stated that the City was extremely fortunate to have employees who worked hard and were good at what they did.

City Manager Merriss stated that the Spring Electronics Recycling event would be April 25, 2009 from 9:00 a.m. to 1:00 p.m. in the upper lot of Decatur High School.

Mayor Floyd noted that the Agnes Scott College Alumnae house had reopened and was the first LEED Silver certified renovation in the City.

There being no other business, the meeting was adjourned.

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Peggy Merriss  
Acting City Clerk