In The Matter Of:

City Council Meeting
City of Doraville, State of Georgia

Mayor Ray Jenkins Presiding
December 3, 2007

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[1] P R O C E E D I N G S

[2] **MAYOR JENKINS:** Meeting come to order.

[3] Priscilla, call the roll, please.

[4] **MS. MURPHY:** Councilman Lowe?

[5] **COUNCILMAN LOWE:** Here.

[6] **MS. MURPHY:** Councilman Hadden?

[7] **COUNCILWOMAN HADDEN:** Here.

[8] **MS. MURPHY:** Councilwoman Pittman?

[9] **COUNCILWOMAN PITTMAN:** Here.

[10] **MS. MURPHY:** Councilman Spangler?

[11] **COUNCILMAN SPANGLER:** Here.

[12] **MS. MURPHY:** Councilman Bates?

[13] **COUNCILMAN BATES:** Here.

[14] **MS. MURPHY:** Councilwoman Alexander?

[15] **COUNCILWOMAN ALEXANDER:** Here.

[16] **MAYOR JENKINS:** I want to approve the

[17] minutes of the November the 19th, 2007, Council

[18] meeting. Do I get a motion?

[19] **COUNCILMAN BATES:** So moved.

[20] **MAYOR JENKINS:** Second?

[21] **COUNCILWOMAN PITTMAN:** Second.

[22] **MS. MURPHY:** Councilwoman Alexander?

[23] **COUNCILWOMAN ALEXANDER:** Yes.

[24] **MS. MURPHY:** Councilman Bates?

[25] **COUNCILMAN BATES:** Yes.

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[1] APPEARANCES:

[2] Doraville City Council:

[3] Hon. Ray Jenkins, Mayor

[4] Councilwoman Marlene Hadden

[5] Councilwoman Donna Pittman

[6] Councilman Robert Spangler

[7] Councilman Ed Lowe

[8] Councilwoman Maria Alexander

[9] Councilman Brian Bates

[10] Hugh "Rick" Powell, City Attorney

[11] Ms. Priscilla Murphy, Consultant

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[1] **MS. MURPHY:** Councilwoman Hadden?

[2] **COUNCILWOMAN HADDEN:** Yes.

[3] **MS. MURPHY:** Councilman Lowe?

[4] **COUNCILMAN LOWE:** Yes.

[5] **MS. MURPHY:** Councilwoman Pittman?

[6] **COUNCILWOMAN PITTMAN:** Yes.

[7] **MS. MURPHY:** Councilman Spangler?

[8] **COUNCILMAN SPANGLER:** Yes.

[9] **MAYOR JENKINS:** We've got a meeting

[10] that looks like it's going to be a long meeting.

[11] Maybe we can get some comments from some

[12] different people that are not on the agenda and

[13] all and shorten this meeting a little,

[14] especially on the zoning. So we'll get to that

[15] in a few minutes.

[16] Last year, we gave -- if I'm correct,

[17] Priscilla? -- $150 Christmas bonus for the

[18] employees.

[19] **MS. MURPHY:** Last year was $150 net.

[20] **MAYOR JENKINS:** That's net.

[21] Do I get a motion on that or do you

[22] want to change it or what?

[23] **COUNCILWOMAN HADDEN:** So moved.

[24] **COUNCILWOMAN PITTMAN:** Second.

[25] **COUNCILMAN SPANGLER:** I'd like to see

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[1] them get $200. I'd like to make a motion that
[2] we increase their Christmas bonus.
[3]   **COUNCILWOMAN HADDEN:** I withdraw my
[4] motion.
[5]   **MAYOR JENKINS:** Okay.
[6]   **COUNCILMAN SPANGLER:** Okay. I make a
[7] motion that we increase it to $200.
[8]   **MAYOR JENKINS:** $200 net.
[9]   **MS. MURPHY:** Net?
[10]   **COUNCILMAN SPANGLER:** Net.
[11]   **COUNCILWOMAN PITTMAN:** I'll second
[12] that.
[13]   **MS. MURPHY:** Councilwoman Alexander?
[14]   **COUNCILWOMAN ALEXANDER:** Yes.
[15]   **MS. MURPHY:** Councilman Bates?
[16]   **COUNCILMAN BATES:** Yes.
[17]   **MS. MURPHY:** Councilwoman Hadden?
[18]   **COUNCILWOMAN HADDEN:** Yes.
[19]   **MS. MURPHY:** Councilman Lowe?
[20]   **COUNCILMAN LOWE:** Yes.
[21]   **MS. MURPHY:** Councilwoman Pittman?
[22]   **COUNCILWOMAN PITTMAN:** Yes.
[23]   **MS. MURPHY:** Councilman Spangler?
[24]   **COUNCILMAN SPANGLER:** Yes.
[25]   **MAYOR JENKINS:** I want to announce the

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[1] Christmas tree lighting is Friday, the 7th, at
[2] 6 o'clock.
[3]   Do you want to add anything to that,
[4] Donna?
[5]   **COUNCILWOMAN PITTMAN:** We just want
[6] everybody to know that everyone's invited and
[7] we'd like for everyone to attend. It's a very
[8] nice event for everyone to get together. And
[9] yes, it's 6 o'clock.
[10]   And we'd like to remind everyone we're
[11] going to be doing the Toys for Tots collection,
[12] so we hope that everyone can bring a new toy of
[13] some sort to put in the box. And if you can't
[14] make it, you can certainly bring it up any time.
[15] There's a box over in City Hall.
[16]   **MAYOR JENKINS:** If you're going to give
[17] anything to the Mayor's Motorcade, you'll have
[18] to get it in by 9 o'clock in the morning because
[19] we have to take it to the Atlanta Regional
[20] Hospital tomorrow morning. So if you've got
[21] anything, get it up there early so we can get it
[22] to them.
[23]   Second public hearing on rezoning the
[24] following addresses: 4212 Tilly Mill Road,
[25] 2602 Valley Stream Drive. It's a variance and

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[1] request. Where is --
[2]   Mr. Brackbill?
[3]   **MR. BRACKBILL:** Good evening. I'm Bill
[4] Brackbill with CLM Investments, and just my
[5] proposal is to create six residential single-
[6] family homes where there's currently approval
[7] for three at Tilly Mill Road and Valley Stream
[8] next to Hightower Elementary.
[9]   At the last meeting, I was asked for
[10] some additional clarification on the site plan,
[11] just to be more specific about the fact that
[12] there were two-car garages and that there were
[13] driveways, where the driveways are located.
[14]   I'd like to ask the councilmen if they
[15] got my form that I dropped off today.
[16]   Without restating everything that I did
[17] last time, I think it's a good project. I've
[18] been doing construction in Doraville since 2004.
[19] I've been the only single-family homebuilder --
[20] it's really a tough business -- in Doraville
[21] because there's just no new lots, and the
[22] economics of it make it tough to get started
[23] because the margins are real low. And I've done
[24] about three or four houses in that area, and it
[25] hasn't been economically feasible. So I came up

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[1] with this idea to do this right here that I
[2] proposed.
[3]   What I'm giving the buyers is a good
[4] value, but the buyers that are coming in are
[5] concerned that there's not enough critical mass
[6] of homes in one location. Because of the number
[7] of older homes surrounding, they don't feel like
[8] their values will be protected. So having six
[9] houses in one location will help get those
[10] buyers the protection that they need, that I can
[11] get the prices up to where it would eventually
[12] make it possible for me to work through some of
[13] the older homes that have been coming up in the
[14] $100,000/$110,000 price range and make it work
[15] as single-family redevelopments as a one-for-one
[16] lot. But right now, at the current price of the
[17] older, run-down homes, it doesn't work.
[18]   2007 has been a tough housing market if
[19] anybody watches the news, and, fortunately, it's
[20] been my best year. I've sold three houses in
[21] Doraville. I didn't lose money on any of them,
[22] but I didn't retire on any of them.
[23]   My goal is at the other end of Tilly
[24] Mill Road at the corner of Turner, I have a 1.2
[25] acre parcel that two meetings ago had been

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[1] applied for townhomes. It was not me as the
[2] applicant, but a person had asked to buy my
[3] property and combine it with the other two. And
[4] I thought if he was going to do townhomes next
[5] door, then I didn't want to build houses there.
[6] But he has now told me he has withdrawn his
[7] application and he's asked for his earnest money
[8] back.
[9]   So what I see is I would do the six
[10] homes down by Hightower and then go down to the
[11] other corner and do five or six homes there with
[12] current zoning and then possibly talk to those
[13] two adjacent homeowners and do single-family
[14] there on those parcels.
[15]   **MAYOR JENKINS:** Question?
[16]   **COUNCILWOMAN ALEXANDER:** Yes, I had a
[17] couple of questions.
[18]   What do you propose for a landscape
[19] buffer between the new homes and the older ones?
[20]   **MR. BRACKBILL:** I don't have a specific
[21] proposed buffer since this was just a rezoning
[22] request and not a site plan approval.
[23]   I would be opened to conditional
[24] rezoning subject to submittal of a plat that
[25] would include landscape buffers.

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[1]   **COUNCILWOMAN ALEXANDER:** Also, would
[2] you take any extra safety precautions because of
[3] the close proximity to the children, curious
[4] children wondering in the construction site?
[5]   **MR. BRACKBILL:** Well, we have to put up
[6] silt fence and tree-safe protection and gravel
[7] paths, and the -- I built the house at the
[8] corner of Valley Stream and Tilly Mill Road in
[9] 2004. And it was actually a corner lot, and
[10] because of the silt fence, they were not even
[11] able to cut across that corner. And with these
[12] three houses that are facing the road, there's
[13] really no reason for them to cut across it
[14] because there's a sidewalk in front. I would
[15] have to keep the construction entrances clean
[16] and keep the sidewalk clear because there is a
[17] lot of pedestrian traffic there.
[18]   **COUNCILWOMAN PITTMAN:** Yeah. There was
[19] no problem with the one right there by the
[20] school last time. It was -- it was done very
[21] well.
[22]   I have a question actually. I've been
[23] getting a lot of phone calls about both of
[24] these, and this is just a question. How do you
[25] feel about doing four instead of six as a

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[1] compromise?
[2]   **MR. BRACKBILL:** How would you suggest
[3] that I do those four?
[4]   **COUNCILWOMAN PITTMAN:** That, I wouldn't
[5] know. I'm just saying that's -- I've had a lot
[6] of phone calls who said their preference would
[7] be four; they could be okay with that. But six,
[8] I'm getting calls saying I think we've got some
[9] problems with having the six houses there.
[10]   **MR. BRACKBILL:** Yeah. I mean it -- it
[11] doesn't really work much better than the way it
[12] is right now, for me, with three. I mean I
[13] guess I'll to be glad to get four instead of
[14] three.
[15]   It's not really the economics of four
[16] as much as it is to give the critical mass of
[17] the number of homes for a buyer to come in and
[18] feel that there's enough critical mass to
[19] protect their values, because these are pushing
[20] up into the high threes and hopefully the low
[21] fours.
[22]   I have heard these conversations about
[23] the four lots. And if that's what we end up
[24] doing, I would -- I guess one way for the board
[25] to accomplish that would be to approve the

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[1] rezoning request on Tilly Mill and leave the
[2] three facing Tilly Mill and deny the request on
[3] Valley Stream which would leave just one there,
[4] and that would result in four normal lots that
[5] just face the road with no private drives or any
[6] other thing.
[7]   I would hope that that's not the
[8] result, but --
[9]   **COUNCILWOMAN PITTMAN:** Mr. Lowe, you've
[10] been getting calls as well. What --
[11]   **COUNCILMAN LOWE:** Well, they've been
[12] saying the same thing they've been saying to
[13] you. They would like to see just three houses
[14] but, at the most, four but definitely not six.
[15]   **MR. BRACKBILL:** Right. I would like to
[16] go back to one thing I didn't state earlier but
[17] was stated in the last meeting, is that the
[18] density of this, the six houses, allows for
[19] 10,200 average square foot per lot, which the
[20] density in the area around the houses is not
[21] going to feel any different than R1 zoning.
[22] It's mainly the width of the front of the lots
[23] that requires the cluster.
[24]   I've been a lot of calls, too, from
[25] people that don't like seeing the cudzu and just

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[1] the overgrown nature of -- of -- and it's tough
[2] keeping it mowed down because it comes from the
[3] school property off their bank over there.
[4]   **COUNCILMAN BATES:** Is the concern from
[5] people calling the three on Tilly Mill as far as
[6] proximity, or is it --
[7]   **COUNCILWOMAN PITTMAN:** I believe that's
[8] --
[9]   **COUNCILMAN BATES:** Would it be -- we
[10] actually have some people out here in the
[11] audience from that area. I'd like for them to
[12] speak up about it if we could.
[13]   **MR. ENTSMINGER:** I think y'all need to
[14] look at this drawing before you go much further.
[15]   **MR. BRACKBILL:** Yeah.
[16]   **MAYOR JENKINS:** Chuck, go ahead, and
[17] can you put it up there somewhere where
[18] everybody can see it?
[19]   **MR. ENTSMINGER:** The three lots on
[20] Tilly Mill, I find no problem with them.
[21]   The three lots back here on Valley Stream,
[22] you've got 23 foot frontage on Lot 3, you've got
[23] 23 -- 24.74 on Lot 1, and Lot 2 has 5 foot of
[24] frontage because the common driveway's 18 foot
[25] wide, so these people won't have any frontage

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[1] unless you count their driveway as their
[2] frontage.
[3]   **COUNCILMAN SPANGLER:** So what would you
[4] recommend? What would you suggest, Chuck?
[5]   **MR. ENTSMINGER:** I don't think how see
[6] how City Council could give a variance great,
[7] but that's entirely up to y'all. The copy of
[8] the ordinance says 50 foot --
[9]   **COUNCILMAN SPANGLER:** Frontage?
[10]   **MR. ENTSMINGER:** -- frontage with
[11] minimum 10,000 square foot lot.
[12]   **COUNCILMAN BATES:** That's the RCCH or
[13] RH?
[14]   **MR. ENTSMINGER:** For the RCCH. RCH.
[15] And I was asked to review that, and that's what
[16] I come up with.
[17]   **COUNCILWOMAN PITTMAN:** So would it make
[18] a difference four versus six?
[19]   **MR. ENTSMINGER:** Four would make a
[20] difference, but you'd take out the one up on
[21] Tilly Mill, but you're still not going to be
[22] able to put three houses back here on the small
[23] lot without giving a variance for the frontage.
[24]   **MR. ANDERSON:** Would it require the
[25] rezoning either way?

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[1]   **MR. ENTSMINGER:** It would have to be
[2] rezoned from R1 to RCH.
[3]   But like I say, the three lots on Tilly
[4] Mill, there's really no problem with those to
[5] rezone for RCH.
[6]   **MR. BRACKBILL:** Would y'all pass that
[7] down to the rest of you?
[8]   I think there's probably going to be
[9] some further refinements necessitated by the
[10] review of the Dekalb County Fire Chief as to
[11] that private drive, and he may want it a little
[12] wider. It's less than a hundred feet, so they
[13] don't require a turnaround.
[14]   If the County would allow a private
[15] street, without a cul de sac, that was 80 feet
[16] long, I would be just as open to putting a curb-
[17] and-gutter street extension there.
[18]   **COUNCILWOMAN PITTMAN:** So could we hear
[19] from some of the people out there that --
[20]   **MAYOR JENKINS:** Yeah. Chuck, will you
[21] kind of hold that up.
[22]   Yes, ma'am. You need to give your
[23] name, please, ma'am.
[24]   **MS. KENDALL:** Be thankful. I've almost
[25] got laryngitis. But anyway, we live right on

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[1] the corner --
[2]   Brenda. Brenda Kendall.
[3]   We live right on the corner of Valley
[4] Stream and Tilly Mill. It's an older house but
[5] it's well kept up. We live right across the
[6] street from the new house that he built, and we
[7] have a water problem already.
[8]   And one of my questions was going to be
[9] how is this going to affect a runoff?
[10]   **MR. BRACKBILL:** Where is your house at
[11] in relation to this point?
[12]   **MS. KENDALL:** Right across the --
[13]   **MR. BRACKBILL:** Right here?
[14]   **MS. KENDALL:** -- street from the house
[15] that you built.
[16]   **MR. BRACKBILL:** Here or --
[17]   **MS. KENDALL:** Uh-huh.
[18]   **MR. BRACKBILL:** -- there?
[19]   **MS. KENDALL:** Right there. On the
[20] corner of Tilly Mill and Valley Stream.
[21]   And also, would you say this is going
[22] to be a cul de sac? Are you going to come
[23] through --
[24]   **MR. BRACKBILL:** No.
[25]   **MS. KENDALL:** -- to Valley Stream?

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[1] Are you going to build some of them on
[2] Tilly Mill and some of them -- is it going to be
[3] a cul de sac coming out onto Valley Stream?
[4] **MR. BRACKBILL:** Well, the Valley
[5] Stream's going to be a private drive for these
[6] three houses coming out where the one driveway
[7] did.
[8] Is this your house on this corner or
[9] this corner?
[10] **MS. KENDALL:** This is my house right
[11] here.
[12] **MR. BRACKBILL:** Okay.
[13] **MS. KENDALL:** Okay. Are you talking
[14] like coming out Lois Brown's? You know Lois
[15] Brown?
[16] **MR. BRACKBILL:** Right; to the left.
[17] This is Tripp's [phonetic] house right
[18] here. That's Tripp's property or was Tripp's
[19] property.
[20] **MR. BRACKBILL:** Right. That's my
[21] property now.
[22] **MS. KENDALL:** That's your property.
[23] **MR. BRACKBILL:** Right.
[24] **MS. KENDALL:** So that's --
[25] **MS. KENDALL:** This is where you're

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[1] proposing to come out.
[2] **MR. BRACKBILL:** There'll be one house
[3] at the very back of Tripp's property and then
[4] the other two will be at the back of the
[5] property that's on Tilly Mill but their access
[6] will be off Valley Stream.
[7] **MS. KENDALL:** Okay, because we have had
[8] the luxury of having a dead-end street. And
[9] what I want to know, if you're coming out to our
[10] street, to Valley Stream, that's going to add
[11] traffic to Valley Stream. There's kids that
[12] live right there on the corner and down the
[13] street also.
[14] And my main concern was is this going
[15] to affect our water problem that we already
[16] have?
[17] **MR. BRACKBILL:** I don't see how it
[18] could have --
[19] **MS. KENDALL:** The drain-off, the
[20] runoff?
[21] **MR. BRACKBILL:** All the -- the drainage
[22] stays with either the property or the street.
[23] And I'm going to have to build a little holding
[24] pond on the back to retain water.
[25] **MS. KENDALL:** You are going to build

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[1] it?
[2] **MR. BRACKBILL:** I'm going to have to
[3] run it through Georgia Water & Soil Erosion, and
[4] they have very good standards that weren't in
[5] place when this subdivision was developed. I
[6] may even end up reducing the runoff off the
[7] property that's even there now.
[8] But as far as the traffic, there'll be
[9] -- there's two more houses that would be there,
[10] and I think in -- in most traffic studies, the
[11] addition of two housing units doesn't result in
[12] a real measurable difference in -- I mean it's
[13] going to be two more families making car trips.
[14] **MS. KENDALL:** Right. Okay. Thank you.
[15] **COUNCILWOMAN HADDEN:** Ms. Kendall?
[16] **MS. KENDALL:** How do you feel about the
[17] house that's presently across the street from
[18] you? Do you like the quality of it?
[19] **MS. KENDALL:** I do. So far, it hasn't
[20] affected my taxes, and I like that. But I mean
[21] it has improved our neighborhood.
[22] And I agree with part of what he was
[23] saying: that some of the houses, the owners
[24] have moved out, and when you get renters in
[25] there, we all know they don't take care of it as

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[1] well. We've owned the house for 50 years that
[2] we are in, and the yard -- my husband, when he
[3] was able to get out and work in the yard, kept
[4] it up very well, and now my son helps me.
[5] But that improved the neighborhood, I
[6] think. What I'm worried about if he puts six
[7] big homes in there, what that's going to do to
[8] the neighborhood.
[9] **COUNCILWOMAN HADDEN:** Okay.
[10] **MS. KENDALL:** Okay. Thank you.
[11] **MAYOR JENKINS:** Thank you.
[12] Anybody else? Let them get up to the
[13] microphone, please.
[14] **MS. MILES:** Hey, everybody. I'm Carnie
[15] Miles and I live at 2600 Barry Lyn Drive. I've
[16] been there for five years. I've been a resident
[17] of Doraville for almost 17 years now. And what
[18] I brought was a picture of our quaint
[19] neighborhood, and I'm here to hopefully validate
[20] our existing neighborhood with the people that
[21] are living there now and hopefully I can
[22] encourage you to help us contain it.
[23] And if I could show you this, I'd love
[24] to share it with you. It won't take very long.
[25] It's pretty self explanatory. This is of course

[1]   the Valley Stream, Barry Lyn. And as you go
[2]   around our neighborhood, you can see that all
[3]   these houses are very similar, including the
[4]   brick homes. They're pretty much designed the
[5]   same way. And the older homes such as mine are
[6]   all plank board. Even the people that are
[7]   rebuilding are trying to rebuild it to maintain
[8]   the same look that most of the houses in that
[9]   neighborhood have.
[10]   My house is here, and it is actually
[11]   the largest home in the neighborhood. I'm very
[12]   fortunate to live there. And I'm surrounded by
[13]   a lot of people that, you know, have enjoyed the
[14]   neighborhood for a long time. Mr. Holloway back
[15]   there is one of my closest friends and my
[16]   closest neighbor, and he's been real good to
[17]   help me maintain my property, keeping the yard
[18]   clean and the trees cut back, and I've asked him
[19]   for some suggestions on what I could do to keep
[20]   my home improved, cutting back trees and cutting
[21]   back vegetation and just maintaining the roof
[22]   line and everything.
[23]   And it's real important to me in the
[24]   neighborhood -- and some of you may recognize
[25]   your house. I appreciate you not getting onto

[1]   you a question.
[2]   How do you and the rest of the
[3]   residents over in that area feel about the homes
[4]   on the Tilly Mill side, the three homes that he
[5]   proposed to build on Tilly Mill?
[6]   **MS. MILES:** Well, I don't know about
[7]   the homes that he proposes to build because I
[8]   haven't seen them. The one that he built on the
[9]   corner lot is attractive. It's a two-story
[10]   lovely building. And it is very modern, of
[11]   course; very, very different from our homes.
[12]   I feel that, you know, even though it's
[13]   a new home -- and like the young lady said
[14]   earlier, it's helped her with taxes. It
[15]   certainly has helped mine. I'm no longer the
[16]   biggest house in the neighborhood, so that helps
[17]   me a lot.
[18]   But I feel strongly that six more
[19]   houses with that look is simply going to
[20]   eventually just crawl down the neighborhood with
[21]   more people that want to tear down these older
[22]   homes that are sturdy but just need a facelift,
[23]   mine included.
[24]   **COUNCILMAN SPANGLER:** But my question
[25]   was how do you feel about the homes from Tilly

[1]   me for taking pictures. But I simply wanted to
[2]   come up and show the Council what a really
[3]   quaint neighborhood we have and how lovely it is
[4]   and how quiet it is.
[5]   And the lot that they're talking about
[6]   building in is actually on the other side of --
[7]   I'll have to go around myself. Oh. Yeah. It's
[8]   on the other side of this house, and then this
[9]   home is on the other side. That lot goes in
[10]   here, and if you stand in it, it's kind of like
[11]   a shotgun house -- lot. So the idea of putting
[12]   additional homes there, whether it's two or
[13]   three, seems rather crowded to me. There is a
[14]   single driveway there that is existing and, you
[15]   know, it's been there forever. So I don't know
[16]   that if, you know, lengthening it or widening
[17]   it's going to do any good, because if you wide
[18]   it, it's going to cut into half of that property
[19]   lot. So it's going to be minimal space, to me.
[20]   And I'm not an engineer or a city planner, but
[21]   it just seems kind of tight to me. If you have
[22]   three houses back there for those three
[23]   household families to drive back there, it's
[24]   going to be a lot of traffic for one driveway.
[25]   **COUNCILMAN SPANGLER:** I'd like to ask

[1]   Mill, not the ones on Valley Stream but the
[2]   three proposed homes that he plans to build on
[3]   Tilly Mill. How do you -- how do you and the
[4]   residents of that area feel like it would affect
[5]   you?
[6]   **MS. MILES:** Well, I've spoken to a few
[7]   residents, and I don't think they're in favor of
[8]   those particularly. But those buildings will be
[9]   facing Tilly Mill. They will be near the
[10]   school. And so, you know, I guess new families
[11]   that have children would be very fortunate to
[12]   live in brand new homes there if they have kids
[13]   because they can just hop across the side of the
[14]   yard and go to the elementary school for six
[15]   years.
[16]   **COUNCILMAN SPANGLER:** So you think that
[17]   those homes on Tilly -- facing Tilly Mill would
[18]   be okay; it wouldn't -- it wouldn't conflict
[19]   with your neighborhood.
[20]   **MS. MILES:** You know, I really, really
[21]   haven't put much thought to those on Tilly Mill
[22]   other than the new construction. It seems like
[23]   to me that those homes will be rather crowded,
[24]   so it'll start looking to me like it's like a
[25]   community here that's new and then all of a

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[1] sudden then you have all the older homes. So
[2] it's going to look different.
[3]   That being said, I'm not really in
[4] favor of it. I like change and everything, but,
[5] you know, sudden eye changes and things that'll
[6] go for, oh, this is brand new and different.
[7] And then people come and crawl down our
[8] neighborhood, and the first thing they're going
[9] to notice is that we're a lot older. And so it
[10] may distract others from potentially buying in
[11] our neighborhood, or people in our neighborhood
[12] and wanting to move because they can't, you
[13] know, keep up with the Joneses, so to speak.
[14]   **MAYOR JENKINS:** In other words, you're
[15] against the project -- is that correct? -- as he
[16] has it.
[17]   **MS. MILES:** Absolutely, I am.
[18]   **MAYOR JENKINS:** Okay. Thank you.
[19]   **MS. MILES:** With the greatest respect,
[20] sir.
[21]   **MAYOR JENKINS:** Thank you.
[22]   **MS. MILES:** If you feel like keeping
[23] this, you can. I'll be happy to leave it for
[24] you so you can enjoy it.
[25]   **COUNCILWOMAN PITTMAN:** So are you

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[1] opposed to any of the houses, or less houses?
[2]   **MS. MILES:** I think that it's more
[3] appropriate to build less houses. I would
[4] prefer them not to face the Valley Stream
[5] because that is my block, and it's going to look
[6] a lot different.
[7]   But as far as the Tilly Mill, I'm --
[8] I'm more in fa- -- I'm not really for it all,
[9] but I'm more in favor for the Tilly Mill homes
[10] that are going to be facing than the ones on
[11] Valley Stream.
[12]   **MAYOR JENKINS:** Thank you, ma'am.
[13]   **COUNCILWOMAN PITTMAN:** Thank you.
[14]   **MS. MILES:** My pleasure. Thank you
[15] all.
[16]   **COUNCILWOMAN PITTMAN:** Dr. Wiese.
[17]   **DR. WIESE:** Hey, I'm Dwight Wiese on
[18] Tilly Mill Road. That's where I live too.
[19]   We do want to build nice houses in
[20] Doraville. That's great. We want some good
[21] houses there. But I'm real hesitant to change
[22] the zoning. R1 is such a desirable zoning, I
[23] just hate to have that change, and it is going
[24] to be more crowded if we try to get those six
[25] houses in there. You need to -- needs to be a

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[1] smaller project than that.
[2]   And one nice thing is they're not
[3] making any more R1 housing. Ought to be able to
[4] find some buyers for that.
[5]   **COUNCILMAN SPANGLER:** Dr. Wiese, how do
[6] you feel about the three homes facing Tilly
[7] Mill?
[8]   **DR. WIESE:** I could probably live with
[9] that. I would prefer not to have the zoning
[10] changed, though. That's the problem. Where do
[11] you stop once you start zoning? We're R1, and
[12] that's the really desirable way to -- to keep
[13] it. So that's my problem with the change there.
[14]   If you can do it without going to
[15] cluster homes, that'd be great. If you can keep
[16] it R1 and get four houses in there, that'd be
[17] wonderful.
[18]   Thank you.
[19]   **COUNCILWOMAN HADDEN:** Dr. Wiese --
[20]   **DR. WIESE:** Yes, go ahead.
[21]   **COUNCILWOMAN HADDEN:** -- how wide is
[22] your lot on Tilly Mill? You seem like you have
[23] a larger lot than some of the other people.
[24]   **DR. WIESE:** Yeah. Mine's pretty wide.
[25] Mine's one of the older ones there from about

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[1] 1955, and it is really wide.
[2]   **MR. ANDERSON:** It's an R100 anyway.
[3]   **DR. WIESE:** Okay.
[4]   **COUNCILWOMAN HADDEN:** How many feet
[5] would you think?
[6]   **MR. ANDERSON:** It's at least a hundred.
[7]   **DR. WIESE:** That would make sense,
[8] probably.
[9]   **COUNCILWOMAN HADDEN:** I think it's more
[10] than a hundred.
[11]   **DR. WIESE:** It could be. Could very
[12] well be. It's an acre of property.
[13]   And most of our houses have a little
[14] bit more space between them than what would be
[15] proposed.
[16]   But we would like you to consider
[17] keeping us from being too dense in that area.
[18] Thank you.
[19]   **MAYOR JENKINS:** Thank you.
[20]   **DR. WIESE:** I like your idea,
[21] Mr. Bates, about putting high density along
[22] North Peachtree and -- or New Peachtree and
[23] stuff like that. That was a pretty good idea.
[24]   **COUNCILMAN BATES:** Thank you.
[25]   **MAYOR JENKINS:** Ma'am, you wanted to

[1] speak? Ma'am, come on up.
[2]   **MS. MELTON:** Okay. I'm just kind of
[3] reiterating what some other people have said,
[4] but the thing about Tilly Mill is are all --
[5]   I'm Wanda Melton, and I live off Valley
[6] Stream Drive.
[7]   And I actually was more concerned about
[8] the one on Valley Stream, but you guys keep
[9] asking about the one on Tilly Mill.
[10]   And I didn't see how -- are those
[11] driveways -- each of those individual driveways
[12] that would come into Tilly Mill?
[13]   **MR. BRACKBILL:** Yes.
[14]   **MS. MELTON:** I really wasn't that
[15] concerned about that until I realized how close
[16] that is to the school. And yeah, it is nice
[17] that maybe those kids can walk to school, but
[18] that's what the situation is now. We have a lot
[19] of children that -- I would say probably 90
[20] percent of the kids in that area walk through
[21] there, and Tilly Mill is already a very, very
[22] busy inter- -- I mean it's a busy street
[23] already. And having more activity of those -- I
[24] know how concerned I am just trying to get off
[25] of Valley Stream onto Tilly Mill when the kids

[1] are coming and going from school. And having
[2] people that are having to have direct access
[3] from their driveway to get out, to get onto
[4] Tilly Mill, that's already a very active area, I
[5] don't think it's even a good idea to have those
[6] three, those three houses there on Tilly Mill,
[7] especially that close to the school like that,
[8] because I mean it's hazardous for the kids
[9] because I mean there is a lot of kids that walk
[10] through there.
[11]   **MR. ENTSMINGER:** Well, that's the three
[12] houses on Tilly Mill.
[13]   **MS. MELTON:** Uh-huh.
[14]   **MR. ENTSMINGER:** And this is these
[15] driveways going in, and that's the turnaround
[16] where you back out and then pull out into Tilly
[17] Mill.
[18]   **MS. MELTON:** Okay, so there's a back-
[19] out. So none of them's going to be backing out
[20] onto Tilly Mill to get out.
[21]   **MR. ENTSMINGER:** Well, they've got the
[22] back- -- the turnaround there. I don't know
[23] whether they'll back out or not, now.
[24]   **MS. MELTON:** Okay.
[25]   **MR. BRACKBILL:** Well, the other thing

[1] is is there's already two lots there, so you're
[2] only talking about one additional house. So it
[3] will either be two, at the very least, houses
[4] built there anyways.
[5]   **MS. MELTON:** Okay. Well, my main
[6] concern when I came here tonight, though, wasn't
[7] even about the three on Tilly Mill. Mine --
[8] mine was building the ones that are off of
[9] Valley Stream Drive, because that's the one that
[10] I really don't want to see the cluster in that,
[11] because, just like Carnie was saying, and I
[12] think the other homeowners there, I've been
[13] there for nine years, and there's only one
[14] reason why we purchased in that area was because
[15] of the nice, quaint -- it's a great, great
[16] neighborhood. I mean I've been very fortunate.
[17] I've met probably 90 percent of our neighbors.
[18] We've been inside their homes. They've been
[19] inside our homes. And that's the way I would
[20] like to keep it. You start being these larger
[21] homes, and all of a sudden we're going to lose
[22] that quaintness that I think we all really enjoy
[23] for that neighborhood.
[24]   That's all I wanted to say.
[25]   **MAYOR JENKINS:** Yes, ma'am.

[1]   **MS. FEDERER:** Hi. I'm Julie Federer.
[2] I live on Barry Lyn Drive, and I have no problem
[3] with improving and building new homes. It's the
[4] rezoning.
[5]   Think of it this way. I live in a two-
[6] bedroom, one-bath house. I could wake up one
[7] day, have my neighbors sell their house, and
[8] suddenly I've got three homes crammed together
[9] like this right on top of me, and I'm fighting
[10] trying to get out to work in the morning as
[11] those three people or possibly six are trying to
[12] come out just on one side of me, and then that
[13] happens on the other side.
[14]   So I'm all for improvement as long as
[15] it's a single-family home, and I would ask you
[16] to please think about that.
[17]   As far as the homes on Tilly Mill, to
[18] address your question, I'm a little leary with
[19] them being so close together. I don't
[20] particularly like it, but I don't want to hold
[21] up progress either. I think that putting three
[22] homes on that Valley Stream lot is just
[23] impossible to maintain the quality and the
[24] standards that we people in the neighborhood
[25] want to keep.

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[1]   So that's all. Questions?
[2]   **MAYOR JENKINS:** Thank you.
[3]   **MR. SHERER:** I'm Reg Sherer. I live on
[4] Willowood Road. And I'd like to speak against
[5] this rezoning for a number of reasons. It's out
[6] of character with the rest of the neighborhood.
[7]   **UNIDENTIFIED SPEAKER:** Could you speak
[8] closer to the microphone?
[9]   **MR. SHERER:** Okay.
[10]   It's out of character with the rest of
[11] the neighborhood. This is a neighborhood of
[12] affordable, single-family homes with spacious
[13] front and back yards. The American dream for
[14] longer than I've been alive has been a home with
[15] a spacious front and back yard. It seems that
[16] in reason years this is morphing into something
[17] a lot less, and I would like to urge you to vote
[18] against this rezoning.
[19]   The houses on the lots -- the two lots
[20] next to it, there are two houses on those two
[21] lots. This lot, they request six.
[22]   The houses across the street from this
[23] lot are ranches with spacious front yards and
[24] back yards. It's out of character with the rest
[25] of the neighborhood.

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[1]   And I'd like to request that you
[2] maintain the current zoning, and I would be
[3] opposed to the three houses on Tilly Mill. Two
[4] houses would be more in line with the ranches
[5] that are on the other side of the street. Thank
[6] you very much.
[7]   **MAYOR JENKINS:** Okay. Who's next?
[8] Come on up, please.
[9]   **MR. SIMS:** My name is Doug Sims, and I
[10] live on Mill Court.
[11]   And I believe you built a house on Mill
[12] Court.
[13]   **MR. BRACKBILL:** Yes, sir.
[14]   **MR. SIMS:** Okay. It's a nice house.
[15] It's not quite in keeping with the rest of the
[16] neighborhood. We're mostly split levels on that
[17] street and some ranches. But it is a very nice
[18] house. And I also have seen the house that
[19] you've built up on the corner where we're
[20] talking about.
[21]   I think, though, that we should stay
[22] within the zoning, the R1 zoning. It keeps the
[23] lot sizes the same for everybody. If we start
[24] cramming them in, we have more runoff. We also
[25] have more houses, which means more people.

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[1]   And right now we're in a water crunch.
[2] We keep putting more houses on less land, the
[3] water runs off quicker, doesn't absorb into the
[4] ground. We have more mouths that need to drink
[5] the water.
[6]   So in the long haul, we'll be doing
[7] Doraville a favor if we stay with the zoning we
[8] have in our neighborhood. Thank you.
[9]   **MAYOR JENKINS:** Thank you.
[10]   Mr. Brackbill, I want to ask you a
[11] question. How could you work this, what you
[12] have here, altogether in R1 zoning?
[13]   One thing this Council has never done
[14] -- they may change the spot zoning. This is
[15] spot zoning.
[16]   **MR. BRACKBILL:** Well, one way you could
[17] do it is you could say it stays R1 but the
[18] variances are on the setback because, as I said,
[19] I can redraw the lines to where each lot has the
[20] 10,200 square foot that's required for R1, so it
[21] would be just a setback variance.
[22]   That's why I kind of disagree with the
[23] density and the increased runoff: because the
[24] lots -- the average lot size is going to be
[25] somewhat comparable with most of the houses in

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[1] R1 zoning.
[2]   And just down the street on Tilly Mill
[3] Road, I think there's six cluster homes down
[4] toward the gas easement on the other side.
[5] Right down behind this, there's a townhome
[6] community that's on the access road, that's
[7] actually visible from this property.
[8]   Now, I agree with the concept of
[9] keeping the homes in character with the
[10] neighborhood. One thing that more lots allows
[11] me to do is to build a little bit smaller house
[12] that I can offer at a better price because my
[13] lot cost isn't so high. If we keep the three
[14] lots as it's approved, I'll probably have to
[15] build bigger and even more out of scale with the
[16] neighborhood to make the economics work. So
[17] it's kind of a Catch 22.
[18]   I'm getting ready to start one of the
[19] houses down at Valley Stream. And I will agree
[20] this is a quaint neighborhood because the house
[21] -- one house was a dilapidated, threatened-to-
[22] be-condemned, torn-down home with a dug-up ditch
[23] in the front yard. That was quaint.
[24]   **MAYOR JENKINS:** Excuse me,
[25] Mr. Brackbill.

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[1] **MR. BRACKBILL:** That was a --

[2] **MAYOR JENKINS:** I want to ask Chuck a

[3] question.

[4] Chuck, on R1 zoning, how many can he

[5] build on this plat that he has here?

[6] **MR. ENTSMINGER:** Mayor, I have to punch

[7] it up on the calculator. He's allowed -- the

[8] minimum lot size is 10,200 square foot for R1,

[9] and then he's got to have 120 foot depth. The

[10] frontage on it has to be a minimum lot width of

[11] 85 feet. Valley Stream would not --

[12] **MR. BRACKBILL:** So as it sights right

[13] now --

[14] **MR. ENTSMINGER:** Valley Stream would

[15] not -- there would not be anything be able to be

[16] built on Valley Stream in R1.

[17] **MR. BRACKBILL:** Just the one house.

[18] **MR. ENTSMINGER:** You wouldn't even be

[19] able to build one unless you got a variance, R1

[20] on Valley Stream, because you've got what? 23,

[21] 23, and 24.74.

[22] **COUNCILMAN SPANGLER:** That's 70-1/2.

[23] **MR. BRACKBILL:** Yeah, but you've got an

[24] existing lot of record. I'm not creating a new

[25] lot.

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[1] **COUNCILWOMAN PITTMAN:** Well, just from

[2] what I'm hearing tonight and the phone calls I

[3] received, which have been quite a lot of phone

[4] calls, it appears the consensus in the

[5] neighborhood, which we really have to strongly

[6] consider, is they do not want to change the

[7] zoning. They want it to remain R1.

[8] I mean I'm pretty much supporting at

[9] least leaving it for R1 versus -- I don't know

[10] how the rest of the Council feels on that, but I

[11] think --

[12] **MAYOR JENKINS:** Stuart?

[13] **COUNCILWOMAN PITTMAN:** -- we have to

[14] listen to what they have to say.

[15] **MR. ANDERSON:** Stuart Anderson. I live

[16] at 2595 Barry Lyn Drive. I live in that

[17] neighborhood.

[18] To address some of the water problems,

[19] runoff problems, I talked to a civil engineer,

[20] and it would require either two retention ponds

[21] or a combination therein. We have excessive

[22] runoff down Barry Lyn as it is right now, and

[23] there is excessive runoff down the back side,

[24] which Bill already knows about. Goes down

[25] Valley Stream, as it were, across several yards.

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[1] So something -- there will have to be a

[2] considerable amount of work or a considerable

[3] study, anyway, because we've having excessive

[4] drainage or, well, stormwater down Barry Lyn as

[5] it is, and any -- any more would be bad, so we

[6] would want to cut that down if we could.

[7] I also am for -- well, I'm for the

[8] ranch style house, fewer stairs. I've got a

[9] problem with the stairs, the architectural

[10] standards that we're kind of getting ourselves

[11] into. If you build two- and three-story houses,

[12] each house is basically three stories because

[13] you've built on a hillside and you've got a

[14] little garage. The house is on top of that

[15] garage. So when you put in all these stairs,

[16] what you end up having if you go with this kind

[17] of architectural standard is that when people

[18] are 50 years old, they're going to have to sell

[19] the house; they're not going to want to walk up

[20] the stairs. So I have a philosophical problem

[21] with the architectural standard that we're

[22] dealing with. That doesn't change the fact that

[23] they're legal for R1, et cetera.

[24] I will go on record as being in favor

[25] of R1 in those neighborhoods. And the main

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[1] reason for R1 is -- to stay within R1 is so we

[2] don't start setting precedent for high density,

[3] and some other have mentioned that as well.

[4] When we set those kind of precedents even though

[5] they're not supposed to be precedents,

[6] developers take them that way and they make that

[7] argument.

[8] I don't know. That's basically it.

[9] But I am concerned about the stormwater runoff

[10] situation and I'm concerned about the

[11] architectural standards, and I would -- I would

[12] want to stay with R1.

[13] And I'm bringing up the architectural

[14] standards because we're also dealing with the

[15] zoning rewrite at the same time, and it's a

[16] different discussion but it's a similar

[17] discussion and it's part of this, what we're

[18] considering doing. Thank you.

[19] **MAYOR JENKINS:** Thank you, Stuart.

[20] **MR. ANDERSON:** Questions?

[21] **COUNCILWOMAN PITTMAN:** Yeah, I -- well,

[22] for Mr. Brackbill, not you. I'm sorry.

[23] Is it possible to send you back to the

[24] drawing board and see what else you could come

[25] up with?

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[1]   I mean I truthfully would like to see
[2] it remain R1. Is it possible to go back?
[3] because you just said a while ago that you could
[4] go back and maybe do some adjustments.
[5]   **MR. BRACKBILL:** Well, basically -- I
[6] mean if we don't want six homes, it doesn't
[7] matter whether it's R1 or RCH. Then
[8] everybody'll come back and say, "No, we don't
[9] want you to give the frontage variances," which
[10] is -- I mean the Commission's going to vote with
[11] the constituents.
[12]   So this is a quite expensive process
[13] for me each time to have to fill out a zoning
[14] application. I think it's $700. That's $2100
[15] each time I have to do that, and then the
[16] additional interest carry trying to figure out
[17] what to do.
[18]   I mean either way, there's going to be
[19] one new house on Valley Stream and two on Tilly
[20] Mill Road, and then there'll be an additional
[21] new home down on Valley Stream on the lot that's
[22] separate from these.
[23]   And I'll probably come close to
[24] breaking even, and I'll say, "It was nice," and
[25] I'll move on, and other builders -- I mean it

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[1] just -- if you like it the way it is, then I
[2] would vote to keep it the way it is: ever-
[3] increasing number of run-down and rental houses.
[4] Yes, there's good people living in there, and
[5] they have good homes and they take care of them,
[6] but the trend is down.
[7]   So if that's what you want, then I
[8] would vote against the zoning change, because
[9] that's the only way to make this economically
[10] feasible.
[11]   I'm either going to build three houses
[12] -- if you say I can do four, I'll do four. If
[13] you say I can do five, I'll do five. If you let
[14] me do the six I've asked for, I'll do six.
[15]   But this isn't the main place that I
[16] make my living. I just became interested in
[17] Doraville and I thought it was a nice community,
[18] and I tried to work in keeping with that. And
[19] if what I'm doing there is not what you want,
[20] I'll move on. I mean I have no problem with
[21] that.
[22]   **COUNCILWOMAN PITTMAN:** What about the
[23] three, just doing the three on Tilly Mill?
[24]   **MR. BRACKBILL:** Anything I can get more
[25] than just the three lots I have now is -- is --

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[1] would be appreciated.
[2]   **COUNCILWOMAN PITTMAN:** Chuck, it can
[3] stay R1 if we go with just the three on Tilly
[4] Mill and --
[5]   **MR. ENTSMINGER:** No. You'd have --
[6]   **COUNCILMAN LOWE:** No.
[7]   **MR. ENTSMINGER:** He'd have to have
[8] variances, I think, to stay with R1 and build
[9] three houses. If he wanted to build the three
[10] houses on Tilly Mill Road and it remain R1, the
[11] lots are not big enough.
[12]   **MR. BRACKBILL:** Oh, no. There's
[13] 40,000 square foot on that lot.
[14]   **MR. ENTSMINGER:** You've got 8,000 on
[15] one.
[16]   **MR. BRACKBILL:** No. I'm just saying
[17] that property actually goes all the way back to
[18] here. If they didn't put these two on Valley
[19] Stream, this property will go all the way back
[20] to here.
[21]   **MR. ENTSMINGER:** But then your frontage
[22] --
[23]   **MR. BRACKBILL:** I still wouldn't have
[24] the frontage, so it would require a variance to
[25] the 85.

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[1]   **COUNCILWOMAN PITTMAN:** So we can leave
[2] the rezoning the same and change the variance?
[3] Is that what you're saying? We can do the three
[4] on Tilly Mill and the one --
[5]   **MAYOR JENKINS:** Even if you do the
[6] three on Tilly Mill, you'd have to have a
[7] variance.
[8]   **COUNCILWOMAN PITTMAN:** Right. We don't
[9] have to change --
[10]   **COUNCILWOMAN HADDEN:** But we wouldn't
[11] change the zoning.
[12]   **COUNCILWOMAN PITTMAN:** -- the zoning.
[13]   **MS. MURPHY:** Mayor, you might want to
[14] offer him the chance to withdraw his application
[15] as it is now and make a new -- change the appli-
[16] cation to what he can do with it.
[17]   **MAYOR JENKINS:** Well, I'll make that --
[18] I can't make it.
[19]   Reference to you, if you want to
[20] withdraw it and then come back with a different
[21] plan that'll work, that's . . .
[22]   **MR. BRACKBILL:** Well, I submitted a
[23] plan that works for me. If it doesn't work for
[24] you, then vote it down, and I'll build the three
[25] houses and be done with it.

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[1]   If you want to -- if you want to say,
[2] we'll give you the three on Tilly Mill and just
[3] keep the one that was always there on Valley
[4] Stream, and that's four, then at least I've got
[5] the three on Tilly Mill and --
[6]   **MAYOR JENKINS:** What he's saying is in
[7] R1, you can't build three on Tilly Mill.
[8]   **MR. BRACKBILL:** I know, but if he's --
[9] the variance --
[10]   **COUNCILWOMAN PITTMAN:** You can if you
[11] change the variance. Is that correct, Chuck?
[12]   **MR. ENTSMINGER:** That's correct. But I
[13] think since he's already applied for rezoning --
[14]   **MS. MURPHY:** Right; he can apply for --
[15]   **MR. ENTSMINGER:** -- from R1 to RCH,
[16] he'd have to reapply.
[17]   **MR. BRACKBILL:** It'd be like another
[18] month. It'd be $700 more and just -- I mean
[19] it's been -- it's been --
[20]   You know, luckily, I'm making money
[21] elsewhere and I'm able to carry this project.
[22]   - - -
[23]   (Overspeaking)
[24]   - - -
[25]   **MR. ENTSMINGER:** That's what I asked.

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[1] And the City Attorney needs to answer that. If
[2] he withdraws, can't he come back without paying
[3] another application?
[4]   **ATTORNEY POWELL:** For a variance.
[5]   **MR. ENTSMINGER:** That'd be a new appli-
[6] cation.
[7]   **ATTORNEY POWELL:** The variance he has
[8] in now is for Valley Steam.
[9]   **MR. ENTSMINGER:** Valley Stream. He's
[10] applied for rezoning on three on Tilly Mill. So
[11] if he withdraws his rezoning on Tilly Mill --
[12]   **ATTORNEY POWELL:** He's going to need a
[13] variance.
[14]   **MR. ENTSMINGER:** -- then he could come
[15] back for the variance.
[16]   **ATTORNEY POWELL:** Yes. He can do that.
[17]   **COUNCILMAN BATES:** But under the
[18] current application?
[19]   **MR. ENTSMINGER:** Not under the current
[20] application.
[21]   **ATTORNEY POWELL:** No.
[22]   How much variance will he need? It's
[23] going to be more than an administrative
[24] variance, isn't it?
[25]   **MR. BRACKBILL:** Yes, because the Mayor

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[1] could do five feet.
[2]   **ATTORNEY POWELL:** Well, then it would
[3] be --
[4]   **MR. ENTSMINGER:** He's got 190 feet.
[5]   **ATTORNEY POWELL:** At --
[6]   **MR. ENTSMINGER:** 194.
[7]   **ATTORNEY POWELL:** I'm not trying to
[8] cause problems, but wouldn't it be three
[9] variances?
[10]   **MS. MURPHY:** Yes, it would.
[11]   **ATTORNEY POWELL:** Three separate lots.
[12]   **MS. MURPHY:** Yes.
[13]   **MAYOR JENKINS:** Well, would the
[14] administrative variance work on it?
[15]   **UNIDENTIFIED SPEAKER:** No.
[16]   **UNIDENTIFIED SPEAKER:** No.
[17]   **MR. BRACKBILL:** But it's one lot of
[18] record right now as far as the tax I.D., so I
[19] only have to do one application.
[20]   **COUNCILMAN BATES:** Just split the lot.
[21]   **COUNCILWOMAN HADDEN:** Mr. Powell, if we
[22] get what we want, could we waive the fee?
[23]   **MAYOR JENKINS:** We can waive the fee on
[24] it, but we'll be setting a precedent.
[25]   **ATTORNEY POWELL:** That's -- that's up

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[1] to y'all. You can legally do it.
[2]   **MR. BRACKBILL:** There's very few
[3] parcels in the city of Doraville, because I've
[4] looked, that allow for this type of situation.
[5] So even if you set a precedent, who can take
[6] advantage of it? because there's -- there's --
[7] there's no large parcels. I mean I've -- and
[8] this is 1.69 acres. I mean you're not going to
[9] find that much property undeveloped, all con-
[10] tiguous.
[11]   **MAYOR JENKINS:** I can't make a motion.
[12] Does anybody --
[13]   **MR. BRACKBILL:** One thing I will say,
[14] even though Stuart doesn't like ranches houses,
[15] the smaller footprint houses cause less water
[16] runoff. More houses closer to town mean people
[17] don't have to live further out, which causes for
[18] less gasoline and trip usage. We're close to
[19] the MARTA station.
[20]   I'd just -- you know, I'd just like to
[21] say one more time: I've got a vision for not
[22] just next year but for long-term redevelopment
[23] of Doraville. These houses are 50 and 60 years
[24] old. Some of them, if you went in to remodel
[25] them, Chuck would say, "Take them back to the

[1] studs. The wiring doesn't meet code. The

[2] plumbing doesn't meet code." You know, they are

[3] quaint, but, you know, it's your town.

[4] **MAYOR JENKINS:** These people love their

[5] homes.

[6] **MR. BRACKBILL:** Right.

[7] **MAYOR JENKINS:** Make it quick.

[8] **MR. HART:** Okay. I'd like to say that

[9] Bill does a -- he builds a great house, and I've

[10] known him for a while. And you know, ever since

[11] he started knocking everything down on Chestnut,

[12] we appreciate him building in the city. It

[13] doesn't cost the City any money for him to take

[14] houses down that were basically falling down and

[15] build a new house and improve the community.

[16] But I think we should return -- retain

[17] the R1, but I think there's another way to skin

[18] the cat. And that is that it's a large piece of

[19] property, and so you could possibly put four

[20] houses on it and still retain the R1 standard if

[21] you put two houses on Tilly Mill and two on

[22] Valley Stream or access to two on Tilly Mill.

[23] **MAYOR JENKINS:** Would you agree to

[24] that, sir?

[25] **MR. BRACKBILL:** Well, we could do that

[1] under the current application because I've asked

[2] for a 23 -- a variance to 23 foot. We would do

[3] -- I mean that would be the maximum variance

[4] where we --

[5] **MAYOR JENKINS:** If you build four

[6] houses, two on Tilly Mill and two on the other

[7] lot, wouldn't have to be any variances or

[8] anything.

[9] **MR. ENTSMINGER:** He'd have to get a

[10] variance on Valley Stream.

[11] **MAYOR JENKINS:** On Valley Stream.

[12] **COUNCILMAN BATES:** For the frontage.

[13] **MR. BRACKBILL:** Would it be less than

[14] what I'm asking for now?

[15] **COUNCILMAN SPANGLER:** But if he -- if

[16] he brought the drive through or the street in

[17] off Tilly Mill?

[18] **MR. HART:** It didn't have to --

[19] **COUNCILMAN SPANGLER:** (Overspeaking)

[20] **MR. HART:** Basically, you have a -- I

[21] think the maximum width is what, 24 foot, if you

[22] had two 12-foot driveways basically that were

[23] running parallel, one that would allow access to

[24] that.

[25] **MR. ENTSMINGER:** You don't have the

[1] frontage on Valley Stream of 80 -- 80 feet.

[2] **COUNCILMAN SPANGLER:** So you would have

[3] to have the variance on the -- on the Valley

[4] Stream.

[5] **MR. HART:** But you know, curb cuts on

[6] Tilly Mill Road, you want to stay away from

[7] because it's a busy highway and you don't want

[8] more curb cuts -- you would actually want fewer

[9] if you can get them -- and that close to the

[10] school. So I don't support any more than two

[11] houses facing Tilly Mill.

[12] **COUNCILMAN BATES:** Thank you.

[13] **MAYOR JENKINS:** Do you want to make a

[14] motion?

[15] **COUNCILWOMAN PITTMAN:** I'm going to

[16] make a motion to leave it as R1, but I'm not

[17] opposed to three houses on Tilly Mill.

[18] If he'd like to go back and do a

[19] variance request, we would -- or at least I'll

[20] make a motion that we waive the fee on that, the

[21] additional fee on that.

[22] So my motion basically is to leave it

[23] R1 and if he chooses to request a variance for

[24] those three houses --

[25] **MR. BRACKBILL:** What is the frontage

[1] there on this Tilly Mill?

[2] **MAYOR JENKINS:** Do I get a second?

[3] **MR. BRACKBILL:** 194.

[4] **MAYOR JENKINS:** Do I get a second?

[5] **COUNCILWOMAN HADDEN:** I'll second.

[6] **MAYOR JENKINS:** Call the roll,

[7] Priscilla.

[8] **MS. MURPHY:** Mayor, can I -- so I make

[9] sure I understand because -- are we --

[10] **MAYOR JENKINS:** Excuse me?

[11] **MS. MURPHY:** Can I ask a question, I'll

[12] make sure I understand the motion?

[13] We're here tonight to vote yes-or-no on

[14] his rezoning variance, so would that be a "no"

[15] on the rezoning?

[16] **MAYOR JENKINS:** I guess we need a

[17] motion for that first, don't we?

[18] **MS. MURPHY:** Or I think what

[19] Ms. Pittman is saying is "no" on the rezoning,

[20] with an exception, it sounds like to me. Is

[21] that right?

[22] **MAYOR JENKINS:** Is that right?

[23] **COUNCILWOMAN PITTMAN:** That's correct.

[24] **MR. BRACKBILL:** Well, there's three

[25] applications we have to vote on.

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[1] **ATTORNEY POWELL:** He's trying to
[2] rezone two separate lots and then --
[3] **COUNCILMAN BATES:** Grant the variance.
[4] **ATTORNEY POWELL:** -- grant a variance.
[5] So actually, Ms. Pittman was -- the way she
[6] phrased it was she was making the motion on two
[7] of your applications because she was -- the
[8] motion is to deny the request for rezoning.
[9] If she wants to make it -- probably
[10] should make it twice as to . . .
[11] **MR. BRACKBILL:** And if I don't get a
[12] rezoning, I don't need the variance on Valley
[13] Stream, obviously.
[14] **ATTORNEY POWELL:** Well, under what -- I
[15] thought that it was stated that you could get
[16] four. Was Mr. Hart incorrect, that you --
[17] **MR. BRACKBILL:** Yes.
[18] **ATTORNEY POWELL:** -- could build four
[19] houses, two exiting onto Valley Stream?
[20] **MAYOR JENKINS:** Chuck?
[21] **MR. ENTSMINGER:** You can't get two
[22] without a variance on Valley Stream.
[23] **ATTORNEY POWELL:** Yes, I understand
[24] that. But was he incorrect that you could build
[25] four if you had two on Tilly Mill?

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[1] - - -
[2] (Inaudible)
[3] - - -
[4] **COUNCILWOMAN PITTMAN:** I thought it was
[5] three on Tilly Mill.
[6] **COUNCILWOMAN HADDEN:** And one on
[7] Valley.
[8] **MR. BRACKBILL:** If all you did tonight
[9] was grant the variance on Valley Stream and
[10] didn't give me the zoning, I could access two
[11] houses from Valley Stream and two from Tilly
[12] Mill.
[13] **UNIDENTIFIED SPEAKER:** There you go.
[14] **MR. BRACKBILL:** And that could be done
[15] and approved tonight.
[16] **ATTORNEY POWELL:** Okay.
[17] **MS. MURPHY:** We need --
[18] **MR. ENTSMINGER:** We got to go back and
[19] figure all the street frontage and things
[20] required because I don't think it's --
[21] **MR. BRACKBILL:** Well, the variance
[22] request was to reduce it to 23. We would be
[23] asking for a request of whatever, half of 70.
[24] So it would be changing --
[25] **UNIDENTIFIED SPEAKER:** This is getting

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[1] confused. We need to do one thing one step at a
[2] time. Okay? We need to deny --
[3] **UNIDENTIFIED SPEAKER:** We need to vote
[4] on the rezoning first.
[5] **MR. BRACKBILL:** But it keeps the zoning
[6] the same.
[7] - - -
[8] (Inaudible conversation at Council
[9] table.)
[10] - - -
[11] **MAYOR JENKINS:** What is the motion we
[12] need, Rick?
[13] **ATTORNEY POWELL:** I would suggest you
[14] decide whether you're going to rezone under the
[15] two rezoning applications and then you address
[16] the variance.
[17] **MAYOR JENKINS:** I'd like a motion that
[18] we turn down the rezoning. Can I get a motion
[19] like that?
[20] **COUNCILWOMAN PITTMAN:** I make a motion.
[21] **COUNCILMAN LOWE:** Second.
[22] **MS. MURPHY:** And that motion is on both
[23] rezonings --
[24] **MAYOR JENKINS:** Yes.
[25] **MS. MURPHY:** -- both properties.

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[1] **MAYOR JENKINS:** Both rezonings.
[2] **MS. MURPHY:** Okay. Councilwoman
[3] Alexander?
[4] **COUNCILWOMAN ALEXANDER:** Yes.
[5] **MS. MURPHY:** Councilman Bates?
[6] **COUNCILMAN BATES:** Yes.
[7] **MS. MURPHY:** Councilwoman Hadden?
[8] **COUNCILWOMAN HADDEN:** Yes.
[9] **MS. MURPHY:** Councilman Lowe?
[10] **COUNCILMAN LOWE:** Yes.
[11] **MS. MURPHY:** Councilwoman Pittman?
[12] **COUNCILWOMAN PITTMAN:** Yes.
[13] **MS. MURPHY:** Councilman Spangler?
[14] **COUNCILMAN SPANGLER:** Yes.
[15] **MAYOR JENKINS:** Motion carried.
[16] Now, what's the next motion, Rick, we
[17] need?
[18] **ATTORNEY POWELL:** I don't know what you
[19] want to do. If you want to grant the variance,
[20] you need to make a motion to grant the variance.
[21] **COUNCILMAN LOWE:** Doesn't he need to
[22] come back with drawings on the variances?
[23] **MAYOR JENKINS:** It came up tonight for
[24] a variance; is that correct?
[25] **COUNCILMAN LOWE:** No. Rezoning.

[1]   **COUNCILWOMAN PITTMAN:** No, but we --
[2]   - - -
[3]   (Overspeaking)
[4]   - - -
[5]   **COUNCILWOMAN PITTMAN:** No. But we
[6] denied the rezoning, and you don't need the
[7] variance. Is that correct?
[8]   **MR. BRACKBILL:** Well, no. With the
[9] variance, I can still maintain R1 zoning and
[10] access two houses off of Valley Stream.
[11]   **MR. ANDERSON:** Not only that, but the
[12] variance has to go through the Planning
[13] Commission again.
[14]   **MR. CRAWFORD:** Name is Ben Crawford.
[15] I'm the Planning Commission President.
[16]   And as much hoops as this gentleman's
[17] gone through, it seems like the people on City
[18] Council and the Mayor could come to some kind of
[19] solution of the problem tonight. And you guys
[20] get to decide when it goes back --
[21]   **MAYOR JENKINS:** Okay. What else do we
[22] need?
[23]   **MR. CRAWFORD:** -- to the Planning
[24] Commission or not. We're just an advisory
[25] board.

[1]   **COUNCILWOMAN PITTMAN:** We need -- we
[2] need to get . . .
[3]   **MAYOR JENKINS:** You asked for a zoning
[4] and a variance; is that correct?
[5]   **MR. BRACKBILL:** Right. The zoning's
[6] been denied.
[7]   **MAYOR JENKINS:** Okay.
[8]   **COUNCILWOMAN PITTMAN:** So you no longer
[9] need the variance?
[10]   - - -
[11]   (Overspeaking)
[12]   - - -
[13]   **COUNCILWOMAN PITTMAN:** So we need to
[14] pass it, because a minute ago, you said you
[15] didn't.
[16]   **MR. BRACKBILL:** Well, no. I -- I need
[17] it if I want to get four lots.
[18]   **MR. ANDERSON:** I apologize, but 06 --
[19]   **MAYOR JENKINS:** Just a minute.
[20]   **MR. ANDERSON:** -- 06-21 requires it to
[21] go through the variance, the variance to go
[22] through the Planning Commission unless you
[23] rescind that ordinance.
[24]   **ATTORNEY POWELL:** They already have --
[25]   **MR. BRACKBILL:** Yeah. It already went

[1] to them, and they refused to vote on it.
[2]   **MR. ANDERSON:** We didn't vote on the
[3] variance.
[4]   **MAYOR JENKINS:** We need a motion to
[5] turn down the variance.
[6]   **UNIDENTIFIED SPEAKER:** Or grant the
[7] variance.
[8]   **ATTORNEY POWELL:** Or to approve it.
[9]   **MR. SHERER:** Regis Sherer.
[10]   There seems to be a lot of people from
[11] the neighborhood here tonight, and it seems like
[12] this has come down to a plan for three houses on
[13] Tilly Mill or a plan for two houses on Tilly
[14] Mill and two on Valley Stream.
[15]   - - -
[16]   (Inaudible discussion at Council table.)
[17]   - - -
[18]   **MR. SHERER:** Would it be appropriate to
[19] ask for a show of hands as to --
[20]   - - -
[21]   (Inaudible discussion at Council table.)
[22]   - - -
[23]   **MR. SHERER:** -- what -- what the
[24] majority -- what the majority of the --
[25]   - - -

[1]   (Overspeaking)
[2]   - - -
[3]   **MAYOR JENKINS:** We've got to figure out
[4] how many motions we have to have, sir. That's
[5] what we're trying to figure out.
[6]   **COUNCILMAN SPANGLER:** And I think three
[7] or four people already left from your neighbor-
[8] hood.
[9]   - - -
[10]   (Overspeaking)
[11]   - - -
[12]   **MAYOR JENKINS:** Rick?
[13]   **ATTORNEY POWELL:** I'm trying to --
[14]   **MAYOR JENKINS:** The agenda says two
[15] public hearings on rezoning. It don't say
[16] anything about a variance.
[17]   - - -
[18]   (Overspeaking)
[19]   - - -
[20]   **MAYOR JENKINS:** Well, then, all we need
[21] is one more motion to vote the variance, for or
[22] against the variance.
[23]   - - -
[24]   (Overspeaking)
[25]   - - -

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[1] **MAYOR JENKINS:** I apologize to the
[2] neighborhood. I'm sorry.
[3] **MR. BRACKBILL:** One of the things --
[4] **MAYOR JENKINS:** Just a minute, sir.
[5] We had a motion on the table to deny
[6] the rezoning, and if you came back later, I
[7] believe you said that he --
[8] **COUNCILWOMAN PITTMAN:** Waive the fee.
[9] **MAYOR JENKINS:** -- wouldn't have to pay
[10] it.
[11] **MAYOR JENKINS:** Waive the fee.
[12] And I got a second on that, did I not?
[13] **COUNCILWOMAN PITTMAN:** Actually, no.
[14] They took another motion before that, so I'm
[15] going to withdraw my motion.
[16] **COUNCILWOMAN HADDEN:** Seconded it.
[17] **MAYOR JENKINS:** Who made the motion?
[18] **COUNCILWOMAN HADDEN:** No. I seconded
[19] it.
[20] **COUNCILWOMAN PITTMAN:** She seconded it,
[21] but then Mr. Lowe made a motion on top of that;
[22] right?
[23] **COUNCILWOMAN HADDEN:** Yes. So she can
[24] withdraw her motion.
[25] **COUNCILWOMAN PITTMAN:** I can withdraw

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[1] my motion and his motion can stand.
[2] **MAYOR JENKINS:** Okay.
[3] **MAYOR JENKINS:** What was your motion,
[4] Mr. Lowe?
[5] **COUNCILMAN LOWE:** To keep the rezoning
[6] as R1.
[7] **MAYOR JENKINS:** The same thing we said.
[8] **COUNCILWOMAN PITTMAN:** He just didn't
[9] add the additional.
[10] **COUNCILMAN SPANGLER:** Then come back
[11] with another set of plans.
[12] **COUNCILWOMAN PITTMAN:** Right.
[13] **COUNCILMAN LOWE:** That's what I'd like
[14] to do, if he can come back with another set of
[15] plans on what he's wanting to do, as well as
[16] keeping it R1.
[17] **COUNCILMAN SPANGLER:** I'll second that
[18] motion.
[19] **MAYOR JENKINS:** Okay.
[20] **MS. MURPHY:** But can he do that, and we
[21] can do it conditioned upon --
[22] **MR. BRACKBILL:** I haven't applied for a
[23] variance on Tilly Mill Road, so I wouldn't be
[24] losing any rights there.
[25] I mean ideally it would be three lots

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[1] on Tilly Mill and one on Valley Stream. I think
[2] that's what I hear from most of the people here
[3] on Barry Lyn.
[4] And so basically I like the idea of
[5] waiving the fee to come back and apply for a
[6] variance on Tilly Mill, keeping it R1, leaving
[7] the Valley Stream lot untouched.
[8] **COUNCILMAN BATES:** So your variance on
[9] Tilly Mill would be only for frontage.
[10] **MR. BRACKBILL:** For frontage. And then
[11] you would still have the 10,200 per lot.
[12] **COUNCILMAN BATES:** Right.
[13] **COUNCILWOMAN PITTMAN:** Right.
[14] **COUNCILMAN BATES:** And if that were to
[15] be -- if that were to be the case, because your
[16] lots would then be deeper, could you then make
[17] the houses slightly narrower to create an
[18] appearance of wider space?
[19] **MR. BRACKBILL:** Well, the way they're
[20] drawn now, it's going to be the same width. The
[21] lots are just going to be deeper.
[22] **COUNCILMAN BATES:** Right, okay.
[23] **MR. BRACKBILL:** And we've definitely
[24] accomplished the large front yard and back --
[25] large back yard American dream home.

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[1] **COUNCILMAN BATES:** Very large back
[2] yard.
[3] **MS. MURPHY:** Mayor, I would --
[4] **MAYOR JENKINS:** What is the motion,
[5] Priscilla?
[6] **MS. MURPHY:** Well, first, there was a
[7] motion to deny the two rezonings, but I would
[8] suggest that you allow him to withdraw his
[9] variance request for right now and come back
[10] with no additional fees, to clarify what he
[11] needs a variance on. So he just would withdraw.
[12] There needs to be a motion to allow him
[13] to withdraw it, or he just withdraw it and then
[14] come back to the Council.
[15] **MR. BRACKBILL:** I think from a civ- --
[16] **MAYOR JENKINS:** Excuse me, sir. I
[17] think a motion is on the table.
[18] **COUNCILMAN SPANGLER:** No.
[19] **COUNCILWOMAN PITTMAN:** No.
[20] **UNIDENTIFIED SPEAKER:** There is not a
[21] motion.
[22] **MR. BRACKBILL:** I think from a civil
[23] engineering standpoint and the way the houses
[24] and the structure of the community are, three
[25] houses on Tilly Mill and one on Valley Stream

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[1]   would keep the most consistent look.

[2]   And so to simply to come back and ask

[3] for a variance for the frontages on Tilly Mill,

[4] you're -- you're -- you know, I can withdraw the

[5] request for variance or you can either deny it,

[6] either one. I won't need it on Valley Stream.

[7]   **MAYOR JENKINS:** Will you withdraw your

[8] request for a variance?

[9]   **MR. BRACKBILL:** On Valley Stream, I

[10] will withdraw the request for a variance. I

[11] don't need it.

[12]   **MAYOR JENKINS:** Then, all we need is

[13] the motion we got on the table.

[14]   **ATTORNEY POWELL:** No, we don't need it.

[15]   **COUNCILWOMAN PITTMAN:** No.

[16]   **MAYOR JENKINS:** Is that correct?

[17]   **COUNCILWOMAN ALEXANDER:** No. We don't

[18] need it. He's going to withdraw his variance.

[19] There's nothing for us to vote on.

[20]   **MR. BRACKBILL:** We can't vote on a

[21] variance for Tilly Mill tonight because that

[22] hasn't been advertised, or you can't vote on it.

[23]   I will just -- like that other vote

[24] that you didn't get on the fee.

[25]   **COUNCILWOMAN ALEXANDER:** Waiving the --

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[1] waiving your fee?

[2]   **COUNCILMAN BATES:** I'll make the motion

[3] that we waive the fee for a variance.

[4]   **COUNCILWOMAN ALEXANDER:** I second it.

[5]   **MAYOR JENKINS:** Brian, will you make

[6] the motion?

[7]   **COUNCILMAN BATES:** Yes. I make a

[8] motion that we waive the fee for a variance

[9] application for the frontage variance on Tilly

[10] Mill.

[11]   **COUNCILWOMAN ALEXANDER:** I second it.

[12]   **MR. BRACKBILL:** Okay. All right, Tom,

[13] you've got your four lots.

[14]   **MS. MURPHY:** Councilwoman Alexander?

[15]   **COUNCILWOMAN ALEXANDER:** Yes.

[16]   **MS. MURPHY:** Councilman Bates?

[17]   **COUNCILMAN BATES:** Yes.

[18]   **MS. MURPHY:** Councilwoman Hadden?

[19]   **COUNCILWOMAN HADDEN:** Yes.

[20]   **MS. MURPHY:** Councilman Lowe?

[21]   **COUNCILMAN LOWE:** Yes.

[22]   **MS. MURPHY:** Councilwoman Pittman?

[23]   **COUNCILWOMAN PITTMAN:** Yes.

[24]   **MS. MURPHY:** Councilman Spangler?

[25]   **COUNCILMAN SPANGLER:** Yes.

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[1]   **MAYOR JENKINS:** Okay. The next item on

[2] the agenda is the second public hearing on the

[3] zoning ordinance.

[4]   Okay. We're going to do this a little

[5] bit different tonight. We've got a motion that

[6] will be brought from the table, but I have

[7] always let everybody I put on the agenda speak.

[8]   **ATTORNEY POWELL:** Mr. Mayor, pardon me.

[9] You were going to let me clarify one point that

[10] had been --

[11]   **MAYOR JENKINS:** On what?

[12]   **ATTORNEY POWELL:** -- kicked around. On

[13] the map.

[14]   **MAYOR JENKINS:** Well, wait'll I go on

[15] here.

[16]   **ATTORNEY POWELL:** Okay.

[17]   **MAYOR JENKINS:** Ben Crawford, come up

[18] to the microphone, sir.

[19]   **MR. CRAWFORD:** Mayor, were you going to

[20] hear from Johnny Lawler?

[21]   **MAYOR JENKINS:** After you, sir.

[22]   **MS. MURPHY:** Mayor, it might be better

[23] if Mr. Lawler is going to speak, that --

[24]   **MAYOR JENKINS:** Do what?

[25]   **MS. MURPHY:** It might be better if you

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[1] do let Mr. Lawler speak first.

[2]   **MR. CRAWFORD:** Ben Crawford.

[3]   Excuse me, Mayor. To me -- and it's my

[4] humble opinion -- it would seem more appropriate

[5] that the gentleman we hired to review all that

[6] stuff would speak first and then I could come up

[7] second if it's okay with you.

[8]   **MAYOR JENKINS:** We need your opinion.

[9]   **MR. CRAWFORD:** I would be happy to give

[10] my opinion after Mr. Lawler if it's okay.

[11]   **MAYOR JENKINS:** Okay.

[12]   **MR. CRAWFORD:** Thank you.

[13]   **MAYOR JENKINS:** Go ahead, sir.

[14]   - - -

[15]   (Brief recess)

[16]   - - -

[17]   **MAYOR JENKINS:** Meeting come to order.

[18]   I will be letting Johnny make some

[19] comments. Then I think we're going to have a

[20] motion from the table. We'll bring it to the

[21] table. That don't mean I won't let the people

[22] that's on the agenda speak. But after we make

[23] the motion, it may resolve a lot of the

[24] speaking. So we're going to do it that way, and

[25] as soon as Johnny finishes, we're going to bring

[1] it up to the table.

[2]   Okay, Johnny, go ahead.

[3]   **MR. LAWLER:** My name is Johnny --

[4]   **UNIDENTIFIED SPEAKER:** Wait, wait,

[5] wait.

[6]   **MR. KOONTZ:** We were put on the agenda

[7] to speak about -- and I don't know what y'all

[8] are going to put a motion for, but the only

[9] thing in question on the table is we need to

[10] talk -- we need to be able to speak first.

[11]   **MAYOR JENKINS:** Well --

[12]   **UNIDENTIFIED SPEAKER:** Before it's on

[13] the table.

[14]   **MR. KOONTZ:** To be put off.

[15]   **MAYOR JENKINS:** Okay. Well, I'm in

[16] charge of this meeting. We're going to carry it

[17] on, just like Johnny's going to speak, then

[18] Steve Koontz, then Tom Hart. Steve's got five

[19] minutes, Hart's got five minutes.

[20]   **MR. CRAWFORD:** (Inaudible)

[21]   **MAYOR JENKINS:** Mr. Crawford, I gave

[22] you a chance to speak. How many times --

[23]   **MR. CRAWFORD:** Mayor, can I come up and

[24] speak for a moment?

[25]   **MAYOR JENKINS:** No. When Johnny

[1] finishes --

[2]   Well, let me ask you this,

[3] Mr. Crawford: when do you want to speak?

[4]   **MR. CRAWFORD:** As I stated earlier, I'd

[5] like to defer to the professional the City hired

[6] and then I'd like an opportunity to address it

[7] then.

[8]   **MAYOR JENKINS:** Okay.

[9]   Go ahead, Johnny.

[10]   **MR. LAWLER:** My name is Johnny Lawler

[11] and I'm a development consultant, and I was

[12] tasked by the City Council with reviewing the

[13] Pond & Company's proposed zoning ordinance. And

[14] we did that and gave some comments on that and

[15] also reviewed the -- some written comments from

[16] several of you.

[17]   And we also towards the end took a look

[18] at the map and the zoning designations, which

[19] wasn't in the original task but could not -- you

[20] certainly can't avoid looking at the map when

[21] you're changing designations.

[22]   The two concerns that I bring with me

[23] tonight about the proposed Zoning Ordinance and

[24] the proposed new zoning map are the same two

[25] concerns I had at the first reading or the first

[1] public hearing that we had. And I'll try to be

[2] brief because I think most of you were there at

[3] the first meeting. But actually, both of the

[4] concerns have been amplified since our last

[5] meeting, in my mind.

[6]   The first concern I spent a lot of time

[7] on was your staffing level here at Doraville.

[8] And I was here in a meeting a few months ago,

[9] and the University of Georgia consultant came

[10] over and said, "Doraville is just like every

[11] other city this size. You're chronically under-

[12] staffed. You have people that do -- work really

[13] hard -- you see them here, Priscilla and Chuck

[14] and others that work for the City -- but you

[15] don't have any full-time planning staff

[16] dedicated to just the future of Doraville.

[17]   And most of you know I retired from the

[18] City of Norcross. It's 10 miles up the road.

[19] It's the exact same size as Doraville; four

[20] square miles, 10,000 citizens; and that's the

[21] same as Norcross.

[22]   We adopted -- I just learned from your

[23] earliest zoning map that we adopted zoning

[24] actually about seven months after the City of

[25] Doraville adopted zoning. So you had a zoning

[1] map first, in 1971, and we adopted ours in 1972.

[2] And Norcross, since my retirement -- most of the

[3] time that I was there, the 31 years -- I retired

[4] on January 1st of 2006 -- it was me, and many

[5] times a full-time inspector, and I had an

[6] administrative assistant, and, for a couple

[7] years, I had an economic development director

[8] full-time. But there was always me for those 31

[9] years, and there was at least my gray matter

[10] going 40 hours a week to these zoning ordinances

[11] and maps and that type of issue, and the

[12] planning issue, the -- and after 1989, to the

[13] land use plan.

[14]   Every year, I spent time on it and I

[15] focused on it. You don't have anybody who's

[16] gray matter goes 40 hours a week towards

[17] Doraville and towards planning, and you

[18] absolutely have to have that.

[19]   I understand now -- I haven't gone up

[20] there and looked at the personnel descriptions

[21] at Norcross, but there's seven people in the

[22] planning department not including code

[23] enforcement. So now there's -- in the exact

[24] same size city, they have seven full-time people

[25] in Norcross in the planning department.

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[1]   And I think that your city needs that
[2] kind of direction. It's got to have that kind
[3] of -- it's got to have somebody looking at that
[4] side of the issue.
[5]   The development side's even a different
[6] issue, and Chuck does a lot of that in
[7] Inspections, but the planning side needs some
[8] attention. And so that's the concern I have,
[9] and it meshes with my other concern in this way:
[10] you can't adopt this Zoning Ordinance -- well,
[11] it has a lot of good things. Pond & Company
[12] wrote it, and it has a lot of good things in it
[13] -- but you can't adopt that zoning ordinance
[14] without changing and adopting the proposed
[15] zoning districts that are different than the
[16] ones you have now, so you're going to have to
[17] adopt this map with it.
[18]   And this is just a for-instance, but
[19] the new zoning designations, you have three
[20] mixed-use zones proposed. That's where you can
[21] have residential and commercial together. And
[22] if this map goes forward, this area in pink will
[23] be CRN. That's Commercial Residential
[24] Neighborhood, Low Density. See that? All that
[25] area, that right there. All this area which is

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[1] Commercial Residential Neighborhood Planned
[2] Development, which is the GM plant. Here's a
[3] Commercial Residential Neighborhood, Medium
[4] Density right here. All of this, tomorrow,
[5] Atlanta will know that you can just go to
[6] Doraville in these areas, without having to go
[7] through any rezoning, and have mixed use and not
[8] hit another lick.
[9]   And it meshes with my staffing need,
[10] because who's going to handle that? Where are
[11] the applications? Where are some rules and
[12] regulations to cover what would happen if this
[13] was adopted? Because there are so many people
[14] out there, and it won't necessarily mean quality
[15] mixed-use residential either. Anybody that
[16] wants to live in their attic and run a house
[17] [sic] in any of those areas forever will be
[18] grandfathered to do that if they start doing it.
[19]
[20]   So staffing tomorrow or next week if
[21] this goes through tonight is -- is just a --
[22] it's just a monumental task. So you see my
[23] concern level.
[24]   The maps came in at the end of my
[25] reading and reviewing this and just brought to

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[1] light how big an issue this is.
[2]   Now, I would suggest a different way to
[3] do this, and I have hesitated to say how I would
[4] have done it because that wasn't what I was
[5] tasked with. "Well, how would you do it,
[6] Johnny, if you started from scratch?" And I
[7] haven't answered that question, but I know what
[8] I'd do right now. I think I know what I'd do
[9] right now if I was Doraville, because that's
[10] what I'm getting paid for.
[11]   And what I'd recommend doing is to take
[12] the zoning districts that exist on your map --
[13] and Priscilla and Chuck have worked on a very
[14] updated map. And I don't have to hold it up,
[15] but those are the existing zonings -- and take
[16] the ordinance that's proposed and use the good
[17] ideas in that ordinance but conform those
[18] districts as they are named right now and change
[19] the code but not the designations on the map.
[20] Now, that won't give you any mixed use. Unless
[21] you make a whole district eligible for mixed
[22] use, that wouldn't give you mixed use or
[23] flexible zoning on that map that would attract
[24] the quality development that you will want to
[25] attract, and not only will you want to attract

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[1] but you will attract because of how
[2] strategically you're located.
[3]   Listen. I love Norcross, but Norcross
[4] doesn't have something that you have, and it's a
[5] MARTA stop and it doesn't have 150 acres that's
[6] going to come available inside 285 in Atlanta.
[7] So you are so strategically located. You're
[8] just on the verge of exploding, and you want to
[9] have it done right.
[10]   I would take those designations, and in
[11] order to make it work, I would come up with one
[12] or maybe two flexible zoning, mixed-use zoning
[13] districts and add that to the map as an eligible
[14] district to apply for rezoning to. So that
[15] means if somebody wants to live in their attic
[16] and do a business and it's next to you or it's
[17] not next to you -- if it's anywhere -- then
[18] they've got to come to the Council and apply for
[19] a zoning, go through the zoning to the new
[20] mixed-use, flexible zoning area.
[21]   And that's what'll happen with GM.
[22] Whoever gets that development will come in here
[23] and apply rather than just be a use by right.
[24] And if we adopt this tonight, all these
[25] districts become a use by right for everybody.

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[1] And so I -- those are my two -- those
[2] are the broad-sweep two areas of concern that I
[3] have, and I feel better tonight that I've kind
[4] of articulated a little better and got it off my
[5] chest. I think there's great work that's gone
[6] into this, a lot of work that's gone into it by
[7] so many people -- Planning and Zoning Board, the
[8] Mayor and Council, Pond & Company. Especially
[9] Rick Powell, your City Attorney, has put so much
[10] time into it. I think we can get the good ideas
[11] of all that time we've spent in there and maybe
[12] make it work better, make it work simpler; and
[13] also if the City sees fit to staff up a little
[14] bit, have somebody really pay attention to it
[15] and figure out how it'll work.
[16] So that's my piece.
[17] **MAYOR JENKINS:** Ben?
[18] **MR. CRAWFORD:** Ben Crawford, Doraville
[19] Planning Commission.
[20] What I'd like to do is just kind of
[21] reiterate what Johnny Lawler just said is -- I
[22] mean the way I view it as a Planning
[23] Commissioner -- and I'm not going to pretend to
[24] speak for the whole Planning Commission tonight.
[25] I'm just going to speak for myself as a member

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[1] of the Planning Commission, because we went over
[2] this on the 29th, we've gone over this zoning
[3] rewrite for many, many hours, hours on end.
[4] There has been a lot of confusion; at times,
[5] animosity. There's been a lot of good work
[6] that's been done, I know this is an evil thing
[7] to say, but by Pond & Company; a lot of good
[8] work done by Johnny Lawler, and a lot of work
[9] done by a lot of different individuals.
[10] But the way I see it tonight is we have
[11] a chance, one, to move the city forward. One
[12] way to do that is to have a city planner and
[13] staff, which would be a good thing to do. It's
[14] a way to direct the City towards the future. I
[15] don't think anyone up here can disagree with
[16] that, that it's time for us to move to the
[17] future. And through that, you hire a full-time
[18] city planner and some staff to support the city
[19] planner. It's somebody that's putting their
[20] brain towards the future of Doraville, the
[21] direction we got to go into.
[22] The other thing is Johnny Lawler went
[23] back through the Pond & Company rewrite. He
[24] made some editorial changes. He made some other
[25] changes, he removed another section; and we now

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[1] have three standalone ordinances -- one's
[2] stormwater, one's trees and one's signs -- plus
[3] the body of the Pond & Company rewrite.
[4] The way I understand this -- and I
[5] might be incorrect; Johnny can correct me if he
[6] wants to -- we have that we could take, take the
[7] zoning districts from the 2006, insert those
[8] back into the 2007 rewrite, add some key zoning
[9] districts that can be used for future develop-
[10] ment and move forward from there. But you have
[11] to start with a city planner and staff, so it
[12] would behoove the City Council and the Mayor to
[13] do some kind of study and throw some -- a little
[14] bit of money into looking into hiring a
[15] competent city planner and some staff to support
[16] the city planner, and then also look at the
[17] zoning rewrite that Pond & Company started the
[18] work on, that Johnny Lawler worked on some more,
[19] and take the zoning districts from before, add
[20] them to this, add some new ones, and move
[21] forward for Doraville.
[22] Thank you.
[23] **MR. LAWLER:** But one correction. The
[24] tree ordinance is not stand -- I mean the sign
[25] ordinance stays with zoning --

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[1] **MR. CRAWFORD:** Oh, I'm sorry. I
[2] apologize. It stays in there.
[3] At the last reading, I was reading
[4] 2006, Pond & Company, and the stuff you were
[5] working on, so maybe I got a little confused.
[6] **MR. LAWLER:** Thank you.
[7] **MAYOR JENKINS:** Come on up, Steve.
[8] **MR. KOONTZ:** Hello. My name's Steve
[9] Koontz, and I'm here tonight to voice my
[10] concerns about the proposed Zoning Ordinance
[11] book. And I do understand that the Zoning
[12] Ordinance had to be updated in response to the
[13] changing State and Federal guidelines, and the
[14] path the City chose was to address this with a
[15] total rewrite of the zoning book, which, in
[16] concept, was a very good idea.
[17] The problems I see stem from Pond &
[18] Company chose to redefine every zoning district
[19] throughout the city using nonstandard terms and
[20] descriptions which was not part of the State's
[21] requirements.
[22] One of the problems this creates is
[23] when quality developers come into our cities,
[24] these designations are nonstandard and they'll
[25] have to like do research to understand what they

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[1] even mean. And this shift, the shift to
[2] designate these where they don't align with the
[3] surrounding areas such as Dekalb County and
[4] Gwinnett just confuses potential investors and
[5] will make them look elsewhere to buy property.
[6] The next problem with this change is
[7] they've combined many of the zoning districts
[8] into a single designation, including using the
[9] lowest common denominator in the old zoning book
[10] as the point to base each of these new
[11] designations on. For example, the M1 and M2
[12] have been combined into a single "I"
[13] designation, which includes both the light and
[14] heavy industrial, into a single zone rather than
[15] the step zoning that's in place right now. The
[16] wording they used for the "I" designation is so
[17] vague and ambiguous, it in no way provides the
[18] protection over what type of investor was placed
[19] near our homes, that the present step zoning
[20] provides.
[21] All this does is lower the quality of
[22] the zoning requirements from where they are
[23] today, which is already lower than Dekalb
[24] County's zoning requirements.
[25] But by far the largest problem being

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[1] created by the zoning book is that this whole-
[2] sale change in descriptions and designations
[3] requires that the complete city zoning map be
[4] changed to match this new book which you refer
[5] to.
[6] Given that none of the old designations
[7] or descriptions are being used, almost every
[8] property in the city is being rezoned using this
[9] lowest common denominator format. For example,
[10] they chose the lowest quality single-family
[11] housing description in the old book as the basis
[12] for covering the whole residential area of the
[13] city and even changed some of what the single-
[14] family residential is now into other types of
[15] zoning.
[16] I want to add that no one has been
[17] notified that their zoning is being changed, nor
[18] have the property owners requested this type of
[19] zoning, nor have there been any public hearings
[20] or notice about this property being rezoned,
[21] which would normally be required by law, as we
[22] saw tonight with Bill Brackbill coming up here
[23] wanting property rezoned.
[24] Besides these zoning-designation
[25] problems, other parts of this book concern me at

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[1] well. Stuart pointed out that that Section 4.01
[2] shifts the enforcement of these ordinances from
[3] the building department to the Mayor's office,
[4] which I don't understand why that needed to be
[5] done.
[6] I also feel the removal of the tree
[7] buffer and flood plain protection from our
[8] zoning book is a mistake, and I don't see that
[9] this would change the chance of the City being
[10] sued, which is what's being claimed.
[11] At this point, I feel the Council needs
[12] to realize and admit a mistake was made along
[13] the way in the draft of this document, and see
[14] that -- I feel we're just throwing good money
[15] after bad trying to patch this flawed document
[16] into a usable zoning book.
[17] Yeah, we could fold the old descrip-
[18] tions and designations in this new book to
[19] sidestep some of the issues, but there are more
[20] problems in this document than just that.
[21] The only solution I see for now is to
[22] revert back to the 2006 book, the old zoning
[23] map, and update these to meet the State
[24] requirements, and then add in new zoning
[25] districts such as mixed-use and other types of

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[1] that sort to allow property owners or developers
[2] to then request this type of rezoning to be
[3] processed in the normal legal manner. This also
[4] allows for the comprehensive land use map to be
[5] used as a guideline in future zoning requests
[6] rather than simply being used as a replacement
[7] for the current zoning map, which we were told
[8] multiple times when the comp plan map was being
[9] drawn up, that that was not the purpose for its
[10] creation. It was supposed to be just a
[11] guideline, and now it appears it's being turned
[12] into the zoning map.
[13] The last point, which both Ben and
[14] Mr. Lawler have addressed, is I think most of
[15] this occurred because we don't have a city
[16] planning department and we don't have a full-
[17] time professional, on-staff, in-City-Hall city
[18] planner. Not a city manager but a city planner.
[19] We need somebody that's outside of the voting
[20] process that can assist developers when they
[21] come in the city. They could guide them what
[22] the city wants to see built, what documents they
[23] need to fill out, and they probably could have
[24] overseen a lot of this zoning rewrite and we
[25] would have -- we wouldn't have wasted all this

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[1] time and money that we've wasted like we have
[2] with this with no oversight.
[3]   I hope y'all will consider looking into
[4] what it would take to create a planning
[5] department. I think it's real critical, like
[6] Ben said, that at this point with the GM plant
[7] coming up and all this other zoning issues, that
[8] we need a -- we need a planning department. You
[9] know, Chuck's great in the Building Department,
[10] but he can't do everything. He can't do that
[11] and this and five different people's jobs. We
[12] need more staff.
[13]   But I don't see how this zoning book as
[14] it is can be voted "yes," and I don't even see
[15] it being tabled. It needs to be voted "no," and
[16] go back to the 2006 book, try to get it to work
[17] with what we need and then come up with another
[18] plan, because what we have -- what we have with
[19] this zoning book just isn't usable in my
[20] opinion, and that's what I wanted to say.
[21]   **MAYOR JENKINS:** Thank you.
[22]   **MAYOR JENKINS:** Tom?
[23]   **MR. HART:** Mayor, Council, ladies and
[24] gentlemen. Johnny Lawler covered a lot of what
[25] I was going to say, as well as Steve.

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[1]   When Johnny was retiring from Norcross,
[2] I happened to be there. I says, "Johnny, what
[3] are you doing?" He says, "This is my last day."
[4] And I said, "Well, do you want to come down to
[5] Doraville and help us out?" and I dragged him
[6] down here. He probably regrets that.
[7]   But basically, when we were rewriting
[8] the zoning ordinances for the City, I thought
[9] that it was pretty complicated. It was really
[10] hard with 240 pages or 200 pages, and they had
[11] all these ordinances. And then I found out that
[12] whether it's 10 pages long or 15 pages long,
[13] which is the stream buffer ordinance, has the
[14] same outline and structure as something that's
[15] 200 pages long. It's just a description.
[16]   And what we started when we did this
[17] comprehensive plan map and the LCI study, which
[18] was the town center study, that was a vision for
[19] this city's future. It was sort of like let's
[20] get together and figure out how are we going to
[21] lay this thing out in the future? what do we
[22] want it to look like over the next 10/15 years?
[23] And so when we have a developer come in the
[24] city, for instance, going to redo the GM plant,
[25] we would have some idea, you know, kind of what

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[1] they were looking for. They could apply for a
[2] zoning application, rezoning application just
[3] like Bill Brackbill did tonight with these
[4] houses.
[5]   We would say over on Tilly Mill, we
[6] want to retain an R1 zoning, or over in
[7] Northwoods, we'd like to have R1. We'd like to
[8] have single-family homes there. But in the
[9] downtown area, downtown Doraville has the most
[10] number of apartments of any other city except
[11] for Clarkston. We have a lot of apartments in
[12] downtown. You start looking at the map; we are
[13] covered up with apartments. But they're old;
[14] they were built in the fifties and sixties.
[15]   And so if we lay out a map that kind of
[16] cop- -- that copies the comprehensive plan map
[17] and use that as our zoning map, we've rezoned
[18] probably 50 percent of the city. And people
[19] haven't come in and asked for that. They
[20] haven't -- Home Depot didn't ask to be an
[21] apartment building. It's still Home Depot, and
[22] the GM plant's still producing cars.
[23]   But we like to have this comprehensive
[24] plan map to have a vision for the future. So we
[25] need a set of zoning rules so if they come in

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[1] and apply for these zoning rules -- changes,
[2] that we have something to go by.
[3]   And so when we were looking at the 2006
[4] rezoning, I took this, and we got to Chapter 5
[5] and we had a little problem. It was hard fought
[6] to get up to the first three or four articles of
[7] the zoning.
[8]   Then we ran into this thing called a
[9] map, and so there's supposed to be an official
[10] map for the City. And several times at the City
[11] Council meetings, I would say, where's the
[12] official map?
[13]   Well, I don't know. We got one on the
[14] wall. It looks official. That's the one we've
[15] been using.
[16]   And I said, well, there's supposed to
[17] be something that has a document and has the
[18] Mayor and Clerk and all these stamps on it, and
[19] it's kept in a vault, and since 1971, we would
[20] have all these updates and occasionally you
[21] would make another official map to go with some
[22] zoning updates.
[23]   So in 2006, we got together all the
[24] little pages and changes that we've had over the
[25] last ten years or so and put them in a book and

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[1] the City Council voted on that and changed it
[2] and made a 2006 book.
[3] Now, with that 2006 book was supposed
[4] to come an official map, but we forgot that
[5] part. So we decided when I asked for this
[6] official map and we dug around everywhere, we
[7] didn't have one.
[8] So then they started writing the zoning
[9] ordinance, and the first thing that Keck & Woods
[10] said, how are you writing a zoning ordinance
[11] with no map?
[12] That's the same conclusion I came to.
[13] So they're smart guys, but I figure I figured
[14] out some of that too. And so we need an
[15] official map of the city.
[16] So they said, well, we got this compre-
[17] hensive plan map that's what we want to do in
[18] the future. Let's make that the official map.
[19] The only problem with that is that it
[20] looks a whole lot different than what the city
[21] looks like today. You would end up rezoning or
[22] down-zoning half the properties in this city,
[23] and nobody asked you.
[24] So we're caught in a quandary now. We
[25] have this 2006 update; we're doing pretty well

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[1] with that. We've got a current zoning map that
[2] seems to be pretty accurate.
[3] We could adopt the 2006 as our official
[4] map and we could come up with a zoning ordinance
[5] that allows this future growth, like apartments
[6] on New Peachtree Road that are currently old
[7] style, that can be rezoned, and do this piece-
[8] meal like Johnny Lawler suggested.
[9] **A** builder comes in and he wants to tear
[10] all these down and he wants to build new stuff.
[11] But we have to have standards that build quality
[12] concrete-and-steel apartments, we need to have
[13] R1 zoning that's tightened up, so we can make
[14] this 2006 book the best there is.
[15] When we were going through this, we had
[16] advice from Johnny Lawler, Keck & Woods,
[17] C2MHill, the best in the business. And we could
[18] do that again, but we don't have to spend
[19] $105,000 to do it.
[20] My suggestion is to adopt our current
[21] map, start updating the 2006 book to bring it up
[22] to speed and put those modern pieces in it
[23] without spending another $105,000. So I would
[24] vote this current map and Zoning Ordinance down.
[25] Thank you.

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[1] **MAYOR JENKINS:** All right. At this
[2] point, I'm going to bring it up to the table and
[3] have a proposal. This may slow up some of the
[4] other questions that were coming up later.
[5] So I'm going to ask Brian to go ahead
[6] with his proposal.
[7] **COUNCILMAN BATES:** Thank you,
[8] Mr. Mayor.
[9] Over the last few weeks, I've had an
[10] opportunity to review the Zoning Ordinance and
[11] the map and have come to a similar conclusion
[12] that many of you have, that we have some work to
[13] do.
[14] Based upon that, I'm making a motion
[15] this evening to postpone consideration of the
[16] Zoning Ordinance and a conditional four-part
[17] motion.
[18] The four-part is: to place a 180-day
[19] moratorium on all new zoning and rezoning
[20] applications effective immediately; to review
[21] the existing proposed ordinance, the maps, and
[22] planning staff needs. This would not affect any
[23] applications that have been submitted as of the
[24] close of business today.
[25] Part two: to make a budget adjustment

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[1] to provide for a full-time city planner or
[2] community development director and, at a
[3] minimum, a part-time administrative clerk.
[4] Part three: with the job responsi-
[5] bilities crafted and advertised no later than
[6] December 17, 2007, with the stated goal of
[7] having a planner hired and in place on or before
[8] March 1, 2008.
[9] And part five [sic]: that all
[10] recommendations regarding changes in the draft
[11] zoning ordinance be submitted in writing no
[12] later than January 31, 2008, for consideration
[13] by the proposed city planner.
[14] **MAYOR JENKINS:** Any discussion at the
[15] table?
[16] **COUNCILMAN SPANGLER:** Yes. I do agree
[17] we do need a city planner, but I don't see how
[18] we can craft the responsibilities and advertised
[19] on December the 17th. I think we need to wait
[20] till the next meeting, agree on responsibilities
[21] of the city planner and the administrative
[22] assistant; what kind of cost it's going to be to
[23] the City and what are going to be the benefits
[24] to the City.
[25] **COUNCILMAN BATES:** Sure. Valid

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[1] concerns, and --
[2]   **COUNCILWOMAN ALEXANDER:** I second the
[3] motion.
[4]   **COUNCILWOMAN HADDEN:** Oh. Just a
[5] moment, please.
[6]   I would just like to see added in there
[7] to protect Mr. Brackbill tonight -- we added the
[8] "any pending" but his is proposed. So if we
[9] could just say in item number one where this
[10] would not affect pending or proposed applica-
[11] tions that were submitted as of the close of
[12] business today, to include tonight's meeting.
[13]   **COUNCILMAN BATES:** With all due
[14] respect, that would -- this is only affecting
[15] zoning, and that would be a variance and --
[16]   **COUNCILWOMAN HADDEN:** That doesn't go
[17] under this one? Excellent. Excellent. Okay.
[18]   **MAYOR JENKINS:** Any more discussion --
[19] no, wait just a minute -- at the table?
[20]   And I want -- can you read the motion?
[21]   **COUNCILMAN BATES:** Do you want me to
[22] re-read it?
[23]   **MS. MURPHY:** Sure, if you don't mind.
[24]   **COUNCILMAN BATES:** Motion to postpone
[25] consideration of the Zoning Ordinance with

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[1] conditional four parts:
[2]   Place a 180-day moratorium on all new
[3] zoning and rezoning applications effective
[4] immediately to allow us to review existing and
[5] proposed ordinance, maps and planning staff
[6] needs. This would not affect applications that
[7] have been made -- been submitted as of the close
[8] of business today.
[9]   Make a budget adjustment to provide for
[10] a full-time city planner, community director
[11] and, at a minimum, a part-time administrative
[12] clerk.
[13]   Part three: the job responsibilities
[14] crafted and advertised no later than December
[15] 17, 2007, with the stated goal of having a
[16] planner hired and in place on or before March 1,
[17] 2008.
[18]   And part four: all recommendations
[19] regarding changes to the draft zoning ordinances
[20] be submitted in writing no later than January
[21] 31, 2008.
[22]   **MS. FLEMING:** Could you read item
[23] number four again, please.
[24]   **COUNCILMAN BATES:** Sure.
[25]   All recommendations regarding changes

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[1] to the draft zoning ordinances be submitted in
[2] writing no later than January 31, 2008.
[3]   **MS. FLEMING:** But you wouldn't be
[4] hiring a planner until March 31st?
[5]   **COUNCILMAN BATES:** To have them on
[6] staff no later than then. That would allow time
[7] for -- for them to --
[8]   Basically, we need to have a cutoff
[9] point for people to submit their recommenda-
[10] tions, and if we extend that out on and on,
[11] there will be no time to consolidate those and
[12] get those to the staff.
[13]   **COUNCILWOMAN ALEXANDER:** I second that.
[14]   **MAYOR JENKINS:** Priscilla, when is our
[15] next budget hearing?
[16]   **MS. MURPHY:** It would be in late
[17] January, the mid-year review revision.
[18]   **MAYOR JENKINS:** And at that time, we
[19] could, possibility, put this amount in?
[20]   **MS. MURPHY:** If you go along with what
[21] Mr. Spangler said, wait until the next meeting,
[22] which is January the 7th, to discuss the parts
[23] of this, the first part, I guess, then that
[24] would probably go along with that.
[25]   **COUNCILMAN SPANGLER:** I think we really

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[1] need to look at the cost and I think we need to
[2] look at the responsibilities that the city
[3] planner will have and what benefit he's going to
[4] be to the City. And I think as far as an
[5] administrative assistant, I'm sure we need
[6] another one.
[7]   But I don't see how we can set $150,000
[8] or $200,000 aside right now. I think we need to
[9] look and see what -- again, what the accounta-
[10] bilities and responsibilities his job's going to
[11] be before we can even set any kind of a dollar
[12] figure.
[13]   And I think as far as going over his
[14] responsibilities, we can do that at the next
[15] meeting in January.
[16]   **COUNCILMAN BATES:** I --
[17]   **COUNCILMAN SPANGLER:** Why would we
[18] advertise now when we don't even know what his
[19] job description's going to be?
[20]   **COUNCILMAN BATES:** Sure.
[21]   And the reason why it was done at this
[22] time frame was because of the need to get in
[23] place, as we so eloquently heard this evening.
[24]   I would be amenable to amend the
[25] December 17th date to the January 7, 2008 --

[1]   **COUNCILMAN SPANGLER:** Meeting?
[2]   **COUNCILMAN BATES:** -- meeting.
[3]   **COUNCILMAN SPANGLER:** That way, we
[4] would have an opportunity, like I say, to check
[5] -- to review the job description and also the
[6] moneys, and we'd have an opportunity to check
[7] with Chuck and see what benefits it's going to
[8] be to the City.
[9]   **COUNCILWOMAN ALEXANDER:** Can we make
[10] sure that the item gets put on the agenda now so
[11] that it's not forgotten, please?
[12]   **MS. MURPHY:** Yes, if I can have a copy
[13] of that motion that y'all seem to have.
[14]   **COUNCILMAN BATES:** I'll give it to you.
[15]   **MAYOR JENKINS:** Do I get a second?
[16]   **COUNCILWOMAN HADDEN:** Marie?
[17]   **COUNCILWOMAN ALEXANDER:** I'd already
[18] seconded it once. What were you doing?
[19]   **COUNCILWOMAN PITTMAN:** Were you
[20] amending the motion, though?
[21]   **MAYOR JENKINS:** He amended it.
[22]   **COUNCILMAN BATES:** I have amended it to
[23] change December 17th to January 7th, 2008.
[24]   **MAYOR JENKINS:** And that's all you
[25] changed?

[1]   **COUNCILMAN BATES:** That is correct.
[2]   **COUNCILMAN SPANGLER:** And at that time,
[3] we will --
[4]   **COUNCILWOMAN ALEXANDER:** I second the
[5] motion again.
[6]   **COUNCILMAN SPANGLER:** -- review the job
[7] description and the cost, and then we can --
[8]   **MAYOR JENKINS:** And the cost.
[9]   **COUNCILMAN SPANGLER:** -- discuss
[10] putting out RFPs for a city planner.
[11]   **COUNCILMAN BATES:** That's correct.
[12]   **MAYOR JENKINS:** The cost could be less
[13] or it could be more.
[14]   **COUNCILMAN SPANGLER:** Right.
[15]   **COUNCILMAN BATES:** That's correct.
[16]   **MAYOR JENKINS:** But you seem to have it
[17] set in stone.
[18]   **COUNCILMAN BATES:** No, sir. I -- I
[19] have not the dollar figure in the motion that I
[20] read.
[21]   **COUNCILMAN SPANGLER:** But you did on
[22] the information you gave the Mayor.
[23]   **COUNCILMAN BATES:** Right.
[24]   **MAYOR JENKINS:** Okay. Do we have a
[25] second on that?

[1]   **MS. MURPHY:** We have a second, Mayor.
[2]   **COUNCILWOMAN ALEXANDER:** I seconded it.
[3]   **MAYOR JENKINS:** Any more discussion?
[4]   Bonita?
[5]   **COUNCILWOMAN ALEXANDER:** Can we vote on
[6] the motion?
[7]   **MS. HOFFMEISTER:** We're having
[8] discussion now.
[9]   Honorable Mayor and City Councillors,
[10] this draft has been in front of you unchanged
[11] since January of 2007. It is time to deny it
[12] and vote against it so that new work can begin
[13] that is proper and correct.
[14]   I appreciate your motion. I disagree
[15] with the first item on it, and I wish that you
[16] would remand to deny this and start again fresh.
[17] There are too many problems in this draft to
[18] continue on. We've been working on this for a
[19] year and wasting a lot of time. We need to
[20] start new.
[21]   There are a lot of problems that need
[22] to be addressed. I have been bringing the same
[23] problems up for over a year now, and they still
[24] are not corrected. If you continue to postpone
[25] this, I do not see that they will be corrected

[1] in the future.
[2]   **COUNCILMAN BATES:** With all due
[3] respect, Ms. Hoffmeister, that would be the role
[4] and responsibility of the city planner to --
[5]   **MS. HOFFMEISTER:** That's my -- that's
[6] what I'm saying.
[7]   **COUNCILMAN BATES:** Sure.
[8]   **MS. HOFFMEISTER:** It doesn't get
[9] corrected.
[10]   **COUNCILMAN BATES:** I disagree.
[11]   **MS. HOFFMEISTER:** I mean it needs to be
[12] voted down so we can go forward and correct
[13] 2006.
[14]   I have a letter here. I would like it
[15] entered into evidence. It's the same letter I
[16] sent you, and I would like to read it.
[17]   (Reading) Please vote against the
[18] adoption of the new Doraville zoning ordinance
[19] draft. Numerous shortcomings have been pointed
[20] out to the City Council since January of 2007.
[21] I am summarizing three of the most serious
[22] issues in this letter.
[23]   In the current Doraville zoning
[24] ordinance, adult entertainment is allowed in M2,
[25] industrial district designation, Heavy

[1] Industrial.

[2] In the draft, adult entertainment is
[3] allowed in the industrial district. The
[4] industrial district designation does not
[5] differentiate between light industry and heavy
[6] industry as the current Doraville zoning
[7] ordinance does.

[8] Two industrial district designations
[9] are required, one for light and another for
[10] heavy.

[11] If the draft is adopted, the number of
[12] areas in Doraville allowing adult entertainment
[13] increases. This will allow adult entertainment
[14] at the plat on the north side of New Peachtree"
[15] -- that is right here -- "and North Peachtree
[16] Road intersection and the plat on the north side
[17] of Buford Highway east of the New Peachtree Road
[18] and Buford Highway junction.

[19] The draft will not allow [sic] for
[20] expansion, public waste dump, on Winters
[21] Chapel." That's this area right here, for you
[22] people who live on Tilly Mill. You need to be
[23] very concerned about this.

[24] The draft will also allow for expansion
[25] of waste dump on Winters Chapel Road south of

[1] This draft is a good start. It should
[2] be written to address this letter's concerns.
[3] On June 27st, 2007, I set the City Council and
[4] Mayor the industrial standards and permitted
[5] uses on the following City's ordinances:
[6] Marietta, Norcross, Smyrna and Stone Mountain.

[7] I want to ask you, if these cities, are
[8] they doing better than we are? Then, we want to
[9] adapt what they have, not doing something else
[10] that nobody else has.

[11] Please hire a company with experience
[12] with industrial districts similar to what is in
[13] Doraville to draft industrial district standards
[14] and permitted uses for light and heavy
[15] industrial district designation.

[16] In June of this year, I gave the City
[17] Council and Mayor a copy of the Dekalb
[18] definitions and zoning ordinances for the
[19] control of adult entertain. Dekalb has
[20] excellent definitions and zoning ordinances for
[21] adult entertainment. We would do well to copy
[22] them. Please hire a company with experience in
[23] writing definitions and zoning ordinances for
[24] adult entertainment to draft Doraville's
[25] definitions and required zoning ordinances.

[1] the homes on the south side of Peachtree
[2] Industrial, on the above location on any
[3] industrial area Doraville may annex in the
[4] future.

[5] Dekalb County has 20 different district
[6] designations. This allows for better control
[7] and protection of property value.

[8] I am requesting the number of district
[9] designations to be increased to what is
[10] currently in Doraville in the area Doraville
[11] plans to annex. Cherokee Hills is zoned as
[12] Dekalb R100 or your R1. That's a hundred --
[13] except for theirs is a hundred foot frontage.
[14] They have fought long and hard to maintain their
[15] zoning. Dekalb County officials cannot ignore
[16] the rights of these citizens when Doraville
[17] tries to annex the Cherokee Hills subdivision.

[18] The draft does not have good inter-
[19] pretation sections. This leads to ambiguity and
[20] inability to enforce the draft, and words such
[21] as 'shall' are not clearly interpreted meaning
[22] 'must.'

[23] We also have a very poor Section 4 and
[24] 5, especially 4, which does not clearly state
[25] and protect you with the Planning Commission.

[1] You are sending a very poor message to
[2] the business owners, to the homeowners and to
[3] developers, to continue with this poor draft.
[4] You need to vote it down and start again.

[5] Like I said, I like all of what Brian
[6] proposed except for the first one, and I would
[7] like him to amend it to deny this.

[8] **MAYOR JENKINS:** Thank you.
[9] Come on up.

[10] **MS. CRAWFORD:** Susan Crawford.

[11] I guess I'm in the minority here, but I
[12] would like to say that when I looked at the
[13] zoning, the new Zoning Ordinance rewrite, I did
[14] see distinctions. I saw different codes, but I
[15] did see the distinctions between what keeps
[16] coming up. The heavy and light industry, I did
[17] see those. Now, maybe -- maybe I was looking at
[18] it wrong, but I did see that.

[19] And anyway, I think that all these
[20] concerns have been addressed by Mr. Lawler
[21] tonight, and it seems to me a very -- well, not
[22] "very" -- but a fairly simple thing to do to
[23] incorporate the old coding into the new map.

[24] Now, I'm a teacher, and I don't pretend
[25] to be a city planner. Bonita's an accountant,

[1] and she does. I think that we should really pay
[2] attention to the professionals, and if we need
[3] to hire more professionals, then we should
[4] invest the money to do that.
[5]   I, too, live here. And I do want to
[6] bring you tidings from the outside world because
[7] I have two jobs. I work with people from all
[8] over the city and outside the city. And I just
[9] want to tell you that we are the laughingstock
[10] of the area.
[11]   Like my co-worker who follows
[12] everything that happens, which, unfortunately,
[13] is chronicled in the paper generally, says, "Do
[14] you people not want development?" I don't
[15] understand. Why do you send this message to
[16] developers? I mean tonight --
[17]   Well, I'm not going to go on, but I
[18] hope you will consider that not everyone in the
[19] city wants to start over. This is insane.
[20] These people are professionals. We hired them.
[21] At some point, we have to turn over and trust
[22] that the professionals know what they're doing
[23] and not just --
[24]   - - -
[25]   (Overspeaking)

[1]   - - -
[2]   **MS. CRAWFORD:** Okay. Well, then, why
[3] don't you pull up a city? I mean what makes any
[4] one of you, including myself, capable and
[5] competent enough to think that we can redo a
[6] city?
[7]   **MR. KOONTZ:** It's called democracy.
[8]   **UNIDENTIFIED SPEAKER:** Yeah.
[9]   **UNIDENTIFIED SPEAKER:** Yeah.
[10]   **UNIDENTIFIED SPEAKER:** Democracy
[11] (inaudible).
[12]   **MS. CRAWFORD:** No. It's called bedlam.
[13] I mean I can redecorate my living room but I
[14] wouldn't pretend to know how to design a
[15] streetscape.
[16]   So you're saying that all of these
[17] people we've hired don't know what they're
[18] doing?
[19]   **MR. KOONTZ:** I think the problem
[20] everybody's saying is we're rezoning property
[21] without asking everybody if they want their
[22] property rezoned.
[23]   **UNIDENTIFIED SPEAKER:** Yeah.
[24]   **UNIDENTIFIED SPEAKER:** Yeah.
[25]   **MR. KOONTZ:** That's what they're doing.

[1]   **MS. CRAWFORD:** The zoning rewrite is
[2] rezoning property that belongs to other people
[3] out from under them?
[4]   **MR. KOONTZ:** They've rezoned your
[5] property (inaudible).
[6]   - - -
[7]   (Overspeaking)
[8]   - - -
[9]   **MS. CRAWFORD:** Okay. Well, like I
[10] said, I'm a teacher, and what the heck do I
[11] know.
[12]   **MAYOR JENKINS:** Thank you.
[13]   I got a motion on the table and a
[14] second.
[15]   **MS. MURPHY:** Mayor, can I ask
[16] Councilman Bates a question, please?
[17]   **COUNCILMAN BATES:** Yes, ma'am.
[18]   **MAYOR JENKINS:** Wait just a minute.
[19]   **COUNCILMAN BATES:** She wants
[20] clarification on the motion.
[21]   **MS. MURPHY:** Can I ask Councilman Bates
[22] a question about his motion?
[23]   Can we take the part out about making
[24] the budget adjustment? because we normally do
[25] that with a resolution. And since y'all are not

[1] putting a dollar figure in now, is that possible
[2] to do? Since you're planning for a planner
[3] anyway, can you leave that part out?
[4]   **ATTORNEY POWELL:** This is just a
[5] motion. It's not -- what's your objection?
[6]   **MAYOR JENKINS:** The motion can be
[7] changed.
[8]   **MS. MURPHY:** Well, we don't have a
[9] dollar amount, for one. And two, when we make a
[10] budget adjustment, we do it with a resolution
[11] and we usually know a dollar amount.
[12]   **COUNCILMAN BATES:** The resolution would
[13] come on January 7 with the job description, the
[14] resolution on the budget adjustment.
[15]   **MS. MURPHY:** And Mayor, while I'm
[16] interrupting, can I clarify something with
[17] Johnny Lawler? because I think I misunderstood
[18] something last week.
[19]   Last week when you were talking to --
[20]   **MAYOR JENKINS:** Is it about the motion?
[21]   **MS. MURPHY:** Well, it's about the
[22] Zoning Ordinance.
[23]   **COUNCILMAN SPANGLER:** Well, wait until
[24] we get to vote on this and so then you can ask
[25] Johnny, because I have a motion that I want to

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[1] make. Okay?
[2]   **MS. MURPHY:** Okay.
[3]   **MAYOR JENKINS:** Will you call the roll,
[4] Priscilla.
[5]   **UNIDENTIFIED SPEAKER:** Mayor, can you
[6] say the motion over again?
[7]   **MS. MURPHY:** Yeah. That there be a
[8] 180-day moratorium to be placed on all new
[9] zoning and rezoning applications effective
[10] immediately. This will not affect applications
[11] that have been submitted as of the close of
[12] business today. The job responsibilities
[13] crafted and advertised no later than January the
[14] 7th with the stated goal of having a planner
[15] hired and in place on or before March 1 of 2008.
[16]   So I guess that means that the Council
[17] would come here and just --
[18]   **MAYOR JENKINS:** Right.
[19]   **MS. MURPHY:** -- after some research,
[20] and discuss all those and be able to have those
[21] on January the 7th so it is advertised on the
[22] 7th.
[23]   So it would be . . .
[24]   - - -
[25]   (Inaudible discussion at Council table.)

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[1]   - - -
[2]   **MS. MURPHY:** Okay, Mayor. May I start
[3] over?
[4]   **MAYOR JENKINS:** Priscilla, go ahead and
[5] read the motion.
[6]   **MS. MURPHY:** Okay. The very first part
[7] of the motion is to postpone consideration of
[8] the zoning ordinance. Second part is 180-day
[9] moratorium to be placed on all new zoning and
[10] rezoning applications effective immediately. To
[11] review existing, and do research on the planning
[12] staff. This will not affect applications that
[13] have been submitted at the close of business
[14] today. The job responsibilities crafted and
[15] proposed to the Council on January the 7th, to
[16] be advertised right following that meeting, with
[17] the stated goal of having the planner hired and
[18] in place on or before March the 1st, 2008. All
[19] recommendations regarding changes to the draft
[20] zoning ordinance be submitted in writing no
[21] later than January the 31st, 2008.
[22]   That's the motion.
[23]   **COUNCILMAN SPANGLER:** Okay. Would you
[24] read that one more time?
[25]   **MS. MURPHY:** I'll try.

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[1]   **COUNCILMAN SPANGLER:** No, I'm serious.
[2] There was something added. There was something
[3] added to it.
[4]   **MS. MURPHY:** Okay. I'm going to let
[5] Brian read it.
[6]   **COUNCILMAN BATES:** I going to read on
[7] behalf of the Clerk.
[8]   **MAYOR JENKINS:** Come back with the
[9] microphone.
[10]   **COUNCILMAN BATES:** All right. We'll
[11] try to get this final, the final time here.
[12]   I make a motion to postpone the
[13] consideration of the Zoning Ordinance.
[14]   **COUNCILMAN SPANGLER:** That's the part I
[15] wondered about because that's not what you had
[16] on the sheet of paper here, Brian. I think you
[17] need to drop that from this motion and we'll
[18] bring it --
[19]   **COUNCILWOMAN ALEXANDER:** He reworded
[20] it.
[21]   **COUNCILMAN BATES:** It was a rewording
[22] proposed by the City Attorney.
[23]   **COUNCILMAN SPANGLER:** Well, I think
[24] that part should be dropped and we'll make
[25] another motion.

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[1]   You made a motion -- you made a motion
[2] to put a moratorium on for 180 days effective
[3] immediately.
[4]   **COUNCILMAN BATES:** The original motion
[5] as I read it the very first time had the motion
[6] to postpone consideration of the Zoning
[7] Ordinance. We could review the tape, but that
[8] was included in all the motions that have been
[9] read.
[10]   **COUNCILMAN SPANGLER:** Was it,
[11] Priscilla?
[12]   **MS. MURPHY:** Yeah. I think he read it
[13] off. It's not on this paper, but he read it.
[14]   - - -
[15]   (Overspeaking)
[16]   - - -
[17]   **COUNCILMAN SPANGLER:** No. I don't like
[18] that part of it. If you'll drop that part, I'll
[19] agree with the other changes.
[20]   - - -
[21]   (Overspeaking)
[22]   - - -
[23]   **COUNCILWOMAN HADDEN:** Mr. Mayor, with
[24] all due respect, the motion actually already has
[25] been seconded and it's ready to call for a vote.

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[1]   **COUNCILMAN SPANGLER:** Okay. Let's
[2] vote.
[3]   **COUNCILMAN BATES:** I --
[4]   **MS. FLEMING:** Not what he's reading
[5] now, though.
[6]   **COUNCILMAN BATES:** I will -- I will --
[7]   **MAYOR JENKINS:** I think he's reading it
[8] a little different.
[9]   **COUNCILWOMAN HADDEN:** Is it?
[10]   **COUNCILMAN BATES:** This has been
[11] amended and adjusted, so I will read and request
[12] a second on this proposed motion.
[13]   **MAYOR JENKINS:** Okay. Go ahead.
[14]   **COUNCILMAN BATES:** To make a motion to
[15] postpone consideration of the Zoning Ordinance.
[16]   Part two, to enact a 180-day moratorium
[17] to be placed on all new zoning and rezoning
[18] applications effective immediately to allow time
[19] for review of existing proposed ordinance, the
[20] map, and planning and staff needs. This would
[21] not affect applications that have been submitted
[22] as of the close of business today.
[23]   Part three, to submit the job
[24] responsibilities and a proposed budget to the
[25] City Council no later than on -- excuse me -- on

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[1] January 7th, to be advertised immediately
[2] thereafter, with the stated goal of having the
[3] planner hired and in place on or before March 1,
[4] 2008, and all recommendations regarding changes
[5] to the draft zoning be submitted in writing no
[6] later than January 31, 2008.
[7]   **COUNCILWOMAN HADDEN:** And withdraw the
[8] first.
[9]   **COUNCILMAN BATES:** I withdraw the first
[10] motion.
[11]   **COUNCILWOMAN ALEXANDER:** I second it.
[12]   **MS. MURPHY:** Mayor, you have a second.
[13] Do you want me to call the roll?
[14]   **MAYOR JENKINS:** I want to get another
[15] second.
[16]   **COUNCILWOMAN ALEXANDER:** I seconded.
[17]   **MAYOR JENKINS:** Okay.
[18]   **MR. ANDERSON:** What about agenda item B
[19] in this series of . . .
[20]   **COUNCILWOMAN ALEXANDER:** Can we please
[21] take a vote?
[22]   **MR. ANDERSON:** There's plenty more to
[23] come.
[24]   **COUNCILWOMAN HADDEN:** Call for the
[25] roll.

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[1]   **MS. MURPHY:** Mayor, you have 12 people
[2] that signed up to speak.
[3]   **MAYOR JENKINS:** Call the roll, please.
[4]   **MS. MURPHY:** Councilwoman Alexander?
[5]   **COUNCILWOMAN ALEXANDER:** Yes.
[6]   **MS. MURPHY:** Councilman Bates?
[7]   **COUNCILMAN BATES:** Yes.
[8]   **MS. MURPHY:** Councilwoman Hadden?
[9]   **COUNCILWOMAN HADDEN:** Yes.
[10]   **MS. MURPHY:** Councilman Lowe?
[11]   **COUNCILMAN LOWE:** Yes.
[12]   **MS. MURPHY:** Councilwoman Pittman?
[13]   **COUNCILWOMAN PITTMAN:** Yes.
[14]   **MS. MURPHY:** Councilman Spangler?
[15]   **COUNCILMAN SPANGLER:** No.
[16]   **MAYOR JENKINS:** Okay. Thank you.
[17]   **COUNCILMAN SPANGLER:** I'd like to --
[18] I'd like to make a motion to adopt the 2007 map
[19] from Keck & Wood and to continue to use the
[20] ordinances that we've been using until which
[21] time we do hire a city planner and that city
[22] planner is able to go and make whatever
[23] adjustments needed to be made to the current
[24] zoning that we're using at this time.
[25]   **COUNCILWOMAN ALEXANDER:** Just to adopt

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[1] the existing map?
[2]   **COUNCILMAN BATES:** The 2006 map?
[3]   **COUNCILMAN SPANGLER:** The 2007, isn't
[4] it?
[5]   **MS. MURPHY:** The existing map, yes.
[6]   **COUNCILMAN SPANGLER:** Is it 2006?
[7]   **MS. MURPHY:** Well, the way this one is
[8] printed out, we got it November 2007.
[9]   - - -
[10]   (Inaudible discussion at Council table.)
[11]   - - -
[12]   **MAYOR JENKINS:** Go ahead. Rephrase
[13] your motion, sir.
[14]   **COUNCILMAN SPANGLER:** Okay. I want to
[15] make a motion to adopt the current map that
[16] we're using and also adopt or continue to use
[17] the current zoning until which time we are able
[18] to hire a city planner and have the city planner
[19] look at the 1971 ordinances and make whatever
[20] suggestions as far as changes need to be made.
[21]   **MS. MURPHY:** I think you mean the 1986?
[22]   **COUNCILMAN SPANGLER:** I mean 1986. I'm
[23] sorry. I got my dates --
[24]   **COUNCILWOMAN ALEXANDER:** It's 2006.
[25]   **ATTORNEY POWELL:** That's 2006.

[1] **MAYOR JENKINS:** Do I get a second on

[2] that?

[3] **COUNCILMAN LOWE:** Mr. Mayor?

[4] **MAYOR JENKINS:** Yes.

[5] **COUNCILMAN LOWE:** Point of order.

[6] Mr. Spangler, no disrespect, but you're

[7] not on the agenda. So for you to make a motion

[8] for that, don't we have to --

[9] **COUNCILMAN SPANGLER:** Well, Mr. Bates

[10] --

[11] **MAYOR JENKINS:** It's on the same --

[12] it's along the same lines as the other one. All

[13] he's doing is elaborating on the --

[14] Am I correct?

[15] **COUNCILMAN SPANGLER:** Yeah.

[16]   - - -

[17]   (Inaudible discussion at Council table.)

[18]   - - -

[19] **MAYOR JENKINS:** Okay. Do I get a

[20] second?

[21] **MR. HART:** Yeah, but what's the motion?

[22] **COUNCILMAN LOWE:** Second.

[23] **MAYOR JENKINS:** We'll read the motion.

[24] **COUNCILMAN SPANGLER:** We got a second.

[25] **MS. MURPHY:** Councilman Spangler's

[1] motion that Councilman Lowe seconded was to

[2] adopt the map that Keck & Wood printed out for

[3] us that's dated November 2007, which is the

[4] current zoning that we're using now with our

[5] 2006 Zoning Ordinance, and to continue using

[6] that Zoning Ordinance and make this the official

[7] map of the City.

[8] And we have a second on that, Mayor.

[9] **MR. HART:** Excuse me. You're just

[10] about to adopt a zoning map. And I think you

[11] have to give legal notice and two meetings to

[12] adopt that map. Is that true?

[13] **ATTORNEY POWELL:** It has advertised.

[14] There was an advertisement for an official

[15] zoning map. It did not identify what zoning

[16] map.

[17] **MR. HART:** But don't we usually have a

[18] first reading and a review and then a second

[19] reading and a vote?

[20] **ATTORNEY POWELL:** Okay. There's been

[21] two. Both -- both meetings have been

[22] advertised.

[23] **MR. HART:** Yeah, but that was for this

[24] map.

[25] **ATTORNEY POWELL:** It didn't say what

[1] map.

[2] **MAYOR JENKINS:** Okay.

[3] **MR. HART:** I knew you're an attorney.

[4] That's good. But don't we still have to have --

[5] **MAYOR JENKINS:** Mr. Hart --

[6] **MR. HART:** I mean no one in the

[7] audience has had a chance to review that map.

[8] **COUNCILMAN SPANGLER:** It's the same map

[9] we've been using.

[10] **MAYOR JENKINS:** It's the map we've been

[11] using.

[12] **MR. HART:** I got you. But we've got

[13] people in the audience that have businesses in

[14] that area and they want to review the map.

[15] **MAYOR JENKINS:** Yes, sir.

[16] **MR. REEVES:** Mr. Mayor, I'm Matt

[17] Reeves, 1505 Lake Parkway, Lawrenceville,

[18] Georgia. I represent Joe Frank.

[19] We took an intermission earlier to

[20] review a new matter that had come up. I think

[21] it would be beneficial to take a few minutes for

[22] any interested parties to review this map.

[23] There are two maps, actually, and it

[24] took a few minutes for folks to sort out which

[25] is the one that's been used.

[1] Folks in the audience have not reviewed

[2] this map. We'd like to review the map. We

[3] would have objections on constitutional grounds

[4] if a vote's taken at this time. So we'd like to

[5] ask for an intermission to review the map.

[6] **MAYOR JENKINS:** Ten minutes.

[7]   - - -

[8]   (Brief recess.)

[9]   - - -

[10] **MR. REEVES:** Mr. Mayor, I can confirm

[11] we've conferred. Joe Franks' two properties,

[12] 5344 Buford Highway and 5368 Buford are listed

[13] correctly as C2 general commercial, so we have

[14] no opposition to the confirmation of the current

[15] zoning on those two properties.

[16] **MAYOR JENKINS:** On the map?

[17] **MR. REEVES:** On the map, the 2006 map.

[18] Thank you.

[19] **MAYOR JENKINS:** All right. Rick?

[20] **ATTORNEY POWELL:** It's fine with me to

[21] go forward.

[22]   - - -

[23]   (Inaudible discussion at Council table.)

[24]   - - -

[25] **MS. MURPHY:** I believe the motion is to

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[1] adopt this map that's dated November 2007 that
[2] have the words printed on the map that says that
[3] this is to certify that this official zoning map
[4] supersedes and replaces the official zoning map
[5] adopted before. And this would be signed by the
[6] Mayor and become the -- once we get the words
[7] printed on it, then the Mayor would sign it and
[8] it would be the map.
[9]   **MAYOR JENKINS:** I will.
[10]   **MS. MURPHY:** And then we would continue
[11] on with our current Zoning Ordinance except this
[12] map would be the official zoning map for the
[13] current zoning.
[14]   **COUNCILMAN SPANGLER:** Right. And then
[15] we can make whatever changes -- at the time we
[16] got a city planner, whatever changes he felt
[17] like needed to be made to the current zoning
[18] ordinances.
[19]   **COUNCILMAN BATES:** And go through the
[20] first and second reading --
[21]   **COUNCILMAN SPANGLER:** Right.
[22]   **COUNCILMAN BATES:** -- all over again.
[23]   **MAYOR JENKINS:** We got a motion and a
[24] second. Call the roll, Priscilla.
[25]   **MS. MURPHY:** Councilwoman Alexander?

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[1]   **COUNCILWOMAN ALEXANDER:** Yes.
[2]   **MS. MURPHY:** Councilman Bates?
[3]   **COUNCILMAN BATES:** Yes.
[4]   **MS. MURPHY:** Councilwoman Hadden?
[5]   **COUNCILWOMAN HADDEN:** Yes.
[6]   **MS. MURPHY:** Councilman Lowe?
[7]   **COUNCILMAN LOWE:** Yes.
[8]   **MS. MURPHY:** Councilwoman Pittman?
[9]   **COUNCILWOMAN PITTMAN:** Yes.
[10]   **MS. MURPHY:** Councilman Spangler?
[11]   **COUNCILMAN SPANGLER:** Yes.
[12]   **MAYOR JENKINS:** Thank you. Thank you.
[13]   **COUNCILWOMAN HADDEN:** Okay. Real quick
[14] because it's getting late. Carol Stephens, our
[15] Parks & Rec Director, let me know that -- and I
[16] can probably confirm this with Chuck. He may
[17] know, too -- I believe we have all the permits
[18] ready and necessary, just about, to start
[19] proceeding in the first quarter of next year
[20] with the mitigation of the streambank erosion in
[21] Autumn Park. And she said I think we have
[22] something like about 40 days left before our
[23] paperwork comes back from the State.
[24]   **MR. ENTSMINGER:** At the Georgia Soil &
[25] Water District meeting this morning, Jeff Bishop

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[1] did tell me they had approved it.
[2]   **COUNCILWOMAN HADDEN:** Thank you.
[3] That's wonderful. Thank you.
[4]   That's it.
[5]   **MAYOR JENKINS:** Real quick.
[6]   **ATTORNEY POWELL:** All right.
[7] Obviously, the first three items I had will be
[8] taken off since they tied into the adoption of
[9] the new Zoning Ordinance.
[10]   Item d. is a correction to our existing
[11] Vehicles for Hire Taxicab Ordinance, and I'm
[12] going to ask you to waive the first reading and
[13] adopt this tonight.
[14]   What it does is add the words to
[15] section D, "If an occupation tax certificate is
[16] required by Section 6-602 of this Code."
[17]   The way that exists now, it requires
[18] all taxicab companies to get an occupation tax
[19] certificate even if they don't have a location
[20] in the city. They do have to get a license, but
[21] it wouldn't be -- you can't legally require them
[22] to get an occupation tax certificate.
[23]   And then to clarify the next section,
[24] it reads now, "The taxicab company permit shall
[25] expire at the end of one year from the date of

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[1] issue and must be renewed prior to that date."
[2] And I've discussed this with Chief King, and we
[3] think this will clarify any issues that we have,
[4] and all taxicab companies now are going to be
[5] licensed. In the past, some of them have
[6] skated, and so we're going to go forward with
[7] enforcing that.
[8]   But I would request that the Council
[9] waive the first reading and adopt this tonight
[10] because we're coming up at year end when it's
[11] time to start getting new --
[12]   **MAYOR JENKINS:** Do I have a motion we
[13] waive the first reading?
[14]   **COUNCILWOMAN HADDEN:** So moved.
[15]   **MAYOR JENKINS:** Second?
[16]   **COUNCILWOMAN PITTMAN:** Second.
[17]   **MS. MURPHY:** Councilwoman Alexander?
[18]   **COUNCILWOMAN ALEXANDER:** Yes.
[19]   **MS. MURPHY:** Councilman Bates?
[20]   **COUNCILMAN BATES:** Yes.
[21]   **MS. MURPHY:** Councilwoman Hadden?
[22]   **COUNCILWOMAN HADDEN:** Yes.
[23]   **MS. MURPHY:** Councilman Lowe?
[24]   **COUNCILMAN SPANGLER:** Yes.
[25]   **MS. MURPHY:** Councilwoman Pittman?

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[1]   **COUNCILWOMAN PITTMAN:** Yes.
[2]   **MS. MURPHY:** Councilman Spangler?
[3]   **COUNCILMAN SPANGLER:** Yes.
[4]   **MAYOR JENKINS:** Okay. Do I have a
[5] motion we pass the ordinance?
[6]   **COUNCILWOMAN PITTMAN:** Motion.
[7]   **MAYOR JENKINS:** Second?
[8]   **COUNCILWOMAN HADDEN:** Second.
[9]   **MS. MURPHY:** Councilwoman Alexander?
[10]   **COUNCILWOMAN ALEXANDER:** Yes.
[11]   **MS. MURPHY:** Councilman Bates?
[12]   **COUNCILMAN BATES:** Yes.
[13]   **MS. MURPHY:** Councilwoman Hadden?
[14]   **COUNCILWOMAN HADDEN:** Yes.
[15]   **MS. MURPHY:** Councilman Lowe?
[16]   **COUNCILMAN LOWE:** Yes.
[17]   **MS. MURPHY:** Councilwoman Pittman?
[18]   **COUNCILWOMAN PITTMAN:** Yes.
[19]   **MS. MURPHY:** Councilman Spangler?
[20]   **COUNCILMAN SPANGLER:** Yes.
[21]   **MAYOR JENKINS:** All right.
[22]   **ATTORNEY POWELL:** Okay. The next item
[23] I have on my list is the Zoning Ordinance.
[24] That's all I have, Mayor.
[25]   **MAYOR JENKINS:** We do pretty good till

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[1] we get into zoning, don't we.
[2]   Committee reports. Mr. Crawford?
[3]   **MR. CRAWFORD:** There's actually really
[4] nothing except for that we had a -- on the 29th
[5] of November, we had a work session on the
[6] zoning, so that kind of was covered tonight.
[7]   And Priscilla, do we have anything else
[8] in our basket yet?
[9]   **MS. MURPHY:** I don't have anything.
[10]   **MR. CRAWFORD:** So I believe we don't
[11] think we have anything to work on yet, and we'll
[12] get back with an e-mail to City Hall if we're
[13] going to set up a time to meet on something that
[14] comes before us.
[15]   Thank you.
[16]   **MAYOR JENKINS:** Thank you.
[17]   Any other committees?
[18]   John?
[19]   **CHIEF KING:** Good evening, Mayor,
[20] members of the City Council. Just have a few
[21] items that I'd like to get some . . .
[22]   The first one is the last Council
[23] meeting, the City Council voted on some bids.
[24] When we moved in to order the patrol cars, the
[25] Department of Public Safety informed us that

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[1] there was a 5 percent surcharge on our order.
[2] That in fact basically will invalidate the bid
[3] that you voted on.
[4]   So I ask for the Council's permission
[5] to basically rebid the three patrol cars and
[6] those bids be submitted directly to City Hall.
[7] That way, at the next Council meeting, you can
[8] then select which is the lowest bid. Because if
[9] the lowest bid that you voted on is now adding
[10] this 5 percent surcharge that they asked us for,
[11] would not be the lowest bid, which is I think
[12] the intent of the Council at the time that you-
[13] all made the vote.
[14]   So what I'm asking is for a -- the
[15] permission of the City Council to go ahead and
[16] repost for bids to be submitted to City Hall so
[17] then you can select the -- the -- a sale for us
[18] to be able to buy the patrol cars that we need
[19] to buy at the next Council meeting.
[20]   **COUNCILMAN BATES:** So moved.
[21]   **MAYOR JENKINS:** Second?
[22]   **COUNCILWOMAN PITTMAN:** Second.
[23]   **CHIEF KING:** Um.
[24]   **MAYOR JENKINS:** Wait a minute.
[25]   **CHIEF KING:** I'm sorry, sir.

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[1]   **MS. MURPHY:** Councilwoman Alexander?
[2]   **COUNCILWOMAN ALEXANDER:** Yes.
[3]   **MS. MURPHY:** Councilman Bates?
[4]   **COUNCILMAN BATES:** Yes.
[5]   **MS. MURPHY:** Councilwoman Hadden?
[6]   **COUNCILWOMAN HADDEN:** Yes.
[7]   **MS. MURPHY:** Councilman Lowe?
[8]   **COUNCILMAN LOWE:** Yes.
[9]   **MS. MURPHY:** Councilwoman Pittman?
[10]   **COUNCILWOMAN PITTMAN:** Yes.
[11]   **MS. MURPHY:** Councilman Spangler?
[12]   **COUNCILMAN SPANGLER:** Yes.
[13]   **MAYOR JENKINS:** Thank you, John.
[14]   **CHIEF KING:** The next item, sir, that I
[15] have --
[16]   **COUNCILMAN LOWE:** Can I ask a question?
[17]   **CHIEF KING:** I'm sorry, sir.
[18]   **COUNCILMAN LOWE:** Rick, do we need to
[19] rescind that first bid. The motion that we had
[20] on the first bid, do we need to rescind that?
[21]   **ATTORNEY POWELL:** No.
[22]   **CHIEF KING:** Because the terms were
[23] different, Mr. Lowe, I --
[24]   **ATTORNEY POWELL:** Yeah, and I think --
[25]   **CHIEF KING:** I would suggest that

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[1] because they changed the terms of their bid
[2] price by adding the 5 percent, they basically
[3] disqualified themselves.
[4]   **ATTORNEY POWELL:** That bid doesn't
[5] actually exist any more. I mean that proposal
[6] of theirs doesn't exist. Good question.
[7]   **CHIEF KING:** The next issue that I
[8] have, Mayor and members of the City Council, is
[9] in the near future as part of the efforts for --
[10] the petroleum transportation companies and the
[11] petroleum wholesalers here in town are going to
[12] start moving tanker trains with -- with alcohol-
[13] base ethanol. So they're going to be using
[14] Winters Chapel. That spur that's been inactive
[15] is going to be reactivated again, and several
[16] times during the week, they will be bringing
[17] tankers with ethanol into the facilities to mix
[18] it with the fuel to make it basically the new
[19] fuel blends to reduce the amount of pollution in
[20] the metro Atlanta area. But that's going to
[21] require that those spurs that you've been -- a
[22] lot of people have just basically have been
[23] blowing through and that say "exempt" will no
[24] longer be exempt. Large trucks will be stopping
[25] because they're required to.

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[1]   But if we can basically get the word
[2] out to the community, first of all, that trucks
[3] will be stopping because the tanker trains will
[4] be bringing ethanol, which is a very highly
[5] flammable substance. But if we can minimize the
[6] amount of traffic on Winters Chapel to reduce
[7] the number of regular cars coming through on
[8] Winters Chapel from Woodwin to Longmire, that
[9] would probably be helpful.
[10]   But if you see a truck stopped, they're
[11] stopping at that spur because they're required
[12] to stop at that spur.
[13]   **COUNCILMAN BATES:** Do we have a time
[14] frame on when they're going to do it?
[15]   **CHIEF KING:** They're looking at January
[16] time frame, and we're trying to work with
[17] D.O.T., the Department of Public -- the Motor
[18] Transport Services, and Norfolk Southern. The
[19] problem is that Norfolk Southern cannot give us
[20] a schedule, a good schedule where at certain
[21] times they will be closing it. The railroad, I
[22] think, has some trouble being able to determine.
[23]   Ideally, I would like -- especially
[24] when we first start this, ideally, I would like
[25] to have a good schedule. That way, I could post

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[1] a patrol car there to be extra cautious, because
[2] people are going to -- we're going to have to
[3] retrain our whole community to understand that
[4] that spur is going to be used for bringing those
[5] tankers in.
[6]   **COUNCILMAN BATES:** Do we have any say
[7] in the time of day that it's --
[8]   **CHIEF KING:** No.
[9]   **COUNCILWOMAN ALEXANDER:** They're not
[10] willing to install crossing signals?
[11]   **CHIEF KING:** Excuse me?
[12]   **COUNCILWOMAN ALEXANDER:** Crossing
[13] signals. They're not willing to --
[14]   **CHIEF KING:** They are posted. The
[15] crossing arms are there. But the problem is is
[16] the cars traveling south on Winters Chapel
[17] routinely travel at such a rate of speed, that
[18] by the time they get around that curve,
[19] potentially they would be going too fast.
[20]   If they're following the speed limit,
[21] they could stop. But if there is a tractor-
[22] trailer stopped or several of them, they will
[23] have to go into the median.
[24]   Another suggestion that some of the
[25] tanker companies are making, are suggesting, is

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[1] perhaps to try to get a divider. Instead of the
[2] little bumps that you see there dividing the
[3] median, to actually get a full-up divider so
[4] when the arms come down actually does something
[5] to block the road.
[6]   We're going to try to get a -- try to
[7] get an information campaign, basically get some
[8] illuminated signs out there for the first couple
[9] weeks -- at least for a couple months. I'm
[10] looking at potentially going and leasing one of
[11] those programmable signs that you see at D.O.T.,
[12] warning people that slow down, you know, we're
[13] going to have, you know, tankers, to try to get
[14] that going.
[15]   So I will be looking at probably
[16] leasing something to get them information, but I
[17] just want to kind of put the word to our
[18] community that this is going to be going on and
[19] to just exercise extreme caution probably after
[20] the beginning of the year.
[21]   **UNIDENTIFIED SPEAKER:** (Inaudible)
[22]   **CHIEF KING:** No, sir. There's no time
[23] for that.
[24]   And the last item, Mayor and members of
[25] the City Council, is probably perhaps the most

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[1] serious of the issues that I have to bring up.
[2]   Recently, within the last two weeks,
[3] several members of my staff -- specifically, the
[4] Quality of Life Unit -- we received a letter at
[5] the Police Department threatening their life.
[6] And it's absolutely inexcusable, somebody
[7] writing a letter, an anonymous letter, without a
[8] return address.
[9]   And basically, I'm pretty upset because
[10] -- you know, I'm a big boy; I'm used to, you
[11] know, taking threats from folks -- but my
[12] employees, especially the unarmed employees,
[13] don't deserve that.
[14]   I think our community is better than
[15] that, and these girls are only doing their job.
[16] And it's absolutely inexcusable, and whoever
[17] wrote this is an absolute coward. If they're
[18] not willing to put their name down to a letter
[19] or come and see me --
[20]   And if they have a problem with my
[21] Quality of Life unit, I absolutely will -- will
[22] talk to them. I think every member of the City
[23] Council would talk to somebody and try to sort
[24] out whatever problems they have.
[25]   But to make a threat against unarmed

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[1] employees is absolutely inexcusable. I will do
[2] everything I can to find out who this individual
[3] is, and I will do my best to put him in jail.
[4]   **UNIDENTIFIED SPEAKER:** Can you check
[5] the fingerprint on the letter?
[6]   **CHIEF KING:** I'm the policeman. Let me
[7] do my job.
[8]   But I just wanted to mention that these
[9] employees are under a lot of pressure. They're
[10] trying to do the best they can. They have
[11] shifted some -- a lot of their priorities from
[12] -- a lot from the residential area. They're now
[13] starting to shift into the commercial areas
[14] because they got a lot of work there to do.
[15]   But if anybody has an issue with
[16] priorities or the job they do, call me.
[17] Threaten me if you want to. You know, God help
[18] you, you know. But not my employees. They
[19] deserve better.
[20]   **MAYOR JENKINS:** Thank you.
[21]   **CHIEF KING:** Thank you. That's all I
[22] have, sir.
[23]   **MAYOR JENKINS:** I'd like to mention one
[24] thing before we get into citizens comments. Ed
[25] Lowe, our Commissioner, this will be his last

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[1] meeting. He'll be at the next meeting, but
[2] there will be no discussion except on old
[3] business.
[4]   But I want to thank Ed for his help in
[5] the past years. I think Ed's done a wonderful
[6] job and I think that we should give him a big
[7] hand.
[8]   Citizens comments.
[9]   **MS. CRAWFORD:** As a committee -- and
[10] I'll just take my chances without the
[11] microphone. Can everybody hear me?
[12]   **UNIDENTIFIED SPEAKER:** Yes.
[13]   **MAYOR JENKINS:** Don't get around that
[14] microphone.
[15]   **MS. CRAWFORD:** I know.
[16]   The ONA and NNA are having a joint
[17] Christmas party on Wednesday, December 12th,
[18] which I guess is next week, here at 7 o'clock,
[19] and it's a potluck dinner. I hope everybody
[20] will come and maybe bring anything you want to
[21] share. So I hope to see you all here.
[22]   **MAYOR JENKINS:** Any other comments?
[23]   **COUNCILMAN SPANGLER:** I make a motion
[24] that we adjourn.
[25]   **MAYOR JENKINS:** I went over to the tank

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[1] farms today with John, and the gentleman over
[2] there made a comment to me that I want to share
[3] with you. He said it takes three gallons of
[4] water to make one gallon of ethanol, so think
[5] about it. Okay?
[6]   **COUNCILMAN SPANGLER:** Motion to
[7] adjourn.
[8]   **COUNCILWOMAN ALEXANDER:** Second.
[9]   **MAYOR JENKINS:** Meeting adjourned.
[10]   - - -
[11]   (Whereupon, the meeting was adjourned at
[12] 9:55 p.m. the same day.)
[13]   -o0o-
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[22]
[23]
[24]
[25]

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[1]   C E R T I F I C A T E

[2]

    STATE OF GEORGIA]

[3]

    COUNTY OF DEKALB]

[4]

[5]   I hereby certify that the foregoing

[6]   transcript was taken down, as stated in the

[7]   caption, and the proceedings were reduced to

[8]   typewriting under my direction and control.

[9]   I further certify that the transcript

[10]   is a true and correct record of the evidence

[11]   given at the said proceedings.

[12]   I further certify that I am neither a

[13]   relative or employee or attorney or counsel to

[14]   any of the parties, nor financially or otherwise

[15]   interested in this matter.

[16]   This the 11th day of December, 2007.

[17]

[18]

[19]

[20]   _____

             Theresa Bretch, CCR

[21]   Permit No. B-755

[22]

[23]   [SEAL]

[24]

[25]

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