In The Matter Of:

City Council Meeting
City of Doraville, Georgia

Before Mayor Ray Jenkins
January 5, 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 6:00 p.m. on Monday, January 5, 2009.

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APPEARANCES:
Doraville City Council:
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, Planning Department

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: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Here.

MAYOR JENKINS: I want to approve the minutes for the 12/15/08 meeting. Do I get a motion?

COUNCILMEMBER BATES: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER ALEXANDER: Second.

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember

Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Yes.

MAYOR JENKINS: I put on the agenda Update on GM Property. There really is no update. There's been a lot of news media coverage and TV coverage.

The last time I talked to the people at GM, they're still talking to -- and at the time, they didn't want anybody to say that, but it was Sembler.

And of course there's a lot of talk about a stadium. That could be true and it could be scuttlebutt.

But what I'm saying is GM says they're

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at a standstill even talking with Sembler. So that's the latest I have.

If anybody has any more, GM is still telling me that I'll be the first to know when they sell it and who they sell it to.

So that's pretty well all the update I have unless somebody has some to add to it. I really know that there's a lot out there, but it's not -- as far as I know, it's not all true.

So we'll see. Some people love the idea of a stadium; some don't. I don't know.

The only comment that I've made on it is that we have to look at it. We're doing a study on it now through Luke as to how a stadium would affect the city, our revenue and whatever. And that's what we've got to look at: what would be the best for the city as far as our economy.

And I want to bring up also that on our Planning and Zoning public hearings -- and I would like to have a motion on this: that we do not have any public hearings on our regular agenda meeting nights because they take up too much of our meetings, and that's the reason we had old business on this tonight.

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COUNCILMEMBER SPANGLER: Can I make a motion on that?

MAYOR JENKINS: Yes.

COUNCILMEMBER SPANGLER: I'd like to make that motion that we don't have these meetings during our regular meeting -- public hearings.

MAYOR JENKINS: On the public hearing meetings, yes.

Do I get a second?

COUNCILMEMBER ROCHE: I second that.

MAYOR JENKINS: Anymore discussion?

COUNCILMEMBER ALEXANDER: I believe Mr. Haeberlin had a question.

MR. HAEBERLIN: I just need to clarify that to some extent.

We do have some items that are scheduled out till February 2nd. Those have already been advertised. So to the extent that you're changing the procedure up to February 2nd, we're going to have to abide by those dates and times which have been advertised for those items that have already been advertised.

MAYOR JENKINS: Well, can we just make the motion as of -- what did you say?

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MR. HAEBERLIN: Well, I mean you consult the attorney on that. I just want to make you aware of that: that up until February 2nd, we have things that are already advertised.

ATTORNEY WEED: You could make the motion and just make it effective March the 1st or the first meeting in March. Either one would be fine.

COUNCILMEMBER SPANGLER: Well, up until what point in February do we have the meetings advertised to or for?

MR. HAEBERLIN: February 2nd.

ATTORNEY WEED: February 2nd.

COUNCILMEMBER SPANGLER: February the 2nd? Well, why don't we just do it --

ATTORNEY WEED: You could do it then.

COUNCILMEMBER SPANGLER: Okay. February the 2nd will be the last meeting we have of public hearing meetings --

MAYOR JENKINS: On the night of a regular meeting.

COUNCILMEMBER SPANGLER: -- on the night of a regular meeting.

MR. HAEBERLIN: Correct. Thank you.

COUNCILMEMBER FLEMING: Could we not

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have -- or possibly with this motion indicate that the public hearings will be at 6 o'clock, prior to?

I mean if we're having to have them on City Council evenings, that the public hearings would be at 6 o'clock prior to our 7 o'clock meeting.

COUNCILMEMBER ALEXANDER: How are they advertised?

MR. HAEBERLIN: They're advertised for 7 o'clock up until February 2nd.

COUNCILMEMBER FLEMING: Okay.

MAYOR JENKINS: And after that, you're saying that we could have them on a regular meeting night but it would have to be before the regular meeting.

COUNCILMEMBER FLEMING: No. My preference would be not to have it on the meeting night at all.

MAYOR JENKINS: Okay.

COUNCILMEMBER FLEMING: I was just trying to compensate for the February 2nd.

MAYOR JENKINS: That was your motion. Make it February the 2nd.

COUNCILMEMBER SPANGLER: Okay. My

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[1] motion, what I said, February the 2nd, the
[2] ending date. Any other meetings we'll have at a
[3] time when the entire Council can be available
[4] for the meetings.
[5] **COUNCILMEMBER ROCHE:** Weren't we going
[6] to have a separate meeting every month for these
[7] types of things?
[8] **MR. HAEBERLIN:** Well, that is one of
[9] the ideas that had been thrown around is having
[10] like a third -- say a third meeting a month if
[11] needed where we have stuff advertised that is
[12] exclusively planning and zoning.
[13] That way, you would focus on that one
[14] particular item. We could spend as much time as
[15] we needed on things. And then your regular
[16] meetings would be reserved for the bulk of City
[17] business which is not planning and zoning.
[18] So you'd have to look at it and see
[19] where you might be able to fit in this quote
[20] third meeting.
[21] **COUNCILMEMBER SPANGLER:** Well, again, I
[22] think it needs -- it doesn't need to be a set
[23] date because six of us may have -- one of the
[24] six of us or two of the six of us may have
[25] something planned, so it needs to be a date that

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[1] we can all --
[2] **MAYOR JENKINS:** A special called
[3] meeting.
[4] **COUNCILMEMBER SPANGLER:** Yeah, a
[5] special called meeting and at a time when we can
[6] all attend.
[7] **MR. HAEBERLIN:** We're going to have to
[8] look at what the best time is for that because
[9] I'm going to -- to advertise things, to be able
[10] to do my job, I'm going to need for you guys to
[11] then nail down a time when you're going to be
[12] doing it.
[13] **COUNCILMEMBER SPANGLER:** Well, if you
[14] know you've got something coming up that you're
[15] going to have a special called meeting for, how
[16] long do you -- how far out do you have to
[17] advertise? Two weeks?
[18] **MR. HAEBERLIN:** Well, to be honest with
[19] you, based on getting the ad in and getting the
[20] signs up and everything else, really I need like
[21] 21 lead days on an ad itself, much less the
[22] other items, you know, no more than 45 days
[23] prior to the hearing.
[24] **ATTORNEY WEED:** The State law is no
[25] less than 15 nor more than 45 days prior to the

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[1] meeting where official actions will be taken.
[2] **COUNCILMEMBER SPANGLER:** Okay. Well,
[3] 21 days, then. You know, you get with us 21
[4] days before you plan the meeting and then we'll
[5] all let you know if we can or can't be at that
[6] particular meeting.
[7] **MR. HAEBERLIN:** My only concern with
[8] that is from a scheduling perspective of the
[9] timeliness of keeping our petitions rolling is
[10] that we really should look at a set time every
[11] month for a planning and zoning meeting because
[12] I think we're going to get in a situation where
[13] we're just not being able to accommodate any
[14] applicants.
[15] And like I said, I don't want -- I
[16] don't want us to not be timely in our approach
[17] to processing applications.
[18] I mean certainly I'll definitely love
[19] to work with the Council on that particular
[20] time, but I think we are going to need to nail
[21] down a more concrete time frame for this third
[22] meeting if that's what you're choosing to do.
[23] **COUNCILMEMBER ROCHE:** I guess the other
[24] thing is that the meeting would be scheduled
[25] after the Planning Commission meeting for that

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[1] month, too.
[2] **MR. HAEBERLIN:** That's correct, yeah.
[3] You would be working from a recommendation. If
[4] it's a rezoning, you'd be working from a recom-
[5] mendation from the Planning Commission.
[6] **COUNCILMEMBER FLEMING:** Third Monday?
[7] **COUNCILMEMBER BATES:** Third Monday is
[8] council meeting. Fourth Monday. Second or
[9] fourth.
[10] **MAYOR JENKINS:** Can't we make it a
[11] special called meeting rather than set up a
[12] monthly third meeting?
[13] **MR. HAEBERLIN:** I mean we could. I
[14] just think we're going to have problems as we
[15] receive petitions. They're probably going to be
[16] sitting around and waiting for this, you know,
[17] convalescence of the folks.
[18] **COUNCILMEMBER ALEXANDER:** If we go
[19] ahead and schedule a third meeting, can we
[20] always cancel it if we don't have anything on
[21] the agenda?
[22] **MR. HAEBERLIN:** Absolutely. If we
[23] don't need it, we don't need to have the
[24] meeting.
[25] **MAYOR JENKINS:** Well, that would be all

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right.
COUNCILMEMBER ALEXANDER: We just --
MAYOR JENKINS: Long as we have a way out.
COUNCILMEMBER ALEXANDER: -- put an agenda saying meeting was cancelled, no business to conduct or whatever?
ATTORNEY WEED: No problem.
MAYOR JENKINS: Okay.
COUNCILMEMBER BATES: I'm okay with second or fourth. Mondays are good for me.
MAYOR JENKINS: We had one sign-up on that item, which was Stuart Anderson. Come on up to the microphone, Mr. Stuart.
MR. ANDERSON: In this matter?
MAYOR JENKINS: Sir?
MR. ANDERSON: Is it in this matter that I signed up for?
MAYOR JENKINS: You put down planning and zoning meetings.
MR. ANDERSON: Very good. Very good. Indeed. Thank you.
I have a copy in front of me of 06-22, which states that application packet to the planning commission and certified planner. The

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modification of zoning ordinances 14-03, 16-02, 16-03 and 16-04(a), all to be modified to -- wherein the -- got to read here -- city clerk. Except in cases of administrative variances, the city clerk shall immediately forward copies of the variance application -- variance application packet to the planning commission and certified planner. City planner, Planning Commission and certified planner shall forward their recommendations to city planner -- City Council in writing at least 7 days prior to public hearing, et cetera.
That's basically the change that they made to -- the City Council made to 14-03, 16-02, 16-03, 16-04(a).
So before you go on in your timing all of this, you need to take -- either change that law or figure out the timing wherein the Planning Commission is supposed to be inserted in that process. Okay?
COUNCILMEMBER FLEMING: Thank you.
ATTORNEY WEED: To second the thought, the only caveat I have if we bring it to a vote would be I will need to go back to the zoning ordinances and the charter just to make sure

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there's nothing more formal that's already established that we wouldn't have to -- you know, we'd have to change formally by virtue of ordinance.
Off the top of my head, I don't know that there is, but I'll do that check tomorrow and get back with you.
MR. ANDERSON: That was enacted by the City Council, and the City Council needs to change it if they want to change it.
ATTORNEY WEED: I'm not disagreeing with Mr. Anderson at all.
I'm just saying that that's part of what I would regularly do anyway and I will do that. So that's the caveat before you vote.
MAYOR JENKINS: What are you saying? Postpone the meeting, this motion?
ATTORNEY WEED: No, sir. You can go ahead and make the motion, and -- and what I would do is I would go back and make sure that the codes where applicable reflect what you just wanted -- what you wanted to do.
MAYOR JENKINS: Okay. Well --
MR. CRAWFORD: Mayor, I walked in a minute or two late. Can I comment on this too?

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I didn't get a chance to sign in. I was late.
MAYOR JENKINS: Okay. Come on up.
MR. ANDERSON: And I stole the sign-in sheet.
MR. CRAWFORD: Ben Crawford.
I actually reviewed -- I wasn't at the last meeting, but I reviewed the tape for the last meeting where a variance was approved to subdivide a lot. And if that's correct, on our ordinance, it seems like that variance needed to come before the Planning Commission.
Is that correct?
I mean that was the process in the past. I believe Stuart's correct. I believe City Council, to the best of my recollection, voted on that, and I'm kind of curious why that didn't come before us.
ATTORNEY WEED: As of right now, the code does not reflect that the Planning Commission gets variances. It isn't there.
Now --
MR. CRAWFORD: That actual ordinance that he read from was something that was voted on, and you're saying it's not there is what you're saying.

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[1] **ATTORNEY WEED:** What I'm saying is that
[2] the codes that I have reviewed did not include
[3] this ordinances.
[4] I will look at this ordinance --
[5] **MR. CRAWFORD:** Okay. But --
[6] **ATTORNEY WEED:** -- and see if --
[7] **MR. CRAWFORD:** -- it was there.
[8] And then my further question is --
[9] No. I know. You're going to go back
[10] and look.
[11] And my further question is, our common
[12] practice before was for us to review that. And
[13] I know the city planner did discuss it with us,
[14] that they were going to carte blanche take the
[15] variance review process away from us, along with
[16] yourself and I believe the other attorney from
[17] your firm.
[18] And we really didn't --
[19] I think that was at the time it was
[20] broached, was it not? When we had our meeting
[21] with the city planner?
[22] **MR. HAEBERLIN:** It was discussed during
[23] the Planning Commission training session with
[24] Mr. Weed and his associate --
[25] **MR. CRAWFORD:** That's right.

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[1] **MR. HAEBERLIN:** -- and myself, it was
[2] not in the code and therefore we would not be --
[3] **MR. CRAWFORD:** Okay.
[4] **MR. HAEBERLIN:** -- doing anything other
[5] than the code.
[6] **MR. CRAWFORD:** Right.
[7] **MR. ANDERSON:** I didn't object that
[8] night because I didn't have it in my possession
[9] and I wasn't going to challenge it.
[10] **MR. CRAWFORD:** But I wasn't there that
[11] night.
[12] And then that brings me to -- a further
[13] question is in reviewing the tape, it seemed
[14] like there were some people on City Council that
[15] felt like it was better that it went before the
[16] Planning Commission.
[17] And I, myself, thought this was an
[18] arbitrary motion by the City -- City Council to
[19] just come back and change it without getting
[20] into any kind of dialogue with us.
[21] I know they have the ability to do
[22] that. We're just a volunteer group that has put
[23] a lot of effort into this over the years.
[24] But it seems to me like out of mutual
[25] respect, there would have been some kind of

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[1] discussion about it prior to it being --
[2] And that wasn't a discussion prior to
[3] being changed.
[4] And I think the community's been trying
[5] to grow, and I think part of that growth process
[6] has been the Planning Commission working,
[7] working with the City Council over the last few
[8] years. There's been rough points in between,
[9] but I feel like we've always made an -- most of
[10] us have always made an honest effort to help the
[11] city and help the citizens. And I just -- you
[12] know, I mean it seems to me like, you know, the
[13] same old stuff over again.
[14] And I, for one, did listen to the tape,
[15] and I actually disagree with you on that as far
[16] as subdividing the guy's lot. I mean I listened
[17] to it carefully, and my position would have been
[18] -- and I don't know about what the rest of the
[19] city Planning Commission would have been, but I
[20] would have rejected that. I didn't think it was
[21] a good thing and I still don't think it's a good
[22] thing.
[23] It seemed to me like basically you're
[24] saying for future development and for future
[25] monetary gain for this individual for future

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[1] security of his family. And if his dad was an
[2] architect, just from the drawings of the
[3] property itself, if he's worried about his dad
[4] passing away, he could go ahead and do the
[5] drawings, and then when he gets ready to build,
[6] then he can ask for his variance. What's the
[7] big rush? Why carte blanche hand this to this
[8] guy? Just doesn't make any sense to me.
[9] And then also one further point,
[10] Mr. Mayor, is I felt, just reviewing this -- and
[11] as a citizen, I'll make this comment -- and this
[12] is directed to you, Mr. Mayor, is I felt that
[13] you didn't handle yourself in a very proper way
[14] during that meeting when people were getting up
[15] to discuss the variance that night. That's just
[16] my own personal opinion.
[17] **MAYOR JENKINS:** Well, I hope it's just
[18] your opinion. I do the best I can up here.
[19] And I think we've gotten a little off
[20] track here.
[21] **CLERK BLACKMON:** Uh-huh.
[22] **MAYOR JENKINS:** All we wanted to do was
[23] to find out and keep these public hearings from
[24] getting on regular Council meetings.
[25] Now, if we need to have another special

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[1] meeting on the Planning and what they do, what
[2] the Council wants them to do, that's a different
[3] story.
[4] All the question was -- and we had a
[5] motion on the table and a second -- that we do
[6] not have these public hearings on regular
[7] Council meeting nights, and we've already got
[8] into a deep discussion on the planning board.
[9] Am I talking out of turn?
[10] **CLERK BLACKMON:** No, sir.
[11] **MAYOR JENKINS:** Okay. Well, then, I'm
[12] going to call for the motion.
[13] You want to keep your motion on the
[14] floor?
[15] **COUNCILMEMBER SPANGLER:** I didn't make
[16] the motion.
[17] **CLERK BLACKMON:** Yes.
[18] **COUNCILMEMBER ALEXANDER:** Yes.
[19] **COUNCILMEMBER ROCHE:** Yes, you did.
[20] **COUNCILMEMBER SPANGLER:** The motion for
[21] the meeting?
[22] **COUNCILMEMBER ALEXANDER:** Yes, sir.
[23] **CLERK BLACKMON:** Motion not to have
[24] them on the regular --
[25] **COUNCILMEMBER SPANGLER:** Only not to

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[1] have them in the regular meeting.
[2] **CLERK BLACKMON:** That's what we're --
[3] **MAYOR JENKINS:** Right.
[4] **COUNCILMEMBER SPANGLER:** Not to have a
[5] specific day every month to have this meeting or
[6] -- or --
[7] **MAYOR JENKINS:** No, no. All the motion
[8] was, to keep them off the regular meeting
[9] nights.
[10] **COUNCILMEMBER SPANGLER:** Okay. Let's
[11] go back and we'll redo this whole thing.
[12] I will make a motion that we do not
[13] have any more public hearing meetings during a
[14] regular Council meeting and that we will set up
[15] those meetings when it's convenient that all
[16] Council and Mayor can be at those meetings.
[17] And if we have to advertise, if we have
[18] to go to the city planner or whomever 21 days or
[19] 45 days, whatever, then we can all know that 45
[20] days or 21 days from now, we'll be able to
[21] attend that meeting.
[22] I don't -- I can't see setting a
[23] specific date or day every month for a meeting
[24] if we don't need it.
[25] **MAYOR JENKINS:** Okay. Do you second

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[1] that?
[2] **COUNCILMEMBER ROCHE:** Yeah.
[3] **MAYOR JENKINS:** Okay.
[4] **COUNCILMEMBER ALEXANDER:** Effective
[5] February 2nd?
[6] **COUNCILMEMBER SPANGLER:** Effective
[7] February the 2nd. Thank you, Ms. Alexander.
[8] **MAYOR JENKINS:** I'm going to call for
[9] the motion.
[10] Call the roll.
[11] **CLERK BLACKMON:** Councilmember
[12] Alexander?
[13] **COUNCILMEMBER ALEXANDER:** Yes.
[14] **CLERK BLACKMON:** Councilmember Bates?
[15] **COUNCILMEMBER BATES:** Yes.
[16] **CLERK BLACKMON:** Councilmember Fleming?
[17] **COUNCILMEMBER FLEMING:** Yes.
[18] **CLERK BLACKMON:** Councilmember Pittman?
[19] **COUNCILMEMBER PITTMAN:** Yes.
[20] **CLERK BLACKMON:** Councilmember Roche?
[21] **COUNCILMEMBER ROCHE:** Yes.
[22] **CLERK BLACKMON:** Councilmember
[23] Spangler?
[24] **COUNCILMEMBER SPANGLER:** Yes.
[25] **MAYOR JENKINS:** Thank you.

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[1] **ATTORNEY WEED:** Mr. Mayor, just very
[2] briefly.
[3] Assuming that the ordinance I've been
[4] handed tonight is accurate and correct, the
[5] ordinance attempts to modify sections 16-02
[6] through 16-04(a). It doesn't modify section
[7] 2-40, which is where the powers and the
[8] authorities of the Planning Commission are
[9] found.
[10] In 2-40, there is a power for the
[11] Planning Commission to hear variances. Can that
[12] be changed? Certainly. But that isn't in 2-40,
[13] this ordinance doesn't change 2-40, and that's
[14] where we are today. Doesn't mean that we can't
[15] do it. It's just -- it's not there yet.
[16] **COUNCILMEMBER SPANGLER:** Okay. So what
[17] are you saying we need to do, Mr. Weed? because
[18] we need to keep the Planning Commission. The
[19] Planning Commission was formed to give Council
[20] guidance and help, and they've done a lot of
[21] research and have done an excellent job.
[22] So what do we need to do to be able to
[23] keep them and let them do the work that they've
[24] chosen to volunteer to do --
[25] **ATTORNEY WEED:** I would advise you --

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COUNCILMEMBER SPANGLER: -- for no money?

ATTORNEY WEED: -- to modify ordinance 2-40 to include the Planning Commission in the loop, so to speak, on variances as one of the powers that are granted with regard to giving nonbinding recommendations on variances.

COUNCILMEMBER ROCHE: I make a motion that we do that. I had thought someone else was going to put this on the agenda. When we submit agenda items, we can't see everyone else's agenda item.

Even if we have to add this to the agenda, I mean this is something that definitely needs to be resolved, and I do think that the Planning Commission does need to be reviewing, you know, basically all the stuff.

MAYOR JENKINS: Wait just a minute, Bob. This is not on the agenda tonight.

COUNCILMEMBER ROCHE: No. I know.

MAYOR JENKINS: I mean why don't we put it on the next agenda and get that taken care of?

COUNCILMEMBER SPANGLER: Mayor, it's already come before the Council with

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Mr. Crawford and Mr. Anderson. Why couldn't we add it to the agenda if it would be okay? I think we could probably get a majority vote and go ahead and settle it tonight.

ATTORNEY WEED: The only caveat I have about that is right now 2-40 is not in your zoning code. However, it deals with the Planning Commission, and there's language about zoning in 2-40.

I would like to play it safe. And if you decide you want to change 2-40, I would still like to run an ad underneath the Zoning Procedures Act so that our bases are covered just in case it's interpreted at some point in the future that 2-40 was the zoning ordinance, for safety's sake.

COUNCILMEMBER ROCHE: Well, I don't want to wait two weeks to start the process.

ATTORNEY WEED: Well, what you could do is, you know, if the commission wanted to just authorize me to go ahead and do the work, I mean you could certainly do that and get a vote on that.

COUNCILMEMBER ROCHE: Okay. Can we make that motion or do we have to add it to the

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agenda and then make the motion?

ATTORNEY WEED: I would prefer you add it to the agenda and make the motion.

MAYOR JENKINS: Do I get a motion?

COUNCILMEMBER ROCHE: I'd like to make a motion to add this to the agenda.

MAYOR JENKINS: Second?

COUNCILMEMBER SPANGLER: And I'll second.

MAYOR JENKINS: Call the roll.

COUNCILMEMBER ALEXANDER: Now, what exactly are we adding to the agenda?

COUNCILMEMBER ROCHE: To be able to start the process to change 2-40 to include the Planning Commission in the process for variances, changes to the zoning ordinance, whatever, whatever's not there now.

MAYOR JENKINS: Okay. Call the roll.

COUNCILMEMBER ALEXANDER: So your motion is to --

COUNCILMEMBER ROCHE: Add it to the agenda.

COUNCILMEMBER ALEXANDER: -- authorize -- to add an agenda item to authorize the city attorney to start modifications of 2-40.

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COUNCILMEMBER SPANGLER: In order to keep the Planning Commission -- let the Planning Commission do what they were chosen to do, what they volunteered to do back when we first set up the Planning Commission.

COUNCILMEMBER ROCHE: Yeah. So this vote's just to add it to the agenda.

MAYOR JENKINS: Okay. Are we ready for a motion?

COUNCILMEMBER ROCHE: Well, I made the motion.

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: No.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: No.

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?

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COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: Okay.
COUNCILMEMBER ROCHE: It seems like before, when a zoning question or a variance question came to the Council, we got recommendations. We got recommendations from the P.C. And that way, we didn't have to -- the Planning Commission -- and that way, we didn't have to have a full-blown public hearing during the middle of a meeting. I'm not sure why that's different or whatever.

And I understand, and in all due respect to the planner, I mean you guys are just following the law. I mean you're not doing anything wrong here.

Anyway, I would like to make a motion to authorize the City Attorney to begin the process of modifying our current ordinances as needed to include the Planning Commission in reviewing variances -- whatever they're not reviewing today, have them do the zoning ordinance or variances.

COUNCILMEMBER SPANGLER: I'll second, although I can't understand why we let them do this for this period of time and now all of a

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sudden it's wrong.
ATTORNEY WEED: Well, I think I can answer that, you know. I was asked to provide some training to the Planning Commission, and one of the things that came up obviously in a training session for the Planning Commission is what are the powers of the Planning Commission, and this is a power that wasn't specifically listed, which means that they don't have it. Doesn't mean that they can't get it, but it doesn't mean [sic] they don't have it. And just because we have done something before --
COUNCILMEMBER SPANGLER: Oh, I understand that.
ATTORNEY WEED: -- doesn't mean that we're following the code.
COUNCILMEMBER SPANGLER: I understand that. But what power did we give them that they're not actually authorized to have?
ATTORNEY WEED: The power to review variance --
CLERK BLACKMON: Variance.
ATTORNEY WEED: -- requests.
COUNCILMEMBER PITTMAN: So is there a reason for that, the reason it was not put in

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there?
ATTORNEY WEED: To my knowledge, it's never been in the code. There have been -- give me one second -- there have been at least two changes since 1979 to 2-40, and to my knowledge, it just was never in there since 1979.
COUNCILMEMBER PITTMAN: So is this a norm for planning commissions not to have this or is it just by choice?
MR. HAEBERLIN: Normally, in the situations I've dealt with, planning commission does not review variances. There's a separate board set up called a board of zoning appeals. And that's in most jurisdictions. The council never touches the variance or has any right as far as conflicting with the decision made by the board of zoning appeals.
COUNCILMEMBER SPANGLER: Mr. Haeberlin, I thought that there was a planning board, okay, as we have now --
MR. HAEBERLIN: That's correct.
COUNCILMEMBER SPANGLER: -- but there also was a review board that would go back and review any appeal that -- if they turned down a zoning condition, problem or whatever you want

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to call it, it they turned it down, then there was a separate committee which would be -- you could appeal to.
MR. HAEBERLIN: No, no.
CLERK BLACKMON: We do not have that.
MR. HAEBERLIN: No.
COUNCILMEMBER SPANGLER: Well, I'm just saying there is a system like that.
MR. HAEBERLIN: Well, usually -- okay. In the situations where the planning commission is a recommending body, if you have a board of zoning appeals, most ordinances are set up that if the board of zoning appeals denies something, you go to superior court. If the city council denies something, you go to superior court. There's not this back-and-forth between having these abdicating powers to these individuals and then not letting them proceed with them. So it's done differently in other jurisdictions.

However, generally, in my experience in 13 years, the planning commission does not review variances absent a rezoning. So a variance with a rezoning petition is a different situation than just a variance from the code.

And you're aware of course that there

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are variances that have nothing to do with the zoning code. They're development variances that are exclusively your domain and not that of any other body even if you set it up in that manner. So we'll have to look at to what extent the type of variances the Council will be hearing a recommendation from the Planning Commission.

COUNCILMEMBER ROCHE: Well, the P.C. is -- I mean the Planning Commission is an advisory thing. I mean they don't have the --

MR. HAEBERLIN: Correct.

COUNCILMEMBER ROCHE: -- power to do anything --

MR. HAEBERLIN: Correct.

COUNCILMEMBER ROCHE: -- other than to -- they're an extra pair of eyes, a very -- as has been said, a very well trained pair of eyes, you know, because when I get this packet, I always -- you know, as long as I'm here, I'm not going to catch everything. I'm not going to be an expert and I'm not going to learn as much as everyone else is. And it's just this added layer of comfort with anything having to do with zoning ordinances or variances or zoning changes if I have -- if we as a council have one more

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voice to say, "We think this is a good idea," or "We don't think this is a good idea," it's just that added level of comfort.

MR. HAEBERLIN: Typically that is the case with a variance from the zoning code.

What I'm saying is there will be variances from development regulations once we have a full-fledged development regulation in effect, that typically in most jurisdictions never reach the level of the planning commission. They have them as administrative functions or they go directly to the council. For example, a variance to not allow -- to not require a sidewalk on a property frontage is usually a non-zoning variance.

So to the extent that you're advocating variances to the Planning Commission, then you need to decide what is the full scope of the variances that you'll be giving them.

COUNCILMEMBER ROCHE: And I would tend to lean towards a larger scope, frankly, unless they --

MR. HAEBERLIN: And that is your pleasure.

COUNCILMEMBER ROCHE: And again, it's

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just --

MR. HAEBERLIN: You have to be aware that --

COUNCILMEMBER ROCHE: -- an advisory --

MR. HAEBERLIN: -- it will in many cases slow down the petition processes.

CLERK BLACKMON: And that's what I was going to add, too, because from a permit side, some of these applicants with these small administrative, why make them wait an additional one to two weeks to get it finished when it's something that can just be knocked out --

COUNCILMEMBER ROCHE: Is there a way --

CLERK BLACKMON: -- if it's nothing --

COUNCILMEMBER ROCHE: -- to quantify that --

CLERK BLACKMON: -- on a large scale?

COUNCILMEMBER ROCHE: -- to what's reasonable and what's not reasonable?

MR. HAEBERLIN: Well, you have an administrative function in your zoning ordinance right now. It's reserved for the Mayor. It's very limited. I think it addresses maybe four things. And that, to my knowledge, has never been used since I've been here.

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COUNCILMEMBER ROCHE: Okay. I don't think we have to decide this today or tonight. I do think, though, that, to me, historically, yes, the Planning Commission's always been involved.

I was not aware that you were starting to bypass the Planning Commission until last time we were here. I found out at the last minute. So I don't know about anyone else, but this Council member didn't realize that was going on.

Again, you guys followed the law. You didn't do anything wrong, I mean, and I don't mean to imply that. But I do think that the Planning Commission is a valuable tool in our decisionmaking process and we should include them as much as is appropriate.

COUNCILMEMBER BATES: Well, I'd like to point out that up until October, we didn't have a planner. So the Planning Commission served an incredibly important role in being those eyes to help guide the process for the Council. We now have a professional, qualified planner to provide us with guidance and input.

You know, I think there's a role for

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the Planning Commission to be there and to serve as that extra eye. But when we've got an individual who's got the expertise in a lot of different areas, I would like to retain, you know, at least some leeway for his discretion.

COUNCILMEMBER ROCHE: Well, of course. I mean we want -- obviously. I mean I would like to get both opinions, frankly.

I'm just saying that one doesn't replace the other. I think one adds to the other, one enhances the other.

MR. HAEBERLIN: Right. So you'll be getting a recommendation not only from your Planning Commission but from your staff as well, and they --

COUNCILMEMBER ROCHE: Absolutely.

MR. HAEBERLIN: -- may diverge.

COUNCILMEMBER ROCHE: Absolutely.

MR. HAEBERLIN: And then you are the final decisionmaker.

COUNCILMEMBER ROCHE: Exactly.

COUNCILMEMBER SPANGLER: That's fine. But in the meantime, I agree with Mr. Roche. I think the Planning Commission has done a pretty terrific job. I'd like -- I would hope that

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they would all stay and continue to help us. And even if it is a conflict between you and them, then like you said, it's going to be up to us so --

MR. HAEBERLIN: Well, thus far, scheduled for them for January 8th at 7:00 p.m. is the rezoning on 3921 Flowers Road that you're all aware of. It's a translation station. And then also, too, the rezonings for the Peachtree Industrial Boulevard, which I think is 6477, -79 and -81, that was directed to us by Council is going to them again on January 8th.

So the things that I have received that are in the hopper right now are going to them because they are rezoning related, and they will be on January 8th.

COUNCILMEMBER ROCHE: How about changes to the zoning ordinance itself after tonight?

MR. HAEBERLIN: After tonight's, I don't have anything in the hopper that I'm aware of other than a text amendment on January 19th for M1/M2. That's the only thing I'm aware of.

Are you aware of something else, Murray?

COUNCILMEMBER FLEMING: M1/M2?

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COUNCILMEMBER ROCHE: With the modification.

MR. HAEBERLIN: Text amendment to M1/M2.

MAYOR JENKINS: Bonita, come on up.

COUNCILMEMBER FLEMING: We passed M1/M2.

COUNCILMEMBER ROCHE: No, but this is a change.

MS. HOFFMEISTER: I'm not an employee, so I can say, really take what Scott has recommended, seriously. You might want to consider a separate board for or council for your variances simply because sometimes you do run into legal problems.

I would also recommend to avoid legal problems that you have the opinion of the Council read as by our planning -- or Scott, because that way, we don't get anything that a lawyer could use additional testimony other than just their opinion, and that way they can speak as citizens if they wish. But the Board should just be a simple statement that's read by Scott. That leaves us free of any potential legal problems.

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And just basically really take what Scott said to heart because I think he's really giving you some excellent advice that we should consider.

COUNCILMEMBER PITTMAN: So would it be better -- I guess you're saying it would be better to have a separate board for that?

MR. HAEBERLIN: It's just -- again, it's something that's food for thought for you to think about, and it is going to be more work. You know, Mr. Weed will have to prepare an ordinance to that effect and we'll have to get some people to volunteer for it. It is another board.

Just, you know, either way is fine with me, but we need to -- if we're going to send stuff to the Planning Commission, let's be consistent and let's send everything there, not piecemeal it. They're going to have to have a meeting every month. There's no if's, and's or but's. It will have to be a regularly-scheduled meeting, and we'll have to --

MAYOR JENKINS: For the Planning board or for the Council?

MR. HAEBERLIN: The Planning

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Commission.
We'll have to have that participation on that night. We'll have to make decisions, to keep things moving in a timely manner to you. For example, on January 8th, we're going to have to have five decisions rendered that night as a recommendation to you, to keep things on schedule up to February 2nd.
COUNCILMEMBER SPANGLER: Well, let's ask Mr. Crawford since he's --
MAYOR JENKINS: Can you do it?
COUNCILMEMBER SPANGLER: -- the chairman of the Planning Commission.
MR. CRAWFORD: Yeah. I'll pick up my package tonight.
And if Scott could get the correct e-mail address for me, that'll be helpful, because I didn't receive the last e-mail. I've been getting it all along, and all of a sudden it's wrong. I think it's AOL dot com. So I didn't really get it.
MR. HAEBERLIN: Okay. Will do.
COUNCILMEMBER ROCHE: Well, let me bring out one more thing. If for some reason there's a schedule and for some reason the

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Planning Commission doesn't meet that schedule, then couldn't we just proceed without their recommendation and just put that into the ordinance that says -- you know.
ATTORNEY WEED: Well, I mean --
COUNCILMEMBER ROCHE: I don't want to make it more complicated than necessary, but --
ATTORNEY WEED: Yeah. But my concern would be the 14th amendment procedural due process requirement.
If you have an applicant for a zoning or variance matter and the Planning Commission for whatever reason doesn't meet and we have built into the ordinance a requirement that, you know, if they don't meet, it would still go to the Mayor and Council, while I don't think that would be illegal because we would have addressed it up front, I don't think it's good policy and I'd be worried that some applicant would say, "Okay. Well, I should have been able to go to the Planning Commission" --
COUNCILMEMBER ROCHE: Okay. Fair enough.
ATTORNEY WEED: -- or "I should not be --" you know, "It shouldn't have had to go to

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the Planning Commission" if they granted an unfavorable decision.
COUNCILMEMBER ROCHE: Fair enough.
MR. CRAWFORD: To answer your question, Mayor --
ATTORNEY WEED: I would make it A or B.
MR. CRAWFORD: -- Mayor, we'll be ready.
MAYOR JENKINS: Okay.
COUNCILMEMBER SPANGLER: I don't really think the Planning Commission has cancelled any meetings, to my knowledge.
MR. CRAWFORD: No. There's been times when things have been slow and there hasn't been a meeting --
COUNCILMEMBER SPANGLER: Right.
MAYOR JENKINS: Right.
MR. CRAWFORD: -- because we were under the direction of City Council, and if the basket's empty -- there was complaints from City Council that we were holding meetings with no work available.
COUNCILMEMBER SPANGLER: When you get the information --
MR. CRAWFORD: No. We'll start a

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regular schedule.
COUNCILMEMBER SPANGLER: Okay.
MR. CRAWFORD: We'll take Scott's advice and we'll start a regular day.
COUNCILMEMBER ROCHE: Well, like I said, basically the motion was to just begin this process and maybe -- and then we can just have it on the agenda for next meeting.
MR. HAEBERLIN: Since we have members of the Planning Commission present tonight, let me state for the record so that they're aware that I would like to have their packets ready for the 8th meeting -- I do apologize. They've not done packets in the past. But let me have their packets ready to them no later than 4:30 tomorrow. Would they please come by my office and pick up their packets by 4:30 tomorrow p.m. And that will be for the 8th meeting, and I will have something ready for them.
MR. CRAWFORD: Okay. So you want us to pick it up -- if I can get this correctly -- pick it up and then render a decision on the 8th.
MR. HAEBERLIN: And on the 8th, you can take whatever appropriate time, you know, after

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the public hearing function to workshop or discuss the item, and we will have an actual recommendation to the City Council to carry forth on the 8th.

COUNCILMEMBER SPANGLER: That doesn't give them very much time. You're giving them two days. Well, actually a little less than two days, two full days.

MR. CRAWFORD: That's all right.

COUNCILMEMBER SPANGLER: Can you do that?

MR. CRAWFORD: Sure.

MR. HAEBERLIN: Well, we'll take as much time as we need to at the meeting, so --

MR. CRAWFORD: Sure. We'll make it a long time.

COUNCILMEMBER ROCHE: So anyway, the motion was -- and I forget the wording, but to begin this process of including the P.C. in this process.

MAYOR JENKINS: Have we got a second?

COUNCILMEMBER SPANGLER: Yes. Second.

MAYOR JENKINS: Okay. Call the roll.

CLERK BLACKMON: Councilmember Alexander?

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COUNCILMEMBER ALEXANDER: No.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: No.

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. Motion carried.

MAYOR JENKINS: Mr. John Li, will you come forward, please.

Traditionally, we elect an ambassador from the community. Tonight, I'm going to -- John Li has been our ambassador since --

How long do you think it's been?

MR. LI: 2002.

MAYOR JENKINS: 2002.

MR. LI: 2002, 2004.

MAYOR JENKINS: Okay. So I'm renewing this tonight for Mr. Li. He is ambassador to

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the Korean community for the city of Doraville. This is only an honorary position, but it's very important to them and to us to have somebody that will do this for us.

So I'll present this to Mr. Li tonight (presenting).

MR. LI: Thank you very much.

- - -

(Applause)

- - -

MR. LI: Thank you, Mayor, and Honorable Mayor of City of Doraville. It's my great honor and privilege to be an ambassador of the city of Doraville. I've been ambassador once before under the leadership of Gene Lively and now this is second term.

I think Korean American community is rapidly growing. It's almost over 100,000 Korean American lives in greater Atlanta area. Especially on Buford Highway corridor here in the city of Doraville, there's almost a thousand Korean small businesses surrounding on the Buford Highway.

I trust that there's a lot of Asian American community that come to the city which

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is near Peachtree and Shallowford Road and down below the Buford Highway, above the Buford Highway.

I think this is great opportunity to work as a unity. Let's work together. I'll do my best under the leadership of the Mayor and all the great Council members.

Thank you so much.

COUNCILMEMBER ROCHE: Thank you.

COUNCILMEMBER FLEMING: Thank you.

- - -

(Applause)

- - -

MAYOR JENKINS: I will present the Chinese community person next week, and I think most of you know who'll that'll be.

COUNCILMEMBER SPANGLER: Mayor, do we have an ambassador from the Hispanic community?

MAYOR JENKINS: We're going to get it.

COUNCILMEMBER SPANGLER: Okay.

MAYOR JENKINS: We're working on it.

You have a suggestion?

COUNCILMEMBER SPANGLER: Do I have?

MAYOR JENKINS: Yes.

COUNCILMEMBER SPANGLER: Yes, sir.

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It's the gentleman sitting back here (indicating).

MAYOR JENKINS: Okay. You get me his name.

COUNCILMEMBER SPANGLER: I got it.

MAYOR JENKINS: Okay. We're going to take Item No. 4 will be at 7 o'clock, so the next item is No. 5, and I believe that's Scott.

MR. HAEBERLIN: Correct, Mayor. We've done M1/M2, C1/C2. Tonight we'll be doing O-I and O-2.

And I think it's incumbent on us based on some of the changes that have been occurring that we very quickly move on the residential districts as well. I don't think they're going to take quite as much time as the other districts did.

But I just wanted to get a motion in the form of the Council for the staff and for the attorney beginning the rewrites for the residential districts, and then based on your adoption of things going to the Planning Commission, we'll also be sending that text to the Planning Commission as well.

COUNCILMEMBER SPANGLER: And how much

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time will the Planning Commission get to review this?

MR. HAEBERLIN: Well, now that I'm aware of them needing packets well in advance, we will try to get them as much in advance as possible. Ten days I think is really reasonable, and I'll try for ten days.

MAYOR JENKINS: Do we need a motion on it?

MR. HAEBERLIN: A motion only to the extent that we're going to be spending attorney time if that's how you want to proceed or --

ATTORNEY WEED: If no one raises a fuss, I'll consider myself authorized to proceed.

MAYOR JENKINS: Okay.

COUNCILMEMBER ALEXANDER: I think one of the concerns that had been voiced by a member of the audience was the annexation now we know is going to get a revote -- is making sure that we have compatible definitions. I believe there was some concern about some R-100 definitions as far as the County and what we currently have.

MR. HAEBERLIN: Correct. I think there's great divergency from what I've reviewed

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thus far -- and I've not had an opportunity to see an actual land-use map for the annexed area.

We're going to have to make a decision in what lateral manner things are accepted, and that is going to affect -- if we get the annexation areas, that is going to affect how we proceed on development in those areas.

Of course I know there's going to be a time frame for turning items over to us.

We are going to have to really look in detail about how their existing development conditions agree with that of what we have proposed as a city.

Now, it's fine if something is already basically built out and they're not going to do anything to it other than routine interior finish type permits, et cetera.

But we are going to have to look at if that does occur, how these things transfer. We may actually have to add some additional districts. For example, a Highway Commercial district -- a C-3, a heavy district. That is one of the items I'm aware they have that we don't have.

So again, based on the action of what

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does occur, then we're definitely going to have to sit down and look at our land-use matrix, and also, too, we may have to do some code amendments.

So that's -- that's it on mine.

And again, O-I and O-W is at 7:00. I guess we could proceed to the building identifier placard ordinance, which is Mr. Weed.

ATTORNEY WEED: Mayor and Council, we have -- in conference with Scott, we've made extensive revisions to this ordinance.

First I'd like to begin by telling you what the law on the subject is and also relate some of the facts.

The building placard ordinance is not a sign ordinance, so bear that in mind. The purpose of the ordinance is to help public safety entities identify buildings and addresses in times of emergency.

Now, you heard from Chief King at the last meeting where we discussed this, that he didn't think there was a dramatic need for the ordinance. I will relate that as a fact in his presentation to you at that time or his comments to you at that time.

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[1] With regard to the law on the subject,
[2] there are two. Georgia -- it's a layer cake
[3] with regard to law. There's the Federal law and
[4] then there's the State law.
[5] In Georgia, there's a statute in Title
[6] 50 that makes English the official language of
[7] the State for all specific filings.
[8] Interestingly enough and almost contrary to that
[9] law, there is a State law in Title 36 that makes
[10] it illegal for any city to restrict the use of
[11] any language other than English on any signage
[12] at a privately-owned business.
[13] But once again, this is not a sign
[14] ordinance nor is it intended to be restrictive
[15] or prohibit any language other than the English
[16] language in any form whatsoever in the form of
[17] advertising or other methods of communication
[18] other than having an English-language
[19] requirement in addition to whatever other
[20] characters or languages might be used for
[21] buildings only.
[22] With regard to the Federal law, there
[23] is no Georgia case in the 11th Circuit that
[24] deals with this particular issue. The closest
[25] case is Asian-American Business Group v. City of

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[1] Ponoma. It is a California case and it is not
[2] directly applicable to Georgia in any way;
[3] however, that case has got some very good
[4] standards in it.
[5] In the City of Ponoma case, essentially
[6] there was a sign ordinance that required that
[7] for all advertising, one half of the
[8] advertisement, whatever it was, had to be in the
[9] English language. The other half could be in
[10] whatever language the owner of the sign wanted
[11] to have on there. But at least one half of the
[12] entirety of the sign had to be in English.
[13] And that court said that that was
[14] discriminatory on its face and it was
[15] unconstitutional. The ordinance in that case
[16] was void for vagueness.
[17] There are some -- however, that court
[18] also said that requiring Arabic numerals or
[19] numbers on a building was fine because it didn't
[20] have a discriminatory purpose and was not
[21] discriminatory on its face.
[22] Likewise, this ordinance is limited,
[23] particularly limited, A., not being a sign
[24] ordinance, because it doesn't eat into any
[25] square footage that anyone has with regard to

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[1] any aggregate amount of signage. It is complete
[2] and separate from the sign ordinance. Doesn't
[3] have a discriminatory purpose, doesn't have a
[4] discriminatory secondary effect. And thirdly,
[5] this ordinance doesn't prohibit the use of any
[6] other language with regard to any kind of
[7] building identifier in addition to the English
[8] language.
[9] So I want to talk about -- I think
[10] there may have been some misperceptions and
[11] miscommunications about what the law is, but
[12] that is the law. And I'm extremely confident
[13] about the law and I'm extremely confident that
[14] this ordinance complies with both the Federal
[15] and State law.
[16] Now, that doesn't mean to say the
[17] ordinance is a good idea. Your current sign
[18] ordinance -- and how this came about
[19] procedurally was on October 30th and a little
[20] bit in the month of October, I had been asked to
[21] take a look at the sign ordinance, and I had
[22] Dana Maine with my office take a look at that
[23] because she has litigated most of the major
[24] cases in the state of Georgia on sign issues
[25] against the billboard companies, and she issued

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[1] a memo to me.
[2] And I had noticed this in advance of
[3] that, when Rhonda first asked me to look at the
[4] sign ordinance particularly with regard to some
[5] changes she needed to make about temporary
[6] banners.
[7] And one comment that was made is that
[8] the current ordinance under 14 -- give me one
[9] second -- number 14, subsection (h) indicates
[10] that the name of the establishment occupying the
[11] space will be in the English language.
[12] Frankly, that may be prohibited
[13] underneath the City of Ponoma case as it's
[14] currently written.
[15] The ordinance I'm proposing is not,
[16] however, prohibited under State or Federal law,
[17] and the purposes are entirely different.
[18] So at a minimum, even if you decide
[19] that this proposed building placard ordinance is
[20] not something you want to get into, I still
[21] recommend to you that you modify the current
[22] existing language of the sign ordinance.
[23] **COUNCILMEMBER BATES:** So all that being
[24] said, the placard ordinance requires a minimum
[25] of eight-inch letters of the name of the

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business and the address.

ATTORNEY WEED: The name of the building.

COUNCILMEMBER BATES: The name of the building.

ATTORNEY WEED: Not the business. We don't care what business is there. We're looking for the name of the building.

COUNCILMEMBER BATES: So for a strip mall where there are 20 or 30 businesses within that, would the name of the building have to be on each suite or will it just be the suite number?

ATTORNEY WEED: The name of the building would be on the building or a sign -- or a building placard device related to the building, and then each individual suite would have individual designation of, you know, 1,2,3 A, 1,2,3 B, 1,2,3 C.

COUNCILMEMBER ROCHE: Last year, they passed an ordinance that basically said that the numbers had to be on the building and they had to be I think eight inches high. I mean does that meet the requirements as far as from a public safety standpoint?

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I'm still trying to understand what problem we're trying to solve here.

CHIEF KING: I think a good example, for example, you have Asian Square. The words "Asian Square" are in English, and then you have the street numbers. Each suite is identified by A200.

Right now, we don't have an issue finding, you know, businesses based on the way it's being carried out today.

COUNCILMEMBER ROCHE: Right.

ATTORNEY WEED: And once again -- and part of the origin of this, the problem I was hoping to solve was two-fold. One, I wanted to remove the troublesome parts of the language from the sign ordinance while yet preserving what seemed to me to be the concept behind the language of the sign ordinance, which is identification of buildings.

COUNCILMEMBER ROCHE: Okay. So you gave us the placard identifier. Does this also modify the sign ordinance?

ATTORNEY WEED: I don't believe that it -- I believe --

COUNCILMEMBER ROCHE: I didn't see it

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in here.

ATTORNEY WEED: I actually don't think it deletes the section in 14.

COUNCILMEMBER ALEXANDER: It just creates a new --

ATTORNEY WEED: It creates a new -- what I wanted to do was create the new ordinance, have it in place before I tinkered with the rest of the sign ordinance and took it out. That was the plan.

COUNCILMEMBER ROCHE: I mean I'm okay with fixing the sign ordinance to make it comply with State law but I'm not sure that we need to do all that stuff.

ATTORNEY WEED: And of course that's up to the Council.

COUNCILMEMBER ROCHE: That's just my opinion.

COUNCILMEMBER BATES: Do we have buildings that are not identified?

ATTORNEY WEED: I don't know.

COUNCILMEMBER ROCHE: Yeah. But without a compelling reason or an urgent need, I just don't see the need to make more laws.

ATTORNEY WEED: And believe me, I don't

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either. I'm not a lawyer who likes to legislate. I'm of the school if it ain't broke, don't fix it.

But in this case, I felt there was something wrong that needed to be resolved. I was hoping to resolve it but preserve what I thought the intent of the original sign ordinance was with regard to that language.

But can it be fixed without the building placard ordinance? Probably yes.

COUNCILMEMBER ROCHE: Because --

ATTORNEY WEED: However -- I'm sorry -- I still think and would highly encourage you that a lot of the language that's in the building placard ordinance will need to be addressed in your -- in an aesthetic ordinance that deals with the architectural design features. So you may need to -- I think you're going to need to get to it either now or later, but I mean I think it's going to come back up.

COUNCILMEMBER ROCHE: And I guess the other issue is that if the annexation should pass, that may or may not make this more important or it may or may not make this need to be changed or whatever.

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But it seems like the best thing to do would be to table it until we find out what's going on with the annexation, and if there's still an issue, then we can deal with it.

But if there isn't a public-safety at this point . . . That's just my opinion. But I'm fine with fixing the signs.

MAYOR JENKINS: All right, Murray?

ATTORNEY WEED: I'm available to answer any questions, and obviously can you vote it up, vote it down, whatever you need to do, or table it for the future, table it indefinitely.

So that's what is before you, and if I can be of any further help on the ordinance, let me know.

COUNCILMEMBER FLEMING: Mayor --

MAYOR JENKINS: Yes.

COUNCILMEMBER FLEMING: -- I'm not inclined to move forward on this ordinance.

MAYOR JENKINS: Okay. You want to postpone the ordinance.

What's the consensus?

COUNCILMEMBER SPANGLER: I feel like we should postpone it at this time.

I mean I think it's a good idea. I

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think Mr. Weed has put a lot of time and effort in trying to get this ordinance somewhat legal and presentable, workable. But I think at this time, do we really need it? I agree that we will need it in the future whether we annex or not but --

MAYOR JENKINS: Do you want to make a motion?

COUNCILMEMBER SPANGLER: I'll let Ms. Fleming make that motion.

COUNCILMEMBER FLEMING: No, I wasn't making a motion.

COUNCILMEMBER SPANGLER: Motion to postpone the placard ordinance.

COUNCILMEMBER FLEMING: Second.

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

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CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Yes.

MAYOR JENKINS: Thank you.

COUNCILMEMBER ROCHE: Now do we need to do something about the sign ordinance?

ATTORNEY WEED: You definitely need to. We need to fix that, and I'm just going to consider myself authorized to write an ordinance to fix it.

There are a number of other things, and I want to do that. When I have the engine out of the car, I want to fix the whole thing.

COUNCILMEMBER ALEXANDER: And you're going to address some of the things like the size of letters and reflectiveness I believe is what we mentioned -- reflectiveness or contrasting background?

ATTORNEY WEED: I'll work with Scott with regard to, you know, things of that nature. Wherever they're relevant in the sign ordinance, we'll make sure they make it in there.

COUNCILMEMBER ROCHE: Well, we're going

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to be developing architectural standards, anyway, so --

ATTORNEY WEED: Correct.

COUNCILMEMBER ROCHE: -- that'll be --

ATTORNEY WEED: So we didn't waste our time. We'll get there, just in a different format.

MAYOR JENKINS: Okay. We got a few minutes before the public hearing. Can you get number --

ATTORNEY WEED: Oh, yes, sir; sure can.

Real quickly, No. 7 is Resolution Supporting Legislative Delegation's Sponsor of Charter Changes. And there are -- as you know, Title 36 of the Georgia Code allows some local control over charter changes under the Home Rule Act; however, things that affect elective offices, things that affect criminal penalties have to be done at a legislative level.

And I have created a resolution. The purpose of this -- in my experience and in talking with Luke Howe, he concurs. Most of the time, the legislative delegation wants a local resolution indicating your mission plan for what you want the legislative delegation to do during

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a legislative session. And in order to make the charter changes, then we'd have to have a legislative act to do that.

What this first draft included was modifying the maximum period of incarceration for local offenders. That's at the request of the judges because, frankly, you're limited to a 90-day period and they don't think that's enough to resolve especially drug-crime issues. That's not really enough time to get somebody through rehab, for example, and to maintain their jurisdiction over them.

And then we need to lower the maximum fine that's currently provided in the charter -- we've already done that appropriately in the code but we need to make a charter change with regard to that too -- and to readopt the City charter as may be necessary to effectuate the purposes.

Also, to modify the corporate boundaries if the annexation legislation passes. As you know, your charter has got a legal description of the city in it. In order to change that if the annexation passes, we'll have a new legal description, but the legislature's

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going to have to change that.

And there was one other additional thing that -- that might be relevant, which is dealing with the Mayor Pro Tem issue, whether you want to have that change in the charter to reflect that in your meeting in January, that that election's done or if you want to maintain the current system.

Right now, only the three things I mentioned are in there, not the Mayor Pro Tem item.

COUNCILMEMBER BATES: My question for you on the boundaries is if we adopt the resolution tonight, it says "Adopt the corporate boundaries current at the time of local legislation."

If we adopt the resolution tonight, does that mean adopting the boundaries as they are as of tonight?

ATTORNEY WEED: No. The -- I mean I can -- I'm happy to modify that language, but the intent would be with the passage of the local legislation that would be reflective of the annexation vote.

I mean I'm happy to modify that

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language to try to make that a little clearer. But clearly the intention is -- how we got to the annexation was even that was a piece of local legislation. It just required a referendum.

COUNCILMEMBER FLEMING: Would it not be more wise to wait until February 1 on this particular item?

ATTORNEY WEED: Well, the legislative session goes through March and up to early April if I'm correct.

MR. HOWE: Yeah, 40 days.

ATTORNEY WEED: And sometimes it ends in March. And I'm just a little worried about the timing of it. I'd like to get it before the local legislative delegation as quickly as possible.

Yes, we have meetings between now and then, but I want to make them aware of it and apprised of it. Maybe at your next meeting on, you know, the third Monday next time, but I wouldn't want to wait until much after that, and I think that's still before the 27th, though.

CLERK BLACKMON: Yes, Tuesday the 20th.

ATTORNEY WEED: Yeah.

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So yes, ma'am, you could do it the first meeting in February. But you know, bear in mind that if it doesn't come to pass, the annexation, you know, doesn't come to fruition, they don't have to do that.

This is really just your -- this is your wish list. That's all. It's not a mandate.

COUNCILMEMBER SPANGLER: Aren't there some other charter changes that possibly might need to be made?

ATTORNEY WEED: I've gone through it pretty well at this point, Councilman, and I feel pretty good about this. I mean I consulted with the judges. I think I even sent the Council an e-mail and I've talked to the staff.

If there's something else, I'm certain that we can include it, but I feel pretty confident about it at this point.

COUNCILMEMBER SPANGLER: I agree with what Ms. Fleming said. I don't think we need at this time to go ahead and approve a resolution for the annexation, for the boundary change.

COUNCILMEMBER ROCHE: So we could take out that and leave the rest?

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ATTORNEY WEED: You could. You could easily do that or you can wait till the first week in February. The only pressure I would have with that --

And you know, we've got a good working relationship with the legislative delegation. I don't know. This has obviously not been communicated to them yet because I wouldn't do that without your approval, but I think it would be appropriate to give them a call or have Luke give them a call and say, "Look. This is out there. Do you have any particular feelings about when you'd like to see something?"

And February is probably fine, but I don't want to tell you that and then they have heartburn over it.

COUNCILMEMBER SPANGLER: Well, let me make a motion to postpone this until February, the first meeting in February.

COUNCILMEMBER ALEXANDER: I have some questions.

So what would be -- if we submit this wish list, what would be the next step?

Obviously the Statehouse is not going to take action on this piece of paper only.

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We would have to furnish them further documentation?

ATTORNEY WEED: Well --

COUNCILMEMBER ALEXANDER: What would we have to furnish them --

ATTORNEY WEED: Yeah.

COUNCILMEMBER ALEXANDER: -- in addition?

ATTORNEY WEED: That's a great question.

How it would work would be they would get this resolution. Luke or myself or whoever you want to do it would give the legislative delegates a call, explain to them what's going on, you know, what the resolution is about, and get a copy of the resolution.

Then at the State level, they would go to the Office of Legislative General Counsel. Office of Legislative Counsel will assign a lawyer who works on charter changes to draft the appropriate resolution, statute, and it would go through as a piece of legislation and be voted on, and that's really all there is.

That lawyer is going to call me to get a copy of the charter, talk to me about the

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wording. But that lawyer and I would essentially, you know, write the relevant changes, and they would draft it in the form of a statute and pass it.

MAYOR JENKINS: Do I get a second on it?

COUNCILMEMBER ALEXANDER: Could we ask that Mr. Howe get feedback from the Statehouse to make sure it's okay that we can wait till February?

MR. HOWE: Actually, it's no problem. I mean we got up until the 30th legislative day to submit legislation.

ATTORNEY WEED: That's good enough for me.

COUNCILMEMBER ROCHE: Wouldn't it be better if the Mayor made that contact since the Mayor is our mayor?

ATTORNEY WEED: It doesn't matter who, I mean who makes the initial contact.

I know the lawyer's going to call me sooner or later, but --

COUNCILMEMBER ROCHE: Right.

ATTORNEY WEED: -- whoever talks to them, that's perfectly fine. The Mayor's got

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that as part of his role.

MAYOR JENKINS: Then we'll contact them and ask them what, now? If we can go through the 30th?

COUNCILMEMBER ROCHE: Right; sure.

COUNCILMEMBER FLEMING: Mayor, did you also want to put in this resolution electing or appointing -- electing the Mayor Pro Tem in the first meeting of January?

MAYOR JENKINS: That would be fine. I see no problem with that.

I mean actually -- by virtue of changing the elections, you've actually changed that, but --

COUNCILMEMBER FLEMING: Yes, sir. I agree --

MAYOR JENKINS: -- the wording of course is different.

COUNCILMEMBER FLEMING: -- with you on that. I totally agree with you on that.

But since the charter is now stating May, then I'd like to personally include that in this resolution.

ATTORNEY WEED: I would like that.

MAYOR JENKINS: That would be --

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[1] **ATTORNEY WEED:** If we have a consensus
[2] to do it --
[3] **MAYOR JENKINS:** That would be fine.
[4] **ATTORNEY WEED:** -- in January, I'd like
[5] to do that too. I think that's perfectly
[6] appropriate, Councilman.
[7] **MAYOR JENKINS:** Okay. You're going to
[8] put that in there --
[9] **ATTORNEY WEED:** I surely will.
[10] **MAYOR JENKINS:** -- and after I talk to
[11] the delegation -- or if I talk to the delegation
[12] and get permission to put it off until the 30th;
[13] is that correct?
[14] **ATTORNEY WEED:** Yes, sir.
[15] **MAYOR JENKINS:** Okay.
[16] **ATTORNEY WEED:** And I'll do it first
[17] thing tomorrow morning, Mr. Mayor, and get you a
[18] copy the first thing.
[19] **MAYOR JENKINS:** Okay. Do we need to
[20] still have that motion?
[21] **ATTORNEY WEED:** Not really. You know,
[22] at this point --
[23] Well, I would -- I would say this: if
[24] you-all agree to the four items that are listed,
[25] you might want to consider adopting the

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[1] resolution but making the effective date the
[2] first meeting in February.
[3] **COUNCILMEMBER SPANGLER:** I don't -- I
[4] don't agree with that.
[5] **ATTORNEY WEED:** And that's fine.
[6] **COUNCILMEMBER SPANGLER:** If I need to
[7] withdraw my motion, I'll withdraw it if we don't
[8] need to make a motion, so --
[9] **ATTORNEY WEED:** I would suggest you
[10] table this until the first meeting in February.
[11] **COUNCILMEMBER SPANGLER:** Table? We're
[12] not supposed to table. We're supposed to post-
[13] pone.
[14] **ATTORNEY WEED:** Well, you can postpone
[15] until the first meeting in February.
[16] **MAYOR JENKINS:** Do we need a motion?
[17] **COUNCILMEMBER SPANGLER:** No.
[18] **MAYOR JENKINS:** Okay.
[19] **COUNCILMEMBER SPANGLER:** Because
[20] Mr. Weed said we didn't need to have.
[21] **ATTORNEY WEED:** We can put it on the
[22] agenda first week in February and do it from
[23] there.
[24] **COUNCILMEMBER SPANGLER:** But you're
[25] going to make the changes like Ms. Fleming had

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[1] asked for the Mayor Pro Tem.
[2] **ATTORNEY WEED:** Yes, sir.
[3] **MAYOR JENKINS:** Okay.
[4] **COUNCILMEMBER SPANGLER:** And we'll get
[5] a copy of that before, well in advance of the
[6] February meeting?
[7] **MAYOR JENKINS:** Yeah.
[8] **ATTORNEY WEED:** Yes, sir. Tomorrow.
[9] **MAYOR JENKINS:** One thing I want to
[10] say, cookies are compliments of the Council and
[11] the Mayor. Do you want to have -- we're going
[12] to take a five-minute break and then we'll go
[13] into the public hearing.
[14] - - -
[15] (Brief recess)
[16] - - -
[17] **MAYOR JENKINS:** This is a public
[18] hearing on O-I and O-W with definitions, and
[19] Scott's got this one.
[20] **MR. HAEBERLIN:** Mayor and Council,
[21] tonight I provided each one of you a new copy.
[22] This is essentially what you got on or before
[23] December 15th and it's been carried over date
[24] specific to tonight.
[25] For the interest of safety, I did rerun

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[1] a display ad in The Champion just in case for
[2] this hearing. I pass that around for Council to
[3] see. Just for safety again, second advertise-
[4] ment.
[5] I will go through -- and I provided a
[6] copy to the attorney, the City Clerk and also to
[7] the court reporter. So let's turn to page 4.
[8] And I'll let you know the ordinance is
[9] a little misnumbered on the pages. Murray's
[10] secretary has got a little problem with the page
[11] numbering. That's not unusual. I tried to edit
[12] it and fix it myself and was not able to do so,
[13] but we're simply going to go by the numbers that
[14] we have listed, and Mr. Weed will get with Penny
[15] and fix that when we have an official copy.
[16] On page 4, we have the language under
[17] Sidewalk, Public, and this is black and bold
[18] underlined: "All Federal, State or local
[19] accessibility requirements shall be met."
[20] On page 5, under Sidewalk, Private, and
[21] again this is in Definitions, we added "All
[22] Federal, State or local accessibility
[23] requirements shall be met."
[24] And of course these changes are a
[25] result of not only the input of staff but the

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[1] attorney as well. Two Councilmembers,
[2] Councilmember Alexander and Bates did provide me
[3] with written comments as well.
[4] Page 6, Business and professional
[5] office uses, we add the language -- or we
[6] modified the language because it was just not
[7] clear before: "but excluding the sale of goods
[8] at retail and uses as further regulated by
[9] Code."
[10] If you skip down into that same section
[11] on business and professional offices, "for
[12] profit" blood or plasma donor centers.
[13] If you'll skip down again to "massage
[14] establishments which do not employ licensed
[15] massage therapists as licensed by the Georgia
[16] Board of Massage Therapy and as provided by
[17] Conditional Use herein."
[18] Now, again, Attorney Weed, please chime
[19] in if you have any problems with the wording.
[20] **ATTORNEY WEED:** Your intention there of
[21] course is that a nonlicensed massage therapist,
[22] that use is a conditional use; correct?
[23] **MR. HAEBERLIN:** Correct.
[24] On page 7, "Instruction of fine --"
[25] **COUNCILMEMBER FLEMING:** Excuse me.

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[1] **MR. HAEBERLIN:** Uh-huh.
[2] **COUNCILMEMBER FLEMING:** Repeat your
[3] statement?
[4] **ATTORNEY WEED:** The intention of the
[5] language would be that this is the permitted use
[6] section.
[7] **COUNCILMEMBER FLEMING:** It is.
[8] **ATTORNEY WEED:** And that language
[9] that's listed would allow certified -- would
[10] allow licensed massage therapists who are
[11] licensed by the Georgia Board of Massage
[12] Therapy. They could be in this district as a
[13] permitted use. But those massage therapists
[14] which are not licensed would not be allowed.
[15] And that is how -- that is the wording
[16] there. It's a little inverted, but that is the
[17] intent, and I wanted to clarify that. So I'm
[18] okay with that language.
[19] **COUNCILMEMBER FLEMING:** "Massage
[20] establishments which do not employ."
[21] **COUNCILMEMBER BATES:** These are
[22] excluded uses under the permitted uses.
[23] **ATTORNEY WEED:** Councilman Fleming,
[24] you're having the same issue that I had. And
[25] the reason why that language is still okay is

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[1] the "and as provided by Conditional Use herein."
[2] But you're having the exact same
[3] reaction I had when I first read it, because on
[4] first read, it looks like massage establishments
[5] that don't employ licensed therapists would be
[6] allowed, but that in case is not true. It's
[7] just the opposite of that. And the language is
[8] a little strained, no offense to Scott.
[9] **MR. HAEBERLIN:** That's okay.
[10] **ATTORNEY WEED:** Unfortunately, I can
[11] write like that too sometimes, but the word
[12] "and" cures it.
[13] **COUNCILMEMBER FLEMING:** I don't see
[14] these as exceptions, though. These are
[15] permitted uses, Mr. Bates.
[16] **COUNCILMEMBER BATES:** No. "Excluding
[17] the sale of goods at retail," "Furthermore," the
[18] following uses are excluded.
[19] Everything within that paragraph is an
[20] excluded use.
[21] **MR. HAEBERLIN:** Correct.
[22] In case there was any questionable
[23] doubt that somebody would come in and say that
[24] "My tattoo studio is a professional and business
[25] office use," we've gone through there and

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[1] specifically laid out a number of items that
[2] could be construed as business and professional
[3] offices, that are not allowed.
[4] **COUNCILMEMBER ROCHE:** But on this
[5] massage thing, what if someone doesn't require
[6] licensing? Foot massage apparently does not
[7] require a license in the state of Georgia, so
[8] that would be allowed.
[9] **MR. HAEBERLIN:** No. It's not listed as
[10] an allowed use here in this district.
[11] **COUNCILMEMBER ROCHE:** It's not
[12] excluded, either.
[13] **MR. HAEBERLIN:** Anything that's not
[14] listed as a permitted use is an excluded use.
[15] **COUNCILMEMBER ROCHE:** But, then, why
[16] list all the exclusions?
[17] **MR. HAEBERLIN:** Again, based on the
[18] interpretive value that some folks may feel that
[19] their business operations would specifically
[20] fall under business or professional office.
[21] And this is not an exhaustive listing.
[22] This is just the type of items that someone
[23] might look at -- for example, cash advance -- as
[24] being a business and professional office use.
[25] It is not. It's already provided for in another

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[1] district.
[2] So basically we took those uses that
[3] were listed in other districts and lumped them
[4] in there to identify that they are not allowed
[5] as business and professional offices.
[6] So we'll proceed. If there's
[7] questions, we could then go back to that.
[8] Page 7, "Instruction of fine arts
[9] including sculpture, painting, and music but
[10] excluding pottery or ceramics production with
[11] kiln usage; glass blowing" -- and then that
[12] should be again semicolon; "welding; and body
[13] craft studios." Page 7.
[14] Page 8 -- and this is about middle of
[15] the page, and again, bold, underlined, italics,
[16] "Internet based business offices but excluding
[17] on-site shipping services and restrictions of
[18] the adult entertainment ordinance." There was
[19] concern from a Council member regarding that, so
[20] we did add that language.
[21] Page 9, the third line, "Photographers
[22] with or without on-site photo finishing," which
[23] I think is reasonable for a professional
[24] photographer. In fact, they usually want
[25] control over how their pictures are developed.

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[1] So we did that.
[2] Page 14, and this is regarding
[3] restaurants within office parks. There's
[4] specific parameters of when a restaurant can be
[5] in an office park. "Restaurants -- stand alone
[6] (with or without alcohol sales as subject to the
[7] City alcohol ordinance) when located within
[8] office parks provided the minimum standards are
[9] met," and there's a laundry list there.
[10] **COUNCILMEMBER BATES:** And this is under
[11] conditional use so it would still need to come
[12] before Council.
[13] **MR. HAEBERLIN:** Correct.
[14] And then we'll flip to page 19, and
[15] this is regarding climate-controlled storage
[16] which is again a conditional use. Number 7 --
[17] and this is talking about access to storage
[18] units -- "There shall be no preclusion which
[19] shall exclude" -- again, I'm writing like
[20] Murray; we got to work on that. "There shall be
[21] no preclusion which shall exclude multi-story
[22] facilities which contain a freight elevator for
[23] patron's use."
[24] If any of you have been to a climate-
[25] controlled storage facility lately, they

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[1] generally are now becoming multi-story, and you
[2] actually ride an elevator and take a cart up to
[3] collect your goods. So we wanted to make sure
[4] that there was nothing that would prohibit that
[5] in the city.
[6] And that is the items that I had.
[7] Again, I have tendered this as an exhibit
[8] already to the City Clerk, and the court
[9] reporter has a copy as well.
[10] Changes were identified in bold,
[11] italics, underlined text and been read
[12] sequentially through. There are actually, I
[13] believe, 22 pages. If you'll look at the bottom
[14] of the very last page, it says page 22 of 18.
[15] It should say page 22 of 22. So you can see we
[16] have a little numbering problem but it's not
[17] significant. It's something that can easily be
[18] fixed.
[19] At this time, if there are no other
[20] questions, we need to reopen the public hearing
[21] session and hear those for and those against and
[22] then close the public hearing, and have a vote
[23] or discussion by the Council.
[24] **COUNCILMEMBER ROCHE:** I do have one
[25] last question. Under "Business and professional

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[1] office uses but excluding the sale of goods at
[2] retail," dentists, chiropractors, whatever, a
[3] lot of times, they'll actually sell like pillows
[4] for your neck or, you know, dentists may sell
[5] whatever.
[6] So you're saying that they would not be
[7] allowed to do that?
[8] **MR. HAEBERLIN:** I have the -- I have
[9] the allowance for including the sale of
[10] merchandise -- new merchandise at retail under a
[11] conditional use.
[12] My intent was to tailor the office-
[13] institutional use to again true professional
[14] offices and to steer away from too much inter-
[15] vention of retail.
[16] But there is a provision in here that
[17] does allow that function to occur. So if there
[18] are folks that would like to have a professional
[19] office and also sell some goods, there's a
[20] provision in here to allow that as a conditional
[21] use.
[22] **COUNCILMEMBER ROCHE:** But they would
[23] have to come to us to be able to sell something.
[24] **MR. HAEBERLIN:** Correct.
[25] **COUNCILMEMBER ROCHE:** You know, just

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[1] basically it's not that their number one thing
[2] is retail sales. They just happen to be a
[3] chiropractor who also sells foam pillows for
[4] your sore neck.
[5] **MR. HAEBERLIN:** Correct, right. I mean
[6] I --
[7] **COUNCILMEMBER ROCHE:** But they would
[8] have to come to the Council to be able to sell
[9] that foam pillow.
[10] **MR. HAEBERLIN:** Correct. I look at the
[11] office-institutional uses as being the purest
[12] form of office-institutional uses, and that is
[13] with retail being a very minor item that would
[14] sometimes be included and I had a provision in
[15] there for it. But generally it's not a place
[16] where retail operations would occur, and I've
[17] reserved that for the C1 and C2 districts.
[18] **COUNCILMEMBER FLEMING:** I'm still
[19] having difficulty with page 6 and that
[20] paragraph.
[21] So are you stating that, like Mr. Bates
[22] said, if I understand him correctly, that the
[23] items listed in this extremely long paragraph
[24] are not acceptable?
[25] **MR. HAEBERLIN:** Correct.

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[1] **COUNCILMEMBER SPANGLER:** Which page --
[2] **COUNCILMEMBER FLEMING:** Everything in
[3] that.
[4] **COUNCILMEMBER SPANGLER:** -- is that,
[5] Ms. Fleming?
[6] **MR. HAEBERLIN:** Page 6.
[7] **COUNCILMEMBER FLEMING:** Then why are
[8] they listed in the permitted uses?
[9] **MR. HAEBERLIN:** Well, it says they're
[10] excluded. They're specifics. In other words,
[11] we don't want somebody to come in and deal --
[12] **COUNCILMEMBER FLEMING:** Where does it
[13] say specifically excluded?
[14] **ATTORNEY WEED:** At the --
[15] **MR. HAEBERLIN:** "Are specifically
[16] excluded," right before -- let's see (counting)
[17] one, two, three, four, five -- six lines from
[18] the very bottom. It's a continuation of a very
[19] long list of items and culminates "are
[20] specifically excluded."
[21] That exhaustive list includes all those
[22] items that are listed all the way up to
[23] "Business and professional office uses but
[24] excluding the sale of goods at retail and uses
[25] as further regulated by Code." Everything after

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[1] there is something that's not allowed. For
[2] example, handwriting analysts, labor pool,
[3] driving schools, escort services,
[4] fortunetellers; all these items are not allowed.
[5] They are not to be interpreted as a business and
[6] professional office by any means.
[7] **ATTORNEY WEED:** Councilman, it will be
[8] easy enough to -- I mean I can rewrite the
[9] paragraph. Scott and I can rewrite that.
[10] **COUNCILMEMBER FLEMING:** That's all
[11] right. Unfortunately, I'm not feeling very well
[12] and my eyes aren't functioning very well,
[13] either, and I never got to a period to realize
[14] that there was another sentence going on. So
[15] okay. Thank you.
[16] **ATTORNEY WEED:** And I would just
[17] recommend, Scott, if you don't mind, that on
[18] that paragraph 7 on 19, we should make it,
[19] "There shall be no preclusion of multi-story
[20] facilities which contain a freight elevator for
[21] patrons' use," and take out, "There shall be no
[22] preclusion which shall exclude."
[23] **MR. HAEBERLIN:** Tell me which page
[24] you're on.
[25] **ATTORNEY WEED:** I'm sorry. Page 19.

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[1] **MR. HAEBERLIN:** Okay.
[2] **ATTORNEY WEED:** Just make it a little
[3] simpler too: "There shall be no preclusion of
[4] multi-story facilities."
[5] **MR. HAEBERLIN:** Wonderful. Wonderful.
[6] That's why it's helpful to have people review
[7] what you write.
[8] **COUNCILMEMBER ALEXANDER:** Page 13 unde
r
[9] the parking garage -- this is something that I
[10] had mentioned to you in my comments, and I guess
[11] we never got back on it -- "Parking garages
[12] subject to design guidelines when the site is
[13] located within a one (1) mile radius of the
[14] existing Doraville MARTA station."
[15] **MR. HAEBERLIN:** And I'll tell you why I
[16] put that in there: because you have so much O-I
[17] in the downtown district. I don't know if that
[18] O-I will ever be rezoned by the City or ever
[19] disappear per se.
[20] But I think it's helpful, and
[21] particularly if this is to be the city center,
[22] that we encourage parking garages with kind of a
[23] multi-use function, having office on the first
[24] floor in this area.
[25] Now, if we simply rezone all that

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[1] property at some point, you know, this'll be of
[2] no value to us, but it will be in there in case
[3] those properties are not rezoned.
[4] I think your issue is with the business
[5] requirement and you're looking at either
[6] reducing it or clarifying that further?
[7] **COUNCILMEMBER ALEXANDER:** I guess --
[8] our city is 3.6 square miles, and when I see
[9] something that's a 1 square mile radius, I'm
[10] thinking, well, where are they going to put
[11] these parking garages?
[12] I guess I was just wanting a comfort
[13] zone that they're going to be more centralized
[14] around our transportation hub over here.
[15] **MR. HAEBERLIN:** Correct. I mean we can
[16] reduce that and make it a half mile.
[17] **COUNCILMEMBER ALEXANDER:** But I was
[18] just trying to understand to make sure I'm not
[19] misunderstanding something.
[20] **MR. HAEBERLIN:** No, you're not.
[21] Again, I was just looking on the map
[22] and looking at things that are zoned O-I and
[23] looking at the potential for this. I don't have
[24] a problem with further restricting that. I mean
[25] you may suggest one half mile, you know.

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[1] Certainly at some point in the future,
[2] we need to look at the zonings in this immediate
[3] vicinity, which are just really not reflective
[4] of what should be there anyway. When I say
[5] "reflective," reflective of the land use.
[6] So we do have some properties that are
[7] perhaps zoned incorrect for their intended use.
[8] But I do want the possibility if there is an
[9] assemblage of those properties to have a
[10] facility like this central to the Doraville
[11] MARTA station and to City Hall.
[12] So I would have no problem with
[13] reducing that, and throw out a number, and we'll
[14] modify it to that extent.
[15] **COUNCILMEMBER ALEXANDER:** Council have
[16] any feedback on that or --
[17] **COUNCILMEMBER BATES:** I would be in
[18] favor of half a mile.
[19] **MR. HAEBERLIN:** Okay. On page 13,
[20] you're modifying: Parking garages subject to
[21] design guidelines when the site is located
[22] within a one half mile radius of the existing
[23] Doraville MARTA station property located in the
[24] vicinity of New Peachtree Road and Park Avenue.
[25] And then there's a further listing

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[1] after that which won't be affected by the
[2] change.
[3] **COUNCILMEMBER SPANGLER:** Let's go back
[4] to page 7, Scott. Can you explain to me a
[5] little bit more about the veterinary clinic, the
[6] abortion clinics and reproductive donor clinics?
[7] Explain to me what you're saying here.
[8] **MR. HAEBERLIN:** They're under
[9] conditional uses.
[10] **COUNCILMEMBER SPANGLER:** No. You're
[11] under permitted uses.
[12] **MR. HAEBERLIN:** On page 7? I've got
[13] abortion clinics listed as well later on.
[14] **COUNCILMEMBER SPANGLER:** You've got
[15] them at the top of the page on 7 and you've also
[16] got them down toward the bottom: hospitals,
[17] clinics, but excluding --
[18] **COUNCILMEMBER ROCHE:** Except.
[19] **MR. HAEBERLIN:** "Except veterinary
[20] clinic, abortion clinic, reproductive donor
[21] clinic," et cetera. Those are conditional uses
[22] within the ordinance.
[23] **COUNCILMEMBER BATES:** So those would
[24] not be allowed.
[25] **MR. HAEBERLIN:** Those would not be

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[1] allowed under the definition of outpatient
[2] clinic.
[3] **COUNCILMEMBER FLEMING:** As a permitted
[4] use. But it is listed as a conditional use.
[5] **MR. HAEBERLIN:** Correct.
[6] **ATTORNEY WEED:** Not to speak for Scott,
[7] but one reason why that's in there -- the same
[8] thing is on page 6 with regard to business and
[9] professional offices -- you don't want someone
[10] to kind of take a quick scan of the permitted
[11] uses and naturally assume that anything that's a
[12] business and professional office will be allowed
[13] nor would you want them to take a quick scan and
[14] say any clinic is allowed. That's why the
[15] specific exclusions are actually tacked into
[16] those two paragraphs.
[17] **MR. HAEBERLIN:** We do look at these as
[18] being defensible ordinances. I'll relay this to
[19] you. Under "instruction of fine arts," I told
[20] Mr. Weed, you know, we need to prepare for the
[21] concept of somebody posing for their art
[22] students in a state that would not normally be
[23] present in the city. So we did add some
[24] language to the effect of that, I mean under
[25] specified anatomical area.

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So I won't go into detail on that, but we have thought about the defensibility of what we're presenting to you and what may be thrown out to us. And on a daily basis, not only the City Clerk but the business occupational tax license, they receive various interpretations from the general public every day long. And we really do take those to heart because we know this is how somebody would challenge something we've written. And if some of this stuff seems exhaustive and excessively wordy, it's because there is so much challenge on a daily basis to these ordinances that are in effect.

So I'm through if there are no further comments, and then we'll deal with the public hearing.

COUNCILMEMBER ALEXANDER: Mr. Weed, are you comfortable with the changing of the Internet based business on page 8? Is it defensible?

ATTORNEY WEED: Well, I am.

I will say this. This obviously is a zoning ordinance and it does touch upon the first amendment, and, you know, nudity is essentially a first amendment issue.

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So I am okay with this language as it currently stands, but the caveat is of course whenever you deal with naked people, you deal with the first amendment and freedom of expression.

So that means that the ordinance would be under strict scrutiny under the first amendment as opposed to, you know, a general police-powers ordinance and how it would otherwise be viewed by a court. It's lifted up to a higher standard.

But I'm okay with it.

MAYOR JENKINS: We had one sign-up on this. Stuart, did you sign up on this item?

MR. ANDERSON: I'm fine. Well, actually, I did sign up to speak in the public hearing format, yes.

MAYOR JENKINS: Okay. I'm going to give you time, and are you for or against?

MR. ANDERSON: From what I've heard, I'm not against the provisions and changes but I just want to ask a couple of general questions.

MAYOR JENKINS: Yeah, but you say you're for it?

MR. ANDERSON: I'm for it.

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MAYOR JENKINS: Okay.

COUNCILMEMBER SPANGLER: Mayor, I would like to say since the meeting started at 6 o'clock, there were some people that were not aware that it started at 6:00 and that we were going to have the sign-up sheet taken away before. So there may be someone else in the audience that may want to sign up.

MAYOR JENKINS: Yeah. We'll take care of that.

Come on up, Stuart.

MR. HAEBERLIN: So at this time, we're opening the public hearing.

MAYOR JENKINS: Excuse me?

MR. HAEBERLIN: At this time, we're opening the public hearing.

MAYOR JENKINS: Right.

MR. ANDERSON: I'm for it, but, as usual, I'd like time to review it. And that was basically what I wanted to ask, was has this been to -- well, was it available to the public before tonight's reading?

MR. HAEBERLIN: I'm not aware if the City Clerk has had any inquiries. I mean we've run two successive ads to the extent that the

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public has been aware of this.

MR. ANDERSON: Was the text available?

MR. HAEBERLIN: Absolutely, if they had requested it from the City Clerk.

COUNCILMEMBER SPANGLER: With the changes that you just made today?

CLERK BLACKMON: Yes.

MR. ANDERSON: Okay. Well, I was unaware of that, and I guess that's -- it's hard to have a public hearing if you haven't read the text.

I guess relative to my reading the text -- and again, that's not an excuse to have it delayed, but I would like time to -- as a citizen, to read this thing. I didn't object to anything as I could sit and listen, but I would like time to read it I guess.

MAYOR JENKINS: Anybody else for it? Come on up, sir.

MR. CRAWFORD: Ben Crawford.

I think maybe just the word "service elevator" should just say "elevator" because most of those storage places just have elevators in them and not a service elevator. I mean that would cover. If you just put "elevators," it

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would cover material lifts. Some of them have material lifts which fall under a different code than elevators and then some of them have -- most of them just have regular passenger elevators that can be used for service. But a freight is a special kind of elevator. I forgot what section it's on.

MR. HAEBERLIN: Page 19.

ATTORNEY WEED: Page 19.

MR. CRAWFORD: I just would change that to just say "elevators."

MAYOR JENKINS: Anybody else for it?

MR. HART: Tom Hart.

As far as availability of this, I have to agree with Stuart. I've seen three different versions of it so far. So if we were to review this in advance, yes, I've seen three different versions. You've changed the sidewalk part of it, I know.

You know, I don't think anybody's read the thing, and we're only getting snippets because you talk about page 6 or page 7 and we don't know what the details are.

But I made a couple of notes. One is about the parking garage and the MARTA station.

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I have to agree with Maria. We've got a very small city here, and MARTA basically mowed down half of the downtown and put a train station there. And they have a parking garage called BellSouth sitting there that dominates the downtown.

So I think we need to restrict parking garages particularly for transportation uses to the MARTA property. I mean they can stay on their side of the street. They already took out half the town. So I think instead of a half mile, it needs to be restricted to that one block that's zoned for the MARTA station, and they can put multi-story parking garages.

The other thing is on parking garages, the city is giving up its valuable space in its downtown for not any public use except for parking, and the city gets no moneys off those properties. And so the BellSouth building and the MARTA station have taken a lot of tax base and taken it out of the downtown, and so I think a lot of attention needs to be paid to parking garages.

The O&I area, there's something about veterinary clinics that seem to dominate most

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small towns. You go to Norcross, there'll be a veterinary clinic right there in the downtown area. Doraville used to have one. Used to have a lot of things downtown.

But I don't know what the need is to exclude a vet clinic in the downtown area. That's one reason why people would go downtown.

To use abortion clinics and veterinary clinics in the same area is being -- you know. I would like to see that added to the O&I area, the veterinary clinic.

And there's things about setbacks, five feet from major arterials like Buford Highway. When they built those sidewalks on Buford Highway, they had to purchase some land because the highway's been extended from a two-lane highway to a seven-lane highway, and it's basically the buildings have run out of right-of-way. Okay.

So if you're five feet from -- you're going to be five feet from Buford Highway is where you're going to be. And to have a major arterial with stores built five feet away from a highway -- we're already knocking all the light poles down on Buford Highway -- they're going to

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be in the store fronts. So it could be on feeder routes or minor arterials but not major arterials.

And there's several things. I mean I haven't read the whole thing because, again, I didn't have it.

So that's my comments.

MAYOR JENKINS: Are you for it, Bonita?

MS. HOFFMEISTER: Yeah, I guess. I just have questions.

When it comes to parking, I'm not experienced enough to know what is good or what isn't good, but I do know that modern development is going toward storefront, large streetscaping, and you can't do that unless you have parking. So I would have to leave that to the judgment of this Council and Scott, which I have a lot of faith in.

Number two, I have this question to I guess Mr. Weed. In the county, our O&I also includes housing. And I've not read this, and this is really -- O&I is not something I see a lot on the county other than when it comes to housing.

And what they do is they come in and

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they say, "Oh, we're going to turn this to O&I," and then what you end up with is some very low-income housing where you thought you were going to get Office/Institutional.

If we were to have PUD, would that allow housing in our O&I?

ATTORNEY WEED: Yes and no. If there's a specific mixed-use development district, it would be allowed in the mixed-use development district with very limited setbacks but obviously some sort of, you know, greenspace differentiation, that type of thing. However, that wouldn't necessarily make any kind of modification to O&I.

How I prefer to do these things -- and Scott may disagree on this -- I'm very much against overlay districts. I think they're a bad idea. I think a zone should be a zone. And if you have a mixed-use zone, then you can locate that anywhere as long as you've got the appropriate amount of land to do the project.

So that's the answer -- the best answer I can give to the question.

MS. HOFFMEISTER: And currently, does this zoning ordinance address the potential

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future problems that we may have if this does become a multiple-use area and then you do have the housing?

ATTORNEY WEED: This ordinance does not.

However, Scott and I are very well aware of the potentialities out there. And this is a very big elephant to eat --

MS. HOFFMEISTER: Yes, it is.

ATTORNEY WEED: -- and we're eating the elephant one bite at a time. So we're very conscious of those issues.

MS. HOFFMEISTER: That is a danger I would like the City Council to be very aware of when you're voting on this, is the future use when it comes to O&I, mixed use can result in things that we can never even dream that we want and are very undesirable.

MS. FRAYSSE: I'd like to speak in favor. Susan Fraysse.

And I have maybe a little different perspective. I like what I've heard about the plan. I have been involved with the LCI first, with the Comp Plan after that, with the Zoning Ordinance, and I see a pattern sometimes in our

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city of being so democratic and so inclusive that we get so many people involved and they have so many differing opinions, you can nitpick. And I think the word I'm thinking of is "micromanage."

And that's a danger for the city of Doraville because it has held us back. Our current zoning ordinance was written in 1987, and we're going to be stuck in 1987 if we can't move off the dime and use some of the professional expertise that we have.

But having said all that, I've listened to -- I have not looked at the document. I knew it was available. I knew I could ask to look at it, maybe have, you know, pages printed out or whatever.

We've been through several hearings. All of the discussion that's gone back and forth through the members of the Council with the planner and the negotiation, too, I feel like we've had a real good hearing on this little tiny piece of what we need to do.

So even though there could be others in this room who have not read it, who haven't seen it, who might have an opinion, I hope that we

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would go ahead and move on.

I would say that in response to something Tom said, yes, I can see why he might want to restrict parking to the MARTA area and the Southern Bell, but I have seen other cities do things with offices on the ground floor on the street level and put that parking up over the top. Doesn't mean we have to have it to begin with, but this preserves the potential in the future, and that is not something I would object to. And they negotiated it and they got it down to a half mile radius.

But I really want to support the work of our planner and our attorney and the previous hearings that have all been reviewed -- all these levels have been reviewed by the Council -- and all the work that's gone before this for the last four years. So I'm speaking very much in favor of this.

Thanks.

MAYOR JENKINS: Any opposition?

- - -

(No response)

- - -

MAYOR JENKINS: Scott, I believe we're

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ready to . . .
MR. HAEBERLIN: Okay. We have heard one comment tonight, and I do want to agree. On page 19, climate control, number 7 is that we're simply going to say "There shall be no preclusion of multi-story facilities which contain a" -- and we're just going to say "elevator for patrons' use."
So along with what we previously discussed, that which has been offered by the Planning Commission, I would like to include that if you so are inclined to approve this tonight. We're simply going to say "elevator."
COUNCILMEMBER SPANGLER: I'd like to postpone this until the next meeting, with all the changes that we've made. And I'd like to give Mr. Anderson and whoever else may want to review the corrected copy since --
What time did you correct this copy today and make the corrections on it?
MR. HAEBERLIN: What time did I print the copy?
COUNCILMEMBER SPANGLER: What time did you make the corrections and print the copy?
MR. HAEBERLIN: Probably about 12:30.

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COUNCILMEMBER SPANGLER: 12:30?
MR. HAEBERLIN: Uh-huh.
COUNCILMEMBER SPANGLER: So, you know, I think that we owe it to the public if they want to look at this and see what changes, give any kind of feedback or whatever. That's my personal feelings.
I'd like to postpone it until the next meeting.
MAYOR JENKINS: Make that in the form of a motion.
COUNCILMEMBER SPANGLER: Make a motion that we postpone it until the next meeting, which I believe is January the 19th.
CLERK BLACKMON: January the 20th.
MAYOR JENKINS: Do I get a second?
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Excuse me?
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Anymore discussion?
COUNCILMEMBER ROCHE: If we postpone it, we can't make any more changes tonight?
MAYOR JENKINS: Pardon me? I would say make them to Scott between now and the next meeting.

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COUNCILMEMBER SPANGLER: Well, any changes that are going to be made, first of all, we need everybody that wants to see the copy of what we have now --
COUNCILMEMBER ROCHE: Well, I don't disagree. It's just that, you know, from the comments, there was one other change I was going to talk about.
COUNCILMEMBER SPANGLER: Oh, well, you can go ahead -- you can go ahead and comment on any more changes that need to be made, but I still think --
The motion was just to postpone this until the next meeting.
COUNCILMEMBER ROCHE: Right. It's just if we do that, we can't make those changes now. We'd have to wait till the next meeting.
COUNCILMEMBER SPANGLER: Well, go ahead and make the changes and then we'll -- I'll bring the motion back up.
COUNCILMEMBER ROCHE: Okay. Yeah.
I just want to bring up with veterinary clinics, I mean one thing I don't like about veterinary clinics is the ones that have the outside kennels, the dogs will just bark all

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night long. Obviously, I don't think we want that.
I wanted to --
MAYOR JENKINS: What page is that on?
COUNCILMEMBER ROCHE: Well, it's basically an exclusion.
And I wanted to propose adding veterinary clinics as long as they're fully enclosed or possibly adding veterinary clinics as a conditional use as long as they're fully enclosed. Because I have a cat, too. I have to drive all the way over to Decatur, you know, to get her shots.
MR. HAEBERLIN: Do be aware this applies to a very small percentage of your downtown district. You have properties that are zoned C2 in the downtown district that are presently available under conditional use to have a veterinary clinic.
So when Mr. Hart was referring to those O-I properties in the downtown district, the bulk of the O-I property are city properties. There's just a few that are not city properties. So this is not applying broadly to the entire downtown district.

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[1] **COUNCILMEMBER ROCHE:** No. I understand
[2] that.
[3] **MR. HAEBERLIN:** It's already provided
[4] for.
[5] **COUNCILMEMBER ROCHE:** I just think it
[6] seems like it's a use that I could live with as
[7] long as it was enclosed. So I don't know what
[8] anyone else says on that. To me, as long as
[9] it's an enclosed building, I can live with it.
[10] **COUNCILMEMBER SPANGLER:** Mr. Hart has
[11] another question.
[12] **MAYOR JENKINS:** Come on up, Mr. Hart.
[13] **MR. HART:** Since Scott mentioned my
[14] name, the O&I you talked before as a very small
[15] area, I don't get why we're excluding veterinary
[16] clinics in that area, which I don't have a
[17] problem with it as long as it's in C-2, but
[18] we're also putting an abortion clinic in there.
[19] So is it so important right next to City Hall to
[20] have an abortion clinic because we can't have a
[21] veterinarian clinic? I mean there's one a mile
[22] away in Chamblee you could go march on any
[23] Sunday down there if you want to. But I don't
[24] know why we're obsessed with putting that in
[25] there but we can't have -- dog and cats, we have

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[1] a lot of those in Doraville, but we don't have
[2] one, so --
[3] **MAYOR JENKINS:** Scott, can you --
[4] **MR. HAEBERLIN:** I'll be happy to
[5] respond.
[6] If the folks in the city of Doraville,
[7] where O-I is typically next to residential,
[8] would like a veterinary clinic next to their
[9] home and the Council would consent to that, I
[10] have no problem.
[11] But remember, O-I is a transitional
[12] zoning that is typically next to residential.
[13] So if you allow a veterinary clinic in O-I
[14] either as a conditional use or a permitted use,
[15] you might end up having a veterinary clinic next
[16] door to somebody's home. That's my concern.
[17] **COUNCILMEMBER FLEMING:** Then I'm going
[18] to have to speak against the conditional use of
[19] an abortion clinic next to anything in
[20] Doraville.
[21] **COUNCILMEMBER SPANGLER:** And I agree.
[22] **COUNCILMEMBER ROCHE:** But what about
[23] veterinary clinics? Again, fully enclosed.
[24] **MAYOR JENKINS:** Can you add --
[25] **COUNCILMEMBER ROCHE:** I mean if

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[1] everyone says no, that's fine.
[2] **MAYOR JENKINS:** Can you add "fully
[3] enclosed" there?
[4] **MR. HAEBERLIN:** We can look at it.
[5] Whatever you'd like me to do, I'll be happy to
[6] do. It's not my recommendation that you include
[7] it.
[8] **COUNCILMEMBER ROCHE:** Well, how about a
[9] fully enclosed veterinary clinic as a
[10] conditional use? That way, if someone wants it,
[11] they can bring it to the Council, and if Council
[12] think it's a good place in the transitional area
[13] to have one, fine.
[14] **MR. HAEBERLIN:** And you do realize next
[15] to residential, that would be less than 45 feet
[16] from the property line?
[17] **COUNCILMEMBER ROCHE:** But they would
[18] have to bring it to the Council and get approval
[19] before they could do that.
[20] **MR. HAEBERLIN:** Well, what I'm saying
[21] is just be aware that the way this is set up,
[22] you only have a 45-foot buffer --
[23] **COUNCILMEMBER ROCHE:** Right. I
[24] understand.
[25] **MR. HAEBERLIN:** -- between residential

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[1] and O&I --
[2] **COUNCILMEMBER ROCHE:** Uh-huh.
[3] **MR. HAEBERLIN:** -- and that is
[4] standard.
[5] **COUNCILMEMBER ROCHE:** And some future
[6] council I'm sure will consider that if this
[7] comes up before them to make that decision.
[8] **MR. HAEBERLIN:** Okay. If that is the
[9] wishes of the Council, then we'll change that
[10] text.
[11] **COUNCILMEMBER ROCHE:** Well, I don't
[12] know. I'm bringing it up. If it's not, I can
[13] live with that too, so.
[14] **MAYOR JENKINS:** Have we got a motion on
[15] the table or do we --
[16] **COUNCILMEMBER SPANGLER:** I still want
[17] to make a motion to postpone this until the next
[18] meeting.
[19] **MAYOR JENKINS:** Do we get a second?
[20] **COUNCILMEMBER FLEMING:** I second.
[21] **MAYOR JENKINS:** Okay. Let me ask a
[22] question. Will this come back up as a public
[23] hearing? If so, we cannot put it on the next
[24] meeting.
[25] **ATTORNEY WEED:** No, sir, it would not.

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[1] I mean technically the public-hearing portion
[2] has been closed.
[3] **MAYOR JENKINS:** Okay.
[4] **ATTORNEY WEED:** The Mayor showed
[5] courtesy to Mr. Hart to allow him to come back
[6] and speak again, although technically you didn't
[7] have to.
[8] **MAYOR JENKINS:** Right.
[9] **ATTORNEY WEED:** And you could reopen
[10] the public hearing again. But if you do that,
[11] then you're going to have to make a motion to
[12] once again postpone this matter until the next
[13] Council meeting, to a date certain, or otherwise
[14] you have to readvertise this again.
[15] **MAYOR JENKINS:** I got a motion and a
[16] second. Call the roll.
[17] **CLERK BLACKMON:** Councilmember
[18] Alexander?
[19] **COUNCILMEMBER ALEXANDER:** No.
[20] **CLERK BLACKMON:** Councilmember Bates?
[21] **COUNCILMEMBER BATES:** No.
[22] **CLERK BLACKMON:** Councilmember Fleming?
[23] **COUNCILMEMBER FLEMING:** Yes.
[24] **CLERK BLACKMON:** Councilmember Pittman?
[25] **COUNCILMEMBER PITTMAN:** No.

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[1] **CLERK BLACKMON:** Councilmember Roche?
[2] **COUNCILMEMBER ROCHE:** Yes.
[3] **CLERK BLACKMON:** Councilmember
[4] Spangler?
[5] **COUNCILMEMBER SPANGLER:** Yes.
[6] **MAYOR JENKINS:** So this will come back
[7] up at --
[8] **COUNCILMEMBER ALEXANDER:** It's a tie.
[9] **CLERK BLACKMON:** It's a tie.
[10] **MAYOR JENKINS:** Read the motion.
[11] **CLERK BLACKMON:** To postpone the O-I
[12] and O-W to the next Council meeting.
[13] **MAYOR JENKINS:** Postpone it? Yes. I
[14] vote yes.
[15] **ATTORNEY WEED:** Now I would advise that
[16] you make a motion, Mr. Mayor or members of the
[17] Council, that you're going to postpone the
[18] entire --
[19] Well, let me ask you. Since you
[20] apparently want to make additional changes,
[21] which is fine, to the ordinance, you can do one
[22] of two things. You can postpone it with the
[23] notation that you don't want to reopen the
[24] public hearing or you can postpone it with the
[25] notation that you do want to reopen it as a

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[1] public hearing. So that's obviously your
[2] choice.
[3] **MAYOR JENKINS:** My point was that you
[4] cannot open it -- we cannot open it as a public
[5] hearing in a regular Council meeting, and you
[6] answered that question.
[7] **ATTORNEY WEED:** For tonight, sir, but
[8] not for -- what you've just done is you
[9] postponed any kind of decisionmaking on this
[10] matter until at least the next regular meeting.
[11] Now, because there are going to be
[12] changes apparently made to the ordinance, you
[13] have an option under the law to reopen the
[14] public hearing again. You don't have to do that
[15] but you can. If you choose to do that, you
[16] would either have to readvertise it or you can
[17] not readvertise it.
[18] But in order to not readvertise it,
[19] you've got to have a motion that says you intend
[20] to carry this over to the next available meeting
[21] to a date and time, place, specified, and you
[22] intend to reopen the public meeting or not.
[23] **COUNCILMEMBER SPANGLER:** I think the
[24] way I understand it, the people who did speak
[25] were all in favor of this. There probably would

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[1] be some minor changes that some of us might want
[2] to recommend. But I would feel a lot more
[3] comfortable giving the public an opportunity to
[4] see this ordinance as it stands now so that they
[5] can be comfortable with it also.
[6] **ATTORNEY WEED:** And that's going to
[7] happen. That's done. You have voted on it, and
[8] that's going to happen.
[9] **COUNCILMEMBER SPANGLER:** Well, that's
[10] what I'm saying. As far as having another
[11] public hearing, I don't feel like we need to
[12] have, but I feel like these people should be
[13] able to see what we're about to adopt.
[14] **COUNCILMEMBER ALEXANDER:** But if you
[15] don't have another public hearing, the reason
[16] you postponed it is because you wanted these
[17] citizens to have the ability to read this
[18] document before you voted on it. If you don't
[19] have another public hearing in the proper
[20] structure, their comments are going to be moot.
[21] **COUNCILMEMBER SPANGLER:** Okay. Well,
[22] then, let's have another public hearing.
[23] **COUNCILMEMBER ALEXANDER:** How much do
es
[24] it cost us to run an ad?
[25] **MR. HAEBERLIN:** Depends on the type of

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[1] ad, and we've already run two ads for this. $45
[2] to $60, something of that nature, depending on
[3] if we can get it in, you know.
[4] I mean we're already -- I think we're
[5] past the next -- you know, if I'm going to run a
[6] new ad, we're not going to be able to do it at
[7] the next meeting.
[8] **ATTORNEY WEED:** So where we are at with
[9] this thing is there seems to be a consensus to
[10] have some form of public hearing at the next
[11] available meeting.
[12] Now, how you do that legally is you
[13] either make a motion and a second -- you've
[14] already postponed it. But you need to make a
[15] motion and a second to postpone the entire --
[16] this entire event until the next available
[17] public meeting, and then you're going to have a
[18] public hearing over again. That's fine.
[19] Legally, you can do that. And you won't have to
[20] run an ad. Or you can have Scott run an ad.
[21] And at whatever meeting, if we can meet the
[22] schedule under the CPA, then you'll do the whole
[23] thing over again. So you have two options.
[24] **COUNCILMEMBER SPANGLER:** So what you
[25] just said is we can have a public hearing next

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[1] meeting without advertising.
[2] **ATTORNEY WEED:** That is my opinion, as
[3] long as you -- I would ask you to make another
[4] motion saying that you want to -- it says you're
[5] postponing the consideration of this ordinance
[6] until the next public meeting at whatever time
[7] and --
[8] **COUNCILMEMBER ROCHE:** Well, we're
[9] postponing the public meeting.
[10] **ATTORNEY WEED:** The whole public
[11] hearing.
[12] **COUNCILMEMBER ROCHE:** Right, yeah.
[13] **ATTORNEY WEED:** The public hearing.
[14] **COUNCILMEMBER SPANGLER:** Okay. Do I
[15] need to amend the motion I just made or make an
[16] additional motion?
[17] **ATTORNEY WEED:** Make another motion.
[18] **COUNCILMEMBER SPANGLER:** Okay. I make
[19] the motion to carry forward the public hearing
[20] at the next Council meeting, whatever date that
[21] is in January. What? The 20th?
[22] **COUNCILMEMBER ROCHE:** 19th.
[23] **COUNCILMEMBER SPANGLER:** 19th? Well,
[24] I thought it was the 19th and --
[25] **CLERK BLACKMON:** The 19th is a holiday.

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[1] **MAYOR JENKINS:** It would be the 20th.
[2] **COUNCILMEMBER SPANGLER:** Okay. On the
[3] 20th, and we can pick it up at 6 o'clock.
[4] **COUNCILMEMBER ALEXANDER:** What's the
[5] problem?
[6] **MR. HAEBERLIN:** The problem that we
[7] have is I was not aware that the City
[8] acknowledges the Martin Luther King Day holiday.
[9] There are two items that are already
[10] scheduled and advertised for the 19th, and one
[11] of them is the rezoning at Flowers Road, which,
[12] as you're aware, has been a court case or
[13] apparently some sort of Quality of Life action
[14] on the property.
[15] We just erected a sign on the property
[16] on the 2nd, I believe, to meet the 15-day
[17] requirement. So that would require redoing the
[18] sign, redoing all the ads and convening the
[19] Planning Commission for the specific purpose of
[20] getting a number of things reviewed by them to
[21] get to you in a timely manner.
[22] So if we don't have a meeting on the
[23] 19th at least to table to a date specific, we're
[24] going to be out the investment on those items.
[25] **COUNCILMEMBER ROCHE:** Is there any

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[1] reason why we couldn't have the meeting on the
[2] 19th even though it's a holiday?
[3] **ATTORNEY WEED:** Legally, there's no
[4] reason to do that. Legally, you could have the
[5] meeting.
[6] As your lawyer, I wouldn't advise you
[7] to do that. Legally, you can have the meeting,
[8] but I would not advise you to do that.
[9] **COUNCILMEMBER SPANGLER:** But what has
[10] this got to do with postponing the O&I and O&W
[11] tonight until next meeting?
[12] **MR. HAEBERLIN:** Your next meeting --
[13] **CLERK BLACKMON:** We have to give it a
[14] date certain.
[15] **MR. HAEBERLIN:** -- is the 19th is what
[16] we're believing. And we had intended on having
[17] a meeting or at least have you table stuff on
[18] the 19th to another day.
[19] **COUNCILMEMBER SPANGLER:** Postpone stuff
[20] on the 19th.
[21] **MR. HAEBERLIN:** Correct.
[22] **COUNCILMEMBER SPANGLER:** Okay. So why
[23] can't somebody just postpone -- come down and
[24] postpone this on the 19th?
[25] **MR. HAEBERLIN:** If there is a quorum on

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the 19th, they can postpone as long as the attorney gives consent to that.

COUNCILMEMBER ROCHE: Show up and postpone them all for one day?

ATTORNEY WEED: Yes, you can do that. That would be legal.

COUNCILMEMBER ROCHE: Okay.

CLERK BLACKMON: And then you don't have to readvertise and all of that.

COUNCILMEMBER ROCHE: Then have our regular meeting on the 20th, and postpone this issue to --

COUNCILMEMBER SPANGLER: Would that be any disrespect for the holiday?

ATTORNEY WEED: As your lawyer and as the lawyer to an elected body, I would not advise you to have a meeting on that day.

There's nothing illegal about it.

COUNCILMEMBER ROCHE: Right. But for purposes of the motion we just made, it would be the 20th.

CLERK BLACKMON: The 20th.

COUNCILMEMBER SPANGLER: And now we've got the motion on the table to have to include the public meeting at the next -- to continue

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the public hearing at the next meeting --

COUNCILMEMBER ROCHE: Which will be the 20th.

COUNCILMEMBER SPANGLER: -- the 20th.

MAYOR JENKINS: Okay. Do I get a second?

COUNCILMEMBER FLEMING: Second.

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: No.

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: Yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Yes.

CLERK BLACKMON: It's a tie.

MAYOR JENKINS: Is this some kind of a game?

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COUNCILMEMBER SPANGLER: No. We just want the public to have the opportunity to be able to . . .

MAYOR JENKINS: Read that last motion.

CLERK BLACKMON: Carry the public hearing over to the next Council meeting which would be 1/20 of '09.

MAYOR JENKINS: I thought we'd already done that.

COUNCILMEMBER ROCHE: Now you don't have to advertise for it.

CLERK BLACKMON: Right.

MAYOR JENKINS: I say yes.

MR. HAEBERLIN: Okay. So I'm understanding, anything that's advertised for the 19th, we start over; correct? That's my understanding.

ATTORNEY WEED: That's what I think you have to do.

MR. HAEBERLIN: Okay. As long as I'm aware of that.

I will notify the applicant of the item.

The other item I'd like to address is how will the public see this? It would be my

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recommendation to you that I provide a copy to Mr. Howe and have it loaded on the Web site. Otherwise, the folks will be paying 25 cents per page for copies of the ordinance. And not that I'm opposed to anybody coming to see the City Clerk for that intent and purpose. Since there's so much interest, I think that it would be appropriate to load it onto the City Web site ads a draft and then have folks submit -- please submit written comments to the Planning and Zoning -- to the attention -- excuse me -- of the City Council and the Planning and Zoning staff. So that would expedite our next review time.

Again, the text that I make a recommendation on may not change at all, but I want you to be aware of what the public is submitting to you with respect to this district.

COUNCILMEMBER ROCHE: I agree. That's why I put it on the agenda.

MAYOR JENKINS: Is that agreeable to the people that was for it but wanted further input?

Stuart?

COUNCILMEMBER SPANGLER: Mr. Anderson,

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is that agreeable to you?
MR. ANDERSON: Yes, yes.
MAYOR JENKINS: Okay. We'll put it on the Web site, but anybody can, if they want, still come up and get a copy by paying so much.
COUNCILMEMBER ALEXANDER: So there is no way to salvage all the signage, ads, everything that's been done for this stuff scheduled on the 19th?
ATTORNEY WEED: The only way to salvage it would be to have a meeting on the 19th --
COUNCILMEMBER ALEXANDER: To postpone it.
ATTORNEY WEED: -- to either hear it then or to postpone it, which is perfectly legal, and that's an option.
As your city attorney, I will never advise you to have a meeting on that day.
COUNCILMEMBER FLEMING: But we could have a meeting to postpone on that day.
ATTORNEY WEED: I wouldn't advise you to do that, either.
MAYOR JENKINS: How are we going to do it, then?
ATTORNEY WEED: I wouldn't advise you

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to have a meeting on that day.
MAYOR JENKINS: How are you going to do it?
CLERK BLACKMON: He's saying it's not illegal to do it but he's not advising that we do it.
COUNCILMEMBER SPANGLER: We should not do it.
MAYOR JENKINS: I know, but --
COUNCILMEMBER ALEXANDER: So do we print a retraction on the ad?
ATTORNEY WEED: Yes, that's --
You don't have to print a retraction. You just don't have the meeting. And when you get here, there'll be a posting up on the night, "Due to the Martin Luther King holiday, all meetings previously scheduled for the 19th are hereby cancelled."
MAYOR JENKINS: Very good.
MS. FRAYSSE: And put it on the Web site.
ATTORNEY WEED: And you can put it on the Web page, yeah.
COUNCILMEMBER ALEXANDER: But then he has to run the ads and change the signage and

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everything.
ATTORNEY WEED: Yes, ma'am.
COUNCILMEMBER SPANGLER: But if he had been aware that we were off on the 19th, then he could have made that adjustment at that time; correct?
MR. HAEBERLIN: That's absolutely correct. I've never worked for a government that observed that holiday, but maybe I've been in a different situation.
COUNCILMEMBER ALEXANDER: So there's no way -- because if we're going to postpone this lady again, I mean she's been waiting for over a month. So we're going to postpone her again for another two to three weeks.
ATTORNEY WEED: Yes, ma'am. That is inevitable.
MR. HAEBERLIN: However, we still discuss it at the Planning Commission on January 8th, so we'll get that portion out of the way at least.
MAYOR JENKINS: Okay?
MR. HAEBERLIN: That's it for me.
MAYOR JENKINS: Where did we get on you, Murray?

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ATTORNEY WEED: Mr. Mayor, we're on Item No. 8, the Fine and Bond Schedule.
COUNCILMEMBER ROCHE: The public hearing is closed?
ATTORNEY WEED: Yes, sir.
MAYOR JENKINS: The public hearing is closed.
Go ahead, Murray.
ATTORNEY WEED: I sent the Council a memo on December the 8th that referred to the latest version of the fine and bond schedule.
We had decided to break it down into two parts, one part being the State law, which you've already adopted, the other part being a review of the local ordinance provisions which you have not adopted.
I've thoroughly gone through all the local ordinance provisions. What you had attached to the memo included both the Title 40 and other State law provisions but also the local ordinance provisions.
I sent you a memo with regard to some additions I made because we had some offenses in the code that technically didn't have penalties. So I've justified all of that.

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The only remaining question would be are you happy with the existing local-ordinance penalties or would you like to increase them to some other amounts? You can increase them up to $1,000 -- anything from one dollar or one cent, actually, up to a thousand dollars.

And you don't have to worry about the surcharges or the bond amounts. We'll take care of that.

But if you're happy with the list of fines as is, you can just adopt them, or if you want to make changes to specific ones, we'll change them.

COUNCILMEMBER ALEXANDER: The offenses that are listed with no codes, what's up with that?

ATTORNEY WEED: On the chart, there are two sections. One would be the Title 40 motor vehicle codes or the relevant State law underneath the Georgia Code section or the City Ordinance section.

And if there's anything that's listed that doesn't have either a Georgia Code section or a City Ordinance section, it should be something like a first or a second offense. So

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there really shouldn't be any -- there may be, because I might have missed it, but there shouldn't be any offense that doesn't have either a Georgia Code section citation or a City Ordinance section citation.

COUNCILMEMBER ALEXANDER: Damage to city property? These pages aren't numbered. It starts with U-turn violation.

ATTORNEY WEED: Could you count the pages of the chart for me?

COUNCILMEMBER ALEXANDER: I don't know which order my pages are in.

COUNCILMEMBER BATES: That would be number --

ATTORNEY WEED: It's in alphabetical order if that's helpful.

COUNCILMEMBER BATES: It would be page 3. There are seven items that don't have a Georgia Code or City Ordinance or a fine listed.

COUNCILMEMBER ALEXANDER: Giving false name. Is that a State law? That's State?

ATTORNEY WEED: Yes.

COUNCILMEMBER ALEXANDER: So it should have a State code?

ATTORNEY WEED: Okay. Well, that's

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interesting. At this time, I don't have an explanation for that, but I'll look into it.

Oh, yes. Of course I do. 40-8-7 covers all of those offenses.

COUNCILMEMBER ALEXANDER: Oh, okay. But it doesn't have a fine. It just has a bond.

ATTORNEY WEED: The fine is the first one listed.

COUNCILMEMBER ALEXANDER: Oh, okay. The 113?

ATTORNEY WEED: Correct.

COUNCILMEMBER BATES: Twenty-seven?

COUNCILMEMBER ALEXANDER: Yeah.

COUNCILMEMBER FLEMING: Maria, did you say that was already read?

COUNCILMEMBER ALEXANDER: Do you want to read your note?

COUNCILMEMBER FLEMING: No. I'd like for you to read it for me.

COUNCILMEMBER ALEXANDER: Okay.

Ms. Fleming had sent out an e-mail with some suggestions on some lowering of some fines. One was 19-108.

ATTORNEY WEED: Okay. Give me one second.

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COUNCILMEMBER ALEXANDER: I've got to find it.

COUNCILMEMBER BATES: That's junk vehicles. Murray, it's page 4.

ATTORNEY WEED: I'm there.

COUNCILMEMBER ALEXANDER: Her suggestion was for first offense, two fifty; second offense, 500. It's currently 500 and a thousand.

COUNCILMEMBER BATES: And Chief, perhaps if you know the answer to this.

Murray, these define the maximum but the judge has discretion to go --

CHIEF KING: That's correct.

COUNCILMEMBER BATES: -- lower. So albeit the fine could say a thousand, they could say, "You're a great person. You did a good defense. That'll be $100.00."

CHIEF KING: Additional circumstances, mitigating circumstances makes --

The only time when a judge is in trouble -- and Mr. Weed, correct me -- is if this bond says minimum fine.

ATTORNEY WEED: That is correct.

CHIEF KING: Then the judge is then

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mandated that he can't go below that.
COUNCILMEMBER BATES: Okay. Thank you.
COUNCILMEMBER ALEXANDER: And then on the same page --
ATTORNEY WEED: So first offense junked vehicles 250, second offense 500.
COUNCILMEMBER ALEXANDER: Uh-huh.
ATTORNEY WEED: Okay.
COUNCILMEMBER ALEXANDER: And on the same page, 5-35 --
ATTORNEY WEED: Okay.
COUNCILMEMBER ALEXANDER: -- she suggested a hundred.
ATTORNEY WEED: For property maintenance.
COUNCILMEMBER ALEXANDER: Appearance of property.
ATTORNEY WEED: All right. Well, the first, property maintenance, first offense is --
Okay. I'm with you. 500?
COUNCILMEMBER ALEXANDER: No. She said 100.
ATTORNEY WEED: I'm sorry. Got it.
COUNCILMEMBER ALEXANDER: And then 5-38 she said 100.

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ATTORNEY WEED: Okay.
COUNCILMEMBER ALEXANDER: 5-39, she suggested 100. -40 and -41.
COUNCILMEMBER BATES: The second -41.
COUNCILMEMBER ALEXANDER: She didn't specify. It just says 5-41.
COUNCILMEMBER BATES: Yeah, but the first -41 is --
COUNCILMEMBER ALEXANDER: Is already 100.
COUNCILMEMBER BATES: -- is already 100.
ATTORNEY WEED: Yeah. The second one is visible address required. That makes sense.
COUNCILMEMBER ALEXANDER: 11-6(b).
ATTORNEY WEED: Okay.
COUNCILMEMBER ALEXANDER: She suggested 100. And then 19-61 through -65.
COUNCILMEMBER BATES: That's stopping, standing and parking.
ATTORNEY WEED: Okay.
COUNCILMEMBER ALEXANDER: Now, that's one that has a minimum. So that would be their minimum fine and they would have to pay $100.
ATTORNEY WEED: Right, unless you

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change it.
COUNCILMEMBER FLEMING: And that one is the one that they were using for a vehicle that is possibly parking on the grass, and I just --
COUNCILMEMBER ROCHE: Right.
COUNCILMEMBER FLEMING: -- felt that it was excessive as a minimum charge.
COUNCILMEMBER ROCHE: The junked vehicle.
COUNCILMEMBER ALEXANDER: No. We're talking about stopping, standing and parking.
COUNCILMEMBER FLEMING: Stopping, standing and parking, 19- --
ATTORNEY WEED: The vehicle could still be properly tagged and be operable but it was just left somewhere, you know, or driven onto the grass.
COUNCILMEMBER ALEXANDER: I thought parking on the grass was a different violation. It is a different violation?
ATTORNEY WEED: There is another.
COUNCILMEMBER ALEXANDER: Do you know what the violation number is?
ATTORNEY WEED: Well, you can do it in more than one location, too.

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CHIEF KING: It is a different violation.
COUNCILMEMBER ROCHE: I got you. $500 minimum.
ATTORNEY WEED: You could do the same offense, though, underneath different statutes.
COUNCILMEMBER BATES: I've always had my questions on the stopping, standing and parking. Can you guys give me some clarity on what a stopping, standing or parking offense might be?
ATTORNEY WEED: Like parking in the middle of a turning lane and blocking the road.
CHIEF KING: Blocking the road. Basically violating -- interfering with the flow of traffic.
COUNCILMEMBER PITTMAN: Right. Picking up people down here by Home Depot.
COUNCILMEMBER BATES: I got stopping and parking. What about standing?
CHIEF KING: It's another term that's used for the same offense. It basically particularly describes the action of the vehicle, you know. "I wasn't parking. I was standing. I mean I had it in drive."

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ATTORNEY WEED: "I was sitting in the car. The car is running but I'm not going anywhere."

COUNCILMEMBER BATES: Got you. Okay. I'm with you.

COUNCILMEMBER FLEMING: Then we need to clarify this because Code Enforcement is using this particular offense.

CHIEF KING: The Quality of Life unit is using parking on the grass, which is a City Code offense. And I apologize, I don't have it off the top of my head what the code.

COUNCILMEMBER FLEMING: It's not on this list.

COUNCILMEMBER ROCHE: Yeah. I'm not seeing it. There's one for tall grass.

CHIEF KING: It's parking on unpaved surfaces, I think you might see. See if you see it there.

COUNCILMEMBER ALEXANDER: I don't see it. I see illegal parking.

CHIEF KING: No, that's --

ATTORNEY WEED: Are you thinking of prohibited parking, Chief? That's 19-67.

CHIEF KING: It was passed during the

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previous City Council because the offenses got -- I think some of the members of the previous Council remember the discussions on this.

But it refers to parking on the grass. It's specific to that.

- - -

(Brief discussions at Council table.)

- - -

COUNCILMEMBER ALEXANDER: So I guess we need to verify which law is being applied, because 19-67 doesn't say anything about parking on the grass.

COUNCILMEMBER SPANGLER: It was one of these that you --

COUNCILMEMBER ALEXANDER: It's prohibited --

COUNCILMEMBER SPANGLER: -- passed out to us --

COUNCILMEMBER ALEXANDER: -- parking.

COUNCILMEMBER SPANGLER: -- that did have parking on the grass, I'm sure, and it was a $500 fine.

CHIEF KING: If we probably could have a moment, we can go do the research.

ATTORNEY WEED: You can look at it

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right here.

CHIEF KING: I remember the discussion. It was a very heated discussion at the time. I think Mr. Spangler and Ms. Pittman remember.

COUNCILMEMBER SPANGLER: I sure do.

CHIEF KING: I know you do, sir.

MAYOR JENKINS: We're going to take a five-minute break while they research this.

ATTORNEY WEED: I've got it. It's 19-65, parking on unpaved or --

MAYOR JENKINS: We're going to take a break.

- - -

(Brief recess.)

- - -

MAYOR JENKINS: Murray, what else you got?

ATTORNEY WEED: Mr. Mayor, I really don't have much of anything.

MAYOR JENKINS: Good.

ATTORNEY WEED: To bring this thing to some kind of conclusion, during the break we resolved the issue. 19-65 is in the Code.

The Chief and I are both correct. Municipal Code Corporation refers to all the

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local ordinance parking violations under Article III as stopping, standing and parking, and what that includes is 19-61, 19-62, -63, -64 and -65, and the penalty is listed in -66 and the minimum penalties are listed in the chart appropriately for all those Code sections.

Also during the break, Councilman Fleming suggested that the only one she really had an issue with was the one dealing with 19-65, and that deals with parking on unpaved surfaces. Her thinking was that $5,000 was too high --

COUNCILMEMBER BATES: $500.

ATTORNEY WEED: -- $500 was too high for that. Therefore, she requested that we pull 19-65 out and lower it to -- I didn't get that part yet.

COUNCILMEMBER BATES: $100 and $250.

COUNCILMEMBER FLEMING: $100 and $250.

ATTORNEY WEED: Okay.

COUNCILMEMBER ROCHE: That's not a minimum. Is that minimum?

COUNCILMEMBER ALEXANDER: No.

ATTORNEY WEED: Would you have a minimum on those? Is that --

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MAYOR JENKINS: What are they? First offense and second offense?
COUNCILMEMBER SPANGLER: I think we should leave it up, like you said, to the judge. Have a maximum of --
COUNCILMEMBER PITTMAN: I agree, because I mean the judge certainly has discretion. And when you start lowering, I think we're going to have all kind of problems.
COUNCILMEMBER ALEXANDER: But it says minimum now, so he can't charge less than that now.
COUNCILMEMBER PITTMAN: Less than $500.
COUNCILMEMBER ALEXANDER: No, he can't.
ATTORNEY WEED: Correct. For a first offense for parking on the grass, the minimum the judge can do is $500.
COUNCILMEMBER PITTMAN: If that's the case --
COUNCILMEMBER SPANGLER: That needs to come out.
COUNCILMEMBER PITTMAN: -- that's true, yeah.
COUNCILMEMBER FLEMING: Extract the minimum as well?

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Do you feel that, Ms. Alexander?
COUNCILMEMBER ALEXANDER: But I don't know about the other offenses in that.
ATTORNEY WEED: And Ms. Fleming wasn't interested in --
COUNCILMEMBER FLEMING: No.
ATTORNEY WEED: -- changing the other offenses.
COUNCILMEMBER ALEXANDER: No. Just 19-65.
COUNCILMEMBER ROCHE: So we're going to take out 19-65 as a separate line.
COUNCILMEMBER FLEMING: Right.
COUNCILMEMBER ROCHE: Change the amounts to --
COUNCILMEMBER FLEMING: $100 and $250.
COUNCILMEMBER ROCHE: -- $100 for the first offense, $250 --
ATTORNEY WEED: With no minimum.
COUNCILMEMBER ROCHE: No minimum. That's basically maximum.
ATTORNEY WEED: All right. Can do. Easy enough.
COUNCILMEMBER PITTMAN: That's better.
ATTORNEY WEED: Were there any other

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suggestions or changes?
COUNCILMEMBER ALEXANDER: No. Did you need a copy of her e-mail?
ATTORNEY WEED: I think I got it. I've been taking copious notes but --
COUNCILMEMBER FLEMING: Are those acceptable to the rest of the Council?
COUNCILMEMBER ROCHE: I think so.
MAYOR JENKINS: Yeah.
COUNCILMEMBER ROCHE: So at this point, we would make a motion to pass this?
ATTORNEY WEED: Yes. Make a motion to pass the Doraville Fine and Bond Schedule pursuant to Exhibit A and ordinance 2008-28.
MAYOR JENKINS: Do I have a motion?
COUNCILMEMBER BATES: So moved.
MAYOR JENKINS: All right. Second?
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?

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COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: Okay. Item No. 9, we're going to elect a new or re-elect, whatever, the Mayor Pro Tem.
Do I have a motion?
COUNCILMEMBER BATES: Mr. Mayor, I'd like to move to nominate Councilwoman Pittman as Mayor Pro Tem.
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Anymore discussion?
ATTORNEY WEED: Well, from legal, that happens to be fine with me because apparently Ms. Pittman was the highest vote getter underneath the terms of the current charter; therefore, that would be fine. In my opinion, she's already the Mayor Pro Tem.
COUNCILMEMBER SPANGLER: But isn't this illegal according to you?

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[1] **ATTORNEY WEED:** I mean you can -- you
[2] can -- if you're going to essentially affirm
[3] something that's already a statement of fact, I
[4] have no problem with that.
[5] Ms. Pittman, in my opinion, is right
[6] now -- without any action by the part of the
[7] Council, she is the Mayor Pro Tem of the city.
[8] **COUNCILMEMBER ROCHE:** What am I?
[9] Chopped liver?
[10] **ATTORNEY WEED:** No, sir. I'm just --
[11] all I do is read the charter, Councilman. I was
[12] as surprised as anybody. But since you have
[13] resigned --
[14] **COUNCILMEMBER ROCHE:** Just to solve any
[15] issues, the charter -- what we're talking about
[16] is the charter says that a new Mayor Pro Tem is
[17] elected in May, and that's just what the letter
[18] of the law says. So apparently it's been done
[19] wrong for 30-something years.
[20] So just to remove any issues on that, I
[21] went ahead and submitted a piece of paper that
[22] says as of today, 6 o'clock, I resign as Mayor
[23] Pro Tem, which frees the Council to choose
[24] another Mayor Pro Tem.
[25] **COUNCILMEMBER SPANGLER:** So is it legal

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[1] now for us to choose another according to the
[2] charter?
[3] **ATTORNEY WEED:** In my professional
[4] opinion, Councilman Pittman is the Mayor Pro Tem
[5] right now without any action --
[6] **COUNCILMEMBER SPANGLER:** Well, then --
[7] **ATTORNEY WEED:** -- to be taken.
[8] **COUNCILMEMBER SPANGLER:** -- we don't
[9] even need to vote on it, then.
[10] **COUNCILMEMBER FLEMING:** Well, I --
[11] **ATTORNEY WEED:** That would be my
[12] opinion.
[13] **COUNCILMEMBER FLEMING:** As a member of
[14] this Council, I'd like to confirm it, and I
[15] think Donna would prefer it.
[16] **MAYOR JENKINS:** Call the roll, please.
[17] **COUNCILMEMBER SPANGLER:** I would
[18] rather, since counsel said -- legal counsel said
[19] we don't need to, I'd rather not.
[20] **ATTORNEY WEED:** There is nothing
[21] legally wrong with having a vote of affirmation,
[22] having the congregation say "amen," but it won't
[23] have any effect legally.
[24] **COUNCILMEMBER ROCHE:** Well, it doesn't
[25] mean -- just out of curiosity, if the Council

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[1] wanted to choose someone else, could they do
[2] that at this point?
[3] **ATTORNEY WEED:** No, sir. Not unless
[4] Councilman Pittman resigns.
[5] **COUNCILMEMBER SPANGLER:** And how long
[6] will this term last now, Mr. Weed?
[7] **ATTORNEY WEED:** The last --
[8] **MAYOR JENKINS:** One year.
[9] **ATTORNEY WEED:** That's an excellent
[10] question, Councilman. The Clerk and I have been
[11] talking about that.
[12] Here's how it's going to work. And
[13] unfortunately, none of these things are easy.
[14] But if the -- if we do the charter change
[15] resolution in February that you suggested and
[16] then the legislature adopts it in February or
[17] March, then what would happen would be they'll
[18] change it to a January election.
[19] So Councilman Pittman, in my opinion,
[20] unless we craft some specific legislation
[21] covering exactly what we want to do, she would
[22] remain as Mayor Pro Tem until the month of
[23] January when there would be an election by
[24] Council or until she quits or is no longer able
[25] to serve.

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[1] **MAYOR JENKINS:** It's one year from
[2] today, the same as we're doing it now. That's
[3] the way we've been doing it for the past six or
[4] eight years.
[5] **ATTORNEY WEED:** Essentially that's
[6] correct, yes, sir.
[7] **MAYOR JENKINS:** Okay. Call the roll.
[8] **CLERK BLACKMON:** Who seconded it? I'm
[9] sorry.
[10] **COUNCILMEMBER BATES:** Ms. Fleming.
[11] **CLERK BLACKMON:** Councilmember
[12] Alexander?
[13] **COUNCILMEMBER ALEXANDER:** Yes.
[14] **CLERK BLACKMON:** Councilmember Bates?
[15] **COUNCILMEMBER BATES:** Yes.
[16] **CLERK BLACKMON:** Councilmember Fleming?
[17] **COUNCILMEMBER FLEMING:** Yes.
[18] **CLERK BLACKMON:** Councilmember Pittman?
[19] **COUNCILMEMBER PITTMAN:** I'm going to
[20] abstain.
[21] **CLERK BLACKMON:** Councilmember Roche?
[22] **COUNCILMEMBER ROCHE:** Yes.
[23] **CLERK BLACKMON:** Councilmember
[24] Spangler?
[25] **COUNCILMEMBER SPANGLER:** I'm going to

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say no because I -- I really -- I'm going to say no.

ATTORNEY WEED: Mr. Mayor, I have no further items.

MAYOR JENKINS: Okay. Bob Roche.

COUNCILMEMBER ROCHE: Yeah. On the Web site --

MAYOR JENKINS: Item 10.

COUNCILMEMBER ROCHE: Yeah. Sorry.

Item 10, Allow Department Heads. When the Web site was originally conceived -- and I've seen this in much Web sites that I've come into contact with.

In a situation like this, we have multiple departments, and the original conception was supposed to be that each individual would have their own page, each department head would have the training and they would be able to post their own information.

And I know this has been brought up several times in Council meetings over the past year, and, for whatever reason, nothing has happened.

And what I'm talking about is if you have a stray cat, if your cat gets lost and

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Dennis picks up your cat, he can take it over there, photograph it with a digital camera and put it on the Web site. So that way, if your cat goes missing, you can go to the Doraville Web site for animal control. Oops, there's your cat. Call up Dennis and get him home.

The rec. department can post all the schedules. The Planning Commission or the city planner would have a page so that if he wanted to, who knows, maybe he could post the zoning ordinances that are coming up for review for the next thing so that the citizens will have a chance to see it.

And for whatever reason, this is just not happening yet, and my question is, what do we need to do to make this happen?

MAYOR JENKINS: Well, what is the problem? You say it's been brought up before. Well, what was --

MR. HOWE: Nothing's been -- you know, I work for the Mayor, so --

MAYOR JENKINS: Is it any problem?

MR. HOWE: Well, first of all, Dennis -- you had issues with Dennis on the Internet, and that's between you and Dennis.

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MR. ANDERSON: Stand up, Luke.

MR. HOWE: Yeah, I mean this -- I've talked to John, I've talked to Carol. Scott and I talked about it. I've asked them if they wanted to, and they're perfectly fine with me doing it.

MAYOR JENKINS: And the animal control person is?

MR. HOWE: Well, I mean he has to come to me first and say this is -- and we can set it up. But he's got to have Internet access first, and I'm not sure he has that.

COUNCILMEMBER SPANGLER: So what you're saying --

MAYOR JENKINS: Could you do it for him?

MR. HOWE: Yes. Yes, sir. All he's got to do is --

There's a pretty efficient process of getting things on the Web site, and that is they got to give it to me. And if you do, I mean it's on there as quick as I can get to it.

COUNCILMEMBER SPANGLER: So what you're saying is if the Chief has something that he wants to put on the Web site, he has to come

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through you or Scott has to --

MR. HOWE: No one has ever --

COUNCILMEMBER SPANGLER: -- come through you?

MR. HOWE: -- had an issue putting anything on that Web site.

COUNCILMEMBER SPANGLER: But they have to come through you to put anything on the Web site.

MR. HOWE: Yes, sir.

COUNCILMEMBER ROCHE: And the original idea was to give the department heads the ability to maintain their own Web site.

For instance, Chamblee issues a report every -- every few weeks of, you know, police happenings, basically. And up till recently, I've been just forwarding them to the local blogs or whatever, and that kind of touched off a thing where people have asked me personally to provide crime statistics, et cetera, et cetera.

Well, I mean as a City Council person or whatever, I think that the Police Department should be providing this information. So if you gave the Police Department their own page, they could post their own crime statistics. They

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could post whatever they wanted to.
Do you see what I'm saying? That way, you don't have to go through any focal -- any single person and we remove the bottleneck. And that would apply to, like I said, the other departments or whatever.
COUNCILMEMBER SPANGLER: I think if the other department heads didn't feel comfortable with going on and putting the information on their own Web page, then they could possibly come and ask you to help them. But I think we have department heads that are quite capable of going in --
MR. HOWE: Well, there's one right here. I mean you can see what he thinks.
COUNCILMEMBER SPANGLER: Well, Scott, how do you feel?
MR. HAEBERLIN: I'm not a department head, sir.
COUNCILMEMBER SPANGLER: In a sense, you are if you ever get the permits clerk and --
MR. HAEBERLIN: Yeah. I've never had a -- well, that would again have to be a change to the organizational structure because Mr. Howe and myself as well as the other individuals at

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City Hall report directly to the Mayor except for those ladies who report to Ms. Rhonda Blackmon, who's the City Clerk, who is I believe classified as a department head.
I've never had any problem with bringing anything to Luke. And I brought it to the attention of the Mayor, and he simply says, "Give it to Luke, get it done," and we do it.
So whatever way that you would like to do that is fine with me. I think that's an excellent use. He's a good resource with respect to that because he does have a lot of the interaction with the media in particular and receives a lot of input from citizens. So I think he's a good centralization point for you, and I would encourage you to use his skills and abilities to that effect.
COUNCILMEMBER SPANGLER: How do you feel, Chief?
CHIEF KING: Honestly, sir, politically this is such a hot potato, sir. Whatever you want to do.
COUNCILMEMBER SPANGLER: That's good. I understand.
CHIEF KING: We can do it, we can --

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whatever the Council wishes.
COUNCILMEMBER SPANGLER: You're quite capable of going on yourself and putting the information on without having to go through someone else?
COUNCILMEMBER PITTMAN: But do you really have the time to be able to do that?
COUNCILMEMBER ROCHE: Well, it's a lot quicker to just simply have something and put it on a Web site than to send something to somebody and have them put it on the Web site, then come back and verify that it's on the Web site.
And again, it's not just that department. And I apologize for using the term "department head." But you know, I mean it goes for the library, you know, it goes for the recreation department. And you go to a lot of these other Web sites, these other city Web sites, and each site has a page and it's all maintained --
Here we basically have one page and that's it. I mean it's not very -- you know.
I mean if the Council doesn't want this to happen, then I guess not, but --
CLERK BLACKMON: I had my hand up but

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it was getting tired.
COUNCILMEMBER ROCHE: Sorry.
CLERK BLACKMON: I used to want -- as a department head and somebody who has talked to some of the other department heads on this, I've also talked to Luke, a lot of us don't have time. A lot of us are not computer savvy.
And I would really feel uncomfortable with people meddling in our Web site. It's not like individual Web pages for everybody. It's a whole unit. And you start messing with stuff, and you can really mess it up.
I did, however, suggest to Luke that someone learn it as a backup for him in case he was out.
MR. HOWE: There are -- yeah. And there's a lot of intricacies. There's a lot of, still, bugs that only I know.
And so if somebody just went that didn't -- you know, that didn't take a week --
CLERK BLACKMON: It could really mess it up.
MR. HOWE: Yeah. You could really mess things up.
But I have never, you know, tried to,

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you know, keep anybody from participating or putting anything on there.

COUNCILMEMBER ROCHE: It sounds like there's a problem with the Web site, though. I mean the Web site -- a well designed Web site should be easy to use --

MR. HOWE: Well --

COUNCILMEMBER ROCHE: -- easy to maintain or whatever.

COUNCILMEMBER SPANGLER: And you shouldn't be the only one in the City to know how to use this Web site.

COUNCILMEMBER ROCHE: Exactly.

MR. HOWE: Well, I think this is --

COUNCILMEMBER SPANGLER: Everybody should have the opportunity.

MR. HOWE: When you go to any other city, you go to any other business, you know, you don't have -- you know, it's usually the domain of the communications director. You know, some cities it's the clerk if they don't have that. You know, it's never multiple people. You know, it's just --

COUNCILMEMBER ROCHE: I find the opposite.

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COUNCILMEMBER PITTMAN: Charlene, in Chamblee is it -- I mean I know he prepares his report, but don't they send it like to the city --

MS. FANG: Chamblee, only city manager, Karen, can do it. She's the only person send out all the message. The Sergeant William, he's the one who write all the report, have to send to the city manager, and all the councilperson have to send to the city manager.

COUNCILMEMBER ROCHE: Okay. So as a beginning, if we could get the monthly reports that we get -- the building permit reports, the crime statistics, the recreation department statistics, the library reports -- if we can get all that on the Web site -- I don't care how it gets there, but if we can get all that information there so people aren't asking me directly, and it looks like I'm -- you know, I say, "Well, I've got this piece of paper. I don't really know how to fax it to you," or something.

And you know, we have a Web site. The whole concept of the Web site is to provide as much information as possible. We should be

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posting the financial reports as soon as they come out, you know, on the Web site.

And it's next on my agenda item, but, you know, the summary of motions. It's a lot easier to look at a summary of motions than to try to wade through an entire transcript.

So if we're going to have this Web site, let's use it. Otherwise, you know --

CLERK BLACKMON: I'll be more than happy to get you the monthly reports when they're given to me in the middle of the month, to put on the Web site.

MR. HOWE: That's -- I mean that's it. Just got to give it to me.

COUNCILMEMBER ROCHE: And the second thing would be --

MR. HOWE: I have some issues with crime stats going on.

Where is Susan Fraysse when we need her?

It is not -- I mean it's part of -- you know, a Web site is about information but it's about marketing as well, you know. And I think the Chief would be a good -- you know, the Chief knows what -- you know, what we need to put out

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there and what we don't. You know, I'll leave that to his discretion. If he wants it on there, it goes on there. If the department heads want it on there, it'll go on there.

COUNCILMEMBER ROCHE: The second thing was where we post the transcripts, that we also post the summary of motions.

MR. HOWE: They're already on there.

COUNCILMEMBER ROCHE: Summary of motions?

MR. HOWE: I started putting them on as soon as I saw it on the agenda.

COUNCILMEMBER ROCHE: Oh. So now it's on.

MR. HOWE: All you had to do is ask.

COUNCILMEMBER ROCHE: Because the other -- the summary that was -- I'm not sure where it came from.

A couple meetings ago, there was a summary that was kind of a summary of the meeting, and it talked about the ordinance -- the electronic communications ordinance. And I think the summary said something about the ordinance had to do with City employees using official e-mail addresses. And I got called

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about that, and I said, "Well, that's not what it was at all." So the information was incorrect.

So all right. Well, like I said, if we could start getting this out there, this information, then I think it would probably -- like I said, I don't care how you do it or who does it. I just want to see that. I think more and more people -- they deserve this open government; this information needs to be posted.

MAYOR JENKINS: Okay.

COUNCILMEMBER ROCHE: And one last thing. If we could get a single picture of a single resident of Doraville on the Web site, that would be great, too.

Thank you. I'm done.

MAYOR JENKINS: Thank you, Luke.

COUNCILMEMBER SPANGLER: I want to make a motion that we adjourn the meeting.

MR. HOWE: That's going to -- we already talked about getting real citizens on there, and that's going to cost money. You know, we can do it.

COUNCILMEMBER ROCHE: See that lady right there? She's got lots of digital

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pictures.

MR. HOWE: No, it doesn't work like that. It really doesn't.

I like the way that the Web site -- yeah, I'd love to have real pictures of real Doravillians, but I think there is one caveat: that it needs to be done right and not haphazardly.

MAYOR JENKINS: Okay, Luke. Thank you.

We got something very important coming up in a few minutes, but I want to give John a chance to give some comments, and it's going to take him just a very few minutes to bring us up to date on something that's going to happen to him --

CHIEF KING: Yes, sir.

MAYOR JENKINS: -- very shortly.

And then after that, it's John's birthday, and we want to close the meeting and have a little birthday part.

ATTORNEY WEED: And in light of it being the Chief's birthday, I'll give the Chief and everyone else in the room a gift. I have no comments.

CHIEF KING: That is a gift. That is a

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gift.

- - -

(Laughter)

- - -

CHIEF KING: Mayor, members of the City Council and citizens, just have kind of a real quick update.

We just put new stickers or a new design on the stickers. And I talked to Mr. Spangler and Mr. Roche when they were outside looking at them. We really welcome the comments from the community as they look at the cars, and you can talk to our -- give them some feedback on the comments.

So far, it's something that we want to make it high visibility. The reflective signs I think is something that the idea came from our patrol officers. They actually came up with this idea, and we decided to support it with one test run. And so far, I've gotten a lot of very positive comments, but we welcome any comments that you all may have. As you see -- as you go outside, you'll see they're reflective. So they're very highly visible, especially at night.

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COUNCILMEMBER SPANGLER: Chief, are we going to have these on the motorcycles also?

CHIEF KING: Not this big, sir, but yes.

COUNCILMEMBER SPANGLER: I mean --

CHIEF KING: Those are reflective, but we need to do a little research.

COUNCILMEMBER SPANGLER: How many motorcycles do we have?

CHIEF KING: We currently have three, sir, but normally we do not have those out at night because of safety reasons, sir. But they've been operating because the weather -- when the weather is reasonable, we've been having the motorcycles out in the neighborhoods.

But we've had those out in the daytime, sir. But yes, sir, they have the same scheme.

Our armed robberies over the holidays have been surprisingly low, which is something that we've been tracking very, very closely because of the economy. So we have at least a little bit of good news. Hopefully, we can keep those statistics down.

Over the Christmas holidays, I got a message from my Chief of Command in my Reserve

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[1] unit, and I've been notified that I am being
[2] mobilized for service in Afghanistan this year.
[3] I'm in the process -- I informed the
[4] Mayor, and I wanted to make the notification
[5] first to the City Council in person, but the
[6] Atlanta Journal-Constitution kind of beat me to
[7] the punch, so I didn't want to do the
[8] notification just like this.
[9] But the 48th Infantry Brigade from the
[10] Georgia National Guard, 3,000 plus of us are
[11] being recalled for active duty in service in
[12] Afghanistan sometime in the March/April time
[13] frame.
[14] I'm working with Captain Atkinson, who
[15] I've spoken to the Mayor and I would like to
[16] leave in charge of the department pending any
[17] issues that the Council may have with that
[18] decision.
[19] I want to assure the Council and our
[20] citizens that the department will be in good
[21] hands. I think all of y'all have gotten to know
[22] Captain Atkinson and know that he's fully
[23] capable. He's one of the smartest guys that we
[24] have working for us. He's a graduate of the FBI
[25] National Academy and he's greatly respected in

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[1] our community, and I don't think the
[2] capabilities of our police department will be
[3] degraded one bit.
[4] I would ask that not only you support
[5] -- I know I can count on the support of y'all
[6] for Captain Atkinson but for your support on the
[7] commission that I'm getting ready to take on.
[8] And our job will be to train the Afghan
[9] army and the Afghan police. So far, my
[10] commander has tasked me to be the senior mentor
[11] and training for the Kabul police chief because
[12] of the skills that I possess and that you've
[13] given me the opportunity to develop.
[14] So based on that, I am working with the
[15] Mayor and my staff to make a smooth transition
[16] in that. And my task is to go and accomplish
[17] this mission and return as quickly as possible,
[18] to return to my duties.
[19] I know I've said this plenty of times
[20] to the members of the community. I love this
[21] community, I love serving in the capacity that
[22] you've given me the opportunity, and I hope you
[23] support this endeavor.
[24] **COUNCILMEMBER BATES:** Any idea how long
[25] the deployment is?

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[1] **CHIEF KING:** Sir, no more than 12
[2] months. This is what the Secretary of Defense's
[3] message is. They're averaging between 10-1/2 to
[4] 11-1/2 months depending on things in country. A
[5] lot of the troops that have been leaving Iraq
[6] will be flowing into Afghanistan as we prepare
[7] our surge into Afghanistan. There will be a net
[8] increase of over 20 to 30 thousand additional
[9] troops going into Afghanistan for this next
[10] year.
[11] So that is going to be -- the critical
[12] task is to train the Afghans so they can do
[13] their job without U.S. continued presence.
[14] **MAYOR JENKINS:** John, I understand that
[15] you're going to the Kabul police department?
[16] **CHIEF KING:** Yes, sir.
[17] **MAYOR JENKINS:** And there is a number
[18] of young children, I believe, three to four
[19] thousand children in that particular place --
[20] **CHIEF KING:** Yes, sir.
[21] **MAYOR JENKINS:** -- that need help.
[22] And I have set up a committee and I'll
[23] be setting up more to do a transition of getting
[24] a bunch of stuff that's needed by those children
[25] between now and the time that you're deployed

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[1] and get all that stuff ready to put on one of
[2] the Federal planes, you might say, so we can
[3] save some postage.
[4] But anyway, we'll be working on that
[5] until the time that you're deployed. And I've
[6] already set up a committee, and I kind of prefer
[7] this to be a citizens' committee and work
[8] through with the Council of course, but a
[9] citizens' committee, and I have some people
[10] already set up for that. And also, they will be
[11] having a -- you might say a going away party for
[12] you at that particular time. They'll do that
[13] also.
[14] **CHIEF KING:** Well, thank you, sir.
[15] **MAYOR JENKINS:** So we're going to be
[16] working, and I'm asking the audience who will be
[17] helping, too, we'll be getting -- John's going
[18] to get a list of what these kids need, and we're
[19] going to be getting it together by the time John
[20] is deployed.
[21] **CHIEF KING:** Thank you very much, sir.
[22] It goes a very long way. The message from
[23] regular American citizens donating school
[24] supplies, toys will go a very long way toward
[25] showing the goodwill of America towards these

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countries that are having a tough time.
Thank you very much. I appreciate it.
MAYOR JENKINS: Okay, John. Thank you.
CHIEF KING: Unless the Council has got any questions or comments, that concludes my presentation, sir.
MAYOR JENKINS: Like I say, we want to have -- today is John's birthday, and of course we had a young lady donate a cake with John's name on it.
So I would like to go ahead and have somebody make a motion we adjourn the meeting.
COUNCILMEMBER SPANGLER: I already made the motion, Mayor.
MAYOR JENKINS: Okay.
COUNCILMEMBER ROCHE: No citizen comments, Mayor?
MAYOR JENKINS: We can, sir. Any citizens?
Come on up.
MR. HART: My comment was about --
MAYOR JENKINS: Let's make it short so we can get into the birthday.
MR. HART: Well, let me start and I'll finish.

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This is about this Asadi Design, this mini editor thing that was just brought up.
When we originally voted to hire Asadi -- I don't know what the final payment was, but somewhere between 50 and 60 thousand dollars -- it was for a fairly robust Web site based on an Adobe Editor system where they'd have an admin and each department head.
And we had these meetings at City Hall with the Clerk, with Ms. Blackmon. All department heads would be trained by Asadi, and they would enter their own information in their mini editors and then that would go through an admin and the admin would put it on the Web site.
But that's -- what we paid for and what we got are two different things. We've got stock photos on the Web site that, you know, we've got Dekalb County Police Department photos and pictures of citizens that don't live here. I mean it's a pretty poor -- if it cost $60,000, we got about $5,000 worth of Web site out of it.
MR. HOWE: Well, she's still waiting to get some payment to start on some other things.
MR. HART: Well, they've gotten paid

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enough money to get what we originally -- we have the original design work for this Web site and for a City publication, for a new tag line for the City, for graphics for the City, and none of this was done. And we're back to now we have one person running the City Web site.
It's, at best, second rate. It was supposed to be beyond what the cities of Chamblee and the rest of these cities around here. I don't want to hear what Chamblee's doing or what these other --
MAYOR JENKINS: I don't either.
MR. HART: -- people are doing, and that's what I've got to say.
MAYOR JENKINS: Thank you.
MR. HART: I mean I think you wasted your money.
MS. HOFFMEISTER: Bonita Hoffmeister, Oakcliff.
I want to make everybody aware that there is a Planning Commission meeting for Dekalb tomorrow night, 6:30. On the agenda is an O&I. It's basically a done deal.
And the Board of Commissioners will meet on the same agenda item, and it's 9 -- it's

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a new number 9. So it's about 10th in line, so it will not take them long to do this. And that is on the last Tuesday of this month.
Just to bring to the point, since we're discussing O&I tonight, this is the land that was rezoned O&I. I've seen about four of these now with Dekalb County. They come in O-I. "Oh, this sounds great because we're going to have mixed use. We're going to have some retail. We're going to have some coffee shops and book shops, and we're all thrilled about it."
So that was turned O&I, and this is on the inside of I-285 off of North Peachtree. What we ended up with was 747 apartments that are 20 percent low income/80 percent HUD.
These are the things you have to watch out for when you do your O&I because this is the new way that the developers are coming in with low-end development.
MAYOR JENKINS: Anybody else?
MS. CALVERT: Well, we keep saying the Police Department needs to get all their information out to the public. I don't think Doraville needs to be put in a bad light with some of the things that are happening. I think

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we need all positive things to be on our Web site.

MAYOR JENKINS: Thank you.

Anybody else?

MR. ANDERSON: A couple comments and a question.

I certainly appreciate the Council postponing a little bit on the O&I review situation.

I was particularly concerned about the traffic -- not the traffic -- the parking situation, the parking decks -- I want to look at that -- and the storage units next to R-1. So I appreciate time to look at that.

I also want to comment about 1604 Wilton. I think that was the address. The Planning Commission, the other -- last Planning Commission, the one that I was on I guess refused or didn't like that situation.

After the meeting, if you want to call it a meeting that we had last time, I went and looked at the property again. And I'd looked at it as a planning commissioner the first time. And I went and looked at it again, and there was no signs up the next day. So that means to me

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that there was no signs.

There was a new curb cut with fresh gravel on the small lot already prepared and in place well before, obviously, that meeting occurred the other night. So I just raise that.

I know that's water under the bridge. It's happened. We've passed that variance for those people. But it was irregular.

I ask, is the Flowers -- on the Planning Commission meeting on January 8th, the Flowers sign, is that one of the issues?

MR. HAEBERLIN: No, it's up. It's up.

MR. ANDERSON: I know the sign's up, but I'm just asking if that's one of the issues that night at the meeting.

MR. HAEBERLIN: Well, I mean we'll be redoing it completely so it's a moot point.

MR. ANDERSON: Okay. All right. And the other thing was to Murray.

This has been a problem for me or a question through zoning books and Muni codes and stuff. There was a question tonight about parking on the grass and what number referred to what number.

I guess I'm asking that since we're

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using apparently and have been using two different sets of codes, that they cross reference each other so that if you look at 240 dash whatever it is, it also cross references to 6-04 or whatever it is in the zoning book, because we're using constantly -- regularly, anyway -- different laws for different -- for the same purpose. We're using different codes, different ordinances.

When the City attacked my bushes some years ago, there was more than one code used and there was no cross references. And when I've looked through zoning books and rewrites and stuff, that's been one of my main deals, is how do you know that you're reading the final deal here or all the pertinent information?

And that was a classic example tonight. There was no cross reference in Murray's book as to the zoning book; wherein, if you looked in the zoning book as a citizen and said, "Well, I can do this," and then there turned out to be a law that also not conflicted with it but also added more information, that that person looking that up wouldn't know that there is more information there to be looked up.

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And so it was a classic example of it tonight. And I just want to point it out that it's difficult to cross reference these things if there isn't a cross reference. And I ask that these ordinances be cross referenced so that we know what the heck is going on.

Thank you.

MAYOR JENKINS: Thank you, Stuart.

We're going to close the meeting and we're going to sing Happy Birthday to John.

Call the roll.

CLERK BLACKMON: I need a motion and a second.

COUNCILMEMBER SPANGLER: We already had a motion on the table. We just need a second.

COUNCILMEMBER BATES: Second.

CLERK BLACKMON: I didn't hear.

MAYOR JENKINS: Okay. 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: Okay. Who's going to lead it off? Go ahead, Bonita.

- - -

(Meeting adjourned at 8:55 p.m.)

-o0o-

C E R T I F I C A T E

STATE OF GEORGIA]
COUNTY OF DEKALB]

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

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

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

This the 14th day of January, 2009.

_____

Theresa Bretch, CCR
Permit No. B-755

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