In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

February 22, 2010

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Page 0

CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

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Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Ray Jenkins presiding, before Theresa Bretch, Certified Court Reporter, commencing at 6:30 p.m., February 22, 2010.

* * *

Page 2

APPEARANCES:
Doraville City Council:
Hon. Ray Jenkins, Mayor
Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Karen Pachuta
Councilmember Donna Pittman
Councilmember Bob Roche
Councilmember Pam Fleming
Rhonda Blackmon, City Clerk
Murray J. Weed, City Attorney

Page 3

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 Pachuta?

COUNCILMEMBER PACHUTA: Here.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Here.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Here.

MAYOR JENKINS: All right, Scott.

MR. HAEBERLIN: Mayor, and Councilmembers and the audience, there are two versions of the agenda simply because there was a Version 5 which was previously published. Version 6 is what I'm hoping the Council will vote on tonight to amend. There is one item I believe that Councilwoman Alexander would like to add, which is under 6, and then move adjournment to 7.

COUNCILMEMBER ALEXANDER: Yes. In the

Page 4

Council meeting, we voted to add the resolution to the FAA regarding the Class B air space proposal, and we just need to add it to this agenda so we can get it passed and get it sent to the FAA.

MR. HAEBERLIN: Correct. The reason for the revision to the agenda, as you're aware, we've had a couple items we would like to recess, and we just didn't want to make the applicant sit through the whole meeting for that item. I do have one more applicant present tonight who wants to recess.

So at this time, we're requesting to amend the agenda as presented, with the amendment by Councilwoman Alexander.

COUNCILMEMBER PITTMAN: So moved.

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 Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

Page 5

COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MR. HAEBERLIN: Under 4A, we have public hearing item Rezone with Conditional Use with Variances, Lisa and Kevin Trammell, rezoning from M-1 to C-2. The conditional use was that for that of a day care. We needed to advertise variances in case they were necessary. 4485 Tilly Mill Road, 18-342-05-003, 1.443 plus or minus acres.
We have the applicant present tonight.
What has happened with this petition is there is an establishment that is adjacent to it that sells beer and wine, at a convenience store, and that has become a problem given some of the parameters that have been set by State law.
I know in the past the Council has processed some petitions with the mentality or thought process that rezoning could occur, the conditional use could occur. In this situation, the person would probably get to that point and not be able to get an occupational tax from the City based on the State law requirements with alcohol.
I do have the applicant present tonight, if she would come to the podium.

Page 6

I am requesting that the City recess this on behalf of the applicant, and this will give them further time to explore the situation that they are encountering to see if there's any remedies that they might be able to facilitate.
MS. TRAMMELL: Hello. I'm Lisa Trammell.
We're looking at a space on 4485 Tilly Mill Road. The reason we'd like to ask for the recess is because information was brought to our attention at the last meeting. We were not aware of this law. Some of it is because of other day cares that we've seen truly directly across the street from the same type of establishment -- Publix, different places that do sell alcohol. So this was not anything that we were aware of and we didn't -- you know, we didn't plan to waste time here. We were just trying to move into a building that was already a day care and we thought that it would be a simple situation. So I apologize for the confusion, but we're hoping to investigate it over the next month or so and see what else we can do.
MAYOR JENKINS: Thank you.
MR. HAEBERLIN: Okay. So if the Council has no objection, I would like to request that we recess this on behalf of the applicant, and let's look at a

Page 7

date specific of --
Could you be present March 22nd or the 29th?
MS. TRAMMELL: Huh-uh.
MR. HAEBERLIN: You'd like to go further out?
MS. TRAMMELL: Uh-huh.
MR. HAEBERLIN: April 26, perhaps?
MS. TRAMMELL: (Nods head)
MR. HAEBERLIN: She did acknowledge yes, that April 26 would be the reset time.
COUNCILMEMBER BATES: So moved.
COUNCILMEMBER ROCHE: 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 Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?

Page 8

COUNCILMEMBER ROCHE: Yes.
MR. HAEBERLIN: The next item, 4B, is again a public hearing, rezone with a conditional use with sign code variance, which is Peter R. Maltese, rezoning from O-I to M-1; conditional use for a billboard per Ordinance 2008-23. Excuse me. That's actually a typo. Oh, that is correct; 23 is M-1. Sign code billboard height variance, 6115 Peachtree Industrial Boulevard, 18-335-14-020, 3.22 plus or minus acres.
You guys have received a letter from the attorney I believe at the last meeting, and the applicant's attorney is exploring whether this site will comply with the State requirements for that of a billboard and so he's asking for a recess of at least 60 days to facilitate him being able to explore the site being suitable under the State law for a billboard.
COUNCILMEMBER BATES: What's the May date?
MR. HAEBERLIN: Pardon me?
COUNCILMEMBER BATES: What's our May planning date?
MR. HAEBERLIN: I can pick one for you. Well, the 31st of May is Memorial Day, so obviously not on that date. The fourth Monday of May would be

Page 9

1 listed as Victoria Day, Canada, which is the 24th.
2 COUNCILMEMBER BATES: Would that be the
3 scheduled?
4 MR. HAEBERLIN: Yeah. Typically the fourth
5 or fifth Monday. Yeah, that would work perfectly.
6 COUNCILMEMBER BATES: So May 24th; is that
7 correct, Scott?
8 MR. HAEBERLIN: Yes, sir.
9 COUNCILMEMBER BATES: I'll move to recess to
10 May 24, 2010.
11 COUNCILMEMBER ROCHE: Second.
12 MAYOR JENKINS: Call the roll, please.
13 CLERK BLACKMON: Councilmember Alexander?
14 COUNCILMEMBER ALEXANDER: Yes.
15 CLERK BLACKMON: Councilmember Bates?
16 COUNCILMEMBER BATES: Yes.
17 CLERK BLACKMON: Councilmember Fleming?
18 COUNCILMEMBER FLEMING: Yes.
19 CLERK BLACKMON: Councilmember Pachuta?
20 COUNCILMEMBER ALEXANDER: Yes.
21 CLERK BLACKMON: Councilmember Pittman?
22 COUNCILMEMBER PITTMAN: Yes.
23 CLERK BLACKMON: Councilmember Roche?
24 COUNCILMEMBER ROCHE: Yes.
25 MR. HAEBERLIN: The next item is a

Page 10

1 conditional use request, El Billiard Cafe
2 Entertainment, Jimmy Nguyen, Intown Plaza Shopping
3 Center, 5090 Buford Highway, Suites 203, 204 and 205,
4 18-297-07-004, zoned C-2. We did recess this from
5 1/26/2010. It is 1.68 plus or minus acres.
6 Do we have Jimmy present?
7 - - -
8 (No response)
9 - - -
10 MR. HAEBERLIN: I don't see Mr. Nguyen
11 present this evening.
12 COUNCILMEMBER BATES: What is the protocol
13 if we've got a -- Can we approve? deny? recess?
14 ATTORNEY WEED: There's no obligation for
15 someone putting forward a zoning change to -- they're
16 not obligated to be here; therefore, you can press
17 ahead if you care to.
18 If you do recess, I would suggest you recess
19 to a date certain.
20 COUNCILMEMBER PITTMAN: So Mr. Haeberlin, it
21 was your understanding that he was going to proceed
22 with this?
23 MR. HAEBERLIN: Yes, ma'am. However, I've
24 not received any revised information from him whatso-
25 ever. I did note that in your packages. I don't know

Page 11

1 what's going on with the situation.
2 COUNCILMEMBER ROCHE: Well, if we approved
3 it, it would be only for three tables.
4 MR. HAEBERLIN: That's correct.
5 COUNCILMEMBER ALEXANDER: Recess to a date
6 specific, and if we don't get any further information,
7 then deny the next time around or --
8 COUNCILMEMBER ROCHE: I guess; and then
9 decide next time around.
10 COUNCILMEMBER ALEXANDER: Okay. I make a
11 motion we recess to April 26.
12 CLERK BLACKMON: March 26?
13 COUNCILMEMBER ALEXANDER: I'm sorry. March
14 26. No. March --
15 COUNCILMEMBER PACHUTA: 29th?
16 COUNCILMEMBER FLEMING: 22nd. March 22nd;
17 is that not correct?
18 MR. HAEBERLIN: Yes, ma'am, that is correct.
19 COUNCILMEMBER ALEXANDER: Okay.
20 COUNCILMEMBER ROCHE: And I'll second that.
21 MAYOR JENKINS: Anymore discussion?
22 - - -
23 (No response)
24 - - -
25 MAYOR JENKINS: Call the roll.

Page 12

1 CLERK BLACKMON: Councilmember Alexander?
2 COUNCILMEMBER ALEXANDER: Yes.
3 CLERK BLACKMON: Councilmember Bates?
4 COUNCILMEMBER BATES: Yes.
5 CLERK BLACKMON: Councilmember Fleming?
6 COUNCILMEMBER FLEMING: Yes.
7 CLERK BLACKMON: Councilmember Pachuta?
8 COUNCILMEMBER PACHUTA: Yes.
9 CLERK BLACKMON: Councilmember Pittman?
10 COUNCILMEMBER PITTMAN: Yes.
11 CLERK BLACKMON: Councilmember Roche?
12 COUNCILMEMBER ROCHE: Yes.
13 MR. HAEBERLIN: 5B is a public hearing which
14 is a special-use permit with variances, new cell
15 tower, T-Mobile South, Mr. Lannie Greene, 2901 Woodwin
16 Road, 18-336-01-002, zoned M-2, 24.5 plus or minus
17 acres, which is the parent tract, and this item was
18 again recessed from 1/26/2010 as requested by the
19 applicant.
20 As I indicated in your package, I have not
21 received any revised information. At this time, we
22 would invite the applicant to come forward.
23 MR. GREENE: Good evening, Mayor, Council
24 members. My name is Lannie Greene. I reside at 2421
25 St. Martin Way, Monroe, Georgia 30656. I'm here

Page 13

1 representing T-Mobile. I have with me tonight Gary
2 Alcon who is an RF engineer, radio frequency engineer,
3 for T-Mobile.
4 The use of cell phones has overcome land-
5 line usage. More and more people use their cell
6 phones in their homes today than ever before.
7 T-Mobile needs to meet this demand of its customers.
8 In addition, cell phones are used in everyday
9 activities in the event of emergencies -- as in the
10 event of emergencies. As a matter of fact, between
11 mid June and mid July, there were 618 emergency calls
12 made by T-Mobile customers in the city of Doraville.
13 This proposed site will meet the needs for
14 emergency use by our customers. In addition, this
15 proposed site will help relieve some of the capacity
16 issues on sites along I-285.
17 T-Mobile is proposing a 124-foot monopole
18 structure, which this 124 feet includes a four-foot
19 lightning rod.
20 When we go into an area, we first
21 investigate other structures in which to collocate on.
22 That would be an existing tower to which we could add
23 our antennas. In this particular case, we went to an
24 American Tower site which is located about 3,000 feet
25 southeast of the subject property. This facility,

Page 14

1 however, did not meet our needs in that it was too far
2 from the area we're trying to cover and, in addition,
3 it also overlapped an existing site.
4 We also discussed the possibility of adding
5 antennas to an existing tower there on the Plantation
6 Pipeline property. However, due to the secure nature
7 of the Plantation Pipeline facility, that was not
8 feasible for Plantation Pipeline. In addition, we
9 looked at going elsewhere on the property, but once
10 again the security of the facility itself would not
11 allow that.
12 So we picked the location that we have. The
13 site meets all the requirements with exception of this
14 setback variance of from 75 feet to approximately 49
15 feet. If we had met the setback that your ordinance
16 allows just for us to come in for a building permit,
17 we would not have to be before you tonight, but
18 unfortunately, we could not meet the requirements, and
19 that's because of the secure nature of Plantation
20 Pipeline.
21 I believe one of the Council members
22 requested some additional information regarding the
23 design of this proposed tower, and I submitted it to
24 Mr. Haeberlin last week. It discusses the structural
25 design of the site and how it would fail if it were to

Page 15

1 fail, the design mechanisms within the pole itself.
2 Basically what this letter states is this
3 tower -- they don't fail. And when they do fail,
4 there's mechanisms in it, and it kind of collapses by
5 itself. But you really -- you don't hear of these
6 type of structures failing.
7 The proposed facility is located in one of
8 the more industrial areas of metropolitan Atlanta. We
9 have met the requirements for setbacks from
10 residential uses, and we feel we have a good location
11 in which we're able to provide service to these
12 residential areas of the city of Doraville without
13 infringing upon the residential areas.
14 And like I said, I have Gary Alcon here who
15 could answer any specific questions regarding the
16 radio frequencies and what additional questions you
17 may have about this site, and I'm also available to
18 answer any other questions you may have. Thank you.
19 COUNCILMEMBER BATES: Have you talked with
20 Plantation Pipeline about the security in the area and
21 the fall zones and all that good stuff?
22 MR. GREENE: Yes, sir. We have an agreement
23 with Plantation -- a lease agreement with Plantation
24 Pipeline.
25 COUNCILMEMBER ALEXANDER: I'm the one that

Page 16

1 asked for additional information, and I've been
2 researching cell tower collapses and cell tower
3 falling all weekend.
4 And I asked for additional weight
5 information. And it wasn't clear on the letter that
6 you submitted that it answered my concerns, because it
7 looks like to me -- And granted, I don't know exactly
8 what scale these drawing are, but the underground
9 petroleum pipelines are within the fall zone of the
10 tower. Is that a correct statement?
11 MR. GREENE: No, ma'am. We've avoided --
12 Well, there are pipelines running through there.
13 COUNCILMEMBER ALEXANDER: Okay.
14 MR. GREENE: And we've got to take great
15 care with that, you know, based on our agreement with
16 Plantation Pipeline.
17 COUNCILMEMBER ALEXANDER: Okay. Because
18 according to Plantation Pipeline, the weight limit
19 above those pipelines and 15 feet each side of those
20 pipelines is 10,000 pounds.
21 Now, I know the other tower that we reviewed
22 by itself was 11,000 pounds, and I understand -- I
23 didn't have the data of the weight of the items you're
24 going to attach to the top of the pole and the
25 monopole itself, but I understand that if it were to

Page 17

1 fall across the pipelines, that all of the weight
2 would not be on the top end but it would be
3 calculations of gravitational pull, the thrust of when
4 it landed upon the ground of exactly, you know, what
5 the weight and the impression of it would be.
6 MR. GREENE: Uh-huh.
7 COUNCILMEMBER ALEXANDER: And then I also
8 have some questions about your fire suppression.
9 I actually saw a video yesterday -- I
10 couldn't believe it -- that the actual antennas on the
11 tower caught on fire and caused the tower to collapse.
12 MR. GREENE: I'm not aware of that.
13 COUNCILMEMBER ALEXANDER: Yeah. So I'd like
14 -- I didn't even think about that being an issue, but
15 those were just some of the safety concerns I had.
16 MR. GREENE: Well, that letter you received
17 is typical. It's a typical -- the typical design of a
18 monopole. This specific tower, once we -- if we are
19 granted approval, we will actually have more specific
20 designs for this particular tower. We'll have the
21 foundation drawings, the foundation we'll be required
22 to have and the actual tower itself, which will
23 include the load of T-Mobile's antennas.
24 As I stated, you know, Plantation Pipeline
25 would have a lot to lose if they felt that this would

Page 18

1 jeopardize their facility, and they have entered into
2 an agreement. We have another agreement with
3 Plantation Pipeline for another facility here in
4 Atlanta.
5 But as far as your concerns, we can provide
6 -- upon a building permit, we would have additional
7 information regarding this tower specifically. But
8 like I said, Plantation Pipeline has more to lose than
9 to gain if they felt that there was a safety -- We've
10 taken great care to avoid the gas lines as far as our
11 facility, so --
12 And the failure -- the antennas catching
13 fire and causing the tower to fail, I haven't heard
14 that. I actually would like to get some information
15 from you on that.
16 COUNCILMEMBER ALEXANDER: Yeah. It's on
17 YouTube. It happened in Texas. And I'm like, why did
18 the towers catch on fire? I mean the antennas. I
19 don't know.
20 MR. GREENE: The monopole towers are the
21 strongest of the three types that you normally see,
22 the self-supporting tower and the guy tower. And I
23 believe during Katrina there wasn't a single monopole
24 loss. If there is a sustained wind that could come in
25 that would knock that tower down, fortunately, the

Page 19

1 towers would be the last thing to fall. Everything
2 else is going to be long gone before that tower would
3 fail.
4 COUNCILMEMBER ALEXANDER: Well, they didn't
5 -- they sort of fell. These are from Katrina
6 (indicating). And this is --
7 MR. GREENE: But it did not fall --
8 COUNCILMEMBER ALEXANDER: Not all the way
9 down, no.
10 But this is one of the things that I found
11 interesting, as one of the engineers that looked at
12 your prints told me that we need to be conscious of
13 the anchor bolts. And here you can see in this that
14 the anchor bolts did not give way. It was actually
15 foundation that supported the monopole during Katrina
16 that gave way.
17 MR. GREENE: Well, we will have, like I
18 said, the tower design, and the foundation will be
19 designed and sealed by a professional -- a Georgia
20 professional engineer.
21 COUNCILMEMBER ALEXANDER: And then my last
22 question, which maybe you can answer too, is what's
23 your opinion on disguising them as trees?
24 MR. GREENE: Well --
25 COUNCILMEMBER ALEXANDER: How much

Page 20

1 additional cost does that add? Does it interfere with
2 the radiofrequency transmissions or --
3 MR. GREENE: It doesn't necessarily
4 interfere with the RF emissions, the coverage, the
5 signal. We would need a little bit more height
6 because of the way the branches come up a little bit
7 higher than the antennas.
8 COUNCILMEMBER ALEXANDER: Okay.
9 MR. GREENE: You know, the trees are really
10 just a matter of opinion. Would it blend in with the
11 area that it's currently in with the tank farm
12 surrounding it? Would it really blend in with that
13 particular area?
14 We've done -- we're doing more and more of
15 the monopines, as they're called, just because we are
16 going into residential areas, because we're trying to
17 provide the service to the residential customer who
18 also use their cell phone in their house. And you
19 know, a lot of times when you use your cell phone in
20 your house, you might have to step outside, or if you
21 go down to the basement, you just don't have that
22 coverage. And with more and more folks using their
23 cell phones rather than their land lines, there's a
24 definite need for -- to provide service to the
25 residential area.

Page 21

And I think we've done a good job because, you know, we're covering the residential areas from Woodwin Road back towards Peachtree Industrial Boulevard without getting into the residential areas.

COUNCILMEMBER ALEXANDER: Thank you.

MR. GREENE: Anymore questions?

- - -

(No response)

- - -

MR. GREENE: Thank you.

MAYOR JENKINS: I guess there's a public hearing.

MR. HAEBERLIN: So as I understand, we're back to a variance situation and special use permit on this site, and so we've got a couple different standards that we're going to have to look at.

Comp Plan. This is identified as Tank Farm Industries on the Future Development Map, and again the zoning was consistent with that of the 1966 which is M-2.

There are two decisions to be rendered tonight: are variances going to be granted from the Zoning Code and is a special use permit going to be approved for a new tower?

Now, on nonresidential properties such as

Page 22

this, sometimes there's a discussion about what constitutes a principal or accessory use, and I think in this situation it is clear that the tower is an accessory use to that of the other pipeline facility locations on the site.

Now, the entire site is 24.5 acres, and in our Zoning Code, Section 706(3)(B), it requires them to submit a site plan at the time of permitting for the entire site. So we have to consider the site in its totality, not just that leased portion of the site.

You did have information provided to you from the FAA regarding that this would not be a disturbance, and that has been provided in the package.

You do have the general standards of variance criterion. And I won't go in these in real detail, but the variance is to place that of an accessory structure in a front-yard setback, and this setback is Woodwin Road. And I think there are some safety concerns to be considered. I find no precedence where this has been done in the city; however, I do want to caution you that I have not been employed with the City throughout the duration of the towers that are constructed. In fact, this is the

Page 23

first tower other than an administrative review that we have looked at together.

And so based on the variance standards of review that are listed not only in the Zoning Code but in your staff report, I did recommend denial of the variance. I find nothing extraordinary that makes this situation any different than any other site in the city that's zoned M-2. In fact, this is the largest M-2 site in the city perhaps at 24.5 acres.

Of course we are aware there are some environmental situations on the site, and as you heard, there's a lake, and as you heard, there are a number of different buildings, and Plantation Pipeline is a little different and unique, I'm certain, than most industrial properties in the city.

The recommendation on the variance was denial, and that is consistent with the standards that have been given to me.

And the factors to be used in granting a special use permit, this will be new to you guys because together we've not talked about that. And so the factors are, one is the height of the tower. And again, I've not been here during the development of the other towers, so I think that's pretty clear.

Number two, proximity of the tower to

Page 24

residential structures and residential district boundaries. Obviously, Woodwin Court, which is developed as duplexes, would be the nearest residential if we use the broad term residential.

Number three, the name and uses on adjacent and nearby properties, that has again been provided.

Number four, surrounding topography. There's not any distance set forth, so really this area does not exhibit much topographical relief when compared to other areas of Doraville and Dekalb County. It's pretty flat, generally. Obviously that, you know, is a judgment call because the entire county is replete with different geography.

Number five, the surrounding tree coverage and foliage. Again, there's not a distance requirement set there, but generally these industrial sites don't have a lot of vegetation present on the property.

Number six is the design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness. Well, again, this tower as proposed is the tower that you see pretty much throughout the city. There's nothing particularly unique to it. Obviously, that could be looked at in terms of

Page 25

1 landscaping or the compound, how the fencing were to
2 be done. And again, that could be worked out with the
3 conditions of the special use.
4 Number seven is proposed ingress and egress.
5 Now, I do believe this location is generally poor as
6 in terms of access, and we would have to get a curb
7 cut be approved by the Dekalb County Department of
8 Transportation. They are the repository, I guess you
9 would say, for right-of-ways in the city. They
10 actually do our curb cut review for us.
11 Number eight is availability of suitable
12 existing towers and other structures as discussed in
13 Section 6D of this ordinance. Obviously, we have
14 information from a qualified engineer. I'm not going
15 to seek to refute that information.
16 Number nine, each applicant for a special
17 use permit shall pay a nonrefundable filing fee of
18 $500 in addition to any other fees required by the
19 Zoning Ordinance. Obviously this condition is met or
20 we would not be here today.
21 And so we're in the situation are these two
22 concurrent actions or are these two separate actions?
23 If you didn't grant the variances, could you grant the
24 special use permit? That's really a question for
25 Mr. Weed.

Page 26

1 The way I took it is if the variances were
2 not approved, then obviously the SUP could not be
3 approved. And so based on that and my previous
4 recommendation, I did recommend denial of the special
5 use permit as well.
6 COUNCILMEMBER ROCHE: The denial recommen-
7 dation is just based on the fact that you're
8 recommending a denial of the variance.
9 MR. HAEBERLIN: Correct. And I was under
10 the impression, I guess, that, from Mr. Greene, that
11 they were going to choose another site and I would by
12 now have a different location to evaluate. That may
13 have mitigated or completely eliminated that require-
14 ment to have a variance. I have not received anything
15 that changes that.
16 COUNCILMEMBER ROCHE: And essentially the
17 variance is 26 feet. Normally, there'd be a 75-foot
18 setback, and they're saying they want --
19 MR. HAEBERLIN: Correct.
20 COUNCILMEMBER ROCHE: -- a 49-foot setback.
21 MR. HAEBERLIN: Correct.
22 COUNCILMEMBER ROCHE: So this whole thing is
23 hinging on 26 feet --
24 MR. HAEBERLIN: That's correct.
25 COUNCILMEMBER ROCHE: -- for the setback.

Page 27

1 MR. HAEBERLIN: That's correct.
2 COUNCILMEMBER BATES: And that's the setback
3 from?
4 MR. HAEBERLIN: Woodwin Road.
5 COUNCILMEMBER ROCHE: Woodwin Road.
6 COUNCILMEMBER ALEXANDER: To the foundation
7 for the building for the tower, if I'm reading this
8 drawing correctly.
9 MR. HAEBERLIN: Well, I'm looking at the
10 entire compound, which it looks like 69.6.
11 You know, this is kind of different than the
12 true building. I mean the setback is the setback.
13 I guess I would say that my interpretation
14 would be the leading edge. I know of nothing in the
15 Zoning Code that allows me to consider anything else.
16 Are there any other questions?
17 MAYOR JENKINS: Scott, do we need to treat
18 this like a public hearing; is that correct?
19 MR. HAEBERLIN: Yes, sir, we do. It is a
20 public hearing. If there are no further questions
21 from the Council, then we will open the public
22 hearing.
23 And those who would like to speak in favor
24 of the application, would you please raise your hand?
25 - - -

Page 28

1 (No response)
2 - - -
3 MR. HAEBERLIN: Seeing none, those who would
4 like to speak against the application, would you
5 please raise your hand? Again? Susan? No? Yes? I
6 see somebody participating. I think we have one
7 person.
8 MS. CRAWFORD: Susan Crawford, Oakcliff. I
9 don't feel like -- I half raised my hand because I
10 don't feel very qualified to speak on this.
11 However, I would like to express my concern
12 about the environmental issues and the possible
13 dangers brought up by Maria. I hope that will be
14 taken into extreme consideration. Thanks.
15 MR. HAEBERLIN: At this time, we would close
16 the public hearing.
17 MAYOR JENKINS: Okay. Bring it back up to
18 the table.
19 MR. HAEBERLIN: Yes, sir.
20 MAYOR JENKINS: Anymore discussion at the
21 table?
22 COUNCILMEMBER ROCHE: So looks like from
23 this drawing, the pole itself would actually be
24 farther back than the 49 feet.
25 In other words, it's 49 feet, but that's the

Page 29

1 leading edge of the pad, and then the pole's back on
2 the pad somewhere?
3 MR. HAEBERLIN: Yes. The circle at the back
4 of your drawing, new monopole. And basically they're
5 showing give or take 69.6. You know, Woodwin Road is
6 listed as a variable right-of-way. I'm not for
7 certain that the site has actually been surveyed on
8 the ground, if we have been able to locate that since
9 this is a leasehold.
10 COUNCILMEMBER ROCHE: So six more feet and
11 they wouldn't even need a variance.
12 MR. HAEBERLIN: That's correct.
13 COUNCILMEMBER BATES: Is it 75 feet to the
14 pole or to the leading edge of the building for the
15 setback?
16 MR. HAEBERLIN: Well, in your Zoning Code,
17 the only exception that's listed -- and I can't quote
18 the exact section, but for front porches, there's an
19 exception listed that says how do I measure the
20 setback for a front porch. It gives me a little
21 leeway. But other than for residential structures,
22 there's no leeway.
23 My interpretation of this would be like I
24 did sign a sign. A sign, the leading edge of a sign
25 is the member that's closest to the right-of-way.

Page 30

1 And so lacking any definition in the Code
2 otherwise, I mean it would be consistent with what I
3 -- what I would decide on any other item. Of course a
4 tower is a little different than any other item, but
5 certainly there's nothing in the Code that allows me
6 to consider it any other way that I know of.
7 COUNCILMEMBER ROCHE: Well, actually, the
8 more I look at this, if the bottom line there is 69
9 and then this is 20 feet from the back, it looks like
10 the pole itself would be at 49 feet from the road.
11 MR. HAEBERLIN: Correct.
12 COUNCILMEMBER ROCHE: If you look at the
13 dashed lines there, it's saying 69.6 feet back to the
14 rear dashed line, but then there's 20 feet from the
15 rear dashed line forward is the center of the pole.
16 COUNCILMEMBER BATES: I would tend to agree
17 with you except that the survey or the distance line
18 isn't going to the road. It looks like it's going to
19 a property line.
20 MR. HAEBERLIN: Well, leasehold.
21 COUNCILMEMBER BATES: And do we -- Okay. Is
22 the setback requirement from the public right-of-way,
23 which is where the leasehold is? Is it from the
24 centerline of Woodwin Court? Is it from the property
25 line?

Page 31

1 MR. HAEBERLIN: Well, the structure setback
2 in your Code today is no longer --
3 It used to read from the center of the road.
4 And that was always problematic because, many of these
5 roads, we don't know where the center is. So when we
6 rewrote the M-1/M-2 ordinance, we made it from the
7 right-of-way. So literally, you know, where that
8 right-of-way ends and going back is the setback.
9 So if we had a survey point that showed the
10 corner of the right-of-way, which would be the corner
11 of their property, we'd go straight back from there.
12 In the M-1/M-2 district, we did not rewrite it to make
13 it more of a traditional neighborhood/town center
14 design. We left it large setbacks which are pretty
15 common in industrial because we didn't want things to
16 move closer to the road.
17 COUNCILMEMBER BATES: I apologize. I guess
18 it really wouldn't matter either way. There's not
19 sufficient room for a 75-foot setback under any
20 scenario.
21 MR. HAEBERLIN: It seems like that.
22 COUNCILMEMBER BATES: Mayor, may I ask
23 Mr. Greene a question?
24 MAYOR JENKINS: Yes.
25 Come on up, sir.

Page 32

1 MR. GREENE: Yes, sir.
2 COUNCILMEMBER BATES: Is there a
3 configuration that would get you the 75 foot within
4 the 25 acres?
5 MR. GREENE: Well, basically we're kind of
6 in this area because they do have gas lines crossing
7 through. You know, this is generally the area where
8 they best fill our need. Because of our proximity to
9 Woodwin Road, we wouldn't have to enter the facility
10 because of security issues.
11 The setback is actually all -- Mr. Haeberlin
12 is correct that it is the lease line. But the lease
13 line actually follows the property line, so we're the
14 property line/right-of-way line of Woodwin Road. That
15 is where our setback is also off of, and it's also
16 based on the center of the pole itself.
17 But you know, if I'm able to get it, I can
18 move it back just a little bit more. You know, if you
19 want to make it from the edge of the pole, I think
20 that would be fine. But the setback is based on the
21 center of the pole, which is typical.
22 I do want to add also that there is already
23 a -- if you've seen the site, there's already a
24 Georgia Power substation that's basically within the
25 setback area as well. I mean it's from the edge of

Page 33

the building to almost Woodwin Road.
And I would be open to also put a landscape strip along that general area of our leased area along Woodwin Road. I wouldn't have a problem with that.
There should be a drawing that you have, the overall site plan. It kind of shows where these gas lines run, and that's, you know, what we had to --
COUNCILMEMBER BATES: You guys need this new tower for increased service?
MR. GREENE: Well, to provide --
Gary, do you want to speak?
-- to provide -- Well, there is a coverage map that was submitted with the package. It kind of shows --
If I may approach, if I don't fall, this right here kind of shows you the area we're trying to cover with this particular site. It's this dead area right through here. And with this site, we're able to cover, completely fill in that hole. This whole area is covered.
MR. ALCON: On that map, that also gives the distance.
MR. GREENE: And that also covers some of 285 and then along Buford Highway as well.
This is the site right here we're currently

Page 34

collocating on, that'll be on the air in a couple months, that is an American Tower site.
This is the whole -- from Woodwin Road back to Peachtree Industrial Boulevard.
Gary could talk a little bit more specifically here.
MR. ALCON: Good evening, Mr. Mayor and Council members. Gary Alcon, Four Concourse Parkway, Atlanta, Georgia.
I was just indicating -- if you're looking at the map, I was just going to give you a picture of how it depicts. Currently, if you looked at this particular map, you would see in proximity the distance between each given site is approximately about one mile in distance. Based on the height, that's kind of what we look at.
Where you saw the gray particular areas on the map, that's indicating that's where our poor coverage is at, of what we're trying to reach, the closest residential area, to provide those services for our customers. And in this particular location, we had to get away, as indicated from the ATTC tower, farther north, to give us that coverage service that we needed. It is close enough yet to be able to get to the highway to off-load our existing sites to the

Page 35

southwest and to the west on that particular map and gives us a better footprint of where we go.
If you look at ring and ring technology, it's actually a bunch of circles that overlap each other with a certain percentage. What that means, this is probably the ideal area for us to be at, being that it's industrial and it does give us that overlap within the distance of one mile.
COUNCILMEMBER ROCHE: Well, in the event of some sort of an emergency in that area with the tank farm and everything, then obviously if they had a T-Mobile phone, they'd have a better chance of being able to make calls and complete calls.
MR. GREENE: And that would be for anybody, anybody traveling along Winters Chapel or along Woodwin Road. There would be -- a T-Mobile customer would be able to use their phone.
COUNCILMEMBER ALEXANDER: There is already an aerial there. I assume it belongs to Plantation Pipeline. I think it's behind where your proposed site is. Do you anticipate any interference from that? I'm not sure what type of antenna it is.
MR. GREENE: There would not be any interference. Based on what they're using, they're probably just radios or whatever. We would all

Page 36

operate within FCC, so we can't interfere with one another.
MR. ALCON: Actually, just to elaborate on that, we are required by FCC to go ahead and do what they call an intermod study. It's predictive of any site, any televisions, any given communications within the area, that we have to run a scenario that if we interfere with those guys, we get immediately shut down. So it is one of the things that we constantly do with our practice.
MR. GREENE: But we're just completely -- as far as the bandwidth, we're --
MAYOR JENKINS: Anymore questions?
- - -
(No response)
- - -
MR. GREENE: Thank you.
MAYOR JENKINS: Questions, anything at the table?
COUNCILMEMBER ROCHE: Somebody said there might be -- sorry, after you've sat down -- there might be other sites that you might use if we denied this one.
MR. GREENE: Well, we would have to go back and reevaluate the area and see. We'd still have to

Page 37

1 provide service, you know --
2 COUNCILMEMBER ROCHE: I understand.
3 MR. GREENE: -- to these particular
4 locations. Our firm would still have to provide
5 service. We have a federal license. We're obligated
6 to. We're obligated to our customers. So we still
7 are going to need to fill the hole.
8 I think that the coverage map that you have
9 shows that there is a hole there and it is in
10 particular in the residential area between Woodwin
11 Road back towards Peachtree Industrial Boulevard. So
12 we have a need, definitely, and if this location does
13 not work, we'll just have to find something else and
14 come back to you.
15 COUNCILMEMBER BATES: This is going to be a
16 learning experience for me, so I apologize for the
17 question.
18 MR. GREENE: That's fine.
19 COUNCILMEMBER BATES: I know you indicated
20 that you're sharing a tower now. Is that with a
21 competitor or is that with --
22 MR. GREENE: Well, actually, the particular
23 site that I mentioned is an American Tower site.
24 American Tower along with Crown Castle, those are two
25 of the bigger companies that actually own towers or

Page 38

1 build them for carriers. And we have agreements with
2 American Tower to collocate, which is basically
3 putting our antennas on their existing facilities. We
4 also have agreements with the different carriers --
5 Verizon, AT&T.
6 And so this particular tower will be
7 designed for two other carriers. Because of it's
8 height, it's limited, you know, to possibly two other
9 carriers at 120 feet -- 124 feet with the lightning
10 rod. But we have an agreement with them, so if
11 Verizon were to come along and have a need to provide
12 service in that area, there is an agreement in place
13 where Verizon could put their antennas on this
14 particular pole and then they would just come before
15 y'all or just to the City to get a building permit.
16 And I would much rather be in that scenario in which I
17 could just put antennas on an existing tower, because
18 it's cheaper for T-Mobile to do this and it's a lot
19 less time consuming. I wouldn't have to come before
20 you to do it. It would just be a matter of submitting
21 my documentation and my engineer studies and pulling
22 the building permit.
23 COUNCILMEMBER BATES: Mr. Greene, I'm going
24 to interject.
25 Mr. Halpern or, sorry, Mr. Cushman of

Page 39

1 Halpern Enterprises, there is a tower behind Doraville
2 Plaza. Do you know who the owners are?
3 MR. CUSHMAN: It's American Tower.
4 COUNCILMEMBER BATES: And are you familiar
5 with that tower?
6 MR. GREENE: Yes, sir. We actually did look
7 at that site and it is -- it's too close.
8 If I may, the American tower is actually --
9 the problem with it is that it actually is right here,
10 and so this is already an existing site, so it's
11 actually -- There's no need to go there because we've
12 already covered that area and it pulls us away from
13 this area.
14 So what would happen if we went on that site
15 is we would basically be duplicating and not covering
16 our objective right through there. But that was the
17 first site we looked at was the American Tower site.
18 COUNCILMEMBER BATES: Got you. Okay.
19 COUNCILMEMBER ROCHE: The tower right here,
20 I guess (indicating)?
21 MR. GREENE: Well, these that are on 285 are
22 too -- too far from that area.
23 This site actually will provide some
24 capacity for these sites that are along 285 that
25 T-Mobile's currently on, just because, you know, at

Page 40

1 5 o'clock, everybody is using their cell phone when
2 they're on 285 headed home. It will relieve some of
3 that. But that wasn't our primary objective. Our
4 primary objective is to cover the residential areas.
5 MR. ALCON: I'd just like the board also to
6 understand that out of the current 10 surrounding
7 sites that you look at visually on that map, all 10
8 are collocated. All 10 are with other carriers, and
9 we're currently residing on those as well.
10 MR. GREENE: This is basically our last
11 option is to build a site.
12 MAYOR JENKINS: Anymore questions?
13 COUNCILMEMBER FLEMING: How many sites do
14 you have in Chamblee?
15 MR. GREENE: In Chamblee?
16 COUNCILMEMBER FLEMING: Uh-huh.
17 MR. GREENE: I'm not sure about Chamblee.
18 We provided a map of all the sites we have currently
19 in Doraville and kind of the surrounding area, but as
20 far as Chamblee, I'm not -- I don't know off the top
21 of my head. But there is a map in the package that
22 you received that shows the current sites that we have
23 in the city of Doraville and just outside the city
24 limits.
25 MAYOR JENKINS: Brainstorming.

Page 41

1 MR. GREENE: Sir?
2 MAYOR JENKINS: I said we're brainstorming.
3 MR. GREENE: Okay.
4 COUNCILMEMBER BATES: Mr. Weed, from a
5 liability standpoint, without us having seen the
6 agreement between the company and Plantation Pipeline,
7 would we have any liability if we were to approve it
8 and something were to happen?
9 ATTORNEY WEED: No, sir. In my opinion, we
10 would -- the City government would still maintain all
11 the immunities that we would have as a sovereign
12 entity in either case whether they build it or don't
13 build it, build it carelessly, build it negligently.
14 You know, the only additional liability that
15 we might have would be if we failed to inspect it and
16 we were required to, and I base that opinion upon the
17 barn case that y'all are familiar with, the case with
18 the barn. But if we do inspect it, we're generally
19 immune.
20 MAYOR JENKINS: You mean when it's built.
21 Inspected when it's built.
22 ATTORNEY WEED: Yes.
23 MAYOR JENKINS: We wouldn't have to continue
24 inspecting it.
25 ATTORNEY WEED: No, sir. My understanding

Page 42

1 is there's no ongoing obligation.
2 COUNCILMEMBER BATES: Mr. Greene, again I
3 apologize, do you have plans to do landscape buffer?
4 MR. GREENE: If you want to make that a
5 condition, then we'd do a landscape strip along
6 Woodwin Road. As far as our lease area, we could do
7 like a five-foot landscape stripe. I think there's
8 plenty of room because of course the tower setback, we
9 could do a five-foot landscape strip, work with the
10 City arborist, leyland cypress, or we could add some
11 landscaping in there.
12 COUNCILMEMBER BATES: And your lease is with
13 Plantation Pipeline; is that correct?
14 MR. GREENE: Yes, sir, yes, sir.
15 You have to understand you have two big
16 corporations. You've got T-Mobile and you have
17 Plantation Pipeline, so -- And I know you have your
18 concerns, but in the same respect, they -- you know,
19 they have a lot to lose if something were to be a
20 significant failure, you know, and especially
21 Plantation Pipeline in that particular facility. It's
22 my understanding that all the gas lines from the Gulf
23 of Mexico run through that facility to the east coast.
24 So you know, the fact that they're okay with it, you
25 know, I urge you to rest assured that it's going to --

Page 43

1 it's going to be fine.
2 COUNCILMEMBER BATES: Well, understand we've
3 got a responsibility for our residents who might be
4 impacted by -- You know, that's a significant area of
5 our city that --
6 MR. GREENE: Right, right.
7 COUNCILMEMBER BATES: -- is of concern.
8 MR. GREENE: But we are far off from the
9 residential areas, you know. And I've done hearings
10 in Cobb County and other areas where we've actually
11 had to go ride in the residential areas, and there'd
12 be a hundred people ready to flatten my tires or
13 whatever else.
14 In this particular case, you know, we're --
15 we've got a great location because it's in a major
16 industrial area, it's zoned M-2 heavy industrial use,
17 and we're still able to provide the coverage that
18 we're looking to provide to these residential areas
19 without going into the residential areas.
20 COUNCILMEMBER FLEMING: Mr. Weed, I have a
21 question for you, please.
22 ATTORNEY WEED: Yes, ma'am.
23 COUNCILMEMBER FLEMING: I understood
24 Mr. Greene to indicate that there are 10 other sites
25 in the city of Doraville that are being multi-used by

Page 44

1 other carriers other than T-Mobile or American or so
2 forth, and if this proposed location goes in at
3 Woodwin Road, I believe I understood him to say that
4 the pad would accommodate multi-use a well.
5 My question is would each of these sites,
6 whether it be 10 or 11 sites, have to come to the
7 Council to request or come to Mr. Haeberlin to request
8 a building permit on an existing site?
9 ATTORNEY WEED: My opinion is yes, they
10 would.
11 COUNCILMEMBER FLEMING: And in doing so,
12 would it be considered a permitted use since it's
13 already established there?
14 ATTORNEY WEED: Without doing further
15 research, my off-the-cuff opinion would be it would
16 probably be a legal nonconforming use which we're
17 going to assume went through the proper process to be
18 approved to begin with. And based upon current zoning
19 law, more likely than not it would be essentially an
20 expansion of a previously-permitted use underneath the
21 current case law.
22 So I would say that with regard to
23 additional antennae or other devices on those poles,
24 that they would not have to seek a special use permit
25 for each one on an existing pole. Once again, that is

Page 45

assuming that that pole was appropriately -- it went through the proper systems to begin with.

COUNCILMEMBER FLEMING: Okay. Thank you very much for your explanation.

Mr. Greene, did I understand you to say the pad that you are building would accommodate more towers than just the one that you have?

MR. GREENE: Oh, no, no. No, ma'am. The tower -- the single tower that we're proposing for you right now is 124 feet. It will be designed for at least two other carriers, the tower itself --

COUNCILMEMBER FLEMING: I see. I see.

MR. GREENE: -- so they could put their antennas.

And we have -- the lease area that we have with Plantation Pipeline which is shown in your -- in your package would accommodate additional carriers. It would accommodate their ground equipment, whatever they may need to put on the ground. We have enough area for them to meet that requirement.

But we will be building but one tower on this property.

COUNCILMEMBER FLEMING: But there may be additional -- if it is approved, you're making the pad large enough to accommodate more than one user.

Page 46

MR. GREENE: The tower will be designed for more than -- well, for a total of three in the lease area, not necessarily the pad because our pad is significantly smaller than, say, Verizon or AT&T because of the different equipment that's used.

Our pad -- we'll have our pad, but our lease area, our ground area would be large enough to accommodate other potentially two additional carriers who come along.

COUNCILMEMBER FLEMING: Okay. Thank you very much.

MR. GREENE: Uh-huh.

COUNCILMEMBER BATES: I'm going to make a motion to approve the variance and the special use permit with the condition of a landscaped buffer to be coordinated with our city planner.

COUNCILMEMBER ROCHE: Could we actually add something about maybe a barrier for there also as part of the landscaping?

COUNCILMEMBER BATES: I'm sorry?

COUNCILMEMBER ROCHE: Add something like a barrier as part of the landscaping.

I mean my only concern here is if a car came down the road or whatever and it came in, it could plow right through the bushes and knock down the pole.

Page 47

I mean I don't know how --

COUNCILMEMBER PITTMAN: That is actually my concern as well is the heavily-traveled area with the tanker trucks and school buses and it's so close to the road.

MR. GREENE: Well, we could design like a landscape strip with bollards behind the landscape strip. I don't know how many bollards it would take. I don't know. I guess maybe four-feet-apart bollards maybe three-foot high, four-foot high in behind the strip itself. Now, we will have a gate so we wouldn't be able to put a bollard there, but we would be --

Because we do have sites where we actually had to put bollards because, you know, there might be -- I did a site up in Calhoun, which it was a truck stop and they had semis coming in. Well, not a truck stop but a warehouse. And they had semis coming in and out, and we put bollards kind of around the corner just, you know, to let them know that it was there but also to protect the facility itself.

COUNCILMEMBER BATES: What type of fencing material are you planning on using?

MR. GREENE: Basically what's there now. It'll be six-feet cyclone fence with like two feet of strand barbed wire for security, so you know, that

Page 48

standard. I mean that's what's there now. And actually, you know, with us adding the landscaping -- And the landscaping will be inside the fence. We'll put that inside the fence and then the bollards along.

COUNCILMEMBER BATES: Would you be able to, instead of putting the bollards, reinforce the steel poles that anchor the fencing or --

MR. GREENE: Sure.

COUNCILMEMBER BATES: Because I do echo Mr. Roche's and Ms. Pittman's concerns.

MR. GREENE: I mean I don't know. That's getting kind of out of my realm. You know, how do you specify that? But we could -- we could, you know, reinforce it with a little bit more concrete, the footing of the --

COUNCILMEMBER BATES: I'm okay with putting a bollard behind each of the cypress trees if that's the direction to go.

How specific do I need to get, Mr. Weed?

ATTORNEY WEED: Well, what I would do is I would make the condition, if the applicants agree to it, to include the five-foot tree buffer area, the tree buffer and plantings to be approved by the City arborist, and also a requisite number of bollards designed in such a way that the City engineer -- after

Page 49

1 City engineer review, would approve them, to maximize
2 safety at the site.
3 COUNCILMEMBER BATES: Okay. I'll withdraw
4 my previous motion and make a second motion to approve
5 the variance and the special use permit with the
6 conditions of a five-foot landscaped strip of trees to
7 be approved by the City arborist and sufficient
8 bollards behind the trees to ensure that a truck or
9 vehicle could not gain access to the site.
10 MR. HAEBERLIN: Council, I just wanted
11 clarification on this item just to make sure we cover
12 all facets of the Code.
13 In your deliberations tonight, considering
14 the barbed wire is kind of a variation from your fence
15 guidelines so I think we need to specifically address
16 that you are condoning or approving the use of barbed
17 wire, which is an exclusion or variation from the
18 Code.
19 Also as well, it was not completely clear
20 for me whether the applicant intends to put any gravel
21 inside of the fence area, which would be, again, a
22 variance from your Code where it requires everything
23 to be paved.
24 So those are two items that I'd like for you
25 to address in your conditions just for staff's

Page 50

1 clarification.
2 COUNCILMEMBER BATES: Thank you.
3 Mr. Greene?
4 MR. GREENE: Well, I would think, you know,
5 with water runoff, you would prefer us to do gravel
6 rather than the paved area. We typically do do
7 gravel. The Georgia Power little substation there is
8 currently graveled. And I would think just from a
9 runoff standpoint, especially now that we're
10 apparently hitting the monsoons rather than a drought,
11 that you would prefer gravel.
12 Now, the foundation for our equipment will
13 be concrete but as far as -- you know, basically there
14 it would be gravel. But if you prefer paving --
15 COUNCILMEMBER BATES: But the driveway into
16 the site would be?
17 MR. GREENE: We can do an apron into the
18 site at some point, you know, based on Code, and
19 gravel from there. As far as paving the driveway,
20 that's not a problem.
21 COUNCILMEMBER BATES: Okay.
22 COUNCILMEMBER ALEXANDER: And there is
23 barbed wire already there on this fencing; correct?
24 MR. GREENE: Yes, ma'am. It's a fairly
25 secure site. Don't just show up. Our surveyor found

Page 51

1 that out.
2 COUNCILMEMBER BATES: I'll add in two
3 additional variance approvals. One is to approve the
4 barbed wire and two would be to approve gravel inside
5 the fence perimeter.
6 ATTORNEY WEED: And an asphalt apron leading
7 to that gravel?
8 COUNCILMEMBER BATES: Yes, sir.
9 ATTORNEY WEED: Are those conditions
10 satisfactory to the applicant and do you agree with
11 those conditions?
12 MR. GREENE: Yes, sir.
13 MAYOR JENKINS: Do I get a second?
14 COUNCILMEMBER PACHUTA: Second.
15 MAYOR JENKINS: Anymore discussion?
16 - - -
17 (No response)
18 - - -
19 MAYOR JENKINS: Call the roll.
20 CLERK BLACKMON: Councilmember Alexander?
21 COUNCILMEMBER ALEXANDER: Yes.
22 CLERK BLACKMON: Councilmember Bates?
23 COUNCILMEMBER BATES: Yes.
24 CLERK BLACKMON: Councilmember Fleming?
25 COUNCILMEMBER FLEMING: No.

Page 52

1 CLERK BLACKMON: Councilmember Pachuta?
2 COUNCILMEMBER PACHUTA: Yes.
3 CLERK BLACKMON: Councilmember Pittman?
4 COUNCILMEMBER PITTMAN: No.
5 CLERK BLACKMON: Councilmember Roche?
6 COUNCILMEMBER ROCHE: You know, I was
7 thinking it would be great to be last. I'm going to
8 vote no on this.
9 MAYOR JENKINS: I vote yes.
10 CLERK BLACKMON: Motion passed.
11 MR. GREENE: Thank you all for your time.
12 MAYOR JENKINS: Okay, Scott.
13 MR. HAEBERLIN: Sorry. My agenda seemed to
14 have walked.
15 And this is the -- the next item is the
16 resolution regarding the -- I guess the PDK flight
17 path would be the next item.
18 COUNCILMEMBER ROCHE: Well, it's not on the
19 agenda.
20 COUNCILMEMBER ALEXANDER: We voted to add
21 it.
22 MR. HAEBERLIN: We voted to add it
23 initially.
24 COUNCILMEMBER ROCHE: Okay.
25 COUNCILMEMBER ALEXANDER: Mr. Weed, do you

Page 53

remember, did we already approve the resolution and you composed it or do we need to make a motion to approve the resolution and send it to the FAA?

ATTORNEY WEED: You need to make a motion to approve the resolution. There was a draft which I believe Dekalb County authored and we redrafted and put into the proper format for Doraville. So I'd prefer you, if you want to pass it, to pass it tonight.

COUNCILMEMBER ALEXANDER: I make a motion that we approve the ordinance regarding our objection to the Class B airspace being modified and request that it be mailed in triplicate to the FAA.

COUNCILMEMBER PITTMAN: Second.

ATTORNEY WEED: The Councilman said ordinance. You meant resolution.

COUNCILMEMBER ROCHE: Resolution.

COUNCILMEMBER ALEXANDER: Resolution. I'm sorry.

COUNCILMEMBER ROCHE: I'll second that.

COUNCILMEMBER PITTMAN: Second.

COUNCILMEMBER ROCHE: No, go ahead.

COUNCILMEMBER PITTMAN: That's okay.

COUNCILMEMBER ROCHE: I've been seconding things all night long.

Page 54

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Anymore discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

Motion to adjourn.

COUNCILMEMBER PACHUTA: Second.

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

Page 55

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: Thank you.

- - -

(Meeting adjourned at 7:30 p.m.)

-o0o-

Page 56

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 11th day of March, 2010.

_____

Theresa Bretch, CCR
Permit No. B-755

[SEAL]

$

$500 (1)
25:18

1

1.443 (1)
5:10
1.68 (1)
10:5
1/26/2010 (2)
10:5;12:18
10 (5)
40:6,7,8;43:24;44:6
10,000 (1)
16:20
11 (1)
44:6
11,000 (1)
16:22
120 (1)
38:9
124 (3)
13:18;38:9;45:10
124-foot (1)
13:17
15 (1)
16:19
18-297-07-004 (1)
10:4
18-335-14-020 (1)
8:9
18-336-01-002 (1)
12:16
18-342-05-003 (1)
5:10
1966 (1)
21:19

2

20 (2)
30:9,14
2008-23 (1)
8:6
2010 (1)
9:10
203 (1)
10:3
204 (1)
10:3
205 (1)
10:3
22nd (3)
7:2;11:16,16
23 (1)
8:7
24 (1)
9:10
24.5 (3)
12:16;22:6;23:9
2421 (1)
12:24
24th (2)
9:1,6
25 (1)
32:4
26 (7)
7:8,11;11:11,12,14;
26:17,23
285 (4)
33:24;39:21,24;40:2
2901 (1)
12:15
29th (2)
7:3;11:15

3

3,000 (1)
13:24
3.22 (1)
8:9
30656 (1)
12:25
31st (1)
8:24

4

4485 (2)
5:9;6:7
49 (4)
14:14;28:24,25;30:10
49-foot (1)
26:20
4A (1)
5:4
4B (1)
8:2

5

5 (2)
3:19;40:1
5090 (1)
10:3
5B (1)
12:13

6

6 (2)
3:20,23
60 (1)
8:16
6115 (1)
8:8
618 (1)
13:11
69 (1)
30:8
69.6 (3)
27:10;29:5;30:13
6D (1)
25:13

7

7 (1)
3:24
7:30 (1)
55:11
7063B (1)
22:7
75 (3)
14:14;29:13;32:3
75-foot (2)
26:17;31:19

A

able (13)
5:21;6:5;8:16;15:11;
29:8;32:17;33:18;34:24;
35:13,17;43:17;47:12;
48:5
above (1)
16:19
access (2)
25:6;49:9
accessory (3)
22:2,4,19
accommodate (6)
44:4;45:6,17,18,25;
46:8
according (1)
16:18
acknowledge (1)
7:10
acres (7)
5:10;8:10;10:5;12:17;
22:6;23:9;32:4
across (2)
6:12;17:1
actions (2)
25:22,22
activities (1)
13:9
actual (2)
17:10,22
actually (25)
8:7;17:9,19;18:14;
19:14;25:10;28:23;29:7;
30:7;32:11,13;35:4;
36:3;37:22,25;39:6,8,9,
11,23;43:10;46:17;47:2,
13;48:2
add (12)
3:23;4:1,3;13:22;20:1;
32:22;42:10;46:17,21;
51:2;52:20,22
adding (2)
14:4;48:2
addition (5)
13:8,14;14:2,8;25:18
additional (12)
14:22;15:16;16:1,4;
18:6;20:1;41:14;44:23;
45:17,24;46:8;51:3
address (2)
49:15,25
adjacent (2)
5:13;24:5
adjourn (1)
54:19
adjourned (1)
55:11
adjournment (1)
3:24
administrative (1)
23:1
advertise (1)
5:8
aerial (1)
35:19
again (13)
8:2;12:18;14:10;
21:18;23:23;24:6,15,22;
25:2;28:5;42:2;44:25;
49:21
against (1)
28:4
agenda (6)
3:18;4:3,6,12;52:13,
19
agree (3)
30:16;48:21;51:10
agreement (8)
15:22,23;16:15;18:2,
2;38:10,12;41:6
agreements (2)
38:1,4
ahead (3)
10:17;36:4;53:22
air (2)
4:2;34:1
airspace (1)
53:12
alcohol (2)
5:23;6:14
Alcon (7)
13:2;15:14;33:21;
34:7,8;36:3;40:5
Alexander (44)
3:4,5,22,25;4:13,15,
17,18;7:15,16;9:13,14,
20;11:5,10,13,19;12:1,2;
15:25;16:13,17;17:7,13;
18:16;19:4,8,21,25;20:8;
21:5;27:6;35:18;50:22;
51:20,21;52:20,25;
53:10,18;54:7,8,22,23
allow (1)
14:11
allows (3)
14:16;27:15;30:5
almost (1)
33:1
along (12)
13:16;33:3,3,24;
35:15,15;37:24;38:11;
39:24;42:5;46:9;48:4
always (1)
31:4
amend (2)
3:21;4:11
amendment (1)
4:12
American (9)
13:24;34:2;37:23,24;
38:2;39:3,8,17;44:1
anchor (3)
19:13,14;48:7
answered (1)
16:6
antenna (1)
35:22
antennae (1)
44:23
antennas (11)
13:23;14:5;17:10,23;
18:12,18;20:7;38:3,13,
17;45:14
anticipate (1)
35:21
Anymore (7)
11:21;21:6;28:20;
36:13;40:12;51:15;54:2
apologize (4)
6:19;31:17;37:16;42:3
apparently (1)
50:10
applicant (11)
4:8,10;5:11,24;6:2,25;
12:19,22;25:16;49:20;
51:10
applicants (1)
48:21
applicant's (1)
8:13
application (2)
27:24;28:4
approach (1)
33:15
appropriately (1)
45:1
approval (1)
17:19
approvals (1)
51:3
approve (11)
10:13;41:7;46:14;
49:1,4;51:3,4;53:1,3,5,
11
approved (9)
11:2;21:24;25:7;26:2,
3;44:18;45:24;48:23;
49:7
approving (1)
49:16
approximately (2)
14:14;34:14

April (3)
7:8,11;11:11
apron (2)
50:17;51:6
arborist (3)
42:10;48:24;49:7
area (38)
13:20;14:2;15:20;
20:11,13,25;24:9;32:6,7,
25;33:3,3,16,17,19;
34:20;35:6,10;36:7,25;
37:10;38:12;39:12,13,
22;40:19;42:6;43:4,16;
45:15,20;46:3,7,7;47:3;
48:22;49:21;50:6
areas (14)
15:8,12,13;20:16;
21:2,4;24:10;34:17;
40:4;43:9,10,11,18,19
around (3)
11:7,9;47:18
asphalt (1)
51:6
assume (2)
35:19;44:17
assuming (1)
45:1
assured (1)
42:25
AT&T (2)
38:5;46:4
Atlanta (3)
15:8;18:4;34:9
attach (1)
16:24
ATTC (1)
34:22
attention (1)
6:9
attorney (14)
8:12,13;10:14;41:9,
22,25;43:22;44:9,14;
48:20;51:6,9;53:4,15
audience (1)
3:18
authored (1)
53:6
availability (1)
25:11
available (1)
15:17
avoid (1)
18:10
avoided (1)
16:11
aware (5)
4:6;6:10,15;17:12;
23:10
away (2)
34:22;39:12

B

back (15)
21:3,14;28:17,24;
29:1,3;30:9,13;31:8,11;
32:18;34:3;36:24;37:11,
14
bandwidth (1)
36:12
barbed (5)
47:25;49:14,16;50:23;
51:4
barn (2)
41:17,18
barrier (2)
46:18,22
base (1)
41:16
based (11)
5:22;16:15;23:3;26:3,
7;32:16,20;34:15;35:24;
44:18;50:18
basement (1)
20:21
Basically (9)
15:2;29:4;32:5,24;
38:2;39:15;40:10;47:23;
50:13
Bates (54)
3:6,7;4:19,20;7:12,17,
18;8:19,21;9:2,6,9,15,
16;10:12;12:3,4;15:19;
27:2;29:13;30:16,21;
31:17,22;32:2;33:8;
37:15,19;38:23;39:4,18;
41:4;42:2,12;43:2,7;
46:13,20;47:21;48:5,9,
16;49:3;50:2,15,21;51:2,
8,22,23;54:9,10,24,25
become (1)
5:15
beer (1)
5:14
begin (2)
44:18;45:2
behalf (2)
6:2,25
behind (6)
35:20;39:1;47:7,10;
48:17;49:8
belongs (1)
35:19
best (1)
32:8
better (2)
35:2,12
big (1)
42:15
bigger (1)
37:25
billboard (4)
8:6,8,15,18
Billiard (1)
10:1
bit (5)
20:5,6;32:18;34:5;
48:14
BLACKMON (50)
3:4,6,8,10,12,14;4:17,
19,21,23,25;5:2;7:15,17,
19,21,23,25;9:13,15,17,
19,21,23;11:12;12:1,3,5,
7,9,11;51:20,22,24;52:1,
3,5,10;54:7,9,11,13,15,
17,22,24;55:1,3,5,7
blend (2)
20:10,12
board (1)
40:5
bollard (2)
47:12;48:17
bollards (9)
47:7,8,9,14,18;48:4,6,
24;49:8
bolts (2)
19:13,14
bottom (1)
30:8
Boulevard (4)
8:9;21:4;34:4;37:11
boundaries (1)
24:2
Brainstorming (2)
40:25;41:2
branches (1)
20:6
Bring (1)
28:17
broad (1)
24:4
brought (2)
6:9;28:13
buffer (4)
42:3;46:15;48:22,23
Buford (2)
10:3;33:24
build (6)
38:1;40:11;41:12,13,
13,13
building (12)
6:17;14:16;18:6;27:7,
12;29:14;33:1;38:15,22;
44:8;45:6,21
buildings (1)
23:13
built (2)
41:20,21
bunch (1)
35:4
buses (1)
47:4
bushes (1)
46:25

C

C-2 (2)
5:7;10:4
Cafe (1)
10:1
calculations (1)
17:3
Calhoun (1)
47:15
Call (10)
3:3;4:16;7:14;9:12;
11:25;24:12;36:5;51:19;
54:6,21
called (1)
20:15
calls (3)
13:11;35:13,13
came (2)
46:23,24
can (10)
4:3;6:21;8:23;10:13,
16;18:5;19:13,22;32:17;
50:17
Canada (1)
9:1
capacity (2)
13:15;39:24
car (1)
46:23
care (5)
5:8;6:17;10:17;16:15;
18:10
carelessly (1)
41:13
cares (1)
6:11
carriers (9)
38:1,4,7,9;40:8;44:1;
45:11,17;46:8
case (7)
5:8;13:23;41:12,17,
17;43:14;44:21
Castle (1)
37:24
catch (1)
18:18
catching (1)
18:12
caught (1)
17:11
caused (1)
17:11
causing (1)
18:13
caution (1)
22:23
cell (10)
12:14;13:4,5,8;16:2,2;
20:18,19,23;40:1
Center (7)
10:3;30:15;31:3,5,13;
32:16,21
centerline (1)
30:24
certain (4)
10:19;23:14;29:7;35:5
certainly (1)
30:5
Chamblee (4)
40:14,15,17,20
chance (1)
35:12
change (1)
10:15
changes (1)
26:15
Chapel (1)
35:15
characteristics (1)
24:20
cheaper (1)
38:18
choose (1)
26:11
circle (1)
29:3
circles (1)
35:4
City (23)
5:22;6:1;13:12;15:12;
22:22,24;23:8,9,15;
24:24;25:9;38:15;40:23,
23;41:10;42:10;43:5,25;
46:16;48:23,25;49:1,7
clarification (2)
49:11;50:1
Class (2)
4:2;53:12
clear (4)
16:5;22:3;23:24;49:19
CLERK (50)
3:4,6,8,10,12,14;4:17,
19,21,23,25;5:2;7:15,17,
19,21,23,25;9:13,15,17,
19,21,23;11:12;12:1,3,5,
7,9,11;51:20,22,24;52:1,
3,5,10;54:7,9,11,13,15,
17,22,24;55:1,3,5,7
close (4)
28:15;34:24;39:7;47:4
closer (1)
31:16
closest (2)
29:25;34:20
coast (1)
42:23
Cobb (1)
43:10
code (14)
8:4,8;21:23;22:7;23:4;
27:15;29:16;30:1,5;
31:2;49:12,18,22;50:18
collapse (1)
17:11
collapses (2)
15:4;16:2
collocate (2)
13:21;38:2
collocated (1)

40:8
collocating (1)
34:1
coming (2)
47:16,17
common (1)
31:15
communications (1)
36:6
Comp (1)
21:17
companies (1)
37:25
company (1)
41:6
compared (1)
24:10
competitor (1)
37:21
complete (1)
35:13
completely (4)
26:13;33:19;36:11;
49:19
comply (1)
8:14
composed (1)
53:2
compound (2)
25:1;27:10
concern (4)
28:11;43:7;46:23;47:3
concerns (6)
16:6;17:15;18:5;
22:21;42:18;48:10
Concourse (1)
34:8
concrete (2)
48:14;50:13
concurrent (1)
25:22
condition (4)
25:19;42:5;46:15;
48:21
Conditional (6)
5:5,7,19;8:3,5;10:1
conditions (5)
25:3;49:6,25;51:9,11
condoning (1)
49:16
configuration (1)
32:3
confusion (1)
6:19
conscious (1)
19:12
consider (3)
22:9;27:15;30:6
consideration (1)
28:14
considered (2)
22:21;44:12
considering (1)
49:13
consistent (3)
21:19;23:17;30:2
constantly (1)
36:9
constitutes (1)
22:2
constructed (1)
22:25
consuming (1)
38:19
continue (1)
41:23
convenience (1)
5:14
coordinated (1)
46:16
corner (3)
31:10,10;47:18
corporations (1)
42:16
correctly (1)
27:8
cost (1)
20:1
Council (10)
3:21;4:1;5:17;6:23;
12:23;14:21;27:21;34:8;
44:7;49:10
Councilman (1)
53:15
Councilmember (206)
3:4,5,6,7,8,9,10,11,12,
13,14,15,25;4:14,15,17,
18,19,20,21,22,23,24,25;
5:1,2,3;7:12,13,15,16,17,
18,19,20,21,22,23,24,25;
8:1,19,21;9:2,6,9,11,13,
14,15,16,17,18,19,20,21,
22,23,24;10:12,20;11:2,
5,8,10,13,15,16,19,20;
12:1,2,3,4,5,6,7,8,9,10,
11,12;15:19,25;16:13,
17;17:7,13;18:16;19:4,8,
21,25;20:8;21:5;26:6,16,
20,22,25;27:2,5,6;28:22;
29:10,13;30:7,12,16,21;
31:17,22;32:2;33:8;
35:9,18;36:20;37:2,15,
19;38:23;39:4,18,19;
40:13,16;41:4;42:2,12;
43:2,7,20,23;44:11;45:3,
12,23;46:10,13,17,20,
21;47:2,21;48:5,9,16;
49:3;50:2,15,21,22;51:2,
8,14,20,21,22,23,24,25;
52:1,2,3,4,5,6,18,20,24,
25;53:10,14,17,18,20,21,
22,23,24;54:1,7,8,9,10,
11,12,13,14,15,16,17,18,
20,22,23,24,25;55:1,2,3,
4,5,6,7,8
Councilmembers (1)
3:17
Councilwoman (2)
3:22;4:13
County (5)
24:11,12;25:7;43:10;
53:6
couple (3)
4:7;21:15;34:1
course (3)
23:10;30:3;42:8
Court (2)
24:2;30:24
cover (5)
14:2;33:17,19;40:4;
49:11
coverage (8)
20:4,22;24:14;33:12;
34:19,23;37:8;43:17
covered (2)
33:20;39:12
covering (2)
21:2;39:15
covers (1)
33:23
Crawford (2)
28:8,8
criterion (1)
22:17
crossing (1)
32:6
Crown (1)
37:24
curb (2)
25:6,10
current (4)
40:6,22;44:18,21
currently (7)
20:11;33:25;34:12;
39:25;40:9,18;50:8
Cushman (2)
38:25;39:3
customer (2)
20:17;35:16
customers (5)
13:7,12,14;34:21;37:6
cut (2)
25:7,10
cyclone (1)
47:24
cypress (2)
42:10;48:17

D

dangers (1)
28:13
dashed (3)
30:13,14,15
data (1)
16:23
date (6)
7:1;8:19,22,25;10:19;
11:5
dation (1)
26:7
day (5)
5:8;6:11,17;8:24;9:1
days (1)
8:16
dead (1)
33:17
decide (2)
11:9;30:3
decisions (1)
21:21
definite (1)
20:24
definitely (1)
37:12
definition (1)
30:1
Dekalb (3)
24:10;25:7;53:6
deliberations (1)
49:13
demand (1)
13:7
denial (5)
23:5,17;26:4,6,8
denied (1)
36:22
deny (2)
10:13;11:7
Department (1)
25:7
depicts (1)
34:12
design (9)
14:23,25;15:1;17:17;
19:18;24:19,20;31:14;
47:6
designed (5)
19:19;38:7;45:10;
46:1;48:25
designs (1)
17:20
detail (1)
22:18
developed (1)
24:3
Development (2)
21:18;23:23
devices (1)
44:23
different (11)
6:13;21:15;23:7,13,
14;24:13;26:12;27:11;
30:4;38:4;46:5
direction (1)
48:18
directly (1)
6:12
discussed (2)
14:4;25:12
discusses (1)
14:24
discussion (5)
11:21;22:1;28:20;
51:15;54:2
disguising (1)
19:23
distance (7)
24:8,15;30:17;33:22;
34:14,15;35:8
district (2)
24:1;31:12
disturbance (1)
22:14
documentation (1)
38:21
done (5)
20:14;21:1;22:22;
25:2;43:9
Doraville (8)
13:12;15:12;24:10;
39:1;40:19,23;43:25;
53:7
down (7)
18:25;19:9;20:21;
36:9,21;46:24,25
draft (1)
53:5
drawing (5)
16:8;27:8;28:23;29:4;
33:5
drawings (1)
17:21
driveway (2)
50:15,19
drought (1)
50:10
due (1)
14:6
duplexes (1)
24:3
duplicating (1)
39:15
duration (1)
22:24
during (3)
18:23;19:15;23:23

E

east (1)
42:23
echo (1)
48:9
edge (6)
27:14;29:1,14,24;
32:19,25
effect (1)
24:21
egress (1)
25:4
eight (1)
25:11
either (2)
31:18;41:12

El (1)
10:1
elaborate (1)
36:3
eliminated (1)
26:13
eliminating (1)
24:21
else (5)
6:21;19:2;27:15;
37:13;43:13
elsewhere (1)
14:9
emergencies (2)
13:9,10
emergency (3)
13:11,14;35:10
emissions (1)
20:4
employed (1)
22:24
encountering (1)
6:4
end (1)
17:2
ends (1)
31:8
engineer (7)
13:2,2;19:20;25:14;
38:21;48:25;49:1
engineers (1)
19:11
enough (4)
34:24;45:19,25;46:7
ensure (1)
49:8
enter (1)
32:9
entered (1)
18:1
Enterprises (1)
39:1
Entertainment (1)
10:2
entire (4)
22:6,9;24:12;27:10
entity (1)
41:12
environmental (2)
23:11;28:12
equipment (3)
45:18;46:5;50:12
especially (2)
42:20;50:9
essentially (2)
26:16;44:19
established (1)
44:13
establishment (2)
5:13;6:13
evaluate (1)
26:12
even (2)
17:14;29:11
evening (3)
10:11;12:23;34:7
event (3)
13:9,10;35:9
everybody (1)
40:1
everyday (1)
13:8
exact (1)
29:18
exactly (2)
16:7;17:4
except (1)
30:17
exception (3)
14:13;29:17,19
exclusion (1)
49:17
Excuse (1)
8:6
exhibit (1)
24:9
existing (10)
13:22;14:3,5;25:12;
34:25;38:3,17;39:10;
44:8,25
expansion (1)
44:20
experience (1)
37:16
explanation (1)
45:4
explore (2)
6:3;8:16
exploring (1)
8:13
express (1)
28:11
extraordinary (1)
23:6
extreme (1)
28:14

F

FAA (5)
4:2,4;22:13;53:3,13
facets (1)
49:12
facilitate (2)
6:5;8:16
facilities (1)
38:3
facility (12)
13:25;14:7,10;15:7;
18:1,3,11;22:4;32:9;
42:21,23;47:20
fact (5)
13:10;22:25;23:8;
26:7;42:24
factors (2)
23:19,22
fail (6)
14:25;15:1,3,3;18:13;
19:3
failed (1)
41:15
failing (1)
15:6
failure (2)
18:12;42:20
fairly (1)
50:24
fall (6)
15:21;16:9;17:1;19:1,
7;33:15
falling (1)
16:3
familiar (2)
39:4;41:17
far (10)
14:1;18:5,10;36:12;
39:22;40:20;42:6;43:8;
50:13,19
farm (3)
20:11;21:17;35:11
farther (2)
28:24;34:23
favor (1)
27:23
FCC (2)
36:1,4
feasible (1)
14:8
federal (1)
37:5
fee (1)
25:17
feel (3)
15:10;28:9,10
fees (1)
25:18
feet (19)
13:18,24;14:14,15;
16:19;26:17,23;28:24,
25;29:10,13;30:9,10,13,
14;38:9,9;45:10;47:24
fell (1)
19:5
felt (2)
17:25;18:9
fence (6)
47:24;48:3,4;49:14,
21;51:5
fencing (4)
25:1;47:21;48:7;50:23
fifth (1)
9:5
filing (1)
25:17
fill (3)
32:8;33:19;37:7
find (3)
22:21;23:6;37:13
fine (3)
32:20;37:18;43:1
fire (4)
17:8,11;18:13,18
firm (1)
37:4
first (3)
13:20;23:1;39:17
five (1)
24:14
five-foot (4)
42:7,9;48:22;49:6
flat (1)
24:11
flatten (1)
43:12
Fleming (26)
3:8,9;4:21,22;7:19,20;
9:17,18;11:16;12:5,6;
40:13,16;43:20,23;
44:11;45:3,12,23;46:10;
51:24,25;54:11,12;55:1,
2
flight (1)
52:16
foliage (1)
24:15
folks (1)
20:22
follows (1)
32:13
foot (1)
32:3
footing (1)
48:15
footprint (1)
35:2
format (1)
53:7
forth (2)
24:8;44:2
fortunately (1)
18:25
forward (3)
10:15;12:22;30:15
found (2)
19:10;50:25
foundation (6)
17:21,21;19:15,18;
27:6;50:12
four (2)
24:7;34:8
four-feet-apart (1)
47:9
four-foot (2)
13:18;47:10
fourth (2)
8:25;9:4
frequencies (1)
15:16
frequency (1)
13:2
front (2)
29:18,20
front-yard (1)
22:19
further (5)
6:3;7:5;11:6;27:20;
44:14
Future (1)
21:18

G

gain (2)
18:9;49:9
Gary (5)
13:1;15:14;33:11;
34:5,8
gas (4)
18:10;32:6;33:6;42:22
gate (1)
47:11
gave (1)
19:16
general (2)
22:16;33:3
generally (5)
24:11,16;25:5;32:7;
41:18
geography (1)
24:13
Georgia (5)
12:25;19:19;32:24;
34:9;50:7
given (4)
5:15;23:18;34:14;36:6
gives (3)
29:20;33:21;35:2
goes (1)
44:2
Good (5)
12:23;15:10,21;21:1;
34:7
government (1)
41:10
grant (2)
25:23,23
granted (3)
16:7;17:19;21:22
granting (1)
23:19
gravel (8)
49:20;50:5,7,11,14,19;
51:4,7
graveled (1)
50:8
gravitational (1)
17:3
gray (1)
34:17
great (4)
16:14;18:10;43:15;
52:7
Greene (60)
12:15,23,24;15:22;
16:11,14;17:6,12,16;

18:20;19:7,17,24;20:3,9;21:6,10;26:10;31:23;32:1,5;33:10,23;35:14,23;36:11,17,24;37:3,18,22;38:23;39:6,21;40:10,15,17;41:1,3;42:2,4,14;43:6,8,24;45:5,8,13;46:1,12;47:6,23;48:8,11;50:3,4,17,24;51:12;52:11
ground (5)
17:4;29:8;45:18,19;46:7
guess (9)
11:8;21:11;25:8;26:10;27:13;31:17;39:20;47:9;52:16
guidelines (1)
49:15
Gulf (1)
42:22
guy (1)
18:22
guys (4)
8:11;23:20;33:8;36:8

H

HAEBERLIN (44)
3:17;4:5;5:4;6:23;7:5,8,10;8:2,20,23;9:4,8,25;10:10,20,23;11:4,18;12:13;14:24;21:13;26:9,19,21,24;27:1,4,9,19;28:3,15,19;29:3,12,16;30:11,20;31:1,21;32:11;44:7;49:10;52:13,22
half (1)
28:9
Halpern (2)
38:25;39:1
hand (3)
27:24;28:5,9
happen (2)
39:14;41:8
happened (2)
5:12;18:17
head (2)
7:9;40:21
headed (1)
40:2
hear (1)
15:5
heard (3)
18:13;23:12,12
hearing (8)
5:5;8:3;12:13;21:12;27:18,20,22;28:16
hearings (1)
43:9
heavily-traveled (1)
47:3
heavy (1)
43:16
height (5)
8:8;20:5;23:22;34:15;38:8
Hello (1)
6:6
help (1)
13:15
high (2)
47:10,10
higher (1)
20:7
Highway (3)
10:3;33:24;34:25
hinging (1)
26:23
hitting (1)
50:10
hole (3)
33:19;37:7,9
home (1)
40:2
homes (1)
13:6
hope (1)
28:13
hoping (2)
3:20;6:19
house (2)
20:18,20
Huh-uh (1)
7:4
hundred (1)
43:12

I

I-285 (1)
13:16
ideal (1)
35:6
identified (1)
21:17
immediately (1)
36:8
immune (1)
41:19
immunities (1)
41:11
impacted (1)
43:4
impression (2)
17:5;26:10
include (2)
17:23;48:22
includes (1)
13:18
increased (1)
33:9
indicate (1)
43:24
indicated (3)
12:20;34:22;37:19
indicating (4)
19:6;34:10,18;39:20
Industrial (11)
8:9;15:8;21:3;23:15;24:16;31:15;34:4;35:7;37:11;43:16,16
Industries (1)
21:18
information (12)
6:9;10:24;11:6;12:21;14:22;16:1,5;18:7,14;22:12;25:14,15
infringing (1)
15:13
ingress (1)
25:4
initially (1)
52:23
inside (4)
48:3,4;49:21;51:4
inspect (2)
41:15,18
Inspected (1)
41:21
inspecting (1)
41:24
instead (1)
48:6
intends (1)
49:20
interesting (1)
19:11
interfere (4)
20:1,4;36:1,8
interference (2)
35:21,24
interject (1)
38:24
intermod (1)
36:5
interpretation (2)
27:13;29:23
into (10)
6:17;13:20;18:1;20:16;21:4;28:14;43:19;50:15,17;53:7
Intown (1)
10:2
investigate (2)
6:20;13:21
invite (1)
12:22
issue (1)
17:14
issues (3)
13:16;28:12;32:10
item (11)
3:22;4:9;5:5;8:2;9:25;12:17;30:3,4;49:11;52:15,17
items (3)
4:7;16:23;49:24

J

JENKINS (29)
3:2,16;4:16;6:22;7:14;9:12;11:21,25;21:11;27:17;28:17,20;31:24;36:13,18;40:12,25;41:2,20,23;51:13,15,19;52:9,12;54:2,6,21;55:9
jeopardize (1)
18:1
Jimmy (2)
10:2,6
job (1)
21:1
judgment (1)
24:12
July (1)
13:11
June (1)
13:11

K

Katrina (3)
18:23;19:5,15
Kevin (1)
5:6
kind (11)
15:4;27:11;32:5;33:6,13,16;34:16;40:19;47:18;48:12;49:14
knock (2)
18:25;46:25

L

lacking (1)
30:1
lake (1)
23:12
land (1)
20:23
land- (1)
13:4
landed (1)
17:4
landscape (7)
33:2;42:3,5,7,9;47:7,7
landscaped (2)
46:15;49:6
landscaping (6)
25:1;42:11;46:19,22;48:2,3
Lannie (2)
12:15,24
large (3)
31:14;45:25;46:7
largest (1)
23:9
last (7)
6:10;8:12;14:24;19:1,21;40:10;52:7
law (6)
5:16,22;6:10;8:17;44:19,21
leading (5)
27:14;29:1,14,24;51:6
learning (1)
37:16
lease (8)
15:23;32:12,12;42:6,12;45:15;46:2,6
leased (2)
22:10;33:3
leasehold (3)
29:9;30:20,23
least (2)
8:15;45:11
leeway (2)
29:21,22
left (1)
31:14
legal (1)
44:16
less (1)
38:19
letter (4)
8:11;15:2;16:5;17:16
leyland (1)
42:10
liability (3)
41:5,7,14
license (1)
37:5
lightning (2)
13:19;38:9
likely (1)
44:19
limit (1)
16:18
limited (1)
38:8
limits (1)
40:24
line (11)
13:5;30:8,14,15,17,19,25;32:12,13,13,14
line/right-of-way (1)
32:14
lines (6)
18:10;20:23;30:13;32:6;33:7;42:22
Lisa (2)
5:6;6:6
listed (5)
9:1;23:4;29:6,17,19
literally (1)
31:7
little (9)
20:5,6;23:14;29:20;30:4;32:18;34:5;48:14;50:7
load (1)
17:23

locate (1)
29:8
located (2)
13:24;15:7
location (8)
14:12;15:10;25:5;
26:12;34:21;37:12;
43:15;44:2
locations (2)
22:5;37:4
long (2)
19:2;53:25
longer (1)
31:2
look (8)
6:25;21:16;30:8,12;
34:16;35:3;39:6;40:7
looked (6)
14:9;19:11;23:2;
24:25;34:12;39:17
looking (4)
6:7;27:9;34:10;43:18
looks (5)
16:7;27:10;28:22;
30:9,18
lose (3)
17:25;18:8;42:19
loss (1)
18:24
lot (5)
17:25;20:19;24:17;
38:18;42:19

M

M-1 (3)
5:7;8:5,7
M-1/M-2 (2)
31:6,12
M-2 (5)
12:16;21:20;23:8,9;
43:16
ma'am (6)
10:23;11:18;16:11;
43:22;45:8;50:24
mailed (1)
53:13
maintain (1)
41:10
major (1)
43:15
makes (1)
23:6
making (1)
45:24
Maltese (1)
8:4
many (3)
31:4;40:13;47:8
Map (11)
21:18;33:13,21;34:11,
13,18;35:1;37:8;40:7,18,
21
March (5)
7:2;11:12,13,14,16
Maria (1)
28:13
Martin (1)
12:25
material (1)
47:22
matter (4)
13:10;20:10;31:18;
38:20
maximize (1)
49:1
May (14)
8:19,21,24,25;9:6,10;
15:17,18;26:12;31:22;
33:15;39:8;45:19,23
maybe (4)
19:22;46:18;47:9,10
MAYOR (33)
3:2,16,17;4:16;6:22;
7:14;9:12;11:21,25;
12:23;21:11;27:17;
28:17,20;31:22,24;34:7;
36:13,18;40:12,25;41:2,
20,23;51:13,15,19;52:9,
12;54:2,6,21;55:9
mean (9)
18:18;27:12;30:2;
32:25;41:20;46:23;47:1;
48:1,11
means (1)
35:5
meant (1)
53:16
measure (1)
29:19
mechanisms (2)
15:1,4
meet (5)
13:7,13;14:1,18;45:20
Meeting (6)
3:2;4:1,9;6:10;8:12;
55:11
meets (1)
14:13
member (1)
29:25
members (3)
12:24;14:21;34:8
Memorial (1)
8:24
ment (1)
26:14
mentality (1)
5:18
mentioned (1)
37:23
met (3)
14:15;15:9;25:19
metropolitan (1)
15:8
Mexico (1)
42:23
mid (2)
13:11,11
might (8)
6:5;20:20;36:21,22,
22;41:15;43:3;47:14
mile (2)
34:15;35:8
Mill (2)
5:9;6:7
minus (4)
5:10;8:10;10:5;12:16
mitigated (1)
26:13
modified (1)
53:12
Monday (2)
8:25;9:5
monopines (1)
20:15
monopole (7)
13:17;16:25;17:18;
18:20,23;19:15;29:4
Monroe (1)
12:25
monsoons (1)
50:10
month (1)
6:20
months (1)
34:2
more (21)
4:9;13:5,5;15:8;17:19;
18:8;20:5,14,14,22,22;
29:10;30:8;31:13;32:18;
34:5;44:19;45:6,25;
46:2;48:14
most (1)
23:15
motion (9)
11:11;46:14;49:4,4;
52:10;53:2,4,10;54:19
move (5)
3:23;6:16;9:9;31:16;
32:18
moved (2)
4:14;7:12
much (6)
19:25;24:9,23;38:16;
45:4;46:11
multi-use (1)
44:4
multi-used (1)
43:25

N

name (2)
12:24;24:5
nature (2)
14:6,19
nearby (1)
24:6
nearest (1)
24:3
necessarily (2)
20:3;46:3
necessary (1)
5:9
need (17)
4:3;19:12;20:5,24;
27:17;29:11;32:8;33:8;
37:7,12;38:11;39:11;
45:19;48:19;49:15;53:2,
4
needed (2)
5:8;34:24
needs (3)
13:7,13;14:1
negligently (1)
41:13
neighborhood/town (1)
31:13
new (5)
12:14;21:24;23:20;
29:4;33:8
next (7)
6:20;8:2;9:25;11:7,9;
52:15,17
Nguyen (2)
10:2,10
night (1)
53:25
nine (1)
25:16
Nods (1)
7:9
nonconforming (1)
44:16
none (1)
28:3
nonrefundable (1)
25:17
nonresidential (1)
21:25
normally (2)
18:21;26:17
north (1)
34:23
note (1)
10:25
number (10)
23:13,25;24:5,7,14,19;
25:4,11,16;48:24

O

o0o- (1)
55:12
Oakcliff (1)
28:8
objection (2)
6:24;53:11
objective (3)
39:16;40:3,4
obligated (3)
10:16;37:5,6
obligation (2)
10:14;42:1
obtrusiveness (1)
24:22
obviously (8)
8:24;24:2,11,25;
25:13,19;26:2;35:11
occupational (1)
5:22
occur (2)
5:19,20
o'clock (1)
40:1
off (3)
32:15;40:20;43:8
off-load (1)
34:25
off-the-cuff (1)
44:15
O-I (1)
8:5
once (3)
14:9;17:18;44:25
one (20)
3:22;4:9;8:23;14:21;
15:7,25;19:10,11;23:22;
28:6;34:15;35:8;36:1,9,
23;44:25;45:7,21,25;
51:3
ongoing (1)
42:1
only (5)
11:3;23:4;29:17;
41:14;46:23
open (2)
27:21;33:2
operate (1)
36:1
opinion (6)
19:23;20:10;41:9,16;
44:9,15
option (1)
40:11
order (1)
3:2
Ordinance (7)
8:6;14:15;25:13,19;
31:6;53:11,16
otherwise (1)
30:2
out (6)
7:6;25:2;40:6;47:18;
48:12;51:1
outside (2)
20:20;40:23
over (1)
6:20
overall (1)
33:6
overcome (1)
13:4
overlap (2)

35:4,7
overlapped (1)
14:3
own (1)
37:25
owners (1)
39:2

P

Pachuta (18)
3:10,11;4:23,24;7:21,22;9:19;11:15;12:7,8;51:14;52:1,2;54:13,14,20;55:3,4
package (5)
12:20;22:15;33:13;40:21;45:17
packages (1)
10:25
pad (9)
29:1,2;44:4;45:6,24;46:3,3,6,6
parameters (1)
5:15
Pardon (1)
8:20
parent (1)
12:17
Parkway (1)
34:8
part (2)
46:18,22
participating (1)
28:6
particular (16)
13:23;17:20;20:13;24:20;33:17;34:13,17,21;35:1;37:3,10,22;38:6,14;42:21;43:14
particularly (1)
24:24
pass (2)
53:8,8
passed (2)
4:4;52:10
past (1)
5:17
path (1)
52:17
paved (2)
49:23;50:6
paving (2)
50:14,19
pay (1)
25:17
PDK (1)
52:16
Peachtree (4)
8:8;21:3;34:4;37:11
people (2)
13:5;43:12
per (1)
8:6
percentage (1)
35:5
perfectly (1)
9:5
perhaps (2)
7:8;23:9
perimeter (1)
51:5
permit (15)
12:14;14:16;18:6;21:14,23;23:20;25:17,24;26:5;38:15,22;44:8,24;46:15;49:5
permitted (1)
44:12
permitting (1)
22:8
person (2)
5:20;28:7
Peter (1)
8:4
petition (1)
5:12
petitions (1)
5:18
petroleum (1)
16:9
phone (5)
20:18,19;35:12,17;40:1
phones (4)
13:4,6,8;20:23
pick (1)
8:23
picked (1)
14:12
picture (1)
34:11
Pipeline (19)
14:6,7,8,20;15:20,24;16:16,18;17:24;18:3,8;22:4;23:13;35:20;41:6;42:13,17,21;45:16
pipelines (5)
16:9,12,19,20;17:1
Pittman (23)
3:12,13;4:14,25;5:1;7:23,24;9:21,22;10:20;12:9,10;47:2;52:3,4;53:14,21,23;54:1,15,16;55:5,6
Pittman's (1)
48:10
place (2)
22:18;38:12
places (1)
6:13
plan (4)
6:16;21:17;22:8;33:6
planner (1)
46:16
planning (2)
8:22;47:22
plans (1)
42:3
Plantation (19)
14:5,7,8,19;15:20,23,23;16:16,18;17:24;18:3,8;23:13;35:19;41:6;42:13,17,21;45:16
plantings (1)
48:23
Plaza (2)
10:2;39:2
please (5)
3:3;9:12;27:24;28:5;43:21
plenty (1)
42:8
plow (1)
46:25
plus (4)
5:10;8:9;10:5;12:16
pm (1)
55:11
podium (1)
5:25
point (3)
5:21;31:9;50:18
pole (13)
15:1;16:24;28:23;29:14;30:10,15;32:16,19,21;38:14;44:25;45:1;46:25
poles (2)
44:23;48:7
pole's (1)
29:1
poor (2)
25:5;34:18
porch (1)
29:20
porches (1)
29:18
portion (1)
22:10
possibility (1)
14:4
possible (1)
28:12
possibly (1)
38:8
potentially (1)
46:8
pounds (2)
16:20,22
Power (2)
32:24;50:7
practice (1)
36:10
precedence (1)
22:22
predictive (1)
36:5
prefer (4)
50:5,11,14;53:8
present (7)
4:10;5:11,24;7:2;10:6,11;24:17
presented (1)
4:12
press (1)
10:16
pretty (4)
23:24;24:11,23;31:14
previous (2)
26:3;49:4
previously (1)
3:20
previously-permitted (1)
44:20
primary (2)
40:3,4
principal (1)
22:2
prints (1)
19:12
probably (4)
5:20;35:6,25;44:16
problem (4)
5:15;33:4;39:9;50:20
problematic (1)
31:4
proceed (1)
10:21
process (2)
5:18;44:17
processed (1)
5:17
professional (2)
19:19,20
proper (3)
44:17;45:2;53:7
properties (3)
21:25;23:15;24:6
property (10)
13:25;14:6,9;24:18;30:19,24;31:11;32:13,14;45:22
proposal (1)
4:2
proposed (8)
13:13,15;14:23;15:7;24:22;25:4;35:20;44:2
proposing (2)
13:17;45:9
protect (1)
47:20
protocol (1)
10:12
provide (13)
15:11;18:5;20:17,24;33:10,12;34:20;37:1,4;38:11;39:23;43:17,18
provided (4)
22:12,14;24:6;40:18
proximity (3)
23:25;32:8;34:13
public (9)
5:4;8:3;12:13;21:11;27:18,20,21;28:16;30:22
published (1)
3:20
Publix (1)
6:13
pull (1)
17:3
pulling (1)
38:21
pulls (1)
39:12
put (11)
33:2;38:13,17;45:13,19;47:12,14,18;48:4;49:20;53:7
putting (4)
10:15;38:3;48:6,16

Q

qualified (2)
25:14;28:10
quote (1)
29:17

R

radio (2)
13:2;15:16
radiofrequency (1)
20:2
radios (1)
35:25
raise (2)
27:24;28:5
raised (1)
28:9
rather (4)
20:23;38:16;50:6,10
reach (1)
34:19
read (1)
31:3
reading (1)
27:7
ready (1)
43:12
real (1)
22:17
really (6)
15:5;20:9,12;24:8;25:24;31:18
realm (1)
48:12
rear (2)
30:14,15
reason (2)
4:5;6:8
received (6)
8:11;10:24;12:21;17:16;26:14;40:22

recess (13)
4:7,10;6:1,8,24;8:15;
9:9;10:4,13,18,18;11:5,
11
recessed (1)
12:18
recommen- (1)
26:6
recommend (2)
23:5;26:4
recommendation (2)
23:16;26:4
recommending (1)
26:8
redrafted (1)
53:6
reducing (1)
24:21
reevaluate (1)
36:25
reference (1)
24:20
refute (1)
25:15
regard (1)
44:22
regarding (7)
4:2;14:22;15:15;18:7;
22:13;52:16;53:11
reinforce (2)
48:6,14
relief (1)
24:9
relieve (2)
13:15;40:2
remedies (1)
6:4
remember (1)
53:1
rendered (1)
21:21
replete (1)
24:13
report (1)
23:5
repository (1)
25:8
representing (1)
13:1
request (5)
6:24;10:1;44:7,7;
53:12
requested (2)
12:18;14:22
requesting (2)
4:11;6:1
require- (1)
26:13
required (4)
17:21;25:18;36:4;
41:16
requirement (3)
24:16;30:22;45:20
requirements (5)
5:23;8:14;14:13,18;
15:9
requires (2)
22:7;49:22
requisite (1)
48:24
research (1)
44:15
researching (1)
16:2
reset (1)
7:11
reside (1)
12:24
residential (20)
15:10,12,13;20:16,17,
25;21:2,4;24:1,1,4,4;
29:21;34:20;37:10;40:4;
43:9,11,18,19
residents (1)
43:3
residing (1)
40:9
resolution (8)
4:1;52:16;53:1,3,5,16,
17,18
respect (1)
42:18
response (7)
10:8;11:23;21:8;28:1;
36:15;51:17;54:4
responsibility (1)
43:3
rest (1)
42:25
review (4)
23:1,4;25:10;49:1
reviewed (1)
16:21
revised (2)
10:24;12:21
revision (1)
4:6
rewrite (1)
31:12
rewrote (1)
31:6
Rezone (2)
5:5;8:3
rezoning (3)
5:6,19;8:5
RF (2)
13:2;20:4
ride (1)
43:11
right (11)
3:16;33:16,18,25;
39:9,16,19;43:6,6;45:10;
46:25
right-of-way (6)
29:6,25;30:22;31:7,8,
10
right-of-ways (1)
25:9
ring (2)
35:3,3
Road (23)
5:9;6:8;12:16;21:3;
22:20;27:4,5;29:5;
30:10,18;31:3,16;32:9,
14;33:1,4;34:3;35:16;
37:11;42:6;44:3;46:24;
47:5
roads (1)
31:5
Roche (43)
3:14,15;5:2,3;7:13,25;
8:1;9:11,23,24;11:2,8,
20;12:11,12;26:6,16,20,
22,25;27:5;28:22;29:10;
30:7,12;35:9;36:20;
37:2;39:19;46:17,21;
52:5,6,18,24;53:17,20,
22,24;54:17,18;55:7,8
Roche's (1)
48:10
rod (2)
13:19;38:10
roll (8)
3:3;4:16;7:14;9:12;
11:25;51:19;54:6,21
room (2)
31:19;42:8
run (3)
33:7;36:7;42:23
running (1)
16:12
runoff (2)
50:5,9

S

safety (4)
17:15;18:9;22:21;49:2
same (2)
6:12;42:18
sat (1)
36:21
satisfactory (1)
51:10
saw (2)
17:9;34:17
saying (2)
26:18;30:13
scale (1)
16:8
scenario (3)
31:20;36:7;38:16
scheduled (1)
9:3
school (1)
47:4
Scott (4)
3:16;9:7;27:17;52:12
sealed (1)
19:19
Second (12)
4:15;7:13;9:11;11:20;
49:4;51:13,14;53:14,20,
21;54:1,20
seconding (1)
53:24
Section (3)
22:7;25:13;29:18
secure (3)
14:6,19;50:25
security (4)
14:10;15:20;32:10;
47:25
Seeing (1)
28:3
seek (2)
25:15;44:24
seemed (1)
52:13
seems (1)
31:21
self-supporting (1)
18:22
sell (1)
6:14
sells (1)
5:14
semis (2)
47:16,17
send (1)
53:3
sent (1)
4:4
separate (1)
25:22
service (8)
15:11;20:17,24;33:9;
34:23;37:1,5;38:12
services (1)
34:20
set (3)
5:16;24:8,16
setback (21)
14:14,15;22:19,20;
26:18,20,25;27:2,12,12;
29:15,20;30:22;31:1,8,
19;32:11,15,20,25;42:8
setbacks (2)
15:9;31:14
seven (1)
25:4
shall (1)
25:17
sharing (1)
37:20
Shopping (1)
10:2
show (1)
50:25
showed (1)
31:9
showing (1)
29:5
shown (1)
45:16
shows (5)
33:6,14,16;37:9;40:22
shut (1)
36:8
side (1)
16:19
sign (6)
8:4,8;29:24,24,24,24
signal (1)
20:5
significant (2)
42:20;43:4
significantly (1)
46:4
simple (1)
6:18
simply (1)
3:19
single (2)
18:23;45:9
sit (1)
4:8
site (46)
8:13,17;13:13,15,24;
14:3,13,25;15:17;21:15;
22:5,6,8,9,9,11;23:7,9,
11;26:11;29:7;32:23;
33:6,17,18,25;34:2,14;
35:21;36:6;37:23,23;
39:7,10,14,17,17,23;
40:11;44:8;47:15;49:2,
9;50:16,18,25
sites (13)
13:16;24:17;34:25;
36:22;39:24;40:7,13,18,
22;43:24;44:5,6;47:13
situation (8)
5:20;6:3,18;11:1;
21:14;22:3;23:7;25:21
situations (1)
23:11
six (2)
24:19;29:10
six-feet (1)
47:24
smaller (1)
46:4
somebody (2)
28:6;36:20
someone (1)
10:15
sometimes (1)
22:1
somewhere (1)
29:2
sorry (6)
11:13;36:21;38:25;
46:20;52:13;53:19
sort (2)
19:5;35:10

South (1)
12:15
southeast (1)
13:25
southwest (1)
35:1
sovereign (1)
41:11
space (2)
4:2;6:7
speak (4)
27:23;28:4,10;33:11
special (10)
21:14,23;23:20;25:3,16,24;26:4;44:24;46:14;49:5
special-use (1)
12:14
specific (6)
7:1;11:6;15:15;17:18,19;48:19
specifically (3)
18:7;34:6;49:15
specify (1)
48:13
St (1)
12:25
staff (1)
23:5
staff's (1)
49:25
standard (1)
48:1
standards (4)
21:16;22:16;23:3,17
standpoint (2)
41:5;50:9
State (4)
5:16,22;8:14,17
stated (1)
17:24
statement (1)
16:10
states (1)
15:2
steel (1)
48:6
step (1)
20:20
still (5)
36:25;37:4,6;41:10;43:17
stop (2)
47:16,17
store (1)
5:14
straight (1)
31:11
strand (1)
47:25
street (1)
6:12
strip (7)
33:3;42:5,9;47:7,8,11;49:6
stripe (1)
42:7
strongest (1)
18:21
structural (1)
14:24
structure (3)
13:18;22:19;31:1
structures (5)
13:21;15:6;24:1;25:12;29:21
studies (1)
38:21
study (1)
36:5
stuff (1)
15:21
subject (1)
13:25
submit (1)
22:8
submitted (3)
14:23;16:6;33:13
submitting (1)
38:20
substation (2)
32:24;50:7
sufficient (2)
31:19;49:7
suggest (1)
10:18
suitable (2)
8:17;25:11
Suites (1)
10:3
SUP (1)
26:2
supported (1)
19:15
suppression (1)
17:8
sure (4)
35:22;40:17;48:8;49:11
surrounding (5)
20:12;24:7,14;40:6,19
survey (2)
30:17;31:9
surveyed (1)
29:7
surveyor (1)
50:25
Susan (2)
28:5,8
sustained (1)
18:24
systems (1)
45:2

T

table (3)
28:18,21;36:19
tables (1)
11:3
talk (1)
34:5
talked (2)
15:19;23:21
tank (3)
20:11;21:17;35:10
tanker (1)
47:4
tax (1)
5:22
technology (1)
35:3
televisions (1)
36:6
tend (1)
30:16
term (1)
24:4
terms (2)
24:25;25:6
Texas (1)
18:17
Thanks (1)
28:14
that'll (1)
34:1
there'd (2)
26:17;43:11
therefore (1)
10:16
thinking (1)
52:7
thought (2)
5:18;6:18
three (4)
11:3;18:21;24:5;46:2
three-foot (1)
47:10
throughout (2)
22:24;24:23
thrust (1)
17:3
Tilly (2)
5:9;6:7
times (1)
20:19
tires (1)
43:12
T-Mobile (11)
12:15;13:1,3,7,12,17;35:12,16;38:18;42:16;44:1
T-Mobile's (2)
17:23;39:25
today (3)
13:6;25:20;31:2
together (2)
23:2,21
told (1)
19:12
tonight (9)
3:21;4:10;5:11,24;13:1;14:17;21:22;49:13;53:9
took (1)
26:1
top (3)
16:24;17:2;40:20
topographical (1)
24:9
topography (1)
24:7
total (1)
46:2
totality (1)
22:10
towards (2)
21:3;37:11
tower (53)
12:15;13:22,24;14:5,23;15:3;16:2,2,10,21;17:11,11,18,20,22;18:7,13,22,22,25;19:2,18;21:24;22:3;23:1,22,25;24:19,22,23;27:7;30:4;33:9;34:2,22;37:20,23,24;38:2,6,17;39:1,3,5,8,17,19;42:8;45:9,9,11,21;46:1
towers (8)
18:18,20;19:1;22:25;23:24;25:12;37:25;45:7
tract (1)
12:17
traditional (1)
31:13
Trammell (6)
5:6;6:6,6;7:4,7,9
transmissions (1)
20:2
Transportation (1)
25:8
traveling (1)
35:15
treat (1)
27:17
tree (3)
24:14;48:22,23
trees (5)
19:23;20:9;48:17;49:6,8
triplicate (1)
53:13
truck (3)
47:15,16;49:8
trucks (1)
47:4
true (1)
27:12
truly (1)
6:12
trying (5)
6:16;14:2;20:16;33:16;34:19
two (15)
3:18;21:21;23:25;25:21,22;37:24;38:7,8;42:15;45:11;46:8;47:24;49:24;51:2,4
type (4)
6:13;15:6;35:22;47:21
types (1)
18:21
typical (4)
17:17,17,17;32:21
Typically (2)
9:4;50:6
typo (1)
8:7

U

under (5)
3:23;5:4;8:17;26:9;31:19
underground (1)
16:8
underneath (1)
44:20
understood (2)
43:23;44:3
unfortunately (1)
14:18
unique (2)
23:14;24:24
up (6)
20:6;28:13,17;31:25;47:15;50:25
upon (5)
15:13;17:4;18:6;41:16;44:18
urge (1)
42:25
usage (1)
13:5
Use (31)
5:5,7,19;8:3,5;10:1;13:4,5,14;20:18,19;21:14,23;22:2,4;23:20;24:4;25:3,17,24;26:5;35:17;36:22;43:16;44:12,16,20,24;46:14;49:5,16
used (4)
13:8;23:19;31:3;46:5
user (1)
45:25
uses (2)
15:10;24:5
using (4)
20:22;35:24;40:1;47:22

V

variable (1)
29:6
variance (17)
8:4,8;14:14;21:14;22:17,18;23:3,6,16;26:8,14,17;29:11;46:14;49:5,22;51:3
Variances (6)
5:6,8;12:14;21:22;25:23;26:1
variation (2)
49:14,17
vegetation (1)
24:17
vehicle (1)
49:9
Verizon (4)
38:5,11,13;46:4
Version (2)
3:19,20
versions (1)
3:18
Victoria (1)
9:1
video (1)
17:9
visual (1)
24:21
visually (1)
40:7
vote (3)
3:21;52:8,9
voted (3)
4:1;52:20,22

W

walked (1)
52:14
wants (1)
4:10
warehouse (1)
47:17
waste (1)
6:16
water (1)
50:5
Way (9)
12:25;19:8,14,16;20:6;26:1;30:6;31:18;48:25
WEED (17)
10:14;25:25;41:4,9,22,25;43:20,22;44:9,14;48:19,20;51:6,9;52:25;53:4,15
week (1)
14:24
weekend (1)
16:3
weight (5)
16:4,18,23;17:1,5
west (1)
35:1
What's (6)
8:19,21;11:1;19:22;47:23;48:1
whatso- (1)
10:24
whole (4)
4:9;26:22;33:19;34:3
wind (1)
18:24
wine (1)
5:14
Winters (1)
35:15
wire (5)
47:25;49:14,17;50:23;51:4
withdraw (1)
49:3
within (7)
15:1;16:9;32:3,24;35:8;36:1,6
without (5)
15:12;21:4;41:5;43:19;44:14
Woodwin (17)
12:15;21:3;22:20;24:2;27:4,5;29:5;30:24;32:9,14;33:1,4;34:3;35:16;37:10;42:6;44:3
words (1)
28:25
work (3)
9:5;37:13;42:9
worked (1)
25:2

Y

y'all (2)
38:15;41:17
yesterday (1)
17:9
YouTube (1)
18:17

Z

zone (1)
16:9
zoned (4)
10:4;12:16;23:8;43:16
zones (1)
15:21
zoning (9)
10:15;21:19,23;22:7;23:4;25:19;27:15;29:16;44:18