In The Matter Of:

City of Doravlle

State of Georgia

City Council Meeting

October 4, 2010

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

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Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Ray Jenkins presiding, before Theresa Bretch, Certified Court Reporter, commencing at approximately 6:30 p.m., October 4, 2010.

* * *

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

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P R O C E E D I N G S

MAYOR JENKINS: Meeting come to order. Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Here.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Here.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Here.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Here.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Here.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Here.
MAYOR JENKINS: I want a motion to approve the minutes for 8/30/2010.
COUNCILMEMBER PACHUTA: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.

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CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: And the minutes for 9/7/2010, motion?
COUNCILMEMBER PACHUTA: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Abstain.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?

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COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: I have a couple of things to bring up. I want everybody to know that our chief, John King, took over full command of the 48th Brigade as of this past Sunday. I want to congratulate him.
- - -
(Applause)
- - -
MAYOR JENKINS: And we have one -- Mr. Eric Chris is here tonight. He's running for District 40 seat. Just want to introduce him.
- - -
(Applause)
- - -
MAYOR JENKINS: Okay. Congressman Hank Johnson, come on up to the podium, please, sir.
- - -
(Applause)
- - -
MAYOR JENKINS: I believe you have a presentation to make, sir?
CONGRESSMAN JOHNSON: Yes, I do. Thank you, Mr. Mayor, members of the Council, and residents of the great city of Doraville. Good evening. My pleasure to be here with you today. And I'm doing

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something that goes to the heart of what government should be about, Federal government, and that is assisting local government, which is where the rubber meets the road, rendering services -- police, fire, ambulance service, roads and drainage, parks and recreation, sanitation, all of the things that we take for granted as citizens, that are just so fundamental to our enjoyment of life.
And so I'm happy to be here today to honor this city from the Federal government with a check. Where is that check? It's in the amount of $385,000, and this check is for Doraville to be able to hire I think two --
CHIEF KING: Yes, sir.
CONGRESSMAN JOHNSON: -- two additional police officers who will serve the citizens of this city by patrolling and making sure that this community remains safe.
And then on top of this presentment, I get to present it to the Chief of the Doraville Police Department, a man who I have such a long-time respect and admiration for as a law enforcement officer but also as one of those Americans who has chosen to put his life on the line so that each and every one of us can continue to live the way that we live.

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And I know, Mayor, that you are very empathetic with how I feel, you having served yourself in the military of this great country.
So I get a chance to present this check to a legend not in his own mind but in his own time.
And I want to thank the Council and the citizens for -- And I know some of you on the panel have families that have served in the military and you know what it is to sacrifice on behalf of your family so that your loved one can go and serve. And so you the Doraville family led by its parents, the City Council, and all of the citizens, the children of Doraville, I want to thank you all for allowing your big brother, the police chief, to go out and serve, doing what he has done for us in both Iraq and Afghanistan, and done so repeatedly, and you-all have allowed him to go serve at your sacrifice, and so I want to thank you for that.
And without any further ado, because I could stand here and talk all day, I just want to present this check --
CHIEF KING: Thank you.
CONGRESSMAN JOHNSON: -- to the chief of police and also to the Council and to the citizens of the great city of Doraville. Congratulations.

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- - -
(Applause)
- - -
CHIEF KING: Thank you very much, Congressman. I appreciate it.
CONGRESSMAN JOHNSON: And any time that I can be of service to you, please feel free to call upon me. My job is not to enjoy the fruits of service myself other than to simply serve you. That's the joy that I get from doing the job that you enabled me to do and that you supported me in doing. So thank you very much.
CHIEF KING: Thank you. I appreciate it.
- - -
(Applause)
- - -
MAYOR JENKINS: Thank you, Mr. Johnson, for coming and taking your time to present this to us, and we sure do appreciate it, and thank you.
CONGRESSMAN JOHNSON: All right.
MAYOR JENKINS: Thank you again, sir.
COUNCILMEMBER FLEMING: Thank you.
CONGRESSMAN JOHNSON: Thank you (exiting Council chambers).
MAYOR JENKINS: We got some bids, Rhonda?

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CLERK BLACKMON: Yes, we do.
MAYOR JENKINS: Go ahead.
MR. HOWE: Remind the Council that these bids should be four-fold. First there should be a base bid; second, alternate A, alternate B, and then finally a --
MAYOR JENKINS: Excuse me just a minute, Luke.
UNIDENTIFIED SPEAKER: You-all are --
MAYOR JENKINS: What's going on in the audience?
UNIDENTIFIED SPEAKER: We cannot hear.
UNIDENTIFIED SPEAKER: We can't hear.
MAYOR JENKINS: Okay. Can you hear now?
UNIDENTIFIED SPEAKER: Yes. Can you hear?
MAYOR JENKINS: I can hear.
UNIDENTIFIED SPEAKER: I think it's the paper.
MR. ANDERSON: Stop moving the paper by the microphone.
COUNCILMEMBER ROCHE: What are we going to do?
MR. ANDERSON: You got the microphone set up so you can hear Hank Johnson and so now we can hear all the paper and stuff. It's louder than usual.

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COUNCILMEMBER ROCHE: Do a Johnny Carson?
MAYOR JENKINS: Go ahead, Luke.
MR. HOWE: Mayor, I just wanted to point out that the bids should be four-fold. First there should be a base bid, alternate A and alternate B, and then a base bid plus alternates, so a total bid.
MAYOR JENKINS: Can you hear me?
UNIDENTIFIED SPEAKER: It's just that the paper is magnified.
MAYOR JENKINS: Can you stand it long enough to get these open?
UNIDENTIFIED SPEAKER: Yes.
MAYOR JENKINS: Anybody have one open, go ahead.
COUNCILMEMBER PITTMAN: I have Knight & Associates. It's for $24,228.25, it says grand total, and then below it it says $87,920.75.
COUNCILMEMBER ROCHE: I have SD&C, Incorporated. The base bid is $29,667.50. Alternate A is $30,302.25. Alternate B is $21,904.75. Total of all bid prices including alternates is $81,874.50.
COUNCILMEMBER FLEMING: I have C.T. Richards Construction. Base bid, $30,490. Alternate A, $29,290. Alternate B, $22,530. Total of all bid prices including the alternates, $82,310.

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MAYOR JENKINS: I got Curb Specialists, Incorporated, Conyers, Georgia. I have to find the right page. Excuse me a minute.
Okay. Alternate A is $46,151, alternate B is $31,290, which is $115,296.
COUNCILMEMBER PACHUTA: And I have Precision 2000, $33,221.03. Alternate A, $29,028.03. Alternate B, 19,473 dollars and looks like 20 cents. Total of all bids, $81,722.26.
And I also have -- I have to spell the name. It's O-H-M-S-H-I-V Construction. $31,565. Alternate A, $33,093.75, alternate B, $23,515, and total, $88,225.75.
COUNCILMEMBER BATES: I have Tople Construction -- T-o-p-l-e -- and Engineering, Inc., $40,426. Alternate A, $40,767.60, alternate B, $25,719; total, $106,912.60.
Second bid is going to be Cotangent -- C-o-t-a-n-g-e-n-t -- Technical Services, $26,232.25; alternate A, $29,231.60, alternate B, $19,919.50. Total of all bids, $75,383.35.
COUNCILMEMBER ALEXANDER: I have S-a-n-g-a-b-a-t Construction. Base amount is $25,447.50, Alternate A is $29,277.50, alternate B is $21,657.50; total of $76,382.50.

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And then I have Woodwind Construction Company. Base is $35,405, alternate A is $40,980, alternate B is $27,655, for a total of $104,040.
COUNCILMEMBER FLEMING: I have one other, Johnson Landscapes. Base bid $47,324.81; alternate A, $33,748 even; alternate B, $23,158; with a total of all bid prices including the alternates, $104,230.81.
COUNCILMEMBER ROCHE: I have L.J., Incorporated, General Contractors. Base is $44,177.50, alternate A is $42,530 even; alternate B is $29,960 even; total of all bid prices is $116,667.50.
And enclosed with this --
COUNCILMEMBER FLEMING: Read it.
COUNCILMEMBER ROCHE: This was apparently attached to the back of this. I don't know how it got there. This apparently was in the envelope, from Curb Specialists. It was bidder's questions about where utilities are interfering with utility poles, et cetera; new sidewalk to be poured around existing utility poles and hydrants.
I'm not sure why this is part of this bid. I don't know how it got in this envelope instead of the Curb Specialists'.
MAYOR JENKINS: I have no idea why.

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COUNCILMEMBER ROCHE: Well, the answer is interesting. The new sidewalk to be poured around existing utility poles --
MAYOR JENKINS: We've already done that.
COUNCILMEMBER FLEMING: No. This is Park Avenue.
COUNCILMEMBER ROCHE: Well, we can -- we're going to do it all again, Mayor. We're going to -- Existing utility poles and fire hydrants to remain in place.
MR. HOWE: There is no interference with the poles on Park Avenue.
MAYOR JENKINS: That's the reason I said that was part of this up here. It had to be.
I'm not disputing your word, Bob. I'm just saying --
COUNCILMEMBER ROCHE: I'm just saying --
MAYOR JENKINS: -- we've already taken care of this.
COUNCILMEMBER ROCHE: -- that I don't understand how that got in that envelope. It's possible that --
COUNCILMEMBER FLEMING: Mayor, this was for the Park Avenue.
MAYOR JENKINS: Yeah, okay.

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COUNCILMEMBER FLEMING: Not Central.
MAYOR JENKINS: As he said, there's no construction over here that poles are in the middle of the sidewalk.
COUNCILMEMBER ROCHE: Not yet, Mayor.
MAYOR JENKINS: No. Won't be, either, Bob. We're going to decide on this tonight?
MR. HOWE: No, sir.
ATTORNEY WEED: No. No, sir.
MAYOR JENKINS: Okay. Well, do we need a motion or are we just going to --
MR. HOWE: No, sir. We will review them and make sure that all their paperwork's in place and we'll make a recommendation.
MAYOR JENKINS: Go ahead with the next item, then.
MR. HOWE: The next item is after talking to Murray, at the September 7th meeting we amended the MARTA contract which was Alternate A and B and which pretty much says if we have any money left over from the basic scope of what we're doing, which is the New Peachtree and Park Avenue design improvements plus the material improvement of replacing the current sidewalk on Park Avenue and reconstructing that, if we have any money left over, then we would start a new sidewalk

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project which would entail extending the sidewalk on the north side of New Peachtree from the Pebblewood Apartments to the Longmire intersection, and if we still have money left over, then we would bring the sidewalk down the east side of Longmire to Buford Highway.
So the Council voted to add that amend- -- to approve that amendment. Based on Murray's advice, we're just going to go back and add that language in the Keck & Wood contract. Nothing really changes. The dollar figure is still what it is. But if we do have money left over, according to MARTA, we get to reapply that, which is a good thing.
COUNCILMEMBER BATES: So you just need a motion --
MR. HOWE: Yes, sir.
COUNCILMEMBER BATES: -- to amend the contract?
MR. HOWE: Yes, sir.
COUNCILMEMBER BATES: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Thank you. Any more discussion?
- - -

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(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.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: No.
MAYOR JENKINS: Motion carried?
CLERK BLACKMON: Yes, sir.
MR. HOWE: Thank you, Mayor.
The last item is a resolution supporting New Peachtree sidewalks. This sidewalk project would connect the Georgia Power substation to Oscar's Upholstery and beyond to the Chamblee border. So right now there's really -- between the substation and the Chamblee border, there's really only about a hundred feet of sidewalk, and that's in front of

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1 Oscar's Upholstery and the adjacent car lot.
2 So this was one of the proposals we put
3 forth for the 2011 CDBG grant. Dekalb County is
4 recommending us for more money for 2011 -- this time,
5 it would be $361,000 for approximately 1700 linear
6 feet of sidewalk -- but they want the Council to
7 demonstrate their support in the form of a resolution.
8 COUNCILMEMBER BATES: This would need to go
9 out for bid and design and --
10 MR. HOWE: Yes, sir.
11 COUNCILMEMBER BATES: -- the whole nine
12 yards?
13 MR. HOWE: Yes, sir.
14 MAYOR JENKINS: This is just a resolution
15 supporting it, right?
16 MR. HOWE: Just supporting, yes, sir.
17 MAYOR JENKINS: Do I have a motion?
18 COUNCILMEMBER PACHUTA: I make a motion to
19 approve the resolution supporting the New Peachtree
20 Road sidewalk project.
21 MAYOR JENKINS: Second?
22 COUNCILMEMBER ALEXANDER: Second.
23 MAYOR JENKINS: More discussion?
24 COUNCILMEMBER FLEMING: Yes, sir. I want to
25 confirm that the $361,000 grant will be for design and

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1 construction of a hundred feet; is that correct?
2 MR. HOWE: No, ma'am. It would be 1700
3 feet.
4 COUNCILMEMBER FLEMING: 1700. Okay.
5 This particular CDBG grant, did we put in
6 for the specific such as New Peachtree Road or do we
7 have other --
8 MR. HOWE: We give them -- What I usually do
9 is I give them a handful of proposals, and what we've
10 done is broken down sidewalks into fundable portions.
11 You know, ideally, you're not -- really, you're not
12 going to get any more than $500,000 for a CDBG grant.
13 So what we've done -- Our goal is to
14 establish total sidewalk connectivity from New
15 Peachtree and Longmire to the Chamblee border on
16 Shallowford Road and New Peachtree Road with at least
17 a sidewalk going down one side of the road on Stewart
18 and Longmire and both sides on Park. And that's part
19 of the MARTA program is designing the sidewalk on this
20 side of the road.
21 So we broke them up. We have a Shallowford
22 project that was a little north of $500,000. We have
23 Stewart Road and then we have the -- the New Peachtree
24 and Longmire projects, which Dekalb County said they
25 wouldn't fund because the Department of Housing and

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1 Urban Development said that outside the perimeter is
2 generally looked at as more affluent, and CDBG funds
3 are for low-income areas.
4 So that's why we're -- that's why we
5 had that project put into the MARTA if we have any
6 money left over, because we don't -- because that area
7 is not CDBG-eligible, it really only -- We only have
8 one funding source, and that's transportation-oriented
9 grants, so.
10 COUNCILMEMBER FLEMING: Where does Tilly
11 Mill Road sidewalks fall into this particular -- the
12 scope of our plan or our vision? Because I know that
13 we have been trying to get --
14 MR. HOWE: Yes, ma'am.
15 COUNCILMEMBER FLEMING: I mean this is a
16 residential area, and though that school is a walkable
17 school, children are in those neighborhoods so they're
18 not privileged to use school bus transportation. So
19 I'm still very, very much concerned with getting
20 sidewalks on Tilly Mill.
21 MR. HOWE: And we're applying for Safe
22 Routes to School grant. This program hasn't been
23 funded in two years because DOT has not been able to
24 fund any grants.
25 But they're resuming this project, the Safe

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1 Routes to School and the Transportation Enhancement
2 grant. Both of those grants come open the middle of
3 this month and then they close at the end of November.
4 So we are submitting the Tilly Mill project for the
5 Safe Routes to School. It doesn't qualify for CDBG
6 because it's residential.
7 COUNCILMEMBER FLEMING: Okay.
8 COUNCILMEMBER PITTMAN: And the school is
9 helping work on that as well.
10 MR. HOWE: Yes, ma'am, they are.
11 MAYOR JENKINS: Any more discussion?
12 COUNCILMEMBER ROCHE: Much as I -- I mean I
13 do like the idea of sidewalks. It's just that
14 experience has shown us that -- you know, I've had a
15 lot of concerns about how some of these sidewalks --
16 obviously, the Central Avenue sidewalk and how that
17 was built not to the specifications of what the
18 Council requested.
19 I'm concerned about the cost of this one we
20 just voted on. It was like $700,000. And it's just
21 not clear to me that these things are being managed
22 correctly and it's not clear to me -- I don't feel
23 comfortable, frankly, with the way taxpayer dollars
24 are being spent.
25 You know, I mean I have a lot of questions

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and they just don't seem to be getting answered. And you know, we get like one day to review plans before they go out for bids, and it's just --

Having said that, I'll support the resolution but I think that -- personally, I feel like someone from the outside should come in and audit all of these contracts and all of these bids and --

MR. HOWE: They have.

COUNCILMEMBER ROCHE: -- look at these -- excuse me; I didn't mean to interrupt you -- and you know, audit how we're doing these bidding processes.

MAYOR JENKINS: You say they have, Luke?

MR. HOWE: Yes. Since Mr. Hart's appearance on TV, we've been audited by every grantor --

COUNCILMEMBER ROCHE: I'm saying there's also --

MR. HOWE: -- that we have a grant with.

They can come any day of the week and it's still going to be the same. There's always a paper trail if grants are managed correctly. If you want to, if you care to look at it, you can come by any day and check it out.

But in the last year and a half, with current -- when you consider current grants, this is not what we've been recommended for or what we're

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expecting.

I have paid my salary 32 times. The average success rate for a grant writer is 35 percent. My success rate is 85 percent. I exceed the national average by 50 percent.

So I have to ask, what is your problem? Every time I get up here to approve a contract or a grant, it's the same static. A year and a half ago, I was suspended because I couldn't get a grant, and now that I am, I run into obstacle after obstacle, and I don't under-stand.

COUNCILMEMBER ROCHE: Well, we can start with the motion that was made to build a sidewalk on this side of Central Avenue, not the other side, and instead, we're a laughingstock because we have embedded utility poles and now we're going to try to hurry up and fix them.

We have situations where people are allowed to change their bids or change the scope of bids after the bids were opened, and I have a lot of concerns about that, so --

And I don't want -- you know, tonight is not the night to get into this argument, but --

And yes, you were suspended for two weeks without pay, and I believe we also voted to put you on

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a performance improvement plan which apparently never occurred, but you know, that's -- that's a whole 'nother --

MAYOR JENKINS: He certainly was, Mr. Roche.

Mr. Roche, he was put on a performance plan.

COUNCILMEMBER BATES: Call for the motion.

MAYOR JENKINS: Excuse me.

COUNCILMEMBER BATES: Call for the motion.

MAYOR JENKINS: That's what I was fixing to say.

Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Wait. We need to make a motion first.

CLERK BLACKMON: We already did and it's been seconded.

COUNCILMEMBER ALEXANDER: Okay. Yes.

MAYOR JENKINS: We're only approving a resolution.

COUNCILMEMBER ALEXANDER: Yes, sir.

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

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CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: Thank you, Luke.

MR. HOWE: Thank you, Mayor.

COUNCILMEMBER PITTMAN: Mr. Howe, thank you for your efforts. We appreciate it.

MAYOR JENKINS: We sure do.

Next item on the agenda is Woodall Roofing. We wanted to extend the contract if everybody's in agreement, for 15 I guess more consecutive days, which will be till -- let me see -- 10/7/2010. Is that correct?

COUNCILMEMBER ALEXANDER: Is their representative here?

MAYOR JENKINS: Excuse me?

COUNCILMEMBER ALEXANDER: Is their representative here?

CLERK BLACKMON: No, he is not.

COUNCILMEMBER ALEXANDER: Okay.

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MAYOR JENKINS: They're not here; is that correct?
CLERK BLACKMON: He is not here.
MAYOR JENKINS: Okay. But they have done everything we asked.
Have we had any complaints from the Council?
COUNCILMEMBER BATES: No, sir.
COUNCILMEMBER ROCHE: Not that I've heard.
MAYOR JENKINS: Do I get a motion?
ATTORNEY WEED: Well, Mr. Mayor --
MAYOR JENKINS: Excuse me.
ATTORNEY WEED: -- currently, on the agenda that I've got, Woodall Roofing is actually after reports from department heads and public comments on agenda items.
You can obviously move the agenda around any time you want to but that would require a motion and a second. So if you want to hear this item now, you certainly can, but someone needs to make a motion and a second to hear the item now. Otherwise, we'd be on Item 5, reports from department heads.
MAYOR JENKINS: Okay. Well, I apologize for that.
ATTORNEY WEED: No, sir. It's all right. You can go ahead and hear the item now.

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MAYOR JENKINS: We might as well. We've already brought it up.
Do I have a motion that we move it up?
COUNCILMEMBER ROCHE: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER BATES: Second.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
COUNCILMEMBER PACHUTA: All right. Can you confirm, what is the date they're requesting extension to?
CLERK BLACKMON: They're up on October 7th, but because our meetings don't correspond, we had him put it on for tonight.

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COUNCILMEMBER PACHUTA: So for 15 days after October 2nd.
CLERK BLACKMON: Right. He is expected to be done by the end of October.
Originally, you-all were going to do 60 days, but because of the 4:00 a.m., you decided to do 30, so he needs one more.
COUNCILMEMBER BATES: Can we extend it through the end of October?
ATTORNEY WEED: Yes, sir.
COUNCILMEMBER FLEMING: Mr. Bates, what did you say?
COUNCILMEMBER BATES: I asked if we could extend it through the end of October since that's what he --
COUNCILMEMBER FLEMING: End of November.
COUNCILMEMBER BATES: End of October, because he said he was going to be done in October.
COUNCILMEMBER FLEMING: Oh, okay.
COUNCILMEMBER BATES: So I'll make the motion to extend the special noise permit through October 31, 2010.
COUNCILMEMBER ROCHE: Just a quick question. Was it 4 o'clock before?
COUNCILMEMBER BATES: It was.

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COUNCILMEMBER ROCHE: Okay. Second.
MAYOR JENKINS: You're extending it to October 31.
COUNCILMEMBER BATES: Yes, sir.
MAYOR JENKINS: Okay. Any more discussion?
COUNCILMEMBER PITTMAN: I appreciate the fact that there's no complaints on it, but I voted no from the get-go because of the problems in our neighborhood, so I'm sorry.
MAYOR JENKINS: Okay. Call the roll.
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: No.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Motion carried.
MAYOR JENKINS: Motion carried. Thank you.
Department heads. John, I believe you have

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1 something tonight?
2 CHIEF KING: Yes, sir, I do. Good evening,
3 Mayor and members of the City Council. I just have a
4 few items that I've brought I kind of want to bring up
5 to your attention.
6 We are going to be scheduling upcoming --
7 we're going to go through the agenda in the next one
8 to two weeks, probably two weeks, to come before the
9 Council and give you a presentation on the reorgani-
10 zation of the department. And that will take into
11 consideration the additional -- the COPS grant
12 officers that we will have available and try to do
13 that as a comprehensive overhaul of the department.
14 The plan is not to replace the captain
15 position that we have vacant but to replace that --
16 reorganizing the department and replace that position
17 with a patrol officer at that patrol officer salary.
18 But there will be some adjustments internal to the
19 department that I want to gain the approval of the
20 City Council.
21 Expect that probably in the next week, at
22 the most, two weeks. We will get on the agenda and
23 give you the packets, the information, so you can have
24 the opportunity to read over those, and that way, when
25 we have a discussion at the Council meeting, y'all can

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1 ask, you know, questions or make comments appropriate.
2 As an update, this weekend we had an
3 enforcement action against one of our pool halls in
4 the city. We discovered that there were some major
5 violations of not only this license. We will be
6 scheduling El Travol for a hearing to move to revoke
7 their ability to do business.
8 Trying to use the right terminology.
9 Mr. Weed always corrects us on what actually. But the
10 intent is to present the evidence for you-all to
11 consider removing their ability to do business in the
12 city of Doraville for a number of violations. And we
13 put a copy of the police report as part of the package
14 so you-all can review the violations.
15 A number of them basically -- the highlight
16 is adult entertainment activities taking place inside
17 the pool hall when we did an operation in there.
18 COUNCILMEMBER FLEMING: Will that be on the
19 next agenda, did you say?
20 CHIEF KING: Yes, ma'am. We will provide --
21 I've just got to work out the scheduling with the City
22 Clerk to make sure that we -- We have to notify the
23 business owner so they have an appropriate amount of
24 time to prepare for it. You know, it's just an issue.
25 We're ready to go. It's just an issue of timing to

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1 make sure that we give the business owner the adequate
2 time to receive the notification and be present.
3 COUNCILMEMBER FLEMING: Thank you.
4 CHIEF KING: And the last item is we've
5 noticed some severe shortcomings in the quality of
6 food that our prisoners are getting. I would respect-
7 fully request the ability to put out an RFP for a new
8 food contractor for our jail. The food is quite sub-
9 standard, and I've asked -- I would respectfully
10 request that we get the opportunity to put an RFP for
11 a vendor.
12 This vendor has been with the city for at
13 least three years, and they have not competed for the
14 contract, so I would request that we give them the
15 opportunity.
16 I don't know if Mr. Weed has any comments.
17 I know that there's -- And we have a
18 contract and we obviously will have to make some --
19 you know, some official notifications of our intent.
20 And they're aware of their shortcomings. We
21 notified them today of the severe shortcomings and the
22 quality of the food.
23 COUNCILMEMBER ROCHE: How much do we pay
24 them a year? Do you know offhand?
25 CHIEF KING: Sir, it's calculated depending

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1 on the number of persons that we take into custody.
2 COUNCILMEMBER ROCHE: Yeah.
3 CHIEF KING: We average --
4 COUNCILMEMBER ROCHE: For an annual?
5 CHIEF KING: -- I think -- we looked it up
6 today -- about $40,000.
7 CLERK BLACKMON: $40,000 to $50,000.
8 CHIEF KING: Yeah, $40,000 to $50,000
9 depending on how many people we have in custody.
10 COUNCILMEMBER PACHUTA: Do you need that in
11 the form of a motion? Do we need to make a motion?
12 ATTORNEY WEED: You need to make a motion to
13 terminate the contract for failure to comply.
14 COUNCILMEMBER PACHUTA: How much longer do
15 they have on their contract?
16 ATTORNEY WEED: To the end of the year.
17 CLERK BLACKMON: December.
18 ATTORNEY WEED: All of our contracts would
19 terminate automatically on December 31st.
20 COUNCILMEMBER PACHUTA: So do we want to
21 terminate it now or do we want to get an RFP out
22 first?
23 CHIEF KING: I would ask that you-all
24 terminate it now. There are some severe shortcomings
25 there that I think the City would be at risk.

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COUNCILMEMBER PACHUTA: Do we make a motion to add it to the agenda?
CHIEF KING: Yes.
ATTORNEY WEED: Yes.
COUNCILMEMBER PACHUTA: Okay.
ATTORNEY WEED: Well, I mean technically, because --
COUNCILMEMBER PACHUTA: It's under department head.
ATTORNEY WEED: -- it's department head reports --
COUNCILMEMBER PACHUTA: Okay.
ATTORNEY WEED: -- and technically I don't think you do, although it won't cause any harm if you add it.
COUNCILMEMBER BATES: If we terminate it now, what's the interim step until the RFP?
CHIEF KING: We always have had a secondary and actually a third plan. We use it in inclement weather because a lot of times they can't deliver the food, so we have a backup plan. And I've discussed it with the Mayor. We have an adequate system to provide the persons in custody, but I want -- You know, we can operate on this emergency plan, as I call it, for a short period of time, but I will be more comfortable

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by putting this as a bid, an RFP out for people to compete, because I can't come and justify to you that we're operating under emergency conditions for the rest of the year. I don't think that would be reasonable.
COUNCILMEMBER BATES: What's the time frame for getting an RFP out and responses --
CHIEF KING: We are --
COUNCILMEMBER BATES: -- and a new vendor --
CHIEF KING: We are --
COUNCILMEMBER BATES: -- in place?
CHIEF KING: -- preparing the wording on it. We will, you know, make sure that legal gets caught on it. I would think that the reas- -- I mean I would like to get somebody within two weeks to 30 days max, maximum. I would like to get somebody into the contract as quickly as possible. I think two weeks to 30 days I think would be reasonable to get enough people to bid on it.
COUNCILMEMBER PACHUTA: I'll make a motion to terminate the current food-services contract with the jail for substandard performance.
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: More discussion?
COUNCILMEMBER ALEXANDER: Effective

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immediately?
COUNCILMEMBER PACHUTA: Effective immediately.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
ATTORNEY WEED: And just to inform Council, we do have to give them 30 days' notice under the terms of the contract; however, the notice that we will give them instructs them that we will not accept any food that they give nor will we pay for any food that they give us beginning tomorrow.
MAYOR JENKINS: Okay. And we need a motion to put out an RFP?
ATTORNEY WEED: I don't think you need a

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motion under 2-90, you just do it.
MAYOR JENKINS: You're going to work it up?
ATTORNEY WEED: Yes, sir.
MAYOR JENKINS: Okay.
ATTORNEY WEED: We'll get together and write one up.
MAYOR JENKINS: Okay.
CHIEF KING: Mayor, pending any questions or comments from the City Council, that's all I have as far as the police department's reports.
MAYOR JENKINS: Thank you, John, and thanks for everything else.
COUNCILMEMBER PITTMAN: Thank you.
COUNCILMEMBER BATES: Thank you, Chief.
MAYOR JENKINS: Okay. We go into public comments. This will be on all agenda items, and we have three minutes.
Come on up if you want to speak; state your name.
MR. ANDERSON: Stuart Anderson.
This is about sidewalks. Week or two ago, Mr. Weed said that you had a choice in the Yeshiva High School situation to either pay Yeshiva High School $6,000 for the sidewalk or to tear it up.
And through a small amount of intellectual

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possibility, I presented to the Yeshiva people that they give the City the sidewalk. So I guess what I'm saying to you is you're welcome. Since Tom did a sidewalk for $12,000, we're buying $700,000 worth of sidewalks and $55,000 worth of sidewalks. By just thinking about what we're doing, I just gave you a section of sidewalk for free. You're welcome.

MAYOR JENKINS: Thank you, Stuart. We appreciate that. We're working on that as we speak, by the way.

MAYOR JENKINS: Next? Come on up, please.

MR. HART: I'd like to hand out, there's three copies there (presenting). Those are drawings of the sidewalk you just approved, the $75,000 bid for New Peachtree Road, Park Avenue.

Now, I'm a little confused how much we paid for these. There three copies of each one. Just take the top one off and hand -- you know.

COUNCILMEMBER FLEMING: Oh, okay.

MR. HART: Yeah. There you go.

We paid I think $610,000 for these? I'm not real sure. I know we paid $55,000 for the Central Avenue drawings, I know that we paid $1800 for the ones on Chestnut, so I'm a little confused on what we're paying for drawings.

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We had $100,000 to build these sidewalks, apparently were going to spend $75,000, so I'm just confused as to -- And we voted to spend $385,000 to build another 1700 feet.

We're voting to build things that you have no idea what you're going to get. I mean it's like throwing darts at the wall in the dark. I don't get what you're doing. It's confusing.

And believe me, the television trucks will be out here again, because you don't know what you're doing -- just blindly voting for things, spending hundreds of thousand dollars on $5,000 worth of paperwork.

That drawing, look at the third page. Is that $600,000? I was going to bid on the project. What are you bidding on? It looks like somebody drew it on the back of a napkin. Where is the right-of-way? I mean if you have to go around a pole, which you're going to have to on New Peachtree right here; Mr. Roche is right. You don't have to add it here, but New Peachtree Road, you do.

Where do you have to go -- If you go around the pole, you're going to get into somebody else's right-of-way. Where is it? There's no survey for the drawings. That is not a construction-site document

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you have there. And you paid 600 grand for it? Are you people just not aware that we're -- What is this? Do you not get what you're voting on? Do you not understand what you're voting on?

Central Avenue's a perfect example of not knowing what you're voting on. And I can also bring -- Keck & Woods is -- I don't know what -- What's the 600 grand for? I'm asking the question of this Council. What is the $610,000 for?

The $100,000 is to cover the 75 grand for the construction. What are you paying?

What is it? You guys are good buddies with Keck & Woods? Is Luke good buddies with Keck & Woods? This is taxpayers' money. Are you out of your minds?

I'm asking the question, and I'd like for somebody to discuss it. What is this $600,000 --

MAYOR JENKINS: Tom --

MR. HART: -- for? Thank you.

MAYOR JENKINS: -- you're not on the agenda. Thank you.

Next? Nobody else?

MS. PRINZIVALLI: Well, my name is Caroline, and given what --

THE REPORTER: Caroline?

MS. PRINZIVALLI: -- Tom has just said --

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THE REPORTER: Caroline?

MS. PRINZIVALLI: Yes. Princivalli.

THE REPORTER: Spell it for me please.

MS. PRINZIVALLI: P-r-i-n-z-i-v-a-l-l-i.

THE REPORTER: Thank you.

MS. PRINZIVALLI: I don't come to meetings regularly, but given what he's saying, I have some questions now, and I don't think it's unrealistic to have answers for it.

Maybe you've talked about it before, but it seems realistic to me. That's all I have to say. Thanks.

MAYOR JENKINS: Thank you.

Next? Come on up, please.

- - -

(No response)

- - -

MAYOR JENKINS: Okay. That's it.

We already have the number 1 item on VII on old business, update permits on regulatory fees, pawn shops, Karen Pachuta.

COUNCILMEMBER PACHUTA: Yeah. And actually, we're not looking at the entire fee schedule. We decided at the last meeting to go over that, to schedule a work session to do that. This is just --

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We did vote at the last meeting to adopt a regulatory fee for the pawn shops and precious metal dealers, and this is just the ordinance form of that vote from last time. And eventually what will happen is that all of the fees will be incorporated into one fee ordinance, so when we change a fee, it just gets changed in that one ordinance, and the pawn shop ordinance will direct us to the fee schedule.

So what we decided last time was the regulatory fee for pawn shops, $1,000, $50 for the employee identification; precious metal dealers, $500, and $50 for the employee identification. And I believe this was less than what the police department estimated as far as their time spent for that.

ATTORNEY WEED: Councilman, that is correct. Major Chuck Atkinson is here. These figures are based upon information from the police department. That falls underneath the Major's division.

COUNCILMEMBER PACHUTA: All right. So do we need to waive first reading?

ATTORNEY WEED: If you want to adopt this ordinance tonight, you would need to do that.

MAYOR JENKINS: Okay.

COUNCILMEMBER PACHUTA: Okay. I make a motion to waive first reading for the pawn shop and

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precious metal regulatory fees.

MAYOR JENKINS: Second?

COUNCILMEMBER ALEXANDER: 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: No.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

COUNCILMEMBER PACHUTA: Well, this will go on the next agenda, then?

ATTORNEY WEED: Yes, ma'am?

COUNCILMEMBER PACHUTA: Okay.

MAYOR JENKINS: It'll stay on the agenda.

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COUNCILMEMBER PACHUTA: Yes, it will just continue --

MAYOR JENKINS: All right.

COUNCILMEMBER PACHUTA: -- to the next agenda.

COUNCILMEMBER PACHUTA: The next one is the pawn shop ordinance.

Again, we had an ordinance that first came out I think it was in 1981. We had Mr. Weed review it and make some recommendations.

We did change the amount, that they needed to hold items to 30 days based on State law.

And then he has added hours of operation. It was 7:00 a.m. to 10:00 p.m. We can change that if we want.

And then also distance between pawn shops, and we need to fill in a number here. He left that blank. That would be adding a Section 6.92, Distance Between Pawn Shops.

And it does grandfather in pawn shops in existence prior to November 1st, 2010, shall be exempt from the distance regulations until such pawn shop is no longer in the pawn business.

So I don't know if anyone has looked at current distances, put any thoughts into a number that

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we want to put in there.

COUNCILMEMBER ALEXANDER: In the previous research that I had done, I had looked at a couple of items that had been discussed in other municipalities, and one of the things I had mentioned -- maybe I was mistaken -- I thought we might include language, distance requirements between that and a residential area?

COUNCILMEMBER PACHUTA: Yeah, I think we did mention that.

COUNCILMEMBER ALEXANDER: And I didn't see that in the proposed ordinance. Mr. Weed?

ATTORNEY WEED: I'm be happy to include it in another draft.

COUNCILMEMBER ALEXANDER: Okay.

ATTORNEY WEED: What distances would you like?

COUNCILMEMBER ALEXANDER: The example that I had gotten was I believe it was 150 feet.

COUNCILMEMBER PACHUTA: What is it currently with the alcohol ordinance? 100 feet?

ATTORNEY WEED: It's done in yards.

COUNCILMEMBER PACHUTA: Okay.

ATTORNEY WEED: And usually the maximum is 200 yards and the minimum is 100 yards.

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Did you say 150 feet, Councilman?
COUNCILMEMBER ALEXANDER: Uh-huh, 150 foot buffer from residential districts.
COUNCILMEMBER FLEMING: I'm still not comfortable with us using the distance requirements being in yards. I find that very difficult in the way that some of our pawn shops are presently situated within the city, that though those would be grandfathered in at the time being. I still think -- and I'll say it again -- that we didn't have a problem in limiting our labor pools per population, and I think that's much more of an easier way to calculate about how many of any one item we might want to regulate in the city is doing it by population. And so I'm not in favor of trying to calculate it each time, run out there with a yard stick to determine how many feet they are from a previous one.
COUNCILMEMBER ROCHE: I tend to agree for a little different reason. Frankly, if we have to have pawn shops and they're going to be here, I kind of like the idea if they're all in one little spot instead of spaced out all along Buford Highway, you know.
I mean I certainly like the idea of the buffers from residential areas, et cetera, et cetera,

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but there's nothing here. I don't --
I guess my question would be that if we set it at 100 yards, then how many pawn shops could be in the city of Doraville? You know, do we know? Do we have any idea?
But if we say X-number of pawn shops per 10,000 population, then we know how many pawn shops we can have. It's pretty well straightened out. Instead of having to go out and figure out, I think, as Councilwoman said, going around with a yard stick trying to figure out, "Well, let's see. You got this corner and that corner there, and every hundred yards," et cetera, et cetera.
I mean I'm certainly in favor of limiting the number of pawn shops in town, but I think that, again, we were successful limiting labor pools by population, and at least we'll know what we're voting on.
If you say 100 yards, I don't know what that means in terms of the number of pawn shops in town. Is that five? Is that 20? We don't know. But if we say three pawn shops per 10,000 people, then we know what we're voting for. And the ones that are all clustered together, they stay clustered together, and they're all in one little spot and they're not

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scattered all over the city of Doraville.
So that's my take on it.
ATTORNEY WEED: I do think the Councilman raises a good question, and that number will be easy to calculate. Once you establish a distance, whatever that is, we can figure out the number after that.
COUNCILMEMBER ROCHE: But I would rather know the number before we establish the distance instead of establishing a distance and then finding out what the number is.
COUNCILMEMBER ALEXANDER: Well, one of --
ATTORNEY WEED: I don't think that's mathematically possible, although I'm no mathematician.
COUNCILMEMBER ALEXANDER: One of the examples I gave in the previous meeting was we have roughly 2.14 lineal miles of Buford Highway in the city limits. So if you calculate half a mile of distance, which is 880 yards, which is one of the items I suggested, that would be roughly four pawn shops allowed on Buford Highway inside the city limits. And the same calculations can be done for Motors Industrial Way and PIB and New Peachtree Road.
COUNCILMEMBER ROCHE: And then potentially the GM property, so we're what? Eight, 9, 10, 12?

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See, we're considering voting on something and we don't know what the outcome is going to be.
COUNCILMEMBER ALEXANDER: We're asking --
COUNCILMEMBER ROCHE: We're considering on the --
COUNCILMEMBER ALEXANDER: -- for suggestions.
COUNCILMEMBER ROCHE: And my suggestion was, and I think Councilwoman Fleming's suggestion, and Councilwoman Alexander even said it once, that if we simply say for X-number of population, we are limited to X-number of populations in the city of Doraville. That way, we know exactly what we're voting for.
COUNCILMEMBER BATES: Murray, your concern with the distance piece is that -- or with the population-based piece is that it hasn't been vetted in the courts.
ATTORNEY WEED: That's correct, while distances clearly have, repeatedly.
And my best advice concerning distances -- You can always do population, and if you do that, you are plunging forward into untried territory, which I would advise you not to do, and I don't think that's the best way of doing it. I think the best way of doing it is by distance.

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And I think finding out the calculation in advance is certainly fine. If you have some suggestions about different figures -- 100 yards, 180 yards -- then we can go back and propose to you what the number would actually be.

And obviously this is on here for first reading, so, and the number was left blank so that we could get some input from the Council tonight so that we could do those calculations. Happy to have the staff do that for you.

COUNCILMEMBER ROCHE: Well, again, we plunged forward with the labor pools, and I don't see anybody lined up to sue us on that one.

I would rather -- much rather have something, a calculation that says we set it to this many feet, we get this many pawn shops; if we set it to that many feet, we get that many pawn shops. Because otherwise, we don't know what we're voting for here. It seems like common sense to me.

And the other thing is I would much prefer them all in one little spot instead of scattered all over town. We set a distance thing, you know, they'll be all over. They'll be over on Flowers Drive, they could be, you know, all over the place.

ATTORNEY WEED: Well, that's not entirely

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accurate. They'll still have to get a conditional use permit in C-2 zone, so they'll still be only in areas in the C-2 zone.

COUNCILMEMBER ROCHE: I understand, but I'm not worried about plunging into uncharted territory. We seem to do that a lot, so.

MAYOR JENKINS: Ms. Pachuta, I believe this is your item.

COUNCILMEMBER PACHUTA: Yeah, and I just -- we need suggestions on distance. That's why it was left blank for the first reading. You know, we can look at some more and speak to maybe the police department or quality of life and get some ideas.

ATTORNEY WEED: So far, the only number offered is 180 yards.

COUNCILMEMBER PACHUTA: What was it? 180 or 880?

COUNCILMEMBER ALEXANDER: No, it was 880.

ATTORNEY WEED: Okay, I'm sorry.

COUNCILMEMBER ALEXANDER: A half a mile.

ATTORNEY WEED: Thank you.

COUNCILMEMBER ROCHE: Well, I would then request that we get a distance and the number of pawn shops that means.

ATTORNEY WEED: Absolutely. That is common

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sense.

COUNCILMEMBER ROCHE: Can we get that?

ATTORNEY WEED: I'm happy to.

COUNCILMEMBER ROCHE: And then once we get that number, then we'll know what we're voting on.

ATTORNEY WEED: That seems reasonable to me, Councilman. Couldn't agree with you more.

COUNCILMEMBER FLEMING: And then we'd need to still look at the entire city map to determine where C-2 is. And though I didn't bring my zoning book with me, I don't know whether any are allowed in O-I, in the CT, in the M-1 and -2. But if such, then those have to be included as well.

COUNCILMEMBER PACHUTA: All right. So you're going to have staff get the 880?

ATTORNEY WEED: Correct.

COUNCILMEMBER PACHUTA: Okay.

ATTORNEY WEED: I mean they have a section that deals with a buffer of 150 feet between a pawn shop and -- and I assume you want it land zoned residential is how you want to word that, and then 880 yards between pawn shops.

COUNCILMEMBER PACHUTA: Uh-huh. So this will just be on the next agenda?

ATTORNEY WEED: Yes, ma'am.

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MAYOR JENKINS: Thank you.

Personnel policy. Murray, did the gentleman finish presenting that to us at the last meeting?

ATTORNEY WEED: Yes, Mr. Mayor. It's obviously back on the agenda as old business, and I haven't received -- I've received one telephone comment with regard to the suggested changes on the ordinance and wanted to find out if you had any further recommendations or suggested changes to the proposed language.

MAYOR JENKINS: Does anybody have any comment on it?

COUNCILMEMBER ALEXANDER: I had requested in writing department-head feedback on the proposed changes and any other additional items in the current manual that they were having challenges with.

CLERK BLACKMON: I have received on Friday, three -- public works, court, and the finance department -- with some questions and concerns. I had already posted mine, I think, to Council concerning the advances for trips. I don't know if you want me to make copies of these after?

COUNCILMEMBER ALEXANDER: Okay. And I believe the police department had some input. Can we get a report to the Clerk so we can --

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1 CHIEF KING: Yes, ma'am.
2 COUNCILMEMBER ALEXANDER: -- all have copies
3 of this? Thank you.
4 That's just one copy, right?
5 CLERK BLACKMON: Yes. I'll get them in your
6 box tomorrow. I'll wait for the Chief's and then I'll
7 put those in.
8 COUNCILMEMBER ROCHE: We're just going to
9 postpone this till the next -- until we get the
10 information?
11 ATTORNEY WEED: It will be on the next
12 agenda as old business, yes.
13 MAYOR JENKINS: For the next agenda.
14 ATTORNEY WEED: Right.
15 MAYOR JENKINS: Okay. Is that all on that?
16 ATTORNEY WEED: That's all I have,
17 Mr. Mayor, on that item.
18 MAYOR JENKINS: Okay, Steven. The
19 Conservation Subdivision building code.
20 MR. STRICKLAND: I'm just here for any
21 questions.
22 MAYOR JENKINS: This is set up for Scott
23 Haeberlin and Steve Strickland.
24 Murray, are you familiar with it?
25 ATTORNEY WEED: Well, yes, I'm familiar with

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1 it, but Mr. Strickland's here. I'm happy to answer
2 any questions I can answer.
3 COUNCILMEMBER PACHUTA: Is this what we
4 removed from the zoning code at the last zoning
5 meeting?
6 COUNCILMEMBER BATES: Yes.
7 COUNCILMEMBER PACHUTA: Okay.
8 ATTORNEY WEED: Yes, correct. And this is
9 to readopt what was removed into the building code.
10 COUNCILMEMBER PACHUTA: So as currently
11 written, it's exactly what was in the zoning code --
12 ATTORNEY WEED: No.
13 COUNCILMEMBER PACHUTA: -- or was this one
14 changed?
15 ATTORNEY WEED: It's not exactly the same.
16 There are some minor changes that deal with -- The
17 original language dealt with -- because it was a
18 zoning ordinance, it referred to other zoning
19 provisions, and I have modified some of that language
20 with regard to 5-291 to indicate that it is not --
21 this is not a zoning ordinance even though it mentions
22 the zoning districts. I had to clarify that. That's
23 the only change that I recall.
24 And then just to give you some history, the
25 Council asked Mr. Strickland to review the

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1 Conservation Subdivision ordinance. He did that and
2 he gave a report to the Council.
3 Council has already removed this item from
4 the zoning code at the request of the planner, and
5 this would be to readopt the language of the
6 Conservation Subdivision but put it into the building
7 code.
8 COUNCILMEMBER FLEMING: And if we don't know
9 what 108 is on page three, we ought to just take it
10 out.
11 ATTORNEY WEED: Yes, ma'am. And as I said,
12 that's actually in the current -- I couldn't agree
13 with you more. That's in the current ordinance. It's
14 even in the bound version of it. Why, I have no idea.
15 COUNCILMEMBER BATES: I believe there was
16 questions as to whether or not this would apply to the
17 R-2 which is the --
18 ATTORNEY WEED: It does, yes, sir. It would
19 apply to the R-1, R-2.
20 COUNCILMEMBER BATES: Well, I guess whether
21 or not it should apply.
22 ATTORNEY WEED: I have no position on that
23 as your lawyer. Legally you can apply it or not.
24 I believe the planner and Mr. Strickland
25 might have some opinions as to what constitutes good

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1 building code.
2 COUNCILMEMBER PACHUTA: If I recall,
3 Mr. Haeberlin wanted to remove R-2. I don't know if
4 you had an opinion on that.
5 MR. STRICKLAND: If I remember the report
6 correctly, I think, yeah, just strictly have it apply
7 to R-1.
8 R-2 is traditionally multi-family, something
9 like an apartment, and you're not going to really have
10 a -- it's not a subdivision.
11 COUNCILMEMBER ROCHE: What about cluster
12 homes?
13 MR. STRICKLAND: That was the planner's
14 suggestion is that you basically just apply it to R-1,
15 which would be single-family detached because it's
16 probably the only subdivision of land where you'll
17 have the open space in that.
18 COUNCILMEMBER BATES: If I remember
19 correctly, I think Scott did suggest adding RCH.
20 COUNCILMEMBER ROCHE: Right; abhorrent
21 zoning, he said.
22 COUNCILMEMBER BATES: I'm sorry, Bob?
23 COUNCILMEMBER ROCHE: I said I think he
24 called it the abhorrent zoning or something? I forget
25 the exact words.

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1 Because we do. We have a stream behind our
2 houses, our cluster homes or whatever.
3 MR. STRICKLAND: I don't remember. I mean
4 it would either be R-1 and RCH, and I think that would
5 be it, though.
6 COUNCILMEMBER ROCHE: Right. Well --
7 MR. STRICKLAND: Not R-2.
8 COUNCILMEMBER ROCHE: -- this doesn't
9 reflect RCH.
10 MR. STRICKLAND: And definitely not O&I
11 because you wouldn't even have -- you wouldn't have
12 residential.
13 COUNCILMEMBER ROCHE: So do we want to add
14 RCH?
15 COUNCILMEMBER ALEXANDER: And remove R-2 and
16 mixed-use.
17 COUNCILMEMBER ROCHE: I'll make a motion
18 that we remove R-2, mixed-use, and add zoning RCH to
19 Section 5-291, paragraph (a).
20 MAYOR JENKINS: Do I get a second?
21 COUNCILMEMBER PACHUTA: Second.
22 MAYOR JENKINS: Any more discussion?
23 COUNCILMEMBER FLEMING: Wanted to find out
24 where the condominiums come in that.
25 MR. STRICKLAND: I can't answer that.

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1 That's a zoning question.
2 ATTORNEY WEED: They won't as far as I can
3 tell.
4 Section 5-291 says, "Applicability of
5 regulations. This conservation subdivision building
6 option is available in" currently R-1 and RCH
7 districts, and then there's additional language that
8 it would not apply as a zoning ordinance. This is a
9 building ordinance.
10 So as far as I know, it wouldn't apply to
11 condominiums unless they were in R-1.
12 COUNCILMEMBER FLEMING: So if we have a plot
13 of land that had streams going through it and the
14 builder wanted to do fee-simple townhomes or condo-
15 miniums, then he can do it and it's not considered
16 conservation; is that correct?
17 ATTORNEY WEED: I would say if the builder
18 wanted to do a conservation subdivision, they have to
19 do it in R-1, and obviously only the allowed uses in
20 R-1 would be provided.
21 I mean I can look it up. I don't happen to
22 know off the top of my head if condominiums are
23 allowed in the R-1 zone or if they're under a
24 different zone. I've got Title 23 right here. I can
25 look it up. I don't happen to recall.

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1 But what I can tell you is only the uses
2 that are allowed in R-1 and also RCH now if that's
3 what you proceed to do, that's the only places you
4 could have a conservation subdivision.
5 COUNCILMEMBER FLEMING: And to me, there's
6 no need in --
7 I'm sorry. We're still on your zoning
8 thing. Go ahead. I'm sorry.
9 COUNCILMEMBER ROCHE: Well, the motion and
10 the second was to remove R-2 and mixed use and add RCH
11 to 5-291 paragraph (a).
12 MAYOR JENKINS: Did you get an answer to
13 what you wanted?
14 COUNCILMEMBER FLEMING: I'm through
15 discussing that portion of it, and then there are
16 other areas that I wish to discuss.
17 MAYOR JENKINS: Any more discussion on the
18 motion?
19 CLERK BLACKMON: I did not hear the second.
20 COUNCILMEMBER BATES: Ms. Alexander.
21 CLERK BLACKMON: You did?
22 COUNCILMEMBER ALEXANDER: (Nods head.)
23 MAYOR JENKINS: Call the roll.
24 CLERK BLACKMON: Councilmember Alexander?
25 COUNCILMEMBER ALEXANDER: Yes.

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1 CLERK BLACKMON: Councilmember Bates?
2 COUNCILMEMBER BATES: Yes.
3 CLERK BLACKMON: Councilmember Fleming?
4 COUNCILMEMBER FLEMING: Yes.
5 CLERK BLACKMON: Councilmember Pachuta?
6 COUNCILMEMBER PACHUTA: Yes.
7 CLERK BLACKMON: Councilmember Pittman?
8 COUNCILMEMBER PITTMAN: Yes.
9 CLERK BLACKMON: Councilmember Roche?
10 COUNCILMEMBER ROCHE: Yes.
11 MAYOR JENKINS: Okay. You say you have
12 something else, Pam?
13 COUNCILMEMBER FLEMING: I'm just -- I'm
14 really -- I'm really concerned about page three, and
15 though it may have been in our previous code, if it
16 does not make sense, I don't want us to readopt
17 something that doesn't make sense.
18 So I need help, Mr. Weed, on page three,
19 under (c)(1), Calculation. And though I know you were
20 not present when we did it before, can you make a stab
21 at what we were trying to do legislatively --
22 ATTORNEY WEED: Well --
23 COUNCILMEMBER FLEMING: -- since none of us
24 had a part in that before?
25 COUNCILMEMBER BATES: And "we" meaning 20

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1 years ago --
2 COUNCILMEMBER FLEMING: Yes, please.
3 COUNCILMEMBER BATES: -- or 30 years ago.
4 COUNCILMEMBER FLEMING: Please. Not "we."
5 ATTORNEY WEED: Well, reading the language,
6 you know, leaving out the last sentence which
7 certainly doesn't make sense to me either, it would
8 read, "Calculation: The maximum number of lots is
9 determined by dividing the area of the tract of land
10 by the minimum lot size specified in the underlying
11 zoning."
12 And that obviously means the lot size
13 specified now in R-1 and RCH.
14 So perhaps they meant that the first 108
15 something -- square feet? I don't know -- were to be
16 excluded from that calculation.
17 COUNCILMEMBER BATES: But one would think
18 that that would be the first subsection (a), because
19 it goes on to list five subsections that are not to be
20 included in the calculations.
21 ATTORNEY WEED: Yeah. That's my stab at it.
22 All I can tell you is what's in the code currently and
23 what was in the code, and it ended right there.
24 COUNCILMEMBER PACHUTA: So I'm thinking (a)
25 through (e) are what's supposed to be after parcel.

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1 COUNCILMEMBER BATES: That's what I read it
2 as. I think the --
3 ATTORNEY WEED: And that would -- those are
4 clearly intended to be, I believe, exemptions from the
5 rules set out in the first part of 1.
6 I do not see that the ordinance is any
7 weaker by deleting the words one hundred eight, so my
8 recommendation would be to delete those words.
9 COUNCILMEMBER FLEMING: I'd like to make a
10 motion to delete on page 3 the words one hundred
11 eight.
12 COUNCILMEMBER PACHUTA: Second.
13 MAYOR JENKINS: More discussion?
14 - - -
15 (No response)
16 - - -
17 MAYOR JENKINS: Call the roll.
18 CLERK BLACKMON: Councilmember Alexander?
19 COUNCILMEMBER ALEXANDER: Yes.
20 CLERK BLACKMON: Councilmember Bates?
21 COUNCILMEMBER BATES: Yes.
22 CLERK BLACKMON: Councilmember Fleming?
23 COUNCILMEMBER FLEMING: Yes.
24 CLERK BLACKMON: Councilmember Pachuta?
25 COUNCILMEMBER PACHUTA: Yes.

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1 CLERK BLACKMON: Councilmember Pittman?
2 COUNCILMEMBER PITTMAN: Yes.
3 CLERK BLACKMON: Councilmember Roche?
4 COUNCILMEMBER ROCHE: Yes.
5 MAYOR JENKINS: Okay.
6 COUNCILMEMBER ALEXANDER: Mr. Strickland,
7 you had a concern, I believe it's on page 5, regarding
8 the standards to determine open space. The current
9 document says 40 percent, and you mentioned that
10 industry standard is 20 percent.
11 MR. STRICKLAND: Right. I mean we would
12 just have a much -- I mean we would have twice what
13 the industry standard is.
14 Now, just keep in mind we have very little
15 raw land in this city, so probably very limited
16 application of this ordinance.
17 COUNCILMEMBER FLEMING: So 20 percent would
18 make it more applicable to the developer?
19 MR. STRICKLAND: Yeah. I mean 40 percent's
20 twice -- you know, it's kind of twice the industry
21 standard.
22 But based on the limited use that we would
23 be able to -- you know, we've restricted it to the
24 residential, and it's basically written for outlying
25 counties that have raw land where you could do a

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1 conservation subdivision.
2 So I think you did the two, you know,
3 necessary changes, and then I would adopt it as-is.
4 COUNCILMEMBER FLEMING: Keeping the 40
5 percent?
6 MR. STRICKLAND: Yeah.
7 COUNCILMEMBER ROCHE: Did we ever have a
8 first reading?
9 ATTORNEY WEED: Yes, sir. This has already
10 been on a previous agenda.
11 COUNCILMEMBER FLEMING: Could we have a --
12 I'd like to make a motion to have a clean copy --
13 MAYOR JENKINS: Yeah.
14 COUNCILMEMBER FLEMING: -- with the changes
15 made prior to adoption.
16 COUNCILMEMBER ROCHE: I second that. That's
17 fine.
18 COUNCILMEMBER BATES: I'm fine with that.
19 MAYOR JENKINS: Okay.
20 CLERK BLACKMON: So, then, I'll move it to
21 the next agenda.
22 COUNCILMEMBER FLEMING: Thank you very much.
23 ATTORNEY WEED: And retain the 40 percent
24 language.
25 COUNCILMEMBER FLEMING: Correct.

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COUNCILMEMBER BATES: Yes.
MAYOR JENKINS: Okay. You're going to put that on the next agenda, right?
CLERK BLACKMON: Yes, sir.
MAYOR JENKINS: Okay.
CLERK BLACKMON: They made a motion, so we need to get a vote.
MAYOR JENKINS: Oh. I didn't know. Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: 10-minute break.
- - -
(Brief recess)
- - -

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MAYOR JENKINS: We're going into new business. Dwelling space, Pam Fleming.
COUNCILMEMBER FLEMING: Yes, sir. It has been brought to I think all of our attention that we do have or have had a severe problem in our neighborhoods where possibly homeowners have even rented out the whole home to someone and then they've taken in boarders. And it's becoming a problem because of not only the number of people that are living in those homes but also the number of vehicles, but I'm not really -- It's not on the agenda this evening to discuss the vehicle situation as it is the number of people.
In April of '09, we deleted from the zoning code of ordinances zoning code 809 and we adopted ordinance 2009-07 into the building regulation sections under Article VII for Dwelling Space. And at that time, we used the square footage of the home as a calculation for floor area of the room to determine the number of square feet per person that could feasibly be living in those homes.
And as I mentioned at that time a year-and-a-half ago, that one could be having boarders in their dining room and their living room and so forth, because we didn't go further into it to indicate that

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it had to have, you know, doors and so forth. So I was very concerned at that time that we didn't use the term "sleeping rooms" or "bedrooms."
And I wanted to address this again because I think the ease in being able to go to our tax base for Dekalb County web site to determine -- plug in the address, our code enforcement might find it easier to identify the home as being a three-bedroom home and that could feasibly be either six, and if there were children, obviously you could have bunk beds in them, so that would, you know, give a couple more people to the room.
There's been several neighbors in the Northwoods area particularly that have brought it to our attention, and this item is on the agenda for myself and Mr. Roche, and I would like us to readdress this because I think it is an issue.
And Mr. Roche, would you like to comment?
COUNCILMEMBER ROCHE: Yes. Again, as Councilwoman Fleming mentioned, we did take a crack at this before. I think we did make a lot of progress before. We got rid of things like a definition of "family" and some things that clearly didn't need to be here.
And I did speak to Mr. Winfrey on the 24th

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of September, and one of the things he mentioned was that he'd been able to shut down I think he said seven rooming houses since March, which was, frankly, news to me. Now, I'm not sure what ordinances he did that under or what the process was, and I'd requested that he be here tonight, and Major Atkinson, I guess, and Chief King were going to provide the information instead.
And what I'd like to find out is, first of all, what are our statistics as far as shutting them down? What are we doing as far as -- How do we shut them down? Do we use one ordinance or another ordinance or whatever, and are there any weaknesses or things that we can do in the ordinances now to make this easier or simpler to enforce?
We've had some very -- we had one very dangerous situation which I believe has been shut down finally, but it too, you know, the stabbing and every-thing else.
So I kind of want to just find out what the story is first, and then we'll go from there. Thank you.
CHIEF KING: Mayor, with your permission, if I could address some of the comments of Mr. Roche.
Sir, you are right. Both of you all are

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1 correct. The previous ordinance that we had, we
2 operated on you have to be a blood relative. It
3 became impossible to enforce. That just was not
4 working.
5 I think the City Council addressed that by
6 using the square footage of livable space. That
7 ordinance works. It has been very effective. We
8 actually have closed a total -- And it's not just
9 Mr. Winfrey. And the reason I wanted to discuss the
10 break to you all, or report, we've actually been able
11 to close 10 houses throughout the city, not just
12 Northwoods also.
13 And we've used a number of tactics, but the
14 primary key, the primary vehicle to be able to shut
15 these houses down has been the square footage of
16 livable space by looking at the bedrooms. The
17 challenge there is that, you know, the definitions are
18 relatively well.
19 Ms. Fleming brought the issue of the number
20 of vehicles, and perhaps that would be something that
21 you-all would consider. You just have to determine
22 how many vehicles is a reasonable for a house to have
23 in our residential areas, and that's something that I
24 really don't have a recommendation, because people --
25 You know, relatives. If you have for example several

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1 adults living in a house, potentially each one of them
2 could have their own vehicle, and it's something that
3 you all, with the advice or your lawyer, are to deter-
4 mine what is reasonable to have.
5 But we've been able to shut down a number of
6 rooming houses. I'll tell you, a great deal of this,
7 a lot of great deal of assistance, we get it from the
8 community. They look at signs, they look at the
9 number of activity, they call our quality of life.
10 Our quality of life goes and investigates the
11 situation. And if we can gain entry into the home,
12 then we can enforce it.
13 The challenge has been how do you gain
14 entry? As rental houses, the owners of these, what I
15 call the absentee owners of these rental houses that
16 turned into rooming houses, become savvier and savvier
17 because just as you are, you know, developing tactics
18 to deal with the problem, they are developing I guess
19 counter-tactics to be able to block us, and they used
20 the Fourth Amendment of our Constitution and said,
21 "No, you cannot come in."
22 If we don't have a probable cause or, you
23 know, a reasonable suspicion of a violation taking
24 place, then we can't go in.
25 Now, what we've done is develop a training

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1 and briefed our police officers that if they answer a
2 call -- for example, a disturbance, a domestic or
3 something -- and they notice the signs; for example,
4 our quality of life inspectors have been able to go
5 and brief our police officers. For example, a
6 permanent lock, a deadbolt lock in one of the interior
7 rooms, that would be an indicator that this house is
8 possibly a rooming house. That gives us additional
9 information that we can use the existing ordinance to
10 go and enforce that.
11 And that's something that we're using very
12 effectively. Ten houses in the last couple years,
13 we've been able to be very effective.
14 But a great deal of the thanks comes from
15 the community, especially Northwoods. They've been
16 very effective pointing us at these houses that we try
17 to use additional information, but sometimes we have
18 to be patient because the owners of the properties
19 have become very, very savvy of being able to block
20 us.
21 I don't know if that answered, gave you at
22 least sufficient information to kind of answer some of
23 your comments, sir.
24 COUNCILMEMBER ROCHE: Well, I just want a
25 clarification on one thing.

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1 CHIEF KING: Yes, sir.
2 COUNCILMEMBER ROCHE: Mr. Winfrey said that
3 it was seven houses since March. So you're saying it
4 was 10 houses in two years?
5 CHIEF KING: Yes, sir. We have more than
6 one quality of life employee. We have two people
7 doing this, and so --
8 COUNCILMEMBER ROCHE: I understand that. He
9 said seven since March.
10 CHIEF KING: Well, I'm looking. (Counting)
11 one, two, three, four. Well, sir, I'm looking at
12 about nine houses, sir, since March.
13 COUNCILMEMBER ROCHE: Since March.
14 CHIEF KING: Yes.
15 COUNCILMEMBER ROCHE: So basically the
16 enforcement kind of stepped up in March.
17 CHIEF KING: Yes, sir. I mean we are
18 making, I think we are dealing -- As we get
19 information and we can develop the probable cause,
20 we're able to deal with these.
21 COUNCILMEMBER ROCHE: I understand. I guess
22 that may be the -- You know, perception is important,
23 obviously, and it may be that, you know, if we had
24 nine since March -- In the previous year, how many?
25 CHIEF KING: Sir, we were able to deal with

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very few houses because the ordinance -- all they had to say is, "Oh, that's my cousin," or "That's my friend," you know, and that blood relation is what kept us from being able to effectively --

The only time we were able to enforce those is when some of these houses where, for example, they were using them as a house of prostitution or the bunks everywhere, and clearly they could --

COUNCILMEMBER ROCHE: I understand. Would the number of cars in a parking lot [sic] be probable cause for an ordinance like this? I mean if you see six cars in a three-bedroom house?

CHIEF KING: No, sir. Six cars in a three-bedroom house, I think potentially it could be said, "Yeah, every one of the adults living in this house has a car."

COUNCILMEMBER ROCHE: Well, I guess my question is --

CHIEF KING: But you-all will have to determine, I think with the advice of your lawyer, what is reasonable, and we'll be -- we'd be happy to enforce it.

COUNCILMEMBER ROCHE: Well, I guess my question is this, then: Given that since apparently things have stepped up from an enforcement standpoint

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and it looks like the ordinance we passed last time back in April 2009, if that's an effective ordinance, I'm wondering do we need to do something else or is there something else we need to be doing other than potentially looking at limiting the number of cars.

CHIEF KING: If you're going to look at something, sir, I would tell you that probably the number -- you-all determining what is a reasonable number of cars might give us an additional tool.

You know, you've heard the comments from the audience. We do have a couple places where people suspect that it might be a rooming house. Some of these places we have gone and we have not found the evidence that it's a rooming house.

But if you wanted to look at -- you know, the challenges, for example, we've gotten several calls where there's too many cars, and it turned out it was a Christmas party or a birthday party. And so we're going to investigate those.

COUNCILMEMBER ROCHE: Well, we have parking ordinances.

CHIEF KING: Yes, sir, but --

COUNCILMEMBER ROCHE: One of the first things that happened to me, I had my housewarming when I moved to Florida -- I mean moved here, and I had a

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cop at my door because I had people parking on Chestnut Drive. Certain city councilman sicced 'em on me, who's not here tonight.

But I mean obviously there's parking rules for people that park illegally for parties and that sort of thing.

CHIEF KING: We didn't give you a citation, sir.

COUNCILMEMBER ROCHE: No, you didn't, no.

CHIEF KING: That's right, sir. We want you to have a good time. We try not to stifle people just, you know, having -- you know what I mean.

It's bad when you -- you know, when you have somebody's birthday party and the police comes and says, "Hey, you know, get out," you know.

COUNCILMEMBER FLEMING: But in your opinion, if we were to try to give this ordinance a little more teeth to enforce the vehicle situation as a reason for entry, okay, would it then not be used, for instance, two per bedroom would be the allowable amount of vehicles?

CHIEF KING: Ma'am, I --

COUNCILMEMBER FLEMING: Not per square foot?

CHIEF KING: I have not seen yet -- and I know several other cities have tried. I would defer

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-- I would defer to probably the city attorney, ma'am, because he's the one who is going to have to defend the City.

I think if you all -- I think if you all determine what is reasonable --

I think two per bedroom I don't think is unreasonable, but that's just John King speaking.

I think if also you -- potentially, you can look at what -- how many cars can fit, legally park in front of your house, in your driveway, I mean. There are some houses that could not support six cars. That might be something else.

You know, the courts are going to be very, very, very conservative when it comes to allowing the police to enter somebody's home, and I think rightly so. I mean the Fourth Amendment is probably one of the most sacred amendments that I think we have next to freedom of speech.

COUNCILMEMBER ROCHE: Well, then maybe it's more -- it was just more of an issue of education, and now that people know what's going on, continue the monitor the situation, and if there's something we need to do, we can do it then.

CHIEF KING: I will tell you, sir -- Yeah. I will tell you, sir, that thanks to the people in the

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1 community who are watching for this, it's not just the
2 police department that has been able to step up
3 enforcement. We get better information and we get
4 better leads to be able to follow up on these. A lot
5 of the successes here have been because the community
6 has given us information --
7 COUNCILMEMBER ROCHE: Oh, I understand.
8 CHIEF KING: -- to enforce it.
9 COUNCILMEMBER ROCHE: They've provided it to
10 me, too, and that's how we get things done around
11 here, so. But obviously, to go from two in a year to
12 10 in seven months, that's obviously a great improve-
13 ment.
14 CHIEF KING: Yes, sir. We're addressing the
15 problem. The community has been very vocal about
16 these for many, many years, and I think we've got
17 adequate tools to deal with this.
18 The only thing that -- that if you're going
19 to look at, my recommendation is perhaps you look at
20 the number of vehicles. You know, I think it might
21 not be a bad idea to discuss with members of the
22 community and see what is a reasonable amount of
23 vehicles to have, might not be a bad idea.
24 COUNCILMEMBER FLEMING: Mr. Weed, before I
25 ask Council, do you have any experience with number of

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1 vehicles per home, trying to at least allow them
2 another piece of tool or another tool to gain entry
3 into the home?
4 ATTORNEY WEED: The legal answer to the
5 question would be, is it legally possible to craft a
6 local ordinance that regulates the number of vehicles
7 that can be on a residential lot or that can be parked
8 in the street in front of a residential lot? The
9 answer to that question is yes.
10 But it is very hard to craft those type of
11 ordinances because you're going to have to consider
12 not -- you're going to have to consider not just the
13 lot itself where the building resides and the
14 occupancy of the building. You also have to consider
15 the public street and whether or not the public street
16 allows parking as well. You're also going to have to
17 determine that if a person's parked in the public
18 street, are they actually visiting or living in a
19 particular home or building. And that's -- those are
20 really tenuous connections that it's going to be hard
21 for the police to figure out, in my opinion.
22 And John's here and he can tell me if he
23 thinks I'm wrong, but --
24 CHIEF KING: We had a problem years ago with
25 a gentleman that lives in Oakcliff and he collects

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1 cars. He's got a bunch of cars. You know, we went --
2 we approached this from, first of all, we had to make
3 sure that the cars were serviceable -- the insurance,
4 the tag -- and there was some adjustment there. The
5 person went and got, you know, their insurance and
6 their tags, but the house has three -- I think it's a
7 three-bedroom house and I know he's got about four
8 vehicles just because he's a collector. He collects
9 vehicles.
10 It's tough to -- I hate not to give you an
11 answer, ma'am, but those are the problems that we've
12 encountered in the past dealing with this.
13 COUNCILMEMBER PACHUTA: Murray, I can
14 envision limiting, you know, number of cars per size
15 of lot or something like that, but when it comes to a
16 public street, without making the street no parking,
17 can you really --
18 ATTORNEY WEED: I don't know --
19 COUNCILMEMBER PACHUTA: -- enforce that?
20 ATTORNEY WEED: -- that you could do that.
21 COUNCILMEMBER PACHUTA: Okay.
22 ATTORNEY WEED: In other words, if someone
23 who lives in the home is lucky enough to get the
24 parking spaces in front of their home, they've got,
25 you know, three or four cars there --

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1 Or let's assume the worst-case scenario.
2 Let's say it truly is an illegal boarding house and
3 they've got, you know, a half dozen people living in
4 there who are actually paying rent and each individual
5 room's got a bolt lock on it. You know, it's hard to
6 regulate that by number of cars, because if you are
7 parked legally in the street, you know --
8 Although in a probable-cause stop, you know,
9 first off, what would be the probable cause to stop
10 someone who is legally parked, walking up to that
11 home, you know? I don't know that there would be.
12 COUNCILMEMBER PACHUTA: Yeah. I can't see a
13 way that that would gain police officers better entry
14 into the home. I don't see that that would really get
15 you any probable cause.
16 ATTORNEY WEED: If you're going to try to
17 craft this kind of ordinance, it would probably be
18 what I'd call -- it's more akin to an aesthetics
19 ordinance. And you've already got a no parking of --
20 You know, if a vehicle is disabled or up on blocks and
21 that type of thing, you've already got a pretty good
22 ordinance that deals with those issues.
23 And so if you're going to deal with the
24 number, then I think you'd have to -- you've got to
25 deal with some kind of clear, objective lines: the

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size of the lot, the size of the driveway. Currently, you guys allow pads in addition to driveways.

So is it possible to regulate the amount of parking per lot? Sure it is.

But that's how I would do it. I wouldn't do it so much based upon how many rooms in the home. I would base it on the size of the lot, because then you're going to -- because you already have parking ordinances that deal with you allow RV's and parking pads, you know, and nonpaved services.

So it gets a little -- it's doable, yes, but I would do it on the basis of what are the numbers, how big is the lot, you know, how much impervious surface is there, doing those calculations, and whatever's left, you get to park that many cars. It's an idea.

COUNCILMEMBER PITTMAN: Several years ago we tried to work on this with the cars, and we just steered away from it. In fact Dunwoody just went through this and pulled away from it for that very reason.

I mean we have one neighbor now that lives alone, and he's got five cars in his driveway because he's collected cars too. So I don't know. I don't know that it would -- again, I don't think you could

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gain entry just based because you've got, you know --

CHIEF KING: I would recommend at this point, I think we're making a really good dent on this problem. I would recommend that we continue working this and encouraging the community to continue calling us and give us -- you know, the indicators are there, and we'll develop them and we'll continue working it.

We normally don't publicize the number of places that we shut down, sir, because we write a lot of citations. We take a lot of enforcement action. But if you want maybe perhaps -- since I now realize that this is a hot topic for the Council, maybe we could provide you-all an update every couple months just to give you kind of a snapshot of how effective the ordinance is to see if we still have a problem.

COUNCILMEMBER ROCHE: Well, we get monthly QOL reports, right?

CHIEF KING: Yes, sir.

COUNCILMEMBER ROCHE: Maybe just note that there, and I think now that people know what's really going on, it sounds like ever since this particular neighborhood watch group has started up, it seems like it's been very effective.

So I would ask that that continue and maybe even expand in other parts of the city. But at the

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same time, if Officer Winfrey or someone from QOL starts realizing that there if there's some kind of a problem with our ordinances, to bring it to our attention as soon as we can --

CHIEF KING: Yes, sir.

COUNCILMEMBER ROCHE: -- and get that straightened out.

CHIEF KING: We bring a lot of these, sir, a lot of the modifications -- requests for modification for our ordinances during the biweekly staff meeting that we have with the Mayor and his staff, and we're constantly looking at adjusting some of the things.

I mean we read the recommendations, for example, in the alcohol ordinance because we want to start going after some of the establishments, especially with the problems that we have right now with alcohol being served to minors.

COUNCILMEMBER FLEMING: I think Ms. Alexander had something.

COUNCILMEMBER ROCHE: I'm sorry.

COUNCILMEMBER ALEXANDER: Well, I believe it was the City of Roswell that did enact a car issue, and the reason it ended up in court is I think another challenge to enforcing the number of cars is what is the time period.

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The case that ended up in court was a family that all their adult children came home for Christmas, and he was cited during their holiday visit because he had five additional cars in his yard. So how do you prove that they are not living there, that they're visiting? I mean are you going to get into a meter-maid kind of thing with your chalk mark and the tires? So I think that's another challenge.

ATTORNEY WEED: Yes, ma'am. You'd literally have to do that.

CHIEF KING: We would have to.

ATTORNEY WEED: You'd have to take a photograph from the street or go chalk the tires or -- that's correct.

CHIEF KING: Officer Grinch does not work for us, by the way.

COUNCILMEMBER BATES: If my understanding is correct, one of the challenges that we've got regarding the boarding houses is the actual ability to gain entry.

CHIEF KING: That's correct.

COUNCILMEMBER BATES: But that's controlled by State law.

COUNCILMEMBER ALEXANDER: By the constitution.

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1 COUNCILMEMBER BATES: Well, there's two
2 pieces. There's a State law that says that we can't
3 regulate rental properties by allowing them to regis-
4 ter or by requiring them to be inspected; is that --
5 ATTORNEY WEED: Correct.
6 COUNCILMEMBER BATES: Can you --
7 ATTORNEY WEED: A local government adopted a
8 local ordinance that mandated that rental properties
9 had to be inspected. The rental lobby went to the
10 State and had a State law adopted so a local govern-
11 ment cannot adopt a local ordinance that requires that
12 a rental property, you know, be inspected for when the
13 next tenant comes and takes it over. You can't do it.
14 It's been preempted by State law.
15 COUNCILMEMBER BATES: And you have --
16 Because I've asked you this question and you provided
17 it to me, could you for the record state what that
18 State law/ordinance/code section is?
19 ATTORNEY WEED: I will have to look it up
20 again. I mean I don't remember it off the top of my
21 head, but that is the law.
22 COUNCILMEMBER BATES: Okay.
23 ATTORNEY WEED: I believe it's in Title 36
24 but I'm not entirely sure.
25 COUNCILMEMBER BATES: That sounds correct.

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1 I'll re-forward that out. And what I would
2 encourage everybody to do would be to contact our
3 State legislators if this is an issue in our
4 community, as I know it is in other communities. Work
5 on the State legislators and get them to try to amend
6 that to allow us to do a registry or an inspection
7 program of some sort. I don't know that we'll get
8 much luck out of that, but that is an easier solution
9 to get it addressed from the local level is by
10 attacking it from the State side.
11 We're preempted in gaining entry into the
12 homes by the State law, and that's very frustrating on
13 an enforcement side, so --
14 COUNCILMEMBER FLEMING: Well, there --
15 ATTORNEY WEED: There is --
16 COUNCILMEMBER FLEMING: -- has to be, you
17 know, and though I understand that -- and you're
18 absolutely right, we do need to move forward with our
19 State legislators.
20 But safety codes and fire codes with the
21 number of people that are in there, surely there is
22 something that we could -- Go ahead.
23 ATTORNEY WEED: There is. There is one
24 thing, and the police are aware of this, and I think
25 I've done a memo to quality of life about it.

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1 Essentially for our purposes there are two
2 kinds of search warrants. One is a traditional
3 criminal search warrant, and you have to have probable
4 cause to get one from a judge.
5 But there's also a thing called an adminis-
6 trative search warrant. And the probable cause
7 threshold, while required, is less than a criminal
8 search warrant. For example, for an administrative
9 search warrant, the fact that a home or a building has
10 not been inspected in a year, that in and of itself
11 can be the probable cause for an administrative search
12 warrant, but they still have to go to the judge, they
13 still have to get the warrant signed. But that is out
14 there, it's constitutionally tested in the Supreme
15 Court. That does exist; there is the ability to do
16 that.
17 So once again, if neighbors call in and they
18 see people coming and going at all hours of the night
19 or, you know, that type of information can be provided
20 to the judge and the judge can make the determination
21 about whether that's adequate probable cause to enter
22 the home; and that plus, "Oh, we haven't inspected
23 this building in 20 years." So there is that.
24 COUNCILMEMBER FLEMING: I want to ask a
25 question for you first, Mr. Weed, and then for Chief

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1 King.
2 Well, let me ask Chief King first.
3 The number that have been quote/unquote shut
4 down, what is your term of "shutting down?" I mean is
5 the home --
6 CHIEF KING: We've issued --
7 COUNCILMEMBER FLEMING: Well --
8 CHIEF KING: -- a citation.
9 COUNCILMEMBER FLEMING: Well, let me say
10 this. Is the homeowner living in the home when you
11 shut them down?
12 CHIEF KING: The majority -- I do not have
13 that information, ma'am, but I will tell you that in
14 my experience very few of them are.
15 They're absentee landlords that rent out
16 usually through an agency and the agency basically
17 rents the home. And then what happens, they'll rent
18 the home to one person, and then that person turns
19 around and sublets --
20 COUNCILMEMBER FLEMING: Right.
21 CHIEF KING: -- the rooms to a group of
22 people.
23 COUNCILMEMBER FLEMING: Okay. And in those
24 cases, your term "shut down," tell me, they're no
25 longer in that house?

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CHIEF KING: They are no longer in the house. We have issued a citation to the owner of the property and gone to court, and the judge has ordered them to make those people vacate, and then we inspect the property to make sure that that order has been carried out.

COUNCILMEMBER FLEMING: Okay. Then my next question for you, Mr. Weed, is those that we have actively shut down and the homeowners were not indeed living there, could we not go on Dekalb County's tax base to determine whether that homeowner filed homestead exemption on those homes saying that they were the owner and they were living there, and we can put a lien on them to get our moneys back for taxes?

ATTORNEY WEED: Well, we could certainly do the research for that, and you can go back seven years for back taxes owed, and plus I mean it's -- Although I don't happen to know off the top of my head which Title 16 statute it is, I'm sure it's a crime to cheat on your taxes, probably a felony in Georgia.

COUNCILMEMBER FLEMING: Because generally speaking, once you do your homestead exemption, I mean after you've done it the first two years, I mean it's there for life, basically.

And so I would be curious as to if those

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homes were actually notated as, you know, homestead exemption. I'd like to go after them, personally.

ATTORNEY WEED: I think that's entirely possible.

COUNCILMEMBER FLEMING: So with those addresses, I'll take a copy of that and we'll start on it tomorrow maybe.

Were there any other comments from Council? We'll leave the ordinance as is.

But I want to thank the Oakcliff Neighborhoods Association as well as the Northwoods Watchdogs for aiding your department in shutting down 10 in the last five or six months --

CHIEF KING: Yes, ma'am.

COUNCILMEMBER FLEMING: -- so congratulations to all of them.

- - -

(Applause)

- - -

COUNCILMEMBER ROCHE: Thank you.

COUNCILMEMBER FLEMING: Thank you, Mayor.

MAYOR JENKINS: All right, Pam. Thank you. Turn to 2.

COUNCILMEMBER PACHUTA: Yeah. I was talking to our finance director, Ms. Wilson, and this is one

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of the recommendations she had made during the budget process.

Obviously, we're running a shortfall this year, the economy, and one of the things that she had recommended -- well, there's two items for this agenda item. One of the things she had recommended was changing the employee payroll from weekly to biweekly, and from her conversations with Altera, which is our payroll provider, that would save about six or seven thousand dollars a year switching to the biweekly payroll. And she wanted for us to make that decision now so we can give the employees several months to prepare, to adjust their own budgets, and obviously they'll be paid the same but it will be every two weeks versus every week.

The other issue is she is ready to send out an RFP if we wish. Our contract with Altera runs out at the end of this year. On the other hand, she says she's also very pleased with Altera's services. She is fine in extending the contract. She's confirmed with them that they will keep the same price per check and also they will keep the same price per check if we go to a biweekly payroll. However, our processing fee which is currently $20 per pay period will go up to $35 per pay period switching to biweekly, so I think

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that's a couple hundred dollars more. But we're still saving money because right now every check we issue we have a per-check fee, and so this would only -- we would only get that fee every two weeks versus every week.

And then, again, we need to decide whether to retain Altera, extend the contract for another year.

She said they have some other services that she wants to look into to see if that would save us money, looking at some of the benefits stuff that Rhonda currently performs that may be cheaper for them to take that over, and that is something she wants to look at if we're going to retain Altera.

So I will just open it up for discussion.

COUNCILMEMBER FLEMING: Well let me talk about the RFP first. Payroll is such a -- since Altera's taken over, I understand they've done an outstanding job for the City, and that type of service, to me, we should possibly consider putting onto a two-year contract.

I mean let them go for one more year. I don't want us to ever try to go over a two-year term, because we're always changing terms every two years. But with that type of service, I think they've proven

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1 themselves over the last year, and I'd like to retain
2 them for 2011 and go out for RFP for 1012 to 2014.
3 But that's my opinion on the RFP, so why
4 don't we discuss each issue?
5 COUNCILMEMBER PACHUTA: Right. Ms. Wilson,
6 she's very happy with Altera. And like she said, they
7 do have some other services that she wants to look
8 into and she'll propose to Council if we decide to
9 continue with them, if they have some kind of like a
10 pay card type thing. Rather than your money going to
11 a checking account, it goes -- I don't know if it's
12 like a debit type card?
13 CLERK BLACKMON: It's like a debit card.
14 The employee can use that as a debit card or they can
15 take all the cash off of it and have the cash, however
16 they wish.
17 COUNCILMEMBER PACHUTA: Right. The other
18 thing she was looking at --
19 CLERK BLACKMON: Time management.
20 COUNCILMEMBER PACHUTA: -- is time manage-
21 ment, where right now employees are handwriting, that
22 they can do an electronic time management.
23 But again, if we decide to maintain Altera,
24 those are things that she does want to explore with
25 them also.

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1 COUNCILMEMBER FLEMING: Now, those modules
2 would be additional --
3 COUNCILMEMBER PACHUTA: There would be --
4 COUNCILMEMBER FLEMING: -- money?
5 COUNCILMEMBER PACHUTA: -- additional cost,
6 and that's why she wants to --
7 First, I think she wants to find out to make
8 sure, you know, if we're going to extend the contract
9 with them, and then to look at -- because some of the
10 stuff you do currently --
11 CLERK BLACKMON: Correct.
12 COUNCILMEMBER PACHUTA: -- and to compare
13 the cost between Ms. Blackmon continuing to do it
14 versus Altera picking it up.
15 But the main thing she wanted to know is
16 whether or not she should prepare an RFP or if we're
17 going to extend the contract for another year.
18 MAYOR JENKINS: If we extend the RFP, we'll
19 be able to work with them much more. They'll give us
20 more benefits.
21 CLERK BLACKMON: And they offered to lower
22 our processing fee from -- if we stay at weekly, from
23 20 to 15 versus the 35 biweekly.
24 COUNCILMEMBER PACHUTA: And they say the
25 per-check fee would still be $1.75.

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1 CLERK BLACKMON: Correct.
2 MAYOR JENKINS: Do you want to make that in
3 a motion?
4 COUNCILMEMBER PACHUTA: I'd like to make a
5 motion that we extend Altera's contract for another
6 year at least to have Ms. Wilson and Mr. Weed
7 negotiate that to bring it back before Council.
8 COUNCILMEMBER ROCHE: I second that.
9 MAYOR JENKINS: Okay. Any more discussion?
10 COUNCILMEMBER ROCHE: Just that -- and I
11 think this has come up several times since I've been
12 up here. I think it was actually a couple years ago
13 we had a lot of discussions about the electronic time-
14 keeping, because the paperwork is just very time-
15 consuming. And maybe we need to look into that, what
16 the cost would be, because a lot of times they're cost
17 effective.
18 I believe we spoke -- just the police
19 department, I think, said several hours a week just
20 maintaining this. And so I think that going
21 electronic might be a good thing to do.
22 And the rest of it is on the other topic.
23 MAYOR JENKINS: What's your other -- You
24 have more comments on that?
25 COUNCILMEMBER PACHUTA: Do we have a second?

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1 COUNCILMEMBER ALEXANDER: Bob seconded it.
2 COUNCILMEMBER PACHUTA: Okay.
3 MAYOR JENKINS: Call the roll.
4 CLERK BLACKMON: Councilmember Alexander?
5 COUNCILMEMBER ALEXANDER: Yes.
6 CLERK BLACKMON: Councilmember Bates?
7 COUNCILMEMBER BATES: Yes.
8 CLERK BLACKMON: Councilmember Fleming?
9 COUNCILMEMBER FLEMING: Yes.
10 CLERK BLACKMON: Councilmember Pachuta?
11 COUNCILMEMBER PACHUTA: Yes.
12 CLERK BLACKMON: Councilmember Pittman?
13 COUNCILMEMBER PITTMAN: Yes.
14 CLERK BLACKMON: Councilmember Roche?
15 COUNCILMEMBER ROCHE: Yes.
16 COUNCILMEMBER PACHUTA: Okay. So the second
17 issue, and it's more touchy for employees, but again,
18 Brian's doing new calculations here, see if it would
19 save us -- looking at anything to save money.
20 COUNCILMEMBER BATES: When they say the
21 $1.75 per check, does that include -- like I'm in
22 direct deposit -- does that include the printing of
23 the --
24 COUNCILMEMBER FLEMING: Transaction.
25 COUNCILMEMBER BATES: -- the fake check?

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CLERK BLACKMON: Yes.
COUNCILMEMBER FLEMING: So it's a transaction fee, processing fee of each employee, I guess.
COUNCILMEMBER BATES: How many employees?
CLERK BLACKMON: Coming and going, roughly about 115.
COUNCILMEMBER BATES: 1-1-5?
CLERK BLACKMON: Yes, sir.
COUNCILMEMBER BATES: Okay.
CLERK BLACKMON: The other area we went out there and explored, we currently have a courier bringing the checks, and if we go to the pay card, we would eliminate that. That's $800 a year.
COUNCILMEMBER BATES: It's roughly -- right now, it's roughly costing us $10,000 -- $10,500 a year to do weekly. It would drop to $5,200 to do biweekly. The processing fee would go from seven eighty annually to nine ten annually, so it would be a savings of right at $4,000.
COUNCILMEMBER PACHUTA: Plus the $800 courier.
COUNCILMEMBER BATES: Plus the $800, right.
CLERK BLACKMON: Well, that would be either way. If we switch to the --
COUNCILMEMBER PACHUTA: Oh, okay, card. Got

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it.
CLERK BLACKMON: -- card, yeah, that's irrelevant.
COUNCILMEMBER BATES: So we've talked about moving it to biweekly for ever since we've been up here --
COUNCILMEMBER ROCHE: Right.
COUNCILMEMBER BATES: -- and we've acquiesced and acquiesced, and I'm ready to make the decision effective January 1.
COUNCILMEMBER FLEMING: I would like to discuss a little bit longer.
COUNCILMEMBER BATES: Sure.
COUNCILMEMBER FLEMING: And the reason why I want to discuss a little bit longer, because it's very difficult, I think, for some of our employees that are working week to week, paycheck to paycheck. Many of them have already got their automatic payments, you know, their pay schedules, you know, they've got their dates that they pay specific things.
So I want to try to keep it weekly but possibly -- the reason why I say "weekly," and not just the reason why I say weekly -- but I think they would be more accommodating to take $1.75 out of their each and every paycheck to keep it weekly, and they'd

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be paying the processing fee. And I'd like that to go to the department heads for a review of maybe taking a poll of their employees versus us saying, "Let's go to biweekly," and messing up the employees that we presently have that really do need it on a weekly basis.
COUNCILMEMBER PACHUTA: And I guess I look at it as we really need to start saving money somewhere so that we can avoid furloughs and layoffs and anything in the future.
COUNCILMEMBER FLEMING: Well, we could start this November 1 if we wanted to by saying $1.75 is going to be the processing fee out of your paycheck.
COUNCILMEMBER PITTMAN: What have you heard? I mean when we discussed this the last time, I did hear some feedback that this would be a huge problem for some of the employees who literally live from week to week to week. Have we had any input?
CLERK BLACKMON: Not at this time. I have not asked the department heads. But last time, the department heads were not in favor of it for that reason.
That's never been offered before.
COUNCILMEMBER PACHUTA: I think Chief King, you indicated that you would prefer a biweekly

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payroll?
CHIEF KING: Yes, ma'am, I would, and I'll tell you the reasons why.
The reasons as a department head -- and I'm leery about taking polls, ma'am. Maybe it's just because the police department is a paramilitary organization and I guess I don't want to institute anarchy because of course everybody would want to give themselves, you know, a thousand dollar pay raise.
The two-week pay period gives me the ability that when an employee works an extra set of hours -- court, an emergency -- that two-week pay period gives me the ability to get them to take off time. That way, I won't have to pay them the overtime. It's a way for me to try to control overtime, overtime costs, and that's -- you know, the Council spoke, in my opinion, very loudly when they said, "Hey, Chief. You need to cut down the overtime, you need to cut down any of the extras because times are very tough."
And I've been -- probably of all the department heads, ma'am, I've been the one that's been asking for that flexibility. And the reason for the flexibility that I request is my Mondays are shot, Major Atkinson's Mondays are shot; every one of my supervisors' Monday mornings are shot because we're

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signing -- you know, like Mr. Roche pointed out, every one of the supervisors is signing a payroll to turn in manually.

And the problem is with a one-week pay period, I have no flexibility getting all the patrolmen to take off, and so that puts me in a tough bind because I'm watching the bottom line very carefully.

COUNCILMEMBER ROCHE: Well, one of the things that sometimes helps is -- and I'm very much in favor of going to two weeks. But from a budgetary standpoint and from a management standpoint, a lot of times doing it twice a month is actually easier, because when you go every other week, what happens if someone's -- you'll have three paychecks.

CHIEF KING: Yes, sir. I used to pay child support every two weeks so I know the feeling.

COUNCILMEMBER ROCHE: So I don't know if we want to go there or not. I'm very much in favor.

You know, the thing that was mentioned -- Well, Chief King kind of took the words out of my mouth, but just from an efficiency standpoint and the amount of time, when you do something in two weeks instead of one week, you save a lot of time. So yeah, it's cheaper in terms of the transaction costs but it's also cheaper in the --

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CHIEF KING: Personnel costs --

COUNCILMEMBER ROCHE: -- personnel.

CHIEF KING: -- and management cost.

COUNCILMEMBER ROCHE: People are busy being department heads instead of being payroll clerks. And that's why still I think we ought to carry this forward.

In fact, I wouldn't be adverse to taking the money we save on this and instituting an electronic time-keeping system, because I think in the long run it's still cost-effective. I've been familiar with them before, and they usually do save a lot of money, they make it a lot easier, plus they make it a lot easier because it's all electronic to keep track and manage the hours, manage the overtime and manage the, in our case, comp time, et cetera, et cetera, so I'm very much in favor of going two weeks.

COUNCILMEMBER PACHUTA: Well, I'm going to make a motion and we'll see what.

I make a motion to change employee payroll period from weekly to biweekly effective 1/1/2011.

COUNCILMEMBER ROCHE: And I second that.

MAYOR JENKINS: Any more discussion?

- - -

(No response)

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- - -

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: No.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: No.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Motion carried.

MAYOR JENKINS: Thank you.

COUNCILMEMBER PACHUTA: And I guess, Mayor, if we could go ahead and start sending out notices to employees, and maybe we can get with Ms. Wilson about that so that they can have several months to prepare.

MAYOR JENKINS: Okay. You said as of what, January 1st?

COUNCILMEMBER PACHUTA: Uh-huh.

CLERK BLACKMON: I'll handle that since I do payroll.

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MAYOR JENKINS: Okay.

COUNCILMEMBER PACHUTA: That's it.

MAYOR JENKINS: Okay. Tree ordinance, Steve Strickland.

MR. STRICKLAND: I will try to give the short version of this. It can get kind of complicated. But basically our tree ordinance as it's written now, pretty much everything that you do construction-wise is going to trigger our tree ordinance, and what we're trying to do here is handle what is called -- what I would call the --

COUNCILMEMBER ROCHE: Can you speak up some?

MR. STRICKLAND: -- trying to handle what I would call the campus effect, okay?

For example, you have a campus like a college campus and it's a large tract of land, and all they want to do is they want to come in and they want to demo and rebuild one of their buildings. But the tree ordinance as it's written is going to make them basically comply with the entire property even though they are going to, you know, only disturb a very small portion of it.

So you take it -- for example, if they just want to demo and rebuild one building or build a building that's very small but it's on a larger tract

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of land, right now they have to comply with all the requirements of the tree ordinance.

And so there's basically two ways to handle that. What you can do is -- and what we want to do is we want to look at just the area of disturbance but also limit that area of disturbance, and we're going to limit it at 5,000 square feet. So that would allow an owner, a developer -- you know, this is basically existing property, not, you know, new construction from the ground up, or demo and reconstruction on an existing site -- and to allow them to look at an area of disturbance but limit it to 5,000 square feet.

You know, we're going to give them the leeway to do something on their property but not, you know, go out there and say, "Oh, well, we've got a 10-acre site and we're going to disturb nine acres." We're still just doing limited disturbance just to try and kind of put a handle on this.

Some of the other regulations are going to be that they could really -- any property could only -- I believe it's use this one time in a five-year period so that you don't go out there and piece together, you know, 5,000, 5,000, 5,000 and then you've ended up disturbing, you know, 90 percent of the property.

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There's other stipulations in it, but, you know, we want to -- the tree ordinance basically gets triggered any time a land disturbance permit is pulled, and that includes, you know, basically anything right now including demolition; whereas you could do demolition in residential and just pull a building permit and that would not trigger the tree ordinance. But anything that you do on commercial property -- because until we get to the actual structures themselves, we don't have a building permit on commercial -- it's pretty much going to trigger a land disturbance permit which triggers the tree ordinance.

You know, this is just an attempt. This was, you know, basically put forth by the Council that we're going to allow a certain square footage of construction within a larger parcel.

And we will -- we'll just make them look at the area of disturbance. We would still -- we would get compliance with the tree ordinance for that area but not the entire parcel, because, you know, for example, for 5,000 square feet you might be looking at less than 10 percent of a total area.

COUNCILMEMBER ROCHE: Is it possible to have the tree ordinance triggered by plans to cut down trees?

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MR. STRICKLAND: If it's associated with new construction. Basically, the tree ordinance only applies to new construction which makes you get a land disturbance permit. In other words, you have to have the new construction first --

COUNCILMEMBER ROCHE: I understand that. I guess --

MR. STRICKLAND: -- to require that permit.

COUNCILMEMBER ROCHE: -- my question is --

MR. STRICKLAND: Just cutting down trees if they're not building anything --

COUNCILMEMBER ROCHE: No. I'm sorry. I should have worded it differently.

If you're going to build something, and to build this, it's not -- you're not going to cut down any trees.

MR. STRICKLAND: Yeah. It's basically -- the tree ordinance is kind of unforgiving, a lot of people would say, you know, "We're not cutting down any trees, we're not changing the existing tree canopy. You know, why do we have to comply with the tree ordinance?" But basically it is unforgiving.

When you pull an LDP, you have to meet the requirements. In other words, for example, if you went and bought an old farm and wanted to build a

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subdivision, that's the developer's argument, that there were no existing trees there, you know; we're not taking any down, we're not -- and then, you know, we have to come back with a certain number of density units per acre.

And it's like, yes, that's how they are written. It's not a no-harm/no-foul. You pull an LDP, you meet the requirements, and there's no wiggle room, basically.

COUNCILMEMBER ROCHE: Are most tree ordinances like this, like the one we have here in Doraville?

MR. STRICKLAND: Well, unfortunately they did a study of tree ordinances in the state, and you go from city to county and just about every city and county has one and just about every city and county is different. There was no -- it's not regulated like erosion control is, by the State, so each community came up with their own and it was literally just all over the map as far as preserving existing trees or not, the density, the values; completely no -- not uniform in any way.

But most of them, I would say yes if you -- You have to meet the tree ordinance. Even if you buy a farm, a parking lot or a building or any piece of

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1 property that has no trees on it, the tree ordinance,
2 you know, most of them will make you plant back.
3 So like I said, it's not a no-harm/no-foul.
4 It's --
5 COUNCILMEMBER ROCHE: Thank you.
6 MR. STRICKLAND: -- you meet the require-
7 ments.
8 COUNCILMEMBER BATES: The 5,000 square feet
9 encompasses the entire land that's being disturbed or
10 potentially being disturbed, not necessarily just the
11 building or structure that's being erected; is that
12 correct?
13 MR. STRICKLAND: Yeah. You have to define.
14 First of all, we're going to make it contingent or,
15 you know, it has to be one -- one area. You can't --
16 you know, it's not 1,000 here and 500 here and, you
17 know, jumping all around. It has to be contiguous.
18 And basically, yeah, the engineer -- I mean
19 you have to define a limits of disturbance or a limits
20 of construction. And the way we would look at that
21 is, you know, your project area or any time you're
22 getting back down to bare dirt. You know, where are
23 we getting back down to what has been disturbed?
24 COUNCILMEMBER BATES: And would this apply
25 to -- and Murray, you may know this -- if someone were

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1 to demo a building but not replace it?
2 MR. STRICKLAND: Well, that's another thing.
3 I think we can do this with the tree ordinance and
4 this would be a good step, but then you have to --
5 The next thing we'll have to do is really
6 define demolition, probably in the building regs,
7 because I mean I can think of, you know, four types of
8 demo right now. You can do an interior where you just
9 gut the building but you keep the structure. You can
10 demo down to the slab. You can demo including the
11 slab. And then based on their future plans, I mean,
12 if they're coming right back with a building, they may
13 start construction very soon and, you know, pour a new
14 slab; or you may get down to bare dirt, they grass it,
15 stabilize it and that's it.
16 I mean that's just -- there's not one type
17 of demo. I mean that's just four that I can think of,
18 and there's probably more. I mean you have -- you
19 kind of have to define what you want to allow with
20 demo, like do you want -- you know, wait until you
21 have new plans, or can you demo?
22 You also have to look into if the -- you
23 know, if the structure is deemed unsafe, they may
24 legally be required to demo. It may not even be their
25 choice, if we condemn a building, they may have to

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1 demo it.
2 You always have the slab and the bare dirt
3 question. You've got -- like I said, you've got
4 interior redo's that, you know, there's a lot of
5 demolition but they never get down, you know, past the
6 slab. Are they taking a roof off?
7 I mean kind of have to define demolition,
8 and that would probably be in the building regs, and
9 we might want to handle that with either a building
10 permit that includes demolition or just a demo permit.
11 COUNCILMEMBER ROCHE: What about like fire
12 damage where you had to tear something down --
13 MR. STRICKLAND: Yeah. See that --
14 COUNCILMEMBER ROCHE: -- and rebuild it?
15 MR. STRICKLAND: Yeah. That might not --
16 that's not going to be their choice.
17 COUNCILMEMBER ROCHE: The point is, so if
18 someone's building burned down, then they would have
19 to plant trees, potentially, to build it back?
20 MR. STRICKLAND: If they were -- you know,
21 again, if it was just interior.
22 COUNCILMEMBER ROCHE: No. If the building
23 is fire damaged and so the building must be demolished
24 and rebuilt, this is triggered.
25 MR. STRICKLAND: Depending. If they can do

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1 it with a building permit, then no. If they need a
2 land disturbance permit --
3 COUNCILMEMBER ROCHE: I see. Okay.
4 MR. STRICKLAND: -- then yes. And that's --
5 you know, again, you get into some, you know, gray
6 areas between building, you know, structure only and
7 actual land disturbance which is usually --
8 COUNCILMEMBER ROCHE: I understand. Thank
9 you.
10 MR. STRICKLAND: So I think that the
11 limitations we're putting on it is, you know, a square
12 footage, a time limit; it has to be contiguous, it has
13 to be, you know, within basically commercial zoning,
14 so on and so forth, so that they -- you know, it
15 doesn't -- they use it for what they need to use it
16 for but it doesn't really get, you know, out of hand
17 so that you're using this to completely redo a
18 commercial center without ever pulling an LDP.
19 I mean and this -- you still have to get,
20 you know, an LDP. We're just sort of giving them an
21 option to --
22 COUNCILMEMBER ROCHE: I see. This doesn't
23 (inaudible).
24 MAYOR JENKINS: Anything else?
25 COUNCILMEMBER FLEMING: I personally think

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1 5,000 square feet is too small of an area before it's
2 triggered. I think we need to promote -- promote
3 redevelopment and also promote cleaning up some of the
4 old dilapidated buildings as well.
5 So my preference would be to change that to
6 a continuous 5,000 -- I mean to 10,000 square feet but
7 not of the area but of, for instance, the building
8 itself that they're going to be constructing, not the
9 area in which it's going to be sitting on is my
10 preference.
11 MR. STRICKLAND: Well, we threw several
12 options out there. The suggestion actually came back
13 from Council.
14 Another thing you could do is you could do
15 an area of disturbance with a total percentage
16 allotment. In other words, you can disturb whatever
17 you want as long as you're not doing more than 20
18 percent or 30 percent or 40 percent of the total, and
19 then that gives a little bit more, you know,
20 flexibility, but --
21 You either do that or you just pick a square
22 footage and draw a line in the sand and say it's
23 5,000, 10,000, you know, whatever. And it's hard to
24 say, because every project, every piece of property
25 and every project is basically unique, so, but I think

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1 you have to -- you kind of have to draw a line in the
2 sand somewhere.
3 And even ten -- you know, 10,000 square feet
4 puts you right at, you know, it's a quarter of an
5 acre. You know, you got an eighth of an acre or a
6 quarter of an acre and you look at buildings, what
7 they might be trying to do, you know, in a parking
8 lot. So there's several ways you could -- you could
9 go about this.
10 It's probably not going to be used a whole
11 lot, because if they're going to completely redo a
12 commercial piece if property, you know, they'll go
13 through the full gamut with construction plans and
14 what they plan on doing, but it'll give them some
15 leeway to make --
16 You know, this is almost like for
17 modifications on an existing piece of property that's
18 not going to be completely redeveloped.
19 COUNCILMEMBER BATES: I'm not interested in
20 passing this tonight. I want to look at the numbers a
21 little bit.
22 And I appreciate you guys spending time and
23 looking at different options and coming back to us.
24 I think this'll appear on the next agenda
25 for hopefully passing, then it may modify a little

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1 bit. And I'm the one that threw out the 5,000 square
2 feet to begin with, so that --
3 MR. STRICKLAND: Yeah. I mean you got to --
4 COUNCILMEMBER BATES: -- that came from me.
5 MR. STRICKLAND: You got to pick a number.
6 COUNCILMEMBER BATES: Yeah. It's a start.
7 In my mind, it was a starting point: Let's put it out
8 there and, you know, see what sticks and go from
9 there.
10 COUNCILMEMBER PACHUTA: Right. But you
11 know, I don't want to water the tree ordinance down
12 too much, either.
13 MR. STRICKLAND: No.
14 COUNCILMEMBER PACHUTA: Can you elaborate
15 like why this method was chosen versus a percentage?
16 ATTORNEY WEED: Council told us to do it.
17 MR. STRICKLAND: Yeah.
18 COUNCILMEMBER PACHUTA: No, I mean I don't
19 know from your opinion.
20 MR. STRICKLAND: It's hard. It's real hard
21 to pick, you know, the best option, because if you do
22 an area of disturbance, then you know, you always have
23 to limit it because they -- you know, a property owner
24 could use this to, you know, do a lot of work on their
25 property without -- you know.

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1 And keep in mind now, it would not water
2 down the tree ordinance because they still have to
3 comply with the square footage. So from 5,000 to
4 10,000, the requirements would be double. They still
5 owe us some trees. It's just that, you know, if it's
6 on a 20-acre piece of property, they're not complying
7 with the 20 acres, which is what they have to do now.
8 And the 5,000 square feet actually comes
9 from, you know, like -- there's different, like the
10 State for erosion control is an acre; you know, if you
11 disturb over and acre; and the 5,000 square feet
12 actually triggers water quality, which is from the
13 stormwater manual. So there's -- you know, they --
14 And again, I think they just had to select a number
15 and say, you know, "You can do modifications to your
16 property but once you hit this threshold then the
17 requirements kick in."
18 I don't know why the State chose 5,000
19 square feet. It could just as easily be 10,000.
20 Again you're still under a quarter of an acre. You
21 know, it's not -- they won't be able to, you know. It
22 may even be something that you barely notice, but you
23 have to draw a line in the sand somewhere.
24 It could even be an acre. You're allowing
25 them to do something but at the same time you have to

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1 limit it.
2 COUNCILMEMBER FLEMING: And Mr. Weed, for
3 typo corrections, page 2 and page 3, I know you took
4 it from the previous, but I think I had pointed out
5 that that was an error in May of '09. It's Section 5,
6 not 2; Section 5 on page 2 and 3. Section 5-270.
7 Section 2 is administration.
8 ATTORNEY WEED: Oh. Yes. Okay. Thank you.
9 COUNCILMEMBER FLEMING: You're welcome.
10 It's correct on the first cover, however.
11 So we're putting this off until 10/17. Is
12 that right, Mr. Bates?
13 COUNCILMEMBER BATES: That would be my
14 preference, yes, ma'am.
15 MAYOR JENKINS: You just want to add it to
16 the next agenda. Is that what you're saying?
17 COUNCILMEMBER FLEMING: Please.
18 COUNCILMEMBER PITTMAN: Yes.
19 MAYOR JENKINS: Okay. Do we need a motion?
20 COUNCILMEMBER PACHUTA: No.
21 MAYOR JENKINS: We need a motion to extend
22 the meeting for citizens' comments only.
23 COUNCILMEMBER ROCHE: Actually, Mayor, we
24 usually start at 9 o'clock for citizens' comments --
25 COUNCILMEMBER PACHUTA: Yeah.

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1 COUNCILMEMBER ROCHE: -- so I think we're on
2 time.
3 COUNCILMEMBER PACHUTA: We're on time.
4 COUNCILMEMBER ROCHE: But I'll make a
5 motion.
6 I make a motion that we extend the meeting
7 for citizen comments.
8 COUNCILMEMBER PITTMAN: Second.
9 COUNCILMEMBER ROCHE: I'll always make that
10 motion.
11 MAYOR JENKINS: Second?
12 CLERK BLACKMON: Donna seconded it already.
13 COUNCILMEMBER ROCHE: We have a second.
14 MAYOR JENKINS: Call the roll.
15 CLERK BLACKMON: Councilmember Alexander?
16 COUNCILMEMBER ALEXANDER: Yes.
17 CLERK BLACKMON: Councilmember Bates?
18 COUNCILMEMBER BATES: Yes.
19 CLERK BLACKMON: Councilmember Fleming?
20 COUNCILMEMBER FLEMING: Yes.
21 CLERK BLACKMON: Councilmember Pachuta?
22 COUNCILMEMBER PACHUTA: Yes.
23 CLERK BLACKMON: Councilmember Pittman?
24 COUNCILMEMBER PITTMAN: Yes.
25 CLERK BLACKMON: Councilmember Roche?

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1 COUNCILMEMBER ROCHE: Yes.
2 MAYOR JENKINS: Citizens comments, three
3 minutes. Come on up to the microphone, please.
4 MR. FIEDLER: Raymond Fiedler, Oakcliff
5 Estates.
6 Rather than a comment, I just had a
7 question. We were talking payroll, Ms. Pachuta, and
8 it's like I understand the $1.75 a check. Does that
9 apply whether the check is issued in paper form or
10 direct deposit also?
11 COUNCILMEMBER FLEMING: Both. It was a
12 processing fee per person.
13 MR. FIEDLER: Per person. Okay. That
14 answered that question.
15 Now, Chief King, you were talking about
16 number of buildings -- the number of people in a given
17 house whether it's rental or what-not.
18 When I first came to Atlanta, I was in
19 Virginia Highlands, and I wasn't there 31 days and I
20 got cited because I forgot to change my Virginia tag
21 to a Georgia tag.
22 But I was wondering whether your quality of
23 life officers and your PD officers have the ability to
24 run tags. I see a lot of cars in driveways in our
25 neighborhood with Putnam County and Fulton County and

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1 Cobb County, and, you know, if your officers could run
2 that information, if they all had the same address,
3 then yeah, they could stay there, but you can't have
4 the same address if you live in five counties.
5 I mean is that a workable tool?
6 CHIEF KING: Yes. We actually had a problem
7 with one of our elected officials several years ago
8 that had a farmhouse, and he had his tag in that
9 property and he got a ticket.
10 MR. FIEDLER: Okay. I'll make it quick.
11 CHIEF KING: Yes, sir, we run tags and we
12 issue citations.
13 MR. FIEDLER: Ms. Pittman said one man had
14 five cars in his driveway, but I think if you had run
15 the tag, you would have probably found that those four
16 or five cars are registered at the same address.
17 Correct?
18 COUNCILMEMBER PITTMAN: They're obvious.
19 MR. FIEDLER: Okay. That's all. I just had
20 some questions; I wanted to clarify it. Thank you.
21 MAYOR JENKINS: Thank you.
22 Come on up.
23 MS. FRAYSSE: I have two announcements.
24 We're not going to have Doraville Days because it's
25 too expensive in this year and we were running out of

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1 money, but we are going to have a lot of things on
2 that same day starting with the race. This is on
3 October 16th for the 5K one-mile and tot trot race in
4 the morning.
5 And then we have the Friends of the
6 Doraville Library book sale. If you all have books at
7 home that you don't need and you're not reading, bring
8 them to the library and we'll sell them at the book
9 sale and the proceeds go to support the library.
10 We also have the Doraville Business
11 Association generously donating food, hot dogs and
12 drinks and snacks for kids -- they gave away a good
13 bit last year just for free to any kid under 12 -- and
14 any proceeds, anything that they make goes to the
15 Friends of the Library.
16 We also have this year a special arrangement
17 with the Northwoods Methodist Church and the Dekalb
18 County Health Department. There is going to be a
19 health fair the same day.
20 So there's a number of things going on, and
21 I certainly hope everybody will try to come.
22 I also want to announce that it may be of
23 interest to more than just Oakcliff Estates, but the
24 Oakcliff Neighbors Association is going to have a
25 speaker from the Plantation Pipeline. People have

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1 been watching the news and seeing various pipelines in
2 parts of the country blowing up and stuff like that.
3 So he is going to explain why we shouldn't worry and
4 what we can do to help them keep the pipeline safe.
5 That's on the 20th of October at the Civic Center at
6 7:00.
7 COUNCILMEMBER FLEMING: Thank you.
8 MAYOR JENKINS: Thank you. Next?
9 MR. ANDERSON: Mr. Mayor, bear with me
10 because this may take a little more than three
11 minutes. It's two pretty important things, and it's
12 about the boarding house situation.
13 You all, and Ray mentioned something, and
14 Pam asked about homestead exemptions and things, so
15 we've tap danced around this a bunch.
16 There's two ways. If Bonnie wants to charge
17 the doors -- and I know that the Fourth Amendment
18 protects her as well as a bunch of other people, so
19 this is primarily for the Northwoods bunch and other
20 neighborhoods that want to keep track of this.
21 I worked with one of our planning
22 commissioners back when I was on the Planning
23 Commission who had a boarding house next to him. And
24 what I instructed him to do and what he did
25 subsequently, successfully, was to just keep track of

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1 the license plates in the driveway. And over a period
2 of two or three months, those license plates in this
3 particular case turned out not to be family-oriented,
4 as it were. They weren't the father and kids,
5 et cetera, et cetera.
6 Like Donna said, it was very difficult a
7 couple years ago. We went back and forth about how
8 many cars, how many cars, how many cars. Very
9 difficult to do.
10 However, if you keep track of the license
11 plates at a boarding house that's near you and inform
12 the police with a record of these numbers and they run
13 the plates, you will find that then they are legal or
14 there are too many people in the house relative to
15 floor area ratios.
16 That's what this is all about: floor area
17 ratios; how many people you have in the house. You
18 can't say how many are bedrooms. You can have people
19 living in -- I can sleep in my dining room. I'm
20 sorry. That's all there is to it.
21 So you can't say what's -- you can put
22 records down as to doors and windows and escape things
23 as to what qualifies for a bedroom, but that's -- it's
24 difficult.
25 So if you have -- if you keep track of the

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1 license numbers and they're not relatives and there
2 are -- My house is 1200 square feet. If there are
3 seven people in my house or seven different license
4 plates, and they're not related, then you have more
5 people than are allowed in my house. And then you can
6 raise some kind of question with the law about how
7 many people are against or -- on qualifying floor area
8 ratio for that house.
9 So that's one issue. That's an issue for
10 the neighborhoods to use, these people to use if they
11 want.
12 The other one is something I have brought up
13 at City Council before and I've mentioned to other
14 people before. Murray and I butted heads about it.
15 It's called a "for profit." If I look on the tax
16 rolls and -- I'm going to pick on Donna again -- and
17 Donna has three houses, and I look on the tax rolls
18 and I see that she's got one homestead exemption,
19 that's fine; you know, she belongs there. That's
20 fine.
21 MAYOR JENKINS: Stuart?
22 Is there anybody in the audience that gives
23 Stuart his time -- their time?
24 MS. CRAWFORD: I will.
25 MAYOR JENKINS: Okay.

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MR. ANDERSON: Thank you. Thank you.
MAYOR JENKINS: You got three minutes.
MR. ANDERSON: All right. Okay. For profit. Now the City writes a letter to Donna and says, "What's the deal with the other two houses? Is your mom living in it or is it a family?" or whatever kind of thing. And if that person responds back to the City that there is no -- that they don't live in that house, then you can legally ask that person what the purpose for that house is.
It's for profit. They're renting that house for a profit. At that point, it requires or can be required by the City to have a home occupation or -- not a home occupation but an occupational tax permit. At that point -- and that's a very small deal, occupational tax permit. That's a small tax. Okay?
But the deal is that fixes the boarding house out of this situation, out of this scenario, is that at that point, since it is a boarding house, it is for profit. It's human beings living in there; you have a public safety question. And since it's a public safety question, you can go and inspect that house because it's public safety.
And when you go in there, if there are locks on the doors, interior locks; if there are nine people

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sleeping in that house, more than the FAR or whatever the violation is -- and what you're looking for primarily is FARs -- at that point, you can require that for-rental house to comply with the FAR. All of a sudden, they're no longer making two or three or five thousand dollars a month off that house. They're only making $500 over their -- they've got taxes to pay, they've got their own mortgage to pay, et cetera, et cetera, so it's less desirable for them to have this boarding house.
And subsequently because it's a pain in the neck, eventually they'll sell it. And chances are the person that's going to buy it will live there, or they're going to rent it out and they'll have the same scenario. But if they sell it to somebody that's going to live there, then we've accomplished what we want and we've removed a boarding house.
But we can do that legally, and there's no reason -- other cities, other states have done this -- there's no reason we can't address the boarding house situation by asking for a for-profit situation in these houses. Thank you.
MAYOR JENKINS: Thank you, Stuart.
Next?
MR. ANDERSON: The DBA doesn't exist any

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more. I think if we're thanking people for donating, I think we'd probably thank Mr. --
MR. CUSHMAN: It actually does.
MR. ANDERSON: It does? Well, I'm a member of it, and nobody let's me know about the meetings.
MAYOR JENKINS: Thank you, Stuart.
MR. ANDERSON: But thank you anyway.
MAYOR JENKINS: Who's next? Next?
MR. HART: I had a question. How much does the payroll cost per month, the payroll service?
CLERK BLACKMON: I don't know off the top of my head.
MR. HART: Everybody was talking about cost per check or something. Is it bigger than a bread box? Is it more than $10,000 or less than $10,000 per month or less than 30 grand per year?
CLERK BLACKMON: It runs two to three hundred a week depending on the number of people.
MR. HART: Okay. All right. The second thing was the LCI study that we went through this thing and Keck & Woods presented the Park Avenue, they presented New Peachtree Road. And both those drawings on the LCI that Keck & Wood presented and also with Central Avenue had nothing to do with the current construction.

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Now, this LCI study will end up in three or four months, and there'll be a budget or something or ask for grants for that study. And if they produce what's on that study, they're going to come along and rip out everything that you-all just spent the money putting in.
The second thing is that the intersection of Shallowford Road and New Peachtree Road will most certainly be changed. Every part of the study shows that intersection being changed. So we're constructing or spending $380,000 on something that most definitely will be changed in the next year or year and a half.
So it would seem to me that if you're spending $610,000 for designs and it's the same company doing both designs, you might want to get together and save the city and the taxpayers possibly millions of dollars just building it one time.
That's all I have to say. Thank you.
MAYOR JENKINS: Thanks, Tom.
Anybody else?
COUNCILMEMBER ALEXANDER: Motion to adjourn.
COUNCILMEMBER FLEMING: Mr. Chambers.
MAYOR JENKINS: You gave up your time, sir.
MR. CHAMBERS: I only gave up one minute.

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That's okay.
MAYOR JENKINS: Anybody else?
MR. CHAMBERS: It's only trying to save the City money, but that's okay.
COUNCILMEMBER PITTMAN: I think Susan gave up the time, Mayor.
MR. CHAMBERS: The Mayor has spoken.
MAYOR JENKINS: Wait a minute, wait a minute. When I asked that, you raised up your --
MR. CHAMBERS: I raised one finger, sir.
MR. CRAWFORD: Susan gave three minutes.
MR. CHAMBERS: She gave three minutes.
MAYOR JENKINS: Okay. Come on up, sir.
MR. CHAMBERS: I just thought I would mention -- Richard Chambers, New Peachtree Road -- you-all were talking about the payroll and you've already decided on that, and that's great.
If you start thinking about semi-monthly, we've worked at times where payday's on the 15th and the 31st, the 31st meaning the end of the month. If it falls on Saturday, you get paid on Friday, whatever. So I guess you-all will figure that out, but just to let you know.
MAYOR JENKINS: Thank you. Anybody else?
COUNCILMEMBER ALEXANDER: Motion to adjourn.

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MAYOR JENKINS: Okay. Motion we adjourn. Second?
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
- - -
(Meeting adjourned at approximately 9:15 p.m.)
-o0o-

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C E R T I F I C A T E

STATE OF GEORGIA]
COUNTY OF DEKALB]

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This the 14th day of October, 2010.

_____
Theresa Bretch, CCR
Permit No. B-755

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