In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

August 16, 2010

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

* * *

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., August 16, 2010.

* * *

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

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P R O C E E D I N G S

MAYOR JENKINS: Meeting come to order. Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Here.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Here.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Here.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Here.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Here.

CLERK BLACKMON: Councilmember Roche?

COUNCILMAN ROCHE: Here.

MAYOR JENKINS: I need to approve the minutes for 7/15/2010. Do I have a motion?

COUNCILMEMBER BATES: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER ALEXANDER: Second.

MAYOR JENKINS: Any discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll, please.

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CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMAN ROCHE: Yes.

MAYOR JENKINS: And the minutes for 7/19/2010. Do I have a motion?

COUNCILMEMBER ALEXANDER: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PACHUTA: Second.

MAYOR JENKINS: Discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

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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?
COUNCILMAN ROCHE: Yes.
MAYOR JENKINS: Okay. We have the Halpern Park Stream Restoration bids. We are going to open those now.
Steve, will you please come up.
By the way, we have another meeting at the Civic Center. Some of you may be getting a little tangled up. This is the regular Council meeting. The meeting on the GM property and the whatever you want to call it is at the Civic Center all the way up, straight up the hill.
COUNCILMEMBER ALEXANDER: So do you want one total price or do you want --
MR. STRICKLAND: Yeah. They should have -- just the firm, and they should have given us a lump sum bid amount even if they have additional services or a schedule of their personnel and their fees and

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stuff. I asked for a lump sum.
COUNCILMEMBER ALEXANDER: I have got CERM, $51,190.
COUNCILMEMBER BATES: I have Precision Planning, $49,000 even, and I've got Baker as in baker's dozen, $79,900.
COUNCILMEMBER PACHUTA: I have Mactec, $49,000, and then I have Clark Patterson Lee, $48,100, then they also said cost per site visit $300. I don't know if that's in addition.
MR. STRICKLAND: Yeah. That's fine.
COUNCILMAN ROCHE: I have Environmental Services, Stone Mountain, Georgia. The lump sum fee is $156,000, and if the schedule runs longer than that, it's site visits at a cost of $500 per visit.
COUNCILMEMBER PITTMAN: I have Wildlands, (spelling) W-i-l-d-l-a-n-d-s, $82,100.
MAYOR JENKINS: I have Brown & Caldwell, a lump sum of one forty-two six eighty-five, and the breakdown is $89,265 for the first phase, $8,100 on the third phase -- second and third phase. Third phase is $45,320. Lump sum of one forty-two six eight five, Brown & Caldwell.
COUNCILMEMBER ALEXANDER: Carter Engineering Consultants, $32,290.

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COUNCILMAN ROCHE: I have Manhard Consulting, (spelling) M-a-n-h-a-r-d Consulting. Total, $86,300.
COUNCILMEMBER PITTMAN: I have QV Engineering, $86,500, and it says if the project runs longer, they will charge $450 per site visit.
COUNCILMEMBER FLEMING: I have KCI Technologies, approximate lump sum fee of $30,200, with additional site visits if required, $920 a day.
And I have Entrix, and that's spelled E-n-t-r-i-x, total bid cost of $111,224.
MR. STRICKLAND: All right. Thank you-all. If you'll just put them aside or behind you or what-not, I'll pick them up at our break. Okay?
COUNCILMAN ROCHE: I just want to say that our stormwater guy, when he does bids, he does them the right way. He sets up a matrix so we know what we're getting and how much it costs and compares apples to apples. I'm very impressed. Thank you.
MAYOR JENKINS: Murray, under my comments, let's go ahead and get the bill from Mr. Fussell, the financial advisor.
ATTORNEY WEED: Mr. Mayor and members of Council, early this week I received a call from Shanta Wilson, your finance director. She informed me that

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you had received an invoice in the amount of $24,085.10 from Bill Fussell of Morgan Keegan. As you recall, Morgan Keegan is acting as the City's financial advisor with regard to issues relevant to the GM plant property.
You can either choose to approve this at this time or not approve it and it could appear on another agenda.
MAYOR JENKINS: Was this is not in the original contract with our consultants?
ATTORNEY WEED: Mr. Mayor and members of the Council, the original contract had a sum not to exceed $5,000 without information going back to the Council so you could approve additional outlays.
I reported to Council with regard to this matter by virtue of e-mail, and this is the current total.
I would also expect that Miller & Martin will also send you a bill of a similar amount, probably more. I think their billable rate is higher. Apparently we haven't received that at City Hall. It hasn't been forwarded to me. The Clerk is acknowledging that.
MAYOR JENKINS: Does the Council want to go ahead and vote on this or how do you want to treat it?

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COUNCILMEMBER ALEXANDER: We need to make a motion to add it to the agenda.
ATTORNEY WEED: You can. The way the agenda is structured, underneath department head reports, I can bring this up underneath item V, or you can amend the agenda if you prefer to do that. Either way would be perfectly legitimate and fine.
COUNCILMEMBER ALEXANDER: I make a motion to add the subject of the approval of the Morgan Keegan invoice to the agenda.
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?

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COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMAN ROCHE: Yes.
MAYOR JENKINS: Okay. Any more discussion?
COUNCILMEMBER ALEXANDER: Make a motion to approve the August 4th billing that runs from June 16 to August the 2nd in the amount of $24,085.10.
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: Discussion? Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Abstain.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?

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COUNCILMAN ROCHE: Yes.
MAYOR JENKINS: Motion carried.
Do we have any department heads that need to report? Scott? Anybody?
MR. HAEBERLIN: No.
COUNCILMEMBER BATES: Mayor, I --
MAYOR JENKINS: Yes.
COUNCILMEMBER BATES: I'd like to make a motion to add another item to the agenda this evening, and that would be to add the Doraville 5K Road Race to the agenda for discussion.
MAYOR JENKINS: What do you want it under? New business?
COUNCILMEMBER BATES: Under new business.
MAYOR JENKINS: Okay. Do you need that motion now?
COUNCILMEMBER BATES: Yes.
MAYOR JENKINS: Okay. Do I get a second?
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
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?
COUNCILMAN ROCHE: Yes.
MAYOR JENKINS: Okay. Public comments on the agenda items; three minutes, please.
Yes, sir.
MR. O'CONNOR: Thank you, Mr. Mayor, Council.
My comments are basically about two things that are on the agenda, and one is the driveway limitation and the other one is revisiting the gravel driveways.
Basically what I'd like to see incorporated in both of these matters is, number one, on cementing or using alternate driveway materials to gravel, I think if the owner of the house is also the resident of the house, that they should be extended under the

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1 provision where they can bring in their photographs
2 and register before December 31st, but if the home is
3 rented out, it's become a commercial enterprise, and I
4 think that they should be obligated as a commercial
5 enterprise to pay for a driveway and get it up to
6 compliance.
7 My second observation is about the widening
8 of driveways and everything. I'm not, you know, for
9 or against, but what I see in some of the areas are
10 cars parked outside in front of the house and trailers
11 being parked at one spot for months at a time.
12 I'd like to see the Council propose as an
13 ordinance no parking after midnight or 1 o'clock to
14 5:00 in the morning. It isn't as bad in my area,
15 Northwoods, but it really seems to be a problem to me
16 out there in the Oakcliff area especially where you
17 can just about get through the street because of cars
18 on both sides. There's no view, kids are coming out,
19 and I don't think the public roadway should be used as
20 a driveway by anyone. I think that that will also
21 help cut down if people can't park out of the driveway
22 and it may be a boarding house or something like that,
23 it may cut down the use of a home as a boarding house
24 also.
25 And that concludes my spiel. Thank you.

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1 MAYOR JENKINS: Thank you.
2 MR. HART: Several things tonight. I can't
3 comment on the fact there was two meetings going on at
4 the same time. I don't know who planned that, but
5 that wasn't done very well.
6 The gravel driveway or parking spaces is a
7 subject that's gone on for the last eight years. It
8 came to a head with Yeshiva High School when they just
9 dumped the concrete on the curb and nothing was done
10 in the City until they found out Yeshiva is not part
11 of the public school system in Dekalb County.
12 It's just that I think that the City and the
13 Council needs to get kind of a grip on exactly where
14 is the town of Doraville and what's in the city of
15 Doraville so they can do something about what's going
16 on in the city of Doraville. And nothing points that
17 -- that fact when people dump basic curb cuts. Curb
18 cuts on Buford Highway are probably worth $35,000
19 apiece, but we don't have any problem at all with
20 somebody dumping a bunch of stuff in their yard on the
21 side of the road and making their own curb cut with
22 zero cost. No permits, no quality of life; nobody's
23 around.
24 I mean the Council needs to get a grip on
25 what the rules and laws are in the state of Georgia,

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1 Dekalb County and the City of Doraville. Then they
2 could at least drive around the neighborhood and find
3 out what's going on.
4 The trash RFP, I'm not going to be here for
5 this because I'm going up on the hill. But that was
6 one thing that we worked on. We had a public-private
7 partnership with the maintenance department and using
8 public companies -- or private companies to make a
9 quality recycling and trash system for the city of
10 Doraville, and included in that process was the
11 billing.
12 Giving Dekalb County the billing takes away
13 the ability to create an inventive program so the
14 citizens of Doraville can enjoy getting money back for
15 doing the right thing and for people paying for all
16 the excess garbage they do put out. And I think that
17 the RFP needs to be considered -- us to consider the
18 maintenance department in that RFP, the ability that
19 the City has to distribute recyclables within a five-
20 mile radius and include in that process an inventive
21 system of billing that could be done in City Hall.
22 We're not getting rid of a clerk; we're not
23 saving money by sending it someplace else. Because
24 like cashing checks, we didn't save any money there
25 either. We've still got the same accounting

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1 department.
2 So use your heads. I'm going to be up on
3 the hill. Thank you.
4 MAYOR JENKINS: Next? Nobody else on the
5 agenda items?
6 - - -
7 (No response)
8 - - -
9 MAYOR JENKINS: I would comment on one
10 thing. Mr. Williams, I did contact the County but
11 they did not contact me back today.
12 Murray, I'll be checking on that tomorrow.
13 That's about all I can tell you right now.
14 We're talking about the concrete pad in front of
15 Yeshiva High School. Okay. Thank you.
16 Anybody else?
17 - - -
18 (No response)
19 - - -
20 MAYOR JENKINS: Okay. This Woodall Roofing
21 is old business and they're due for another extension.
22 I personally have heard no complaints on them coming
23 in as early as they have this time.
24 Have anybody at the Council heard any
25 complaints?

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COUNCILMEMBER FLEMING: No, sir.
COUNCILMAN ROCHE: Not here.
MAYOR JENKINS: Make a motion to extend -- How long can we extend it?
CLERK BLACKMON: Chris Nichols would actually like to speak to the Council.
MAYOR JENKINS: Excuse me?
CLERK BLACKMON: Mr. Nichols would actually like to speak to the Council.
MAYOR JENKINS: Oh, okay. I didn't know he was here. I'm sorry.
MR. NICHOLS: That's fine.
MAYOR JENKINS: I apologize. Come on up.
MR. NICHOLS: I know this is an issue that we visited last time and we kind of compromised. But we've been working real close with the City -- or the county of Dekalb, and now that school's started back in -- last week I think was the first week out there at Sequoyah Middle School -- they have actually asked us, it would be beneficial to us and Dekalb County if we could start actually at 4 o'clock instead of 5:00.
I know I'm kind of pushing the limits here, but the reason I'm asking is it's kind of a two-part process. We have to tear off the existing roof and then roof back the part we tear off, and we have to do

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that every day. We can't leave the building open. If we do, we could flood it out.
But the most dangerous and dirty part is by far the tear-off, just the dust and the, you know, things of that nature, and they just want to make sure we get everything done before the kids show up to school. So that's pretty much where we are right now.
COUNCILMEMBER BATES: I did have a conversation with Principal Cunningham regarding the matter, and she's very pleased with the work that they've been doing and is amenable to a change in the hours if they need it.
COUNCILMEMBER ALEXANDER: So how many hours a day now are you going to be allowed to work?
MR. NICHOLS: Well, we actually limit our work hours, so we won't be working more hours. It's just the goal is to get everything done earlier. We try to limit our guys to a certain amount, especially in the heat. Nnormally it's probably anywhere between an 11- and 12-hour day.
COUNCILMEMBER ALEXANDER: So you will be still there working when the students are at school.
MR. NICHOLS: Yes.
COUNCILMEMBER ALEXANDER: I guess I misunderstood what you --

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MR. NICHOLS: I'm sorry. I'll be clearer. The tear-off is what we really need to get finished before the students get back or get in school. The replacement of the roof is actually -- it's an adhesive-based roof. It's not an asphalt-based roof. So it's just five-gallon buckets. We pour it out, use a squeegee and put the new sheets down in it, so it's real safe and not dirty. But that tear-off is pretty dusty and things of that nature.
COUNCILMEMBER ALEXANDER: How much longer do you think you're going to be on the project?
MR. NICHOLS: The deadline is the end of September. Right now, we're about 48 percent complete. We also last week applied for a 15-day extension due to the rain days we had about a month ago. So probably the end of September to early October.
COUNCILMEMBER BATES: I make a motion to extend the special noise permit to 4:00 a.m. effective tomorrow, the 17th of August, with the same stipulations as the 5:00 a.m. And so if we get any noise complaints, we'll -- we'll be back.
COUNCILMAN ROCHE: And I'll second.
COUNCILMEMBER FLEMING: Friendly amendment to this?

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COUNCILMEMBER BATES: Yes, ma'am.
COUNCILMEMBER FLEMING: If only because the permit, if I'm not mistaken, is only for two weeks; and therefore, I would have a friendly amendment to allow this particular permit to be a 60-day permit.
MAYOR JENKINS: Or until he completes it --
COUNCILMEMBER FLEMING: Gets it done.
MAYOR JENKINS: -- unless we get complaints.
COUNCILMEMBER FLEMING: Gets it done, completion time.
COUNCILMAN ROCHE: Since it's a different time, I'd rather give it two weeks just to make sure everything's okay.
COUNCILMEMBER FLEMING: Well, I'm just making that as a comment, Mr. Bates, so you and Mr. Roche can --
COUNCILMEMBER PACHUTA: I'd be more comfortable until the next regular Council meeting, which --
COUNCILMEMBER BATES: That's the 7th of September, three weeks.
MAYOR JENKINS: September 7th. Okay.
MR. NICHOLS: Through September 7th?
MAYOR JENKINS: Yeah, extend it till September the 7th.

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COUNCILMEMBER PACHUTA: It's longer than the 15 days.
COUNCILMEMBER BATES: Through September 7th.
COUNCILMEMBER PACHUTA: So that'll give us time to find out if 4:00 a.m. is causing a lot of problems, and if it doesn't cause problems --
MR. NICHOLS: That's fine.
COUNCILMEMBER PACHUTA: -- then maybe the next one will be longer.
MR. NICHOLS: Oh, that's fine.
MAYOR JENKINS: Do I get a second?
COUNCILMAN ROCHE: I'll still second.
COUNCILMEMBER PITTMAN: I'll waive any --
MR. NICHOLS: I completely understand.
COUNCILMEMBER PITTMAN: I appreciate you keeping down the complaints and all of that, but you understand my reasoning.
MR. NICHOLS: I understand.
COUNCILMEMBER PITTMAN: Okay. Thank you.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?

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COUNCILMEMBER FLEMING: No.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: No.
CLERK BLACKMON: Councilmember Roche?
COUNCILMAN ROCHE: Yes.
CLERK BLACKMON: Motion carried.
MAYOR JENKINS: Motion carried. Thank you.
MR. NICHOLS: All right. Thank you.
MAYOR JENKINS: Thank you, sir.
Luke, come on up. Energy Efficiency Consultant recommendations.
MR. HOWE: Thank you, Mayor.
I had a chance to go over the responses to the RFP. We got two, one from Mactec and one from Empowerment Energy, a fairly young company out of Atlanta. After reviewing, there's really only one choice, and that's Empowerment. The budget for this was $12,000. We had a pre-proposal conference and we told them what the budget was. Mactec came in over even after that.
But I think if we're going to be going with Empowerment, it will be the better choice. This is all they do. And as you know, with Mactec, there's a

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little bit of everything. So this is a young company; they're eager. $12,000 is not a big contract, but I think for the most part what these people will do will assist me in establishing the LED Incentives Program for the business community and the auditor training programs. So we need a -- really need an objective third party to come in and help us launch those, those programs.
COUNCILMEMBER BATES: And this is a budget line item from the GEFA grant that we received?
MR. HOWE: Yes, sir.
MAYOR JENKINS: And what was their bid?
MR. HOWE: Their bid was $11,700. Mactec's was $16,356.
COUNCILMAN ROCHE: Who was the other consulting firm?
MR. HOWE: Empowerment Energy Technology.
COUNCILMAN ROCHE: No. You said on here that there were three consulting -- Oh, I'm sorry. Two submitted. Never mind.
MR. HOWE: There were three that came to the proposal meeting.
COUNCILMAN ROCHE: I got it.
MR. HOWE: Southface would probably be the optimum choice. Again, this still is an emerging

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market so there is not an abundance of consultants out there. I spoke with Southface and they said that they are chasing bigger contracts but they said that they would totally be open to helping us in the future.
MAYOR JENKINS: Anybody have a motion?
COUNCILMEMBER BATES: I'll make a motion to award the Energy Efficiency contract to the GEFA grant to Empower Energy Tech for $11,700.
COUNCILMEMBER ALEXANDER: Second.
MAYOR JENKINS: Any more discussion?
COUNCILMEMBER FLEMING: Yes, sir. I just wanted to make one comment: that this particular award to the City of Doraville is multi-faceted, and I think this is, if I'm not mistaken, the third type consulting firm or firm that we're using. And I'm very concerned that as we continue awarding consultants, that we may be going over the grant amount, so I'm not in favor of awarding this.
COUNCILMEMBER BATES: This is the final piece of that GEFA grant; is that correct, sir?
MR. HOWE: Yes, sir.
And Ms. Fleming, it's correct this is a multi-dimensional grant. It's an ambitious grant. There's a whole lot of hard work involved in it, but this is just one component.

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The previous award to the retrofit, the distributor and this are the only two contracts notwithstanding the agreements we'll have with individual businesses about how to use the funds that we disburse for incentives on their own LED projects. So this company will help us do that in an objective, third-party manner.

COUNCILMEMBER BATES: Thank you.

MAYOR JENKINS: Did I get a second on that?

COUNCILMEMBER ALEXANDER: Yes, sir.

MAYOR JENKINS: Okay. Any more discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: No.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

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CLERK BLACKMON: Councilmember Roche?

COUNCILMAN ROCHE: Yes.

MAYOR JENKINS: Motion carried. Thank you, Luke.

MR. HOWE: Thank you, Mayor.

MAYOR JENKINS: Thank you.

Item number III, Sanitation RFPs, Maria.

COUNCILMEMBER ALEXANDER: Yes, sir. I started working on an RFP for the sanitation based on feedback I got from Council and checklists. I apologize I didn't get a chance to finish it. I was combining items from our original RFP back in 2005, some updated language from I believe 2007 in the Stone Mountain RFP.

And then Ms. Blackmon, I noticed on RFPs we're also putting out, they've got a numbering system. What is that? Do you know how Ms. Wilson's doing that?

CLERK BLACKMON: I do not.

COUNCILMEMBER ALEXANDER: Can you find that out for me, because on this draft, I just put number signs because I don't know if she's doing RFPs based on her accounting codes or if there's some other method that she would like for us to follow.

I did go ahead and put a timetable in here,

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and I apologize again, I didn't get it done, but my goal for us to have the RFP finalized and published by October 1, and that sort of follows the timetable that was in the 2005 RFP. So we have plenty of time to discuss them and get it enacted for taking place no January 1.

So I will go ahead and do my homework to get this completed and probably Ms. Blackmon will get it to you, go ahead and put it in Council boxes, before the next agenda.

MAYOR JENKINS: Okay.

MAYOR JENKINS: Driveway Limitations, Pam.

COUNCILMEMBER FLEMING: Yes, sir. This is from old business prior to, and just briefly I'll make a comment and then I'm going to make a motion.

We had discussed earlier, and I believe the motion was to allow the existing driveways -- I'm sorry -- the existing homeowners that have gravel driveways or gravel parking pads to photograph the front of their home and apply for a permit to be able to keep -- and that was to be done by the 31st of December -- to be able to keep their existing gravel. And that was voted on, and we have in front of us an ordinance to consider and adopt this evening.

But Mayor, I'd like to make a motion to hear

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item number 3 of new business at this time so that we can hear Mr. Bates' comments.

MAYOR JENKINS: In other words, you're talking about new business -- item number 3 of new business, combining it with item --

COUNCILMEMBER FLEMING: Yes, sir --

MAYOR JENKINS: -- number 4.

COUNCILMEMBER FLEMING: -- please, so that we can thoroughly discuss this before any type of motion or adoption of the current is done.

MAYOR JENKINS: Do you agree with that, Brian?

COUNCILMEMBER BATES: Yes, sir, I do.

MAYOR JENKINS: Okay.

COUNCILMEMBER BATES: So I'll second that motion.

MAYOR JENKINS: All right. Any more discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

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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?
COUNCILMAN ROCHE: Yes.
COUNCILMEMBER FLEMING: Brian, I'll turn it over to you so we can discuss what your ideas are.
COUNCILMEMBER BATES: Thank you, Ms. Fleming. I appreciate that.
We did discuss the driveway limitations at the previous Council meeting or two Council meetings ago, and a motion was made to grandfather the existing driveways and not to allow them to expand. I did vote for that motion at the time.
During the debate, there were a number of concerns that were raised, some of them by myself and some of them by other Council members, regarding the number of existing driveways that this would include; that there wasn't -- we didn't allow any additional materials to be included as far as the pervious options; we didn't talk about whether or not this

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would apply only to the primary driveways or if it would apply to secondary driveways or parking pads.
I think there's an opportunity for us to revisit that vote and that discussion and make some changes that at the time I had suggested to extend the deadline for an additional two years. I wasn't particularly in favor of the grandfathering. I thought it would be a better -- better fit for us to allow people to apply for an extension and spend a little bit more time on looking at some of these secondary issues.
So I have suggested in the information that I provided to repeal the grandfathering vote that we took, to extend the deadline for compliance to August 31 of 2013 but to require residents to apply for that extension no later than December 31 of this year. That should read 2010 in the agenda packet, 2010.
To modify 5-40 to allow for additional porous options. And I researched a little bit and found some grass grid systems and I list a number of the manufac-turers there to allow for porous concrete and allow for open cell block which also allows for grass to grow in. If we do include 4(a), a grass grid system or an open cell block, we need to modify the code a little bit, because at present it doesn't allow

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for any grass to grow in it, which isn't allowed by current code.
So we've got asphalt as an option. I don't know of any residence where they've got an asphalt driveway. I'm not sure that's a good look for our city, if that's the direction that we want to go, so I would suggest eliminating asphalt as an option.
At present, the ordinance does not allow for anybody to repair or add new gravel to their existing gravel driveway, so if they do get an extension, if it passes and they do get an extension, it wouldn't allow them to be able to upgrade and repair the existing gravel driveway.
And then there's discussion on primary versus secondary driveways. What I've got in front of you is to suggest allowing the secondary driveways or parking pads to remain grandfathered. I know there are some concerns regarding that. If it would make it better to require that there be an existing curb cut to allow the secondary driveway, I would be okay with that.
But again, these are just some topics that I think we need to discuss a little bit further to make sure that we're capturing the intent of what we're trying to do.

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COUNCILMEMBER FLEMING: Thank you very much.
I believe my agenda cover indicated that I wanted to address and consolidate the conflicting and duplicate ordinances addressing the elimination of gravel driveways. And my comment was, the existing driveways whether primary or secondary shall not be affected as long as they are contained within a border of landscape timbers, railroad ties, or materials which will withstand erosion and runoff. That definitely did include the parking pads as well.
The other concern I had in our ordinances, that it appears as though all of a sudden we decided that it's okay if you have a 65-year-old house and you can have a gravel driveway. Well, to me, that's being a gratuity to that particular quote/unquote house or houses that are only 65 years old. So I didn't agree at all with that portion of the -- I mean what sort of a difference between a 58-year-old home and a 65-year-old home? And so I don't think it's fair to those homes that are -- that are now in the 50-year-old range, between 45 and 55 years old that have gravel primary and secondary with parking pads that are already gravel. So that was the reason why I really wanted to eliminate the fact that they had to remove the gravel and replace it with either concrete or

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1 asphalt.
2 I agree totally that the gravel needs to be
3 contained within some kind of landscape timbers and so
4 forth.
5 You commented about we definitely need to
6 look at the grass growing up, because that's an issue
7 for concrete driveways that are throughout our
8 neighborhoods now is that we have some broken
9 driveways or even the ones that have seal, you know,
10 where the two pieces come together, there is grass
11 growing there. So you know, I really don't have a
12 problem with grass growing. I mean it's another
13 porous surface that helps with the ecology.
14 I'm open for additional discussion from the
15 Council but I still would like to maintain eliminating
16 that or eliminating the original ordinance that they
17 said that they had to go ahead and remove the gravel.
18 COUNCILMEMBER PITTMAN: As far as the
19 visible grass, you know, I think that if we don't have
20 something in there, you're going to have grass that's
21 up to here (indicating) coming out of the driveways.
22 I've seen that, and it's really ugly. So you know,
23 you're going to have grass if you've got a cracked
24 driveway. It's going to come through. But you have
25 to do like my husband does and weed-eat it --

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1 COUNCILMEMBER FLEMING: Right.
2 COUNCILMEMBER PITTMAN: -- and not everyone
3 does that. So if you take that out, then you have no
4 tool to make them do that. That's just my thought.
5 And I do agree with Mr. Bates about the
6 asphalt, that you even consider taking the asphalt
7 driveways out.
8 COUNCILMEMBER FLEMING: It was in the
9 original ordinance.
10 COUNCILMEMBER PITTMAN: I mean --
11 COUNCILMEMBER FLEMING: I don't want -- I
12 would prefer not having asphalt, personally.
13 COUNCILMEMBER PITTMAN: Okay. I know in the
14 particular ordinance, to maintain -- if you've already
15 got a gravel driveway, to maintain it, sometimes you
16 do have to put additional gravel on there. And I
17 don't see that. We just got this. So I didn't see
18 where it would allow them to put additional gravel
19 that would be contained and maintained. If they're
20 going to maintain it, they've got to at some time put
21 additional gravel on there or it's going to be all
22 dirt.
23 COUNCILMEMBER FLEMING: Oh. And there's
24 nothing in our ordinances that say that they can't
25 have a dirt driveway either.

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1 COUNCILMEMBER BATES: That they can't or
2 can?
3 COUNCILMEMBER PITTMAN: Can't.
4 COUNCILMEMBER FLEMING: Cannot.
5 COUNCILMEMBER PITTMAN: Cannot.
6 And I'm actually --
7 COUNCILMEMBER FLEMING: I mean if we go back
8 -- I'm sorry, Ms. Pittman.
9 COUNCILMEMBER PITTMAN: That's okay.
10 COUNCILMEMBER FLEMING: If we go back to the
11 original ordinance, it either has to be asphalt or
12 concrete. But what I'm saying is we don't have
13 anything that says they can't have dirt is what I'm
14 saying.
15 COUNCILMEMBER PACHUTA: I think there's
16 something somewhere in the code that you can't park on
17 your lawn.
18 COUNCILMEMBER BATES: What if it's a dirt
19 road? That's not your lawn.
20 COUNCILMEMBER PITTMAN: That's true.
21 COUNCILMEMBER FLEMING: So that's the reason
22 why I really felt the ordinance needed to be, you
23 know, reworked.
24 COUNCILMEMBER ALEXANDER: Okay. The whole
25 thing about the secondary driveway and the primary

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1 driveway, I unfortunately saw something the other day
2 on Oakcliff Road, which I will have to probably
3 contact quality of life, where they're driving up
4 their primary driveway from Oakcliff but they have
5 dumped gravel and have made a driveway that goes
6 around and they're parking in their back yard.
7 So again, this is the same -- you know,
8 council fought and fought to pass this original
9 ordinance, and there was reasons that our predecessors
10 did so. And you know, I know I sound like a broken
11 record with the same old arguments, but there are
12 reasons that it was designed and it was debated and
13 fettered out and passed. And you know, we gave them
14 five years, and I just don't think the problem is
15 going to go away.
16 COUNCILMEMBER PACHUTA: I guess my concern
17 with Brian's suggestions is the last section of just
18 grandfathering in the secondary driveways and parking
19 pads. My preference is to have everyone transition
20 over. I would like to see the ordinance changed so
21 that concrete isn't the only option that people have.
22 You know, the problem we have especially in
23 Oakcliff is people want more parking; and you know,
24 with the older neighborhoods, it was designed for
25 one-car, you know, households. People are just

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1 throwing gravel on the driveway, "Here's the secondary
2 parking pad." And it just does not look good at all,
3 and so I don't like the idea of just grandfathering
4 those in.
5 I'm open to exploring other options also for
6 different types of porous.
7 COUNCILMEMBER FLEMING: No. That was
8 attached to my original where I gave many examples,
9 and Mr. Bates has given some additional examples. So
10 we could, you know, have a list of all the different
11 architectural standards for a driveway, and then they
12 could pick and choose. But I'm not so sure that we
13 actually put it in the ordinance but I'm not sure.
14 COUNCILMEMBER BATES: Well, I guess my
15 concern would be -- and this be a question to, you
16 know, Mr. Haeberlin and Mr. Weed -- if we allow for
17 additional porous options but we don't specify what is
18 allowable, does that create the opportunity for people
19 to misinterpret the direction and install a material
20 that may not have been contemplated that's not
21 acceptable?
22 ATTORNEY WEED: My legal opinion would be
23 yes.
24 COUNCILMEMBER BATES: So if we merely left
25 it as concrete or other porous options with the

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1 exception of gravel, someone could say, "Well, dirt's
2 porous so --"
3 ATTORNEY WEED: Chicken wire is porous. You
4 know, it could be used possibly as a basis for a pad.
5 COUNCILMEMBER BATES: Gotcha.
6 Ms. Fleming, I do think that we need to
7 specify some specific examples of, you know, porous
8 materials if we go that route.
9 COUNCILMEMBER FLEMING: I appreciate
10 Ms. Alexander's comments about previous council and
11 fettering it out and so forth and so on.
12 My illustration to aesthetically-looking
13 neighborhoods, are we going to at some point in time
14 down the road say, "Well, aesthetically, the majority
15 of homes in Doraville have all black roofs and black
16 shutters so we're giving everybody five years to
17 change their roofs and their shutters to black?" And
18 I don't want to see the city of Doraville getting into
19 a covenant-type living where we've got cookie-cutter
20 homes and we're looking all the same. And I truly
21 believe -- and I don't mind putting this off -- that
22 there's still the issue of economically at this
23 present time, those people that are living in their
24 homes --
25 Mr. O'Connor made an excellent suggestion as

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1 far as I was concerned: grandfather for the
2 homeowners that are actually living in the residence.
3 If they have become a rental, then it's considered a
4 commercial zone and, therefore, that owner must indeed
5 upgrade to our present ordinance.
6 And I believe he also made the comment,
7 particularly in the Oakcliff area where parking on the
8 street -- they're having to park on the street because
9 it's not enough parking area because, first of all,
10 the widths of the lots are not very large, and they
11 were designed -- like someone else said, they were
12 designed for one car in the driveway, so they're
13 having to park on the street,
14 So that's why I do not want to eliminate the
15 gravel driveway. I want to grandfather the present
16 gravel driveways that we presently have along with the
17 secondary as well as the parking pads.
18 COUNCILMAN ROCHE: I guess go ahead and --
19 You know, I hardly ever speak up about anything, but I
20 will talk about this one.
21 This is, as I think Ms. Fleming alluded to
22 more -- to me, it was more of a financial issue than
23 anything else. I won't question the prior council's
24 objectives or what they had planned to do, but I don't
25 know that they could perceive the situation that we

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1 have now with the economy being so bad and I don't
2 think that they could perceive that our fees and
3 charges and costs and everything would go up so much
4 that, you know, if you're going to replace a gravel
5 driveway with a cement driveway, you could very easily
6 spend upwards of somewhere around a grand potentially
7 before you've even, you know, put a shovel into the
8 dirt, and that was my main concern.
9 And as we discussed last time, we kind of
10 went back and forth about this as far as completely
11 just flat-out grandfathering, I wasn't necessarily,
12 you know, comfortable with that, but I like the idea
13 of grandfathering it or allowing an exemption for the
14 current owner of a property, at which time you
15 transfer the property, then it would -- you know, they
16 would have to comply with whatever the new ordinance
17 is. And you know, we could -- looks like we're going
18 to be readdressing this anyway.
19 Issues like, you know, grass growing through
20 it and, you know, the gravel getting out of hand and
21 all that sort of thing, these are all QOL, quality of
22 life issues. These are all code enforcement issues.
23 And you know, I feel like that, you know, to
24 try to overlegislate this stuff, we're going to end up
25 with so many rules and laws that are almost

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1 unenforceable because, first of all, there's so many.
2 The more complicated it is, the harder it is for
3 people to understand. I don't know that if I -- I
4 know some of the ordinances that we've passed, and I
5 don't know if I would understand them myself, frankly.
6 Mr. Bates last meeting when we made the
7 original motion made a very good -- made a very good
8 amendment to that, saying to make sure that you can't
9 expand an existing driveway, and I completely agree
10 with that.
11 I think, to me, the idea of allowing people
12 to just say, "Well, I need another parking space," so
13 they bring in, you know, a couple yards of gravel and
14 just throw it on the front yard and now you got a -- I
15 think that's what we're trying to eliminate and that's
16 what we're trying to prevent.
17 And so I think that, you know, given we have
18 all this other stuff, that's fine, but we shouldn't
19 lose track of what problem we're trying to solve right
20 now. And the problem we're trying to solve right now
21 is people that are underemployed, unemployed or on
22 fixed incomes suddenly being hit with, Lord knows,
23 $2,500 or so on up to replace a driveway or a parking
24 pad, and I think we should provide some sort of relief
25 for those situations. That doesn't mean they can have

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1 grass growing through their gravel or anything else.
2 They are subject to the same rules as anyone else as
3 far as the appearance of their property.
4 So I'm fine with -- I would much prefer to
5 go ahead and pass the ordinance that we have that we
6 voted to pass last time with maybe one change I have a
7 question about. And as far as -- I'm very much in
8 favor of re-looking at things like other porous
9 surfaces, et cetera, et cetera, but if we try to lump
10 all that together, it's going to potentially be
11 November before we actually decide on something, and
12 in the meantime, we have all these property owners
13 that don't know what to do. You know, they don't know
14 if they're going to have to spend their Christmas
15 money on a new, you know, driveway or not.
16 As far as adding gravel, I don't have a
17 problem with that as long as they're adding it on top
18 and not widening. I mean it's just part of the deal,
19 I think. You have to add gravel every so often. In
20 fact, when you do that, I think it improves the
21 appearance too because you've got nice new rocks
22 instead of old rocks.
23 The 65 years thing, I was told that was for
24 one house in town, and I'm told by people that have
25 been there, and I've seen it myself, it looks great,

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1 you know, so I don't know. I'm not sure how we can --
2 I'm not sure what I'd say about that necessarily, but
3 that would again be going back to the original
4 ordinance.
5 I would be very much in favor of going ahead
6 and pass what we have. The only change I would make
7 to what we voted on last time -- and frankly I'm okay
8 with the way it turned out -- would be to allow the
9 exemption only to live with the owner of the property.
10 I'd be happy with later on re-addressing what
11 Mr. O'Connor said. I think that was an excellent
12 point about rental properties.
13 But you know -- or even just waive fees or
14 something. I mean if I've got an old, nasty concrete
15 driveway and I want to replace it, I want to tear it
16 up and replace it with a brand new gravel driveway, I
17 don't think -- Do I need to come to City Hall and get
18 a building permit and pay a grand for that with the
19 building permit and the permit fees and getting a new
20 survey and everything?
21 MR. HAEBERLIN: It's called driveway permit;
22 yes, sir.
23 COUNCILMAN ROCHE: So the minimum, that's
24 going to be what? $250 plus you have to have a survey
25 which is probably $600 on up.

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1 MR. HAEBERLIN: Correct, plus $5 per
2 thousand.
3 COUNCILMEMBER FLEMING: And you have to
4 bring an engineered drawing, right?
5 COUNCILMAN ROCHE: An engineered drawing.
6 So you need an engineer. It's a wonder anybody can do
7 anything to improve the look of their house; so
8 anyway --
9 But for the moment, I would -- to at least
10 give these people some relief for the moment, I would
11 still be in favor of passing what we voted to pass at
12 the last Council meeting.
13 I just have one question. Under paragraph
14 (d), it says, "Any gravel driveway in existence and
15 duly registered," blah, blah, blah, but then it says,
16 "However, no driveway shall cover more than 30 percent
17 of the total area of any property excluding structures
18 thereon."
19 I wasn't sure why that was there, because by
20 definition this change has to do with existing
21 driveways.
22 ATTORNEY WEED: That's in the existing code
23 Section 5-40 subsection (a).
24 COUNCILMAN ROCHE: Fair enough.
25 COUNCILMEMBER PITTMAN: And I am in support

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of grandfathering in, and I'm fine with the 65 years. I would like to take asphalt out and I'd like to leave visible grass because I think it gives quality of life an additional tool to enforce that.

And somehow as far as maintaining and putting additional gravel, not to expand, maybe something in the wording where they could do that to help maintain their driveway.

Now, I really like Mr. O'Connor's if they are living in the house and they're the owner, but if they are going to rent the house out seems to be where a lot of the problems come in anyway, is to maybe have them go ahead and concrete it in if they're going to be leasing or renting the house out.

I don't know how -- if they were to sell the house, how we can make an owner -- how the new owner, how they would even know that they've got to do that.

But if they're owning -- they own the house and they are leasing it or renting it, then I think that I -- I really like that idea.

COUNCILMEMBER BATES: Ms. Fleming, I would -- based upon some of the conversations that happened tonight, I would like to postpone this at least for one Council meeting to address two things. If the financial impact is the primary reason, then I would

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be much more in favor of granting an extension to the requirement than a blanket grandfather that would last forever, because those financial issues will change in theory over time. Is two years the right amount? I don't know. It could be extended beyond that.

I would like to, before we pass an ordinance that either grandfathers or grants an extension, to investigate the suggestion that Mr. O'Connor came up with, and that was the homeowner versus rental. Whether or not we can do that, whether or not it's legal, I think that would be a question that should be vetted and reviewed by the city attorney.

So Ms. Fleming, I would request that, if you're okay with this, to delay this one more Council meeting and get some additional information.

COUNCILMEMBER FLEMING: What's the date of the second?

COUNCILMEMBER BATES: It's the 7th.

COUNCILMAN ROCHE: September 7th. That's another three weeks.

COUNCILMEMBER FLEMING: To answer your question, I don't have a problem with that.

In regards to Ms. Pittman's comment about it does say no expansion.

COUNCILMEMBER PITTMAN: Right.

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COUNCILMEMBER FLEMING: I agree with that. But since it does not indicate maintenance, one would think that since it doesn't not allow additional gravel as a maintenance item, one would think that they can add for maintenance purposes?

ATTORNEY WEED: Probably would be. I think you know, it would probably be better to be more specific and then go ahead and we could add a line that says --

COUNCILMEMBER FLEMING: Okay. All right

ATTORNEY WEED: -- refreshing the gravel periodically would be allowed; however, no expansion, you know.

COUNCILMEMBER FLEMING: Well, I'm still in the mind in regards to this ordinance, though, is that it does need to be contained, contained in some way, landscape timbers or --

COUNCILMEMBER BATES: The ordinances right now --

COUNCILMEMBER FLEMING: -- or something.

COUNCILMEMBER BATES: -- requires landscape timbers --

COUNCILMEMBER FLEMING: So I --

COUNCILMEMBER BATES: -- or some other containment, so --

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COUNCILMEMBER FLEMING: You know, so expansion, you know, going upward or out.

So Mr. Bates, was that a motion?

COUNCILMEMBER BATES: It is now. Move to put this on the September 7th meeting under old business.

COUNCILMEMBER FLEMING: Second.

ATTORNEY WEED: And what the Council would like me to do would be to research the viability of having owner-occupied homes be exempt but not owned homes that are used for rental purposes.

COUNCILMEMBER BATES: That is correct.

ATTORNEY WEED: Okay.

COUNCILMAN ROCHE: Is it legal to exempt a house based on the age? I mean essentially we're granting -- no matter what, we've granted an exemption forever and ever for one house in town.

ATTORNEY WEED: Yeah. Yeah. My take on that or my opinion would be you can always create classes, but whenever you create a class, everyone who fits in the class must be treated the same but you can differentiate between classes that you've created. So 65-year-old houses, that's fine. You could make it 55, you could make it whatever you wanted to after you created the exemption, and so you can do that in my

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opinion.
COUNCILMEMBER PITTMAN: And sometimes that's considered historical and you don't want to lose that historical look as long as it's kept up. That would be my reason.
COUNCILMAN ROCHE: Right.
COUNCILMEMBER PITTMAN: And then I also like Mr. Bates' idea of listing the different options maybe even of different surfaces, maybe just --
ATTORNEY WEED: That's a little bit beyond my realm of expertise so I would invite Council to assign that to someone who knows more about construction than I do.
COUNCILMEMBER FLEMING: Well, the other thing that it did not address at all -- and I don't believe it addresses it in any of the other ordinances -- about removal of gravel. Okay. I know that our parking lot standards are not gravel now, but I don't believe there's a removal of gravel for businesses in any of our ordinances, that I can recall. So that's the other thing that I was wondering about but I didn't want to get into that, but I'm just making that as a comment: that we're not requiring it of businesses but we are requiring it of residents, and they --

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ATTORNEY WEED: 5-40 definitely only deals with residences.
COUNCILMEMBER FLEMING: Right. So I am in agreement that we need to postpone this, defer it to September the 7th as old business.
COUNCILMAN ROCHE: And I have to disagree. I think that all of these are good topics and good issues, but you know, far beyond the scope of what was the original intent.
You know, we came here to solve one basic problem originally, and I think that what we passed last time solves that basic problem.
This is a living document and we can change it any time we want. We've all heard that before.
And I think that this Council owes it to the citizens, especially the people that are concerned as to whether or not they've got to go out and spend three or four thousand dollars potentially to come up with a decision and then come back later and discuss all this other stuff.
This all good stuff. Don't get me wrong. I just think that we've gone way beyond the scope of what the original idea was, and I think delaying it is just a needless delay. And since we're going to add all this other stuff, by the time we get it all sorted

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out, it's going to be February next year. And that's, you know, not necessarily a bad thing as far as getting it -- trying to get it right. It's just that we have people right now that, you know, their livelihood, their income, their life style, their standard of living is at stake, and I think we owe it to them to do something tonight, so I'm going to have to vote against the extension.
COUNCILMEMBER FLEMING: Just as a comment, I believe in the Winters Chapel Hills subdivision, it only affects four residents, and in Tilly Mill, I didn't get a total count. I never got over to Northwoods. But I did receive a count for Oakcliff and there are 35 homes. That includes Pin Oak. And the majority of those obviously are on Oakcliff Road because there's no parking on the street.
COUNCILMEMBER PITTMAN: Well, I'm comfortable with deferring it to September 7th due to the light of some suggestions by the citizens. I think September 7th we do need to make a decision, but if we can look into some of those issues that we've discussed tonight, I'm good with waiting until September 7th.
And I do think at some point we do need to take a look at the businesses. I had an issue today

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with Dekalb County businesses where new businesses went in on Woodwin and they have just poured gravel all over the front yard. There's two businesses in particular. So at some point, you know, if they've already got gravel --
Dekalb County, I spoke with code enforcement there today. If they've got gravel there, they're fine, and the same thing with homeowners, but if they open a new business and they pour new gravel, then they're in violation. So I think that's some-thing at some point we do need to look into to keep that from happening.
MAYOR JENKINS: You seconded it?
COUNCILMEMBER FLEMING: (Nods head)
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.

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1 CLERK BLACKMON: Councilmember Pachuta?
2 COUNCILMEMBER PACHUTA: Yes.
3 CLERK BLACKMON: Councilmember Pittman?
4 COUNCILMEMBER PITTMAN: Yes.
5 CLERK BLACKMON: Councilmember Roche?
6 COUNCILMAN ROCHE: No.
7 MAYOR JENKINS: Okay. We'll go into new
8 business, Donna Pittman.
9 COUNCILMEMBER PITTMAN: Yes, sir. Thank
10 you.
11 After looking into the Personnel Manual, I
12 wanted to discuss tonight to amend the Personnel
13 Manual to provide additional time for employees to
14 request in writing for a public hearing or appeal
15 before the City Council for termination or
16 resignation. Two days to me is just not enough time.
17 My recommendation would be five days. I think that
18 would be sufficient time if you need to make an appeal
19 versus two days; five working days, which I would
20 assume Monday through Friday. And I wanted just to
21 get the Council's input on that and see if we can make
22 that happen.
23 COUNCILMEMBER ALEXANDER: So you're only
24 wanting to modify Subsection D as in David?
25 COUNCILMEMBER PITTMAN: That is correct.

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1 Only for the purpose of termination/resignation.
2 ATTORNEY WEED: And just to add information
3 to the Council, there is Subsection D -- or C as in
4 Charlie, and that provides that there is an appeal of
5 a non-termination/non-forced resignation but a
6 disciplinary matter when a department disciplines a
7 subordinate and that appeal goes to the Mayor, a
8 person must appeal within two business days of that
9 event occurring. So I just wanted you to be aware of
10 that, would that affect your reasoning in any way.
11 COUNCILMEMBER FLEMING: It's also Section B
12 as well.
13 COUNCILMEMBER PITTMAN: Uh-huh.
14 COUNCILMEMBER FLEMING: B and C both
15 indicate two days.
16 COUNCILMEMBER PITTMAN: My motion was for
17 termination or resignation.
18 COUNCILMEMBER FLEMING: Discussion? Is that
19 where we are?
20 COUNCILMEMBER PITTMAN: Yes.
21 COUNCILMEMBER FLEMING: Okay. As it were, I
22 had the same type of agenda item and Ms. Pittman beat
23 me to it. And it's very similar; however, on the B
24 and C sections because I also believe that two working
25 days for them to write a submittal of a request for

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1 reconsideration of discipline to both the director and
2 to the Mayor, I was requesting that that be changed to
3 five working days rather than two working days.
4 But then my thoughts on the public hearing
5 in case of an employee was terminated or requested or
6 induced to resign from his position of employment with
7 the City of Doraville, that that should be changed
8 definitely from two working days, but I felt that a
9 change to 30 calendar days because I feel that they
10 need time to prepare their own documents, gather up
11 all of their personnel files, et cetera, et cetera to
12 be able to come to us -- come to the Mayor and the
13 City Clerk with a letter of appeal, to be able to
14 gather up all their information. So I felt that 30
15 calendar days would be better than Ms. Pittman's
16 suggestion of five working days.
17 COUNCILMEMBER PITTMAN: I still think that
18 they would have enough time to do what you said
19 because they actually have 30 days for the Mayor to
20 set a hearing. So five days is only for them to
21 provide in writing that they want to appeal but then
22 they still have that additional time to get whatever
23 information or whoever they need to help them out.
24 COUNCILMEMBER FLEMING: Well, excuse me, but
25 not necessarily, because that's the maximum amount of

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1 time that we hear. We have to hear that appeal within
2 30 days. We might hear that appeal three days from
3 after they request. So that was my concern.
4 COUNCILMEMBER PITTMAN: Okay.
5 COUNCILMEMBER PACHUTA: My concern -- I'm
6 fine with five days.
7 My concern with extending it beyond the five
8 days is that the department head is basically being
9 held hostage for 30 days. They don't know if an
10 employee is going to appeal to City Council and that's
11 going to affect -- they may not be able to hire some-
12 one for a much longer period of time because then what
13 if on the 30th day, they appeal, then we schedule it
14 30 more days out, and we hire the person back?
15 That's, you know, 60 days potentially that the
16 department head can't hire someone, not knowing what
17 we're going to do or the decision we're going to make.
18 I think we need to have some -- a department
19 head needs some finality particularly when they
20 terminate someone, that "Okay, after those five days
21 are over, that person has lost their ability to
22 appeal. I can go ahead and look for a replacement."
23 COUNCILMAN ROCHE: I think I'm fine with the
24 five days.
25 A minute ago we had another thing where we

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1 tried to do one thing and we expanded the scope.
2 Since we're looking at this, perhaps we should look at
3 some other issues surrounding the complaint process.
4 For instance, there's an issue that there's like I
5 think you have 15 days if -- if an incident happens
6 with an employee, you have to get that incident in,
7 find all the evidence, hear about it in the first
8 place or whatever, and you have to submit it all in
9 writing within 15 days.
10 Well, first of all, I mean we know that
11 things aren't necessarily made public very quickly
12 around here. Also, we find that people may do little
13 things. It's like, well, I stole five bucks out of
14 the cash box. Well, that's no big deal. But if we
15 consider each individual incident as an individual
16 incident without looking at the totality of an
17 employee's overall performance, that does not give you
18 a clear picture of that performance or concerns.
19 COUNCILMEMBER BATES: What section is that?
20 COUNCILMAN ROCHE: My computer just died so
21 I can't get to it.
22 ATTORNEY WEED: It's 2-36 --
23 COUNCILMAN ROCHE: 2-36.
24 ATTORNEY WEED: -- is the 15 days, and that
25 deals with complaints from a Councilmember to the

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1 Mayor about a City employee.
2 COUNCILMEMBER BATES: I think that's a topic
3 that if you want to add it to an agenda for a later
4 time, we can discuss that. But like I said, scope
5 creep, this is referring to 10-3-3.
6 And Donna, that's a motion?
7 COUNCILMEMBER PITTMAN: Actually, yes, it
8 is. I'd like to make a motion to amend the Personnel
9 Manual, Section 10.3.3, Complaints and Review, to
10 change it from two working days to five working days
11 for requesting in writing a public hearing before the
12 City Council for such termination or resignation.
13 COUNCILMEMBER BATES: Are you applying that
14 to B, C and D or just D?
15 COUNCILMEMBER PITTMAN: Not for disciplinary
16 actions but only for resignation and termination.
17 COUNCILMEMBER BATES: So it's Subsection D.
18 COUNCILMEMBER PITTMAN: Yes.
19 COUNCILMEMBER ALEXANDER: Second.
20 MAYOR JENKINS: Any more discussion?
21 COUNCILMAN ROCHE: Just a minute ago we had
22 this thing with the gravel driveways, and all we were
23 going to do was look at grandfathering them but we
24 decided to defer it so we could expand the scope of
25 the discussion and get involved with a lot of other

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1 issues, and now we're going to do the opposite.
2 That's all I have to say. Thank you.
3 MAYOR JENKINS: Any more discussion?
4 - - -
5 (No response)
6 - - -
7 MAYOR JENKINS: Call the roll, please.
8 CLERK BLACKMON: Councilmember Alexander?
9 COUNCILMEMBER ALEXANDER: Yes.
10 CLERK BLACKMON: Councilmember Bates?
11 COUNCILMEMBER BATES: Yes.
12 CLERK BLACKMON: Councilmember Fleming?
13 COUNCILMEMBER FLEMING: No.
14 CLERK BLACKMON: Councilmember Pachuta?
15 COUNCILMEMBER PACHUTA: Yes.
16 CLERK BLACKMON: Councilmember Pittman?
17 COUNCILMEMBER PITTMAN: Yes.
18 CLERK BLACKMON: Councilmember Roche?
19 COUNCILMAN ROCHE: Yes.
20 MAYOR JENKINS: Thank you.
21 Karen Pachuta.
22 COUNCILMEMBER PACHUTA: Yes. I don't have a
23 lot to discuss tonight but we have talked in the past
24 where it was brought up in Strategic Planning and also
25 brought up through the budget process that we really

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1 need to update our permit fee schedule and our
2 regulatory fee schedule. I think in some situations
3 it may be increasing; some we may be considering
4 decreasing.
5 We also have a lot of fees that aren't
6 assigned, especially in the regulatory fee area such
7 as precious metal dealers, things that the State of
8 Georgia has allowed extra regulation, and it does
9 incur a lot of staff time, particularly the police
10 department when they're running background checks.
11 I did attach during the budget process staff
12 had put together a list, alphabetical list of permits.
13 And I apologize. On the sheet you can't really see it
14 very well. I'll e-mail everyone the file. It's the
15 amounts in red -- it's a little bit lighter on the
16 page -- are things that are not in our fee schedule
17 that we may want to consider adding or maybe not. The
18 amounts in here I think were just inserted for
19 discussion purposes during the budget process.
20 I think the most important thing or one of
21 the more important things is to look at the regulatory
22 fees that I assume you have ordinances in place such
23 as precious metal dealers but there's no fees
24 assigned.
25 So what I would like Council to do before

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the next Council meeting is to go through this list and pull out the items where they want changes or fees to be inserted so that we can get a list together of which items that we need to look at changing.

And I would like some of these missing fees which departments they affect, the department heads to look at those and determine, especially the police department when they're having to do background checks for pawn shops, et cetera, how much staff time it is actually taking for those permits so that we can get a reasonable estimate of what time that is taking staff time.

So I would like everyone to review that before the next Council meeting with their suggestions on each of these fees. Some of you are looking at the alcohol ordinance but there are a lot of others that probably haven't been changed in a long time, and we need to look at and have some of these in place before occupational tax license renewals.

COUNCILMAN ROCHE: I just have a couple quick questions. Is there any legislation behind all these?

ATTORNEY WEED: You mean state legislation?

COUNCILMAN ROCHE: Well, or City legislation. I mean when it says, you know, nonsufficient

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funds fee, if you bounce a check, it's $35.00. I mean is that -- when did --

Let me ask it this way: Does the State or does somebody like a body have to choose these fees or decide on these fees?

ATTORNEY WEED: Yes, and that would be the Mayor and Council.

COUNCILMAN ROCHE: So, then, somewhere for every one of these fees we should be able to track it back to an ordinance someplace or an action by the Council or a policy someplace.

ATTORNEY WEED: And in part, we've already done -- I've done a good part of that work already. What I did was I went through the entirety of the code, I found every ordinance that I could find that had some regulatory purpose and that would require let's say a form.

That outline was prepared, it was given to all the department heads. The department heads were then supposed to go back and finish up preparing the relevant forms.

That same outline was provided to Mr. Haeberlin. I believe he used that outline in I'm sure his own research, and in talking to the Clerk as well, and also my predecessor attempted this project

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many years ago. That information was also forwarded to both Mr. Haeberlin and to the Clerk to try to come up with a comprehensive list of every regulatory function that is performed that would require a fee.

So that work has predominantly been done. Likewise, there's a general rule in Title 48 which does provide for which businesses, for example, you could have additional regulation on. That isn't a complete list but it is a very good list, Mayor, and those things are covered as well. So there is a statutory basis for it.

And as long as you are -- as long as there is a statutory basis underneath the home rule powers of the constitution, the separate tax statute, and your constitution, then yes, those are the bases for how those regulatory fees should be charged.

COUNCILMAN ROCHE: I guess what I'm saying is that if we're going to be reviewing these fees, it would be very helpful to have reference to the original ordinance for each of these fees so we know where to go in order to look up the underlying legislation.

ATTORNEY WEED: And that work has predominantly been done --

COUNCILMAN ROCHE: Okay.

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ATTORNEY WEED: -- and that's in the hands of the staff.

COUNCILMEMBER FLEMING: When this draft originally came out on June the 30th for our budget discussions, 2010, I knew that there had been some extensive study and research done on the present ones that we have already adopted. But this compilation is total alphabetically, which is excellent, but I'm under the impression that a lot of these have not been adopted.

ATTORNEY WEED: With regard to the fees, I assume that almost none of them have been adopted. I'm sure that some of the ordinances have fees in them but part of the purpose of the exercise was for Council to modify and adjust the regulatory fee structure.

The previous council and the previous clerk and also this clerk did do some preliminary work and created a baseline outline where they attempted to find all the regulation that listed some kind of fee. Where that fee originated, who can tell? I don't know.

But what I can tell you is that there is a very good outline in existence now with regard to the basic regulations per department that's been given to

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the department heads with regard to any kind of regulation that requires a form for the PD or for the Clerk or whoever. That work's been done.

So I don't know the answer to your question. I'm not the author of the document you're holding in your hand. But I can tell you that whatever -- If the Council has adopted a regulatory policy or regulatory fee, any regulatory policy or ordinance, there should be a corresponding fee.

Or bear in mind, you can eliminate the regulation. I'm all for that too. I would love to make the code shorter. I think that would be a great exercise to eliminate some of the regulations we've got.

COUNCILMEMBER FLEMING: From Mr. Roche's comments is that if I decide to come to Council for the next, the September the 7th meeting and say, "I think we need to change such-and-such," well, if it's in an ordinance somewhere in and among all of our city code of ordinances or maybe in the zoning book, you know, we can't arbitrarily do that if it's in the zoning book. So my point is -- I believe that's what Mr. Roche was trying to get at is we just can't arbitrarily say, okay, we're going to change this and adopt this document as our fee schedule.

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COUNCILMEMBER PACHUTA: No, we won't. This is an outline so that we can consolidate it all in one place and then we can -- the items in red are ones that are lacking a fee.

But based on what decisions we make to this, you know, Mr. Weed will then have to go through and, you know, if it's some of them in the zoning ordinance or whatever, to make sure we then go through the proper procedure to change them. And then at the same time, I would like -- once all that's done, I'd like to have a, you know, one-stop-shop list too.

But this list is just to assist us to look at all the different fees.

COUNCILMEMBER FLEMING: That could be charged?

COUNCILMEMBER PACHUTA: That could be charged, yes. Whether or not we're going to -- you know, I'm sure there's different places in various ordinances that may have to be changed, and that's where we're going to allow Mr. Weed to help us with that.

But as far as just this was to give us a list of all the different fees that are out there, could be out there somewhere but, you know, an amount has never been assigned to them such as precious metal

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dealers. So it's mainly for discussion purposes and to get the ball rolling.

ATTORNEY WEED: And that's a great example of what oftentimes happens over a number of years. Councils will adopt regulatory codes but they won't create a fee for that charge. State law plainly says that we are allowed to charge the cost of regulation. There is no doubt about that. However, it's never formally been adopted, so the exercise is to close that circle and adopt the actual fee.

COUNCILMEMBER PACHUTA: Correct.

COUNCILMEMBER ALEXANDER: I guess one of the things that Ms. Fleming and I have discussed is a lot of times we put things in our code that really should not be in there. For example, sanitation, it specifies we're supposed to offer twice-a-week service, and we don't. We haven't for the last five years.

So I guess my question would be why do we have to put the fee, state the fee in the code? Why can't we say, you know, per Council's decision or whatever? Why can't we refer you to a chart instead of you having to go through every single -- every time we change a fee, you have to go do this exercise again?

Why can't we incorporate language into these

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individual ordinances that allow us flexibility so you only have to change one thing one time?

ATTORNEY WEED: Well, the reverse is true. I mean I think the best way to achieve your goal in my opinion would be to adopt a fee schedule, and that would be the fee schedule, or you can adopt an individual fee per every individual code that has a regulatory effect.

COUNCILMEMBER ALEXANDER: Okay. I guess --

ATTORNEY WEED: And that's what --

COUNCILMEMBER ALEXANDER: -- I didn't understand what --

ATTORNEY WEED: -- we were trying to do was adopt a fee schedule.

COUNCILMEMBER ALEXANDER: Okay. Existing now probably in some of these codes there are fees listed.

ATTORNEY WEED: In some of them, yes.

COUNCILMEMBER ALEXANDER: Okay. That was my question. If we're going to do this exercise, do not include the specific fee in there but language referring them to a fee schedule table. So in the future, when we change our fees, you don't have to change the language in individual ordinances.

ATTORNEY WEED: I think that's a great idea,

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and in fact you'll notice in the boilerplate language at the end of the ordinances that I've done you'll always notice that there's always a penalty clause. And a penalty clause, unless it's already specified in the actual text of the ordinance, and I believe follows the Section 1-12, "is hereby adopted as a penalty applicable to this ordinance." That's in every one of our ordinances. And what we can do in the future would be after you create the penalty chart -- I mean -- pardon me -- the regulatory fee chart, it would be if there is a regulatory fee applicable, you will find it in the regulatory fee chart.

I addition, I think Mr. Haeberlin might recommend this, and I certainly agree with him whether he did or not, and that is we need to have a catch-all phrase that says if there is no other specified regulatory fee, the fee is blank, and that captures everything out there that somehow might have been missed.

COUNCILMAN ROCHE: I don't like that at all.

COUNCILMEMBER FLEMING: No, I don't either.

COUNCILMAN ROCHE: Absolutely not.

COUNCILMEMBER FLEMING: We should default to the State.

ATTORNEY WEED: The State doesn't have any

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set fees on most of these things. These are local regulatory ordinances. All the State says is that we can do it. In other words, you can set your own fees.

COUNCILMEMBER ALEXANDER: But we should know as the governing body what our regulatory ordinances are.

ATTORNEY WEED: We should, and now I think we do or at least the outline's been given to the relevant department heads. And I provided that to them, so hopefully they do know.

COUNCILMAN ROCHE: Well, as I look through this, someone mentioned it is in alphabetical order. I think it would be much easier to understand, first of all, to group by type and group all your building stuff in one place, et cetera, et cetera, because like if you have billboard sign review in one place and you have some other sign review someplace else, you'd be coming back and forth.

Secondly, I noticed that some of the fees are -- for instance, if you need a copy at the library it's 15 cents and if you get that same copy down here in City Hall it's 50 cents. I mean that doesn't make sense to me.

COUNCILMEMBER PACHUTA: But these are --

COUNCILMAN ROCHE: That obviously needs --

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COUNCILMEMBER PACHUTA: -- the kind --

COUNCILMAN ROCHE: -- to be --

I'm sorry.

COUNCILMEMBER PACHUTA: Oh, okay.

COUNCILMAN ROCHE: I didn't mean to interrupt you.

COUNCILMEMBER PACHUTA: Well, no. These are the kind of comments I would like to get for the next Council meeting rather than discussing them right now.

COUNCILMAN ROCHE: Well, no. Here we are. Let's discuss them right now on the record in public. That's all. We're having a City Council meeting.

And lastly, I would love to see -- we need to see for every cost on here, we need to see under-lying legislation. If I go into City Hall and I need some kind of a permit or whatever, then I shouldn't have to pay a fee unless the City Clerk can say, "This fee comes from --" and "Show me the regulation and show me the ordinance where it comes from."

ATTORNEY WEED: Well, in that case, arguably I could go through the entire code and I could add one section to every code which would be "and the regulatory fee for this section shall be" blank. I'm happy to do that. That's a huge amount of work as opposed to simply adopting a fee schedule, but that's

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up to the Council.

COUNCILMAN ROCHE: Well, we --

ATTORNEY WEED: I mean you --

COUNCILMAN ROCHE: -- are paying you two hundred grand a year, so you have plenty of time to work on that part.

ATTORNEY WEED: We'll be passing ordinances for months, that you've already passed.

COUNCILMAN ROCHE: No, but what I'm saying is that we may be charging people money without legislation underneath that.

If we don't do this, if we don't adopt that, what's to stop any department head, what's to stop someone from standing out there and deciding, "We're going to start charging you $5.00 to park in the parking lot?"

ATTORNEY WEED: I concur with you, and that is the point of the exercise.

COUNCILMAN ROCHE: Well --

ATTORNEY WEED: That is why you've been asked to adopt the fee schedule. Anything that isn't on the fee schedule, no fee would be charged.

COUNCILMAN ROCHE: So to help us do that, we need to have underlying legislation for all of these charges.

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And if anyone comes to City Hall and they get charged a fee, I would say, "Show me the ordinance."

ATTORNEY WEED: I'm happy to attempt to provide that outline or ask Mr. Haeberlin to do it --

COUNCILMAN ROCHE: Great.

ATTORNEY WEED: -- if the majority of Council would like that done.

COUNCILMEMBER BATES: Well, let me see if I can understand, Mr. Roche, what you're looking for. So we'll just use the --

COUNCILMEMBER ALEXANDER: Swimming pool admission?

COUNCILMEMBER BATES: -- swimming pool admission. Where is that at?

ATTORNEY WEED: There is probably no ordinance that provides for a swimming pool admission fee, yet you charge it.

Now, if you want to cease charging a fee, that's fine with me, or do you want me to write an ordinance that says the swimming pool admission fee would be X? That's fine with me too.

COUNCILMAN ROCHE: But who decided a wallet-size occupational tax placard costs $50.00 for a little piece of paper?

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COUNCILMEMBER ALEXANDER: I don't think that's been decided yet.

COUNCILMEMBER PACHUTA: That's one of the red ones.

ATTORNEY WEED: With regard to the fee, I imagine Carol Stephens decided the pool charge.

COUNCILMEMBER BATES: So my question, because that's a great example, Mr. Roche, are you wanting, behind swimming pool admission fee, it to say "Per ordinance 3-2-6?"

COUNCILMAN ROCHE: Well, I think it may be necessary. I understand that recently we had forms that charged people 50 cents a copy, which was, my understanding, in violation of State law. And that was never brought to the Council and we didn't know about it. It was brought to me by a citizen.

COUNCILMEMBER BATES: Right. So I'm --

COUNCILMAN ROCHE: So we've got people just arbitrarily changing costs everywhere.

COUNCILMEMBER BATES: I hear your concern. I'm just trying to get clarification. Are you wanting to actually have the copy of the ordinance attached to the fee schedule or are you wanting --

COUNCILMAN ROCHE: No. We just need --

COUNCILMEMBER BATES: -- a reference?

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COUNCILMAN ROCHE: We just need a reference number for the ordinances.

COUNCILMEMBER BATES: And if there isn't a reference like for the swimming pool admission fee, are you wanting Mr. Weed to craft an ordinance to do that?

COUNCILMAN ROCHE: No, I don't say we have to go that far, because maybe we don't need a fee for that. But at least we have the choice.

COUNCILMEMBER BATES: But if there is a fee --

COUNCILMEMBER FLEMING: Well, could we not do "Per adopted fee schedule" on such-and-such date, and that would be considered the ordinance?

ATTORNEY WEED: Yes.

COUNCILMEMBER FLEMING: I think so.

ATTORNEY WEED: You could do that.

COUNCILMEMBER BATES: Well, what --

COUNCILMEMBER FLEMING: Because we don't have a . . .

COUNCILMEMBER BATES: What I'm hearing Mr. Roche ask for is that behind the Retaining Walls Over Four Feet Plan Review, $100.00 per review, he wants to see, "Per Doraville Code 4-17."

COUNCILMAN ROCHE: Exactly.

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COUNCILMEMBER BATES: And if there isn't a per Doraville code dash whatever, I'm trying to get an understanding of is he requesting us to write an ordinance that says, "Doraville can hereby charge a fee to be admitted into the swimming pool?"

COUNCILMAN ROCHE: Well, we can decide that later but we won't know until we find out what actually has ordinances behind it and what doesn't, and we can look at that and decide. Maybe we decide that it needs to be $1,000, maybe we decide that we don't need to charge anything. I don't know. But until we have that information, we as the legislative body are not going to be able to make decisions --

COUNCILMEMBER BATES: I guess I'm -- I'm --

COUNCILMAN ROCHE: -- based on that.

COUNCILMEMBER BATES: -- concerned on why the dollar amount is based upon an ordinance that's passed. If we're going to review all of these and set the amounts that can be charged, why does there need to be a subsequent ordinance saying that we can charge it when we set the rules on what we charge?

COUNCILMAN ROCHE: Well, like I said, a lot of these I'm sure would already have some sort of regulation behind them and we don't have to do anything.

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1 COUNCILMEMBER FLEMING: But I'm in agreement
2 with Ms. Alexander, and that goes along with the
3 statement that you're making is that in the ordinances
4 that are reflecting a fee at this present time, the
5 fee gets wiped out of there and corrected and it says,
6 "See fee schedule adopted" such-and-such date, and
7 then we've got a separate item in the what?
8 Administration is 2 or are you --
9 ATTORNEY WEED: Administration is 2; yes,
10 ma'am, Chapter 2.
11 COUNCILMEMBER FLEMING: Okay. So
12 administration?
13 ATTORNEY WEED: Yes.
14 COUNCILMEMBER FLEMING: It would be
15 Administration Code Section 2 of where we've adopted
16 our fee schedule, and here's the fee schedule.
17 COUNCILMAN ROCHE: And I'm fine with that.
18 COUNCILMEMBER FLEMING: And so in regards to
19 the miscellaneous that have never had ordinances, on
20 that fee schedule it would then say, "Adopted fee
21 schedule" such-and-such date, because there's no
22 reference to an existing ordinance --
23 COUNCILMEMBER BATES: Right.
24 COUNCILMEMBER FLEMING: -- for that.
25 COUNCILMEMBER BATES: I think --

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1 COUNCILMEMBER FLEMING: I think that's where
2 we're all -- what sort of the discussion is.
3 COUNCILMAN ROCHE: Exactly.
4 ATTORNEY WEED: Bear in mind that under the
5 rules of statutory construction, whatever is latter in
6 time replaces what is former in time. Therefore, if
7 you adopt a fee schedule today and Section 2-123 says
8 the fee schedule for hopping up and down on one leg is
9 $25.00, if you adopt a new fee schedule that sets it
10 at $35.00, it's $35.00.
11 COUNCILMEMBER FLEMING: Correct.
12 ATTORNEY WEED: And it automatically goes
13 back and applies to that code without the other code
14 ever technically being formally changed.
15 So I can list all the codes out, but you can
16 lower the fees or you can increase them. And whatever
17 you do which is labor and time is automatically going
18 to change what's in the text already, anyway.
19 COUNCILMAN ROCHE: All I'm asking for is the
20 information that we need to decide what fees need to
21 be changed, what needs to be -- et cetera, et cetera,
22 and by doing that, we'll have a reference back to the
23 ordinance. You can go back to that ordinance and
24 understand what the fee's about. You know, I wouldn't
25 know what some of this stuff is without being able to

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1 go back and look at the ordinance.
2 As far as having one chart with all the
3 fees, that's fine with me. That's the solution. I'm
4 just trying to get the information to be able to make
5 decisions on what the best solution would be.
6 COUNCILMEMBER FLEMING: That's September
7 7th, correct, Ms. Pachuta?
8 COUNCILMEMBER PACHUTA: Yes. It's the next
9 regular meeting.
10 COUNCILMEMBER PITTMAN: It's what? I'm
11 sorry.
12 COUNCILMEMBER PACHUTA: The next regular
13 meeting is September 7th.
14 ATTORNEY WEED: Am I being instructed by
15 Council to try and create an outline between now and
16 September 7th that goes back for each one of those
17 regulatory fees and try to find which ones have
18 already been assigned a code number or not?
19 COUNCILMAN ROCHE: I'll make that as a
20 motion to take these regulatory fees and provide
21 references to. We don't need the whole ordinance. We
22 just need references to the ordinance for each fee so
23 we know which one of these fees have actually been
24 passed by the City Council.
25 COUNCILMEMBER FLEMING: I'm going to second

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1 that. I think it's needed. And it's something that's
2 going to have to be done anyway because I really like
3 Ms. Alexander's suggestion about going back and
4 deleting the fees from the original ordinances.
5 COUNCILMAN ROCHE: I'm good with that too.
6 COUNCILMEMBER ALEXANDER: Mr. Weed, have you
7 already done that?
8 ATTORNEY WEED: No, ma'am. That will be a
9 -- I will be spending most of my time between now and
10 September 7th to do that. It literally took me
11 probably a solid week to create the outline of just
12 the regulatory -- you know, what your ordinances
13 currently look like.
14 I mean I can do the work. That's what you
15 pay me to do. And when I do this, I will be doing
16 this in lieu of doing other things.
17 This is your current code (indicating).
18 That's what it looks like. I need to go through every
19 page and find this information, which I'm happy to do
20 it. I'm just telling you that it's going to take me a
21 while to do that. Can I do it between now and
22 September the 7th? Yes. Will I do it? Yes. Have I
23 already done it? No, and neither has anyone else
24 before me, but I'm glad to get it done.
25 COUNCILMEMBER FLEMING: But originally --

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COUNCILMAN ROCHE: Appreciate that.
COUNCILMEMBER FLEMING: But originally you did go, or you yourself or Ms. Blackmon or Mr. Haeberlin did go through the book to determine what we were already charging. We just didn't write down the associated code at that time; is that correct?
ATTORNEY WEED: I can't speak to what other people did.
COUNCILMEMBER FLEMING: Okay.
ATTORNEY WEED: I did not do that.
COUNCILMEMBER FLEMING: Okay. So yes. I apologize for you having to do the same thing over again, but it really would be nice to know what the associated code is.
COUNCILMAN ROCHE: Yeah. My concern is that we may be charging fees that have nothing behind them. We may be illegally charging people fees, and this would be a nice audit also while we're at it, so --
ATTORNEY WEED: When you adopt -- if you adopt a fee schedule, that would be behind them. And even if there was no other regulatory code -- or like the admission to the pool, that would make it legal anyway. There will be lots of things in there that are in the proposed list of regulatory fees that there

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will not be a regulatory code on. It will simply be an admission fee; it will simply be a fee.
COUNCILMAN ROCHE: And we'll know that.
ATTORNEY WEED: And the ordinance chart --
COUNCILMAN ROCHE: We'll fix that.
ATTORNEY WEED: It's duplicative. That's all I have to say about it. I'm happy to do the work.
COUNCILMAN ROCHE: Thank you.
MAYOR JENKINS: Karen, this is your item. What --
COUNCILMEMBER PACHUTA: We can just vote on it.
MAYOR JENKINS: Excuse me?
COUNCILMEMBER PACHUTA: We can just vote on that. I think there was a --
You seconded it; corrected?
COUNCILMEMBER FLEMING: Yes, I did; to defer it to September 7th.
COUNCILMEMBER PACHUTA: As old --
COUNCILMAN ROCHE: And to --
COUNCILMEMBER PACHUTA: As old business.
COUNCILMAN ROCHE: To get the ordinance numbers.
COUNCILMEMBER PACHUTA: No, that wasn't the motion.

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COUNCILMAN ROCHE: No. The motion was to research these fees and find out the underlying legislation so that as we look at each of these fees we'll be able to go back and find the original ordinance, and even if that original ordinance is just a piece of paper, a fee schedule. But at least we know what we're charging for, and then it will serve as an audit so that we know that we're not illegally charging people money.
That's not how the original motion was obviously said, but that was the motion.
COUNCILMEMBER PITTMAN: So what's the motion?
COUNCILMEMBER FLEMING: The motion is to have Mr. Weed, Mr. Haeberlin and Ms. Blackmon put the associated code numbers --
COUNCILMAN ROCHE: Right.
COUNCILMEMBER FLEMING: -- as a reference on the existing draft of June the 30th that we were given for the permit fees and regulatory fees.
COUNCILMAN ROCHE: Right.
MAYOR JENKINS: On each and every one of them.
COUNCILMEMBER FLEMING: If they exist; yes, sir.

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COUNCILMAN ROCHE: And if they don't exist, then we know they don't exist, and we can decide what to do about them then.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: I would like for the motion to be read, please.
COUNCILMEMBER FLEMING: I'm sorry. I can't hear you.
COUNCILMEMBER PITTMAN: He wants the motion read.
MAYOR JENKINS: I'm talking to the Clerk. I want --
COUNCILMEMBER FLEMING: Okay.
MAYOR JENKINS: -- the motion to be read, please.
CLERK BLACKMON: I have for Mr. Weed to list references to the schedule of fees outlined by the 9/7 meeting from the draft schedule of fees given on June 30th.
ATTORNEY WEED: And technically the motion was that you and Mr. Haeberlin would participate in that process.

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COUNCILMEMBER FLEMING: Yes, I did include them.
ATTORNEY WEED: If I'm going to do this, I won't be alone.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: No.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: No.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: No.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: No.
CLERK BLACKMON: Councilmember Roche?
COUNCILMAN ROCHE: Yes.
CLERK BLACKMON: Motion defeated.
MAYOR JENKINS: Did you say motion carried?
CLERK BLACKMON: No, sir.
COUNCILMEMBER PITTMAN: No, sir.

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COUNCILMAN ROCHE: No, it didn't carry.
COUNCILMEMBER FLEMING: Mr. Mayor?
MAYOR JENKINS: Excuse me?
COUNCILMEMBER FLEMING: I said Mr. Mayor, and then I just wanted you to identify that maybe I could speak.
MAYOR JENKINS: On the same item?
COUNCILMEMBER FLEMING: Yes.
MAYOR JENKINS: Yes, ma'am.
COUNCILMEMBER FLEMING: Make a motion to reconsider.
COUNCILMAN ROCHE: I'll second the motion to reconsider.
MAYOR JENKINS: Any more discussion?
COUNCILMEMBER FLEMING: Yes, sir.
How are we going to then determine whether these are already adopted or not adopted and that's already in our code or not in our code if they don't go ahead and apply the reference? is my question to Council.
COUNCILMEMBER ALEXANDER: I think their time on the taxpayers' dollar can be spent better doing something else.
MAYOR JENKINS: I agree.
COUNCILMEMBER ALEXANDER: I will be glad to

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do this my damn self.
MAYOR JENKINS: I agree with that.
COUNCILMAN ROCHE: Well, our city attorney -- I mean the whole point of having a flat-rate contract --
COUNCILMEMBER ALEXANDER: It's still --
COUNCILMAN ROCHE: -- of $200,000 --
COUNCILMEMBER ALEXANDER: -- taxpayer dollars, Mr. Roche.
COUNCILMAN ROCHE: -- a year, you know, that should provide adequate time.
I would challenge anyone to come to City Hall or has any business with the City of Doraville that's being charged any fee whatsoever to say, "I'm not paying this until you show me where it's legal for you to be charging me this money."
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: What was the motion?
COUNCILMEMBER FLEMING: Reconsider the motion.
MAYOR JENKINS: Okay. Call the roll, please.

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CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: No.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: No.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: No.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: No.
CLERK BLACKMON: Councilmember Roche?
COUNCILMAN ROCHE: Yes.
CLERK BLACKMON: Motion denied.
MAYOR JENKINS: Okay. We're going to take a 10-minute break before we get into the next item.
- - -
(Brief recess)
- - -
MAYOR JENKINS: Meeting come to order.
The next item on the agenda is Brian, Land Disturbance Permits and Tree Ordinance.
COUNCILMEMBER BATES: Yes, sir. Thank you, Mr. Mayor.
Council, I provided you in the agenda packets the information, 5-270 which is portions of

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1 the tree ordinance.
2 Recent development applications have
3 presented a new challenge for us with regard to small
4 developments within a larger parcel. As an example,
5 on an existing parking lot, if a developer wanted to
6 place a small structure where no trees were being
7 removed, the tree ordinance would be put into effect
8 because a land disturbance permit would be needed,
9 which would require the developer to do a number of
10 things including a tree survey of the entire property
11 to come up with compliance with our tree ordinance.
12 I think we all agree that the tree ordinance
13 along with some other ordinances are in place for
14 important reasons. And as the city continues to get
15 redevelopment opportunities of existing properties and
16 portions thereof, we need to make sure that we're
17 preserving the intent of the existing ordinances. We
18 also need to work to encourage the amount of legal
19 nonconforming properties and encourage them to
20 decrease the amount of the nonconforming development.
21 But we also need to work on reducing the
22 number of burdens that could inhibit redevelopment.
23 So I note specifically that we've got the tree
24 ordinance issue that goes into effect is being
25 triggered by the issuance of a land disturbance

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1 permit. There are no -- there is no -- within our
2 ordinances, there is no ability to reduce some of
3 those necessary triggers. There is no flexibility in
4 any of our ordinances to do that. When they were
5 written, I don't know that it was envisioned or
6 anticipated that there would be small outparcel
7 redevelopment opportunities, and therefore, there's
8 literally no wiggle room in these.
9 So I'm going to suggest that we instruct the
10 City staff, specifically Mr. Haeberlin as the city
11 planner and Mr. Strickland as the city arborist and
12 stormwater management officer and Mr. Calcaterra as
13 our city inspector along with Mr. Weed, our city
14 attorney, to review and provide us with a list of all
15 the ordinances that could be impacted by the
16 redevelopment on an existing property and to make
17 recommendations to Council on steps to take that would
18 reduce the burden for an outparcel redevelopment of
19 less than 5,000 square feet.
20 Like I said, there are, I'm guessing -- and
21 this is going to be a request for the staff to look
22 into on the flexibility and the wiggle room of some of
23 our other redevelopment ordinances to make sure that
24 we've got the flexibility to not put what I would deem
25 a burdensome responsibility on a property owner or

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1 developer to meet some of these criteria in order to
2 accomplish a task that's needed.
3 So that will be in the form of a motion, and
4 I'll open it up for discussion.
5 COUNCILMAN ROCHE: I think the other issue
6 here and it kind of goes along with what you're saying
7 but it's what I think of as the gotchas.
8 And I forget what it was, but I remember
9 voting on something and we granted somebody something,
10 and the person was pretty happy until they realized --
11 then they got yet another response from the City, "Oh,
12 wait a minute. Gotcha. We got you on something else.
13 Now you got to deal with this, now you don't deal with
14 that," and it's this piecemeal thing.
15 I like your motion. I would also like to
16 consider maybe after talking about that to perhaps
17 have some sort of a motion to where if you file for,
18 say, a land disturbance permit or a building permit or
19 whatever, that any issues that would prevent you from
20 doing it, you would be informed of all of them at once
21 instead of, "Well, we're going to deny you for this,"
22 and then you go and you fix that and then you bring it
23 back, "Okay, right?" "No. Now we're going to deny
24 you for" something else, and then it's this -- it's
25 this game. I think someone called it "hide the ball,"

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1 because it's hard to find our ordinances anyway.
2 So that's I guess where I would go with that
3 is to, again, if we deny somebody something for what-
4 ever it is, we list all the reasons for denial, not
5 just one at a time so they keep coming back and coming
6 back and coming back.
7 COUNCILMEMBER BATES: And I think that
8 that's a policy decision that we can have in the not
9 too distant future. I think that's something that we
10 need to evaluate.
11 My motion's going to stand to have City
12 staff to -- and I'll read it again. Instruct City
13 staff -- specifically, Mr. Haeberlin, the city
14 planner; Ms. Strickland, the city arborist and
15 stormwater manager; Mr. Calcaterra, city inspector,
16 Mr. Weed, the city attorney -- to review and provide a
17 list of all ordinances that could be impacted by
18 redevelopment on existing property and to make
19 recommendations to Council on steps to take that would
20 reduce the burden for outparcel redevelopments of less
21 than 5,000 square feet. I request that this infor-
22 mation be completed and presented to Council as a
23 draft ordinance for the September 6, 2010 regularly-
24 scheduled City Council meeting.
25 COUNCILMAN ROCHE: I'll second it.

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1 COUNCILMEMBER PACHUTA: No, the 7th.
2 COUNCILMEMBER BATES: Oh, I'm sorry; the
3 7th. I'll amend that to read the 7th.
4 COUNCILMAN ROCHE: I'll second the amend-
5 ment.
6 MAYOR JENKINS: Okay. Any more discussion?
7 COUNCILMEMBER ALEXANDER: Yes. I guess I'm
8 questioning why it would be limited to only 5,000
9 square feet, because it has been mentioned that there
10 may be some redevelopment RFPs on some buildings that
11 could be larger than that on existing properties.
12 COUNCILMEMBER BATES: And I think I'm open
13 to having that discussion. What we don't want to have
14 happen is -- Perhaps it needs to be a sliding scale or
15 based upon a percentage or some other thing, and I'm
16 going to leave that to the recommendations of staff to
17 come up with what works best. But what we don't want
18 to do is throw the baby out with the bath water and
19 allow for development to come in that really should
20 have complied with our redevelopment ordinances, tree
21 protection, things like that, but if we make it so
22 encompassing and all inclusive, that they may -- they
23 may not be in compliance or need to be in compliance.
24 I'm open to the size. I just wanted to put
25 a number in there for a starting point, a reference

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1 spot, and let the staff make . . .
2 COUNCILMEMBER FLEMING: So this is an
3 economic stimulus for redevelopment of parcels that
4 are 5,000 square feet and under?
5 COUNCILMEMBER BATES: It would be for
6 redevelopment of 5,000 square foot or less, to waive
7 or reduce the burdens.
8 COUNCILMEMBER FLEMING: Okay. But we're not
9 going to consider reducing the burden for repaving
10 gravel driveways.
11 COUNCILMEMBER BATES: That's not off the
12 table.
13 COUNCILMEMBER FLEMING: Okay.
14 COUNCILMEMBER BATES: But, you know,
15 repaving a gravel driveway does not require the
16 property owner to, you know, get a tree survey for the
17 entirety of the property, either. So --
18 COUNCILMAN ROCHE: You sure? That's going
19 to be next.
20 I'm sorry. I apologize. I withdraw that.
21 COUNCILMEMBER BATES: You know, I hear your
22 concern, Ms. Fleming and, you know, I don't think
23 that's off the table.
24 MAYOR JENKINS: Do I get a second?
25 COUNCILMEMBER BATES: Mr. Roche did second

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1 it.
2 COUNCILMAN ROCHE: I did second this motion.
3 MAYOR JENKINS: Thank you.
4 COUNCILMEMBER ALEXANDER: I guess my
5 discussion I had with Mr. Strickland is if you have an
6 existing parcel with an existing outparcel that is
7 developed and someone purchases that outparcel and
8 it's contiguous to the other parcel and you're sharing
9 parking, my understanding of the ordinance as it is,
10 that that entire parcel that's contiguous to would be
11 considered in the calculations for the tree units.
12 And Mr. Strickland had educated me as far as
13 some of the things he did in Dekalb County; for
14 example, Oglethorpe University is 300 acres. They
15 were only wanting to tear down and enlarge or whatever
16 one building, so not necessarily did you want to
17 calculate their tree unit based on the entire 300
18 acres.
19 I guess that was my only question regarding
20 the 5,000 square foot. If someone purchases one of
21 these existing buildings and tears it down and builds
22 something larger than 5,000 square feet, I don't want
23 them to be exempt from the requirements, but I would
24 rather the requirements be based on the actual size of
25 that particular development on the outparcel.

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1 The other example I was thinking about is
2 the outparcel that's been for sale for I don't know
3 how many years over there at BrandsMart. If that
4 outparcel was sold to be developed, would they be
5 subject to the calculation based on the entire
6 property of BrandsMart and the entire property of
7 Peachtree Pavilion? We don't know that, because if
8 they share parking, again, that's contiguous.
9 I guess that's why my question was about the
10 5,000 square feet only, because if someone purchases
11 one of the other buildings and tears it down, they
12 may, you know, be building something larger.
13 And I guess the 5,000 square foot thing is
14 fine if you just maybe make recommendations and
15 include a sliding scale to demonstrate other sizes,
16 because of -- you know, the GM property, that's going
17 to be a clean slate. I guess my concern is based on
18 the existing properties.
19 So I'm getting a head nodding that yes, you
20 will include a sliding scale?
21 MR. STRICKLAND: Yeah, that -- there's
22 several different ways you can look at it.
23 COUNCILMEMBER ALEXANDER: Okay.
24 MR. STRICKLAND: You can set a limit and
25 then you can say once it goes over that, do this or

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whatever; give options.
COUNCILMEMBER BATES: Because right now we're a one-shoe-fits-all. Whether it's a hundred feet or whether it's 300,000 feet, we are a one-shoe-fits-all ordinance. And I don't know that that was ever discussed with the adoption of the initial ordinances, you know, whenever they were initially adopted, you know, the potential ramifications of requiring this on a small development on a large parcel, those types of things. So I just want us to develop, come up with some options to consider.
ATTORNEY WEED: Now, just for clarification purposes, the way I think we would approach this work would be we'd give four or five -- we would try to think of as many examples as we could of these situations and we would literally play them out -- war game them -- to determine which ordinances would be triggered by which circumstances.
And then I thought the second part of your motion was you want a draft ordinance that either I guess raises the triggers or accommodates these triggers and give options that would accommodate different fact scenarios; is that correct?
COUNCILMEMBER BATES: Yes.
ATTORNEY WEED: Okay.

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COUNCILMAN ROCHE: Yeah. I guess with -- Specifically, I see the tree ordinance as being there to protect the existing trees, and if you have like, you know, a large -- like maybe the GM property, I could see saying a certain amount of this has to be trees.
But when you're just putting up a structure and you're not tearing down any trees, it would seem like the tree ordinance wouldn't really apply. At least that would seem reasonable and sensible to me, but that's not what we have in our ordinances.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?

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COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMAN ROCHE: Yes.
COUNCILMEMBER BATES: Mr. Mayor, we've added the road race to the agenda.
MAYOR JENKINS: Doraville Road Race, Brian Bates.
COUNCILMEMBER BATES: At the budget hearing, Ms. Fleming gave up something very dear and near to her heart with the removal of Doraville Days and the associated road race from the budget for this year. In having a number of conversations with Ms. Fleming and other Councilmembers, Director Stephens and some of our business community and potential future business sponsors, I think we've got sufficient momentum to bring the road race back and have it be revenue -- or expense neutral for the City.
So I'm going to make a motion that we allow Ms. Stephens and the parks & rec. department to move forward with the planning of the Doraville 5K road race in October and Tot Trot and the associated 1K block, the Fun Run and all those good things.
COUNCILMEMBER FLEMING: Friendly amendment.
I believe in our discussion that you felt that it was indeed going to be revenue neutral, that

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we would not have to expend any City funds.
COUNCILMEMBER BATES: That's based on the projected budget that parks & rec. have provided, I think we can make that happen without question.
COUNCILMEMBER FLEMING: I second the motion.
MAYOR JENKINS: Discussion.
I have something to say on that. I will make a statement. I organized the road race, and as far as Ms. Fleming being hurt when that road race was eliminated, I was the one that was hurt.
I worked with that and got the money for that thing for close to 30 years. You'll agree with me.
COUNCILMEMBER FLEMING: Absolutely.
MAYOR JENKINS: Okay. All I'm saying is nobody mentioned that it bothered the Mayor.
I didn't do it because of our economy; I didn't say a word about it. So it's fine with me. And I will, as I usually do, get volunteers and donations if I possibly can. Just thought I'd put that out.
COUNCILMEMBER BATES: Mr. Mayor, my apologies. It was --
MAYOR JENKINS: No. That's all right.
COUNCILMEMBER BATES: -- not meant to slight

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you, sir, and what you've done on the event.
MAYOR JENKINS: I believe in giving credit where it's due.
Any more discussion?
COUNCILMAN ROCHE: Other than Roche Consulting, Incorporated, will pledge $150 towards --
MAYOR JENKINS: Very good.
COUNCILMAN ROCHE: -- this process.
COUNCILMEMBER BATES: Thank you, Mr. Roche.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?

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COUNCILMAN ROCHE: Yes.
- - -
(Applause)
- - -
MAYOR JENKINS: Public comments.
MS. CRAWFORD: Susan Crawford, Oakcliff. Just have a couple things on the agenda items.
I don't have real emotional investment in driveways but I would like to say that ours is kind of a mess -- not a mess enough to send quality of life. And if I have a choice in the matter, which I don't -- because I don't have $250 to ask for this, and I think that this is a deterrent for many people improving their driveways -- but I would like to use brick, and I hope that when you're talking, you know, about the driveway elements that you might consider brick because I think it can look really pretty.
I'd also like to point out that Oakcliff seems to be a little bit different from the rest of the neighborhoods in that we have 35 residences that have gravel driveways. And I suggest you guys take a little field trip over there, especially to my street, before you make your decision about this. Although I have no problem with grandfathering in, I also don't like the idea of being able to asphalt. It's just the

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idea of having a driveway taking up so much part of a residence, which seems to be the situation where we are.
And Ms. Fleming, to address your problem with the parking on the street and these people not having a place to park, perhaps it's because they have about 35 vehicles that, you know, they -- Really, if you have a driveway, you can -- and we all have driveways -- it's generally possible to fit four or five or six vehicles in the driveways, and I would point out that perhaps there are many large vehicles.
Also, which are sometimes hiding, these dogs that we seem to have a real problem with in Oakcliff. They've killed how many now? Four or five pet cats. And it was pointed out to me that your cats are supposed to be kept in the house.
Well, I guess that's true, but are we going to keep our children in the house as well an stop jogging and walking? And what about the kids to have to catch buses at the bus stops? Are we all going to be prisoners in our homes to accommodate these dogs that are running loose down Pin Oak Circle -- two pit bulls. The other day, I called the police. And I'm not saying it's no one's fault, but hopefully we can come with some way to stop this before some child is

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killed. Thank you.
MAYOR JENKINS: Thank you. Mr. Williams.
MR. WILLIAMS: Hello. I'm Ken Williams from Northwoods. I live on Raymond Drive, and I know you might not have understood something that the Mayor mentioned early on in the meeting about the situation with the County.
We live adjacent to -- well, across the street from a school at Raymond Drive, and our area of the neighborhood doesn't really have very many sidewalks but we do have some sidewalks, and the school recently constructed a new section of sidewalk in front of the school that's adjacent to another section that's been there very many years.
Well, today for the first time the school started parallel parking on this section of sidewalk. Now, they have to drive over the curb and parallel park, and it's on Raymond Drive. And then of course while they're doing this, there are other students driving back and forth from the school and towards the back of the school and the other parking areas.
It's a dangerous situation to have them parking on really the only footpath right-of-way area to walk down Raymond Drive, the northern side of Raymond Drive there. There are joggers, there are

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1 ladies pushing their children in those little three-
2 wheel baby carts and all kinds of things, and the only
3 place they have to be is either in the street or on
4 the northern side of Raymond Drive. Well, now they've
5 taken up the northern side of Raymond Drive with -- I
6 agree with having a nice sidewalk there, but now
7 they've started parking cars on top of the sidewalk
8 all along there. This morning, there were 12 cars
9 parked there.
10 I just ask the City Council for some relief.
11 It's a dangerous situation. It shouldn't be allowed
12 to continue like this. I saw a young man narrowly
13 missed there this morning. He was parallel parking
14 his car. He opened up the car door, went out into the
15 street. He steps out, and here comes a car right at
16 him. Luckily, he jumped out of the way.
17 But there's a reason why we don't park on
18 the right-of-ways, and it was the only area that
19 pedestrians could walk and now it's taken up with
20 cars. So I just ask the City Council for some relief
21 for this problem. Thank you.
22 MAYOR JENKINS: I was in touch with the
23 County Friday, I believe it was, and they would not
24 return my call today so I'm asking Murray to work with
25 me on this see --

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1 Excuse me?
2 COUNCILMEMBER BATES: I'm sorry.
3 COUNCILMEMBER PACHUTA: He was filling me in
4 on the situation.
5 COUNCILMEMBER BATES: I was filling in
6 Ms. Pachuta.
7 MAYOR JENKINS: And just, Murray, work with
8 me and see what we can find out from the County. It's
9 kind of a big question of whose problem it is. We
10 were supposed to issue the permits, which no permits
11 were issued.
12 MR. WILLIAMS: I have a question for you,
13 Mayor. Couldn't the City just forbid people while
14 this discussion is going on from parking there? I
15 mean don't we have ordinances against parking on
16 sidewalks, and --
17 MAYOR JENKINS: That's what we're --
18 MR. WILLIAMS: -- just say --
19 MAYOR JENKINS: -- going to try to do.
20 MR. WILLIAMS: -- while we're discussing
21 this, just don't park there. Park wherever you were
22 parking before.
23 They do have parking down the street that
24 they can use. And just prevent this from becoming a
25 dangerous situation; just keep them off the sidewalk

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1 until they make whatever determinations they need to
2 do.
3 MAYOR JENKINS: Okay. Thank you.
4 MR. WILLIAMS: Thank you, sir.
5 MAYOR JENKINS: Murray?
6 ATTORNEY WEED: Yes, sir.
7 MAYOR JENKINS: Will you work with me
8 tomorrow on that?
9 ATTORNEY WEED: Yes, sir.
10 MAYOR JENKINS: See what we can find out,
11 what the situation is.
12 And it's really a little more information on
13 that. It's not a sidewalk. It's paved from the curb
14 eight foot up on the bank. They just dug out and paved
15 up eight feet. And they're parallel parking, now; not
16 pulling in straightaway because they would stick out
17 in the street if they did.
18 So it's a bad situation and it does not look
19 good, either. It ruins the looks of the neighborhood.
20 COUNCILMAN ROCHE: It's concrete.
21 COUNCILMEMBER BATES: It's been striped for
22 parking.
23 COUNCILMAN ROCHE: Right. It looks like a
24 sidewalk with parking stripes on it.
25 MAYOR JENKINS: Yeah.

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1 COUNCILMAN ROCHE: I'd show you but my
2 battery just died.
3 COUNCILMEMBER PITTMAN: So what is the
4 question that we're trying to get from the County?
5 MAYOR JENKINS: Well, who had the authority
6 to put it in there and why they didn't get permits to
7 start with.
8 And another thing I do not understand is why
9 Yeshiva High School wants the front of their school to
10 look that say, but I mean that's all beside the point.
11 COUNCILMAN ROCHE: Is it inside the city
12 limits?
13 MAYOR JENKINS: Yes.
14 COUNCILMAN ROCHE: Well, then, what is our
15 penalty for allowing people to build without permits?
16 Why aren't we enforcing our laws?
17 MAYOR JENKINS: We got the word that it was
18 County business.
19 COUNCILMAN ROCHE: Well, if it's in our
20 city --
21 MAYOR JENKINS: Wait just a minute. Wait
22 just a minute, Mr. Stuart. Let us finish up with
23 this. Okay?
24 MR. ANDERSON: It's private property.
25 COUNCILMEMBER ALEXANDER: The front of the

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1 property is in the city, the back of the property is
2 in the county.
3 COUNCILMAN ROCHE: So it was in the city
4 limits and so, you know, just like if I -- I guess if
5 I replace my mailbox without paying the fees, you
6 know, I'd be building without a permit, and I'm sure
7 I'd have QOL all over for me for that.
8 MAYOR JENKINS: They did, yes, but we've got
9 to -- It is poured now, and we've got to go back and
10 do what we can to put a stop to it, okay?
11 COUNCILMEMBER PITTMAN: So they poured it on
12 the school property?
13 COUNCILMEMBER ALEXANDER: Yes.
14 MAYOR JENKINS: No. It's right-of-way.
15 It's not school property. It's right-of-way property.
16 COUNCILMAN ROCHE: Did they provide a tree
17 survey?
18 MAYOR JENKINS: They did not get a permit,
19 Bob.
20 COUNCILMEMBER PITTMAN: So the front of it
21 is Dekalb County?
22 COUNCILMEMBER ALEXANDER: No.
23 COUNCILMEMBER PITTMAN: It's us?
24 COUNCILMEMBER ALEXANDER: Yes.
25 COUNCILMAN ROCHE: It's us.

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1 COUNCILMEMBER PITTMAN: So it should have
2 been us that provided that?
3 MAYOR JENKINS: That's right.
4 The quality of life and the inspector went
5 over there and they were going to pour a sidewalk.
6 And they ended up pouring an eight-foot thing, calling
7 it a sidewalk and then parking on it.
8 And Murray and I will be checking on this
9 tomorrow.
10 COUNCILMEMBER PITTMAN: And I guess I'm
11 asking if it's us, then what do we need from the
12 County?
13 ATTORNEY WEED: The real legal question is
14 who owns the roads in Doraville.
15 Up until recent history, the position of
16 Doraville has been that the roads and the right-of-way
17 were physically owned by Dekalb County. We have never
18 maintained them, we have never paved them, we have
19 never done any of those things.
20 Recently --
21 COUNCILMEMBER PACHUTA: The roads are
22 covered in the Service Delivery Strategy.
23 ATTORNEY WEED: I'm getting to that,
24 Councilmember. Give me just a second.
25 Recently, the City's position has expanded

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1 to indicate, based upon the Service Delivery Strategy,
2 which refers that the roads are maintained by the
3 County with the implication that they are owned by the
4 City, and the general rule of law is that roads
5 located in the city are under the control of the city
6 by prescriptive easement if for no other reason, by
7 the fact that we have acted upon them and claimed them
8 and enforced laws on them for years.
9 So it really comes down to the issue of
10 whose roads are they, what's the legal basis for
11 determining whose roads are they.
12 Should they have gotten a permit from
13 anybody? Probably yes. Should they have gotten a
14 permit from Dekalb County or should they have gotten a
15 permit from the City? And we would essentially have
16 deferred our regulatory authority back to the County
17 by virtue of the Service Delivery Strategy and maybe
18 some intergovernmental agreement that may be out there
19 that allows us to do that.
20 So that's --
21 COUNCILMEMBER PITTMAN: So either way,
22 they're in violation, basically.
23 ATTORNEY WEED: Ma'am?
24 COUNCILMEMBER PITTMAN: Either way, they're
25 in violation whether it was us or them. It just

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1 depends on who needs to start enforcing it, whether
2 it's the County --
3 ATTORNEY WEED: In my opinion --
4 COUNCILMEMBER PITTMAN: -- or the City.
5 ATTORNEY WEED: -- that's correct, but I
6 don't know all the facts yet. I know more based upon
7 what I've heard tonight than I've known up to now.
8 MAYOR JENKINS: Okay.
9 ATTORNEY WEED: You can't have it both ways.
10 If it's our street, it's our street, so bear that in
11 mind.
12 COUNCILMAN ROCHE: But we can't have it both
13 ways. If we have to charge people $250 plus they have
14 to go out and get a survey to replace their gravel
15 driveway, then I would think that they would need a
16 permit to dig a big hole and put a sidewalk in too.
17 And I don't understand where the City was when all
18 this was happening, but, you know.
19 ATTORNEY WEED: From what I understand, I
20 think the City's reacted as quickly as the City could
21 have.
22 MAYOR JENKINS: We did.
23 Okay. Who's next? Citizens comments.
24 MR. HART: I'm here to rebut that last
25 comment. I was the one that called John Calcaterra

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and sent code enforcement over to the site as they were starting to pour the concrete. I have photographs that are time and dated to prove that.

They went over there. They didn't give them a stop-work order. They didn't -- I mean code enforcement are there. Not a single thing was done until the families that live across the street from the site as well as the blogs lit up like fire, that somebody decided to do something about it.

You guys were notified, you knew about it, they were still pouring concrete, I mean they hadn't finished the job, and nothing was done. Then they striped it off and then they start parking on it. Still nothing was done.

So it's like everything else around here. You go just outside this back door here, and a look at the mud rolling across the concrete will tell you that they have not -- and the stormwater guy needs to go take a look at it, because your silt fences, and the hay bales that are not there, and the storm drains aren't protected because nobody's watching that job site either. So don't give us the excuse that you didn't know about it.

MAYOR JENKINS: Stuart? Anybody else?

- - -

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(No response)

- - -

COUNCILMEMBER ALEXANDER: Motion to adjourn.

COUNCILMEMBER PACHUTA: Second.

MAYOR JENKINS: Discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMAN ROCHE: Yes.

MAYOR JENKINS: Meeting adjourned.

-o0o-

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C E R T I F I C A T E

STATE OF GEORGIA]
COUNTY OF DEKALB]

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

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

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

This the 27th day of October 2010.

_____

Theresa Bretch, CCR
Permit No. B-755

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