In The Matter Of:

City of Doraville

State of Georgia

. City Council Meeting .

December 7, 2009

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

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Transcript of the meeting 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 approximately 7:00 p.m. on Monday, December 7, 2009.

* * *

APPEARANCES:
Doraville City Council:
Hon. Ray Jenkins, Mayor
Councilwoman Maria Alexander
Councilman Robert Spangler
Councilwoman Donna Pittman
Councilman Bob Roche
Councilwoman Pam Fleming
Rhonda Blackmon, City Clerk
Murray J. Weed, City Attorney

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 not present.

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: Okay. We'll get some minutes approved before we go into the meeting. I want to approve the minutes of 10/26/09. Do I have a motion?

COUNCILMEMBER FLEMING: Motion to adopt.

COUNCILMEMBER ALEXANDER: Second.

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: 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: 10/27/09, motion?

COUNCILMEMBER PITTMAN: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER FLEMING: Second.

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: 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: 11/2/09, motion?

COUNCILMEMBER ALEXANDER: We have two for that day. We have a special-called meeting and a

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regular City Council meeting.
MAYOR JENKINS: Yeah. Do I get a motion?
COUNCILMEMBER ALEXANDER: So moved.
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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: And the other 11/2/09 motion?
COUNCILMEMBER PITTMAN: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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 11/16/09. Do I have a motion?
COUNCILMEMBER ALEXANDER: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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. I want to introduce Chuck Atkinson and Mr. Frank Rotondo of the Georgia Chiefs of Police is going to give award to the police

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department tonight. So come on up to the microphone, Chuck.
MR. ROTONDO: Good evening, ladies and gentlemen. My name is Frank Vincent Rotondo. I brought my northern accent down here for this particular meeting. Vincent is my middle name. A lot of people call me Vinnie. So feel free to call me anything you want.
I am the executive director of the Georgia Association of Chiefs of Police and I have been so since 1996. I have 40 years of law enforcement experience -- I know you find that hard to believe, but 40 years of law enforcement experience -- and I've enjoyed every minute of it. It's one of those experiences that I didn't know how I was going to take to but I accepted it real well.
I am here to make a short presentation. I promise not to take too much of your time, but it is because the Doraville Police Department has excelled. It has received its recertification. This is the second time for Doraville. It received an original certification three years ago and a recertification now. And what that basically means, it is one of the best of the best police departments we have in the state.

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There are approximately 700 agencies in the state that can be state certified, and I'll explain the state certification process very shortly in a moment, but 700 that can be certified. There's 94 that are certified. Our of the 94, 61 are municipalities. So you're in a unique club. And what certification really means, to make it short, is that you've undergone a scrutiny of your policy. You put a policy together. We've looked at the policy carefully. We sent assessors to the department to evaluate how you perform within the standards of the policy, and then a report is done. It's generated and it's brought to a joint review committee which consists of not police officials itself -- there are some police officials on there; there's a member of the Georgia Municipal Association; there's a member of the sheriff's association on there -- but people who know government and know law enforcement, and they pass a blessing to determine whether a department is state certified or not.
So this is indeed an honor to come to the city and say for the second time, under two contracts, Doraville is getting recertified. Now, they were recertified two months ago, but, unfortunately we couldn't come here just until now. But the program is

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1 hard. Not a lot of agencies are able to successfully
2 complete the program. It takes a lot to do it. It's
3 really a recognition program.
4 There is a lot of advantages to the city.
5 So just to be very, very brief, the practices are
6 consistent with basic police practices which are
7 better than the norm throughout the country. It shows
8 greater operational and administrative effectiveness.
9 It enhances the public feeling of well-being with a
10 police department agency that is certified.
11 But for council people particularly who have
12 to monitor a budget, I have to tell you that Doraville
13 and the city use GIRMA local government risk manage-
14 ment as their insurance carrier. We reached an accord
15 with GIRMA a couple years ago, actually about a year-
16 and-a-half ago, where they evaluated our state
17 certification policy. They determined that it was a
18 very strong policy. They said if you're a state
19 certified agency, we're not going to examine your
20 department and come in and do the audits; we're going
21 to let the cycle of the Georgia Chiefs Association, as
22 we constantly review, do that cycle, and we're going
23 to give you an insurance decrease. So having to
24 manage a budget, hopefully you'd recognize that you
25 could get up to a 20 percent insurance decrease by

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1 having an insurance company -- and I am sure other
2 insurance companies will join also in giving
3 decreases.
4 A history: very shortly, it was a program
5 that developed in 1990, and we had subject-matter
6 experts on there, the Division of Community Affairs,
7 Georgia POST Council, which is the licensing agency of
8 law enforcement people, Georgia Sheriffs Association,
9 Police Chiefs Association, GMA, ACCG -- ACCG being the
10 Association of County Commissioners, and GMA, Georgia
11 Municipal Association. They got to develop the first
12 standard. It was shelved for a while. In 1996, we
13 picked up the program and managed to administer the
14 program from '96 till currently.
15 Having said that, I don't think you want to
16 listen to me talk too much more about the program, but
17 it is an excellent program and makes your department
18 well respected in the state, very well respected in
19 the insurance industry, and hopefully reducing your
20 liability.
21 There are 118 standards, 18 specific to
22 Georgia. The remaining ones are common standards that
23 we could associate with anywhere in the United States.
24 But one of the key things that I recall that Doraville
25 has now that maybe I remember them not having before

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1 -- and please, if I offend you, forgive me -- but it
2 seems like you've established a discipline policy now
3 and standards of discipline better than most depart-
4 ments, and you take corrective action before it
5 becomes a real liability.
6 When I came to the state in 1990, if I
7 remember correctly, because I looked at most of the
8 departments, that seemed to be the only weakness I saw
9 in Doraville at the time. But with that accomplished
10 with a period of time and a perhaps change in
11 administrations and with the support of council, you
12 know, governing those documents, I say Doraville has
13 always been a certified agency and one of our best
14 agencies.
15 I'd like to thank you. I appreciate
16 Council. But I'd like to thank the people here who
17 support their police department very much, and a lot
18 of --
19 - - -
20 (Applause)
21 - - -
22 MR. ROTONDO: Not only to the people, but
23 there are a lot of business owners who have to deal
24 with the police all the time and the people who
25 (inaudible) in the community, so your full community

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1 support is there, and I do appreciate that.
2 But a lot of the credit -- I know I'm going
3 to give a certificate to the acting police chief in
4 just a moment and to the certification manager, a lot
5 of hours they put into the program, but a lot of the
6 credit goes to also every single officer of the
7 Doraville Police Department, because they have to
8 stand united to make the policy work and to continue
9 the standards. I certainly do appreciate that.
10 With that, I'm going to ask, if you don't
11 mind, Acting Chief Charles Atkinson, Chuck --
12 MAYOR JENKINS: Charlene?
13 MR. ROTONDO: And may I ask the
14 certification manager, Brandi Rogers.
15 I'm just going to take a moment to read
16 this: (As read) To the Doraville Police Department.
17 Has fully demonstrated its commitment to law
18 enforcement excellence by meeting all applicable
19 standards as established in the state of Georgia law
20 enforcement certification program.
21 Therefore, it is recommended -- the recom-
22 mendation of the joint review committee of the state
23 of Georgia law enforcement certification program that
24 this agency is hereby recognized as a state law
25 enforcement-certified agency until June 30th, 2012.

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It is signed by the past president of the Police Chiefs Association, Michael Jones; the joint review committee chairman, who is the chief deputy of Gwinnett County. It is signed by the president of the Georgia Sheriffs Association. I signed it as the executive director of the Georgia Association of Chiefs of Police, and it is signed by Governor Sonny Perdue.

- - -

(Applause)

- - -

MR. ROTONDO: Just one more plaque, and this goes to Sergeant Brandi Rogers. This is an expression of gratitude for your dedication and effort to the state of Georgia law enforcement certification program as their certification manager. It is signed by the president of the association as well as the president of the Georgia Sheriffs Association. Brandi, thank you.

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(Applause)

- - -

MR. ROTONDO: And Captain Atkinson, I would like you to please make sure that your Police Chief, get this certificate. It's just merely a certificate

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to thank him very much. We have a program that the Georgia Police Chiefs Association does -- we have several programs -- but state of Georgia law enforcement certification is one. But I would like you to make sure that the Chief knows when he comes back, he's entitled to another program certificate award. That's when you serve two masters: you serve city government and you serve the United States government in times of conflict and in military-torn areas. And with that in mind, please, would you please be so kind.

ACTING CHIEF ATKINSON: Certainly.

- - -

(Applause)

- - -

MR. ROTONDO: Thank you, everybody. I appreciate your kindness, and I see some old friends here. I do appreciate that a lot, Council.

MAYOR JENKINS: Thank you, sir.

I would like to thank the people that have backed up our Acting Chief and the Chief while he's out of town, and I can't mention them all, but we got a couple of them here: Jamie Brown and Sergeant Rogers, and they've all backed up good. That's the reason we have such a good police department. Thank

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you.

- - -

(Applause)

- - -

MAYOR JENKINS: Thank you, sir.

MR. ROTONDO: Thank you.

MAYOR JENKINS: You're welcome any time.

MR. ROTONDO: Thank you, sir.

MAYOR JENKINS: Okay. To follow up on that, I'm going to move one item up and I'm going to bring up the Chief of Police Employment Contract. It is due December the 31st, and I have a Councilman who wants to say a few words, and then we will decide what to do on that, and I'm going to start with Mr. Roche.

COUNCILMEMBER ROCHE: Thank you, Mayor. This is also item 8, so we'll go ahead and get this out of the way right now.

Typically with employment contracts, once they come due, they get renegotiated. Well, clearly Chief King is not in a position to renegotiate his employment contract at this moment, so I was going to propose that we go ahead and extend his current employment contract till December 31st of 2010. That way, he'll be back and have plenty of time. And if we need to renegotiate, we can do that,

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And I would make that in the form of a motion to extend the current contract between the City of Doraville and the Chief of Police, John King, through December 31st of 2010.

COUNCILMEMBER FLEMING: Sec- --

ATTORNEY WEED: And Councilman, if I might, I've reviewed the contract, and there are some references to the former personnel policy. If you would include in your motion and second that the equivalent provisions in the current policy be the ones referred to, I'd appreciate that.

COUNCILMEMBER ROCHE: And --

ATTORNEY WEED: Thank you.

COUNCILMEMBER ROCHE: -- whatever he just said.

What he's saying is that we have a new personnel policy now, and we just want to make sure that's covered.

MAYOR JENKINS: Let me get a second on that before we get into a discussion.

Do I have a second?

COUNCILMEMBER FLEMING: Yes, sir, you do.

MAYOR JENKINS: Okay. Any more discussion?

COUNCILMEMBER ALEXANDER: There were some -- in his contract, there were some items that were

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1 referenced as part of the contract: attachments A and
2 B. I am completely in favor of renewing the Chief's
3 contract; however, I want him to have the ability to
4 renegotiate it when he comes home and not necessarily
5 be tied to the exact terms of this agreement for
6 another year.
7 I have some questions as far as in this
8 contract that was approved, it was talked about his
9 salary being reviewed in June of 2008, and I don't
10 know that that happened or it did not happen. So that
11 was one of the concerns that I had.
12 So Mr. Weed, it's my understanding that we
13 would be able to address this again when he got home
14 and make adjustments as deemed necessary or --
15 ATTORNEY WEED: That would be my opinion.
16 It's the general -- the broad legal concept is the
17 concept of novation, and essentially if both parties
18 agree. Usually a novation occurs when there's
19 actually a third party who wants to take over some of
20 the terms and step into the seat of one of the two
21 parties. However, by analogy, if both parties agree
22 to continue negotiations, you have every right to do
23 that. It's the American way.
24 COUNCILMEMBER ROCHE: And I had given
25 thought to just simply renewing the two-year contract,

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1 and that's why I didn't want to renew the two-year
2 contract but, instead, have an extension to this
3 contract, so that when Chief King does return there's
4 certainly nothing preventing us from renegotiating the
5 contract before 12/31 of next year. That's why I --
6 MAYOR JENKINS: Would you agree to add her
7 concerns in on your motion?
8 COUNCILMEMBER ROCHE: I'm not sure I'd do
9 that. What would be the --
10 MAYOR JENKINS: I don't know.
11 Maria?
12 COUNCILMEMBER ALEXANDER: (No response)
13 COUNCILMEMBER ROCHE: Because as an
14 extension, we can always renegotiate it early if we
15 choose to.
16 ATTORNEY WEED: If both parties wish to
17 readdress the contract, we certainly can.
18 COUNCILMEMBER ROCHE: Right.
19 ATTORNEY WEED: So a government can
20 generally only be bound to a one-calendar-year period
21 in either case.
22 So I will turn to Councilman Alexander and
23 say that if you wanted to lessen the timespan on the
24 contract, if you wanted to add a caveat that in the
25 language of the agreement that if both parties are

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1 willing, early renegotiations, you know, shall occur,
2 and make that more affirmative.
3 I don't know what you want per se. I'm just
4 attempting to help you. So does that sound like
5 something you're interested in?
6 COUNCILMEMBER ALEXANDER: Yes; because I
7 want him when he gets home to have the ability to
8 renegotiate and not be tied to this exact language for
9 another year. I think that's only fair to him. I
10 mean he's at war and --
11 MAYOR JENKINS: Well, I agree with that.
12 COUNCILMEMBER ALEXANDER: -- he's got a lot
13 of other things on his mind than renegotiating his
14 employment contract.
15 COUNCILMEMBER ROCHE: I understand what
16 you're saying. Again, I don't know why we would --
17 what language I would add or change or --
18 COUNCILMEMBER ALEXANDER: Just you think the
19 word extension covers that concern instead of the word
20 renewal?
21 COUNCILMEMBER FLEMING: I used the word
22 extension.
23 COUNCILMEMBER ROCHE: Yeah. That's why we
24 said extension. If we renewed it, then we're locked
25 in for two years.

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1 ATTORNEY WEED: I'd feel better if you would
2 authorize the approval of the basic terms of the
3 contract with an additional clause that indicates
4 that, subject to the agreement of both parties, that
5 you could enter into early negotiations with regard to
6 the terms.
7 COUNCILMEMBER ROCHE: I'll be happy to add
8 that to the motion.
9 COUNCILMEMBER FLEMING: And my second stands
10 as amended.
11 MAYOR JENKINS: Maria, you agree with that?
12 COUNCILMEMBER ALEXANDER: And I guess Mayor,
13 per the terms of the contract, you're going to convey
14 it to the Chief in writing, what we decide tonight?
15 MAYOR JENKINS: Yes.
16 COUNCILMEMBER ALEXANDER: Okay.
17 MAYOR JENKINS: Okay. Any more discussion?
18 COUNCILMEMBER ROCHE: Just that I had sent
19 an e-mail to Chief King telling him basically what was
20 going to happen and what I was going to do, and he
21 seemed okay with it for now, so --
22 MAYOR JENKINS: And as we do this, I will
23 send him a letter --
24 COUNCILMEMBER ROCHE: Of course.
25 MAYOR JENKINS: -- or whatever to make him

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aware of what we voted on; okay?
COUNCILMEMBER ROCHE: Perfect.
MAYOR JENKINS: Thank you.
COUNCILMEMBER ALEXANDER: Mr. Weed, if --
MAYOR JENKINS: Call the roll.
COUNCILMEMBER ALEXANDER: -- you would help and make sure he understands that he has the ability to negotiate earlier.
ATTORNEY WEED: (Nods head affirmatively.)
MAYOR JENKINS: Yeah.
COUNCILMEMBER ROCHE: We just didn't want a situation where the contract basically didn't exist, so --
MAYOR JENKINS: Right.
Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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: No. And only

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because I'm against contracts because we've refused other employees of the City contracts. Most recently, it was Darlow, Mr. Darlow Maxwell. But I'm all in favor of the Chief getting whatever he needs to continue his employment with the City.
MAYOR JENKINS: Thank you.
Motion carried.
CLERK BLACKMON: Motion carried.
MAYOR JENKINS: Okay. We're going to open the bids for the pool resurfacing. We're going to only open them up and document them, and then we'll turn them over to Carol to choose the one that she wants.
Is that all right with the Council?
COUNCILMEMBER SPANGLER: Yes.
COUNCILMEMBER ALEXANDER: Yes, sir.
CLERK BLACKMON: There are three. This one bound together. They sent one and did not, and then sent six others, following; so I've got them rubber-banded. So there's only three.
CLERK BLACKMON: That's the same.
COUNCILMEMBER ALEXANDER: That's the same one Donna's got.
MAYOR JENKINS: There's only three; is that correct?

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CLERK BLACKMON: Yes, sir. That one goes with that.
MAYOR JENKINS: This one goes with that. Oh, okay.
COUNCILMEMBER ALEXANDER: I think it goes with Donna's.
CLERK BLACKMON: Oh, does Donna have it?
COUNCILMEMBER ALEXANDER: Yeah.
We have got Sears Pool Management Consultants, Incorporated. Price to replaster, cure and balance main pool with white plaster is $25,500, and there's some additional notations in here regarding something else.
MAYOR JENKINS: Okay, Pam.
COUNCILMEMBER FLEMING: I have American Pool Service of Georgia. Prep and plaster pool is $28,400. The chemicals are included. There is a portion of initial salt dosage that would be required, of $450. It includes all of the application -- permit application and fees, and they will be setting up and meeting with the County to open the pool.
COUNCILMEMBER ROCHE: Last but not least, we have Irwin & Mahaffey Construction Company. And I've been through this twice, and I've looked at two different copies of it, and I do not see any dollar

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amounts anywhere. So I do not see a dollar amount.
According to this letter, it said they sent the original proposal on November 23rd, 2009.
CLERK BLACKMON: Which was the one package, the smaller.
COUNCILMEMBER ROCHE: Okay. Well, I don't see any dollar amounts anywhere. So I think if someone wants to examine these later and maybe find a dollar amount. I don't see one.
COUNCILMEMBER FLEMING: Donna, has that one been opened underneath?
COUNCILMEMBER PITTMAN: It's the same one.
COUNCILMEMBER FLEMING: Which is the smaller package, you said?
CLERK BLACKMON: The UPS one was the original one. They only sent one proposal versus seven, so they sent the additional six in the --
COUNCILMEMBER FLEMING: Priority mail?
CLERK BLACKMON: -- but they were the same. Yeah, they were the same.
COUNCILMEMBER ROCHE: But the one for Sears only sent one copy.
CLERK BLACKMON: Correct. I don't know why Irwin and Mahaffey did that. I'm just saying that they were identical; she just decided that they would

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1 send more copies.
2 COUNCILMEMBER ROCHE: Yeah. Well, someone
3 probably can look through here, but I don't see any
4 dollar amounts.
5 MAYOR JENKINS: Okay. We'll turn those over
6 to Carol and we'll do that.
7 Donna, have you got an announcement to make?
8 COUNCILMEMBER PITTMAN: I just wanted to
9 remind everyone this coming Friday is our Christmas
10 tree holiday event at 6 o'clock. The tree lighting
11 will take place at 7:00. So I hope everyone can come
12 out. It's a very nice event.
13 MAYOR JENKINS: We're going to light the big
14 tree this year, the one out front.
15 COUNCILMEMBER PITTMAN: So come by to the
16 party and take a look. It's going to be really
17 pretty.
18 MAYOR JENKINS: We're going to have a three-
19 foot star, so we're going to see it up Buford Highway.
20 All right. We're going to move right into
21 old business, No. 5, which is Staffing for GM. That's
22 Bob Roche.
23 COUNCILMEMBER ROCHE: Yes. I think for GM
24 development, we had kind of a scare a few months ago,
25 people will remember. Dekalb County seemed very

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1 interested in building a big old stadium over there.
2 Word kind of got out, and we responded. The citizens
3 came out with maybe 150/200 people and spoke up
4 against it, and it worked out great. I think that, as
5 far as I know, every- -- the last I've heard is that
6 the idea of having a stadium at the GM property is off
7 the table. But I don't think that really gets us out
8 of the woods yet.
9 I put together basically a first-draft RFP
10 for someone to come in -- a consultant, essentially,
11 to come in, a very senior-level person that would come
12 in, look at the situation: look at the GM property,
13 look at what we have here, et cetera, et cetera, and
14 try to develop a strategy for how to deal with future
15 development at the GM property. For instance, if the
16 County should come in and say they build something
17 else, what should our response be? You know, if they
18 do this, what should we do? Should we do that? You
19 know, what tools do we have available to us? What
20 legal issues do we have available to us? Depending on
21 -- what types of uses would be most beneficial to
22 Doraville and the surrounding areas? because different
23 uses have different benefits and drawbacks.
24 Otherwise, we're basically sitting here with
25 our heads in the sand, waiting for someone to come

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1 along and tell us what's going to happen. And the
2 trouble with having our heads in the sand is it makes
3 it very easy for someone to come along and kick us in
4 the butt. So anyway --
5 I did put this together. I sent it to
6 everyone on the Council. I received -- two
7 Councilmembers said that they were in favor of doing
8 something like this; I received no response whatsoever
9 from the Mayor and from the other three
10 Councilmembers, and --
11 MAYOR JENKINS: I apologize, Bob. I haven't
12 seen it. Is what you sent an e-mail?
13 COUNCILMEMBER ROCHE: Yeah. An e-mail, a
14 hard copy, everything, so -- but anyway.
15 Recent developments have shown that there
16 may be a larger issue than just strictly the GM
17 development problem, and so what I'd like to do is to
18 go ahead and combine this, clean up this agenda a
19 little bit and combine this item with -- I guess it
20 would be No. 10 -- well, No. 10 on this agenda; we
21 have different agendas here -- City Planning
22 Department Service Satisfaction Standards. Also,
23 Councilwoman Fleming had put Public Forum for Business
24 Concerns and Issues.
25 Essentially what I'd like to do is if it's

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1 okay with the rest of the Council, is to go ahead --
2 and I understood some people have shown up and have
3 some comments that they want to make, on the sign-up
4 sheet, et cetera, et cetera -- but I think that the
5 goal was to go ahead and try to schedule a public
6 hearing or a special-called meeting on the specific
7 area of overall planning, city development, city
8 planning, et cetera, et cetera. So I'd be willing to
9 do that and take this off the agenda as long as we
10 allow the people that have come out tonight to sign up
11 to speak, the opportunity to do that tonight, as long
12 as we also can set a specific date tonight for when
13 this special-called meeting will be held.
14 MAYOR JENKINS: And you know which ones
15 you're going to combine? Did you get a list?
16 I'm getting the sign-up sheet now.
17 Mr. Hart's signing up.
18 COUNCILMEMBER ROCHE: I understand.
19 It would be No. 5 according to the agenda
20 you just handed me.
21 COUNCILMEMBER FLEMING: It's 11. City
22 Planning Department Service is 11.
23 COUNCILMEMBER ROCHE: Okay. I'm showing
24 that as No. 10, but okay, City Planning Development
25 [sic].

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MAYOR JENKINS: No. 5 and 11, you said?
COUNCILMEMBER ROCHE: 5, 11 --
COUNCILMEMBER FLEMING: And 14 is mine, sir. That's the one where I had requested a public forum for business concerns and issues, and if we can make that into a special-called meeting and set aside a meeting for that specific -- those specific items, that would be -- wouldn't take so much time from our regular agenda, regular meeting.
COUNCILMEMBER ROCHE: And while we're at it, I'll go ahead and just strike no. -- on mine, it's No. 11; Revisit Zoning Ordinance Changes. I think we need to address that but I think we need to address these other issues first.
MAYOR JENKINS: Okay.
COUNCILMEMBER ROCHE: So if we could make -- so anyone who signed up for those issues, I guess if we could let them say what they wanted to say first, and then pick a date and make a motion and have a special-called meeting to address these issues, I'd be happy with that, and we can clean up this agenda.
MAYOR JENKINS: Okay. Well, I'll go ahead and follow through on the sign-up sheet.
No. 5., Stuart Anderson.
COUNCILMEMBER ROCHE: Before Mr. Anderson

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starts, I just want to throw in one last thing.
Instead of a consult- -- this says Staffing for GM Development. I was kind of leaning in the way of hiring a consultant just for this one project. I'd also be -- and I think we've discussed it -- open to hiring someone who would have the expertise, as a full-time employee to do this too. So six of one, half -- I don't care how we do it, just so it gets done.
MAYOR JENKINS: Three minutes on the sign-up, please.
MR. ANDERSON: Stuart Anderson.
I've been pressing for zoning in this area for years. I certainly approve but recommend that we go ahead with an RFP so that we're not waiting for the developers to do our planning for us. Thank you.
We're combining a bunch of things here with business concerns. I hope those concerns are addressed properly. Thank you.
MAYOR JENKINS: Thank you.
Tom Hart?
MR. HART: (No response)
- - -
(Brief, inaudible discussion at Council table.)

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- - -
MAYOR JENKINS: Okay. We'll go into Alcohol Beverage, Murray.
COUNCILMEMBER FLEMING: Oh. Mayor, hold up.
COUNCILMEMBER ROCHE: I'm sorry. Did you have any sign-ups for --
COUNCILMEMBER FLEMING: 11 and --
MAYOR JENKINS: Well, that's what I just asked and you said no.
COUNCILMEMBER ROCHE: Oh, I'm sorry. I wanted to give everyone else --
MAYOR JENKINS: Okay. Let me get -- No. 11, you say; right?
COUNCILMEMBER ROCHE: I don't know, because you gave me an agenda that's got different numbers on it.
MAYOR JENKINS: I gave you the one --
CLERK BLACKMON: It's No. 10 on the one I adjusted.
MAYOR JENKINS: You said it was 5, 11 and 14; right?
COUNCILMEMBER PITTMAN: I've got 11 and 13.
COUNCILMEMBER ROCHE: City Department Develop- -- City Planning Department Service Satisfaction Standards.

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MAYOR JENKINS: Okay. That's No. 10 according to this sign-up sheet, so we got a whole bunch of people on that one.
Ms. Stotz?
MR. STOKES: Ready for me already?
MAYOR JENKINS: Excuse me?
MR. STOKES: That was fast.
COUNCILMEMBER SPANGLER: He thinks he's on the agenda for something.
MAYOR JENKINS: Hey, sir. Sir --
MR. STOKES: Yes.
MAYOR JENKINS: -- this is the sign-up sheet. We haven't got to you yet.
MR. STOKES: Oh, I'm sorry. I thought you said Mr. Stokes. I was going to get up.
MAYOR JENKINS: Lynn Carden Stotz.
Is that you, ma'am?
MS. STOTZ: Yeah, that's me.
MAYOR JENKINS: Come on up to the micro-phone.
MS. STOTZ: Would you forgive me? This is my first city council meeting ever.
Lynn Carden Stokes, and it's S-t-o-t-z.
I own -- I have a commercial real estate company. It's one of the oldest real estate companies

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in Atlanta. I have a lot of experience in commercial real estate. My company's 51 years old, I've been in the business 21 years, and I own the little building across the street from the Doraville MARTA station.

I take responsibility for the fact that I don't read your legal newspaper and that I didn't -- I wasn't aware of the changes in the C-2 zoning, but it's put me in a predicament and I hope it gets addressed.

I own some warehouses that are on the back of a retail building, and under the current C-2 zoning, there's virtually no uses left for me to use to put tenants in these spaces. The buildings were designed for contractors like plumbers and electricians. I've never had a manufacturer in there other than a sign company. I have never had a taxi company, I've never had a pool hall, I've never had a strip club; I have just always leased to small contractors. And because these spaces are small with drive-in doors and one office, they're not viable for any other use.

And so I'm hoping -- I guess I'm a little out of order. When I saw on the agenda that there was going to be some revisiting of the C-1/C-2 zoning, I was really hoping that we'd have an opportunity to explain to people who don't really understand small

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warehouses what we use them for and how they're not suitable for retail because there's no visibility and they're not suitable for office for they're ugly and also because they don't have air conditioning; so I hope we can get to that point.

I bought the building years ago in hopes that someday it would become something else, being across the street from the MARTA station. In my industry, I am pro development, I am pro growth. I went to Cary Reynolds Elementary and Sequoyah High School; I love this part of town. But I have to be able to make a mortgage, so I hope that in the future, somehow we can work this out with the small warehouse owners like the Stokes and myself and a handful of others so that our spaces don't stay vacant, because I've been turned down for the last three tenants, and there was really nothing nasty or messy about these tenants.

I was turned down very recently after he applied for a business license three weeks ago, and he was turned down because he has got --

Oh, is that my buzzer? Okay. So anyway, I just wanted to introduce myself and let you know it's a concern, and hopefully we can get to that at this other meeting that you're going to call. Thank you.

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COUNCILMEMBER ROCHE: Excuse me, ma'am. Just a quick comment.

Didn't we vote a couple of meetings ago that any time someone was turned down, that we would be informed about it -- the Council?

We made that motion, and this happened three weeks ago. I'm surprised that the City Council has not been informed.

MAYOR JENKINS: Were you informed after you came to a meeting or just by an employee that you were turned down?

MS. STOTZ: Are you talking to me?

MAYOR JENKINS: Excuse me?

ATTORNEY WEED: Yes, ma'am, he is.

MS. STOTZ: Okay. I --

ATTORNEY WEED: Would you please come to the microphone and address the Council.

MS. STOTZ: My tenant told -- my potential tenant was told that -- that he thought he had the business license, I deposited his checks, and then he told me --

Ryan, a week ago?

MR. CARDEN: Yeah, week ago.

MS. STOTZ: Well, he told me last week, he said, they turned me down.

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And I didn't really understand why, and I called our planner, city planner, and he has not returned my call.

MAYOR JENKINS: Okay. They were turned down by the city planner; is that correct?

MR. CARDEN: Yes.

MAYOR JENKINS: Okay.

COUNCILMEMBER ROCHE: No. I understand that. And a couple weeks -- a couple of meetings ago, we were concerned that people were getting turned down and we wouldn't know about, and we made a motion, I'm pretty sure, and voted on it, that in the event that someone does come to the City of Doraville and wants something like this, if it's turned down, then we would get a -- we the Council would get a copy of it. Because that way, we -- you know, if things get turned down and we don't know about it --

MS. STOTZ: Right.

COUNCILMEMBER ROCHE: -- there may be a problem, we'll never know about it, and we don't go around fixing problems we don't know about --

MS. STOTZ: Okay.

COUNCILMEMBER ROCHE: -- you know. We just don't have telepathy.

And we voted to do that, Mayor, and I'm --

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MAYOR JENKINS: Okay.
COUNCILMEMBER ROCHE: -- not -- I'm surprised that we haven't heard about it.
MAYOR JENKINS: Okay. Well, I'm not aware that they were turned down, so it must have come from the city planner; is that correct?
COUNCILMEMBER ROCHE: He needs to let us know everything that's been turned down since we made that motion and passed it, Mayor.
MAYOR JENKINS: Okay. Thank you.
MS. STOTZ: You're welcome.
MR. CARDEN: I just wanted to let you know that the tenant's name in particular was Environmental Biotech.
I'm Ryan Carden. I'm Lynn's son, and I also handle all the leasing for the building in question.
MAYOR JENKINS: Okay. Thank you.
COUNCILMEMBER ROCHE: You say there were some other people who were turned down also?
MR. CARDEN: I would have to look at my notes, but I know for certain that we had a tenant that was turned down one year ago.
COUNCILMEMBER ROCHE: Okay. That was before. But I'm just concerned about the notification that we put into place --

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MR. CARDEN: Yes.
COUNCILMEMBER ROCHE: -- that doesn't seem to be happening, so --
MAYOR JENKINS: Okay. Stephe Koontz?
MS. KOONTZ: This is a real concern that the zoning changes have made it so complicated and hard for people to want to open businesses in Doraville.
I've owned a small business before, and when I was going to locate my business, I ran into the same problem with the City of Marietta, and we ended up renting a building just outside the city limits because they made it so complicated to try to get the permits, and it was going to cost like $5,000 more to be inside the city limits just to get established.
And you know, I don't know if the city thinks this is a money-maker to make fees real high to try to generate a bunch of money on the front end and to make it so limited that we want to get like extra fancy places here. But we're going to end up with a bunch of empty buildings, and you're not going to get any tax money from it, and I don't think that you're ending up accomplishing the goals that you're thinking you are doing this. Thank you.
MAYOR JENKINS: Thank you.
Bonita?

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MS. HOFFMEISTER: No comment.
MAYOR JENKINS: Thank you.
David Shanahan?
MR. SHANAHAN: David Shanahan, New Peachtree Road. I believe you-all did get a copy of my notification.
I'm trying to determine what the facts are, if you look back at those e-mails, that resulted in a denial. If you look back at the e-mails, it says based on facts.
I've inquired since, what are the facts?
I was told: Ask Mr. Weed. I have nothing more to say. That's from the city planner.
Asked Mr. Weed. He said: Get a lawyer.
That's my experience. Thank you.
MAYOR JENKINS: Tom Hart?
MR. HART: I spent the whole day hashing out this very issue.
Building things in Doraville or occupying businesses in Doraville, compared to what it was two years ago, it ought to be an Olympic sport.
Used to go in here and ask Chuck, can we build this over here?
He says, sure. Okay. Just show us your plans and stuff. And now you need to move this curb

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over. You need to do this. You need to go to Dekalb, get that signed off, et cetera.
Or if you want to open a business: No, you can't open that massage parlor there. Done deal.
Now it's like the cash register's at the front door. You pay your money, you go into the store and there's nothing in there; you got to leave, and you don't get your money back. I mean it's like that old Porky's theme where the guy walks out the back door and into the lake, you know.
Thank you.
MAYOR JENKINS: Carol Gilman?
MS. GILMAN: I'll wait until the special meeting. Thank you, Mayor.
MAYOR JENKINS: Thank you.
Joe Frank?
MR. FRANK: Joe Frank.
Ladies and gentlemen of the City Council, audience, we go always back to the rezoning of the C-2 which has been basically rezoned to a C-1. I can understand where things were brought up in the City Council and the City Council really meant for doing something good for the city. Unfortunately, it's all the good intentions but it's just turned out to be a complete nightmare. It has also turned out to be a

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1 financial loss to the city and it will continue to be
2 a financial loss to the city.
3 When you try to run something, and then
4 every time, it has to come before the City Council and
5 get approved by the City Council. And if you go
6 through a whole big rigamarole to do all that, it is
7 far easier in today's economy when you have a great
8 deal of vacant spaces in Chamblee or in Dekalb County
9 or in Gwinnett County, which is nothing more than one
10 mile up and down the street, to just simply go there,
11 get your paper, and in 15/20 minutes, you are out of
12 there with your business permit; whereas here, from
13 what I'm hearing, they have to come here, they have to
14 come before the City Council. Someone has to pay for
15 it. They have to wait; they get turned down. Most
16 tenants are not interested in this kind of rigamarole.
17 This is business.
18 The situation that we ended up here is that
19 we have people that are politicians that are trying to
20 manage businesses. And I understand, you are doing
21 your best. But just like business people are not
22 politicians people, politicians are not business
23 people. And we need to address this, and I hope we can
24 address this and find some kind of mutual
25 understanding.

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1 Thank you very much.
2 MAYOR JENKINS: Thank you.
3 - - -
4 (Applause)
5 - - -
6 MAYOR JENKINS: Okay. That's all of that
7 particular item. We'll go to Item --
8 COUNCILMEMBER ROCHE: Well, wait a minute,
9 Mayor. We were going to pick a date. I'm sorry.
10 COUNCILMEMBER FLEMING: He's looking at 14
11 now.
12 MAYOR JENKINS: You want to go through?
13 COUNCILMEMBER ROCHE: Oh, okay, 14. I'm
14 sorry.
15 MAYOR JENKINS: Which one was it? 14,
16 Professional Staffing?
17 COUNCILMEMBER FLEMING: No. 14.
18 MAYOR JENKINS: Okay. 13, Public Forum?
19 COUNCILMEMBER PITTMAN: It's 13 on hours.
20 MAYOR JENKINS: Okay. Stuart Anderson.
21 This is on Public Forum for Business
22 Concerns and Issues.
23 MR. ANDERSON: Well, business concerns and
24 issues certainly are C-1/C-2, M-1/M-2, O & I, the
25 items that are on the agenda, these things have been

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1 -- I've been asking for these things to be reviewed
2 since they were passed. The only way they're getting
3 attention is by drawing attorneys, shall we say,
4 because we're taking rights away from business people.
5 I agree with everything that Mr. Frank said,
6 except for one thing. He said that it was a hardship,
7 a financial hardship on the city because we weren't
8 getting tax money. It's also a hardship -- financial
9 hardship on businesses. He neglected to mention that.
10 We need to revisit M-1/M-2, C-1/C-2, O & I.
11 These things have been very badly written, in my
12 opinion, and they certainly need to be reviewed.
13 Thank you.
14 MAYOR JENKINS: Thank you.
15 - - -
16 (Applause)
17 - - -
18 MAYOR JENKINS: Stephe Koontz?
19 MS. KOONTZ: I'll pass. Pass.
20 MAYOR JENKINS: Okay. Tom Hart?
21 MR. HART: This is the second subject?
22 COUNCILMEMBER FLEMING: Yeah. Before you
23 comment, what we'd really like to do is set a date for
24 the public forum, but go ahead.
25 MR. HART: Okay. We spent a lot of time in

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1 the previous administration rewriting all these things
2 and did a pretty thorough job, and it was a lot --
3 it took a long time involved with the City Clerk and a
4 lot of people in the city to work on this; and we get
5 to this Council and then bam, bam, bam, they pass
6 C-1/C-2, M-1/M-2. Boy, we're just moving all along.
7 And everybody's screaming, what are you guys doing,
8 you know? Can you think about this for a second, what
9 you're doing?
10 Oh, no. We're working in unison right now.
11 We're just bang, bang, bang, get it passed.
12 And they tell us at the GMA school in
13 Athens, when you get into office, the first six
14 months, shut your mouth and open your ears, because
15 you'll spend the rest three-and-a-half years trying to
16 undo what you did in the first six months.
17 And I think the Mayor can attest to that.
18 He's gone to enough of those schools. You know, they
19 tell you, just be quiet because you don't know what
20 you're doing.
21 Well, this City Council is learning the hard
22 way, and the business community has learned the extra
23 hard way. These things need to be revisited and
24 redone properly because we're going to put this place
25 under water. Thank you.

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- - -
(Applause)
- - -
MAYOR JENKINS: Pam --
COUNCILMEMBER FLEMING: I was --
MAYOR JENKINS: -- I believe you-all wanted to --
COUNCILMEMBER ROCHE: Well, I just had one more thing I was going to mention.
MAYOR JENKINS: On what subject?
COUNCILMEMBER ROCHE: Well, on basically all three of these.
MAYOR JENKINS: Okay.
COUNCILMEMBER ROCHE: I mean we have -- to me, it seems like we have two issues. First of all, we do not have a user-friendly process; we do not have user-friendly city hall.
I have a letter here -- I won't read who it's from, but you can get that through Open Records -- dated December 1st.
(As read) Dear Mr. Haeberlin, Enclosed please find the tax license renewal application for this company. Unfortunately, we will not be renewing this application with the City of Doraville. Effective January 1st, 2010, this company will be

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relocated outside the city limits of Doraville.
Decision to relocate as well as our decision to no longer consider Doraville a suitable candidate for relocation of our businesses is a result of the, quote, less than welcome, unquote, climate for small businesses, the haphazard changes in zoning without consideration of existing businesses, and the lack of clear leadership on City Council.
Having quietly attended several City Council meetings, special sessions, et cetera, over the last couple of years has convinced me that relocating additional companies to Doraville is not in the best interests of our customers or our employees.
Good luck in the future.
Sincerely, et cetera, et cetera.
This is a wake-up call. You know, I mean, to me, that was a wake-up call when the annexation vote was like 80 percent against, and then now we have this.
And the thing I've been hearing about more than anything else -- I mean obviously there are issues with the zoning, but just the way people are treated when they come in to City Hall. The level of service; they feel like they're being jerked around, jumping through hoops. They go through, they check

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off all the boxes, they jump through all the hoops, and then it says: No.
Well, how come?
Well, we're not going to tell you. You have to go hire a lawyer.
Until we have a user-friendly city hall that has a helpful and service-oriented attitude, we are going to continue to have these problems, and that's problem A.
Problem B, of course, is we do need to definitely work on these ordinances. And I believe that Ms. Pam Fleming is going to come up with a date for a special-called hearing specifically on this issue.
COUNCILMEMBER FLEMING: Mayor, if you don't mind at this time, looking at the calendar for December, it looks like we are not having a second meeting. And since this should be a special-called meeting if you don't mind, if we could make it for Tuesday, January the 12th. I think that would give us all adequate time to plan for January the 12th, and that would be to discuss business concerns and/or issues as well as service satisfaction standards, and, if necessary, if we have time, to discuss the changes that we need to make for C-1/C-2 and O-I/O-W, M-1/M-2.

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January the 12th, 6:30 here.
MAYOR JENKINS: Okay. That is what date?
COUNCILMEMBER FLEMING: That's on a Tuesday.
COUNCILMEMBER ALEXANDER: I request that that date be set up tentatively since Mr. Bates isn't here to confirm his attendance.
MAYOR JENKINS: Tentative on that.
COUNCILMEMBER FLEMING: That's fine.
MAYOR JENKINS: We can set it up 24 hours ahead.
COUNCILMEMBER ALEXANDER: And I guess I thought the meeting was going to be to hear the business concerns, not necessarily to revisit ordinances, because I think that would have to be held at a zoning meeting.
MAYOR JENKINS: Either a special meeting on the zoning changes.
COUNCILMEMBER ROCHE: So let's start with the business concerns and --
COUNCILMEMBER ALEXANDER: Correct.
COUNCILMEMBER ROCHE: -- then we can go into the zoning afterwards.
MR. HART: Is that open to the public or is this --
COUNCILMEMBER FLEMING: Yes, sir. That --

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COUNCILMEMBER ROCHE: That will be a public meeting --
COUNCILMEMBER FLEMING: Yes.
COUNCILMEMBER ROCHE: -- just like this.
MAYOR JENKINS: All meetings are open to the public.
COUNCILMEMBER ROCHE: You come in, you sign up and you tell us what's going on so we can try to fix it for you.
MAYOR JENKINS: Okay. That's a tentative schedule, but we'll set it up and we will set the -- we will set a certain amount of time for each item on that particular agenda.
COUNCILMEMBER FLEMING: Or for each member that would like -- each business person or resident that would like to speak; that's correct.
MAYOR JENKINS: Yes, but I mean the time that we spend on the whole item --
COUNCILMEMBER FLEMING: That's fine.
MAYOR JENKINS: -- we will set a time on that.
Okay. Is that taken care of?
COUNCILMEMBER ROCHE: Well, someone's --
MS. SHERLOCK: I just had a question about when we're going to know what the date will be.

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MAYOR JENKINS: Come up to the microphone, please, ma'am.
COUNCILMEMBER FLEMING: When will Brian -- I did make a motion. When will Brian be back in town?
MS. SHERLOCK: Hi. My name's Cat Sherlock. I'm just wondering when we're going to know if January 12th is the right date and how you're going to disseminate the information. Is it going to be here? What time? Are you going to put it on the Web site? Are you going to send out e-mails? How are we going to know?
MAYOR JENKINS: We'll let everybody know.
MS. SHERLOCK: How?
MAYOR JENKINS: The Web site. Post it on the board.
COUNCILMEMBER ROCHE: We'll have a little ad in the back of the Champion.
MS. SHERLOCK: I'm sorry, but lots of meetings get missed because they're tentative and then they change and the citizens don't know.
COUNCILMEMBER ALEXANDER: We will have a Council meeting before that date, so it will be announced also at that Council meeting, which would be January the 7th, I believe.
MS. SHERLOCK: Okay, but there's no like --

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it can be on the Web site --
COUNCILMEMBER ALEXANDER: Yes.
MAYOR JENKINS: Yes.
MS. SHERLOCK: -- like at least two weeks in advance? Great.
COUNCILMEMBER ROCHE: I'll second the motion.
COUNCILMEMBER FLEMING: January 12th, tentative, for the special-called meeting to discuss business concerns and issues.
MAYOR JENKINS: Okay. You seconded?
COUNCILMEMBER ROCHE: Yes, sir.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.

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CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: Okay. Motion carried.
ATTORNEY WEED: Mr. Mayor, if I might, I'd like to correct the record.
I did report to the Council my conversation with Mr. Shanahan. I am perfectly happy to answer any legal question Mr. Shanahan asked. He asked me a legal question. I am prevented by my representation of you to answer a legal question for him.
If four of you would like to vote to authorize me to answer his legal questions, I will be happy to do that. Other than that, I am prohibited from doing so, and I won't.
COUNCILMEMBER ROCHE: I was speaking generally of what people have told me about their experiences with the city planner.
ATTORNEY WEED: And I can't address that --
COUNCILMEMBER ROCHE: I understand.
ATTORNEY WEED: -- and I'm not going to.
I simply wanted to say, you know, I'm happy to address Mr. Shanahan's questions to me, in the legal arena, if you authorize it. Other than that, my answer to Mr. Shanahan and everyone else is, I cannot give legal advice to people who are not my clients,

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and that will always be what I say.
COUNCILMEMBER ROCHE: I will make a motion to allow Mr. Weed to answer Mr. Shanahan's questions without --
UNIDENTIFIED SPEAKER: Who's paying for it?
COUNCILMEMBER ROCHE: Hm?
UNIDENTIFIED SPEAKER: Who's paying?
ATTORNEY WEED: The taxes pay for it, but my client is the living embodiment of the city, the City Council.
Once again, if you make a motion and a second, I'm happy to answer any question he asks on your dime. Glad to do that.
COUNCILMEMBER SPANGLER: I'll second.
MAYOR JENKINS: Anymore discussion?
COUNCILMEMBER FLEMING: I'd really like to know what the question was.
MAYOR JENKINS: Yes. I do, too. I'd like to know before we vote.
ATTORNEY WEED: Mr. Shanahan didn't understand the Zoning Ordinance, and that's what he shared with me, and I advised him that he needed to seek legal counsel if he was confused about the zoning ordinance or he needed to hire a planner, someone who wasn't necessarily a lawyer but who might also

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understand the language of zoning ordinances.
Mr. Shanahan told me that he had kids in college and he couldn't afford that.
I of course reported this conversation to my client, the Council, and now it's up to you to decide if you want me to answer that question or not.
COUNCILMEMBER ROCHE: And just as a side note, I believe Mr. Shanahan, I believe you had to do an Open Records request to get copies of the Zoning Ordinance --
MR. SHANAHAN: Yes, sir.
COUNCILMEMBER ROCHE: -- and pay for it and all that?
MR. SHANAHAN: Ultimately, I wasn't clear if my Open Records request had been filled. The e-mail said: You got your request. There's another section you might want to look at.
I replied: What's that section?
At that point, I got: I can't help you.
COUNCILMEMBER ROCHE: I understand.
ATTORNEY WEED: Not from me.
COUNCILMEMBER ROCHE: No. I understand that.
MR. SHANAHAN: And I got a referral to perhaps ask you.

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ATTORNEY WEED: And which is we're now before you. If you would like me to answer whatever question this man poses, I'm happy to do that. But until you authorize me, I am unable to do that.
COUNCILMEMBER PITTMAN: So it's just not -- I'm sorry. You were not understanding --
What were you not understanding? I'm sorry.
COUNCILMEMBER FLEMING: Referred to another section but we wouldn't tell him what section.
COUNCILMEMBER ROCHE: Right.
COUNCILMEMBER PITTMAN: Well, I mean I'd like to see . . .
MR. SHANAHAN: I filed an Open Records request, trying to find out what sections of the code describe vesting rights. Asked for any records describing, identifying vesting rights. That took six days and a visit to the Mayor's office and a few e-mails to get Article 5.
Then got an e-mail that said there's also -- an e-mail from Mr. Haeberlin -- that said there's also a section on how grandfathering works, that you might want to look at.
So I answered back, said: Which section is that or are you simply referring to Section 5 again?
At that point -- and like I say, y'all have

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that e-mail -- the answer was: I can't help you anymore. Perhaps the City Attorney can.
COUNCILMEMBER PITTMAN: And that came from Mr. Haeberlin?
MR. SHANAHAN: Yes.
COUNCILMEMBER ALEXANDER: I just feel like the vesting question is definitely something you need to get answered by your --
MR. SHANAHAN: Sure.
COUNCILMEMBER ALEXANDER: -- by your own legal counsel.
MR. SHANAHAN: I'm trying to get -- and I mentioned it on day one of my application, said I may have vesting rights.
28 days later, I got the e-mail that said no, but I still don't know why.
COUNCILMEMBER ROCHE: We should at least make the zoning ordinance available to people who have questions about the zoning ordinance. I mean that's -
MR. SHANAHAN: And I'm still not clear if I got all the sections.
- - -
(Applause)
- - -
MR. SHANAHAN: Somewhere in there, there's a

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1 six-month; mention of it somewhere.
2 COUNCILMEMBER ROCHE: Right.
3 MR. SHANAHAN: It's not in the section I
4 got, so I suspect there's more parts out there that I
5 don't know about --
6 COUNCILMEMBER ROCHE: Right.
7 MR. SHANAHAN: -- but I can't find, you
8 know --
9 CLERK BLACKMON: And for the record, the
10 zoning ordinance is available to anyone who comes to
11 the front office, but I do not give out copies free.
12 Anyone who has asked for the zoning ordinance can look
13 at it at the counter. Someone did so this morning.
14 COUNCILMEMBER FLEMING: But if we're not
15 even bothering --
16 MR. SHANAHAN: But that's a pretty big book;
17 right?
18 COUNCILMEMBER FLEMING: -- to tell them what
19 section.
20 CLERK BLACKMON: It's a pretty big book.
21 MR. SHANAHAN: Okay. I --
22 CLERK BLACKMON: I was just addressing the
23 comment that Mr. Roche made.
24 ATTORNEY WEED: I can't speak for the
25 planner. Let me speak for the legality aspect of

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1 this.
2 Mr. Shanahan's interests may be different
3 from my client, the city of Doraville, represented by
4 the living embodiment which is the City Council.
5 That's who I work for. Mr. Shanahan's interests may
6 not be different than yours.
7 If you authorize me to answer whatever ques-
8 tions he asks and give him whatever legal information
9 he wants, I am glad to do that. I am happy to do
10 that. That may be against your interests; it may not
11 be.
12 But until you authorize me, I will never
13 reveal your confidences nor will I give legal advice
14 to outside parties because I belong to the Council
15 because you are the living embodiment of the city as
16 long as there's an elected democratic process. It's
17 up to you.
18 COUNCILMEMBER ROCHE: I don't think anyone's
19 -- you know, that that's a bone of contention.
20 I think that the issue is that we're
21 expecting people to follow our laws and we're making
22 it difficult for them to find out what the laws are,
23 and that's not --
24 ATTORNEY WEED: I can't address it.
25 COUNCILMEMBER ROCHE: I understand that --

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1 ATTORNEY WEED: If you want me to answer his
2 questions, let me know.
3 COUNCILMEMBER ROCHE: -- but directly or
4 whatever.
5 COUNCILMEMBER FLEMING: Well --
6 COUNCILMEMBER ROCHE: Maybe the question
7 that we're trying to get answered is: Which section
8 of the code would Mr. Shanahan or whoever look up to
9 find out about grandfathering for allowed uses?
10 COUNCILMEMBER PITTMAN: He said
11 Mr. Haeberlin could not answer that question?
12 MAYOR JENKINS: Excuse me just a minute.
13 Audience, the court reporter has a problem hearing
14 what they're saying when you're talking. Please
15 refrain from talking.
16 Go ahead.
17 MR. SHANAHAN: I don't know if he can answer
18 it or not.
19 I handed the request directly to him. He
20 looked at it and said, oh, that's about five pages.
21 You know, once again, please look back at
22 your e-mails.
23 Four days later, he said: I'm not sure what
24 you're asking for because you weren't clear, so --
25 My lawyer said it's like playing hyperball.

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1 ATTORNEY WEED: So you do have legal
2 counsel, Mr. Shanahan?
3 MR. SHANAHAN: Just somebody I would say in
4 a casual -- a lawyer I was in a conversation with.
5 But it's a lot of work.
6 COUNCILMEMBER ROCHE: We need to have a
7 user-friendly city hall, and that's a huge issue.
8 MR. SHANAHAN: Thank you.
9 COUNCILMEMBER ROCHE: I don't know. I mean
10 was that motion --? I don't know.
11 COUNCILMEMBER FLEMING: Oh, no, we didn't
12 even --
13 MAYOR JENKINS: We need to move on.
14 COUNCILMEMBER ROCHE: I don't know if that's
15 appropriate or not, frankly.
16 COUNCILMEMBER SPANGLER: Oh, I think
17 Mr. Weed should be allowed to answer questions to the
18 business owners or to the residents as long as there's
19 not a possible potential suit involved.
20 COUNCILMEMBER FLEMING: Well, my opinion on
21 that is pointing someone in the direction, whether it
22 be a resident or a business owner is one thing; but
23 then giving legal advice is a second.
24 COUNCILMEMBER ROCHE: Right.
25 COUNCILMEMBER FLEMING: In regards to "Where

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can I find" is a question of, please help me with this ordinance that might be 84 pages long or a book that's four inches thick -- please help me find something on vesting instead of me having to read the whole thing.

That should be an easy enough question to answer: You can go to page number such-and-such or --

And I think we should be that user friendly whether it be Mr. Weed or Mr. Haeberlin. Now, that, to me, is not legal advice. That's pointing someone in the direction so that they can make a decision or that they can then go take it one step further.

So I'm not agreeing to legal advice, but I am agreeing to legal -- pointing them in the direction of: Here's the section that you need to be reading, or something. I don't --

Anyway, that's my opinion.

MAYOR JENKINS: Thank you.

COUNCILMEMBER ROCHE: Well, maybe I need to, you know, withdraw the motion and restate it, then? I don't . . . Like I said, this thing is way more complicated, I think, than it needs to be.

COUNCILMEMBER ALEXANDER: Are the zoning ordinances that we pass on the Web?

CLERK BLACKMON: Yes. I do not know up to what date, but Luke does put them on the Web site.

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MS. SHERLOCK: Excuse me. They're not.

CLERK BLACKMON: There are several ordinances on the Web site. I looked at them today. I do not know through what date they are on there, but yes, there are --

MS. SHERLOCK: Well, then --

CLERK BLACKMON: -- ordinances listed.

MS. SHERLOCK: -- they were put on in the last two weeks.

MAYOR JENKINS: We're going to . . .

COUNCILMEMBER ALEXANDER: When will the codification be complete, do we know?

CLERK BLACKMON: I have to ask them. I do not know how long it takes them, but I can find that out.

COUNCILMEMBER FLEMING: But there again, we don't know as to which ordinance it went through, do we?

CLERK BLACKMON: The codification?

COUNCILMEMBER FLEMING: Uh-huh, went through.

CLERK BLACKMON: I don't recall off the top of my head, but yeah, I can tell you that.

COUNCILMEMBER FLEMING: Okay.

MAYOR JENKINS: Okay. We need to move on.

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I think we've . . .

COUNCILMEMBER ROCHE: Did we vote on the motion to have the special-called meeting?

COUNCILMEMBER ALEXANDER: Yes.

COUNCILMEMBER FLEMING: Yes.

MAYOR JENKINS: We voted on it.

COUNCILMEMBER ROCHE: Good.

MAYOR JENKINS: Let's move on to Item No. 5.

No more questions. We're going to move on to -- I believe it's No. 6, is that right?

COUNCILMEMBER FLEMING: Alcoholic Beverage?

MAYOR JENKINS: Yes.

COUNCILMEMBER FLEMING: Is that the one we're on? Okay.

MAYOR JENKINS: No. 6, have you got the old agenda too?

COUNCILMEMBER ROCHE: Mine has 23 on it.

COUNCILMEMBER FLEMING: I have old and new.

MAYOR JENKINS: Excuse me?

COUNCILMEMBER FLEMING: I have 5 and 6.

MAYOR JENKINS: Item No. 6 is Alcoholic Beverages, Murray Weed.

ATTORNEY WEED: Mr. Mayor, Members of the Council, what Item No. 6 is, after your meeting on November the 16th, you wanted to seek clarification

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with regard to the new penalty provisions for sales to minors.

The problem that you encountered on the 16th was out of one transaction, multiple crimes could easily occur. The way the ordinance changes were originally written, each individual crime might be considered to be a reason to take administrative action against a license holder underneath the Alcohol Beverage Ordinance as far as the administrative side with regard to their license. The Council was concerned that very easily, through simply, you know, one -- one or two criminal transactions, that automatically the Council would have to revoke licenses administratively.

After a great deal of discussion, Council decided that you wanted to operate within a 24-hour period of time and that the criminal transactions would not necessarily mean that administrative action had to occur per each individual criminal violation, and, rather, they could all be considered to be one transaction within the 24-hour period.

I made those changes to the ordinance on November the 19th. I sent a copy to you to refresh your recollection on today's date. Hopefully, the language covers what you had intended to pursue on the

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16th.
MAYOR JENKINS: Did everybody get the ordinance?
COUNCILMEMBER FLEMING: Yes.
MAYOR JENKINS: Okay. Any more discussion on it?
COUNCILMEMBER FLEMING: Do you have anybody on the thing?
MAYOR JENKINS: Yeah; when I'm finished with the table. Any more discussion at the table?
COUNCILMEMBER ALEXANDER: No, sir.
MAYOR JENKINS: Okay. I have no sign-ups on that one, so we'll go ahead and call for the motion.
COUNCILMEMBER FLEMING: I'd like to make a motion to adopt new Section 3-270, item (d), referring to alcoholic beverage sales to minors and the suspension or revocation of license, where we list the violations and the penalties.
- - -
(Brief, inaudible discussion at Council table.)
- - -
ATTORNEY WEED: It's not. It's been read before.
MAYOR JENKINS: Do I get a second?

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COUNCILMEMBER ALEXANDER: Second.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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.
Murray?
ATTORNEY WEED: Mr. Mayor, Item No. 7 is the Billiard Parlor Ordinance. This is actually a second reading of this ordinance as well. The first draft was sent to Council on November the 13th of 2009.
After the first reading, the Council had some conversation about whether or not they wanted to have a maximum number of pool tables in a billard-

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parlor facility. You asked staff to look into the possibility of making a calculation based upon the amount of square footage.
I contacted Acting Chief Chuck Atkinson. He did some research with regard to an existing billiard hall. That hall's got 10 tables and I believe --
Was it thirty-two?
ACTING CHIEF ATKINSON: Thirty-two.
ATTORNEY WEED: 3,200 square feet of space. So you might want to use that as your maximum if you are still inclined to have a maximum number of tables based upon square footage.
In addition, I had conversations with Councilman Fleming and others of you with regard to the zoning ordinance. In the zoning ordinance relevant to C-2, there's a maximum of three pool tables in a billiard hall at this time. So that's -- those are the basic parameters.
The draft ordinance I sent on November the 13th did not address maximum numbers of pool halls nor square footage. That was kind of a conversation that the Council wanted staff to think about and report back on, which we have now done.
MAYOR JENKINS: Okay. Everybody got a copy of the ordinance?

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COUNCILMEMBER ALEXANDER: So we would have to change the zoning ordinance also?
ATTORNEY WEED: If you wanted to have more than three pool tables in a pool hall in C-2 zone, yes, ma'am.
COUNCILMEMBER ALEXANDER: Captain Atkinson, do you know what the operating hours of this establishment are now?
ACTING CHIEF ATKINSON: They close at 2 o'clock. They have to follow our ordinance for serving alcohol, so they close.
COUNCILMEMBER ALEXANDER: I guess I had additional questions because I believe our alcohol ordinance addresses the percentage of food sales also. So if this is a typical pool hall and they're open on Sunday -- I don't know if they do or do not have a Sunday-sale license -- I don't know that they would meet the food requirement.
ATTORNEY WEED: That's an excellent question and that's ordinarily why these pool-hall ordinances come to be.
In City of Hapeville, for example, there was a conflict between the pool-hall industry and at that time the fire marshall's office and also the alcohol beverage administration. There was an argument made

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that if you had a billiard parlor license, that somehow entitled you automatically to alcohol beverages sales and that you were somehow exempt from the 51 percent food-sale requirement that's found in the alcohol beverage license for on-premises consumption. That's another reason why this is -- that's the material from which this ordinance came out.

So the answer to your question would be: if they are selling alcoholic beverages on site, they've got to serve food and they've got to serve a certain percentage of food as required by our ordinance. We don't have a straight tavern/bar ordinance where you could have an on-premises consumption facility where you didn't serve food.

You could have a pool hall that didn't serve alcoholic beverages, sure, any time you wanted to.

COUNCILMEMBER ALEXANDER: I think I'd like some more research on this before we pass it. I don't know how the rest of the Council feels. Especially if this establishment is open on Sundays and selling alcohol.

ATTORNEY WEED: And my question would be: What research particularly would you like?

COUNCILMEMBER ALEXANDER: I didn't necessarily mean you would do the research.

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ATTORNEY WEED: That's great. Who would you like to have it done and what would you want to have them do?

COUNCILMEMBER ALEXANDER: I will probably do a good bit of research on my own, but I will have additional questions for law enforcement and -- and maybe yourself.

COUNCILMEMBER FLEMING: But clearly we will have to change the zoning ordinance --

COUNCILMEMBER ALEXANDER: Correct.

COUNCILMEMBER FLEMING: -- because I don't think we have a parentheses, you know, maximum three. I mean the conditional use in C-2 is billiard/pool room. So making the condition there as three, I think we need to get rid of the three in zoning and put it into billiard parlor and address, if we are going to address, numbers per square foot in this ordinance rather than in the conditional use of the zoning.

COUNCILMEMBER ALEXANDER: So we can have billiard/pool hall as a conditional use but the additional regulations in this document.

ATTORNEY WEED: You do. You have that already. In your C-2 zone, billiard/pool hall is already a conditional use, and the maximum number --

COUNCILMEMBER ALEXANDER: But that's what

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I'm talking about --

ATTORNEY WEED: -- in that zone --

COUNCILMEMBER ALEXANDER: -- doing away with it.

ATTORNEY WEED: -- is three --

COUNCILMEMBER ALEXANDER: Doing away with it.

ATTORNEY WEED: -- in an individual.

COUNCILMEMBER ALEXANDER: We just have it as a conditional use without the stipulation of the number of the tables, and the number of tables would be covered under this document.

ATTORNEY WEED: If that's what you wanted to do, you have --

COUNCILMEMBER ALEXANDER: Can we legally do that?

ATTORNEY WEED: Of course.

COUNCILMEMBER ALEXANDER: Okay.

ATTORNEY WEED: Absolutely.

COUNCILMEMBER ALEXANDER: Okay.

COUNCILMEMBER FLEMING: But we would have to go through all the zoning advertisement --

COUNCILMEMBER ALEXANDER: Correct, to correct that.

COUNCILMEMBER FLEMING: -- et cetera. So I

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mean there are other things in C-1 and C-2 that we need to tweak as well, but this is definitely one of them.

ATTORNEY WEED: And this ordinance didn't address any issues with regard to maximum number or square footage and didn't intend to. It's fine that that regulation be included in this ordinance.

But this ordinance was to prevent things such as someone making an argument that if you had a pool-hall license, somehow you were exempt from the food requirement of the alcohol beverage license, and I've literally seen those arguments be made in other jurisdictions.

Also, this ordinance was designed to have a clear hour, you know, setup, when the pool halls would be open and when they would be closed, that type of thing, and those regulations don't currently exist. So right now, you could have a 24-hour, seven-day-a-week pool hall.

COUNCILMEMBER ROCHE: But they couldn't have more than three pool tables.

ATTORNEY WEED: That's correct.

COUNCILMEMBER ROCHE: Well, I would be a little concerned that someone's liable to -- you know, the way this city's operating lately, someone's going

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1 to go out and shut them down tomorrow just based on
2 that. And it would seem reasonable to at least move
3 forward on that for now and hopefully have some kind
4 of forbearance before they -- you know, while we're
5 getting this straightened out so that we don't go
6 shutting down businesses.
7 COUNCILMEMBER FLEMING: Ms. Alexander, we
8 could feasibly adopt this particular ordinance, and
9 because it's in our regular city code of ordinances,
10 come back and do -- since we're not going to meet
11 until January the 4th, I believe, pass this as-is and
12 determine square footage and number per square foot
13 and add it later, if necessary, so that we could get
14 the billiard parlor/pool hall on the books, because
15 right now we do not have any ordinance covering hours
16 of operations.
17 ATTORNEY WEED: And I would --
18 COUNCILMEMBER FLEMING: That is correct?
19 ATTORNEY WEED: That is correct.
20 And I'd like to tail on something Councilman
21 Roche pointed out. The regulation that we do have on
22 the maximum of three is only in C-2 zone.
23 So if you were able to get a pool hall
24 somewhere else, you could have a 24-hour, seven-day-a-
25 week pool hall with as many pool tables as you wanted

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1 to do and can't bar the door. And that may be fine.
2 You may want that. I don't know.
3 But if you don't want that, then it would be
4 appropriate to have some kind of regulation outside of
5 the zoning code that isn't -- frankly, its hands would
6 not be tied by the Zoning Procedures Act and the other
7 limitations of zoning.
8 COUNCILMEMBER ALEXANDER: And that addresses
9 my earlier question.
10 I guess my question is part of Councilman
11 Roche's comment about obviously we're not going to go
12 shut them down, but how are you going to enforce the
13 alcohol ordinance if they're just selling drinks and
14 serving no food? They're in violation of the alcohol
15 ordinance.
16 ATTORNEY WEED: Well, I'm not the solicitor.
17 But if you asked me to do it, what I would do is I
18 would have the police investigate them if appropriate
19 and issue citations and take them before the city
20 court judge, and the judge would decide what penalties
21 would be appropriate.
22 COUNCILMEMBER ROCHE: So it sounds like at
23 least this would be a start to get this enacted.
24 COUNCILMEMBER ALEXANDER: And then they're
25 going to have to be educated about the alcohol

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1 ordinance.
2 COUNCILMEMBER ROCHE: That's fine. I think
3 that's a good idea, probably.
4 COUNCILMEMBER FLEMING: I think the only
5 thing that this is not addressing would be the number
6 per square footage. That's your concern, correct?
7 because you need to do more research. But since we
8 don't have anything on the books right now to enforce
9 anything other than three per operation --
10 ATTORNEY WEED: For one zone.
11 COUNCILMEMBER FLEMING: Pardon me?
12 ATTORNEY WEED: Three per operation for --
13 COUNCILMEMBER FLEMING: Correct.
14 ATTORNEY WEED: -- one zone.
15 COUNCILMEMBER FLEMING: For the one zone.
16 -- that I really feel that it's a necessity
17 that we do move forward on this.
18 COUNCILMEMBER ALEXANDER: And we only have
19 one establishment that meets this criteria at this
20 time?
21 ATTORNEY WEED: That is my understanding
22 from the police department.
23 COUNCILMEMBER ALEXANDER: No affirmative
24 head shake?
25 COUNCILMEMBER PITTMAN: We just have of one

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1 these establishments, Captain?
2 ACTING CHIEF ATKINSON: (Affirmative head
3 shake)
4 COUNCILMEMBER PITTMAN: Is it --
5 COUNCILMEMBER FLEMING: The one that we
6 approved for conditional use, we approved for three
7 tables only, at Asian Square, I believe?
8 ACTING CHIEF ATKINSON: We have other places
9 that have pool halls, but when I think of pool hall I
10 think of Champion Billiards because it's primarily a
11 pool hall. We have other businesses that have pool
12 tables. I don't know how many they have.
13 COUNCILMEMBER FLEMING: Are they in the
14 alcohol and beverage --
15 ACTING CHIEF ATKINSON: Yes, ma'am.
16 COUNCILMEMBER FLEMING: -- and food
17 industry?
18 MAYOR JENKINS: Do they have a license for
19 both?
20 COUNCILMEMBER ROCHE: Are they in C-2?
21 ACTING CHIEF ATKINSON: I don't know nothing
22 about C-2. No, it's down in Asian Square.
23 COUNCILMEMBER ALEXANDER: Is there anybody
24 signed up to speak on this?
25 MAYOR JENKINS: Excuse me?

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COUNCILMEMBER ALEXANDER: Was there anyone that signed up?
MAYOR JENKINS: No, no sign-ups.
Do you want to make a motion on this one or are you --
COUNCILMEMBER FLEMING: Yes, sir.
MAYOR JENKINS: -- postpone it for now?
COUNCILMEMBER FLEMING: I'd like to go ahead. Since we do not have a billiard parlor or pool hall ordinance on the books presently, I would like to adopt Section 6-801 through 801-6, and that is addressing billiard parlors and the operations, and we will be doing more research regarding numbers per square foot.
MAYOR JENKINS: That's in the form of a motion; is that correct?
COUNCILMEMBER FLEMING: Yes, sir, that is a motion.
MAYOR JENKINS: Chuck?
ACTING CHIEF ATKINSON: I just have a quick question. Are we clarifying what is a pool hall? because, for example, Chicken World. Some would consider that a restaurant, some might consider it a night club, some might consider it a pool hall. It has pool tables in there. Champion -- or Eltravol,

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they serve -- they serve food too. So I don't know. You know, some people -- I mean they play music in there, so some people might consider it a night club. So I'm not sure if it -- if it matters.
COUNCILMEMBER ALEXANDER: Are there establishments --
ATTORNEY WEED: It won't matter.
ACTING CHIEF ATKINSON: It won't matter. Okay.
COUNCILMEMBER ALEXANDER: Wait.
ATTORNEY WEED: Yeah. The definitions in the ordinance are billiard room means any public place where a person is permitted to play the game of billiards. So if the First Baptist Church -- although they wouldn't dance, they might have a pool table -- and if they are playing pool, they are fine.
Billiard means any of the several games played on a table surrounded by an elastic ledge of cushions with balls which are impelled by a cue, which shall include all forms of the game known as carom billiards, pocket billiards, and English billiards.
So essentially, if a place has got a pool room, one table in a restaurant, they would also have to meet the standards and regulations of a billiard hall.

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COUNCILMEMBER ALEXANDER: And that was my question to Captain Atkinson.
Do we have any establishments in the city that have one pool table, that are operating 24 hours a day because they sell food?
ACTING CHIEF ATKINSON: I wouldn't think so right off the top of my head, but I mean obviously I could check but --
COUNCILMEMBER ALEXANDER: So we would not be affecting a business such as that's operating hours? El Rey de Toc- -- whatever, on the hill, they don't have a pool table there.
ACTING CHIEF ATKINSON: They don't have a pool table, no.
ATTORNEY WEED: And bear in mind that if you had -- if you were a traditional restaurant, for whatever reason, you operate 24 hours a day, seven days a week, you've got different options.
You're not required to sell alcoholic beverages, but if you do, you've got to follow that ordinance too. You're not required to have a pool table, but if you want one, you can. But they can always close the pool room or not have access to the table while they continue on with the other operation, and that would be fine as well. But after a certain

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-- after 2:00 a.m., people better not be playing pool at that particular location. They could still be open 24/7 as long as they're serving food.
COUNCILMEMBER FLEMING: But they best not be serving alcohol after 2:00.
ATTORNEY WEED: I hope not. That's already -- we've already got that law.
And what I did, of course, was I matched the pool hall hours to the alcohol beverage hours.
MAYOR JENKINS: We got a motion. Did we get a second?
COUNCILMEMBER SPANGLER: Second.
MAYOR JENKINS: Okay. Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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. We're going to take a

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1 five-minute break before we go into new business.
2 It'll be Murray Weed next.
3 - - -
4 (Brief recess)
5 - - -
6 MAYOR JENKINS: Murray?
7 ATTORNEY WEED: Mr. Mayor, we are on Item
8 No. 8 which is a public hearing pursuant to Title 48
9 of the Georgia law, which is the occupation tax code.
10 The matter before you is a very simple
11 amendment to the existing occupation tax ordinance.
12 In reviewing the ordinance, it was unclear -- While it
13 is very clear that everyone has to pay occupation tax
14 that meets the parameters of folks who have to pay, it
15 was not clear what they had to do with the occupation
16 tax receipt once they got it. In most jurisdictions,
17 the ordinances include a proviso that the receipt be
18 displayed. So back in the day when they were called
19 businesses licenses, you would put them on a wall so
20 that governmental officials could easily see that you
21 had paid your occupation tax.
22 This is one of the -- there are essentially
23 two main areas -- well, three -- that require a public
24 hearing. One is zoning; the other is the adoption of
25 a budget that's required -- certain hearings are

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1 required; and the third is changes to the occupation
2 tax code.
3 This is essentially a text amendment. It
4 won't affect rates in any way. It is a housekeeping
5 item; however, a public hearing is mandated.
6 At this point, with your permission,
7 Mr. Mayor, I'll call for the public hearing.
8 MAYOR JENKINS: Okay.
9 ATTORNEY WEED: Ladies and gentlemen, we are
10 now in a public hearing with regard to the occupation
11 tax code pursuant to Title 48 of the Georgia law.
12 At this point, if anybody would like to
13 speak with regard to this issue, you may do so.
14 Please approach the podium and state your name.
15 MAYOR JENKINS: Anybody for? Come on up,
16 please, sir.
17 MR. ANDERSON: Stuart Anderson.
18 I wasn't aware that we didn't -- I have a
19 business in the city. I wasn't aware that we weren't
20 mandated, should we say, to post our occupation tax
21 license. I have 23 of them at home, and they are all
22 posted in a public place, so to speak, or my place of
23 business.
24 As far as -- as far as business regulations,
25 I'm currently going through a five-page -- not going

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1 through it -- I've looked at a five-page set of
2 documents that have been sent to me, that are full of
3 unnecessary and personal questions, probing things
4 that have nothing to do with public safety or my
5 business.
6 And I just want to go on record as finding
7 -- taking umbrage with the city's new policy toward
8 businesses and certainly my business in particular. I
9 find it inconceivable or a problem that the city is
10 trying to drive businesses, in earlier conversation
11 and in home-occupation businesses, out of Doraville.
12 I've always published my or published --
13 displayed my occupation permits, and I can't imagine
14 why we haven't had that on the books.
15 MAYOR JENKINS: Thank you.
16 Anybody else? Come on up.
17 MS. KOONTZ: My name's Stephe Koontz.
18 This is just another example of the city's
19 requirements being higher than the surrounding areas,
20 which just encourages people to move out of the city.
21 I mean if I had -- again, if I owned a small business
22 and somebody sent me a bunch of business that I
23 thought was irrelevant to my business or, like Stuart
24 said, the safety or the -- anything to do with the
25 city, and you've got these require- -- you know,

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1 they're making all these requirements and rules that
2 are a lot more complicated than a piece of property
3 that's a mile down the road, that's where people are
4 going to move.
5 And it's part of the reason why Plaza One
6 and all these other places up and down Buford Highway
7 are empty. If you drive up Buford Highway, on the
8 right side of the road, that's Dekalb County, every
9 building is full, and on the left side of the road,
10 that's Doraville, they're all empty. And this is why
11 that's happening, and it's -- the Council, the city
12 staff, whoever's coming up with all this stuff, has
13 created this problem, and it's just getting worse.
14 Thank you.
15 MAYOR JENKINS: Tom Hart?
16 MR. HART: I think part of the problem, and
17 it keeps on being repeated, is there seems to be a
18 disconnect between the Council, the businesses here
19 and the people that live here. I think most residents
20 really don't understand the burden that's shared by
21 the businesses here in terms of that we have a city-
22 wide income tax. They call it business license,
23 business license fees.
24 But I think it would be interesting to the
25 motorists in north Georgia, they're basically paying a

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1 couple cents a gallon to the City of Doraville for
2 their gasoline, because we have a business license tax
3 on the tanker fleet over there, and they're paying
4 hundreds of thousands of dollars apiece for the use of
5 those tanker trucks and the only thing they're hauling
6 is gasoline, and I call that a city-wide gas tax.
7 And the amount of burden that these
8 businesses share, I think the citizens who live in the
9 houses have no idea. They think a business license,
10 you go in like any other place, you pay eighty, a
11 hundred, two hundred bucks and get a business license.
12 That's the way it is most places. But here, the
13 business license is an income tax.
14 And the questionnaire that's being sent,
15 because I just got one, is, you know, five/six pages
16 long, and they want to know first born and everything
17 about you and a full-body cavity search, you know.
18 This is about a business license.
19 You know, Stephe is correct. You know, all
20 good development stops at the Doraville door. I mean
21 you go to Tilly Mill Road, go to any border region
22 around here except Chamblee, on Buford Highway, you're
23 going to find that it's better on the other side of
24 the fence. And there's a reason for that.
25 Thank you.

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1 MAYOR JENKINS: Thank you.
2 Anybody else?
3 ATTORNEY WEED: Mr. Mayor, I don't believe
4 there are any other comments with regard to the
5 proposed ordinance which deals with putting the
6 license and/or occupation tax receipt on the wall.
7 With that, with your permission and the
8 members of the Council, I would close the public
9 hearing, and it's now back in the hands of the Mayor
10 and Council.
11 MAYOR JENKINS: Okay. We'll bring it up to
12 the table.
13 COUNCILMEMBER ROCHE: I have a question. I
14 mean my business basically is a post office box. I
15 mean it happens to be my mailbox. So does that mean
16 someone's going to come upstairs to my front room and,
17 where an old computer and some files are, and look for
18 the thing on the wall or --
19 ATTORNEY WEED: It is entirely possible;
20 however, it's highly unlikely.
21 But at the same time, the question -- the
22 real question would be: Is it unreasonable that a
23 business be required to place evidence that they paid
24 occupation tax in a conspicuous place?
25 If you feel that that is an unreasonable

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1 demand, then I would advise you to vote no; and if you
2 find that that is not an unreasonable demand, then I
3 would advise you to vote yes. But as many things,
4 it's purely a legislative decision.
5 COUNCILMEMBER ROCHE: Well, my answer would
6 be it depends.
7 ATTORNEY WEED: Then, abstain.
8 COUNCILMEMBER ROCHE: My answer would be,
9 maybe we need to look at the language of this, and
10 maybe it doesn't apply to home businesses, because,
11 again, someone like me, who just -- in fact, I could
12 actually move my business to one of these virtual
13 offices, if I wanted to, legally. In fact, I've
14 considered doing that. But I could move into a post
15 office box in Gwinnett County and still have a
16 business.
17 So I'm just not sure what or how I would
18 comply with this, and that's my concern is that could
19 we modify -- do we need to modify the language of this
20 proposed ordinance to take into consideration those
21 situations?
22 ATTORNEY WEED: That's always up to the
23 Council. I mean thinking off the top of my head, you
24 could enter -- you could -- I could draft a clause
25 that would require the equivalent of a miniaturized

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1 version of your occupation tax receipt that you'd
2 carry on your person, and, upon someone asking for it,
3 who's a governmental official, you'd produce it.
4 COUNCILMEMBER ROCHE: So any time --
5 ATTORNEY WEED: But in your case --
6 COUNCILMEMBER ROCHE: -- I'm walking down
7 the street, someone could stop me and demand to see
8 my ... and if my papers are in order, I can pass?
9 ATTORNEY WEED: Councilman, if you think
10 it's a bad idea, vote no.
11 But let's talk this thing out.
12 COUNCILMEMBER ROCHE: I'm trying to get a
13 solution here. I'm not trying to --
14 ATTORNEY WEED: As indeed I am too, sir.
15 The question is: when you walk into an
16 establishment, would it be unreasonable if they served
17 food to have the health department marking what their
18 rating is? Most people find the answer to that is no.
19 If you walk into an establishment, is it unreasonable
20 to have a fire marshall indicate the occupancy load
21 for the building? And most of the time, the answer's
22 no, that's appropriate too, and many people want to
23 see that information.
24 In the majority of cases -- in fact, I think
25 one would say the vast majority -- a business in

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1 Doraville will have some kind of physical locality.
2 Obviously, that doesn't cover every business. Is it
3 possible to have a purely electronic business? Of
4 course it is. And if you want to accommodate that,
5 you certainly can. Who owns --
6 But there will always be some centered nexus
7 of fact, some physicality, some human being somewhere
8 who is either a registered agent or the president of a
9 corporation or some entity that is a human being. And
10 that human being, to handle the scenario that you
11 presented, you could simply have them have a
12 miniaturized version of the occupation tax receipt.
13 COUNCILMEMBER FLEMING: Well, the easiest
14 way to handle this is just to indicate in item number
15 (g), after that statement of failure to display, is
16 all home occupation businesses are exempt.
17 ATTORNEY WEED: If you elect to do that, you
18 could.
19 COUNCILMEMBER ROCHE: Exactly.
20 ATTORNEY WEED: However -- let's talk about
21 that -- what you are doing is you're identifying a
22 class and you're making an exception to the general
23 rule, and you have to have a good reason to do that.
24 And your good, objective reason to do that is because
25 they have --

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1 COUNCILMEMBER FLEMING: It is a home. They
2 reside at that location.
3 ATTORNEY WEED: Right.
4 COUNCILMEMBER FLEMING: And therefore, if
5 Quality of Life or a government official, as you've
6 indicated, come knocking on my front door, or on
7 Mr. Roche's door, for that matter, at his home, and
8 they're saying, we're here to review your occupational
9 permit, he's going to go to his file and pull it out
10 and hand it to them.
11 ATTORNEY WEED: Actually, if you exempt it,
12 he won't be required to do that.
13 COUNCILMEMBER FLEMING: No. It says --
14 COUNCILMEMBER ROCHE: No.
15 COUNCILMEMBER FLEMING: -- display.
16 ATTORNEY WEED: If you --
17 COUNCILMEMBER ROCHE: I don't have a problem
18 with producing it. I'm just saying that you're saying
19 it has to be --
20 COUNCILMEMBER FLEMING: We didn't say --
21 COUNCILMEMBER ROCHE: -- displayed in a
22 conspic- --
23 COUNCILMEMBER FLEMING: -- anything about
24 producing.
25 COUNCILMEMBER ROCHE: -- easily acces-

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1 sible --
2 COUNCILMEMBER FLEMING: It says displayed.
3 COUNCILMEMBER ROCHE: -- easily acces-
4 sible by government officials.
5 ATTORNEY WEED: I legally think that would
6 be -- To me, the question would be whether or not
7 there is a good reason to differ between classes. I
8 think that's arguable, and so my opinion is I think we
9 can do it and we can do it until someone squawks.
10 COUNCILMEMBER SPANGLER: What other cities
11 around us have to display these occupational licenses
12 in their office?
13 ATTORNEY WEED: Virtually all of them
14 require it. I don't know of anyone who doesn't.
15 COUNCILMEMBER ROCHE: And again, I don't
16 have a problem when it's a business that you could
17 walk in the door or whatever. I'm just thinking about
18 home occupations where people -- you know, this is my
19 personal residence, and, you know, we have enough
20 government in our lives anyway and --
21 COUNCILMEMBER FLEMING: Could you not say
22 all public businesses -- all businesses open to the
23 public?
24 ATTORNEY WEED: Well, then we get into
25 questions of interstate --

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1 COUNCILMEMBER FLEMING: Okay. Never mind.
2 ATTORNEY WEED: -- commerce.
3 COUNCILMEMBER FLEMING: Never mind.
4 ATTORNEY WEED: Essentially anybody who is
5 out there making a living --
6 COUNCILMEMBER FLEMING: I like the one about
7 home exempt- -- home occupations --
8 COUNCILMEMBER ROCHE: Yeah, home --
9 COUNCILMEMBER FLEMING: -- exempt.
10 COUNCILMEMBER ROCHE: -- occupation.
11 ATTORNEY WEED: Occupation that would be
12 exempt from display but not production.
13 COUNCILMEMBER FLEMING: Correct.
14 ATTORNEY WEED: That's better than nothing,
15 ladies and gentlemen. Sold as far as the attorney is
16 concerned.
17 COUNCILMEMBER FLEMING: Well, there may be
18 further discussion from Ms. Alexander or Mr. Spangler.
19 COUNCILMEMBER ALEXANDER: I was just
20 thinking about in the event of a child care facility
21 in someone's home.
22 ATTORNEY WEED: Upon request, they'd have to
23 display it, but they would not be required otherwise.
24 They would have to produce it but they wouldn't be
25 required to display it.

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1 MAYOR JENKINS: Any more discussion?
2 COUNCILMEMBER ROCHE: So would we make a
3 motion to include this language or make a motion to
4 pass the ordinance with the new language?
5 ATTORNEY WEED: Either one would be fine,
6 Councilman.
7 COUNCILMEMBER ALEXANDER: So what language
8 are you going to include?
9 ATTORNEY WEED: I'm thinking that under -- I
10 would just add a sentence to subparagraph (g), that
11 for businesses and practitioners that engage in home
12 occupations, that, upon request by a local government
13 official, such location shall produce a copy of their
14 occupation tax receipt and leave it at that. In that
15 case, by implication, they wouldn't have to display it
16 and you wouldn't have to say they don't have to
17 display it.
18 COUNCILMEMBER ROCHE: Why not just say, all
19 businesses and practitioners except home occupations
20 that are required to pay blah, blah, blah, and that
21 would --
22 ATTORNEY WEED: Well, that doesn't achieve
23 those goals. I thought the goal was to have them not
24 have to display it but to produce it if asked. And
25 that certainly exempts them from the first part but it

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1 doesn't require them to display it [sic] as well.
2 Basically, if you agree with the concept of
3 no display but production for home occupations, just
4 trust me. I'll write up some appropriate language,
5 which is brief, tomorrow.
6 COUNCILMEMBER ROCHE: I guess I'm okay with
7 that.
8 MAYOR JENKINS: Make a motion, Bob?
9 ATTORNEY WEED: And actually we need to --
10 this is a first-reading item.
11 CLERK BLACKMON: Right. We need to waive
12 first reading if we're going to pass it.
13 COUNCILMEMBER FLEMING: Well, if we don't
14 waive it, we can always postpone it till the 14th
15 because we have a meeting next Monday.
16 ATTORNEY WEED: That's correct.
17 COUNCILMEMBER FLEMING: Instead of waiving
18 the first reading, our option would be to postpone it
19 until next Monday, to give Mr. Weed enough time and
20 for us to review the amendments that we've made to it
21 for this evening, and we could feasibly pass it next
22 Monday.
23 ATTORNEY WEED: It's not up to me. It's
24 certainly fine with me.
25 COUNCILMEMBER FLEMING: That's my comment.

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1 COUNCILMEMBER SPANGLER: I agree.
2 MAYOR JENKINS: Okay. Will you make that in
3 the form of a motion.
4 COUNCILMEMBER FLEMING: I'd like to postpone
5 Item No. 9 or 8, whichever it was, whichever agenda
6 you're looking at, which is the Chapter 6, Business
7 and Business Regulation, displaying of occupational
8 tax receipts, until December the 14th, at which time
9 Mr. Weed will have amended this particular ordinance
10 to accommodate home occupations.
11 MAYOR JENKINS: Do I get a second?
12 COUNCILMEMBER SPANGLER: Second.
13 MAYOR JENKINS: Call the roll, please.
14 CLERK BLACKMON: Councilmember Alexander?
15 COUNCILMEMBER ALEXANDER: Yes.
16 CLERK BLACKMON: Councilmember Fleming?
17 COUNCILMEMBER FLEMING: Yes.
18 CLERK BLACKMON: Councilmember Pittman?
19 COUNCILMEMBER PITTMAN: Yes.
20 CLERK BLACKMON: Councilmember Roche?
21 COUNCILMEMBER ROCHE: Yes.
22 CLERK BLACKMON: Councilmember Spangler?
23 COUNCILMEMBER SPANGLER: Yes.
24 MAYOR JENKINS: Okay. Donna?
25 COUNCILMEMBER PITTMAN: I'm going to bump

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1 mine for the next time, next agenda.
2 CLERK BLACKMON: The 14th?
3 COUNCILMEMBER PITTMAN: No. Till --
4 CLERK BLACKMON: January 4th?
5 COUNCILMEMBER PITTMAN: Uh-huh.
6 MAYOR JENKINS: No. 10 has been taken care
7 of.
8 No. 11, Mid-Year Budget, Bob Roche.
9 COUNCILMEMBER ROCHE: Yes. I just wanted to
10 get a status on the mid-year budget review, and I
11 think it might be interesting to read something. This
12 came from a Mr. Fussell at Morgan Keegan, and he's
13 talking about our bond rating, which I think we were
14 awarded an A3, which they are saying is pretty good.
15 But he did have a couple of comments that I think are
16 pertinent. He said that the --
17 It says [as read], Maintaining your fund
18 balance is very important, with an exclamation point.
19 Remember that Moody's can in the future at any time
20 upgrade, downgrade, or withdraw their rating on the
21 City, so minding the City's finances going forward is
22 critical to your rating. The City needs to find its
23 next finance director as part of that management
24 responsibility to fill the shoes of the departing one.
25 I did inform Moody's that this position . . .

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1 Obviously, the City cannot just keep spending down the
2 general fund balance over time and expect to maintain
3 this rating.
4 The City needs to closely monitor the
5 general fund balance and the impact of each year's
6 budget on the next year's ending fund balance. Over
7 the last several years, the ratio of the general fund
8 balance to expenditures has fallen from roughly 60
9 percent to 40 percent. So, the City, underlined,
10 cannot reasonably expect to maintain this rating if
11 this general fund spend-down velocity continues at
12 this level. I would imagine, and this is just me
13 talking here, that if the general fund balance as a
14 percent of annual spending gets in the 20 to 25
15 percent range during a time when the property tax
16 digest remains depressed, et cetera, et cetera, then
17 the City would likely be, quote/unquote, under review
18 by Moody's and be looking at the possibility of a
19 downgrade into the B category.
20 So again, I mean I've said it over and over
21 and over again up here, and I'll continue saying it
22 until someone -- until we start listening.
23 When is this -- when will we be having our
24 mid-year budget review and when will we be getting
25 financial reports? And that's just a question.

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1 MAYOR JENKINS: Our mid-year is due before
2 the first of the year. We're dealing with the audit
3 at this time, and I hope this week we'll have the
4 audit completed and we'll have some answers from some
5 people at IRS, and then we'll go into the mid-year
6 budget review.
7 COUNCILMEMBER ROCHE: So it has to be
8 scheduled before the end of the year.
9 MAYOR JENKINS: I don't think so, no. We
10 can do that any time we care to.
11 But my point is let's get the audit
12 finished. Then we can go into the mid-year review --
13 mid-year budget review.
14 COUNCILMEMBER ROCHE: Have we received any
15 resumes for our replacement --
16 MAYOR JENKINS: Yes.
17 COUNCILMEMBER ROCHE: -- finance person?
18 MAYOR JENKINS: We have four. We're going
19 to set it up for Thursday, and I will . . .
20 COUNCILMEMBER FLEMING: Not on RFP.
21 MAYOR JENKINS: Excuse me?
22 COUNCILMEMBER FLEMING: Not on RFP.
23 Were they received on RFP? Did you not tell
24 me they were not RFP?
25 MAYOR JENKINS: We got four.

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1 COUNCILMEMBER ROCHE: No. I said resumes.
2 MAYOR JENKINS: Resumes.
3 COUNCILMEMBER ROCHE: Could we get copies of
4 those to review them, Mayor?
5 MAYOR JENKINS: Yes. I'll get them for you
6 tomorrow.
7 It's four we have; isn't that right?
8 CLERK BLACKMON: I believe so. I have
9 not -- MAYOR JENKINS: Yeah, I think it's --
10 CLERK BLACKMON: -- reviewed them.
11 MAYOR JENKINS: We have three or four. I
12 believe we have four. I'll let you look them over,
13 and then we're going to set up the . . .
14 We haven't put it on the -- put it out yet,
15 but we're going to set them up for this week, we hope.
16 We've got to move on.
17 And if these are not any good, we're going
18 to the -- I don't remember what item it was on here,
19 but --
20 COUNCILMEMBER PITTMAN: 14.
21 MAYOR JENKINS: -- we're going to hire a
22 headhunter.
23 COUNCILMEMBER FLEMING: Mr. Mayor, were
24 these received through the RFP?
25 MAYOR JENKINS: Yes.

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1 COUNCILMEMBER FLEMING: These were not --
2 MAYOR JENKINS: It was out last Friday.
3 These were received. That's the reason we have to
4 bring them up is because they came through the RFPs
5 which was dead on Friday.
6 COUNCILMEMBER FLEMING: Because I asked you
7 this morning if we'd received any, and you told me no.
8 COUNCILMEMBER ALEXANDER: These were
9 received from a job ad placed on GLGA?
10 MAYOR JENKINS: Yes.
11 COUNCILMEMBER FLEMING: I have not reviewed
12 them, so I do not know.
13 MAYOR JENKINS: I talked to a person that is
14 well up on this, and he referred those people to our
15 RFPs, and they put in RFPs.
16 COUNCILMEMBER ROCHE: Who is that, Mayor?
17 MAYOR JENKINS: A fellow by the name of
18 Davis. He lives in our city. He's a headhunter. I
19 call him a headhunter. You know what he is.
20 Do you have a problem with that?
21 COUNCILMEMBER ROCHE: A lot of concern.
22 MAYOR JENKINS: Do you have a problem with
23 that, sir?
24 COUNCILMEMBER ROCHE: I have a lot of
25 concern about a lot of this, Mayor. I just wanted to

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1 make sure that it was brought out and got on the
2 record, so thank you.
3 MAYOR JENKINS: Everything's out in the
4 public on the records, Bob, as far as I'm concerned.
5 They were legally sent in. And we'll look
6 at those, and I said if they're not good, we'll go to
7 the headhunter.
8 COUNCILMEMBER ROCHE: Excellent.
9 MAYOR JENKINS: Is that fair enough with
10 you?
11 COUNCILMEMBER ROCHE: That's fine.
12 MAYOR JENKINS: Thank you.
13 COUNCILMEMBER ROCHE: I'm not complaining,
14 Mayor.
15 MAYOR JENKINS: Thank you, sir.
16 COUNCILMEMBER ROCHE: Just looking forward
17 to seeing those resumes tomorrow.
18 MAYOR JENKINS: Was there any more on the
19 mid-year review?
20 COUNCILMEMBER ROCHE: Did anyone sign up to
21 talk about it?
22 MAYOR JENKINS: I don't think so. About
23 lost track now.
24 Stuart Anderson. Mid-year budget review,
25 Stuart?

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1 MR. ANDERSON: I'll pass.
2 COUNCILMEMBER PITTMAN: He passed.
3 MAYOR JENKINS: Okay. Tom Hart.
4 MR. HART: I guess we're on our fourth
5 accountant now? We had an accountant and then we had
6 a mystery accountant where we didn't have an
7 accountant, and then we hired a guy and he didn't show
8 up and then we got another one. Now we're on the
9 fourth one this year.
10 MAYOR JENKINS: Think you're going to get a
11 laugh out of this one, Tom?
12 MR. HART: Well, it's not funny, Mayor.
13 MAYOR JENKINS: I think you will.
14 MR. HART: It's not funny --
15 MAYOR JENKINS: Go right ahead.
16 MR. HART: -- because, you know, the last
17 time -- this was a year ago -- we were beating
18 somebody up because we didn't get a monthly progress
19 report or a monthly statement. You know, because of
20 the tough economic times, we had to know right then
21 and there, each month, what was going on; otherwise,
22 the department heads were going to blow through their
23 budget.
24 And now we've been a year, and we're
25 supposed to have this audit and we're supposed to have

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1 this mid-year review. I mean does anybody in the city
2 have any idea how much money we have or who's spending
3 what or what departments are spending what or if they
4 blew through their budget? And isn't the city,
5 because of its charter, responsible to come up with
6 the financials, and isn't that responsibility in the
7 Mayor's office?
8 So I mean, you know, these are the taxpayers
9 asking, where's the money? You're asking these
10 businesses and people to pay taxes, but where is it?
11 Thank you.
12 MAYOR JENKINS: Anything else on the budget
13 review?
14 COUNCILMEMBER ROCHE: Not from me.
15 MAYOR JENKINS: Excuse me?
16 COUNCILMEMBER ROCHE: Not from me.
17 MAYOR JENKINS: Okay. It's 9 o'clock. What
18 do we want to do about the agenda? We're fixing to
19 get into No. 15, which will be citizens on the agenda.
20 So do we want to extend the meeting or do we want to
21 close the meeting?
22 COUNCILMEMBER ROCHE: I want to make a
23 motion that we extend the meeting to allow the
24 citizens who went to all the trouble to show up, to
25 speak on their agenda items.

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1 MAYOR JENKINS: Second? Do I get a second?
2 COUNCILMEMBER FLEMING: Second.
3 COUNCILMEMBER SPANGLER: And up to what time
4 do you want to extend the meeting?
5 COUNCILMEMBER ROCHE: As long as it takes.
6 We might as well finish this thing out.
7 COUNCILMEMBER SPANGLER: You mean the whole
8 -- finish the whole meeting?
9 COUNCILMEMBER ROCHE: Uh-huh.
10 COUNCILMEMBER FLEMING: Yeah. We haven't
11 done 15*.
12 Mr. Mayor, I guess I'll wait until the very
13 end to request --
14 MAYOR JENKINS: I understand. I haven't
15 forgot you.
16 COUNCILMEMBER FLEMING: Thank you.
17 MAYOR JENKINS: Do you want to do that
18 before we get into the citizens? It won't take you
19 but how long --
20 COUNCILMEMBER FLEMING: A minute.
21 MAYOR JENKINS: -- to go ahead with your
22 report? Go ahead with your report.
23 COUNCILMEMBER FLEMING: Well, I need to
24 request --
25 MAYOR JENKINS: Oh, we need --

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COUNCILMEMBER FLEMING: -- amendment to the agenda.
MAYOR JENKINS: We need to call the roll on if we extend the meeting.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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. Go ahead, Pam.
COUNCILMEMBER FLEMING: I'd like to make a motion to amend the agenda to include an item, a resolution requesting Dekalb County to deny a special-use permit to Reventon at Tilly Mill Crossing for extended hours of alcohol service.
COUNCILMEMBER ROCHE: Second.
MAYOR JENKINS: Can you -- Oh, okay. You want to amend the agenda, yes.
We got a second. Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?

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COUNCILMEMBER ALEXANDER: 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 FLEMING: Tilly Mill Crossing is across -- in the same shopping center -- I'm sorry. Let me start again. It is the old TGI Friday's, and they have requested a special-use permit to extend the hours of alcohol serving. And so I've been requested by many of the District 1 voters to request from the Council to adopt a resolution on behalf of our city to go before Dekalb County, voicing our disdain and opposition, and so that's what I'm requesting.
The last "whereas" is, "while appreciating commerce in general, the Doraville City Council believes that the public good of the cities of Doraville, Chamblee and Dunwoody and the public safety of the surrounding residential communities would best be served by Dekalb County rejecting the request of Reventon 2009 at Tilly Mill Crossing to extend its

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hours of alcohol service," and that's what the resolution is. And I make a motion to adopt this resolution.
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Murray, do we have to have a first and second reading on a resolution?
ATTORNEY WEED: Not on a resolution, no, sir.
MAYOR JENKINS: Okay.
COUNCILMEMBER PITTMAN: Second.
COUNCILMEMBER ALEXANDER: And I guess --
MAYOR JENKINS: Call the roll, please.
COUNCILMEMBER ALEXANDER: -- I have a legal question --
MAYOR JENKINS: Oh.
COUNCILMEMBER ALEXANDER: -- that I don't know if you can answer. How could the County deny this establishment? Within walking distance in the same shopping center, there's one that's allowed to be open till 4:00.
ATTORNEY WEED: Well, it'll all depend upon the terms of their special-use permit. They've got to have some clearly objective standards that have got to be applied to the application for the special-use permit. You know, one of the standards might be

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something as broad as negative impacts on other businesses near the proposed location.
So without knowing what their standards are, I can't answer the question, but I'm sure that that would be considered, or I hope that it will.
COUNCILMEMBER FLEMING: My point is to try to get Doraville on record --
COUNCILMEMBER ALEXANDER: I understand.
COUNCILMEMBER FLEMING: -- that --
COUNCILMEMBER ALEXANDER: But they didn't listen to us the first time when we --
COUNCILMEMBER FLEMING: Okay.
COUNCILMEMBER ALEXANDER: -- protested the Oasis going in over there near the school.
COUNCILMEMBER FLEMING: But we shouldn't given up hope.
COUNCILMEMBER ROCHE: They listened to us about the stadium, so --
COUNCILMEMBER ALEXANDER: Not necessarily.
MAYOR JENKINS: Okay. Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?

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COUNCILMEMBER ALEXANDER: 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 FLEMING: Thank you very much.
MAYOR JENKINS: Thank you.
Bonita Hoffmeister.
MS. HOFFMEISTER: First of all, if I can go back to your previous item, I would appreciate a copy of that resolution for the Dekalb Planning Commission.
MAYOR JENKINS: On these items that citizens and businessmen come up, we allow five minutes and five minutes only.
Go ahead.
MS. HOFFMEISTER: Mayor Jenkins and city of Doraville, I would respectfully submit a request to postpone my item until the next meeting due to the horrific accident that occurred in Mayor Jenkins' family if that's acceptable.
MAYOR JENKINS: Thank you.

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COUNCILMEMBER FLEMING: Thank you.
COUNCILMEMBER PITTMAN: Thank you.
COUNCILMEMBER ROCHE: So do we need a motion to postpone that to new business the next -- or old business --
MS. HOFFMEISTER: Yeah. Could you please postpone it?
COUNCILMEMBER ROCHE: I make a motion to postpone No. 15 or 14, whatever it is, Bonita's -- 16.
COUNCILMEMBER PITTMAN: It's 15 on the new agenda.
COUNCILMEMBER ROCHE: We have two or three agendas up here.
-- to old business in the next meeting.
MS. HOFFMEISTER: Thank you.
MAYOR JENKINS: Okay. Do we also --
CLERK BLACKMON: Do we need a second?
MAYOR JENKINS: The sign-up sheet, do we also postpone that till the next one?
COUNCILMEMBER SPANGLER: Yes.
COUNCILMEMBER FLEMING: Yes.
MAYOR JENKINS: Okay.
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Second?
COUNCILMEMBER FLEMING: Yes, sir; second.

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MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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: Mr. Perez, same thing. Are you going to combine your items or do you want two five-minute items?
MR. PEREZ: No problem. Oscar Perez.
Mr. Mayor, City Council, ladies and gentlemen, I'm a neighbor, friend. I have a business in Doraville over 20 years, bought the first property 17 years ago.
ATTORNEY WEED: Mr. Perez, if I could, I'm terribly sorry to interrupt, Mr. Perez, but I'd like to make a statement for the record.
Mr. Perez is represented by legal counsel. That gentleman's name is Mark Scott. Mr. Perez, through his lawyer, Mr. Scott, has submitted what's

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called an ante litem notice to the City some time ago, essentially reserving their right to litigation against the City.
Mr. Perez, by right, has an opportunity to talk to the Council; however, I'm going to advise Mr. Perez that it may not be in his best interest to address the Council on the record which is being recorded by a court reporter, without his legal counsel present.
And further, I'm representing to my client, the Council, that any response that you give to Mr. Perez's statements, I would encourage you not to respond at this time.
Mr. Scott and I have been in lengthy negotiations with regard to these matters. We believe -- and I can speak for Mr. Scott as of late this afternoon, about 5:30 -- that progress is being made with regard to the matter.
I don't know the entire context of what Mr. Perez wants to say; however, I would certainly encourage him to bear all that in mind before he says, and also you as the Council to bear these statements in mind before you respond.
Thank you.
MR. PEREZ: It is fine for me. I just want

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1 to make sure I will be on the next calendar and I
2 hope, you know, with this argues will be a finished
3 deal like getting, you know, from (imperceptible),
4 attorney fees and taking your time and your taxpayers'
5 attorney fees also.
6 We in the same city with the same problems
7 everybody here just, you know, been talking about.
8 I will be general. That way, we don't get
9 involved on other issues.
10 With this business that we have several
11 different people attendants that have been issued
12 license, we have not respond at this time for the new
13 applications. It's getting complicated, and we're all
14 aware of it. Hope you can help us in area of these
15 issues, and you the Councillors are, you know, aware
16 of it. We need this help right now and resolve one by
17 one.
18 I have sample here that has nothing to do
19 with that case, but next year, 2010, they got new
20 rules. And people with already license. I have one
21 here that is already applied so far for the renewal,
22 and they said, well, the city planner said that he
23 cannot renew this license. I have a paper here I
24 would like the City Councillors to see what has been
25 no action. Let me see if the . . .

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1 ATTORNEY WEED: Council can look at it if
2 they care to.
3 COUNCILMEMBER FLEMING: Mr. Perez, it says
4 approved-not applicable, denied-not applicable, and
5 then he's made another box, and it's difficult to
6 read, but it says no action warranted.
7 MR. PEREZ: That's what --
8 COUNCILMEMBER FLEMING: Something to zoning.
9 MR. PEREZ: That's what I don't -- I don't
10 understand what, you know --
11 COUNCILMEMBER FLEMING: No action relative.
12 Relative. No action warranted relative to zoning;
13 meaning he --
14 MR. PEREZ: Because some of this, I don't
15 understand his point. I got a tenant who wants to
16 renew his lease, and I cannot do anything.
17 COUNCILMEMBER FLEMING: Well, I need legal
18 advice from you, Mr. Weed, in regards to if we're
19 going to do not applicable for denied and not
20 applicable to approve and no action taken relative to
21 zoning, I mean so are these people honestly sitting in
22 limbo?
23 ATTORNEY WEED: Councilman, I haven't seen
24 this form, I'm not the author of this form, and I
25 don't think it would be appropriate in this context

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1 for me to answer your question publicly.
2 COUNCILMEMBER FLEMING: Okay.
3 ATTORNEY WEED: This is a matter of pending
4 or future litigation. We've received an ante litem
5 notice. I'm happy to advise you in a more appropriate
6 setting.
7 MR. PEREZ: This is not part of the next
8 calendar issue that I've been (imperceptible), and I
9 thank you, Mr. Weed, for take care of this getting
10 closer to do agreement, and I think it's getting
11 closer and I hope for the -- for example for the other
12 people this will be resolved. After three months of
13 litigation just is enough, I believe, enough time to
14 get an answer.
15 COUNCILMEMBER FLEMING: We will be having a
16 meeting on next Monday, which is a public hearing for
17 zoning issues, and maybe with Mr. Haeberlin here, we
18 can ask that question in regards to the bottom portion
19 of these applications.
20 MR. PEREZ: Okay. So we'll be on the next
21 agenda for the zoning and my appeal, the appeal that I
22 have on the -- from August 31st?
23 COUNCILMEMBER ROCHE: I don't know. Is
24 there an appeal coming to us?
25 ATTORNEY WEED: Councilman, there may or may

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1 not be. Once again, I've been in contact with his
2 attorney, Mr. Scott. I have reported to the Council
3 with regard to those issues. So there may not be the
4 necessity of an appeal. However, if appropriate,
5 there would be an appeal of the zoning decision that
6 might come before the Council on the 14th; however,
7 that has not been determined yet.
8 COUNCILMEMBER ROCHE: Now, on this
9 particular one that we've just looked at, apparently
10 it's a business that's been in existence, and now
11 we're saying that they can no longer operate there?
12 ATTORNEY WEED: I'm not privy to that form,
13 and I don't think this would be an appropriate context
14 to answer that particular question in light of the
15 threat of future or pending litigation, and the fact
16 that we've been served an ante litem notice --
17 COUNCILMEMBER ROCHE: Right.
18 ATTORNEY WEED: -- and also the fact that
19 Council has authorized me to negotiate with this
20 gentleman's lawyer, which we've been doing in good
21 faith.
22 UNIDENTIFIED SPEAKER: (Inaudible)
23 MR. PEREZ: Are we going to get an answer
24 from the City, an agreement?
25 COUNCILMEMBER FLEMING: Mr. Perez, since

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1 Mr. Haeberlin is not here --
2 MR. PEREZ: Yeah. Not today.
3 COUNCILMEMBER FLEMING: I would like --
4 MR. PEREZ: I mean the next calendar.
5 COUNCILMEMBER FLEMING: I would like to
6 address this, at least this particular issue regarding
7 what he is -- what his intention is at the bottom of
8 this, because I am confused as well. I would like him
9 to address this on the 14th if you don't mind. I'm
10 talking about this issue only.
11 MR. PEREZ: Okay. And I want to see if we
12 can get on the calendar. And if finally we can get
13 agreement, I mean, before then, we don't have to be on
14 the calendar. But you know, this -- I don't want to
15 keep wasting people's time and money, and my budget is
16 getting short with paying attorney fees and have the
17 place empty. It's a brand-new building. We have
18 followed by the code; we've been doing it by rules. I
19 hire the best company in town to do the building. And
20 I think I don't know what I did wrong to be in the
21 wrong place at the right time.
22 So thank you for your time, and if I don't
23 see you -- or if I don't see, you know, with agreement
24 I'll be happy to have before then.
25 Thank you.

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1 COUNCILMEMBER FLEMING: Thank you.
2 COUNCILMEMBER PITTMAN: Thank you.
3 - - -
4 (Applause)
5 - - -
6 MAYOR JENKINS: We postponed that, is that
7 correct, till the 14th?
8 ATTORNEY WEED: Mr. Mayor, there's nothing
9 to postpone at this time.
10 MAYOR JENKINS: Okay.
11 COUNCILMEMBER FLEMING: The only thing that
12 I would like to address in regards to this is I don't
13 understand what's below this line.
14 MAYOR JENKINS: I'm -- I'm not --
15 COUNCILMEMBER FLEMING: And so I'd like --
16 MAYOR JENKINS: -- getting into that.
17 COUNCILMEMBER FLEMING: -- Scott to be able
18 to --
19 MAYOR JENKINS: I agree with you.
20 COUNCILMEMBER FLEMING: -- answer that for
21 us on the 14th.
22 MAYOR JENKINS: We got sign-ups on this one.
23 Stuart Anderson?
24 MR. ANDERSON: I'll pass.
25 MAYOR JENKINS: Tom Hart?

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1 MR. HART: I've had an opportunity to look
2 at this piece of property and -- and Oscar's. It's a
3 brand-new shop. It's got brand-new facilities for
4 tire and welding because his other building burned
5 down. So it's got the dumpster surrounds and all the
6 drainage ponds and all the asphalt, and everything's
7 marked off for parking spaces, except the only problem
8 is the building's completely empty. It's a brand-new
9 building.
10 And I can't believe, in this economy, that
11 we have a building built completely for its original
12 use and meets all the specifications at the time he
13 built it, it's sitting there empty because someone
14 decided to change a zoning ordinance that really
15 didn't know what they were doing.
16 Thank you.
17 - - -
18 (Applause)
19 - - -
20 MAYOR JENKINS: David Shanahan?
21 MR. SHANAHAN: I'll pass.
22 MAYOR JENKINS: Joe Frank?
23 MR. FRANK: Joe Frank.
24 Ladies and gentlemen of the City Council and
25 Mayor, I'm a little bit confused, and maybe it is I

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1 did understand quite his situation, but from what I
2 gather, he already has an existing tenant which is
3 trying to renew his contract, and the City Council has
4 the right to refuse the renewal of an existing tenant.
5 I was under the impression that existing
6 tenants were all grandfathered in. Now, I may be
7 wrong on something that is not an existing tenant.
8 But if it is an existing tenant, that it appears to me
9 that what -- what I was told, they are grandfathered
10 in; whether they are in the situation even though they
11 are a prohibited use, they are grandfathered in.
12 And maybe someone might correct me if I'm
13 incorrect on that. Thank you.
14 MAYOR JENKINS: Okay. That's all on that
15 one.
16 Any comments from the table?
17 - - -
18 (No response)
19 - - -
20 MAYOR JENKINS: Okay. Item No. 18,
21 Mr. Deane Stokes. Five minutes, sir.
22 MR. STOKES: Mr. Mayor and Council, in view
23 of the tragedy that I understand that befell to you,
24 and it's been a long evening, I would, as my
25 predecessor has done, be willing to postpone this

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until the next Council meeting --
Which would be on what date?
COUNCILMEMBER FLEMING: January 4th.
COUNCILMEMBER PITTMAN: January 4th.
MAYOR JENKINS: January 4th.
MR. STOKES: -- January 4th.
COUNCILMEMBER ROCHE: I make a motion that we postpone Item 18 to January 4th.
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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: And thank you.
MR. STOKES: Thank you. Appreciate it.
MAYOR JENKINS: Item No. 19, Tom Hart. Five minutes.
MR. HART: I missed this vote last week or

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last Council meeting that concerned -- they added it to the agenda, and it wasn't on the agenda initially -- was concerning the RFP for the Central Avenue sidewalk project. And I guess this was for a design -- and this is being handled through the PR department, not the building department or the public works department -- where they put out a bid for a design of a sidewalk or sidewalks up Central Avenue.
And this didn't include underground power. It didn't include alignment for a traffic light. It's just two slabs of concrete on each side. And the design and for them to look over the project was $55,000.
On Chestnut, our design fee was $1800 from Shields Engineering. Keck & Woods also bid on that project for us, and they were going to charge us $10,000.
They also gave us a bid for Central Avenue project, and it was also ten to twelve thousand dollars from Keck & Woods. Shields Engineering came back with $1800.
I'm afraid that there's two choices here: either the project was voted on because some -- people didn't understand what it costs to do these things; or, I hate to say it, but I mean there's no other

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alterative but it's not good. But I can't believe in today's economy with as many architects and engineers out of work and people in the building trades out of work, that you put an RFP out for the City and you've got no bids.
You got one bid, and that's the people that you paid to put the RFP together. Keck & Woods put the RFP together, and they were the sole bidder for fifty-fi- -- you could build the sidewalk that goes up there, with bricks that you have at the warehouse over here, that we paid for out of our $10,000 with the volunteers, and you could build the sidewalk and a traffic light at Chestnut and Central and -- and a -- and parks and underground power for less money than you're going to do this sidewalk project up Central Avenue.
You got $230,000. And I'm telling you, they have all these things about misuse of government funds on these stimulus-package projects that are all over. Like the thing that comes to mind is in Alaska: the bridge to nowhere. You have this $230,000 pork barrel project going up Central Avenue and there's no traffic light to get across the seven-lane highway.
I mean the thing is beyond absurd, and I think that the City Council has got to revisit this

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project and look at it in the light of what is reality and what the city needs to bring itself forward in the future. I mean what are you going to do about the traffic light? Is that going to be another $400,000?
GDOT has already approved for this corner at $150,000 for a traffic light. This project is $230,000 for two slabs of concrete. And we've got bricks over there that we've already paid for. What are you going to do with all that? What are you going to do? There's underground power that should go up the left side of the road because it's easily done, because it's all low-power communication cabling on that side of the road.
And why are we paying Keck & Woods $55,000 for a $2,000 design, and paying what? $52,000 to drive by once a week and go uh-huh, concrete on the ground.
I mean this Council needs to take this -- this is just like the C-1/C-2 and everything else that's been voted on. They need to look at this again in the light of, what are we doing with these people's tax money?
And this city deserves better than this. Thank you.
- - -

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(Applause)
- - -
MAYOR JENKINS: We did what was necessary to receive the grant, and that's the way it is.
You understand that? We received a grant for this. And I don't want any more comment from you. I'm just answering your question. You've had your five minutes.
Let me see. We got no sign-ups on that.
Is there any comments from the table?
COUNCILMEMBER FLEMING: I did not know that Keck & Wood was the person that wrote the RFP and was the -- I knew they were the only bidder but I sure didn't know they were the ones that wrote the RFP.
MAYOR JENKINS: I don't know. I'll have to check with Luke on that. I can't answer that question.
ATTORNEY WEED: If the RFP that I recall, I'm the author of the RFP, so --
MAYOR JENKINS: That's what I --
ATTORNEY WEED: -- can blame me for that.
MAYOR JENKINS: That's what I thought.
ATTORNEY WEED: But who they -- who you select is none of my affair.
But with regard to -- I want to confirm

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that, but I believe I'm the author of that RFP.
MAYOR JENKINS: I think so too.
ATTORNEY WEED: And I stand by the legality of the same.
MAYOR JENKINS: We done everything legal according to receive the grant, we received the grant and it'll go forward.
COUNCILMEMBER ROCHE: For the record, this Council voted unanimously for the first $150,000 to build that sidewalk, when was it? a year-and-a-half ago. Should have been built. And then we could have gotten that grant to put in the light; we could have gotten that grant to put in sidewalks on Tilly Mill Road; we could have -- you know, if we'd only done what -- well, the Council voted to do it, and I don't know why it didn't happen but I'll just leave that there for now.
MAYOR JENKINS: Any more discussion at the table?
- - -
(No response)
- - -
MAYOR JENKINS: I'd like to make a comment before we get into police and citizens comments.
A lot of people are wondering why people are

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saying tonight that they'll postpone some of their stuff. My family had I guess the worst tragedy this weekend that anybody or any family could endure. And a little background. I lost my two brothers. Okay. This weekend, my nephew was in a farm accident that took his life very tragic, and I -- I just want everybody to know why some people are feeling compassion for me.
I could handle it with my two brothers. They were aged. But when this young man came into this tragic death within a matter of seconds, and that's -- that's explaining why the people were postponing some of their items tonight.
And that's all I have on that, and it was a very tragic -- that don't happen to -- the way it happened, not happen to very few people in this whole country. And the family's holding up real good at it. We're accepting it. I don't know how the immediate family is holding up at this time.
But if there's any further come up about it, I'll let everybody know, and I appreciate you letting me take the time to say that. Thank you.
COUNCILMEMBER PITTMAN: I just wanted to say and I think that Mr. Roche wanted to have something to say, that this is Mr. Spangler's --

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MAYOR JENKINS: Yeah. I was going to --
COUNCILMEMBER PITTMAN: -- last evening.
Oh, I didn't know that. I didn't know you were.
MAYOR JENKINS: I wasn't finished.
COUNCILMEMBER PITTMAN: Go ahead. We'll let you take it from there.
MAYOR JENKINS: Go ahead, Donna.
COUNCILMEMBER PITTMAN: I was just going to say --
MAYOR JENKINS: You got it on.
I want to add to what you say.
COUNCILMEMBER PITTMAN: Okay.
MAYOR JENKINS: This is Mr. Spangler's last meeting, and we want to --
- - -
(Applause)
- - -
MAYOR JENKINS: We want to thank you for all the things that he's done for the citizens, the businesses, the parks and everything, and I know we'll miss him. And that's about all I have to say, but I would like for each Councilman to make a comment, and we'll start with you, okay?
COUNCILMEMBER PITTMAN: I'm sorry, Mayor, I

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1 didn't know you were going to --
2 MAYOR JENKINS: That's all right. I had it
3 on the next --
4 COUNCILMEMBER PITTMAN: I was just going to
5 say exactly what you said. We just want to thank him
6 for his service for the last three years, four years,
7 and we appreciate everything and we wish you well.
8 COUNCILMEMBER SPANGLER: Thank you.
9 COUNCILMEMBER FLEMING: Well, I've enjoyed
10 working with you for the last two years, and I've
11 gained a lot of knowledge with your help, and I truly
12 appreciate that, and I will definitely miss you
13 hanging out over there.
14 COUNCILMEMBER SPANGLER: Thank you very
15 much, Pam.
16 COUNCILMEMBER ROCHE: One of the things I've
17 learned about Bob Spangler is that, you know, he and I
18 may not necessarily agree on everything, and we've
19 definitely crossed swords a few times, and
20 Mr. Spangler can be a little stubborn occasionally.
21 But one thing is that Mr. Spangler has absolute
22 integrity. There have been times I've said -- when I
23 was new, and I said, "Well, you know, I'll support
24 this if you support that," and he says, "Hell no. I
25 don't, you know, trade votes." He had a lot of -- I

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1 learned a lesson about him, about that integrity, or I
2 learned a lesson for myself about that, and I'm very
3 grateful for that.
4 And it was a pleasure serving with you for
5 the last two years, and we'll miss you.
6 COUNCILMEMBER SPANGLER: Thank you. I
7 appreciate that.
8 COUNCILMEMBER ALEXANDER: I'd like to say
9 that Mr. Spangler started on English Oak Park and we
10 finally got it finished, and I think that's the
11 crowning achievement. It's a beautiful park and
12 everyone is enjoying using it, and I appreciate the
13 ability to work with you the last two years and two
14 months, I think it is for me, and wish you well and
15 hope you stay involved in the community.
16 COUNCILMEMBER SPANGLER: I sure will. Thank
17 you, Maria.
18 --
19 (Applause)
20 ---
21 MAYOR JENKINS: As Bob mentioned, Bob's
22 integrity is 100 percent. He's never said anything to
23 me that he didn't follow through on or at least
24 mention it to me, and I know we're going to miss him.
25 UNIDENTIFIED SPEAKER: When's the party?

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1 MAYOR JENKINS: Well, we'll take care of
2 that, okay?
3 COUNCILMEMBER SPANGLER: Thank you, Mayor.
4 MAYOR JENKINS: It may have to be after the
5 first of the year, we got everything so tight.
6 Police department have any comments?
7 ACTING CHIEF ATKINSON: Mayor, I just want
8 to let everybody know -- I think, for the most part,
9 everybody does know -- that we did catch one of our
10 perpetrators in the homicide on Winters Chapel and
11 Oakcliff. We were able to identify a suspect and we
12 were able to apprehend him. We're still continuing
13 that investigation.
14 Some of you might have heard we did have a
15 shooting down at Chicken World restaurant, and that
16 all started as the result of a fight on the inside.
17 But our investigators are still working that as well.
18 COUNCILMEMBER ROCHE: Thank you.
19 MAYOR JENKINS: Thank you.
20 ---
21 (Applause)
22 ---
23 MAYOR JENKINS: Murray, do you have anything
24 else?
25 ATTORNEY WEED: No, Mr. Mayor.

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1 MAYOR JENKINS: Okay. Citizens comments.
2 Come on up to the microphone. Susan, come on up.
3 MS. FRAYSSE: I want to invite everyone.
4 The neighborhoods have a potluck annually. This is
5 the fourth annual holiday potluck at the civic center.
6 It's usually the third Wednesday in December, but this
7 time, we had a conflict with the police department, so
8 we rescheduled our potluck. So the notice in the city
9 newsletter is incorrect. It's not Wednesday, but it's
10 December 15th. We have flyers. I'll have them up
11 here at City Hall. I also have one with some Spanish
12 at the top so that everybody can be involved. And we
13 could even get a Vietnamese translation. We're going
14 to get the word out through the community.
15 This is -- part of the scene last year, we
16 had a lot of people come from a lot of different
17 cultures. They brought different kinds of food, and
18 it was great. The kids are there early on. We have
19 an individual that lives in my neighborhood, on
20 English Oak, who looks like Santa Clause year round,
21 and he wears the red suit and does the whole thing in
22 December. There'll be live music and singing and
23 caroling and recognition of every kind of cultural
24 tradition that takes place in December. So I hope
25 that all of you will be able to attend.

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The neighborhoods provide the meat course, and everybody else just brings a side dish or a salad or a dessert.

So I hope you can come. Thank you.

COUNCILMEMBER FLEMING: Thank you.

MAYOR JENKINS: Thank you.

MS. CRAWFORD: I have a little collection here, because I kept missing the boat on talking.

I realize this is not going to be a popular position here, but I think that it's not unusual to expect businesses to -- Okay. I think most cities have ordinances and codes that are made available to the people who have businesses or want to set up businesses in the city.

And what I wanted to ask, my quick question was whether or not the code books are access- -- Do we have an index or anything like that in the code books? Because it shouldn't be that complicated a thing. You shouldn't have to pour through four inches of pages. And it seems to me to be a very easy thing to fix to just get a table of contents or an index. Is there such a thing in the code book? There is?

CLERK BLACKMON: Yes, there is.

MS. CRAWFORD: Well, then, couldn't this gentlemen have just . . . Okay, that's good.

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COUNCILMEMBER ROCHE: But it's not been updated with the more recent ordinances.

ATTORNEY WEED: No, sir, that's not accurate.

The Clerk has a complete copy of the current codes, I have a current copy of the current codes and the planner has a current copy of the current codes. That project has been completed. It has been completed for about two weeks. The codes are going to be recodified.

Now, with regard to electronic ease of use, because they haven't been codified yet, all of them are not available on the Web site, that I know of.

COUNCILMEMBER ROCHE: That's what I --

ATTORNEY WEED: However --

COUNCILMEMBER ROCHE: -- was saying.

ATTORNEY WEED: -- pursuant to your directive, to my knowledge, Luke Howe has been putting every ordinance on the Web site. And if he hasn't, I can't -- I don't know what happens here at City Hall, but that was certainly the Council's directive.

So access should be as easy as coming to City Hall and getting the code book or accessing it by virtue of the Web.

COUNCILMEMBER ROCHE: But the Web is not up

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to date.

ATTORNEY WEED: I don't know. All I know is that Mr. Howe was told to do that, and I assume he's doing it.

MS. CRAWFORD: Well, I meant the code book. I mean if somebody came there -- if I came in as a citizen and I want to look up a certain thing, I could just go to the index and see which page it was.

ATTORNEY WEED: That is correct.

CLERK BLACKMON: Right.

MS. CRAWFORD: Okay.

COUNCILMEMBER FLEMING: But I'm not sure that it would be, how do I find vesting rights?

MS. CRAWFORD: That's what I mean. Wouldn't I look under V in the index and see vesting rights?

ATTORNEY WEED: There's no codification which is perfect. I mean there's no codification that has a trigger word for every single topic that someone might imagine.

However, if you could find the zoning code and if you read the zoning code, you would find what you're looking for. There is an index to the zoning code, and there are -- the index is a pretty decent one.

MS. CRAWFORD: Okay. I'm coming at it from

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a different -- you know, an English teacher sort of point of view.

Also -- and I know I've gone over time, but I shared -- as far as the home occupation, I want to just remind you that there are people who do tutoring or give art lessons or writing lessons or whatever, that may not -- you might want to consider people like that. They might not fit into the same categories as businesses.

Mayor, I'm sorry for your loss.

One more quick thing. It was in the paper the other day that our ZIP code has -- this is about home values going down, and, for example, Decatur's had gone down I think it was 25 or 24 percent, but our ZIP code -- and of course this is other people besides Doraville, but our ZIP code went down only 2 percent. So I thought that was good news.

COUNCILMEMBER FLEMING: Thank you.

MAYOR JENKINS: Thank you.

MS. SHERLOCK: My name's Cat Sherlock.

And first, Mayor, I'm sorry for your loss, and I appreciate your service tonight.

I want to share an experience I had because it's kind of indicative of the frustration that I've heard some people express. I got married, and we have

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1 two houses and we decided we only need one, so we
2 decided to sell mine. And we got a contract from a
3 buyer, and they were concerned about our code and that
4 we were not congruent wiring-wise with Dekalb County's
5 code. And we explained that we were in the city of
6 Doraville and that our code had precedence -- the
7 municipality had precedence over the county.
8 So they asked for a copy, which I thought
9 was reasonable, of our ordinances about wiring, about
10 plumbing. I sent four e-mails over a period of a
11 month -- never got a response -- to the Planning
12 Department. I called, I spoke to Rub, Ms. Venable,
13 and I can't remember who else. Nobody said to me,
14 "You can come up here and copy this out of the big
15 book." I was on the Planning Commission. I was aware
16 of the old ordinances. I wasn't aware of the new
17 changes.
18 Mr. Calcaterra told me that he would write a
19 letter saying that this was the code that we were
20 operating under, which is the universal -- I'm real
21 tired; I'm losing my nouns. I apologize. But those
22 of y'all involved in this know what I'm talking about.
23 My real estate agent came by to pick it up,
24 and he was -- he told her that he was told that he was
25 not authorized to do that and that they could not help

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1 me.
2 I was somewhere between shocked and stunned.
3 And that's my time limit. Thank you.
4 MAYOR JENKINS: Next? Come on, Stuart.
5 MR. STUART: Go ahead.
6 MR. SHANAHAN: Hi. T.M. Shanahan, a
7 property owner on New Peachtree right next to Deane
8 Stokes.
9 Cut out all my remarks. I'll just put it in
10 one thing. I was raised in the aviation world. We
11 had procedures. All procedures had objectives. When
12 you decided to redo all of Doraville's zoning, what
13 was your objective? What were the people of Doraville
14 going to get out of it? What were the business owners
15 going to get out of it?
16 You have to have an objective. In order to
17 do that, you have a system.
18 As Mr. Weed explained last week, bring your
19 attorney. That's not what the whole statement was.
20 That's the way the system is designed, is his
21 statement.
22 If I'd have brought an attorney to one of
23 these things -- they bill by the hour, 200 bucks an
24 hour -- it would have cost me $4,000 to get no answer
25 in 29 days on the day before the Thanksgiving holiday

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1 week. This is no way to treat your citizens.
2 I also -- look at your minutes. The last
3 meeting, you had three rejections received on the last
4 day after 2 o'clock.
5 Why? Is this system design -- did you
6 design this system that way? Timeliness is essential.
7 Your system does not encourage timeliness.
8 It's built around a bias for legal consultation. It's
9 built on that whole basis. Please change this.
10 This type of implementation has been
11 achieved in other cities. You got good, intelligent,
12 qualified people here. They can implement simpler
13 things and finally provide a timely, affordable appeal
14 -- transparent, quick, and not at $5,000 to do it.
15 When you get ready to come to that next
16 meeting, look your zoning code over very carefully and
17 lay the old one down beside it. That was block
18 letters, bullet points. This thing is written in old
19 English script. All the whereases are repeated. All
20 of the indices are gobbledygook. Don't do that,
21 please. Write it where an English teacher can
22 understand it clearly and you look at bullet points,
23 not verbiage.
24 Thank you very much for your time.
25 - - -

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1 (Applause)
2 - - -
3 MAYOR JENKINS: Next?
4 MS. KOONTZ: Again, sorry for your loss,
5 Mayor. I'm sure we're all at a loss for words.
6 There's no way to console you on a loss like that, and
7 I hate that this happened to you.
8 The thing I wanted to address tonight was
9 the response to my recent presentation about the
10 attorney/client privilege, and the response I got from
11 it was very confusing.
12 First was that I was told -- when I asked
13 about the procedure, I was told -- or the policy, I
14 was told that the City has no policy about the
15 attorney/client privilege. Well, I got home and I
16 looked at the Council meeting minutes, and in December
17 of 2008, the attorney had drafted a policy on this
18 very issue that the Council voted on and approved.
19 But I was told that there was no policy.
20 And then I was told that -- when I presented
21 what the state law is about the attorney/client
22 privilege, the attorney said that well, the Council
23 can decide what's attorney/client privilege, when
24 that's not the case, because the state law is going to
25 apply to Rhonda here about what she's required to do

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1 by state law about what's attorney/client privilege
2 and what isn't, and she can be fined for not complying
3 with that; but, then, you-all are being told that
4 y'all can decide whether y'all want to abide by state
5 law or not, when she's the one that's going to be
6 punished if she's being instructed not to abide by the
7 state law.
8 And it was just -- I was just floored by the
9 response I got. Thank you.
10 MAYOR JENKINS: Thank you.
11 MR. ANDERSON: Stuart Anderson.
12 To answer Maria's question about the speci-
13 fications, Ms. Fleming's late night resolution, the
14 thing that came up in those meetings repeatedly was a
15 thousand-foot distance from the school was the
16 reference.
17 Do we have budget review rules; i.e., as far
18 as our balance of moneys kept, how many audits we are
19 making on time as far as the quality of the city or
20 the viability of the city? It seems like we're
21 certainly out of shape in this financial keeping-track
22 situation.
23 There was a lot of confusion earlier, and I
24 got no good information on that whatsoever.
25 As far as the $230,000 sidewalks, in all the

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1 discussion, widening the road, which is desperately
2 needed, was never mentioned as part of that project.
3 Yesterday, I went -- I spent a lot of time on the City
4 Web site looking for zoning information. I found no
5 zoning information. The only thing that had anything
6 to do with zoning was Article 23, and under Article
7 23 was something about alcohol ordinances.
8 The zoning book for the city of Doraville is
9 not on the Web site. I guess I can come down and look
10 at it at City Hall. But it's impossible to find.
11 The Muni codes that I did find, a good many
12 of them relative to Mr. Weed's comments, were -- I go
13 to these meetings, so listen to this stuff get passed
14 and not passed -- and a lot of the stuff -- I have a
15 small collection of it there in my briefcase -- has
16 been passed and not updated.
17 People can't find the stuff. I'm pretty
18 good at it and pretty aware of these zoning ordinances
19 and the Muni codes and stuff, and nothing was
20 transparent in my time spent.
21 Thank you. And I, too, offer my
22 condolences; sorry.
23 MAYOR JENKINS: Come on up.
24 MS. FRAYSSE: I have to say it is very, very
25 difficult to get all the zoning information out there.

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1 It has been a concern and an interest of mine for five
2 years.
3 And I am going to have to refute one part of
4 what Stuart just said: I do believe -- and Rhonda may
5 be able to be more specific -- the things we've done
6 recently, some of the ones that have been discussed
7 here a great deal -- have been posted on the Web for
8 the review by the public and remain there now. And I
9 think that's M-1 and M-2 and C-1 and C-2, and I know
10 those are under government -- the government tab and
11 in the Planning Department.
12 So there are gaps and holes. I'm not
13 denying that. But we have made an effort to get a
14 bunch of it out there. And as soon as it's codified,
15 it will have all the kind of indexing that we've
16 talked about wanting to have. I think we're going
17 through a transition phase here. Maybe we should have
18 sent a batch of these ordinances in six months ago.
19 But there is some information there, and I hope people
20 will in good faith come down and talk to people here
21 and use the Web site.
22 MAYOR JENKINS: Thank you.
23 Anybody else?
24 Motion we adjourn?
25 ATTORNEY WEED: Mr. Mayor, one brief

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1 comment.
2 MAYOR JENKINS: Okay.
3 ATTORNEY WEED: I feel compelled to comment
4 with regard to Ms. Koontz' accusations.
5 If Ms. Koontz or anyone else feels that I
6 have done something illegal, immoral or unethical,
7 there is a recourse.
8 Secondly, the December 2008 ordinance deals
9 with electronic communications. The privilege is
10 mentioned; however, it is not a City policy. To my
11 knowledge, there is no written City policy with regard
12 to the attorney/client privilege.
13 What is the law, however, is that the client
14 holds the privilege, which you can waive any time you
15 want to including tonight. That's what I've told you
16 the entire time we've talked about this; it's what I
17 will tell you again tomorrow.
18 COUNCILMEMBER SPANGLER: So explain that in
19 a little more detail.
20 ATTORNEY WEED: Which? Which thing?
21 COUNCILMEMBER SPANGLER: The client can
22 waive the --
23 ATTORNEY WEED: In Ms. Koontz' situation, my
24 client, the client of my law firm, is the city of
25 Doraville. Who is the city of Doraville? The city of

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Doraville in the United States of America, in an elected democracy, in the form of government that we have is -- and the living embodiment of that client are the Mayor and Council.

If four of you, which would be a majority in this case, or maybe a little less -- I don't have a count -- but if the majority of you voted to waive the attorney/client privilege, you could do so. And I'll tell anybody that they want to tell. I mean whatever secrets you want revealed, they're your secrets. They're not mine. There is no conspiracy. And if you want the public to know anything that I've told you, tell them. You have that right.

In fact, I wish you would at this point. But that's your choice. It's not the choice of your legal counsel; it's the choice of you.

COUNCILMEMBER SPANGLER: Motion to adjourn.

COUNCILMEMBER ALEXANDER: Second.

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

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CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: I'm sorry. Did you say --

COUNCILMEMBER PITTMAN: I said yes.

COUNCILMEMBER ROCHE: Oh, okay. I thought you said --

I'll say yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Yes.

MAYOR JENKINS: Motion carried. Thank you, everybody, for coming out.

- - -

(Meeting adjourned at approximately 9:55 p.m.)

-o0o-

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C E R T I F I C A T E

STATE OF GEORGIA]
COUNTY OF DEKALB]

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the proceedings were reduced to typewriting under my direction and control.

I further certify that the transcript is a true and correct record of the evidence given at the said proceedings.

I further certify that I am neither a relative or employee or attorney or counsel to any of the parties, nor financially or otherwise interested in this matter.

This the 14th day of December 2009.

_____

Theresa Bretch, CCR
Permit No. B-755

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