MONTHLY REPORT OF THE CANDLER PARK NEIGHBORHOOD ORGANIZATION

Volume 10 Issue 8

Aug 1998

#### National Night Out In the Park

Ya'll come out for Candler Park's part in "National Night Out" against crime. We will meet at one or both of the pavilions in the park to do a little business, share a potluck meal, and have a chance to discuss crime prevention with our Zone Six police commander, Major Carlos Banda. And if you can get home early enough, work up an appetite by joining the neighborhood swim starting at 4:30. The discussion and vote on the possible lawsuit will take place between 7:00 and about 7:20 p.m. (Don't forget a picture ID again to get your ballot for this important vote.) We will have soft drinks, cups, plates, eating utensils some salad, bread and watermelons from CPNO. Bring a dish to share; we will start eating by about 7:30. By about 8:00. Major Banda will speak, with about a half hour for his presentation and questions. There will be free handouts on crime prevention and safety, and free smoke detectors from the Fire Department. Bring chairs and blankets to spread out and enjoy the evening together. (IN CASE OF RAIN, WE WILL MEET AT OUR REGULAR MEETING PLACE, EPWORTH CHURCH BASEMENT.)

- Bert Skellie

# CPNO Meeting Before National Night Out - Vote on Legal Action Regarding Jackson Hill Property

We will have a short CPNO business meeting before the National Night Out Picnic at 7:00PM. The meeting will be held in the park at the pavilion. We will be discussing and voting on whether or not to join a motion of injunctive relief filed by residents of Page Avenue. Please read the articles in this Messenger pertaining to this vote (pg. 3,4, &5). If you have questions or want more information please contact any of the CPNO executive board members. Remember to bring a valid photo ID to get your ballot.

#### Calendar

MON.,8/10 - 7:00 CPNO Monthly Mtg.
TUE., 8/18 - 7:30 CPNO Exec. Com. Mtg.
Fri., 8/21 - Messenger Deadline
Thur., 8/27 - N.P.U. Monthly Meeting

CPNO Mtg., Aug 10th
The CPNO Meeting will be held in Candler
Park this month at 7PM in the picnic
pavilions as part of National Night Out.
There will be a short meeting before dinner.
(in case of rain meeting will be in regular
meeting spot at Epworth Methodist Church
on McLendon)

#### This month's agenda

4:30PM: Neighborhood swim 7:00 PM: Vote to take legal

action regarding Jackson Hill property (see related

articles)
Picnic Dinner

#### **CPNO Officers**

President: Dempsey Herlihy-

Werthman

1st Vice President:

Debra Snell

VP Finances:

Jack Hammond

VP Special Events:

7:30PM:

Dan Benefield

VP Communications:

Mary Alice Bray &

Betty Knox

VP Zoning:

John Rick

**VP Environment:** 

Bob Rowley

VP Safety:

Bert Skellie

Candler Park *Messenger*, P.O. Box 5418 Atlanta, GA 31107; 770-453-8255

Crime Report  During the five weeks covered here, among		7/3	7:00 am	home broken into, laptop computer and clothes taken 500 Terrace Ave.
Candler Park's approximately 1400 households and businesses, we had reports of four burglaries, two thefts from a vehicle, one motor vehicle theft, six other thefts		7/6	12:00 pm	subjects shooting of fireworks in park 1300 Euclid Ave.
and four assaults. Reports were relatively low for this time of year; I hope that we have all of the reports and that the crime rates are really lower.		7/8	3:30 pm	Suspect shoplifted clothing 400 Moreland Ave.
Please let me know about any crimes I miss so I can report them in an update the next month. And do		7/9	11 am	Owner cited for junk cars & garbage
call me at 404-378-5883 after you make a police report so we will know to check for it before we go to the precinct. Please get in touch if you are interested in working together to make our neighborhood a safer		7/9	5 pm	1500 DeKalb Ave. Suspect stole groceries from sidewalk in front of home 1300 Benning Pl
place. Thanks to Austin Wattles for helping with data collection. Between Messenger reports, check the		7/10	1 am	Vehicle broken into 400 Oakdale Rd.
CPNO number (770-453-8255) for updates on crime.  Or send me an e-mail note to notify me or if you want to		7/11	2:30 am	Vehicle stopped, marijuana & stolen credit cards found 200 Moreland Ave.
be notified of any unusual activity - bertskellie@mindspring.com.		7/11	1 pm	Subject threatened victim at parked car
Crime Report for 6/17/98 - 7/22/98 (includes earlier dates recently reported):		7/12	5 pm	300 Clifton Rd. Suspect threatened mother - 300 Josephine St.
Date Approx. Time	Incident Block	7/14	3 am	Property stolen from home 300 Oakdale Rd.
6/16 9:00 pm	10 videos taken from store 200 Moreland Ave.	7/16	9 pm	Subject arrested for posting bill on utility pole
6/20 11:00 pm	wallet snatched with suspect running away 300 Oakdale Rd.	7/16	11 pm	1300 McLendon Ave.  Items taken from vehicle 500 Sterling St.
6/21 5:30 pm	vehicle not returned to owner after being lent	7/17	9 pm	Victims heard 5 shots from woods behind house
6/23 6:35 pm	1500 McLendon Ave. screen door torn by suspect who	7/21	6 am	1400 Iverson St.  House broken into 300 Sheppard Pl.
6/23 10:00 am	ran away 1600 McLendon Ave. residence forcibly entered, bikes	7/21	4:30 pm	Marijuana found in apartment by neighbor 1200 DeKalb Ave.
6/23 5:50 pm	taken 300 Sterling St. suspect argumentative. struck	7/21	?	TV taken from room by former manager
6/24 6:00	police, person arrested 300 Moreland Ave.	7/22	5-10 pm	1200 DeKalb Ave.  Windshield broken on vehicle 1100 Euclid Ave.
6/24 6:00 pm	victim's room forcibly entered, currency and handgun taken 300 Josephine St.	7/22	8 am	Homeless victim hit in head with pipe
6/23 11:40 am	video store was robbed and currency stolen 200 Moreland Ave.	7/22	11 pm	1200 Euclid Ave.  Homeless victim threatened with bottle
6/26 11:00 am	money taken from apartment 300 Goldsboro Place		- Bert Skellie &	1200 McLendon Ave. Austin Wattles

#### Get With The Motion

For nearly a year, Candler Park has seen dozens of maps from Paideia School and the Christian Index depicting their plans for private school parking on Freedom Park Land. In an astonishing display of contempt for both Candler Park residents and CPNO President Dempsey Herlihy-Werthman, Paideia Board of Trustees Chair, Peter Anderson, presented three maps at the July 13th CPNO meeting, all showing clear ingress/egress from their parking lot(s) to Clifton Terrace. Throughout the past year, from the original presentation of a concept, one and ONLY one aspect of the plan has been constant: the assurance and absolute guarantee from Bill Dorn of Paideia and Tim Norton of the Index that the traffic would not come to Clifton Terrace, except for the Index Traffic and possibly church traffic on Sundays. There is ample documentation of the Index's and Paideia's promises that Clifton Terrace would NOT be used as an entrance or exit by students, including an article in the May, 1998 Messenger (Vol. 10, 5), where President Herlihy-Werthman states, "Please note that there will be no ingress/egress onto Clifton Terrace for the students", and an article written by Paideia Communications Director Susan Percy, found in May 1998 BOND Community Star (Vol XXVIII, No IV.) where she states, 'Paideia has never proposed any plan that would dump traffic from the parking lot onto Clifton Terrace and does not now propose such a plan." Many similar promises where made during information meetings at the Jackson Hill Church by Paideia representative, Mr. Dorn, and Index representative, Mr. Norton. In fact, Mr. Norton stated the Index would install an electronic gate on the Clifton Terrace driveway and would not allow students through it. Yet, after innumerable spoken and published public assurances, Paideia reneged on its promises, and tried to shove through plans clearly showing such an unimpeded access onto Clifton Terrace, in essence creating a new through street in Candler Park.

At our July meeting, Candler Park defeated Paideia's maps and their parking plan, and voted to consider joining a motion to intervene filed by 30+ residents. Since Paideia has so egregiously misrepresented their proposals publicly on so many occasions, the only honorable action for them at this point is to withdraw their parking proposal entirely. If they

then so choose, Paideia may continue to donate the ravine to the City as parkland, as the Chairman of their Board, Mr. Anderson publicly agreed they would do.

A motion for injunctive relief filed in the Dekalb Superior Court prevented Freedom Park/CAUTION from voting on Paideia's plans before Candler Park's vote on the issue. Judge Clarence F. Seeliger granted our motion for a 30 day injunction during which time CAUTION cannot approve the transfer of public parkland to a private school for a parking lot, or to the Christian Index. This legal action is not a lawsuit, but is a motion to intervene and enforce the 1992 court settlement which states, 'the land adjacent to the Jackson Hill Baptist Church...shall be parkland...or disposed of according to a housing plan."

Joining our motion would require no individual liability of individual or CPNO financial obligation. Our attorney, Howard A. Becker, has generously agreed to help us on a *pro bono* (free) basis.

The advantages of CPNO joining with our group of neighbors to protect Candler Park's interest include:

- Preservation of our promised parkland
- Opportunity to block the Clifton Terrace entrance/exit
- Chance to prevent the creation of a new through-street into Candler Park
- Opportunity to limit the number of parking spaces
- Opportunity to stop Paideia's growth onto the Jackson Hill property

We sincerely request your help as citizens of Candler Park to join us as your neighbors in fighting to protect Candler Park resident's property rights.

We invite you as CPNO voters to help us maximize the full force of our motion to ENFORCE THE 1992 SETTLEMENT by voting your support at the special August 10th CPNO meeting immediately proceeding National Night Out. Bring a covered dish and join us in the park to help preserve the quality of life in our neighborhood.

If you have any questions or comments, call me at (404)577-8722.

- Paige Harvey

#### Vote No

The present controversy over the Paideia/Jackson Hill property has brought out the best - and the worst - from the people of Candler Park. As a 20+ year resident (on Page Avenue) and a former CPNO president, I offer this insight regarding the proposal to join the lawsuit initiated by my friends and neighbors on Page - VOTE NO!

This issue has been hotly debated for months. Legitimate concerns have been raised, tempers have flared and long-term neighbors are barely speaking to one another. I have attended most of the recent meetings and I believe we need to settle this matter among ourselves in a democratic manner. Then, lets go on to the other pressing issues facing our community; crime, care of Candler Park and the Freedom Park bikeway, and OUR school at Mary Lin.

The last thing we need is to get sucked into a divisive, expensive lawsuit, which will inflame and further divide our neighborhood. The mechanism for addressing the property issues exists and if properly conducted can work toward a reasonable solution. So please attend the August 10th meeting (in the park) and VOTE NO on the motion to join the lawsuit.

David Godfrey Page Avenue

#### What Are Our Priorities

During the July meeting, CPNO voted against endorsing the Christian Index/Paideia plan for building a parking lot at the Jackson Hill Baptist Church. To many people, including myself, the most undesirable part of this plan was the use of the small drive onto Clifton Terrace to enter and exit the parking lot. CPNO's vote was appropriate, in that it demonstrates to all parties involved that CPNO is not in favor of the plan as modified by the Druid Hills/Paideia/Christian Index court-ordered, mediated settlement. Granted, the land directly behind the church is private and will likely become a parking lot either way. However, the final decision regarding the DOT right-of-way parcel on the west side of the church, adjacent to the ravine, will be made by the Freedom Park Conservancy/CAUTION board, on which CPNO has two votes. Will our two votes against the plan stop it - probably not.

Several Candler Park residents have asked CPNO to become a party to a lawsuit aimed at delaying the Freedom Park Conservancy/ CAUTION vote and exerting some influence over the parking lot plan. Joining a lawsuit is a serious decision for CPNO. A vote on this decision will be held at the August CPNO meeting (in the park)

Should we join the lawsuit? The obvious question is: Is the parking lot issue a high enough priority for CPNO to devote a substantial portion or our energy, time and money? First, the CPNO board is an all volunteer board, doing work for all of us on their own time, between working, running households and raising families. Joining a lawsuit makes our board members personally liable to counter suits and asks them to devote a great deal of time to the legal battle. Second, as an organization, CPNO has a finite amount or resources, particularly volunteer energy. A lawsuit could take the majority of our 'organizational energy' for a year or more, keeping CPNO having the ability to work toward and accomplish other goals. Third, CPNO's modest budget of around \$9000 won't last long, especially if CPNO is counter sued. Our financial reserves, while not great, were extremely hard earned through years of home tours, 5K races and other fund-raisers. It's easy to imagine how long \$9000 will last in a legal battle....Is the parking lot issue important enough to the majority of Candler Park residents for us (CPNO) to devote most of our resources for potentially the next couple years or more.

Neighborhood priorities that come to mind, for me, include safety issues, improvements to Candler Park and the pool, sidewalks and traffic control at Candler Park Drive and McLendon. I'm sure each of you can come up with a wishlist of your own. If, indeed, the parking issue is our #1 priority, then we should consider joining the lawsuit. If, however, this is not our #1 priority as a neighborhood, then it would be inappropriate to commit CPNO to such a resource intensive endeavor.

Another facet to this issue is the delay caused by the lawsuit to the official leasing of the entire Freedom Park land area to the City from the DOT. Until this lease is finalized, the work on the north-south spur of the bikepath planned to run through Inman Park and Poncey Highlands cannot begin. The lease cannot be finalized until the boundaries of the entire park are determined the area by Jackson Hill Baptist being the final undetermined boundary.

The potential gains to be won in a lawsuit are limited, in that much of the land in the parking lot plan is private and is not subject to our approval. The small parcel that is now the DOT (continued on next page)

(Priorities continued) and is currently used for parking anyway. If a group of residents want to personally pursue a lawsuit, more power to them. But let's not commit CPNO, our board and our organization's resource to this suit. Vote 'no' to the lawsuit and help put our time and money behind projects with greater potential benefits.

- Cathy Amoroso

#### **CPNO President Has An Opportunity**

The Candler Park Neighborhood
Organization is wasting energy, underutilizing the knowledge of its residents, and missing opportunity after opportunity to influence the City and the State. Last Monday I attended my third CPNO meeting. What I saw was a president committed to individual involvement in neighborhood decision making. What I saw was past and present CPNO officers who've volunteered countless hours of their time to make this a safer more comfortable place to live. What I saw was a level of civic dysfunction that renders us impotent to affect change or assert our collective wishes or even know what those wishes are.

Fortunately there is an opportunity for the CPNO president to drastically improve our ability to function as a civic body. Four actions by the president will allow us to have faster more productive meetings, better representation of individual viewpoints and more influence over the decisions of the city of Atlanta.

First: Appoint a parliamentarian as sergeant at arms and run the meetings with a slightly more formal parliamentary procedure. One of the big advantages of rules of order in a large meeting is that they give all participants an equal opportunity to be heard. At the last meeting the floor was dominated by about 4 people, while many others sat or stood with hands raised for long periods without being called.

<u>Second:</u> Establish a system of representation at the block level (or at a multiple block level if blocks are too small). Block reps can talk to their neighbors directly and request more participation when individuals have knowledge pertinent to a hot issue. The block reps should participate in the executive meetings so that residents are represented there.

<u>Third:</u> Make sure that people who represent the opinions of CPNO in other forums do just that. We need representatives who understand our views and represent them to the outside world. Although

leadership on complex issues is important, we should not look to our representatives for this. We should look to knowledgeable individuals within (or outside if necessary) our community. Fourth: Set up apolitical advisory committees to bring the knowledge of appropriate Candler Park residents to bear on complex issues. We have enough architects, lawyers, builders, city council representatives, civil engineers, city planers, and just about every other profession to understand most any issue. When setting up committees, we need to include everyone in the neighborhood who is an expert in the area and is interested in participating. This is easy to do by describing the issue in the Messenger and through direct communications of the block reps.

With or without a strong voice Candler Park is a great place to live. But without much additional effort, Candler Park can focus its energy and talent and become an empowered neighborhood and speak with a clear chorus of voices that are in harmony with its diverse constituency.

- Joe Coberly

#### Paideia Responds

There seems to be some confusion about why Plan A, as published in the July Messenger, was not presented for a vote at the July CPNO meeting. As many of you know, Paideia School and the Christian Index had jointly proposed a year ago that the Jackson Hill Baptist Church/Christian Index acquire from the Georgia DOT part of the property sold to DOT for the Presidential Parkway. This reacquired property would be used as a parking lot for the church in the same location where a parking lot has operated for over forty years. In order to make the request for the resale of the property palatable and in exchange for the right to used some of the parking during the week, Paideia offered to improve and donate to the City of Atlanta for use as part of the Freedom Park, a 4.2 acre parcel of land located at the corner of Fairview and South Ponce de Leon. The concept of this plan was approved by Freedom Park Conservancy/CAUTION in August 1997 with Druid Hills Civic Association (DHCA) voting in opposition. Since that time Paideia and the Christian Index have been working to develop schematic plans for the parking lot and park that are acceptable to Freedom Park Conservancy, GA DOT, the City of Atlanta and the affected (continued on next page)

(Paideia continued) neighborhoods of Druid Hills and Candler Park.

At the behest of Freedom Park
Conservancy and the Dekalb County Superior
Court, Paideia and the Christian Index entered
into mediation with DHCA which had sued and
obtained a temporary restraining order preventing
the DOT from proceeding to dispose of the
property in question. CPNO asked to be included
in that mediation, and Paideia wrote a letter
strongly supporting CPNO's inclusion in the
mediation. Regrettably, CPNO was not allowed to
participate. The mediation resulted in a signed
agreement that moved part of the parking to the
rear of the Jackson Hill property.

Based on the mediated agreement and following a series of 3 special meetings involving Candler Park and Druid Hills residents, Paideia and the Christian Index prepared a plan that we believed complied with the terms of the agreement, kept Paideia traffic off Clifton Terrace and complied with City safety standards. This plan had a new drive crossing in front of the church to accommodated one direction of traffic and included an automatic gate on the Clifton Terrace driveway. This plan was published in the June Messenger and we fully intended to present the plan to the CPNO in June. However, prior to the June meeting, the CPNO President asked Paideia NOT to attend the meeting and indicated that Candler Park would not vote on the issue. In accordance with the wishes of the CPNO Board. Paideia and Christian Index representatives did not attend the meeting. Despite the representations made to Paideia and Christian Index, CPNO - in response to a motion made by Wayne Richardson - voted to reject the plan (REMEMBER this is the plan that kept Paideia traffic off Clifton Terrace) and instructed Paideia and the Index to return in July with a plan that complied with the mediated language.

We then prepared a second plan that Paideia and the Christian Index believed complied with the mediated agreement. Two plans were published in the July Messenger. Plan A was basically the plan described above which created a second drive at the front of the Church to allow the ingress and egress from South Ponce de Leon in accordance with City safety requirements. The second plan (plan B) had a single driveway in from South Ponce and a single driveway out onto Clifton Terrace. Because of the Messenger deadline, we were not able to fully explore these plans with Druid Hills prior to publication.

DHCA took the position that Plan A did not comply with the mediated agreement, but that Plan B did comply.

In the meantime, Alida Silverman, a member of DHCA mediation team, Kathy Gannon, a Druid Hills resident and JJ Richardson (Williams), a Candler Park resident, visited Dr. Bob White, Executive Director of the Georgia Baptist Convention and implored the Convention to NOT allow the Christian Index to endorse a plan that did not have the support of the DHCA. In addition, the Georgia Baptist Convention was encouraged to discontinue its working relationship with Paideia. In response to that meeting, the Christian Index withdrew its support for Plan A, which kept traffic off Clifton Terrace.

At the July CPNO meeting, in compliance with the resolution adopted by CPNO at its June meeting, the only plan that was presented was Plan B, which was the only plan approved by Druid Hills as being consistent with the mediated agreement. CPNO rejected this plan. Even if CPNO had changed its position at that time and agreed to consider a plan that complied with the mediation but was not specifically approved by Druid Hills, Plan A could not be presented because, in response to the request of Ms. Silverman, Ms. Gannon and Candler Park resident JJ Richardson, the Christian Index had withdrawn its support of Plan A.

Paideia is willing to make every effort to reduce the amount of traffic generated by Plan B. This would include an effort to get the City to approve timed one way access for the driveways so that traffic would enter in the morning from South Ponce de Leon and exit in the afternoon from South Ponce. Paideia is also willing to explore with the Christian Index the installation of a coded gate at the Clifton Terrace driveway. This would prevent cut through traffic. We would need to have the support of the Index for this feature.

At this time the written agreement between Paideia and the Index to jointly develop the parking lot and donate the park has expired and the Index is unwilling to extend the agreement. DHCA, Paideia and the Index have, however, all signed both a mediated agreement and Plan B that was presented at the July CPNO meeting. The Christian Index has indicated it is willing to comply with both these provided the plan is approved by the Freedom Park Conservancy at its August meeting. They have further indicated that if the plan is not (continued on next page)

(Paideia continued)

approved in a timely fashion, they will initiate legal action to seek to re-acquire all the property that was sold to the DOT. Paideia stands ready to comply with the mediated agreement and the plan and to work to solve any traffic problem which might be created in Candler Park. We have no interest in participating in litigation with or against any of our neighbors.

We have worked hard to come up with a proposal that is beneficial to the public, the school, the Christian Index and the neighborhoods. We regret that CPNO was excluded from the mediation. We further regret that we did not appear at the June CPNO meeting to explain the benefits of the plan to CPNO. We regret that individuals chose to interfere with our relations with the Christian Index. John Rick asked. 'Why didn't we present Plan A for a vote in July?" The reasons were twofold: 1) because CPNO voted in June, without Paideia there to respond, to reject Plan A and to require us to bring a new plan that was agreeable to Druid Hills and 2) because individual residents of Candler Park and Druid Hills convinced the Georgia Baptist Convention to abandon its consideration of Plan A that kept the traffic out of Candler Park.

Paideia has always had an excellent relationship with CPNO and with its Candler Park neighbors. Many of our students, staff and faculty live in Candler Park. We hope to continue that good relationship in the future.

- Peter Anderson Bill Dorn

#### **Public Hearings for Olmstead Park**

Two public hearings will be held to present the progress made toward implementing the master plan for the Olmstead Linear Parks that run along Ponce de Leon Ave. The first hearing will be held on Saturday, August 29th at 10:00AM in the Fernbank Auditorium. The second hearing will be held on Wednesday, September 9th at 7:30PM again in the Fernbank Auditorium. For more information, please call Beth Grashof (NPU-N representative from the Olmstead Linear Park Alliance) at (404)373-1226.

- Beth Grashof

# Candler Park & Lake Claire Music & Arts Festival

Mark your calendars - the Candler Park & Lake Claire Music and Arts Festival will be held on Sat. & Sun., Sept. 12th & 13th, from 10AM until dark in beautiful Candler Park. The festival includes Arts & Crafts area, MUSIC, the Candler Park Home Tour and the Lake Claire Tour of Homes, Performance Artists and more - What a weekend!

For more information, or to become a volunteer for the festival, please call Donna Van Gogh's Artist Market - (404)370-1003.

- Beth Martin

#### **Golf Tournament**

Moving In The Spirit, a non-profit community-based arts organization, is holding a charity golf tournament on September 19, 1998 at the Candler Park Golf Course. The game starts at 8:30 a.m. Players are asked to raise \$500 in sponsorships. The proceeds will go to Moving in the Spirit's youth development programs. Prizes for the most money raised include: Set of Callaway X-12 Irons and a Great Big Bertha and much much more. Please join us on September 19th! For more information, contact Dana Phelps Marschalk at 404-627-4304 ext. 266

- Moving In The Spirit (MITS)

# **Massage Therapy**

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#### Classified Ads

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CHILD CARE PICK UP offered for Emory Montessori and Paideia morning students. Park-museums-healthy snacks in a safe 'Happy Home'. 18 years in child care education experience-references available. Call for brochure - Eva Holbrook 404-875-0531.

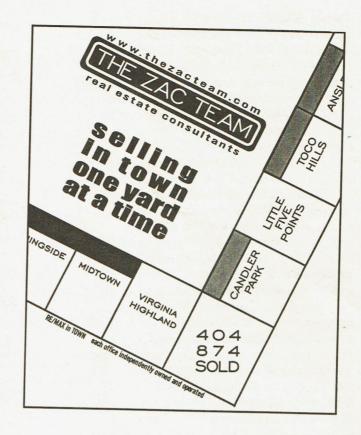
#### -Advertising - How To -

Classified ads are \$2/line. One line equals 35 characters or spaces per line. The first two or three words will be capitalized and bold faced. Bold or all caps elsewhere in the ad are \$1 each place.

Print or type your ads. Deliver ad and check made out to C.P.N.O. to Jack Hammond, 1429 McLendon Ave. (ph. 688-2916) no later than the 18th of the month for publication in the next edition. Include your name and phone number in case there are any questions.

Classified ads may not be phoned in or bought on credit. For multiple months, pay in advance or pay before each deadline.

Display Ads (those in boxes or with art) are \$10/column inch in height. Ads should be camera ready (desktop laser printer is OK). Help with ad preparation is at additional cost. To purchase this type of ad, contact Jack Hammond, 688-2916. Ads must be ready by the 18th of the month for the following months edition.





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