

MINUTES

DECATUR CITY COMMISSION

Regular Meeting
May 4, 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, May 4, 2009.

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

MINUTES of the Regular Meeting of April 20, 2009 were approved as amended on a motion by Commissioner Cunningham, second by Commissioner Boykin, and all "aye".

PUBLIC HEARING - PROPERTY CODE VIOLATIONS AT 416 OAKLAND STREET.

Assistant City Manager David Junger stated that the property at 416 Oakland Street was being maintained with construction materials, trash, debris, and similar items in open storage and in addition the rear side of the building open and unsecured. Mr. Junger stated that the building was vacant and had been open for ten or more days. Mr. Junger stated that the property owner, Banyan Enterprises LTD, had been notified by certified mail, first class mail and by posting a notice of the hearing and a copy of the report of the condition of the property in a prominent place on the property at least 15 days prior to the date of the public hearing. Mr. Junger noted that the certified letter was delivered and signed for by Steve Embry on April 13, 2009.

Mr. Junger stated that corrective action must be taken in order to bring the property into compliance with Chapter 54, Health and Sanitation, of the City Code. Mr. Junger recommended that the City Commission find the property in violation and authorize action to have the property cleaned and secured and brought into compliance with the Health and Sanitation Ordinance and that the property be assessed for the costs of such work.

Mayor Floyd opened the public hearing for comment.

Walter Kellar, 412 Oakland Street, stated that the property had been in the same blighting condition for at least two years and that he had occasionally cut the grass himself.

Bill Harrison, 409 Oakland Street, read a letter on behalf of his neighbor Nancy Tyson, 417 Oakland Street, which stated her concerns about the property's dilapidated state. Mr. Harrison also spoke of his concerns about the property's condition.

Daniel Vanderende, 408 Oakland Street, stated that the property was an eyesore.

Mayor Floyd closed the public hearing.

In response to a question from Mayor Floyd, Mr. Junger stated that he did not know how long the property had been vacant but his records indicated that the City had been trying to get compliance for at least a year and a half.

In response to a question from Mayor pro tem Baskett, Mr. Junger stated that this was the first time violations at 416 Oakland Street had come before the City Commission. Mr. Junger added that the Building Official had previously started work on a nuisance case involving the property that could be reopened.

In response to a question from Commissioner Kemp, Mr. Junger stated that while the nuisance case was being considered, the property should be secured and brought into compliance.

In response to a question from Mayor Floyd, Mr. Junger stated that if the property was found in violation of Chapter 54 of the City Code it would be maintained without further City Commission action after this meeting.

In response to a question from Mayor Floyd, Mr. Junger stated that while the property was issued a valid building permit, the permit was due to expire May 9, 2009.

In response to a question from Mayor Floyd, Mr. Harrison stated that he believed that the property had been vacant since 2007 and that he did not know why the renovation work had stopped.

In response to a question from Commissioner Boykin, Mr. Junger stated that if cleanup was authorized, the property would be secured and cleaned and that the Building Official could proceed with a nuisance case which normally would result in demolition.

In response to a question from Commissioner Boykin, Mayor Floyd stated that nuisance cases had to go through legal due process which was normally a lengthy process.

On a motion by Commissioner Kemp, second by Commissioner Boykin, and all voting "aye", the City Commission found the property at 416 Oakland Street to be in violation of Chapter 54, Health and Sanitation, of the City Code and authorized action to have the property cleaned, closed and brought into compliance with the Health and Sanitation Ordinance and that the property be assessed for the costs of such work.

PUBLIC COMMENT ON AGENDA ITEMS.

Mike Gerke, 211 Garden Lane, stated that he wanted to operate his pedicab business in Decatur because of the commitment to being a car-free city and because he would be able to operate year round. Mr. Gerke stated that if allowed to operate his business in the City he would adhere to safety standards and customer service standards that could be emulated by other potential operators.

There were no further comments from the public.

BUDGET AND BID AWARD FOR HVAC IMPROVEMENTS AT THE DECATUR CONFERENCE CENTER.

Mr. Junger recommended awarding a contract to Galgon HVAC and Mechanical Servicing, Inc. for the complete replacement of one 25 ton rooftop unit and the replacement of one 30 ton compressor unit located at the Conference Center in an amount not to exceed \$37,873. Mr. Junger noted that on April 20, 2009 the City Commission has approved a budget not to exceed \$22,000 for the replacement of the 30 ton compressor unit. He stated that based on the bids, the price for the component unit was \$10,654 and that the total bid of \$37,873 included both items.

Mr. Junger stated that the City received bids from seven firms but that several responses based the price on installation of standard efficiency units. Mr. Junger stated that Galgon was requested to submit pricing for a high efficiency model which increased the initial proposed cost but still resulted in Galgon being the low bidder. Mr. Junger recommended approval of a \$42,000 project budget.

In response to a question from Mayor Floyd, Mr. Junger stated that the \$37,873 included the cost for replacing the compressor unit.

City Manager Merriss stated that tonight's decision would supersede the previous authorization for the compressor unit.

In response to a question from Commissioner Kemp, Mr. Junger stated that the City did not have to do any prep work to prepare for the replacement.

On a motion by Commissioner Cunningham, second by Mayor pro tem Baskett and all voting "aye", the City Commission established a project budget of \$42,000 for HVAC improvements at the Decatur Conference Center and awarded a bid to Galgon HVAC & Mechanical Service, Inc. in an amount not to exceed \$37,873 for the equipment and installation.

BUDGET AND BID AWARD FOR WALLPAPER AND INSTALLATION AT THE DECATUR CONFERENCE CENTER.

Mr. Junger stated that the Holiday Inn-Decatur was in the process of relicensing with Holiday Inn and as part of the process had developed a property improvement plan in coordination with Holiday Hospitality Franchising, Inc. Mr. Junger stated that the improvement plan addressed all aspects of the Holiday Inn as well as the Conference

Center. Mr. Junger stated that the first project was the replacement of all the vinyl wall covering. Mr. Junger recommended establishing a budget for the replacement of vinyl wall covering in the Conference Center in an amount not to exceed \$24,000 and authorizing the City Manager to enter into a contract with an appropriate installer to be selected in conjunction with a contract for similar work being performed in the Holiday Inn-Decatur.

In response to a question from Commissioner Kemp, City Manager Merriss stated that there was vinyl covering on virtually every wall in the Conference Center and that the selected coverings were subdued in color and pattern.

On a motion by Commissioner Cunningham, second by Commissioner Kemp, and all voting “aye”, the City Commission established a project budget in the amount of \$24,000 for the replacement of vinyl wall covering throughout the Decatur Conference Center.

CONTRACT AWARD FOR MCKOY PARK SKATEPARK EQUIPMENT.

Assistant City Manager Lyn Menne stated that the McKoy Park Skate Park facility was opened five years ago and was in active use. Ms. Menne stated that in order to keep the park interesting and safe it was important to introduce new equipment to replace older pieces and provide new challenges for park users. Ms. Menne stated that Active Living Director Dan Magee had done extensive research and recommended approval of \$25,000 to purchase six “street-style” pieces from Spohn Ranch.

In response to a question from Mayor pro tem Baskett, Ms. Menne stated that the Active Living staff had done an excellent job researching the equipment prior to inclusion in the FY 2008-2009 capital improvements budget.

In response to a question from Commissioner Kemp, Mr. Magee stated that delivery would take up to 30 days and that installation would be handled by staff in the Public Works department.

In response to a question from Commissioner Boykin, Mr. Magee stated that the six new pieces would enhance the current equipment in the park in order to maximize usage of the skate park site.

On a motion by Commissioner Boykin, second by Commissioner Cunningham, and all voting “aye”, the City Commission approved the purchase of equipment for the McKoy Park skate park from Spohn Ranch, Inc. in an amount of \$24,999.88.

ACCEPTANCE OF A GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).

Assistant City Manager Tony Parker recommended that the City Commission accept a \$108,510 Hazard Mitigation Grant from FEMA to provide for the purchase and installation of four outdoor weather warning sirens. Mr. Parker stated that City would partner with Agnes Scott College to operate its siren during severe weather, bringing the

total number of sirens within the city limits to five. Mr. Parker stated that the grant required a 15% match by the City and that the State of Georgia was providing a 10% match.

In response to a question from Mayor pro tem Baskett, Mr. Parker stated that the City's dispatch center would operate the sirens using National Weather Service protocols.

In response to a question from Commissioner Kemp, Mr. Parker stated that there would be a siren in each quadrant of the City.

On a motion by Mayor pro tem Baskett, second by Commissioner Cunningham, and all voting "aye", the FEMA hazard mitigation grant was accepted.

ON-STREET PARKING – SAMS STREET.

Mr. Junger recommended adding on-street parking as well as establishing "No Parking Tow Away Zone" areas for portions of Sams Street. Mr. Junger stated that the Engineering Division had reviewed a request from Jack Honderd on behalf of East Decatur Station, LLC for the installation of on-street parking along both the east and west sides of Sams Street but after review of the submitted request, the City staff recommendations were not as expansive as those included in the initial request. Mr. Junger recommended that all of the recommendations of Senior Engineer John Madajewski be incorporated, including restoring a no parking zone in front of 178 Sams Street and the correction or removal of conflicting signage.

On a motion by Commissioner Kemp, second by Mayor pro tem Baskett, and all voting "aye", an on-street parking plan was approved as recommended.

TEMPORARY OPERATION OF A PEDICAB SERVICE.

Ms. Menne requested permission to negotiate an "Agreement for Services" with Mike Gerke, Pam Aerts and Easy Living Pedicabs to operate a pedicab service in the City of Decatur on a six-month trial basis. Ms. Menne noted that Mr. Gerke and Ms. Aerts operated a similar business in Green Bay, Wisconsin for 13 years prior to moving to Decatur. Ms. Menne stated that the Easy Living Pedicab service would be offered during festivals and special events, and that a series of historic tours within the City were being developed. Ms. Menne stated that if enough interest and support is found, the service might be expanded to provide regular fee based shuttle service.

Ms. Menne requested that a six-month trial period be allowed to determine if there was enough interest in the service to warrant a permanent agreement. Ms. Menne requested permission for the Decatur Downtown Development Authority to enter into an "Agreement for Services" that would regulate the hours of operation; insurance and indemnification; operator training and licensing requirements; appearance of the pedicab and operators; and, identify any street restrictions. Ms. Menne stated that the service would be evaluated at the end of the six month period.

In response to a question from Mayor pro tem Baskett, Mr. Gerke stated that he currently owned two pedicabs.

Ms. Menne noted that the trial period process was similar to the one utilized last summer with the vending carts on the square.

In response to a question from Commissioner Cunningham, Ms. Menne stated that the pedicab would be operated on the street.

In response to a question from Commissioner Kemp, Mr. Gerke stated that each pedicab could hold up to 500 pounds or 2 adults.

On a motion by Mayor pro tem Baskett, second by Commissioner Boykin, and all voting "aye", the City Commission authorized the Decatur Downtown Development Authority to execute an agreement for a pedicab service for a six-month trial.

REQUESTS AND PETITIONS.

Assistant Community and Economic Development Director Linda Harris stated that the Arts Festival Poster Unveiling was Thursday, May 7th from 5:00 to 7:00 p.m. at the Old Courthouse on the Square and that everyone was invited. Ms. Harris noted that the Concerts on the Square had begun and that the City's reusable tote bags were now available for coupon redemption or purchase.

REPORTS AND OTHER BUSINESS.

Mayor Floyd read the Zoning Board of Appeals agenda for May 11, 2009.

Planning Director Amanda Thompson requested that the City Commission authorize the City Manager to submit a grant application and letter of support to Southeast Energy Efficiency Alliance for creation of a community energy alliance called the Decatur Energy Alliance. Ms. Thompson stated that this competitive grant program would award applicants with \$500,000 to encourage residents, public entities and business to achieve unprecedented levels of energy efficiency.

Ms. Thompson stated that the grant did not require a cash match but it did require a partnership with a non-profit organization to administer the program. Ms. Thompson stated that Evergreen Sustainability Solutions had been selected as the non-profit partner for this grant proposal and that Evergreen would provide enterprise sustainability expertise to educate and advise organizations on sustainable strategies and technologies.

In response to a question from Mayor Floyd, Ms. Thompson stated that if the grant funding were received it could be used for educational, media awareness and energy efficiency projects.

In response to a question from Mayor Floyd, Ms. Thompson stated that administration of the grant program would be handled by Evergreen and therefore would not require much City staff time.

In response to a question from Mayor Floyd, Ms. Thompson stated that the City would be the fiscal agent.

In response to a question from Commissioner Kemp, Ms. Thompson stated that the total grant amount was \$500,000 and one jurisdiction in the Southeast would receive the award.

By consensus, the City Commission authorized a letter supporting the grant application.

Ms. Thompson requested that the City Commission authorize the City Manager to submit a grant application and letter of support to the Robert Wood Johnson Foundation's *Healthy Kids, Healthy Communities* grant program. Ms. Thompson stated that the competitive grant program would award \$360,000 over a period of four years to implement policy and environmental changes to reduce and prevent childhood obesity. Ms. Thompson stated that the purpose of the grant was to reduce and prevent childhood obesity by building on the City's existing partnerships, programs and policies to enhance and sustain an environment that encouraged active living and provided easy, affordable access to healthy food for children.

Ms. Thompson stated that the City was the lead applicant agency and that the grant required that the City provide a cash or in-kind match of \$45,000 every year for four years for a total match of \$180,000. In addition, the City had to agree to participate in an evaluation of the grant project. Ms. Thompson noted that the City anticipated providing an in-kind match for the grant by reallocating existing staff resources to support the efforts of the city and to coordinate the work of the other key partners – City Schools of Decatur, the Decatur Housing Authority, Agnes Scott College and the Oakhurst Community Garden.

Ms. Thompson stated that this round of grant applications was due in mid-May and that the City would know in July if its proposal was selected to move forward.

On a motion by Mayor pro tem Baskett, second by Commissioner Boykin, and all voting "aye", the City Commission authorized a letter supporting the grant application.

Mr. Junger stated that the electronics recycling event on April 25, 2009 had been very successful and that five tractor trailer loads of materials had been collected. Mr. Junger noted that the neighborhood trash amnesty days were on-going.

In response to a question from Commissioner Boykin, Mr. Junger stated that it was the responsibility of neighborhood organizations to publicize the trash amnesty day for the neighborhood.

City Manager Merriss stated that she and Ms. Menne had staffed the first reusable tote bag redemption table at the Concert on the Square on May 2, 2009.

City Manager Merriss noted that the afterschool registration went well and that there was already a waiting list.

Commissioner Kemp commended the Sanitation staff for their hard work.

In response to a question from Commissioner Boykin, Assistant City Manager Andrea Arnold stated that the City's wifi system was still in a beta test phase but that the service was nearing complete rollout. Ms. Arnold stated that a signal was available in most portions of the City and requested that people try it out and provide feedback.

In response to a question from Commissioner Boykin, Mr. Junger stated that the recycling collection containers located around the Square were still being contaminated with garbage but staff was monitoring the situation.

In response to a question from Commissioner Boykin, Ms. Thompson stated that graduate intern Andrea Lytle had submitted an 80-page parking study report to the Planning Department and that a summary of the report was forthcoming. Ms. Thompson noted that it was determined that there were 8,800 public parking spaces located in the City of Decatur.

Ms. Menne noted that she and Ms. Lytle had met with the parking lot managers on May 1, 2009 and that several good ideas had come out of that meeting, including the potential for providing parking to downtown employees.

Commissioner Boykin announced that the City had received an honorable mention designation from the Bicycle Friendly Communities.

Commissioner Cunningham thanked the City Commission for appointing her as the liaison to the Decatur Tourism Bureau board.

Commissioner Cunningham noted that the Oakhurst Community Garden's "Martinis in the Garden" event was Thursday, May 16, 2009 from 5:30pm to 8:30pm.

Mayor pro tem Baskett stated that he enjoyed the tour of Fire Station Number 2.

Mayor Floyd stated that he would be participating in the ARC Link trip to Minneapolis-St. Paul, Minnesota.

There being no other business, the meeting was adjourned.

Peggy Merriss
Acting City Clerk