In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

April 6, 2009

American Court Reporting Company, Inc.

52 Executive Park South

Suite 5201

Atlanta, Georgia 30329-2217

(404) 892-1331 - (800) 445-2842

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

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Transcript of the proceedings held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Ray Jenkins presiding, before Theresa Bretch, Certified Court Reporter, commencing at 7:00 p.m. on Monday, April 6, 2009.

* * *

APPEARANCES:

Doraville City Council:

Hon. Ray Jenkins, Mayor

Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Robert Spangler
Councilmember Donna Pittman
Councilmember Bob Roche
Councilmember Pam Fleming

Murray J. Weed, City Attorney

Ms. Rhonda Blackmon, City Clerk

P R O C E E D I N G S

MAYOR JENKINS: Meeting come to order. Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Here.

CLERK BLACKMON: Councilmember Bates?

COUNCILPERSON BATES: Here.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Here.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Here.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Here.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Here.

MAYOR JENKINS: Approve the minutes for 2/23/09. Do I get a motion?

COUNCILMEMBER BATES: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Spangler.

MAYOR JENKINS: The minutes for 3/16/09. Do I get a motion?

COUNCILMEMBER ALEXANDER: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

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CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: And the minutes for 3/19/09. Do I get a motion?
COUNCILMEMBER PITTMAN: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember

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Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: Okay. Annual convention 2009. Everybody that wants to go is to get your paperwork in. We've always given a certain amount of money to go to the convention.
Do I have any suggestions, any changes from what we usually do? Discussion, please?
- - -
(No response)
- - -
MAYOR JENKINS: We usually give ahead of time $700. I believe last year it might have been more.
Was it more than that last year? Do you remember?
COUNCILMEMBER SPANGLER: I don't remember.
MAYOR JENKINS: Okay. Is that what we want to do this year?
COUNCILMEMBER ROCHE: Well, it only works out to the actual expenses, right?
MAYOR JENKINS: Yes.
COUNCILMEMBER ROCHE: Right.
MAYOR JENKINS: Most people need some

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advance to go.
COUNCILMEMBER ROCHE: Oh. Yeah.
MAYOR JENKINS: That's the reason we always voted to give some advance pay. How do you want to do it, like we did, or do you want to change that?
COUNCILMEMBER ROCHE: I guess so. I don't really need an advance, but --
COUNCILMEMBER ALEXANDER: How much money do we have left in the training budget, do we know?
MAYOR JENKINS: Excuse me?
COUNCILMEMBER ALEXANDER: Do we know how much money is left in the trainings and the meetings and convention budget?
CLERK BLACKMON: I do not. I'll have to look that up. I do know what we did last year is 400 for an individual and 800 for a family I believe is what we had done.
COUNCILMEMBER FLEMING: And how many days was that for?
CLERK BLACKMON: It was four, but some people didn't go as long and we didn't differentiate on that. We just did 400 and 800.
COUNCILMEMBER PITTMAN: They shortened

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it this time by one day. It usually ends on Wednesday. This year, it's going to be I think on Tuesday.
CLERK BLACKMON: Tuesday, correct.
COUNCILMEMBER ROCHE: Last year, I just went long enough to take the classes on Saturday and came back. That's what I plan to do again this year, so --
COUNCILMEMBER BATES: I'm inclined, if anybody needs an advance, to give it.
I will not be doing an advance. I'll do expenses only.
MAYOR JENKINS: I will not, either, but anybody that -- let's just say that --
Do we need a motion? If anybody wants an advance just put it in to the City Clerk? Otherwise, you get it when you come back or whatever you'd like to do.
COUNCILMEMBER BATES: I'll so move that if anybody needs an advance for the annual convention, to request it in writing; otherwise, expenses will be reimbursed upon submitting their expense report.
MAYOR JENKINS: Do I get a second?
COUNCILMEMBER FLEMING: Second.

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MAYOR JENKINS: Anymore discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: Thank you.
Mr. Eric Bart, I believe you just got your paperwork in. I don't know if the Council will want to vote on it tonight or not. I think they want to look over their paperwork.
I'll give you a few minutes to bring us

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up to date. I believe you said you'd been sick?
MR. BART: Yes, sir.
Eric Bart.
MAYOR JENKINS: Do you have anything to say, sir? I believe you told me you had been sick, the reason you didn't get the paperwork before --
MR. BART: That is correct.
MAYOR JENKINS: -- before tonight.
MR. BART: That is correct.
MAYOR JENKINS: So I would think that the Council will want to look it over before.
We will get the sidewalks poured this week and the electrical done. So we'll be ready to deal with you, whatever the Council wants to do, when we get that completed.
MR. BART: Okay. Will the lease be ready at that point too? The lease?
MAYOR JENKINS: Excuse me?
MR. BART: Will there be a copy of a potential lease available at that time?
MAYOR JENKINS: We'll have that ready if the Council decides to lease it to you. Okay?
MR. BART: I just was wondering. I've

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turned in paper before that, you know, was on the same night, and the Council had looked at it and did a vote. So I'm asking them to do that now if that's possible.
MAYOR JENKINS: What did we vote on, do you know?
MR. WEED: The last time you addressed it, Mr. Mayor, the Council gave Mr. Bart some very specific instructions about information we wanted him to deliver. I assume it's been delivered today. I don't know if Council's had an opportunity to review the information or not.
Obviously, Mr. Bart has asked you to go ahead and bring this thing to some kind of conclusion tonight. And so it's up to the Council to decide if you want to move forward or if you want more time to review the information he's given you.
COUNCILMEMBER SPANGLER: Have you worked on any type of lease? You did mention that.
MR. WEED: I didn't think I was authorized to go ahead and do a lease yet, so I didn't want to spend your money to do that. If you authorize me tonight to go ahead and write a

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lease, I can have a draft lease ready within two days. Probably within one day if you need it tomorrow, by late in the day.
I would advise you to wait until you're confident that you want to do this before you ask me to go ahead and do a lease.
COUNCILMEMBER FLEMING: Well, would the lease not be applicable to anyone that we may be leasing it to? Could it not be a generic lease and we fill in the blanks of cost per month, tenant's name and the lessor's name?
MR. WEED: You could do that, but what I would suggest to you is you wouldn't get a generic root canal. Every circumstance is a little bit different. The dentist who's doing it has probably done a thousand root canals, but until his hands are in your mouth, you want his expertise working on the fact situation that he finds there.
Therefore, I can do a generic lease, but I'm still going to have to modify it based upon what you decide you want me to do.
COUNCILMEMBER PITTMAN: There is a Dog Days Hot Dogs at Peachtree Corners. Any affiliation?

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MR. BART: No.
MAYOR JENKINS: It's D-A-Y-S.
COUNCILMEMBER ALEXANDER: How much liability insurance do you carry?
MR. BART: It's two million.
COUNCILMEMBER BATES: Two million?
MR. BART: Two million. Excuse me.
COUNCILMEMBER ALEXANDER: Do you have contingency financing arranged in case your SBA doesn't go through?
MR. BART: If the SBA doesn't go through, there are other options available. The 31,000 that's shown there is a given. Those are from the people I told you about that were family members and so on that wanted to invest.
COUNCILMEMBER ROCHE: Under payroll taxes, looks like you have 10 percent of your monthly salary is 300. You're saying your entire payroll is going to be $3,000 a month. That's two people at $9 an hour for 40 hours a week.
MR. BART: It's actually based on a little bit more. That was done by Paychex. They made us a proposal. That would be for next year, and I reworked it for the balance of this

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year.
COUNCILMEMBER ROCHE: I'm just saying payroll taxes would be a lot more than 10 percent.
MR. BART: That's how I calculated it up with the numbers that they had given me.
COUNCILMEMBER ROCHE: Yeah; because I use Paychex myself, and when I pay $3,000, I usually have a withholding, my total cash requirements are somewhere around four or five thousand dollars. It's almost 40 percent of what the payroll is.
MR. BART: I guess we're getting a good deal from them, then.
COUNCILMEMBER ROCHE: No. This is from the Federal taxes.
MR. BART: Uh-huh.
MAYOR JENKINS: We have a couple of people that signed up. Shall we go ahead and let them speak?
Okay. Kay Bird to the microphone, please.
MS. BIRD: Kay Bird.
Since this is still in the "if" situation," I just wanted to share with you a

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conversation I had this morning with a local real estate agent, and she was talking to another real estate agent who's real familiar with the Dresden Drive area. And I don't know if any of you have driven down Dresden Drive between Buford Highway and Peachtree Road in a while. It looks really nice, the development there, but like every place else, it's still suffering. There are buildings setting -- there are office space setting on empty store fronts on empty.
The comment that she had is one thing that's holding it together is their coffee shop, that there's a lot of traffic coming and going to the coffee shop, and that seems to be the one thing that is bringing the most traffic and attention in there. And she felt like that if they did not have that coffee shop, it would really be dead there. And in the articles that I read that Eric included in some of the papers to you, it looks like that's a pretty common observation in other cities and towns where there's been renovation taking place.
I know I have a young medical student staying with me for two months. She's doing her

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CDC internship here. First thing she asked me was, "Where's your coffee shop?" And I said, "We don't have one." And she's from Mississippi. She said, "You don't have a coffee shop?" I said, "No, dear. Sorry." I directed her to Shallowford Road in Chamblee. So it seems rather surprising to a lot of people that, for a town this size, we don't even have a coffee shop.
So I hope this is well on the road to being approved, because I'm hearing a lot of excitement about it. Thank you.
MAYOR JENKINS: Bonita?
MS. HOFFMEISTER: Bonita Hoffmeister, Oakcliff Estates.
We have a lot of assets here in Doraville. We have the MARTA. We have the highest point in Dekalb County. We have a lot of intersecting roads and a lot of gateways into our city. Yet I've been coming up here for six years, and we have not been able to make one of those assets into a reason to come to Doraville other than to get through it or out of it or away from it.
A coffee shop would be something to

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attract people from the MARTA station and start a new downtown area. Thank you.

MAYOR JENKINS: I'll bring it back up to the table. Anymore discussion on Dog Daze?

- - -

(No response)

- - -

MAYOR JENKINS: Do I have some type of a motion?

COUNCILMEMBER SPANGLER: I'll make the motion that we accept the terms in I guess it would be contingent on the contract that Mr. Weed would draw up between the City and Mr. Bart.

COUNCILMEMBER ROCHE: I'll second that motion.

COUNCILMEMBER ALEXANDER: For how long?

COUNCILMEMBER SPANGLER: Well, I think it's only fair that we do it for at least a year to give Mr. Bart an opportunity with an option to renew thereafter up to however many years he feels he wants to do it. But I really think that it would only be fair to give him at least a year unless someone wants to give him more.

COUNCILMEMBER ROCHE: So you're

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amending your motion to one year, and I guess I'll still second it.

MAYOR JENKINS: Anymore discussion?

COUNCILMEMBER ROCHE: I will say that I'm very, very concerned about the dollars here. I'm very concerned about the business plan. I hope I'm wrong, but I know there's a lot of enthusiasm here, so --

MAYOR JENKINS: Anymore discussion?

Call the roll, please.

COUNCILMEMBER ALEXANDER: Do you have any -- Can I ask one more question?

MAYOR JENKINS: Excuse me.

COUNCILMEMBER ALEXANDER: Do you have any plans for security? Because I think that may be one of the concerns.

MR. BART: For security?

COUNCILMEMBER ALEXANDER: Yeah. Are you going to have any cameras or anything?

MR. BART: Right now what I've done is I've had Brink's Security come out and do an inspection on the property, and they can install the system and have a real good monitoring fee which would cover police, fire, those types of things.

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And I think the big thing that we were talking about originally when we were proposing to do this was to keep transients away from that building, the ones that were hanging out at the MARTA station. And since this is going to be a viable operation, I think that situation will be limited. We won't have that problem with vagrants hanging around.

COUNCILMEMBER BATES: What are your hours? I know the hours originally were going to be early morning to evening. Have they changed any?

MR. BART: Monday through Thursday 6:00 to 8:00, Friday and Saturday 6:00 to 10:00, closed on Sunday.

COUNCILMEMBER BATES: That's 6:00 a.m. to 8:00 p.m.?

MR. BART: Yes, sir.

COUNCILMEMBER BATES: And that was Monday through Thursday, and then Friday, Saturday 6:00 to 10:00?

MR. BART: Saturdays would be 8:00 to 10:00 instead of 6:00 to 10:00.

COUNCILMEMBER BATES: Again, I'll echo Mr. Roche's concern regarding the payroll. I

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don't see where your estimates are sufficient to cover that number of work hours. I just do have some general concerns regarding the expense allocations on payroll and payroll taxes.

COUNCILMEMBER ALEXANDER: And you have to pay your sales tax.

COUNCILMEMBER SPANGLER: What was the terminology you used last meeting when you said that he could fluctuate a little bit one way or the other or estimate or whatever, that he didn't have to be concise? What was the word you used, Mr. Bates?

MR. BART: I believe it was swag.

COUNCILMEMBER BATES: That was my word, yes.

COUNCILMEMBER SPANGLER: I think, Mr. Bates, that probably Mr. Bart's doing a little swag on this. I mean we did approve or authorize him to use the swag method, so that would be my thoughts.

MAYOR JENKINS: Anymore discussion?

- - -

(No response)

- - -

CLERK BLACKMON: Councilmember

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1 Alexander?
2 COUNCILMEMBER ALEXANDER: Yes.
3 CLERK BLACKMON: Councilmember Bates?
4 COUNCILMEMBER BATES: Yes.
5 CLERK BLACKMON: Councilmember Fleming?
6 COUNCILMEMBER FLEMING: Yes.
7 CLERK BLACKMON: Councilmember Pittman?
8 COUNCILMEMBER PITTMAN: Yes.
9 CLERK BLACKMON: Councilmember Roche?
10 COUNCILMEMBER ROCHE: Yes.
11 CLERK BLACKMON: Councilmember
12 Spangler?
13 COUNCILMEMBER SPANGLER: Yes.
14 - - -
15 (Applause)
16 - - -
17 MR. BART: And when we open, I hope to
18 see all of you guys there for coffee in the
19 morning.
20 MAYOR JENKINS: Murray, when will be
21 the effective date?
22 MR. WEED: Well, we'll probably make it
23 -- I'll get in contact with Mr. Bart and/or his
24 lawyer and we'll probably -- I would suggest to
25 you the beginning of a month or mid-month on the

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1 15th. I don't know anybody who wants to have a
2 soft opening and a, you know, hard opening.
3 I'll deal with him on that type of detail.
4 COUNCILMEMBER SPANGLER: I think he
5 said, too, that or the Mayor said that the
6 sidewalk is in the process of being poured and
7 the electrical work being done. I think these
8 things need to be done probably before we would
9 even start a date on the lease.
10 MR. WEED: Well, I'll deal with him
11 and/or his counsel and we'll work up a schedule.
12 MAYOR JENKINS: If the weather is
13 straight, we'll be ready before too long, but we
14 need a little more time.
15 A couple things that I added to the
16 agenda that weren't put on there. One of them
17 is old business, which is Mr. Eddie Lowe. He
18 wants to give us an update on something that he
19 is really concerned about.
20 Come on up, Eddie.
21 LIEUTENANT LOWE: Thank you, Mayor and
22 Council. Thank you so much for the opportunity
23 to speak to you this evening.
24 We are all in a financial bind through-
25 out this country, and I have happened to stumble

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1 upon something the Chief sent me to some
2 training for. It's called Financial Peace
3 Workplace Edition.
4 Our employees are facing higher-cost
5 goods and services, increased interest amounts
6 and credit card amounts. We're basically
7 swimming in debt, and our employees are not able
8 to make any traction.
9 I've provided some info packets for
10 y'all, but basially the overextender report that
11 was in there speaks that when our employees are
12 worried about personal finances when they're at
13 work, it affects our bottom line. Well, our
14 bottom line is not about necessarily numbers.
15 It's about public safety and public service.
16 This training that I have come across
17 is from nationally-known best-selling author and
18 nationally-syndicated radio and TV talk show
19 host Dave Ramsey. This program is designed to
20 teach our employees about how to handle
21 finances. It's basic stuff that we all know but
22 we just don't practice.
23 Actually, hundreds of thousands of
24 families have partaken in this program and have
25 had unbelievable results. My wife and I are

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1 ones. The average family completes in 91 days,
2 averages paying off $5300 in debt and saving
3 $2700. That's an $8000 turnaround in 91 days,
4 and that's just the average. Some obviously do
5 better, some obviously do worse.
6 I have been certified to host or
7 facilitate this training. It's on DVD. We have
8 the materials to teach this to us, and we have
9 the materials, and the way -- the way the
10 teaching goes, I don't teach. I just facilitate
11 because Dave teaches via video, and they go
12 through a workbook and then we split up into
13 small group discussions which allow them to --
14 That's where the real power of this
15 program comes from, accountability from people
16 that you're working with, and focused intensity
17 is how people are getting out of debt and making
18 a complete difference in their lives.
19 One of the points I wanted to make was
20 how much better would our employees serve us?
21 If they knew how to handle their own money, they
22 in turn will handle our money even better.
23 I know that the City is facing some
24 financial concerns, and one of the things that
25 we do have to address is the cost of this

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program. Well, the training's already been paid for, and we would only need the Civic Center or the new training building when it's completed for the facilities of it.

In the packet I gave you, there was a price list. And basically for less than $200, an employee that wished to enroll in this program, we could give them an $8,000 turn-around. However, understanding that money is an issue with the City, many of the employees have already told me they're more than willing to pay for the kits themselves and just want your support in us facilitating this program, not just for the Police Department but for all City employees.

I would ask your consideration in possibly investing in the membership kits for people, and, if not, we understand that. Support us in getting this training going in the city so that we can have employees that are saving for retirement on their own, they're staying out of debt, they're living below their means and giving us a better, well-educated employee that's going to serve the city better because they're not worried about Master Card

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and Visa calling them about their late bills. I would just ask for your consideration for this program and the costs.

Are there any questions you have?

COUNCILMEMBER ROCHE: Is there anything preventing you from using City property, like you said, the Civic Center, to hold these classes?

LIEUTENANT LOWE: I spoke with the Mayor. I went through the chain of command and was given permission to speak to the Mayor, and that's one thing we did discuss. My concern would be I don't know about the cost of the facilities, but it would only be for two hours a week for a 12-week period. I'm not sure if the City is required to put up the money. I'm not sure how that goes.

COUNCILMEMBER ROCHE: No. I mean just for the use of the buildings, I mean is that a problem?

COUNCILMEMBER PITTMAN: Is that all you're asking for is just the use of the building?

LIEUTENANT LOWE: What I'm asking for -- I'll be plain speaking -- is the use of the

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building because this is a benefit for our employees. It's not just for everybody. And we'd encourage their spouses or significant others to come.

What we're asking for is the use of the buildings. And if I get that go-ahead, I'll start what's called a class preview, a class enrollment, and we'll set up the roll and we'll get the first few in and probably limit it to 20 to 25 to begin with, and hopefully we'll have more want to take this class and see the turn-around that many people I know have seen.

And the other cost would be the member-ship kits themselves. Like I said, for the investment of less than $200 per employee, we can give them a benefit.

COUNCILMEMBER SPANGLER: But didn't you say that you had a lot of employees right now that would be willing to pay the $200 themselves?

LIEUTENANT LOWE: Yes, sir, they would. That's how eager. They wanted me to make that point to you tonight even knowing that they undermined having you-all pay for it, but they do understand the City's financial concerns, but

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they're willing to do it themselves.

COUNCILMEMBER SPANGLER: And I would agree -- if Mr. Weed can give us some legal advice on them using the facility for this, I would agree to let them use the facilities.

But at this time, I wouldn't consider, with the financial hardships we are having, the $200 per employee. This may be something that we can look at next year.

LIEUTENANT LOWE: Yes.

MR. WEED: Councilman, if it's a City program, you can have your --

COUNCILMEMBER SPANGLER: Well, that's what I was asking. Would this be considered a City program?

MR. WEED: If you decide it's a City program, four of you agree, it's a City program.

COUNCILMEMBER BATES: Who benefits financially from the purchase of the kids and --

LIEUTENANT LOWE: Well, it would be Dave Ramsey's organization, his business, and that is basically based out of Brentwood, Tennessee. They receive the money for the memberships. But our employees ultimately benefit from from him because of just the basic

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1 financial knowledge.
2 I couldn't have told you what a mutual
3 fund was 18 months ago. Now I can't wait to
4 finish getting out of my debt -- "snowball" is
5 what he calls it -- to where I can start
6 investing and going.
7 But ultimately, they do make money off
8 of it, but I can speak for them because I'm also
9 teaching a class at home, and because I'm a
10 certified trainer, they're more than willing to
11 help me out with a reduced price. They are
12 about helping people. It's not just about
13 making money.
14 But ultimately, I believe the City will
15 benefit from it because the employees will look
16 at it as a benefit.
17 COUNCILMEMBER ROCHE: I'm familiar with
18 the program. I mean my last client, they had
19 someone who did basically what you're doing
20 here.
21 I think the question that was asked has
22 to do with, for instance, if someone came before
23 the Council and said I want to start selling
24 Amway or something, two employees, could we use
25 City buildings for that? I think that's the

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1 main concern there, because basically you're
2 talking about a money-making operation, you
3 know, with the benefits and all that.
4 I understand all that. I just want to
5 make sure we're not running afoul of any kind of
6 gratuity laws or anything like that.
7 MAYOR JENKINS: If it were City
8 employees only, wouldn't that make a difference?
9 COUNCILMEMBER ROCHE: Well, I don't
10 know. That's why I'm asking.
11 MR. WEED: My take on that is if it is
12 going to be limited to City employees and the
13 City is not contributing to the kits themselves,
14 you are essentially allowing City employees to
15 utilize a City facility for training in a
16 program that you're going to make a City
17 program. I don't have any issue with that.
18 Even if you were going to rent the
19 facility to some outside third party and they
20 were going to do something that might make
21 money, as long as it's a quid pro quo exchange,
22 then you wouldn't violate the anti-gratuities
23 clause.
24 So at this point, I don't hear anything
25 that makes me nervous with regard to what's

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1 being suggested here.
2 COUNCILMEMBER ROCHE: When you say
3 "make it a City program," what do you mean by
4 that?
5 MR. WEED: By allowing it to be on a
6 City facility but limiting it to City employees
7 and not charging any kind of rental fee or
8 charge for use of the City facility, you are
9 essentially sponsoring the program.
10 Now, you could always elect not to do
11 it or you can say, "Well, we'll treat you and
12 this program just like any third party who's not
13 related to the City and we'll charge you rent
14 for it," and then, you know, good luck and
15 that's that.
16 COUNCILMEMBER ROCHE: Okay. As long as
17 you're okay with it.
18 Do we need a motion to allow this?
19 COUNCILMEMBER SPANGLER: I think we
20 already have a motion.
21 COUNCILMEMBER ROCHE: Okay.
22 COUNCILMEMBER SPANGLER: Didn't I make
23 a motion, Mr. Weed?
24 MR. WEED: I --
25 COUNCILMEMBER SPANGLER: I think I did.

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1 I made the motion that we would allow the
2 program to use the Civic Center but not pay for
3 the kits.
4 COUNCILMEMBER PITTMAN: And it's
5 limited only to employees, no citizens?
6 MR. WEED: That's my understanding. It
7 would be family members -- you know, direct
8 family members or significant others of City
9 employees.
10 COUNCILMEMBER PITTMAN: Do you have
11 that in the motion?
12 COUNCILMEMBER SPANGLER: I didn't have
13 that in the motion. I kind of changed the
14 motion a little bit. We can add that to the
15 motion for only employees. And I guess City
16 Council people would be allowed in this program
17 also since we kind of sort of are elected
18 officials but also considered maybe an employee,
19 and the families of the employees.
20 And I would like to think that you guys
21 would make arrangements not to interfere with
22 the Civic Center as it's being used by the
23 neighborhood groups and whatever else.
24 LIEUTENANT LOWE: Yes, sir. My plan
25 was on that, when I got the green light to do

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this, I would look at the days that are available and basically try to snatch them up if they're not already taken if we could take them for the 12-week period. But we would never want to infringe on a neighborhood association or anything like that.

MAYOR JENKINS: We might be able to work it out between City Hall and there if something comes up.

COUNCILMEMBER ROCHE: I'll second the motion.

MAYOR JENKINS: Anymore discussion? Anymore discussion at the table?

Yes, sir. Come up to the microphone.

MR. HOWARD: Yes. I'm Clint Howard from Oakcliff area. I've heard of this program also, and it's a very good program. And being that the Civic Center is already used for the citizens as far as the Boy Scouts and some of the other things it's used for, it would be nice. And because the City is not paying for the kits or anything, it would be nice if they could be able to include some of the residents that would like to do this also, not just Police Department or City employees, because it would

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be a benefit for the whole city actually.

Thank you.

MAYOR JENKINS: Anymore discussion?

COUNCILMEMBER PITTMAN: Does that open up a whole different --

LIEUTENANT LOWE: If I could address that, I am also -- it's kind of funny -- going through the church side of this or the community side of this. I actually have my own home church where I'm teaching because so many friends have come to me wanting me to teach it. That is something I will be more than willing to open up to anybody to join, which would completely separate from the City and would be on -- we would find somewhere else to do it. But I would more than love to get my training and reach as many people as I can with this program.

MAYOR JENKINS: Anymore discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

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COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Yes.

MAYOR JENKINS: Thank you.

LIEUTENANT LOWE: Thank you, Mayor and Council.

MAYOR JENKINS: Each year, we buy an ad for the Shrine Circus which benefits the Shrine Hospital, and I'd like to have a motion.

We usually buy a full-page ad, which is $1100, every year, and if this is agreeable, I'd like to have a motion to continue that for each year or for this year, anyway.

COUNCILMEMBER SPANGLER: I would like to ask the Mayor -- and I think I asked the last time this came up -- what would be the chances

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of us getting the Shrine Parade back in the city?

MAYOR JENKINS: It would be fine with me. We'd have to talk to the Shriners about it. They wanted to come back.

COUNCILMEMBER SPANGLER: I can remember that.

MAYOR JENKINS: We used to have, you know, a two-week -- the Shriners sponsored two-week Shrine Classic football games, and at that time, they had the parade during that particular time. So they do not have that anymore, but I still hope that we do help the Shriners until we do get it back in Doraville, by buying an ad to the Shrine Circus. It's an ad in the shrine circus book that they sell at the circus, and it's in Marietta.

We usually buy the full-page ad, which is $1100. It's in color, and it advertises the city of Doraville exclusively.

COUNCILMEMBER SPANGLER: And my question to Mr. Weed would be what is the legal advice?

MR. WEED: Well, what you obviously have to worry about is violation of the

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1 constitutional provision about anti-gratuities.
2 In other words, you can't donate or give without
3 some reasonable quid pro quo exchange of the
4 government's property. You can't take the
5 people's taxes and their money and property and
6 give it away.
7 What you can do is enter into
8 contracts, enter into leases, enter into other
9 agreements that have got a real objective,
10 meritorious item of worth, and make an offer and
11 have an offer accepted and have that offer and
12 acceptance memorialized in a contract and
13 agreement, and then do a number of the same
14 things that you'd like to.
15 And one of the things that you can do
16 is if you're purchasing advertising for the
17 city, that's a legitimate expense. There are
18 ways to structure these things if you can
19 identify a legitimate thing that you are buying
20 for whatever it is you're getting from the
21 group.
22 COUNCILMEMBER SPANGLER: So in essence,
23 it's not like it's a donation. It's actually
24 paying for the ad.
25 MR. WEED: Correct.

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1 COUNCILMEMBER SPANGLER: And the ad
2 would be to promote the city of Doraville.
3 MR. WEED: Correct.
4 COUNCILMEMBER FLEMING: And in the
5 promotion of the city of Doraville, would that
6 not be promoting tourism to the city of
7 Doraville which may also be able to be paid out
8 of the hotel/motel tax?
9 MR. WEED: That would be my opinion.
10 That's exactly what those type of funds should
11 be used for.
12 COUNCILMEMBER FLEMING: Thank you.
13 MAYOR JENKINS: Okay. Anymore
14 discussion?
15 - - -
16 (No response)
17 - - -
18 MAYOR JENKINS: Do I get a motion?
19 COUNCILMEMBER SPANGLER: Do you want to
20 make the motion?
21 COUNCILMEMBER FLEMING: I thought you
22 had.
23 COUNCILMEMBER SPANGLER: No. I was
24 just asking questions.
25 COUNCILMEMBER FLEMING: I'm very sorry.

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1 I'd like to make a motion to take out a
2 full-page ad in the Shrine Circus program to
3 advertise for the city of Doraville and to
4 promote the city of Doraville.
5 COUNCILMEMBER ROCHE: And pay for it
6 out of?
7 COUNCILMEMBER FLEMING: And pay for it
8 out of hotel/motel tax.
9 MAYOR JENKINS: Second?
10 COUNCILMEMBER SPANGLER: Second.
11 MAYOR JENKINS: Anymore discussion?
12 - - -
13 (No response)
14 - - -
15 MAYOR JENKINS: Call the roll, please.
16 CLERK BLACKMON: Councilmember
17 Alexander?
18 COUNCILMEMBER ALEXANDER: Yes.
19 CLERK BLACKMON: Councilmember Bates?
20 COUNCILMEMBER BATES: Yes.
21 CLERK BLACKMON: Councilmember Fleming?
22 COUNCILMEMBER FLEMING: Yes.
23 CLERK BLACKMON: Councilmember Pittman?
24 COUNCILMEMBER PITTMAN: Yes.
25 CLERK BLACKMON: Councilmember Roche?

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1 COUNCILMEMBER ROCHE: Yes.
2 CLERK BLACKMON: Councilmember
3 Spangler?
4 COUNCILMEMBER SPANGLER: Yes.
5 And Ms. Fleming, is there any way we
6 could find out what we need to do to get the
7 parade back?
8 COUNCILMEMBER FLEMING: I will make a
9 phone call tomorrow.
10 COUNCILMEMBER SPANGLER: Thank you.
11 MAYOR JENKINS: I'll talked to Mr.
12 Atkinson also. He's the one that came to me.
13 Gary Greenhut. This is another item
14 that I didn't have on the agenda that I was
15 supposed to have. We're going to give
16 Mr. Greenhut 10 minutes to talk about the Dekalb
17 Visitors Bureau.
18 MR. GREENHUT: Mayor and Council
19 Members and citizens of Doraville, Gary
20 Greenhut, Chief Operating Officer, Dekalb
21 Convention and Visitors Bureau.
22 I want to thank you for inviting me
23 today to give you an update on what the Dekalb
24 Convention and Visitors Bureau does with your
25 contribution from hotel/motel tax to the overall

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1 wellbeing of the city and the county as far as
2 tourism is concerned.
3 I'm going to give you a brief overview
4 of what our marketing organization does. Our
5 mission statement is to promote Dekalb County
6 and its cities as a destination for meetings and
7 tourism. DCVB supports Dekalb County hoteliers
8 by providing travelers with free information and
9 assistance, and we primarily market to overnight
10 visitors traveling within a 700-mile radius of
11 Atlanta.
12 Our job is to have people to come in to
13 Doraville and the rest of Dekalb County with
14 money in their pocket, stay in our hotels, eat
15 in our restaurants, shop in our retail
16 establishments and visit our attractions, and go
17 home with their pockets empty, tell all their
18 friends and relatives what a wonderful time they
19 had, and come back and spend more money.
20 DCVB was established in 1984 as a non-
21 membership bureau funded by hotel/motel tax.
22 Our target market includes leisure travelers and
23 family reunions. Because of the economy, we are
24 currently focusing on targeting leisure
25 travelers for more weekend business. During

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1 these challenging times, we are increasing our
2 efforts by using the most effective methods to
3 bring immediate bookings to our hotels.
4 Our tourism program emphasis is getting
5 more immediate weekend business for our hotels.
6 To achieve this, DCVB's tourism team visits the
7 11 Georgia State Visitor Information Centers
8 which are visited by over 13 million travelers
9 each year coming into the state of Georgia. Our
10 tourism staff greets travelers with free hot
11 dogs, popcorn and brochures at the Georgia
12 Information Centers across the state. We also
13 stock these centers year round with brochures,
14 posters, hotel and rack cards.
15 DCVB creates weekly event posters and
16 lighted display announcements for use in these
17 centers. The lighted display cases are very
18 popular and have been very successful in getting
19 our message out to travelers.
20 For Doraville and Dekalb residents,
21 DCVB supports our hoteliers and attractions and
22 our residents by training front-line employees
23 to provide outstanding service and learn basic
24 sales skills. We offer a variety of free
25 classes and workshops throughout the year

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1 through our Tourism Academy. Our core classes
2 include Customer Service Class -- Bring 'em
3 Back; Sales Technique Seminar -- Fall in Love
4 with Your Job; Dekalb County Assets: Find out
5 What is Available in Dekalb County So That We
6 Can Keep 'em Here.
7 Once we do that, we give them what we
8 call our Familiarization FAM Tour where we take
9 them around the county and show them the assets
10 that we have. Over a thousand graduates have
11 completed the requirements at this academy to
12 become Certified Tourism Asset Specialists.
13 Advertising. DCVB advertisements are
14 placed in popular magazines such as Ophra,
15 People, Redbook, Good Houskeeping, Woman's Day,
16 and many, many more. Each ad is assigned a
17 separate Dekalb direct toll-free extension for
18 tracking purposes and uses our free discount
19 coupons as incentive to gather these leads.
20 Our circulation for 2008 was over 51
21 million. We received over 92,000 inquiries last
22 year. Total leads generated through motor
23 coach, meetings, weddings and reunions for 2008
24 was 42,276.
25 DCVB publications. We publish the

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1 Atlanta Visitors Newsletter on a periodic basis.
2 This also serves as our welcome newsletters, and
3 it's distributed to Visitor Information Centers
4 as well as sent out with advertising leads and
5 inquiries.
6 Our quarterly calendar of events
7 includes coupons for hotels and attractions.
8 Future copies will include a Dekalb County map
9 and a complete listing of all Dekalb County
10 hotels. Our monthly calendar-of-event posters
11 are displayed in the hotels' lobbies and Visitor
12 Information Centers, and there's one in your
13 lobby out there.
14 The Heads & Bed monthly newsletter is a
15 report that is mailed out to our tourism
16 industry professionals and to Visitor
17 Information Centers and to hotel general
18 managers, reporting on what is happening in
19 Dekalb County in tourism. You all now should be
20 receiving that on a monthly basis.
21 The Stone Mountain Park brochure is our
22 latest publication that is distributed to the
23 Visitor Information Centers.
24 Our Public Relations department
25 provides the following services: press releases

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1 and story ideas, services to the media including
2 press kits and photo images; coordination of
3 media visits, which we had travel writers in
4 last weekend, arrangements for interview with
5 Dekalb tourism industry representatives.
6 Weddings. Dekalb County is a natural
7 with the environment that we have here, to have
8 weddings. We invite people to have their
9 weddings here in Dekalb County, stay in our
10 hotels, eat in our restaurants and visit our
11 attractions. We offer free wedding planning
12 workshops and bride showcases throughout the
13 year. DCVB services the wedding by providing
14 welcome bags and travel information.
15 Family reunions. This is where it is.
16 Dekalb County is one of the top family reunion
17 destinations in the country. Reunion business
18 results in a significant number of bookings for
19 our hotels. We aggressively pursue our leads
20 with follow-up communication until we close the
21 sale and confirm the reunion will be held here
22 in the county.
23 Throughout the year, DCVB hosts family
24 reunion planning workshops to encourage reunion
25 planners to book room nights in Dekalb County

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1 hotels, to learn about our free reunion
2 services. The workshops are designed to teach
3 planners everything they need to know about
4 planning a successful family reunion.
5 Results from our family reunion poll of
6 2008, we had 330 reunion planners attend our
7 workshops. Out of that 330, we booked 289, and
8 the total room nights that were generated by the
9 bureau were 23,736.
10 We operate a Web site, www.dcb.org.
11 Our Web site offers convenience of immediate
12 online hotel reservations through Travelocity
13 partner network and provides updated information
14 on attractions and calendar of events and also
15 includes our Tourism Academy classes and reunion
16 workshop schedules and online registration. The
17 number of Web site hits for 2008 ws 714,178.
18 The Ambassador Program. The Ambassador
19 Program is our volunteer program. Our program
20 consists of nearly a hundred certified
21 volunteers. Each ambassador is a graduate of
22 the Dekalb Tourism Academy. Ambassadors greet
23 and host and hostess and facilitate registration
24 at meetings and family reunions.
25 This is just a snapshot of what we do

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1 at DCVB. You have in front of you a folder that
2 gives you a lot of the different things that we
3 do. I just want to point out one thing,
4 especially to the citizens of Doraville. We
5 want your family reunions here. You have the
6 Holiday Inn over here which is a full-service
7 hotel. You can invite your family here to have
8 their reunion.
9 We developed this bag here especially
10 for family reunions. That's not the right bag.
11 Put the wrong bag in. Okay. This is one of our
12 bags. Our family reunion bag has a sheet here
13 for the family to sign and give their autograph
14 so they can take it home as a memento. Sorry I
15 didn't bring that.
16 Any questions I can answer for you-all?
17 COUNCILMEMBER BATES: Yes, sir, I've
18 got several. And I'm the reason why you're
19 here, and I appreciate you taking time out of
20 your schedule to join us.
21 You and I had a conversation two weeks
22 ago regarding the contract, and I thought that
23 you were going to provide us this evening with a
24 financial summary of benefits that the city of
25 Doraville has received from the hotel/motel tax

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1 dollars as is stipulated in the contract between
2 us and the city [sic] as to what we get for the
3 money that we collect on your behalf.
4 My second question is how many cities
5 partner with the DCVB?
6 MR. GREENHUT: All the cities in Dekalb
7 County that have hotels or motels.
8 COUNCILMEMBER BATES: So Chamblee,
9 Dunwoody, Stone Mountain, Pine Lake, Lithonia,
10 Clarkston?
11 MR. GREENHUT: No, no. Lithonia does
12 not have hotels in the city.
13 Basically we're talking about
14 Doraville, Dunwoody, Decatur.
15 Chamblee has two small hotels and the
16 city has decided not to collect hotel/motel tax
17 at the 5 percent rate from them.
18 COUNCILMEMBER BATES: In all this
19 material that you've provided us, I don't see
20 anything in all this material that promotes
21 cities. It all talks about the county. That's
22 from 2002. I appreciate that. It's from 2002.
23 It's seven years ago.
24 MR. GREENHUT: All right. As I
25 researched for you, when I talked to the Mayor

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1 and I found out about Doraville, it was too late
2 to put it in the calendar of events. It will be
3 from now on.
4 I'll also give you-all our deadlines
5 for our publications. Anything that you would
6 like to promote, we will be glad to do it in our
7 calendar of events and in our quarterly reports
8 and in all our publications.
9 COUNCILMEMBER BATES: I understand that
10 and I appreciate it, but the contract stipulates
11 -- and I hate to be a stickler on the contract,
12 but it stipulates that the DCVB will provide a
13 monthly financial statement of dollars that are
14 used to promote the city of Doraville, and I
15 don't know that we've received that, seen that.
16 I've been on Council now for 13, 15 months.
17 I've not seen it.
18 That, you know, may be a small amount
19 of money for you guys, but the $38,000 that we
20 send to you on an annual basis is a lot of money
21 that we could use and put to good use locally to
22 promote our city. So help me understand what we
23 need to do to start getting that information so
24 that we can answer the residents and business
25 owners.

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1 MR. GREENHUT: If we have been remiss
2 in not sending you that report, we can go back
3 12 months, we can go back 24 months, whatever
4 you want to do, and continue on forward. We
5 generate a P&L, also a budget report, on a
6 monthly basis that we submit to our board of
7 directors and to our exec committee, and we
8 apparently have not been submitting that to you.
9 We will do that.
10 COUNCILMEMBER BATES: To the Clerk and
11 the Mayor, if you guys are getting that or have
12 received it, I would personally like to get a
13 copy of it so that I've got a general sense --
14 MR. GREENHUT: I'll be glad to provide
15 the entire Council. How far back do you want to
16 go?
17 COUNCILMEMBER BATES: I'd be fine for
18 this fiscal year.
19 MR. GREENHUT: Also I think as part of
20 the contract, there's an audit in there, and you
21 should have got a copy of the audit. We do an
22 audit of the -- our outside auditor comes in and
23 does an audit and also Dekalb County audit team
24 does an audit.
25 COUNCILMEMBER ALEXANDER: And I

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1 believe, too, that the information we were
2 given, that there was also an escrow account of
3 $136,000 or something like that. And I would
4 definitely like to know if the City is
5 collecting it -- if the escrow account is
6 collecting interest on our moneys that are in
7 escrow.
8 MR. GREENHUT: That's really not an
9 escrow account. It shows as an escrow account
10 on our books. Okay. But it was money that you
11 collected on hotel/motel tax that my
12 organization was the only one it could go
13 through. It was collected erroneously. Okay.
14 And instead of going back and finding each
15 person who paid too much on their hotel bill,
16 okay, the city asked -- the city attorney at
17 that time asked the court that if that money
18 sent to the hotel/motel tax could go to our
19 organization, but that was several years ago.
20 COUNCILMEMBER BATES: Those are all the
21 questions I have. Thank you.
22 MAYOR JENKINS: Anybody else?
23 MR. GREENHUT: How far back, Councilman
24 Bates, would you like to go back?
25 COUNCILMEMBER BATES: I'd like this

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1 fiscal year, from July 1 of 2008 through --
2 MR. GREENHUT: We operate on a calendar
3 year, but I'll be glad to go back two years and
4 also give you an audit on those dollars --
5 COUNCILMEMBER BATES: That would be
6 great.
7 MR. GREENHUT: -- at the same time, and
8 I'll supply it to the rest of the Council also.
9 COUNCILMEMBER BATES: Okay. Thank you.
10 COUNCILMEMBER ALEXANDER: Thank you.
11 MAYOR JENKINS: Thank you, sir.
12 COUNCILMEMBER FLEMING: Thank you for
13 your presentation as well.
14 MAYOR JENKINS: Item number 4, Brian.
15 COUNCILMEMBER BATES: Mr. Weed, can you
16 take that?
17 MR. WEED: Yes, sir. Looking at item
18 number four, Councilman Bates had done an
19 outline and was thinking about sponsoring a
20 piece of legislation locally that would deal
21 with the sale of used cars on parking lots that
22 were not used-car parking lots.
23 Effective July 2007, a very recent law
24 was adopted. It's 40-2-39.1. I've done a
25 careful review of that law, and it's my opinion

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that local ordinances on the same suject would most likely be determined to be preempted.

Here is why. The State law is very, very precise and it's also very restrictive. Many times, these State laws are written very broadly so that the local governments have got more opportunity to be more restrictive than the State law provides. Likewise, there is a criminal-offense penalty in the State law. It's a misdemeanor offense.

Between those two things -- and ordinarily, when a State law is not meant to have the effect of preemption, there are provisions built into the law that would allow further local regulation. A very good example of that would be the nuisance abatement law which specifically says that nothing in the State law is intended to supersede or overturn any local ordinance on nuisance abatement.

That language is very conspicuously absent from the State law here. It's my opinion that the intention of the legislature was to cover this entire area, and they've done so pretty thoroughly and pretty restrictively. So based upon that and the cases that I cited to

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you as well as the constitutional provision cited in my e-mail to you of today, it's my professional opinion that a local ordinance on the subject would be preempted.

COUNCILMEMBER BATES: So our Police Department can enforce this law as it sits right now under State O.C.G.A. 40-2-39.1?

MR. WEED: Absolutely. It's set out very specifically that they can do that.

COUNCILMEMBER BATES: So you guys can start 24-hour notice on any vehicles marked for sale starting tonight.

CAPTAIN BROWN: The problem I think is the Quality of Life can't.

COUNCILMEMBER BATES: We don't even have to notify the owner of the vehicle; is that correct?

MR. WEED: You know, I would say this. It does say law enforcement. Now, in this particular ordinance, there is no particular definition of law enforcement; however, every single policeman clearly qualifies as law enforcement. Whether that extends to Quality of Life, I would want to take a look at the definition section of Title 40 which is where

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this statute is located and see if that is inclusive of a code enforcement unit. But definitely the police can.

COUNCILMEMBER BATES: But just so I'm clear, under this law, we don't need to notify the car owner that they are in violation.

MR. WEED: That is correct.

COUNCILMEMBER BATES: We can mark the vehicle, chalk the tires or whatever. Twenty-four hours later from that moment, if that car is still there, we can tow it without notice.

MR. WEED: That is correct.

COUNCILMEMBER BATES: The alternative is to start citing the property owners for having a used-car lot in a nonauthorized, non-zoned property; is that correct?

MR. WEED: Yes. That's also completely viable, and that would be purely local regulation. The State constitution and the State Home Rules Powers Act is also another subdivision that deals specifically with zoning and granting the power of zoning to local governments. So if someone has violated the zoning by having an improper use on a piece of property, that is something Quality of Life has

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complete control over and always has.

COUNCILMEMBER BATES: The reason I brought this up, in case you weren't here last meeting, is Buford Highway in some of the commercial properties or even noncommercial, has become a haven for random and rogue people parking cars marked for sale. We have used car lots in the city that are perfectly appropriate for that type of business, and we don't need to continue to junk up Buford Highway with random people selling their used vehicles.

And Captain Brown had indicated that under the ordinance that we were trying to enforce, that we had a 72-hour notification clause, so I wanted to make sure that we could expedite that process.

So as I understand it from Mr. Weed, 24-hour notification, we can tow them with or without the permission of the property owner.

MR. WEED: Correct. It's subsection (d), any law enforcement officer or agency, the board or the owner or lessee of any real property upon which a vehicle is displayed or parked in violation of the subsection for a period of longer than 24 consecutive hours may

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1 have any such vehicle towed from the real
2 property and stored at the expense of the owner
3 or lessee of the vehicle, and that vehicle can
4 be disposed of as provided in Chapter 11 of
5 Title 40.
6 COUNCILMEMBER BATES: What I don't want
7 to do is penalize the property owners who may be
8 unknowingly harboring used-car lots, but I would
9 want the property owners to be a little more
10 aggressive in policing their own lots.
11 COUNCILMEMBER ROCHE: I just want to
12 make sure I've got this straight. If I decide I
13 want to sell my car, can I stick a for-sale sign
14 on my car and leave it in my driveway?
15 MR. WEED: Yes.
16 COUNCILMEMBER FLEMING: But you
17 indicated -- excuse me. You indicated right
18 here in the e-mail, the law applies to all
19 property, not merely commercial.
20 COUNCILMEMBER ROCHE: Right.
21 MR. WEED: It does.
22 COUNCILMEMBER SPANGLER: And what if I
23 have --
24 COUNCILMEMBER FLEMING: So --
25 COUNCILMEMBER SPANGLER: -- a for-sale

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1 sign -- I'm sorry, Ms. Fleming -- if I have a
2 for-sale sign on my car and I drive it over to
3 the shopping center to purchase something, am I
4 going to be excluded or am I going to --
5 MR. WEED: You're excluded. There is
6 an exemption.
7 COUNCILMEMBER SPANGLER: I'm sorry.
8 COUNCILMEMBER FLEMING: I was just
9 reading the --
10 COUNCILMEMBER ROCHE: No. I'm good. I
11 just wanted to make sure we all understand that.
12 COUNCILMEMBER FLEMING: But we were
13 talking about commercial --
14 COUNCILMEMBER ROCHE: Right.
15 COUNCILMEMBER FLEMING: -- and you said
16 all property. And then Mr. Roche asked about
17 private property, being our own, and you said
18 that was all right. But your e-mail indicated
19 that it applies to all property, not merely
20 commercial.
21 So now do you want to redefine what
22 we're reading here?
23 MR. WEED: No, ma'am. I mean I don't
24 think I need to redefine it.
25 Essentially, the way the statute is

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1 written, the short version of it is that on any
2 real property a person would be not allowed to
3 sell five used vehicles within a 12-month
4 period. So if you're going to sell more than
5 five vehicles in a 12-month period, something's
6 wrong, something's fishy in Denmark.
7 So there are built into the -- yes, it
8 does apply to both residential and commercial
9 properties, but there are clear guidelines as to
10 too many. Then it'll be triggering the
11 provisions, and you'll become a suspect by law
12 enforcement.
13 COUNCILMEMBER FLEMING: But then you go
14 back to the 24 consecutive hours, and the
15 vehicle could be towed.
16 MR. WEED: That's correct.
17 COUNCILMEMBER SPANGLER: So could it be
18 towed out of a private property owner's drive-
19 way?
20 MR. WEED: No. If it's their own
21 vehicle, no.
22 COUNCILMEMBER ALEXANDER: This is the
23 State law --
24 MR. WEED: There --
25 COUNCILMEMBER ALEXANDER: -- e-mailed

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1 you.
2 MR. WEED: There are a number of
3 exceptions built into the law.
4 COUNCILMEMBER FLEMING: I realize that
5 this is a State law and you're saying we do not
6 need a law for the city of Doraville because the
7 State supersedes whatever we might put into
8 place; correct?
9 MR. WEED: Yes.
10 COUNCILMEMBER FLEMING: So if Mr. Roche
11 decides to sell his car and he has it in his
12 driveway with a for-sale sign on it for 24
13 hours, can it be towed?
14 MR. WEED: No.
15 COUNCILMEMBER ROCHE: But if I leave it
16 parked on a right-of-way somewhere or in
17 Pinetree Plaza parking lot right in front for
18 three or four days, it can be.
19 MR. WEED: Yes.
20 COUNCILMEMBER SPANGLER: Or if he
21 leaves it in front of his house if he were able
22 to park on the street he lives on, then it could
23 be towed after 24 hours.
24 MR. WEED: Arguably, yes.
25 COUNCILMEMBER SPANGLER: But probably

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not.
MR. WEED: But probably not.
There are exceptions built into the statute. And I'm happy to read the statute to you directly, but you can hit any Web site and pull it up. But there are a number of exceptions built into it that cover -- obviously if you're selling a vehicle for yourself, in your driveway, you know, there are exceptions built into that for you.
If you are going to the store and you have a for-sale sign, if you're actively doing business at the mall and you've parked the car with the for-sale sign on it in the mall, it's your car and you've gone into Macy's to get something, you haven't violated the law. If you left it there and you continue to leave it there and it's marked and noticed either by law enforcement or the owner, it can be towed at your expense, impounded and sold.
COUNCILMEMBER SPANGLER: After 24 hours.
MR. WEED: (Nods head)
COUNCILMEMBER BATES: So we don't need to do anything except enforce the law.

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MR. WEED: That's my opinion.
COUNCILMEMBER BATES: Okay. Thank you.
MR. WEED: No need to reinvent the wheel.
UNIDENTIFIED SPEAKER: What's that Code section?
MR. WEED: It's 40-2-39.1. Went into effect July of 2007, so it's very new. In fact, there aren't even any cases interpreting it yet.
MAYOR JENKINS: Linda Rollins, you signed up for this item, ma'am.
MS. ROLLINS: What you've covered, I don't have any questions about.
MAYOR JENKINS: Stuart Anderson.
Ms. Bird, you didn't sign up for this item.
MS. BIRD: Right. I just had a question.
MR. ANDERSON: Since we're not talking about Mr. Bates' document here, I did want to ask a couple questions.
Does the State law have the VIN included in the application or do they have to make an application for a sticker?
And then clarify what you said a while

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ago. Then there has to be a sticker put on by the Quality of Life or the Police, and then it's 24 hours triggered after that sticker has been put on the car, not 24 hours after Mr. Roche put his for-sale sign on the car?
COUNCILMEMBER BATES: There is no notification needed.
MR. WEED: That's right.
MR. ANDERSON: So there's no sticker getting put on the car.
MR. WEED: No. I mean, well, it could be a sticker, it could be a chalk mark. It could be, you know, the owner's visual appraisal that at such-at-time you have the car parked there; 24 hours later, 24 hours and one minute later it's still there, I'm calling to get it towed, and they would swear that it had been there that long.
MR. ANDERSON: Doesn't sound very user friendly to me.
MAYOR JENKINS: Kay, come up to the microphone.
MS. BIRD: Kay Bird.
I appreciate what you're doing. The only thing I would ask is at this particular

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moment in time that we're going into enforcement of it, that some notification be given just because there's been kind of a tradition established that this is okay to do, quote/unquote. People are struggling right now.
I know word gets out really quick. Apparently since the camera at the lights are not enforced since one week, they're running those lights up there like they used to beforehand.
So I know the word will get out. If you can give people a little bit of notification that this will be enforced so that we don't go any more into some of the reputation we have as a police state here for a variety of reasons, and then stay on top of it on a regular basis. Thank you.
COUNCILMEMBER SPANGLER: I agree with Ms. Bird, Murray. Is there any way legally that we can put out to all the business owners in the city that this is an ordinance that has been on the books for a year or so and that we are going to start enforcing it as of such-and-such a date?
MR. WEED: Well, there's literally a

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case that says that, quote, ignorance of the law is no excuse.

COUNCILMEMBER SPANGLER: Well, I understand that.

MR. WEED: But nevertheless, as a community service, you could put it on the Web site, in the next newsletter. I would make the statement and just point out the statute and that there will be stepped-up enforcement under the terms of the statute and leave it at that. I wouldn't have a lot of language about it.

COUNCILMEMBER SPANGLER: Well, we may not need to have a lot of language, but I think we need to communicate to the businesses and to --

MR. WEED: It's a very friendly thing to do.

COUNCILMEMBER SPANGLER: Yes, sir. And I think that's what we need to do from this point forward. We talked about it before, and we're still not doing it. So I think as of tonight, we need to start being more proactive in getting the information out to the residents and the business owners.

MR. WEED: There's nothing illegal

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about that.

COUNCILMEMBER SPANGLER: Thank you.

COUNCILMEMBER FLEMING: It's not too late, I don't believe, to get it into the newsletter.

COUNCILMEMBER SPANGLER: And then someone, I guess whoever's in charge of the Web site could put it on the Web site?

MR. HOWE: Sure.

COUNCILMEMBER SPANGLER: Do the newsletters go out to the businesses also? Okay. So that would be two forms of notification.

MAYOR JENKINS: Okay. Is that all on that one, Brian?

COUNCILMEMBER BATES: I'm done, sir.

MAYOR JENKINS: Thank you.

Donna?

COUNCILMEMBER PITTMAN: On Saturday, April 25th, we will be having another annual clean-up day, and along with this, we're going to be having a tree planting. Part of this is to become a Tree City USA, and there's a few things that we need to address in order to do that. We are well on our way. We already have

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an ordinance, which is part of it.

We have to have a committee to help with some ideas of the different areas to plant trees. We've had some interest already, Ms. Fraysse and Gordon Grant. That's from Oakcliff and Winters Chapel. We also need someone from Northwoods. So if we have any volunteers that would like to be on that committee, or if we want to have more -- sometimes less is better -- to help implement the ideas of where to plant trees in the various areas.

Also we probably need to add something to our tree ordinance in order to have this committee.

Is that correct, Mr. Weed?

MR. WEED: I'm vaguely familiar with the Tree City USA program but I haven't seen the parameters. I'd have to look at them to compare them to our ordinance, which I'm glad to do but I don't have those.

COUNCILMEMBER PITTMAN: Absolutely. Okay.

We also need to talk about some funding. I know we wanted some trees at Oakcliff and we wanted to start by planting some

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trees and set a precedent for everyone else here at City Hall.

I believe we have 108,706 -- is that correct, Rhonda?

CLERK BLACKMON: Yes, that is correct.

COUNCILMEMBER PITTMAN: -- in the tree bank right now. We really need to start using some of that. And if we could come up with an idea of how much we want to put aside to start planting some of these trees, that would be good.

Scott, if you'd like to elaborate a little bit, please.

MR. HAEBERLIN: I just put forward to the City Council some recommendations on the type of trees that would be appropriate for City Hall. I know there's a lot of discussion about maintaining our turf, which is excellent and does look very attractive. But trees primarily that do not have large leaves or debris for cleanup. And so I've given each one of the Council members some suggestions on those, and those are very hardy trees.

I think in light of us planting on a commercial property, we should consider putting

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1 some very hardy stock in here at City Hall,
2 probably a two- or three-inch caliper tree
3 initially on the planting. And we'll have to
4 maintain them, we'll have to water-bag them over
5 the summer, but that could also be a project
6 that local Cub Scouts or neighborhood
7 organization could take part in.
8 So very excited about it, and we just
9 need to again look to how much money we'll spend
10 here at City Hall out of that figure and come up
11 with a gross number that we want to plat, and
12 choose some locations. We'll have the gentleman
13 check the lawn to make sure we're not on an
14 irrigation system, and we can go ahead and mark
15 some holes for those locations.
16 COUNCILMEMBER PITTMAN: Thank you.
17 COUNCILMEMBER ROCHE: This is kind of a
18 related question. Does the city of Doraville
19 have any need for an arborist?
20 MR. HAEBERLIN: It's something you can
21 think about because within the Tree City USA
22 program, you're going to allocate a certain
23 amount of money in your general fund and it can
24 be used not only for maintenance and planting
25 but it can be used for employees.

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1 In the very near future, I think it
2 would not be a bad idea to consider that. And
3 this is how I'm thinking. The arborist not only
4 helps enforce your tree ordinance, but when we
5 have a landscape ordinance, that person also
6 assists us in doing the final walk-throughs on
7 properties and looking at the plantings to make
8 sure things are planted appropriately, the right
9 number, the right species, size, et cetera. So
10 it's something I think the City should consider
11 in the very near future.
12 COUNCILMEMBER ROCHE: I mean I can't
13 see us having a full-time employee but maybe a
14 contractor or something.
15 MR. HAEBERLIN: Well, again, I'll be --
16 COUNCILMEMBER ROCHE: Of course we have
17 a hiring freeze anyway still.
18 MR. HAEBERLIN: Yes. It is something
19 like I said, when we go to the final C.O. for a
20 property and we have an actual landscape
21 ordinance versus the tree ordinance that we have
22 today, which will focus more on shrubbery and
23 trees, combinations rather than just trees, it
24 would be an employee that also too could receive
25 training in erosion control, and so they could

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1 be cross-trained in a number of different
2 faculties. So it's something we should consider
3 for the future.
4 COUNCILMEMBER PITTMAN: It's very good
5 to know that someone that has wanted to be on
6 the committee, Mr. Grant, is an arborist.
7 MR. HAEBERLIN: Absolutely.
8 COUNCILMEMBER PITTMAN: That's going to
9 definitely be an asset to the committee.
10 And we certainly would love to have
11 someone volunteer from Northwoods. We want to
12 make sure all the areas are covered. So if
13 anybody would like to get with Ms. Fraysse, if
14 that's okay, Susan?
15 MS. FRAYSSE: Uh-huh.
16 COUNCILMEMBER PITTMAN: So do we have
17 any ideas from the Council on how much money
18 we'd like to allocate to be able to do some
19 trees here at City Hall? And then later we want
20 to do some at the parks, especially Oakcliff
21 right now is the next one on the agenda.
22 COUNCILMEMBER FLEMING: Has there
23 already been a plan, a site plan done for the
24 trees?
25 COUNCILMEMBER PITTMAN: That's what

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1 we're working on right now.
2 COUNCILMEMBER FLEMING: Because the
3 comment has been City Hall, and I know that
4 Mr. Bates had wanted to do trees at the Library
5 with --
6 COUNCILMEMBER PITTMAN: And we do want
7 to do that, but that's just specifically for
8 that day. We're going to continue on. And
9 hopefully this will be something -- the Library,
10 parks, you know. But right now we're focusing
11 on City Hall first because we'd like to set a
12 precedent to do this and maybe have tree
13 planting once a month or once every other month
14 in the right season. You know, we're cutting it
15 kind of close right now.
16 And by the way, the ones on Winters
17 Chapel are not twigs. They are blooming. We
18 did stop and look, and there are blooms on those
19 trees, so hopefully they will come out, although
20 they do look like twigs right now.
21 MS. FRAYSSE: And the ones at
22 Honeysuckle look great, too, the maples and the
23 crepe myrtles.
24 COUNCILMEMBER PITTMAN: It's a great
25 project. It's a really nice thing. There's

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also grants involved with Tree City USA which could help us as well.

MR. WEED: And just in answer to Councilman Roche's question, you do need an arborist and that is required by the tree protection ordinance. The definition is vague and fluffy. It is a person primarily responsible for administrating the enforcement of the tree ordinance under the direction of the City Planner, and initially the arborist will be a contract professional rather than an employee of the City.

COUNCILMEMBER ROCHE: Right.

COUNCILMEMBER PITTMAN: Scott, did we have -- I know that Bobby, and we were going to have someone from the County, the lady that actually assisted us with the Winters Chapel trees, come out and look. Did we get any idea on how much we thought those particular trees -- because I know you guys were going to look.

MR. HAEBERLIN: Not yet. But like I said, you know, if we focus on a tree really suited for a commercial property -- and we certainly don't want a sapling that the kids could break off -- we're probably going to be

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looking somewhere in the two to three hundred dollar range per tree. But of course with the planting being volunteer, that would save a lot of money, because typically the planting is two times the cost of the tree. So we can get some really sizeable species in very quickly and not be waiting an extended time frame to see some results. But like I said, with the volunteers, the labor cost is eliminated.

COUNCILMEMBER PITTMAN: And Dekalb's really good about throwing in the mulch and the other stuff that we need to go with it.

MAYOR JENKINS: Move right along.

COUNCILMEMBER PITTMAN: Are there any ideas or should we just bring it back once we get the exact prices?

COUNCILMEMBER SPANGLER: I think we need to get the -- I'd prefer to get the cost.

COUNCILMEMBER PITTMAN: We were kind of holding off on the County, too, because they did have some trees. Just didn't know if it was the specific kind that we were asking for. So that may be good as well.

The next one will be employee recognition. Just like to mention to the

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Council to see if we could come up with something. We have a lot of -- "a lot --" but we have some employees that have been here a very long time. We just had someone at the Library that celebrated 20 years. And I think that these employees need to be recognized. If they lasted 20 years in the City of Doraville, they definitely need something to be recognized with, whether it's a pin, a certificate or something.

So I wanted to see if the Council had any ideas on that so we could start recognizing employees as it comes up, and I would actually like to have him recognized possibly at the next meeting.

COUNCILMEMBER SPANGLER: Well, I think the problem, we have more than --

COUNCILMEMBER PITTMAN: We do.

COUNCILMEMBER SPANGLER: -- just one employee. We've had some people in the Police Department, I think --

COUNCILMEMBER PITTMAN: Absolutely.

COUNCILMEMBER SPANGLER: -- that have had 20 years, and I'm sure the Maintenance Department, too.

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I think this is something that we probably need to get with all the department heads and get a list of all the employees. And I don't see anything wrong with giving a certificate or a pin or a watch or something for 5, 10, 15, 20, 25, 30 years. I mean, you know, we do really need to recognize the people that have been with us.

COUNCILMEMBER PITTMAN: Me, too. Longevity says a lot, and I think we need to be sure and recognize that. We have some really good employees. And I would like to just make a presence of recognizing them, and, like you said, go back and get the ones, and let's go ahead and bring them forward and recognize them as well and just make sure that we're on top of it. If the department heads can provide us with a list as well as the ones upcoming, that would be great, so we can do that.

COUNCILMEMBER SPANGLER: And some years, maybe we can't afford to give them something nice, but at least we can give them a certificate with the promise of something --

COUNCILMEMBER PITTMAN: Right.

COUNCILMEMBER SPANGLER: -- later.

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1 COUNCILMEMBER ALEXANDER: And we could
2 do a spotlight in the City newsletter.
3 COUNCILMEMBER PITTMAN: That's a great
4 idea.
5 COUNCILMEMBER SPANGLER: And again, I
6 like the idea of having them come before the
7 Council for a Council meeting --
8 COUNCILMEMBER PITTMAN: Right.
9 COUNCILMEMBER SPANGLER: -- and be
10 recognized.
11 COUNCILMEMBER PITTMAN: Yes. Again, we
12 have some fantastic employoees, we're very proud
13 of them, and I'd like to make sure they get
14 recognized.
15 COUNCILMEMBER FLEMING: Are you
16 suggesting a policy, though?
17 COUNCILMEMBER PITTMAN: I don't know.
18 Do we need to adopt something in order to make
19 sure it happens?
20 COUNCILMEMBER SPANGLER: No.
21 MR. WEED: No, ma'am, not in my --
22 COUNCILMEMBER PITTMAN: Okay.
23 COUNCILMEMBER ROCHE: Well, we want to
24 do something that's going to be fair. I think
25 it would be better to adopt some sort of a

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1 policy. There are companies out there that have
2 these catalogs in which after five years or ten
3 years you go to the page and you can pick
4 whatever you want. Some people may want a clock
5 and other people may want a paperweight or
6 whatever. Of course there is a cost associated
7 with that, but still it's . . .
8 MS. FENG: A lot of cash.
9 COUNCILMEMBER ROCHE: Well, not
10 everybody's Chinese either, so.
11 MS. FENG: Everybody got cash.
12 UNIDENTIFIED SPEAKER: Right.
13 COUNCILMEMBER ROCHE: That's right.
14 COUNCILMEMBER FLEMING: And the only
15 reason I made that comment about the policy,
16 Ms. Pittman, was, like Mr. Spangler suggested
17 like a five-year increment.
18 COUNCILMEMBER PITTMAN: Yeah, and I
19 have no problem with that.
20 COUNCILMEMBER FLEMING: I think that
21 sounds like a great idea for employees.
22 COUNCILMEMBER PITTMAN: Maybe 5, 10,
23 15, 20 --
24 COUNCILMEMBER FLEMING: Uh-huh.
25 COUNCILMEMBER PITTMAN: -- 25 years?

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1 COUNCILMEMBER SPANGLER: And even 30,
2 Ms. Pittman.
3 COUNCILMEMBER PITTMAN: Absolutely.
4 COUNCILMEMBER SPANGLER: I'm sure we'll
5 have some -- hope to have some 30-year employees
6 or 35-year.
7 COUNCILMEMBER PITTMAN: Well, then, I
8 guess I can make a motion. Is that appropriate
9 or should --
10 MR. WEED: Well --
11 COUNCILMEMBER PITTMAN: -- we do it
12 another way?
13 MR. WEED: -- when I hear the word
14 "policy," I think of something formalized, and
15 it sounds like you're after a program. I don't
16 know that you need to do it tonight per se.
17 Perhaps you could meet with a committee and
18 structure the type of program, bring it back to
19 the Council and then vote on it.
20 COUNCILMEMBER PITTMAN: Resolution
21 maybe?
22 MR. WEED: A program would be fine.
23 COUNCILMEMBER PITTMAN: Okay.
24 MR. WEED: And if you want to build
25 something into your personnel policy, you could

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1 do that, but I wouldn't necessarily recommend
2 it.
3 COUNCILMEMBER PITTMAN: Okay. Thank
4 you. That's all.
5 MAYOR JENKINS: Maria?
6 COUNCILMEMBER ALEXANDER: Stephe
7 Koontz, would you like to approach?
8 At the last meeting, we formed a
9 citizens' committee with representatives from
10 each district to work on park rules for all of
11 the parks, and they did a very good job. And we
12 have a presentation, and there are hard copies
13 on the table if anyone wants one.
14 MS. KOONTZ: Okay. Stephe Koontz.
15 You-all asked us to meet, and me and
16 Stuart and Karen and Janice met over at Stuart's
17 house and we talked about the rules. And I
18 guess I'll start with the ordinances that are on
19 the books. You-all gave us a copy of those.
20 And we had a couple recommendations on what we
21 think should be changed in the official
22 ordinances.
23 We talked to some people that live near
24 the parks, and most of the people said they
25 didn't really see any reason for the parks to be

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1 open after dark. Right now, it's from 7:00 till
2 11:00 p.m. And Stuart mentioned there is gang
3 kind of stuff going on over at Halpern Park at
4 night, and we just thought that it would be
5 probably a better rule to close the parks at
6 dark and just have it open during daylight
7 hours. So we said to change it from like 7:00
8 to 11:00 to sunset till daybreak the parks
9 should be closed.
10 The other thing that we felt might need
11 to be changed was, you know, there's exceptions
12 of when you have things at night. Like Carol
13 might want to have a football game at night.
14 And right now, the Mayor or the City Council has
15 to approve anybody being in the parks when
16 they're closed. And we thought it would be
17 better if you just had authorization from City
18 Hall. That way, Carol doesn't have to get the
19 Mayor or City Council to approve that they're
20 going to have something at Honeysuckle Park, you
21 know, after dark like the movies or, you know, I
22 don't know what they do at night over at
23 Honeysuckle Park. But that way, it wouldn't
24 have to just be the Mayor or City Council.
25 The other question we have, there was a

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1 whole list of all these parks: Flowers Park;
2 Windsor Oak's on there, Carver Park. I don't
3 know how many of these parks still exist or
4 where they are, and this was a pretty old -- it
5 looks like '83 was when that was going on. So
6 it's been 20 years since anybody's like looked
7 at where these parks are, if they're still
8 around.
9 And I think Flowers Park's where the
10 jail is now; right?
11 MAYOR JENKINS: Yeah.
12 MS. KOONTZ: So they might want to like
13 go back over this list and see which one of
14 these parks are still here, and like if they're
15 not in the city anymore, take them off the list.
16 MAYOR JENKINS: There's still a small
17 park at Flowers Park but it's just small.
18 MS. KOONTZ: Okay. Or maybe put it on
19 a map or something that shows. It would be kind
20 of nice on the Web site if you had like a
21 picture of the city and say, "Here are all the
22 parks," so people that are new to the city would
23 know where the parks are.
24 The next section, although it probably
25 doesn't need to be enforced very often, the golf

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1 practice one, we said, just leave it in there.
2 That's probably a good thing to have, you know,
3 the people aren't using the parks for a driving
4 range.
5 The intoxicating beverages, leave that
6 in there. I think that's a good idea too.
7 The next section was 12-29. I think
8 Bob Spangler mentioned too we might want to add
9 something in there about handicapped chairs and
10 scooters as far as motorized vehicles, because
11 it says like no motorized vehicles. It would
12 probably be a good idea to have something about
13 that it's okay if you have a handicapped-type
14 vehicle but not -- you know, have it worded so
15 people aren't like pulling their handicapped
16 vans into the middle of the park and parking,
17 you know.
18 The next one was on the organized
19 sports activities in the parks and that the
20 Mayor and Council decides which areas of the
21 parks are designated for use for specific
22 sports, and we thought that was still a good
23 idea.
24 The next page is about the tennis
25 courts. And I talked with Carol about this and

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1 with people that live around the parks, too, and
2 we pretty much were thinking this Article 3, it
3 was written in like '76. I don't think it's
4 really even enforced anymore and isn't probably
5 even needed. And if we're not going to enforce
6 it, it's probably not a good idea to even have
7 it in the book, in the code book.
8 COUNCILMEMBER SPANGLER: I think Mr.
9 Weed had made a comment on that, that it was
10 unconstitutional to have that I.D. or only
11 allow --
12 MS. KOONTZ: It just isn't needed.
13 Carol said she didn't see any point in it being
14 in here, either. And instead of arguing about
15 whether it's constitutional or not, if we're not
16 even using it, it would probably be easier just
17 to get rid of it.
18 Like I said, these are just
19 recommendations. You-all are going to be the
20 ones deciding. But like I said, Carol and our
21 little committee thought that it would be better
22 just to get rid of that section altogether.
23 And one thing I'll talk about later,
24 too, is the sign letter. I noticed most of
25 these tennis courts, they've got three or four

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1 or five signs all over each fence about
2 different rules on the tennis courts. And if
3 you just had one sign that said, "Courts for
4 tennis only," and "One hour use while others are
5 waiting" -- I've seen that at other tennis
6 courts, something like that -- and just have one
7 sign at each entrance, it would make the tennis
8 courts look a lot nicer than having signs tacked
9 up all over the fences.
10 On to the next page, we discussed
11 whether the parks should have different rules
12 for each park, and we thought it made more sense
13 to have the same rules for all the parks. And
14 the main ones we thought were important would be
15 to have on the main sign, post four rules: the
16 park is open during daylight hours, organized
17 sports in designated areas only. And that would
18 cover the issues people had at Brook Park about
19 people playing soccer and football out in the
20 park, that's not a designated area as per the
21 ordinance, and so they can't do that. And then
22 have no alcoholic beverages.
23 And Carol had mentioned she would like
24 the idea of no profanity, and then I saw you
25 were saying and we were saying that the Police

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1 like the no abusive language, was more
2 enforceable or that's already, you know, some-
3 thing they can enforce, so we thought that would
4 be a good thing to have on the sign, too.
5 Well, I noticed like at Brook Park,
6 they have a thing on there about dogs on leashes
7 or dog waste, and then they also have signs
8 throughout the park, separate signs, that repeat
9 the same thing: that there's no dog -- you
10 know, you got to scoop up after your dog. And
11 we thought that was kind of redundant to have
12 two signs saying the same thing, and it would
13 probably make more sense to have the leash law
14 part of it on a separate sign. And I've noticed
15 at a lot of parks they have these little stands
16 where they have the poop bags for the dogs, so
17 that if you're at the park, your dog does his
18 thing, then you've got a bag there to pick it up
19 with and throw it away. And that might
20 encourage people to do that, and then they
21 wouldn't have an excuse for not doing it. You
22 know, if they didn't do it, you say, "Man, the
23 bag was right there. There's no reason you
24 couldn't have done that." And it might
25 encourage keeping the parks cleaner.

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1 On the pavilion rental thing, since
2 we've got the new pavilion at English Oak Park
3 and we've got the other pavilions, I talked to
4 Carol and she said she didn't want -- she agreed
5 she didn't want any part of dealing with the
6 pavilion rental. And we thought it would make
7 more sense to have if somebody wants to rent a
8 pavilion, they just do it at City Hall, and then
9 you've only got one place where they're doing it
10 instead of City Hall and the Rec. Center, and
11 then you won't have two different people trying
12 to keep up with deposits and all that stuff.
13 And we kind of made up a little sample form that
14 the people could use to fill out to reserve a
15 thing, and basically they pay $50 cleanup
16 deposit, and then after the Maintenance
17 Department went through the park and it looks
18 okay, they get their $50 back. And this form
19 would be what they tacked up on the thing at the
20 pavilion to show that they had the place
21 reserved, so you won't have to worry about a
22 hodgepodge of different kind of reservation
23 signs being put up at the thing so it won't get
24 all cluttered up with people putting big posters
25 and stuff stapled up to the pavilion. There

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1 will be a place at the pavilion for them to
2 staple their form up that explains the rules
3 about if they're an hour late, then their
4 reservation is cancelled and all that kind of
5 stuff.
6 The next page is kind of a sample of
7 what the sign at the street could be changed to
8 look like, because most of the parks have this
9 big sign that says, "Welcome to Arnold Park,"
10 "Welcome to Brook Park" or whatever, but they
11 have various rules posted below them at each of
12 the parks. And you could put these four rules
13 on all the signs in each park, and they as
14 people went to the park they would see what the
15 rules are instead of, you know, some parks have
16 the rules posted, some don't. It just would
17 make more sense if each park had the same rules
18 posted underneath the name on the sign.
19 And the other thing that I noticed was,
20 especially I think in Autumn and Brook Park,
21 they have these big white and black signs that
22 say "No Dumping," and there's a bunch of them,
23 and they're not real attractive. And I think
24 that the parks would look nicer if those signs
25 looked more like the main sign at the entrance

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1 to the park so that they're -- I don't know.
2 That brown and blue just looks prettier and
3 looks nicer than having these white and black
4 like street signs right out in the middle of the
5 park. You know, I know they're there for a
6 reason, but they almost look as bad as if there
7 was trash dumped there -- to me, anyway.
8 And the last page was just an example
9 of the sign letter that I was talking about
10 earlier. I noticed especially Brook Park, like
11 there are these two big plywood signs that are
12 screwed up at the trees there that just really
13 look awful. And in this other shot, you can see
14 like three signs stating different rules that
15 were also repeated on the main sign. And I
16 don't think that makes the park really look nice
17 having these signposts and white and black signs
18 stuck all through the park. It just looks bad.
19 And this other picture was over at
20 Halpern Park. There's three different signs
21 explaining the same thing. I mean it says,
22 "Courts for tennis only." It doesn't need to go
23 into detail about all the other stuff you're not
24 supposed to do. And I think it would look
25 better if you just, you know, pulled out a bunch

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1 of the signs that are there and put up just some
2 main ones explaining these rules.
3 And the only other thing -- there's two
4 other small things. We thought and Carol agreed
5 that she doesn't really want to be the person to
6 be enforcing the park rules. So I think the
7 Police Department has the manpower. They
8 already patrol the neighborhoods. They'd be the
9 people that would get called if there's somebody
10 getting real loud or abusive. And so this stuff
11 probably should be put in the ordinance so that
12 the Police can enforce these park rules, and
13 they could be the ones that would, you know, go
14 down to Halpern Park and run people out if
15 they're out there after dark or whatever.
16 And Karen brought up a point about it
17 was in the rules, the suggested or potential
18 rules, the list that you gave us, one of them
19 was about outdoor grills or propane grills. And
20 many of the parks, the grills that are there
21 aren't even usable at this point. The grills
22 are missing or broken or, you know, you couldn't
23 really grill out on them the way they are. So
24 if you're going to outlaw grills or personal
25 grills, you need to fix the ones that are there

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1 so people could cook out or let them use their
2 own grills. I don't know whether there's a
3 problem with propane grills and safety or -- we
4 just kind of decided to let you-all figure that
5 one out, what you-all want to do about the
6 grills. And I don't know whether it's a good
7 idea or a bad idea to let people use their own
8 grills or not.
9 And that's pretty much what we came up
10 with, and let y'all figure out what y'all want
11 to do from here, you know. I don't know if
12 anybody else wanted to speak about it or not.
13 Thank you.
14 COUNCILMEMBER FLEMING: Thank you very
15 much.
16 COUNCILMEMBER ALEXANDER: Thank you.
17 COUNCILMEMBER PITTMAN: Thank you.
18 MS. KOONTZ: Thanks.
19 COUNCILMEMBER ALEXANDER: Thanks to
20 everybody that's on the committee.
21 MAYOR JENKINS: Stuart Anderson.
22 MR. ANDERSON: I want to thank Stephe
23 for his work.
24 Something that he and I and the
25 committee had talked about that he didn't

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1 mention was that if this is put into an
2 ordinance, that at the bottom of the four main
3 rules will be the ordinance number reference so
4 that people will see the main issues but they'll
5 also know that there's some ordinance involved,
6 whether it's grills or other stuff.
7 But I thank him for his work. Thanks.
8 MAYOR JENKINS: Okay.
9 COUNCILMEMBER ALEXANDER: Mr. Weed,
10 what do we need to do if we decide to accept the
11 suggested changes?
12 MR. WEED: Well, I think just a little
13 more work probably needs to be done by staff in
14 the sense of the concept of having a park audit
15 is very important to determine which one of
16 these parks are actually viable parks.
17 After that's done, the only two legal
18 comments I had were with reference to 12-26. We
19 still have written authorization from City Hall
20 on after-hours events. We're going to have to
21 have some criteria for when those are going to
22 be appropriate so that there's some objective
23 criteria to decide who can have an after-hours
24 events and who can't.
25 The other -- that same comment applies

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to 12-30 with regard to language that the Mayor and Council can with written resolution make provisions for organized sports teams. That kind of discretion is permissible, but once again, you have to have some objective, clearly stated, ascertainable criteria so you're not accidentally treating two different groups of people differently.

MS. KOONTZ: I'd like to make a little comment on that because I did talk to Carol about that, too.

The main problem about designated sports was that it was tearing up the turf and stuff in the park. And I think if you just had something in there that a designated area because we're concerned about wear and tear on the park or the turf or something along those lines. That was her main concern, because like over at Halpern Park, there's an area over there that the grass and stuff's just gotten destroyed from people over there playing soccer in the mud, which it is a little fenced-in area and stuff. But that's what was happening over at Brook Park; like out there in the main area of the park, they were out there playing soccer

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with cleats and stuff and they were just ripping the grass to shreds. And I think if you could -- that's how you could designate what sports go where is by -- I don't know what the wording would be, but about damaging the park or that kind of wording might be a good way of covering that.

MS. CRAWFORD: Groups greater than 12? People wearing cleats?

MR. WEED: Well, all those things would be legal. You could do all those things too.

And one thing you could do is you could rotate the designated area if the true object here is to preserve the grass in the parks. And how many recreation programs do that would be to rotate areas so that you've got a field that is appropriate; and while that field is resting, another field is indicated in the meantime. So that's possible, too.

But those are the types of decisions I think that Recreation staff -- I think this is a great outline, almost ready to be adopted as an ordinance, but after a little bit more tuning and a little bit more work on the part of the staff, I think I think it will be ready to go.

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But obviously you need to ascertain what parks there are and what kind of condition they're in.

COUNCILMEMBER ALEXANDER: Mayor, could you have someone from Public Works check out the grills in the various parks, make sure they're usable?

MAYOR JENKINS: Okay.

COUNCILMEMBER ALEXANDER: And if not, get those repaired?

MAYOR JENKINS: I will.

COUNCILMEMBER SPANGLER: What would really be wrong with someone bringing their own grill?

COUNCILMEMBER ALEXANDER: Well, we've had to.

COUNCILMEMBER SPANGLER: Yeah, we've had to every time we've had the picnics at English Oak Park. So I don't see that that would be a problem, propane or charcoal. With propane, there's no cleanup or not as much cleanup as what there would be with charcoal, and you don't have to worry about the embers and all.

MAYOR JENKINS: Is that all, Maria?

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COUNCILMEMBER ALEXANDER: Yes, sir. So if I can ask the Clerk to put this on the agenda again.

CLERK BLACKMON: Yes.

COUNCILMEMBER ALEXANDER: Thank you.

MAYOR JENKINS: Okay. We're going to take a five-minute break.

- - -

(Brief recess)

- - -

MAYOR JENKINS: Meeting come to order. Mr. Roche?

COUNCILMEMBER ROCHE: That's me. Zoning Rate Ordinance I guess is what the agenda is being called.

COUNCILMEMBER FLEMING: Occupancy.

COUNCILMEMBER ROCHE: Sorry. Occupancy Rate Ordinance, zoning, and I guess 8 and 9 would both be kind of handled together.

We have two issues in Doraville. One issue is that we have these rooming houses where there's lots of people living there; they're transient, they come and they go; there's 15 pickup trucks out there, the whole nine yards. And we want to be able to enforce some kind of

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1 rules to frankly shut them down, because, you
2 know, it's one thing to have, you know, X-number
3 of people living in a house. It's a whole
4 'nother thing when you have some of these
5 obvious rooming-house situations.
6 The other thing that happened was I
7 think it was January or maybe December, I got a
8 call from a citizen in Northwoods -- and it's
9 been straightened out so far, but apparently
10 they were told -- it was a young couple that
11 lived in a three-bedroom house. And the young
12 couple, I don't think they were married. They
13 also had a roommate that lived in the other
14 room, a man. And the Quality of Life people
15 told them essentially that they had to get rid
16 of their roommate within one week or else they
17 were going to get some sort of ticket, and
18 that's when it came to my attention.
19 So the problem here is trying to
20 balance on the one hand to shut down these
21 obvious rooming houses but not make it illegal
22 for people to have a roommate. I mean I had a
23 roommate for a long time, you know. So go
24 ahead; convict me. But whatever; she's gone.
25 Anyway, I think we have made some

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1 progress on this. I believe there are two
2 separate issues, and Attorney Weed will correct
3 me if I'm wrong. Chapter 23 in the Zoning
4 Ordinance, Section 607 and Section 809 and the
5 rest of this, and I believe one of them had to
6 do with rental properties.
7 COUNCILMEMBER FLEMING: On here
8 (indicating).
9 COUNCILMEMBER ROCHE: I think somewhere
10 -- right -- the rental provisions. Because
11 basically it says in any single family, there
12 will be no rental of space to boarders,
13 students, transients or other non-family
14 members, and then elsewhere we try to define
15 what a family is. And personally, particularly
16 nowadays, I don't think the City of Doraville
17 needs to be in the business of trying to define
18 what a family is.
19 This part of the proposed ordinance
20 would essentially delete those two sections from
21 the Zoning Ordinance and I believe it also would
22 delete the section that has to do with the
23 occupancy rate from the Zoning Ordinance and
24 essentially just move it over to our regular
25 ordinance.

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1 So I think we've made some progress. I
2 think we're essentially agreed. And if we have
3 to make motions on these point by point, we can
4 do that; but first of all, I think we need to
5 delete any definition of family because, you
6 know, family could be anything. I mean
7 essentially if I understand correctly, if you're
8 not a blood relative but you're sleeping
9 together, then you're legal, you know. And I
10 don't even want to go there, frankly.
11 The second thing is that the whole idea
12 of a rental provision that says that you can't
13 have a roommate, well, if you're a senior
14 citizen and you can't rent a room to a college
15 student or something like that, I think that
16 also needs to go.
17 I threw some ideas out there on the
18 Doraville.org, and of course it got the usual
19 response, and that's fine. I mean I'm fine with
20 getting rid of the whole thing as far as any
21 kind of business relationship.
22 The only concern I would have and the
23 question I would have for Attorney Weed is I
24 think there's a difference between me having a
25 house guest who says, "Oh, here's some money for

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1 rent every month," or having a roommate
2 situation, versus hanging a sign on my door that
3 says "Rooms for Rent" and essentially being like
4 a motel.
5 And I'm not sure if we need to even
6 consider that or not. I mean I would prefer to
7 keep it simple and just simply get rid of all of
8 that stuff, but I don't know if we'd run into
9 any issues legally if we did that.
10 MR. WEED: Well, a boarding house --
11 I'm going to turn to Scott. A boarding house
12 can in some of the zones be a legitimate use.
13 It's been narrowed down with some of the changes
14 that we recently made to the Zoning Ordinance.
15 I don't know that you need to
16 completely prohibit that, but it definitely
17 needs to be in an appropriate zone as a use.
18 And if it's not allowed in the appropriate zone,
19 then obviously it wouldn't be allowed.
20 I think what we have before us is a
21 good start in regulating these things
22 appropriately. And if you do happen to have a
23 boarding house, obviously occupation tax
24 provisions would apply -- what's been
25 traditionally called a business license in the

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1 old days. You'd have to take care of that part
2 of it, too, and you would be in business, and
3 that would be fine in the right zone.
4 COUNCILMEMBER ROCHE: I guess my
5 question is how do you differentiate between
6 that versus just going out and saying, "Times
7 are tough and I'm going to rent a room," or "I'm
8 going to get a roommate to help me pay my
9 mortgage"?
10 MR. WEED: Well, practically speaking,
11 you do it only by virtue of a complaint, you
12 know, because obviously the Code Enforcement
13 Unit is not going to go hunting for people who
14 are doing these things and they have one
15 roommate who contributes to the rent. Right
16 now, there are no rental provisions, so to
17 speak, because we deleted them in the last
18 version of the Code. So if you are doing that
19 type of thing, you would be legal.
20 Where it would become a problem would
21 be if there is an appropriate zone for what I'm
22 going to call a traditional Barney Fife, you
23 know, boarding house from Mayberry. As long as
24 you're doing it properly, you've got the
25 appropriate inspection, occupancy certificate,

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1 paid your occupation tax and you're in the right
2 zone, that would be allowed. And other than
3 that, you would be legal.
4 COUNCILMEMBER ROCHE: And frankly --
5 MR. WEED: And where -- sorry to
6 interrupt, but where it gets to be a problem
7 would be if you're cramming a whole bunch of
8 people into a limited space, then it doesn't
9 matter whether you're renting legally or not.
10 Then you're violating the ordinance. That's how
11 we're combatting it would be human beings in
12 certain amounts of space.
13 COUNCILMEMBER ROCHE: And essentially
14 that's what we're trying to get at or at least
15 what I was trying to get at is to find a way to
16 where these obvious things where they have, you
17 know, cubicles downstairs with 12 guys sleeping
18 there, versus, again, either a roommate
19 situation --
20 I don't think it should be the City's
21 business if someone goes out and gets a room-
22 mate, the scenario of the senior citizen renting
23 a room to a college student or a live-in nurse,
24 for that matter. I mean I'm not -- maybe that's
25 more of a gray area.

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1 And I'm just trying to find a way to --
2 personally, I'd be happy with throwing it all
3 out and having nothing at all as long as we had
4 some way of enforcing and shutting down these
5 big rooming houses.
6 MR. WEED: And I think we do. I think
7 what we've done by eliminating the two sections
8 you mentioned in the Zoning Ordinance and then
9 focusing on, you know, human beings are entitled
10 to X-amount of living space per human being --
11 And that's a completely objective standard. A
12 certain room is a certain size and you can fit
13 so many human beings in there mathematically,
14 and when you go beyond that, you get issued a
15 citation.
16 So I think we're well on our way to
17 doing that, and that way, you don't get into
18 what is a family and what is not a family.
19 COUNCILMEMBER ROCHE: Right.
20 MR. WEED: That is completely irrele-
21 vant.
22 COUNCILMEMBER ROCHE: So we would
23 delete anything having to do with --
24 Well, then, essentially we would --
25 well, I guess that would have to be under a

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1 public hearing to remove --
2 MR. WEED: That is correct.
3 COUNCILMEMBER ROCHE: -- these
4 sections.
5 MR. WEED: That language is going
6 before the Planning Commission, and you
7 obviously have the draft ordinance. It will be
8 on the record as, you know, you had some time to
9 cover first reading, and then after an official
10 zoning hearing after the Planning Commission has
11 their review of it, then you can vote on that.
12 COUNCILMEMBER ROCHE: So if we pass
13 this, then we've gotten rid of the rental pro-
14 visions, we've gotten rid of the definition of
15 family.
16 MR. WEED: That is correct.
17 COUNCILMEMBER ROCHE: So we're done
18 with that.
19 MR. WEED: And then the other side of
20 it will be will the regulations be under the
21 Building Code?
22 COUNCILMEMBER ROCHE: Right.
23 MR. WEED: And that, you can do any
24 time you want to adopt it. You know, you could
25 waive first reading, et cetera. But that's also

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been before you a number of times. You don't have to advertise for that because that would no longer be in the Zoning Ordinance at all. That would be a stand-alone police-powers provision.

COUNCILMEMBER ROCHE: Right. And getting into that, there's a couple different ways. One way would be to say X-number of bedrooms. I think what I threw out there was basically you get the number of adults -- And I said adults because, you know, you have families with a lot of kids, and like I said, we can go anywhere with this.

The idea I tossed out there was that you could have the number of adults equal to the number of bedrooms plus one. In other words, if you have a two-bedroom dwelling -- and by that, I guess I mean an apartment or whatever the legal definition of dwelling is -- then you could have three adults; if it was a three-bedroom, you could have up to four adults, with a maximum of four adults in the dwelling.

Now, there are going to be situations where, you know, mom and dad and, you know, the kids come home or whatever. And any of this I guess would be -- you know, if you have a

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legitimate reason for having more than that many adults in your house and QOL shows up at your door, you can say, "Well, this really is my brother" or whatever and they could appeal to the Mayor or whatever. I don't know if any of that works or how that would work or whatever.

The other option would be based on just strictly square footage, and I saw your example there. My only concern about square footage is I have a hard time envisioning QOL going in and measuring people's square feet, because the way this reads, excluding bathrooms and kitchens, every dwelling, 300 square feet for the first two occupants, 200 additional square feet per additional occupant.

So that could presumably include living rooms, bedrooms, laundry rooms. I don't know. Like I said, I just -- I'm not saying it's the wrong way to go. I guess maybe what we need to do is decide are we going to try to do it by bedrooms or are we going to try to do it by square feet, and what's the better way and what would be the better approach?

MR. WEED: Well, the Councilman's already aware of my position on this, and also I

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think I've got authority to speak for John Calcaterra. I've worked with him with regard to the draft ordinance.

The most legally objective way to do it is to just have a -- you know, you measure the space and you set the number of human beings that could fit into the space. It's completely objective; doesn't deal with race, doesn't deal with sex, doesn't deal with sexual orientation, doesn't deal with age. It's just whether you're a human being or not and how much space each human being is entitled to live in.

That's my preference to do it that way, legally, and I think that's the easiest thing to enforce. And the Building Inspector will ultimately -- I'm sure Quality of Life may have been and will continue to contact the Building Inspector with regard to this provision, and literally, they would go and they would measure the distances. So I think that's the way to go.

The other thing I tried to do, too, is I try never to do more than you want, but at the same time, I also try to get where something is legal and/or accomplish what you want. So what I tried to do is modify the existing provisions

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that were already in the Zoning Code; talked to Mr. Calcaterra, as I told you I would, to find out from him if he felt like they were good enough. In other words, were the distances appropriate, were they legitimate for the city of Doraville, were they realistic with what was based upon the ground, and his position was that they were.

So with that, I would say to you I think we've got a good start with regard to what I'm calling Section 260, and it's very reflective of what existed before with regard to distances, and Mr. Calcaterra is supportive of that approach.

COUNCILMEMBER ROCHE: I have a question about bedrooms. I mean, to me, a bedroom needs to have at least one outside window and it needs to be fully enclosed with a door that closes. I mean, to me, you can build a cubicle in a cellar, basically, that has no way to get out of the building in the event of a fire or some-thing.

Is there a definition somewhere that says a bedroom has a window that you can get out and a door, and it's a fully-enclosed space and

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1 a certain square-footage size or anything like
2 that?
3 MR. WEED: Well --
4 MR. HAEBERLIN: No. We've been
5 struggling with this. And I certainly agree
6 that a bedroom should have a door, it should
7 have a defined square footage and a window.
8 Of course there are other provisions in
9 the City Code -- for example, the Flood Plain
10 Ordinance -- that even if you meet those
11 criteria and the bedroom is below the finished
12 floor elevation, it can not be habitable. So
13 we've got some other intervening ordinances that
14 we're struggling with in this definition of a
15 bedroom.
16 COUNCILMEMBER BATES: Well, why can't
17 we use under (d), number (2), why can't we use
18 that as a criteria for minimum living space or
19 habitable living space versus --
20 I mean that's restricting it to
21 conditions of having a basement. Why can't you
22 apply those to conditions for inhabiting any
23 space?
24 COUNCILMEMBER ROCHE: Exactly. And I
25 guess my main question was do we have bedroom

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1 defined someplace else? And we've found the
2 answer is no --
3 MR. HAEBERLIN: No.
4 COUNCILMEMBER ROCHE: -- at this point.
5 MR. WEED: No, sir.
6 COUNCILMEMBER ROCHE: And I'm not even
7 sure it needs to be defined here.
8 MR. WEED: And yes, I think you could
9 do it that way.
10 COUNCILMEMBER BATES: So if we could
11 move subsection (2) out of (d) and put it as a
12 standalone section that is applicable to all
13 living space, then that's enforceable?
14 MR. WEED: In my opinion, yes.
15 COUNCILMEMBER BATES: I would be
16 inclined to have us do that.
17 COUNCILMEMBER ROCHE: If (2) is saying
18 what I'm hoping it's saying, again, to me, a
19 bedroom's got to have an outside window, it's
20 got to be fully enclosed, it's got to have a
21 door.
22 Is that three criteria that make sense?
23 COUNCILMEMBER FLEMING: And a closet.
24 COUNCILMEMBER ROCHE: Okay. And a
25 closet?

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1 COUNCILMEMBER FLEMING: When you're
2 appraised or when an appraiser comes out --
3 Every appraiser that's ever come out to my home,
4 the criteria is a closet that is not a schiffa-
5 robe or any type of in-dwelling structure; it
6 has to be within the wall -- being a closet with
7 door; operable windows or window and an operable
8 door were the three criteria for what is
9 considered a bedroom.
10 COUNCILMEMBER ROCHE: Okay. Well, let
11 me ask you this: to control the scope of this
12 particular ordinance, do we need to define
13 bedroom in here? Because if I read this
14 correctly, essentially this is saying that you
15 get, as you said, X-number of square feet per
16 human being whether it's a bedroom or -- as long
17 as it's not a bathroom or a kitchen, that's all
18 it really talks about.
19 The part about the bedroom, I wasn't
20 sure why it was there other than -- you know.
21 MR. WEED: I agree. And if we're going
22 to stick with using the term "bedroom," I would
23 prefer that it be defined.
24 COUNCILMEMBER ROCHE: Right. But if
25 we're just going to go by square footage, then

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1 maybe this ordinance --
2 I mean I'm not saying it doesn't need
3 to be addressed. Maybe what I'm saying is to
4 make the subtraction on this is to decide to
5 define a bedroom somewhere more appropriate
6 somewhere else. And I'm looking at Scott, too,
7 to see.
8 MR. WEED: Yeah. Well, I actually
9 think the definition of a bedroom will probably
10 be good right here. I don't think you need to
11 have a definition of a bedroom in the Zoning
12 Ordinance. I don't think it's appropriate. But
13 having it in the Building Code I think would be
14 appropriate.
15 COUNCILMEMBER FLEMING: But if --
16 Were you through so I can start?
17 COUNCILMEMBER ROCHE: No, go ahead.
18 Sure.
19 COUNCILMEMBER FLEMING: I found when
20 you have listed minimum living space -- and I
21 know that this was coming out directly from 809,
22 minimum living space -- and then we go into
23 minimum sleeping area, is that sleeping area
24 within the minimum living space, or that's
25 inclusive of or it's separate from?

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1 MR. WEED: Included in is how I would
2 read that. But bear in mind that isn't my
3 language.
4 COUNCILMEMBER FLEMING: I realize that.
5 And again back to Mr. Roche's comment
6 about Quality of Life, are they going to come
7 out with their chalking and measuring the house?
8 I think to make it simple if we define
9 it by bedrooms in a home and that no more than
10 two per bedroom, then that will also decrease
11 the number of vehicles that are going to be in
12 that driveway as well.
13 I think we've got two different -- I
14 mean we've got similar situations here. We're
15 trying to reduce the number of people within a
16 specific home but we are also trying to reduce
17 the number of vehicles that are piling up on our
18 driveways as well as the fronts of our streets.
19 And if we define this code as the number of
20 bedrooms in a home and only X-number of persons
21 per bedroom -- because I could feasibly in my
22 living room right now, by your square footage,
23 put four people in my living room, but it
24 doesn't have a door but it does have windows,
25 doesn't have a closet.

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1 So I think that's what we're trying to
2 get away from is being able to pile a whole
3 bunch of people in there because of square
4 footage versus the number of bedrooms, and I
5 would be more prone to go by bedrooms.
6 COUNCILMEMBER BATES: So let me see if
7 I --
8 MR. WEED: For a 1400 square foot
9 house, the maximum number of people you could
10 have would be 8 people. So if you are going to
11 do bedrooms, I think you have to do both.
12 At the end of the day, yeah, I don't
13 think you can abandon -- if you abandon square
14 footage, you're going to have to define kitchen,
15 closet, bedroom. You're going to have to define
16 everything. So at a minimum, as a compromise, I
17 think you're going to need to do both.
18 COUNCILMEMBER FLEMING: But that 1400
19 square foot house may only have three bedrooms
20 in it, and so therefore -- and it may be an open
21 area, dining room/living room/den scenario --
22 MR. WEED: Could be a loft.
23 COUNCILMEMBER FLEMING: -- and you
24 surely wouldn't --
25 MR. WEED: You'd have to define what is

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1 a loft.
2 COUNCILMEMBER BATES: Well --
3 COUNCILMEMBER FLEMING: And so --
4 MR. WEED: Are we going to require
5 walls in every single --
6 COUNCILMEMBER BATES: Hold on.
7 COUNCILMEMBER FLEMING: I'm trying to
8 get it an enclosed bedroom.
9 Go ahead.
10 COUNCILMEMBER BATES: What if in lieu
11 of this minimum space, simply state that, as
12 Ms. Fleming has indicated, only two people per
13 bedroom and you may only sleep in a bedroom and
14 then define a bedroom?
15 MR. WEED: And then we're going to --
16 you know, when I'm on my Lazy Boy watching the
17 game, you're not going to let me sleep in my
18 chair?
19 COUNCILMEMBER ROCHE: No, because
20 there's a thing --
21 MR. WEED: I'm not going to a judge and
22 defending that.
23 COUNCILMEMBER ROCHE: -- called a
24 studio apartment.
25 COUNCILMEMBER ALEXANDER: Well, if I

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1 can speak to -- I discussed this with the
2 planner because -- and Stephe Koontz and Susan
3 Crawford and I, we all basically have the same
4 house and so do the Sinclairs that live across
5 the street, but mine's a 3/2 and theirs is a
6 3-1/2, and they raised five children all at the
7 same time in that house, and I know not all five
8 children had their own bedrooms. I don't know
9 what their sleeping arrangements were.
10 I don't want to drive a family like the
11 Sinclairs out of our neighborhood because of
12 some ordinance. So when I looked at the
13 calculations that were suggested, I even had
14 Mr. Haeberlin on the phone and I said, okay.
15 You had Mr. Sinclair and Mrs. Sinclair, and
16 their house is what, 1380 square feet, and they
17 would have been within the ordinance with their
18 family in the house.
19 So I just don't want us to discourage
20 families coming into our neighborhoods because
21 you have more children than you do bedrooms and
22 you have to make the sleeping arrangements the
23 best way you can. But I do understand what
24 we're trying to accomplish and what we're trying
25 to prevent are the rooming houses and the

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1 boarding houses, so I just don't know the best
2 way for us to accomplish that.
3 COUNCILMEMBER ROCHE: Right. We need
4 to be able to have a piece of paper that a QOL
5 can show up at the door and say, "You apparently
6 have too many people living here. This is the
7 ordinance," and be able to enforce it.
8 MR. WEED: That's why my best approach
9 to this would still be X-amount of living space
10 per human being.
11 COUNCILMEMBER ROCHE: But eight people
12 in 1400 square feet, that's a lot of people.
13 COUNCILMEMBER BATES: Let me --
14 MR. WEED: I don't disgree with that,
15 but that's realistic for the house sizes in
16 Doraville. You know, you could always -- you
17 could make it more narrow than that.
18 COUNCILMEMBER BATES: Let me backtrack
19 a little bit to where I was going that I got off
20 base on.
21 Using Ms. Fleming's example, could we
22 say you can only have two people per bedroom and
23 a bedroom is defined as such?
24 MR. WEED: Yes, you can. But I still
25 think if you started getting into defining rooms

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1 and the use of rooms, you're still going to have
2 at the end of the day some, you know, criteria
3 about how many people can be in X-amount of
4 space. You're going to have to do that no
5 matter what. You can't simply do it by rooms in
6 my opinion because, you know, what about a loft?
7 What if you've got the situation with Alice, the
8 old TV show, where her son slept in the pull-out
9 bed every night? There are circumstances where
10 that could still be appropriate. You don't want
11 to have eight people in there but two people
12 might be okay. So you're going to have to do
13 both at a minimum.
14 COUNCILMEMBER BATES: So we can do
15 both. We can stipulate the square-footage
16 requirement and then define a bedroom and
17 stipulate that only two people per bedroom.
18 MR. WEED: I think you can do that
19 legally. However, I would caution you that you
20 are then eliminating different types of housing.
21 By that I mean to say you are eliminating lofts,
22 you are eliminating open living space, and that
23 may be appropriate. That's a legislative
24 decision, not a legal decision. But you are
25 making some choices then about what the space

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1 interior is going to be.
2 COUNCILMEMBER BATES: How would that
3 eliminate an open living space?
4 MR. WEED: You have to have walls.
5 COUNCILMEMBER SPANGLER: My question to
6 you, Mr. Weed, is if you put a limit of two
7 people in a bedroom, what about a husband and
8 wife and a new baby?
9 MR. WEED: One of 'em's got to go.
10 Usually it's the husband.
11 COUNCILMEMBER SPANGLER: Is this what
12 we want to do? I mean do we want to say, "No,
13 you can't bring your newborn baby home and keep
14 him in your bedroom?" I mean some people do
15 that. I mean not everybody wants a separate
16 bedroom for a newborn, you know. So I mean I'm
17 just asking.
18 COUNCILMEMBER PITTMAN: Yeah, I think
19 overall, I mean no matter what, the biggest
20 challenge is getting into those homes because I
21 know across the street from us there was an
22 issue where there was apparently quite a few
23 people living there, and at the time Lieutenant
24 Lowe went to the house, they said, "Oh, well, I
25 only have someone here temporarily, and this is

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1 my brother and he's visiting, and no, you cannot
2 come inside my house." So no matter what kind
3 of rules you make, if you can't get inside that
4 house unless it's by chance, it still is not
5 going to matter.
6 MR. WEED: Well, that, I can fix.
7 There's a U.S. Supreme Court opinion about
8 administrative search warrants and it's the same
9 probable-cause standard. The difference between
10 the administrative search warrant probable-cause
11 standard and the criminal law one is an
12 administrative search warrant can be as simple
13 as, "Judge, we need to inspect this house. We
14 haven't been there in 10 years," and that's
15 probable cause to go inspect the house.
16 COUNCILMEMBER PITTMAN: Does that
17 happen? Do we do that?
18 MR. WEED: They may not have done it
19 but it's legal.
20 COUNCILMEMBER ROCHE: When I was
21 campaigning and I rang a doorball --
22 MR. WEED: Bear in mind --
23 COUNCILMEMBER ROCHE: -- and the guy
24 opened the front door --
25 MR. WEED: -- you have to go to the

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1 judge and get an order; but sure.
2 COUNCILMEMBER PITTMAN: Right. Of
3 course, but --
4 MR. WEED: I'm sorry.
5 COUNCILMEMBER ROCHE: Yeah. The guy
6 opened the front door and there were three beds
7 in the front in the bedroom -- I mean the living
8 room. I mean it was just beds. And I went
9 around to the side, and it was over on Doral
10 Drive.
11 MR. WEED: You know, where these things
12 get -- the hard part is deciding for X-amount of
13 square feet, how many human beings do you want
14 to allow, and then can you play with that? And
15 it goes back to the 100-yard football field.
16 Someone just decided that.
17 So yes, you could decide that. It's
18 clearly objective, reasonably ascertainable
19 criteria, perfectly defensible under any
20 constitution, both Federal or State. You're not
21 talking about what the family is. You don't
22 care who lives there. All you're talking about
23 is are they human beings, how much space is
24 there. That's perfectly defensible.
25 COUNCILMEMBER ROCHE: And it sounds

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1 like we don't want to go in terms of whether
2 it's children or adults either.
3 MR. WEED: I don't think you should do
4 that. That's my best advice.
5 COUNCILMEMBER ROCHE: I think what we
6 need to do maybe is continue this to the next
7 meeting. I don't want to take up the whole
8 meeting on this particular topic. I think we
9 made a lot of progress as far as getting rid of
10 the business part of it and we're not defining
11 families anymore and all that.
12 COUNCILMEMBER ALEXANDER: Well, that
13 was not part of this ordinance, though.
14 MR. WEED: It was part of the Zoning
15 Ordinance --
16 COUNCILMEMBER ROCHE: Right.
17 MR. WEED: -- originally. There was a
18 definition of family and there was a prohibition
19 about rental.
20 COUNCILMEMBER ROCHE: Right.
21 COUNCILMEMBER FLEMING: But that's not
22 part of this particular --
23 MR. WEED: You're correct. It's not
24 part of the Building Code one; it was part of
25 the old one.

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1 COUNCILMEMBER FLEMING: But have we
2 actually deleted the definition of family? And
3 no, we have not.
4 MR. WEED: Well, I sure hope we have.
5 That's what I tried to do by virtue of the
6 Zoning Ordinance. It hasn't happened yet, but
7 that's --
8 COUNCILMEMBER FLEMING: That's --
9 COUNCILMEMBER ROCHE: We're going to
10 handle that separately.
11 COUNCILMEMBER FLEMING: Okay.
12 MR. WEED: We haven't done it yet.
13 COUNCILMEMBER FLEMING: Okay.
14 COUNCILMEMBER ROCHE: But I think we're
15 going to make progress there, and I would just
16 as soon -- again, I don't want to spend the rest
17 of the meeting on this one particular topic
18 unless there are people that signed up, Mayor,
19 to speak on it.
20 MAYOR JENKINS: Yes, sure. Tom Hart.
21 COUNCILMEMBER ROCHE: We need to hear.
22 MR. HART: Yes. Deja vu all over
23 again. We have gone through this I would say in
24 the last three years at least a dozen times.
25 And for the first time, I kind of agree with

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1 Mr. Weed. If you look at every building
2 ordinance from here to Seattle, Washington, what
3 he's telling you and what John Calcaterra is
4 telling you is correct. They discount hallways
5 and kitchens and stuff and they talk about
6 square footage of living space.
7 And here we are, we're talking about
8 flats and apartments and God knows what else.
9 You define what is a basement and you define how
10 you're measuring the square footage in the
11 house, and you discount things like you have a
12 kitchen, you have hallways. It's not difficult.
13 They don't have to take a tape measure inside of
14 the house. If it's got 1150 square feet, they
15 have a pretty good calculation of what you've
16 got in there.
17 But this silliness about two adults or
18 three adults or two adults and two adopted dogs,
19 please get out of people's personal lives. Just
20 go by what the National Building Code standards
21 are for homes and how they measure occupancy and
22 square footage for living space.
23 It's not rocket science; you don't have
24 to reinvent the wheel here. I mean you're
25 wasting people's time. Thank you.

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- - -
(Applause)
- - -
MAYOR JENKINS: Bonita?
MS. HOFFMEISTER: Bonita Hoffmeister, Oakcliff Estates.
Thank you, Mr. Weed. I heartily agree with what you've said. We've discussed this before, and another line to measure with or a law to go by with is the Dekalb Fire Marshall. And here again, that's people per square footage. It's very easy to do.
Now, when it comes to defining bedrooms, for this particular purpose, you do not want to go there. People can turn all sorts of rooms into bedrooms. We do not need that happening in Doraville, and, quite frankly, our city does not need to be in that kind of business in our homes.
Thank you.
MAYOR JENKINS: Stuart?
MR. ANDERSON: Stuart Anderson.
Kind of tap dancing around some stuff here that's been mentioned, but I'll try to say some things. What Maria said about the boarding

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houses is correct. They're easily regulated by FARs, floor area ratios, which nobody has mentioned in all of this discussion, which is exactly what we're talking about: how much living space people can be allocated to live in, as it were. Poorly worded.
Nonetheless, for boarding houses, a boarding house serves a meal. It should require a permit, be in the proper zoning area. It's easily regulated at that point and you've got your FARs to see how many people are going to be in there.
The rooming house, however, is the problem. Relative to privacy, there is the executive search warrant thing -- it scares me to death -- versus go to the judge get a search warrant.
So what I advised Mr. Ambrose, he has a rooming house next to him, was to take down the license plates day by day and inform his favorite policeman to ask what those license plates indicated as to who was living in the building, et cetera. And so they found a bunch of people in there that weren't related, and were able to deal with that situation.

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Nonetheless and back to this, FARs, floor area ratios, is how they handle this is sophisticated zoning. Getting into defining bedrooms, I can go along with a window and a door, but whether it's necessary or not, I don't know.
The other issue I have with this set of documents is of course we want to get rid of 607 which states in our current zoning, no renters. We want to let people rent to a college student.
In 809, you're taking out 809 which has our FARs in it and you're putting it in muni codes and building codes. I think it also should be in the Zoning Ordinance. We do have, and it's not on the agenda for tonight, but R-1 is coming up, and it has some FARs in it as well, and they certainly should agree with either leaving the 809 in the Zoning Ordinance or using the materials that Mr. Weed has provided.
MAYOR JENKINS: Stuart, stick to the subject. Your time's up.
MR. ANDERSON: It is the subject, Your Honor. I promise.
MAYOR JENKINS: Time's up.

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MR. ANDERSON: It's exactly the subject.
MAYOR JENKINS: Charlene Feng?
MR. ANDERSON: At any rate, it should be in the Zoning Ordinance as well as in the building codes.
MS. FENG: I'm Charlene Feng. I'm just trying to explain the detail and the accurate information to you because according my personal experience from my neighbors.
They have two bedroom. There's two person living there once a while. So I got every room, $10 per day. So I can have like several person live in the house several days moving out, several days moving out.
And I keeping talking to the landlord, the owner. She said she refuse. She said, no, no, no, nobody living there.
So I'm telling this kind of situation, two-bedroom, two people living there. Couple or two different person once a while, once a while. Do you call this a rent place or boarding house? Because you cannot see the car over there, though they didn't drop somebody else, the deliver person temporary live in that place.

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In my area just across your street from your area, there is one house. I went there. It touch my heart because you don't believe people can live in that kind of house because every room, every corner have one bed over there, and there's no car because they don't even know how to drive the car. Just somebody pick her up, you know, the business owner come to pick her up or she just take the MARTA to go to work. And they can tear down the walk-in closet to squeeze one bedroom in there. And those people living there are very quiet and got a job, and how can you go to knock the door and someplace else have tons come? You can see a house like a property four bedroom but they have 12 cars parking outside, and no one fail to knock the door.

And I came to one time. I can see from the kitchen, from the living room, from every place have a bunk bed, and no one has got to knock the door to see hey, this violate. You don't have to because you see the car. Twelve cars park in the driveway and nobody know that is a family? I don't believe so.

And I can't have -- I might be from a

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moment I have 12 kids in a two-bedroom. You cannot kick me out because it's all my kids.

COUNCILMEMBER ALEXANDER: Charlene, you were a busy lady.

MS. FENG: I know. But that's not the point. The point is don't count the family. Count the outside stuff. You have to figure up how to -- how to do the things because this not -- you guys keeping talking about this is -- this is not practical. The practical thing is so many car outside that definitely is not family. It's no car there but have tons people living there. How can you find it? That's the point.

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(Applause)

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MR. WEED: And this raises a very important point which is one of the things we were talking about earlier. At the end of the day, how these things can be enforced would be evidence, for example, that Code Enforcement or a citizen complaint or law enforcement noticed that there are 12 cars regularly parked at a home. You still have to go before a judge. But

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a standard for an administrative search warrant to do an inspection is a very different standard than the criminal law standard of probable cause. You still have a probable cause standard. But an officer would have an affidavit, could go to the judge. He'd say, "Judge, we've observed this many cars in this location for an entire week. We'd like to have your permission to do an internal inspection."

And there's a U.S. Supreme Court opinion that says that's fine. Merely not having done an inspection on a building in a long time, that alone can be probable cause underneath that opinion. That's the law, has been the law for years. Many communities don't know that, but that's been the law. We just have the willpower to do it.

COUNCILMEMBER ROCHE: Okay. Well, just briefly --

I'm sorry. Mayor, are we done?

COUNCILMEMBER SPANGLER: It's 9:30.

MAYOR JENKINS: Time limit is up on the meeting.

COUNCILMEMBER ROCHE: I just wanted to summarize briefly. I think that we are going in

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the direction that was mentioned by a couple people. We're getting rid of the definition of families, et cetera, et cetera, and looks like we're going in the right direction.

I can get rid of one agenda item very quickly, Mayor, if that's okay with you.

MAYOR JENKINS: Our meeting time is up. Unless you extend the meeting, the meeting's over. This was voted on by this Council.

COUNCILMEMBER ROCHE: Okay.

MR. WEED: You would need a motion and a second to extend the meeting if you care to.

COUNCILMEMBER ROCHE: I make a motion to extend the meeting to deal with one item. It shouldn't take more than five minutes.

MR. WEED: And I would ask you to go in to a very brief Executive Session, something you could resolve it in --

MAYOR JENKINS: What are you saying?

MR. WEED: -- literally five minutes.

MAYOR JENKINS: Thirty minutes maybe?

MR. WEED: You already know what I'm going to talk about.

COUNCILMEMBER SPANGLER: Well, now, I think if we were going to do that, Mr. Weed, we

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should have stopped at -- if we needed five minutes for the Executive Session, we should have stopped at 25 minutes after 9:00 to go into an Executive Session.

MAYOR JENKINS: That's right.

MR. WEED: You're the client.

COUNCILMEMBER SPANGLER: I mean we voted on two-and-a-half hours for meetings, and I think we need to work them on down to where we don't keep the audience here listening to us ramble on up here about things that we should have a little better handle on. Never mind.

COUNCILMEMBER FLEMING: I believe in our motion of two-and-a-half hours was that we were allowing the last 15 minutes to --

COUNCILMEMBER ROCHE: Right.

COUNCILMEMBER FLEMING: -- citizen comments.

COUNCILMEMBER SPANGLER: Well, we didn't even do that. We should have cut off at 9:15 in order to have citizens' comments.

UNIDENTIFIED SPEAKER: Let's have a couple minutes of citizens' comments.

MAYOR JENKINS: I'll tell you what. Let's have citizens' comments.

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Murray, I agree with him. You should have let us know if you had to go in Executive Session.

MR. WEED: Well, Mr. Mayor, I work for you. The matter will wait, and, at the moment, it'll have to.

COUNCILMEMBER SPANGLER: Well, we can always have a special-called meeting. We've done that in the past. We can have special-called meetings every day. But we need to start and we need to be more consistent and more concise on our meetings. It's not fair to the residents that have been coming or to the business owners.

MAYOR JENKINS: I get back to something I've brought up many, many times. If we had a work session, we wouldn't run into this. That's the reason I don't care if the meeting is shut down.

COUNCILMEMBER SPANGLER: It would have been the same thing, Mayor.

MAYOR JENKINS: Do we want to have citizens' comments before we adjourn?

COUNCILMEMBER SPANGLER: Yes, sir. I really would appreciate the citizens having an

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opportunity to comment.

COUNCILMEMBER ROCHE: Well, I'll go ahead and withdraw my motion to extend the meeting by five minutes to deal with one agenda item.

MAYOR JENKINS: Are we going to allow citizens' comments?

COUNCILMEMBER SPANGLER: Yes, sir, I would like to do that.

MR. WEED: If you're going to do that, you'll still need a motion and a second to extend the meeting long enough to finish the citizen comments.

MAYOR JENKINS: Do I get a motion we extend it long enough to have citizens' comments?

COUNCILMEMBER SPANGLER: Motion. So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER ROCHE: Second.

MAYOR JENKINS: Discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

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CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Yes.

MAYOR JENKINS: Okay. Who is first?

You're allowed three minutes on the citizens' comments.

MS. BIRD: Kay Bird.

I had a situation happen to me a few days ago that made me ask a question about the red-light cameras at the intersections of 285 and Buford Highway which I thought were in force. And I had a car coming southbound as I was going northbound pull at full speed in front of me. Luckily, he speeded up and I was able to

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1 brake. I thought I'd at least take his fender
2 off. And I came in to find out if that could be
3 traced on the cameras and found out they'd been
4 turned off last week.
5 Two different people have said it was a
6 break-even situation and they'd been turned off.
7 I thought it was for the purpose of safety. If
8 in fact it is a break-even situation -- and I
9 don't know who is paying for it, if it's a State
10 thing, a City thing -- at least keep it if it's
11 a break-even situation because I've heard other
12 people say the word has gotten out, that the
13 trucks are pulling through there. It's like
14 instantly people knew.
15 But it was a really scary situation.
16 And when I found out that the cameras had been
17 turned off, I was really kind of surprised. Can
18 somebody look into this and give us a report
19 back next time?
20 MAYOR JENKINS: They are turned off,
21 Jamie?
22 CAPTAIN BROWN: Yes, sir.
23 COUNCILMEMBER SPANGLER: Is there any
24 reason we can't have a patrol car there at that
25 intersection, you know, especially during rush-

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1 hour traffic?
2 CAPTAIN BROWN: They are there almost
3 every morning.
4 COUNCILMEMBER SPANGLER: And what about
5 in the afternoon?
6 CAPTAIN BROWN: When we can have them,
7 we can do it. I mean it depends on what's going
8 on.
9 I mean they're there. That
10 intersection gets worked heavily.
11 MS. BIRD: This was at night. It was
12 not heavily traveled.
13 CAPTAIN BROWN: That would be the most
14 dangerous time probably when there's not that
15 much traffic out.
16 MS. BIRD: If there wasn't that
17 concrete that holds up 285, I could have seen
18 the guy coming and reacted ahead of time.
19 COUNCILMEMBER SPANGLER: Did the light
20 change, Ms. Bird?
21 MS. BIRD: No, no.
22 COUNCILMEMBER SPANGLER: Okay. So
23 really the --
24 MS. BIRD: There was a car that had
25 passed through the green light ahead of me. He

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1 came between that car and me. I had a full
2 green light.
3 COUNCILMEMBER SPANGLER: Well, would
4 the camera have caught that, Mr. Brown?
5 CAPTAIN BROWN: No.
6 COUNCILMEMBER SPANGLER: Not unless it
7 was a red light?
8 MS. BIRD: Not if it was a green light?
9 So it was just strictly for running red lights?
10 CAPTAIN BROWN: Yes, ma'am.
11 MS. BIRD: It's not on all the time
12 even when it's on?
13 CAPTAIN BROWN: No. It only triggers
14 it when the light -- when they cross --
15 MS. BIRD: Through a red light?
16 CAPTAIN BROWN: -- at the light, right.
17 MS. BIRD: All right. Thank you.
18 MAYOR JENKINS: Who's next? Susan.
19 MS. CRAWFORD: Excuse the dark glasses.
20 I bruised my eye and I thought that you would
21 really be happier with my covering it up.
22 I'm concerned because this neighborhood
23 gardening has picked up quite a bit of momentum,
24 and I brought it up I think it's been almost two
25 years ago now. And Mayor, you said you were

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1 going to survey the land over at Windsor Oak and
2 get back to me, but somehow that hasn't
3 happened.
4 And when I suggested something on the
5 ONA Web site about doing something positive, and
6 that was the neighborhood gardens which are
7 really popular all over the country now, it
8 seemed to fall on much more fertile ground --
9 that was a pun -- than before.
10 And so while people are excited about
11 this, I really hate to wait another two weeks.
12 Is there something you can do between now and
13 the next City Council meeting to just let us
14 know if the neighborhood is at some point going
15 to be able to use that area for a park, which
16 actually is already a park, to grow things so we
17 can start discussing what we're going to do?
18 Also while I'm up here, I wasn't signed
19 up for this, but I would caution you. I think
20 Mr. Weed is correct about the square footage
21 with the houses and the inhabitants because what
22 we're seeing in Oakcliff, at least in one house
23 that Ben and I looked at, was that people -- I
24 think what will happen if it's a bedroom
25 situation is that people will make bedrooms

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where there shouldn't be bedrooms, which will be complying with the ordinance in the strictest sense, but then when they move out, the houses are uninhabitable.

Thank you.

Oh. What about the garden?

MAYOR JENKINS: What did she say?

COUNCILMEMBER ALEXANDER: What about the garden?

MAYOR JENKINS: What about it?

COUNCILMEMBER ALEXANDER: Yes, sir. I had information to present tonight that I got information from the City of Decatur and also New York City regarding community gardens and how they license public land for the citizens to have gardens but we didn't get a chance to discuss it.

MAYOR JENKINS: How much time will you need?

COUNCILMEMBER ALEXANDER: We need feedback from the City Attorney also.

COUNCILMEMBER SPANGLER: We got about six minutes left.

MS. CRAWFORD: Or a special meeting or could you tack it onto one of your other

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special-called meetings? The planting season is quickly, you know, coming and about to go.

MAYOR JENKINS: Finish the comments.

COUNCILMEMBER ALEXANDER: Yes, sir.

MAYOR JENKINS: Who's next?

MS. KOONTZ: I didn't get signed up to speak about the occupancy either and I agree with Mr. Weed that I think -- I mean the City -- the County tax record has the square footage of the house. And we're not talking about where there are six people in a 1400 square foot house.

The people next door to me, I counted 18 people living in that house and there were 12 trucks sitting out front. And when the tax record says 1400 square feet and there's 12 trucks sitting out in front of the house, you go, okay, that's one we need to look at.

And if you just have so many people for square feet, that's pretty simple to figure out which houses are a problem. And like Susan said -- I mean even in that house next door to me, I've seen them carrying in sheets of plywood and stuff putting up walls, you know.

When you try to define a bedroom,

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they'll find a way to make a little here's the closet, here's the door, here's a thing. We'll have 12 bedrooms in this house and we can have 24 people living in it. So I think the simple thing is just people per square foot and you can enforce that.

UNIDENTIFIED SPEAKER: But it's not enforceable.

MR. CRAWFORD: Ben Crawford, Oakcliff.

I want to also say that I think the community garden is a great thing and I think we need to get moving on it. Planting season is here. We don't have to have a tractor over there or anything else. There's actually a way to plant where you just dig, spade up soil and have different little plots and let the grass stay around it for now. And that's a really nice terraced area over there that could actually create a lot of community involvement. And I think Susan's right; it's a good thing for the community.

And then also rain barrels. At Whole Foods, you can get rain barrels that are like 99 bucks apiece and they've got a spigot on it so there's your water supply, too.

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MAYOR JENKINS: We can get them cheaper than that.

MR. CRAWFORD: And the Maintenance Department would be real cheap to get over there and clean out a bunch of the underbrush and stuff.

It's a positive thing that was started, and it's good for the community, so we need to do it soon.

UNIDENTIFIED SPEAKER: Can we sell it and make money?

MAYOR JENKINS: You're talking about Drewry and McClave?

MR. CRAWFORD: I'm sorry, Mayor.

MAYOR JENKINS: Drewry and McClave? Is that where we --

MR. CRAWFORD: Windsor Oak.

MAYOR JENKINS: Excuse me?

MR. CRAWFORD: There's a park over there. Windsor Oak Park, Mayor. Windsor Oak.

MAYOR JENKINS: Okay. Is that the lost park?

UNIDENTIFIED SPEAKER: Yes.

COUNCILMEMBER ALEXANDER: Yes.

MR. CRAWFORD: It's not lost any more.

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COUNCILMEMBER ROCHE: I'm sorry. Do we need to do some big deal to do this?
MAYOR JENKINS: Mr. Crawford, we have equipment that will do the soil.
MR. CRAWFORD: That's great. Let's get started.
UNIDENTIFIED SPEAKER: Great.
COUNCILMEMBER ROCHE: Do we really need to do all this just to make that happen?
MR. WEED: Well, legally, no. But you have to bear in mind that if it's going to be a food garden, gardening for vegetables, what do you do with the food, who's got access to it.
If you're doing just an ornamental garden with flowers, it's a very different situation.
If you're producing something, then yes. The experience with New York, it's proven that if you don't think about the problems in advance, they'll come up and they're going to present themselves to you.
MAYOR JENKINS: Are you saying we have to have an ordinance on a community garden?
MR. WEED: No, sir, I'm not saying that.

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What I am saying to you is that we probably need some regulation now to avoid hard feelings later.
MR. CRAWFORD: How about if we come up with some guidelines in a couple days?
MR. HOWARD: That'll work.
COUNCILMEMBER ROCHE: Well, somebody said something about chickens. You're not talking about chickens; right?
MR. CRAWFORD: No, we're not talking about chickens. You can get cow manure from Home Depot that doesn't stink.
COUNCILMEMBER ROCHE: No, no. I mean chickens. They were talking about chickens.
COUNCILMEMBER SPANGLER: That's the next meeting.
COUNCILMEMBER ROCHE: Okay. Chickens. I don't know about chickens.
MR. CRAWFORD: Chickens stink. We don't need chickens.
MR. HOWARD: They don't grow good.
COUNCILMEMBER ROCHE: You know, because then we're -- pigs and hogs and cows. I think we already have some jack asses in town, but --
MAYOR JENKINS: Who's next?

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COUNCILMEMBER ALEXANDER: Mr. Noonan.
MAYOR JENKINS: Come on up, Mr. Noonan.
MR. NOONAN: John Noonan. This Residential Occupancy Levels, we've already covered that several years ago. It is in zoning. It's based on square footage.
Why are we revising this? This makes no sense. We've just spent what? Two hours and something on an ordinance that we already have in place?
MAYOR JENKINS: Thank you.
COUNCILMEMBER SPANGLER: Ms. Alexander, is there any way Mr. Weed could look at the information you got as far as --
MAYOR JENKINS: Anybody else?
COUNCILMEMBER ALEXANDER: Yes.
COUNCILMEMBER SPANGLER: And then we can have a special-called meeting.
COUNCILMEMBER BATES: That's fine.
COUNCILMEMBER ALEXANDER: Exactly.
I put copies of our materials out on the table if you want some. We also have -- citizens have arranged a meeting here at City Hall with the Cooperative Extension Service, which I think would be very important, and

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that's on April 13th at 7 o'clock in Council chambers.
I've gotten information from New York City because they're pretty much -- even when I talked to the Trust for Preservation of Public Land, they're pretty much the experts on community gardening. Now, their agreement, what they do is they license the city land to private citizens. I want the politics and the politicians, unless they want to help work in the garden, to stay out of this and let's let this be a community and citizen organization and groups.
And I would be glad to -- I mean obviously this is more extensive an agreement than we need because we're not going to allow animals in there. Evidently they do in New York. And it also has a registration of how they set up how people will join their garden club and their garden group and things of that nature. I can print out some more of these to distribute at the citizens' meeting on the 13th. Again, this is probably more extensive than we need. They want you to have 20 members and all of this kind of stuff.

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But I think this is a great starting point for us, and if we can get the legalese just a simple document and then the citizens can organize a group, I really think we can get this started off, and also encourage maybe floral gardens, too, because that would be nice also.

MR. CRAWFORD: And the Mayor's going to have that all cleared out.

MAYOR JENKINS: Excuse me?

MR. CRAWFORD: I said you'll have the whole area cleared out by the Maintenance Department of course.

MAYOR JENKINS: Maintenance can do the work, but on the Windsor Oak Park, that is such -- it's so much downhill, we'll have to get together with the Extension Service, as Mr. Spangler said --

COUNCILMEMBER ALEXANDER: Correct.

MAYOR JENKINS: -- and get it cut down and laid out, because if you dig it up, it'll start washing.

MR. CRAWFORD: No. We were talking about the underbrush and stuff, the overgrowth.

MAYOR JENKINS: Yes, we can handle that.

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COUNCILMEMBER ALEXANDER: I'd like to make sure, too, we get Mr. Buice involved also, because I think the property -- that's been since I've looked at Wheeler. I think there may be a creek there. I'm not sure. It may just --

MAYOR JENKINS: Way down.

COUNCILMEMBER ALEXANDER: Right. And I want to make sure we get him involved --

MAYOR JENKINS: That's on the power line really.

COUNCILMEMBER ALEXANDER: -- and make sure we don't have, you know, pesticides running into the creeks and things of that nature.

MAYOR JENKINS: Oh, Wheeler.

COUNCILMEMBER SPANGLER: Yes.

MAYOR JENKINS: Yes. Okay. I'm sorry. We're talking about two different places.

COUNCILMEMBER SPANGLER: So could we have Mr. Weed look at all this and come up with a best case?

COUNCILMEMBER BATES: Simple.

COUNCILMEMBER ALEXANDER: And you did get --

COUNCILMEMBER SPANGLER: Simple. Very simple.

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COUNCILMEMBER ALEXANDER: -- a packet for a fact?

MR. WEED: I did.

UNIDENTIFIED SPEAKER: Thank you, Maria.

MAYOR JENKINS: Maria, did you finish?

COUNCILMEMBER ALEXANDER: Yes, sir. Rhonda, if you have extra materials, if we can just make sure when the citizens' group comes for the meeting, and I'll --

CLERK BLACKMON: Yeah.

COUNCILMEMBER ALEXANDER: -- print out some more.

CLERK BLACKMON: I'll just make copies of mine.

COUNCILMEMBER ALEXANDER: Oh, okay. Well, I can print some more. That's fine.

COUNCILMEMBER SPANGLER: Now I will make that motion to adjourn.

MAYOR JENKINS: Well, wait just a minute.

COUNCILMEMBER ALEXANDER: I'm sorry, Mr. Anderson.

COUNCILMEMBER SPANGLER: I'm sorry, Mr. Anderson.

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MAYOR JENKINS: Come on up, Mr. Anderson.

MR. ANDERSON: I agree with the English Oak Park thing. The Maintenance Department takes care of our other parks, and I don't see any reason why they can't go in there and bushhog away and have Ronald look at it, et cetera, et cetera.

And I also agree with Mr. Noonan. We spent quite a bit of time on Items 8 and 9. 809 or 806, whatever it was, is in the ordinance. We didn't need to remove it and put it back in. There were two seven-page documents and a lot of time spent on something that is standard FARs. We have FARs, those same FARs, floor area ratios, in our book, and we just spent a lot of time discussing something that is standard in the industry and is common sense. Sorry.

COUNCILMEMBER SPANGLER: I'm going to withdraw my motion and ask to extend the meeting to let Mr. Roche bring up his other item.

MAYOR JENKINS: Do I get a second?

COUNCILMEMBER ROCHE: I'll second that.

MAYOR JENKINS: Anymore discussion?

- - -

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(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
COUNCILMEMBER ROCHE: It's Item 14. I found our copy of the PIP. I think as long as we just go ahead and execute that tonight, I'm okay with that.
My other concern, though, was that in the PIP, it talks about using the City -- not using personal e-mails, et cetera, et cetera. I was surprised to discover that Mr. Howe had to

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provide his own computer to work here in town at the City. And I was going to make a motion that we make sure that he's provided with an appropriate computer, but apparently you guys are already doing that.
CLERK BLACKMON: Yes.
COUNCILMEMBER ROCHE: So as long as we get the PIP signed tonight. And if you guys are already buying a computer, then I'm good with that and we can scratch this off the list.
That was it.
MAYOR JENKINS: Anything else on that?
COUNCILMEMBER ROCHE: No. As long as we get it signed, I'm good.
MS. FRAYSSE: What PIP? Can we have access to that?
MR. HOWE: Can I?
COUNCILMEMBER ROCHE: I think --
MR. WEED: Not yet.
COUNCILMEMBER ROCHE: -- Attorney Weed can --
I think that's what, subject to Open Records after 10 days after it's been --
MR. WEED: If you vote on it tonight, we'll hand out copies after 10 days.

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COUNCILMEMBER ROCHE: Well, we already voted on it.
COUNCILMEMBER ALEXANDER: We already voted on it.
COUNCILMEMBER ROCHE: It's just a matter of making sure we sign the paper.
MR. WEED: Well, I would take the position that the rule is essentially 10 days upon presentation to a body able to do something about it.
Up until now, there doesn't seem to have been a consensus as to what should be included in the PIP. That may have resolved itself tonight. I don't know. But certainly the public is welcome to file an Open Records request as is appropriate.
COUNCILMEMBER ROCHE: I did have some concerns, but because the concerns were expressed under client-attorney privilege, I can't really go into it.
So I will make a motion, then, that we go ahead and execute the version of the PIP that was provided to us tonight.
COUNCILMEMBER BATES: We're referencing page four?

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COUNCILMEMBER ROCHE: As it is.
MR. WEED: The March 19th.
COUNCILMEMBER ALEXANDER: The March 19th one?
COUNCILMEMBER ROCHE: We just got the one, the page that came.
COUNCILMEMBER BATES: And there were no changes to --
MR. WEED: That's correct.
COUNCILMEMBER BATES: -- page 4. Okay.
MR. WEED: What Mr. Roche is presenting is a non-changed document.
COUNCILMEMBER BATES: Okay.
MAYOR JENKINS: Did I get a second on that?
COUNCILMEMBER SPANGLER: Second.
MAYOR JENKINS: More discussion?
COUNCILMEMBER BATES: I would like Mr. Howe to review it, and I don't know if --
MR. HOWE: I have not.
COUNCILMEMBER BATES: So we can make the motion, then --
MR. WEED: It is not subject to Mr. Howe's approval --
COUNCILMEMBER BATES: I understand

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that.
MR. WEED: -- by any stretch of the imagination. This is a matter for the Council. And there is a signature line as far as the receipt of the document, and then Mr. Howe can react to it however he deems appropriate.
COUNCILMEMBER BATES: I understand.
MAYOR JENKINS: It seems to me like there's a place there for Mr. Howe to sign it.
COUNCILMEMBER BATES: Yes, that's --
MAYOR JENKINS: And you say --
COUNCILMEMBER ROCHE: Mr. Howe's receipt.
MAYOR JENKINS: You say it's not subject to his approval.
COUNCILMEMBER ROCHE: Right.
MR. WEED: That's correct, sir.
CLERK BLACKMON: That's for him to sign that he received it.
COUNCILMEMBER ROCHE: Yeah. For anyone that wasn't here, at the March 19th meeting we dealt with some issues. That meeting will be -- the transcript will be available on the Web site very soon. A motion was made by Councilmember Bates to have a two-week suspension and a 90-day

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probation period with a PIP, and it was passed unanimously, and it's just a matter of tonight going ahead and signing the document.
MAYOR JENKINS: Is that correct, Murray?
MR. WEED: Yes, sir, that's what I believe is correct.
MAYOR JENKINS: Does anybody --
MR. WEED: If there are no longer any objections to the draft of March 19th, I think --
MAYOR JENKINS: If you don't approve of it, do you have to sign it?
MR. WEED: The signature line is for him to acknowledge that he received the same.
If he didn't sign it as received, then I would ask whoever gave it to him to provide an affidavit that it was given to him, and then that would be -- that would also cover it.
MAYOR JENKINS: Okay. On the other item, it's listed for every Councilman and Mayor to sign it.
MR. WEED: Yes, sir, that is correct.
MAYOR JENKINS: And that has to be signed by four people.

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MR. WEED: Well, in order to adopt it, yes, sir, it would have to be a majority which would be four people, that's correct, on the memorandum of understanding. I believe it's listed that everyone could sign that document.
MAYOR JENKINS: Yeah, it's listed that way. I'm saying what if they don't?
MR. WEED: The majority would still rule, Mr. Mayor.
MAYOR JENKINS: But if the majority does not sign it, Mr. Weed?
MR. WEED: If the majority doesn't sign it, then I would go back to you came out of Executive Session, you voted. The transcript language speaks for itself.
Now, someone could always make a motion and get a second and try to do something different than what was in the memorandum of understanding; however, the transcript and your motion stands in my opinion until such time as the majority of you change it.
COUNCILMEMBER ROCHE: Yeah. The motion was made and it was passed unanimously. It's just a matter of finalizing the document.
MAYOR JENKINS: Does everybody agree

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with that?
COUNCILMEMBER ROCHE: That's why we brought it up to a motion.
COUNCILMEMBER BATES: Mr. Mayor, Mr. Roche is correct. That was the motion that was made and passed.
I will state that I do find that one of the subsections will be remarkably challenging for any employee to adhere to.
MAYOR JENKINS: My concern is will this override on the other employees? That's what my employees are very concerned about. Will they have to go through this same situation that we're going through with Mr. Howe for about two or three months; two ethics complaints, nothing came out of it; and here we are back to it again. But I agree with you.
Is there anymore discussion on it?
COUNCILMEMBER PITTMAN: I mean I tend to agree with -- I think it's subsection, it's (4), I believe, that I --
MAYOR JENKINS: It should not be in there.
COUNCILMEMBER PITTMAN: Well, I don't know. I --

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1 COUNCILMEMBER FLEMING: We can always
2 go back to the memorandum of understanding and
3 we can make a motion to not accept that, because
4 that's giving the Mayor complete discretionary
5 decisionmaking on all employees and we have no
6 right to have any type of hiring or firing or
7 anything else. So you know, if you don't want
8 to accept the PIP, we can go back to the memo-
9 randum of understanding as well.
10 COUNCILMEMBER BATES: I made the motion
11 to accept it. I'm just stating that I find it
12 very challenging for any employee to adhere to
13 Item 4.
14 COUNCILMEMBER PITTMAN: Almost
15 impossible.
16 MAYOR JENKINS: Yes, it is.
17 I just hope he can live up to it. I
18 know he can if they'll let him do his job, leave
19 him alone and let him do his job. He's a good
20 man, one of the good employees we've had. He's
21 done a lot of good since he's been here, and I
22 call for the motion.
23 COUNCILMEMBER ALEXANDER: The motion is
24 on the table.
25 MAYOR JENKINS: Call the roll.

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1 CLERK BLACKMON: Councilmember
2 Alexander?
3 COUNCILMEMBER ALEXANDER: Yes.
4 CLERK BLACKMON: Councilmember Bates?
5 COUNCILMEMBER BATES: Yes.
6 CLERK BLACKMON: Councilmember Fleming?
7 COUNCILMEMBER FLEMING: Yes.
8 CLERK BLACKMON: Councilmember Pittman?
9 COUNCILMEMBER PITTMAN: Yes.
10 CLERK BLACKMON: Councilmember Roche?
11 COUNCILMEMBER ROCHE: Yes.
12 CLERK BLACKMON: Councilmember
13 Spangler?
14 COUNCILMEMBER SPANGLER: Yes.
15 MR. HOWE: I would like to make it part
16 of the record I was not allowed to speak.
17 MAYOR JENKINS: Yes, sir. Come on up.
18 MR. HOWE: Well, I mean it doesn't do
19 any good now.
20 MAYOR JENKINS: Excuse me?
21 MR. HOWE: It doesn't do any good now.
22 MAYOR JENKINS: But I mean do you want
23 to or not?
24 MR. HOWE: The die has been cast.
25 COUNCILMEMBER SPANGLER: Do y'all want

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1 to let Mr. Weed take it into an Executive
2 Session? It doesn't really matter since we've
3 already went over the 9:30 meeting. There's no
4 point in us --
5 COUNCILMEMBER ALEXANDER: I mean I
6 think we were done.
7 COUNCILMEMBER SPANGLER: Yeah. There's
8 no point in us setting policies and regulations
9 and rules if we're not going to follow them.
10 COUNCILMEMBER ROCHE: You're saying
11 this would be a short Executive Session?
12 MR. WEED: Yes, sir.
13 MAYOR JENKINS: Five minutes?
14 MR. WEED: Yes.
15 COUNCILMEMBER ROCHE: I make a motion
16 that we --
17 MR. WEED: For future or pending liti-
18 gation.
19 COUNCILMEMBER ROCHE: -- go into
20 Executive Session for future or pending litiga-
21 tion.
22 MAYOR JENKINS: We will have to come
23 back and report --
24 MR. WEED: Adjourn the meeting.
25 MAYOR JENKINS: -- to the public.

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1 Okay.
2 MR. WEED: Mr. Mayor, I'd like to
3 advise the Council, if Mr. Howe has anything to
4 say, it's up to the Council to let him say it.
5 MAYOR JENKINS: I'd like him to say it
6 if he cares to.
7 MR. WEED: And then Council, if you're
8 willing to let him, speak on.
9 MAYOR JENKINS: Luke?
10 COUNCILMEMBER SPANGLER: He said he
11 didn't want to speak, Mayor.
12 MAYOR JENKINS: Oh, he doesn't?
13 COUNCILMEMBER SPANGLER: That's what he
14 said.
15 MR. WEED: I just wanted to clarify for
16 the record --
17 COUNCILMEMBER ROCHE: I have no
18 objection.
19 MR. WEED: -- that if the Council
20 wanted to let him, he's got that opportunity.
21 MAYOR JENKINS: I think he's been done
22 wrong, but there's nothing I can do about it. I
23 don't have a vote.
24 We'll go into Executive Session.
25 Motion?

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CLERK BLACKMON: We need a second.
MAYOR JENKINS: Motion. Second?
COUNCILMEMBER BATES: Second.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
- - -
(Executive Session)
- - -
COUNCILMEMBER ROCHE: I make a motion to come out of Executive Session.
COUNCILMEMBER SPANGLER: Second.
MAYOR JENKINS: Call the roll.

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CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: We took no action in Executive Session.
Is that correct, Murray?
MR. WEED: Yes. You took no reportable action in Executive Session, Mr. Mayor.
COUNCILMEMBER SPANGLER: Now I'll make that motion to adjourn.
MAYOR JENKINS: Second?
COUNCILMEMBER ROCHE: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember

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Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
- - -
(Whereupon, the meeting was adjourned at approximately 10:00 p.m. the same day.)
-o0o-

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C E R T I F I C A T E
E OF GEORGIA]
TY OF DEKALB]
I hereby certify that the foregoing transcript taken doen, as stated in the caption, and the eedings were reduced to typewriting under my ction and control.
I further certify that the transcript is a true correct record of the evidence given at the said eedings.
I further certify that I am neither a relative mployee or attorney or counsel to any of the ies, nor financially or otherwise interested in matter.
This the 13th day of April, 2009.

_____
Theresa Bretch, CCR
Permit No. B-755

[SEAL]

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