In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

November 15, 2010

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

* * *

Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Ray Jenkins presiding, before Theresa Bretch, Certified Court Reporter, commencing at approximately 6:30 p.m., November 15, 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: Okay. We need to approve the minutes of 9/27/2010. Do I have a motion?

COUNCILMEMBER ALEXANDER: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PACHUTA: Second.

MAYOR JENKINS: Discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

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CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: 10/18/2010 minutes?

COUNCILMEMBER ALEXANDER: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PACHUTA: Second.

MAYOR JENKINS: Any discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

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: Abstain. I was absent.
MAYOR JENKINS: Under Mayor's comments, I'm going to let Donna tell about our Christmas tree lighting.
COUNCILMEMBER PITTMAN: We will have our annual Christmas tree lighting on December 10th at 6 o'clock. We have a really nice time. I want everybody to come out. We have hot chocolate and cookies and music, and Toys for Tots will also be there, so if you would like to bring a wrapped gift for that. If you haven't ever been, it is a lot of fun. So hope everybody can come out, and spread the word, please.
MAYOR JENKINS: Santa Claus.
COUNCILMEMBER PITTMAN: Yes, sir. And Santa Claus will be there as well.
MAYOR JENKINS: Okay. Gary, would you come

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up to the microphone, please.
Gary is from our recreation department. He's going to talk about our Recreation Trail Grant from DNR.
MR. SCHUSSLER: Schussler. Gary Schussler (spelling) S-c-h-u-s-s-l-e-r.
Like Mayor said, I'm just here to seek approval to submit the grant application for the 2010 Georgia DNR Recreation Trails Grant. This trails grant would help supplement the first phase of Halpern Park, which is still in the balance right now. We are awaiting final approval of the LWCF grant that Luke and TSW submitted last April, I believe. And we've already been preapproved for that grant. Like I said, we're just waiting for final approval.
And with the help of the RTP grant, which I'm trying to get approval to submit for, we'll be able to -- we'll be able to finish the first phase of the Halpern Park renovation. If you -- you could take a look at both the rough draft rendering of just the trail itself within the park, which is going to encompass both a green space area and the -- and the Piedmont forest area within the park.
The driveway itself will be renovated also, which will be completely ADA accessible with a

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turnaround. The top way of the driveway will -- the top part of the driveway will not be affected.
But what it says right there, the concrete path converted from mulch, that first phase of the park, they were going to grade and prepare to implement the trail with mulch, but we're going to back with RTP grant, hopefully contingent on whether or not we are approved it, they're going to go back and actually just asphalt that part of the trail, not mulch it.
And you can -- you know, obviously on the second part of or the next page with the design concept, you could get a little bit more understanding of what we're looking to do at the park. I know it's been a process the last couple of years that we've been gaining some input from the community and all that, and that's what TSW and Carol, and a little bit myself, that we've come up with right now.
I've met with Pam once before, with Ryan, the landscape architect that is working with us from TSW. And as for the budget itself, you could see the grant budget and the cost analysis from both, you know, the couple of meetings that we've met with them.
As of right now, the suggested -- I guess you could say the suggested amount that we're seeking

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is $100,000. It's a 20/80 percent match. So what I mean with that, we would match 20 percent of the total project cost.
With this project, it's going to be a little bit more than 20 percent on our part just because the project itself will be right around $158,000. That would -- that would mean we would actually be matching close to 29 percent, and that would be $44,000 which would come out of our capital improvements budget which is from my understanding on an annual basis on our budget is somewhere right around $250,000.
Along with that, TSW has provided an in-kind match for the project, which would be $14,650, and then the RTP grant would be right around a hundred, so that would -- that would make up the $158,676.
So right now, what I'm just asking is to, you know, hopefully get the approval from Council to submit that application, and, with doing so, I'd have to provide a resolution with the application. So that's why I'm here today.
MAYOR JENKINS: Questions?
You say a resolution has to go with the grant, I believe.
MR. SCHUSSLER: Yeah, the grant application. I have to provide that along with the narrative and

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the -- I think there's -- I believe there's 11 or so questions that they ask, which is there's a grading criteria within the application. Through answering those questions and providing the narrative based on the proposed project, it's -- what they do is, you know, obviously the highest scored application would get the grant funds, which I think this year that they are -- I think they're going to provide upwards to almost a million dollars worth of funds for just recreational trails, and then they have off-road trails for ATV and motorized vehicle use also.

COUNCILMEMBER ALEXANDER: What's the deadline for the grant application?

MR. SCHUSSLER: November 30th.

COUNCILMEMBER BATES: And if we didn't get the full amount of the grant, would we need to come out of the parks capital improvement budget for the difference?

MR. SCHUSSLER: I mean that phase, the trails portion, would be contingent on whether or not we were approved for the grant. That -- to complete that phase, we would just look elsewhere if we weren't awarded those funds.

Based on what we -- I think Pam and I talked about, to get the complete trail portion done, we

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would have to ask for that hundred thousand dollars. We mulled over the fact whether or not should we ask for twenty-five, because the minimum amount to ask for is twenty-five and the maximum is $100,000. But knowing that the project itself was going to be -- you know, we sat down and we've cut costs within the budget itself. You know, we first wanted to go with concrete paths, and then we thought mulch paths, and now we're looking asphalt, and we've cut almost $50,000 out of the first proposed budget, so that's --

COUNCILMEMBER BATES: Well, would it be possible that they fund the grant at an amount less than $100,000 that you're requesting?

MR. SCHUSSLER: No. It's either -- it's either you're awarded what you ask for or you're not awarded.

COUNCILMEMBER BATES: Okay. That's all I needed to know. Thank you.

MR. SCHUSSLER: Yeah.

COUNCILMEMBER BATES: Make a motion to approve the trails program RTP grant resolution.

MAYOR JENKINS: Second?

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: More discussion?

COUNCILMEMBER FLEMING: Yes, sir. I'd like

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a friendly amendment to adopt the resolution and have Mr. Weed sign it. I mean draw it up for us.

COUNCILMEMBER BATES: Absolutely.

COUNCILMEMBER ALEXANDER: Mr. Bates, can you have that done by the 30th?

ATTORNEY WEED: Sure.

COUNCILMEMBER PITTMAN: And I will second that amendment.

MAYOR JENKINS: Any more discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

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MAYOR JENKINS: All right. Thank you, Gary.

COUNCILMEMBER PITTMAN: Thank yo.

COUNCILMEMBER BATES: Thank you, Gary.

COUNCILMEMBER FLEMING: Thanks, Gary.

MAYOR JENKINS: Department reports. John, have you got anything?

CHIEF KING: Yes, sir, very quickly.

My apologies to the City Council. I know the last Council meeting, I presented the COPS grant, and the City finance director told me that I needed a little bit more flexibility with what we wanted to do.

We did our analysis and we looked at how we could use that salary that we were basically I call it harvesting the salary of the captain to apply it to the several of the positions that we had, not only the two lieutenants but also the FTO/corporals.

And what I wanted to do is prepare you-all because I want to come to the next Council meeting and show you-all our analysis and show you what we're trying to do and seek your approval.

We're still going to return to the City around $17,000 of that salary, so we're still working inside that salary. But I want to seek the Council's approval to have as much flexibility in how we adjust people's salaries that would be basically -- we have

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been out of whack on some of our salaries for clerks and some of our patrol positions, and I want to seek permission from the Council to be able to do those adjustments and still return to the City $17,000 out of that total salary for the captain.

That's all I got, Mayor.

MAYOR JENKINS: Thank you, John.

Scott, you got anything?

MR. HAEBERLIN: No, sir.

MAYOR JENKINS: Public comments on agenda items, old and new business, three minutes. Come on up to the microphone if you want to speak on the agenda items.

MR. LIVINGSTON: I'm Charles Livingston.

I want to read to you a portion of a letter that I was going to end up giving to all of you. It pertains to the agenda item tonight relative to personnel manual.

Actually, I'm just going to read it and then go from there. It's actually relative to the personnel manual. There's a lot of things that we're really not enforcing that much, and there's really -- there's a number of quite disturbing things going on in City Hall that are morally and ethically wrong and are potentially of a fraudulent nature. These things

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are costing the City of Doraville tens of thousands of dollars a year in a time when City finances are in a precarious state.

Data obtained from Open Records requests indicates that, as examples, Doraville employees Rhonda Blackmon, Sandra Bryant, Scott Haeberlin and Luke Howe are and have been claiming overtime that they are clearly and inarguably are not entitled to.

It is stated in the City of Doraville employee manual adopted June 15th, 2009, that only hours actually worked count toward computing overtime. In other words, PTO and holidays do not count toward hours worked.

Examples of these violations, I will give you.

Additionally, it is stated in the City of Doraville employee manual that all overtime must be approved in advance in writing by an employee's department director. In a reply from City Hall relative to an Open Records request for documents indicating preapproval of overtime for these employees, it was stated that such documents do not exist.

Within the past year, fiscal 2010, these subject employees have claimed a significant amount of

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overtime. In some cases, the dollar amount of overtime was on the order of 30 to 40 percent of an employee's salary.

Probably the most troubling example of potential misconduct relative to payroll time sheets is the manipulation of the signature of Ray Jenkins. It has to be their approved immediate supervisor. On several of the payroll time sheets of these above-listed Doraville employees, exactly who forged these signatures of Ray's is not known, but Ray has seen a number of these and has said that they are not his signature. I have examples of these which will be in the letter I give to you.

It seems that these employees are able to put down about anything they want to on the payroll time sheets and get paid for it without any questions being asked. Oversight of what these people are doing is essentially nonexistent and it's potentially costing the City as much as forty to fifty thousand dollars a year.

There appears to be a double standard within the City relative to payroll time sheets. For departments other than City Hall, the payroll time sheets are required to be completely filled out with explanations of overtime, why overtime was required,

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et cetera. Not only do most of the payroll time sheets for those within the City Hall arena not have an explanation why overtime was required, some of them do not even have the signature of the immediate supervisor.

I'm about out of time. I'm going to give you all a letter that explains all this a little bit more.

I would like to make one closing statement. There's a lot of things going on here, and I feel real strongly about this: that if the City of Doraville is ever going to thrive and prosper as we would all like it to, this administration must undergo an attitude adjustment and change the way citizens and businessmen are treated. The philosophy must be, "How can we help?", not, "How can we hinder?"

The City needs to get back to the basics and create a vision and a mission that upholds the commitment of being a City of Ethics. Thank you.

MAYOR JENKINS: Next time you have anything of that caliber, you need to put it on the agenda, sir.

MR. LIVINGSTON: I'm aware of that.

MAYOR JENKINS: Anybody else?

MR. ANDERSON: Stuart Anderson. This wasn't

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1 quite what I was going to say, but perhaps the new
2 lights go with Mr. Livingston's.
3 By the way, do you need more time? I can
4 cede my time to you.
5 MR. ANDERSON: I'm fine.
6 MAYOR JENKINS: Negative.
7 MR. ANDERSON: These lights perhaps relative
8 to his --
9 MAYOR JENKINS: What's wrong with these
10 lights?
11 MR. ANDERSON: -- presentation --
12 Nothing at all. They're providing us with
13 perhaps some light on the subject, and I appreciate
14 Mr. Livingston's comments. Thank you.
15 MAYOR JENKINS: Next?
16 Nobody else?
17 Tom, why don't you come on up.
18 MR. HART: I was going to wait until I was
19 called. Thank you.
20 There are several things on tonight. One
21 was the trash collection. You know, Donna was on the
22 City Council when we went through this. I mean we
23 researched everything from trucks to recycling
24 dumpsters from Canada to Maine to whatever and looked
25 at some fairly sophisticated systems that offered the

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1 citizens of the city a relatively inexpensive project
2 that was highlighted by the graphics of the City were
3 displayed on the dumpsters as well as the trucks, as
4 well as a sophisticated billing system that rewarded
5 people that recycled and didn't put a lot of trash in
6 the system, and people paid more that put a lot of
7 trash in the system.
8 And this integrated system was well thought
9 out. It involved the public works department, private
10 carriers, private dumpster carriers, and it took from
11 places like Banff, Alberta, Canada, to Minnesota, and
12 it offered the kind of services that other cities like
13 East Point or city of Chamblee get, from leaf
14 collection to firewood to mulch materials, even to
15 Christmas trees, and the holiday season is coming up,
16 to have that mulch provided by the city.
17 We have chipper trucks. We have a log
18 splitter over at the maintenance department. We're
19 just not utilizing a lot of talent at the maintenance
20 department and we're not using sophisticated systems
21 that are available that would cost the City less money
22 than just handing out an RFP to someone.
23 And my suggestion is the City focus on doing
24 something a little more sophisticated than they're
25 doing now that lessens the burden on the citizens

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1 here. I mean from the power company bills to the
2 cable company bills, all these things the City is not
3 addressing them like the City of Norcross, City of
4 Chamblee and the City of East Point. Okay? They
5 don't address the same problems. Okay? The power
6 bill is Georgia Power. Everything is done a la carte
7 here, and the result is the burden on the community
8 here is getting to be onerous and it's becoming less -
9 - the services are getting more expensive and we're
10 getting less for them. So it's not just the trash
11 collection.
12 It's utilities across the board are not
13 being looked at. We just keep on handing these things
14 to Georgia Power, Georgia Power sends the bill for a
15 million dollars, and we just take it like that's how
16 it is. That's not how it is.
17 So it starts with this trash collection. We
18 need to look at this thing in a sophisticated manner
19 that rewards recycling, that says something about if
20 somebody brings in a half a ton of garbage every week,
21 they have to pay a little bit more. And those trucks
22 should be identified as City of Doraville trucks and
23 the trash containers should say the City of Doraville
24 with their logos on it, not some ABC Trash Collection
25 that comes in and, you know, does something to us.

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1 So I mean I'm with what Charles said. The
2 whole City government here has to rethink what their
3 job is. Thank you.
4 MAYOR JENKINS: Anyone else, please?
5 MS. CALVERT: As far as the -- oh, Ginny
6 Calvert. As far as the overtime, I know this is not
7 on the agenda, but I see people here working and
8 they're working overtime. I certainly don't expect
9 Rhonda or Scott to come in here for nothing. Okay?
10 MAYOR JENKINS: Anyone else, please?
11 MAYOR JENKINS: Okay. On old business, item
12 number one, City Clerk on the Sanitation RFP
13 comparison.
14 CLERK BLACKMON: Yes, sir. I provided
15 Council with the spread sheet, and I guess I just need
16 to know, moving forward, if we're going to interview
17 all four applicants or what the Council would like to
18 do to proceed with the sanitation RFPs -- set up
19 meetings or ...
20 COUNCILMEMBER ALEXANDER: I was reviewing
21 the time line in our RFP, and I guess I thought we
22 were going to have a meeting on the 22nd, because that
23 was the fourth Monday in the month, and now it's the
24 29th. So we need to adjust our projected award and
25 contract execution date.

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In reviewing the RFPs, I would like to interview -- Advanced and Waste Management are my two choices to interview.

COUNCILMEMBER PACHUTA: Do you have a date in mind?

COUNCILMEMBER ALEXANDER: That's what I was going to -- we have to discuss.

CLERK BLACKMON: Is everybody in agreeance with those two or --

COUNCILMEMBER BATES: Those would be my two as well.

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Okay. You want to tell me a date?

COUNCILMEMBER ALEXANDER: I make a motion that we sent up interviews for Advanced Disposal and Waste Management regarding their response to the sanitation RFP.

MAYOR JENKINS: Second?

COUNCILMEMBER PACHUTA: Second.

MAYOR JENKINS: More discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll, please.

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CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

COUNCILMEMBER ALEXANDER: Council have any suggestion for dates?

COUNCILMEMBER PITTMAN: Do you want to do it prior to Thanksgiving or after?

COUNCILMEMBER ALEXANDER: I think we have Council members that are out of town.

COUNCILMEMBER BATES: Is there anybody out of town for next Monday?

MAYOR JENKINS: Monday?

COUNCILMEMBER PACHUTA: The 22nd.

CLERK BLACKMON: The 22nd.

COUNCILMEMBER BATES: If we can do it next Monday, let's get it knocked out.

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COUNCILMEMBER PITTMAN: Will you -- we have Advanced and Waste Management here? Will y'all be here in town, someone will be here?

COUNCILMEMBER ROCHE: Can we do it on the 30th? I'm not sure if I'm going to be out of town or not. My grandmother's ill.

MAYOR JENKINS: What time?

CLERK BLACKMON: Well, let's get the date straight first.

COUNCILMEMBER PITTMAN: 30th.

MAYOR JENKINS: 22nd.

COUNCILMEMBER PITTMAN: Or the --

COUNCILMEMBER ROCHE: Or the 30th.

COUNCILMEMBER PITTMAN: The 30th is the following Monday?

CLERK BLACKMON: Following Tuesday.

COUNCILMEMBER PACHUTA: I have to look at the calendar.

COUNCILMEMBER BATES: I think we've got a meeting --

COUNCILMEMBER PACHUTA: I think we have a meeting.

COUNCILMEMBER BATES: -- scheduled on the 30th.

COUNCILMEMBER ROCHE: We have one on the

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29th.

COUNCILMEMBER PACHUTA: And the 30th, I believe.

COUNCILMEMBER FLEMING: Are we doing a work session on the 30th?

MAYOR JENKINS: 14th.

COUNCILMEMBER PACHUTA: No. It's the 14th is the work session.

MAYOR JENKINS: Do it before the work session on the 14th?

COUNCILMEMBER ALEXANDER: I would like to try to keep it to the time line as close as we could because we're basically, you know, giving whomever wins the bid only a month to prepare to take over the service.

COUNCILMEMBER BATES: I'm good either the 30th or the 22nd.

COUNCILMEMBER PACHUTA: I would prefer the 22nd.

MAYOR JENKINS: Brian, the 22nd?

COUNCILMEMBER BATES: The 22nd is fine or the 30th.

And Bob, when do you think you might know if you'll be out of town?

COUNCILMEMBER ROCHE: I'm not sure yet.

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She's still in the hospital. She's 93.
MAYOR JENKINS: Pam, what do you think?
COUNCILMEMBER FLEMING: Either one is fine with me.
MAYOR JENKINS: Donna?
COUNCILMEMBER PITTMAN: Either one is fine.
COUNCILMEMBER BATES: Can we tentatively set it for the 22nd and then if something were to happen, move it a week?
COUNCILMEMBER ROCHE: That's fine.
CLERK BLACKMON: 6:30 or 7:00?
COUNCILMEMBER PACHUTA: It's a Monday. I can do 6:30.
CLERK BLACKMON: So 6:30 on the 22nd.
MAYOR JENKINS: 6:30, right?
CLERK BLACKMON: Yes, sir.
MAYOR JENKINS: Did we call the roll on that?
COUNCILMEMBER ALEXANDER: Do I need to make a motion?
CLERK BLACKMON: I don't think so for the date.
MAYOR JENKINS: Okay. Anything else on that item?
CLERK BLACKMON: No, sir.

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MAYOR JENKINS: Thank you. Alcohol Ordinance, City Clerk. This should be cut and dried as much time we've spent on it, so let's see if we can't get a motion and get this over with.
CLERK BLACKMON: I don't have anything on it. It's just under me because it's under the clerk in the ordinance, sir.
MAYOR JENKINS: Okay. Does anybody have any discussion on the alcohol ordinance?
COUNCILMEMBER BATES: I like it when the changes are highlighted.
COUNCILMEMBER PITTMAN: I love it.
COUNCILMEMBER BATES: I make a motion to adopt the Alcohol Ordinance.
MAYOR JENKINS: Second?
COUNCILMEMBER PITTMAN: 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.

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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: Donna Pittman?
COUNCILMEMBER PITTMAN: Actually this is going to be Mr. Haeberlin. He's just going to give an explanation, I believe, of some issues that we're having with this particular property.
MR. HAEBERLIN: I'm going to pass this around in case somebody wants to see it and not see it on the screen.
Okay. These properties here, 2747 Homeland Drive, this property 6555 PIB, and this property, which is unaddressed, are really actually one parcel. This is a discussion we had previously about the NTB rezoning. So this property does have three zoning categories. It has Commercial 2, Industrial and Residential. So this comes to me from looking at the more updated 2004 tax maps. Keck & Wood pulled the 1999 tax maps which did not show this parcel very

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well, and so this is actually one parcel.
Now, there's nothing wrong with having a piece of property that has multiple zonings on it, but certainly we need to consider, you know, at least the preponderance of the property. This one and this one should be the same category. You could have a large buffer to Homeland Drive.
The entire property is actually addressed in the tax base as 2747 Homeland Drive. Apparently at one point in time, the Dekalb County Board of Commissioners tried to rezone the property and they were not successful. The current owner of the property, which is NCLB, I think is correct -- NCLB Properties owns this entire parcel, Parcel 63. So this would be a City-initiated rezoning.
The reason why I bring this to the Council is to make you aware of the multiple zonings on this property. I understand that you want to eliminate the industrial zoning and have commercial on there. How would you like for me to handle the residential portion? We can certainly advertise it as C-2 and M-1 and R-1 to C-2 and R-1 or we could make it all commercial. Now, the challenge with that is you're bringing commercial down here into a residential neighborhood and potential to develop the remainder of

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the property.
COUNCILMEMBER PITTMAN: I was just going to say my preference would be C-2 and leave that small portion right there that abuts to the residential as R-1.
MR. HAEBERLIN: Okay.
COUNCILMEMBER PACHUTA: Do we need like a specific land survey if we're going to rezone it so that we can route exactly what remains R-1 or we would just say former lot and it's now been combined?
MR. HAEBERLIN: Well, we can scale it off on the map. And like I said, I don't think we'll have a problem. I'm not concerned about us describing it for the legal ad. What I'm concerned about is the Council understands and supports a certain position so that we advertise what you guys want.
COUNCILMEMBER ALEXANDER: I've been speaking to Ms. Pittman earlier today. I did some research yesterday. And I guess one of the things that concerns me is there is a personal property tax record for NTB that is located at 6555 Peachtree Industrial Boulevard. Somehow, the real estate property tax for that address has been made inactive.
I would prefer the address being Peachtree Industrial and 2747 being -- staying zoned residen-

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tial to protect that neighborhood from future commercial encroachment.
I don't know how the real estate parcel became inactive. I know on the Dekalb County web site, it has all the details and it says "See map," or "See map notes," or something like that.
But is there any way to make that happen?
MR. HAEBERLIN: Well, you know, we have thousands of addresses that are assigned and in use in the city of Doraville every day that have no real meaning from a taxing purpose. I want to use an example, an old shopping center, Northwoods Plaza, for example, has many, many addresses. Okay? But it only has one tax parcel I.D. address which pulls it to the entire property.
You know, it's semantics as to whether this parcel -- this whole parcel is addressed as 2747 or 6555 as long as the fire and emergency people find 6555 when they need to.
COUNCILMEMBER ALEXANDER: Well, I guess that's another one of my concerns because I think this issue may have caused us a situation before with Mr. Ellis's Porsche dealership with an address not being in the 911 system or the address was different or something like that, and it actually caused a delay

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in EMS responding. And that's something obviously I want to prevent also.
I'm assuming if NTB was to call 911, that the address that would show up on the phone would be Peachtree Industrial. That's what I'm assuming. But I just want to try to prevent this from happening and also try to protect that neighborhood.
MR. HAEBERLIN: I don't know if the County's tax assessors would agree to make this whole parcel address as a parent address of 6555. It's certainly something I can talk about with them.
I think the important -- one of the more salient aspects is if we're going to advertise this, let's advertise this and get it the way the Council wants it to be, and that doesn't matter to me. That's your-all's decision.
But usually from land use perspective, if we give this parcel here -- and I hate to use the word "parcel;" we'll say this portion of the parcel, this yellow area -- if we give it commercial zoning, they're going to have eligibility to build on it.
COUNCILMEMBER BATES: On the tax records, is it classified as residential or as commercial?
COUNCILMEMBER ALEXANDER: C-1.
MR. HAEBERLIN: Let's see what they say.

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They say it is C-1, so it's totally awry. That's nowhere near what it is.
COUNCILMEMBER BATES: Okay. But it's not zoned or it's not taxed as a residential rate, though.
COUNCILMEMBER ALEXANDER: No.
MR. HAEBERLIN: No.
COUNCILMEMBER BATES: Okay.
MR. HAEBERLIN: And that's not uncommon for the county tax records to be completely awry of the city zoning map.
COUNCILMEMBER BATES: Well, my preference would be -- with Ms. Alexander, would be to create a residential buffer between the commercial properties.
MR. HAEBERLIN: So what I'm understanding from the Council is to advertise it as C-2 and M-1 and R-1 to C-2 and R-1. Okay. And that would then give you guys the opportunity and the actual case to make a zoning decision as to how much of that property you would like to have as residential buffer. That could be 30 feet, that could be 60 feet, it could be 150 feet.
COUNCILMEMBER FLEMING: Ms. Alexander, on the 2747 Homeland, does it indicate on the tax parcel, that particular address, the total encompassing all of the area to Peachtree Square?

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COUNCILMEMBER ALEXANDER: It shows number 63, I believe, on the map, which is 1.73 acres.
MR. HAEBERLIN: And 63 is this pink, blue and yellow.
COUNCILMEMBER ALEXANDER: In the tax base, it says, "September 14th, 1987, D type," and it has the letters M, C as in Charlie, "Map Change, See Notes," on the Homeland parcel.
MR. HAEBERLIN: And I think what got away, and this is very unusual. I even asked Mr. Weed about this. I never see a county board of commissioners apply to a city to rezone a property and pay fees, too, believe it or not. And then there was a petition drive for the folks on Homeland Drive, and they wanted it denied, and the Council denied it. So then it mysteriously was owned by the board of commissioner, and guess what? The next day, it was owned by the same person who owned it before the board of commissioners owned it. So don't know what happened back then, but that just kind of -- when the government gets involved, sometimes things are a little awry, so --
COUNCILMEMBER BATES: But according to the tax records, they've combined all the -- the two lots into one.

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MR. HAEBERLIN: Yeah, all -- all -- actually, it was four lots, because these were two. Remember, these used to be two residential lots in a subdivision, and when these quote/quote lots we're going to call them, those four shadings or four areas become one lot, which is a little unusual circumstances. But you know, there's nothing wrong with split zoning, like I said. It's just this is one of our more unusual zoning cases or situations that we have.
COUNCILMEMBER PITTMAN: And you're sure now that part is -- because there's a house like right there that's not anything to do with that property; is that correct?
MR. HAEBERLIN: This -- this one at 2767, 2757, 2747 Homeland -- it's hard to see -- shows it as a residence.
COUNCILMEMBER PITTMAN: And the sign will be placed where?
MR. HAEBERLIN: Well, under Georgia law, it just needs to be placed on the property. So since it's one piece of property, it can be placed anywhere in a visible public location.
COUNCILMEMBER PITTMAN: Okay.
COUNCILMEMBER FLEMING: Okay. I agree with

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leaving the buffer on 2747 Homeland as R-1, but you made a comment about going to Dekalb County and trying to get the address corrected to 6555 Peachtree Industrial Boulevard.
MR. HAEBERLIN: We could see if they'll be willing to do that.
COUNCILMEMBER FLEMING: That is my preference before we advertise so that we can try to get it correct on that note before we actually advertise.
MR. HAEBERLIN: Well, I mean if we advertise it pursuant to the address that's current today and the tax parcel I.D., we would certainly be advertising it correctly.
Now, is it advertised in the vernacular of what we would like it to be? No.
I will tell you that with the GIS department over there, you're going to have a significant delay. So if you want to do this in December, you need to let me -- I mean I can work on that, but you need to let me advertise it as 2747 and the appropriate tax I.D. to get it going.
COUNCILMEMBER FLEMING: Okay. With the I believe it's 1604 notification policy that we have, then that means that you're going to be sending

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notifications to the property address of 2747 Homeland Drive, and there's nothing there.
MR. HAEBERLIN: Well, that's -- you know, that's currently what it's addressed as in terms of a tax bill, and the company in Roswell, I mean if I need to, I can always I guess elicit the services of quality of life or the police department, whatever, to deliver an item. You know, they receive information at 8100 Roswell Road, Suite 201. Those are the owners. And so I could reference the two addresses. I could say property situated at 2747 which also contains another development addressed as 655 PIB. I mean I could do both.
COUNCILMEMBER ALEXANDER: Do you want the parcel number of the inactive real estate?
MR. HAEBERLIN: Sure.
COUNCILMEMBER ALEXANDER: It's 18-341-01-141.
MR. HAEBERLIN: Okay. I'll look at that one.
MAYOR JENKINS: Scott --
MR. HAEBERLIN: Yes, sir.
MAYOR JENKINS: -- do we know who owns all that property? Is there --
MR. HAEBERLIN: Company called --

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MAYOR JENKINS: -- any doubt that --
MR. HAEBERLIN: -- NL --
MAYOR JENKINS: -- we will be able to get in touch with the owners of all those properties?
MR. HAEBERLIN: I mean, you know, we'll send the certified information to NLCB Real Properties at 8100 Roswell Road, Suite 201. I guess if we don't have any further success in serving them, Murray, would you suggest we have something hand delivered?
ATTORNEY WEED: Yeah. It's in 1604, I mean, the process we have to follow, so just follow the code.
COUNCILMEMBER PITTMAN: My preference would be to move forward and then see about getting with the County --
MR. HAEBERLIN: Yeah.
COUNCILMEMBER PITTMAN: -- and getting that adjusted.
MR. HAEBERLIN: I don't know why they wouldn't agree to that, but, again, you know, I don't work for the County, so, but we'll try.
COUNCILMEMBER FLEMING: And I agree with Ms. Pittman, however, I am concerned with the R-1, and we're going to split zone it, and I -- you know, the surveys would indicate degrees north, south, east and

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west as to what that parcel is at 2747 to indicate that that's R-1. So I really think that the City's going to need to do that as well.
MR. HAEBERLIN: Well, it's, you know, described by the tax map as being 150 feet in depth. So more or less 150 feet to the rear lot line. You know, the tax map is fully dimensioned. In other words, there's 132 feet from this location -- I know it's hard to see -- this location to this location. In other words, along the yellow line there's 132 feet. But there's 150 feet in depth from Homeland Drive back to the industrial park.
COUNCILMEMBER ROCHE: If the property owners approached us wanting to rezone that property, they would have to provide a survey, wouldn't they?
MR. HAEBERLIN: That is correct.
COUNCILMEMBER ROCHE: So then why wouldn't we -- if we're going to do the rezoning, why wouldn't we have a survey done to make sure we've got everything straight?
MR. HAEBERLIN: Typically the government doesn't put that type burden on themselves. I mean there's nothing that says we can't do it, but how are we going to go on private property and survey somebody's property?

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COUNCILMEMBER ROCHE: I don't know. I'm trying to understand the urgency to do this in the first place.
MR. HAEBERLIN: It was a request of the Council.
COUNCILMEMBER PITTMAN: Well, for the audience, I can give a little history. The NTB is currently there, and it's possibly going to be closing in December, which gave neighbors questioning what possibly could go there, what are we going to do if it's a vacant building?
So we did a little research and found out it's the only parcel on the front there that's zoned M-1. Everything else is C-2. And under M-1, quite a few things could go there that would be undesirables to that neighborhood, which there's a house right here.
So that's why we're trying to -- you know, you can have a bus terminal, a crematory, different things. And my theory is why not correct it before we get to the point where something might be trying to go in there that maybe that neighborhood would not -- it would lower the property values there for sure.
COUNCILMEMBER BATES: Scott, what are you needing from us?

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MR. HAEBERLIN: I think my general understanding -- and you can tell me no if I'm not correct -- is that to advertise the property as being rezoned to C-2 and R-1. If that's the will of the Council, I don't need anything further.
COUNCILMEMBER BATES: Yes, for me.
MR. HAEBERLIN: I'm seeing agreement, so --
COUNCILMEMBER FLEMING: I would prefer it be a motion and voting as the Council can properly vote on to rezone property.
ATTORNEY WEED: Well, you can't do that here.
What you can do of course is have a motion and a second to authorize --
COUNCILMEMBER FLEMING: Have -- absolutely.
ATTORNEY WEED: -- Mr. Haeberlin to run the appropriate ads and fill out the paperwork.
COUNCILMEMBER FLEMING: That's -- yes.
COUNCILMEMBER ROCHE: And correct the address?
ATTORNEY WEED: You could make whatever motion you want to, direct him to do whatever you want him to do as a majority.
COUNCILMEMBER ROCHE: I mean I guess my question would be if we -- I mean we already -- I

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1 think some people have already indicated we wanted to
2 correct the address on the records, and what if that
3 address change happens in the middle of this process?
4 ATTORNEY WEED: We would have -- arguably,
5 we would need to rerun the ad.
6 Now, to me, the question is if you want to
7 get the addressed changed, we, our government has got
8 limited control over that. Most likely you'd have to
9 be prepared that this property will not be rezoned
10 this year, so you'll have to wait until next year.
11 That whole process can continue on, and
12 maybe -- maybe you'll have better luck than we think.
13 But it's been our experience with Dekalb GIS that it
14 won't happen this year if you wait to get the address
15 exchanged, which is fine. Mr. Haeberlin has explained
16 that, and now it's up to the Council to decide what
17 you want to do. That's just a point of information.
18 But in answer to your question, Councilman,
19 absolutely you can say, "Get the address changed."
20 Nothing wrong with that.
21 COUNCILMEMBER PITTMAN: Well, then, I will
22 make a motion to give the staff permission to move
23 forward with the proper paperwork, notification, and
24 to I guess get with Dekalb County in reference to
25 getting the address changed.

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1 COUNCILMEMBER FLEMING: Second.
2 MAYOR JENKINS: More discussion?
3 MR. HAEBERLIN: Clarification for the staff.
4 If we are not successful in getting that changed, do
5 we proceed with advertising it as 2747?
6 COUNCILMEMBER FLEMING: That's fine.
7 COUNCILMEMBER PITTMAN: That's -- yeah.
8 MR. HAEBERLIN: Okay. Thank you.
9 ATTORNEY WEED: If you want to have a
10 motion, then we need clarify that and somebody needs
11 to second it --
12 COUNCILMEMBER PITTMAN: Okay. Well --
13 ATTORNEY WEED: -- because you really have
14 an either/or. Mr. Haeberlin, as I understand, has
15 been instructed to get the address changed if he can;
16 failing that, to proceed.
17 If that's what you intend to do, that's
18 great, just if that's your motion, someone should
19 second that.
20 COUNCILMEMBER PITTMAN: And I make amendment
21 to attempt to get the address changed; if not
22 possible, to move forward with the address that we
23 have.
24 COUNCILMEMBER FLEMING: Second.
25 MAYOR JENKINS: Okay.

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1 COUNCILMEMBER ROCHE: But that means we're
2 not going to do anything until we get an answer back
3 on getting the address changed, because one sounds
4 concurrent to the other.
5 COUNCILMEMBER PITTMAN: No. It means to
6 move forward.
7 MR. HAEBERLIN: I think we need to be
8 realistic. Dekalb County GIS, I mean there's a
9 different story from every applicant who goes there,
10 and most people are waiting more than three months
11 even to combine parcels.
12 Unfortunately, we do rely on them. We're
13 not our own taxing authority. We could be, of course.
14 It's just a significant delay.
15 I have no problem doing an e-mail tomorrow
16 morning. If we get a response back from it, it'll be
17 great. We may get no response whatsoever.
18 COUNCILMEMBER ROCHE: My concern is that if
19 we're going to wait for them to change the address,
20 then it's going to be March or April before this
21 rezoning moves forward. And if I understand the way
22 this motion was made, that's how the motion was
23 structured, I would think that you'd want to either do
24 them concurrently or make sure that moving forward
25 with the rezoning is not dependent on the address

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1 change with the County.
2 COUNCILMEMBER PITTMAN: Okay.
3 MAYOR JENKINS: So you want to withdraw the
4 motion and make another one?
5 COUNCILMEMBER PITTMAN: I'm going to
6 withdraw that motion.
7 ATTORNEY WEED: Ms. Fleming, would you
8 withdraw your second?
9 COUNCILMEMBER FLEMING: I withdraw my
10 second.
11 COUNCILMEMBER PITTMAN: And I guess I will
12 make two separate motions.
13 The first motion, to move forward with
14 rezoning, the staff to do the proper notification and
15 advertisements.
16 COUNCILMEMBER FLEMING: Second.
17 MAYOR JENKINS: Any more discussion?
18 - - -
19 (No response)
20 - - -
21 MAYOR JENKINS: Call the roll.
22 CLERK BLACKMON: Councilmember Alexander?
23 COUNCILMEMBER ALEXANDER: Yes.
24 CLERK BLACKMON: Councilmember Bates?
25 COUNCILMEMBER BATES: Yes.

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1 CLERK BLACKMON: Councilmember Fleming?
2 COUNCILMEMBER FLEMING: Yes.
3 CLERK BLACKMON: Councilmember Pachuta?
4 COUNCILMEMBER PACHUTA: Yes.
5 CLERK BLACKMON: Councilmember Pittman?
6 COUNCILMEMBER PITTMAN: Yes.
7 CLERK BLACKMON: Councilmember Roche?
8 COUNCILMEMBER ROCHE: Yes.
9 COUNCILMEMBER PITTMAN: Then, I'm going to
10 make another motion to ask you to attempt to work with
11 Dekalb County to get the address changed.
12 MAYOR JENKINS: Second?
13 COUNCILMEMBER FLEMING: Oh. No, I'm not
14 going to second it yet because we don't want to change
15 the address. We want to identify the address of sixty
16 --
17 COUNCILMEMBER PITTMAN: Because that's the
18 proper terminology?
19 MR. HAEBERLIN: We'll just say get the tax
20 I.D. identified as 6555 PIB rather than 2747 Homeland
21 Drive.
22 COUNCILMEMBER FLEMING: But we're going to
23 have two different I.D.s; correct?
24 MR. HAEBERLIN: No, you'll only have one,
25 and so that's why it's really important that that one

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1 I.D. pull from where you want it to be.
2 Sounds to me like you really want to -- you
3 all really want to recognize this as 6555 PIB because
4 that makes more logical sense because that's where the
5 building is.
6 I mean I'm understanding what you're wanting
7 to do.
8 COUNCILMEMBER ALEXANDER: And the 2747 area
9 to remain R-1.
10 MR. HAEBERLIN: Correct.
11 COUNCILMEMBER PITTMAN: Correct.
12 COUNCILMEMBER FLEMING: I'll second the
13 motion.
14 MAYOR JENKINS: Any more discussion?
15 COUNCILMEMBER ROCHE: Well, again I'm
16 concerned that if the County does come along and say,
17 "Okay, fine. We'll change that address," then we'll
18 have to start over again with the rezoning process,
19 because now we're rezoning a different address and
20 we'd have to readvertise, et cetera, et cetera.
21 So if we want to get the rezoning done as
22 soon as possible, I would say get the rezoning done
23 first and then change the address.
24 ATTORNEY WEED: This may be helpful.
25 Is there one tax parcel I.D. number for the

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1 entire property?
2 MR. HAEBERLIN: Yes, sir.
3 ATTORNEY WEED: Okay. According to the
4 Zoning Procedures Act, you've got to identify where
5 the Council -- you know, what day the Council meeting
6 is going to occur, where the Council meeting is going
7 to occur, what time, and then the subject that's going
8 to be discussed at the Council meeting. Under the
9 ZPA, the language is pretty broad.
10 I think the advertisement will be legally
11 sufficient if there is one tax parcel I.D. number for
12 the entire L-shape lot. That's legally sufficient.
13 MR. HAEBERLIN: Yeah. I'm not concerned
14 about that. In other words, I'm with you on this.
15 COUNCILMEMBER FLEMING: So we're not putting
16 the address on the sign? Is that what you're stating?
17 ATTORNEY WEED: What I'm saying is you don't
18 have to. It is not required under the Zoning
19 Procedures Act --
20 COUNCILMEMBER FLEMING: Okay.
21 ATTORNEY WEED: -- as long as -- as long as
22 a reasonably intelligent human being can track down
23 that property, and if there's a tax parcel I.D. number
24 and it's all one property, that's fine, because the
25 sign -- there's only going to be one sign and it's

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1 going to be on one part of that property, not both.
2 There won't be two.
3 MR. HAEBERLIN: And we could put it at the
4 miter. We could put it so that it reads kind of from
5 both directions. If that's possible, we'll do that so
6 it kinds of reads from the residential and reads from
7 the commercial.
8 COUNCILMEMBER ROCHE: So if I --
9 ATTORNEY WEED: I too would prefer to have
10 two different addresses or clear that up, but it's not
11 legally required.
12 COUNCILMEMBER ROCHE: So if I read the legal
13 ad, it's not going to have the street address of what
14 this property is.
15 ATTORNEY WEED: It can but it doesn't have
16 to. The legal ad sets the time, place, purpose.
17 COUNCILMEMBER ROCHE: But what we're talking
18 about doing here is --
19 ATTORNEY WEED: (Overspeaking)
20 COUNCILMEMBER ROCHE: I'm sorry. But what
21 we're talking about doing here is basically putting
22 out a legal ad without a street address.
23 ATTORNEY WEED: Possibly, yes. You can do
24 it that way. That would be legal under the Zoning
25 Procedures Act.

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1 COUNCILMEMBER ROCHE: But then if you're
2 reading the ad, you wouldn't know where it is unless
3 you knew to go and look up the parcel.
4 ATTORNEY WEED: That is correct.
5 COUNCILMEMBER ROCHE: I don't mean to go
6 back and forth on this. I just think that we should
7 worry about straightening out the address after we get
8 it rezoned if that's what we want to do.
9 COUNCILMEMBER PITTMAN: That's what we said.
10 COUNCILMEMBER BATES: Could the ad say,
11 "Parcel I.D. at 6555 Peachtree Industrial Boulevard
12 and 2747 Homeland Drive?"
13 ATTORNEY WEED: Sure, absolutely.
14 COUNCILMEMBER PITTMAN: Then, let's --
15 COUNCILMEMBER BATES: Then let's do that.
16 COUNCILMEMBER PITTMAN: -- do that.
17 MR. HAEBERLIN: And typically I make our --
18 there is additional information in our ad only for the
19 people -- for the general public who's reading these
20 ads, so it's not uncommon for me to say, "at the
21 intersection of Buford Highway and McElroy Road."
22 COUNCILMEMBER BATES: If you could list both
23 addresses --
24 MR. HAEBERLIN: Okay.
25 COUNCILMEMBER BATES: -- on any advertise-

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1 ments along with the --
2 COUNCILMEMBER ROCHE: And if the County
3 changes the address in the middle of the process, we
4 don't have to do anything else?
5 ATTORNEY WEED: Yeah. I mean you -- we
6 don't have to as long we've got -- as long as there's
7 some way that's accurate to identify that piece of
8 property. So if the tax parcel I.D. number is there,
9 we'll be fine.
10 And frankly, you know, if they get the
11 address change done between now and when this Council
12 changes the zoning on that property, I'll be shocked.
13 COUNCILMEMBER PITTMAN: Yeah.
14 ATTORNEY WEED: I don't think realistically
15 that will happen, but it could.
16 COUNCILMEMBER ROCHE: Okay. I just didn't
17 want anything that would delay this --
18 ATTORNEY WEED: No. I --
19 COUNCILMEMBER ROCHE: -- rezoning.
20 ATTORNEY WEED: I thank you. You're
21 absolutely right.
22 MR. HAEBERLIN: Correct. And we use tax
23 I.D.s because over the history of me reviewing the
24 past actions of the past councils, addresses, you
25 know, change over time but tax I.D.s are pretty

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1 reliable. You can get on the web site and look them
2 up too. So that's the reason why I use the tax I.D.s
3 in my references.
4 MAYOR JENKINS: Did you second?
5 COUNCILMEMBER FLEMING: Yes, sir, I did.
6 MAYOR JENKINS: Okay. Any more discussion?
7 - - -
8 (No response)
9 - - -
10 MAYOR JENKINS: Okay. Call the roll.
11 CLERK BLACKMON: Councilmember Alexander?
12 COUNCILMEMBER ALEXANDER: Yes.
13 CLERK BLACKMON: Councilmember Bates?
14 COUNCILMEMBER BATES: Yes.
15 CLERK BLACKMON: Councilmember Fleming?
16 COUNCILMEMBER FLEMING: Yes.
17 CLERK BLACKMON: Councilmember Pachuta?
18 COUNCILMEMBER PACHUTA: Yes.
19 CLERK BLACKMON: Councilmember Pittman?
20 COUNCILMEMBER PITTMAN: Yes.
21 CLERK BLACKMON: Councilmember Roche?
22 COUNCILMEMBER ROCHE: Yes.
23 MAYOR JENKINS: All right. Number 4, Karen
24 Pachuta.
25 COUNCILMEMBER PACHUTA: The pawn shop

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1 regulations, and we had talked earlier, I think at the
2 last meeting and also the e-mail today, about tabling
3 this till after the next zoning meeting.
4 Is that something, Murray, that we can add
5 to the end of the agenda at the next zoning meeting so
6 that it would take effect before the end of the year,
7 because --
8 ATTORNEY WEED: Certainly.
9 COUNCILMEMBER PACHUTA: That's what I would
10 like to do is add it to the end of the zoning agenda
11 to adopt.
12 ATTORNEY WEED: You've already had a first
13 reading on an ordinance, so you've met that
14 requirement, and then the instructions were to
15 continue working on it. And Councilman Roche
16 particularly and appropriately wanted to see the
17 actual text before any kind of final decision was
18 made, and we're in that process of trying to create
19 that.
20 COUNCILMEMBER PACHUTA: Okay. Well, I would
21 like to table it and add it to the end of the agenda
22 on the December 13th zoning meeting. That's --
23 COUNCILMEMBER ROCHE: Well, couldn't we --
24 COUNCILMEMBER PACHUTA: -- the motion.
25 COUNCILMEMBER ROCHE: I'm sorry. Couldn't

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we just add it to the regular next -- regular Council meeting?

COUNCILMEMBER PACHUTA: I believe we were trying to wait until after the next zoning meeting to take care of some items.

COUNCILMEMBER ROCHE: Okay. So I guess my question is why wouldn't we just put it on the zoning meeting, just table it until the next --

COUNCILMEMBER PACHUTA: I guess we could --

COUNCILMEMBER ROCHE: -- Council meeting after the zoning meeting?

COUNCILMEMBER PACHUTA: No. It needs to be December 13th.

ATTORNEY WEED: When would that meeting be? That sounds fine to me, but what day is that meeting?

COUNCILMEMBER PACHUTA: The meeting is --

COUNCILMEMBER BATES: Is December 6.

COUNCILMEMBER PACHUTA: -- December thir- --

COUNCILMEMBER BATES: December 6th is the next Council meeting.

CLERK BLACKMON: Is the first one.

ATTORNEY WEED: And then the zoning meeting will be the third Monday.

COUNCILMEMBER PACHUTA: December 13th. Well, we changed it to December 13th is the zoning

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meeting for December.

COUNCILMEMBER BATES: Yes.

COUNCILMEMBER PACHUTA: And that's -- we need to have it --

COUNCILMEMBER ROCHE: So the Council meeting would be December 20th. I'm sorry.

COUNCILMEMBER BATES: If we have one.

COUNCILMEMBER FLEMING: If we have a second meeting in December.

COUNCILMEMBER PACHUTA: Typically we do cancel that.

COUNCILMEMBER BATES: So I'll second your motion to move it at the end of the zoning.

MAYOR JENKINS: More discussion?

CLERK BLACKMON: On 12/13?

COUNCILMEMBER BATES: Yes, ma'am.

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Sorry.

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

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CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: Okay. Personnel Policy, 2010 Revision, I guess you would do that, Murray?

ATTORNEY WEED: Yes, sir, Mr. Mayor and members of the Council. I sent another version that corrected one hopefully last typo that did not include the phone number in section 2.6.

Obviously, the last version, which is number six, sent out today should include all the changes Council has made or talked about to date.

COUNCILMEMBER FLEMING: Were they done in yellow as well? Because I haven't seen it yet.

ATTORNEY WEED: Yes, ma'am. They were -- there are highlights and underlining, I do believe. And I think in the last version, which was sent out today, I believe, I do not see highlights or underlines; however, in version number five, there still are if I remember correctly.

And the only difference between version six and version five is in section 2.6 on page 9, line 19,

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I added the phone number back in, which was also in the original text.

MAYOR JENKINS: What page?

ATTORNEY WEED: Page 9 under section 2.6, line 15, I believe it is. I just added the phone number back in. And that's already in the existing language. It just -- in version five, somehow it didn't appear, and we've put it back in.

COUNCILMEMBER BATES: My only question is going to be on page 10, section 3.1.2, subsection D, under the qualifications.

We took out all the references for drug screening, but then in 9.5.2, we reference that there are some positions that do require drug screening. So I wanted to know if we could insert in under the qualifications that a drug screening may be required pursuant to 9.5.2.

ATTORNEY WEED: I see no reason we couldn't do that legally.

COUNCILMEMBER BATES: I mean, to me, one more place to advise some perspective employees that they may be required to undergo drug screening.

ATTORNEY WEED: Now, just give me on page 10 where you want that inserted, please?

COUNCILMEMBER BATES: At the -- It would

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have been -- we took it out after letter V, so V-I, at V-I or at the end of the paragraph.

ATTORNEY WEED: I'm sorry. Which section number? Let's do it that way.

COUNCILMEMBER ALEXANDER: 3.1.2 (D) on page 10.

ATTORNEY WEED: Okay. All right.

COUNCILMEMBER BATES: In the qualifications in the initial --

ATTORNEY WEED: Yes. Okay. I'm with you.

COUNCILMEMBER BATES: All right. Thanks. That would be my only request in looking through the document.

COUNCILMEMBER ALEXANDER: Chief King, you had given us a review of the previous policy. Have you had a chance to read this?

CHIEF KING: No, ma'am, I have not. We have nothing to provide.

COUNCILMEMBER ALEXANDER: Okay. I would like your opinion on the section 2.6 since you were made aware of some issues. If we can get him a copy of it.

ATTORNEY WEED: He contributed to that section, ma'am. In fact, we had a meeting with the Chief, myself, and the Mayor and the Clerk, and I

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would say that, in fairness, the Chief's one of the authors of that section.

If he wants --

CHIEF KING: I apologize. I just don't --

ATTORNEY WEED: -- to look at it further, he can.

CHIEF KING: -- know what -- I just don't know what you're looking at, and I apologize.

COUNCILMEMBER BATES: Sexual harassment policy.

COUNCILMEMBER PACHUTA: The EEO complaint procedure.

CHIEF KING: Oh, yes. Mr. Weed and myself and the Mayor got together and worked on an appropriate agreement.

COUNCILMEMBER ROCHE: I just want to make sure I'm clear. On the last line, last sentence in section 2.6, it says, "A copy of all complaints under Section 2.6 shall be forwarded to the Mayor within 24 hours of any complaint being filed," and that's regardless of any situation or whatever. Is there a situation where this copy would not be required?

ATTORNEY WEED: Not if it's under 2.6.

If it's a complaint under a different section, a copy would not automatically be given to

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the Mayor.

And don't forget, there are different, two very different complaint sections. 2.6 deals with Equal Opportunity complaints based upon discrimination or alleged discrimination based on a person's class that they might fit into as opposed to the other section that might deal with a person complaining about being written up or disciplined for something. It's a different form of complaint.

COUNCILMEMBER ROCHE: Thank you.

COUNCILMEMBER FLEMING: I just have a question on page 10, and we were on D. A physical examination is required for applicants. Do we do that?

ATTORNEY WEED: I assume we do.

COUNCILMEMBER FLEMING: I'm not just talking about the police department.

MR. HAEBERLIN: Yes, ma'am, that's true.

CLERK BLACKMON: We do.

MR. HAEBERLIN: Okay. The Dunwoody Immediate Care Facility is who does it.

COUNCILMEMBER FLEMING: Okay.

COUNCILMEMBER ROCHE: In section 3.5, the exempt employees, I don't see that here.

ATTORNEY WEED: No. It's mentioned

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elsewhere and there's been no -- there's been no change to that section.

In other words, there is an explanation of what an exempt employee is, there's an explanation of what a nonexempt employee is, and our firm didn't recommend any additional changes. The only thing that we recommended and we've been recommending, which is an identification of those employees who are going to be exempt.

But there's no need to define it further. It's been there for a while.

COUNCILMEMBER ROCHE: So on page 11, section 4.3.2, it talks about nonexempt employees and how they get overtime.

ATTORNEY WEED: Yes.

COUNCILMEMBER ROCHE: Is there -- and maybe we just don't have it because it hasn't been amended -- exempt employees and how they get overtime?

ATTORNEY WEED: Exempt employees are not to get overtime --

COUNCILMEMBER ROCHE: That's what I thought.

ATTORNEY WEED: -- ordinarily. A local government or any employer can give whoever they want to overtime.

The categorization of exempt is under the

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1 Fair Labor Standards Act. Ordinarily, exempt
2 employees don't get overtime, but their salaries are
3 commensurate so that they don't expect overtime or
4 don't -- you know, there's no reasonable expectation
5 that they would get it.
6 So in accordance with our previous advice,
7 we've recommended that some of your exempt employees -
8 - I believe you've got seven or eight who would
9 quality under the Fair Labor Standards Act, and we've
10 issued two memos regarding that over the years
11 -- we think that those salaries need to be reviewed.
12 If adjustments up or down need to be made, they should
13 be made. My understanding is that Councilman Bates is
14 working on that process, and that's pretty much
15 everything I know about it right now.
16 But there's nothing illegal about giving
17 exempt employees overtime. You can always give more.
18 COUNCILMEMBER BATES: Make a motion to adopt
19 the changes to the personnel policy.
20 COUNCILMEMBER ALEXANDER: With the
21 additional language.
22 COUNCILMEMBER BATES: With the additional
23 language under 3.1.2 (D).
24 COUNCILMEMBER PACHUTA: Second.
25 MAYOR JENKINS: Any more discussion?

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1 COUNCILMEMBER FLEMING: Yes, sir.
2 MAYOR JENKINS: Call the roll, please.
3 COUNCILMEMBER FLEMING: Yes, sir.
4 MAYOR JENKINS: Oh. Excuse me.
5 COUNCILMEMBER FLEMING: On Mr. Roche's
6 question regarding exempt and nonexempt, are you
7 saying that there is a section in here?
8 ATTORNEY WEED: No, ma'am. The only thing
9 this ordinance does is make very specific changes.
10 COUNCILMEMBER FLEMING: No, no, no, no. I
11 mean -- My apologizes. I'm looking at the entire
12 personnel manual right now.
13 ATTORNEY WEED: Exempt and nonexempt, every
14 third page there's something about it. We don't need
15 -- in my opinion, we don't need any more definitions.
16 We don't need any more --
17 COUNCILMEMBER FLEMING: That's what I'm
18 trying to do --
19 ATTORNEY WEED: -- explanations.
20 COUNCILMEMBER FLEMING: -- is find out what
21 page it is on.
22 ATTORNEY WEED: It's well --
23 COUNCILMEMBER BATES: Page 14.
24 ATTORNEY WEED: It's well covered. And
25 that's why we didn't bring the particular thing back

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1 up again.
2 COUNCILMEMBER BATES: Subsection B.
3 ATTORNEY WEED: Just in order to be helpful
4 and for the sake of the audience, the real purpose of
5 this ordinance really is house cleaning. We had a
6 number of things that were adopted over the years,
7 such as the transgender policy, changes to the
8 Americans with Disabilities Act, and various things of
9 that nature that just needed to be encapsulated and
10 brought into the actual personnel policy. They are
11 already in the ordinances but they need to be brought
12 back into the personnel policy. That was the primary
13 function of the exercise.
14 COUNCILMEMBER ROCHE: It's just that I guess
15 paragraph A talks about how nonexempt employees
16 calculate overtime, and I'm just saying that, you
17 know, there have been obviously some changes to this,
18 and I didn't see similar changes for how exempt
19 employees --
20 COUNCILMEMBER BATES: It reads --
21 COUNCILMEMBER ROCHE: -- calculate overtime.
22 COUNCILMEMBER BATES: Paragraph B reads,
23 Exempt employees; exempt salaried employees shall not
24 receive overtime pay or compensatory time off, period.
25 They are expected at all times to work extra hours as

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1 part of their job duties.
2 COUNCILMEMBER FLEMING: Is that the draft
3 that we just got?
4 COUNCILMEMBER BATES: No. This is --
5 COUNCILMEMBER ALEXANDER: No. That's the
6 employee manual.
7 COUNCILMEMBER ROCHE: It's not in here. It
8 wasn't modified is what they say.
9 ATTORNEY WEED: It hasn't been changed;
10 therefore, there's no ordinance before you to change
11 it. It's the same language.
12 COUNCILMEMBER FLEMING: Thanks very much.
13 COUNCILMEMBER ROCHE: It's just that right
14 now we only have one exempt employee in the entire
15 city.
16 COUNCILMEMBER BATES: 4.3.2 (B).
17 ATTORNEY WEED: You have one employee who is
18 not receiving -- not receiving overtime compensation.
19 COUNCILMEMBER ROCHE: All right.
20 COUNCILMEMBER FLEMING: Thank you, Mayor.
21 MAYOR JENKINS: Any more discussion?
22 - - -
23 (No response)
24 - - -
25 MAYOR JENKINS: Call the roll, please.

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1 CLERK BLACKMON: Councilmember Alexander?
2 COUNCILMEMBER ALEXANDER: Yes.
3 CLERK BLACKMON: Councilmember Bates?
4 COUNCILMEMBER BATES: Yes.
5 CLERK BLACKMON: Councilmember Fleming?
6 COUNCILMEMBER FLEMING: Yes.
7 CLERK BLACKMON: Councilmember Pachuta?
8 COUNCILMEMBER PACHUTA: Yes.
9 CLERK BLACKMON: Councilmember Pittman?
10 COUNCILMEMBER PITTMAN: Yes.
11 CLERK BLACKMON: Councilmember Roche?
12 COUNCILMEMBER ROCHE: Yes.
13 MAYOR JENKINS: Donna?
14 COUNCILMEMBER PITTMAN: My item is
15 foreclosed property registration and upkeep of the
16 property.
17 A while back, Dekalb County passed an
18 ordinance to have foreclosed property registered with
19 the County. I really like that, and I thought, well,
20 certainly we should be able to do that in the city,
21 because some of our biggest problems is the vacant
22 homes that we have in our neighborhoods not being kept
23 up.
24 And I'll just read what I have on my agenda
25 item sheet. It's to develop an ordinance to require

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1 the owners of foreclosed property to register with the
2 City and to maintain the property.
3 I'd like a caveat put in this not only --
4 that Dekalb County doesn't have it in theirs, and I
5 know we have it in other ordinances, but I want this
6 in this particular spot so if they got this they would
7 read what they need to do.
8 It's to protect landowners and mortgage
9 holders from crimes, vagrancy, graffiti, arson, and to
10 promote property preventive measures such as upkeep
11 measures. We have a lot of uncut grass, unkept
12 property, boarded up windows. This will encourage
13 resale and our neighborhood stabilization, would help
14 prevent losses in property values by neighbors.
15 I just wanted the Council to discuss and
16 make recommendations.
17 Mr. Weed, I provided he and the Council a
18 copy of Dekalb County's. He took the initiative to go
19 ahead and look at it, and he made a couple of changes.
20 I just want to get the input from the Council on what
21 they think and if we could possibly move forward and
22 get an ordinance drawn up on this.
23 Mr. Weed, I believe you -- I believe Dekalb
24 County's is $175 for registration fee?
25 ATTORNEY WEED: Correct.

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1 COUNCILMEMBER PITTMAN: And you lowered it
2 to $100?
3 ATTORNEY WEED: Yes, ma'am.
4 COUNCILMEMBER PITTMAN: Is there a reason?
5 ATTORNEY WEED: Because I thought Council
6 would do that themselves based upon my prior
7 experience with Council.
8 COUNCILMEMBER PITTMAN: I mean I personally
9 like the $175 because these are mortgage companies and
10 these are banks and they've --
11 ATTORNEY WEED: We can always change it up
12 but --
13 COUNCILMEMBER PITTMAN: -- got the money,
14 but that's just my opinion.
15 ATTORNEY WEED: -- but I'm not going --
16 COUNCILMEMBER PITTMAN: But I appreciate the
17 thought.
18 ATTORNEY WEED: -- to make that mistake.
19 COUNCILMEMBER PITTMAN: That's just my
20 thought.
21 And then there's a part in there that you
22 added as far as the responsible person being limited
23 to Dekalb County. So are you saying that the --?
24 ATTORNEY WEED: Correct, meaning City of
25 Doraville or Dekalb County.

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1 Dekalb's version of this ordinance, they
2 make their responsible person could be anybody in the
3 entire metro region, in all 14 counties in the metro
4 region. And once again based upon my experience with
5 Council, I thought you would want to more narrowly
6 tailor that to City of Doraville and Dekalb County.
7 COUNCILMEMBER PITTMAN: Well, how can we --
8 if it's a mortgage that's in Marietta?
9 ATTORNEY WEED: Well, it's under the same
10 theory that if you can make somebody -- if you can
11 define the term "local" in the way that the County
12 has, meaning that they could do it in 14 counties, if
13 that's okay, you can do it in one.
14 So there's no legal objection to doing that,
15 because, you know, the mortgage company might be --
16 most of them will not be -- They'll be able to do
17 business in the state, but their home office, you
18 know, would not be in the state anyway. The mortgages
19 have been spread out, you know, throughout the
20 continental states.
21 All the ordinance does is make a certain
22 entity responsible as a local contact. And you can do
23 that because you can always require someone to be
24 available for service of process. And as you know,
25 via the alcohol beverage ordinance, we did that as

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well.
COUNCILMEMBER PACHUTA: So it would just be similar to a registered agent.
ATTORNEY WEED: Exactly.
COUNCILMEMBER PITTMAN: And then I think the only other difference was the $100,000 for --
ATTORNEY WEED: Correct. Dekalb County put a maximum cap on the penalties. The general rule is an ordinance violation can be punished up to a $1,000 fine. You can punish a person up to, each day of violation, a maximum of $1,000. For whatever the reason was, Dekalb County capped that at $100,000. I don't see the need that we would have to do that here. And frankly, it's unlikely that we would ever get to that level, anyway, before some -- before the entity took some action.
COUNCILMEMBER PITTMAN: And I appreciate you taking the initiative.
The only thing I personally disagree with is I would prefer it to stay $175 for them. And of course, you know, I would like a caveat in there, something in there that actually -- I know it's in other parts of ordinances about the upkeep, but I would actually like that, if possible, attached to -- I don't --

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ATTORNEY WEED: I believe that's covered in the preamble, and because it deals with --
COUNCILMEMBER PITTMAN: Well --
ATTORNEY WEED: -- prevention of vermin harborage -- vagrancy, trespass, abandonment, dilapidation of structures, unkempt property and other criminal activity. So I think it's in there.
COUNCILMEMBER PITTMAN: And would that cover like boarding of windows or --
ATTORNEY WEED: Yes.
COUNCILMEMBER PITTMAN: Okay.
COUNCILMEMBER ROCHE: I like the idea of the ordinance. I'm just concerned about how the mortgage holders would be aware that little old Doraville's passed this ordinance.
COUNCILMEMBER ALEXANDER: I think that's some of the concerns I have also, Councilmember Roche, and when I was -- when the article came out in the paper, Dekalb County was able to start this up because they got a grant.
Also, we do not have access to mortgage information. The County has that information because that's where the deeds are recorded.
When we had the house burn on English Oak and it sat untouched for months and months, I

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contacted the County and said, "Can you please give our police department the name of the mortgage holder on that property because we can't just let this continue to sit there", and they very reluctantly did pass along that information to the police department.
But we don't have that because we don't have the deeds, so I'm not sure how we would be able to administer this.
I also watched the meeting before -- I don't -- I'm not sure if the County -- it was before the County voted on it or if it was at one of the public hearings where some of the actual mortgage companies were there, and they had questions they were asking, one of which was, "How are we going to be notified? We're going to start being fined, and, you know, we don't know that we're supposed to do this."
And then when I was looking at the web site after Dekalb County brought it up, the language in there was confusing to me about when the mortgage holders were supposed to file their information. Some of it says after a foreclosure sale, and then some of the language said when foreclosure proceedings are started. So that was a little confusing.
I think it's a good idea but I don't necessarily know how we will administer it or get the

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information that we need or communicate the information.
I will tell you I had a house on our side of Oakcliff be foreclosed on, and I noticed the yard started looking ratty. And so I was able to see -- I guess, at some certain point during foreclosure proceedings, the deed actually changes over to the mortgage company. I don't know when that happens. I'm not familiar with, thank goodness, the foreclosure process. But I was able to contact the credit union, and within two days the house was cleaned up and the back taxes were paid.
So I'm trying to see, you know, if there's some other way that we can handle this problem without -- not necessarily doing it by legislation.
That was just one experience I had with a mortgage holder who was very amenable.
COUNCILMEMBER BATES: And the reason why we're needing to go through this is the ordinance from Dekalb specifically states that it's only in unincorporated areas of Dekalb County; is that --
COUNCILMEMBER ALEXANDER: Correct.
COUNCILMEMBER PITTMAN: That's correct.
COUNCILMEMBER BATES: And we haven't checked with them to see if they would amend their ordinance

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1 to include municipalities?
2 ATTORNEY WEED: They cannot. They don't
3 have that authority.
4 COUNCILMEMBER ALEXANDER: Can they do it
5 through an IGA?
6 ATTORNEY WEED: If we wanted them to apply
7 their ordinance, yes. I mean I supposed we'd enter
8 into an intergovernmental agreement that we would cede
9 that authority to them.
10 But how we would cede that authority to them
11 would be we would adopt an ordinance granting that
12 authority to them on this one topic. So if we're
13 going to do that -- I mean would advise you just to
14 write your own ordinance. But technically, yes, by
15 virtue of an intergovernmental contract and the
16 adoption of an ordinance granting them that
17 enforcement authority for this section, yes, that
18 would be possible.
19 COUNCILMEMBER FLEMING: But this means that
20 if that would be the case, Dekalb County QOL would be
21 coming in to check out and see if the maintenance and
22 everything else was on the upkeep, so I --
23 COUNCILMEMBER ALEXANDER: It would be
24 spelled out in the IGA.
25 COUNCILMEMBER FLEMING: I'm sorry?

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1 COUNCILMEMBER ALEXANDER: It would be
2 spelled out in the IGA that our code enforcement would
3 handle it. That would be one of the things that would
4 have to be worked out.
5 COUNCILMEMBER FLEMING: Okay. Would we --
6 spelling out in the IGA, would we tell them, "Okay.
7 We want you to take care of this foreclosed property?"
8 COUNCILMEMBER ALEXANDER: I'm sorry. I
9 don't understand.
10 COUNCILMEMBER FLEMING: Do we notify Dekalb
11 County when something is being foreclosed on?
12 COUNCILMEMBER ALEXANDER: Well, I mean how
13 are we going to find out if something's being
14 foreclosed on now, you know?
15 COUNCILMEMBER ROCHE: Right.
16 COUNCILMEMBER PITTMAN: Well --
17 COUNCILMEMBER FLEMING: The other questions
18 I had also, very similar, was the administration of
19 it, because we would have to establish some type of
20 procedure for transferring the permit application or
21 the application into some type of a permanent
22 registry, and that registry I guess would be kept at
23 City Hall. I would think that one should go to QOL at
24 the police department because they're going to be the
25 enforcers of the property maintenance, I guess, and I

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1 think something would go to planning and zoning just
2 to indicate that that property address needs to be
3 identified as empty or something at that point. So
4 I'm just concerned about the administration.
5 COUNCILMEMBER ROCHE: And people that hold,
6 I mean mortgages get bought and sold and swapped
7 around all the time, I mean I would think even -- I
8 mean when a property does start getting run down, I
9 mean we do have on the books right now ordinances and
10 laws where we can go and fix that property and then
11 put a lien on the property to pay for it. Right? I
12 mean that's basically what happened with that burned-
13 out house, if I remember correctly, because we ended
14 up going in and fixed it and then they couldn't -- no
15 one could sell that property until they paid us for
16 cleaning up that property.
17 COUNCILMEMBER PITTMAN: Well, we do, but
18 that would certainly speed up the process. Speaking
19 with Quality of Life, they said it would be wonderful
20 to go in and pull up and see who owns it right then
21 and there and make a phone call even from their truck.
22 And I mean I understand everybody's concerns.
23 Mr. Weed, do you have a suggestion on I
24 guess Ms. Alexander's concern on --
25 ATTORNEY WEED: Well, I can attempt to

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1 answer her questions.
2 COUNCILMEMBER PITTMAN: Okay.
3 ATTORNEY WEED: The first or the general
4 rule of law is that ignorance of the law is no excuse.
5 So if a local government or any government passes a
6 piece of legislation, the burden is on the citizenry
7 to make themselves aware of that by coming to
8 meetings, by looking at a web sites, by doing the
9 research. That's required by law, that's required in
10 the state of Georgia through an actual case that says,
11 quote/unquote, ignorance of the law is no excuse.
12 The way the ordinance in Dekalb County is
13 structured currently, the burden is clearly placed
14 upon the mortgage holder to notify the City -- the
15 County, I should say, in that situation, and that's
16 reflected in 5-292 and 5-293.
17 Whether that's a good burden or a bad
18 burden, that's not my call to make. My opinion is
19 it's a legal burden. There's nothing illegal in
20 putting that burden on the mortgage holder or creditor
21 who must then notify the City, and that's where the
22 notification comes in with regards to they've got to
23 tell us, and that burden is squarely on the creditor
24 or mortgage holder.
25 With regard to doing research to find out

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when a property is foreclosed, once again, that burden is shifted, according to the Dekalb County ordinance and this version, onto the creditor, so that's how -- that's how it's done.

In the worst-case scenario, let's assume that the mortgage holder hasn't notified us and they haven't signed up on the registry. Sooner or later, you know, people reap what they sow or sow what they reap, either one, and when a property is run down, Quality of Life, the neighbors, someone will complain about it, and if it gets to the attention to the government, sooner or later somebody here will track down who owns that property if it is a mortgage holder.

And ultimately, all that is in the deed records. They will be -- every mortgage holder is assigned a -- they should file a lien with regard to the property so they can actually get it back and foreclose upon it as necessary. So by doing a title search, a 50-year title search would indicate, you know, who the mortgage holders are.

But that should hopefully be the rare case when that has to occur, because most of the time the burden would be placed upon the creditor or mortgage holder to report to us first.

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I'm not advocating for the ordinance, I'm not advocating against it. My opinion is you can do it, and hopefully that answers the question.

COUNCILMEMBER ROCHE: So I guess I could see a scenario if we, for instance, pass this tonight, and then the property is foreclosed on, say, December 10th, and they weren't aware of this. And eventually sometime next year, maybe in June, you know, the weeds get tall and eventually we take action and eventually we track all this down. And so the first notification, if I'm understanding this correctly, to the mortgage holder would be, "You-all are in violation and you've been in violation for the last 185 days, therefore, you owe us $185,000."

ATTORNEY WEED: That is possible, yes. The City could --

COUNCILMEMBER ROCHE: That's a little scary to me.

ATTORNEY WEED: -- take the initiative to, you know, notify -- we can go through the phone book and find a list of banks and notify, you know, mortgage holders if you want to take that initiative. You're not required to do so. But in that situation, that's entirely possible.

COUNCILMEMBER ROCHE: And if I'm a mortgage

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holder that's not involved but I hear about it, I'm certainly going to think twice about writing a mortgage here in Doraville. I think this needs to be thought out a little more.

COUNCILMEMBER PITTMAN: And that's why --

COUNCILMEMBER ROCHE: I guess I --

COUNCILMEMBER PITTMAN: -- I brought it up.

COUNCILMEMBER ROCHE: -- like the idea, but there's just some things I just -- I mean, again, like I said, the only notification you get is when you get your fine for $1,000 per day, and, you know, we're not doing anything. There's nothing here that says we're letting anyone know we're doing it other than publishing it on the web site.

COUNCILMEMBER PITTMAN: It wasn't brought up to necessarily pass tonight. It was brought up for everyone to discuss and go back and possibly do some research. I don't want to close the door on it. I'd like to do some more research and see what we can come up with to make it work for us.

COUNCILMEMBER FLEMING: I think it's a real good idea, but we've got some boarded-up properties here in the city right now that I don't think we've tried to do anything with and, you know, I mean we could start in-house ourselves and start writing down

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addresses and try to take liens or actions on those as well without having to do a foreclosure registry. But I think it's a real good idea, and I don't want to stop it tonight, either. I mean I think we can continue and possibly tweak it and get some of the bugs out of it.

COUNCILMEMBER ROCHE: Yeah. That would be my next question. We have dilapidated properties in town now that either are foreclosed or not foreclosed, but we have the power today to go and clean up those dilapidated properties and then turn around and bill the property owner, and I don't understand why we're not doing that now.

COUNCILMEMBER PITTMAN: Well, they actually are, because we had one in my neighborhood that was foreclosed on and it was boarded up and it was reported, and it took a little while to find out it was foreclosed on.

They found out the property owner, Quality of Life contacted them, and within a week, the boards were down, the grass was cut and it was taken care of. I just think somehow if we could make that process easier, we would just have it there rather than have to go -- you know.

And I don't know how we could go about that,

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1 but I'd certainly like to see what research we could
2 do. And I'll do some more research, maybe some other
3 cities or states to see how they do it, even, and
4 maybe everybody else could come back with some.
5 And I'm willing to table this to the next
6 meeting, next Council meeting, and do some more
7 research. And Mr. Weed, you know, maybe you could see
8 what you could find out, and we'll just come back to
9 the drawing board if that's okay with the Council.
10 ATTORNEY WEED: Sure. I mean technically
11 you don't have to. If you want to table it to some
12 date in the future, you can. Now that it's appeared
13 on an agenda, it will automatically roll over --
14 COUNCILMEMBER PITTMAN: Okay.
15 ATTORNEY WEED: -- to old business.
16 COUNCILMEMBER PITTMAN: That's fine. Thank
17 you.
18 MAYOR JENKINS: Before we go to the next
19 item, let's take a 10-minute break.
20 - - -
21 (Brief recess)
22 - - -
23 MAYOR JENKINS: Maria?
24 COUNCILMEMBER ALEXANDER: Yes, sir. Item
25 number 7 is my agenda item, which is a review of the

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1 entire Sanitation Code, section number 15.
2 I gave Council and Mr. Weed and the City
3 Clerk yellow highlights of some of the things that I
4 think may be issues or may need clarification.
5 Ms. Fleming had discussed in the past that
6 our code section actually says how many times a week
7 we're supposed to provide service. That may be
8 something that we want to leave out.
9 There's also language in here about
10 franchise fees and things of that nature. I'm not
11 sure if that's something that we're following.
12 Also, language regarding what can and cannot
13 be put in a dumpster on private property. I don't
14 necessarily know that we, not being the property
15 owner, can specify those requirements.
16 I've highlighted the things that I've noted
17 in the code. I've also put notations in italics of
18 what I think may be some of the issues.
19 And then also, Mr. Weed, I don't know if you
20 have a copy of it --
21 ATTORNEY WEED: I do.
22 COUNCILMEMBER ALEXANDER: -- some of the
23 respondents to the RFPs asked questions regarding
24 limitations on size, number of bags and things of that
25 nature, and the Clerk responded to the questions on

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1 the web but I cannot find that information in our
2 code.
3 So that information, if it's in some other
4 ordinance or something, it may be, but it needs to be
5 put in section 15.
6 Also we enacted an ordinance 2008-19
7 regarding placement of trash receptacles after they've
8 been serviced. That also needs to be incorporated in
9 section 15.
10 So this is going to require work. I
11 encourage each and every one of you, as boring as it
12 can be, to read about trash, to peruse the code
13 section and see if you find anything else in there, if
14 you read something I highlighted and you don't
15 understand what my issue was with the code or things
16 like that.
17 There's also sections in here that I've
18 asked to get an opinion from Steven Strickland on.
19 One of them is regarding drain -- grease trap drains
20 being in dumpster pads. I don't think that's allowed
21 any longer. And there was also some issues in here
22 regarding the tree cutting and disposal of that. I
23 put Steven's name by those sections, Mr. Weed. If you
24 wouldn't mind getting his feedback on those.
25 And Mr. Haeberlin, feel free to offer your

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1 input also.
2 So if you can, leave this under old
3 business, because I'm sure we'll have --
4 COUNCILMEMBER FLEMING: I would like to ask
5 a question. When you mentioned the questions that
6 were asked, I would be curious as to what the
7 questions that were asked by the RFP submitters and
8 our responses.
9 COUNCILMEMBER PITTMAN: They're on the web.
10 COUNCILMEMBER ALEXANDER: They were on the
11 web. We can get them printed out and distributed.
12 If you can do that, Ms. Blackmon.
13 CLERK BLACKMON: Sure.
14 COUNCILMEMBER ALEXANDER: So if we could,
15 please leave this under old business.
16 CLERK BLACKMON: Yes, ma'am.
17 COUNCILMEMBER ALEXANDER: Thank you.
18 MAYOR JENKINS: You're moving this to the
19 next meeting?
20 COUNCILMEMBER ALEXANDER: Yes, sir. It's
21 going to stay under old business.
22 MAYOR JENKINS: Okay. Pam?
23 COUNCILMEMBER FLEMING: Yes, sir. Mine is
24 Special Events ordinance, and I wanted to -- ours is
25 probably going to be tabled as well to December 6th.

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However, I wanted to comment that of course I have received and I imagine all of us have received comments from residents who are concerned about allowing additional special events to come into Doraville other than just parades.

And to me, I feel that there is a need to be supportive of special events on private property, and we had -- That's on the first page in section 17-26, and everyone's received this copy.

However, I did make a comment earlier this afternoon, and I'm sorry it was so late, where a corrected copy was sent where there would be two permits, one for a three-day and one for a 14-day permit. And the reason why I had put the 14-day permit in there is because I know that the parking lot of K-Mart has had them, the parking lot of Value City, that shopping center has had them, of the carnivals that came into town for a week at a time. That did draw a lot of residents into the city to shop as well as to enjoy an event, so I want us to think about that as well.

One of the comments that was made by one of our residents or several of the residents that the approval should not be just by one person, and I had put in here just by the Mayor. I think maybe we

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should consider Mayor and Council on that, on the special events, rather than having just one person have to take the brunt of everybody's frustration.

What do you think, Mayor?

MAYOR JENKINS: Right.

COUNCILMEMBER FLEMING: So Mayor and Council for sure, so that's definitely something that does have to be changed.

Restricted hours also. Some of the residents felt that 7:00 a.m., which is part of Chamblee's as well as Dekalb County's, 7:00 a.m. permit time, would be 9:00 a.m. instead of 7:00 a.m. in the morning. So I'm amenable to changing that to 9:00 a.m. as well.

But I would like all of your feedback in regards to special events. I know that if we're only going to limit it to parades or events that are on our city property, we are limiting a lot of things that could possibly happen such as nonprofits having -- such as the Boy Scout -- I use this example: the Boy Scouts being permitted to have the pumpkin sales on the corners, okay, like Chamblee does. We're eliminating those, we're prohibiting those because of this ordinance, and that's -- I would like to see more of that type thing.

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COUNCILMEMBER BATES: I have two questions for Mr. Weed and Mr. Haeberlin. One of them is going to be admittedly a little extreme and the other one is probably more realistic.

The extreme one would be, right now, Cirque de Soleil is set up down at Atlantic Station. Would they be allowed to hypothetically set up shop at the General Motors plant under our current zoning/special events allowances?

ATTORNEY WEED: I'll answer from the special events aspect of it and then Mr. Haeberlin can answer from the zoning aspect.

From the special events aspect, your special events ordinance, the way it's currently conceived, deals with public property, and the base idea is that if somebody wants to use the tea walk or they want to have a run on a city street, how they go about doing that, and that's what it's solely designed to do is to deal with something that's clearly an event that is clearly in the public right-of-way.

And then as you've seen on your agenda, item 12 and 13 at Council's request, those are designed to deal with private property situation and exclusively designed to deal with the private property situation.

Now I'm going to turn it over to

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Mr. Haeberlin with regard to the zoning aspect of the second half of your question.

MR. HAEBERLIN: Well, Murray's right. We're going to go over this a little farther down.

We're getting special events muddied with private property and also too the zoning, because there are some things in the zoning code that are conditional uses, specifically because in the past they were problems for the city. So they're listed in the zoning code as conditional uses.

And in addition to that, we're talking about a procedure to have what's called a temporary use permit on private properties where we can actually manage these functions.

COUNCILMEMBER BATES: But as of right now, the answer is no, Cirque de Soleil would not be allowed to set up shop in the General Motors parking lot.

MR. HAEBERLIN: They would have an option, and I can't remember off the top of my head whether that's listed under conditional use in C-1 which is the General Motors site or not, but there is a district where it is a conditional use.

COUNCILMEMBER BATES: And my less extreme example would be next to Intown Plaza at McClave and

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1 Buford Highway, there's an empty lot. Would an entity
2 be able to set up a Christmas tree lot there to sell
3 Christmas trees hypothetically?
4 MR. HAEBERLIN: Not under our current code.
5 COUNCILMEMBER BATES: Okay.
6 MR. HAEBERLIN: That's what we're working
7 towards in the temporary use discussion.
8 COUNCILMEMBER BATES: That answers my
9 questions. Thank you.
10 COUNCILMEMBER PACHUTA: So I mean this came
11 up because of, you know, people not being able to put
12 up a stand as a temporary structure.
13 MR. HAEBERLIN: Correct.
14 COUNCILMEMBER PACHUTA: But if someone
15 wanted an event currently on their private property
16 that did not involve any temporary structures, they
17 can have it without the City's permission; is that
18 correct?
19 ATTORNEY WEED: Yes, if it's allowed by the
20 zoning.
21 COUNCILMEMBER PACHUTA: But so the issue
22 that --
23 MR. HAEBERLIN: I wouldn't go that broad --
24 COUNCILMEMBER PACHUTA: Okay.
25 MR. HAEBERLIN: -- and let me tell you why

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1 and let me intersperse, okay, because you still have
2 the fire marshal situation and you still have serving
3 food to the public. So not only it's just the City,
4 it's the County's involvement too.
5 ATTORNEY WEED: I hear you but that's
6 assuming some things that weren't in the question.
7 MR. HAEBERLIN: Okay. Well, please
8 continue.
9 COUNCILMEMBER PACHUTA: So you can have some
10 special events on private property currently --
11 ATTORNEY WEED: Clearly.
12 COUNCILMEMBER PACHUTA: -- but you can't
13 erect a temporary structure or be violative of any
14 other County laws regarding the sale of food or
15 anything.
16 MR. HAEBERLIN: Depends on how --
17 ATTORNEY WEED: Correct.
18 MR. HAEBERLIN: Depends on how that use is
19 written. There are some uses in the zoning code that
20 say with no outdoor display, no outdoor storage, okay.
21 And you've got a whole section of your zoning code on
22 outdoor storage, and what's the difference between
23 display and storage, at what point something is no
24 longer being displayed and it's being stored. It's
25 really a gray area.

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1 And cities with historic town squares deal
2 with this all the time, because the antique store
3 wants to put an antique chair out there. But guess
4 what? The appliance salesperson wants to put a used
5 refrigerator out there. Same thing.
6 So depending on the zoning use, there are
7 some very restrictive zoning uses in the code right
8 now. I would not unilaterally say that everything is
9 allowed by the zoning code if a structure is not
10 there, because you're going all over the place. Could
11 you do massage in the parking lot of a facility?
12 So you're getting down to semantics. It all
13 depends on the use.
14 ATTORNEY WEED: And I agree with that.
15 COUNCILMEMBER FLEMING: But to answer -- but
16 to follow up on Ms. Pachuta's comment is that based on
17 our ordinance right now, they can't put up a banner
18 either.
19 MR. HAEBERLIN: Well, banners or promotional
20 signs are regulated by the city code, and they can
21 make application. Anybody can make application for a
22 banner. It's $50 plus a $500 deposit. So the signs
23 are regulated differently under the sign code, which
24 is not part of zoning.
25 COUNCILMEMBER PITTMAN: I like the idea of

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1 the sale of pumpkins or maybe Christmas trees. What I
2 don't like is on the corner, the big stuffed animals
3 or the 50 boxes of shoes. That is not what I would --
4 ATTORNEY WEED: Well, you raise the
5 important point. You know, does the community,
6 meaning the Council because you are the decision
7 makers of the community, you know, how do you prevent
8 Tent City USA if you want to prevent Tent City USA and
9 how you prevent the sale of the velvet Elvis and the
10 tennis shoes and yet allow the sale of the Christmas
11 trees.
12 Ordinarily in the eyes of the law, a
13 Christmas tree and a pair of tennis shoes, there's not
14 much difference. So obviously we're going to do
15 whatever you want and do whatever is legal, but just
16 bear that in mind.
17 But you know, that is all different than a
18 special event.
19 COUNCILMEMBER PITTMAN: Right. I know,
20 but --
21 ATTORNEY WEED: Your current -- your special
22 event ordinance deals with public property and parades
23 and --
24 COUNCILMEMBER PITTMAN: Well, and I think
25 the biggest issue with the public is the noise factor,

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1 the big loud speakers and the -- you know, goes on and
2 on and on with the loudness.
3 COUNCILMEMBER PACHUTA: Which we don't have
4 to allow.
5 COUNCILMEMBER PITTMAN: So we don't have to.
6 That's right. I started to say I don't think we have
7 to allow that, although --
8 COUNCILMEMBER PACHUTA: But I think too -- I
9 don't know how far we want to go as far as issuing. I
10 don't want the Girl Scouts to have to come and get --
11 COUNCILMEMBER PITTMAN: Right.
12 COUNCILMEMBER PACHUTA: I mean could the
13 Girl Scouts set up in K-Mart now and sell cookies or
14 no?
15 COUNCILMEMBER BATES: No.
16 COUNCILMEMBER PITTMAN: No, no.
17 So you're saying --
18 COUNCILMEMBER PACHUTA: Because they're
19 selling something?
20 COUNCILMEMBER ALEXANDER: Yes.
21 MR. HAEBERLIN: They are selling something.
22 COUNCILMEMBER PACHUTA: Okay.
23 COUNCILMEMBER PITTMAN: So you're saying we
24 couldn't allow the Christmas tree farm and the Girl
25 Scouts to sell cookies but then we couldn't turn

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1 around and say, "You can't sell the big Elvis rugs on
2 the street corner."
3 COUNCILMEMBER ALEXANDER: Are the Girl
4 Scouts --
5 ATTORNEY WEED: What I'm -- No, I'm sorry.
6 What I'm trying to say is one thing is the same as the
7 other and it's hard to differentiate between the two.
8 And in the temporary use permit suggested ordinances,
9 some attempt was done to do that within the eyes of
10 the law. You know, it's hard to differentiate is what
11 I'm saying.
12 COUNCILMEMBER ALEXANDER: Are the Boy Scouts
13 and the Girl Scouts nonprofits?
14 COUNCILMEMBER PITTMAN: Uh-huh.
15 ATTORNEY WEED: Probably, yes.
16 COUNCILMEMBER ALEXANDER: Then you could
17 discern it that way.
18 ATTORNEY WEED: Arguably, yes. As a general
19 rule, you can differentiate -- you can create classes
20 and you can differentiate between classes.
21 COUNCILMEMBER BATES: But so is --
22 ATTORNEY WEED: As long as there's some
23 rational legislative basis for doing so.
24 COUNCILMEMBER BATES: So is the Goodwill.
25 ATTORNEY WEED: That is correct.

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1 COUNCILMEMBER ROCHE: This is true.
2 MR. HAEBERLIN: And a church as well.
3 COUNCILMEMBER PITTMAN: And so the church
4 and the school could sell Christmas trees and pumpkins
5 because it's nonprofit.
6 COUNCILMEMBER BATES: But the Goodwill could
7 set up shop on the corner and sell the used clothes.
8 COUNCILMEMBER FLEMING: If it's their
9 property.
10 COUNCILMEMBER BATES: No, because the Boy
11 Scouts wouldn't own the land where the pumpkins are
12 being sold.
13 COUNCILMEMBER PITTMAN: That's true.
14 COUNCILMEMBER FLEMING: We've got two
15 issues, though, at hand. We have special events,
16 which are community -- events of community interest
17 events. And we've got further down the line here,
18 which is sort of, you know, going in the same light,
19 the temporary use permits ordinance that Mr. Haeberlin
20 is working on with Mr. Weed, and not real sure about
21 the temporary structure thing.
22 But I think we should keep two separate
23 entities here. We already have a special events
24 permits ordinance but it's only -- back in 2005,
25 previous Council -- and I do respect all previous

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1 councils, but they eliminated anything but parades in
2 special permits.
3 COUNCILMEMBER ALEXANDER: One of the samples
4 I've got -- and I apologize, I haven't gotten them to
5 Ms. Fleming. I'll get them to you hopefully tonight.
6 One of the other municipalities has a
7 definition of the word vendor, and a vendor is allowed
8 to sell their wares if they are an authorized
9 participant of the special event. So it's used in
10 conjunction with the event, not a standalone person or
11 entity.
12 COUNCILMEMBER BATES: Ms. Fleming, I
13 understand your question or your comment.
14 Mr. Weed, in reviewing the City's special
15 event permits under section 17, would it be -- I hate
16 to assume what previous councils wanted to do or were
17 thinking about doing, but it leads me to believe that
18 they had anticipated it to be exactly that, a special
19 event, and not limited in scope to a special event on
20 public property.
21 ATTORNEY WEED: I respectfully can't agree
22 with that or I don't agree with that, but I could be
23 wrong. I think it seems to me that they intended it
24 to be oriented towards public property.
25 COUNCILMEMBER ROCHE: Well, I just had a

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1 couple of comments if I can get those out of the way.
2 As far as Councilman Bates who's talking about, you
3 know, like Cirque de Soleil or the people with the
4 horses or whatever on the GM property. It would seem
5 like if we wanted to do like an extraordinary
6 situation like that, as long as there were, you know,
7 maybe size restrictions, maybe buffer restrictions,
8 and I would think that anything we could do would have
9 to have some sort of an out where if it was an extreme
10 situation like the Lipizzaner horses wanted to set up
11 out there or something and everyone thought it was a
12 great idea, that we could do that.
13 I will say, though, that I do not like
14 inflatable gorillas whatsoever. Personally, I have to
15 say these carnivals -- I have to disagree. I don't
16 like them at all. They're just -- they're just cheesy
17 looking, and I just --
18 COUNCILMEMBER PITTMAN: I agree.
19 COUNCILMEMBER ROCHE: I wouldn't see
20 offering a permit for anything more than maybe a
21 weekend, maybe two days at a time.
22 COUNCILMEMBER PITTMAN: I agree.
23 COUNCILMEMBER ROCHE: And that way, to me,
24 temporary structure means temporary structure which
25 means you can put it up Friday afternoon and it's gone

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1 Monday morning for things like that. That doesn't
2 mean you can't set up rides or whatever as long as,
3 you know, there's plenty of space and it's -- but it
4 would have to be gone. I mean, like I said, I just
5 don't see long-term, three-week, you know, carnival
6 type things.
7 I did notice in section 17-40 maybe this is
8 nit picking, but if there was one of these things.
9 They have those little airgun rifles where you shoot
10 the ducks or whatever. I didn't know if that would
11 make this illegal or not.
12 And a second question on that would be would
13 17-40, paragraph A be superseded by the State? I know
14 the last I heard down in the statehouse, they were
15 talking about basically making it the wild, wild west,
16 no permits needed or whatever as far as carrying
17 concealed weapons. I don't know if that's a big deal
18 or not, but --
19 COUNCILMEMBER BATES: So back to my
20 question. Would it be easier versus trying to rewrite
21 and deal with two separate ordinances to have a
22 special events permit section under 17-26 be
23 applicable to public or private as Ms. Fleming has
24 suggested?
25 ATTORNEY WEED: Are you asking me for my

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1 opinion?
2 COUNCILMEMBER BATES: Yes.
3 ATTORNEY WEED: My opinion is I'd prefer to
4 keep the two things very separate. I think the way
5 the special events permit ordinance is crafted now, to
6 me, it clearly indicates that this is designed to deal
7 with public property and the effect of the event upon
8 public rights-of-way and the movement of human beings
9 on those rights-of-way. It's designed -- in fact, it
10 says that the public safety director would issue the
11 special event permit, so I think it's clearly geared
12 towards that.
13 Whatever we did, we'd sooner or later have
14 to go back and modify the zoning code anyway with
15 regard to private property. Clearly underneath public
16 property we're exempt from our own zoning rules and
17 regulations. We can have regulations but the zoning
18 is irrelevant to the public property or the
19 rights-of-way.
20 With regard to private property, in order to
21 allow certain uses, we're going to have to adjust the
22 zoning code no matter what we do. So even if you
23 decided to just try to stick with one ordinance,
24 you're going to end up doing at least two. You have
25 to modify the zoning ordinance.

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1 COUNCILMEMBER BATES: So you --
2 ATTORNEY WEED: But I'd prefer you to do two
3 totally separate things.
4 COUNCILMEMBER BATES: So the temporary use
5 permit ordinance that we've got a draft of is the
6 private version of our public special events permit.
7 ATTORNEY WEED: Yes, sir.
8 COUNCILMEMBER BATES: Okay.
9 COUNCILMEMBER ALEXANDER: It's not in
10 zoning?
11 COUNCILMEMBER BATES: No, it's not in
12 zoning, is it? No.
13 ATTORNEY WEED: There are two ordinances.
14 One is the zoning, the relevant zoning changes, and
15 the other is the relevant regulatory code. That's why
16 it's 12 and 13.
17 COUNCILMEMBER BATES: Thank you.
18 COUNCILMEMBER FLEMING: But would you
19 consider a road race an athletic event?
20 ATTORNEY WEED: Yes, ma'am. But if they're
21 running in the public street, it's a special event.
22 If they're running within the confines of a private
23 parking lot, then I guess it would -- it would depend
24 upon whether they're charging or not charging for it,
25 you know, how much noise is being created by it, but

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it wouldn't be regulated by the government under special events, not currently.

COUNCILMEMBER FLEMING: So they'd have to get a temporary use permit?

ATTORNEY WEED: They might, if you pass the ordinance that would require them to do so.

COUNCILMEMBER BATES: But as of right now, they wouldn't be allowed to do that.

ATTORNEY WEED: No, sir. They might be allowed to do that. It depends upon the lot where they were attempting to do it and what the zoning was on that lot and what were the allowed uses.

COUNCILMEMBER BATES: Mr. Haeberlin, do we allow road races on any private lot?

MR. HAEBERLIN: I have not had a specific request for that, so I'll be honest with you, I can't think of a specific district, but I mean arguably someplace that allows an outdoor recreation facility.

COUNCILMEMBER BATES: So Special Olympics want to hold an event on the GM property. Would they be allowed to do that?

MR. HAEBERLIN: Under C-1, I can't remember if outdoor recreation is listed or not. I don't think it is. And the GM site is zoned C-1. It's a placeholder zoning.

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COUNCILMEMBER BATES: So under the temporary use permits, and correct me if I'm wrong, but I think it talks about that the use needs to be allowed under the zoning.

MR. HAEBERLIN: Correct; I think you need to get away from allowing a subordinate or accessory use without the principal use. In other words, vacant properties should not be having temporary use permits on them. They should be occupied.

COUNCILMEMBER BATES: So even under a temporary-use-permit scenario if we pass this, Special Olympics wanting to use the GM property for a Special Olympic event would not be allowed.

MR. HAEBERLIN: There is no principal use of that property at this time.

I doubt that, anyways, I mean. I doubt GM would allow it.

COUNCILMEMBER FLEMING: Well, but that's not the question. The question is would it be allowed. No, by our zoning ordinance.

MR. HAEBERLIN: Correct.

COUNCILMEMBER FLEMING: Okay? And that's the problem that I think we're running into here is that if we're going to have to refer to zoning all the time to be able to allow community-interest events, I

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have issues with that.

Correct me if I'm wrong, Mr. Haeberlin or Mr. Weed. Am I not correct in stating that a church right now cannot hold an outdoor bazaar, a craft bazaar on their own parking lot?

ATTORNEY WEED: I believe that is correct. But we've always allowed them to use a public facility for the same event.

COUNCILMEMBER FLEMING: But they can't use their own private parking lot for their church bazaar.

ATTORNEY WEED: That is correct. But we've always allowed them to use a public property.

MR. HAEBERLIN: Now, be mindful --

COUNCILMEMBER FLEMING: So -- I'm sorry. Go ahead.

MR. HAEBERLIN: I just wanted to let you know there are three churches zoned residential, which would be eligible for a yard sale permit, and there are three that are zoned commercial. The commercial people would definitely not be eligible to have a yard sale but the residential could be eligible to have a yard sale, if that's what you're talking about -- a yard sale.

COUNCILMEMBER BATES: And would a bake sale be considered a yard sale?

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MR. HAEBERLIN: I'd have to go out and read the definition of yard sale. I don't think so probably. So we have a -- you know, we've got a different situation again. Remember, not all the churches are the same here because they're not equally on the equal zoning plateau.

COUNCILMEMBER BATES: But the challenge that we're in -- and it's a quandary -- is how do you allow the good stuff in like the pumpkin sales and the Christmas tree sales and, you know, how wonderful would it be if Cirque de Soleil wanted to set up shop at GM, but how do you prevent the bad stuff from coming in that's under the same guise?

And I don't know. That's where we need to look at our professional staff to help craft that. I don't know if it's craftable --

MR. HAEBERLIN: Yeah, it is.

COUNCILMEMBER BATES: -- but we've got an environment obviously where there are elements in our city that we don't want to perpetuate or promulgate but there are things that I think as neighbors, as residents, as citizens, as a community, we would want to start seeing more events come in that are a neighborhood function and, you know, community oriented.

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So I'm frustrated generally with this because there are things that I want to be able to allow our churches to do, I want to be able to allow, you know, Montessori as a private school to be able to do, but there are things that I don't want to have happen, either. I don't want, you know, the dogs-playing-poker guy to set up shop at Buford and Longmire.

COUNCILMEMBER FLEMING: But we definitely would like to see art shows in the church parking lots or --

COUNCILMEMBER BATES: Yeah. You know, the bonsai tree was starting to set up shop at the old Krystal a few months ago, and, you know, we don't want those things, but --

MR. HAEBERLIN: Well, there's no principal use there, and that's -- I think there's your key. There's no use on that property.

COUNCILMEMBER ALEXANDER: Then we have the huge 165 acres and I think it goes back to the same thing. If we had -- Councilman Bates and I, and I know he's pushed it more than I have -- if we had a movie company want to film on that, it wouldn't be allowed.

MR. HAEBERLIN: We've had several inquiries

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from that, and actually, believe it or not, on filming on the GM site. They've been referred to GM and GM always says absolutely not.

COUNCILMEMBER ALEXANDER: I understand that, but my point is they would not be allowed if they got permission from GM, because making movies -- that is not a movie studio, and there are no movie studios allowed in C-1.

MR. HAEBERLIN: That's correct.

COUNCILMEMBER ALEXANDER: And I think that's where our hands are tied --

MR. HAEBERLIN: Yeah.

COUNCILMEMBER ALEXANDER: -- is that we have opportunity knocking at our door and we can't get the door open.

COUNCILMEMBER ROCHE: Well, one thing that's definitely illegal is pointed sticks. I'm reading this. Pointed stick. You can't have a pointed stick.

MR. HAEBERLIN: That's from demonstrations.

ATTORNEY WEED: Council can allow anything you want.

COUNCILMEMBER ROCHE: No. According to this, pointed sticks. No pointed sticks.

ATTORNEY WEED: You can allow pointed sticks tonight, but the --

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COUNCILMEMBER ROCHE: So I don't know how you --

ATTORNEY WEED: -- the problem is it's hard to pick and choose, and I don't know if I can legally create an ordinance where you could pick and choose. I mean I will -- we can create classes, we can differentiate between classes.

But sooner or later, there will be uses that you don't want to have, that will be allowed, and sooner or later, there'll be uses that you want to have that will not be allowed.

COUNCILMEMBER ROCHE: Well, I'm not sure we --

ATTORNEY WEED: That's just reality.

COUNCILMEMBER ROCHE: I'm not sure we need to create a whole lot. I mean I know Roswell has an art show every year that's kind of neat, and I go over there.

Instead of creating stuff, why don't we find out? We're not the only city on earth. I'm sure other cities have dealt with exactly the same types of issues and perhaps we should look at Roswell, for instance. I know they have -- they must have some sort of permitting. You know, we don't have to reinvent the wheel from scratch here.

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ATTORNEY WEED: An art show would be allowed.

COUNCILMEMBER FLEMING: Well, in regards --

ATTORNEY WEED: I want to clarify this. Those things would be allowed on public property as special events. That hasn't changed. They're still allowed.

The question is what we do with private property, and then you do have to deal with the zoning issues, and the zoning is there because the Council wanted to protect certain areas and allow certain uses on certain lots.

COUNCILMEMBER BATES: So --

ATTORNEY WEED: You can always be more liberal with what you allow.

COUNCILMEMBER BATES: So -- okay. The public property, does that includes rights-of-ways?

ATTORNEY WEED: Yes.

COUNCILMEMBER BATES: So could an art show set up along Buford Highway in the public rights-of-ways?

ATTORNEY WEED: Yes.

COUNCILMEMBER PACHUTA: If they get a special events permit.

MR. HAEBERLIN: I think that would probably

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be a GDOT violation. I mean the Chief would probably know more about that but --

ATTORNEY WEED: Well, that's not our problem.

MR. HAEBERLIN: Yeah.

ATTORNEY WEED: With regard to our regulations, the answer is yes.

COUNCILMEMBER BATES: Okay.

ATTORNEY WEED: If they can't get an approval from somebody else, that's not us.

COUNCILMEMBER BATES: Okay. I just wanted to make sure that I was clear that that would be allowed. Not that I'm advocating that.

MR. HAEBERLIN: Well, recall, we get a lot of requests. People want to walk along. They want to carry signs and holler at cars and shake the sign. And if that's allowed under special events as well, you're bringing that type element in as well.

ATTORNEY WEED: And that's allowed.

MR. HAEBERLIN: But what you want to avoid is having undeveloped properties with events on them, okay, where there could be harm to the public. In other words, there is electricity run, there's water run, there are porta-cans brought in, there's cooking facilities brought in. There's no paved parking.

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There's no handicap access. So that's why when you have a principal use, something that's developed, and you allow this subordinate use, this temporary use, you already have a developed property with a paved parking lot rather than going to some area of the city where there's a lot that's just been sitting for years that's not occupied. That's how you get the management control of that.

But I do agree with Mr. Weed. You're always going to have those church properties zoned residential. They're right next to houses. And if they decide to put up a loudspeaker, you're going to get complaints. So I think, you know, there's the rub of the situation, how you handle the worship facilities. Because of their zoning, I think that's going to be the key issue.

ATTORNEY WEED: Someone asked me about yard sales and whether they could sell baked goods. The only thing that's in the ordinance, it says yard and garage sales will be allowed for the sale of household goods and clothing of the household or households of the person or persons conducting the sale. And there's no particular definition in section 13 where all this regulation is about what constitutes a household good. We obviously know what clothing is.

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MR. HAEBERLIN: Correct.

ATTORNEY WEED: So then we would -- you know, we you know, go to the other definitions in the zoning -- in the rest of the code and see if there's a definition of household good, and failing that, you'd look it up in a standard dictionary.

COUNCILMEMBER FLEMING: Well, and so food is not there; correct?

ATTORNEY WEED: Food specifically isn't there. It just says clothing or household goods.

COUNCILMEMBER FLEMING: Right. So Ms. Pittman's son Cameron can't get out there and have a hot chocolate booth in her front yard.

ATTORNEY WEED: Not --

COUNCILMEMBER FLEMING: No.

ATTORNEY WEED: Not under the -- not -- you can't get a yard and garage sale permit to do so. However, the day that our police department cites Cameron for that, I will advise them that it would not be a good idea to do so -- him or any other child.

COUNCILMEMBER FLEMING: But though it is extreme it's really not allowed because it's on private property.

COUNCILMEMBER BATES: He could get a special events permit for the public rights-of-way.

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COUNCILMEMBER FLEMING: For the five feet?

COUNCILMEMBER BATES: For the five feet in front of Hickory.

ATTORNEY WEED: He absolutely can do that.

COUNCILMEMBER ROCHE: And then with a $500 deposit, he could put up a banner.

COUNCILMEMBER BATES: It'll only cost him 50 bucks for --

COUNCILMEMBER FLEMING: We really truly do. We've expressed some issues that are of concern. I think we need to have -- you know, we'll put special events off until 12/6 for further review, but the -- because I think the majority of Council wants to be able to see more things happening particularly on private property.

Now, as far as the temporary use permit, that's another agenda item. So please put this off until 12/6 if that's acceptable with Council.

COUNCILMEMBER ROCHE: Well, I have to say I'm very concerned about this because if I read this ordinance correctly, you cannot have candy apples because your pointed stick can't be longer than two inches, and that's too short for --

COUNCILMEMBER BATES: That's only for a parade.

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1 COUNCILMEMBER FLEMING: Yeah. The ordinance
2 is just written for a parade.
3 COUNCILMEMBER ROCHE: I think I've seen it
4 all and then, you know, something else.
5 ATTORNEY WEED: There is no requirement that
6 you regulate special events. It's not required. You
7 can eliminate the regulation in two meetings.
8 COUNCILMEMBER FLEMING: And allow it. Allow
9 everything; right?
10 ATTORNEY WEED: Yes, ma'am.
11 COUNCILMEMBER FLEMING: Okay.
12 MAYOR JENKINS: Pam, are you finished?
13 COUNCILMEMBER FLEMING: Yes, sir. WE're
14 going to put it to 12/6.
15 MAYOR JENKINS: Okay. Bob, you're next.
16 COUNCILMEMBER ROCHE: Thank you, Mayor.
17 I'd mentioned this earlier in the RFP
18 process for sanitation services. Before I moved to
19 Doraville, I lived just down the street here about
20 nine years and we had Dekalb County sanitation and the
21 only thing I can report was that there's nothing
22 really to report. It was good service. It worked
23 fine.
24 I remember when we talked about the -- when
25 I talked to people back during the annexation vote,

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1 they gave me a couple of reasons, but one of the
2 reasons that people gave for not wanting to be part of
3 Doraville was that they were used to getting their
4 sanitation -- their trash picked up twice a week, and
5 they also liked the fact that it was part of their
6 property bill and all that sort of thing.
7 In Doraville, it seems like everything --
8 you know, it seems like there's all kinds of troubles.
9 I mean we had the situation not too long ago where the
10 collection agency, we decided to try to collect some
11 back, and we ended up turning over everybody's name, I
12 think it was, to the collection agency.
13 And now just recently, we had letters going
14 out on past-due accounts of $50 or more and we're
15 finding out that, you know, apparently some of the
16 payments weren't posted correctly.
17 I mean definitely the billing definitely
18 needs to go someplace else, but it just seems
19 reasonable to me that we strongly, seriously consider
20 just getting out of the sanitation business
21 altogether. I mean we've spent a lot of time on this
22 RFP process. And I was overseas at the last meeting,
23 but I believe we had a meeting where they had to
24 hurriedly put something on the agenda because there
25 was a delay in getting some questions answered for the

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1 RFP process. And you know, it just seems like a lot
2 of work to go through.
3 If we turned it over to Dekalb County, the
4 cost would be I guess a little more per year. I'm not
5 sure exact- -- well, $65 more a year. They already
6 have programs in place for recycling, they have -- you
7 know, all their rules are there. It's all on the web.
8 It's easy to look up, find out what's going on and
9 what's not going on, what's allowed, what's not
10 allowed.
11 If we did that, if we took that course of
12 action, the only thing that we would have to do as a
13 city would be once a year go out and audit. You know,
14 mail post cards to all the people that get exempt,
15 that do not pay sanitation now, and, you know, verify
16 that they're still valid and then total them up, I
17 guess, and then if we're going to continue that, once
18 a year, send a check to the County saying, "Okay. We
19 have 30 customers who do not pay so here's your"
20 whatever "for those 30 customers," and then we are
21 done with sanitation. We're finished, and we can
22 think about other things.
23 So I think that we need -- definitely need
24 to look at that. I understand that we did put out
25 RFPs. I also realized later that the -- I don't think

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1 the County is going to respond to an RFP because I
2 don't think the County is going to subcontract to us.
3 I mean why would they? Why do we need to be the
4 middleman here?
5 So our track record has not been good on
6 this. I think that we seriously again just need to
7 consider contacting the County. I guess we could
8 modify it with an IGA or whatever. It might be
9 extending an olive branch, saying, "Look, you know.
10 We want to work with you. Why don't you take these
11 customers? Also you get the revenue." You know, it
12 might be, you know, a peace sign or something as far
13 as negotiations for other things. And I think we
14 could probably do that and do that fairly soon, and
15 then we'd be done with it forever and ever and then we
16 could get on --
17 I was sitting at the Civic Center last
18 Thursday and I remember thinking, this building is not
19 really adequate for what we do. It would be nice if
20 we could be working on things like getting a new civic
21 center or something positive for the city instead of
22 spending all this time on sanitation.
23 COUNCILMEMBER PACHUTA: If I'm not mistaken,
24 Council already voted and approved the billing to go
25 to Dekalb County, so the billing is already going to

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be going to Dekalb County.
COUNCILMEMBER ROCHE: And that's an excellent move, but I think we should just go ahead and do the whole thing.
How much? I don't know. What is it going to cost us for Dekalb County to collect our sanitation bills for us?
COUNCILMEMBER ALEXANDER: Zero.
COUNCILMEMBER ROCHE: They're going to do it for free?
COUNCILMEMBER ALEXANDER: Yes, they are.
COUNCILMEMBER ROCHE: That's wonderful. But again, I think they should just do the whole thing.
MAYOR JENKINS: Any more discussion?
COUNCILMEMBER ROCHE: All right. Well, I'll make it a motion. I would like to make a motion that we contact Dekalb County and investigate what it would take for us to turn our sanitation services lock, stock and barrel over to Dekalb County.
COUNCILMEMBER FLEMING: I'll second it.
MAYOR JENKINS: Any more discussion?
COUNCILMEMBER ROCHE: Just one last thing. When we got the bids for all the different sanitation companies, Councilwoman Fleming put together a spread sheet that listed all the different sanitation

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companies. She also listed what the County cost us or would cost a year. And that was completely rejected. There was all kinds of static about that, I guess, so we're only allowed to look at the comparison that did not have the option for Dekalb County.
I feel like any time that City Council is going to be making a decision, we should have all the facts available to us, all the options that are available to us before we make a decision, and that's why I personally feel like we should have used this as a comparison, the one that does include the County option, instead of just the RFPs.
COUNCILMEMBER ALEXANDER: So if we included rates from someone that did not respond to the RFP, how would we then exclude other sanitation companies that did not respond to the RFP from being included in that analysis?
COUNCILMEMBER ROCHE: Because Dekalb County does not respond to RFPs from municipalities within Dekalb County.
COUNCILMEMBER ALEXANDER: Do you know --
COUNCILMEMBER ROCHE: But it is --
COUNCILMEMBER ALEXANDER: -- that for a fact?
COUNCILMEMBER ROCHE: -- another option. It

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is another option.
COUNCILMEMBER PACHUTA: Do you know that?
COUNCILMEMBER ROCHE: It's an option that's available to us.
COUNCILMEMBER PACHUTA: Are you speaking of that from -- do you actually know that?
COUNCILMEMBER ROCHE: I'm speaking from the fact that they did not respond, obviously.
COUNCILMEMBER PITTMAN: Maybe they weren't interested.
COUNCILMEMBER PACHUTA: So you are then assuming that they're not allowed to respond?
COUNCILMEMBER ROCHE: I'm not sure what is.
COUNCILMEMBER ALEXANDER: It's the special event permit information from --
COUNCILMEMBER ROCHE: Oh, okay.
COUNCILMEMBER ALEXANDER: -- other municipalities.
COUNCILMEMBER ROCHE: Sorry.
Well, I'm not even sure the question was asked. I'm not sure Dekalb County was even made aware of the fact that we had RFPs out there.
COUNCILMEMBER PACHUTA: It was a public notice.
COUNCILMEMBER ROCHE: All my motion says is

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that we approach Dekalb County and discuss the feasibility of potentially changing; find out what it would cost, if anything, find out what it would take to do it. Maybe it's a terrible idea. Who knows? But we'll never know if we don't ask, and that's the whole point of the motion.
Now, if we want to not ask, and make sure we don't ask them, and not get that information, that's fine. Then the Council can vote that way too.
ATTORNEY WEED: And obviously I've got no opinion about what you do with Dekalb County. But I will say in answer to the question that was asked, Dekalb County would not ordinarily respond to any RFP because there's a constitutional prohibition about restraint of trade. The government is not supposed to compete with the private sector, generally, so I would find it unlikely that they would respond to any RFP that went out where they would be in direct competition with the private sector. That's my opinion.
MAYOR JENKINS: Rhonda, have you -- read the motion.
CLERK BLACKMON: I believe Mr. Weed wrote too -- what did you write?
ATTORNEY WEED: There was a motion by

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1 Mr. Roche, seconded by Councilman Fleming, and it said
2 to turn sanitation over lock, stock and barrel to
3 Dekalb County.
4 COUNCILMEMBER ROCHE: I think I better amend
5 the motion. I don't remember saying it that way.
6 Could you read back the motion?
7 Well, never mind. I'll just start over
8 again.
9 THE REPORTER: I wrote down physically
10 contact Dekalb County to investigate turning
11 sanitation over.
12 COUNCILMEMBER ROCHE: That's what I thought.
13 Physically --
14 THE REPORTER: That's not reading it back.
15 ATTORNEY WEED: Yeah. Well, we can read it
16 back or not. He originally said lock, stock and
17 barrel.
18 THE REPORTER: He did.
19 COUNCILMEMBER ROCHE: Yeah, but part of that
20 was contact Dekalb County.
21 ATTORNEY WEED: It doesn't matter,
22 Councilman. Whatever you want it to say, we'll write.
23 COUNCILMEMBER ROCHE: Well, I've already
24 said it, and what I said was contact Dekalb County to
25 investigate turning over sanitation for City of

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1 Doraville lock, stock and barrel. I'm pretty sure
2 that was the same language I used, so --
3 COUNCILMEMBER FLEMING: And I'll second that
4 motion.
5 THE REPORTER: If you want to take a break,
6 I'll read it back.
7 COUNCILMEMBER ROCHE: No, that's fine.
8 MAYOR JENKINS: Any more discussion?
9 - - -
10 (No response)
11 - - -
12 MAYOR JENKINS: Call the roll.
13 CLERK BLACKMON: Councilmember Alexander?
14 COUNCILMEMBER ALEXANDER: No.
15 CLERK BLACKMON: Councilmember Bates?
16 COUNCILMEMBER BATES: No.
17 CLERK BLACKMON: Councilmember Fleming?
18 COUNCILMEMBER FLEMING: Yes.
19 CLERK BLACKMON: Councilmember Pachuta?
20 COUNCILMEMBER PACHUTA: No.
21 CLERK BLACKMON: Councilmember Pittman?
22 COUNCILMEMBER PITTMAN: No.
23 CLERK BLACKMON: Councilmember Roche?
24 COUNCILMEMBER ROCHE: Yes.
25 CLERK BLACKMON: Motion denied.

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1 MAYOR JENKINS: Okay, Karen Pachuta.
2 COUNCILMEMBER PACHUTA: Architectural Design
3 Standards. Obviously this is something that we had
4 addressed at our Strategic Planning as something we
5 wanted to move forward back in May. The Mayor had
6 spoken to I believe it was the Sizemore Group, and
7 they were going to bring us -- before we even got
8 started on passing an ordinance, they were going to
9 bring us I guess charettes or samples of just
10 different design ideas, things that could be included
11 into an ordinance that literally was going to be like
12 show us the different, various things where we could
13 then, "We like that," "We don't like that," similar to
14 what's been going on at some of the LCI meetings, and
15 then we could use that as a basis to craft the
16 ordinance.
17 At that time, the Mayor -- I believe the
18 quote was underneath the Mayor's authority. We ended
19 up postponing that with the GM -- we had all the talks
20 going on with the GM property for sale and what was
21 going to happen with that, so we kind of pushed it
22 off.
23 But I think we need to go ahead and move
24 forward with that, and what I would like is for us to
25 approve under the Mayor's authority. You know, I

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1 think this is something a lot of these firms such as
2 Perkins & Will that helped us with the GM project,
3 they probably already have these presentations or
4 similar presentations. To allow the Mayor to contact
5 some of those firms like Perkins & Will and get some
6 quotes on providing that for us; if it's underneath
7 his authority, to go ahead and get that moving.
8 MAYOR JENKINS: You're talking about just
9 the charettes, not the full --
10 COUNCILMEMBER PACHUTA: Yeah. Not crafting
11 an ordinance yet. Literally just bringing us some
12 ideas so we can have a direction to craft an ordinance
13 rather than just diving straight into the ordinance.
14 I think having a visual representation rather than
15 trying to -- I just remember from the dumpster
16 ordinance, just trying to even review the description
17 of the different types of materials that are allowed,
18 et cetera.
19 I think -- I mean I'm a very visual person
20 so I think it's helpful to have those demonstrations
21 of what you can or, you know, can't allow, things like
22 that, to then move forward from there once we get an
23 idea to then actually craft it into words.
24 COUNCILMEMBER BATES: I'd be in favor of
25 that, and if we could also have it include different

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1 sign options, standards for different, you know, way-
2 finding signs or city entrance signs, those types of
3 things, as part of the overall design charettes, that
4 would be great.
5 COUNCILMEMBER FLEMING: I want us to see
6 what's available to us through the studies that we've
7 already done before we spend any other additional
8 money because I think that there are -- I think
9 Perkins Will, like Ms. Pachuta said, when they came
10 into the presentation for the GM, they were giving us
11 examples, so it may be that they already have, like
12 she mentioned, already done that.
13 But I know that the LCI has been -- you
14 know, that has been handled as well as the Community
15 Choices has been using charettes as well. So I would
16 like to pull together those resources as well,
17 possibly --
18 COUNCILMEMBER PACHUTA: Yeah. I think at --
19 COUNCILMEMBER FLEMING: -- and see whatever
20 we can get for free would be my preference.
21 COUNCILMEMBER PACHUTA: Well, I think at
22 this point if we just authorize the Mayor to contact
23 some of the companies that have worked with the City
24 like TSW and Perkins & Will, maybe the Sizemore Group,
25 get some ideas from them and some quotes, what they

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1 would be willing to do and --
2 COUNCILMEMBER FLEMING: Okay. Let's go with
3 that.
4 COUNCILMEMBER PACHUTA: -- to let us know
5 what that is. So I'll make that in the form of a
6 motion.
7 COUNCILMEMBER ALEXANDER: Second.
8 MAYOR JENKINS: Any more discussion?
9 COUNCILMEMBER ROCHE: So this could run us
10 up to $5,000; right?
11 COUNCILMEMBER PACHUTA: I think at this
12 point --
13 COUNCILMEMBER FLEMING: She just --
14 COUNCILMEMBER PACHUTA: -- he's just
15 authorized the Mayor just to get quotes, get some
16 ideas.
17 COUNCILMEMBER ROCHE: Okay. He said --
18 Yeah, I understand. Because it said under the Mayor's
19 authority. The Mayor is authorized to spend up to --
20 COUNCILMEMBER PACHUTA: That's what I put
21 under my agenda item but that's not what I made in the
22 motion.
23 COUNCILMEMBER ROCHE: Thank you.
24 MAYOR JENKINS: Any more discussion?
25 - - -

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1 (No response)
2 - - -
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 MAYOR JENKINS: Thank you.
17 Brian Bates.
18 COUNCILMEMBER BATES: Yes, sir. Thank you,
19 Mayor.
20 Over the last two years, we've tried to get
21 several pieces of legislation passed through the
22 Statehouse. Some of them are housekeeping items;
23 i.e., when our elections are supposed to take place,
24 and others of them are more in depth such as changing
25 the form of government to a part-time mayor/city

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1 manager form of government. None of those have ever
2 made it through the respective Legislature, and some
3 of them, we need to address and get them moving.
4 We've got a new representative from the
5 Statehouse, Ms. Parent. She's expressed interest to
6 Ms. Pachuta and myself of being active and involved in
7 helping move forward some of the pieces of
8 legislation, but I'd like for us as a city government
9 to craft the legislation that we want and give it to
10 Ms. Parent or Senator Millar to move forward and
11 shepherd that process.
12 We've identified through the retreat and
13 over the last couple years a number of items that we
14 would like or need. I think we need to really do some
15 work and get those crafted and ready for the
16 Legislature when they go back in session in the
17 spring.
18 So I would suggest that we have a
19 legislative committee that would work on crafting the
20 legislation that we want and have that presented back
21 to Council for approval before we move it forward.
22 COUNCILMEMBER ALEXANDER: Do we want to
23 prioritize items on the list?
24 COUNCILMEMBER BATES: I think we need to and
25 focus our energies and efforts on getting certain

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1 things pushed through and things that, you know, may
2 be less important, you know, if they happen to fall by
3 the wayside, so be it, but I'll leave it for the rest
4 of the Council to discuss.
5 COUNCILMEMBER ROCHE: I think that -- you
6 know, I mean I -- of course I've always been on record
7 that I don't really like special committees. I think
8 we have a special committee. It's called City
9 Council. I would be very much, though, in favor of
10 maybe getting together for a work session and doing it
11 as Councilwoman Alexander said, looking at the list
12 and maybe prioritizing what we're interested in and
13 perhaps even inviting Representative-Elect Parent
14 and/or Senator-Elect Millar to attend a meeting or
15 maybe even that particular meeting.
16 COUNCILMEMBER PACHUTA: Well, I don't know.
17 I have spoken to Ms. Parent, and her goal is she would
18 like to have legislation already started, drafted and
19 everything in December before the session starts in
20 January --
21 COUNCILMEMBER ROCHE: Sure.
22 COUNCILMEMBER PACHUTA: -- so that it's
23 ready to go. So if we want to go that route of having
24 a full work session and everything, I think we're
25 going to have to have it soon.

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1 COUNCILMEMBER ROCHE: Well, anything that
2 was developed by this committee would have to be voted
3 on by the Council anyway, so why not just have the
4 Council do the work?
5 I think the list that we had was pretty well
6 -- and I think we already have, I mean we've already
7 submitted this year after year. I mean I think we've
8 already got the language pretty well put together.
9 It seems like the main thing we would just
10 need is to gather up, you know, the language from the
11 proposed legislation and maybe prioritize them and
12 present them.
13 COUNCILMEMBER PACHUTA: I think we've only
14 had two submitted before, number 4 and number 5. On
15 Brian's list on the agenda item, I think we've only
16 had two of those submitted before, number 4 and number
17 5.
18 COUNCILMEMBER ROCHE: Well, I think we could
19 probably start with number 4 and number 5. The other
20 ones may need more work. I'm not sure how we could
21 get that done in just a couple of weeks whether it was
22 a committee or the full Council. Like legislative
23 annexations of Dunwoody and Doraville borders, I've
24 got to believe that's going to be more work than we
25 can just do in a few minutes.

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1 COUNCILMEMBER BATES: Well, and that's why
2 the charge of the committee would be to do that work
3 and bring it back to Council for presentation and
4 further discussion, not to bog the entire seven
5 members of this body with, you know, starting from
6 scratch but allow certain members who might express an
7 interest in doing the research and presenting to the
8 full Council. But I'll defer that to the Council.
9 COUNCILMEMBER ROCHE: Well, again I think
10 that number 4 and number 5 -- well, particularly
11 number 4, are high priority. And number 4, by the
12 way, is city manager/part-time Mayor, which is a
13 charter change and then 5 is tax redevelopment powers.
14 I don't see why we couldn't just go ahead and take 4
15 and 5 and go ahead and submit to both our
16 representatives as soon as possible.
17 COUNCILMEMBER FLEMING: In the same language
18 that they are right now?
19 COUNCILMEMBER ROCHE: In the same language
20 that we've had.
21 COUNCILMEMBER ALEXANDER: Mr. Weed did not
22 write that language. We are not sure who wrote that
23 language. And so I would prefer our staff and
24 ourselves and Mr. Weed to review that language before
25 it's resubmitted again.

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1 I mean there's always the chance, as he
2 knows when he submits language, the state council get
3 ahold of it, and you know, sometimes it doesn't look
4 exactly as he's penned it.
5 But I don't like things appearing on our
6 behalf and we did not submit them, and we find out
7 about them after the bill's been dropped or -- that's
8 happened to us before, or the bill --
9 COUNCILMEMBER BATES: Doesn't get dropped.
10 COUNCILMEMBER ALEXANDER: -- doesn't get
11 dropped.
12 COUNCILMEMBER PITTMAN: Doesn't get dropped.
13 COUNCILMEMBER ROCHE: Well, so, it would
14 seem to me, then, that number 4, which is city
15 manager/part-time Mayor, we could certainly review the
16 logic -- sorry -- review the language on that and have
17 it ready for our December 6th City Council meeting.
18 COUNCILMEMBER ALEXANDER: Regarding the
19 issues, I think item number 2 and 3 are extremely
20 important, which are remove the millage cap and the
21 homestead exemption.
22 As we have discussed earlier, when our
23 homestead exemption was set at the rate it is now, we
24 had a huge industrial giant in this city that helped
25 defer the property taxes. In reviewing our property

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taxes, I believe there is a great percentage of homeowners that pay zero city taxes.

COUNCILMEMBER PACHUTA: Yeah, approximately 50 percent.

COUNCILMEMBER ALEXANDER: Approximately half the city. I personally do not feel like I pay my fair share with my $4.99 contribution to the coffers. I think that's insane for the city services that I receive as a citizen.

So I think that is something that we definitely need to look at. We have the highest homestead exemption in the entire county.

COUNCILMEMBER FLEMING: Mr. Weed, on these legislative issues, would they all have to be resolutions from us to move forward with legislation to go forward?

ATTORNEY WEED: Well, there's no state law that requires that. Traditionally, the state representatives require that. What they want to see, what they prefer is a voice of unanimity on these issues, so they will ordinarily want resolutions.

COUNCILMEMBER PACHUTA: Number 1, this is something we've discussed. Currently we charge 5 percent for the hotel/motel tax, and that tax, the City can use toward marketing, other improvements

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basically towards bringing people to the city, and we could use that to help fund things like Doraville Days.

The State allows us to charge up to 8 percent. And again, that money can be used to basically promote the city, so, but the General Assembly has to approve us raising it above the 5 percent we're currently at. So that is why that is on there, because we cannot do it on our own.

MAYOR JENKINS: There's also supposed to have been a referendum added into that, and it was in the last part that we sent to the Legislature. There would be a referendum from the citizens even after it was voted on in the Legislature.

COUNCILMEMBER FLEMING: For the hotel/motel tax?

COUNCILMEMBER PACHUTA: For the city manager?

MAYOR JENKINS: For city manager.

COUNCILMEMBER FLEMING: Okay.

COUNCILMEMBER ROCHE: Yeah.

COUNCILMEMBER FLEMING: I'm sorry. I thought we were still talking about hotel/motel.

MAYOR JENKINS: Just on the city manager/part-time Mayor.

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COUNCILMEMBER ALEXANDER: Well, now, there's also going to be referedums that are required for some of the other items also.

MAYOR JENKINS: Well, I mean I know that we had that on those two before.

COUNCILMEMBER FLEMING: So Mr. Bates, your suggestion, and I know what Mr. Roche's suggestion is, but are you suggesting that you want to of us to get together and do two of the items and two of us get together and do two of the items and two of us get together and do the other two items and come back on the 6th?

COUNCILMEMBER BATES: We could certainly attempt to do that. Mr. Weed and I would say the Mayor and Mr. Howe are going to need to be involved in that because the legal aspect is Murray's forte and Luke has understanding of the legislative process and the Mayor is, as we all know, the Mayor. So I'm not necessarily opposed to that.

I do agree with Mr. Roche that I think that we can expedite the city manager and the TAD/ Redevelopment Powers. That is a typo on the agenda sheet. I think we can expedite those two pieces of legislation. The others, we can prioritize those now and try to assign them.

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COUNCILMEMBER ROCHE: Just a quick question. On the part-time Mayor/city manager form of government, I'm pretty sure we did vote on that. I don't remember if we voted for the TAD. I know you brought that up. I don't know. Did we --

COUNCILMEMBER ALEXANDER: I think --

COUNCILMEMBER ROCHE: -- vote that?

COUNCILMEMBER ALEXANDER: -- we did.

COUNCILMEMBER FLEMING: Yeah.

COUNCILMEMBER ROCHE: -- specifically? So, then, we should have language --

COUNCILMEMBER ALEXANDER: Yes.

COUNCILMEMBER ROCHE: -- that we've already voted on for those two.

COUNCILMEMBER BATES: Yeah.

And to Ms. Alexander's point, though, we didn't write the legislation, so that was done on our behest and it was dropped without us approving the language.

COUNCILMEMBER PACHUTA: Well, and I think the TAD is basically almost a form legislation. Every city's is the same, and they just insert the name of the city.

ATTORNEY WEED: That's correct.

COUNCILMEMBER BATES: Mr. Weed, could you

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1 work on the city manager/part-time Mayor piece of
2 legislation and the TAD for the December 6th?
3 ATTORNEY WEED: Yes.
4 Now, where my colleague and friend
5 Councilman Alexander and I might differ would be
6 Councilman Alexander has proposed in the past that
7 essentially a city manager, kind of like a job
8 description and what their duties, that would be
9 spelled out in advance.
10 Would part of my assignment be to try to
11 carve out the entire realm of what the city manager
12 would do or will it be, you know, the baseline of the
13 Council supports a resolution to seek a referendum
14 from the public as to whether or not we're going to go
15 to a city manager form of government. That's a very
16 different thing than doing an outline of the all the
17 detail.
18 COUNCILMEMBER PACHUTA: The referendum we
19 did in the spring, I don't remember what date --
20 February maybe -- is just to basically put out the
21 question about moving towards a city manager form of
22 government.
23 COUNCILMEMBER ALEXANDER: That is correct.
24 And my debate with Mr. Weed was that one of my pet
25 peeves is uneducated voters, and that's why I wanted

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1 these voters to have a job description to know exactly
2 what they were voting for moving from a full-time
3 Mayor to a city manager and exactly what powers and
4 what limitations that city manager was going to have.
5 COUNCILMEMBER PACHUTA: But does that
6 necessarily have to be part of the legislation --
7 COUNCILMEMBER ALEXANDER: No.
8 COUNCILMEMBER PACHUTA: -- versus --
9 ATTORNEY WEED: No. Absolutely not.
10 COUNCILMEMBER PACHUTA: -- it would be part
11 of the education for --
12 ATTORNEY WEED: It could be done that way
13 but, you know, the first hurdle will be whether people
14 want to do it or not.
15 COUNCILMEMBER PACHUTA: Well, I'm saying
16 that in between getting it to the Legislature and
17 voting on it, we would then decide on duties and have
18 that as a motion ready before a vote.
19 MAYOR JENKINS: Karen --
20 COUNCILMEMBER PACHUTA: Yes.
21 MAYOR JENKINS: -- I need a motion we extend
22 the meeting or close the meeting. Do I get a motion?
23 COUNCILMEMBER ROCHE: I'd like to make a
24 motion we extend the meeting just to discuss this
25 agenda item and public comments.

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1 COUNCILMEMBER BATES: Second.
2 MAYOR JENKINS: Any more discussion?
3 - - -
4 (No response)
5 - - -
6 MAYOR JENKINS: Call the roll.
7 CLERK BLACKMON: Councilmember Alexander?
8 COUNCILMEMBER ALEXANDER: Yes.
9 CLERK BLACKMON: Councilmember Bates?
10 COUNCILMEMBER BATES: Yes.
11 CLERK BLACKMON: Councilmember Fleming?
12 COUNCILMEMBER FLEMING: Yes.
13 CLERK BLACKMON: Councilmember Pachuta?
14 COUNCILMEMBER PACHUTA: Yes.
15 CLERK BLACKMON: Councilmember Pittman?
16 COUNCILMEMBER PITTMAN: Yes.
17 CLERK BLACKMON: Councilmember Roche?
18 COUNCILMEMBER ROCHE: Yes. Thank you.
19 MAYOR JENKINS: I apologize.
20 COUNCILMEMBER PACHUTA: No. I was just
21 saying we can at least get the legislation moving and
22 then Council decide what kind of roles, duties,
23 responsibilities, et cetera, before --
24 MAYOR JENKINS: Yeah, we can do that.
25 COUNCILMEMBER PACHUTA: -- a vote and then

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1 educate the city, because I think actually with a lot
2 of these items, because several of these are going to
3 be up for vote, I think we're going to have to have an
4 education campaign on many of these items, you know,
5 the homestead exemption, the TAD. A lot of people
6 don't know what a TAD is, and I think we're going to
7 have to have, you know --
8 MAYOR JENKINS: We can get the legislative
9 part of it moving and then we can work on some of the
10 other stuff; right?
11 ATTORNEY WEED: After hearing that, I think
12 yes, I can do that.
13 COUNCILMEMBER PACHUTA: Especially since
14 these are things -- I mean the assembly is basically
15 just saying you can do -- you can have a vote on this.
16 ATTORNEY WEED: Yes.
17 COUNCILMEMBER BATES: The other piece that I
18 think you may have already done or at least we talked
19 about was some of the minor charter changes like the
20 election date. Have you --
21 ATTORNEY WEED: A number of those were
22 passed but some of them, even though we literally
23 wrote the legislation for them, the version that got
24 passed still didn't include everything that we asked
25 them to do. And why, I have no idea. But we'll need

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1 to revisit a few of those items just to clean that up,
2 but the majority of them got passed.
3 COUNCILMEMBER BATES: But not enacted.
4 ATTORNEY WEED: Well, some of them -- some
5 of them did get enacted, yes, but not all of them.
6 COUNCILMEMBER FLEMING: But don't we have to
7 put those -- if they're charter changes, do we not
8 have to put that passage of those into our Municode
9 for the charter changes --
10 ATTORNEY WEED: Yes, the --
11 COUNCILMEMBER FLEMING: -- for us to have a
12 copy of what's been changed?
13 ATTORNEY WEED: Yes, ma'am.
14 COUNCILMEMBER FLEMING: Okay.
15 ATTORNEY WEED: And I have discussed that
16 with the Clerk.
17 COUNCILMEMBER FLEMING: Okay.
18 ATTORNEY WEED: The legislation that did get
19 enacted that did make the changes has by now been sent
20 to Municode, and my expectation is they're going to
21 include it.
22 COUNCILMEMBER ROCHE: Could we get a copy?
23 ATTORNEY WEED: Sure.
24 COUNCILMEMBER ROCHE: I mean we'd kind of
25 like to know what our ordinances are.

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1 COUNCILMEMBER FLEMING: No, the charter.
2 COUNCILMEMBER ROCHE: What our charter says.
3 COUNCILMEMBER FLEMING: Because honestly,
4 I'm not sure what changes were enacted. I'm sorry.
5 COUNCILMEMBER BATES: I'm with you. I don't
6 know.
7 COUNCILMEMBER ROCHE: Yeah.
8 COUNCILMEMBER ALEXANDER: I think it was
9 like Brian said. Fixing the voting I think was one of
10 them we had an issue with, but I don't know that all
11 of them we have listed got done.
12 ATTORNEY WEED: All of them we listed did
13 not get done but the majority of them did make it.
14 COUNCILMEMBER BATES: Could you --
15 ATTORNEY WEED: But we still need to finish
16 cleaning that up.
17 COUNCILMEMBER BATES: Is that something that
18 could be ready for December 6th?
19 Yes.
20 COUNCILMEMBER BATES: Okay. So city
21 manager, TAD and some of the minor charter changes for
22 December 6th?
23 ATTORNEY WEED: Yes. Now, what I'm
24 preparing will be resolutions for Council to send to
25 the Legislature that say, "Legislature, please do what

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1 you need to do to make these things happen."
2 COUNCILMEMBER BATES: Yes.
3 COUNCILMEMBER FLEMING: But you're not going
4 to write their legislation for them?
5 ATTORNEY WEED: Well, that's -- that's what
6 I'm asking.
7 COUNCILMEMBER BATES: Yes.
8 ATTORNEY WEED: Yes, I'm writing the
9 legislation for them.
10 COUNCILMEMBER PACHUTA: Well, can we
11 authorize Mr. Weed to perhaps speak to Ms. Parent and
12 Mr. Millar and see how they want to operate things or
13 how they -- Ms. Parent's an attorney, so she may
14 already have -- I don't know. And she's worked as a
15 legislative aide.
16 ATTORNEY WEED: There aren't that many
17 remaining charter-change provisions we need to tinker
18 with as far as the clean-up is concerned.
19 Are you going to leave the items such as
20 homestead exemption off right now?
21 COUNCILMEMBER ALEXANDER: No.
22 COUNCILMEMBER PACHUTA: No.
23 COUNCILMEMBER FLEMING: No.
24 ATTORNEY WEED: Okay. So that is to be
25 included. Okay.

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1 COUNCILMEMBER PACHUTA: Well, we're just
2 trying to prioritize.
3 ATTORNEY WEED: So the answer to your
4 question is yes, I think I can do that.
5 What you would get would be a resolution
6 from me in the form of a resolution, and it can
7 actually include pretty much the way we would like to
8 see the legislation crafted in it. I can do that if
9 that's what you're asking me to do.
10 COUNCILMEMBER ALEXANDER: I believe that the
11 homestead exemption and possibly the millage cap if
12 I'm not mistaken probably should be separate because
13 those require a referendum because they regard
14 taxation.
15 ATTORNEY WEED: We can do it however Council
16 prefers. I can write --
17 COUNCILMEMBER FLEMING: My preference is
18 to -- I think that's where we got caught up. Our TAD
19 was with the city manager and --
20 COUNCILMEMBER ALEXANDER: Exactly.
21 COUNCILMEMBER FLEMING: -- you know, I don't
22 want us to get in that situation again.
23 We take each issue as a standalone issue.
24 Even if it takes seven resolutions, then that's what
25 we need to do.

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1 COUNCILMEMBER BATES: Yes. That's exactly
2 right. I want them to stand or fail based upon their
3 own merits.
4 COUNCILMEMBER FLEMING: Exactly.
5 COUNCILMEMBER BATES: And not tied with,
6 lumped in with something else --
7 COUNCILMEMBER FLEMING: That's correct.
8 COUNCILMEMBER BATES: -- because I think
9 that's where the problem, the TAD legislation was
10 lumped in with city manager --
11 COUNCILMEMBER FLEMING: Right.
12 COUNCILMEMBER BATES: -- and they got stuck
13 over in the Senate side or never crossed over or --
14 COUNCILMEMBER FLEMING: Whatever.
15 COUNCILMEMBER BATES: -- whatever the issue
16 was.
17 COUNCILMEMBER PACHUTA: And I think we need
18 to communicate to our representatives what our
19 priorities are, you know, and they may come back to us
20 and say, "There's no way I'm going to be able to get
21 this through," or, you know, "This one's not going to
22 be a problem," but I do think we need to communicate
23 to them perhaps what our bigger focus is, what's more
24 important.
25 COUNCILMEMBER FLEMING: Well, I think that

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1 we're all on the same page. We can do the priority
2 right now.
3 COUNCILMEMBER ROCHE: Yeah, 4 and 5.
4 COUNCILMEMBER PACHUTA: Yeah.
5 COUNCILMEMBER FLEMING: 4 and 5 and 7
6 because those were the ones that have to be corrected;
7 correct? The minor charter changes that we're not
8 sure what passed?
9 COUNCILMEMBER BATES: Yes.
10 COUNCILMEMBER PITTMAN: Uh-huh.
11 COUNCILMEMBER FLEMING: Okay.
12 COUNCILMEMBER ROCHE: Yeah. And 1 is
13 probably fairly -- but I can see where 2 and 3 would
14 be contentious and I can see where 6 would take a lot
15 of research --
16 COUNCILMEMBER PACHUTA: Yeah. I think --
17 COUNCILMEMBER ROCHE: -- and a lot of
18 negotiating.
19 COUNCILMEMBER PACHUTA: -- 3 would be the
20 next important item.
21 COUNCILMEMBER BATES: I would --
22 COUNCILMEMBER FLEMING: Now, I'm not sure
23 what your number 6 really is. Are you talking about
24 trying to do another annexation?
25 COUNCILMEMBER BATES: Well, no. Well, yes,

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1 but legislatively. With the creation of the City of
2 Dunwoody, there is an island in between us, Gwinnett
3 County and Dunwoody that is supposed to be,
4 hypothetically, patrolled by Dekalb County law
5 enforcement. I think Ms. Pittman and you may agree
6 that you probably don't ever see Dekalb County police
7 up there. In fact, I see Dunwoody --
8 COUNCILMEMBER FLEMING: Don't see Gwinnett
9 either.
10 COUNCILMEMBER BATES: Right. I see Dunwoody
11 at the QuikTrip more often than I see anybody. The
12 issue legally is that the legislation -- the State
13 legislature -- and correct me if I'm wrong -- they can
14 correct an island on their own but they didn't
15 anticipate an island being created by a new city, so
16 they don't have a mechanism to legislatively annex.
17 ATTORNEY WEED: That's correct. There's no
18 statute that exists that can fix it.
19 COUNCILMEMBER BATES: So me being somewhat
20 simple, to me, the easy process would be to get with
21 Dunwoody and say the line is Peachtree Industrial
22 Boulevard, and everything east of Peachtree Industrial
23 Boulevard is Doraville and everything west is Dunwoody
24 of the existing unincorporated pieces, but that's
25 going to -- as Mr. Roche has said, that's going to

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1 create, require a lot of work to do.
2 COUNCILMEMBER FLEMING: Right.
3 COUNCILMEMBER BATES: But to me -- and
4 again, that's just me -- that's a much cleaner
5 way of dealing with it. It also allows us to control
6 major entrances into our city -- i.e., Tilly Mill and
7 Winters Chapel, which we don't have control over those
8 right now. And as we start talking about down the
9 road with city signage and things like that, those are
10 -- I don't want Dunwoody to control or Dekalb to
11 control how those major entrances into our will look,
12 which is why we -- you know, we've got two ways of
13 going about it. We can do another public referendum
14 on annexation or we can ask the Legislature to try to
15 fix their mistake and legislatively split the
16 properties between Doraville and Dunwoody if we agree
17 and Dunwoody agrees and the State Legislature agrees.
18 But to me, this is the very last piece on
19 the list of things that need to be addressed. It's
20 the most complex, it's probably the most contentious,
21 so it would be dead last on my recommended list.
22 COUNCILMEMBER PACHUTA: I agree.
23 COUNCILMEMBER FLEMING: I also.
24 And one other question on the hotel/motel
25 tax, and that would be next-to-the-bottom one probably

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also, but we do not -- we have to go through a referendum for the 3 percent, correct, to raise it?

COUNCILMEMBER BATES: To move it from 5 percent to 8 percent, it has to be a resolution by the General Assembly. It's not a public referendum.

COUNCILMEMBER FLEMING: Okay. But to form and create our tourism board, that is not -- I mean that is something we can indeed do.

COUNCILMEMBER BATES: That is --

ATTORNEY WEED: Yes.

COUNCILMEMBER BATES: That is us.

COUNCILMEMBER FLEMING: Right.

COUNCILMEMBER BATES: It has no bearing on the Legislature.

COUNCILMEMBER FLEMING: So that's an issue, that's an item that we need to either do -- there's probably too many things for 12/6 right now but --

COUNCILMEMBER BATES: It'll -- I'll throw it on the agenda so that it will fall over.

COUNCILMEMBER FLEMING: Fall over into January --

COUNCILMEMBER BATES: Yeah.

COUNCILMEMBER FLEMING: -- or whatever? Okay.

ATTORNEY WEED: And let me revise my answer

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to your question. Let me revise two answers.

One, there is a statute that deals with the annexation issue but it only says that the legislature reserves unto itself the rights to annex whatever they want to in whatever city they want to. Other than that, the unincorporated island statute doesn't apply at all because there hadn't been in probably a hundred years a city created out of nothing, so to speak, so it just didn't -- the Legislature never contemplated that.

Now, with regard to complying with your December 6th deadline, what I can do is write a resolution for Council that would formally adopt your legislative priority list in the order in which you just put it. I think you need to do that no matter what so you can communicate clearly to the legislative entities, this is your priority list. That can clearly happen between now and December the 6th.

Based upon what Councilman Fleming was saying, there are multi aspects of -- if you need an individual resolution homestead exemption charter change, on city and Mayor charter change, on each sub-element charter change, meeting December 6th and doing nine or ten resolutions on each one is going to be difficult.

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COUNCILMEMBER BATES: I didn't -- I apologize. I didn't anticipate that happening for December 6th. I think we needed to get the city manager and the TAD pieces and the minor charter changes done, but we can do these in steps. I don't think we need to --

COUNCILMEMBER ROCHE: Right.

COUNCILMEMBER BATES: -- give, you know, Ms. Parent or Mr. Millar, you know, our list of all six or seven now. We can do them in pieces.

COUNCILMEMBER PACHUTA: Can we do the three by December 6th?

ATTORNEY WEED: Yes.

COUNCILMEMBER PACHUTA: The city manager, TAD and just figure out the minor charter changes that are still needed?

COUNCILMEMBER BATES: Thank you, Mr. Weed.

COUNCILMEMBER ROCHE: I'll second your motion, Councilman Bates.

COUNCILMEMBER BATES: Thank you.

MAYOR JENKINS: Any more discussion?

COUNCILMEMBER ALEXANDER: Yes.

COUNCILMEMBER FLEMING: To form committees.

COUNCILMEMBER ROCHE: No. To do the three, to do 4, 5 --

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COUNCILMEMBER BATES: Actually, the -- Let me pull the motion because I don't know that I actually ever made one.

COUNCILMEMBER PITTMAN: You didn't. I was just --

COUNCILMEMBER BATES: Thank you.

The motion would be to have Mr. Weed craft our legislative priority resolution and then resolutions on city manager, TAD redevelopment powers, and minor charter changes.

COUNCILMEMBER ROCHE: And I'll second that.

MAYOR JENKINS: Okay. Any more discussion?

COUNCILMEMBER ALEXANDER: Yes, sir, if I may. This is legislative action but not for the Statehouse.

Mr. Weed, I didn't know if you had looked at the GMA newspaper.

ATTORNEY WEED: I have.

COUNCILMEMBER ALEXANDER: The State Legislature has passed laws that we have got to adopt legal ordinances for the laws.

ATTORNEY WEED: I'm familiar with the list.

COUNCILMEMBER ALEXANDER: Would you add that to your list, please?

ATTORNEY WEED: Yes, ma'am. I've been asked

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by Councilman Bates to do that already and I will make sure it gets done.

COUNCILMEMBER ALEXANDER: Thank you.

MAYOR JENKINS: Any more discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: Okay. We voted to end the meeting and go into public comments; is that correct?

COUNCILMEMBER BATES: Yes, sir.

COUNCILMEMBER PACHUTA: Yes.

MAYOR JENKINS: Okay. Public comments,

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three minutes, so come on up to the microphone.

MR. LIVINGSTON: Charles Livingston. You'll remember I spoke just a little earlier tonight about overtime and things that relate to the employee manual and so forth.

I want to read just a couple more paragraphs relative to this letter that I gave to all of you.

In addition to the overtime, there is a matter of personal expenses which it appears have been paid for by Rhonda Blackmon with her City of Doraville credit card.

In an Open Records request, it was requested that records of reimbursement by Rhonda Blackmon to the City of Doraville for personal expenses paid for with her City credit card be provided.

She replied by e-mail that there were no such reimbursements because she has never paid for personal expenses with the subject card.

An examination of her credit card statements reveals numerous questionable purchases. There are charges on these statements for meals, fuel, car rental and motel that do not appear to have any relation to City business.

There are apparently no requirements that holders of City credit cards obtain a receipt for each

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expense and provide an explanation of the purpose and reason for each expenditure nor provide an expense report. This is unbelievable.

Also, a significant number of credit card statements show charges for late payments and interest. It is hard to believe that the City would not pay each credit card statement in full each month.

It could be that Rhonda's credit card statements are addressed to her and not the City and that she is lax in turning in such statements for payment, resulting in late fees and finance charges. This is irresponsible handling of City finances.

I've got examples of these that you'll see of several of these charges in the letter that I gave you.

As all of you know, Rhonda Blackmon has given notice that she will be leaving the City of Doraville effective December 31st, 2010. Moneys that were paid to her by virtue of improper overtime charges and charges for personal expenses on her City credit card should be deducted from her salary prior to the time that she completes her employment with the City of Doraville.

You also need to make a decision about what to do about improper overtime charges by Sandra

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Bryant, Scott Haeberlin and Luke Howe.

Time is of essence in that matter. After you have considered the information presented in this letter, please be advised that I will expect a written response by December 1st, 2010, that details your plan of action about what I'm talking about.

If your plan of action is unsatisfactory, then I may be forced to request a criminal investigation performed by the Doraville Police Department or the Georgia Bureau of Investigation. Thank you.

COUNCILMEMBER ROCHE: I have one question. Did you -- I haven't had a chance to look at it. Do you intend for this to be a personnel complaint? because we have a process for a personnel complaint which does include --

MR. LIVINGSTON: Well --

COUNCILMEMBER ROCHE: -- a written response.

MR. LIVINGSTON: -- no. I think what we're talking about here is policy and lack of oversight to City employees. It's not a personnel complaint per se.

COUNCILMEMBER ROCHE: Thank you.

CLERK BLACKMON: For the record, I have made no personal charges on my City card.

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1 MAYOR JENKINS: Next?
2 MR. ANDERSON: Stuart Anderson.
3 I just want to mention several items here
4 that's been discussed, have been discussed.
5 I appreciate the bringing up the noise for
6 the temporary use permits, and I think that that
7 should be a high priority as far as detail in the TUP.
8 I appreciate and thank Gary and Pam for
9 working on the Halpern Park situation.
10 I'll also mention something that has been
11 mentioned also in the discussions, and that was that
12 TSW has done quite a but in the charettes as far as
13 the architectural standards, and that's -- we paid for
14 that and I think we should use that at least as part
15 of our architectural standards and that process.
16 I also agree with asking Dekalb County for a
17 quote, as it were, even though it's outside the RFP
18 consideration but it's -- it's good business.
19 CLERK BLACKMON: It's not working. Hold on.
20 MR. ANDERSON: It's not working.
21 - - -
22 (Brief discussion about presentation computer system)
23 - - -
24 MAYOR JENKINS: What do you need on that?
25 MR. ANDERSON: I'm sorry. I was just going

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1 to ask Scott when he writes up his proposal to have a
2 condition for a buffer between that last residential
3 lot and the back side, the residential lot and the
4 back side of a new three-part parcel deal.
5 That lot line there, if it's written up with
6 a buffer in place as part of your zoning, it would be
7 they would go into it with a buffer as part of the
8 conditions.
9 MR. HAEBERLIN: As far as I know, the
10 Council has given consent to it being somewhere in a
11 150-foot area, but I mean that would be vetted at the
12 hearing.
13 MR. ANDERSON: Right. And that's why I was
14 just going to point, so if you're writing anything up,
15 you'd have time or time to write it in.
16 That was my request. Thank you.
17 And I guess the things that Charles has
18 mentioned sound fairly serious. I'll be interested in
19 the response from City Council. Thank you.
20 MR. FEIDLER: Ray Feidler, Oakcliff Estates.
21 On November 3rd of this past year, of this
22 year, the citizens of Oakcliff Estates lost a very
23 valuable and important friend. The gentleman who used
24 to come to the City Hall meetings and the City Council
25 meetings and the Civic Center meetings dressed as

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1 Santa Claus, Scott Phillips, passed away after a fight
2 with cancer. Anyone who needs to send a sympathy card
3 or something like that to the family, you can check on
4 the ONA web site and I think we may forward that
5 information to Ms. Avers at Northwoods.
6 What you're going to do for Santa Claus, I
7 don't know. I'm sure we can find somebody.
8 COUNCILMEMBER ROCHE: I have it. I'll send
9 it to the NANA, the Northwoods Area Neighborhood
10 Association.
11 MAYOR JENKINS: Anybody else?
12 MR. HART: Yeah. The rezone over on the
13 other side near Donna. I hope that this side of town
14 will be given the same consideration of following C-2
15 versus R-1 zoning for buffers, so that when they
16 rezone this with a buffer behind that property, that
17 the City Council doesn't come right behind them and
18 give them a variance so that they plow all the trees
19 down. Okay. So you know, that's the kind of stuff we
20 get on our side of town, so we're hoping we get, you
21 know, equal protection under the law.
22 The annexation with Chamblee, Murray Weed's
23 redoing these things that are going to be submitted to
24 the Legislature is important. That's something that
25 Chamblee didn't follow. They just basically took what

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1 they had in 2006 and dropped it back in the hopper
2 again and it resulted in these problems.
3 And part of the charter requirements that
4 you're going through right now is the maps of the city
5 and the city charter do not match each other. So the
6 first order of business is making sure that the
7 Charter map matches what actually is the city of
8 Doraville.
9 And that also was a problem during this
10 annexation process. That map was wrong that they used
11 for annexation in Chamblee, and that's one of the
12 issues too. So it left this island here now. Okay.
13 If someone wants to -- you know, that
14 doesn't like the annexation that happened in Chamblee,
15 which incidentally took the other half of the GM
16 property which is also part of the LCI because it's
17 all one big farmland there. It's one continuous piece
18 of property, some owned by GM, some not.
19 Doraville lost a huge piece of what should
20 have been its future when Chamblee took that property.
21 We're also faced with this island that's always caused
22 a problem.
23 You know, again, whether we're talking about
24 trash collection or we're talking about annexation or
25 we're talking about city charters, are we going to

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1 reduce the money that's being paid to Council people?
2 That's also a charter issue. While you're getting a
3 city manager, you're also going to reduce the pay
4 you're going to pay the Mayor as well as perhaps
5 Council members. I was paid $600 a month under the
6 old charter. The new charter gave you guys $1200 a
7 month. We're losing money. Are you going to go back
8 to the old six or eight hundred dollars a month to
9 save the city some money?
10 There are a lot of issues with this charter
11 from the library to the property boundaries that are
12 not properly described in that charter, as to what
13 services the citizens will get like twice-a-week trash
14 pickup. It's not just one or two issues.
15 And the issue between Dunwoody and Doraville
16 and the island that was cut off by the City of
17 Chamblee is not priority number 10; it's like priority
18 number one.
19 Before y'all get paid and get more tax money
20 out of us is what you're trying to do, how about
21 fixing the problems that have existed and we've
22 complained about for the last 10 years? Thank you.
23 MAYOR JENKINS: Next?
24 MR. CHAMBERS: Richard Chambers, New
25 Peachtree Road. Just wanted to thank those

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1 responsible for the flags and the crosses for Veterans
2 Day. I think that's very important that we continue
3 that. It really shows off, I think, the pride of
4 Doraville, and appreciate that very much.
5 And y'all were talking about the special
6 events earlier, things that you could and couldn't do
7 or you'd need a $500 fee to sell hot chocolate in the
8 front yard. I'm just thinking -- I think Scott
9 mentioned that three of the churches are on
10 residential property and three on commercial property,
11 and I'm just wondering would they be allowed -- Since
12 it's commercial, you can't have residences, so can you
13 have teen lockups, sleep-overs in three of the
14 churches but not the other three churches? Seems like
15 there's an awful lot of loose ends.
16 Thank you.
17 MAYOR JENKINS: Anybody else?
18 MS. CALVERT: I wanted to tell the people
19 because a lot of them don't realize that with the
20 deceased veterans, it could be an uncle, an aunt, a
21 grandparent, great grandparent. They didn't
22 necessarily have to live in the city but you do, and
23 as a resident, you can ask for or put in an
24 application, rather, for a cross to be put along the
25 streets. I would love to see it reach from Chamblee

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1 city limits to Buford Highway city limits and up and
2 down the side streets too.
3 MAYOR JENKINS: Thank you, Ginny.
4 COUNCILMEMBER FLEMING: Thank you, Ginny.
5 I really appreciate it too. We all do, for that
6 matter.
7 MS. CALVERT: It was an honor.
8 MAYOR JENKINS: Ginny done most of the work,
9 right?
10 - - -
11 (Applause)
12 - - -
13 MS. CALVERT: Along with the maintenance
14 crew.
15 MAYOR JENKINS: After you finished, yes.
16 MS. CALVERT: They made the crosses.
17 MAYOR JENKINS: Right.
18 Anybody else?
19 COUNCILMEMBER ALEXANDER: Motion to adjourn.
20 COUNCILMEMBER PACHUTA: Second.
21 COUNCILMEMBER PITTMAN: Second.
22 MAYOR JENKINS: Call the roll.
23 CLERK BLACKMON: Councilmember Alexander?
24 COUNCILMEMBER ALEXANDER: Yes.
25 CLERK BLACKMON: Councilmember Bates?

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1 COUNCILMEMBER BATES: Yes.
2 CLERK BLACKMON: Councilmember Fleming?
3 COUNCILMEMBER FLEMING: Yes.
4 CLERK BLACKMON: Councilmember Pachuta?
5 COUNCILMEMBER PACHUTA: Yes.
6 CLERK BLACKMON: Councilmember Pittman?
7 COUNCILMEMBER PITTMAN: Yes.
8 CLERK BLACKMON: Councilmember Roche?
9 COUNCILMEMBER ROCHE: Yes.
10 - - -
11 (Meeting adjourned at 9:35 p.m.)
12 -o0o-
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C E R T I F I C A T E

STATE OF GEORGIA]
COUNTY OF DEKALB]

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

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

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

This the 30th day of November 2010.

_____

Theresa Bretch, CCR
Permit No. B-755

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