



Christina Carter <christina.cfre@gmail.com>

PGC: Update on PGC's involvement and actions related to annexation

Patti <pifjmp@earthlink.net>

Wed, Dec 18, 2013 at 10:18 PM

To: "Paulino, Patti and Jim" <pifjmp@earthlink.net>

Dear Neighbors,

The purpose of this e-mail is to update you on the Parkwood Garden Club (PGC) Board's involvement and actions related to annexation efforts in our neighborhood. As you are aware, our Parkwood neighborhood lies in the City of Decatur (COD) and in unincorporated DeKalb County. A neighborhood group wishes to petition the COD to annex the neighborhood currently in unincorporated Dekalb County. In order for the neighborhood to be annexed, the petitioners must comply with Georgia Code, §36-36-32, that requires property owners' signatures of not less than 60% of the land area by acreage. Thus, on November 12th, the Board discussed an agenda item: asking the Board to consider how it would cast a vote on behalf of the Park acreage in an annexation process that included our neighborhood; and, informing the Board of a request by the Decatur City Manager to include the homes on East Lake and Ponce as well.

A special meeting of the Board was held on November 20th to discuss a formal, written request, received on November 16th, to "vote the Park". The letter referenced the East and West Parkwood Roads, Upland Road and Parkwood Lane. As Parkwood Park is privately owned by the Parkwood Garden Club, the PGC Board was asked to vote the park according to the desires of at least 60% of the PGC members living in unincorporated Dekalb County. In addition, our neighbors explained in their letter that they were striving to have their petition for annexation submitted to the COD by December 15th. At that meeting, as was previously reported, the Board voted to table the motion. Thus, in our letter of Nov. 24th to our membership, the Board clearly stated its intent to gather more information on which to base a vote and to seek legal advice on the request. The Board did not receive from any PGC member questions, support or opposition to our plan to gather more information and to seek legal advice.

At the next special meeting held on December 2nd, the Board discussed the motion to "vote the Park" in accordance with the desires of at least 60% of the PGC members living in unincorporated Dekalb County who are petitioning for annexation into the City of Decatur; we also discussed another proposal to "vote the Park" according to the wishes of 60% of the neighbors living in the area addressed by the petitioners. Neither proposal was approved by the Board because some Board members wanted more information and/or thought it was important to meet with the members before making any decisions. Nonetheless, the Board has agreed that after it obtains sufficient, independent information on the issues presented by the motions, the Board can reconsider its vote.

In an effort to obtain more information, a motion was passed at the December 2nd meeting to select an attorney from outside the neighborhood to provide independent legal advice regarding the proposals for annexation into

the City of Decatur, spending up to \$1,000 from our Reserve Fund for the advice. Several days after the meeting, it was suggested a procedural error had inadvertently occurred in voting for the hiring of the attorney and the spending of PGC funds. During the voting, two members abstained from voting and because the intent of their abstentions was not clear at the meeting, the attorney's services were terminated on December 10th. The attorney waived his fees.

Our Board is a team of extremely dedicated, hardworking volunteer neighbors who are living full lives. We have recently been faced with questions we never thought we would have to answer and some of us have acknowledged we are not equipped to answer. As President, I believe the Board has the responsibility to seek independent legal counsel on any issue it does not have the legal skills to assess. Thus, as part of our duty of care to the organization, we attempted to seek independent legal advice.

Notwithstanding the assertions of our neighbors who are petitioning for annexation into the City of Decatur that they have provided the Board two free legal opinions on one question, the Board did not have attorney-client relationships with the attorneys. Thus, some members of the Board continue to want legal advice on which to base decisions. The minutes of our meeting from November 20th have been posted to our website, <http://parkwoodgardenclub.com/> , and describe some of our questions.

As the President, I had also planned to call a Special Meeting of the entire membership once we received the legal advice. The purpose of the meeting would have been to discuss the advice we had been given and to receive your thoughts and ideas. I still plan to schedule a Special Meeting in early 2014 and I hope you will be able to join us.

Lastly, I want to clarify that the two e-mails sent two weeks ago by Dan Mallory to some members on behalf of neighbors seeking annexation into the COD were not sent on behalf of the Board. The Board did not review the e-mails in advance; and, I do not think the e-mails accurately reflected the Board's deliberations. As a result of the e-mails, some members contacted the Board stating they did not support spending money on legal advice while other members expressed support and offered to donate money for the advice.

The issues presented to the Board by annexation and city hood are complicated and unprecedented. The Board is doing its best to act with good faith and loyalty in the best interests of our entire organization which includes the Park and all PGC members.

The Board has adjourned for 2013. In 2014, we plan to continue our work on the issue of annexation into the City of Decatur which remains before us. On behalf of all the members of the Board, thank you very much for your support during the first half of our terms.

Happy Holidays!

For the Board,
Frances Finegan
PGC President