

MINUTES

DECATUR CITY COMMISSION

Regular Meeting
May 17, 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, May 17, 2010.

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

MINUTES of the Executive Session and Regular Meeting of May 3, 2010 were approved on a motion by Commissioner Boykin, second by Commissioner Garrett, and all but Mayor pro tem Baskett¹ voting “aye”.

PRESENTATION FROM DECATUR ARTS ALLIANCE.

Decatur Arts Alliance Executive Director Angie Macon extended an invitation to the 22nd Annual Decatur Arts Festival held during Memorial Day weekend and thanked the City Commission for its support throughout the years. Ms. Macon stated that the festival poster was created by Decatur artist James Dean of “Pete the Cat” fame and was unveiled on May 6th. Ms. Macon noted that the fine arts exhibition would open on May 25th at 5:00 p.m. at the Dana Fine Arts Center on the campus of Agnes Scott College.

PRESENTATION OF THE REVISED 2009-2010 AND ESTIMATED 2010-2011 BUDGET.

City Manager Merriss presented the Revised 2009-2010 and Proposed 2010-2011 budget estimates to the City Commission. City Manager Merriss reviewed the budget message and announced that public hearings on the budget and on the millage rate would be held in June. City Manager Merriss acknowledged Assistant City Manager Andrea Arnold, Assistant to the City Manager Meredith Roark, the City’s department/division heads and accounting staff for their hard work on the budget document. City Manager Merriss stated that the city’s fiscal control ordinance requires at least one public hearing. City Manager Merriss recommended that the City Commission establish two public hearing dates at their regular meetings on June 7, 2010 and June 21, 2010.

In response to a question from Mayor Floyd, City Manager Merriss stated that the City Commission would be requested to adopt tentative millage rates later in the meeting and then at the June 21, 2010 City Commission meeting it would be recommended that the City Commission adopt the actual rates.

¹ Mayor pro tem Baskett abstained due to his absence on May 3, 2010.

PLANNING COMMISSION RECOMMENDATIONS.

Planning Director Amanda Thompson stated that the Planning Commission had held a public hearing on Tuesday, May 11, 2010 and recommended approval with conditions of a comprehensive site development plan for the property collectively known as Fifth Avenue Elementary School. Ms. Thompson stated that in October, 2009 the City Commission transferred title of the Fifth Avenue school property to the City Schools of Decatur and had rezoned the property for institutional use. Ms. Thompson noted that the site was actually about 4 acres in size, not 6.4 acres as stated in the Development Division staff report. Ms. Thompson stated that the applicant planned to build a three-story, 45,000 square foot building on the site that would include a playfield, student gardens, basketball court and an outdoor classroom. Ms. Thompson noted that a comprehensive traffic management plan was not complete but that City staff would be working with applicant to develop a plan during the permitting phase of the project.

Ms. Thompson introduced Bruce Roaden, City Schools of Decatur's Community Relations Director who was representing the applicant. Mr. Roaden stated that he was excited to bring Fifth Avenue School back to life.

Mr. Roaden introduced the project architect, Mike Mascheri of Chapman Coyle Chapman. Mr. Mascheri stated that the original plans for the site had been modified significantly as a result of community input in order to maximize the amount of available greenspace and outdoor space. Mr. Mascheri stated that this desire was met by moving the building to corner of the site and building an additional story instead of constructing the building across the site. Mr. Mascheri stated that the building's architecture reflected the residential, bungalow style of the neighborhood and that the school would be constructed using a variety of materials including brick, similar to what was done at Glennwood Academy.

Mr. Mascheri stated that buses would be stacked on Oakview Road and that vehicular traffic would use Fifth Avenue. Mr. Mascheri stated that the zoning ordinance required 73 spaces but that the proposed plan only showed 59 spaces but that the school system had secured agreements with two local churches to utilize their parking lots for overflow parking during special events at the school to reach the required parking needs. Mr. Mascheri noted that the Planning Commission recommended the installation of a paver system on the 112 Fourth Avenue parcel in order to provide additional parking on the site for special events.

Mayor Floyd opened the meeting for public comment.

Lisa Coronado, 163 Pinecrest Avenue, requested that the greenspace be maintained as proposed so that physical education classes and recess could occur simultaneously.

Paul Jones, 229 Second Avenue, spoke in support of the project but stated that he was concerned about the greenspace and parking issue, as well as the placement of the bike racks on the property.

Donald Calder, 136 Willow Lane, stated that he was pleased with the efforts to maximize the amount of greenspace on the site and requested that the parking paver condition be eliminated.

Deanna Ozio, 132 Oakland Street, state that she was pleased that the school system listened to the community input and requested that condition number 4, added by the Planning Commission, be eliminated since greenspace was important.

Mr. Mascheri responded to the concerns put forth by the community.

Mayor Floyd closed the public hearing.

In response to a question from Commissioner Cunningham, Mr. Roaden stated that crossing guards would be used to assist vehicles exiting the carpool area.

City Manager Merriss noted that a discussion on who would be responsible for the costs of additional school crossing guard positions would be necessary.

In response to a question from Commissioner Boykin, Mr. Mascheri stated that there were multiple points of entry into the school depending on the mode of transportation a student utilized to get there.

Commissioner Boykin requested more consideration be given to bicycle and pedestrian access to the building.

Commissioner Garrett concurred with Commissioner Boykin and added that she was appreciative of the work done to garner community input but that she did not like the idea of adding concrete elements to the additional parcel.

In response to a question from Mayor Floyd, Ms. Thompson stated that because the school was not in a specified pedestrian area there were no specific streetscape guidelines to be followed but that the developer would be required to provide a streetscape element.

In response to a question from Mayor Floyd, Commissioner Boykin stated that it was important to determine accessibility in order to maintain the current levels of participation experienced in the Safe Routes to School program at Glennwood Academy.

Commissioner Cunningham stated that the crossing guard issue needed to be resolved so that Active Living could assist in creating Safe Routes to School passageways.

Mayor pro tem Baskett noted that a good number of young families had moved into the Oakhurst neighborhood so that there would probably be just as many kids riding or walking to Fifth Avenue Academy as Glennwood Academy, and as such some of the bicycle racks need to be located on the front of the property.

Commissioner Cunningham stated that she supported the shared parking arrangement with nearby area churches instead of the concrete paver system for overflow parking.

Mayor pro tem Baskett and Commissioners Boykin and Garrett concurred with Commissioner Cunningham.

Mayor Floyd stated that the plans for the Fifth Avenue Academy showed a beautiful facility. He added that he was concerned about the traffic flow and requested that a condition be added to require that a comprehensive traffic management plan be brought to the City Commission for review prior to issuance of a certificate of occupancy for the facility.

On a motion by Commissioner Cunningham, second by Commissioner Garrett, and all voting “aye”, Ordinance O-10-Z-02 approving a comprehensive site development plan for the property located at two parcels listed as 0 Fifth Avenue, 112 Fourth Avenue and 1320 Oakview Road (collectively known as the Fifth Avenue Elementary School) was adopted with amended conditions.

PUBLIC COMMENT ON AGENDA ITEMS.

Mayor Floyd opened the meeting for public comment.

There were no comments from the public.

ADOPTION OF TENTATIVE 2010 MILLAGE RATES.

Assistant City Manager Andrea Arnold explained that according to the information supplied by the DeKalb County Tax Assessors office, the City’s real property digest had remained relatively flat. Ms. Arnold stated that the approved 2009 combined millage rate for the general fund, bond fund, downtown development authority fund and the capital improvements fund was 13.035 mills. To fund the proposed 2010-2011 budgets, Ms. Arnold recommended that the 2010 millage rates remain the same with the General Fund millage rate at 10.215 mills; the Capital Improvement Fund millage at 1 mill; the Debt Service Fund millage at 1.44 mills; and, the Downtown Development Authority Fund at 0.38 mills.

Ms. Arnold noted that according to the information received by the Board of Education, they were considering retaining the millage rate for the School Fund at 19.90 mills but that adoption of the actual millage rate would likely be requested in July instead of June.

Ms. Arnold added that in 1999, the Georgia General Assembly enacted what was commonly referred to as “Truth in Taxation” legislation and that the purpose of the legislation was to require local governments to either rollback the millage rate equal to the total value of reassessments on real property or to provide advertisements, notices and public hearings if the local government intended to adopt a millage rate in excess of the “rollback” rate. Ms. Arnold stated that according to the “rollback” computation, the 2010 combined millage rate should be 13.142 mills but the recommended 2010 combined

millage rate for general operations, bond indebtedness, the downtown development authority and for capital improvements was 13.035 mills, a 0.81% decrease over the calculated rollback rate. Ms. Arnold explained that because the recommended millage rate was less than the calculated rollback, the public hearings, advertisements and press release were not necessary.

City Manager Merriss noted that it was recommended that the millage rates be tentatively set so that they could be advertised and that the actual adoption of millage rates would be scheduled for consideration at the June 21, 2010 City Commission meeting. City Manager Merriss added in order to begin the public hearing process, the City Commission was required to adopt ordinances establishing tentative millage rates.

On a motion by Commissioner Boykin, second by Commissioner Garrett, and all voting "aye", the City Commission adopted Ordinance O-10-05 tentatively establishing the General Fund tax rate at 11.215 mills.

On a motion by Commissioner Boykin, second by Commissioner Garrett and all voting "aye", the City Commission adopted Ordinance O-10-06 tentatively establishing the Bond Fund tax rate at 1.44 mills.

On a motion by Commissioner Boykin, second by Commissioner Garrett, and all voting "aye", the City Commission adopted Ordinance O-10-07 tentatively establishing the Downtown Development Authority tax rate at 0.38 mills.

RESOLUTION CONSENTING TO TRANSFER CONTROL OF
TELECOMMUNICATIONS FRANCHISEE AGL NETWORKS, LLC TO ZAYO
GROUP, LLC.

Ms. Arnold stated that in April 2005 the City Commission granted a telecommunications franchise to AGL Networks, LLC to operated in the City's rights of way and at that time AGL Networks, LLC was a wholly owned subsidiary of AGL Investments, Inc. Ms. Arnold stated that on April 6, 2010 the City received a written request on behalf of AGL Networks, LLC explaining that the Zayo Group, LLC was in the process of purchasing AGL Networks, LLC from AGL Investments, Inc. Ms. Arnold noted that this qualified as a transfer of control of the franchise and that the agreement between the City and AGL Networks, LLC stated that no change in control should occur without the consent of the City.

Ms. Arnold stated that the transfer of control request had been reviewed by the telecommunications consultant at the Georgia Municipal Association and that after reviewing all of the pertinent information recommended approval of the transfer request. Ms. Arnold recommended approval of Resolution R-10-11 that consented to and approved the transfer by AGL Investments, Inc. of its ownership interests in AGL Networks, LLC to the Zayo Group, LLC.

In response to a question from Mayor pro tem Baskett, Ms. Arnold stated that the transfer of control request did not extend the contract period beyond the initial expiration

date of April 8, 2011 and that the Zayo Group, LLC would continue to pay a quarterly franchise fees.

In response to a question from Commissioner Cunningham, Ms. Arnold stated that she did not know anything about the Zayo Group, LLC.

On a motion by Commissioner Cunningham, second by Mayor pro tem Baskett, and all voting “aye”, Resolution R-10-11 was adopted.

REQUESTS AND PETITIONS.

There were no requests or petitions.

REPORTS AND OTHER BUSINESS.

Mayor Floyd read the Planning Commission agenda for June 8, 2010.

On a motion by Commissioner Cunningham, second by Commissioner Boykin, and all but Mayor pro tem Baskett voting “aye”², Resolution R-10-12 confirming the Executive Session of May 3, 2010 was adopted.

City Manager Merriss stated that a work session on the FY 2010-2011 proposed budget would be held on June 7, 2010 at 6:30 p.m.

Commissioner Garrett encouraged everyone to attend the Arts Festival over Memorial Day weekend and stated that she had attended the first of many Saturday farmers’ markets.

Commissioner Boykin stated that the City had been awarded a \$500,000 Safe Routes to School grant from the Georgia Department of Transportation.

Commissioner Boykin noted that this was Bike to Work week and that the 19th annual Congress of New Urbanism meeting was being held in Atlanta.

Commissioner Cunningham commended the Oakhurst Community Garden Project on another successful Martinis in the Garden event and noted that Mayor Emerita Elizabeth Wilson would be honored at the Senior Connections senior prom on Saturday, May 22nd.

Mayor pro tem Baskett invited the community out to enjoy the Arts Festival and noted that there was one more roundtables session during the first phase of the Strategic Plan update process.

There being no other business, the meeting was adjourned.

Peggy Merriss
Acting City Clerk

² Mayor pro tem Baskett abstained due to his absence on May 3, 2010.