

**MINUTES
DECATUR CITY COMMISSION**

Regular Meeting
November 27, 2023
City Hall: 7:30 p.m.

Mayor Garrett called the Regular Meeting of the Decatur City Commission to order at 7:30 p.m. on Monday November 27, 2023.

PRESENT: Mayor Garrett, Mayor pro tem Powers, and Commissioners Dusenbury¹, Mayer, and Walsh; and City Manager Arnold.

MINUTES of the Regular Meeting and Executive Session of November 6, 2023, were approved on a motion by Mayor pro tem Powers; second by Commissioner Walsh; and, all voting “aye.”

PROCLAMATION.

State Representative Omari Crawford read a proclamation on behalf of Mayor Garrett proclaiming November 27, 2023 as Decatur High School Girls Cross Country Team Victory Day. Representative Crawford stated the team had won back to back state championships in the Class 5A division.

PRESENTATIONS.

Parks and Recreation Director Greg White introduced resident Jack Kittle. He thanked him for all his work and dedication to the City and parks & recreation programming in particular.

Mayor Garrett recognized Jack Kittle as the Georgia Recreation and Park Association Volunteer of the Year and read the submission aloud.

Mayor pro tem Powers recognized Decatur Youth Council members who were present at the meeting, including Co-chair Robert Noble, Secretary Qaden Daise, Henry Cayce, Lexi Foster, McLaine Drake and Penelope Goebel.

ALCOHOLIC BEVERAGE LICENSE.

City Manager Arnold recommended approval of an alcoholic beverage license for retail sale for consumption on premises of beer, wine and spirituous liquors to Ireti Fasoranti for Guru Restaurant and Bar, LLC at 2641 East College Avenue, Suite E1. She stated the Police Department had approved the application and all applicable fees had been paid.

On a motion by Commissioner Walsh; second by Mayor pro tem Powers; and, all voting “aye,” the license was approved as recommended.

PLANNING COMMISSION RECOMMENDATIONS.

Planning and Economic Development Director Angela Threadgill presented City Switch’s application of a conditional use permit for a cell tower. The Planning Commission previously recommended denial of the application. Ms. Threadgill introduced Mr. Ivy Cadle, legal representative for CitySwitch. Mr. Cadle presented the application with the proposed revision of a

¹ Consistent with the requirements set forth in O.C.G.A. §50-14-1 (g), Commissioner Dusenbury attended the meeting virtually.

lower tower height, as well as presented a packet of new materials to the City Commission in response to comments made by the Planning Commission members and members of the public at the Planning Commission public hearing on October 10, 2023.

In response to a question from City Manager Arnold, Mr. Cadle stated the tower was for 5G wireless coverage and Dish was the provider.

In response to a question from Mayor Garrett, Mr. Cadle stated the service would include cellular phone service.

In response to a question from Mayor Garrett, Mr. Cadle stated the maps showed Dish's coverage.

In response to a question from Commissioner Walsh, Mr. Cadle stated Dish would have an antenna band on the top but there was room for four other companies to place antenna on the tower, including antenna for CSX Railroad operations.

Mayor Garrett opened the meeting for public comment.

Phillip McGinnis, 413 Westchester Drive, spoke as President of the Westchester Neighborhood Association. He stated his opposition due to concerns with the excessive modifications to the required 200 ft. setback, reduction in vegetative buffer, and the noise from a future installation of a generator.

Saurabh Bose, 235 Maediris Drive, spoke in opposition due to the health concerns posed by the radiofrequency radiation, which has been deemed by the World Health Organization and pediatric studies as a human carcinogen.

Bob Wyttenbach, 231 Maediris Drive, spoke in opposition due to the vegetation that would be removed as well as the decrease in property value if the tower were built.

John Bennett, 224 Westchester Drive, spoke in opposition due to concerns with reductions in the 200 ft. required setback.

Clint Elliot, representative from the YMCA, spoke in opposition as the property owned by the YMCA abutted the proposed tower, and was heavily used and would negatively impact outdoor children's programs.

Preeti Jaggi, 160 Maediris Drive, spoke in opposition as an infectious disease doctor due to the loss of vegetation and an increase in still water that would in turn increase mosquitos, which were a public health threat.

Vadim Roytershteyn, 213 Westchester Drive, spoke in opposition due to concerns of a future installation of a generator and its noise generation.

Antonia Antoniou, 213 Westchester Drive, spoke in opposition due to health concerns posed by the radiofrequency radiation as well as the antenna that would rise above the tree canopy.

There being no further public comment, Mayor Garrett closed the public hearing.

In response to a question from Commissioner Dusenbury, Mr. Cadle stated the ground lease for the tower at Publix Emory Commons shopping center, 1255 Clairmont Road, had expired.

In response to a question from Mayor Garrett, Mr. Cadle stated there were current tenants on the tower at Publix.

In response to a question from Commissioner Dusenbury, Mr. Cadle stated the applicant had done an investigation into the expired ground lease, and as a result, no new tenants were able to co-locate on the tower without a valid ground lease from the provider. He stated his client determined it would be best to look at other locations.

In response to a question from Commissioner Dusenbury, Mr. Cadle stated there would be availability for other companies to have antennas on the proposed tower; however, the service strength would be less due to the tree canopy.

Commissioner Dusenbury stated he regretted not being at the meeting in-person because he did not see the packet that was handed out before the presentation since he was attending via Zoom.

In response to a question from Commissioner Walsh, Ms. Threadgill stated that co-location of antennas on a singular town was not required by City codes, but co-located antennas were encouraged.

In response to a question from Commissioner Walsh, Mr. Cadle stated the coverage from the cellular tower would reach to about Downtown Decatur to the south and to the north beyond the City limits and referred to the coverage map.

In response to a question from Commissioner Walsh, Mr. Cadle stated cellular equipment was updated as needed and was common routine maintenance to maintain coverage.

In response to a question from Mayor pro tem Powers, Mr. Cadle stated if the tower was built and it turned out the tower did not meet FCC requirements to operate, local codes would require removal of the tower within certain time limits.

In response to a question from Mayor pro tem Powers, Mr. Cadle stated the proposed setback is measured from the property line not the structures on adjacent properties.

In response to a question from Commissioner Mayer, Mr. Cadle stated there was no plan to add a generator at the tower. He added there was no request for a variance to meet the City's noise ordinance.

In response to a question from Commissioner Mayer, Ms. Threadgill stated that if the City Commission approved the application, the City Commission had the authority to place conditions on the approval, which may include that the addition of equipment such as a generator be required to seek approval by the City Commission prior to installation.

In response to a question from Commissioner Mayer, Mr. Cadle stated that there was no requirement for public input and engagement in the application process. He added the neighboring properties were informed of the project.

Mayor Garrett stated that it would have been beneficial to have more community engagement in the process. She stated the map of other sites, especially in commercial areas, should be investigated further before looking at residential areas. She added the majority of coverage served considerably more area that was outside the City limits and she did not see the benefits of the proposed tower for the City or its residents.

Mr. Cadle stated finding a location for a cell tower was difficult given the access requirements and achievable reach of coverage. He noted few landowners responded to inquiries when contacted about CitySwitch acquiring an access easement, which left no opportunity to look elsewhere in the vicinity.

Commissioner Dusenbury stressed the importance of getting community feedback on projects of this magnitude before coming to the Planning Commission and City Commission. He added the concerns that had been brought up in the meetings could have been addressed before the decision had to be made by the City Commission.

Commissioner Dusenbury asked staff to look into amendments to the noise ordinance to address not only decibel limits at nighttime hours, but also daytime hours.

Kendall Lotze, applicant from Ignite Wireless on behalf of CitySwitch, reiterated that the ground lease of the tower at the Publix Emory Commons shopping center was not a long-term solution to cellular services due to the expired ground lease, which prompted them to look at other sites.

Commissioner Dusenbury stated his concern that the applicant had not sufficiently demonstrated that an existing tower could not accommodate the proposed Dish network antenna, and that no written evidence had been submitted with the application that the Publix Emory Commons cellular tower ground lease expired. He added the information presented was only verbal, rather than a written letter from the applicant that showed they were unable to accept any further tenant antennas on the existing tower.

Commissioner Walsh thanked the applicant for their responsiveness. She stated the proposed plan on CSX property allowed some vulnerabilities and she was concerned about the lack of co-located antennas. She stated there was a need for coverage but there needed to be more understanding of this process. She stated that she did not want to make a decision for a neighborhood outside of the City limits.

Mayor pro tem Powers stated if the application was approved with the proposed setback reduction, the decision would set a precedent that would not be beneficial to other City residential neighborhoods.

Commissioner Mayer stated if constructed, the impacts of the proposed tower would be outweigh any benefit that it would bring.

Mayor Garrett shared her concern about those living just outside of the City limits. She agreed there was a need for more coverage but this may not be the most beneficial way.

On a motion by Mayor pro tem Powers; second by Commissioner Mayer; and all voting "aye," the conditional use permit was denied.

PUBLIC COMMENT ON AGENDA ACTION ITEMS.

Mayor Garrett opened the meeting for public comment.

Scott Pendergrast, 245 Chelsea Drive, asked the City Commission to defer action on item C for further research due to potential conflicts in Phase I construction.

David Wasserman, 353 Coventry Road, stated there was speeding on Coventry Road. He added no one was against traffic calming on the road but the plans were traffic enhancing rather than calming.

Sandro Gisler, 211 Missionary Drive, stated traffic calming initiatives did help. He added traffic calming was important to the community.

Ken Rose, 710 South McDonough Street, added there was speeding on Coventry Road.

Wylde Center Executive Director Stephanie Van Parys thanked the City Commission for its support over the years.

Marcie Mascaro, 201 Westchester Road, stated that if the on-street was removed from sections of Coventry Road as proposed there would be little space for parking for anyone.

Janike Ruginis, 633 Coventry Road, stated speeding happened frequently on Coventry Road so there was a need for traffic calming. She added there was a need for sidewalks and better pedestrian corners as well.

Hearing no further comment, the public comment portion of the meeting was closed.

CONTRACTS FOR SERVICE.

City Manager Arnold requested authorization for the City Manager to execute an agreement with the DeKalb History Center, Inc. for provision of funding in the amount of \$10,000 for capital equipment and maintenance needs for the Historic Courthouse on the Square and for the Historic Complex on West Trinity Place.

DeKalb History Center Executive Director Melissa Carlson thanked the City Commission for its support. She shared an outline of various projects the funding would be put towards.

On a motion by Mayor pro tem Powers; second by Commissioner Walsh; and, all voting "aye," the contract for services was authorized as recommended.

City Manager Arnold requested authorization for the City Manager to execute a contract for services with the Wylde Center in the amount of \$20,000 to assist with the purchase of property as well as to support services provided by the Wylde Center to the community including but not limited to maintaining and managing city-owned greenspaces.

Ms. Van Parys thanked the City Commission once again since it would be her last time requesting funding from the City since she was leaving her position of Executive Director at the end of the year.

On a motion by Commissioner Mayer; seconded by Mayor pro tem Powers; and, all voting "aye," the contract for services was authorized as recommended.

City Manager Arnold requested authorization for the City Manager to execute a contract for services with the Global Growers Network in the amount of \$15,000 for maintenance and operations costs for the Decatur Kitchen Garden and Orchard at Legacy Park.

Global Growers Network Executive Director Susan Pavlin thanked the City Commission for its support and shared how much an impact the spaces had on those who used them. She introduced the new garden manager, Sol.

Commissioner Walsh stated how lucky the City was to have partnership with nonprofit groups who preserved the City's greenspace.

On a motion by Mayor pro tem Powers; second by Commissioner Walsh; and, all voting "aye," the contract for services was authorized as recommended.

RESOLUTIONS DECLARING THE ELECTION RESULTS OF THE 2023 ELECTION.

Chief of Staff Meredith Roark presented Resolution R-23-22 which declared the results of the November 7, 2023 City Commission election, Resolution R-23-23 which declared the results of the November 7, 2023 Board of Education election, and Resolution R-23-24 which declared the results of the November 7, 2023 Special Election for various homestead exemptions. She noted the City Commission and Board of Education elections were either unopposed or received a plurality of votes and the referenda received more than one-half of the votes in approval.

On a motion by Commissioner Walsh; second by Mayor pro tem Powers; and, all voting "aye," Resolution R-23-22 was adopted as recommended declaring George Dusenbury was elected to District 1, Post B; Lesa Mayer was elected to District 2, Post B and Anthony "Tony" Powers was elected to District At-large.

On a motion by Mayor pro tem Powers; second by Commissioner Mayer; and, all voting "aye," Resolution R-23-23 was adopted as recommended declaring James Herndon was elected to District 1, Post B and Tracey Anderson was elected to District 2, Post B.

On a motion by Commissioner Walsh; second by Mayor pro tem Powers; and, all voting "aye," Resolution R-23-24 was adopted as recommended declaring an increase in the general homestead tax exemption for all owner-occupied properties, an increase in the general homestead tax exemption for residents 65+, creation of a new homestead tax exemption for owner-occupied properties on land owned and managed by certain non-profits, such as land trusts, and an increase in the general homestead exemption for residents 62+ whose incomes do not exceed \$60,000 as well as a tax exemption for seniors from City Schools of Decatur educational taxes.

COVENTRY ROAD TRAFFIC CALMING DESIGN.

Assistant City Manager Cara Scharer recommended approval of a first phase traffic calming plan on Coventry Road between Scott Boulevard/SR8 and the City limits. Ms. Scharer added Coventry Road had been approved for resurfacing as part of the City's 2023 LMIG program. She stated if approved, the traffic calming recommendations would be implemented during the LMIG project. She addressed some of the concerns made during the public comment portion of the meeting. She noted the plan kept in mind future improvements as well as public feedback for such projects. She stated there was not enough room for all the traffic safety measures proposed which was why parking would be limited to one side of the street.

In response to a question from Commissioner Walsh, Ms. Sharer stated this plan was developed using guidelines from the framework known as “tactical urbanism.”

In response to a question from Commissioner Walsh, Ms. Scharer stated the sidewalk was only on the south side of the road.

In response to a question from Commissioner Walsh, Ms. Scharer stated any additional improvements on the scale of a capital project would not proceed without community engagement opportunities.

In response to a question from Commissioner Dusenbury, Ms. Scharer stated any changes to Scott Boulevard would be under the purview of the Georgia Department of Transportation (GDOT).

In response to a question from Mayor Garrett, Ms. Scharer stated the street was not wide enough to accommodate parking on both sides of the road.

On a motion by Commissioner Walsh; second by Mayor pro tem Powers; and, all voting "aye," the Phase I plan was approved as recommended.

CHANGE ORDER FOR N. DECATUR ROAD TRANSPORTATION STUDY AND TRAFFIC CALMING DESIGN.

Ms. Scharer recommended approval of a change order in the amount of \$15,510 in order to revise the contract amount for AECOM to \$186,690 in order to investigate and recommend safety and operational improvements for all modes of transportation, including vehicular, pedestrian and bicycle, at the intersection of Superior Avenue and North Decatur Road and along the 0.3 mile portion of North Decatur Road within the Decatur city limits. She added the new proposed contract amount was below the established project budget of \$200,000.

On a motion by Mayor pro tem Powers; second by Commissioner Walsh; and, all voting "aye," the change order and increase in contract amount were approved as recommended.

CHANGE ORDER FOR MCKOY PARK FIELD DUGOUT RENOVATION.

Facilities and Operations Manager Kim Whatley recommended approval of change order No. 1 in the amount of \$8,850 for the McKoy Park Dugout Renovation Project with CGS, LLC for additional grading, waterproofing of storage building and extension of the drainage discharge line. Ms. Whatley explained the changes in scope. She noted the approved contract amount was \$124,329. Ms. Whatley added staff was also recommending establishing a project budget of \$138,000, something that had not been done when the project received approval earlier in the year.

Mayor pro tem Powers expressed his appreciation about finally seeing improvements made at this park and on the field.

In response to a question from Mayor Garrett, Ms. Whatley reiterated there was not a previously established project budget.

In response to a question from Commissioner Walsh, Ms. Whatley stated the shift of the storage space would only be a loss of about 3 feet to the dugout seating area. She added other than changing the orientation of the building there were not many other changes made to the scope of work.

On a motion by Mayor pro tem Powers; second by Commissioner Walsh; and, all voting "aye," the change order, increase in contract amount and establishment of a project budget were approved as recommended.

EBSTER TEEN AREA GRANT PLANNING SERVICES AGREEMENT.

Assistant Parks and Recreation Director Sara Holmes recommended approval for the City Manager to execute an agreement with Perez Planning + Design. Ms. Holmes stated the purpose of the request was to secure planning services for the Ebster Teen Activity Area Improvements, with a specified project budget of \$150,000 and a contract award amount of \$144,293. She shared the City had recently been awarded Governor Kemp's Improving Neighborhood Outcomes in Disproportionally Impacted Communities grant for \$2,088,803.75. She stated the project aimed to update the amenities within the youth and teen activity area of Ebster Park and address the maintenance needs & safety issues surrounding this portion of the park.

In response to a question from Mayor Garrett, Ms. Holmes stated the project would take 18 months to complete.

In response to a question from Mayor pro tem Powers, Ms. Holmes stated staff would look into adding AEDs in these spaces.

In response to a question from Commissioner Walsh, Ms. Holmes stated there would be future dates for community feedback on the design.

Commissioner Mayer stated it was good to see enhancements being made at the park. She requested that due to the historical significance of the location that stakeholders who might not otherwise be included needed to be a part of the conversation.

On a motion by Mayor pro tem Powers; second by Commissioner Mayer; and, all voting "aye," the project budget and approval of the contract were authorized as recommended.

REQUESTS AND PETITIONS.

Mayor Garrett opened the meeting for requests and petitions.

Tonio Andrade, 119 West Dearborn Circle, presented a petition on behalf of Calm Decatur for traffic calming within the City.

Patricia Liscio, 1019 South Candler Street, spoke in support of the petition and stated that in spite of the work that had already been done there were still accidents and fatalities occurring in the city.

April Biagioni, 245 East Trinity Place, spoke in support of the petition and stated there was a need for more traffic enforcement to keep people safe.

Sandro Gisler, 211 Missionary Drive, expressed support for the petition and stated though the City had implemented many improvements there was still a need for more measures to be taken for further safety as it related to the streets.

Donovan McMurray, 2544 Talley Street, spoke in support of the petition and highlighted the City of Hoboken, New Jersey which had experienced improvements in traffic safety since adopting a traffic plan.

Adam Retchless, 428 Lockwood Terrace, spoke in support of the petition and shared his concern about traffic safety at North Arcadia Avenue.

Ken Rose, 710 South McDonough Street, expressed support for the petition and wanted to know what the high injury networks were in the City. He added the City needed to push the State to do more as it related to the topic.

Joel Riggs, 111 Green Street, spoke in support of the petition and stated that it was obvious where the problem areas were in the City.

Patrick Dean, 125 Greenwood Place, stated his support of the petition and added that pedestrians were at risk for harm when crossing streets in the City.

Quorean Million, 115 North McDonough Street, echoed the sentiments that pedestrians were at risk for harm when crossing streets in the City.

Sarah Zingarelli, 522 Chevelle Lane, spoke as a co-founder of the Dearborn Area Nature Alliance. She presented an update on the work being performed in the park.

REPORTS AND OTHER BUSINESS.

Mayor Garrett read the December 12, 2023 Planning Commission agenda.

On a motion by Mayor pro tem Powers; second by Commissioner Walsh; and, all voting “aye,” Resolution R-23-25 confirming the Executive Session of November 6, 2023 was adopted.

Ms. Scharer provided an update on the City's participation in FEMA's Community Rating System (CRS) program including Activity 510 - Floodplain Management Planning. She stated an added reporting responsibility associated with Activity 510 involved the preparation and submission of an annual report concerning implementation of the City's portion of the County Multi-Jurisdictional Hazard Mitigation Plan. She noted the status report would be submitted to our Insurance Services Office (ISO) representative as part of the City's CRS annual re-certification program documentation.

In response to a question from Mayor Garrett, Ms. Scharer stated she was in contact with DeKalb County about the sewer lines and streets.

Ms. Threadgill announced it was the last day of the Circulator Bus. She added that a report would be presented to the City Commission in the coming months that would provide recommendations for transportation options.

Ms. Threadgill introduced Julie Smith as the City's new Lifelong Communities Program Manager.

Deputy City Manager David Junger gave an update on previous, current and upcoming traffic and pedestrian safety initiatives in the City. He stressed the importance of this work. He added that in addition to the City's responsibility to support safety initiatives, drivers have a responsibility for their behavior.

Commissioner Dusenbury congratulated the girls cross country team on their second state championship.

Commissioner Dusenbury welcomed Ms. Smith to the organization, and recognized Jack Kittle for his honor.

Commissioner Dusenbury expressed support of the city's continued work to improve pedestrian safety and noted a desire to understand more about the negative effects of traffic enforcement.

Commissioner Mayer expressed her appreciation for the Calm Decatur group staying until the end of the meeting. She stated though their petition was well intended it was a dangerous ask to request more traffic enforcement. She stated people of color were disproportionately affected by policing so it would not be an equitable approach to the situation.

Commissioner Walsh stated that the meeting showed how the City Commission worked through tough topics and discussions.

Commissioner Walsh stated traffic and pedestrian safety was an investment in the community. She added that she hoped the culture of walkability would not be lost.

Mayor pro tem Powers thanked the Calm Decatur group for staying to the end of the meeting. He shared a story from when he was a child and of his mother instilling an awareness of his surroundings as a pedestrian.

Mayor Garrett stated her appreciation of input from the Calm Decatur group. She thought of Jack Kittle and the program he started, Bright at Night, so drivers could see pedestrians when it was dark outside. She added that she had spoken with Rebecca Serna from Propel ATL who shared that ticketing drivers for speeding may actually lead to increased speeding.

Mayor Garrett reminded everyone that the next City Commission meeting would be held on the following Monday, December 4.

There being no further business, the meeting was adjourned at 11:57 p.m.

Meredith Roark
City Clerk