In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

May 3, 2010

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

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Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Ray Jenkins presiding, before Theresa Bretch, Certified Court Reporter, commencing at 6:30 p.m., May 3, 2010.

* * *

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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

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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: Thank you. I need to have the minutes approved for April the 19th, 2010. Do I get a motion?

COUNCILMEMBER ALEXANDER: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

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COUNCILMEMBER BATES: Abstain.

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: We have Representative Jill Chambers with us tonight. I'm just going to give her one minute to say a couple words.

MS. CHAMBERS: Hi. I'm Jill Chambers, State Representative, only to come by and express my disappointment that the bill giving the redevelopment powers did not pass this year. We do have a Plan B. It's not a hundred percent of what we want, but it is a way to move forward. One of the things we suggest is a downtown development authority so that way we have a formal group of people to help make decisions on redevelopment. We can always -- the city can do this without legislature getting involved.

The other part, the city manager, we still have time to make it happen. We can have a special election next summer for that that would be Doraville

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only so you wouldn't have to split precincts in the precincts which are part Doraville and part Dekalb County. So yes, it was a little bit of delay, it's not the end of the world, and I just wanted to come and express my disappointment in that not passing and pledge my help to move towards passage in the future.

Thank you.

- - -

(Applause)

- - -

MAYOR JENKINS: Thank you, Jill.

At this time, I would like to recognize Mr. and Mrs. Han, owners and operators of the Pung Mie Chinese restaurant. After 22 years, the Pung Mie closed last month, and it's not by the makings of Mr. Han. We won't get into the reasons for that.

For more than two decades, the Hans have served as model business citizens and outstanding partners to the city of Doraville and to the police department in particular.

As a token of our gratitude, I would like to present the Hans with a proclamation declaring today, May 3rd, 2010, Pung Mie Day in Doraville.

- - -

(Applause)

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- - -

MAYOR JENKINS: Although we are losing a great business and restaurant, I would like to wish you all the best, and we will be visiting you where you will be moving.

Would you come up, Mr. Han, Mr. and Mrs. Han?

- - -

(Applause)

- - -

MAYOR JENKINS: I believe Mr. Han said his wife is not feeling well, is that correct? She's not here.

MR. HAN: Just got a little speech. Henry Han.

It is with great honor I accept this accolade. Pung Mie was a dream of my father. He dedicated his life to provide a great dining experience while making a modest living. He dedicated his life to making sure that the customer that came into our restaurant left feeling like they had experienced something unforgettable, and that is how I want to leave this city.

Although my family and I and my restaurant are relocating, I want the city of Doraville to know

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that the time that we opened our doors till the time we shut our doors had truly been the time of our lives. My family and I are sincerely grateful to the city of Doraville for letting Pung Mie flourish for the past 22 years. Not only the city provided us a place to make our living but it has also given us a chance to make close and lasting relationship with the community that we have been blessed to serve.

Our family is sad but yet hopeful to leave the city of Doraville, and we hope as we part from each other that our path will meet again quickly.

Thank you.

- - -

(Applause)

- - -

MAYOR JENKINS: Thank you, sir.

Josephine Tan, come on up, please, say a few words.

- - -

(Applause)

- - -

MS. TAN: My name is Josephine Tan, and I'm chair of Asian-American Commission for a New Georgia.

On behalf of Mr. and Mrs. Han and the Chinese community, I would like to say thank you city

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of Doraville, Mayor, members of the City Council and all that representing the city for your special effort in recognizing Mr. Han's family in their special services to the city of Doraville.

So today we are honored to have Director General, Mr. Jung (phonetic), and the Deputy Director also here, so that entire community wanted to tell you that we appreciate your dedicated effort, your partnership with the Chinese community, and we wish the Han family will come back to the city.

And also thank you Charlene Fang for your special effort to make this happen.

So thank you, the city of Doraville.

MAYOR JENKINS: Thank you.

- - -

(Applause)

- - -

MAYOR JENKINS: Charlene, get them up, come on up.

MS. FANG: Yes.

- - -

(Photo session)

- - -

MAYOR JENKINS: Thank you.

I had one other award for tonight, but the

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1 person could not show up, so I will put that on the
2 agenda for the next time.
3 We have some bid openings and stuff. I'm
4 going to ask Luke Howe to come up to the microphone,
5 and he'll be explaining each one as we get to it.
6 MR. HOWE: Thank you, Mayor.
7 Tonight we're going to be opening the
8 proposals for the ARC and the MARTA grant, and the
9 LCI, RFPs for the LCI consultant.
10 As far as committee members, I think we can
11 wait till the 17th. We're on a strict timeline with
12 the LCI. We have to have a consultant picked by the
13 21st. We have to have a contract with that firm in
14 place by June the 4th. So with that in mind, and the
15 grant that we will be receiving from MARTA and ARC has
16 to be done before the end of the year. So these two
17 especially are time sensitive.
18 So with that, Mayor, I will yield to bid
19 opening.
20 COUNCILMEMBER ALEXANDER: So do we want to
21 put our committee members? because I mean Ms. Pachuta
22 and I were discussing and Ms. Fleming chimed in today
23 that we weren't exactly prepared to nominate committee
24 members.
25 So we're going to postpone that to the 17th?

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1 MR. HOWE: Yes, ma'am. And you can do that.
2 That's fine. And keep in mind we will have nine.
3 Now, how we go about nominating nine when we have
4 seven is going to be up to you-all, but they need to
5 be a cross-section of the community.
6 COUNCILMEMBER PACHUTA: Do you have a list
7 of criteria and a list of duties?
8 MR. HOWE: I can give some criteria, but
9 they need to represent our ethnic complexion. They
10 need to be from the business community. We also
11 decided since this is a multi-jurisdictional LCI
12 study, to invite a member of unincorporated -- a
13 person of unincorporated Dekalb and a resident of
14 Chamblee to sit on this committee. And I think it
15 would be appropriate to nominate somebody from the
16 Doraville Business Association.
17 MAYOR JENKINS: You say you'll nominate them
18 on the 17th, not tonight.
19 COUNCILMEMBER FLEMING: For the committee.
20 MAYOR JENKINS: Yeah, that's what I'm
21 talking about, committee members.
22 MR. HOWE: Yes, sir.
23 COUNCILMEMBER PITTMAN: And you can send
24 that to us, you can send that information to us that
25 you just said about what we need and who we need --

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1 MR. HOWE: About the criteria?
2 COUNCILMEMBER PITTMAN: -- to be on the
3 committee?
4 MR. HOWE: That's really about it, but I'll
5 send it to you in an e-mail.
6 COUNCILMEMBER PITTMAN: Thank you.
7 COUNCILMEMBER ROCHE: Mine is from The
8 Sizemore Group. The total is $125,000. That's public
9 involvements, $22,500; study development is $80,000;
10 study deliverables is $22,500 -- which it doesn't look
11 like it adds up right.
12 MAYOR JENKINS: Does it add up?
13 COUNCILMEMBER ROCHE: Apparently not.
14 $22,500 plus $22,500 plus $80,000 only comes out to
15 $102,500. So I guess -- I don't know if we pick it
16 based on the total they say or the --
17 Unless it's the -- they also say 120
18 includes reimbursable expenses, but they don't have a
19 separate line item for that, so it could be they're
20 saying the additional $22,500 would be reimbursable
21 expenses.
22 COUNCILMEMBER ALEXANDER: I've got Pond &
23 Company. Grand total is $125,000.
24 MAYOR JENKINS: That's the total?
25 COUNCILMEMBER ALEXANDER: Yes.

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1 COUNCILMEMBER PACHUTA: I have IBI Group,
2 and the total is $124,230.
3 MAYOR JENKINS: Whoever's ready, go ahead,
4 because I can't find --
5 COUNCILMEMBER BATES: I have the team of TSW
6 and Keck, K-e-c-k, & Wood. Public involvement,
7 $20,000; develop a study, $85,000; prepare project
8 deliverables, $20,000; total project cost $125,000.
9 COUNCILMEMBER FLEMING: I have Urban
10 Collage, C-o-l-l-a-g-e. They're located in Atlanta.
11 They've listed three phases totaling $120,000 total.
12 Issues and goals are forty-two, concept and framework
13 is forty-two and project and policies at thirty-six,
14 totalling $120,000.
15 COUNCILMEMBER PITTMAN: And mine is CNNA out
16 of Atlanta. And lump sum fee of $125,000 includes all
17 direct project expenses except that we would expect
18 the City of Doraville to assist with the logistics and
19 venues for meetings.
20 COUNCILMEMBER PACHUTA: I have -- it's a
21 joint package from JJG and The Bleakly Advisory Group
22 -- that's B-l-e-a-k-l-y -- and it's for a lump sum
23 amount of $125,000.
24 MAYOR JENKINS: I have the Historical
25 Concept Team, LLC; Dover Cole & Partners; Michael

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Syphoe Consultants, S-y-p-h-o-e; Hawk Planners & Engineering, Inc. And the total price is $125,000.

COUNCILMEMBER ALEXANDER: I've got another one that's a partnership.

It's 4 -- the number 4Ward Planning -- W-a-r-d -- Planning, URS, Perkins & Wills, and Bentana. That's B-e-n-t-a-n-a. And again, their total is $125,000.

COUNCILMEMBER BATES: Jacobs JJG -- Never mind.

- - -

(Brief, inaudible discussion off the record)

- - -

COUNCILMEMBER PACHUTA: We did that already.

COUNCILMEMBER BATES: That's it.

COUNCILMEMBER PACHUTA: Is that it?

MAYOR JENKINS: Is that all of them?

COUNCILMEMBER FLEMING: Are there more?

COUNCILMEMBER BATES: There's more coming. We're not done.

MAYOR JENKINS: Pam, go ahead.

COUNCILMEMBER FLEMING: Mr. Howe, for the LCI grant -- I mean the LCI that was just opened, could you elaborate, is that a match-fund grant --

MR. HOWE: Yes.

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COUNCILMEMBER FLEMING: -- that we receive from LCI and what the amount was?

MR. HOWE: It's a $25,000 local match. We get $100,000 from ARC via the Federal government.

COUNCILMEMBER FLEMING: For what we just opened.

MR. HOWE: Yes. Yes, ma'am. Well, the LCI; yes, ma'am.

COUNCILMEMBER FLEMING: Correct. So $25,000 matched and then $100,000 from the ARC.

MR. HOWE: $125,000 in all.

COUNCILMEMBER FLEMING: And for the ARC MARTA grant that we're getting ready to open now for the New Peachtree Road Corridor, or New Peachtree Road and Park Avenue Pedestrian?

MR. HOWE: We will be receiving $700,000 for that project. So I don't expect anybody to go over or under $700,000. If they did, they didn't read the proposal, so --

COUNCILMEMBER FLEMING: Thank you. Just wanted to get that on the record.

CLERK BLACKMON: No talking on the side because Terri is having a hard time hearing, please.

COUNCILMEMBER ALEXANDER: Mayor, are you ready?

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MAYOR JENKINS: Yes, go right ahead.

COUNCILMEMBER ALEXANDER: QK4 is the name of the company and it's $700,000.

And then I have Pond & Company, six ninety-three, eight eighty-three.

MAYOR JENKINS: Say that again, please.

COUNCILMEMBER ALEXANDER: 693883.

COUNCILMEMBER PACHUTA: I have from Keck & Wood -- K-e-c-k & Wood -- total, $700,000.

And then from TY Lin -- L-i-n -- International, total, $698,500.

COUNCILMEMBER PITTMAN: I have MacTec, $699,700.

COUNCILMEMBER ROCHE: I have Development Planning & Engineering, Incorporated from Buford, Georgia. Maybe they didn't read it. Totals are $417,750.

Do we get to keep the rest?

MR. HOWE: No, we don't. We have to give it back.

COUNCILMEMBER FLEMING: I have LPA Group. That's Larry Paul Apple Group. And they're showing a total cost of six ninety-six-o-eighty-five fifty.

MR. HOWE: I have JB Urban Design Studio Planning and Architects. Construction budget's 700

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thousand.

MAYOR JENKINS: I have Moreland Altobelli Associates, Incorporated, and it's $699,977.

COUNCILMEMBER BATES: I've got Kennedy Engineering & Associates Group, LLC, six hundred and ninety-one thousand, three hundred and thirty-six thousand and twenty-six cents.

I have Precision Planning, Inc., Park Avenue sidewalks, 335,300, New Peachtree Road sidewalks, 332,836.

COUNCILMEMBER FLEMING: IDS -- that's Indian Davis Sam -- Global.

MAYOR JENKINS: I got one more -- excuse me -- on the other.

COUNCILMEMBER FLEMING: IDS Global, $700,000 even.

MAYOR JENKINS: Okay. I thought we got the sidewalks separate from this; is that correct?

COUNCILMEMBER BATES: Yes, sir.

MAYOR JENKINS: Are we still on the LCI.

COUNCILMEMBER BATES: No, these are on sidewalks.

MAYOR JENKINS: Okay. This is PBS&J, 600 thousand even.

MR. HOWE: Okay. I'll make this quick.

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First I want to give a report on the Certified Green Communities Award that ARC gives. A couple Council members have mentioned pursuing this in the last year. I think Mr. Bates and Mr. Roche are two.

What this is is a point system. You need 175 points to become a Certified Green Community. It's a pretty prestigious award. There's only eight communities in the whole state.

Right now as it stands, we have 155 points, and this is -- I'm not going to go point by point what we've scored points for, but it's a combination of a lot of things: the LEED ordinance, the grant we just received, the Tree City USA. So things have built up over the last two years, and over the last year I made a conscious effort to pursue some of the initiatives in this checklist.

What I just did find out is that they only accept applications from January to May 14th, 2010. So right now as it stands, we got about 20 points to make. What I'm about to propose is about 15 points worth. This is an Energy Star Partnership. I gave you-all the letter that we have to sign in order to become an Energy Star Partner.

Energy Star Program was created by the

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Clinton administration. It functions under the auspices of the EPA. They promote energy-efficient products and practices.

In order to be a partner, number one, you've got to measure and track the energy performance of your organization's facilities where possible by using tools such as those offered through Energy Star.

Number two, develop and implement a plan consistent with the Energy Star Energy Management Guidelines to achieve energy savings.

Number three, help spread the word about the importance of energy efficiency to our staff and community.

Number four, support the Energy Star Challenge, a national call to action to help improve the energy efficiency of America's commercial and industrial buildings by 10 percent or more.

And finally, highlight our achievements with the recognition offered through Energy Star.

Now, when I put together this last grant that we will be receiving from the DOE via GEFA, I wrote it as if I was writing an Energy Star Challenge plan. So we got the money to implement this plan, so basically we -- we would write this letter -- we could do it in the form of a resolution or the Mayor could

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just sign it and send it is -- pledging that, you know, we were going to stand by all these criteria and we're going to put together a plan and implement it.

Well, what I'm planning on doing is just submitting the proposal that we submitted for the grant, and we already got the money to implement it. So you know, within a year's time, we will not only have, you know, become an Energy Star Partner; we will have implemented all the goals that they outline, and then you get special recognition for that.

So with that said, does anybody have any questions?

COUNCILMEMBER ROCHE: Can we reply -- reapply next year?

MR. HOWE: Yes, sir. Yes, sir.

COUNCILMEMBER FLEMING: If we miss the 14th date is what --

MR. HOWE: Yes, ma'am.

COUNCILMEMBER BATES: And that grant that you got from DOE through GEFA is for new light fixtures throughout the municipal buildings; is that correct?

MR. HOWE: Right. Yes, sir. We got $192,500 for retrofitting our buildings. We got $12,000 that will go to a consultant to help us.

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$16,000 will go towards incentives to get businesses to retrofit their facilities, and that's in addition to tax credits. So we could do up to 10 businesses, $7,500 apiece. So we got another $75,000 --

I'm sorry. We got $16,000 for residential and commercial energy audits and $75,000 for financial incentives. Then we got another $4,500 to put our inspector through LED [sic] training. So all in all, that totals $300,000.

So this is a grant that's going to -- it's not like most grants where you get the money and they want you to spend it as fast as you can. This is going to -- we got till June 2012 to implement the entire grant.

By our calculations, by retrofitting our facilities, our calculations is we'll save $33,000 a year. Now, those savings are going to go into a special fund for incentives for commercial and residential retrofitting.

COUNCILMEMBER ROCHE: I have two more questions.

MR. HOWE: Yes, sir.

COUNCILMEMBER ROCHE: You said twelve-five for a consultant. What exactly are we getting for the twelve-five?

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MR. HOWE: Well, we're going to hire a clean energy consultant to assist us not only in refining our strategy but also in communicating the strategy, establishing a training program for energy auditors and building inspectors and assist with processes to screen applications for these roles.

We have budgeted 150 hours a time blended at $80.00 rate, $80.00 an hour.

COUNCILMEMBER ROCHE: And you say we're going to pay for LEED certification for our contract -- this is the building inspector?

MR. HOWE: Yes, sir, or our planner; anybody who wants to receive that, or our stormwater and arborist. It doesn't matter. I could get it.

COUNCILMEMBER ROCHE: No. I'm just saying, because typically you don't -- when I've been a consultant, I mean they don't pay to train me. That's the whole point is that they -- you know, if we have a contractor, I would feel better about spending that money on a full-time employee than a contractor.

MR. HOWE: Well, that's not what the grant's for.

COUNCILMEMBER ROCHE: I'm sorry?

MR. HOWE: That's not what the grant's for.

COUNCILMEMBER ROCHE: For the training.

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MR. HOWE: Yes, sir. It could be a full-time or part-time. It doesn't matter. We get money to send that individual to training, and it doesn't matter who it is.

COUNCILMEMBER ROCHE: I understand that. I'm just saying that you said before, something about our building inspector. Well, our building inspector is a contractor.

MR. HOWE: Yes, sir. Well, that's up to the Council and Mayor as to who gets trained.

COUNCILMEMBER FLEMING: Do you have any other suggestions on how we can --

Did you say there was 10 more points --

MR. HOWE: Sure.

COUNCILMEMBER FLEMING: -- or 15 more points that we can --

MR. HOWE: Yes, ma'am.

We'll get five points just for our becoming an Energy Star Partner. We can get five more for adopting a policy that from here on out we'll only buy Energy Star appliances. That's easy enough.

We can adopt another plan -- another provision that says that we would expedite the planning review process for Energy Star certified establishments, or LEED buildings, and I think that's

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reasonable.

We can also do things like have a no-idling policy. I talked to the Chief about this. He said it wouldn't be a problem. We would want to put a provision in there about an exemption for emergency vehicles in certain situations, but there's a lot of real easy things, and you know, I can put you -- put together a --

COUNCILMEMBER FLEMING: Things that can be accomplished by the 14th I guess is what I'm trying to say.

MR. HOWE: Yes, ma'am. We would have to set up a special-called meeting and we'd have to implement four or five measures. But they could be measures that would be fairly innocuous that wouldn't affect us much. Just by buying recyclable paper or printing on both sides, you get points for that.

COUNCILMEMBER ROCHE: Well, the LEED ordinance already has some incentives for LEED certification.

MR. HOWE: Right. Well, there is no real incentive. Our ordinance is if it's more than 20,000 square feet, it's got to be LEED certified.

COUNCILMEMBER ROCHE: Right, but I think we --

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MR. HOWE: There is no real incentive.

COUNCILMEMBER ROCHE: -- we cut a break on some of the fees and stuff like that.

MR. HOWE: Okay.

COUNCILMEMBER ROCHE: I think that was -- it's been awhile since I looked at it.

MR. HOWE: But just by expediting the plan review process, you know, you get five points for that. So I don't know what our turnaround time is right now, but, you know, I would think that those places would -- should get priority.

But I can put together a plan and then we can -- we can talk about possibly having a meeting before the 14th or not.

COUNCILMEMBER ALEXANDER: I mean I'm available tomorrow but I'm unavailable all next week.

MR. HOWE: Well, we can wait till next year.

COUNCILMEMBER ROCHE: Much as I like the idea, it may be better to just wait until next year.

MR. HOWE: It may be.

COUNCILMEMBER BATES: I don't recall if you've sent this to me. I think you have. The criteria for the Certified Green Community, is that something that you could re-send out to all of us --

MR. HOWE: Sure.

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COUNCILMEMBER BATES: -- so that we can get a sense of what some of the other options are --
MR. HOWE: Yes, sir.
COUNCILMEMBER BATES: -- because we might want to look at a more global policy to adopt multiples within that.
MR. HOWE: Sweeping policy? Absolutely.
COUNCILMEMBER BATES: Yeah. But I've seen it but I --
MR. HOWE: I thought I had. I thought it was in the package, but I apologize. I'll re-send.
COUNCILMEMBER BATES: I'm quite confident that you have sent it, at least to me, because when we had this conversation --
MR. HOWE: Well, I get so much stuff, I mean I -- you know, I understand.
COUNCILMEMBER BATES: But if you could re-send that out, and I think this is something that we should strive for to have accomplished and ready to go January 1 of 2011.
MR. HOWE: And we're fortunate that Dekalb County is a leader when it comes to water, so we piggy-back on their accomplishments when it comes to the -- the water conservation section, so --
So I guess I'm asking for a motion to become

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an Energy Star Partner.
MAYOR JENKINS: Do I get a motion?
COUNCILMEMBER ROCHE: I think we're kind of thinking maybe try for it next year, aren't we?
COUNCILMEMBER BATES: Well, there's two different parts. The Energy Star would be -- correct me if I'm wrong -- five points towards our green -- Certified Green Community.
MR. HOWE: Yes, sir.
COUNCILMEMBER BATES: So we could implement that this evening and that would get us closer but we would still be shy.
MR. HOWE: We would still be shy, but it's still something to -- it's something worth going after. And all we will do -- what we will do tonight, the vote tonight would authorize the Mayor to send this initiation letter.
COUNCILMEMBER BATES: I'll make the motion to adopt the Energy Star Program Partnership.
COUNCILMEMBER ROCHE: I'll second it.
MAYOR JENKINS: More discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.

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CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
COUNCILMEMBER BATES: Thank you for your efforts.
MR. HOWE: Thank y'all.
COUNCILMEMBER PITTMAN: Thank you.
MAYOR JENKINS: Luke?
MR. HOWE: Yes, sir.
MAYOR JENKINS: The Soil and Erosion, you got that too?
COUNCILMEMBER PITTMAN: That's Steve.
MR. HOWE: That's not me.
MAYOR JENKINS: Okay.
COUNCILMEMBER PACHUTA: Murray, do we need to make a motion about the bids, sending those to

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staff to review or --
ATTORNEY WEED: Well, it will cause no harm to make a motion to have staff review them.
COUNCILMEMBER PACHUTA: I make a motion to send both the LCI and the ARC MARTA grant bids to staff to review and refer back to Council their recommendations.
COUNCILMEMBER ROCHE: Could I add an amendment to that, that we will all get a copy of the bids so that we could also look at them?
COUNCILMEMBER PACHUTA: Get a copy of all of the bids?
COUNCILMEMBER ROCHE: Well, they have enough copies for each of us to get a copy of each.
MAYOR JENKINS: Yes.
COUNCILMEMBER ROCHE: That way, we could do our own reviews.
COUNCILMEMBER PACHUTA: You know, I would rather staff -- I mean if Council members want to pick them up, we can pick them up.
COUNCILMEMBER ROCHE: Well, just stick it in the mail box if that's okay.
COUNCILMEMBER PACHUTA: I don't think we need to put that in a motion.
COUNCILMEMBER ROCHE: That's fine.

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COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Any more 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 Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Okay. Soil and Erosion Control Mandate.
MR. STRICKLAND: Every -- every couple of years, the State, as part our permit, asks us to update our Soil and Erosion ordinance. They put out a model ordinance. You can basically just get it, fill in the blanks with City of Doraville and Dekalb County. They make very minor changes but there are some updates, and as part of our permit, they ask us

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to adopt the new, updated model Soil and Erosion Ordinance.
Should be pretty simple and straightforward but just wanted to make sure that we presented that, got it approved and just wanted, you know, answer any questions that you might have about it.
MAYOR JENKINS: You say this is State-mandated?
MR. STRICKLAND: As part of our --
They do minor updates, I guess as opposed to having a 10- or 15-year-old ordinance, they like to do certain updates, but I would say the bulk of it does not really change as far as the plan requirements, the inspections, the enforcement, the state laws, stuff like that.
COUNCILMEMBER BATES: They haven't added in any new unfunded mandates for us to comply with --
MR. STRICKLAND: No, they have not.
COUNCILMEMBER BATES: -- this year?
ATTORNEY WEED: We're still operating under-neath the old unfunded mandates.
COUNCILMEMBER BATES: Just making sure they didn't add to them.
MR. STRICKLAND: No. I would say it's 90 percent the same as when they first did it, but they

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like to do some updates.
COUNCILMEMBER BATES: Is there a time frame when this needs to be adopted?
MR. STRICKLAND: It would -- I think they give us -- I think they give you a whole year to do it. The reason why I'm doing this one first is because it's just straightforward and simple. They literally put it out as a model ordinance with -- it's a fill-in-the-blank -- your community, your county, you know -- and then we basically put it in our format, put y'all's name at the end of it. It's kind of a fill-in-the-blank.
What actually happened, the reason I think they're updating it at this time was a couple of years ago they implemented the certification program, and at that time, the ordinance had dates set in, you know -- you had to have somebody certified by this date on the site, but all those dates have passed. They started back in I believe it was 2000. And so they just want to go in now, and they just removed those dates and said, you know, from this point forward, you have to have a certified person on your job site at all times. So they're just kind of simplifying it, basically.
COUNCILMEMBER FLEMING: Not passing this tonight will not hold up any funds for stormwater

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restoration, will it?
MR. STRICKLAND: No, ma'am.
COUNCILMEMBER FLEMING: Mr. Weed, generally speaking, when you do an ordinance for us, anything in italics is new?
ATTORNEY WEED: That is correct.
COUNCILMEMBER FLEMING: And so it appears that this entire document is new or that you've taken their recommended ordinance and just filled in our names where applicable?
ATTORNEY WEED: That is correct.
COUNCILMEMBER FLEMING: Okay.
ATTORNEY WEED: I did perform a legal review of it. I cross-referenced as I do --
When you buy a suit from Uncle Murray, you don't buy one off the rack. I make it for you.
So as I do, I check cross-references to the references to the State statute to make sure that they were actually accurate and current. It turns out that one of them is not. I corrected that in my version.
Other than that, it is verbatim the version sent to you by the State, that you have to adopt if you want to remain an issuing authority.
COUNCILMEMBER FLEMING: Thank you.
MAYOR JENKINS: Any more questions?

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- - -
(No response)
- - -
MAYOR JENKINS: Do we want to adopt it or not? Do I get a motion to adopt?
ATTORNEY WEED: You need to waive first reading.
MAYOR JENKINS: Okay.
COUNCILMEMBER PACHUTA: I make a motion to waive first reading.
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
COUNCILMEMBER FLEMING: Councilmember Fleming?
COUNCILMEMBER FLEMING: No. I don't like waiving first readings when I haven't read the document.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.

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CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Okay. Do I have a motion we adopt?
ATTORNEY WEED: We can't do it, Mr. Mayor. This will now constitute the first reading. It will appear as old business on the next agenda, May 17th.
MAYOR JENKINS: Okay. That'll be on the agenda the 17th. Okay. Thank you.
COUNCILMEMBER FLEMING: Thank you.
MAYOR JENKINS: Thank you, sir.
MR. STRICKLAND: Thank you.
MAYOR JENKINS: Shanta, on the finance and insurance. You and Mr. Jones come on up, please.
MS. WILSON: At a previous Council meeting, Mr. C.R. Jones, who is our current broker, informed the Mayor and the Council that our insurance would increase 4 percent. So at the request of the Council, they've asked Mr. Jones to meet with myself so they can know what the budgetary impact it will be.
After my meeting with Mr. Jones and a representative from Blue Cross, I was informed that the 4 percent is a great increase because the market rate is up 15 percent.
So currently we have two plans. We have the

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HMO and the PPO. And we're currently paying a premium of $1,239,810 for both plans, which is the HMO and the PPO, and that's annual.
The premium increase annualized will be $1,385,588, which is a increase of $145,778 annually.
Our current monthly premium is at $103,317.50 and it will increase to $115,465.67. That's $12,148.17 per month increase.
If the Council decided to pass the 4 percent on to our employees, the rate will increase to $37.19 per week for a family, which is $148.76 a month. A single rate would increase to $12.72 per week, which is $50.88 a month. This will be a 49 increase -- 49 cents increase for a single rate and $1.43 increase for a family per week, which will in turn be $1.49 per month increase for a single rate and $5.72 for a family. That's the monthly.
I also asked Mr. Jones that if we decided to change our anniversary date from July 1st to September to look at the other options that the City may have to possibly save money, and that is something that we can do, but we would still receive the increase of the 4 percent for July and August.
And we also have to keep in mind that we are taking a look at all of our insurance lines, not just

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healthcare, and Mr. Weed and I have been working on an RFP for that.
Any questions?
COUNCILMEMBER ROCHE: You're also looking at the retirement benefits.
MS. WILSON: Uh-huh.
COUNCILMEMBER ROCHE: Any idea when we'll see that?
MS. WILSON: The RFP for it?
COUNCILMEMBER ROCHE: Well, I don't really know what the retirements are, frankly.
MS. WILSON: And the RFP will then look at the retirement we just looked at like workman's compensation, the healthcare. All the things that GMA has, we're looking at all those except the retirement. We didn't put that in the retirement -- in the RFP, because that's not pertaining to insurance.
COUNCILMEMBER ROCHE: I understand.
COUNCILMEMBER FLEMING: And though it's not pertaining to insurance,I would like to see a copy of our retirement policy.
MS. WILSON: Okay.
COUNCILMEMBER FLEMING: I don't -- I personally haven't seen a copy of it, and maybe it's time for us to review --

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MS. WILSON: Okay.
COUNCILMEMBER FLEMING: -- our retirement policy. I'm not sure whether the rest of the Council is opposed or in favor. I would like to review it.
Also I was -- I realize we're talking about health insurance right now, but also we discussed finding out from GMA regarding the retirement investments that they did for us --
MS. WILSON: Uh-huh.
COUNCILMEMBER FLEMING: -- and, you know, possibly renegotiating or trying to figure out a better way to invest our retirement funds versus through just GMA and letting them be able to invest for us.
So were we planning on having a presentation from them or --
MS. WILSON: We can get a representative out here. You want it at the next Council meeting? We can have a representative from GMA to discuss our retirement plan if that is something that the Council would like to put on the next agenda.
COUNCILMEMBER ROCHE: I think that's a good idea.
MS. WILSON: Okay.
COUNCILMEMBER ROCHE: We've only got two

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months before we have a new budget, I mean.
MS. WILSON: Right.
COUNCILMEMBER ROCHE: And I don't want to be like we were last year where we basically passed the budget after it was due.
COUNCILMEMBER FLEMING: I would like to be able to hear from GMA on their retirement and how they go about investing our funds.
MS. WILSON: Okay.
COUNCILMEMBER FLEMING: So definitely.
But I would also like to see a copy of our retirement policy.
MS. WILSON: Okay.
COUNCILMEMBER FLEMING: You know, it may be extremely old and archaic and we need to --
MS. WILSON: Uh-huh.
COUNCILMEMBER FLEMING: -- reconsider that as well.
As far as the insurance, I'll talk about that right now, the health insurance issue. Last year, we passed on a health increase to our employees, and I'm not in favor this year of passing on an additional 4 percent. I feel that the City should absorb that 4 percent and not pass it on.
As far as holding -- just keeping it until

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September, and then possibly do you think that they'll hold the 4 percent until September --
MS. WILSON: Yes.
COUNCILMEMBER FLEMING: -- and then possibly increase beyond that --
MS. WILSON: No. I don't expect --
COUNCILMEMBER FLEMING: -- beyond September?
MS. WILSON: -- them to increase it. The sole purpose of moving it to September is to see if there are other options that we may have. Maybe we can change our plan, because we have a really rich insurance plan --
COUNCILMEMBER FLEMING: Right.
MS. WILSON: -- so maybe we can change it. It's not to change the 4 percent; just to look at our plan as a whole.
COUNCILMEMBER FLEMING: Okay, because Mr. Jones did that for us last year, did an extensive review for us, and I thought he did a very good job because he looked at -- oh, gee, the names escape me right now, so I apologize. He did an extensive review for us, and we decided to stay with the current policy that we have because the change was very negligible.
So I think I -- I'm very comfortable with Blue Cross. I don't mind looking at other policies,

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but I don't want to pass on the additional 4 percent to our employees.
MS. WILSON: Well, when I say look at different plans, I'm saying stay within Blue Cross --
COUNCILMEMBER FLEMING: Oh, I see.
MS. WILSON: -- not go to a different insurance carrier; that Blue Cross have other plans that we can look at, so I want to stay with the Blue Cross but see what other options that we may have that can possibly save us money.
COUNCILMEMBER FLEMING: Okay.
MS. WILSON: Uh-huh.
MAYOR JENKINS: Anything else?
COUNCILMEMBER ROCHE: I'll just say in general I'm concerned about being able to afford all this because our revenues, I know they've got to be down from last year, and we can't spend money we don't have,
MS. WILSON: That's why I want to take a look at them, see if there's ways that we can save on our expenditures, because expenditures are your biggest-hit things besides your salaries and benefits, so you got to start taking a look at the other expenditure lines where we can save money, and that's why I'm taking a look at it: because I know there's

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other ways we can save money. For instance, our workers' compensation right now is zero deductible. If we tack a deductible on it, we can save on our premium right there.

COUNCILMEMBER ROCHE: No. I understand.

MS. WILSON: Yeah. So that's why I think, you know, if we just take a look at those insurance lines that we have, we'll be able to save a lot of money.

COUNCILMEMBER ROCHE: It's just like in our current budget, if we hit our numbers, we're going to lose 1.6 million dollars and that just scares the --

I'll just say it scares me. I won't say what it scares out of me. How many cameras?

COUNCILMEMBER BATES: Ms. Wilson, thank you.

Correct me if I'm wrong, but if we pass the 4 percent off onto the employees -- I just want to make sure I got my numbers correct -- that was $148 a month for a family --

MS. WILSON: Uh-huh.

COUNCILMEMBER BATES: -- policy and roughly $51.00 per month for an individual policy.

MS. WILSON: Yes.

COUNCILMEMBER BATES: Is that correct?

MS. WILSON: Yes.

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COUNCILMEMBER BATES: When do we need to make a decision?

MS. WILSON: You have to make a decision by July 1st.

COUNCILMEMBER BATES: Okay. Just so I can see what the cost would be, could you provide us with a 1 percent, 2 percent, 3 percent pass-on?

MS. WILSON: Yes, I'll provide that for you.

COUNCILMEMBER BATES: Thank you.

MS. WILSON: Uh-huh.

COUNCILMEMBER ROCHE: Because I think you said 4 percent would have been an additional $5.72 per month?

MS. WILSON: Right, for a family.

COUNCILMEMBER ROCHE: And then a single would be $1.49 month?

MS. WILSON: Right.

COUNCILMEMBER BATES: Now I'm confused. Did you just say it was a dollar-and-something per month?

MS. WILSON: Uh-huh. $1.49 --

MAYOR JENKINS: For a single?

MS. WILSON: -- for a single.

COUNCILMEMBER BATES: An increase of.

MS. WILSON: Uh-huh.

COUNCILMEMBER BATES: So what's the $50.88?

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MS. WILSON: That's the monthly.

COUNCILMEMBER ROCHE: The total monthly.

MS. WILSON: The total monthly.

The current monthly is $48.92. With the 4 percent increase, it'll be $50.88.

COUNCILMEMBER BATES: Got you. So it was an increase of --

MS. WILSON: 4 percent.

COUNCILMEMBER BATES: -- right -- a dollar something.

MS. WILSON: Uh-huh.

COUNCILMEMBER BATES: Got it. Thank you.

I'm back.

MS. WILSON: Okay.

COUNCILMEMBER PACHUTA: What do you need from us tonight? I mean I think the decision on whether we're going to pass it along --

MS. WILSON: You don't have to make a decision tonight at all. It was more to give you information so you can make a decision. If you want to wait, that's fine, but I wanted you to know what the budgetary impact was at the 4 percent.

COUNCILMEMBER BATES: Could you give what you gave verbally tonight to us, in writing --

MS. WILSON: I sure can.

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COUNCILMEMBER BATES: -- and show the 1 through 4?

MS. WILSON: I sure can.

COUNCILMEMBER BATES: That would be great.

COUNCILMEMBER FLEMING: However, I believe in our previous meeting with Mr. Jones, he made the comment that we needed to do something by April 30th or May 1st?

MS. WILSON: That was just on May 1st, but we really have till July because our premium anniversary starts July 1 so we need to make a decision before July.

COUNCILMEMBER FLEMING: Okay. All right.

COUNCILMEMBER ALEXANDER: Are you going to go ahead and tell them that you wanted to change the renewal date to September and go ahead and start --

MS. WILSON: Yes, ma'am.

COUNCILMEMBER ALEXANDER: -- getting your figures?

MS. WILSON: But Mr. Jones and I have been talking about that. Yes, ma'am, I have.

COUNCILMEMBER PITTMAN: So is there a two-partner to this, one is --

MS. WILSON: Even if we change it till September, they're still going to give us a 4 percent

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increase.
COUNCILMEMBER PACHUTA: But if we change it they're not going to then turn around and --
MS. WILSON: No, they won't.
THE REPORTER: I'm sorry, Ms. Pachuta --
MS. WILSON: They will not change that.
COUNCILMEMBER PACHUTA: If we change it to September, they're not going to turn around after September and want another --
MS. WILSON: No.
COUNCILMEMBER PACHUTA: -- increase.
MS. WILSON: No, no.
That's not the intention at all. The whole intention to move it to September is so that next year we will have more time to take a look at it, because who's to say that we want to stay with Blue Cross? We may want to move to another insurance plan. But at least we'll have that, you know, now, so we can take a look at the different options that Blue Cross offers, because we may want to change our plan entirely but still stay with Blue Cross, and we have that option to do that.
COUNCILMEMBER BATES: But if we change our anniversary date till September, how will that impact the budget-planning cycle in April?

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MS. WILSON: You can still use --
I mean it really won't impact it at all because you got to know that -- because if that anniversary date's still within your fiscal year, so you're still going to budget for it that same time.
Even though it's September, before that time, you're going to know whether you have an increase or not, just like now, we're at -- our fiscal year starts in July, and we're going to work with the current broker and say, is there going to be an increase or won't be an increase? because we're going to be taking a look at the markets anyway.
So we just need to have more time to take a look at those things. Mr. Jones had been working on that way before July -- way before our anniversary date.
COUNCILMEMBER BATES: Right. So four months out? five months? When do we get the notice on rate increase?
MS. WILSON: Well, Mr. Jones will have to answer that for you.
MR. C.R. JONES: What was the question?
MS. WILSON: When do we get the notice for the rate increase.
MR. C.R. JONES: It's already given to us,

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but we will do it immediately.
COUNCILMEMBER BATES: No. When did we get notified?
MS. WILSON: When did they tell you there was to be a rate increase?
MR. C.R. JONES: Rate increase as of July 1.
COUNCILMEMBER BATES: No. When? Did they tell you January 10th? Did they tell you March 1st?
MR. C.R. JONES: So you want a date?
COUNCILMEMBER BATES: Well, roughly. I'm trying to get a sense of budget planning.
MR. C.R. JONES: We can do it next week easily if you want it in writing.
COUNCILMEMBER BATES: Okay.
COUNCILMEMBER FLEMING: No. Mr. Jones, what we're asking is when were you notified --
MS. WILSON: That there would be a rate increase.
COUNCILMEMBER FLEMING: -- that there would be a rate increase?
MR. C.R. JONES: We were notified --
When was that, Ron?
MR. RON JONES: About a month ago, and that was because it started out at 11.8 percent.
COUNCILMEMBER BATES: Okay. So if we got

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notified March 1 -- that's March, April, May, June -- that's four months --
MS. WILSON: Uh-huh.
COUNCILMEMBER BATES: -- before budget cycle.
MS. WILSON: Uh-huh.
COUNCILMEMBER BATES: So if we change our anniversary date to September 1 and they still give us four months' notice, that puts us at May, which will be right in the middle of budget cycle.
I'm not in favor of changing our anniversary date. I just think that will put us into a potential predicament of having a major increase sitting waiting for us and not be able to deal with it in the budget cycle.
MR. C.R. JONES: We don't really need -- it's cut not in stone but right now it's July is our anniversary date. We have already got permission to change it if y'all want us to but it won't change the rate.
Now, unless we are working on some other plans, we'll say PPO or HMO or something like that, then it will be brought back to the Council. But it ain't going to change if we stay with Blue Cross, which I would like to get a motion to that effect,

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where we'll know what we're doing and where we can plan on it. So therefore, it'll give us time to get --

Ron, my son, he is already in the process of getting more information in case we need it. But we don't want to be held to limbo, what I mean to say.

COUNCILMEMBER PITTMAN: So there's two questions tonight. One is if we're going to stay with Blue Cross and the second is if we are going to give that -- pass on that percentage to the employees or how much we are going to pass on to them; is --

MS. WILSON: Right.

COUNCILMEMBER PITTMAN: -- that correct?

So we could actually make a motion to continue -- if the Council so wishes, to continue with Blue Cross, and that might help. I think that's what Mr. Jones is asking for.

MS. WILSON: And we don't want to change from Blue Cross at all.

COUNCILMEMBER PITTMAN: Right, but we need a motion for that, and then to come back again with --

MS. WILSON: The different percentages?

COUNCILMEMBER PITTMAN: Yes.

MS. WILSON: Yes.

COUNCILMEMBER PACHUTA: Now, were you

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hoping, by moving it to September 1st, that we might be able to look at other plans for this coming fiscal year --

MS. WILSON: Yes, for this --

COUNCILMEMBER PACHUTA: -- so that --

MS. WILSON: -- coming fiscal year.

COUNCILMEMBER PACHUTA: -- potentially after we budget, knowing what we're paying in July, that we might even then be able --

MS. WILSON: Right.

COUNCILMEMBER PACHUTA: -- to decrease our budget in September?

MS. WILSON: Right; because right now we have the HMO and the PPO plan. What if we change it to the POS plan and the HMO plan? Could we save money there per employee? Because right now for a family of employee, you're paying $1100 for HMO, but if we change to something else? The PPO is the highest plan. What if we change that? Not change what we're doing, just change the cost. That's what I want to look at is changing the cost.

Right now, we don't have time to do that. We got to make a decision. But changing it would give me more time to say okay, what if we change our plan entirely? You know, not changing the increase but

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look at our plan.

COUNCILMEMBER PITTMAN: The PPO, though, we don't have that many employees that have --

MS. WILSON: No, we don't.

COUNCILMEMBER PITTMAN: -- PPO, and they pick up the difference, don't they?

MS. WILSON: Uh-huh, and it's extremely high.

COUNCILMEMBER PITTMAN: Yes, it is.

MS. WILSON: It's high. But what if you have the POS plan that gives you the same flexibility as the PPO plan but it's a lot cheaper? Some employees may want to go for that, some may not.

MR. C.R. JONES: We can change that before September, excuse me, if you-all decide. But what we'll do in the meanwhile is get with Ms. Wilson just like we've been doing for the last four weeks, five weeks, and give her information where she can do this and do that and then she can present it to y'all.

We will need, as I say, a motion, I don't know, we stay with Blue Cross or not.

COUNCILMEMBER ALEXANDER: Can we have any estimate on cost savings by the next Council meeting?

MS. WILSON: Yes. Mr. Jones and I can work on that. That's why I was working on the other plans

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before tonight, to see what other plans do we have; so Mr. Jones and I had already been working on that, because we may save a little bit per employee, and we have a hundred-and-something employees, and that cost adds up in insurance. I mean they're only paying $35.00 a week, so the City is taking the bulk of that.

So as we know, our revenues are down, but we got to start looking at how we can save money, and your expenditures are the next things you look at.

COUNCILMEMBER ROCHE: Well, I think in terms of saving money, I think we should probably -- I don't know that I'd want to support a motion to stick with a particular insurance company. I mean nothing against Blue Cross, but I think we should keep our options open.

MS. WILSON: Right.

COUNCILMEMBER ROCHE: I mean reality's going to hit real quick here.

MS. WILSON: It is.

COUNCILMEMBER ROCHE: We're going to get some numbers we're not going to be happy with, and the last thing I want to do is to start doing what many cities have had to do, and the counties and every -- you know, they're talking about laying off 900 people in Dekalb County. If there's any way we can avoid

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that, I would like to avoid that. To me, that's the last resort. But we're going to get to that last resort real quick if we don't do the first-resort stuff. So anyway --

COUNCILMEMBER BATES: What's the time frame on shopping policies? How much time do you need to do a review and vetting of comparable plans from other carriers?

MR. C.R. JONES: We've already got that working.

COUNCILMEMBER BATES: So you guys are already looking at other --

MS. WILSON: Uh-huh, uh-huh.

MR. C.R. JONES: Yes.

COUNCILMEMBER BATES: I'd really like to get that information back on alternative plans from Blue Cross/Blue Shields and alternative plans from various providers before we make a decision.

COUNCILMEMBER PACHUTA: Do we have enough time if we -- If by doing that, are we going to need to move that date until September 1st?

MS. WILSON: That's why I wanted to move it to September: because even if we don't change from Blue Cross right now, we're still going to get the 4 percent increase. We're still going to get that.

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We can change in midstream. We can change carriers --

COUNCILMEMBER ROCHE: Right.

MS. WILSON: -- in midstream.

COUNCILMEMBER ROCHE: I'm not seeing the value of changing the anniversary date, because we can always just stop paying the bill and hire someone else, I mean.

MS. WILSON: Yeah.

COUNCILMEMBER BATES: Well, we could also in June change our anniversary date; correct?

MS. WILSON: Right.

COUNCILMEMBER ROCHE: Right.

COUNCILMEMBER BATES: So we're --

MS. WILSON: We can change our anniversary day.

COUNCILMEMBER BATES: We're not locked into making a decision on anniversary dates --

MS. WILSON: No, no more not.

COUNCILMEMBER BATES: -- or providers or plans or pass-through tonight.

MS. WILSON: No, no.

COUNCILMEMBER BATES: Okay. I just want to make sure that we didn't have to make a decision tonight.

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MS. WILSON: No, not on the anniversary day at all.

MR. C.R. JONES: We just need some --

MS. WILSON: No. That's just an option for us.

MR. C.R. JONES: We just need some guidelines as to are we staying with Blue Cross or not?

COUNCILMEMBER BATES: We don't know until we -- at least I can't speak for the rest of Council. I know of some -- I personally like Blue Cross, but if another provider, United or Kaiser or Aetna or whomever else --

MR. C.R. JONES: Yeah. That's what we're --

COUNCILMEMBER BATES: -- can provide --

MR. C.R. JONES: -- looking at, to see if they got cheaper rates --

COUNCILMEMBER BATES: -- can provide a --

MR. C.R. JONES: -- and good benefits.

COUNCILMEMBER BATES: If they can provide a comparable policy that will save the City money, I think we have an obligation to review that.

MS. WILSON: Yeah, right.

MR. C.R. JONES: Yes, sir.

COUNCILMEMBER BATES: Not that we will

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change, but -- So I'm not going to support a motion tonight to stick with Blue Cross.

MR. C.R. JONES: Any other questions?

COUNCILMEMBER ALEXANDER: Can we please have this appear on the next agenda to see if you do have information ready by then?

MS. WILSON: Yes, ma'am.

MR. RON JONES: Shanta, can I say one thing about this?

MS. WILSON: Uh-huh.

MR. RON JONES: When you shop the other insurance agencies, what that does, that pushes that time back from July 1. July 1 is -- you don't have a contract after July 1 with have Blue Cross/Blue Shield, so you're not going to have insurance after that.

So if we want to implement other insurance companies, we have to do it before -- we have to give them a time frame to set up billing, contacts, and make sure that all your employees get the right cards for that particular insurance company, and that's the problem with changing insurance companies if you're just doing it for nickels and dimes.

COUNCILMEMBER BATES: I understand. Thank you. And if we get to a point where we do decide to

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1 change our provider, I will be the first to make a
2 motion to change our anniversary date so we've got
3 enough time to do an appropriate change and make sure
4 that everybody has all the proper paperwork.
5 But I want to, again, evaluate and look at
6 other providers. We have a respon- --
7 MR. RON JONES: Yes, sir. We've done that
8 for the last three years, I know. We've been with
9 Blue Cross/Blue for like seven. And you know, I'm not
10 saying that they're the ones to go with or anything
11 like that. We'd be glad to provide you with any
12 information.
13 It's just if we're going with what's
14 established right now, then we can move towards,
15 within Blue Cross, tweaking those changes or those --
16 for the amount of money.
17 If we go to another carrier, just say if we
18 go to Aetna or anything like that, then they have to
19 come into the picture and establish everything for the
20 City of Doraville, and that moves our -- we're not
21 going to have insurance after July 1 because Blue
22 Cross/Blue Shield's contract's going to end. We
23 couldn't push Blue Cross/Blue Shield to September 1
24 and then expect them to just, you know, kind of --
25 COUNCILMEMBER BATES: Well, then, let me ask

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1 this question. Why are we talking about this in
2 April? Why aren't we talking about getting
3 competitive bids so we've got enough time to evaluate
4 this in November or December? Why is it always hurry
5 up and wait and let's get it, you know, on the docket
6 in April so that you have to make a decision because
7 there's not enough time to evaluate other options?
8 COUNCILMEMBER FLEMING: Mr. Bates, I don't
9 believe that it was Mr. Jones who is trying to solicit
10 other options for us.
11 He came to us in a previous Council meeting
12 and said that they had negotiated down from 11 percent
13 to 4 percent, or 18 to 11 to 4, and that was what he
14 was requesting.
15 Now, last year -- I mean I understand your
16 concern about going out for different providers and
17 getting different bids, but I don't think it
18 necessitates us doing it every single year where we're
19 having to renegotiate or go out for additional bids
20 for providers. They did this for us last year.
21 I believe because of Ms. Wilson wanting to
22 be fiscally sound in her position now with the City,
23 she's also looking at ways to save money, and it may
24 have been with her suggestion to look at possible
25 other providers --

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1 -- was it not, or yes it was, because we're
2 doing RFPs for other insurances?
3 MS. WILSON: Yes.
4 COUNCILMEMBER FLEMING: So I don't think
5 it's the Joneses that came to us and said, hurry up,
6 let's do this now.
7 They came to us two weeks ago and said
8 something about the 4 percent.
9 COUNCILMEMBER ALEXANDER: And told us we had
10 to decide by July 1.
11 COUNCILMEMBER FLEMING: Correct.
12 COUNCILMEMBER ALEXANDER: Exactly.
13 COUNCILMEMBER BATES: I mean we're talking
14 about passing on $145,000 to the taxpayers.
15 COUNCILMEMBER ROCHE: I'm not sure I
16 understand why we don't just normally do an RFP like
17 we do everything else at this dollar amount.
18 COUNCILMEMBER BATES: I mean with --
19 COUNCILMEMBER ROCHE: Just put out
20 competitive bids.
21 MR. C.R. JONES: We're doing that right now.
22 COUNCILMEMBER ALEXANDER: I would like this
23 agenda item continued on to the May 17th agenda with
24 additional information regarding within Blue Cross,
25 the additional plans that are available hopefully with

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1 the same services and the same coverages and saving us
2 money, and then additional information if you have
3 from other carriers for the same.
4 COUNCILMEMBER BATES: So that I've got it in
5 my head realistically, if we were to look at changing
6 providers in 2012, next fiscal year -- not this fiscal
7 year, next fiscal year -- how much time realistically
8 would we need to get an accurate assessment of options
9 from other carriers in order to properly convert over
10 should the change be warranted on July 1?
11 MR. C.R. JONES: And that's a reasonable
12 request and we would do that too within the time span
13 of what y'all would like to do. If it's two months.
14 Most of the companies won't quote us and lock it in
15 for more than two months, and that's the problem we
16 have. We've got Kaiser, we have another company, we
17 have this company to see. Some of them won't take
18 people who's got retirement -- retired benefits. The
19 City has one or two retired people. They don't want
20 them.
21 Right now, of course it don't make no
22 difference. We're going to pay the bills. We have a
23 local pregnancy so-called, and then we have a backlog
24 of $40,000 life insurance pending, which is already
25 locked in anyway. We'll pay that regardless.

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But the claims ratio that we gave you-all did not reflect those benefits. And we don't try to scare you into this, that and the other, but we just want to know how y'all stand, and I think that's a reasonable request.

And we're going to get that for you, too, and let you look at it and see what you think. But we need to know as quickly as possible where we can get it.

COUNCILMEMBER ROCHE: Well, this $145,000, that's two employees.

MR. RON JONES: Mr. Jones, one other comment I had to make about the time frame --

COUNCILMEMBER BATES: Yes, sir.

MR. RON JONES: -- is that we also have to wait for Blue Cross/Blue Shield to give us all of their renewal figures before we can actually go out to other companies and say this is what we need to be.

COUNCILMEMBER BATES: So the time period for possibly making a change, if I'm hearing correctly, is a very short window that happens ever year. It's not something that we can start looking in December.

MR. RON JONES: Well, yeah, they -- you know, it's a yearly contract so anything's going to be -- you know, inside of that year's going to be short

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for any kind of a Council to look at.

But you know, anywhere from two to four months, I would say, you have to be looking at that, and two months being a really short time frame.

COUNCILMEMBER BATES: Okay. Thank you.

COUNCILMEMBER FLEMING: May 17th.

MS. WILSON: Okay.

COUNCILMEMBER FLEMING: Thank you very much.

MS. WILSON: Thank you.

COUNCILMEMBER ROCHE: Do we need a motion for that?

ATTORNEY WEED: No, it will automatically appear on the next agenda.

MAYOR JENKINS: All right. We will at this time take public comments on agenda items only, the items that are left on the agenda. Any public comments?

MS. CRAWFORD: Susan Crawford, Oakcliff.

I'd like to make just a comment on the upcoming -- Ms. Fleming's agenda item about the C-1/C-2 zoning changes suggested, and -- all right. As a teacher, I think any kind of education we can have is wonderful, if it's art instruction or music instruction. That would be great. I think that would be an enhancement for the city.

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But I would caution you all, this is a tiny area where we live, especially in the downtown section, and with the deletions, it's going to be a drive-through city which is not in accordance with what we're trying to do. We're trying to tout ourselves as a green area, a green city, and it seems to me that many of these suggestions are going to cause more pollution and far more drive-through stuff. That's my opinion.

COUNCILMEMBER FLEMING: Thank you.

MR. ANDERSON: Stuart Anderson. I have some CT comments ready for tomorrow night and I'm very interested.

Or at any rate, I'm very interested in the C-1/C-2 text amendments. I too have read through most of them and find very few problems with the changes but I also want to mention that relative to the CT because that -- my suggestions for tomorrow night will somewhat combine those areas.

The other thing I wanted to say about was the dumpster ordinance. Under materials was wood, one inch thicknesses. I think that added to that one-inch thickness wood, the suggestion is -- we discussed this in a meeting previously to this, Mr. Shanahan and Ms. Fleming and I were discussing it, and the plastic

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landscape timbers or plastic landscape decking timbers could also be included in that as far as screening materials.

And I came up with an idea about a steel structure, a three-sided steel structure, so to speak, that could be lagged or attached to a cement pad that would suffice in giving a good appearance as well as screening the dumpsters and would possibly -- this engineering concept, shall we say, would save the businesses a lot of money.

It's basically a square steel frame, three sides. It could be fabricated in a fabrication shop or in a factory somewhere and trucked instead of building bricks and mortar and what-not. And you put these three sides down. Two corners in the front obviously would be the corners for the doors, for the gates.

And if a truck struck this thing and it was just lagged down at four corners with bolts, you'd break the bolts instead of crashing into concrete and damaging the truck or the dumpster and all the rest of that. It would just skip it out of the way and you'd pull it back, and if some of the side materials, screening materials were damaged, you'd just be able to put those back, and it would continue to look good

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and it would save the businesses a lot of money.
It's not mentioned or nothing like this is mentioned in the dumpster ordinance, and it could be easily -- a structure like that could be engineered and added to the ordinance and we'd still have good screening and save people a bunch of money.
Thank you.
MAYOR JENKINS: Thank you.
Next?
MR. HART: This concerns the MARTA grants and about the pedestrian improvements on Park Avenue and New Peachtree. Are those going to be -- I mean it's going to go to staff and then it goes back to Council and they vote on it, but the public is not really aware of what they're trying to do.
I mean what -- it comes down to a couple of people on staff and Council votes on something that is going to make a major impact on the city to future businesses on New Peachtree, and we talked about C-2 -- C-1, C-2 and the CT amendment or these ordinances, all those will have to be integral with whatever will be planned on those two streets.
It's like designing the carriage without figuring out whether it's going to be pushed by the horse or drawn by the horse. It doesn't seem to be

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very well integrated with what the city's plan should be. And so it should be made public, at least public to the businesses that are on those streets as to what kind of curb cuts and future plans they might have, because we may be building things that don't -- don't coincide with what development is being planned. It's kind of a strange thing to me.
The Soil and Erosion Mandated Amendment, I don't know. It said something about a card, that someone has to be on the site that has to have one of these cards. I assume they're talking about a level one, a green card or a red card, if you're constructing a project, that we have someone on the site at all times. That can be problematic with a construction site if I've got ten people working and there's only one guy who's got a card and he's gone to lunch. That seems to be a problem.
And I agree with Stuart about the dumpster ordinance. Again we're mandating these architectural standards for buildings that -- for instance, on the Chick Fil-A building, that dumpster surround that they have at the Chick Fil-A works well with their structure and it works well as to hold service devices and that thing, you know, cleanup equipment. It's a storage building as well as a dumpster and it matches

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the Chick Fil-A building.
I just -- you know, having been in a small business, we have our dumpster at the back door, and you open the door and use one of the dock doors as you're disposing materials. Having a concrete building back there just doesn't seem to go with what you're trying to do.
And it just seems like, you know, the portable unit is one answer. And if you can't see it from the street, I don't understand what the problem is.
Okay. That's just some of my comments. Thank you.
MAYOR JENKINS: Next?
MS. SEARING: Jean Searing, Chestnut Place.
I understand from Carol Gilman that there might be a possible clause in the proposed dumpster ordinance in regards to communities such as Chestnut Place that have a homeowners association, and I was wondering if there could be any clarification on that. I apologize. I haven't seen the proposed dumpster ordinance because Carol called me this afternoon late, just before the meeting, to see if I could come on behalf of her.
MAYOR JENKINS: Anybody else?
- - -

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(No response)
- - -
MAYOR JENKINS: We're going to take a 10-minute break before we go on to the next item.
- - -
(Brief recess)
- - -
MAYOR JENKINS: Meeting come to order.
Shanta, come on up, please.
MS. WILSON: I would like the Council to take a look at the new ordinance and pass the Economic Development Director position and the Captain position -- the Assistant Captain.
COUNCILMEMBER PACHUTA: No.
COUNCILMEMBER PITTMAN: No. It's the Chief.
MS. WILSON: Chief. Assistant Chief Position. To pass a new ordinance for the budgeted salaries and benefits.
MAYOR JENKINS: Everybody have a copy of it?
Comments?
Do I have a motion?
COUNCILMEMBER BATES: Move to waive first reading.
COUNCILMEMBER ALEXANDER: Second.
MAYOR JENKINS: Call the roll.

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CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
COUNCILMEMBER BATES: Move to adopt.
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.

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CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: All right. Thank you, Shanta.
Maria Alexander.
COUNCILMEMBER ALEXANDER: Thank you, Mayor.
This is a carryover from my first memo which was March 30th regarding the Alcohol Ordinance.
In past revisions to the existing Alcohol Ordinance so that we were in line with State law, because the State law had changed since our ordinance and there's some preemption issues we had to clear up.
I gave everyone a homework assignment and I want to thank Ms. Fleming for completing her assignment. We should have taken her lead on that.
I did have some questions and I was going to suggest that -- after speaking with Mr. Weed today, that possibly we try to schedule a workshop on this ordinance.
I did request that perhaps we were given another draft that includes the changes that we have made to the sell-to-minors penalty and also the residency requirements which we passed for the -- at the last meeting that we had this on the agenda. I believe that was the first meeting in March, I

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believe, or the last meeting in March.
I also discussed with Mr. Weed today and I was reading this document, he has the residency requirements broken out in each individual category; for example, if I'm only going to sell beer, in this section, it has the residency requirement; if I'm only going to sell wine, the residency requirements are listed in that section also. So there is a lot of repetitiveness going on, and I think he was wanting direction from Council if you wanted one section that addressed all the residency requirements or if you wanted the redundancy that he has in the ordinance now.
ATTORNEY WEED: There's a reason for that. I mean I don't -- it doesn't matter to me either way, but I jokingly call it the Murphy Theory of Positive Redundancy. I have a former council member who insisted that they wanted each individual business owner, if you were a restaurant that had consumption on the premises, they wanted that person to just be able to read their one subsection of code and pretty much know everything that they would need to do; and just if you were a wholesaler, same thing.
I am completely ambivalent as to what you do with regard to whether you have one section or if you

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have multiple sections. My advice to you would be you need to make the determination of what you think would be most convenient to the end user and the end reader.
COUNCILMEMBER ROCHE: Well, I'm very much for having just one section instead of repeating the same thing, for several reasons. One, it's obviously in one spot; second, if we decide to modify it, we don't have to make sure we modify it in three different places. It makes the ordinance shorter. I think it makes a whole lot of sense to have one section. And frankly, we should be doing that across the board with all of our ordinances to try to bring down the number of pages as much as possible.
And we talk about what the fees cost. Well, you know, it's getting to where you don't want to move to Doraville and do anything. You pretty much have to hire an attorney just to wade through all this stuff. So I think that anything we can do to simplify it and make it easier and more user-friendly, the better.
COUNCILMEMBER FLEMING: I agree in that we should list it in one location.
Would it not seem more suitable to put it under the definition of what "residency requirement" is?
ATTORNEY WEED: No, ma'am. I do have an

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1 opinion on that.
2 Ordinarily, the general rule is that you
3 don't want to regulate by virtue of definitions. You
4 want definitions to explain meanings of words and you
5 want to reserve regulation for actual sections where
6 it's appropriate to have whatever the regulation's
7 going to be.
8 So I do have an opinion on that. I'll write
9 it however you want me to, but that's my opinion.
10 COUNCILMEMBER BATES: With that, one of the
11 reasons why we're having this discussion is because
12 there was multiple redundancies in the old ordinance
13 to begin with. We had a complete separate section on
14 distilled spirits, complete section on wine and beer.
15 Those have been combined a little bit, but if there's
16 -- Like one of the things that Ms. Fleming has
17 mentioned in her notes, and I wholeheartedly concur
18 with that, is if a business is redecorating or
19 remodeling, that's listed now in two or three
20 different places. Is that something that could all be
21 combined under one section?
22 ATTORNEY WEED: Possibly. I mean I'll
23 certainly take a look at it.
24 COUNCILMEMBER BATES: Ms. Fleming was
25 talking more along the lines of the length of time

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1 that it stipulates, and I concur with her that 14 days
2 is too short; should a restaurant want to do a major
3 renovation that might, you know, be several weeks,
4 they wouldn't be allowed to do that, so.
5 ATTORNEY WEED: The good news generally is
6 and in keeping with what Councilman Roche has
7 commented, and my general policy, the existing bound
8 ordinance, which is essentially single-space type, is
9 55 pages. The draft ordinance, which is 78 pages
10 double-spaced should hopefully be less actually
11 printed than what you currently have in the books if
12 you choose to adopt the proposed ordinance.
13 COUNCILMEMBER ROCHE: I'll bet we could
14 probably even get it down to maybe 30 pages by
15 eliminating more of these redundancies.
16 ATTORNEY WEED: We'll try.
17 COUNCILMEMBER ROCHE: Because basically, I
18 mean the framework is pretty much the same. There are
19 some differences based on whether or not you're
20 selling beer only or wine and beer or whatever, and
21 you just need one section that shows the differences.
22 Everything else should be the same.
23 ATTORNEY WEED: We'll keep at it.
24 COUNCILMEMBER ROCHE: We want to get that
25 green rating, print less paper.

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1 COUNCILMEMBER FLEMING: Ms. Alexander, do
2 you have a specific date in mind for our work session
3 on this?
4 COUNCILMEMBER ALEXANDER: Mr. Weed, what is
5 your schedule? You're pretty busy the whole month of
6 May; correct?
7 ATTORNEY WEED: I will -- I endeavor to
8 serve. If you set a date, I will get it done by then.
9 My nights are currently, for the audience, I'm in a
10 play, hence the facial hair. My performance dates
11 are, you know, Thursday, Friday, Saturday in the last
12 three weekends of May, but if there's a particular
13 date that you need to meet, please don't based upon my
14 schedule. I'll make sure that you are adequately
15 covered.
16 COUNCILMEMBER ROCHE: Well, we also need --
17 ATTORNEY WEED: I'm available --
18 COUNCILMEMBER ROCHE: Sorry.
19 ATTORNEY WEED: I'm available throughout the
20 day, and if I'm not personally available, I'll make
21 sure that there's somebody here who is competent to
22 address the issues.
23 COUNCILMEMBER ROCHE: I was going to say we
24 need to start looking at scheduling budget hearings.
25 I don't want to go through what we did last year where

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1 our budget wasn't passed till weeks after the
2 deadline.
3 COUNCILMEMBER ALEXANDER: And also your
4 millage hearings too.
5 ATTORNEY WEED: I could have a redraft done
6 for you by Friday.
7 COUNCILMEMBER ROCHE: That will be great.
8 ATTORNEY WEED: And you're going to want to
9 have that and read it and, you know, let your dog look
10 at it and whatever it is that you do with it to make
11 the magic happen. And so I will make sure that that
12 occurs by the end of this week.
13 COUNCILMEMBER BATES: And because I was
14 derelict in my responsibilities and doing my homework
15 -- and Pam, thank you for your work --
16 COUNCILMEMBER FLEMING: You're welcome, but
17 it's just my opinion.
18 COUNCILMEMBER BATES: I have compared some
19 of your notes with some of the notes that I have made,
20 and there are --
21 COUNCILMEMBER FLEMING: Pretty close.
22 COUNCILMEMBER BATES: There are many that
23 were very consistent with.
24 Do we still have time to provide you with
25 commentary based upon --

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1 ATTORNEY WEED: Sure. Absolutely. I mean I
2 will -- In the past, the Council has had different
3 points of view about whether changes were made to
4 drafts in advance. As long as you all agree, then I
5 will attempt to make all of your changes that are
6 provided to me, and you all understand and you're all
7 okay with that, then I will include any change you
8 have, and if I don't feel that it's legal, I'll
9 certainly, as I always do, tell you and tell you why.
10 There are some things such as the distance
11 requirements, the sections that deal with private
12 clubs, that we don't have any real authority on to
13 change. But we'll -- we'll get to that.
14 COUNCILMEMBER BATES: Personally, I think it
15 would be better for you to not make mine or any other
16 individual Council member's changes until we've had a
17 chance to talk about them collectively and agree upon
18 them. But I will shoot mine to you in the next day or
19 so that you've got my concerns and questions so you've
20 got them in advance.
21 ATTORNEY WEED: And what I can and will go
22 ahead and do, I will go ahead and consolidate '08 and
23 '09 changes that I know you've already passed, into
24 this ordinance, and I'll go ahead and try to
25 consolidate the sections on residency and character,

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1 because you all seem in general agreement with that.
2 COUNCILMEMBER ALEXANDER: Well, we've
3 already passed those.
4 ATTORNEY WEED: Correct, so I'll take care
5 of it.
6 COUNCILMEMBER ALEXANDER: So you're going to
7 try to have a draft with the changes we've already
8 passed.
9 ATTORNEY WEED: By Friday or sooner.
10 COUNCILMEMBER FLEMING: Did you have any
11 comment in regards to my review or --
12 ATTORNEY WEED: We'll deal with it whenever
13 you want to, but a couple of things that you mentioned
14 with regard to some of the regulation on private
15 clubs, there's a statute that specifically deals with
16 that. I think you were concerned about them providing
17 a membership list, that type of thing. We have some
18 room to maneuver with regard to that but we'll need to
19 address that.
20 COUNCILMEMBER FLEMING: Okay.
21 ATTORNEY WEED: And some of the distance
22 requirements are flat out State law. We don't really
23 -- we don't have much choice about that.
24 COUNCILMEMBER BATES: Did we pass the
25 offense schedule?

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1 COUNCILMEMBER ROCHE: I think we did.
2 COUNCILMEMBER FLEMING: We did. We did. It
3 needs to be --
4 COUNCILMEMBER ALEXANDER: So that's going to
5 be included.
6 COUNCILMEMBER FLEMING: -- incorporated into
7 this.
8 ATTORNEY WEED: You passed an offense
9 schedule for sales to minors.
10 COUNCILMEMBER BATES: Right.
11 ATTORNEY WEED: With regard to an overall
12 general offense schedule, you modified 3-70 because
13 the old code had an illegal penalty limit and we
14 reduced it down to the proper limit. But you haven't
15 adopted an overall scheme on offense schedules and how
16 you want to deal with that.
17 COUNCILMEMBER BATES: And just a general
18 note, there are places where it mentions beer and wine
19 and then there are places where it mentions beer and
20 wine and distilled spirits. So we can include
21 distilled spirits in all those and --
22 ATTORNEY WEED: Not necessarily, no, sir.
23 COUNCILMEMBER FLEMING: Well, I had made a
24 comment that, though one would think they know what
25 distilled spirits means, we --

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1 COUNCILMEMBER BATES: It's not defined.
2 COUNCILMEMBER FLEMING: -- do not have a
3 definition for distilled spirits.
4 ATTORNEY WEED: You're absolutely correct.
5 And in fact when we had talked about it before, we
6 made mention of that, and I have a note to do that.
7 COUNCILMEMBER FLEMING: Okay.
8 COUNCILMEMBER BATES: Well, and the reason
9 why I brought that up is the hours of sale on page 41,
10 Section 3-28, only mentions beer and wine, and I don't
11 recall there being a separate section on hours of sale
12 for distilled spirits because we were combining those
13 sections down.
14 I very well could be wrong and it's entirely
15 possible that I am, but I just want to make sure that
16 we're --
17 ATTORNEY WEED: I'll go back through it and
18 make sure --
19 COUNCILMEMBER BATES: Okay.
20 ATTORNEY WEED: -- that we capture that.
21 COUNCILMEMBER ALEXANDER: It's going to be
22 old old business.
23 COUNCILMEMBER BATES: I don't care when the
24 work session will be; find a date that works amongst
25 all the others.

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1 MAYOR JENKINS: When do you want to set the
2 work session? For next week?
3 COUNCILMEMBER ALEXANDER: No, sir.
4 COUNCILMEMBER FLEMING: You're not available
5 next week, did you say?
6 COUNCILMEMBER ALEXANDER: Yes.
7 COUNCILMEMBER FLEMING: Yes, you are not
8 available next week.
9 COUNCILMEMBER ALEXANDER: Yes, ma'am, I am
10 not available next week.
11 COUNCILMEMBER BATES: Ms. Blackmon, can you
12 poll the Council --
13 CLERK BLACKMON: Yes.
14 COUNCILMEMBER BATES: -- in the next couple
15 days, see if we're available?
16 COUNCILMEMBER PACHUTA: I know this is going
17 off a little bit but I think we do need to look at if
18 you could speak to Ms. Wilson and see too when we do
19 need to start setting those budget dates and millage
20 rate and everything.
21 MAYOR JENKINS: We're going to start on
22 that, yes.
23 ATTORNEY WEED: I do have some good news
24 about that. Shanta and I calendared that in
25 accordance with the statute, so we've actually charted

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1 it out, so hopefully this year there won't be any
2 issues. She's aware of that memo and the State law.
3 COUNCILMEMBER BATES: And seeing how it's
4 May 3rd and we don't have any scheduled yet and the
5 budget is --
6 COUNCILMEMBER ROCHE: Right.
7 COUNCILMEMBER BATES: -- six weeks away, we
8 need to get it on the calendar.
9 COUNCILMEMBER PACHUTA: And then also the
10 sign ordinance is still languishing out there, so if
11 we could poll Council on that.
12 MAYOR JENKINS: Okay. Do we need an
13 ordinance? I mean a motion, Murray, on changing this
14 Alcohol Beverage Ordinance for a work session?
15 ATTORNEY WEED: Mayor, I feel like I've got
16 my marching orders. With regard to setting a date for
17 a work session, if you guys can -- it sounds like you
18 may have to calendar -- the Clerk's going to have to
19 calendar everyone, Mayor, to set that up later, I
20 believe.
21 MAYOR JENKINS: Okay. Don't need any
22 motion.
23 ATTORNEY WEED: No, sir. And I'll get
24 another draft out by Friday.
25 MAYOR JENKINS: Okay. Murray, you got the

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1 next item.
2 ATTORNEY WEED: Yes, Mr. Mayor. I'm
3 actually going to turn this over to Mr. Haeberlin, the
4 planner, who's the primary author of the ordinance.
5 You know, Councilman Alexander had done some
6 additional work and given you 10 samples of dumpster
7 ordinances from other cities. You currently do have a
8 dumpster ordinance on the books. Begins at Section
9 15-81 and it goes through 15-88. It was adopted in
10 2005 and made fully effective on April 1, 2006.
11 That's your historical data.
12 How this came about was the planner, in
13 reviewing the existing ordinance some months ago, was
14 concerned with regard to some of the provisions and
15 the enforceability thereof and he proposed to the
16 Council a revision of the ordinance which I drafted
17 for his benefit and for your benefit, and that
18 ordinance has been before you and it's been discussed.
19 So we're still in that discussion mode, and Councilman
20 Alexander may have some additional comments.
21 COUNCILMEMBER ALEXANDER: And Ms. Fleming
22 also did some work. Do you have that, Mr. Weed?
23 ATTORNEY WEED: I believe that I do.
24 MR. HAEBERLIN: I was just going to say, as
25 requested, I sent my comments to the bill sponsor,

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1 Council Pachuta.
2 And unfortunately, our e-mail was down the
3 latter part of the day but I do recall what my
4 comments were. It was clarifying that new
5 construction did include footprint expansion and also
6 to a clarification that demolition in the ordinance
7 referred to the shell of the building, not just for
8 interior-finish purposes.
9 And also, too, I wrote a clause or suggested
10 a clause that said that multi-family applications that
11 have an established POA, property owners association,
12 or HOA, homeowners association, could apply for a
13 waiver, essentially if they would agree in writing
14 that each and every dwelling unit would have its own
15 garbage service and that they had set that up in their
16 documents, that the City would grant a waiver for that
17 address.
18 The concerns that -- most of the concerns
19 that I heard at the meeting.
20 COUNCILMEMBER ROCHE: Well, the one I was
21 concerned about was 15-87. This has to do with
22 unauthorized use of dumpsters and scavenging or
23 whatever, and I see that Major Atkinson is here.
24 I don't know if you can -- I just felt like
25 this is more like a policeman-type law, not so much a

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1 zoning ordinance type thing, because I would think
2 that if a police officer observed someone scavenging,
3 that the police officer is not going to call QOL,
4 they're going to handle it themselves?
5 MAJOR ATKINSON: Yes, sir.
6 COUNCILMEMBER ROCHE: Whereas the other
7 things in this ordinance would be more in the lines of
8 zoning ordinances. This is the section I'm talking
9 about (presenting). Seems like there'd be a more
10 appropriate place for those types of laws in the --
11 COUNCILMEMBER FLEMING: (Inaudible)
12 COUNCILMEMBER ROCHE: Sorry?
13 COUNCILMEMBER FLEMING: It's building code.
14 It's not zoning.
15 COUNCILMEMBER ROCHE: Well, building code.
16 It just seems like there would be a more appropriate
17 place in the ordinance for that.
18 COUNCILMEMBER PITTMAN: But does that help
19 them maybe a little bit with enforcement just by
20 having that there?
21 ATTORNEY WEED: Well, and I do understand
22 Councilman Roche's point. The -- it depends upon your
23 legislative philosophy. If you want to put like
24 things together, what is going to be easier for
25 somebody who's reading the code, where are they

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1 naturally going to look to find the regulation? And
2 that's why I believe that the former author of this
3 legislation, the Council back in 2005, put that
4 regulation where the other dumpster regulation was
5 located.
6 Now, could there be a duplicative section in
7 Chapter X, for example, which deals with cleanliness
8 of property and abatement of nuisances, that might
9 also be appropriate, and I could certainly think that
10 if you were reading the ordinance or the code book,
11 that might be a place where a police officer in the
12 field would look, and the Major can better address
13 that.
14 But on the flip side, if you're thinking of
15 dumpsters, you may go straight to the dumpster
16 ordinance.
17 So it really depends upon your legislative
18 philosophy. Either thing is legal. What makes more
19 sense as far as the ease of finding the regulation.
20 What we do know is that Chief King reported to you at
21 your last meeting that he felt it was important to
22 maintain the regulation to prevent dumpster diving,
23 for lack of a better term, and that it was an active
24 code that was used.
25 Now, going back to the Councilman's point

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1 and the real question tonight, where is the best place
2 to put it? I have no legal opinion. It comes down to
3 draftsmanship. And the answer to that would be, the
4 question I would ask is, if you were trying to find
5 it, where would be the logical place you would look if
6 you are an officer in the field or if you're a citizen
7 trying to comply with the ordinance? And this group
8 and the Major are better -- you know, better qualified
9 to answer that question than I would be.
10 COUNCILMEMBER ROCHE: And I guess, you know,
11 I mean I own a house. I mean we have the whole set of
12 things about how to build a house and what the
13 setbacks are, et cetera, et cetera. We wrote those
14 regulations and those ordinances.
15 But if I was making way too much noise in my
16 house, that noise ordinance is not going to be part of
17 the building code, it's not going to be part of the
18 zoning ordinance, because if I'm a policeman, I'm
19 probably not going to spend a lot of time studying the
20 dumpster ordinance or the building codes. I'm going
21 to go to, you know, the nuisance section or the
22 hazards section or that sort of thing.
23 ATTORNEY WEED: Once again, I have no -- I
24 see your point, I recognize it, and I have no
25 preference legally. Wherever you think it's

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1 appropriate to put it.
2 COUNCILMEMBER BATES: Major, do you guys
3 have cheat sheets for the field guys that if they
4 see --
5 MAJOR ATKINSON: We do.
6 And I was going to say, wherever you decide
7 to put it is okay, we'll deal with it. However,
8 Section XI is the enforcement ordinances that we
9 normally get into -- public drunk, disorderly conduct,
10 those types of things that we enforce on a city
11 ordinance level. So if it could be in Section XI,
12 then I think it would be a whole lot easier to find
13 for the officers.
14 COUNCILMEMBER PACHUTA: I'm fine with moving
15 that.
16 COUNCILMEMBER PITTMAN: So you're wanting to
17 move it, not take it out.
18 COUNCILMEMBER ROCHE: Oh, yeah.
19 COUNCILMEMBER PITTMAN: Okay.
20 COUNCILMEMBER ROCHE: I wasn't saying delete
21 it. I'm saying --
22 COUNCILMEMBER PITTMAN: I misunderstood. I
23 thought you --
24 COUNCILMEMBER ROCHE: -- just move it --
25 COUNCILMEMBER PITTMAN: -- wanted to take it

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1 out.
2 COUNCILMEMBER ROCHE: -- over to the -- no.
3 COUNCILMEMBER PITTMAN: Sorry.
4 COUNCILMEMBER PACHUTA: I'm fine with moving
5 it out of --
6 COUNCILMEMBER PITTMAN: Section 11?
7 COUNCILMEMBER PACHUTA: -- this code into
8 criminal.
9 COUNCILMEMBER BATES: Could we leave 15-87
10 there and reference Section XI, wherever it will end
11 up?
12 ATTORNEY WEED: Sure you can.
13 COUNCILMEMBER BATES: So it doesn't go away
14 in the dumpster side, it just references a new
15 location?
16 ATTORNEY WEED: And you can -- and in fact
17 that's pretty common in state laws. You know, there's
18 a county magistrate court statute which is identical
19 to a municipal court statute, and so there are two
20 completely different statutory numbers, but that
21 happens all the time. But one is for the ease of the
22 county court system and there's one to make life
23 easier for city court judges. So we sure can do that,
24 absolutely.
25 COUNCILMEMBER ROCHE: Well, it looks like --

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1 I mean reading through here, it looks like Section 15-
2 87, paragraph (a), (b) should probably move to Section
3 XI and paragraph (d) probably need to be in both
4 places.
5 ATTORNEY WEED: I would concur with that,
6 yes, sir.
7 COUNCILMEMBER ROCHE: I'd like to make that
8 as a motion, that we move Section 15-87, subparagraph
9 (a) and (b) to Section XI at an appropriate place and
10 also make a copy of -- copy/paste of subparagraph (d)
11 to Section XI where appropriate but leave the original
12 language for section (d) here.
13 COUNCILMEMBER ALEXANDER: And I believe the
14 codes he's referring to are in the existing ordinance.
15 COUNCILMEMBER FLEMING: Correct.
16 ATTORNEY WEED: That is correct.
17 COUNCILMEMBER ALEXANDER: Okay. Because in
18 4-19, it's Section 15-91.
19 ATTORNEY WEED: In the existing ordinance,
20 it's 15-87 as the Councilman has read.
21 COUNCILMEMBER ROCHE: Right.
22 ATTORNEY WEED: That is correct.
23 I'll make the appropriate codification
24 adjustments.
25 COUNCILMEMBER ROCHE: Right.

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1 COUNCILMEMBER FLEMING: That was in the form
2 of a motion; correct?
3 COUNCILMEMBER ROCHE: Yes.
4 COUNCILMEMBER FLEMING: Second.
5 MAYOR JENKINS: Anymore discussion?
6 - - -
7 (No response)
8 - - -
9 CLERK BLACKMON: Councilmember Alexander?
10 COUNCILMEMBER ALEXANDER: Yes.
11 CLERK BLACKMON: Councilmember Bates?
12 COUNCILMEMBER BATES: Yes.
13 CLERK BLACKMON: Councilmember Fleming?
14 COUNCILMEMBER FLEMING: Yes.
15 CLERK BLACKMON: Councilmember Pachuta?
16 COUNCILMEMBER PACHUTA: Yes.
17 CLERK BLACKMON: Councilmember Pittman?
18 COUNCILMEMBER PITTMAN: Yes.
19 CLERK BLACKMON: Councilmember Roche?
20 COUNCILMEMBER ROCHE: Yes. Thank you.
21 COUNCILMEMBER FLEMING: Now, in regards to
22 the dumpster -- and I know that Ms. Pachuta's, you
23 know, trying to help us out with doing a revised
24 dumpster ordinance to limit its effect on only new
25 construction -- we have an issue with our present

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1 dumpster ordinance per Mr. Haeberlin, that we really
2 aren't able to really enforce it, as I understood, and
3 we were getting bogged down with that one, so it was
4 suggested by Ms. Pachuta to go ahead and do a new-
5 construction ordinance.
6 I still feel that we need to be addressing -
7 COUNCILMEMBER PACHUTA: No. I --
8 COUNCILMEMBER FLEMING: -- the whole thing
9 and instead of just, you know, trying to just do the
10 new construction and then come back and address the
11 existing, I was hoping that we could just take our
12 existing ordinance and make the corrections that we
13 feel need to be corrected and move forward.
14 COUNCILMEMBER PACHUTA: And the reason I did
15 that -- I mean I wasn't on Council back when it was
16 discussed, but I was in the audience and then I also
17 went back and read minutes -- is that the entire
18 discussion at that time dealt with not wanting to
19 apply the new conditions on existing businesses. So I
20 thought this is a way we can separate that out if we
21 were going to move forward with different standards
22 and then --
23 I mean looking back at the minutes, it
24 appeared everyone's concern was if we were going to
25 have higher, better standards for the enclosures,

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1 whether or not we were going to apply those to the
2 existing businesses or have two different sets of
3 standards.
4 COUNCILMEMBER FLEMING: And I agree with
5 what you are trying to do, and I appreciate that. I
6 just feel that we need to take a long hard look at our
7 existing ordinance and add or correct what we
8 presently have. If we're wanting screening or
9 enclosures, make sure that it's -- the fact that --
10 that they're used only when visible.
11 I still don't feel we've had this discussion
12 before where dumpster enclosures or screening should
13 be required if they cannot be seen from the street.
14 I think Ms. Alexander and I were discussing
15 or had made the comment in the last meeting, what
16 about M-1 or M-2 or possibly O-W zoning? Those are
17 warehouse and heavy manufacturing, whether they really
18 needed screening at all. So those are the types of
19 things that I felt that we needed to address totally
20 in this particular ordinance.
21 COUNCILMEMBER BATES: So Ms. Fleming, if I'm
22 understanding, your suggestion would be to modify the
23 existing dumpster ordinance in that it would be
24 applicable to all dumpsters, those in existence today
25 and those in existence to be determined in the days,

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1 months and years to come.
2 COUNCILMEMBER FLEMING: Absolutely. What I
3 did was I did take Ms. Alexander's that she pulled up,
4 also mine, the examples from the various communities
5 as well as the county and incorporated a lot of the
6 language into the review that I did on 4/21 that I
7 e-mailed everyone.
8 This is just, you know, my attempt at trying
9 to incorporate what I see for presently -- our present
10 sites as well as even the GM property. So this is --
11 and also to in fact get the enclosures into our
12 ordinances.
13 COUNCILMEMBER PACHUTA: Mr. Haeberlin, you
14 had a concern, and this is me trying to remember back
15 to I think it was August and some of the concerns with
16 like the planting materials, and I just don't remember
17 what those were.
18 MR. HAEBERLIN: Yeah. The existing
19 ordinance as written, it requires a lot of judgment
20 call for the code enforcement officers. It says that
21 the dumpster could be screened by a bush or a tree,
22 et cetera. As we know that those type -- live
23 greenery just does not survive well adjacent to a
24 dumpster. Not only is there the dumpster juice, which
25 is the junk that falls our of the dumpster when

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1 there's wet product in it, but as well the mechanical
2 apparatus that's used to move those dumpsters around,
3 they just don't work.
4 I mean plants just do not work without any
5 screening wall adjacent to them, and the previous code
6 or the existing code, excuse me, gives a lot of
7 judgment call to the code enforcement officers.
8 Well, they were all implementing it
9 differently because they saw it all differently, and
10 so the hope was to eliminate that independent judgment
11 for them, that they were having to deal with. As you
12 know, it's a building code, so technically the
13 building official is the person who enforces it, but
14 from a planning perspective how things look are
15 important. So that's why I put the item out there for
16 discussion. I just, you know, was receiving such
17 different comments from the code enforcement officers,
18 it was self-apparent that what one thought was
19 screening was not screening for the other. "Viewable
20 from the street" is really judgment call, and they
21 wrote citations differently.
22 And so the only comment about the viewable,
23 well, the interesting thing about Doraville -- and
24 that's probably a good thing -- is because our
25 transportation corridors, the way they're laid out,

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1 everything is viewable from some other place, believe
2 it or not, and if you get back on these sites and you
3 start looking around, well, you see a lot of views
4 that you wouldn't see when you're at the street level
5 because we have double-frontage lots, we have through
6 lots, we have lots of topography. We have things
7 that, you know, benefit. I mean we have buildings
8 built close to the road; we have buildings built far
9 away from the road. So it's all one's viewpoint as to
10 whether something's viewable.
11 Then like I said, this was just an attempt -
12 - As you know, I'm always going to pick the highest
13 quality thing I can think of. And I'm not thinking in
14 a 25-year life span because that's what the developers
15 of, for example, the Southlake Mall did. They thought
16 25 years into the future, and so they used less
17 expensive materials. Now 25 years later, more than 75
18 percent of that mall is vacant.
19 I'm thinking in a time span of 80 to 100
20 years. You know, will these dumpster enclosures
21 survive one or two occupants or more? Will they
22 survive renovations, et cetera?
23 If the dumpster enclosure is built right out
24 of the right masonry product, I think it should
25 survive even the building being gone. In other words,

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if the dumpster enclosure is serviceable, there's no reason to tear it down. And I think we're really building stuff for much more than a 25-year horizon, and so that's why, as you see, my suggestion is fairly high quality building products with durability.

COUNCILMEMBER PACHUTA: I'm not as inclined to have the landscaping around the dumpster. I'm more inclined, again, to actually have an enclosure.

And then my concern a little bit with the wood is that they don't hold up well, but I mean I did see another ordinance -- I cannot remember which city -- the gate could be wood but it needed to be braced by iron or steel. I don't remember exactly what it said. I'd have to look it back up. So that I know you've shown us photos of where they don't hold up very well and they're just, you know, the regular wood bracing and they start, you know, coming apart.

But as far as the screening, like from your comments, those are two of my concerns.

MR. HAEBERLIN: Well, one enclosure that you guys saw that was in good shape -- now I will share this with you -- that dumpster has never been in service because the facility has never opened.

The rest of the ones showed the dumpsters as they actually look after they're used. The wood

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splits, the gates buckle, et cetera.

Of course they get gang-tagged as well, and that happens all over the city and of course that's everywhere. That's another problem we got to deal with. But they just don't generally hold up because what people are doing is they're going to Home Depot and they're buying residential fencing, the $22.00 stockade fence that you can buy, and they're putting it together and then they're asking it to survive the daily usage that it gets. And you know, they open the dumpster all day long to add to the dumpster, and so that constant usage is breaking the gates down.

COUNCILMEMBER ROCHE: But when the gates break down, then Quality of Life notices it and they come by and they write them a ticket.

MR. HAEBERLIN: Well, that's true, but if we the City provide a higher standard, these folks would not be replacing these all the time, and that's -- again I'm looking for a much longer horizon.

I did -- I have had experience. I know there was discussion earlier about the plastic fencing. I will tell you that that does not hold up in commercial application any better than the wood fencing did. I was with a jurisdiction where the mayor was a great advocate for the plastic white

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fencing, which mildews and it also shatters very easily. I know they have some other color selections available today. It's really not much better than what we started out with.

There are some trademark brands of wood now. I think Typar is one of them. It's actually a synthetic plastic wood, and people are now using it for decking. But it is extremely expensive. Really it would be as expensive as building a masonry enclosure in my opinion.

So there are other materials out there certainly, but are people using those? No. Primarily people -- communities that are more suburban are doing zoning, and when they do zoning, they're putting conditions in, and the conditions are primarily brick or stone. And of course we don't benefit from that because we have so much zoning on the books. So we're dealing with the here and now.

COUNCILMEMBER FLEMING: So my comment on in regards to pressure-treated or finished wood was not less than one inch in thickness and not less than six inches in width. Wouldn't that, with that description, eliminate the residential that you can just run over to Home Depot and buy -- by saying the one inch thick and six inch wide?

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MR. HAEBERLIN: Well, it may. I mean with any wood you're dealing with, you have to make the decision, and this is a fundamental decision you make the minute you build it: Am I going to treat that wood with some sort of colorant and sealant? Once I do that, I have to continue that yearly for its entire life because it makes the wood -- actually, the material that's in the wood needs to be sealed in once you've done that; otherwise, untreated wood will just gray. It will turn like the Cape Cod gray that you see, the shingles. It will just naturally weather.

But once you put that sealant on, it becomes extremely difficult not to continue that sealant. In the same fashion as you maintain your deck at your home: once you start sealing it, you need to continue to seal it, and that's been my experience with those structures.

COUNCILMEMBER FLEMING: Well, I appreciate you putting, you know, very high standards on dumpster enclosures, but it's the property owner that's required to do these dumpster enclosures.

MR. HAEBERLIN: That's correct.

COUNCILMEMBER FLEMING: If they don't meet -- like Mr. Roche said, if they've got chipping paint on their wood, they're going to get ticketed by QOL or

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if they have damaged masonry, they're going to be ticketed by QOL --

MR. HAEBERLIN: That's correct.

COUNCILMEMBER FLEMING: -- whether the life span is three years, 25 years, or 90 or 100 years like you mentioned. So I'm not -- I'm not inclined to try to write an ordinance with a life span for 90 to 100 years, because it's the responsibility of the property and not of the City to create it.

MR. HAEBERLIN: Well, I agree with you. It is community choices. But it's an up-front construction cost that that individual bears with new construction.

However, I will tell you, when people come in here to see me to talk about new construction, that's on their top 10 list. What does the dumpster enclosure have to be like? And if I mention to them and say, well, what would you like to do? Well, we typically do masonry, we do concrete block and we face it with either brick or stone.

You know, the development community is not telling me that they're not willing to do that -- at least not what I've experienced thus far, and I'm working with four sites right now for redevelopment.

COUNCILMEMBER ROCHE: Well, if they're

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willing to do it anyway, then why regulate it?

MR. HAEBERLIN: Well, if you don't regulate it and they choose not to do it, then you end up with an all-brick building with a concrete block enclosure next to it.

So I mean in planning, it's -- and this is subjective: to me, it's all about the details. It's like architecture. You can buy one product and it looks one way; you can buy another product that looks another way. And to me, it's an important detail.

I think that Doraville -- like I said, it has so many viewpoints and vantages from different locations, and as we continue to redevelop the city -- Like I said, I've never had a council complain later that there was too much brick or stone. And again, I just consider those to be durable and long-term products. It's an investment in our city.

MAYOR JENKINS: More comments?

I like the brick and stone myself.

MR. HAEBERLIN: And everybody does understand that the brick -- the stone -- excuse me -- the CMU, the concrete block, is always put in first, okay, unless it's a poured-in-place construction. You have to have that before you adhere brick or stone to it. So once you have that CMU, this block enclosure

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or this poured-in-place concrete enclosure, what you apply to the outside is an architectural finish. You could trowel it with stucco and you could paint it -- that's one option -- or you could adhere the brick or the synthetic stone or real stone or whatever. Once you've built that masonry enclosure, the substrate -- the CMU, the block -- then you're really -- you're 75 percent away to being finished. In other words, how you finish it is what your decision's being discussed tonight.

But we the city did build a number -- as you're aware, because the code allowed it, we built a number of wood products, dumpster enclosures. And I've been here what? 20 months? Some of those initial ones that we've already done are already depreciating to the point where they are going to have code action because they're already falling apart. A good example is the one right up here behind Bob's Auto Care adjacent -- it's actually on the Galloways' property. Since it's been installed, it's fell over a couple times because the gates are just not durable.

COUNCILMEMBER ROCHE: Has QOL looked into that, Major?

MAJOR ATKINSON: I'm sorry?

COUNCILMEMBER ROCHE: We have an enclosure

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that's falling down, I guess. Has QOL had a chance to look at that?

I know you don't --

MAJOR ATKINSON: No, I don't --

COUNCILMEMBER ROCHE: -- know every detail.

MAJOR ATKINSON: I don't believe we have because of the issue that we had previously with Mr. Stokes and holding off on enforcing.

COUNCILMEMBER ROCHE: I understand. But if it's a dilapidated structure of any type, whether it's someone's, you know, house or outhouse or --

MAJOR ATKINSON: I can certainly have them go up there. I can have them check on that first thing in the morning.

MAYOR JENKINS: Murray, have you got anything else on that?

ATTORNEY WEED: Mr. Mayor, my opinion is that the current dumpster ordinance is enforceable. I think Mr. Haeberlin and I don't agree on that. I think it can be enforced as it is. I certainly respect Scott's opinion, and I issue the same opinion that I issued before.

But that's what's on the books. It's been on the books since 2005, effective -- for everyone it's effective to April 1 of 2006. My opinion is

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1 either -- we have it on the books, we should enforce
2 it or we should delete it. That's been my advice the
3 entire time and continues to be my advice.
4 Can this ordinance be better? Was the draft
5 that Mr. Haeberlin provided better than this? In my
6 opinion, yes. But that all depends upon the community
7 standard. The Mayor and Council set the community
8 standard. Whatever you want it to look like, that's
9 for you to decide, not for us, and we're going to
10 enforce whatever you want to do. That's our job.
11 MR. HAEBERLIN: And I would add, addressing
12 it by new construction gives us an opportunity to
13 reevaluate. You remember, I wrote a waiver section in
14 the old draft on how the people would apply for a
15 waiver like if they didn't have sufficient space or if
16 it was in the fire lane or what-have-you.
17 Then we go back to how do we grant waivers
18 to sites that just cannot provide an enclosure. And
19 so by separating new versus existing, we now have the
20 opportunity to go back and readdress that separately.
21 MAYOR JENKINS: Chuck, do you want to say
22 something?
23 MAJOR ATKINSON: I was just going to say
24 that I agree with Mr. Weed. Whatever is passed or
25 whatever that Council's wishes are, I mean we'll

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1 enforce that ordinance. If it's the one that's on the
2 books now, we'll enforce that. If it's something that
3 is changed, we'll enforce that. Whatever direction we
4 go in.
5 If you want us to start enforcing the
6 dumpster ordinance that's on the books now, we will go
7 forward with that.
8 MAYOR JENKINS: Murray, you want to move on
9 or what do you want to do?
10 COUNCILMEMBER ALEXANDER: I believe Murray
11 is of the opinion it's up to us.
12 ATTORNEY WEED: Yes, ma'am.
13 If I can make a suggestion, we can do a
14 number of things.
15 You can continue to work on the draft that
16 Mr. Haeberlin and I provided.
17 We can do as Councilman Fleming suggested
18 and look at the language that's in the book, that
19 she's made modifications to, and work on that.
20 You can delete the entire ordinance or you
21 can ask us to write another ordinance from scratch,
22 that might be a different direction.
23 So those are at least four options I can
24 think of immediately, if that's helpful.
25 COUNCILMEMBER PACHUTA: Yeah. I mean I

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1 think, you know, as we're moving towards architectural
2 standards, we do need to have a little more detail
3 than what we have right now. I think it's a little
4 too vague, and we do get some things that are not
5 attractive.
6 But I think there does need to either be a
7 separation between new construction and existing even
8 if it's just a waiver or that people could apply for a
9 waiver, because I think we just have some unusual lots
10 in the city, existing lots in the city, that once we
11 do apply some new standards for the screening of the
12 walls, that some of these older sites are just not
13 going to physically be able to put them in.
14 COUNCILMEMBER ROCHE: Well, you mention
15 architectural standards, and I think that it would be
16 a good idea to basically address this when we address
17 the overall architectural standards instead of like
18 building the blocks and then trying to build a house
19 out of it. We don't know what the house is going to
20 look like. We don't know what the overall
21 architectural standards will look like. We may decide
22 we want to be all wooden in Doraville for some reason
23 or maybe we're going to be all brick like Dunwoody,
24 you know. But the point is at that point I think it
25 makes more sense to -- Once we have a vision of what

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1 the city's supposed to -- what we want the city to
2 look like and how we're going to get there, then
3 obviously a part of that would be what we do with
4 dumpster enclosures. I don't think that dumpster
5 enclosures should drive our vision of our
6 architectural standards.
7 COUNCILMEMBER ALEXANDER: I understand that
8 point of view; however, Mr. Weed is of the opinion if
9 we're not going to enforce it, it doesn't need to be
10 on the books, and I'm not comfortable with deleting an
11 ordinance such as this, deleting a regulatory
12 ordinance such as this.
13 And I believe we're going to also have some
14 new establishments come in before we get our
15 architectural standards done.
16 I know he's extremely frustrated. I mean
17 we've had this since, I believe, last year, and I --
18 just like the alcohol ordinance, we need to try to get
19 on the same page, get it done with and get it off our
20 plate.
21 I'm open for suggestions of how best to
22 accomplish that but I'm not in favor of deleting the
23 existing ordinance and waiting until we get
24 architectural standards done.
25 MAYOR JENKINS: In other words, you're

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1 saying that you want to go with the ordinance that we
2 have on the books until we do architectural standards;
3 is that correct?
4 COUNCILMEMBER ALEXANDER: No, sir.
5 COUNCILMEMBER PACHUTA: I don't know if it's
6 better to take the one we have currently and just
7 strengthen the screening requirements and provide for
8 a waiver. I don't know if the resistance is to we
9 have this whole new one that was written. I don't
10 know what the --
11 COUNCILMEMBER FLEMING: I am still of the
12 opinion --
13 I'm sorry, Mr. Bates. Were you going to say
14 something?
15 COUNCILMEMBER BATES: I was just going to
16 say that the reason why this stopped was concern over
17 the cost of the existing business owners having to
18 comply with the concrete pad and the screening and
19 block masonry and all that stuff when their dumpster
20 -- a location may not need it, may not warrant it; it
21 was too expensive, et cetera, et cetera. And that's
22 where we're at now, a split between existing and new,
23 so that's where we're at.
24 COUNCILMEMBER PITTMAN: So Karen, you're
25 wanting to -- you think it needs to be separate, the

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1 new and the --
2 COUNCILMEMBER PACHUTA: I think it --
3 COUNCILMEMBER PITTMAN: -- the new --
4 COUNCILMEMBER PACHUTA: I mean that is --
5 Coming, you know, listening in August, that was our
6 main concern is passing that cost on to existing
7 businesses versus someone being able to build that
8 into their cost right now. And I think we have what?
9 Four potential new sites coming in soon?
10 MR. HAEBERLIN: That's correct.
11 COUNCILMEMBER PACHUTA: So, you know, they
12 factor that in versus someone who's already
13 established.
14 COUNCILMEMBER PITTMAN: And I tend to --
15 COUNCILMEMBER PACHUTA: So that's why
16 I was trying to separate that out, whether it's two
17 separate require -- you know, having new requirements
18 for new construction or having new requirements and
19 some kind of waiver process. I don't know.
20 I tend to favor having new requirements for
21 new construction.
22 COUNCILMEMBER PITTMAN: And I agree with
23 that. I certainly don't want to delete anything but I
24 think that we do need to have requirements for new
25 construction and then the others be separate. That's

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1 just my opinion.
2 COUNCILMEMBER FLEMING: I'm still of the
3 opinion even with current locations, if the dumpster
4 is not placed in the rear yard -- if it is in the rear
5 yard and cannot be seen 300 feet by an average person
6 and cannot be seen from a public street or they don't
7 abut a residential area, that they should not need to
8 be screened whether it's old construction or new
9 construction.
10 I do feel that old construction as well as
11 new construction does need to be screened if they are
12 visible by a public street or a residential area
13 whether that's old construction or new.
14 COUNCILMEMBER ROCHE: It's 9 o'clock.
15 MAYOR JENKINS: Are we going to continue
16 this or are we going to vote on it or what are we
17 going to do?
18 We're at our limit of time. We're either
19 going to extend the meeting or go ahead into the
20 Citizens Comments and close the meeting. What are we
21 going to do?
22 COUNCILMEMBER BATES: I'm not able to extend
23 this evening. I've got a previous commitment.
24 Unfortunately, I've got a work conference call in 27
25 minutes that I need to be on, so --

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1 MAYOR JENKINS: Very good.
2 COUNCILMEMBER BATES: -- if y'all want to
3 stay and hash it out, you can stay and hash it out
4 without me.
5 We have such unique topography in the city
6 and unique conditions, that this is not an easy
7 resolution because there's not an answer that will fit
8 for everybody. And at some point -- I can't remember
9 who told it to me -- but one of our many consultants
10 has told me that if you want to make an omelet, you
11 have to break some eggs, and that means that somebody
12 is going to be frustrated or mad or upset whatever
13 gets passed or doesn't get passed. And I'm just as
14 guilty as everybody. We've been sitting on this thing
15 since -- you know, we're going to be approaching eight
16 months, and we need to fish or cut bait. Well,
17 actually I don't know what the answer is.
18 COUNCILMEMBER ROCHE: I guess the problem
19 also is the way the economy is right now, there aren't
20 a whole lot of eggs. The more we break, you know, the
21 more --
22 COUNCILMEMBER BATES: We seem to -- for some
23 reason, when we've got a work session where we're
24 sitting down there around the table, some of us with
25 our backs to the audience unfortunately, we seem to

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1 get stuff done.
2 When we sit up here and hash through stuff
3 whether it's because we've got many other things on
4 the agenda and we're -- you know, maybe we're all ADD
5 and we can't focus on one thing. I don't know. I'm
6 just frustrated that when we sit up here in this
7 little row, we can't seem to decide on anything but
8 when we sit down there around the table -- the last
9 two times we've done that, we have gotten stuff done.
10 Maybe it's time for us to, you know, move back to
11 having --
12 MAYOR JENKINS: Work sessions.
13 COUNCILMEMBER BATES: -- a work session. I
14 know Ms. Fleming suggested that, and I've been opposed
15 to it, and Ms. Pittman has suggested that.
16 What I don't want us to get into a habit of
17 doing is like the alcohol ordinance, like the sign
18 ordinance, like the dumpster ordinances, you know, all
19 of a sudden having a special work session for each of
20 these. That may very well be necessary because
21 they're standalone, they're difficult, and we need to
22 focus and devote time to getting these knocked out
23 without worrying about whether or not we're going to
24 get to the next agenda item.
25 So I'm going to suggest, Rhonda, when you

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1 calendar-call the Council on signage, on budget, on
2 alcohol, that you calendar-call us on dumpsters.
3 Let's put this in the queue and let's get it done.
4 You know, if we need to sit here for another
5 three hours or two hours on a Thursday night in three
6 weeks to work on the dumpster ordinance and work on
7 the dumpster ordinance only, then let's sit here for
8 two hours and work on the dumpster ordinance and get
9 it done so we don't ever see it again on another
10 agenda.
11 I'm frustrated. I'm frustrated at me. I'm
12 frustrated at us. We're not being productive or
13 efficient, and, you know, maybe it's just time that we
14 sit down there like we're supposed to do and get the
15 people's work done.
16 COUNCILMEMBER ROCHE: Well, I think one of
17 the reasons we did make so much progress was that we
18 did allow participation from the people in the
19 audience and they joined in the conversation, and I
20 believe that was very helpful.
21 I think this idea of no one makes any
22 comments has got to -- we just need to stop even
23 saying that on our agenda. We just need to start --
24 If we're going to have a work session that's going to
25 be less formal, then I think that the whole point of

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1 that is to allow citizens and business people and
2 other interested people to be able to participate in
3 the conversation, and I believe that that had a whole
4 lot to do with why we made the progress.
5 COUNCILMEMBER ALEXANDER: Well, it's more --
6 it's my opinion, and I think Ms. Fleming will agree,
7 that she and I had discussed that format before. It
8 was an actual work session. When we had work sessions
9 before, it ended up just being a dress rehearsal for
10 the meeting.
11 COUNCILMEMBER PITTMAN: That's exactly
12 right.
13 COUNCILMEMBER ALEXANDER: And it was not a
14 true work session of us getting in there and getting
15 in the nitty-gritty of the items. And that's what
16 we've done the last two times we sat at that table,
17 and that's what the idea of a work session that she
18 and I had is us sitting around a table, you know,
19 handing papers, whatever we needed to do, and hashing
20 out that, and then when you come up here, you make
21 your decision.
22 MAYOR JENKINS: Why did we get away from
23 work sessions?
24 COUNCILMEMBER BATES: Well, the work
25 sessions that we had when we were sitting up here

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1 didn't work.
2 COUNCILMEMBER PITTMAN: Didn't work. They
3 weren't work sessions.
4 COUNCILMEMBER BATES: As Ms. Alexander said,
5 it was a dress rehearsal for the Council meeting.
6 COUNCILMEMBER PITTMAN: But if you do them
7 in a proper format and the way we have been doing
8 them, you get a lot accomplished.
9 COUNCILMEMBER BATES: I absolutely loved us
10 sitting down there and getting -- You know, the two
11 items that we have worked on, I thought we made some
12 pretty substantial and significant progress.
13 MAYOR JENKINS: Whatever works, let's do it.
14 That's what I'm saying.
15 COUNCILMEMBER BATES: I will put it to the
16 Council to do a calendar call for this one too.
17 MAYOR JENKINS: Okay. But we need -- at
18 this time, we need to go into Citizens Comments and
19 cancel the meeting unless somebody wants to vote to
20 continue the meeting.
21 - - -
22 (No response)
23 - - -
24 MAYOR JENKINS: Okay. We're going to cut
25 the meeting off as it is and have public comments for

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three minutes and then we'll close the meeting.
Chuck wants to give a public announcement. Chuck? And Donna has a public announcement to make.
MAJOR ATKINSON: Just real quick, Mayor and Council and citizens, I just want to let everybody know that Thursday, May the 6th, is Fallen Officer Memorial Day for Dekalb County where all the fallen officers who were lost in the line of duty will be announced in the courthouse square in downtown Decatur.
Also, next week is National Police Week in Washington, D.C., and we have several who are going to participate in this year's events honoring all fallen officers, in honor of Detective Arango's 10-year anniversary, May 13th, 2000, that we lost him.
MAYOR JENKINS: Thank you, Chuck.
COUNCILMEMBER PITTMAN: Thank you.
MAYOR JENKINS: Donna?
COUNCILMEMBER PITTMAN: Yes, sir. Thank you.
Movies Under the Stars is going to be May 15th, Saturday. The gates open at 7 o'clock, the movie starts at sunset, and it's a lot of fun. People bring their picnics and they come early. We have games and a variety of things that are fun,

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beforehand, and I just hope everybody can come out. If you haven't been to one, they are a lot of fun. So hopefully, you can come.
And Mayor, if you don't mind, I'm sure Mr. Bates might want to mention his event, the soccer?
MAYOR JENKINS: Yes.
COUNCILMEMBER BATES: Yes, sir, Mayor and Council, residents. On May 22nd, Atlanta Silverbacks are hosting the City of Doraville night. They have reduced the ticket prices from $10.00 to $3.00. They will be available soon -- i.e., tomorrow when I get them to Rhonda -- because I've got them and I forgot. They will be available for $3.00 at City Hall. They will also be available through Parks & Rec.
The business community has come together like gangbuster and the business community has purchased over 600 tickets to give to our local schools. So we have distributed those to Cary Reynolds and Sequoyah. They'll be going to Oakcliff, Hightower and Cross Keys in the next couple of days. They are being given to their students who have accomplished academic excellence, reading success, whatever the schools deem appropriate to give to their students.
So I thank the business community for coming

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together, and we will be recognizing them down the road.
COUNCILMEMBER PITTMAN: And by the way, I failed to mention that the movie's a great classic. It's going to be the Wizard of Oz, and that's on the giant screen. So we got a lot of requests from the public to show a classic, so we decided to do that one this time. So please help spread the word.
COUNCILMEMBER ROCHE: Speaking of giant screens, do we have cable now?
MAYOR JENKINS: We had some problems with the computers today and we didn't get the instructions on it. So soon as we get those, it'll be ready. It's ready now.
CLERK BLACKMON: It should be --
COUNCILMEMBER ROCHE: So we can --
CLERK BLACKMON: -- ready to use tomorrow night.
MAYOR JENKINS: You'll be able to use it for your presentations or whatever.
COUNCILMEMBER ROCHE: Good.
COUNCILMEMBER BATES: Thank you, Mayor, for doing that. It's a great first step.
COUNCILMEMBER PITTMAN: Absolutely. It's wonderful.

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MAYOR JENKINS: Citizens comments, three minutes, please.
Come on up, Stuart.
MR. ANDERSON: I'm trying, I'm trying. I didn't want to knock the lady out of the way.
MAYOR JENKINS: Don't want to be here all night.
MR. ANDERSON: Stuart Anderson. Depending on the format of our next work session on the dumpster ordinance, if the comment -- if the public can comment, I'll say something; if it doesn't, I just want to say a couple things.
There was a discussion about the waiver. And it concerned me in the last session about this, that there was like a 90-day possibility for the waiver. If we had a 90-day situation with the waiver, then existing businesses need desperately to know about that 90 days; otherwise, they're in noncompliance and then they've got a big expense, you know, especially when the situation where they don't have a place for a dumpster and that sort of thing. So if there's a waiver for existing businesses, et cetera, the existing businesses that have dumpsters should be made aware by mail, by however, that that conformity needs to be dealt with, that waiver in the

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1 90 days or whatever or the 90 days need to be taken
2 away, et cetera.
3 You got me looking at dumpsters. I noticed
4 an existing situation this last week down Buford
5 Highway a ways off one of the side streets where the
6 business had an existing fence and the fence had those
7 slats, the diagonal slats and all that, and the
8 dumpster was behind that and you didn't see it. And
9 so that's another possibility. I stood up a while ago
10 and said about an engineering thing that I might talk
11 to Scott about that might serve our purposes. But in
12 existing situations where the dumpster has no
13 enclosure but is behind an existing fence and you
14 can't see the thing, perhaps that's been addressed in
15 Ms. Fleming's changes but I just wanted to mention
16 that as well.
17 And the other thing, and I'll get out pretty
18 quick here, is your having work sessions about these
19 different things. I would possibly suggest that the
20 C-1/C-2 consideration be put on some sort of work
21 session calendar as well.
22 Thank you.
23 MAYOR JENKINS: Okay. Next?
24 MR. SHANAHAN: David Shanahan, New Peachtree
25 Road.

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1 In regards to the dumpsters, I strongly
2 encourage you to consider green screening as an
3 option. We talked to tonight about getting certified
4 to be a green city, LEED ordinances and all these
5 things, we talked in previous meetings about requiring
6 people to have landscape islands, encouraging people
7 to get trees. If we could screen something with
8 something living as opposed to mandating more masonry,
9 it seems very 21st century to go that way.
10 Please drive by and see the giant ligustrum
11 that screens our dumpsters. It's bigger than the
12 dumpster. It does not suffer at all from being next
13 to a dumpster. It's thriving.
14 Thanks.
15 COUNCILMEMBER ROCHE: I have a quick
16 questions.
17 MAYOR JENKINS: Thank you.
18 COUNCILMEMBER ROCHE: Have those plants ever
19 been tagged?
20 MR. SHANAHAN: No, never.
21 COUNCILMEMBER ROCHE: No tagging.
22 MR. SHANAHAN: Well, I painted over it and
23 you couldn't find it.
24 MAYOR JENKINS: Next?
25 MR. HART: Thanks for putting the big screen

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1 up here. I remember we've been talking about
2 dumpsters since I was on the City Council, and we had
3 to steal something from the police department and hook
4 it by computer so we could do a presentation, so
5 that's going to be a big thing for the city.
6
7 This dumpster argument or this discussion is
8 sort of like this MARTA grant for New Peachtree Road.
9 The City seems to be building projects now, it's like
10 doing the interior decorating on a house before you
11 build the house. I mean we're having problems with
12 this dumpster thing because you haven't put together
13 what exactly you're trying to do in the downtown area
14 or what you're trying to do anywhere in the city. So
15 what we're doing is we're redecorating the trash cans
16 first and then we're going to go talk about the house.
17 The dumpster law in Dekalb County and
18 surrounding area, I don't -- I don't know if anybody's
19 revisited that, but they just didn't seem to have
20 Dekalb County dumpsters sitting there. Maybe because
21 Dekalb County handles their dumpster service, they
22 don't have the dumpster-surround laws.
23 But maybe we need just better looking
24 dumpsters, you know. We're just spinning our wheels
25 here decorating things and designing streets and roads

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1 and this thing up Central Avenue with curb cuts with
2 no future development in mind when we're spending all
3 this money.
4 We're doing things backwards in terms of
5 development. Get the development together, then you
6 do your streetscapes to complement the development.
7 We're spending -- fixing to spend a couple million
8 dollars in this city developing an architectural
9 standard that may not match whatever we're going to
10 build here.
11 And the same thing with these dumpsters.
12 Put together something that you can live with in the
13 short term, develop the architectural standards and
14 what you're trying to do with the town, and then you
15 can move forward with a dumpster ordinance and stop
16 wasting your time with it.
17 Thank you.
18 MR. CHAMBERS: Good evening. Richard
19 Chambers from New Peachtree Road.
20 The discussion about having your work
21 sessions down here, I never saw your work sessions
22 when you-all were up there. And if coming down here
23 works, I think that's what you need to try.
24 By the same token, I would like for you-all
25 to at some point in time maybe just close your eyes or

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imagine yourself out here in the audience and some of us sitting up there and making rules that affect you, your business, your livelihood.

When some of these developers are coming in and talking about their dumpsters, they're able to amortize that structure over a 15-year period. It's a few cents a day. You take a small company out here and they have to build a ten to twenty thousand structure, you can't go get a loan, a short-term loan from the bank. And 15/20 thousand dollars, especially this time, in this situation, is just not reasonable.

The dumpster companies have painted their dumpsters green and brown so that they kind of blend in. They're not mosaic so that they're ugly, and I think that we can live with kind of working at it a little bit slower.

When we start talking about city architectural standards, I'm sure everybody can think of a few places, but I think of Hilton Head, Peachtree City, John's Creek, and those were developed from the ground up. Doraville is a city of over a hundred years, and there's so many different parts and pieces here, the only way to have one architectural design standard is to come in with bull dozers on every single building and start over.

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So I think we need to look at each one kind of on a personal basis and work with the people out here who have to spend the money to do this. We don't want an ugly city. We don't want anything to detract from our businesses either.

And again, come sit out here and let some of us come up with some of the rules that would affect you. You might look at it a little bit differently.

MAYOR JENKINS: Next?

Nobody else?

- - -

(No response)

- - -

COUNCILMEMBER ALEXANDER: 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.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

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COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: Thank everybody for coming.

- - -

(Meeting adjourned at 9:25 p.m.)

-o0o-

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C E R T I F I C A T E

STATE OF GEORGIA]

COUNTY OF DEKALB]

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

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

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

This the 11th day of May, 2010.

_____

Theresa Bretch, CCR

Permit No. B-755

[SEAL]

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$1,385,588 (1)
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$1.43 (1)
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$10.00 (1)
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$100,000 (2)
14:4,10
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