In The Matter Of:

City of Doraville

Public Hearings

June 30, 2010

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CITY COUNCIL MEETING
CITY OF DORAVILLE
STATE OF GEORGIA

PUBLIC HEARINGS

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Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Ray Jenkins presiding, before Theresa Bretch, Certified Court Reporter, commencing at approximately 6:30 p.m., June 30, 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. Appreciate everybody coming out tonight. Hope we can get this on through before too late.

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: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Here.

MAYOR JENKINS: We have no minutes to approve, and we're going to get right into item number four under Mayor's Comments, which is Woodall Roofing Company.

Chris Nichols, would you come up to the microphone, please.

I believe you were here at our other meeting.

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MR. NICHOLS: Yes, Mr. Mayor, I was.

MAYOR JENKINS: State what you need, sir.

MR. NICHOLS: At the past meeting, I applied for a special noise permit for a construction project we have going on at Sequoyah Middle School.

That got approved, and during the meeting it was stated that it was on a trial basis. I've checked into it, and so far, we've had zero complaints.

But if you remember, at the past meeting, I applied for an earlier time than what was approved. So I would like to reapply for that earlier time based off of our current track record of no complaints from any neighbors. That's pretty much it.

MAYOR JENKINS: How much longer will you be there, sir?

MR. NICHOLS: That's the thing is we'll be there probably until the end of August. It's quite a long project.

And the other concern we had even if we aren't able to get the earlier time now, at least by the beginning of August we would have to have this due to school being in, and we would need to have -- this project runs into the school year. We would have to have -- need to have the existing roof torn off by the time the students get to school just to keep the dust

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1 out of the air. It really irritates your skin and
2 eyes and things of that nature.
3 COUNCILMEMBER PITTMAN: So what time are you
4 asking?
5 MR. NICHOLS: 4 o'clock.
6 COUNCILMEMBER PITTMAN: In the morning?
7 MR. NICHOLS: Yes, ma'am.
8 MAYOR JENKINS: It's still dark at 4:00?
9 MR. NICHOLS: It is. We have lights on the
10 roof, but the roof is different levels. So most of it
11 will be blocked out from the neighbors, and we
12 position the lights to shine directly down on the area
13 where we're working.
14 COUNCILMEMBER BATES: I'm sorry. You're
15 requesting 4:00 a.m.?
16 MR. NICHOLS: Yes, sir.
17 COUNCILMEMBER ALEXANDER: That's his first
18 application, evidently.
19 MR. NICHOLS: Well --
20 COUNCILMEMBER BATES: No. It says --
21 MR. NICHOLS: -- last time, it was 5:00 a.m.
22 6:00 a.m. got approved.
23 COUNCILMEMBER BATES: Okay, because the
24 noise permit that was filled out says 6:00 a.m.
25 MR. NICHOLS: That's what got approved last

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1 time.
2 COUNCILMEMBER PITTMAN: It says June 23rd,
3 so you renewed it for 6:00 a.m.?
4 CLERK BLACKMON: Renewed at 6:00 a.m. --
5 COUNCILMEMBER PITTMAN: Automatically?
6 CLERK BLACKMON: -- so that 15 --
7 MR. NICHOLS: Right.
8 CLERK BLACKMON: -- days is all he gets.
9 CLERK BLACKMON: He's asking on the renewal
10 and moving forward for a different time.
11 COUNCILMEMBER BATES: Okay. So you're
12 asking for 4:00 a.m. effective when?
13 MR. NICHOLS: Effective as soon as possible,
14 immediately. I mean I don't know if it could be
15 effective tomorrow or be effective as of the next 15
16 days.
17 COUNCILMEMBER BATES: Yeah. I'm a little
18 leery about doing 4:00 a.m. I can tell you that I've
19 gone out to the neighbors that are most likely to be
20 affected, and they're reported no issues, and thank
21 you.
22 COUNCILMEMBER ROCHE: I haven't heard any
23 complaints.
24 COUNCILMEMBER BATES: I'm sorry, Mr. Roche?
25 COUNCILMEMBER ROCHE: I just said I haven't

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1 heard any complaints in my district either, so, but
2 4:00 a.m. is a bit much.
3 COUNCILMEMBER BATES: Yeah. I'd be more
4 inclined to go 5:00 and let the neighbors know and,
5 you know, incrementally work ourselves up if we can.
6 MR. NICHOLS: Okay.
7 COUNCILMEMBER BATES: So I'll make a motion
8 to approve 5:00 a.m. effective -- that's going to be
9 Monday, whatever that Monday is.
10 MAYOR JENKINS: Pending no complaints; is
11 that correct?
12 COUNCILMEMBER BATES: I don't have any
13 complaints, sir, but I'll be --
14 MAYOR JENKINS: I mean if he gets any
15 complaints at 5:00 --
16 COUNCILMEMBER BATES: Then we'll go back to
17 6:00.
18 COUNCILMEMBER ROCHE: And I'll second that.
19 MAYOR JENKINS: Okay. Any more discussion?
20 COUNCILMEMBER FLEMING: Yes, sir. I'd like
21 to know whether there's anyone in the audience that
22 had pros or cons on any of this.
23 Anybody in the audience for or against?
24 - - -
25 (No response)

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1 - - -
2 COUNCILMEMBER FLEMING: Thank you.
3 COUNCILMEMBER PITTMAN: Again, I'm
4 empathetic, and I voted against it the last time.
5 MR. NICHOLS: I understand.
6 COUNCILMEMBER PITTMAN: I just can't support
7 it due to the fact we had the very same issue in my
8 neighborhood and it was a nightmare,
9 And I'm very glad -- we appreciate, you
10 know, that there's no complaints as of yet, but --
11 COUNCILMEMBER FLEMING: I'm also concerned
12 about the noise as well with generators. And you will
13 be needing the lights, so generators will be going on.
14 And I voted no previously, so that would be my stand
15 as well.
16 MR. NICHOLS: Okay.
17 COUNCILMEMBER ROCHE: Well, again, as soon
18 as we hear -- if we hear complaints, obviously things
19 can change real quick.
20 MR. NICHOLS: Right. Completely understood.
21 MAYOR JENKINS: Any more discussion?
22 - - -
23 (No response)
24 - - -
25 MAYOR JENKINS: Call the roll, please.

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1 CLERK BLACKMON: Councilmember Alexander?
2 COUNCILMEMBER ALEXANDER: Yes.
3 CLERK BLACKMON: Councilmember Bates?
4 COUNCILMEMBER BATES: Yes.
5 CLERK BLACKMON: Councilmember Fleming?
6 COUNCILMEMBER FLEMING: No.
7 CLERK BLACKMON: Councilmember Pachuta?
8 COUNCILMEMBER PACHUTA: Yes.
9 CLERK BLACKMON: Councilmember Pittman?
10 COUNCILMEMBER PITTMAN: No.
11 CLERK BLACKMON: Councilmember Roche?
12 COUNCILMEMBER ROCHE: Yes.
13 MAYOR JENKINS: Okay. Motion carried.
14 MR. NICHOLS: Thank you for your time.
15 MAYOR JENKINS: You be quiet.
16 MR. NICHOLS: Yes, sir.
17 COUNCILMEMBER FLEMING: So Mr. Bates,
18 Mr. Roche, this is 5:00 a.m. from now for 15 days; is
19 that correct?
20 COUNCILMEMBER BATES: Yes, ma'am.
21 COUNCILMEMBER ROCHE: Until they start
22 waking people up.
23 CLERK BLACKMON: May I ask a question
24 concerning this permit? Since this is going on until
25 August, are y'all wanting to see him every 15 days or

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1 can we --
2 COUNCILMEMBER BATES: No, no.
3 CLERK BLACKMON: He pays a hundred dollars
4 every 15 days. Do you want him to come before Council
5 every two weeks?
6 COUNCILMEMBER BATES: That would be my
7 preference. I mean it's a special noise permit, and I
8 want to make sure that we've got controls in place
9 should things go haywire.
10 CLERK BLACKMON: Okay. Thank you.
11 MAYOR JENKINS: Okay. John King, come on up
12 to the microphone, please.
13 CHIEF KING: Good evening, Mayor and members
14 of the City Council.
15 Sir, as required by the Department of
16 Justice, I must submit every year a report of our
17 asset forfeiture accounts and also our projected
18 budget for the incoming fiscal year, and this is for
19 the current fiscal year and this is our projected
20 budget for the incoming fiscal year for asset
21 forfeiture (presenting).
22 The requirement from the Department of
23 Justice is that I report these two reports and those
24 be accepted by the City Council and given to both the
25 Clerk and the Finance Director. And I'll respectfully

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1 ask that a motion be made to accept the report and
2 make it part of the record so I can fulfill my
3 requirements with the Department of Justice.
4 COUNCILMEMBER BATES: Make a motion
5 acknowledging receipt of the 2009-10 asset forfeiture
6 report and the 2010-11 proposed budget.
7 COUNCILMEMBER PITTMAN: Second.
8 MAYOR JENKINS: Any more discussion?
9 COUNCILMEMBER ROCHE: I just wanted to note
10 for the record, under Expenditures, all it says is
11 general law enforcement expenses. There's no break-
12 down or anything --
13 CHIEF KING: That's correct.
14 COUNCILMEMBER ROCHE: -- so we don't know --
15 CHIEF KING: Sir, you get a monthly report
16 of where we spend the money on a projected usage
17 report, and we will continue reporting as our
18 financial policies dictate by the City of Doraville.
19 MAYOR JENKINS: Any more discussion?
20 - - -
21 (No response)
22 - - -
23 MAYOR JENKINS: Call the roll, please.
24 CLERK BLACKMON: Councilmember Alexander?
25 COUNCILMEMBER ALEXANDER: Yes.

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1 CLERK BLACKMON: Councilmember Bates?
2 COUNCILMEMBER BATES: Yes.
3 CLERK BLACKMON: Councilmember Fleming?
4 COUNCILMEMBER FLEMING: Yes.
5 CLERK BLACKMON: Councilmember Pachuta?
6 COUNCILMEMBER PACHUTA: Yes.
7 CLERK BLACKMON: Councilmember Pittman?
8 COUNCILMEMBER PITTMAN: Yes.
9 CLERK BLACKMON: Councilmember Roche?
10 COUNCILMEMBER ROCHE: Yes.
11 CHIEF KING: Thank you very much.
12 MAYOR JENKINS: Thank you, John.
13 I'd like to have a motion to add Community
14 Choices to the agenda under Mayor's Comments, and that
15 would be headed by Luke. I need a motion to amend the
16 agenda to add Community Choices.
17 COUNCILMEMBER PACHUTA: So moved.
18 MAYOR JENKINS: Second?
19 COUNCILMEMBER PITTMAN: Second.
20 MAYOR JENKINS: Any more discussion?
21 - - -
22 (No response)
23 - - -
24 MAYOR JENKINS: Call the roll, please.
25 CLERK BLACKMON: Councilmember Alexander?

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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.
MAYOR JENKINS: Motion carried. Come on up, Luke.
MR. HOWE: Thank you-all. As you know, we received implementation assistance to create a design overlay for Buford Highway. As part of that requirement, we have to establish a committee of stakeholders who will set the vision for the future of that corridor.
ARC is not very particular about who sits on a committee. They recommend a body of 15 people. I asked the business association to submit nine names. They did so. I'm inclined to recommend those individuals to the Council. The other six members, I would suggest, should be residents.

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Council Members can serve, Planning Commissioners, any employee or elected official is allowed to serve. So I gave you-all a few options in my report, so I'll take any questions at this time.
COUNCILMEMBER ALEXANDER: So were Council members supposed to nominate two each or one each?
COUNCILMEMBER PACHUTA: From each area.
MR. HOWE: You can. Two from each district. If you want to do -- if you want the remaining six to be all citizens, then there would be two people from each district or one person for every Councilman.
COUNCILMEMBER ALEXANDER: Okay.
COUNCILMEMBER FLEMING: I unfortunately wasn't aware that we were going to put this on, and I have that in another file at my office. Do you have another copy of who you've recommended?
MR. HOWE: Sure. I can read them out or -- this is my only copy.
COUNCILMEMBER BATES: Go ahead and read them. If you would, go ahead and read them.
MR. HOWE: Mr. Sung Ok Chung, the owner of Clover Plaza. Mr. Chung does not speak English, so he would be represented by Kevin Ahn. Mr. Jimmy Cushman from Halpern Enterprises, Mr. Ahn Dang from Intown Plaza; Mr. Brian Jones, the operator of Chick Fil-A;

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Mr. Ryan Kim --
COUNCILMEMBER ALEXANDER: I'm sorry. I couldn't hear. Brian Jones, Chick Fil-A was the last one.
MR. HOWE: Mr. Ryan Kim of Young's Trading, Mr. John Kim of Pioneer Apparel, Mr. Harold Shinn of the Buford Highway Farmers Market, Mr. Deane Stokes, property owner; and Ms. Wang, the owner of Plaza One.
COUNCILMEMBER FLEMING: Thank you.
MAYOR JENKINS: Murray, do you know of any reason any of these should not be on that committee?
ATTORNEY WEED: Would you repeat the list, please.
COUNCILMEMBER ALEXANDER: She's got a copy.
MAYOR JENKINS: She's making copies of it.
ATTORNEY WEED: I will report to the Council that Mr. Harold Shinn might be a witness in a matter of ongoing litigation with the City of Doraville. With the exception of Mr. Shinn, I would interpose no legal objection, and I'm not actually interposing a legal objection to Mr. Shinn. I'm simply informing the Council that in the market personnel case, Mr. Shinn is a material witness in that case, and you may use whatever judgment you need to apply to that fact. That's my only contribution to the list,

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Mr. Mayor.
MR. HOWE: And I don't agree or disagree with Murray. It should be noted that Mr. Shinn is the largest retailer in the city by at least three-fold, so that was the logic for putting him on here.
COUNCILMEMBER FLEMING: It's an excellent choice. It's an excellent choice.
MR. HOWE: And just for the record, I didn't make those choices. The business community did.
COUNCILMEMBER FLEMING: It's an excellent recommendation, and let me use the word "recommendation."
As far as I'm concerned, I think Mr. Shinn has exhibited himself to the neighborhoods as well as to all other businesses in the city that he is an active participant in the city in meetings as well as the things that we do. And the Community Choice is the Buford Highway overlay. It's not as if he's going to be making binding decisions of some sort. And so I have no objections to Mr. Shinn being on the list at all.
MAYOR JENKINS: Thank you, Murray.
COUNCILMEMBER ROCHE: I have no objections to Mr. Shinn.
COUNCILMEMBER PITTMAN: I agree. He's an

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1 excellent choice.
2 MAYOR JENKINS: Okay. Do you want a motion?
3 COUNCILMEMBER PACHUTA: So you just need us
4 to approve the list?
5 MR. HOWE: I need approval. I need approval
6 of the list and I need nominations for the other six
7 members so we can start this next week.
8 COUNCILMEMBER PITTMAN: I didn't realize we
9 were going to do that tonight either, and I've got one
10 person pending. I'm sorry.
11 MR. HOWE: Ma'am?
12 COUNCILMEMBER PITTMAN: I've got one person
13 pending that I have not been able to get a
14 confirmation from for the --
15 MR. HOWE: Okay.
16 COUNCILMEMBER ALEXANDER: I have a question
17 of one of the applicants if it's all right.
18 MR. HOWE: Sure.
19 COUNCILMEMBER ALEXANDER: Mr. Cushman, I
20 think several of us had mentioned about Halpern having
21 representation on both the LCI and the Buford Highway
22 Overlay. Are you going to assign someone else to the
23 LCI membership committee if --
24 MR. CUSHMAN: Yes, we certainly can --
25 COUNCILMEMBER ALEXANDER: -- if you're --

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1 MR. CUSHMAN: -- if that's the wishes.
2 COUNCILMEMBER ALEXANDER: -- if you guys are
3 chosen?
4 MR. CUSHMAN: Yes, please. Thank you.
5 COUNCILMEMBER FLEMING: And my comment in
6 regards to the LCI, I thought we were actually
7 suggesting residents for that first, so that I need to
8 get back to the people that I've asked about the LCI
9 and if they would stand on that committee, to see if
10 they would stand on this committee as well.
11 MR. HOWE: As far as the LCI, the LCI
12 requirements for members are much more rigorous than
13 the Community Choices program. That's why Caleb and
14 myself came to the conclusion that we would select
15 members and we would present them as a body to the
16 Council for approval.
17 COUNCILMEMBER FLEMING: Okay. And I
18 appreciate that comment; however, the LCI, to me,
19 needs to have some type of residential input as well.
20 MR. HOWE: Absolutely, and it will. It will
21 be made up of -- the majority of the committee will be
22 residents. They're just residents that we haven't
23 heard from, and that's the point of the LCI: to
24 engage people that aren't necessarily civicly active
25 but would be inclined to be.

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1 MAYOR JENKINS: Can we get to you the people
2 from the neighborhoods by tomorrow or shortly?
3 MR. HOWE: Yes, sir. I mean the goal --
4 COUNCILMEMBER PACHUTA: I know, because the
5 e-mail we got from you asked us to make the decision
6 at tonight's meeting.
7 COUNCILMEMBER PITTMAN: And I was unable to
8 reach the person.
9 MR. HOWE: Well, I mean we've been talking
10 about this for --
11 COUNCILMEMBER PITTMAN: Could we do it
12 tomorrow night maybe?
13 MR. HOWE: Yes, ma'am. The goal for me is
14 just to be able to at least have a meeting, an initial
15 meeting towards the end of next week maybe.
16 COUNCILMEMBER PITTMAN: We have the list,
17 but as far as the citizens, I just want to confirm
18 with her one more time.
19 MR. HOWE: Sure. That's not a problem.
20 COUNCILMEMBER PITTMAN: And they've been on
21 vacation, so I can't.
22 MAYOR JENKINS: We can go ahead. You got
23 yours?
24 COUNCILMEMBER ALEXANDER: Yeah. Ms. Pachuta
25 sent out an e-mail to the ONA board on my behalf

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1 because I was driving, and we had two respondents --
2 three respondents.
3 COUNCILMEMBER ROCHE: Well, the trouble with
4 the ONA and the NNA is that there are a lot of people
5 who live in Doraville that aren't on those.
6 COUNCILMEMBER ALEXANDER: If I may continue.
7 And I think we would like to go ahead and nominate the
8 two persons that responded to us.
9 MR. HOWE: Okay.
10 MAYOR JENKINS: Well, you can do that.
11 COUNCILMEMBER ALEXANDER: And that was
12 Mr. Ray Fiedler and Ms. Lee Flyer. And we do have
13 another person who's interested in serving on the LCI
14 also.
15 MR. HOWE: Okay. Now, we're talking
16 suggestions, there's no doubt. But we're also, you
17 know, making a concerted effort to identify people who
18 we don't always hear from. And that's essentially
19 this community's survival --
20 COUNCILMEMBER ALEXANDER: Correct.
21 MR. HOWE: -- is getting fresh blood
22 involved.
23 COUNCILMEMBER ALEXANDER: And I think that's
24 a good variety from us. You've got Mr. Fiedler, who's
25 an older gentleman and is a long-time resident, and

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1 Ms. Flyer, who's a young rock-and-roller.
2 MR. HOWE: I don't want to confuse the LCI
3 with this.
4 COUNCILMEMBER PACHUTA: Yeah, this is for
5 Community Choices.
6 MR. HOWE: That's another discussion.
7 But absolutely, I'd love to hear your
8 suggestions for LCI.
9 COUNCILMEMBER ALEXANDER: And let us know if
10 you need their e-mail addresses.
11 MR. HOWE: Right,
12 MAYOR JENKINS: Brian, you and Bob have some
13 names?
14 COUNCILMEMBER BATES: No, sir, I don't.
15 COUNCILMEMBER ROCHE: I actually have three
16 different people. One was more interested in the LCI.
17 I forget her name. But Mr. Snyder, Tim Snyder, said
18 he's very interested in the Buford Highway thing. And
19 Lorraine Caribbean was very interested in the LCI, and
20 Cat Sherlock also said she would be happy to serve on
21 either. But I think Mr. Snyder was mostly interested
22 in the Buford Highway thing. Lorraine Caribbean's
23 been in the neighborhood for a long, long time, and
24 she's very familiar with the real estate situation,
25 and I think she'd make an excellent addition to the

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1 LCI.
2 MR. HOWE: There are other people as well
3 that have been in this community for a long, long
4 time.
5 COUNCILMEMBER ROCHE: Well, I nominated her,
6 though, so --
7 MR. HOWE: Well, we're not taking
8 nominations.
9 COUNCILMEMBER ROCHE: So who's going to make
10 the decisions?
11 MR. HOWE: The Council is going to make the
12 decision.
13 COUNCILMEMBER ROCHE: Thank you.
14 MR. HOWE: We're doing this based on the
15 advice of the consultant that you-all hired. You
16 know, I can bring Mr. Racicot in and he can explain
17 it.
18 COUNCILMEMBER ROCHE: Great. Thank you.
19 MR. HOWE: -- to you all, but that's how we
20 do it.
21 COUNCILMEMBER BATES: I'll have my recomme-
22 dation to you tomorrow.
23 COUNCILMEMBER PITTMAN: I will as well.
24 inform you.
25 COUNCILMEMBER BATES: So I'll make a motion

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1 to approve the 12 that have been suggested thus far.
2 COUNCILMEMBER PITTMAN: Second.
3 COUNCILMEMBER ROCHE: The 12, that's --
4 COUNCILMEMBER BATES: That's the nine
5 business owners, Mr. Fiedler, Ms. Flyer and
6 Mr. Snyder.
7 COUNCILMEMBER ROCHE: I'll second that.
8 MAYOR JENKINS: Any more discussion?
9 - - -
10 (No response)
11 - - -
12 MAYOR JENKINS: Call the roll.
13 CLERK BLACKMON: Councilmember Alexander?
14 COUNCILMEMBER ALEXANDER: Yes.
15 CLERK BLACKMON: Councilmember Bates?
16 COUNCILMEMBER BATES: Yes.
17 CLERK BLACKMON: Councilmember Fleming?
18 COUNCILMEMBER FLEMING: Yes.
19 CLERK BLACKMON: Councilmember Pachuta?
20 COUNCILMEMBER PACHUTA: Yes.
21 CLERK BLACKMON: Councilmember Pittman?
22 COUNCILMEMBER PITTMAN: Yes.
23 CLERK BLACKMON: Councilmember Roche?
24 COUNCILMEMBER ROCHE: Yes.
25 COUNCILMEMBER BATES: Thank you, Luke.

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1 COUNCILMEMBER PITTMAN: Thank you.
2 MAYOR JENKINS: Thank you.
3 MR. HOWE: So we will come back tomorrow
4 night?
5 COUNCILMEMBER BATES: We'll approve the
6 final three tomorrow night --
7 MR. HOWE: Okay. Thank you.
8 COUNCILMEMBER BATES: -- hopefully.
9 MAYOR JENKINS: Okay. We have no old
10 business, and we'll go into new business.
11 And this new business will be public
12 hearings, so we won't have public comments before the
13 agenda.
14 So this will be a public hearing. After
15 Scott presents his thing or the people present it,
16 we'll go into a public hearing.
17 Scott, this is a conditional use on the
18 impound lot, Mr. Michael Hart. Would you come up to
19 the microphone please.
20 Scott, you want him to present his case
21 first, then you --
22 Yes, sir. You've got the floor.
23 MR. HART: I've got the floor. Okay.
24 Well, first, let me share a little bit about
25 me and then move into the business. I grew up in

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1 Doraville back in the '70s and the '80s. Went to
2 Sequoyah High School, played little league over at
3 Honeysuckle Park and Flowers field over here. A lot
4 of strong men in my life growing up that taught me a
5 lot about work ethics and a lot about business ethics
6 -- Mr. Fleming being one of them, Ed Jones being one
7 of them, my dad. So throughout the years, I've been
8 able to take that foundation and move forward in life.
9 Got my own wrecker business on my own in 2000 and have
10 done pretty well with it.
11 What I'd like to do here is put an impound
12 lot in the city of Doraville. The city of Doraville
13 has always had a special place in my heart. I'll do
14 anything in my power to help the city of Doraville be
15 successful. The city of Doraville does not have their
16 own impound lot or wrecker service. What we're trying
17 to create over there on 4171 would be an impound lot
18 for the city of Doraville. Chief King told me to
19 remind everybody that every time that he has to call
20 Brown & Brown, the City of Doraville is giving
21 Chamblee their money.
22 This will approximately create 25 jobs in
23 the city of Doraville. And what will happen from
24 there is when these people are working in Doraville,
25 they'll buy food here at lunch, they'll go to lunch

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1 here, they'll buy gas here. Possibly some of them
2 will move closer to work. So this is a big deal for
3 the city of Doraville. I'm pretty excited to be able
4 to do something like that here.
5 MAYOR JENKINS: Okay. Thank you.
6 MR. HART: Open for questions, I guess.
7 COUNCILMEMBER BATES: Where is your current
8 lot?
9 MR. HART: I don't have an impound lot. I
10 have a transport service right now, and it's pretty
11 much where my cell phone is.
12 COUNCILMEMBER PITTMAN: Define what you mean
13 by "impound lot."
14 MR. HART: Impound lot. Well, I'll give you
15 an example. If the City of Doraville pulls somebody
16 over and they don't have --
17 COUNCILMEMBER PITTMAN: I know that, but
18 what are you going to be doing?
19 MR. HART: I will be helping the police when
20 they need help, wrecks that happen out here; also will
21 continue in the transport service. And the warehouse
22 on this property is 15,000 square feet. We will be
23 storing exotic vehicles in that warehouse, which I
24 will bring in other clientele into the area.
25 COUNCILMEMBER PITTMAN: So that's an RFP

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1 process. What if you for some reason don't get that
2 RFP, based on your saying that it's going to be the
3 cars that the City of Doraville -- Are you basing the
4 business solely on that?
5 MR. HART: Oh, no, ma'am. No. We also have
6 other business. I work for other mechanic shops and
7 body shops in the area.
8 COUNCILMEMBER PITTMAN: So how many cars are
9 you going to be storing there?
10 MR. HART: I have no idea. The lot is --
11 Scott can tell you how big the lot is. We're probably
12 looking at approximately 100 to 150 cars rotating
13 through there a month. Nothing will stay there
14 permanent. I mean after a while, if people don't get
15 their cars, they get auctioned off.
16 COUNCILMEMBER PITTMAN: How long does that
17 take?
18 MR. HART: Ninety days before we can do
19 administration on the titles and stuff like that. You
20 have to go through administration to get the titles
21 and then you have to wait 90 days after that and then
22 you auction it off. However, you do have to set on it
23 for a certain --
24 COUNCILMEMBER PITTMAN: I understand.
25 MR. HART: -- length of time, yes, ma'am.

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1 COUNCILMEMBER PITTMAN: Brown & Brown has a
2 lot of cars that sit there for a very long time.
3 MR. HART: Well, I don't know their --
4 COUNCILMEMBER PITTMAN: I mean I'm just
5 saying, though, because of the process.
6 MR. HART: That's -- you know, that's --
7 COUNCILMEMBER PITTMAN: Because of the
8 process, it could take up to half a year to be able to
9 make that happen.
10 MR. HART: Six months at the most.
11 COUNCILMEMBER PITTMAN: Right; half a year.
12 MR. HART: Okay. Yeah. Well, the pretty
13 neat thing about this property here is there's trees
14 all the way around it and you don't even know it exits
15 so you don't even know if anything's there. So I'm
16 pretty excited about that too.
17 COUNCILMEMBER BATES: Do you have any
18 current impound contracts?
19 MR. HART: At this time, I'm just now
20 walking into impound, and I've got people in the
21 wrecker business helping me with this. I've got
22 people -- R. Meyers Wrecker Service has helped me put
23 this together. I've got some of the boys that work
24 for Brown & Brown that will be working for me, and
25 I've got a couple of boys at Statewide that will be

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1 working for me. So I'm doing this the first time on
2 the impound side.
3 Now, the wrecker side, I've been in the
4 business for over a decade. I worked for people like
5 Ferrari of Atlanta, I worked for Select Luxury Cars,
6 Manuel Mercedes. So I've been transporting high-end
7 automobiles for a long time now.
8 COUNCILMEMBER BATES: Mr. Haeberlin, I'm not
9 familiar with the lot. Is it a pervious or impervious
10 surface?
11 MR. HAEBERLIN: I believe most of the lot is
12 partly paved but there's some areas that are still
13 gravel.
14 COUNCILMEMBER BATES: And regarding the
15 environmental issues, are you familiar with the clean-
16 up of spills -- oil, brake fluids, radiator fluids,
17 gasoline?
18 MR. HART: Well, as it gets concreted, we'll
19 have quick dry that goes down on it, I mean.
20 COUNCILMEMBER BATES: So you're planning on
21 concreting the site?
22 MR. HART: Yes, sir, we are.
23 COUNCILMEMBER BATES: The entire site?
24 MR. HART: Piece by site.
25 COUNCILMEMBER PITTMAN: So you're just going

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1 to have up to 150 cars?
2 MR. HART: Well, actually we'll have --
3 MAYOR JENKINS: Inside.
4 MR. HART: Yeah, inside the lot.
5 MAYOR JENKINS: Explain to them what you
6 mean by exotic cars inside.
7 MR. HART: Oh, inside the warehouse. For
8 example, I work for some celebrities, and some of them
9 don't have a place to keep their car, so we will keep
10 the car in the warehouse for a fee. And when he calls
11 and says, "Hey, I'm tired of driving so-and-so. Will
12 you bring me --," we take it to him and swap them out.
13 And we will keep the car clean. I'll have a man
14 that's responsible for that. Any time the maintenance
15 is needing to be done on them, we will do that.
16 And when I say "exotic cars," I am talking
17 like Ferraris, Lamborghinis, special Mercedes that
18 there's only a few around, and I know the people who
19 own them.
20 COUNCILMEMBER PITTMAN: So you're saying
21 Statewide is going to be working with you?
22 MR. HART: Actually, no. Some of the boys
23 that work there will be working for me.
24 COUNCILMEMBER PITTMAN: And are they going
25 to be --? I mean like they have -- Statewide is one

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1 of the contracts with Dekalb County.
2 MR. HART: Correct.
3 COUNCILMEMBER PITTMAN: Are they going to be
4 bringing some of these cars to this location?
5 MR. HART: No, ma'am. No. I will be
6 working with the City of Doraville only at first.
7 COUNCILMEMBER PITTMAN: Well, help me
8 understand that. What do you mean you're going to be
9 working with the City of Doraville?
10 MR. HART: Well, I'm trying to help
11 Doraville is what I'm trying to do. So every time --
12 like I said a while ago, when the Chief calls Brown &
13 Brown, you are giving your money to Chamblee. So what
14 I'm trying to do is provide a service -- a good,
15 quality service -- to the city of Doraville.
16 COUNCILMEMBER PITTMAN: And I guess I'm
17 asking because it is an RFP process. What if for some
18 reason you don't -- you're not selected --
19 MR. HART: Well --
20 COUNCILMEMBER PITTMAN: -- and then you
21 don't have that business with Doraville?
22 MR. HART: Well, there's a number of other
23 police forces right around this area that I'll also do
24 the same thing with.
25 COUNCILMEMBER ROCHE: Will there be any

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1 storage of cars in front of the building?
2 MR. HART: No, sir. No, sir. The only
3 thing that will be in front of the building is
4 customers as they come -- customer parking as they
5 come to pick up their vehicles and where the trucks
6 set. And the trucks will be medium-duty trucks and
7 regular-duty rollbacks that will be clean.
8 COUNCILMEMBER PITTMAN: And those will be
9 parked where?
10 MR. HART: Ma'am?
11 COUNCILMEMBER PITTMAN: The wreckers will be
12 parked where?
13 MR. HART: In front of the building.
14 COUNCILMEMBER PITTMAN: In front. And how
15 many?
16 MR. HART: Well, right now I'm being told
17 that here, to do the stuff in Doraville, that I have
18 to keep at least three in the city limits at all
19 times. So there will be at least three up front
20 unless it's on a call.
21 COUNCILMEMBER PITTMAN: I understand.
22 So when you tow a car, you will be putting
23 it in the back of the building?
24 MR. HART: Yes, ma'am. There will be a gate
25 that opens and closes, and the public will not be

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allowed in the back, period.
COUNCILMEMBER FLEMING: Okay. Now that Ms. Pittman is through, how many employees do you plan on having?
MR. HART: Approximately 25.
COUNCILMEMBER FLEMING: And that includes the -- I had written that down. Does that include your specialty shop as well?
MR. HART: Yes, ma'am. I'll have a warehouse manager for that and then I'll have two boys that help him, and then you'll have a lot guy in the back that brings the vehicles around when people are getting the vehicles that's been impounded. And then the rollbacks will be on shifts, and I'll have I'll have accounting and a dispatch person, and so a number of opportunities here for employment.
COUNCILMEMBER FLEMING: All right. Your average towing charge?
MR. HART: Well, that will -- right now, I'm $55.00 hookup and $2.25 a mile, but things with the City, I'm being told it'll be a little different is what the Chief has shared with me.
COUNCILMEMBER FLEMING: And what about the daily storage rate?
MR. HART: That hasn't been determined yet.

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I will do what is required of me.
COUNCILMEMBER FLEMING: Well, I'm just curious because I believe Brown & Brown has a storage rate.
MR. HART: They do a storage rate, yes, ma'am.
COUNCILMEMBER FLEMING: So I was just curious as to whether you're going to be competitive with any other -- I shouldn't just specifically use Brown & Brown -- any other towing and storage.
MR. HART: Well, we think the ideal thing is to be competitive.
COUNCILMEMBER FLEMING: Absolutely. Your hours of operation?
MR. HART: Twenty-four hours.
COUNCILMEMBER FLEMING: So you're going to have somebody on the site at all time? About how many people would that be?
MR. HART: Yes, ma'am. The drivers, anywhere between three to five drivers at all times will be on the -- and a dispatch person at all times, and then during the day, we'll have the lot people.
I think Brown & Brown, you only get to pull cars between certain hours. There's a window. So in that window, I'll have more people working.

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COUNCILMEMBER FLEMING: Okay. What about security lighting for the whole area?
MR. HART: Right now, I think there's --
Mr. Les is here. He's part of the property people. I think there's proper lighting on there now, which they said they would accommodate me, anything that I needed. There are an electrician company that was there before, so --
COUNCILMEMBER FLEMING: I believe that's all the questions I have.
COUNCILMEMBER BATES: How many wreckers, again?
MR. HART: Right now, I'm being told that I need to keep three in the city at all times, so my goal is in the beginning, three to four there at all times.
COUNCILMEMBER FLEMING: A suggestion.
MR. HART: Yes, ma'am.
COUNCILMEMBER FLEMING: A suggestion.
MR. HART: Yes, ma'am.
Now, I do have friends that have heavy-duty wreckers and medium-duties that will help me when -- Like if something happens and one of the trucks that carry the fuel is in the middle of the road and needs to get out of the road, we will do what we can to get

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it out of the road.
COUNCILMEMBER BATES: Will you do any large truck storage?
MR. HART: No, sir.
COUNCILMEMBER PITTMAN: So you don't really have, I guess, contracts or business lined up as of yet for the wrecker service?
MR. HART: Well, I already have business for the wrecker service now, for what I do now.
COUNCILMEMBER PITTMAN: But not for the --
MR. HART: But as I get into the city, I will start communicating with people in the city, being body shops, mechanic shops, and also helping Doraville move their cars.
We're within three minutes from the mechanic shop in Doraville, so we will -- we'll provide service to them.
MAYOR JENKINS: Maria, got any questions?
COUNCILMEMBER ALEXANDER: I guess some of my concerns have already been addressed. I didn't want it to become a junkyard. You get vehicles in and you try to get it, you know, taken care of or returned to their owners within six months, I'm fine with that. I'm like Ms. Pittman. I think some of those vehicles that our neighbor down Peachtree Industrial have been

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there for quite awhile.
MR. HART: Well, I'm a perfectionist. And also if I have people coming in their with their high-end cars, it better be clean.
COUNCILMEMBER ALEXANDER: I guess the security lighting was an issue and then also the fencing that's going to be installed. Are you considering putting barbed wire on top of that fencing?
MR. HART: I think that's one of the requirements. And right now, I believe there's already barbed wire across the top.
Is that so, Mr. Les, across the fence?
MR. JOHNSON: There might be some on the back. I'm not sure.
COUNCILMEMBER FLEMING: The parking lot itself is in extreme disrepair, and though that's not your responsibility, before you can even drive a car on it, it's going to need -- I mean that's got to be addressed for sure.
MR. HART: Yes, ma'am.
COUNCILMEMBER PITTMAN: But your goal is to have the whole thing paved.
MR. HART: Yes, ma'am.
COUNCILMEMBER PITTMAN: What about the trees

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that you say hide the cars if you're going to pave the surface?
MR. HART: No, no. The trees are in the banks around it. The trees are beautiful.
COUNCILMEMBER PITTMAN: Yeah, I know.
MR. HART: It's a forest around it. It's real nice the way it's hidden.
COUNCILMEMBER PITTMAN: Okay. Thank you.
COUNCILMEMBER ROCHE: This is where the Apex property was. And if I remember correctly, we were told a whole lot about what was going to happen to that property and then it never happened, so --
Obviously, it's not from you. It's just that there was some concerns about that. And then the Apex people eventually moved away, so --
MAYOR JENKINS: I think any improvement over there will be a good one. It looks bad even just sitting there like it is.
COUNCILMEMBER BATES: Any aesthetic improvements to the building? Any aesthetic improvements to the building itself -- facade, new paint, signage?
MR. HART: I believe they just now painted the building on the outside and they've done some stuff on the inside. There's some stuff that I'm

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wanting them to do on the inside. So I guess the answer to that is yes, there's going to be some improvements there.
COUNCILMEMBER BATES: Thank you.
MAYOR JENKINS: Karen, you got anything?
COUNCILMEMBER PACHUTA: I guess my question is more for Scott on some of those conditional. I can wait till Scott makes his presentation.
MAYOR JENKINS: Okay. Any more questions?
- - -
(No response)
- - -
MAYOR JENKINS: Okay, Scott. Council's got some questions for you.
MR. HAEBERLIN: This is a conditional use. Some of the items that the applicant has discussed with you -- and that's what the public hearing is for -- is the vetting of further information such as automotive repair, automotive storage, perhaps cleaning vehicles, et cetera. Some of those items are covered and are allowed uses in M-1 and they carry over from M-1 to M-2. But we originally advertised this as an impound lot, and that's what was shared with the staff.
The property is actually depicted as being

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tank farm industries again on our comp plan. It certainly is not the case that it is that situation.
But it has been M-2 since 1966, which is our base zoning map. And as you're aware, the site has heavy tree coverage on the back, which is Oakcliff -- kind of what we call Winters Chapel Extension where Winters Chapel dead ends and then turns right onto Oakwood Road. So there is good buffering on the back. The front is fairly wide open.
And there are some codes issues regarding the condition of the asphalt. And your city code does require impervious paving. There is no option for gravel. And the site is limited to 60 percent, so no more than 60 percent of the three acres.
I think they certainly have enough existing that they can meet the parking requirements for that of a warehouse.
And the area in the back which is the containment area that we discussed, that's another situation. I mean that will follow whatever appropriate protocol there is for receiving a building permit or a site development plan for expanding that area, and we'll review that in-house, assuming that it's approved by the Council.
So there are no transitional buffer

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1 situations present because we don't abut residential,
2 and there is no development of a building. So the
3 tree situation does not come into play; however, we do
4 have good buffering.
5 The standards of review are pretty straight-
6 forward. This being M-2, again it carries over lots
7 of uses from M-1, and there are a lot of uses in M-2
8 that some may find less desirable than this or more
9 desirable. So M-2 is our heaviest manufacturing
10 district.
11 And it is separated from residential area,
12 and it's separated by this road, this extension,
13 Winters Chapel Extension, for lack of a better word.
14 And there are two houses that have been disconnected
15 from the subdivision there, and they have Winters
16 Chapel Road addresses. They abut a private road
17 called McAuliffe Road at Winters Chapel.
18 So in this situation, based on the standards
19 that have been provided to me, the site I believe
20 meets the criteria for granting the conditional use.
21 Of course we have vetted tonight more infor-
22 mation than I had originally regarding the appli-
23 cation, because my assumption was impound lot only.
24 That is the reason why my approval is with
25 reservation. And when I say that, I was really

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1 concerned about a number of things and I brought them
2 to your attention, such as the asphalt situation with
3 the property, the signage; you know, was there any
4 nonconsensual towing involved where they basically go
5 get somebody's car and impound it.
6 And then the situation regarding tree
7 removal, I certainly feel that the existing tree
8 buffer needs to be maintained.
9 Some of the literature that I reviewed
10 suggests that impoundment does not occur with non-
11 Dekalb County vehicles. I don't know that to be
12 factual, though.
13 I was concerned about vehicle/parts sales,
14 rental or auctions occurring on site, obviously, and
15 particularly because car sales are treated so
16 differently in our code now based on the actions of
17 the Council.
18 Again I brought it to the attention, the
19 booting facility.
20 How long will these cars be here? I'm
21 equally concerned that this not become an auto-motive
22 graveyard, and I'm equally concerned that we store
23 everything in the gated containment area and not out
24 front; and that we do not allow parking on unpaved
25 surfaces, that the parking spaces be per the code.

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1 There's no such thing really as a storage
2 space. It's a parking space. So we would certainly
3 not allow tandem parking or storage. We need to be
4 able to move and go around existing storage or parking
5 on the site.
6 I did lastly put forth it's a concern of
7 mine, because this profession doesn't seem to be
8 regulated by the City of Doraville in any capacity
9 other than booting, is that they maintain a sort of
10 log on site of what they're keeping there. And I
11 think that's important. As you-all know, vehicles are
12 often used in commission of crimes and other items,
13 and we need to kind of know what is on that site and
14 what's being stored there, and so that's one of the
15 recom-mendations that I put forth as well in the staff
16 analysis.
17 Are there any questions?
18 COUNCILMEMBER PACHUTA: Non-Dekalb county
19 vehicles is my main question, because, you know,
20 assuming let's say he does get a contract with City of
21 Doraville or even an auto repair shop or something or
22 someone's in an accident, I mean it can be someone
23 passing through or --
24 MR. HAEBERLIN: Correct. And I was really
25 going off -- like I said, I was looking at the State

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1 of Georgia Web site. I'm not saying that I'm an
2 expert in the field of what he does. The gentleman
3 certainly knows a lot more than I do.
4 I was trying to basically review what they
5 said online and compare it to his type of business
6 operations. And again, that's just a suggestion. He
7 may be able to illuminate us further on, you know,
8 does he impound cars even that are not Georgia cars.
9 I don't know.
10 COUNCILMEMBER ROCHE: Are you going to be
11 doing any repossessions?
12 MR. HART: No, sir.
13 And could I answer your question real quick?
14 MR. HAEBERLIN: Sure.
15 MR. HART: That depends on if they're
16 breaking the law or anything in the city of Doraville.
17 MAYOR JENKINS: Come on up to the microphone
18 if you want to speak, sir.
19 MR. HART: If they're from another state,
20 and the City of Doraville pulls them over and they've
21 broken a law, and Chief King calls me and says, "Come
22 get this," because they've done something, well, then,
23 yes, I have to take the vehicle.
24 Does that answer you?
25 MR. HAEBERLIN: Yes. And I'll be very clear

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that I did not include in my analysis the thought of this being a city service for us, that the City of Doraville was not really considered in my analysis. That's, again, a separate situation that may or may not occur.

COUNCILMEMBER BATES: On the auction -- and sir, this will be a question for you -- would those vehicles that are past that six-month time period and get auctioned off, are you contemplating the auction on site or taking those vehicles to an auction vehicle location?

MR. HART: Well, what I'm being told S&W and Statewide and Brown does, they do it on site. They have an auctioneer that comes there, and they do it on site.

Back to y'all wanting the stuff cleared out so it's not a junk yard, that's necessary.

MR. HAEBERLIN: Just to kind of reply to that, you know, we do have these performance standards and we have the city noise ordinance, obviously. That does not in any way vary that. But I am still, again, concerned about the functioning of an auction there for auto sales.

COUNCILMEMBER FLEMING: Could you tell us why?

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MR. HAEBERLIN: Well, I think it has the potential to expand to so much more than what it is, and that could be a situation with any business. I mean I think that Mr. Hart's shared with you as truthfully tonight as he can. I don't want to see this evolve from being an impound lot or a wrecker site to being Doraville's newest car lot.

So like I said, we've taken great strides I think with the city code to put protective situations with the land use in place for that type item, and I am just concerned about that. I bring that as a concern of mine, that it goes further than what it started out to be.

COUNCILMEMBER BATES: And regarding the recording of vehicle information, are you okay with -- You know, what's your process for tracking -- assuming you get a contract with a department, of tracking the vehicles that are impounded and knowing where they are on the lot and record-keeping?

MR. HART: I'm not quite sure what you're asking me.

COUNCILMEMBER BATES: Hypothetically, you get an impound contract with a police department, and they are bringing you vehicles on a regular basis or you're picking up vehicles on a regular basis. How do

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you log them in and track them so you know where they are on your lot so when the owner is coming to pick them up -- or you can time-stamp them and know which vehicles reach that six-month period?

MR. HART: We'll have structure that handles that, and then part of the people that I employ will handle that and keep track of that. There will be like an invoice number for each car, and the last six of the VIN will track the car. And then if somebody comes to the window to pay for their car, they're going to have their registration, they're going to have their insurance, and the registration will track the car. And then the boy in the back that I hire, or the lot guy, he will go get it by the tracking of the VIN number and bring it to the front.

COUNCILMEMBER BATES: Thank you.

COUNCILMEMBER FLEMING: Mr. Haeberlin, I understand the need for striping, but I find this to be -- In the back of the area, though I've not gone to wrecker services before or impound lots, are they striped for parking spaces?

MR. HAEBERLIN: Well, they typically are not. And I get this question in every jurisdiction. For example, car dealerships, when they bring in cars, let's say there are 80 Cadillacs, do they park them in

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a parking space or do they shove them altogether on the back of the lot and pull one out at a time?

Well, often, the storage needs of these type facilities, they basically put cars about a foot away from each other; they congeal them together. I have been to some other impound lots in the city of Atlanta, and I'll be honest with you, there is no organization or rhyme or reason how they store cars, and some of them are in some pretty serious condition, because they're old, particularly.

But I think that the code really mandates and says -- the Zoning code -- that parking is parking. There's no difference between parking and storage, really. And so I think if it meets the criterion for parking, you're going to find a much more organized lot, say, for example, with a number on the ground that says in space 57 there is a black Acura or what-have-you. I think that would be good not only for us, the city, but also, too, the applicant, to keep track of where things are, and I think it'll create an organized and -- and a lot that makes sense. Essentially, it's like a car-sales lot, having striped spaces where people can view each car rather than cars just being placed in any haphazard fashion and no drive aisles between them in case

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1 somebody needs to get in there for an emergency
2 purpose. So that's just -- that's my logic for that.
3 COUNCILMEMBER ROCHE: Well, we're talking
4 about behind the building. We're talking about behind
5 the building that's circled by fences. You know,
6 obviously, anyone that's managing a business like this
7 would need to know where their cars are.
8 I don't know why we'd want to interfere with
9 that. It's not like the city -- we're not going to
10 wander around back there. You know, what do we care
11 if there's numbers on the lot or not?
12 MR. HART: Well, I assure you we'll have
13 structure in what we're doing.
14 COUNCILMEMBER ROCHE: You can't lose
15 people's cars, you know, in the storage area,
16 obviously.
17 MR. HART: Right.
18 MR. HAEBERLIN: I mean my recommendation is
19 really based on your parking section and your drive-
20 aisle widths, et cetera, go to the Zoning code,
21 because it just doesn't treat storage any differently
22 than parking. We have very discretely
23 defined what a parking space is in the Zoning code,
24 and clearly these vehicles being parked meet those
25 criterion.

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1 If you visit some of our other sites in the
2 city perhaps along areas like South Peachtree Road,
3 there is just a conundrum of things occurring, and the
4 vehicles are not organized in any particular fashion.
5 COUNCILMEMBER ROCHE: But that has nothing
6 to do with this particular spot.
7 MR. HAEBERLIN: Well, that has been a
8 problem for the city, and I want to make sure that we
9 don't have that.
10 Any other questions?
11 MAYOR JENKINS: Okay. Scott, this is a
12 public hearing?
13 MR. HAEBERLIN: Yes, sir. The Mayor --
14 MAYOR JENKINS: Go ahead.
15 MR. HAEBERLIN: The Mayor has now opened the
16 public hearing. Those who'd like to speak in favor
17 will go first, and those against, second.
18 If you want to speak in favor, please raise
19 your hand.
20 Okay. We have one, two, three people in
21 favor. About three-and-a-half minutes apiece, and
22 then we'll do those against.
23 If you'd come forward -- two minutes, two-
24 and-a-half minutes. Come forward and state for the
25 record your name and your address.

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1 MR. JOHNSON: Good evening, Mr. Mayor and
2 ladies and gentlemen of the City Council. My name is
3 Les Johnson. I am a real estate broker with the
4 Simpson Company. I have represented Mr. and Mrs. Fred
5 Maxwell for several years. I sold them the property
6 about 25 years ago. They ran their electrical
7 company, Summit Electrical, there for a number of
8 years, then expanded to over at Button Gwinnett. So
9 I'm pretty familiar with the property.
10 Mr. and Mrs. Maxwell have absolutely no
11 problem with having Mr. Hart occupy the property as a
12 tenant. Our plans are, if the Council approves the
13 use, that we will enter in negotiations with the lease
14 with Mr. Hart and then take it from there.
15 On a personal note, a couple of weeks ago, I
16 was coming into Doraville. I had vehicle problems
17 merging onto 285. I needed a wrecker, and I called
18 Mr. Hart because of my relationship with him just in
19 our initial negotiations.
20 He was there in a half an hour, performed
21 his duties very professionally. So as far as a
22 wrecker service, he knows what he's doing, so I
23 commend him, you know, for that.
24 But those are our plans. We have no problem
25 having him on our property.

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1 I can try to answer any questions that you
2 might have.
3 MAYOR JENKINS: All right. Next?
4 MS. CRAWFORD: Susan Crawford, Oakcliff.
5 I'm going to pretend that this is real exciting to me.
6 It's not a book store or anything, but I do think that
7 this is a real -- you know. But when I found out
8 where it's going, I think this is a very appropriate
9 place for such an enterprise, and it's certainly an
10 improvement over the sludge processing place that was
11 there before, so I'm all for it.
12 And I don't spend a lot of time checking out
13 impound places, either, but to me, putting individual
14 parking spaces seems a little excessive.
15 MR. SMITH: Good evening. My name is George
16 Smith. I am a friend and also a partner/employee of
17 this enterprise that Michael Hart is proposing. And I
18 just wanted to kind of, if I could, maybe put to rest
19 a few of the questions that I think I heard you guys
20 bring out that may be an issue for you.
21 Number one, I understand the concern about
22 putting together an enterprise like this and what it
23 could do in terms of an eyesore for the community, if
24 I may be saying that, and I think from talking to
25 Michael and having set down with him a number of hours

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1 talking about this venture that he's looking at trying
2 to do, that that is the last thing that we want to do
3 for the city of Doraville.
4 You know, we want to try to do this thing in
5 an above-board way, feeling that the need is
6 definitely there for this type of operation in the
7 city of Doraville but not to have cars just thrown in
8 there like I've seen. I've seen impound lots like
9 you're talking about where cars sit there and they
10 look like they've been there for a hundred years, you
11 know. And that's not the intent of what we're trying
12 to do here. We're trying to provide a service that is
13 a necessary service when cars have to be impounded
14 when people break laws and they have to be put
15 somewhere, and that generates revenue for the city.
16 And we're going to have systems in place,
17 computer systems in place, Mr. Bates, that will track
18 the date a car is logged in and will keep track of
19 that until the time comes it's time to take appro-
20 priate action to remove that car from the lot and not
21 have just cars sitting there for an indefinite amount
22 of time.
23 So I just kind of wanted to say that I'm
24 working with Michael on this and I'm probably going to
25 be one of the people -- Michael's the expert with

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1 moving cars. I'm a person that -- I'm an I.T.
2 specialist, and I'm going to help Michael coordinate
3 things and keep the business running smoothly and
4 above board.
5 So what's what I wanted to say. Any
6 questions, I will answer.
7 MAYOR JENKINS: Thank you.
8 MR. CRAWFORD: Ben Crawford. I think this
9 is probably an ideal location for that also because of
10 the trees and everything else that are surrounding it.
11 And the Apex that was in there before, the gentleman
12 that went in there before came in there without any
13 kind of permits or anything else and just kind of put
14 stuff down, and boom, it just appeared in Doraville.
15 This guy is approaching the City in this.
16 And one other thing I'd like to add is this
17 is also a conditional use, which means it's condi-
18 tional. Unless I'm mistaken, I believe it gets
19 revisited every so often, the use over there gets
20 revisited. So if the gentleman puts his business over
21 there and it's not good for the city, the City can
22 turn around and decide, you know, it can't be there.
23 That's my understanding of a conditional use.
24 The other thing I'd like to add is that the
25 environmental impact should be something that's looked

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1 at. But you know, zip over anything is great, but
2 when it's not done, there's going to be runoff, so
3 that's something that should be -- you know, you
4 should have some kind of plan in place for taking care
5 of spills and stuff. Thank you.
6 MAYOR JENKINS: Thank you.
7 Is there anybody else, Scott?
8 MR. HAEBERLIN: Next would be those who
9 would like to speak against the petition. If you
10 would please raise your hand, anybody that would like
11 to speak against.
12 Stuart is one. Please come forward.
13 MAYOR JENKINS: All right, Stuart.
14 MR. ANDERSON: I have several concerns. I'm
15 in agreement with a lot of Scott's concerns. The Apex
16 situation went out of control, as it were, and I
17 respect his desire to make sure that that doesn't
18 happen again.
19 The parking situation he brought up brings
20 -- answers to Brian's questions, or at least partially
21 does, relative to cataloging vehicles and finding them
22 and organizing them.
23 Ask a question. With the striping, is there
24 available space for 150 vehicles on pavement, that
25 sort of thing -- 10 x 20 stripes?

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1 MR. HAEBERLIN: That's not been engineered
2 at this time, Mayor and Council, but they would be
3 required to submit a parking plan to us meeting the
4 requirements.
5 MR. ANDERSON: That's something I would
6 request of course. Thank you.
7 I agree with Ben about -- a little further
8 than that. It was mentioned pavement and more paving,
9 et cetera. What I wrote down was drainage control,
10 allowing the runoff. Some of these vehicles would be
11 wrecked, antifreeze, et cetera, so ecological burning
12 of some sort to keep -- because there's a big creek
13 right there or there's a creek adjacent to that
14 property on the other side of the road, so that
15 certainly should be part of the requirements.
16 Controls need to be put in place so that it doesn't
17 become more than we're talking about tonight, as it
18 were.
19 The reason -- I tried to do a zoning overlay
20 in the tank farm some years ago, a couple years ago,
21 and one of my big requests or concerns was truck
22 traffic. What this does is it puts rollbacks, it puts
23 more trucks on those roads that once again endanger
24 the tankers going in and out of there. My big
25 objections with the waste management people, trucks,

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1 trucks, trucks in amongst the tanker tanks and tanker
2 trucks. Any time you put more and more trucks
3 together, you're going to eventually, actuarially,
4 have more accidents. And if you put a business in
5 there that is volume truck oriented, as it were, it
6 just ups that percentage of possibility, and when
7 something happens in there, we're not going to like
8 it.
9 So that's my -- that's really the objection
10 I have, I guess, to this situation.
11 Servicing other cities out of state,
12 et cetera, but primarily servicing other cities I see
13 as a way of being out of control as far as volume goes
14 as far as it's impossible for this gentleman to
15 control how many vehicles are going to crash,
16 requested to be in and out of there. So it's very
17 difficult for him to comply with -- or make that
18 answer. Thank you very much.
19 MAYOR JENKINS: Thank you very much.
20 Is there anybody else against it? I believe
21 that was all; is that correct?
22 - - -
23 (No response)
24 - - -
25 MAYOR JENKINS: Okay, Scott.

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1 MR. HAEBERLIN: Return it to the Council.
2 MAYOR JENKINS: Is there any more questions
3 from the Council?
4 COUNCILMEMBER FLEMING: I need to ask a
5 question, and I'm very sorry, sir, I don't recall your
6 last name.
7 MR. JOHNSON: Me?
8 COUNCILMEMBER FLEMING: Yes, sir.
9 MR. JOHNSON: Johnson.
10 COUNCILMEMBER FLEMING: Could you stand,
11 please.
12 MR. JOHNSON: Yes, ma'am.
13 COUNCILMEMBER FLEMING: Since you are
14 representing the property owner, if you don't mind, I
15 wanted to ask about the -- I don't know whether you've
16 had an opportunity to read the conditions for
17 approval.
18 MR. JOHNSON: No, ma'am.
19 COUNCILMEMBER FLEMING: Okay. One of the
20 conditions for approval is to -- and of course Council
21 needs to make these decisions but I want to offer this
22 to you -- is that repair or recoating of all asphalt
23 areas prior to issuance of an occupational tax
24 placard, and that means that everything that is in
25 disrepair as far as the asphalt is concerned would

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1 have to be repaired before Mr. Hart would be able to
2 get his occupational tax permit.
3 Do you find that to be extreme or could you
4 give me a time frame as to when that could possibly be
5 accomplished?
6 MR. JOHNSON: That's part of the negotia-
7 tions of the lease. We understand if the Council says
8 that --
9 And the front there, it is in disrepair
10 because trucks have used it as a turnaround. That's
11 why they put a temporary white fence there, to keep
12 trucks -- try to keep them off there and from tearing
13 the pavement up. That has helped. Does it look good?
14 Absolutely not.
15 But in the negotiations for the lease, who
16 pays for those repairs is a big item. Whatever you
17 say, if the Council approves, if it says the whole
18 thing has to be paved or concreted, then that will
19 have to be worked out within the negotiations of the
20 lease.
21 COUNCILMEMBER FLEMING: Okay. So you can't
22 give me an understanding of how soon it can be done.
23 MR. JOHNSON: No, ma'am, I cannot.
24 COUNCILMEMBER FLEMING: Okay. Then, I just
25 want to make a comment to you as the property owner

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1 representative. I'm surprised that our Quality of
2 Life department hasn't already ticketed you for the
3 disarray of that particular parking area because it is
4 beyond, to me, repair and needs to be completely taken
5 down and resurfaced. So I'm just making that as a
6 comment, because that gentleman, to me -- this is
7 between your negotiations, but this is a property
8 owner issue and not a tenant issue.
9 MR. JOHNSON: And the owners have, if you've
10 been by there in the last -- they've completely
11 repainted the building --
12 COUNCILMEMBER FLEMING: Yes, sir.
13 MR. JOHNSON: -- and it looks 179 degrees
14 better than it did.
15 COUNCILMEMBER FLEMING: It does.
16 MR. JOHNSON: No question about it.
17 COUNCILMEMBER FLEMING: It does.
18 MR. JOHNSON: The paving in the front, no
19 doubt it needs to be repaired, and I will pass that
20 along to the owners.
21 COUNCILMEMBER FLEMING: Please do. That's
22 all I have for you, sir.
23 Mayor, you brought it back up to the table,
24 and I want to comment about some of the other issues
25 that I felt -- as Ms. Pachuta brought up, the

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1 impounding of non-Dekalb County vehicles, I'd like to
2 try to scratch that one.
3 The no operation of vehicles/parts sales,
4 rental or auction. Would those not all have to be
5 individual occupational tax permits?
6 MR. HAEBERLIN: Typically, they would be.
7 Now I'll let you know on vehicle sales,
8 obviously this site nowhere meets the criterion for
9 the six acres, so that would never occur.
10 But parts sales, rental -- rental cars is
11 allowed in M-1 but not trucks, so there are some
12 subtleties there. It's just I think what we
13 illuminated earlier was, does the Council want to
14 allow an option even for their own vehicles.
15 COUNCILMEMBER PACHUTA: Is that a permitted
16 use in M-2 or is that a conditional use?
17 MR. HAEBERLIN: Which one?
18 COUNCILMEMBER PACHUTA: Auction.
19 MR. HAEBERLIN: Auction gallery I believe is
20 a permitted use in M-1, which would carry over. But
21 with considering a conditional use, you could make
22 very site-specific decisions relative to this
23 application.
24 COUNCILMEMBER FLEMING: So yes, he would
25 have to have another occupational tax permit to be an

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1 auction location for these vehicles?
2 MR. HAEBERLIN: Typically, yes, but I think
3 this comes on the fine line of if he's auctioning his
4 own vehicles or if he's bringing additional from
5 outside. That would always be staff's concern,
6 whether he would bring in other vehicles to the site
7 and then auction them as well.
8 So I mean it might be a customary use if it
9 was only his vehicles, but certainly if he brought
10 other vehicles in I would consider it a different
11 occupational tax license.
12 COUNCILMEMBER FLEMING: Okay. So in that
13 respect, I don't mind not having the vehicle/parts
14 sales, rental, but I think you should be -- we want to
15 move those cars out of there also, and if there's no
16 other way to get rid of them other than by auction, I
17 would prefer keeping auction available.
18 COUNCILMEMBER ALEXANDER: What I did on mine
19 is I just -- no operation of vehicles/parts sales,
20 rental, period, and then down where you're addressing
21 the time period that the vehicle can be on the site,
22 back to the semicolon: On-site auction of impounded
23 vehicles allowed.
24 COUNCILMEMBER FLEMING: Okay.
25 COUNCILMEMBER BATES: Yeah, I just want to

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1 concur that we won't be contacting the used car lots
2 around the city and bringing them in for on-site
3 auction.
4 COUNCILMEMBER FLEMING: No, sir, because
5 that, then, becomes to me -- becomes an automobile
6 sales lot rather than an auction lot.
7 COUNCILMEMBER BATES: And you heard that;
8 right, sir?
9 MR. HART: Yes, sir.
10 COUNCILMEMBER FLEMING: Okay. The other
11 comment, in regards to the no parking or storage on
12 unpaved surface is also the 9 x 20 striped and no
13 tandem parking or storage, those three issues, in the
14 back of that building, first of all, we're not going
15 to be able to see it. Secondly, if they do have any
16 type of -- It's right now, if I'm not mistaken,
17 predominantly --
18 MR. HAEBERLIN: Concrete?
19 COUNCILMEMBER FLEMING: Isn't it more --
20 COUNCILMEMBER BATES: Gravel?
21 COUNCILMEMBER FLEMING: Gravel. That's how
22 tired I am. I'm sorry.
23 It's predominantly gravel, if I'm not
24 mistaken.
25 MR. HAEBERLIN: It's kind of like --

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1 MR. HART: It's actually dirt.
2 MR. HAEBERLIN: -- fifty/fifty.
3 MR. HART: That's right now.
4 COUNCILMEMBER FLEMING: Even though it's an
5 environmental issue, it would then -- if it stays the
6 way it is, it then doesn't become a runoff issue,
7 stormwater issue by it going into the creek, because
8 having been paved, either asphalt or concrete's going
9 to run off quicker into the stream than it would be if
10 it remains dirt and gravel.
11 COUNCILMEMBER BATES: But if it's just dirt,
12 you don't have a cleanup option with quick dry because
13 the oil or gas or antifreeze has now soaked directly
14 into the dirt. I would much rather consider, you
15 know, investing or talking about, you know, stormwater
16 protection issues like what Mr. Anderson had
17 suggested, you know, berms around the stormwater
18 drains or things like that, and have them be
19 responsible for quick dry and things like that versus
20 it just going directly into the -- into the dirt.
21 So I'm more inclined to require the
22 asphalting or concreting.
23 COUNCILMEMBER FLEMING: The back yard as
24 well?
25 COUNCILMEMBER BATES: I am.

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1 COUNCILMEMBER ALEXANDER: And stormwater
2 inspection and some type of spill containment
3 procedures.
4 MR. HAEBERLIN: Well, certainly recall if 40
5 percent of this site is proposed for development or
6 one acre, okay, let's say he comes in tomorrow and
7 says, "Scott, I want to submit a development plan for
8 the parking lot." If it meets those criteria, then we
9 as a local issuing authority will treat this as a true
10 land disturbance permit, so those functions still come
11 into play regardless of what decision is rendered
12 tonight.
13 COUNCILMEMBER FLEMING: Okay. And then the
14 other two were the parking, striped, and tandem -- no
15 tandem parking, and I'm just not comfortable with us
16 telling him how to store vehicles.
17 COUNCILMEMBER ALEXANDER: I agree with
18 striking the no tandem parking or storage.
19 Under the "All parking," I was going to
20 suggest that that apply only to the front of the
21 building, which no storage is going to take place.
22 COUNCILMEMBER FLEMING: That's correct.
23 COUNCILMEMBER ALEXANDER: That's for
24 customer parking.
25 COUNCILMEMBER FLEMING: I agree.

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1 COUNCILMEMBER BATES: This is going to be a
2 question for Mr. Hart. Without this in there, what's
3 the storage methodology? Because my concern would be
4 you get a wrecked vehicle that catches on fire. How
5 would you allow emergency equipment to get back in
6 there if there's not the aisles and access lanes to
7 maneuver back in there?
8 MR. HART: Well, there are certain fire
9 codes that we'll go by, and there will be fire extin-
10 guishers and quick dry and stuff to put something out.
11 Oh, I guess I misunderstand your question.
12 COUNCILMEMBER BATES: So from a storage and
13 stacking issue of vehicles that are parked in the
14 back, I'm guessing you will have lanes to allow the
15 vehicles, you know, egress and exit and to allow for
16 emergency vehicles to get back in there if they need
17 to be. Would that be correct?
18 MR. HART: Oh, absolutely. Yes, sir.
19 COUNCILMEMBER BATES: Okay.
20 MR. HAEBERLIN: The fire marshall, if there
21 is actually a development permit issued and even if
22 there's occupancy, the fire marshall is going to be
23 involved in the site and the fire marshall will
24 probably dictate some lane widths, some radius
25 situations, et cetera. He will not enforce the city

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1 codes in the parking section but he will definitely
2 enforce the fire codes.
3 COUNCILMEMBER BATES: Thank you.
4 COUNCILMEMBER PITTMAN: I guess I'm going to
5 be the bad person because I am not necessarily opposed
6 to you storing the clients' cars inside because they
7 have nowhere to put them, but I really am strongly
8 opposed to an impound lot because I'm very familiar
9 with how that works and I'm very familiar with if you
10 get a couple of contracts, and one good Friday night
11 with the car accidents and the DUIs and people without
12 license, it can get out of hand very quickly and then
13 you've got storage issues.
14 I just -- I'm very concerned about the
15 traffic, and I just can't -- I just can't support that
16 part of it. I'm sorry.
17 MAYOR JENKINS: Any more questions?
18 COUNCILMEMBER FLEMING: Is this our last
19 chance before we vote? Sir?
20 MAYOR JENKINS: Yes.
21 COUNCILMEMBER FLEMING: Oh, okay.
22 I live in that district as well, and I
23 respect Ms. Pittman's opinion. And though my
24 preference would be not to live beside a tank farm in
25 M-1 or M-2 area, that's not the most desirable area to

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1 live next to, I would prefer living -- I have come to
2 realize that that particular area is never going to be
3 a beautiful, picturesque area, and we have to try to
4 put desirable -- more desirable and less inflicting
5 uses on the neighborhood. And to me, this particular
6 use would be better than, for instance, a crematory or
7 a foundry or a forging plant or a cement factory or a
8 tannery or a pharmaceutical manufacturing plant or an
9 animal race track or a slaughterhouse.
10 MAYOR JENKINS: Thank you.
11 COUNCILMEMBER FLEMING: You're welcome.
12 MAYOR JENKINS: Anybody else?
13 COUNCILMEMBER PITTMAN: And I agree that my
14 preference would be not to be living next to the tank
15 farms, but that was there long before any of us came
16 along, and my theory is not to add damage to the
17 damage that's already there, and I respect your
18 opinion as well.
19 MAYOR JENKINS: Anybody else?
20 COUNCILMEMBER ROCHE: Other than, you know,
21 I'll just repeat what some other people have said. If
22 not there, where are we going to put it? And there
23 are certainly worse uses that could be there.
24 MAYOR JENKINS: Thank you.
25 I believe we have the people that will clean

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it up and make it look good, and I just believe that Mr. Hart, from what he said tonight, will work with the owners and clean it up and make it look good. And I'd like to, in the motion, we hold him to it.

So do we have a motion?

COUNCILMEMBER FLEMING: I'd like to make a motion to accept the conditional use application for 4171 Winters Chapel Road from Mr. William Michael Hart of Heart's Transport. The conditional use will be a wrecker service with automobile storage yard.

COUNCILMEMBER ROCHE: And I'll second that.

COUNCILMEMBER ALEXANDER: With the conditions as --

COUNCILMEMBER FLEMING: With the conditions as --

COUNCILMEMBER PACHUTA: Modified by Council.

COUNCILMEMBER FLEMING: -- as listed.

COUNCILMEMBER PACHUTA: As modified by Council.

COUNCILMEMBER FLEMING: And modified by Council.

COUNCILMEMBER ROCHE: And I'll still second that.

MAYOR JENKINS: Okay. Any more discussion?

MR. HAEBERLIN: If it please, just a little

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clarification for staff. I did take notes, but if we just go down the bullet points and make sure those were part of the motion, because maybe I'm not understanding which ones were struck and which ones were modified. I got some of the modifications.

I mean, for example, repair/recoat, that's still in there?

COUNCILMEMBER FLEMING: Yes.

MR. HAEBERLIN: Removal of existing pole sign?

COUNCILMEMBER BATES: Yes.

MR. HAEBERLIN: Okay. Shall comply, yes?

COUNCILMEMBER BATES: Yes.

MR. HAEBERLIN: Okay. No tree removal, yes.

COUNCILMEMBER FLEMING: We struck the no impound.

MR. HAEBERLIN: Okay. Yes, ma'am. And no operation of vehicle/parts sales or rental, struck auction.

No operation of a booting facility at this location.

COUNCILMEMBER FLEMING: Stay.

MR. HAEBERLIN: The next one, we struck the 12 months; right?

COUNCILMEMBER ALEXANDER: No, we did not.

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COUNCILMEMBER FLEMING: No, no, no. We added the auction of impounded vehicles to that particular item was going to be allowed.

COUNCILMEMBER ALEXANDER: On-site auction of impounded vehicles allowed.

MR. HAEBERLIN: Okay.

COUNCILMEMBER FLEMING: We added it because I think that's -- he gave us guidelines of the time period.

MR. HAEBERLIN: And then no outdoor storage or operations other than within the fenced/gated containment area.

COUNCILMEMBER PACHUTA: That's still there.

COUNCILMEMBER ROCHE: It stays.

MR. HAEBERLIN: Okay. No parking or storage on unpaved surface.

COUNCILMEMBER PACHUTA: Stays.

MR. HAEBERLIN: Stays.

All parking or storage shall be a minimum of 9 x 20. And you guys want that only applicable to the front of the property?

COUNCILMEMBER FLEMING: That is correct.

MR. HAEBERLIN: No tandem --

ATTORNEY WEED: Scott, will that matter anyway? Won't the parking ordinance cover that in any

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case?

MR. HAEBERLIN: Well, it seems from what's been discussed tonight the Council is actually granting a variance to the parking ordinance, because this is specified in the parking code. So they're taking away some of the requirements of the parking ordinance, which is in zoning. It would be a variance to the Zoning code.

ATTORNEY WEED: So you're going to consider this hearing a variance hearing too?

COUNCILMEMBER BATES: Well --

MR. HAEBERLIN: I did not advertise it as such.

COUNCILMEMBER BATES: -- it --

COUNCILMEMBER FLEMING: Would this not be -- the conditional use itself be more of a storage yard and not a parking lot?

COUNCILMEMBER PACHUTA: Well, this is for the front for people coming to pick up their car.

COUNCILMEMBER FLEMING: We're talking about the back too.

ATTORNEY WEED: Well, I appreciate it philosophically, but I don't know that the code differentiates. That's what I'm asking Mr. Haeberlin.

MR. HAEBERLIN: It does not. When we did

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all those definitions that we did in the Zoning code and that we hope to see in a new book very soon, they actually define what a parking space is. And so this meets the criteria because there's a vehicle in it, so it's a parking space.

ATTORNEY WEED: And once again, I ask my question.

MR. HAEBERLIN: Yes, sir.

ATTORNEY WEED: Council obviously may wish to modify the condition --

MR. HAEBERLIN: Yes, sir.

ATTORNEY WEED: -- with regard to the rear parking.

MR. HAEBERLIN: Right.

ATTORNEY WEED: My question to you, though, is, they can do that here, but will it matter in the sense of the other code? Unless they alter the other code, it's irrelevant unless you're telling us --

MR. HAEBERLIN: Yes.

ATTORNEY WEED: -- that it's not required.

MR. HAEBERLIN: There are different perspectives on how the Council grants variances, but I would consider only requiring the front to meet the requirements of the parking code to be a variance, because it's clearly defined in the parking code.

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ATTORNEY WEED: Did you advertise for a variance hearing?

MR. HAEBERLIN: No, sir.

COUNCILMEMBER ALEXANDER: Then why --

ATTORNEY WEED: I'm legally concerned with the procedural aspect of --

COUNCILMEMBER ALEXANDER: Then why was --

ATTORNEY WEED: -- this being a granting of a variance.

COUNCILMEMBER ALEXANDER: -- parking listed as a condition?

ATTORNEY WEED: Thank you. That's a good question.

MR. HAEBERLIN: The reason why I list that is because sometimes if I don't bring these issues to the forefront, people assume that gravel would be allowed or that there'd be no aisles, et cetera.

So what I tried to do is pull everything out of the code that you might want to address with this item so that you're aware of it, so the person does not walk away thinking they got all these things that they did not in fact get. That's the reason I put that.

ATTORNEY WEED: Right. And my legal concern is that I don't -- it's my opinion that you can't

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grant the variance by virtue of a conditional use standard.

It's not mentioned in the section, you know, it's not mentioned, in 1501, and it isn't part of the standards of Subsection B.

I think you could get back around to doing that via another mechanism but not tonight.

I don't want the rest of the conditional use permit to suffer for failure of process on one subpart.

COUNCILMEMBER PACHUTA: Well, can we just strike that subpart and have to meet the parking requirements under the parking . . .

ATTORNEY WEED: My recommendation would be not -- Yes, exactly that. Not to address that here.

MR. HAEBERLIN: Okay.

ATTORNEY WEED: And then if the applicant, you know, wants to have a variance, he can apply for one.

COUNCILMEMBER ALEXANDER: Okay. Wait.

ATTORNEY WEED: He'll be able to do that.

COUNCILMEMBER ALEXANDER: Wait just a minute.

If we remove that statement, then Mr. Haeberlin says the storage of the vehicles in the

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back of the building has to meet the parking space definitions.

ATTORNEY WEED: That is correct.

COUNCILMEMBER ALEXANDER: Okay. So then he won't be able to operate his business.

ATTORNEY WEED: Well, I don't know about that.

All I care about procedurally is that I'm not sure that -- No offense, Scott. I'm not sure that was an appropriate condition to list here, because by virtue of this mechanism, granting a conditional use to another ordinance, I don't think that's procedurally correct.

MR. HAEBERLIN: Well, I didn't recommend a variance. I mean I think it's expanded upon that tonight, because the Council may feel differently than I regarding the parking section of the code. They may be not as familiar with the parking code as I am because they don't work with it every day.

COUNCILMEMBER FLEMING: And the applicant also wouldn't have been aware that he had to have a variance, either.

COUNCILMEMBER ALEXANDER: Exactly.

COUNCILMEMBER PACHUTA: But is it your opinion, Murray, looking at the parking code, that he

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would need a variance for the storage of the vehicles in the back of the building, from the parking code?
ATTORNEY WEED: If he doesn't want to stripe it, yes.
The parking code, as I understand it -- And Mr. Haeberlin knows more about it than I do.
MR. HAEBERLIN: Yes, sir.
ATTORNEY WEED: The parking code doesn't differentiate between front parking and rear parking or side parking. If you've got a parking space, it's got to be striped.
COUNCILMEMBER PACHUTA: And storage of vehicles involuntarily --
ATTORNEY WEED: It doesn't --
COUNCILMEMBER PACHUTA: -- would be considered parking a car?
ATTORNEY WEED: In my opinion, under your current code, that is correct.
Now, you can change the code, and maybe you should, and maybe you could grant a variance. I'm not entirely sure you can. I have to go back and check.
What I am confident about and what I would advise you against doing would be trying to do all that here tonight underneath the conditional use permit. That's my opinion.

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So with regard to what you do next, my opinion would be to not address that as a conditional use here, that the parking ordinance would apply, and that if the applicant needs to get a variance, he would apply for the same, come back before you and you have --
COUNCILMEMBER PACHUTA: Or that --
ATTORNEY WEED: -- a variance hearing.
COUNCILMEMBER PACHUTA: -- was something we might need to change in our parking code, that storage of vehicles in an impound lot would not require --
ATTORNEY WEED: Correct, absolutely.
COUNCILMEMBER PACHUTA: -- striping.
MR. HAEBERLIN: So the last -- I guess the last item we're at is just the log -- if I understood Mr. Weed on that, the log of the impound, the activity statement.
COUNCILMEMBER FLEMING: I need to ask a question, please, Mr. Weed and Mr. Haeberlin, Council.
Please tell me where parking is in the zoning book and not in just the Doraville Code of Ordinances.
ATTORNEY WEED: Sure.
MR. HAEBERLIN: I can't remember the exact number.

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ATTORNEY WEED: Hold on one second.
Section 609 is Parking and Storage of Certain Vehicles and --
COUNCILMEMBER ALEXANDER: Storage of certain vehicles?
COUNCILMEMBER FLEMING: Yes --
ATTORNEY WEED: Right.
COUNCILMEMBER FLEMING: -- but we haven't addressed that.
COUNCILMEMBER ALEXANDER: Is there a definition of storage?
ATTORNEY WEED: Well, I'll have to check.
Parking and Loading is the entire article of Article XI. Pardon me. Article XII, which is Sections 1201 through 1205. It includes design standards, compact cars, and the general requirements. So that's where it's at.
MR. HAEBERLIN: Correct, which we've recently amended the table number to a relative uses where we didn't have a specified amount for, and then when we did our definitions, we defined "parking space." And off the top of my head, it says something to the extent "which is exclusively for the parking of a motor vehicle." Something to that extent. I can't remember it verbatim.

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ATTORNEY WEED: Bear in mind, obviously I have no preference whether these rear, you know, spots are striped or not. I am just trying to advise you as to the best way about doing that if you choose to do that.
COUNCILMEMBER ALEXANDER: So every truck dock in the city, because a tractor-trailer parks there, and it is a motor vehicle would have to be striped according to our code.
ATTORNEY WEED: My understanding is that your parking ordinance provides, based upon the use and the size of the building and the size of the lot, that there is a table which would dictate how much parking is required for that use and that building.
COUNCILMEMBER BATES: Okay.
ATTORNEY WEED: And also my understanding is it doesn't differentiate between the front, the side and the rear.
Mr. Haeberlin, do you concur in that analysis?
MR. HAEBERLIN: I do concur.
There are communities that treat industrial different in their code than we do; however, we have not progressed to where we have a supplemental development code to address any of those items.

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1 COUNCILMEMBER PACHUTA: Okay. Well, I guess
2 my suggestion would be to remove that section for now
3 from the conditional uses and look at modifying our
4 parking ordinance as far as the storage of vehicles,
5 especially in an M-2 environment.
6 COUNCILMEMBER BATES: I agree.
7 COUNCILMEMBER FLEMING: I'm not ready to
8 modify my motion yet.
9 1201, Mr. Weed and Mr. Haeberlin, and though
10 I am trying to scan through this right now as quickly
11 as possible, is just a chart of spaces required for
12 specific uses. And nowhere in this document -- and
13 this was voted on on 1/26/10, Council -- does it
14 indicate whether you have to even stripe it or not.
15 MR. HAEBERLIN: The design guidelines are
16 actually placed after that table, and the amendment
17 did not include the full parking ordinance, only the
18 table, and we kept the other sections of the code.
19 The design guidelines are there after the table.
20 COUNCILMEMBER FLEMING: In which ordinance?
21 MR. HAEBERLIN: The parking ordinance.
22 Behind that table, it says for a one-way aisle, for a
23 two-way aisle, et cetera, et cetera. I don't remember
24 the exact citation.
25 We had this discussion in a previous legal

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1 settlement that you guys are aware of where we
2 discussed what the code said regarding one-way aisles,
3 two-way aisles, et cetera. That's from the parking
4 ordinance.
5 MAYOR JENKINS: Ms. Fleming?
6 COUNCILMEMBER FLEMING: My motion stands as
7 is.
8 And in regards to the parking in the front
9 of the building, clearly he for that particular use
10 will have enough spaces available to him. And based
11 on 1201 if that be the case, though I can't find it,
12 it will have to be striped, so it's not considered a
13 variance for the front.
14 MR. HAEBERLIN: You know, my opinion as your
15 zoning administrator, having reviewed that section of
16 the code, it does not differentiate in any manner a
17 vehicle parked. It's the same as a parking space.
18 At some point, we may want to progress to
19 development guidelines for industrial sites.
20 COUNCILMEMBER BATES: So if we add the
21 language in that says front only, that would, in your
22 opinion, Mr. Weed, be a variance because we would be
23 excluding the parking requirements from the rear.
24 ATTORNEY WEED: Yes, sir.
25 COUNCILMEMBER BATES: So we've got two

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1 options before us as I see them. We can remove that
2 criterion from the conditions and address the parking
3 ordinance or we can remove that criterion from the
4 conditions and make a motion to waive the fee for the
5 applicant to request a variance. Those are the two
6 options that I see before us.
7 COUNCILMEMBER FLEMING: Well, Mr. Bates --
8 and I appreciate that. But we're striking no tandem
9 parking or storage, so that just -- you know, nobody's
10 made a comment about well, he's got to have a variance
11 for that.
12 COUNCILMEMBER BATES: It's the striping of
13 the parking spaces in the back that would require a
14 variance from our code.
15 COUNCILMEMBER FLEMING: Ms. Alexander, it
16 was your recommendation to leave the striping in for
17 the front of the building. Do you want me to make a
18 motion to exclude both of those last two items?
19 COUNCILMEMBER ALEXANDER: I'm extremely
20 frustrated this applicant has made it this far and
21 this sentence is stopping the progress of this man
22 opening a business.
23 MAYOR JENKINS: That's what I say.
24 ATTORNEY WEED: I recognize your
25 frustration, but the Council deals in equal justice

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1 under law. If the law is bad, we'll change it.
2 COUNCILMEMBER ALEXANDER: Then, why was
3 parking not mentioned in the last application for the
4 U-Haul trucks?
5 ATTORNEY WEED: I have no idea.
6 COUNCILMEMBER FLEMING: We have not heard
7 it.
8 COUNCILMEMBER ALEXANDER: I know, but it's
9 not listed in conditions.
10 COUNCILMEMBER FLEMING: Okay.
11 ATTORNEY WEED: I don't -- I'm not the
12 author of the report to the Council.
13 MR. HAEBERLIN: Well, that site actually
14 already has parking spaces that are striped, so I
15 didn't consider that.
16 MAYOR JENKINS: We have a motion and a
17 second. I don't -- I don't really see --
18 COUNCILMEMBER PACHUTA: I'm unclear as to
19 what the motion is. I'm unclear what the motion still
20 is at this point.
21 MAYOR JENKINS: Well, we're going to have
22 the motion read. You want to still hold your motion?
23 COUNCILMEMBER ALEXANDER: Well, according to
24 legal, we can't. It would be seen as a variance. And
25 since it wasn't advertised as a variance, we have to

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1 remove the language and postpone this man's business
2 opportunity for another month.
3 COUNCILMEMBER FLEMING: But if we get
4 permission from the applicant to move forward knowing
5 that the --
6 COUNCILMEMBER ROCHE: We have to stripe the
7 whole back.
8 COUNCILMEMBER PACHUTA: Or we change the
9 parking code.
10 COUNCILMEMBER ROCHE: Well, trying to get
11 something on the agenda now, I mean nothing's moved on
12 the agenda for six weeks. So adding that to the
13 agenda, who knows how long that would take.
14 COUNCILMEMBER PACHUTA: But if leaving this
15 in is going to be granting a variance and we haven't
16 advertised for the variance, then I think it's going
17 to be void, anyway.
18 MR. HAEBERLIN: Here's a suggestion as to
19 maybe how you can -- The person agrees on the paved
20 areas of the site so they comply fully with the
21 parking code. They would not be allowed to then
22 utilize any area of the site that's not currently
23 paved.
24 And then in the very near future if the
25 Council would like to readdress this, it might give

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1 him some other opportunities on the rest of the
2 portion of the site, because I don't know how we could
3 really treat this differently than somebody parked --
4 Well, an unpaved surface, today there is not a lot of
5 commercial sites that have that, but industrial, there
6 are. And when I meet with applicants, I tell them,
7 you know, the site's been vacant. You need to bring
8 this up to code because the parking code mandates it.
9 So there might be an opportunity for him to
10 use the portions of the site that are paved and to
11 comply with the code, and then in the near future when
12 the Council addresses the parking code further, then
13 there might be further opportunities for more vehicle
14 storage areas.
15 COUNCILMEMBER FLEMING: So are you telling
16 me that the design standards is the only thing that
17 has indeed changed or no?
18 MR. HAEBERLIN: This did not change.
19 The only thing that changed that the Council
20 addressed at my request was the table, because the
21 table just was missing so many types of uses. And
22 also, too, we had the situations regarding, you know,
23 excessive parking requirements for commercial sites
24 and we wanted to have some allowance for people to
25 green the city by installing landscape islands.

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1 COUNCILMEMBER FLEMING: Okay. So within --
2 and I'll make this short and sweet. Within the design
3 standards, we're applying the fact that it's got to be
4 striped; correct?
5 MR. HAEBERLIN: Well, that's one portion of
6 it, but there is also language that's ahead of that
7 table. You have to read the whole section completely
8 through.
9 COUNCILMEMBER ROCHE: The Zoning ordinance
10 still isn't on the Web, apparently, is it?
11 CLERK BLACKMON: I have not received it from
12 MuniCode yet and it cannot be on there until I receive
13 it.
14 COUNCILMEMBER ROCHE: Receive it from --
15 CLERK BLACKMON: MuniCode. It's being
16 codified.
17 MR. HAEBERLIN: Mr. Hart, do you feel that
18 there is sufficient paved surface on site to
19 accommodate your business operation at least at the
20 get-go? I mean I think that's kind of our question.
21 MR. HART: Well, I think your and my
22 agreement was that I could do this in sections.
23 MR. HAEBERLIN: Well, that was your
24 suggestion but the code doesn't --
25 MR. HART: And you said you would work with

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1 me on that was what you said. So I do believe that
2 there is some space there that we can start working
3 but not -- I mean I've got to get with the owners to
4 see how much, you know, they're going to help me with
5 paving the back of that. But yes, there is space that
6 we could start.
7 COUNCILMEMBER ALEXANDER: Ms. Fleming, you
8 said you can't find the requirements for striping in
9 there?
10 COUNCILMEMBER FLEMING: I'm sorry. Parking
11 and Loading in Section 12. Now, unless -- I do not
12 have the most current, and yes, I do have the 1/26/10,
13 and of course I'm trying to do this quickly so we
14 don't delay all these hearings out till midnight. I'm
15 not seeing where anything indicates that they have to
16 be striped.
17 It just says we must provide, or the
18 applicant or someone, or here's how big the space for
19 a vehicle should be. I don't see striping in here
20 except for handicapped, so -- you know. And like I
21 said, I'm trying to read it quickly and I may be
22 totally wrong, but I don't see striping in here except
23 for handicapped.
24 COUNCILMEMBER ROCHE: And I'm trying to look
25 for the parking ordinance, but the wireless apparently

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is down again.
CLERK BLACKMON: Well --
COUNCILMEMBER ROCHE: Well, it's not working so it must be down. That's what "down" means.
Can we get someone to fix the wireless, the public access?
CLERK BLACKMON: Certainly.
COUNCILMEMBER ROCHE: We seem to always paint ourselves into corners when it comes to zoning. I don't understand why. As some other people mentioned, first of all, none of this stuff is available to anyone who wants to look it up; and secondly, we always find ourselves at the last minute and then there's always some catch somewhere.
There's always some obstacle and it's just -- I mean I share Councilwoman Alexander's and others' frustration here. Obviously things aren't very well organized. We don't tell people what they need to do to comply, and you don't find out until you get to the actual hearing and then you find out, "Guess what? Surprise," you know, we're playing hide the ball and we're playing last-minute surprise and everything else. It's not a very good way to bring in new businesses to Doraville.
COUNCILMEMBER BATES: Pam, I would ask that

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you add to the motion to strike that section and let the parking issue stand as it is and we can address the parking requirements next week, week after.
COUNCILMEMBER FLEMING: We are striking the parking?
COUNCILMEMBER BATES: That would be my request.
COUNCILMEMBER FLEMING: In toto.
COUNCILMEMBER PACHUTA: I think that's all I'd be able to vote for it, and I do want this business in, and then -- That would be the only way I could vote for it.
COUNCILMEMBER ALEXANDER: Does the variance have to be advertised per ZPA?
ATTORNEY WEED: Of course; yes, ma'am.
MR. HAEBERLIN: It also goes to the municipal Planning Commission as well.
COUNCILMEMBER PACHUTA: If we change the parking ordinance, I guess that has to be advertised also if we --
ATTORNEY WEED: Correct.
COUNCILMEMBER PACHUTA: -- change that?
ATTORNEY WEED: Okay.
COUNCILMEMBER PACHUTA: Okay.
MR. HAEBERLIN: And then as well, it's a

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text amendment which, by the actions of the Council, requires the Planning Commission.
COUNCILMEMBER FLEMING: September. Okay.
My motion is to approve with conditions. And now I am amending that motion to delete the striped parking in the front of the building is the way I believe I made the motion to begin with.
COUNCILMEMBER ALEXANDER: Delete the whole section about parking.
COUNCILMEMBER FLEMING: But the way I made my motion was to stripe only the front. So I am amending that portion of it to then read: Delete "All parking and/or storage spaces" and also delete "No tandem parking or storage."
COUNCILMEMBER ROCHE: And I'll still second it, with apologies.
MAYOR JENKINS: Any more discussion?
COUNCILMEMBER PITTMAN: Yes. I apologize, too. Nothing personal, and I appreciate what you're trying to do, but I just cannot support the impound part of that. I have too many concerns.
MAYOR JENKINS: Any more discussion? Any more discussion?
- - -
(No response)

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- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: No.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Thank you. Do you understand all that?
MR. HART: Can we go through it again?
MAYOR JENKINS: It passed, yes.
MR. HART: What do we do next?
MAYOR JENKINS: Scott?
COUNCILMEMBER FLEMING: What do you do next? He's asking you.
MR. HAEBERLIN: Well, now that the conditional use has been applied, then he would apply for the necessary occupational tax -- excuse me --

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occupational placard requirement of the City which includes any permitting for occupancy of the building.
MAYOR JENKINS: In other words, he comes to see you.
MR. HAEBERLIN: Come see Ms. Ruby.
MAYOR JENKINS: All right.
MR. JOHNSON: When will we have a published copy of this?
MR. HAEBERLIN: Well, that will be the minutes of the proceedings, transcript of the proceedings. It would come from our court reporter.
COUNCILMEMBER ROCHE: It will be on the Web site eventually.
COUNCILMEMBER BATES: We've got to approve it, sir. The minutes will come back to us for review and approval.
MR. JOHNSON: I'm sorry?
COUNCILMEMBER BATES: The minutes will come back to us for review and approval, and once we approve them, they'll be available to the public.
MR. HART: Thank you.
MAYOR JENKINS: Thank you. Good luck on it.
MR. HART: Thank you, Mayor.
MAYOR JENKINS: We're going to take a 10-minute break.

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(Brief recess)
- - -
MAYOR JENKINS: Okay, Scott, the next item.
MR. HAEBERLIN: At this time, we invite the applicant to come forward and discuss the petition.
MAYOR JENKINS: Okay, Lisa.
MS. SHIN: I am here today to get conditional use approval for my therapeutic massage.
Back in 2006 to 2009, we had occupational tax license, but 2010 when we renewed, the City send us a letter stating that they made a mistake and an error. So I did send all the paperwork to Scott, but those were delayed due to the landlord did not give me the paperwork in time. So I need to get the conditional use approval.
COUNCILMEMBER BATES: Ms. Shin, are you the only person that performs therapy in the business?
MS. SHIN: No. Sometimes there's an assistant with me when I'm there, but usually, yes, it's me.
COUNCILMEMBER BATES: And does your assistant perform massage therapy?
MS. SHIN: No. It's just assistant.
COUNCILMEMBER BATES: So they don't do any

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touching of any of the customers?
MS. SHIN: No.
COUNCILMEMBER BATES: And you are a certified therapist with the State of Georgia?
MS. SHIN: Yes, since 2007.
COUNCILMEMBER ROCHE: Let me make sure I understand this. You say that your permit, you submitted your request late? I didn't get that part of it.
MS. SHIN: Well, the letter that I got in April, it didn't say a deadline for when I'm supposed to turn in all the paperwork. So between April to May, I did spoke with my landlord, and I needed legal description from her and I needed survey from her but she didn't give me in time.
And I did stop by with my landlord to Scott to explain to her what I need from her. So I believe that was sometime middle of May, but I didn't know there was a deadline to return the paperwork, and so now I have citation, two citations.
COUNCILMEMBER PITTMAN: You said you have two citations?
MS. SHIN: Yes.
COUNCILMEMBER PITTMAN: Is that correct?
MS. SHIN: Yes.

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COUNCILMEMBER PITTMAN: Because I just -- it says that you were advised by our solicitor that you would receive a citation for every day open. So you knew that, though; right?
MS. SHIN: Later in time when I got the citation. I wasn't told. Nobody told me that I need to --
THE REPORTER: Nobody told you what?
MS. SHIN: I can -- I need to have occupational license.
COUNCILMEMBER ROCHE: And you had an occupational license for the years 2006, 2007, 2008 and 2009?
MS. SHIN: Yes.
COUNCILMEMBER ROCHE: So at the beginning of 2010, you're saying that was delayed four months?
MS. SHIN: 2010, we did return the paperwork, which is the tax return along with the application, but the City told -- the City said they're working on a paperwork that's delaying.
So I stopped by February and I stopped by March to see what's the status, how is the paperwork doing. And April I received a letter stating that there was an error issuing the occupational tax license. There is a letter here if you want to read

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the letter.
COUNCILMEMBER ROCHE: Yeah.
COUNCILMEMBER ALEXANDER: What are your hours of operation, ma'am?
MS. SHIN: 9:00 to 9:00.
COUNCILMEMBER ALEXANDER: Okay.
COUNCILMEMBER ROCHE: Yeah. I'll read part of this for the record.
Massage establishment, 5142. This letter should provide you further clarification on your 2010 occupational tax renewal request. It has come to the attention that your 2009 occupational tax placard was issued in error. Massage was not a permitted use in your zoning district, the C-2 district, at the time you initiated again your business operations -- which I guess would have been 2006, 2005 or 2006, whenever.
MS. SHIN: I don't know about prior years but I was there since 2007.
COUNCILMEMBER ROCHE: Since the C-2 district per our ordinance 2008-33 only allows Georgia State Board of Massage Therapy licensed massage therapists with a conditional use permit.
So you were a State Board -- you were a licensed massage therapist with a conditional use permit.

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And given your prior business cannot be determined to be legally nonconforming due to massage not being a permitted use within C-2 at the time your business was opened, the City determination of zoning appropriateness has been denied.
So it looks like what they're saying here is that -- and maybe we can get clarification from -- this is from Mayor Jenkins and Scott Haeberlin on April 12th.
So you filed your paperwork in December and you didn't know anything about it until April.
MS. SHIN: Right.
COUNCILMEMBER PACHUTA: Mr. Roche, none of this is a surprise to you, and obviously this has been discussed in detail among Council and with attorney-client communications with our own legal counsel.
In the interest of time, I'd rather just get to the application.
COUNCILMEMBER ROCHE: Well, in the interest of making sure people understand what's going on, I wanted to read this into the record because I think it has something to do with this application.
COUNCILMEMBER PACHUTA: But I don't think it's pertinent to the discussion of whether to grant a conditional use.

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COUNCILMEMBER ROCHE: Well, clearly we disagree and not for the first time.
COUNCILMEMBER BATES: I don't have any other questions for the applicant.
COUNCILMEMBER FLEMING: I notice that it says New Gun Barber. Are you a barber as well?
MS. SHIN: No, we don't have a barber. We are looking for a licensed barber but we haven't had any luck.
We do have -- because we have that still, because we do have that chair there.
And we did ask the employees here when we renew the license, we don't -- we're not making any money because we don't have a licensed barber, but we do have -- we still have the chair.
Therefore, she told me that it is better to get license, if I get inspection come then and --
COUNCILMEMBER FLEMING: So you have two occupational tax permits; correct?
MS. SHIN: Yes.
COUNCILMEMBER FLEMING: Okay. Thank you.
MS. SHIN: But we did have barber, but we're still waiting for the massage license.
COUNCILMEMBER FLEMING: Thank you.
I don't have any other questions.

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MAYOR JENKINS: Any more questions?
- - -
(No response)
- - -
MAYOR JENKINS: All right. Scott?
MR. HAEBERLIN: Not a lot that I will add. Obviously there is some court history with this, in fact a court date for tomorrow pending on the outcome of the proceedings tonight.
And I looked at all the factors regarding parking, et cetera. The site, you know, meets those criteria. Actually, they seem to have a little surplus parking. And the site is an older facility. It has a vegetative buffer which is that of kudzu. There is a significant topography grade between this site and the residential that's adjacent to it. It's really not unlike a lot of properties on Buford Highway, and that's very common. And so it is physically separated from a residential subdivision. I don't see how there will be any cross traffic or any impact. The property is not what I would call a conventional shopping center. It's more of a professional office suite-type environment. It does not in any way connect with a residential subdivision. So based on the standards of review, I don't see that

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there would be an impact.
I did recommend approval because there appear to be more standards met than not met, and this is predicated on again my belief as demonstrated by the applicant that she's a recognized and licensed massage therapist and that she continues in that capacity, and all operators of course follow the same item. I did recommend approval.
MAYOR JENKINS: Thank you.
COUNCILMEMBER FLEMING: On page 3, you comment about Key Factors of Development Review and you have commented about that if this Council elects to grant the Conditional Use . . . will be treated the same as any new business applicant; tenant interior finish and signage.
Since this business has clearly been in operation since 2006 to the best I can make out or at least your report indicated that the applicant had been in business at this location since 2005, I don't believe that tenant interior finish nor signage should be entered into the discussion of whether it should be approved or not.
MAYOR JENKINS: Any more questions?
- - -
(No response)

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MAYOR JENKINS: Okay, Scott, it's a public hearing.
MR. HAEBERLIN: At this time, the Mayor is opening a public hearing, and those who would like to speak in favor of the application, please raise your hand.
Seeing none, none in favor, those who would like to speak against the application, would you please raise your hand. Anyone? Again seeing none, I return it to the Council.
MAYOR JENKINS: Okay. We'll bring it back up to the table. Any more discussion at the table?
What about a motion?
COUNCILMEMBER ALEXANDER: Mr. Weed, there was a comment made in this report on page 3 and continuing on to page 4. Are we allowed to strike that?
ATTORNEY WEED: I don't have that report, Councilman. What I have is the application from the applicant. I don't have any of the reports, but if you'll read it to me or --
CLERK BLACKMON: (Presenting)
ATTORNEY WEED: Go ahead.
COUNCILMEMBER ALEXANDER: On page 3 and

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continues on the top of page 4.
ATTORNEY WEED: Yes, ma'am. And what's your question?
COUNCILMEMBER ALEXANDER: Can we strike that language?
ATTORNEY WEED: You can strike the language, but it's already in the other code. It won't matter if you strike it here or not. The other code will be applicable.
COUNCILMEMBER ALEXANDER: So it's the same thing as we had with the parking.
ATTORNEY WEED: Yes, ma'am.
To help clarify this -- and Mr. Haeberlin's here -- I had asked Mr. Haeberlin some questions during the break. My understanding from Mr. Haeberlin is that some of the commentary he makes in reports apparently is to educate and help the Council with regard to a reminder as to other applicable codes. They are not per se recommendations for additional conditions. And Mr. Haeberlin's here and he can clarify that.
But my opinion is unless the code allows for a variance procedure or an appeal procedure, if there is another code that is applicable, there's no need to address it here because there's nothing that the

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Council can do to vary it at this forum, anyway, unless you went through the other variance process. And that's just the general rule of law.
COUNCILMEMBER ALEXANDER: This young lady, as a certified massage therapist, if she can't prove that a sign that was erected on Buford Highway before she became employed at the establishment had a permit granted, then she is going to be subject to fees doubled as set forth in the city code.
ATTORNEY WEED: Assuming that is what is in the city sign code, that is correct.
If the Council doesn't like the city sign code, the Council can change the city sign code. But until the Council changes the sign code via this format, via this procedure in accordance with the laws of the state of Georgia and the United States of America, you can't do it right now, tonight, here.
You can do it very soon. The sign code is not in the Zoning code and therefore doesn't require compliance with the ZPA. You could call a special meeting tomorrow, ask me to redraft the sign code, and I'd be happy to try to do that.
COUNCILMEMBER FLEMING: Well, since it's not in the zoning, we could just say that this doesn't apply.

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ATTORNEY WEED: No, ma'am, you can't do that because this Council has already approved the sign ordinance.

COUNCILMEMBER FLEMING: But clearly, because this is not a quote/unquote new business and she had permitting through the City for four years, it's not a new business.

ATTORNEY WEED: Well, legally I disagree with that only in the sense of if you are a illegal business, however long you operated illegally, that doesn't give you any rights. You're not granted any rights by an illegal operation.

COUNCILMEMBER FLEMING: But we go back --

ATTORNEY WEED: So if you violated the zoning for 20 years, you're not vested in anything until you become legal.

COUNCILMEMBER FLEMING: But we go back to the subject of interpretation of what our previous code indicated, and that's the previous Zoning code that she established her business, the sign, the interior finish.

So to me, those two items that's listed here as key factors for development review -- And by the way, Ms. Alexander, it says, if the Council elects to grant, okay, the conditional use. I just really

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believe that since this is a subjective nature, that these two should not apply to this applicant.

COUNCILMEMBER ROCHE: If they had gotten their permit at the beginning of the year, would any of this apply?

COUNCILMEMBER ALEXANDER: No.

COUNCILMEMBER PACHUTA: No.

COUNCILMEMBER ROCHE: That's what I'm saying, I mean, so, you know, we nailed you twice, it looks like.

ATTORNEY WEED: Let's talk about -- let's all use the same terms. When you refer to permit, what do you mean by permit?

If you're talking about the occupation tax placard, that's simply a piece of paper that shows that you paid occupation tax. That's all it is. It's not a license. It grants no authority. It's merely proof you paid tax, period.

In addition to that, depending upon your business, you may be required to have a license of some kind or a permit of some kind. That's different.

In this particular situation, each one of the massage establishments according to the zoning that have been on the books for a number of years was required to have a conditional use permit. There was

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a laundry list of them. None of them had a conditional use permit.

That had been the code, and apparently that is the code now, and until this Council changes the code, that will be the code until some point in the future.

In order to come into compliance, the applicant appropriately -- the staff appropriately notified the applicant of what to do to come into compliance, and the applicant is here trying to do that.

Now, back when they were there previously, you know, they were there in violation of some code. Doing something illegally, however long you do it, doesn't give you any rights under the Zoning code.

COUNCILMEMBER ALEXANDER: Mr. Weed, the McDonald's on Buford Highway renewed their occupational certificate placard. Were they required to show a permit for their golden arches sign?

ATTORNEY WEED: I have no idea.

COUNCILMEMBER ALEXANDER: Mr. Haeberlin?

MR. HAEBERLIN: There is a question on the renewal that asks about signage, whether a permit -- whether they need to install additional signage and if they have a sign that's already permitted, and they

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answered: signage already installed with permit. That is on the renewal.

COUNCILMEMBER ALEXANDER: Did you ask them to prove a copy of their permit?

MR. HAEBERLIN: Did I ask them to prove that?

COUNCILMEMBER ALEXANDER: Uh-huh.

MR. HAEBERLIN: No. They're certifying on a City application, ma'am.

ATTORNEY WEED: And if it's deemed that they lied, then that's a felony offense. You can get one to five for that.

MR. HAEBERLIN: And certainly the first part of the report -- And let's be clear. This is a form that I brought to you from a previous employment area. There's no requirement that I do anything but review the standards of review and write a recommendation.

If the Council does not feel the other part of the -- The report is informational. And I've often been cautioned that I'm not informing people enough. I'm trying to inform them of all the relevant hit points that they need to be aware of.

The report can just be the standards of review and recommendation if that so pleases the Council.

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I brought this format from another jurisdiction. I think it works well. I think that we do need to hit on key points for our applicants, although they're required by law to know the entire code. But I think in this situation if there's something very specific to them that seems to be a problem, we should tell them.

COUNCILMEMBER ROCHE: So we have a business that's operated in the city of Doraville for five years, and then suddenly now, gotcha. This is gotcha number two for tonight.

ATTORNEY WEED: Councilman, it's our duty as staff members to inform you if it's our opinion that something's being done legally or illegally. That's all they're doing.

COUNCILMEMBER ROCHE: But it would be good to know before we get to the hearing night.

ATTORNEY WEED: In this case, you certainly have been informed of --

COUNCILMEMBER PACHUTA: You've known --

ATTORNEY WEED: -- this particular matter.

COUNCILMEMBER PACHUTA: -- for three or four months about this issue --

ATTORNEY WEED: And I would be happy to --

COUNCILMEMBER PACHUTA: -- so I would

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definitely disagree.

COUNCILMEMBER FLEMING: Excuse me. This particular document was not given to us until --

COUNCILMEMBER PACHUTA: No. I'm talking --

COUNCILMEMBER FLEMING: -- Thursday of last week.

COUNCILMEMBER ROCHE: Exactly.

COUNCILMEMBER PACHUTA: I'm talking about the idea that she needs a conditional use for a massage application is what I just interpreted Mr. --

COUNCILMEMBER ROCHE: And we have responded to those too.

COUNCILMEMBER PACHUTA: This particular thing, no. But the fact that she needed a conditional use, yes, we've known about that for months.

ATTORNEY WEED: I will remind the Council that there is no law that requires you to have a Zoning code at all.

COUNCILMEMBER ALEXANDER: We understand that, Mr. Weed. You told us that over a dozen times now. Thank you.

COUNCILMEMBER BATES: I'll make a motion to approve the conditional use.

COUNCILMEMBER ROCHE: And I'll second it.

MAYOR JENKINS: Any more discussion?

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- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: Thank you.

- - -

(Brief, inaudible conversation between Clerk Blackmon and Councilmember Alexander.)

- - -

COUNCILMEMBER ALEXANDER: Okay, ma'am. You'll need paperwork to take with you to your court hearing tomorrow. Do you know what time your court hearing is?

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MS. SHIN: 2:30.

COUNCILMEMBER ALEXANDER: 2:30? Okay.

CLERK BLACKMON: She can come in in the morning.

COUNCILMEMBER ALEXANDER: Okay. Come by City Hall in the morning and Rhonda will make sure you get taken care of. Thank you.

MAYOR JENKINS: Thank you.

Okay, Scott.

MR. HAEBERLIN: The next one we have is 2000 Clearview Avenue. At this time, we invite the applicant to come forward and state their position.

MR. CARCAMO: My name is Azael Carcamo.

We are trying to open a new establishment here in Doraville. The name of our company is Safety and Environmental Education, and just like the name says, our main goal is to educate the people who work in various environment where they're exposed to either hazardous materials. We mainly teach people how to work with asbestos, lead, small remediation and even hazmat, hazardous materials. And mainly we just want to teach people how to protect themselves while doing these activities and of course protect the environment at the same time.

Now, I personally have been doing training

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1 for over 14 years now. I've been the director of
2 several training programs for the southeast region of
3 the United States.
4 And just to tell you a little bit of history
5 about how I got involved in this, I used to train for
6 a training provider, that I became a partner with them
7 and started doing training here in the city of
8 Doraville, to be exact. Financially, it was costing
9 me money to make them money, and it got to the point
10 that I decided to go on my own.
11 Finally, I decided to go on my own. And
12 when I went on my own, the economics was not there for
13 me and literally almost make me go bankrupt --
14 bankruptcy until I was able to have my partners, which
15 they're here with me, and they were able to support me
16 to open the new business. And the reason I mention
17 this is because it took me literally a year to be able
18 to get back to the point to open another business.
19 We spent a lot of time in the process of
20 getting new license. We applied with the
21 Environmental Protection Agency to get a license. We
22 applied with OSHA to be able to have approvals to
23 train.
24 And once we got all of that done and got all
25 the approvals down, we came over to Doraville again

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1 and tried to open the business. We submitted our
2 application. When we submitted our application for
3 training, we paid the fees, we paid for the fire
4 department to come in and check the location, and we
5 got the approvals from the fire department. And it
6 was my understanding that I was going to be mailed the
7 certificate.
8 Well, three months passed by, and we never
9 received anything. So I told one of my partners while
10 I was training, I said, "Could you go and check on the
11 business license?"
12 He comes over to check on the business
13 license. It turns out that we don't have a license.
14 So three days after that, I get a visit from
15 Doraville, from the City of Doraville, and I received
16 a ticket and find out that I had to do all this
17 process all over again.
18 I mean the training need is available. We
19 have a huge need in the industry. We were talking
20 about Mr. Hart, how he would handle his spills of
21 hazardous materials. Well, one way for him to treat
22 his hazardous materials would be to train his
23 employees, and having access to have somebody in
24 Doraville do training would be something good for him.
25 Another thing also, we probably train about

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1 a thousand people throughout the year, and this is
2 people that come from various states to get a license.
3 So that could also bring economic, if you will, to the
4 city of Doraville because this is people that would
5 have to spend the night and spend money on lodging and
6 go out and eat food at restaurants in city of
7 Doraville. So I see that as something good for
8 Doraville as well.
9 And once again, we're trying to do anything
10 we can to get the license, and it's been a long
11 process for us.
12 Does anybody have any questions?
13 COUNCILMEMBER BATES: What are your hours,
14 sir?
15 MR. CARCAMO: Our hours of operations is
16 from 8:30 to 4:30.
17 COUNCILMEMBER ROCHE: Were you given any
18 explanation as to why you didn't hear anything for
19 three months after your first application?
20 MR. CARCAMO: Apparently our application was
21 discard because there was no action on our part.
22 COUNCILMEMBER ROCHE: There was no what?
23 MR. CARCAMO: There was no action on our
24 part. We didn't took any action afterwards.
25 And it was my understanding that I was

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1 waiting for it to be mailed to me. It was probably a
2 lack of communication that could very well have been
3 on my part.
4 COUNCILMEMBER BATES: And on your
5 certification and training programs, do you guys carry
6 proper certifications to be instructors?
7 MR. CARCAMO: Yes. We are approved under
8 the Georgia EPD and we are also approved under the
9 EPA. The EPA had a model of accreditation plan but
10 they stopped doing the model of accreditation plan
11 approvals in '94.
12 COUNCILMEMBER BATES: Okay.
13 COUNCILMEMBER ROCHE: So now we went with
14 the state that is approve under the federal license,
15 which is North Carolina, and we're basically approve
16 under North Carolina to be able to train.
17 COUNCILMEMBER BATES: Thank you.
18 And how large is your space?
19 MR. CARCAMO: We are a real small entity.
20 There's only two trainers. It's my partner and
21 myself. Most of the training that we do, it's not
22 done in our location. We go over to contractors and
23 do training on their location, but every now and then
24 we'll get students to come to us.
25 And we do slide presentations and videos,

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and then sometimes we'll do some hazmat activities, which by the way, we do not have the use or store any hazardous materials on site. We'll do demonstration of how to remove hazardous materials using newspaper and detergent to simulate asbestos and stuff like that.

COUNCILMEMBER BATES: Thank you.

COUNCILMEMBER ROCHE: And you don't use any actual hazardous material on site or with the training?

MR. CARCAMO: Not at all, not at all. It would be a huge liability. But we basically use -- for example, I use detergent to presume asbestos dust, and I throw out the detergent on the area where we're demonstrating the cleaning. When the guys come in and clean it, afterwards they believe that it was clean, but due to the phosphate of the detergent, which all I use is Tide, I turn off the light and put in a black light, and that stuff reflects, which is the stuff they already cleaned, and it gives them the clear understanding that, oh, what I think of clean is not actually.

COUNCILMEMBER BATES: Thank you.

COUNCILMEMBER FLEMING: In regards to your hours of operation, I think that's admirable to have

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it during the day, but there may be some businesses that may want their regular employees to come to you after hours. So would you be considering, you know, evening -- a couple hours during the evening, nights?

MR. CARCAMO: That's a good question, ma'am, and actually we have done classes after hours, but our main hours of operations is 8:30 to 4:30.

COUNCILMEMBER FLEMING: Okay. Thank you.

MAYOR JENKINS: Any more questions?

- - -

(No response)

- - -

MR. CARCAMO: By the way, if I may say, it's well organized what you guys have here. It's my first time on a hearing. I had no idea what a hearing was, and it's like going to school for me, basically. So thank you.

COUNCILMEMBER PITTMAN: Thank you.

MAYOR JENKINS: Thank you.

MR. HAEBERLIN: I'd like to address the City's responses to the applicant. The applicant applied on May 11, 2010. The application was reviewed by staff on May 11, 2010, the same day. Denial requires conditional use in O/I because that's what your code says.

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Ms. Biggers, who's the permit clerk and my associate under my supervision, then called, and she denotes on the left-hand side of the application that she called the applicant. The City does not allow people to proceed to Fire without an approval to go to Fire, but many people do bypass us. There's been recent discussion from the fire marshall that he will not entertain phone calls unless there is a City paper that directs him to review something. So I wanted to clarify that.

The property is O/I, the code does require this. And as you're aware, the Comp Plan really sees this property as Highway Commercial Corridor, so we are certainly lucky that there's not a commercial zoning on the site, and that's one of the items I addressed in here.

And based on the standards of review, I don't see this as a potential harm, certainly not to the community, because it's what I would expect in the traditional office environment. This is a simulated classroom training style operation, and it's something that I don't think promotes a lot of pedestrian or vehicular traffic that's no different than any other real estate office or any other professional use.

So I did recommend approval of it, and in my

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approval, again I address -- you know, my concern is that there's no outdoor storage or operations, there's no use, storage or handling of hazardous materials. And it's a simulated classroom training facility, it's within customary business hours, and I think that that was addressed by the applicant this evening.

MAYOR JENKINS: Thank you, Scott.

Motion?

COUNCILMEMBER BATES: Public hearing.

COUNCILMEMBER ROCHE: Public hearing, Mayor.

MAYOR JENKINS: Oh, okay. Getting ahead of myself.

MR. HAEBERLIN: At this time, the Mayor opens the public hearing. Those who would like to speak in favor of the application, please raise your hand.

Seeing none, those who would like to speak in opposition to the application, please raise your hand. I see one.

Sir, if you'd approach the podium and state your name and address for the record.

MR. RAINES: My name is Doc Raines. I'm the landlord that abuts their property, and I may not have a concern. All I saw on the sign was they were turning the whole thing into a vocation. Doesn't say

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1 -- Sounds like a small operation.
2 MR. CARCAMO: It is a small operation.
3 MR. RAINES: So it's probably not a big
4 deal. We have a common parking lot, and all I could
5 see is our parking lot filled up if that thing was
6 turned into a whole classroom, the whole 42,000 square
7 feet. But that appears not to be the case.
8 How big is your classroom?
9 MR. CARCAMO: The biggest we get is about 10
10 students in a class.
11 MR. RAINES: It's not an issue, then.
12 I just wanted to make sure that we weren't
13 fixing to be overrun with a parking lot full of
14 students, because we have parking problems as it is.
15 COUNCILMEMBER FLEMING: Mr. Raines, it shows
16 on our paperwork here that it would be Suite 213.
17 MR. RAINES: I'm -- you know --
18 COUNCILMEMBER FLEMING: Oh, no. I know you
19 don't.
20 MR. RAINES: -- I did not have that
21 information.
22 COUNCILMEMBER FLEMING: No, sir, I know. On
23 the sign it showed just the address, I'm sure, but I
24 wanted to let you know that it would be Suite 213.
25 Correct?

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1 MR. CARCAMO: Yes, ma'am.
2 MR. RAINES: Small operation, and he's
3 probably -- and since he's already been there and we
4 haven't been disrupted, so it's not a big deal, but I
5 just wanted to make sure that's what it was. So with
6 that, I have no objection.
7 MAYOR JENKINS: Thank you.
8 COUNCILMEMBER PITTMAN: Thank you.
9 MAYOR JENKINS: Any more questions?
10 - - -
11 (No response)
12 - - -
13 COUNCILMEMBER BATES: Make a motion to
14 approve the conditional use for the property 2000
15 Clearview Avenue, Suite 213, with conditions as noted.
16 COUNCILMEMBER PITTMAN: Second.
17 MAYOR JENKINS: Any more discussion?
18 - - -
19 (No response)
20 - - -
21 MAYOR JENKINS: Call the roll.
22 CLERK BLACKMON: Councilmember Alexander?
23 COUNCILMEMBER ALEXANDER: Yes.
24 CLERK BLACKMON: Councilmember Bates?
25 COUNCILMEMBER BATES: Yes.

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1 CLERK BLACKMON: Councilmember Fleming?
2 COUNCILMEMBER FLEMING: Yes.
3 CLERK BLACKMON: Councilmember Pachuta?
4 COUNCILMEMBER PACHUTA: Yes.
5 CLERK BLACKMON: Councilmember Pittman?
6 COUNCILMEMBER PITTMAN: Yes.
7 CLERK BLACKMON: Councilmember Roche?
8 COUNCILMEMBER ROCHE: Yes.
9 MAYOR JENKINS: Thank you, sir.
10 MR. CARCAMO: Thank you.
11 COUNCILMEMBER ROCHE: Now, do you have
12 court tomorrow?
13 MR. CARCAMO: I have a court date tomorrow.
14 COUNCILMEMBER ROCHE: So you have to come by
15 early to get the paperwork?
16 CLERK BLACKMON: Yes. Come see us. We open
17 at 8:30 in the morning.
18 MR. CARCAMO: Okay. Thank you.
19 MAYOR JENKINS: Thank you.
20 Scott, Halpern Enterprises. Have them come
21 up, whoever's going to --
22 MR. HAEBERLIN: At this time, I invite the
23 applicant to come forward.
24 MR. BROZOVIC: Good evening. My name is
25 John Brozovic. I'm with Halpern Enterprises. Thanks

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1 for taking the time to listen to us this evening.
2 We are here to talk about getting a variance
3 to install and ATM in PineTree Plaza parking lot. The
4 ATM will belong to Chase Bank. It's a very attractive
5 ATM, national brand name. Not only drive traffic to
6 the shopping center but also help attract national
7 retailers to the shopping center.
8 I do have photos of the ATM if you-all are
9 interested in seeing those. I think you may have seen
10 them in the packet before.
11 COUNCILMEMBER FLEMING: They were in my
12 packet. Do you want to see them? Are they for all of
13 us, sir?
14 MR. BROZOVIC: Yes.
15 We do request that our variance be granted
16 without the conditions that are recommended by the
17 staff. If you'd like, we could either -- I could
18 answer questions on each one of those topics or we
19 could go through those one at a time and we can state
20 our positions on those.
21 COUNCILMEMBER FLEMING: I have a question in
22 regards to flipping the ATM location because I'm
23 unfamiliar with the actual -- how close it should be
24 to the street and so forth.
25 MR. BROZOVIC: Okay. Well, what I've got

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1 here also is a blow-up of our survey. It shows the
2 layout where the ATM would be. I think this would be
3 helpful.
4 You will notice that the drive lane where
5 you'd be entering the ATM to use it, your car will be
6 in between Buford Highway and the ATM machine. That's
7 for two main reasons.
8 Basically, the flow of traffic. The cars
9 obviously will be driving on the right-hand side of
10 the drive lane and they'll be able to enter into the
11 ATM lane and use the ATM.
12 It's also for safety. If you have the ATM
13 blocking the vehicle from the street, not as many
14 people can see the person using the ATM. It just is
15 more of a safety precaution.
16 But if you flip it also, picture it this
17 way. If you're viewing the ATM from the other side,
18 okay, driving up to it, heading from, say, Subway up
19 to the ATM, you would have to cross over oncoming
20 traffic to enter into the ATM service lane.
21 COUNCILMEMBER FLEMING: Okay. And the
22 proposed area of driveway and pass-through, do you
23 have any idea --?
24 Oh, I see. It's 12 feet?
25 MR. BROZOVIC: Yes, ma'am.

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1 COUNCILMEMBER FLEMING: Okay. Thank you.
2 COUNCILMEMBER BATES: Is that area of the
3 parking lot level with Buford Highway? Because at
4 some point, there's a pretty significant height --
5 MR. BROZOVIC: Right. This is the portion
6 of the parking lot that's as close to being level to
7 Buford Highway as possible. The further north you go,
8 the higher the retaining wall gets.
9 COUNCILMEMBER BATES: Okay. Thank you. Do
10 you know what the approximate height of the retaining
11 wall is at that location?
12 MR. BROZOVIC: I cannot say for sure but I
13 think it is -- if it was 12 inches, I'd be surprised.
14 COUNCILMEMBER BATES: Okay. Thank you.
15 MR. BROZOVIC: In fact, I don't think the
16 retaining wall is there at that point. I think it's
17 just a high curb. It's where the crosswalk is located
18 near the former tacqueria.
19 COUNCILMEMBER BATES: Gotcha. Okay. Great.
20 Thank you.
21 COUNCILMEMBER ROCHE: Do you want to just go
22 through the conditions?
23 MR. BROZOVIC: I'd be happy to. I believe
24 the order that they were listed, flipping the ATM,
25 I've already addressed that. We do have adequate

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1 stacking. Flipping it would just -- frankly, it just
2 wouldn't make sense and would be dangerous to people
3 having to cross over traffic to use the ATM and again
4 crossing over traffic to exit and get back into the
5 right drive lane --
6 COUNCILMEMBER ROCHE: Right.
7 MR. BROZOVIC: -- to leave the shopping
8 center.
9 The second one is going -- the pedestrian
10 benches, trash cans and things of that nature. With
11 all of our properties, we make that evaluation from
12 time to time on what is needed as far as amenities,
13 trash cans and things like that, which we will of
14 course do at PineTree Plaza. We just frankly don't
15 feel that's really a necessary condition based on just
16 installing an ATM machine.
17 Number three, the issue with the R-1 zoning.
18 I've got a copy of my full survey here, and it says
19 that PineTree Plaza is all C-2. We do have some
20 adjacent property behind PineTree Plaza that was
21 purchased around 45 years ago, and that was to create
22 an additional buffer area behind the shopping center.
23 So I'm not sure. If there's something that
24 needs to be worked through, we're happy to talk about
25 it. I don't know if it's something that the ATM had

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1 to trigger. I didn't -- again, we're happy to work
2 with you-all to resolve any issues down the road, but
3 we just don't feel like there is an issue here with
4 the request based on this ATM.
5 Number four, the demolition of the former
6 tacqueria, the El Charrua. We're really not sure that
7 we want to do that, number one. It is an income-
8 producing structure on the property. It's far enough
9 way to the ATM, neither one of their drive lanes would
10 affect each other. And if we were to eliminate that
11 structure, it would really be to create more parking
12 in the shopping center, which right now we're kind of
13 at just the bare minimum requirements for most
14 national retailers for parking. So if we were going
15 to do that, we would be complying to create more
16 parking, not a landscape bed.
17 COUNCILMEMBER ROCHE: Thank you. That was
18 it.
19 MAYOR JENKINS: Any more questions?
20 - - -
21 (No response)
22 - - -
23 MAYOR JENKINS: All right, Scott.
24 MR. HAEBERLIN: I won't go into a lot of
25 detail. This has been vetted extensively today in

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1 e-mail between Council and legal representative.
2 However, if you go to the last page of the
3 report, the yellow highlighted area within the
4 boundary survey of this property presented to us by
5 the applicant, as attested by the legal at the bottom,
6 does include a portion of the property zoned R-1.
7 At the time the City received an application
8 from the applicant, the applicant did not disclose
9 that a portion of the property was R-1; therefore, we
10 did not advertise this property as C-2 and R-1.
11 Mr. Weed has given me an opinion, and I do
12 concur, that this petition has been improperly
13 advertised due to no fault of the City, and that it
14 was his recommendation that the petition be re-
15 advertised as such.
16 Again, the staff does agree with this
17 situation, and with that, I do withdraw any recommen-
18 dation of approval that I may have stated in the staff
19 report, again, because of legal advertisement. The
20 city attorney concurs with the staff. And again, had
21 I known that a portion of this property was
22 residential, I would have advertised it.
23 COUNCILMEMBER FLEMING: I believe the issues
24 that I run into with -- and though it may be correct
25 in the way you're doing things, is that you're

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1 including an entire parcel. I mean if we had a mile-
2 long shopping center and we had a conditional use come
3 to us, would you be evaluating the entire mile-long
4 shopping center for this one little conditional use?
5 If that is the case, I think we need to
6 change our policy because this is for an ATM machine
7 that's going to be no more than 20 feet in area. To
8 me, we need to be considering where that area is
9 versus an entire shopping center and what comments
10 need to be done for the entire shopping center.
11 And just like Mr. Raines, the gentleman that
12 came to oppose the technical hazardous school, he came
13 because the sign indicated, you know, basically the
14 entire area, and it's only a suite that may be 500
15 square feet.
16 So I really have an issue with the way that
17 we conduct our reports.
18 MR. HAEBERLIN: Mr. Weed has determined
19 before that a conditional use is a zoning decision.
20 As such, I look at the parcel that's presented to me,
21 and this is a very large parcel, about 13.981 acres.
22 You have to look at the totality of the
23 codes together, because the code does not say if
24 somebody were to use only a certain portion of the
25 site that the codes would not come into effect. So

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1 fortunately or unfortunately, there's lots of city
2 codes that relate to development of properties. The
3 development of this site would trigger the tree
4 ordinance, and I have discussed this with the city
5 arborist as well.
6 But I am correct that we advertised the
7 entire zoned property, the parcel as it exists in a
8 legal description provided to us by the applicant.
9 And the way the conditional use was structured, it
10 really required me to interact with a number of plans
11 that the City Council has looked at, and I brought
12 them tonight as just a reminder. Things like the LCI.
13 This property is in an LCI. The Comp Plan. Again,
14 these are recommendation documents that we as staff
15 are trying to help you achieve.
16 But then there are codes like the tree
17 ordinance that don't have any ability to be varied
18 because they're development guidelines.
19 And so yes, I do look at the totality of the
20 site, because right now the code doesn't allow me to
21 do anything but. And so I did want to respond to you
22 in that manner to let you know.
23 COUNCILMEMBER FLEMING: Thank you.
24 There have been other applications, Council,
25 that we have taken into consideration in the past that

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1 we were considering a specific unit or a specific
2 suite within an entire complex, and we were having
3 these same issues. And I don't believe that anyone
4 given time had this, what we've gone through tonight
5 with the variance of this or not advertising properly
6 for that; never once did any of those situations arise
7 specifically for those suites. So I still have
8 problems with the way that these are written --
9 COUNCILMEMBER ROCHE: Well, let me ask you
10 this --
11 COUNCILMEMBER FLEMING: -- and considered.
12 COUNCILMEMBER ROCHE: I'm sorry.
13 COUNCILMEMBER FLEMING: Go ahead.
14 COUNCILMEMBER ROCHE: Well, first of all, I
15 think someone said -- Sorry, this is going someplace
16 else. This alleged R-1, is this visible from Buford
17 Highway?
18 MR. HAEBERLIN: It's not visible. Okay.
19 COUNCILMEMBER ROCHE: It's not, and it
20 doesn't really matter because it's part of the zoned
21 property, sir.
22 MR. BROZOVIC: And we're not going to put
23 the ATM on the R-1 property.
24 COUNCILMEMBER ROCHE: And then I think you
25 were saying that according to your survey there is no

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1 R-1? I mean there seems to be a difference here.
2 MR. BROZOVIC: Well, if you'd like to see,
3 the way I'm reading it (presenting).
4 COUNCILMEMBER ROCHE: So we have the same
5 survey. You have this --
6 MR. BROZOVIC: Yeah.
7 COUNCILMEMBER ROCHE: -- with the yellow
8 highlighted?
9 MR. BROZOVIC: No, I never received yellow
10 highlight. And what I've got behind the property, you
11 see these parcels right here? And that was my
12 understanding is that's what these was, these parcels
13 that are purchased. I was not privy to that.
14 COUNCILMEMBER FLEMING: Well, it looks like
15 by our illustrations that we have that it's really
16 this, not this area (indicating), so maybe Mr.
17 Haeberlin can explain.
18 MR. HAEBERLIN: The official zoning map of
19 the City of Doraville, Georgia -- and I've gone back
20 and looked at all the various iterations of the
21 archival maps as existed -- clearly demarcate this
22 area as R-1.
23 If the applicant had chosen not to disclose
24 this to the City and not made it part of the boundary
25 survey, we would have had no knowledge about it, but

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1 it was included in the boundary and it does include
2 this yellow strip that we're seeing here, on the
3 survey provided to us by the applicant.
4 And of course you have communication from
5 the applicant that acknowledges that they know that
6 there is R-1 within the property, and it is contained
7 within the boundary survey which we advertised. We
8 advertised 13.981 acres as C-2. It is actually C-2
9 and R-1. And so there is the conundrum of have we
10 properly advertised this.
11 COUNCILMEMBER ROCHE: Gotcha again.
12 MAYOR JENKINS: Wait just a minute.
13 COUNCILMEMBER FLEMING: Mr. Halpern wants to
14 talk.
15 MR. HALPERN: I just want to --
16 MAYOR JENKINS: Hold on just a minute.
17 MR. HALPERN: -- ask a question of Mr.
18 Haeberlin.
19 MAYOR JENKINS: Sir, you're going to have to
20 come on up. Come on up to the microphone.
21 MR. HALPERN: The name is Jack Halpern with
22 Halpern Enterprises.
23 The survey that I understand we attached
24 with our conditional use application shows the site,
25 the survey indicates it as C-2.

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1 I take exception to Mr. Haeberlin's comment
2 that we knowingly included residential property in our
3 application. That's simply not the case. We were
4 relying on the survey that we had.
5 I guess I would ask when Mr. Haeberlin
6 determined that the property that on our survey
7 appears to be owned by Halpern Enterprises outside of
8 PineTree Plaza was in fact, according to his inter-
9 pretation, part of the shopping center.
10 MR. HAEBERLIN: Well, sir, it's not my
11 interpretation. The official zoning map for the City
12 of Doraville, Georgia, clearly shows this property as
13 R-1; thus, what the map says is the truth. It's been
14 adopted, duly adopted by the Council, and it does show
15 this portion of the property is R-1.
16 When I was referring to acknowledgement,
17 this is the communication which I forwarded to the
18 Mayor and Council this morning, which was a response
19 from the staff report that indicated that they
20 acknowledge that a portion of the property was R-1.
21 Again you've got to look at the boundary.
22 This boundary contains R-1 and C-2, clearly, and this
23 is the official -- this is a copy of the official
24 zoning map right here. No doubt this was duly adopted
25 by the Mayor and Council.

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1 COUNCILMEMBER ROCHE: When did you discover
2 this? This morning?
3 MR. HAEBERLIN: Well, I have been e-mailing
4 Mr. Weed and I've also discussed the situation with
5 Mr. Cushman both by phone and in person, and this
6 began back on like the 24th or 25th. And again --
7 COUNCILMEMBER ROCHE: So back on the 24th or
8 25th, you made the Halperns aware that as far as you
9 were concerned, there was R-1 zoning in this C-2
10 application.
11 MR. HAEBERLIN: Mr. Weed as well, yes. I
12 sent an e-mail to Mr. Weed. Unfortunately, he was out
13 of town.
14 COUNCILMEMBER ROCHE: And you heard about
15 this, Mr. Halpern, too?
16 You told the Halperns back on the 25th that
17 there was R-1 in their CU application?
18 MR. HAEBERLIN: I spoke with Mr. Cushman.
19 He's a representative of Halpern Enterprises. And you
20 know, he did acknowledge that at some point in time
21 Halpern Enterprises bought portions of some residen-
22 tial lots in Northwoods.
23 So again, whether this is a mistake by
24 choice or just error, it is factual and exists. I'm
25 trying to resolve this to move the applicant forward.

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1 That's a benefit for them and for the city. And so
2 you know, I concur with legal representation's
3 opinion, which is Mr. Weed.
4 You know, again, staff recommend approval of
5 this. There are things that I think have good
6 qualities here. I'm just very concerned that we or
7 the applicant would have some problems if some wild
8 card, some individual came forward and challenged how
9 we processed this.
10 MR. HALPERN: May I?
11 MAYOR JENKINS: Yes.
12 MR. HALPERN: Among the staff's recommenda-
13 tions are that within six months begin to resolve the
14 issue regarding the R-1 zoned property.
15 Again, it was news to us because we were
16 relying on our surveyor. If Mr. Haeberlin is correct,
17 then our surveyor made a mistake, because the survey
18 that we relied on shows it all as commercial property
19 and shows the residential as owned by Halpern
20 Enterprises behind the shopping center. That was what
21 we relied on.
22 But he suggests a time period to resolve
23 whether or not our surveyor is correct or the City's
24 zoning map is correct. There's a question there that
25 we're willing to explore and try to resolve in a way

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1 that makes everybody happy.
2 All we're talking about is an ATM machine
3 that is hundreds of feet away from this particular
4 discrepancy, however it gets resolved, and we are
5 endeavoring to do everything we can to attract new
6 businesses to Buford Highway and the city of
7 Doraville.
8 Here is one of the largest banks in the
9 country who is asking us what is taking so long to get
10 permission to have a little facility? Is this really
11 a place that we want to do business?
12 And ladies and gentlemen, I'm asking you,
13 can you not find a way, given our commitment to trying
14 to resolve this discrepancy one way or another, that
15 we can't? We would ask you to see your way fit to in
16 fact not delay this any longer than is necessary.
17 It's been months already that we've been explaining to
18 people we have to go through this conditional use
19 process. Don't make them wait any longer. Thank you.
20 MAYOR JENKINS: Thank you.
21 MR. HAEBERLIN: When I sent out the report,
22 I had no official legal opinion from the city
23 attorney, and you guys just recently got that, so
24 you're aware of it.
25 I thought we were going to address it as a

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1 discrepancy, give them time to resolve this. And I'm
2 going to rely on Mr. Weed's legal advice that he just
3 does not feel that it should go forward, again, you
4 know, because of the advertisement situation, and that
5 has just recently come to us, that opinion, on behalf
6 of the City.
7 MAYOR JENKINS: Murray?
8 ATTORNEY WEED: Oh, I have nothing to add,
9 Mr. Mayor.
10 I was asked on 6/25 when I was out of town
11 to render an opinion with regard to a review of the
12 advertisement, the Zoning Procedures Act advertisement
13 applicable in this case. I returned to work today. I
14 was asked again today to address that. Today was my
15 first full day back. I responded.
16 Currently, the Zoning Procedures Act is
17 O.C.G.A. Section 36-66-4, relevant to this matter at
18 Subsection A. The City is required to place an ad
19 pursuant to procedural due process that sets out the
20 date, the place and the purpose of the zoning hearing.
21 Because the way the applicant filed the
22 application -- and I am quite confident it's
23 completely inadvertent, it's just the way it happened;
24 mistakes happen -- the ad was based upon -- it
25 provided a legal description. That legal description

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1 only indicated C-2. It is the planner's opinion that
2 there is also R-1 on that property.
3 What I am concerned about is a failure of
4 procedural due process to the community. I don't know
5 that the Council -- I know that the applicant doesn't
6 have the right to waive procedural due process for the
7 citizenry of Doraville, and I'm not entirely sure that
8 the Council could either and I wouldn't advise you to
9 attempt to do so.
10 The ad is either right or the ad is wrong.
11 I think it's no one's fault that the ad is wrong. It
12 just is wrong. And my advice is to fix the ad.
13 With regard to other issues on the R-1, if
14 Mr. Halpern has a thousand ATM's there, that's fine.
15 But my job is to advise you as to the procedural
16 aspect of this, and the best way to handle it in my
17 opinion is to re-advertise this.
18 If you wanted to waive fees on it for
19 Mr. Halpern, that would be fine and legal in my
20 opinion. However, that's the situation I think we're
21 currently in.
22 The soonest, Mr. Haeberlin -- when is the
23 soonest this matter could be brought before the
24 Council again based upon a re-advertisement?
25 MR. HAEBERLIN: I sent a communication on

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1 this today in e-mail, and off the top of my head, I
2 think it was June 26th is the next regularly scheduled
3 hearing.
4 COUNCILMEMBER PACHUTA: July.
5 COUNCILMEMBER ROCHE: July 26?
6 MR. HAEBERLIN: Excuse me. July 26. And
7 that's predicated on getting the time frame that The
8 Champion requires. I think it's certainly possible.
9 And I checked with the legal clerk today at The
10 Champion just to make sure there's no hiccups with the
11 4th of July holiday, and she concurred that "Get it in
12 by this time, it'll run."
13 ATTORNEY WEED: That's my best advice.
14 COUNCILMEMBER FLEMING: Public hearing.
15 MAYOR JENKINS: Let's go ahead with the
16 public hearing, Scott.
17 MR. HAEBERLIN: Okay. At this time, the
18 Mayor has opened the public hearing. Those who would
19 like to speak in favor of the petition, please raise
20 your hand.
21 Stuart? Just one? Please come forward.
22 MR. ANDERSON: Stuart Anderson.
23 I understand Murray's question, legal
24 question. I'm just, I guess, venting a little bit.
25 It does seem like we're having difficulty getting

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1 businesses into town and getting this kind of process
2 going, and I'm just venting. I'm sorry. We need to
3 do better.
4 MR. HAEBERLIN: Those who'd like to speak
5 against the petition please raise your hand. Seeing
6 one, again, please come forward.
7 MR. CRAWFORD: Ben Crawford, Oakcliff.
8 And this is not necessarily entirely to
9 speak against the petition, but I'm not sure this is
10 something that should be in Peachtree [sic] Shopping
11 Center at this point, an ATM, you know, what added
12 value it adds for the city, you know. I don't really
13 agree that it wouldn't attract crime, being so close
14 to the street. Somebody could walk by, having it -- I
15 guess the idea was having it face away from the
16 street. People walk up and down that street, and
17 we've have people in Doraville that have been shot in
18 the head at an ATM one time, Christmas time, I
19 remember, because it was somebody that -- you know,
20 it's not germane, I guess, other than the safety
21 aspect, and I don't believe we need another ATM.
22 But disregarding that, one other comment I'd
23 like to make is it seems to me like we've got to find
24 a way to do a little bit better, and in the process,
25 when we do encounter problems, it seems like we got to

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1 have a -- you know, so this is not a put-down for
2 anybody, but we've got to have a little bit of
3 customer service where we have a way to communicate
4 with the customers, which are the businesses, and let
5 them know there's some kind of problems with the
6 different processes they're going through and
7 communicate with them. It's not incumbent upon the
8 government to do that. I agree with Mr. Weed, it's
9 not the City's duty to do that.
10 But as far as attracting businesses and
11 working with businesses, I personally think that when
12 we come across something -- and as a government
13 employee, part of their job, it doesn't hurt to take a
14 few minutes to make a phone call and let them know,
15 "Hey, look this is wrong," you know. I guess you
16 could stick it in an envelope, lick the envelope and
17 send it back to them, and highlight it, just wait for
18 them to send it back again. Maybe making a phone call
19 can resolve some issues. I don't know. Seems like
20 maybe a little more customer service is warranted.
21 Thank you.
22 MR. HAEBERLIN: So there's nobody else,
23 we'll close the public hearing and return it to the
24 Council.
25 MAYOR JENKINS: All right.

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1 COUNCILMEMBER ROCHE: Well, I have a few
2 things. First of all, one of the things, one of the
3 biggest complaints I guess I hear about the Halpern
4 properties is all the wholesale. They're stores we
5 can't even shop at. And in my opinion, an ATM would
6 probably tend to attract more retail business than
7 wholesale. Maybe that was the plan. I'm not sure.
8 So I think that it's probably a good idea.
9 But frankly, I was kind of taken aback when
10 I read all these -- what do you call it? -- the
11 standards with these conditions. I mean I think we
12 have just talked about flipping the ATM, and we're
13 probably not going to do that. I would hope not.
14 But you know, three pedestrian benches and
15 one trash receptacle? What are they going to --? I
16 don't understand that. I mean it's --
17 And then the footprint location. I mean I
18 see this little oasis of plants and trees kind of just
19 out in the middle of the parking lot someplace. That
20 doesn't make sense to me either.
21 I would request that if we can find a way
22 past this tonight, because apparently the only people
23 that would -- all of this is property, and the
24 surrounding property at least on that side is all
25 owned by Halpern Enterprises. So if there is a

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1 concern about the advertising or the procedural or
2 whatever, that it may be challenged, well, the only
3 people to challenge it are the people that own the
4 R-1 property, which happens to be Halpern Enterprises,
5 and I don't think Mr. Halpern is going to sue himself
6 over this any time soon.
7 So I would be happy with moving forward on
8 this, and if we later on need to, you know, put an ad
9 in the paper, you know, have a quick hearing or
10 something, I guess that's --
11 I think there's got to be a solution to this
12 that instead of -- you know, this was sent in on June
13 2nd, and it's the 30th, and we just today find out
14 about this. I understand about vacations, but even
15 with the vacation, that was June 25th. So that was
16 almost four weeks later, you know, another surprise,
17 another gotcha.
18 So I would certainly want to approve this as
19 long as we can take out all these conditions with the
20 exception of the six months to resolve the R-1 zoned
21 property issue.
22 COUNCILMEMBER BATES: Is that a motion, Bob?
23 COUNCILMEMBER ROCHE: Yes, I make that in
24 the form of a motion.
25 ATTORNEY WEED: And I just want to state for

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1 the record that any citizen of the city of Doraville
2 would have standing to address this matter. That's
3 all I wanted to clarify.
4 COUNCILMEMBER BATES: Thank you.
5 Bob, would you be amenable to change the six
6 months to 12 months?
7 COUNCILMEMBER ROCHE: That's fine with me,
8 yes.
9 COUNCILMEMBER BATES: I'll second your
10 motion.
11 COUNCILMEMBER PACHUTA: And I'll just have
12 to say I'm in favor of having an ATM there, but the
13 lawyer in me is going to have to follow Mr. Weed's
14 advice. I'm sorry. But I am in favor of the ATM but
15 I would feel more comfortable to resolve the issue and
16 figure out whether or not there is R-1 on this
17 property and whether it was advertised correctly
18 before voting tonight.
19 COUNCILMEMBER FLEMING: I appreciate your
20 comments. We have found our map sometimes, though the
21 term was used as "truth," it is subject to interpre-
22 tation also sometimes. We find little things and we
23 have to address the map.
24 So I'm very comfortable with the motion the
25 way that it's been presented.

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1 COUNCILMEMBER PACHUTA: And I just would
2 prefer to know for certain to find out whether or not
3 it was advertised correctly.
4 MAYOR JENKINS: More discussion?
5 - - -
6 (No response)
7 - - -
8 MAYOR JENKINS: Call the roll.
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: No.
17 CLERK BLACKMON: Councilmember Pittman?
18 COUNCILMEMBER PITTMAN: Yes.
19 CLERK BLACKMON: Councilmember Roche?
20 COUNCILMEMBER ROCHE: Yes.
21 MAYOR JENKINS: Okay. Thank you.
22 MR. HAEBERLIN: The next item we have is
23 another conditional use, and I may mispronounce this
24 gentleman's name. It is for the Orden Corporationn.
25 at this time, I'd like you to come forward.

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1 MR. KIMHI: My name is Shlomo.
2 MAYOR JENKINS: Your name to her, sir?
3 COUNCILMEMBER BATES: I'm sorry, sir, you'll
4 need to speak up. I'm having a hard time hearing you.
5 MAYOR JENKINS: State your name, please,
6 sir.
7 MR. KIMHI: My name is Shlomo and I'm from
8 -- we have a rental car company in Winters Chapel, and
9 we want to expand and bring U-Haul for trucks and
10 trailers to rent. Part of the code to keep the trucks
11 and trailer is to build a fence, and we have in the
12 back of our building space that we want to build a
13 fence, a privacy fence that also going to block from
14 the road the garbage container, and it's going to look
15 much better.
16 COUNCILMEMBER BATES: Will you be doing any
17 truck repair --
18 MR. KIMHI: No.
19 COUNCILMEMBER BATES: -- on site?
20 MR. KIMHI: No. We have a repair shop for
21 cars, not for trucks. U-Haul repair their trucks in
22 their facilities.
23 COUNCILMEMBER BATES: So if a U-Haul truck
24 is not working properly, will they tow it to another
25 facility to --

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1 MR. KIMHI: Yes, they come and pick it up.
2 COUNCILMEMBER PITTMAN: How many U-Haul's
3 and trailers do you anticipate?
4 MR. KIMHI: We're going to have about I
5 believe four -- three or four trucks and one or two
6 trailers and cargo van.
7 COUNCILMEMBER PITTMAN: And people come
8 there and pick them up --
9 MR. KIMHI: Yes.
10 COUNCILMEMBER PITTMAN: -- and drop them
11 off?
12 MR. KIMHI: Yes. Yes, ma'am. Sometimes one
13 way. Sometimes we have five trucks, sometimes we have
14 two trucks.
15 COUNCILMEMBER PITTMAN: What is your other
16 business? A car repair?
17 MR. KIMHI: No. Car rental and auto repair,
18 yes.
19 COUNCILMEMBER ALEXANDER: So you rent the
20 suites that are shaded in black and you're going to
21 install the fencing.
22 Now, the fencing area that you install, is
23 that going to block access to any other tenants or
24 that's all your space?
25 MR. KIMHI: It's going to be gated, and at

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1 night we will lock, yes, like typically after let's
2 say 5 o'clock.
3 COUNCILMEMBER ALEXANDER: But no --
4 MR. KIMHI: No. It's not going to block the
5 other access out. It's not going to block the road.
6 COUNCILMEMBER ALEXANDER: Okay.
7 COUNCILMEMBER ROCHE: So when people bring
8 their trailers back after hours, they can just leave
9 them outside the gates here?
10 MR. KIMHI: Yes, sir.
11 COUNCILMEMBER ROCHE: And it won't block the
12 parking otherwise.
13 COUNCILMEMBER PITTMAN: So right now,
14 they're going to leave them outside the gate?
15 MR. KIMHI: No. If they're coming after
16 hours. Usually we're there, but if people bring it
17 until late at night, they can leave it there in the
18 parking lot in the front, and we're going to put it
19 back in the morning.
20 COUNCILMEMBER FLEMING: And your rental car
21 business right now, you don't have your rental cars
22 within the gates.
23 MR. KIMHI: No.
24 COUNCILMEMBER FLEMING: Okay.
25 COUNCILMEMBER ROCHE: Yeah. That's like 30

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1 feet (inaudible).
2 COUNCILMEMBER PITTMAN: Well, you had them
3 there a while back, didn't you, U-Haul?
4 MR. KIMHI: No. This was a different place.
5 It was more further inside, more further in the road,
6 in the storage place.
7 COUNCILMEMBER PITTMAN: Someone else had the
8 business?
9 MR. KIMHI: Yes.
10 COUNCILMEMBER PITTMAN: I see. Do they have
11 that business now?
12 MR. KIMHI: No.
13 COUNCILMEMBER PITTMAN: No.
14 COUNCILMEMBER FLEMING: And what are your
15 hours of operation?
16 MR. KIMHI: 9:00 to 6:00.
17 COUNCILMEMBER FLEMING: Monday through? I
18 mean seven days a week or what?
19 MR. KIMHI: Seven -- Yeah, six days a week.
20 COUNCILMEMBER FLEMING: So Monday through
21 Saturday?
22 MR. KIMHI: Yes, ma'am.
23 COUNCILMEMBER ROCHE: And you're not going
24 to change those for your U-Haul rental business?
25 MR. KIMHI: No. It's a requirement to work

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1 Saturday.
2 COUNCILMEMBER PITTMAN: What about a drop-
3 off box for the keys?
4 MR. KIMHI: We have.
5 COUNCILMEMBER PITTMAN: And you're going to
6 keep a log of the rentals? You're going to keep a --
7 MR. KIMHI: Yes.
8 COUNCILMEMBER PITTMAN: -- log that could be
9 made available to law enforcement of the community?
10 COUNCILMEMBER BATES: Any of the major
11 rental facilities require a log to be kept of the
12 inventory that's on their property or has been rented
13 out, and that's a requirement.
14 COUNCILMEMBER ROCHE: A requirement.
15 COUNCILMEMBER BATES: Right. They want to
16 know where their --
17 COUNCILMEMBER PITTMAN: They're supposed to.
18 COUNCILMEMBER BATES: Right.
19 COUNCILMEMBER PITTMAN: I guess my real
20 question was, would it be accessible to Doraville
21 police if you --
22 MR. KIMHI: (Nods head affirmatively)
23 COUNCILMEMBER PITTMAN: What kind of
24 trailers? What purpose would those serve?
25 MR. KIMHI: For moving. The small trailers.

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COUNCILMEMBER PITTMAN: Like a little --
MR. KIMHI: Yes.
MAYOR JENKINS: Any more questions?
COUNCILMEMBER ROCHE: I don't think we have any other similar business in town, do we?
COUNCILMEMBER PITTMAN: Yes, we do. We just have one, right, Scott?
MR. HAEBERLIN: We had one that was operating, albeit illegally, on Tilly Mill Road --
COUNCILMEMBER PITTMAN: Tilly Mill --
MR. HAEBERLIN: -- and I understand --
COUNCILMEMBER PITTMAN: -- by the daycare center.
MR. HAEBERLIN: -- it's closed down.
MAYOR JENKINS: Any more questions?
- - -
(No response)
- - -
MAYOR JENKINS: Thank you.
MR. HAEBERLIN: Quickly, this is for Winters Chapel and McAuliffe, which is a private street that the city has determined, not public dedication, so a lot of people don't know where this is, but it's right across from our previous petition with the impound lot, basically.

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There is some environmental situations on the site, but, you know, again, that's part of the developed site. The applicant is correct that there's a rental car facility there and as well as an auto repair facility, but the conditional use was mandated for this specific request.
And actually I see this as an improvement because the area in the back right now has no containment, no fencing that shields anything, so this would actually be an improvement. It is certainly something that everybody needs and wants and uses on occasion, and I consider to be a small location. I don't see it as having adverse impact on adjacent neighborhoods in any capacity.
However, I am concerned and I did address in the recommendations that, you know, I'm expecting the storage and operations to be contained in the containment area, this fenced area that he's going to install, this fenced area which he's going to install with a City permit, obviously. And then no use, storage or handling of hazardous or flammable materials and no content storage within trucks. Well, often people will rent U-Hauls and they put, you know, lawn mowers in there and cars and all sorts of unusual things.

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I didn't know what the opportune number of trucks was. I said five trucks. I don't know if that's the right number or not. My preference is that this not be a 24-hour rental location but the Council has determined some hours of operation which is certainly permissible within the CU guidelines. And then of course the log of the rental.
Although I know businesses often do this, I'm equally concerned, particularly watching the news, as you're aware that these type rental operations -- although this location probably will never experience this, but people have used these before to store bomb materials and all sorts of things. People have lived in trucks. They've been used for drug trades, et cetera. I'm certainly for certain that will never happen here with U-Haul's reputation. I just think that the DPD and the Quality of Life need to know what's going on there, and that's why I recommended that some sort of log be maintained.
Are there any questions?
COUNCILMEMBER FLEMING: I'd have to read it again, but I don't see where you've requested fencing to be put up.
MR. HAEBERLIN: Well, that's endemic.
COUNCILMEMBER FLEMING: Oh, I see.

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MR. HAEBERLIN: Yes, ma'am, to the requirement requirement where it lists it as a CU. It does discuss that it's black, vinyl-coated, et cetera.
COUNCILMEMBER FLEMING: Where?
MR. HAEBERLIN: That is in the Zoning code and it's also listed on page one.
COUNCILMEMBER FLEMING: Okay. Thank you.
MR. HAEBERLIN: And I think the applicant's agreeable to that.
COUNCILMEMBER BATES: And what do you -- Reference 24-hour rental location, you're actually contemplating someone there on site renting the vehicle 24 hours, because in these particular instances, the owner of the franchise has no control over when someone drops a vehicle off. That is purely at the discretion of the person renting the vehicle. So if someone drops a vehicle off at 3:00 a.m., is that being considered a 24-hour rental facility?
MR. HAEBERLIN: Well, my experience, I've certainly used U-Haul and a number of national folks in my life. My experience is that I've never rented from a location that allowed me simply to drop into a drop box. That's not been my experience.
I think what you need to be concerned about is the type of activity that may affect the

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1 surroundings from a 24-hour location, you know. Will
2 somebody then say, well, we need somebody to live on
3 site to manage these operations? We've had a lot of
4 discussion about people living on site. That's kind
5 of where I was going. And of course objectionable
6 activity. You know, at some point, at some point in
7 the night, will this shut down and start up again in
8 the morning? And I didn't know what hours were
9 appropriate for that. I thought that was something
10 the Council should seriously consider.
11 COUNCILMEMBER BATES: Sir, are you
12 considering having a drop box for keys, for people who
13 drop the vehicle off later, or are you --
14 MR. KIMHI: We do have.
15 COUNCILMEMBER BATES: You do have that for
16 your rental car business now.
17 MR. KIMHI: Yes.
18 MR. HAEBERLIN: We could just say, you know,
19 a lock box will be made available for after-hour drop-
20 offs or something of that nature.
21 COUNCILMEMBER ROCHE: It already is.
22 MR. HAEBERLIN: Again, my concern is that I
23 would get calls from the Council saying that the
24 vehicles are continuously parked outside the
25 containment area, that the neighborhood finds it's

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1 objectionable, they're outside the gate more than
2 they're in the gate.
3 I'm just thinking through what possibly
4 could happen, not necessarily happening in this case,
5 though.
6 COUNCILMEMBER BATES: And we would send
7 Quality of Life out appropriately to address that.
8 MR. HAEBERLIN: If there are no further
9 questions, go to the public hearing.
10 MAYOR JENKINS: Go ahead.
11 MR. HAEBERLIN: The Mayor is now opening the
12 public hearing. Those who'd like to speak in favor of
13 the petition, please raise your hand. I see one
14 gentleman. Please come forward. Two individuals.
15 Please come forward.
16 MR. DAVIDENKO: Good afternoon. My name is
17 Fred Davidenko, (spelling) D-a-v-i-d-e-n-k-o. I've
18 been with U-Haul Company for 26 years now. I'm
19 basically here to answer any questions you might have
20 about drop-offs and things of that nature.
21 I heard earlier someone mention we can't
22 control who drops off. You can. You can, yourselves.
23 You can go on U-Haul.com. You can see what inventory
24 is at any place in the United States at any time. See
25 when it's leaving, what actual customer is in it by

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1 name, and when it's going to be dropped off and where
2 it's going to be dropped off. We do have that
3 capability.
4 COUNCILMEMBER PITTMAN: Thank you. That's
5 actually what I was asking.
6 MR. DAVIDENKO: This is something that's --
7 we're trying to go with the times and, like you said,
8 keep an eye on our equipment, where it's at. And it
9 used to be it took us 30, 45 days to find our
10 equipment. We can find it within minutes now. We got
11 black boxes in all our trucks. Nothing's over three
12 years old any longer.
13 We had issues in the past. I don't know if
14 you had them, but we had our ups and downs as far as
15 equipment, bad equipment, bad displays, things of that
16 nature. We're trying to clean all that up. We're
17 trying to do good for the environment. U-Haul I know
18 just won some kind of big award as far as the green
19 dollar, as far as keeping the footprints, saving
20 energy and things like that.
21 That's really all I got to say. If there's
22 anything y'all need to know as far as U-Haul, we do
23 carry a drop box. We do have an after-hour decal that
24 we put up on how to do it, where to put the key and
25 things of that nature. So when he comes in in the

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1 morning, the truck's going to be there at night time.
2 The keys are there. He could pick up the truck, put
3 it around back, and, you know, no one sees it.
4 But again, these trucks are three years old.
5 It's not an eyesore at all. I mean it's good to have
6 that, because we're doing a service to the public here
7 in Doraville. People move in, people move out, and if
8 there's trucks available, instead of them having to go
9 into another city, come back into your city and then
10 leave your city again, that's just having your public,
11 your people having to pay more money for no reason.
12 We're not looking to open up big locations
13 any longer, just small, a couple, three or four trucks
14 and that's it and just more of the locations. That's
15 all we're trying to accomplish today.
16 COUNCILMEMBER BATES: So the recommendation
17 was no more than five trucks.
18 MR. DAVIDENKO: That's more than enough.
19 They never had that anyhow in the state of Georgia.
20 COUNCILMEMBER BATES: You guys are
21 comfortable with that?
22 MR. DAVIDENKO: You know, we only have 300
23 trucks in the state, so, you know, that's not going to
24 be an issue.
25 COUNCILMEMBER PITTMAN: Now, is that trucks

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and trailers combined or additional trailers?
MR. DAVIDENKO: Trailers, some of the others do trailers. Very few. But the only ones who can do trailers is the ones that actually understand how to hook it up, how to make the lights work, how to make it legal to actually go out on the road. So there's very few locations that do trailers. In his case, he'd be able to do that. And basically the way the trailer situation is today, as you need equipment, we bring it to them, and then it's gone within 24 to 48 hours. It just doesn't -- you know, it doesn't sit there for months at a time.
COUNCILMEMBER PITTMAN: So trailers are on an on-call basis.
MR. DAVIDENKO: Pretty much. You may have a trailer or two there, you know, give or take. And again, it's behind a fence; you'll never see it.
And again, like someone else had mentioned, you're hiding the dumpster and everything else now where you weren't before.
COUNCILMEMBER PITTMAN: So five trucks and two trailers perhaps?
MR. DAVIDENKO: That'd be more than enough.
COUNCILMEMBER ALEXANDER: I'm sorry. What did you say?

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COUNCILMEMBER PITTMAN: I said five trucks, two trailers.
COUNCILMEMBER ALEXANDER: Well, I'm not just thinking of the trailer. I mean they have several -- they also have dollies that you can --
MR. DAVIDENKO: Auto transporters --
COUNCILMEMBER ALEXANDER: -- haul cars on.
MR. DAVIDENKO: -- and tow dollies, yes, ma'am.
COUNCILMEMBER ALEXANDER: And you can fit a lot more than two in there because they're stackable. So I would be a little bit more lenient with that.
MR. DAVIDENKO: That'd be great.
And we do have towing equipment also. I didn't even think of that.
COUNCILMEMBER FLEMING: See, I think just restricting it to five is -- you know, I don't like that, restricting it to five. And then we're getting into multiples of people that can have two trailers and they can have four dollies and, you know, hey, that's just --
COUNCILMEMBER ROCHE: But if it becomes apparent that suddenly you have trucks and trailers parked outside on a regular basis, then I'm sure the City would probably come and talk to you about that.

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MR. DAVIDENKO: And we can control that too.
COUNCILMEMBER ROCHE: Right.
MR. DAVIDENKO: I mean if you tell us that you only want five trucks, we have particular -- we call it area field managers. That's what I am. We have 30 dealers that we maintain, and we look at their inventory on a day-to-day basis. If we know we have a city -- and I have several of them in Gwinnett, that they're only allowed certain equipment, we make sure we stay within that limit because we sure don't want to make no one mad.
COUNCILMEMBER ROCHE: Well, I think what we're saying here is, you know, we probably don't necessarily need to get in and try to figure out --
MR. DAVIDENKO: I mean if it gets out of hand --
COUNCILMEMBER ROCHE: You'll hear from us.
MR. DAVIDENKO: I'm sure I will.
COUNCILMEMBER ROCHE: QOL.
MAYOR JENKINS: Thank you.
Come on up, sir.
MR. SHANAHAN: David Shanahan. I just wanted to share my experience as a frequent renter, monthly use their company, which, by the way, their improvements in their vehicles and the condition of

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them and their lots have been really impressive in the last couple years. They really have -- They're trying real hard to compete. Top-notch operation. But the drop box for after hours is very common. Use it all the time, whether it's there or at their satellite locations at various gas stations or at their big facility over off of Shallowford. Very common. And I've never had any safety issues dropping things off.
MR. HAEBERLIN: Those against, would you please raise your hands?
Seeing none, return it to the Council.
COUNCILMEMBER FLEMING: I need to ask another question, Mr. Shlomo. Lighting?
MR. KIMHI: We have lighting around and we have security cameras that we installed on the building.
COUNCILMEMBER FLEMING: Okay. And they will be secured on the back side where the fencing will be?
MR. KIMHI: The front and the side.
COUNCILMEMBER FLEMING: All right. Thank you.
MAYOR JENKINS: Any more questions?
- - -
(No response)
- - -

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MAYOR JENKINS: Scott, you did approve of it, right?
MR. HAEBERLIN: Yes, sir. I recommended approval. I just kind of vetted my concerns to the Council, and they're addressing them.
MAYOR JENKINS: Do we have a motion?
COUNCILMEMBER PACHUTA: Well, I think we want to change some other conditions.
COUNCILMEMBER FLEMING: Correct.
COUNCILMEMBER BATES: Yeah. I'll just put them as part of the motion.
Make a motion to approve the conditional use for 4264 Winters Chapel Road, modifying condition one to read no outdoor storage or operations other than trucks and trailers or trucks and associated equipment -- "associated equipment" would be my preferred language -- within the gated area. Modify condition three to read, "No more than ten, a combination of trucks and trailers." Modify condition four to read, "No 24-hour on-site rental," excluding a lock box.
COUNCILMEMBER PACHUTA: I have a question about your motion.
COUNCILMEMBER BATES: Yes, ma'am.
COUNCILMEMBER PACHUTA: The first condition of no outdoor storage other than trucks within the

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gated containment area, do we need to clarify that that -- I mean obviously if someone's dropping it off at night and putting the keys in the lockbox, it's going to be outside the gated area for a brief period of time.
COUNCILMEMBER BATES: Right. Good question.
COUNCILMEMBER PACHUTA: I was thinking of the wording.
COUNCILMEMBER BATES: I'm open to suggestions on that.
COUNCILMEMBER ROCHE: Well, I guess that's more like a staging area than storage. I'm splitting hairs.
COUNCILMEMBER BATES: How about no --
COUNCILMEMBER PACHUTA: No daytime?
COUNCILMEMBER BATES: Yeah. I like that. No daytime.
COUNCILMEMBER PACHUTA: On Sundays, he's closed.
COUNCILMEMBER BATES: Should we include Sundays? Yeah.
I'll just leave it as no daytime storage, no daytime outdoor storage
COUNCILMEMBER PACHUTA: How about no storage within business hours?

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COUNCILMEMBER FLEMING: What was your statement?
COUNCILMEMBER PACHUTA: No storage within his -- operating his business hours when the actual rental location is open with an employee. So if someone drops it off on a Sunday and it stays there till Monday morning, it would be fine.
COUNCILMEMBER BATES: I'm good with that.
So no outdoor storage during business hours.
COUNCILMEMBER FLEMING: Correct.
COUNCILMEMBER PACHUTA: No outdoor storage for operations other than trucks and associated equipment within the gated containment area during business hours.
COUNCILMEMBER BATES: It says other than trucks or equipment within -- other than. Okay. Other than.
COUNCILMEMBER ALEXANDER: Okay. Maybe I'm misunderstanding your sentence. No outdoor storage or operations other than trucks and trailers within the gated containment area.
We want to give the gentleman permission to have trucks be dropped off when he's not open, outside of the gated area.
COUNCILMEMBER BATES: I understand.

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COUNCILMEMBER ALEXANDER: Okay. But your sentence addresses within the confines of the gated area; correct?
MR. HAEBERLIN: And the intent was that trucks would always be in the gated containment area. That's the only thing that would be allowed in that containment area, no pallets, no moving blankets, et cetera. Because right now, we have a lot of items on that site being stored.
Well, maybe not stored. We go back to that discussion, is a car for sale stored or is it displayed?
COUNCILMEMBER FLEMING: Or parked.
MR. HAEBERLIN: There's a lot of things going on there.
ATTORNEY WEED: It's definitely parked.
COUNCILMEMBER BATES: So, okay, I'm sorry, Council, what do you want to do?
COUNCILMEMBER ROCHE: As long as it doesn't sit there past the next time the business opens. I mean as long as nothing's stored outside for more than 24 hours, that would cover it, I think.
COUNCILMEMBER ALEXANDER: That's not the same.
COUNCILMEMBER ROCHE: Well, I know, but you

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1 asked me. I think I understand the idea.
2 MR. HAEBERLIN: So he is closed on Sunday,
3 I'm understanding. So just say other than Sunday,
4 there would be no outdoor storage of trucks or
5 trailers.
6 COUNCILMEMBER PACHUTA: Well, after-hours
7 drop-offs, because basically once he opens up, he
8 needs --
9 MR. HAEBERLIN: Yeah.
10 COUNCILMEMBER PACHUTA: -- anyone who's
11 dropped off a vehicle, then that needs to be put in
12 the gated area.
13 MR. HAEBERLIN: Other than Sunday and
14 between the hours of such-and-such, you know. I mean
15 say his hours of operation. I don't -- it's tricky to
16 write that to make it perfect.
17 COUNCILMEMBER ROCHE: Well, I think Karen
18 had it right. I think she said no outside storage
19 during business hours.
20 MAYOR JENKINS: See if the gentleman has a
21 suggestion.
22 MR. KIMHI: Sometimes a customer calls in
23 the morning and he asks to prepare him the truck, he's
24 going to come at 11:00, 11:30. So we park on the
25 outside.

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1 COUNCILMEMBER ROCHE: Right.
2 MR. KIMHI: So I don't know if it's called
3 storage -- outside storage.
4 COUNCILMEMBER ROCHE: Well, then it's not
5 storage. Then it's parked.
6 MR. KIMHI: Exactly. That's what I want to
7 be sure.
8 COUNCILMEMBER FLEMING: As long as it's
9 between the lines, the striped lines.
10 COUNCILMEMBER ROCHE: Between the striped
11 lines.
12 ATTORNEY WEED: That's correct.
13 COUNCILMEMBER ROCHE: The 20 feet.
14 MR. HAEBERLIN: It could be that we expand
15 this containment area. I mean I don't -- You know,
16 that's something to discuss with the applicant. Maybe
17 the containment area is not large enough. I don't
18 know. Maybe there needs to be an area that people can
19 pull in a gated area and drop it off, you know. It's
20 just something to consider because this is a -- at
21 least proposed as a containment area is not very
22 large.
23 COUNCILMEMBER BATES: Okay. So I think I've
24 identified. We've got two different issues going on.
25 Your first criteria is saying within the

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1 gated containment area, the only thing that's allowed
2 to be stored there are trucks.
3 MR. HAEBERLIN: That's correct.
4 COUNCILMEMBER BATES: So no blankets, no
5 boxes, no propane tanks. The only thing within the
6 gated containment area are trucks. Okay.
7 I am withdrawing my motion. Since it never
8 got seconded, I'm doing that.
9 My new motion is to approve the conditional
10 use for 4264 Winters Chapel Road, modifying condition
11 number one to read no outdoor storage or operations
12 other than trucks and trailers within the gated
13 containment area. Modify condition three to read no
14 more than 10 pieces of equipment available and stored
15 on site. Modify condition four to allow for a
16 lockbox. That's it.
17 COUNCILMEMBER PITTMAN: That's your motion?
18 COUNCILMEMBER BATES: That's my motion.
19 COUNCILMEMBER PITTMAN: Second.
20 MAYOR JENKINS: More discussion?
21 - - -
22 (No response)
23 - - -
24 MAYOR JENKINS: Call the roll.
25 CLERK BLACKMON: Councilmember Alexander?

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1 COUNCILMEMBER ALEXANDER: Yes.
2 CLERK BLACKMON: Councilmember Bates?
3 COUNCILMEMBER BATES: Yes.
4 CLERK BLACKMON: Councilmember Fleming?
5 COUNCILMEMBER FLEMING: Yes.
6 CLERK BLACKMON: Councilmember Pachuta?
7 COUNCILMEMBER PACHUTA: Yes.
8 CLERK BLACKMON: Councilmember Pittman?
9 COUNCILMEMBER PITTMAN: Yes.
10 CLERK BLACKMON: Councilmember Roche?
11 COUNCILMEMBER ROCHE: Yes.
12 COUNCILMEMBER ALEXANDER: Motion to adjourn.
13 COUNCILMEMBER PITTMAN: Second.
14 MAYOR JENKINS: Any more discussion?
15 - - -
16 (No response)
17 - - -
18 MAYOR JENKINS: Call the roll.
19 CLERK BLACKMON: Councilmember Alexander?
20 COUNCILMEMBER ALEXANDER: Yes.
21 CLERK BLACKMON: Councilmember Bates?
22 COUNCILMEMBER BATES: Yes.
23 CLERK BLACKMON: Councilmember Fleming?
24 COUNCILMEMBER FLEMING: Yes.
25 CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Meeting adjourned.

- - -

(Meeting adjourned at 10:10 p.m.)

-o0o-

C E R T I F I C A T E

STATE OF GEORGIA]
COUNTY OF DEKALB]

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

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

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

This the 21st day of July, 2010.

_____

Theresa Bretch, CCR
Permit No. B-755

[SEAL]

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