

## MINUTES

### DECATUR CITY COMMISSION

Regular Meeting  
February 1, 2010  
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, February 1, 2010.

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

MINUTES of the Regular Meeting of January 19, 2010 were approved on a motion by Commissioner Cunningham, second by Commissioner Boykin, and all voting “aye”.

#### PRESENTATION BY MARTIN LUTHER KING, JR. SERVICE DAY COMMITTEE.

Decatur Preservation Alliance Board Member James Matthews stated that there were over 1,080 volunteers who worked on 13 houses and did yard work at an additional 37 homes during the MLK Service Day project. Mr. Matthews added that 2,500 yard waste bags were used during the project. Mr. Matthews thanked the sponsors, the committee members and Commissioner Garrett for her participation.

Mayor Floyd thanked the Decatur Preservation Alliance, the members of the committee and all the volunteers for their hard work and contribution to the community.

#### ALCOHOLIC BEVERAGE LICENSE.

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 Chingchai Choomuang for Garlic Thai Cuisine & Sushi Bar, 340 West Ponce de Leon Avenue, Suite 101. City Manager Merriss stated that all fees had been paid but with the structure still under construction the application had yet to receive approval from the Building Official and the Fire Marshal and thus the final license would be issued after the certificate of occupancy was issued.

On a motion by Commissioner Cunningham, second by Commissioner Boykin, and all voting “aye”, a temporary license was issued with a final license to be issued contingent on development approval.

#### PUBLIC HEARING – HAZARDOUS TREE AT 743 WEST HOWARD AVENUE (REAR).

Deputy City Manager Hugh Saxon stated that the parcel located at the rear of 743 West Howard Avenue was vacant and contained a hazardous tree which was a blighting influence on the neighborhood and constituted a dangerous and unsanitary condition. Mr. Saxon stated that the condition needed to be corrected in order to bring the property into

compliance with Chapter 54, Health and Sanitation, of the City Code. Mr. Saxon noted that the City's arborist Ed Macie had inspected the tree and determined that several structural defects placed the tree at a high risk for failure.

Mr. Saxon stated that the owner, Maria Delmonte of Fernandina Beach, Florida, had previously been notified of the condition of the property by certified letter and by posting the notice on the property. Mr. Saxon stated that the certified letter was returned as undeliverable. Mr. Saxon stated that additional notice was also provided to the owner of the public hearing and to date the owner has not contacted the City and no corrective action had been taken. Mr. Saxon recommended that the City Commission authorize action to have the hazardous tree removed to bring the property into compliance with the Health and Sanitation Ordinance and that the property be assessed for the costs of the work.

Mayor Floyd opened the meeting for public comment. Hearing none, the public hearing was closed.

In response to a question from Mayor pro tem Baskett, Mr. Saxon stated that the City was soliciting proposals for the work and that he anticipated removal within seven days.

On a motion by Mayor pro tem Baskett, second by Commissioner Boykin, and all voting "aye", the City Commission authorized removal of the hazardous tree and assessment of costs.

#### PUBLIC COMMENT ON AGENDA ITEMS.

Mayor Floyd opened the meeting for public comment.

Walter Keller, 412 Oakland Street, stated his support for the City's proposed actions regarding the demolition and removal of the structures at 416 Oakland Street. Mr. Keller requested that funds be made available for on-going maintenance to the property once the demolition work was completed.

In response to a question from Mr. Keller, City Manager Merriss stated that someone could build another structure on the property if it fully complied with all of the requirements in the City's development regulations including the floodplain management ordinance.

In response to a question from Mayor Floyd, Mr. Saxon stated that Fannie Mae currently owned the property.

Bill Harrison, 409 Oakland Street, spoke in favor of the demolition but registered his concern that the property would not be maintained.

There were no other comments from the public.

PROFESSIONAL SERVICES AGREEMENTS – COMMUNITY VISIONING.

Assistant City Manager Lyn Menne recommended approval of professional service agreements with Common Focus in the amount of \$31,068 and with Placemakers, LLC in amount of \$33,750 to assist with the community visioning phase of the Strategic Plan update. Ms. Menne noted that funds for this first phase of the planning effort were included in the FY09-10 budget.

Ms. Menne stated the community visioning effort would be modeled after the Decatur Roundtables program that was conducted in 1999 and that Common Focus would direct the design and facilitation of the public input sessions including the preparation of the discussions guides, the training of the facilitators, and analyzing the meeting notes. Ms. Menne stated that Placemakers, LLC would create a graphic identity for the process, assist with developing a messaging strategy, and develop and maintain a website and develop an associated social media strategy with updated information to engage the community in the process.

In response to a question from Mayor pro tem Baskett, Ms. Menne stated that she would be serving as the staff contact for Phase 1 and that Cassondra Breedlove was working part-time as the project coordinator.

Commissioner Garrett stated that she was happy to see the use of technology in gathering community feedback.

Mayor Floyd stated that the strategic plan was essential so it was important that as many people as possible were made aware of the process and participated.

Mayor pro tem Baskett noted that with City had worked with Common Focus ten years ago during the formulation of the first strategic plan.

On a motion by Commissioner Cunningham, second by Commissioner Boykin, and all voting “aye”, the City Commission authorized the City Manager to execute agreements with Common Focus in an amount not to exceed \$31,068 and with Placemakers, LLC in an amount not to exceed \$33,750 to direct the community visioning phase of the strategic plan development.

PROFESSIONAL SERVICES AGREEMENT – BEACON SCHOOL COMPLEX.

Mr. Saxon recommended that the City Commission authorize the City Manager to execute an agreement with Lord Cultural Resources for the public input and community assessment process for the development of a master plan for the Beacon School complex, in an amount not to exceed \$25,000. Mr. Saxon stated that the funds were available in the capital improvements fund. Mr. Saxon stated that the City was preparing a request for proposals to develop a master plan for the Beacon School Complex, including programming, schematic design and cost estimating services and that due to the Beacon School’s local significance, staff believed that public participation in the master planning process should be led by a specialist in cultural and historic resource assessment. Mr.

Saxon noted that the Lord Cultural Resources was presently completing the City's cultural arts master plan.

Commissioner Cunningham stated that she was glad that the City was paying attention to the historical significance of the site.

Mayor pro tem Baskett noted that the facility had a rich ethnic and cultural history that needed to be incorporated in a sensitive manner.

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

**PROFESSIONAL SERVICES AGREEMENT – ENGINEERING SERVICES.**

Mr. Saxon recommended that the City Commission authorize the City Manager to execute an agreement with Kimley-Horn and Associates for surveying and stormwater planning at the Ebster Park-Beacon School Complex, in an amount not to exceed \$26,300 plus normal reimbursable expenses.

Mr. Saxon stated that the project would accomplish two important goals: first, it would provide information necessary to allow final design of the proposed stormwater system that ultimately served the Decatur Housing Authority's redevelopment projects; and second, it would provide a storm water assessment to identify restrictions in the storm water system and recommendations for new facilities to reduce or eliminate the flooding so that the Beacon School Complex could be successfully re-used or redeveloped.

In response to a question from Mayor pro tem Baskett, Mr. Saxon stated that funds were available in the stormwater fund.

In response to a question from Commissioner Garrett, Mr. Saxon stated that normal reimbursement expenses typically included items such as travel, copies, mapping and other similar items.

In response to a question from Commissioner Boykin, Mr. Saxon stated that the work performed by Kimley-Horn would not fix the flooding problem but it would provide recommendations on how to address stormwater management issues with the City's storm drainage system as it was one of the oldest in DeKalb County.

In response to a question from Mayor pro tem Baskett, Mr. Saxon stated that as properties were redeveloped they must meet current standards.

In response to a question from Mayor Floyd, Mr. Saxon stated that detention ponds must have a way of releasing captured water in order to prevent flooding of adjacent properties.

On a motion by Commissioner Garrett, second by Commissioner Boykin, and all voting “aye”, the agreement was authorized.

DEMOLITION AND REMOVAL OF DWELLING AND ACCESSORY BUILDING AT 416 OAKLAND STREET.

Mr. Saxon stated that the structures located on 416 Oakland Street had been declared a nuisance by the City of Decatur Municipal Court and an order was issued to bring the property into compliance with existing City ordinances. Mr. Saxon stated that in a letter dated September 28, 2009, the Municipal Court order found that the building was an endangerment to the public and provided that the buildings be demolished and allowed for the costs of demolition to be charged as a lien against the property. Mr. Saxon recommended acceptance of a proposal by A&M Contracting of Acworth, the low bidder, for the demolition and removal of a dilapidated dwelling and two accessory buildings in the amount of \$10,720. Mr. Saxon also recommended a budget of \$15,000 be established to cover contingencies related to possible asbestos abatement and other unknown conditions.

Mr. Saxon noted that the proposed budget was not enough to cover on-going maintenance of the property indefinitely and since the City would not own the property it would just hold a lien, there were procedures that the City had to go through to make improvements to private property.

In response to a question from Mayor Floyd, Mr. Saxon stated that the City had contacted Fannie Mae and that there had been no response. Mr. Saxon stated that since the property was not for sale, the City could not immediately collect any money for the work.

In response to a question from Mayor Floyd, Mr. Saxon stated that when the work was completed, the property would be left in good, stable condition but as the year progressed the condition would deteriorate and the City would have to follow the same process to get the property brought back into code compliance.

Mayor Floyd stated that the City needed to be proactive about keeping the property maintained.

In response to a question from Commissioner Boykin, Mr. Saxon stated that the same procedure had been followed to clean up two houses on Fairview Street and a property on Mead Road a few years ago.

In response to a question from Mayor pro tem Baskett, Mr. Saxon stated that the accessory buildings were in poor condition and needed to be demolished.

On a motion by Commissioner Boykin, second by Mayor pro tem Baskett, and all voting “aye”, the project budget was approved and the bid for demolition was awarded.

## REQUESTS AND PETITIONS.

Gardner Neely, 305 South Columbia Drive, thanked Commissioner Garrett for attending the Winnona Park Neighborhood Association meeting and informed the City Commission that some of residents were circulating a petition opposing the proposed construction of a concrete island on South Columbia Drive.

The following residents spoke in favor of the proposed redevelopment at 1004 Clairemont Avenue: Henry Barnes, 1010 Clairemont Avenue; Dale Jolly, 941 Clairemont Avenue; and, Dirk Bowles, 1027 Clairemont Avenue.

Walter Keller, 412 Oakland Street, requested that the City consider allowing the flood control property near Oakland Street and Northern Avenue to be used as a community garden for the neighborhood.

## REPORTS AND OTHER BUSINESS.

Planning Director Amanda Thompson requested approval to apply for grant funding to fund a portion of the public participation component of the Beacon Complex master plan.

On a motion by Commissioner Cunningham, second by Commissioner Garrett, and all voting "aye", Resolution R-10-01 was adopted by the City Commission authorizing a grant application to the Historic Preservation Division of the Georgia Department of Natural Resources to develop a master plan for the Beacon complex.

Ms. Thompson noted that the third item on the Zoning Board of Appeals agenda had been removed.

Mayor Floyd read the Zoning Board of Appeals agenda for February 8, 2010.

Commissioners Boykin and Garrett stated that they had attended the 2010 Georgia Municipal Association Mayor's Day conference.

Commissioner Boykin stated that the City Commission had just returned from its annual planning retreat and that he looked forward to another good year.

Commissioner Cunningham commended Mayor Floyd on his State of the City address and reminded everyone that the Oakhurst Wine Crawl was February 27, 2010.

Commissioner Cunningham thanked the Decatur Preservation Alliance for Martin Luther King, Jr. Day service project work.

Mayor pro tem Baskett stated that there were a few more hours to participate in the Decatur for Haiti relief fundraising efforts.

Mayor Floyd stated that the next City Commission meeting would be Tuesday, February 16, 2010.

Mayor Floyd stated that he had attended the renaming of The Grange Public House festivities and that the pub was now called The Marlay.

There being no other business, the meeting was adjourned.

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Peggy Merriss  
Acting City Clerk