In The Matter Of:

City Council Meeting
City of Doraville, Georgia

Before Mayor Ray Jenkins
January 20, 2009

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CITY COUNCIL MEETING
CITY OF DORAVILLE
STATE OF GEORGIA
* * *

Transcript of the proceedings held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Ray Jenkins presiding, before Theresa Bretch, Certified Court Reporter, commencing at 7:00 p.m. on Tuesday, January 20, 2009.

* * *

APPEARANCES:
Doraville City Council:
Hon. Ray Jenkins, Mayor
Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Robert Spangler
Councilmember Donna Pittman
Councilmember Bob Roche
Councilmember Pam Fleming

Murray J. Weed, City Attorney

Ms. Rhonda Blackmon, City Clerk

Scott Haeberlin, City Planner

Ms. Priscilla Murphy, Financial Consultant

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?

COUNCILMEMBER BATES: Here.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Here.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Here.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Here.

CLERK BLACKMON: And Councilmember Spangler?

COUNCILMEMBER SPANGLER: Here.

MAYOR JENKINS: I want to approve the minutes of January the 5th, '09. May I have a motion?

COUNCILMEMBER BATES: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember

Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Yes.

MAYOR JENKINS: Mid-year review. We set up the mid-review for the 28th. It'll be a special-called meeting. But between now and the 28th, we will meet with all the department heads and have everything ready.

I hope the 28th works out, but if it doesn't, we can make it another day, but I believe that's when we'll try to have it.

COUNCILMEMBER SPANGLER: What day is that on?

MAYOR JENKINS: I believe that's on a Thursday.

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COUNCILMEMBER ALEXANDER: I believe that's the DMA meeting.
COUNCILMEMBER BATES: DMA's the 29th. It's a Wednesday.
COUNCILMEMBER ALEXANDER: The 28th is a Wednesday?
COUNCILMEMBER BATES: Wednesday, yeah.
COUNCILMEMBER SPANGLER: What time, Mayor?
MAYOR JENKINS: Well, we haven't set the time. I like things to start at 6:00, everybody likes 7:00, so we'll determine one way or the other.
COUNCILMEMBER SPANGLER: Six would be fine.
MAYOR JENKINS: Six o'clock would be fine?
COUNCILMEMBER ALEXANDER: Six would be good for me.
MAYOR JENKINS: The 28th at 6:00 p.m. That will be a special-called meeting for mid-year review only.
COUNCILMEMBER ALEXANDER: Mid-year budget review?
MAYOR JENKINS: Yes.

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On the comp time liability, we will discuss that at the mid-year review if that's all right with the Council. We have a update on it in our folder for the amount of hours but not the amount of compensation. So we will get into that when we discuss the mid-year review.
COUNCILMEMBER ROCHE: Well, just so you know, the reason I put it on the agenda was because I've been requesting that information since the original budget hearings.
MAYOR JENKINS: Okay.
COUNCILMEMBER ROCHE: So it's six months and we still don't have those numbers?
MAYOR JENKINS: You don't have any more information to bring us tonight on it, then.
COUNCILMEMBER ROCHE: No. I've been requesting this information from City Hall since June, July, August, because this could turn out to be a large liability for us.
MAYOR JENKINS: It is. It is.
COUNCILMEMBER ROCHE: And I keep asking for it and asking for it and asking for it, and you just refuse to provide the information.
MAYOR JENKINS: Well, we don't have the information for tonight, so that's the reason I

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mentioned the mid-year review. Is that all right with you?
Who did you ask for the information?
COUNCILMEMBER ROCHE: I've requested it from you, I've requested it here. It's on the transcripts. I've requested it over and over and over again, Mayor. We have a huge dollar amount that we don't know what it is.
MAYOR JENKINS: Well, I don't either.
COUNCILMEMBER ROCHE: And despite my best efforts, you know, despite numerous requests, we the Council can't seem to get that information.
MAYOR JENKINS: I talked to Priscilla, and she said she would have it by mid-year review. That's all I can tell you.
COUNCILMEMBER ALEXANDER: And what date will that be? Will that be as of January 1?
MAYOR JENKINS: You mean the comp time?
COUNCILMEMBER ALEXANDER: Yes.
MAYOR JENKINS: I guess it'll be completely up to date as of January 1, yes.
COUNCILMEMBER BATES: And sir, do you know if the department heads have received their detailed financial statements yet?

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MAYOR JENKINS: No.
COUNCILMEMBER BATES: They have not received them as of -- for October yet?
MAYOR JENKINS: No, sir.
COUNCILMEMBER ROCHE: October?
COUNCILMEMBER ALEXANDER: October?
MAYOR JENKINS: September, October or November, December.
COUNCILMEMBER BATES: The department heads have not yet received the detailed financials for October, November or December?
MAYOR JENKINS: That's the way I understand it, sir.
COUNCILMEMBER BATES: Okay.
COUNCILMEMBER ROCHE: Well, I have November right here.
COUNCILMEMBER BATES: Those aren't the detailed, though. I've got November as well, but --
MAYOR JENKINS: We got all those but they're not detailed. That's what we're referring to. Do you have the detailed?
COUNCILMEMBER ROCHE: No. I guess I was -- maybe you're talking about something else.

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MAYOR JENKINS: Yes.
COUNCILMEMBER BATES: Well, so before you have your department head meetings, the department heads need to get their detailed financial statements so that they can understand where they're at.
MAYOR JENKINS: Supposedly, they will have them at the end of the week.
COUNCILMEMBER ROCHE: Well, I think it bears mentioning --
MAYOR JENKINS: The only way that we can --
COUNCILMEMBER ROCHE: -- that back in August, the Mayor put an end to any overtime and denied access to City Hall for the people that put together these reports. So it was August, September, October, November. And then finally, I think three weeks before the end of the year, the Mayor did allow people to have access to City Hall after hours so they could get their job done.
MAYOR JENKINS: Yes.
COUNCILMEMBER ROCHE: Just in time for the holiday season. So I'm not surprised at all that everything's behind. Thank you.

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MAYOR JENKINS: Well, I'm surprised that it's behind, and I have -- I have done everything in my power to get it.
COUNCILMEMBER ROCHE: Well, you've --
MAYOR JENKINS: Okay?
COUNCILMEMBER ROCHE: -- done everything in your power to delay it, sir.
MAYOR JENKINS: No, sir.
COUNCILMEMBER BATES: Mr. Roche --
MAYOR JENKINS: You're wrong.
COUNCILMEMBER BATES: -- seeing how the as-of-November financials, the accounting department is already at 65 percent of their budget, seems to me like there's an awful lot of overtime that has been done in there. That's as of November.
MAYOR JENKINS: Yeah. There's been a lot of time spent in there, as we say, in the back, but we have not got what we're needing for the audit, if you want to open up a can of worms, sir.
COUNCILMEMBER ROCHE: Well, when you take away the resources from someone that needs to get a job done, you can't very well complain when the job's not done.

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MAYOR JENKINS: What resources did we take away?
COUNCILMEMBER ROCHE: Access to City Hall, overtime; when people did come and work after hours, they were apparently --
COUNCILMEMBER BATES: But it's not the City's responsibility to provide a contractor with staffing. That's their responsibility.
COUNCILMEMBER ROCHE: Well, the City Clerk is the person that's basically in charge of the finances.
COUNCILMEMBER BATES: We have a contract employee that is in charge of the bookkeeping and the finances. That's what their job description says.
COUNCILMEMBER SPANGLER: Let's just stop right here. We've getting way off track. I think we probably need to go into an Executive Session if we're going to discuss this, and we can bring out the big can of worms. I don't think the audience may need to hear this right now.
MAYOR JENKINS: Well, actually, what you're referring to is not on the agenda, so we don't need Executive Session.

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COUNCILMEMBER SPANGLER: Well, why don't --
MAYOR JENKINS: So we will move on. And if Mr. Roche or anybody wants any further information, they can talk to Ms. Priscilla Murphy.
COUNCILMEMBER SPANGLER: No. Mayor, I think you owe the Council an explanation as to why these financials haven't been done. But I think at the same time, Ms. Murphy needs an opportunity to also let us know why she hasn't been able to do them.
MAYOR JENKINS: Well, as I said, this is not on the agenda.
COUNCILMEMBER SPANGLER: Well, it was brought up. It was brought up already. That's the reason I made the comment that I did.
Now, if we're going to chastise somebody or put blame on somebody, let's have them here to let them face the charges.
MAYOR JENKINS: I don't think she's ready to face them at this time. I'll be fair with you. And I think it would be unfair to her to call her in.
COUNCILMEMBER SPANGLER: I think she

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may need to know what's being said here.
MAYOR JENKINS: She will know.
Do we want to carry that any further?
COUNCILMEMBER SPANGLER: I think we need to go ahead and finish it.
ATTORNEY WEED: Just in case the Mayor and Council would like to go into Executive Session for any particular reason, I'm assuming this would be for a personnel matter, please bear in mind that underneath State law, any evidence you receive must be done in public; however, you can go in Executive Session to deliberate or discuss outcomes at any time you so desire.
COUNCILMEMBER SPANGLER: Well, we've gone into Executive Session for other things other than a personnel matter or pending litigation or whatever the legal reasons to go. I think this is a personnel litigation matter.
If nobody chooses to go into Executive Session, then I think that we need the opportunity to let Ms. Murphy come in and hear what's being said.
MAYOR JENKINS: As I said before, this is not on the agenda.

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So Murray, what do you say?
ATTORNEY WEED: Well, Mr. Mayor, under State law, you can always modify the agenda --
MAYOR JENKINS: I understand.
ATTORNEY WEED: -- even at a meeting.
MAYOR JENKINS: I understand.
ATTORNEY WEED: So that's legal, if you care to.
And once again, Item 15 is Personnel Issue. I don't think it contemplated Ms. Murphy in any way. But since the ordinances don't require any particular detail -- you know, I don't know who sponsored that item. I don't know what that item is about particularly, although I think I have an idea -- one could argue that you could talk about any personnel issue you wanted to under Item 15 underneath the current state of the ordinances, which I am not happy about, as every one of you knows.
So with that, you can either, A., change the agenda to put an item on it; B., you could go into Executive Session.
But if you want to do that, you have to -- under State law, you have to hear the evidence in public. Then you can go into

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Executive Session to talk about it, to deliberate, to debate, do whatever you have to do to bring something to some resolution or not.
And then Item 15 the way it's currently written says Personnel Issue without any kind of explanation of what it's about; therefore, one could argue that that -- you could cover it under Item 15.
COUNCILMEMBER ROCHE: I guess the only point I'm trying to make here is that it is the Mayor's responsibility under Section 2-88 to keep the Council apprised of the current financial condition of the City throughout the fiscal year, and despite several requests, you know, that hasn't been -- that hasn't happened. And ultimately, the responsibility for this rests with the Mayor.
MAYOR JENKINS: I have a contract financial person. I can only get information from her. And according to the contract that this Council gave her, she can come in any time of the day or the night, the weekends and all.
This is not what I wanted. I need a financial person here during working hours. This did not happen, so I have to take what I

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can get.
Ms. Murphy is not up to date on that. I gave the whole Council a letter that I gave Mrs. Murphy until noon on the 5th to get some stuff to the -- to the auditor. It is still not to the auditor. Okay? I'm in the process of writing another letter. That's all I can do.
She has a contract. If you want to terminate her contract, that's up to you.
COUNCILMEMBER ROCHE: I don't think it's our responsibility. I think that taking away her access to City Hall --
MAYOR JENKINS: It is her responsibility as a contract person. She is not here during working hours when I can confer with her.
COUNCILMEMBER FLEMING: Mr. Mayor, I think out of respect for Ms. Murphy, the instances and the allegations that have come to light now, she should at least be present to be able to comment on them. I don't think we should continue this discussion without her.
MAYOR JENKINS: I agree with that.
Okay. Do you want to get a motion to put it on the agenda?
COUNCILMEMBER SPANGLER: No. I'll

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[1] withdraw. I'll withdraw going into an Executive
[2] Session for this, but I still would like to see
[3] Ms. Murphy be able to defend --
[4] **MAYOR JENKINS:** I agree with you.
[5] **COUNCILMEMBER SPANGLER:** -- what's
[6] being said about her. And I don't know why
[7] she's not here tonight, Mayor.
[8] **COUNCILMEMBER ALEXANDER:** She's in the
[9] back.
[10] **MAYOR JENKINS:** She's doing what she
[11] should be doing, if you want the truth of it.
[12] **COUNCILMEMBER SPANGLER:** Here she comes
[13] now, so let's let her be apprised of what Mr.
[14] Bates has -- the statement that Mr. Bates made.
[15] Would you repeat your statement,
[16] Mr. Bates?
[17] **COUNCILMEMBER BATES:** Sure. I was
[18] asking why we didn't have monthly financial
[19] statements for department heads.
[20] And Ms. Murphy, as you know and
[21] Ms. Blackmon knows, I did file an Open Records
[22] request last Tuesday requesting an explanation
[23] or confirmation that the detailed financial
[24] statements be placed in the department heads.
[25] You subsequently called me and

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[1] indicated -- and this was Tuesday afternoon, the
[2] 13th -- indicating that you were going to be
[3] getting those financial statements to the
[4] department heads by Wednesday of last week and
[5] that the delay was based upon workers' comp and
[6] insurance adjustments that needed to be prorated
[7] back to the July, August and September months.
[8] So where are we with the detailed
[9] financials?
[10] **MS. MURPHY:** I haven't made all the
[11] adjustments. And the Mayor and I was going to
[12] meet with the department heads this week before
[13] their mid-year review and make sure they have
[14] everything they needed then and go over all
[15] their financials with them.
[16] **COUNCILMEMBER FLEMING:** The Mayor
[17] indicated that you had not provided the
[18] department heads financial reports from October,
[19] November and December but then he backtracked
[20] and said September, October, November and
[21] December.
[22] Is that correct?
[23] **MS. MURPHY:** Well, the detailed parts,
[24] I think they wanted more the -- the ones that
[25] y'all get are even on the Web site, and I

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[1] believe they've got some of those. But there
[2] are some department heads or some departments
[3] that want more detailed parts. And I think
[4] that's what they're waiting on so they can
[5] compare it to their records.
[6] **COUNCILMEMBER BATES:** That is correct.
[7] I can confirm that. I've talked with at least
[8] one department that they do want and have been
[9] requesting detailed financials since, you know,
[10] December for October and November.
[11] **MS. MURPHY:** Right. And we've got -- I
[12] just recently got what we're going to do and go
[13] back and do with the retirement and the
[14] workmen's comp.
[15] **COUNCILMEMBER BATES:** Explain that.
[16] **MS. MURPHY:** In October, I went ahead
[17] and put in what we're going to accrue for
[18] retirement and for workmen's comp. We set up
[19] all those class codes like we talked about in a
[20] previous meeting. And we just got our bills,
[21] because I was trying to get classification codes
[22] and the amount -- and we got a new amount for
[23] our estimate for this coming year -- and I
[24] didn't go back into July and August and
[25] September and do all of the journal entries for

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[1] those months.
[2] **COUNCILMEMBER BATES:** So those are the
[3] only adjustments that we're waiting for for
[4] October?
[5] **MS. MURPHY:** And retirement.
[6] **COUNCILMEMBER BATES:** So --
[7] **MS. MURPHY:** Because I have a better
[8] percentage now of what they're going to be.
[9] **COUNCILMEMBER BATES:** So there were
[10] placeholders in there previously?
[11] **MS. MURPHY:** Well, actually no. I was
[12] going to -- you know, before we had put one lump
[13] sum when we paid the bill, so I was going to put
[14] how much really accrued for each month.
[15] **COUNCILMEMBER BATES:** But because the
[16] department heads don't code their own workers'
[17] comp or insurance, they still could have
[18] received a printout of the other expenses that
[19] they are responsible for.
[20] **MS. MURPHY:** And they still can, and I
[21] thought that's what I did give them for October
[22] already.
[23] **COUNCILMEMBER BATES:** I -- I've --
[24] **MS. MURPHY:** But I'll find out.
[25] **COUNCILMEMBER BATES:** -- confirmed that

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[1] two department heads have not received October
[2] detailed financial statements.
[3] **MS. MURPHY:** Okay. And that's not a
[4] problem, and I could do that tonight and bring
[5] them over --
[6] **COUNCILMEMBER BATES:** But I thought we
[7] were --
[8] **MS. MURPHY:** -- or send it to them.
[9] **COUNCILMEMBER BATES:** -- clear in our
[10] conversation last Tuesday that that was going to
[11] be provided to them last Wednesday.
[12] **MS. MURPHY:** I wasn't sure about last
[13] Wednesday but I thought I would get them
[14] finished by then, and I didn't, with the W-2's
[15] and stuff.
[16] **COUNCILMEMBER BATES:** Okay. And not
[17] Thursday and --
[18] **MS. MURPHY:** No.
[19] **COUNCILMEMBER BATES:** -- Friday and
[20] Monday?
[21] **MS. MURPHY:** No.
[22] **COUNCILMEMBER BATES:** Okay. And where
[23] are we with the audit?
[24] **MS. MURPHY:** I talked to the auditor
[25] today, and then he should be coming here on site

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[1] by sometime late next week.
[2] **COUNCILMEMBER BATES:** At what point did
[3] you talk to him today?
[4] **MS. MURPHY:** About 5:00. It was late
[5] today, around -- right before 5:00, I believe.
[6] **COUNCILMEMBER BATES:** Okay. Because in
[7] our conversation last Tuesday, you also
[8] indicated -- and this was, again, part of my
[9] Open Records request -- was an explanation of
[10] why we hadn't met the State-required December 31
[11] deadline, and you indicated that you had
[12] provided him or were in the process of providing
[13] him with information last week --
[14] **MS. MURPHY:** Right.
[15] **COUNCILMEMBER BATES:** -- and yet as of
[16] today, he has still not received anything.
[17] **MS. MURPHY:** I talked to him again
[18] today. He's received some of the things, but
[19] he'll be receiving things the whole -- over the
[20] few weeks that he's going to be here. But the
[21] main thing he was waiting on, I hadn't sent him
[22] last week.
[23] **COUNCILMEMBER BATES:** Like trial
[24] balances and --
[25] **MS. MURPHY:** Right; that kind of thing.

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[1] And I talked to him again. And then
[2] over the next few weeks that he's here, he's
[3] going to be receiving a lot more things or that
[4] we're going to pull records for him the whole
[5] time that we're here -- that he's here, and
[6] that's normal.
[7] And I need to check. I don't think
[8] that we've received from our department heads as
[9] of yet the inventories that Rhonda and I have
[10] requested since June. We're still tying down
[11] some vacation, comp time and vacation time, but
[12] we have --
[13] **COUNCILMEMBER BATES:** For the last
[14] fiscal year?
[15] **MS. MURPHY:** Yes. We still -- but most
[16] of that's taken care of, but we still haven't
[17] received some of the actual physical counts that
[18] we've been trying to get since the end of June.
[19] **COUNCILMEMBER BATES:** And were those
[20] requests made in writing to the various
[21] department heads?
[22] **MS. MURPHY:** I believe it was email --
[23] **CLERK BLACKMON:** Email.
[24] **MS. MURPHY:** -- to the departments.
[25] And some -- some of your Open Records

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[1] request, I talked to you on the phone, because
[2] Open Records request, you're requesting a
[3] record. And some of the things that you
[4] requested, we didn't have a record for, so we
[5] don't have to create a record. So that's why I
[6] wanted to talk to you and explain to you what I
[7] did over the phone.
[8] **COUNCILMEMBER BATES:** What I had
[9] requested was an explanation.
[10] **MS. MURPHY:** Right; and that's not a
[11] record so --
[12] **COUNCILMEMBER BATES:** But that's
[13] something that can be created.
[14] **MS. MURPHY:** Right, it can be created.
[15] But we don't have to create a record for an Open
[16] Records request, I don't believe. If we have
[17] the record, then we can provide the record.
[18] Is that right?
[19] **ATTORNEY WEED:** That's correct.
[20] **MS. MURPHY:** Is there something else?
[21] **COUNCILMEMBER BATES:** No, ma'am.
[22] **COUNCILMEMBER FLEMING:** Well, the
[23] Mayor, if I'm not mistaken -- if I heard you
[24] correctly, you made the comment that the auditor
[25] said he had not received anything. Is that what

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you said?
COUNCILMEMBER BATES: I also spoke with Mr. Whitaker today, and as of 3:30 today, the only thing that he has received is copies of the minutes from the last fiscal year.
MS. MURPHY: Right. And that's mainly what he has is all the minutes, because he reads all of those first.
COUNCILMEMBER BATES: But nothing else.
MS. MURPHY: Right.
COUNCILMEMBER BATES: There are some 30 -- 37 or 38 items that he needs to conduct the audit.
MS. MURPHY: Right. And he's received some things about asset forfeiture and things like that from that department. He's received things that I haven't received yet, I believe, about their audit that I've got to get from them, too, so we can include it with ours.
COUNCILMEMBER BATES: But he's got -- he's the one that compiles the audit; correct?
MS. MURPHY: He compiles the audit, but I'm supposed to have it with my trial balance and stuff first, because if we don't have it with ours, as we should, then he could write us

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up for that.
COUNCILMEMBER PITTMAN: So when do you think you will have all the materials to him that he needs to conduct the audit?
MS. MURPHY: Tonight and tomorrow. Well, actually, I've got to get those things from -- about that asset forfeiture, and I can get that to him later, he said.
COUNCILMEMBER PITTMAN: So you think you'll have everything by tomorrow?
MS. MURPHY: Uh-huh. And he plans on coming out the end of next week.
COUNCILMEMBER SPANGLER: I would like to ask Ms. Murphy, what has been the problem in the delay of getting the information to --
MS. MURPHY: What has been the problem?
COUNCILMEMBER SPANGLER: -- to the auditor?
MS. MURPHY: Well, this particular fiscal year that we're working on, we didn't have a city clerk at all or pretty much we just made do.
But then earlier in 2008, the Mayor allowed us to start using the courthouse personnel to start organizing the records, and

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he bought fireproof file cabinets and things like that for us to use and get everything more organized to help with a lot of our pulling of the records and filing of the records and room to have the records, things like that. And the Mayor was very good about getting the fireproof filing cabinets and having us do it.
But when we started doing everything before Rhonda come on board -- and she can help me with this -- it seemed to be a problem, even though we sort of worked out a deal with the courthouse, that we -- they help us straighten up all of our stuff and then we go up and help straighten up and clean out their stuff. It seemed to be a problem with a lot of or some of the Council people, so the Mayor had us stop doing it. And we had started that process of trying to regroup or put all the files together before Rhonda come on board, too, as being the city clerk. So we were using them for that.
And then we were also using them to organize things for this fiscal year. We got to the point where the Mayor told us that there were just too many complaints or calls from the Council and various other people, that we

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couldn't use them any more at all.
So we were in the middle of doing all those type projects, too, and still are, and our record retention schedules and what we can destroy and what we can't destroy. And then we got to where we were denied access to the building, or I was, after 4:30 since August the 6th.
COUNCILMEMBER SPANGLER: August the 6th until when, Ms. Murphy?
MS. MURPHY: Sometime in December. Early part of December, the Mayor said I could use the courthouse ladies as long as he knew about it and things like that.
MAYOR JENKINS: After the audit got behind, I gave her permission to do anything necessary to get the audit up.
MS. MURPHY: That's right.
MAYOR JENKINS: Use the courthouse, late at night, weekends or whatever.
MS. MURPHY: Right. That's right.
MAYOR JENKINS: Is that correct?
MS. MURPHY: Yes.
MAYOR JENKINS: Yes. Thank you.
MS. MURPHY: And you remember also that

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the auditor -- last year's audit got finished in late June. The auditor gave recommendations to change all of these things into different fund accounting -- different funds that we have changed this fiscal year into.

I had to go back and change all of the last fiscal year's into all those different funds, too. So that's taken quite a while to change all the things that he recommended pretty much after the year was over, to go back and redo all of those things in the proper way that he wants them accounted for, so --

COUNCILMEMBER BATES: But those are required by law --

MS. MURPHY: Right.

COUNCILMEMBER BATES: -- for separate fund accounting.

MS. MURPHY: Right, and that --

COUNCILMEMBER BATES: So it wasn't the auditor making a request for his benefit.

MS. MURPHY: He also made it in his recommendation. I mean he made it in his recommendation, so -- and we were trying to do that for this fiscal year, too. So I went back and reclassified all of those things and set up

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different funds for all of that, so that took some time and some redoing. And at the same time, we were changing the way we were doing this fiscal year and the way we're accounting for some things.

It got closer to year end. I went through grueling contract negotiations or whatever, and time just slipped away, and with year end and W-2s and some of my other clients, I just got to where we -- I was -- where I am now, pretty much.

COUNCILMEMBER SPANGLER: There was a lot of outside involvement.

And no, I don't believe the majority of the Council complained about Ms. Murphy being here after hours. This has been --

MS. MURPHY: That's what we were told: it was a problem with the Council.

MAYOR JENKINS: Well, I wasn't the one that necessarily said that. Ms. Murphy got the word also.

COUNCILMEMBER SPANGLER: I'm just saying I don't believe it was a majority of the Council that made that decision to stop Ms. Murphy from -- or complaining about Ms. Murphy

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being here after hours.

MS. MURPHY: Because Rhonda and I were under the impression that is what the Council wanted done, is to get the records retained or organized. I mean we need them organized also for these alcohol or --

CLERK BLACKMON: Excise?

MS. MURPHY: -- those excise audits that you want to do. Pam Helton's already told us how many years we have to go back, what kind of silver platter we need to put that information on for them. We were trying to do that, too, to make sure that all those records were together and for the number of years that they wanted together, because they were not filed that way at all. And we need them that way so they can help us with those alcohol audits or hotel/motel tax audits.

And we thought that we were doing the right thing, but we found out that we were not doing the right thing.

In the process of doing all that and moving all the stuff around and all the files around and most of -- a lot of them are still in boxes and we're waiting to still put things up,

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especially in Rhonda's office, we sort of got stopped for some reason.

COUNCILMEMBER SPANGLER: Again, when were you stopped from coming in?

MS. MURPHY: August the 6th of 2008.

COUNCILMEMBER SPANGLER: So if you had been able to come in after hours and work like you had been in the past --

MS. MURPHY: It probably would have helped a lot, but I am able to call in and work. But being able to call in and work, you might not -- I won't have all of the access to the files or the paper records and all that we need to look at.

COUNCILMEMBER SPANGLER: Okay. What about the other things that were supposed to happen with the department heads as far as coding the --

MS. MURPHY: That doesn't seem to be as big --

COUNCILMEMBER SPANGLER: Has that helped?

MS. MURPHY: Yes, and the purchase orders have helped.

COUNCILMEMBER BATES: And department

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heads are coding all their invoices including utility bills and --

MS. MURPHY: If they're not coding them, they pretty much gave us permission to give them a copy of it, and we're -- if we have to code something really quickly or those type of bills where they're all on one bill or something or they'll come and code their part.

COUNCILMEMBER BATES: And at one point, Sergeant Lopez had provided a list of discrepancies from the July and August?

MS. MURPHY: Right.

COUNCILMEMBER BATES: Have those been addressed with her?

MS. MURPHY: She's got the list, and those are some of the things that we're working out to make sure it matches up with hers or whatever.

COUNCILMEMBER BATES: Okay.

COUNCILMEMBER ALEXANDER: So those journal entries have not been corrected?

MS. MURPHY: Yes, I believe they all have.

COUNCILMEMBER SPANGLER: Well, who was at fault with those?

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MS. MURPHY: Well, some of them, she just didn't have a copy of the invoice or something like that and it wasn't a problem, or maybe something should have been a different account, or there were some checks that needed to be voided or something and I might not have done it in the same month that she done it. They were different for each, different reasons.

COUNCILMEMBER PITTMAN: You're saying that you will have everything to the auditor tomorrow to be able to start --

MS. MURPHY: What he needs to start. But as soon as he gets here, there's going to be something every day, lots of things --

COUNCILMEMBER PITTMAN: But I mean --

MS. MURPHY: -- every day.

COUNCILMEMBER PITTMAN: -- in order for him --

MS. MURPHY: And that's typical.

COUNCILMEMBER PITTMAN: -- to get started.

MS. MURPHY: Yes.

COUNCILMEMBER PITTMAN: Is that correct?

MS. MURPHY: Yes.

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COUNCILMEMBER PITTMAN: Okay.

COUNCILMEMBER SPANGLER: Now, how does this affect us by being --

We got an extension; is that correct?

MS. MURPHY: Yes.

COUNCILMEMBER SPANGLER: Okay. Now, how does this affect us?

MS. MURPHY: We have to be finished by June the 30th, but it shouldn't be --

COUNCILMEMBER BATES: But because this is our second consecutive extension request, we won't be granted an extension for '09 -- or for the '08-9 audit.

MS. MURPHY: That's right.

COUNCILMEMBER BATES: So no matter what --

MS. MURPHY: That's right.

COUNCILMEMBER BATES: -- catastrophic event --

MS. MURPHY: Or not.

COUNCILMEMBER BATES: -- or not.

MS. MURPHY: But we shouldn't have these kind of regrouping or revamping of the funds and things like that or as many changes as we've had this year or this past fiscal year.

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COUNCILMEMBER SPANGLER: And you don't have to worry about your contract. Your contract's good for the --

MS. MURPHY: I --

COUNCILMEMBER SPANGLER: -- next year?

MS. MURPHY: -- don't really count on that contract too much. The contract's at pretty much the will of the Council.

COUNCILMEMBER ALEXANDER: Why did we have to have an extension last time?

MS. MURPHY: I think at the end of 2007, the June 30th, 2007 -- our City Clerk had quit in January of 2007, January the 26th, and I foolishly must have volunteered myself to fill in for that City Clerk, because I was not asked to, and then we just didn't hire one. And I was never voted on to be the Acting City Clerk or fill in for the City Clerk or anything like that. So we just rolled along until we could, from January of 2007 until we put Rhonda in place in April --

CLERK BLACKMON: March.

MS. MURPHY: -- late March of 2008.

COUNCILMEMBER BATES: I believe Ms. Alexander's question was why was the '06/'07

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[1] audit delayed?
[2] **MS. MURPHY:** Typically the City Clerk
[3] is usually also the one that does a lot of the
[4] accounting functions and get things ready for
[5] the auditor, too. And at that time, we didn't
[6] have one, and I was trying to do all of that,
[7] too, and we just didn't get started early
[8] enough, I think.
[9] **COUNCILMEMBER BATES:** But if she left
[10] in January of '07, that would have been after
[11] the audit was due.
[12] **MS. MURPHY:** June 30th of '0 -- I
[13] thought you meant the June 30th, '07 audit, last
[14] year's.
[15] **COUNCILMEMBER BATES:** That's the one
[16] that we're working on now.
[17] **MS. MURPHY:** No. We're working on June
[18] 30th, '08.
[19] **COUNCILMEMBER BATES:** '08. Okay.
[20] **MS. MURPHY:** Yes.
[21] She left before the year ended.
[22] **COUNCILMEMBER ALEXANDER:** And what
[23] prevents you from donating or dedicating more
[24] hours to us during the daytime?
[25] **MS. MURPHY:** I have done that. Even if

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[1] I'm not here, I've been in my office and calling
[2] in, because a lot of times when I'm here, you
[3] get involved in other things or people come by
[4] and you get more involved in what they need or
[5] what they're working on.
[6] So I have done that. I've donated too
[7] many hours a lot of times.
[8] **COUNCILMEMBER ALEXANDER:** I said
[9] dedicate.
[10] **MS. MURPHY:** Yeah. Dedicated, too.
[11] **COUNCILMEMBER SPANGLER:** Well, she's
[12] also donated also.
[13] **MS. MURPHY:** Yeah.
[14] **COUNCILMEMBER ALEXANDER:** I'm asking
[15] her, sir.
[16] Because I'm just trying to figure out
[17] if you spent more time here in the day -- I mean
[18] I keep hearing --
[19] **MS. MURPHY:** I've tried both. I've
[20] tried to be here more in the day or not. I've
[21] tried both. And the Mayor wanted me to be here
[22] more during the day, and it doesn't -- hasn't
[23] seemed to help much yet, but it could be to the
[24] fact that we already had all the files pulled
[25] out from everywhere and not been able to put

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[1] everything back where we wanted it to be.
[2] And Rhonda may can talk more about the
[3] status of the boxes that are all over the place.
[4] **CLERK BLACKMON:** Oh, they're still.
[5] There is --
[6] **COUNCILMEMBER BATES:** So there's -- and
[7] I don't mean to interrupt. I apologize.
[8] Just so that we're clear and everybody
[9] has a timeline on these, because we've got a
[10] mid-year budget review that's scheduled with
[11] department heads, and they need to make sure
[12] that what's being coded to their departments is
[13] theirs.
[14] **MS. MURPHY:** Right.
[15] **COUNCILMEMBER SPANGLER:** So detailed
[16] financial statements can be given to department
[17] heads by?
[18] **MS. MURPHY:** Well, I can go ahead and
[19] print out the ones except for the retirement
[20] things and stuff tonight and then make sure that
[21] the Mayor and I talk to them about the other
[22] stuff next week.
[23] **COUNCILMEMBER BATES:** December
[24] financials will be available by?
[25] **MS. MURPHY:** I had told the Mayor

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[1] sometime tomorrow or something. We're still
[2] getting some December bills. I still don't know
[3] why it takes so long to get some of the ones
[4] that are not on purchase order.
[5] **COUNCILMEMBER BATES:** And the audit
[6] materials to Mr. Whitaker?
[7] **MS. MURPHY:** I talked to him today.
[8] They're going -- the trial balance is going by
[9] email sometime in the night or first thing in
[10] the morning.
[11] **COUNCILMEMBER BATES:** Okay.
[12] **MS. MURPHY:** But he won't be here on
[13] site until sometime later next week.
[14] **COUNCILMEMBER BATES:** But he can start
[15] running pretrial --
[16] **MS. MURPHY:** Right.
[17] **COUNCILMEMBER BATES:** -- clearing --
[18] **MS. MURPHY:** That's what he --
[19] **COUNCILMEMBER BATES:** -- and things on
[20] those?
[21] **MS. MURPHY:** And he'll start giving us
[22] other lists of things, other things to do.
[23] And while y'all brought all this up,
[24] what is -- or is there a problem with the
[25] Council? Because I didn't think there was a

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[1] problem with the Mayor to use some of the
[2] courthouse ladies here and then we help with
[3] their room or filing rooms up there too.
[4] But there does seem to be a problem all
[5] the time that we're trying to use -- or do this
[6] stuff to get more organized, because there's no
[7] central file room or filing location or anything
[8] like that here at all. And that's what we were
[9] trying to do is make the records better, and we
[10] really got into it big time and then it stopped,
[11] and now it's difficult.
[12] **COUNCILMEMBER SPANGLER:** I can't
[13] understand why anybody would be against you
[14] getting the job done. I mean --
[15] **MS. MURPHY:** But there is. It's a
[16] problem. It got to a point to where the ladies
[17] were even scared to come and work with us
[18] because they thought that they were getting us
[19] in trouble or something. And it does seem to be
[20] a problem.
[21] Or is it not a problem, Mayor, or has
[22] it been a problem, or do you get phone calls?
[23] **MAYOR JENKINS:** Yeah, I've had a lot of
[24] comments, yes.
[25] **COUNCILMEMBER SPANGLER:** Mayor --

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[1] **MAYOR JENKINS:** And after this got --
[2] and Priscilla -- I told Priscilla to use what
[3] facilities at night, weekends, whatever to get
[4] this done, and that's all I could do. And we
[5] have employees we depend on for each job, and
[6] the Mayor does the best he can to get this job
[7] done. And if the employee don't do it -- and
[8] that's the reason I wrote the first letter. And
[9] micromanaging from some of my councilmen is not
[10] going to help.
[11] **COUNCILMEMBER ROCHE:** I agree with
[12] that.
[13] **MAYOR JENKINS:** Sir?
[14] **COUNCILMEMBER ROCHE:** I agree with
[15] that. Councilpeople should not be involving
[16] themselves in the day-to-day operations of City
[17] Hall.
[18] **COUNCILMEMBER SPANGLER:** I'm sorry, but
[19] it seems to me like it's hurt Ms. Murphy
[20] probably as well as a lot of the other
[21] employees. You know, I don't feel like any of
[22] us should be micromanaging. It's not our job.
[23] **MAYOR JENKINS:** I agree.
[24] **COUNCILMEMBER ROCHE:** And it's
[25] definitely not our responsibility.

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[1] **COUNCILMEMBER SPANGLER:** And I have
[2] never the first time said anything about Ms.
[3] Murphy or the ladies from the courthouse or
[4] anybody else being here after night working.
[5] **COUNCILMEMBER ROCHE:** And in fact, this
[6] Council realizes that part of the problem also
[7] is that our City Clerk has also been doubling as
[8] a permits clerk. So any time anybody needs any
[9] kind of a building permit, the City Clerk's had
[10] to deal with that. And finally the City Council
[11] -- fortunately, at the beginning of December, we
[12] did vote to hire a permits clerk.
[13] And I'm not sure if we've hired one yet
[14] but --
[15] **MR. HAEBERLIN:** No, sir, we have not.
[16] We've conducted one interview and we expect to
[17] conduct another interview this week for another
[18] qualified candidate.
[19] **COUNCILMEMBER ROCHE:** Good. Well,
[20] hopefully we'll get that done soon. So that's
[21] another reason why --
[22] **MS. MURPHY:** I think that'll help.
[23] **COUNCILMEMBER ROCHE:** -- you know,
[24] we're chronically understaffed at City Hall.
[25] **MS. MURPHY:** I think that'll help a

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[1] lot, and Rhonda may tell me if I -- I'm still
[2] doing a lot of the things, before, that the
[3] other City Clerk was doing before Rhonda because
[4] she doesn't have time yet until we hire the city
[5] clerk [sic], to do those things. I mean when we
[6] hire the permit clerk. So as soon as we get
[7] that taken care of -- of course it looks like
[8] we're going to be close maybe almost to the end
[9] of another fiscal year.
[10] **MAYOR JENKINS:** We hope to have that
[11] person in by February the 1st, we hope.
[12] **MS. MURPHY:** That should help a lot,
[13] too, because we'll be able to spread out more of
[14] those things, more of the duties that we were
[15] doing.
[16] **COUNCILMEMBER BATES:** Thank you.
[17] **COUNCILMEMBER FLEMING:** Disregarding
[18] whether it's Priscilla or someone else in her
[19] position, I think that the City Hall staff is
[20] drastically understaffed particularly in the
[21] financial department. We need a financial
[22] department is what I feel.
[23] I mean we're paying payroll weekly. I
[24] know I like to get a weekly paycheck. The cost
[25] factor involved in doing weekly paychecks is

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quite a bit compared to doing it every two weeks. That would be a tremendous help, time-saver by doing it every two weeks. So there's a lot of cost cutting that we can do, but I still feel that City Hall is understaffed when it comes to the financial department as well as the City Clerk's position, the permits clerk.

So that's my feeling on that. If we went to replace Ms. Murphy with employees, I would think that we would have to hire two if not three people for a financial department. So I just wanted to comment about that.

MAYOR JENKINS: Anymore questions for Ms. Murphy?

COUNCILMEMBER SPANGLER: I just want to reiterate that I did not at any time complain about the employees -- or Ms. Murphy or the other employees being here working at night in order to get the job done.

MAYOR JENKINS: We know that, Bob.

COUNCILMEMBER SPANGLER: So --

COUNCILMEMBER ROCHE: And I can certainly say the same thing.

I think Ms. Murphy -- I mean she kept this place together all the time we didn't have

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a City Clerk, and I think she should be commended for that.

MAYOR JENKINS: Ms. Murphy's done a wonderful job.

Do you feel like you need somebody else to work with you?

MS. MURPHY: Well, I'd like to know if we can finish the project that we had started and it not be a problem, because we have to finish this here at City Hall. There's some of our records that are at court that are in their way. And to make everything more accessible, we do need to be able to look into having the like big shred truck come and work on these kinds of things. But we've been hesitant to do any of that even if we just worked on it like one Saturday a month or a couple or whatever without it being a problem.

COUNCILMEMBER SPANGLER: And I would like to ask again, if I heard you correctly. By you working after hours, you get a lot more done because --

MS. MURPHY: It's just quieter.

COUNCILMEMBER SPANGLER: -- you don't have the interruptions and you're not having to

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help with --

MS. MURPHY: And it's quieter.

COUNCILMEMBER SPANGLER: -- the duties of the City Clerk --

MS. MURPHY: Right.

COUNCILMEMBER SPANGLER: -- since she still is doing the permits and the other things, and everything's still behind.

MS. MURPHY: There's a lot going on at City Hall, usually -- and lately it has been -- and we're hiring people. So there's a lot going on. And hopefully when we get the permit clerk, things'll settle down a little bit more.

Sandra's taken on a lot more job responsibilities, and we have Dorothy. And once Rhonda gets a little bit of the permits off of her, we expect for it to be a lot better.

COUNCILMEMBER SPANGLER: Okay. So I guess what Mr. Bates was asking, if I understood him correctly, is this going to be a problem next year?

MS. MURPHY: I don't anticipate it being a problem. I mean I can't anticipate -- I don't anticipate it being a problem. I didn't anticipate us being without a City Clerk as long

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as we were. If I did, I definitely wouldn't have volunteered myself, probably. And y'all don't know if we're going to -- how long it takes to hire somebody, either.

MAYOR JENKINS: Priscilla, do you feel like that you can get the financial reports and the auditor moving now?

MS. MURPHY: I think so. I have for 17 years. I think so.

COUNCILMEMBER SPANGLER: But at the same time, Mayor, I don't think we need to threaten her.

MS. MURPHY: Well, it is discouraging sometimes to have to -- like to get, I don't know, it brought up all the time, or either we think we have it worked out with the Mayor or the day-to-day functions dealt with with the Mayor and the department heads, but, you know, it's whatever the Councilpeople want to do.

And it seems like, you know, this Council's very interested, all of you, which is great, and sometimes it's looked at as micromanaging and sometimes it seems to be okay if some of you do it and sometimes it's bad if others of you do it. So it's very chaotic in

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City Hall sometimes.
MAYOR JENKINS: Okay. Thank you.
COUNCILMEMBER ROCHE: Thank you very much.
COUNCILMEMBER PITTMAN: Thank you.
MAYOR JENKINS: Okay. Moving right along.
GM Update. There is no update on General Motors. I talked to the people in Detroit Friday. They're still at a standstill. And there is a possibility that they are talking to one other entity but they're not saying anything about it. So that's --
It's the same way. The reporters keep calling me, and I say, well, I cannot give you anything. GM is still at a stalemate with Sembler at this time. They're supposedly not even talking. So I just thought I'd bring you up to date on that.
And I would like to move one agenda item up. We got the O-W in 15 minutes. O-I -- excuse me -- and O-W. I would like for Mr. Jack Halpern -- he's got another meeting to go to.
And with the permission of the Council, I'll put him before we go into the O-I and O-W.

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Will that be all right with the Council?
COUNCILMEMBER BATES: Yes, sir.
COUNCILMEMBER ROCHE: Yes.
COUNCILMEMBER PITTMAN: Certainly.
MAYOR JENKINS: Okay, and you have five minutes, sir.
MR. HALPERN: Thank you, Mr. Mayor and ladies and gentlemen. I appreciate the opportunity. My name is Jack Halpern and I'm the Chairman of Halpern Enterprises.
With me tonight are Bill Brown, our company's president, Jimmy Cushman, who manages several of our Doraville properties, and my son Benjamin.
Our attorney, Kathy Zickert, was unable to make it tonight because of a prior commitment.
Halpern Enterprises opened its offices in Pinetree Plaza more than 45 years ago when Buford Highway was just a two-lane road. Nearly 30 years ago, shortly before his death, the City of Doraville dedicated Bernard Halpern Park on Tilly Mill Road to honor my father and to recognize his many contributions to the quality of life in this community.

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I believe that our company is the largest commercial landlord in Doraville. We provide space for more than 160 different businesses, and we're in the midst of a multi-million-dollar renovation of Pinetree Plaza. We've done our best throughout the years to maintain all our properties in a first-class fashion and to be a good corporate citizen of Doraville for nearly half a century. We're proud of the long and I think mutually beneficial relationship that we've enjoyed with the city.
As a result, we were surprised to come back from Christmas holidays to learn that this Council had enacted a new zoning law, one that was intended to dramatically change the uses that would be permitted on our property and all other C1 and C2 property in the city.
We never received a phone call, a letter or any other communication to let us know that such drastic changes were being considered. We had no opportunity to provide input into the process or to have a meaningful dialogue with this Council.
I'm not here tonight to discuss the

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legality of the ordinance the Council's rationale for making the changes that you did. Those are topics for a different time and place. But I am here to let you know that the impact of the new zoning law as it's currently written and is being interpreted as of today will be disastrous for our company and I believe it will be disastrous for the city of Doraville as well.
As the new ordinance is being interpreted, nearly half of our existing tenants, 66 different businesses, could not legally rent new space to conduct the same business that it was previously lawful for them to operate. Our ability to rent vacant space has been greatly restricted, and, unfortunately, we now have more vacant space to lease than ever before in our company's history.
If the City needs space to store files, please give us a call. We'll be happy to discuss it with you.
But in the midst of the worst economy that our country and our community has faced since the Great Depression, without any sort of transition period, the Council has enacted a set of zoning restrictions that will devastate the

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value of our property and put a lot of people out of work who are already struggling to make a living and feed their families.

Several provisions of the new ordinance cause us concern, but let me just focus on one aspect in particular: prohibition against wholesale businesses.

Now, whatever the Council's intent may have been in passing this provision, your impact will not be to create an influx of new retailers anxious to move to Doraville. Retailers follow new housing and population growth, pure and simple. The changes you've made to C1 and C2 zoning laws won't attract a single new retailer to Doraville. On the contrary, the consequences will be to start Buford Highway down the path to becoming a commercial ghost town with empty store fronts, marginal businesses and declining property values.

What has been a unique, culturally diverse and thriving business district where land owners like our company have incentive to keep reinvesting and upgrading our properties will be rapidly deteriorating. Existing -- I'll finish shortly, sir. Existing entrepreneurs and

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small businesses will be moving out and Doraville will stagnate.

Now, I know that isn't the vision this Council had in mind when you enacted these zoning changes, but those will be the unintended consequences of your new policies.

Therefore, I am requesting that the City, in order to more thoughtfully consider the impact, enact a moratorium for 90 days. Suspend these changes to the zoning ordinance. Give yourself an opportunity to receive constructive input from the property owners who are going to be affected. Allow for a transition period so that the City can better assess how these changes will actually be implemented and enforced. Give an opportunity for landlords and business owners to understand the impact of the new ordinance so that business plans can be adjusted accordingly.

If we work together, I'm confident we can create a better long-term strategy for attracting quality retailers to the area without destroying so many existing businesses. We can make the vision of a better Doraville a reality.

Thank you for your consideration, and I

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hope that you will act favorably on a request for a moratorium.

MAYOR JENKINS: Thank you.

COUNCILMEMBER FLEMING: Thank you very much.

MR. HALPERN: Obviously available to answer questions, but I've taken up a lot of your valuable time and I appreciate the opportunity.

MAYOR JENKINS: We have a few minutes before we can bring up the public hearing.

Pam, do you want to go ahead with the Ethics Committee update?

COUNCILMEMBER FLEMING: Yes, sir. I was requesting an Ethics Committee update.

Rhonda, is anyone present from the Ethics Committee?

CLERK BLACKMON: I spoke to Gordon Grant this morning. I had talked to Ted Baggett from GMA, and he had referred a Mr. Elliott from Warner Robins to be in contact with Gordon. So I gave Gordon the phone number, and he has in turned called his office and is waiting on a return phone call from Mr. Elliott.

COUNCILMEMBER FLEMING: I would like to

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have my email go on record if you don't mind. It was dated January 19th, which was yesterday. It was addressed to Rhonda, Mayor and Council, Mr. Weed.

The Ethics Committee had a public meeting on January 9th, 2009, to review the ethics complaints filed by me and review the City's Ethics ordinance and the Ethics Committee training documents.

It appears that the Ethics Committee has 30 days to review and present their findings to the City Council, which will be February 8th, 2009. Since the 8th is on a Sunday, I respectfully request that the 30 days end on February 9th, 2009, and that a special called meeting be scheduled for that date unless the Ethics Committee has reported their findings sooner.

The City's Ethics Ordinance also states that if the Ethics Committee requests a public hearing to receive testimony, that it must be publicized and the accused notified within 10 days of the meeting.

I respectfully request that Ms. Blackmon, as official City Clerk of

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Doraville, notify the Ethics Committee that this meeting, if they deem necessary, must be held no later than February 6th; thus, the notice must be sent to all concerned by January 23rd.

Due to sensitivity in this matter, I expect compliance and adherence to the City's Ethics Ordinance.

Respectfully, Pamela Fleming.

So that's the update, Mayor.

MAYOR JENKINS: Okay.

COUNCILMEMBER ROCHE: I have a question on this. There seems to be some confusion about the 30 days. Is that 30 days to begin taking action or 30 days to render a decision? Is that 30 days to -- you know.

ATTORNEY WEED: What the ordinance says is 30 days to do something. Not to -- not necessarily have the entire thing complete --

COUNCILMEMBER ROCHE: Right.

ATTORNEY WEED: -- but 30 days to do something, after -- 30 days after receipt of the complaint by the Ethics panel.

COUNCILMEMBER ROCHE: To at least begin on it. So it could take three months to gather all the information --

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ATTORNEY WEED: Correct.

COUNCILMEMBER ROCHE: -- and that's -- then they're fine and --

ATTORNEY WEED: That's correct. It doesn't appear to be a decision must be rendered within 30 days.

COUNCILMEMBER ROCHE: Right.

ATTORNEY WEED: However, I think expediency is certainly in order and should be stressed.

COUNCILMEMBER ROCHE: Well, of course, but you want to do it right. Okay.

MAYOR JENKINS: Is that all?

Okay. We're going to take a five-minute break and then we'll go into the public hearing.

- - -

(Brief recess)

- - -

MAYOR JENKINS: Meeting come to order.

The next item on the agenda is Item No. 4. We have some sign-ups on this. We'll allow 10 minutes for all. It looks like we got three signed up, so that'll be about three-and-a-half minutes each.

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So I'm going to let Scott take over the public hearing.

ATTORNEY WEED: Well, Mr. Mayor, I'm sorry to interrupt. It's actually any person who wishes to speak, it's essentially the minimum opposition is 10 minutes and the minimum for is 10 minutes.

MAYOR JENKINS: Yes. Okay.

COUNCILMEMBER FLEMING: Maximum.

MAYOR JENKINS: But if you --

ATTORNEY WEED: No. That's the minimum.

COUNCILMEMBER FLEMING: Excuse me.

ATTORNEY WEED: I mean you don't have to talk the maximum.

I just wanted to clarify for the record that we're in compliance with the Zoning Procedures Act.

MAYOR JENKINS: If anybody's for it or against it, if you want to give all your time to somebody else, we'll allow that.

ATTORNEY WEED: That's correct.

MAYOR JENKINS: So go ahead, Scott.

MR. HAEBERLIN: Mayor, in the interest of brevity, I reprinted the exact ordinance that

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was loaded onto the City Web site. I'm going to provide that to the City Council members so that we're all working from the same item (presenting). I'm going to tender a copy as well to the court reporter and also to Ms. Blackmon, and Mr. Weed has previously received his as well.

I just thought it would be simpler to go from what we've loaded on the City Web site to provide the necessary comments that you may have received from citizens. We're working from the same thing they looked at, the same exact document.

And Mr. Howe did assist me with loading this onto the City Web site. It has been on there since the day after your previous meeting, which was January 5th.

As you recall, this item was tabled date specific to tonight, so this is not the first time we've introduced this item.

ATTORNEY WEED: And just for your edification, you have a watermarked version which includes all the changes that were discussed, dated January 7th of 2009. So either Scott's version or the watermarked version

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should cover all the changes.
MR. HAEBERLIN: Correct.
ATTORNEY WEED: Sorry, Scott.
MR. HAEBERLIN: That's fine.
The copy that everybody has clearly states across the top of every single page, "draft, draft, draft," so there's no confusion on that issue. And of course Mr. Weed's version that's been cleaned up by his secretary -- and I do appreciate that -- has a draft watermark; again, essentially the same document.
We have received comments to the Council from one citizen, and those were in writing. Have responded to the Council directly my comments regarding the thoughts that were provided by that citizen. And again, with no disrespect, I think the Council's had adequate opportunity to respond to that individual and to staff as well, and I have received very little or no response at this point in time other than one individual.
So at this time, there is one change I would like to go over, and this was an error on my part. On page -- what is labeled as page 13 of 18 -- and Mr. Weed's firm has already

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corrected the page-numbering situation, but for the simplicity of you following a consistent document, I've not fixed the page numbering at this time because I don't want to confuse anybody.
The document that you're on, page 13, "Parking garages subject to design guidelines when the site is located within one-half mile radius of the existing Doraville MARTA station property located in the vicinity of New Peachtree Road and Park Avenue and furthermore provided:" and there's a list there.
So that item has been changed to one-half, and that is my recommendation to you based on our previous discussions, and that's essentially the only change that I recommended since the previous time you've seen this draft.
And I think if you look through it clearly, you see the bold and underlined text where staff again meant to clarify for you the last time to what extent there were changes made, if any, and they're negligible, and these represent the same changes that were discussed at the last meeting.
I think there has been discussion

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regarding semantics of how things read. Of course what reads well to me may not read well to another, et cetera, but essentially I am charged with enforcing the ordinance and I am understandable about the content.
I do apologize to our individuals who do not feel that the way the text is written is agreeable to them, but, again, it is incumbent upon me to enforce the ordinance.
So at this time you do need to open the public hearing portion, and we'll turn it over to the Mayor to have that and then of course a motion and a vote.
Like I said, my recommendation is to approve the draft that is present in front of you now with that one minor change regarding the parking garage with the attendant Office/ Institutional based on the lower floor, from one mile to one-half mile as we've noted for the record.
COUNCILMEMBER SPANGLER: Did you do any changes as far as the height of the buildings around the town square?
MR. HAEBERLIN: I have made no changes to that.

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COUNCILMEMBER SPANGLER: So you've still got them at 10 story?
MR. HAEBERLIN: On O-I?
COUNCILMEMBER SPANGLER: On the O-I.
MR. HAEBERLIN: O-W, we have three stories or 35 feet, and O-I, I still -- yes, sir. Ten stories subject to FAA approval if within the airport approach zone.
And it's further defined to increase the setback where it's abutting single-family detached dwellings. So there's a provision in there to increase the setback even further where O-I is located adjacent to residential.
As you'll note from the city map, the overall matrix of the city, O-I and O-W constitute a very little, small portion of it. Most of the properties that are zoned are O-I and O-W are concentrated in the central -- what we call the central business district, what was envisioned as a town center. And some of those properties or most of those properties -- excuse me -- are City-owned properties, and some of the land uses that are present on those properties that are zoned O-I or O-W are not compatible with either the existing zoning ordinance or the

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proposed zoning ordinance.
COUNCILMEMBER SPANGLER: When we did the Comp Plan and we all agreed on it, we had said that the only 10-story buildings we wanted was north of 285.
MR. HAEBERLIN: I understand, sir. I apologize. I was not here at that time.
COUNCILMEMBER SPANGLER: Well, I mean you didn't read the Comp Plan when you put together the O-I?
MR. HAEBERLIN: I have read the Comp Plan, yes, sir.
COUNCILMEMBER SPANGLER: And you didn't see anything to that effect?
MR. HAEBERLIN: I don't recall specifically that. I'm not saying that that was not present in that document.
I'll be honest with you. I think that is a kind of antiquated approach to zoning in a modern city that's located mostly within 285. I mean it's approximately downtown. I don't see that as viable, so my recommendation would not be to change that to five stories.
COUNCILMEMBER ROCHE: Just so we understand the procedure here, I mean, because I

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had requested a change also. I mean if we decided we want a change here, can we just bring it up for a motion --
ATTORNEY WEED: Always.
COUNCILMEMBER ROCHE: -- here at the Council or --
ATTORNEY WEED: You always can do that.
COUNCILMEMBER ROCHE: -- would you do the public hearing first or --
ATTORNEY WEED: That's entirely up to the Council.
I mean my preference would be to go ahead and do the public-hearing portion and complete that and then you can discuss the finer points of the semantics of the ordinance. However, there's no law that you have to do it in that order.
COUNCILMEMBER ROCHE: Thank you.
MAYOR JENKINS: Okay. Stuart, are you for or against?
MR. ANDERSON: I'm for it.
MAYOR JENKINS: For?
MR. ANDERSON: Sure.
MAYOR JENKINS: Tom Hart? For or against?

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- - -
(No response)
- - -
MAYOR JENKINS: All right. Come on up, Stuart.
COUNCILMEMBER SPANGLER: Ben Crawford had his hand up also. I don't know whether he signed up.
MR. CRAWFORD: I didn't sign up.
MAYOR JENKINS: You didn't sign up?
MR. CRAWFORD: I overlooked it.
MAYOR JENKINS: Do you want to sign up?
MR. CRAWFORD: I mean if somebody can donate some time to me, I'd like to sign up.
COUNCILMEMBER ROCHE: I have an extra copy, by the way.
MR. ANDERSON: I don't think 30 minutes is --
ATTORNEY WEED: Mr. Mayor, out of an abundance of caution, I wouldn't limit -- during this public-hearing portion, to make sure that we're compliant with the ZPA, I know that we've got ordinary rules with regard to signing up to speak on the agenda. That's fine.
However, my opinion would be,

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underneath the Zoning Procedures Act, I would prefer that anybody who wishes to speak be allowed to do so. Obviously, you control the time frame. But I would rather err on that side than err on not allowing anybody who wished to speak on the ordinance the opportunity to do so.
MAYOR JENKINS: Anybody that wants to speak for it, would you -- first one come up, please.
MR. ANDERSON: Stuart Anderson.
I sent the Planning Commission and the City Council a list of my observations. Did the City Council get those observations?
If they didn't, I have a copy of it, and Rhonda could make a copy of it and y'all could follow along if anybody doesn't have it.
COUNCILMEMBER FLEMING: I have it.
MR. ANDERSON: You have it? Okay.
First thing I want to say is I didn't have a problem with the content with Scott's ordinance. I felt that the content, which is the most important thing, is primarily important. I have a couple of content problems, but basically the overall document was fine.
I do have -- and I'll just read my

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[1] piece here. I'm concerned about the sentence
[2] headed "Furthermore" and ended with
[3] "specifically excluded" on both pages 6 and 10.
[4] These sentences appear among the permitted uses,
[5] which is confusing. These two sentences are a
[6] list of prohibited uses or excluded uses and
[7] should be headed that way and in their own
[8] section if they were deemed to be needed at all.
[9] In any case, the sentence that begins,
[10] "Any use not specifically," on page 15, to be
[11] incorporated at the end of any prohibited-use
[12] section if a list of prohibited uses is included
[13] in the document at all, it should be cross-
[14] referenced to where people can find. If they're
[15] reading that their massage parlor is not allowed
[16] in O&I, they should see that that specifically-
[17] excluded use is allowed in wherever that
[18] specific use is allowed, which is probably M2 if
[19] I'm not mistaken.
[20] So that putting the prohibited uses in
[21] amongst okay uses or allowed uses, you're
[22] reading allowed uses and then you run into
[23] prohibited uses and then you go back into
[24] allowed uses without any real knowledge of doing
[25] that. You've read a couple of prohibited uses

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[1] before you or a couple of allowed uses before
[2] you realize that you're out of the prohibited
[3] uses, the way this is written. So I suggest
[4] that it be put into its own section as
[5] Prohibited Uses. Sorry.
[6] On pages 6 and 10, businesses exclude
[7] retail, then approve it. Rather than "exclude,"
[8] wording should be in order of retail sales "will
[9] be regulated by" instead of "excluded;" once
[10] again, cross-referenced.
[11] The old 907 isn't much clear than this
[12] one. But there's retail -- the wording is
[13] confusing. Retail is approved and then excluded
[14] back and forth. It's difficult, and especially
[15] difficult if it's not cross-referenced inside
[16] the document.
[17] Page 4, it's a small item but it leads
[18] to confusion or a non-ability to understand the
[19] situation. A leading edge should be street or
[20] pavement edge. It speaks of sidewalks, leading
[21] edge. And to me a layman, the leading edge
[22] might be the end where I'm walking toward.
[23] There's nothing to tell me that it's the street
[24] or the pavement edge, and I ask for that change.
[25] On page 7, 9 and 10, clinics of various

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[1] sorts are mentioned. They should at least be
[2] cross-referenced, and I find the intents -- I'm
[3] afraid this is one of the things that Scott was
[4] referring to -- I personally found the intents
[5] in those 7, 9 and 10 about clinics hard to
[6] understand. Well, I found them hard to
[7] understand.
[8] And I raise the small question when you
[9] mentioned hospitals, aren't hospitals a little
[10] large for this zoning category? And of course,
[11] at that point, you ask, what's a hospital?, and
[12] you define hospital, et cetera. The old 907 is
[13] clear on this matter.
[14] Page 8 I call Bonita's Law. Internet-
[15] based business offices. This sentence should
[16] say something to the effect of will be
[17] restricted as or governed under the adult
[18] entertainment ordinance.
[19] I didn't -- well, whether I liked it or
[20] not, it was a strangely-worded change.
[21] The next thing was page 13, Pam
[22] Fleming's half-mile radius.
[23] **COUNCILMEMBER FLEMING:** It was Maria
[24] Alexander's.
[25] **MR. ANDERSON:** Maria Alexander's. I

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[1] apologize. Either way, it's done.
[2] Page 13, under Peachtree Road and Park,
[3] this is a smart comment by me but it's true
[4] nonetheless. MARTA -- under this document,
[5] MARTA would seem to be out of compliance with
[6] good zoning.
[7] Page 16, maximum. Shouldn't this be a
[8] minimum, minimum 35 feet in 907? And we're
[9] putting a maximum of whatever it is, 25 feet or
[10] so.
[11] And also should not the road
[12] centerline-based setback also be addressed so
[13] there's -- I find a maximum there to be -- the
[14] building has to be as close as possible to the
[15] road as possible. It's a strange -- strange
[16] ordinance.
[17] Page 16, maximum again. And this is
[18] something that Mr. Spangler referred to, I
[19] think, but it's another aspect of it. In 10-
[20] story buildings that are anywhere near adjacent
[21] to R1, the setback from the 10-story building
[22] needs to be five extra feet on top of the
[23] standard setback for every story that we go up.
[24] The five-foot-per-story rule, in my
[25] readings, is the minimum. I'd just as soon our

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ordinances were not minimums. A five-story gives basically a setback of -- say if the standard setback in this case was 20 feet, that would give a setback of 70 feet. If the setback was seven feet, it would give a distance of 90 feet.

If it was 10 feet, it would give a distance from the R1 property lines to the 10-story building of 120 feet. I think 120 feet is nowhere near -- well, it's barely far enough away to have a 10-story building next to your house. 70 feet would be -- you'd be looking up at it all the time.

And like I said, the five-feet-per story is the minimum that I read in my readings in this matter.

Page 17, under permitted uses, the reference to mini-storage should have a conditional uses referral. Otherwise, it just leaves you wondering where conditional uses or where mini-storage are supposed to be found. If you keep reading, you find it eventually.

Page 19 is Ben Crawford's freight elevator, which I thought was an appropriate comment at the last meeting.

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Page 20, there's a couple of maximums. Same one as the first one, from 5- to 25-foot fronts. 25-foot fronts are -- well, a car's -- a standard parking space is 25 feet long. A 25-foot front is definitely maximizing the building use on the property. It seems close to me. And it says the maximum that it can be back is 25 feet. That means that the building can be closer to the street than the length of a car if it's only recommended as a maximum 25 feet. You could have a five-foot distance from the business which is, you know, sidewalk distance, without -- anyway.

The other maximum on this page is the maximum impervious -- this one bothered me -- maximum impervious coverage of lots is 80 percent, he's got written here. I question if that is a good number for city and future planning. Page 16 of the document allows 80 and 85 percent impermeable space -- impermeable coverage.

I ask for Ronald's input, our stormwater person, and I comment that the old 907 document has 40 percent. So we've doubled the impermeable space or impermeable footprint

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of buildings.

This affects stormwater runoff, affects the water table. We've doubled the size of a building that can be put on the same lot, that will not absorb water, so I found -- found that a problem.

And those are my findings. Like I said, the basic information in the document is good as far as what should be in O-I and O-W, but there's some confusion in the reading or --

I look at a document so that it can be read by other people, not just planners, not just lawyers. When I read things, I try to make it -- try to think, if somebody's reading this, can they understand it?

And that's the basis of my comments, primarily. Questions? Any questions?

- - -

(No response)

- - -

MR. ANDERSON: That's it. Thank you.

MAYOR JENKINS: Mr. Crawford?

MR. CRAWFORD: Ben Crawford.

Mayor and City Council, actually I'm a proponent for this. I think it's a good

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document. I don't agree with Councilman Spangler and Bob Roche about changing it to five stories. I think 10 stories would be appropriate. That's just my own personal opinion.

I only saw one minor change that needed to be made, which just is a matter of a word. But other than that, I didn't really have a major problem with this.

And the only other thing I had a problem with was changing from one mile, which I think Scott originally had for the radius of the parking down there. I think it should be brought back to the one mile and not the half mile. I don't think that makes any sense at all. That's just my opinion on that.

MAYOR JENKINS: Next?

MS. HOFFMEISTER: Bonita Hoffmeister, Oakcliff Estates.

Honorable Mayor and Councilmen, I apologize. I've had some personal problems in my life so I haven't had the time to review this as Stuart has.

But I would like to remind you when we put the Pond document together we did a very

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[1] good job of doing the setbacks on the commercial
[2] area and the O&I. And I realize the O&I is not
[3] next to a residential area at this time, but if
[4] somebody requests a zoning ordinance revision, a
[5] zoning revision, and it does become next to
[6] residential, then it behooves us to be proactive
[7] today instead of reactive when that happens.
[8] For that reason, I request that you go
[9] back and look at the height next to residential.
[10] The Pond document that we had, a lot of time was
[11] put into that by the citizens and by the Council
[12] and by the Pond Company, and that is one piece
[13] of the Pond document that was very well put
[14] together, and several of you had a lot of input
[15] into that.
[16] Not one of us wants to wake up, find
[17] there's a rezoning and we're going to have a
[18] 10-story building right next to us.
[19] The only thing that I have is a
[20] question to Mr. Weed and Scott, and that is
[21] concerning the 80 percent. I realize in the
[22] downtown area, you do want high density, and you
[23] may, so I'm going to leave that up to your
[24] judgment.
[25] But my question is, does the flood

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[1] plain or does the waters of the State count
[2] towards that 20 percent that is permeable?
[3] **MR. HAEBERLIN:** Council, would you like
[4] for me to respond?
[5] **COUNCILMEMBER FLEMING:** Please.
[6] **MR. HAEBERLIN:** When I looked at
[7] impervious, obviously I'm acting off existing
[8] experience.
[9] The way I read your City Code right
[10] now, I'll be honest with you, when you look at
[11] the development situations in the city, it's
[12] really a hundred percent impervious. The only
[13] thing that your old code addresses is the
[14] building footprint. It ignores everything else
[15] that is impervious on the site. So hence, you
[16] have the development in the city which is
[17] essentially a hundred percent impervious.
[18] Now, these lot sizes are based on the
[19] minimum being outside of the wetlands and flood
[20] plain. So it is my hope that those areas,
[21] obviously, because they're surplus areas, will
[22] be part of the preservation of that 20 percent
[23] pervious area on the site.
[24] So that was the thought process of
[25] staff. Again, I'm moving away from a document

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[1] which essentially does not regulate at all
[2] impervious surface to actually taking down a
[3] full -- for example, 20 percent, to have 20
[4] percent green space.
[5] My hope again next is to rewrite the
[6] landscaping section of the ordinance to direct
[7] those people developing properties as to what
[8] exactly they should do with that pervious area.
[9] **MS. HOFFMEISTER:** I'm confused. Could
[10] you put that in laymen's terms?
[11] **MR. HAEBERLIN:** Sure. The next thing
[12] we need to do is to work on the landscape
[13] ordinance. I'm just providing numbers here, and
[14] this is zoning. Okay? The landscape ordinance
[15] is typically outside the zoning ordinance.
[16] In that zoning ordinance, I'm going to
[17] provide the necessary input to what we do with
[18] these pervious areas: for example, requiring
[19] landscape islands and parking lots -- as you
[20] notice, the city is essentially a sea of asphalt
[21] and there's no greenery -- making that area that
[22] was discussed the maximum of 25 feet but no less
[23] than five feet in accordance with traditional
[24] neighborhood design: moving things closer to
[25] the road, having entranceways on the road.

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[1] I'm not envisioning or allowing here,
[2] as you see, any possibility that parking would
[3] be placed in front of these structures. In this
[4] district, I'm attempting to move buildings
[5] closer to the road and to put the parking
[6] behind, and that's essentially the reason why
[7] the setback is written the way it is.
[8] If it's not required in the zoning
[9] ordinance, people will not willingly place their
[10] properties in a more modern perspective. They
[11] will continue to develop surface parking lots
[12] with buildings like we have constructed all up
[13] and down Buford Highway.
[14] **COUNCILMEMBER BATES:** Just so I'm
[15] clear, Mr. Anderson referenced the 40 percent in
[16] the current zoning under 907.
[17] **MR. HAEBERLIN:** Uh-huh.
[18] **COUNCILMEMBER BATES:** Your
[19] interpretation of that is that that stated only
[20] 40 percent of the property can be encumbered by
[21] the building.
[22] **MR. HAEBERLIN:** The building footprint.
[23] Does not address all the other built
[24] improvements. It's impervious.
[25] **COUNCILMEMBER BATES:** Okay. So as you

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[1] indicated and as we all know what we've got,
[2] we've got seas and seas of asphalt. This --
[3] **MR. HAEBERLIN:** Uh-huh.
[4] **COUNCILMEMBER BATES:** -- addresses the
[5] total impervious surface --
[6] **MR. HAEBERLIN:** Right.
[7] **COUNCILMEMBER BATES:** -- only allowing
[8] 80 percent of the total lot --
[9] **MR. HAEBERLIN:** Correct.
[10] **COUNCILMEMBER BATES:** -- to be
[11] impervious and 20 percent must be a pervious
[12] surface.
[13] **MR. HAEBERLIN:** Correct. And it's also
[14] the reason why, you'll notice, I have addressed
[15] the definition of "setback."
[16] You have a very antiquated definition
[17] of "setback" that's measured from the centerline
[18] of the road. Well, where is that? I'll be
[19] honest with you. Ten different people will
[20] provide 10 different answers.
[21] We require surveys and site plans now
[22] which require property pins to be placed and so
[23] the setback is now being measured from the pin.
[24] The improvements such as sidewalks and street
[25] trees and benches and things of that nature will

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[1] essentially be in the public right-of-way where
[2] they should be, and the improvements on site,
[3] the things that count in those percentages, will
[4] be located on site, not in the public right-of-
[5] way.
[6] **COUNCILMEMBER ROCHE:** Do any of these
[7] new definitions if we enact this apply to other
[8] zoning areas?
[9] **MR. HAEBERLIN:** Well, correct.
[10] You've already taken some work relative
[11] to that, and you have instructed us as well to
[12] work on the residential, and I am dutifully
[13] going to get the residential done as well
[14] because the setbacks imposed in the residential
[15] right now are completely not in keeping with
[16] what is built or what could be built in the
[17] city. It's too much of a hindrance.
[18] And as you will be aware, the
[19] centerline of a road, an existing-built road, is
[20] not necessarily the engineered centerline that
[21] would show on a survey piece of paper. You
[22] know, there are -- I don't want to say they're
[23] lazy road builders, but if you go back and look
[24] at the built improvement overlaid on the
[25] right-of-way, you'll generally find that the

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[1] road is nowhere near to the center of the
[2] right-of-way.
[3] And that's why I contemplated and fixed
[4] this item now that we have, you know, again, a
[5] very knowledgeable and almost full-time building
[6] official, and he agrees with me that we do need
[7] to start measuring from the property pins which
[8] is the appropriate location for setbacks.
[9] **COUNCILMEMBER ROCHE:** But I guess my
[10] question was this: Here on page 20, you have --
[11] well, it's actually not page 20 -- page 18
[12] maybe? -- it says maximum front lot -- front
[13] yard building setback, maximum rear yard
[14] building setback.
[15] **MR. HAEBERLIN:** Yes.
[16] **COUNCILMEMBER ROCHE:** If we enact this
[17] as it is, is that also -- these setbacks are
[18] also going to apply to R1?
[19] **MR. HAEBERLIN:** At this time, we've not
[20] chosen to change those sections. And they're
[21] very specific on how their setbacks are written
[22] right now.
[23] And I would agree with you, there will
[24] be some ambiguity until such time as we do fix
[25] that. But my intent is putting a definition in

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[1] there and providing for, as we've already
[2] provided for in M1/M2, C1/C2, this will now
[3] apply to O-I/O-W. And very soon, the
[4] residential, any misinterpretation that might be
[5] put forth will be gone because it will be simply
[6] stated the same way as this is stated.
[7] So in answer to that question, there is
[8] a little -- there might be considered as a
[9] little ambiguity, but if you read the
[10] residential districts right now, they're crystal
[11] clear. They still have setback from the
[12] centerline of the road only in residential.
[13] **COUNCILMEMBER ROCHE:** And I apologize.
[14] I didn't mean to butt into the public part.
[15] **MR. HAEBERLIN:** Sure.
[16] **MS. HOFFMEISTER:** My question to you
[17] still, Scott, is, if I buy a piece of property
[18] that is 20 percent flood plain, then am I
[19] allowed under this ordinance to build 80 percent
[20] of that property in an impermeable condition?
[21] In other words, I buy a property that's
[22] 20 percent flood plain. So I can build a
[23] hundred percent permeable on everything else
[24] that's left. Is that the way this reads?
[25] **MR. HAEBERLIN:** Well, remember you

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[1] don't get credit for -- in calculating the lot
[2] area, you don't get credit for what is in the
[3] flood plain, so you actually have larger
[4] properties that have more open space present on
[5] them to begin with. And certainly those
[6] properties that are flood plain will be able to
[7] be counted toward some landscaping and open-
[8] space criterion in the ordinance but they don't
[9] count to the minimum lot area. So if you buy
[10] wetlands in a flood plain, you're essentially
[11] creating open space for the city.
[12] **COUNCILMEMBER BATES:** So if it was one
[13] acre and 20 percent of it was flood plain, they
[14] would still be bound to do an additional 20
[15] percent of a pervious surface?
[16] **MR. HAEBERLIN:** Correct. Yeah. I
[17] think -- yeah, I think we're on the same --
[18] Yeah. Different semantics but we are on the
[19] same genre'.
[20] And again, in the past, I don't know,
[21] you know, again, how the development occurred,
[22] but generally I don't find much preservation of
[23] critical flood-plain areas in the city. And my
[24] intent is to -- if you buy a piece of wetlands
[25] and flood plain, guess what? You're creating a

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[1] nice big green space area for the City because
[2] there's really essentially nothing else you can
[3] do with it.
[4] **MS. HOFFMEISTER:** Thank you very much,
[5] Scott, for that.
[6] I would -- I have talked with -- my
[7] concern about the height on the buildings with
[8] Scott today, and he did recommend that we
[9] incorporate the setbacks as we had our research
[10] similar to what we did when this Pond document,
[11] to like I think it was the residential, and you
[12] have 40-foot setbacks, you were allowed 40 feet
[13] they could develop a two-story and then they had
[14] to go back another 40 feet and then they could
[15] build the next tier of building height.
[16] That was something we worked very hard
[17] on when we did the Pond document. I think it
[18] was a good recommendation. I would recommend
[19] that you either incorporate that in your C1/C2,
[20] O-I and O-W or that you come up with a building
[21] standards and criteria that incorporates that.
[22] Thank you.
[23] **MS. SHERLOCK:** Hi. My name's Cat
[24] Sherlock and I live in Northwoods. I appreciate
[25] the opportunity to basically ask some questions

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[1] if I may.
[2] I think maybe I misunderstood this and
[3] so I just want to clarify it. Are we enacting
[4] this ordinance that disregards most of the work
[5] we did on the Comp Plan, that disregards all of
[6] the community input, that disregards the
[7] community standards that we spent, I don't know,
[8] six to nine months with educational meetings and
[9] hearings and debates and re-editing and re-
[10] editing and re-editing until we came to the
[11] community consensus?
[12] Have I got that wrong?
[13] And I'm specifically thinking about the
[14] height of the buildings and I'm specifically
[15] thinking about the pervious and impervious
[16] square footage. I'm kind of in shock so I'm not
[17] using good nouns, but I'm just surprised. And
[18] I'm also wondering, you know, are we going to do
[19] this again in three more years, because I
[20] believe it's every five years, and we're going
[21] to go through that whole process again?
[22] I have to tell you, that would make me
[23] very cynical to go through that process again,
[24] and we haven't done it for 20 years, and then
[25] have ordinances enacted less than a year later

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[1] that totally disregard that.
[2] I was on the Planning Commission for a
[3] year. I went to the Community Planning Academy
[4] by the Atlanta Regional Commission, and I just
[5] have difficulty in understanding how that's
[6] congruent with our consensus a year ago. And I
[7] don't have the professional qualifications but I
[8] do have an interest and I am a property owner.
[9] And I'm also wondering, there does seem
[10] to be a problem in terms of some of the
[11] definitions. I'm uncomfortable with leaving
[12] those definitions loose and unclear before we
[13] move on to the next ordinance. I don't
[14] necessarily think they have to be clear to me,
[15] but what I've heard today is they're not clear
[16] and we're going to enact an ordinance where
[17] they're not clear to people with technical
[18] background and may leave us legally kind of
[19] flapping in the wind.
[20] I'm excited to have a revision but I am
[21] -- I don't even have an adjective for the idea
[22] of just, you know, it's a year later. We went
[23] through that process as a community. I remember
[24] having something like 300 people participated in
[25] that. And we did it because we were legally

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[1] required to do it and because we would have
[2] ordinances that were based on citizen input, not
[3] just somebody's technical background -- although
[4] I sure appreciate that.
[5] And I guess, to be honest, that's my
[6] question really to the Council. We have a city
[7] planner who's knowledgeable in his discipline as
[8] making choices based on his professional
[9] judgment. I don't know. I haven't heard that
[10] anybody's mandated that person to also include
[11] what planning has gone before and what we kind
[12] of told the State of Georgia we would do both in
[13] terms of water use, pervious -- I mean there's
[14] like 18 things that are impacted by this that
[15] haven't been addressed.
[16] Thank you.
[17] **MAYOR JENKINS:** Scott?
[18] **MR. HAEBERLIN:** Yes, sir.
[19] **MAYOR JENKINS:** Can you answer her
[20] question of does this go against the Comp Plan?
[21] **MR. HAEBERLIN:** I would be happy to
[22] address that.
[23] The Comp Plan as is adopted is a
[24] general guideline. And I'll be honest with you.
[25] I struggle every day with that document as

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[1] prepared. But nevertheless, it is adopted by
[2] the City and has many what I see as very glaring
[3] holes and it's representative generally of
[4] hiring consultants to do work that staff or
[5] inside assistants could better do. Again, no
[6] disrespect to those individuals.
[7] "Impervious" is not at all addressed by
[8] the Comp Plan in any real detail. However, I'll
[9] tell you something that is addressed is a town
[10] center, traditional neighborhood design, and
[11] that's been my focus on the rationale for trying
[12] to move buildings closer to the right-of-way:
[13] so we don't see seas of parking lot within the
[14] city, so that we see the front of, hopefully,
[15] with a new architectural ordinance, a very
[16] architecturally pleasing facility that's usable,
[17] that allows people to come in off the sidewalks
[18] -- hopefully, again, when we have sidewalks
[19] throughout the city -- to change the context of
[20] development in the city away from what it has
[21] been doing, which has worked for a number of
[22] years.
[23] But I'll be honest with you: It's not
[24] working now, it's not representative of other
[25] communities, and I don't think it's really, if I

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[1] understand the City Council's vision, working
[2] there.
[3] On the discussion of the height
[4] requirement on O-I, that was the only thing
[5] that's been discussed thus far that I think has
[6] any controversy or may be in conflict with the
[7] Comp Plan. And I'm not married to that height
[8] requirement.
[9] But the discussion of impervious,
[10] again, it's not addressed. The discussion of T
[11] and D design definitely is addressed, and that's
[12] the reason why I prepared this in this way. And
[13] hopefully, again, with more ordinances,
[14] landscaping -- which I think is critical, it
[15] needs to be done -- and an architectural
[16] ordinance, again a lot of these efforts can be
[17] achieved by those, but that's not the proper
[18] location for them in the zoning ordinance. So I
[19] have some work to do after this.
[20] Again, I'm not married to the height
[21] requirements, but I've heard nothing else
[22] tonight that I would see even as a potential
[23] conflict of the Comp Plan.
[24] **MAYOR JENKINS:** Does that answer any of
[25] your questions, Cat?

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[1] **MS. SHERLOCK:** That was an answer.
[2] **MAYOR JENKINS:** Okay. Mr. Crawford?
[3] **MR. CRAWFORD:** Ben Crawford.
[4] Actually, I was involved with the Comp
[5] Plan when it came in its inception, and
[6] everything else with the City, and I attended
[7] many of the meetings.
[8] And from what I understood, I believe
[9] Scott is correct, that that was just to be a
[10] guide for the city for five years. And it was
[11] explained to us at the time -- whether the
[12] people that did the Comp Plan or not did a great
[13] job or not, but it was explained to us at the
[14] time that it would be a living document, a
[15] guide; it would be updated as the city moved
[16] forward. And that was my understanding at that
[17] point when we had those meetings, and there was
[18] a lot of citizen input.
[19] **COUNCILMEMBER SPANGLER:** I believe the
[20] Comp Plan is redone every what? Ten years?
[21] **MAYOR JENKINS:** Said five, I believe.
[22] **COUNCILMEMBER SPANGLER:** I believe it's
[23] ten.
[24] **MS. FRAYSSE:** Right. Ten.
[25] **COUNCILMEMBER SPANGLER:** Ten?

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[1] **MR. CRAWFORD:** It was five, I believe.
[2] **COUNCILMEMBER SPANGLER:** No. It was
[3] ten.
[4] **MR. CRAWFORD:** (Inaudible)
[5] **COUNCILMEMBER SPANGLER:** No. We went
[6] over this last time. We didn't do it at ten
[7] years, so -- but it is every ten years that
[8] we're required to do that.
[9] **MAYOR JENKINS:** Stuart, you've already
[10] spoke 10 minutes. What have you got now?
[11] **MR. ANDERSON:** Stuart Anderson.
[12] To address the specific case, the
[13] permeable situation, this brings up another one
[14] of my pet peeves, I suppose. I read this and I
[15] see the 80 percent and I see the 40 percent.
[16] And once again, other people read it and they
[17] don't understand it either.
[18] Scott has come up and said that it will
[19] be fixed by landscaping and architectural.
[20] What I'm here to say is when I read
[21] this document, I want to see the cross reference
[22] so that I know what this 20 percent or this 80
[23] percent or whatever it is refers to so that I
[24] can then go to landscaping and know that that's
[25] how that changes the 80-percent number that I'm

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[1] looking at or I can go to architectural
[2] standards. Even though they aren't written yet,
[3] since he's writing the document, they should be
[4] cross-referenced to that section of the document
[5] so that those areas of concern and understanding
[6] are for the reader a place to find those pieces
[7] of information.
[8] And so what we've done tonight or what
[9] we've talked about highlights that fact, that
[10] there is no cross reference to landscaping and
[11] architecture when I read 80 percent and I'm
[12] concerned about the 40 percent. And I certainly
[13] know what Scott means about lots of parking
[14] lots, but -- so that's my point.
[15] **MAYOR JENKINS:** We have one more, Tom
[16] Hart.
[17] **MR. HART:** This is supposed to be about
[18] the O&I. You know, this statement by Jack
[19] Halpern earlier is something I've heard repeated
[20] probably about a hundred times this week on the
[21] telephone from people that live in the city,
[22] business owners, that basically I haven't been
[23] out of the house because I've been on the phone
[24] the whole time. They are just staggered by the
[25] lack of foresight, about not looking into

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[1] details when we make six-acre car lots and we've
[2] got brand new dealerships at four acres; about a
[3] complete lack of notifying these business owners
[4] and property owners and neighbors about changing
[5] the -- I mean people cannot go out of town for a
[6] week and come back and find their house is still
[7] there. I'm just appalled by the whole thing.
[8] But getting back to this O&I, when we
[9] did this Comprehensive Plan, it was with Roberts
[10] & Company, it was basically hammered out over
[11] many, many hours, lots of fighting, and finally
[12] it came down to a solution that everybody was
[13] happy with. And the town center incorporated
[14] three-story buildings -- I think they were 35/40
[15] feet high -- and it was quite distinct.
[16] The setbacks of major arterials like
[17] Buford Highway, Peachtree Industrial five feet
[18] from the property line -- I mean right-of-way
[19] gets to the point of being absurd. You're
[20] talking about because Buford Highway has been
[21] widened so many times, you'd have a store front
[22] basically up on top of the sidewalk. So we
[23] already have problems with cars running over all
[24] those lights on Buford Highway and running over
[25] the curbs. They're going to be in the front of

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[1] the store fronts. Minor arterials or side
[2] streets, fine. But this document is not even
[3] close to being well thought out.
[4] And I think that the C1/C2 review, the
[5] M1/M2 review, I mean I'm appalled by the fact
[6] that it hasn't been given a presentation through
[7] the Planning Commission like we originally
[8] passed that document. A hundred percent of that
[9] Council and Mayor voted for the Planning
[10] Commission to review these major events like
[11] zoning ordinances, buildings that were over an
[12] acre, and this Mayor and Council have decided to
[13] totally disregard any of those facts.
[14] So just passing this thing without a
[15] public review by the Planning Commission where
[16] people can, in a less severe setting, state
[17] their opinions, to review this document and
[18] compare it to the Comprehensive Plan where they
[19] have time to look at it, I just -- I think the
[20] city right now -- you look at Buford Highway.
[21] We got Midas Muffler Shop. They left. Drive
[22] Time, they left. Butler Tire. They're gone.
[23] The major BMW, it's one city block over there on
[24] the Dunwoody side. They've closed.
[25] This city is imploding right now, and

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we have a Council -- and we're right in the middle of the worst recession probably since the Great Depression -- that has total disregard for the citizens of this area and total disregard for the business community.

Thank you.

MAYOR JENKINS: Anybody else?

- - -

(No response)

- - -

MR. HAEBERLIN: I'd like to be again very clear based on some of the commentary.

There has been ample opportunity since the last City Council meeting, which I believe was January 5th. This has been loaded on the City Web site. In fact, we stated that night that it was to be loaded on the Web site.

Some of the ordinances that have been discussed as being law are probably not law. I mean we've looked into those, and you're fully aware of that.

There's been some procedural hiccups in the past when the City Council has adopted -- excuse me -- yes, when the City Council has adopted some items that need to be looked into.

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And again, I'm not saying that they're right or wrong, but there are some situations.

So to that end, I'll just be very frank with you. This is a living document. If something in here doesn't work, again, I'm not married to it. It's my recommendation to you. It is a living document. If you find that it doesn't work, we'll change it.

But I don't think the substance of the ordinance, I don't think -- I'll be honest with you. There's 95 percent of this ordinance, the discussion has arisen because of the specificity.

Where you had a very broad document that basically allowed anything before, you have such specifics now. We've addressed every single business you could possibly think of. The word "day care" is a fine example. Day care did not exist probably let's say 1965/70, and that's a common term now. So it's a business, something to recognize. The specificity that we put in here has drawn a lot of attention and a lot of criticism of it, again.

But I think this document has been prepared and is representative of the need to

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correct existing deficiencies. And to be honest with you again, it leads you more toward traditional neighborhood design, and that is having streetscapes rather than having shopping centers. This document does that much more than what you have in existence.

And so to that end, I still recommend that you approve this document. Again, I'm not married to any specifics. If there are specific items we'd like to go over, I'm fine with that.

MAYOR JENKINS: Anybody have any comments at the table?

COUNCILMEMBER FLEMING: I previously emailed Scott in regards to my comments, and he did email me back. Mine also was a comment that Mr. Anderson made. I was having -- you know, I blamed it on being ill, but even when I go back and re-read, it is confusing in the detail area of having the prohibited uses intermingled with approved uses. So that's one thing I was having difficulty reading and didn't like it at all.

I just wanted to make that comment. I just feel that those need to be taken out and listed as a separate heading as prohibited uses after the conditional uses.

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MAYOR JENKINS: Bob, do you have any comments?

COUNCILMEMBER ROCHE: Just in general.

I mean I know we've been through the C1/C2 and M1/M2 and this document. And you know, one thing I learned very quickly about sitting up here is that if I want a hundred percent, I'm going to be very disappointed.

I can quibble with some things in the document, particularly some things that were mentioned here. There's some other things that, you know, I flatly disagree with, frankly.

But one thing that I am concerned about, and it's been mentioned by a couple people, when this started happening, when these ordinances were starting to be rewritten, I mean the efficiency part of me was like I'm so glad we're getting this done. We're making some progress.

I remember the last couple years, because I attended just about every single meeting in 2007 -- I think the only one I didn't go to was the zoning ordinance meeting, and I thought I just don't want to go through that, you know. But I remember all the pain and all

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of the arguing and everything. Everyone seemed to agree that something was wrong, but, you know -- and there was a lot of work done, and I'm concerned about that.

I'm also very concerned -- and it's on the agenda a little bit later -- about the review through the Planning Commission, and everything that we did before, you know, went through the Planning Commission, and I'm concerned about the process.

I'm concerned about, again, people saying that, you know, we didn't know about this. You know, when this kind of started way back in -- I think there was a meeting on September 25th that I was at the time sick in bed. And if I remember correctly, the agenda said zoning issues but we ended up passing something like four or five different fairly serious zoning ordinance changes.

And my main concern, I mean without even addressing the content of this or the other stuff, I think we're getting ahead of ourselves. I think that, on the one hand, it's great that we got some things done. I'm very concerned about the notification or lack of notification

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or even just the perceived lack of notification on this, and I'm concerned that maybe people did not get a chance, a sufficient opportunity to address this in C1 and C2 and this.

MR. HAEBERLIN: Sir --

COUNCILMEMBER ROCHE: Doesn't mean I would change my opinion necessarily about the content of these documents, but I'm frankly very concerned about that.

COUNCILMEMBER BATES: Well, with all due respect, this has been on the agenda since December 15th. So this is the -- 15th -- yeah, this is the third public hearing that has been scheduled. The O-I/O-W ordinance has been available to us and to the citizens and whomever else wants it since prior to that date.

I think there's been ample time. This is now our second public hearing. It's been posted on the Web site since then. I've had a chance to thoroughly review it and provided my comments to Mr. Haeberlin prior to the 15th of December. So I appreciate your comments.

COUNCILMEMBER ROCHE: I'm speaking in general; not just about this one, but the C1/C2 and the other zoning ordinance changes that have

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been made.

MR. HAEBERLIN: Again, notice was provided in accordance with Georgia law and that's all I can say. That's all I can do.

If I step out of that venue and I go to one specific individual and notify them differently than any other individual I have notified, I'll be honest with you, you could have me -- I certainly could be the target of a lawsuit, and I'm not going to do that.

I think that we have disseminated this information time and time again. Mostly, we hear from citizens. We don't normally hear from business owners, actually property owners, somebody who owns something in O-I/O-W or C1 or C2 or M1/M2. So to that extent, there's been ample notification which is required.

The only substantive discussion that I heard tonight is the discussion on lowering the building height in O-I/O-W to five stories, and that seems to be the only thing consistently that's drawn any alarm from anyone up here. And like I said, I'm not married to that height, and if you'd like to change it to that if that's what's necessary to adopt this document --

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Remember, every day that we go on without passing this is one more thing that sneaks into the city that falls under the general and very broad parameters of O-I/O-W.

COUNCILMEMBER ROCHE: Well, my comments were more general than just this particular O-I/O-W, because you're right. I mean Councilman Bates is correct. We did delay this and put it off and give other people a chance to come in on it.

But I'm just concerned about the lack of citizen involvement in our current process.

MR. HAEBERLIN: Oh, I think there's been plenty of citizen involvement. I beg to differ. Generally these meetings, the perception is that they're being run by the citizenry. And again, that's no disrespect to you guys.

Everybody had an opportunity, and they were told at the last meeting, send your comments in writing to the City Council. Okay.

There's tons of news groups in the city. We received one page of comments from one citizen, and he did speak tonight.

COUNCILMEMBER ROCHE: Again, my

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[1] comments were general about C1/C2, all the other
[2] stuff, not specifically this one.
[3] **COUNCILMEMBER FLEMING:** But I would
[4] like to ask a question in regards to
[5] notification.
[6] So this is an O-I/O-W, which none of us
[7] live in, okay, but yet we as citizens,
[8] residents, are speaking, but we haven't notified
[9] the O-I/O-W present occupants --
[10] **MR. HAEBERLIN:** And we can't do that.
[11] **COUNCILMEMBER FLEMING:** -- that we are
[12] even having this.
[13] **MR. HAEBERLIN:** And we can't do that.
[14] **COUNCILMEMBER FLEMING:** And therefore,
[15] we go back to Mr. Halpern and his comments
[16] tonight, and I am very concerned about that in
[17] that C1/C2, though I voted yes for that
[18] ordinance, if that's what's going to happen to
[19] his property, the City of Doraville and its
[20] revenues are going to take a major hit. And we
[21] did not notify them, C1/C2's, that we were
[22] having a zoning ordinance change.
[23] **MR. HAEBERLIN:** We notified --
[24] **ATTORNEY WEED:** Let me address this
[25] part because this is in my realm.

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[1] We complied with 36-66-4 of the
[2] Official Code of Georgia. That's the Zoning
[3] Procedures Act. That sets out very clearly what
[4] the notice requirements are -- the advertisement
[5] that's got to be run, how often it's got to be
[6] run, signage or no signage. It's written right
[7] there in black and white in numerical order.
[8] That has been accomplished.
[9] Can you choose to do more? Yes, you
[10] can. The problem inherent in that is procedural
[11] due process underneath the 14th Amendment of the
[12] Constitution of the United States.
[13] Because we are humans, there's no
[14] perfect notice. If you elect to, for example,
[15] send everyone in an affected area a letter, what
[16] are you going to base that on? Will you base it
[17] really upon 911 addresses? Will you base it
[18] upon the last known owner of the last known lot?
[19] What happens if a new tenant leaves the very day
[20] the letter comes in and -- you know, old tenant
[21] leaves and a new tenant comes in?
[22] There is no perfect notice. That's why
[23] the legislature wisely set out what the notice
[24] would be, because all we can do is make it as
[25] close as we can. When you put it in the

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[1] newspaper, it's good enough. When you post a
[2] sign, it's good enough. Is it perfect? No,
[3] ma'am, but it will never be perfect.
[4] So unfortunately, you have to stick
[5] with what's good enough, and if we go too much
[6] beyond that, we are building a trap to put our
[7] foot into in my opinion.
[8] **COUNCILMEMBER FLEMING:** I don't mean to
[9] go on a wild goose trail here, but I commented
[10] today in an email to all of us in regards to
[11] once it's printed, scanning it and putting it on
[12] the Web site --
[13] **ATTORNEY WEED:** Any document --
[14] **COUNCILMEMBER FLEMING:** -- and then
[15] putting it on -- the actual -- we cut it out of
[16] the newspaper and we post it on our door.
[17] **ATTORNEY WEED:** There's nothing wrong
[18] with doing that. What I would like you not to
[19] do is make that -- put it in the form of an
[20] ordinance.
[21] Once again, every time you build a
[22] better mouse trap, you may be the mouse who's
[23] caught in the trap. If you comply with the
[24] State law, you've complied with the State law.
[25] And that is the best notice that you can do, in

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[1] my opinion. If you do more, more opportunity
[2] for mistakes to be made.
[3] **COUNCILMEMBER FLEMING:** I understand.
[4] I just --
[5] **COUNCILMEMBER BATES:** As I shared with
[6] Bill and Jimmy -- I spoke with them Friday
[7] because they wanted to talk about the whole
[8] thing -- there is a solution to this that is not
[9] a legal one, and that's where the business
[10] community get together and organize a business
[11] association that works together and creates that
[12] conversation and has that mechanism to get word
[13] out very quickly to their associate members
[14] regarding upcoming events and activities that
[15] may impact them and give them a voice to talk to
[16] the Council and the Mayor as a collective voice
[17] as a business association.
[18] The city has not got that. That is a
[19] -- in my opinion, a very critical piece that
[20] needs to be generated and created by them, for
[21] them, to better them, certainly as a component
[22] of interacting with us.
[23] So I hear you and I appreciate that and
[24] I share those concerns. That, to me, is a
[25] viable solution for the business community to

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have a say in how government functions in a jurisdiction of which they have no say. And that's a concern, and I shared that with them when I met with them Friday.

COUNCILMEMBER SPANGLER: I thought we already had a business association.

COUNCILMEMBER BATES: We do not.

COUNCILMEMBER SPANGLER: Mayor?

MAYOR JENKINS: We tried a business association, and there was no concern at the time. The first meeting we had, we might have had 10 people. Then it got to five people. And I tried it in three different times of the day so that the business people could come in. And it got to the point that I had food and everything here, and nobody was interested.

COUNCILMEMBER BATES: And let me be very clear -- and I don't mean to cut you off, Mr. Spangler.

MAYOR JENKINS: That's all right.

COUNCILMEMBER BATES: But in my opinion, a business association runs independently of city council and of the city. They operate --

MAYOR JENKINS: Well, I did try.

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COUNCILMEMBER BATES: I understand, sir.

But they operate of their own, because anything that's run by this, by the government, will taint the process. They need to have their own voice that is not encumbered by being run or involved or active in the daily operations of City Hall.

So I apologize, Mr. Spangler. I didn't mean to cut you off.

COUNCILMEMBER SPANGLER: I agree with that, but I would like to ask Mr. Cushman.

Were you aware or Mr. Halpern aware that there was a business association at one time?

MAYOR JENKINS: I sent a letter --

MR. CUSHMAN: At one time --

MAYOR JENKINS: -- to all the businesses.

MR. CUSHMAN: -- about a year ago.

COUNCILMEMBER SPANGLER: Sir?

MR. CUSHMAN: A year, year-and-a-half ago.

COUNCILMEMBER SPANGLER: About a year, year-and-a-half ago?

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MAYOR JENKINS: Yeah. I sent a letter to all the businesses, and it was just set up so that we could talk about --

MR. CUSHMAN: We attended --

MAYOR JENKINS: -- what the City wants out of the businesses and what the businesses want out of the City.

COUNCILMEMBER SPANGLER: I'm sorry. What did you say, Mr. Cushman?

MR. CUSHMAN: I did go to the one meeting.

COUNCILMEMBER SPANGLER: Just one of the meetings?

MR. CUSHMAN: I'm not aware if it's still going on.

MAYOR JENKINS: He did.

MR. CUSHMAN: But it was one of them, and I believe there were two business associations.

COUNCILMEMBER SPANGLER: So we did make an attempt, Mayor, to have --

MAYOR JENKINS: Yes.

COUNCILMEMBER SPANGLER: -- an association?

MAYOR JENKINS: Maybe I should have

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kept on and not give up, but it just seemed like it was impossible. And I understand the businesses -- a lot of them run their own business and they have to be there during the time their store is open.

But it didn't work, so that's all I can say about it.

MR. HAEBERLIN: I would like to make one thing clear for the record. If you go back to the pre-existing zoning ordinance and you look in C2, C2 is the only place where warehousing and wholesaling were ever addressed, and it says "incidental to." It says incidental. These businesses are clearly not incidental. They're 100 percent wholesaling or warehousing.

So "incidental" was the word in the previous ordinance where it actually allowed it in only one location, which was C2. So I want to make that clear for the record.

People are very confused on this issue. Some of these things that are here today, I don't know how they got there. Apparently somebody was not reviewing the terminology "incidental."

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But returning back to the O-I/O-W, like I said, the only thing that I see of the discussion which has not already been hammered out and discussed at length in emails and in public meetings -- and I actually have advertised O-I/O-W twice 45 days prior to December 15th, so it's been running since December 15th.

So the only substantive item that I see is the discussion of the building height, and again, I'm not married to that.

COUNCILMEMBER BATES: And on that note, Mr. Mayor, I will make a motion to adjust the building height to five stories.

COUNCILMEMBER SPANGLER: I think three is what we had in the Comp Plan, Mr. Bates.

COUNCILMEMBER BATES: I appreciate that, and I will stand by my motion to make it five.

MAYOR JENKINS: Do I get a second?

COUNCILMEMBER ALEXANDER: I second it.

ATTORNEY WEED: Mr. Mayor, before you do that, could you actually close the public portion of the hearing? I didn't hear that.

MAYOR JENKINS: Actually, we went well

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over on the time.

ATTORNEY WEED: Yes, sir, I know that. I understand that. But I didn't hear that part of it closed, and I'd like to have that done.

MAYOR JENKINS: Well, do I need a motion on that?

ATTORNEY WEED: No, sir, you don't need a motion. I think you just need to make an announcement from the bench.

MAYOR JENKINS: Okay. I will make an announcement from the bench that the public hearing is closed.

Now I have a motion and a second.

COUNCILMEMBER FLEMING: Ms. Calvert had her hand up, Mayor.

MAYOR JENKINS: Yes, ma'am. What did you want to speak on?

COUNCILMEMBER ROCHE: Are we going to go from the public --

ATTORNEY WEED: I'd like you to, Mr. Mayor.

MS. CALVERT: It hasn't been closed.

MAYOR JENKINS: I cannot open it back up.

MS. CALVERT: Oh, it has been closed.

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Okay.

MAYOR JENKINS: It's been closed.

MS. CALVERT: Okay.

COUNCILMEMBER ALEXANDER: You can open it back up, can you not?

ATTORNEY WEED: Yeah, you can. You most certainly can.

In fact, I would recommend that anybody who has anything to say about this ordinance, please say it.

MAYOR JENKINS: Well, I gave everybody a chance.

ATTORNEY WEED: And let us move on to making a decision about the ordinance.

MAYOR JENKINS: Don't blame me for that one. I gave everybody a chance.

ATTORNEY WEED: No, sir. I'll take responsibility for that.

COUNCILMEMBER ROCHE: Do we need a motion to reopen the public portion?

ATTORNEY WEED: No, sir, I don't believe you do.

MAYOR JENKINS: I will reopen the public portion.

COUNCILMEMBER ROCHE: Thank you, Mayor.

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MS. CALVERT: Well, I think back over the years of how Perimeter Mall probably looked as farm land. And I'm looking now at the advancement that perimeter area has, and I'm wondering if our making our ideas of low buildings is to our benefit to our future.

I would like to see tall buildings. There are homes all over perimeter area, and they are looking up at these tall buildings, but, oh, look at the revenue all those buildings are bringing in. Are we looking for our future or are we looking for what we want to see just for now? I probably won't be around for that future.

MAYOR JENKINS: Thank you.

Anybody else, come on up.

MS. CRAWFORD: Susan Crawford.

I would like to back up what Ginny just said. I don't think we should limit ourselves any more than we absolutely have to when it comes to the height of the buildings, and I thought we discussed this at length before.

That's my two cents' worth.

MAYOR JENKINS: Thank you.

Anybody else?

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MR. HART: I think there's a lot of confusion about the height of these buildings. We're talking about 10-story buildings and we're talking about between New Peachtree Road and Buford Highway where there's a large commercial stretch that you could build a 20-story building if you wanted to. I mean that's in the commercial district.

We're talking about the O&I town center where on top of the hill it was restricted to two- and three-story buildings with the retail on the bottom and professional offices over the top of it, and that was the Comprehensive Plan and that was the LCI plan. There was no restrictive height of the buildings. It was just the tall buildings went in an appropriate area.

Sixty percent of the city is commercial, okay, and so you don't want a 20-story building in every square inch of the city. So there was a town center that gave a feeling of a town center with a height restriction of three stories, not five, and if you wanted to build a 20-story building, you've got half the city to build it on.

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So please look at what your -- you know, the Comprehensive Plan map, figure out where you're going, and vote appropriately.

But having a store with a five-foot setback on the right-of-way of Buford Highway, I don't think you understand where the right-of-way is. It doesn't even allow for a six-foot-wide sidewalk in front of it. When they put the sidewalks on Buford Highway, GDOT had to buy a sliver of land basically from one end of the city to the other just to accommodate the sidewalks they have now.

If you knew what your -- I mean just the basic understanding of how to construct the city is lacking here when these people make these judgments and make these statements like, "I want to be like Perimeter Mall." You know, the Ravinia was built over there and they got 20-/30-story buildings over there because it's in an appropriate area. In the town center part, you don't have a 20-story Macy's store there.

You just have to use these height restrictions in appropriate areas. Behind Donna Pittman's house, I don't think we want a

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10-story building shadowing her house. When we talked about it, we talked about three stories. I want everybody to recall the conversations that were had. A lot of people spent a lot of time on this, went through a lot of detail, and then, you know, blow it off like nothing happened.

And as far as this notifications of business, I haven't found one business that had any idea their 10-million-dollar investment just got blown out, all due respect to our city attorney.

ATTORNEY WEED: I just follow the law, sir.

UNIDENTIFIED SPEAKER: Well, it's legal.

MAYOR JENKINS: Anybody else?

MS. KOONTZ: I wasn't going to say anything but --

MAYOR JENKINS: Come on up.

MS. KOONTZ: Steph Koontz from Oakcliff. The Comp Plan. Any of you-all that were around -- I know Donna was and Bob was for sure -- at all those meetings, we went round and round and round about the town center, not

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filling it up with super high-density stuff like we're talking about. And finally, everybody agreed you could build all this tall, high-density stuff everywhere else but let's keep the town center a town center.

And if you look at like Suwanee and these other places and Decatur, they don't have 10-story buildings jammed right together up in the town center. It goes out from the center of the city, and you've got the center that's lower-level buildings.

And we did it in the Comp Plan, and like Cat said, now it's like we're just throwing all that work and seems like other work that's been done years ago just in the trash can.

And that's my comment.

COUNCILMEMBER PITTMAN: Scott, there was a great deal of talk about the neighborhood not directly behind me but Mr. Ambrose and that particular neighborhood right there -- about keeping that three foot [sic] and they were going to have that area stay three foot even if we include --

COUNCILMEMBER FLEMING: Three story.

COUNCILMEMBER PITTMAN: What did I say?

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Three foot? Three story. I'm sorry.
So I'm wondering, did we change that? Because that was a special area that they had put only for three foot.
MR. HAEBERLIN: Again, I'm really confused. Again, remember we're on O-I/O-W now, and I don't see any O-I or O-W adjacent to where I know your dwelling to be. So again, I'm pretty confused on that.
Most of the O-I is City property; right? The rest of the O-I or O-W, is it compatible with the land use? Well, I encourage you to go out and look.
The ideals of the Comp Plan, have any of them been realized through the rezoning or development of those properties? No. Again, it was a platform. Okay? So to achieve that Comp Plan, we need to do some severe changes to the existing zoning of the property, much less our codes, so --
COUNCILMEMBER PITTMAN: I am just really concerned about that particular area, three-story versus five-story, because the neighborhood there was very, very concerned about that. And I believe at the time there was

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-- that particular area was set aside from the other to remain three foot. I mean three story.
MR. HAEBERLIN: Yeah. The only area that is near, again, where I know you live is actually zoned C2 and is not zoned O-I or O-W.
And the rest of the O-I -- the only O-I that I see that really, really directly impacts a neighborhood is about three places -- Chestnut at Homeland, on Flowers, and to some extent the location where I believe Star Towers was to be built, which was approved I believe at 10 stories.
So again, you know, you have actions of prior councils that are directly contradictory to the Comp Plan that has been so eloquently discussed here tonight.
ATTORNEY WEED: Mr. Mayor, if I may, I'd like to address the audience very briefly.
Is there anyone else here who would like to comment on the O-I/O-W ordinance? Please speak now or forever hold your peace.
MAYOR JENKINS: Thank you.
ATTORNEY WEED: Mr. Anderson I believe would like to make an initial comment, Mr. Mayor.

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MR. ANDERSON: I brought up the height issue for, as Bonita mentioned, the relevance to setbacks from R1 and to safeguard that situation.
I also ask the City Council to consider the 13 items that I brought up and not just blow them off, I guess.
And I wasn't going to bring up the notification situation, but everybody else keeps doing it, and it's been an issue of mine for some time. I was going to bring it up in citizens' comments.
But if we can't -- if we have to notify in The Champion that nobody reads, perhaps we could change this procedure and make our legal organ the one that people around here read, perhaps the --
COUNCILMEMBER BATES: We can't.
ATTORNEY WEED: We looked into that.
COUNCILMEMBER PITTMAN: But I have said in several meetings and requested that it be sent to The Dekalb Neighbor because they do print those.
MR. ANDERSON: In both them. That's my --

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ATTORNEY WEED: You could do both.
MR. ANDERSON: Both. All three, all six, yeah.
And the other thing is the last attorney was tasked with doing an ordinance about sending out letters to people within a thousand yards of any zoning or variance change. And I've been asking for that forever, and I just address it here. I apologize, Murray, because it is a C1-C2 thing that Halpern brought up, and I wasn't going to mention it until -- but it's been mentioned numerous times, and I'm for letting people know.
COUNCILMEMBER PITTMAN: And I believe Mr. Howe has been sending that -- is that correct? -- to the Dekalb?
MR. HOWE: They do.
COUNCILMEMBER PITTMAN: Yeah. And I believe they do print those. I've seen them several times.
MR. ANDERSON: Certified. A certified letter you'd get back if they didn't receive it, and then you'd know they hadn't received it; that sort of thing, and I --
But I also -- I just ask you to please

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consider the 13 items that I brought up. Scott has addressed the five-foot setbacks from the street and some of the rest of this, but some of it hasn't been discussed at all.

MR. CRAWFORD: Ben Crawford.

Now I'm a little bit confused. I work for a government agency, and we have rules that get passed every year, and it's up to the people that do business with the State to be aware of what the rules are. They get posted on our Web site. And you do business, you have to keep track of what you're doing. And that's the way it works within city government, too, I assume.

So I don't know. I don't understand. You know, we should be doing what's required. We have rule changes that we made; we're required to publish it and then hold a public hearing. And a lot of public hearings -- I haven't had one that I've held a public hearing where anyone's ever showed up.

MAYOR JENKINS: Thank you, Ben.

Anybody else? Going once.

- - -

(No response)

- - -

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MAYOR JENKINS: I'm going to declare the public hearing closed.

Okay. What's the next step, Scott?

We do have a motion on the table if you want to follow through on it.

MR. HAEBERLIN: I think the motion was Councilman Bates, the second was Ms. Alexander.

ATTORNEY WEED: And that motion simply dealt with the height.

COUNCILMEMBER BATES: That is correct.

MR. HAEBERLIN: You're referring to page 16 of the document that you presently have in front of you, maximum building height.

COUNCILMEMBER PITTMAN: And so that will include that particular area I'm talking about?

MR. HAEBERLIN: Well, like I said, I'm not familiar with this area that's adjacent to your property zoned O-I.

COUNCILMEMBER PITTMAN: Well, maybe I'm confused, then.

COUNCILMEMBER FLEMING: Donna, this is where the (brief, inaudible conversation).

COUNCILMEMBER SPANGLER: Wouldn't it be a good idea, Scott, to postpone this one more

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time? I know you're going to say no, but I think for the benefit of --

COUNCILMEMBER PITTMAN: I got it. It's on the other side.

MAYOR JENKINS: Okay. Hold on.

Did you get the answer to your question?

COUNCILMEMBER PITTMAN: Yes. The document I had does not show that, but this one does, so we're good.

MAYOR JENKINS: We're good. Okay.

Do you want to hold that motion?

COUNCILMEMBER BATES: Yes, sir.

MAYOR JENKINS: Okay. I got a motion and a second.

COUNCILMEMBER FLEMING: I'm sorry. Say what you commented again, please, so I can write it down.

MR. HAEBERLIN: Motion was by Councilman Bates and seconded by Alexander regarding building height on page 16, maximum building height, to move it to five stories, and the rest of the terminology would stay exactly the way it is -- subject to FAA approval, et cetera.

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COUNCILMEMBER ROCHE: So we need discussion of this motion?

MAYOR JENKINS: Discussion.

COUNCILMEMBER ROCHE: Frankly, my concern is more with the way the map is laid out. There's O-I areas, for instance, that are -- these are O-I's that directly abut R1, and particularly in Northwoods, and there's Star Towers, and there's another piece of O-I that's just down there. I think it's on Wilton. I can't see the street name from here exactly.

I mean I'm more concerned about the area than the height restriction itself. Personally, I don't want to look out my back -- sit on my back -- you know, my deck and see a 10-story building there.

MR. HAEBERLIN: I do apologize. I did misspeak, and I was looking so quickly at the map. The actual Star Towers property as proposed is C2. The O-I is across the street from that. So I want to make that clear, I did misspeak.

COUNCILMEMBER ROCHE: Okay. That's fine.

MR. HAEBERLIN: Okay.

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[1] **COUNCILMEMBER ROCHE:** The point is,
[2] though, that as you mentioned a couple meetings
[3] ago -- and for the record, I'm comfortable with
[4] the notification for the O-I/O-W, still not
[5] comfortable with the lack of the Planning
[6] Commission, but whatever.
[7] **MAYOR JENKINS:** Bob, can I say
[8] something? I don't think his motion is going to
[9] make a motion to accept this whole --
[10] **COUNCILMEMBER ROCHE:** No, I understand.
[11] **MAYOR JENKINS:** -- thing.
[12] **COUNCILMEMBER ROCHE:** And what I'm
[13] saying is I'm trying to explain why I think I'm
[14] going to support this motion to bring it to five
[15] stories, and that's because these two O-I areas
[16] literally share a property line with houses in
[17] my neighborhood, and personally I think I would
[18] rather have them at five stories than 10
[19] stories.
[20] **MAYOR JENKINS:** Anymore discussion?
[21] - - -
[22] (No response)
[23] - - -
[24] **MAYOR JENKINS:** Call the roll, please.
[25] **CLERK BLACKMON:** Councilmember

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[1] Alexander?
[2] **COUNCILMEMBER ALEXANDER:** Yes.
[3] **CLERK BLACKMON:** Councilmember Bates?
[4] **COUNCILMEMBER BATES:** Yes.
[5] **CLERK BLACKMON:** Councilmember Fleming?
[6] **COUNCILMEMBER FLEMING:** Going from 10
[7] to five; is that correct?
[8] **MR. HAEBERLIN:** Yes, ma'am, but the
[9] rest of the wording as specified. So if the FAA
[10] will not approve five, it'll be less.
[11] **COUNCILMEMBER FLEMING:** Yes.
[12] **CLERK BLACKMON:** Councilmember Pittman?
[13] **COUNCILMEMBER PITTMAN:** Yes.
[14] **CLERK BLACKMON:** Councilmember Roche?
[15] **COUNCILMEMBER ROCHE:** Yes.
[16] **CLERK BLACKMON:** Councilmember
[17] Spangler?
[18] **COUNCILMEMBER SPANGLER:** No.
[19] **MAYOR JENKINS:** Rhonda, what have we?
[20] **CLERK BLACKMON:** Sir?
[21] **MAYOR JENKINS:** What was the --
[22] **CLERK BLACKMON:** Five to one in favor.
[23] Carried.
[24] **MAYOR JENKINS:** Okay.
[25] **COUNCILMEMBER ROCHE:** Okay. There was

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[1] one other issue I keep bringing up.
[2] I think that a veterinary clinic, as
[3] long as it's fully-enclosed is fine in O-I/O-W
[4] area, and I would like to make a motion to add
[5] -- take out the part of the language that says
[6] except veterinary clinics and be able to include
[7] veterinary clinics in O-I -- fully-enclosed
[8] veterinary clinics within O-I/O-W.
[9] **COUNCILMEMBER SPANGLER:** Mr. Roche, did
[10] you want this to go back before the Planning
[11] Commission before we --
[12] **COUNCILMEMBER ROCHE:** I would love for
[13] that to happen but --
[14] **COUNCILMEMBER SPANGLER:** Okay. I want
[15] to make a motion.
[16] **COUNCILMEMBER ROCHE:** But I got another
[17] motion first.
[18] **COUNCILMEMBER SPANGLER:** I'm sorry.
[19] **COUNCILMEMBER ALEXANDER:** But they've
[20] already had time to review it.
[21] **COUNCILMEMBER ROCHE:** I don't have a
[22] recommendation from the Planning Commission. Do
[23] we have a recommendation from the Planning
[24] Commission on O-I/O-W?
[25] **MR. HAEBERLIN:** No, sir, because it's

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[1] currently not required.
[2] **COUNCILMEMBER ROCHE:** I understand.
[3] But anyway, let's deal with the
[4] veterinary hospital first.
[5] When I grew up as a kid, that was
[6] usually the local veterinarian, and I don't see
[7] there's a problem with having one of those near
[8] the neighborhoods.
[9] **MS. HOFFMEISTER:** If they're enclosed
[10] and soundproofed.
[11] **COUNCILMEMBER ROCHE:** Enclosed and --
[12] yes, absolutely.
[13] **COUNCILMEMBER BATES:** Mr. Haeberlin,
[14] they're currently allowed for in M1?
[15] **MR. HAEBERLIN:** They are in -- I can't
[16] recall the text on M1.
[17] The one I looked at today was C2
[18] because there is a facility that was previously
[19] a veterinary clinic that's actually zoned C2,
[20] which is proximate to the core center of what
[21] people are calling the proposed town center.
[22] There is a piece of property already zoned C2
[23] that was actually built as a veterinary clinic
[24] that's currently eligible -- you know, obviously
[25] with getting a business license -- to have a

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[1] veterinary clinic there.
[2] **COUNCILMEMBER ROCHE:** Well, I know my
[3] personal feelings aren't supposed to draw into
[4] this, but about 14 years ago I nearly killed my
[5] cat accidently by dipping it. And by taking it
[6] to the veterinary clinic every eight hours for a
[7] cortisone short, the cat was much -- you know,
[8] obviously survived. She still hasn't forgiven
[9] me.
[10] But anyway, I make the motion that we
[11] allow fully-enclosed, soundproof veterinary
[12] clinics in O-I/O-W.
[13] **MR. HAEBERLIN:** Sir, would you
[14] entertain making that as a conditional use in
[15] case there is a unique situation -- you know my
[16] feelings on this, but a unique situation where
[17] it's not appropriate. And so if it's a
[18] conditional use, you, the Council, could then
[19] manage that situation.
[20] **COUNCILMEMBER ROCHE:** I'll go along
[21] with that. I will modify my motion to allow,
[22] for conditional use, fully enclosed, soundproof
[23] veterinary clinics within O-I/O-W.
[24] **MAYOR JENKINS:** Second?
[25] **COUNCILMEMBER BATES:** I'll second that.

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[1] And just for the record, it is listed
[2] as a permitted use under C2.
[3] **COUNCILMEMBER ROCHE:** Right.
[4] **MR. HAEBERLIN:** Yes, sir.
[5] **COUNCILMEMBER BATES:** I just wanted to
[6] make sure that I was correct on that.
[7] **MAYOR JENKINS:** More discussion?
[8] - - -
[9] (No response)
[10] - - -
[11] **MAYOR JENKINS:** Call the roll, please.
[12] **CLERK BLACKMON:** Councilmember
[13] Alexander?
[14] **COUNCILMEMBER ALEXANDER:** Yes.
[15] **CLERK BLACKMON:** Councilmember Bates?
[16] **COUNCILMEMBER BATES:** Yes.
[17] **CLERK BLACKMON:** Councilmember Fleming?
[18] **COUNCILMEMBER FLEMING:** Yes.
[19] **CLERK BLACKMON:** Councilmember Pittman?
[20] **COUNCILMEMBER PITTMAN:** Yes.
[21] **CLERK BLACKMON:** Councilmember Roche?
[22] **COUNCILMEMBER ROCHE:** Yes.
[23] **CLERK BLACKMON:** Councilmember
[24] Spangler?
[25] **COUNCILMEMBER SPANGLER:** Yes.

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[1] Now I'd like to make a motion to
[2] postpone this until the Planning Commission has
[3] the opportunity to look at it and give us
[4] feedback, and hopefully we can do that before
[5] the next Council meeting.
[6] **COUNCILMEMBER ROCHE:** I'll second that.
[7] **MAYOR JENKINS:** Can you do that, Ben?
[8] **MR. CRAWFORD:** Could I speak for a
[9] moment, Mayor?
[10] **MAYOR JENKINS:** Come on up.
[11] **MR. CRAWFORD:** Ben Crawford.
[12] Actually, the Planning Commission on
[13] something like this would be happy to review it.
[14] We reviewed -- I believe we reviewed the M1 and
[15] M2. I think we also --
[16] Did not we have -- Scott, did we not
[17] have the C1 and C2? Or no, we didn't have that.
[18] **MR. HAEBERLIN:** Actually no.
[19] **MR. CRAWFORD:** No, we didn't get that.
[20] No, we looked at the M1.
[21] **MR. HAEBERLIN:** No, sir. You've not
[22] reviewed any of those.
[23] **MR. CRAWFORD:** No. But the M1 and M2,
[24] we were given that by somebody at some point.
[25] **MR. HAEBERLIN:** Yes, sir, you have been

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[1] provided copies --
[2] **MR. CRAWFORD:** Right.
[3] **MR. HAEBERLIN:** -- of that.
[4] **MR. CRAWFORD:** Okay. That's fine.
[5] Actually at this point, you know, I'll
[6] leave it up to the City Council to decide what
[7] we should do.
[8] **MAYOR JENKINS:** You can handle it?
[9] **MR. CRAWFORD:** Give us a time frame.
[10] **MAYOR JENKINS:** Okay. We got a motion
[11] and a second.
[12] **COUNCILMEMBER BATES:** Mr. Weed, because
[13] this is a public hearing and it would be
[14] postponed to a date certain, would that mean
[15] reopening a public hearing at the future date?
[16] **ATTORNEY WEED:** My opinion would be you
[17] don't have to do that. That was my opinion last
[18] time we moved it to a date certain as well.
[19] However, the Council at that time had
[20] suggestions of major rewrites and the Council
[21] then elected to reopen the public hearing so
[22] that those rewrites could be considered.
[23] Thus far -- the short version is it's
[24] up to the Council.
[25] My opinion is you're not legally

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[1] required to do that. The public hearing is the
[2] public hearing, and as long as you met the
[3] advertisement requirements, you've done that.
[4] If there are dramatic changes you would
[5] like to have further public input on, then you
[6] can elect to reopen the public hearing again.
[7] It's not a legal question. It's a
[8] policy question.
[9] **MAYOR JENKINS:** More discussion?
[10] **COUNCILMEMBER ALEXANDER:** Mr. Crawford.
[11] **MR. CRAWFORD:** Ben Crawford.
[12] First of all, not as a Planning
[13] Commission member, just as a citizen, I support
[14] the work that Scott's done and I agree that it
[15] should be passed tonight. And not as a Planning
[16] Commission member, just as a citizen of
[17] Doraville, I don't see why we should spend any
[18] more time going over it again and again and
[19] again.
[20] But like I said, I don't want to be --
[21] the Planning Commission, we're having enough
[22] problems as it is by lots of people, you know,
[23] kind of saying -- you know, just alluding to
[24] different things about the Planning Commission.
[25] But I don't want the Planning Commission after

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[1] all the hard work we've done for the city to be
[2] put in a position where we're slowing down the
[3] progress of the city.
[4] I believe this document will work. I
[5] spoke during the public session for it. I'm for
[6] it now with some slight changes that I
[7] mentioned. But that's why I'm leaving it up to
[8] you. The Planning Commission shouldn't be
[9] responsible for what you guys decide to do.
[10] If you want us to look at it, it's up
[11] to you guys to have us look at it. I don't see
[12] a need for us to do it.
[13] **COUNCILMEMBER SPANGLER:** Okay. I will
[14] retract my motion and I want to make another
[15] motion that we still postpone this until we get
[16] the changes made in writing, and maybe Scott can
[17] have that done by the next meeting.
[18] **COUNCILMEMBER ROCHE:** So would we
[19] consider this a first reading of the ordinance
[20] essentially tonight?
[21] **ATTORNEY WEED:** If you care to, yes,
[22] sir.
[23] It's been well read, so --
[24] **COUNCILMEMBER ROCHE:** I tend to agree.
[25] **COUNCILMEMBER ALEXANDER:** But on

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[1] previous ones, have we not said that we would
[2] pass the ordinance with the changes?
[3] **CLERK BLACKMON:** Yes.
[4] **COUNCILMEMBER ALEXANDER:** Okay.
[5] **COUNCILMEMBER ROCHE:** Well, we were
[6] doing that because part of that was because we
[7] were doing one meeting a month.
[8] **CLERK BLACKMON:** With all due respect,
[9] since I handle permits, every day I get things
[10] in that are caught in the middle because it
[11] hasn't been passed yet. The same with any
[12] zoning change that we make.
[13] So tomorrow I could get something in
[14] that the ordinance will change, but because it
[15] hasn't passed, I have to allow it. And this has
[16] been going on since December. Just want to put
[17] that out there.
[18] **COUNCILMEMBER FLEMING:** But even so --
[19] and I appreciate your comments -- we passed a
[20] resolution that was changed five times after we
[21] passed it. Five different times things were
[22] included into this resolution that was going to
[23] go to the Statehouse, and I have issues with
[24] that.
[25] **COUNCILMEMBER BATES:** I don't believe

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[1] we did pass that.
[2] **COUNCILMEMBER ALEXANDER:** We didn't
[3] pass it.
[4] **COUNCILMEMBER FLEMING:** Yes. We passed
[5] it with -- yes, we did. We passed it.
[6] **COUNCILMEMBER ALEXANDER:** For the
[7] Charter changes?
[8] **COUNCILMEMBER FLEMING:** Yes, ma'am.
[9] **COUNCILMEMBER ALEXANDER:** No. We
[10] haven't voted on that yet.
[11] **ATTORNEY WEED:** I don't believe so,
[12] ma'am.
[13] **CLERK BLACKMON:** It has not been
[14] passed.
[15] **COUNCILMEMBER FLEMING:** I stand to be
[16] corrected. I was under the impression we passed
[17] it with the -- with the comments of that night
[18] and from that moment on.
[19] Then, why isn't it on the agenda
[20] tonight?
[21] **COUNCILMEMBER BATES:** Well, I believe I
[22] can answer that. We postponed it until after
[23] the referendum so that we could include that
[24] language as part of the Charter.
[25] **COUNCILMEMBER FLEMING:** My apology.

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COUNCILMEMBER BATES: It's scheduled for February --

ATTORNEY WEED: Councilman Spangler specifically requested and everyone agreed ---

COUNCILMEMBER FLEMING: My apology.

ATTORNEY WEED: -- that he thought it would be better after the vote, but it's going to be on the first meeting in February.

COUNCILMEMBER FLEMING: Thank you.

COUNCILMEMBER ROCHE: I tend to agree with Mr. Crawford's comments. It's going to come up in the agenda a little bit later.

As far as -- much as I like Scott and the work he's done, I still think that the P.C. needs to review all this stuff.

But I think, again, we've trampled the corpus of this document to -- you know, to where there's mud stains on it, and I think that for the moment, you know, I'll go along with what Mr. Spangler said.

MAYOR JENKINS: We got a motion. Do we have a second on it?

COUNCILMEMBER ALEXANDER: I'm sorry.

COUNCILMEMBER ROCHE: I'm sorry. I got that backwards.

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Well, no. You withdrew the motion.

COUNCILMEMBER SPANGLER: I withdrew the motion for it to go to the Planning Commission but then I made another motion to postpone it until the next meeting until they have an opportunity to rewrite it with the correct verbiage and the legal whatever Mr. Weed calls it.

COUNCILMEMBER FLEMING: Second.

MAYOR JENKINS: Okay. You can change everything and have it ready for the next meeting, Scott?

MR. HAEBERLIN: Sir, the City Attorney and I certainly have the wherewithal to deal with that without postponing this yet again and again allowing that window for things to pass into the city that will then become legal nonconforming uses.

I'm very concerned about the amount of time that is spent to a document that only addresses maybe two percent of the land use, and I think we need -- we've beat the proverbial dead horse, and I think we need to have some action.

And with all due respect to the

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Council, Mr. Weed and I are very capable of making those changes that you've indicated. We are agreeable to them. And if that's what it takes to get this document passed, I'm perfectly agreeable.

Again, I'm looking out for the best interests of the city. I don't want us to have that broken window, as the Clerk has discussed, to occur between now and whatever time we may again convene for a hearing, because remember you don't have hearings on nights that are regular called meetings so it would have to be a special called meeting.

COUNCILMEMBER SPANGLER: I'm sticking by the motion I made.

MAYOR JENKINS: So you're saying we'll have to have a special-called meeting, yes?

MR. HAEBERLIN: Yes, sir.

I'm still waiting for --

COUNCILMEMBER ALEXANDER: If the motion passes.

COUNCILMEMBER PITTMAN: If it passes.

MR. HAEBERLIN: I'm still waiting for, you know, some reply from the Council regarding another zoning case where we have left the

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individual to float out there in infinity waiting for a hearing and in fact I'm receiving calls from their attorney on a daily basis.

We need to decide on a time when we can have public hearings and we need to be consistent. It's not providing any assistance to the staff and it certainly is a disservice to the residents. I mean they should be able to count on some specific meeting date. And that process is just simply not working. We need to make some action on this with all due respect.

MAYOR JENKINS: Did we get a second on that?

COUNCILMEMBER PITTMAN: Pam seconded it.

COUNCILMEMBER FLEMING: Yes.

MAYOR JENKINS: Okay. Anymore discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: No.

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CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: No.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: No.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: No this time.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
COUNCILMEMBER BATES: Move to adopt.
COUNCILMEMBER ALEXANDER: With the changes.
COUNCILMEMBER BATES: With the changes voted on and noted.
COUNCILMEMBER PITTMAN: Second.
COUNCILMEMBER ROCHE: This will be the first reading.
COUNCILMEMBER BATES: No. This is --
COUNCILMEMBER PITTMAN: No. This is their document.
COUNCILMEMBER ROCHE: Don't we have to waive the first reading or is this --
ATTORNEY WEED: No. In my opinion,

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you've had a first reading --
COUNCILMEMBER ROCHE: Okay.
ATTORNEY WEED: -- so I think we're okay there.
MAYOR JENKINS: Okay. We have a motion and a second. Anymore discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: No.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: No. I'd rather see the changes.

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MAYOR JENKINS: Okay. Got that, Scott?
MR. HAEBERLIN: Got it passed. We'll make the necessary changes, and I entrust once we get the necessary changes and we actually get an officiated copy, I'm going to provide a copy to each one of you in your box just so you can update your zoning ordinances.
And if there's any other districts that you don't have, please let me know and I'll be happy to make copies of those as well. I want you to have the same information that the public views on our Web site.
COUNCILMEMBER ROCHE: The Web site version, I mean first of all, I had a heck of a time finding it, but I don't think any changes on the Web site have been made since forever.
MR. HAEBERLIN: Luke is actually in the process of -- he had one draft on there that we're taking off and putting the official, that the other one represents the official adopted copy. And then this O-I/O-W, we'll load again when we have an official adopted copy.
We need to take the drafts off but we can't take the drafts off until we have an official copy.

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COUNCILMEMBER ROCHE: Well, I'm talking about the entire zoning ordinance, because there's one place where you have the C1/C2 and the M1/M2, but then when I looked for the zoning ordinance itself, it didn't exist. I had to find it --
MR. HAEBERLIN: Yeah. Muni Code does not have a lot of the zoning information on there, and we discuss that at will with the City Clerk and the attorney's office.
COUNCILMEMBER ROCHE: It's like on one of the business pages. So if I was a resident, I probably would never find it.
MR. HAEBERLIN: Okay. I'll be happy to look into how it's -- like I said, how it's labeled on the Web site.
COUNCILMEMBER ROCHE: Well, we should put it on the same page as the other ordinances.
ATTORNEY WEED: Absolutely.
MAYOR JENKINS: Thank you, Scott.
COUNCILMEMBER SPANGLER: I've got a question for you, Mr. Weed --
ATTORNEY WEED: Yes, sir.
COUNCILMEMBER SPANGLER: -- from just a few minutes ago when we were talking about

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[1] advertising the changes in the ordinances to
[2] where the business owners could get a little
[3] better notice, heads up, and you said legally
[4] we're better off with just doing what we've been
[5] doing --
[6] **ATTORNEY WEED:** That's my opinion.
[7] **COUNCILMEMBER SPANGLER:** -- but we can,
[8] like Ms. Pittman recommended, use the Neighbor
[9] and also use any other flyer or any
[10] informational piece that they might get to
[11] advertise these changes or these meetings --
[12] **ATTORNEY WEED:** Yes.
[13] **COUNCILMEMBER SPANGLER:** -- and we
[14] would be legal?
[15] **ATTORNEY WEED:** Yes. You could use --
[16] you could create more notice than is required by
[17] the existing State law.
[18] I would ask you not to do it by
[19] ordinance, because after you do it by ordinance,
[20] then you are duty-bound to comply, and the
[21] superior court won't hesitate to throw out your
[22] ordinance if you haven't followed your own rules
[23] every time even though you followed the State
[24] law on it. So I would ask you not go change
[25] your ordinance to do that.

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[1] If you want to as a courtesy send out
[2] in other publications, there's nothing wrong
[3] with that. A clever zoning lawyer would try to
[4] argue that that became your policy and you
[5] didn't follow your policy, and even though it
[6] was an unwritten policy, it was your policy, and
[7] the first time you miss one, he'll try to beat
[8] your ordinance that way, because that's exactly
[9] what I would argue.
[10] **COUNCILMEMBER SPANGLER:** I guess what
[11] I'm asking, then, is what do we do? What do we
[12] need to do to keep that from happening but to be
[13] able to give them more information on upcoming
[14] changes without making it an ordinance or a
[15] policy?
[16] **ATTORNEY WEED:** I would like to talk
[17] with Scott about that and see if we can come up
[18] with something that I feel comfortable, you
[19] know, legally with that we can present back to
[20] the Council on that issue. And then hopefully
[21] there's a way we can find some mechanism that
[22] you will feel better about.
[23] As I said, as long as it's not in
[24] writing that that's what you do and you don't do
[25] it in the same publications every single time,

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[1] you haven't established an actual policy and
[2] practice. It's random. That may in fact defeat
[3] the purpose of what you want to accomplish, but
[4] at the same time, that's legal too.
[5] Let me -- let us think about it and get
[6] back with you and see if we can come up with
[7] something that can make everybody either happy
[8] or everyone can live with.
[9] **COUNCILMEMBER PITTMAN:** I --
[10] **COUNCILMEMBER FLEMING:** Could you also
[11] include -- I'm sorry.
[12] **COUNCILMEMBER PITTMAN:** That's okay.
[13] I was just going to say -- Brian has
[14] already said it -- that I certainly agree it
[15] would be fantastic if the businesses could get
[16] together separate from the City just as
[17] businesses and maybe have a liaison or someone
[18] that could communicate back to the businesses
[19] what's going on.
[20] **COUNCILMEMBER ROCHE:** Yeah. The
[21] membership in a business community or
[22] organization, while it may be a wonderful thing,
[23] shouldn't be a requirement for finding out
[24] what's going on in the city. I mean that's just
[25] my opinion.

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[1] **ATTORNEY WEED:** None of the information
[2] has been hidden. I mean it's anything but.
[3] It's out there.
[4] **COUNCILMEMBER ROCHE:** I mean I --
[5] **ATTORNEY WEED:** If anybody cares enough
[6] to find out, it's right there.
[7] All I'm concerned about is making sure
[8] that we don't establish some rule that we now
[9] have to live with.
[10] **COUNCILMEMBER ROCHE:** I understand.
[11] **COUNCILMEMBER FLEMING:** Well, I think
[12] accessibility for our businesses as well as the
[13] residents of going to the Web site even though
[14] that's not the legal organ, I still feel that
[15] that would be another way to advertise the fact
[16] that there's going to be --
[17] I mean we advertise the public
[18] meetings. We're advertising, you know, the
[19] Council meetings and so forth. I 18-daysally
[20] feel that we need to include that onto our Web
[21] site -- you know, upcoming events and indicate,
[22] you know, "Public hearing for zoning
[23] recommendations for C1/C2" or whatever.
[24] **COUNCILMEMBER BATES:** I actually
[25] believe now that we've got a new process or

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[1] policy where we're not doing zoning or variances
[2] on regular Council meetings, that those will be
[3] now special-called meetings, that those will be
[4] posted and duly advertised and promoted on the
[5] Web site from that avenue.
[6] So I absolutely agree with you that
[7] that's yet another venue that we can utilize for
[8] getting the word out.
[9] **COUNCILMEMBER ROCHE:** Well, we should
[10] have it on the Web site where you can subscribe
[11] with your email, you know, address, and that
[12] way, any time something happens you get an email
[13] from the Web site.
[14] **ATTORNEY WEED:** I'm not trying to
[15] discourage that. All I'm trying to discourage
[16] would be putting it in the form of a zoning
[17] ordinance that mandates we have to do it,
[18] because in case Rhonda has a bad day or, you
[19] know, Scott doesn't show up and it doesn't get
[20] on the Web site, then I don't want that to
[21] defeat a zoning ordinance that you crafted.
[22] **COUNCILMEMBER ROCHE:** Right. But doing
[23] just the barest minimum, you know, required by
[24] law I don't think is adequate in my opinion.
[25] **ATTORNEY WEED:** I can't speak to that.

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[1] **COUNCILMEMBER ROCHE:** I understand what
[2] you're saying.
[3] **ATTORNEY WEED:** My job is to make sure
[4] you do the bare minimum required by law.
[5] Anything beyond that is gravy.
[6] **COUNCILMEMBER ROCHE:** Well, let's have
[7] some gravy. Thank you.
[8] **MAYOR JENKINS:** Five minute break.
[9] - - -
[10] (Brief recess)
[11] - - -
[12] **COUNCILMEMBER SPANGLER:** I'd like to
[13] postpone the meeting.
[14] **COUNCILMEMBER ROCHE:** I'd rather go a
[15] little longer.
[16] **COUNCILMEMBER PITTMAN:** Yes.
[17] **MAYOR JENKINS:** Do I get a second?
[18] - - -
[19] (No response)
[20] - - -
[21] **COUNCILMEMBER ROCHE:** Try again in half
[22] an hour.
[23] **COUNCILMEMBER SPANGLER:** Well, that was
[24] it. We'll finish it all the way now.
[25] **MAYOR JENKINS:** Pam?

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[1] **COUNCILMEMBER FLEMING:** I wanted to
[2] address our personnel policy, one section of it,
[3] at least for active duty military compensation.
[4] We do presently have in our current
[5] personnel manual -- and thank you, Mr. Weed, for
[6] addressing that. It's Section Four, 4.1.2,
[7] Provisions, and it's classified Military Leave.
[8] First of all, I want to comment that I
[9] strongly support all the men and women serving
[10] in our armed forces whether they're on active
[11] duty or in the reserves or national guard.
[12] When deployed, both the service
[13] personnel and the City suffers. The employee
[14] undertakes the burden of leaving home and their
[15] loved ones and they also are very much concerned
[16] about their financial obligations here at home
[17] while they're away, and the City suffers because
[18] we lose a valuable employee for the time that
[19] they're gone and also the responsibility of
[20] trying to put a person in place to take care of
[21] their position while they're gone.
[22] Presently our provisions include the
[23] USERRA guideline which only pays 18 days in any
[24] one calendar year for the purpose of training.
[25] Our City personnel manual goes on to say that we

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[1] will include an additional 30 days, additional
[2] working days, I believe.
[3] We also indicate in our present
[4] provisions that the active duty personnel,
[5] military personnel, is entitled to a leave of
[6] absence without loss of pay during that 18-days
[7] period of time -- their performance rating will
[8] stay the same and their other benefits;
[9] specifically, medical, life and retirement
[10] benefits -- but not to exceed the 30 additional
[11] working days.
[12] I have polled a couple of cities in our
[13] area, and there was only one of four that
[14] compensated beyond the 18 days.
[15] I truly feel that it's my suggestion
[16] that the City institute a policy to compensate
[17] an active duty personnel so that he does not
[18] have any financial burden or loss of income,
[19] that the City will compensate the employee the
[20] difference between their City salary and their
[21] military salary. One of the requirements,
[22] however, was for us to, you know, actually be
[23] able to compensate that is that they would need
[24] to supply a military pay stub within 18 days to
[25] ensure the continuation of their City salary.

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I would like to also suggest that the City continue the medical benefits for the time period that they are gone, to ensure that their family is covered, to actually ensure that they are covered so that there's not a gap from the time they leave till the time they get back so they don't have to, you know, reapply for medical benefits. I think that the City should take care of that so they stay active.

That their service time with the City will not be interrupted by deployment; however, their vacation time and their personal sick time would not accrue during the time that they were gone.

The City should also be notified within 30 days -- excuse me -- 30 days in advance of their discharge from active duty and a report date to the City would then be established because there probably would be a time period where they would need to have some time at home, get reacquainted with their family, take a long-deserved vacation. So a determination -- determined report date would be established by the City at that time.

And that's what I would like to propose

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as a -- to include into our military pay policy or military leave policy at this time.

COUNCILMEMBER ALEXANDER: The continuance of medical benefits, would that also address the contribution to their retirement funds? I assume those would be continued also?

MAYOR JENKINS: I would say yes on that.

COUNCILMEMBER FLEMING: Are you talking about what they're presently putting in their -- you know, 5 percent of their earnings or whatever?

COUNCILMEMBER ALEXANDER: I'm not sure how the City retirement fund works.

MAYOR JENKINS: The City pays that.

COUNCILMEMBER FLEMING: The City pays the retirement fund and then they have an option to take out more percentage?

MAYOR JENKINS: They could take out more, but the City pays for the retirement.

COUNCILMEMBER FLEMING: Then that benefit should be included as well, I would think.

MAYOR JENKINS: Yes.

Also there was one other thing you

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mentioned: accruing sick leave and vacation pay. I think he should accrue it while he's gone. Why would you eliminate that to him? He's still an employee.

COUNCILMEMBER FLEMING: But he's on leave of absence.

MAYOR JENKINS: Well --

COUNCILMEMBER FLEMING: And it's specific when you're on leave of absence for any other employee of the City. If they take a leave of absence, their vacation time is not being accrued.

MAYOR JENKINS: Well, this is different. It's going overseas to fight for the country.

COUNCILMEMBER FLEMING: Well, not necessarily, sir, because they may be deployed to, for instance, New Orleans or --

MAYOR JENKINS: That's not the case, though.

COUNCILMEMBER FLEMING: No, sir. I'm talking about the City's policy. I'm not talking about a specific instance.

MAYOR JENKINS: I don't see any reason why this should be put in a policy set in stone.

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I think the Council should have an option to change that at any time, not put it in a personnel policy.

COUNCILMEMBER BATES: Well, Mr. Mayor, I will respectfully disagree with you on this. I think that creates an arbitrary and subjective position versus an objective one that's clear and fair for not just an employee but any employee that may be in military service. So I respectfully disagree with you on that.

MAYOR JENKINS: All right. That's fine.

COUNCILMEMBER ROCHE: Yeah. I like all that. I do agree, frankly, that if someone gets activated, which may or may not be deployed, that they should suffer no loss of income or whatever. Companies I've worked at, I mean in the private sector, that's kind of usual that, you know, if you make 40 thousand and we pay you 50 thousand, they'll pay the difference, but everything else basically is the same.

Being a lifer brat, I know growing up we had medical care provided by the military. How that works with the reserves and -- I have no idea. So my only question is, would that be

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[1] redundant? But I don't know if it is or not.
[2] But frankly, just for the sake of simplicity, I
[3] would go along and just say continue it.
[4] And I probably would go ahead and
[5] continue as far as accruing the salary and
[6] everything else, because I was told, and I
[7] haven't gotten confirmation, that we actually
[8] have someone that's on active duty now.
[9] **CHIEF KING:** Yes.
[10] **COUNCILMEMBER ROCHE:** You know, I
[11] helped a little bit with some of these. You
[12] know, some of these cities, I mean they
[13] basically do nothing. And I think where we are
[14] now, I think we pretty much do what the bare
[15] minimum of the Federal law says.
[16] **COUNCILMEMBER FLEMING:** In our current
[17] policy.
[18] **COUNCILMEMBER ROCHE:** In our current
[19] policy.
[20] **ATTORNEY WEED:** Yes, that's correct.
[21] **COUNCILMEMBER SPANGLER:** And Chief,
[22] what are we doing with the -- I think it's one
[23] of your employees that is currently --
[24] **CHIEF KING:** Yes, sir. The young man
[25] is in actually my unit, deployed. He actually

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[1] got activated earlier, and he's waiting for --
[2] you know. I told him to kind of hold up until
[3] the Council determined the policy before we
[4] cross that bridge. At the point, he says -- you
[5] know, he offered to resign, and I told him that
[6] we didn't want him to do that because he's a
[7] valued employee and I think he brings a lot to
[8] our organization, and I hope to get him back as
[9] soon as he redeploys back home.
[10] **COUNCILMEMBER SPANGLER:** But now will
[11] his military pay be equal to what he's making in
[12] the P.D.?
[13] **CHIEF KING:** I'm not sure yet, sir. I
[14] have to determine what his pay allowances would
[15] be.
[16] **COUNCILMEMBER SPANGLER:** Do you have
[17] any idea what his rank is now?
[18] **CHIEF KING:** He is a first lieutenant,
[19] sir.
[20] **COUNCILMEMBER SPANGLER:** First
[21] lieutenant?
[22] **CHIEF KING:** Yes.
[23] **COUNCILMEMBER ROCHE:** And it's true
[24] that we will run the risk of, you know, someone
[25] getting activated and just deciding never to

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[1] come back and work, and we're out that money.
[2] But still, I think that considering the
[3] situation and considering -- you know.
[4] **COUNCILMEMBER PITTMAN:** Well, I
[5] certainly agree with Ms. Fleming and I certainly
[6] agree that it needs to be placed in a policy.
[7] I do not have a problem, though, with
[8] allowing him to accrue his vacation time or
[9] whatever while he's gone.
[10] **COUNCILMEMBER ROCHE:** He or she.
[11] **COUNCILMEMBER PITTMAN:** He or she.
[12] I don't foresee that being a problem.
[13] **COUNCILMEMBER ROCHE:** Ms. Fleming, will
[14] you be okay with that?
[15] **COUNCILMEMBER FLEMING:** I don't have a
[16] problem with that. I was just going by what our
[17] present leave-of-absence policy is, and, you
[18] know, it addressed that and it said that. And
[19] reading also the USERRA guidelines, it indicates
[20] that we're not obligated to do anything other
[21] with military that we wouldn't do for, for
[22] instance, Rhonda that needed to take six months
[23] off of leave of absence. What we would do for
[24] her, we would need -- you know, we'd do for both
[25] entities.

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[1] **COUNCILMEMBER BATES:** And Ms. Fleming,
[2] thank you very much for putting this together.
[3] It is very well done and I very much appreciate
[4] that.
[5] I would concur with Ms. Pittman to
[6] accrue the vacation. I think our service men
[7] and women -- we need to provide an opportunity
[8] for that talent to come back and encourage that
[9] to come back no matter what department that they
[10] are in, whether that be in our Public Works
[11] department or at the Parks & Rec or in our P.D.
[12] So thank you for putting this together.
[13] **COUNCILMEMBER FLEMING:** You're welcome.
[14] And one thing I did, the reason why I
[15] put notified 30 days in advance, because that
[16] gives the City an opportunity to look at their
[17] present personnel and know where we might be
[18] able to fit that person back in. Yes, Chief
[19] King will come back in that position, but there
[20] may be in his department that that employee may
[21] not be able to come back into that specific spot
[22] but we must guarantee a position for him within
[23] the City. So that's the reason why I was asking
[24] for a 30-day notice.
[25] I don't know whether -- Chief, whether

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that is a possibility whether you are allowed to indicate that you're going to be discharged in 30 days or -- so you might enlighten us on that.

CHIEF KING: And normally you do have, but I don't know. Normally --

The Mayor made me come back to work five days after I got back. He wanted me back.

But yes, ma'am. Thirty days. Normally -- I want to make sure that I heard you correctly. The employee notifies the City of when his intent. But the USERRA law, the employee notifies the City of his intent to return to work on a specified date. Based on that, it's within -- within 30 days. But a lot of times, you know, he says, "Hey, I'm ready to come to work," we tell him, you know, "We're waiting for you. Come on."

COUNCILMEMBER FLEMING: Well, the way I wrote it was he needed to notify us 30 days prior to his discharge and that we could discuss between the employee and his department head. Because like I said, he may want to take a vacation, two weeks vacation or three weeks, you know, so that his return date is subject to discussion is the way I wrote it.

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CHIEF KING: Sure, ma'am.

COUNCILMEMBER ROCHE: Yeah. And he wouldn't be discharged necessarily. It would be like deactivation or going back on nonactive status or whatever.

I guess my only question would be, you know, if this did happen, someone was deployed or -- sorry -- went on active status and came back 15 months later and decided, "You know what. I don't want to go back to Doraville," is there a way to make it so that in that case we wouldn't be liable for accrued vacation, et cetera?

ATTORNEY WEED: I'd like to do some research on it, but my off-the-cuff answer would be no. I think you're, you know, either in for a penny and for a pound.

COUNCILMEMBER ROCHE: Right.

ATTORNEY WEED: But I'll look into it.

COUNCILMEMBER FLEMING: Could we not -- I'm sorry. Could we not indicate in our policy that accrued vacation and accrued sick time, those two items would be accrued and applied upon return to the City?

ATTORNEY WEED: Unless you have or

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unless you're doing that for nonmilitary personnel, if we had a similar policy for them, then it might be possible. But I think based upon the accrual as I read it right now in the current policy, I'm not sure that we could do that, but I'll certainly look into it.

COUNCILMEMBER ROCHE: And just a question. There's always situations where people could take advantage, and I'm -- I'll ask the questions but I'm still willing to take that risk.

ATTORNEY WEED: I think it's one of those things where you do take the risk, and, you know --

COUNCILMEMBER ROCHE: Right.

ATTORNEY WEED: -- certain people might build up a lot of comp time and, you know, for fear of losing it, they resign and you end up having to pay them and go on with life.

COUNCILMEMBER ROCHE: Right.

ATTORNEY WEED: It just happens. I'll look into it.

COUNCILMEMBER SPANGLER: Say like if the person did not return to the position in the City with Maintenance Department, the Police

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Department, Library, wherever, then would we still be obligated to give him that accrued vacation time and comp time?

ATTORNEY WEED: My opinion right now is I think that we would. However, I will see if we can build some caveats into the policy. I'll check on that first thing tomorrow.

COUNCILMEMBER FLEMING: I think they would still, you know, be required or I think we should require them to come in and have separation papers done for him or her if they chose not to come back to the City. We could at least request them to return to the City to sign separation papers.

ATTORNEY WEED: You know, we can always ask people to out-process but you can't force them to --

COUNCILMEMBER FLEMING: Okay.

ATTORNEY WEED: -- unless you have a contract with them of some kind, which I wouldn't recommend.

COUNCILMEMBER ROCHE: No.

COUNCILMEMBER BATES: If you would be amenable to take out the not accrue --

COUNCILMEMBER FLEMING: Not accrued.

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[1] **COUNCILMEMBER BATES:** -- I will second
[2] your motion.
[3] **COUNCILMEMBER ALEXANDER:** And include
[4] retirement.
[5] **COUNCILMEMBER BATES:** And include --
[6] **COUNCILMEMBER FLEMING:** Yes.
[7] **COUNCILMEMBER BATES:** -- retirement.
[8] **COUNCILMEMBER FLEMING:** I would like to
[9] make a motion to include into our current
[10] personnel policy under Military Leave, Section
[11] A, 4.1.2 of the provision, that the City will
[12] compensate the employee the difference between
[13] their City salary and their military salary;
[14] that the City will continue their medical
[15] benefits and retirement benefits during the time
[16] that they are deployed and they will not be
[17] interrupted; their service time will not be
[18] interrupted; their vacation and personal sick
[19] time will continue to accrue during their
[20] deployment.
[21] **COUNCILMEMBER ROCHE:** And I'll second
[22] that if you are done.
[23] **MAYOR JENKINS:** Anymore discussion?
[24] - - -
[25] (No response)

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[1] - - -
[2] **MAYOR JENKINS:** Call the roll.
[3] **CLERK BLACKMON:** Councilmember
[4] Alexander?
[5] **COUNCILMEMBER ALEXANDER:** Yes.
[6] **CLERK BLACKMON:** Councilmember Bates?
[7] **COUNCILMEMBER BATES:** Yes.
[8] **CLERK BLACKMON:** Councilmember Fleming?
[9] **COUNCILMEMBER FLEMING:** Yes.
[10] **CLERK BLACKMON:** Councilmember Pittman?
[11] **COUNCILMEMBER PITTMAN:** Yes.
[12] **CLERK BLACKMON:** Councilmember Roche?
[13] **COUNCILMEMBER ROCHE:** Yes.
[14] **CLERK BLACKMON:** Councilmember
[15] Spangler?
[16] **COUNCILMEMBER SPANGLER:** Yes.
[17] **COUNCILMEMBER FLEMING:** Now based on
[18] this, Mayor, I'd now like to make a motion that
[19] the employee that we presently have serving in
[20] Iraq --
[21] **CHIEF KING:** No, ma'am. He's preparing
[22] to go to Afghanistan.
[23] **COUNCILMEMBER FLEMING:** So he has not
[24] left yet.
[25] **CHIEF KING:** He has not left.

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[1] **COUNCILMEMBER ROCHE:** Is he on active
[2] status?
[3] **CHIEF KING:** He's on his 18-day
[4] military --
[5] **COUNCILMEMBER ROCHE:** Okay.
[6] **CHIEF KING:** -- leave right now.
[7] **COUNCILMEMBER FLEMING:** Okay. All
[8] right.
[9] **COUNCILMEMBER ROCHE:** But this will
[10] apply to --
[11] **CHIEF KING:** Yes.
[12] **COUNCILMEMBER FLEMING:** Yes. Okay.
[13] Thank you.
[14] **CHIEF KING:** We will notify him, ma'am.
[15] **COUNCILMEMBER FLEMING:** Okay. Thank
[16] you very much, sir.
[17] **COUNCILMEMBER SPANGLER:** I would still
[18] like, Chief, for you to give me that information
[19] as far as what his military pay is as a first
[20] lieutenant --
[21] **CHIEF KING:** Sure.
[22] **COUNCILMEMBER SPANGLER:** -- on active
[23] duty.
[24] **CHIEF KING:** Okay, sir.
[25] **COUNCILMEMBER SPANGLER:** And when he

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[1] deploys, I'm sure he'll get a little extra money
[2] for combat pay?
[3] **CHIEF KING:** Yes.
[4] **ATTORNEY WEED:** And just to remind the
[5] Council as you already know, the way our
[6] personnel policy works currently, it has to be
[7] adopted by ordinance. So what we'll do is I'll
[8] either go ahead and draft an ordinance that just
[9] deals with this one issue --
[10] We owe you -- or we just completed the
[11] first draft of the complete personnel policy
[12] which we hope to get to you late this week. So
[13] I can either go ahead and do this one chunk of
[14] it and be done with it if you prefer or we can
[15] wait and include it in the rest of the policies.
[16] I get the impression I think you'd like
[17] to go ahead and activate this one section --
[18] **COUNCILMEMBER ROCHE:** Right.
[19] **COUNCILMEMBER PITTMAN:** Yes.
[20] **ATTORNEY WEED:** -- and that's how I
[21] recommend you do.
[22] **COUNCILMEMBER ROCHE:** Okay. We have
[23] two people, so we want to get that active now.
[24] **COUNCILMEMBER SPANGLER:** I thought we
[25] were going to have that employee manual by the

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end of the year last year.
ATTORNEY WEED: Well, we have done everything we could to do that. And frankly, Councilman, the Council's been the holdup. So we have continued to endeavor to do that and try to bring it in on time.
COUNCILMEMBER SPANGLER: How has the Council been the holdup? Because when you first took on this job, we'll say, you told us we would have multiple meetings with the department heads and the Council and that we'd work things out. As a matter of fact, I think one of the comments you made was that we would more or less be locked in a room and we wouldn't be allowed to come out until we had this thing worked out.
ATTORNEY WEED: That still is my preference, sir.
And we have had those meetings. We've met with the Mayor, we've met with the Chief, we've met with the department heads, we've met with Council.
We believe we've fulfilled our terms of the contract. I will continue to do more. And if you're not satisfied ultimately, I'll pass it on to my superiors.

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COUNCILMEMBER SPANGLER: I'm not saying I'm not satisfied. I'm just saying I thought you had given us a end-of-last-year date to have it completed.
ATTORNEY WEED: That was our intention and our hope. We got stymied, frankly, with dealing with the comp-time issue v. the workers' comp and the issue regarding paid time off.
If you recall, Council wanted to get the input of the department heads. We scheduled that meeting, we had the meeting. The department heads were required by a certain date to give comments back to the Mayor. He's collated virtually all those comments.
There are a few of those department heads, those comments are still outstanding. I hope to get those this week. I think that's the Mayor's instruction to the department heads. At that time, I will deliver those comments to you by the end of the week and I'll also deliver you the first draft of the policy. That's the best we can do.
COUNCILMEMBER SPANGLER: I would like to make the motion again, Mayor, since we've passed this, to postpone the meeting until our

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next regular scheduled meeting.
MAYOR JENKINS: Do I get a second?
COUNCILMEMBER ROCHE: I'll -- well, my only concern is we have a couple of people.
COUNCILMEMBER FLEMING: And we've got a couple of individuals on the agenda --
COUNCILMEMBER PITTMAN: Yeah, we need to --
COUNCILMEMBER FLEMING: -- and I really feel that we need to --
COUNCILMEMBER PITTMAN: We've gone this far, we might as well finish it up because we have people sitting out there.
COUNCILMEMBER ROCHE: We have people who showed up who shouldn't have to come back.
MAYOR JENKINS: You say I don't get a second; is that correct? Okay.
Danilo Linares. Scratching him.
Susan Fraysse.
COUNCILMEMBER BATES: Susan?
CHIEF KING: He's not here, sir.
MAYOR JENKINS: Susan.
MS. FRAYSSE: I'm Susan Fraysse and I am here because I would like today to speak in support of a City employee. I'm starting my

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stopwatch to try to keep it pretty quick.
COUNCILMEMBER FLEMING: Five minutes.
MS. FRAYSSE: Five minutes. Okay.
I'd like to say a few words in support of Luke Howe. He is the Mayor's assistant. I can speak from personal experience about the very positive interactions I have had with Mr. Howe and the good relationships he has cultivated and the communication skills he contributes to our city.
As a resident, I'm grateful for all his efforts to improve communications between the city and its residents, the business community, the general public and the news media.
I want to say that in reference to some of the conversations that have happened earlier tonight at the meeting, the Web site that Mr. Howe has implemented and managed and continues to work with and improve is especially helpful to me as a resident and to business owners and people in the community.
A lot of the information that people need to know is on the Web site now, and that wasn't true four or five years ago. One of our councilmen four or five years ago had to

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actually run an official Web site for the City because the City's Web site was in such poor shape, nobody could get any information from it. So we have made tremendous progress.

I want to say that I'm a librarian, a retired media specialist, so I have my visual aids. Some people in the audience, I can look at you and tell you probably don't ever go to the City Web site and it doesn't mean anything to you that there is a City Web site or whether it's good or whether it's bad. But there is a tremendous amount of information, and Mr. Howe's efforts have resulted in making it much easier for me to be a participating citizen here because of the information that's on the Web site.

I have that visual aid and I have got lots -- it's got documents with the pages that you can see (indicating). There are sections for residents, for the business community, for visitors, for city services, government information, news and events, frequently asked questions and the contact information. All of it is invaluable. There are forms. There are forms for building permits, the requirements for

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new businesses. There are documents from the LCI and from the Comp Plan. Very high-powered graphics are available to all of us, nice visual displays, including ordinances when we're considering, you know, redoing zoning and that sort of thing.

So I think I want to say that Mr. Howe is in excellent communicator, and that has been a big problem in the City, not having good communication. He fills a lot of gaps. He meets a lot of needs in terms of his ability to communicate. He has a journalism degree from the University of Georgia, and whether you --

Huh?

MR. HOWE: A minor from Georgia Southern.

MS. FRAYSSE: Oh, Georgia Southern University. I missed it. You're not a UGA.

MR. HOWE: No, ma'am.

MS. FRAYSSE: Excuse me. Strike that for the record. I apparently offended him.

It's an excellent Georgia school.

But I want to say that what that means to me is that he can write in clear, grammatically correct whole sentences. He can

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actually spell. He can write a clean, clear press release. He can edit the content and appearance of the City Web page. That's what journalism is about now. I notice the AJC is moving away -- the paper's getting thinner and thinner and they're getting more and more content online, and we have to move with that, too. And I cannot tell you how gratifying it's been to see things improve in that way so much.

He plans to make even more improvements with the launching of phase two of the City Web site which will include things I ask him about all the time like printer-friendly pages. This page looks great right now, but when you print it off there's a blank where the graphic is because it's in html, and email and the Web are different.

What he's had to do in some cases, he's working real closely with the Oakcliff Neighbors Association because we in Oakcliff care a lot of about the ordinances, about whether people put their trash cans out on time and stuff, and so we want to be sure that they know the schedule of when they're supposed to put their trash cans out.

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He's got eight pages of content, and I'm working with Merle Evans and others in the Oakcliff Neighbors Association to be sure that this stuff is available for people. They could print it out. This is in a .pdf file. I think we'll have a short brochure that will just be a bifold so that we can give that to people. He's been very flexible in terms of working with the residents to try to get the information that we care about out there.

Page after page of contacts with current, specific phone numbers and emails and job duties, and lists of schools, and all kinds of information.

May I also take 30 seconds to make my supportive statement in terms of the Planning Commission?

And I will talk with anybody at length and show you my book here to sing the praises of Luke Howe, and I hope we can keep him.

- - -

(Applause)

- - -

MS. FRAYSSE: I also want to be supportive of the Planning Commission in doing

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the rezoning reviews. I attended their last meeting on January the 8th. I saw the current members who are on that commission effectively conduct two rezoning reviews in collaboration with the City Planner, who's also an excellent, well educated, experienced professional.

The next day, a summary of their actions were posted on the City Web site, and I couldn't ask for more. This is a collaboration between two City employees working very productively together to get that information out to the public.

I will say I do have some concerns that as current members of the Planning Commission rotate off the committee, there could be some strain on the committee associated with the learning curve for new members. As we've all talked about, there's been a lot of learning and a lot of people involved and trying to get involved with improving the city from a planning perspective, and we struggled with it quite a bit here in the city. I'm a little concerned if we pile on lots more duties in addition to rezoning, that may contribute to difficulties experienced by that committee.

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But I expect the decision about the future duties of the Planning Commission will be worked out by the city attorney, the planner, the members of the Planning Commission, and it's going to be approved one way or another by the Council tonight or sometime very soon, and I will support the work of the Planning Commission whatever their duties are determined to be.

Thank you.

- - -

(Applause)

- - -

MAYOR JENKINS: Item No. 9 has been scratched.

Murray?

ATTORNEY WEED: Yes, sir. Mr. Mayor and members of the Council, Item No. 10 would be Valdes Indemnity.

To make a very long story short, Juan Valdes and daughter Alejandra Valdes are operating a restaurant to the best of our knowledge known as La Costa Seafood. They have occupied a space on Buford Highway. They have approached the City in an attempt to pay occupation tax.

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I use the term "occupation tax" because that's the correct legal term. The old-fashioned term is "business license." In actuality, the City isn't licensing anyone to do anything. They're simply paying a tax to do business in the city. In 1996, the State recognized that difference and abandoned the term "business license," but we'll call it a business license for the sake of convenience.

The problem, however, is the fact that there's a current corporation called El Pescador, Inc., and a gentleman by the name of Luis Coranado. Mr. Coranado and Mr. Valdes are embroiled in litigation and there is some issue as to the occupancy of the space which both parties claim they've got a legal right to.

The City of course doesn't care who occupies the space. We have no interest whatsoever in who occupies that space or who is victorious in the litigation. It is not our problem, and of course it's my job as your city attorney not to let it become our problem.

As such, what I recommend to you is that if you do allow the Valdeses to pay occupation tax, how we should go about doing

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that is having a hold harmless and indemnity agreement which basically would indicate that they would defend us and pay for any legal costs that might occur if Mr. Coranado or any corporation he represents attempts to sue the City over the acceptance of the occupation taxes.

There are two other alternatives. One of the alternatives would be to take the occupation taxes and do what's called an interpleader, interplead it into a superior court and say, "Judge, we don't know who's going to win the other suit but we don't want to be involved in it. Here's the money. You decide whether we can keep it or not." And of course we'll take money out of our coffers in order for me to do that.

And the other thing we could do is simply refuse to accept the taxes and let one party or the other attempt to force us to take the tax money and do that.

This way I believe is a reasonable compromise by allowing them to pay occupation tax and yet we're protecting the City, so I'd recommend the adoption of the indemnification

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[1] agreement.
[2] **COUNCILMEMBER ALEXANDER:** There is a
[3] blank. Is there supposed to be a corporation
[4] name in that blank?
[5] **ATTORNEY WEED:** The last version was
[6] sent 1/16/09, and there are no blanks in that
[7] version, so that name has been inserted.
[8] **COUNCILMEMBER BATES:** I have a 1/16/09
[9] and I have a blank.
[10] **COUNCILMEMBER ALEXANDER:** I don't have
[11] -- mine are blank as well.
[12] **ATTORNEY WEED:** Okay. The names are as
[13] follows: Juan Valdes, Alejandra Valdes, in
[14] order; La Costa Seafood, LLC.
[15] The other blanks are Luis Coranado, El
[16] Pescador, Inc., and El Pescador.
[17] **COUNCILMEMBER ALEXANDER:** Okay.
[18] Whereas, Valdes is embroiled in pending
[19] litigation with Luis Coranado regarding a
[20] corporation named?
[21] **ATTORNEY WEED:** El Pescador, Inc.,
[22] which formerly operated a restaurant known as El
[23] Pescador.
[24] **COUNCILMEMBER ALEXANDER:** Okay.
[25] **ATTORNEY WEED:** And the only other

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[1] blank that you might have would be in the --
[2] (counting) one, two, three -- fourth preamble
[3] paragraph. That's La Costa Seafood there.
[4] Hopefully, you shouldn't have any other blanks.
[5] **COUNCILMEMBER ALEXANDER:** So after
[6] Alejandra Valdes --
[7] **COUNCILMEMBER BATES:** In the first
[8] paragraph.
[9] **COUNCILMEMBER ALEXANDER:** -- in the
[10] first paragraph, there's a blank and then it
[11] says La Costa Seafood.
[12] **ATTORNEY WEED:** Yes. There is no blank
[13] any longer.
[14] **COUNCILMEMBER ALEXANDER:** Okay. So
[15] Valdes and then La Costa Seafood.
[16] **ATTORNEY WEED:** That is correct.
[17] **COUNCILMEMBER FLEMING:** And it's
[18] Coranado El Pesca, did you say?
[19] **ATTORNEY WEED:** In paragraph two of the
[20] paragraph two of the preamble, it's Luis
[21] Coranado and the other blank would be
[22] El Pescador, Inc.
[23] I actually got this to -- I got this
[24] version by fax to the Clerk, it was after hours
[25] on the 16th. Not her fault, but that was as

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[1] soon as we could get it.
[2] **MAYOR JENKINS:** Do I have a motion?
[3] **COUNCILMEMBER FLEMING:** They have not
[4] signed this agreement, though, however.
[5] **ATTORNEY WEED:** I'm not going to
[6] present it to them until the Council approves
[7] that you are interested in doing it.
[8] We have got an indication from them
[9] that they are willing to do so.
[10] **MAYOR JENKINS:** Well, do we need a
[11] motion? You present it to them. Do you have to
[12] have a --
[13] **ATTORNEY WEED:** Well, Mr. Mayor, I'd
[14] rather do it this way. If you approve it and
[15] they don't sign, that's fine. It's null and
[16] void without their signature.
[17] **COUNCILMEMBER BATES:** But the only
[18] party that would be enjoined in this would be
[19] Valdes; is that correct?
[20] **ATTORNEY WEED:** Correct. Well, it
[21] would be both of the Valdeses and their
[22] corporation, individually and as a corporate
[23] entity.
[24] **COUNCILMEMBER BATES:** So this wouldn't
[25] have any bearing on Mr. Coranado.

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[1] **ATTORNEY WEED:** No, it will not.
[2] **COUNCILMEMBER ALEXANDER:** So
[3] Mr. Coranado could still sue us.
[4] **ATTORNEY WEED:** Yes. But if he does,
[5] the Valdeses pay, which is the point.
[6] **COUNCILMEMBER BATES:** Okay. I'll make
[7] the motion to adopt.
[8] **COUNCILMEMBER ALEXANDER:** And there is
[9] an agreement also with the Halpern Corporation?
[10] **ATTORNEY WEED:** Not between the City
[11] and the Halpern Corporation.
[12] **COUNCILMEMBER ALEXANDER:** No, no, no.
[13] **ATTORNEY WEED:** My understanding of the
[14] facts directly from Mr. Halpern in a
[15] conversation that I had with him in the Mayor's
[16] office was that in order to avoid a claim of
[17] wrongful eviction by Luis Coranado for whatever
[18] other reasons might exist, Mr. Halpern has an
[19] indemnity agreement with at least one of the
[20] Valdeses. I don't know what other entities. I
[21] haven't seen that agreement.
[22] **COUNCILMEMBER BATES:** I'll make the
[23] motion to adopt.
[24] **COUNCILMEMBER PITTMAN:** Second.
[25] **MAYOR JENKINS:** Anymore discussion?

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- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
COUNCILMEMBER BATES: And I will pick up Mr. Spangler's bucket of water and make a motion to adjourn.
COUNCILMEMBER SPANGLER: I'll second.
COUNCILMEMBER ROCHE: I'll second.
MAYOR JENKINS: Call the roll, please.
COUNCILMEMBER ROCHE: Well, we're going

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to postpone.
COUNCILMEMBER BATES: I will make a motion to postpone.
COUNCILMEMBER ROCHE: I knew what you meant.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: Thank you. Meeting adjourned.
- - -
(Meeting adjourned at 9:27 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 27th day of January, 2009.

_____
Theresa Bretch, CCR
Permit No. B-755

[SEAL]

[

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