In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

February 16, 2010

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

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Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Ray Jenkins presiding, before Theresa Bretch, Certified Court Reporter, commencing at 7:00 p.m., February 16, 2010.

* * *

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

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 finally.

MAYOR JENKINS: Okay. I'd like to approve the minutes for January the 25th, 2010.

COUNCILMEMBER ALEXANDER: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PACHUTA: Second.

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: Approve the minutes of February the 1st, 2010.

COUNCILMEMBER PITTMAN: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PACHUTA: Second.

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

COUNCILMEMBER BATES: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

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COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Okay. We'll consider the resolution for a referendum on whether to maintain existing full-time mayor form of government or change to city manager form of government.
[As read] "The discussion of the merits of our current government structure versus the city manager form has been ongoing for years and continues to be discussed today. We are entering a defining moment of our City's history and the time has arrived that we resolve the form of government discussion.
"In order to continue the forward momentum our government has achieved, I believe that we should hear the voice of the citizens on whether the City of Doraville should continue with the current form of government or whether the City should move to the city manager format.
"I propose a Mayor and Council Resolution, asking the General Assembly to authorize a City-wide referendum on the form of government. This referendum will give the citizens of Doraville an opportunity to cast a vote between our current form of government and the city manager alternative. If the Legislature approves the referendum, the issue would be placed on the November 2, 2010 General Election ballot.

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"In doing so, those seeking the Office of Mayor in the November 2011 election will know whether they are running for a full-time or a part-time position. If the city manager form and the necessary Charter revisions prevail, the new government organization would be effective January 2012.
"Because of my administrative role as Mayor, I will not take a position on either form of government. It is my belief that it is the people's decision. Under either form, it is my sincere hope that our City government will continue our important and unique tradition of citizen accessibility to their elected officials and to their government."
And this is what I propose tonight, and we have a resolution already prepared in case the Council accepts this.
Any discussion at the table?
COUNCILMEMBER FLEMING: Yes, sir. I had a couple questions.
MAYOR JENKINS: All right.
COUNCILMEMBER FLEMING: I'd like to know whether -- though it's a resolution, do we not need to set the parameters of the position itself as far as city manager so we would know what the city manager's responsibilities are going to be and also a fee

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schedule for the -- I mean not a fee schedule but an employment annual salary range, and also if we're going to have a part-time Mayor, what those duties will be as well as the salary for that person?
MAYOR JENKINS: I'll try to answer that. I think after we get the resolution, that'll all be worked out. That's the reason that we started now. It'll give us two years to work all that out; in other words, the Mayor's salary as part-time versus the other and the salary of the city manager.
Of course, you know, this is -- I've always thought that, you know, the citizens of Doraville like the full-time Mayor position, but I think it's time. And I don't hardly know how to answer your questions. All that'll have to be worked out after I guess we get it through the General Assembly.
Has anybody got any comments on that?
COUNCILMEMBER ALEXANDER: I had the same questions that Ms. Fleming asked, and I guess when I asked certain persons, I was told that we would have those discussions after the resolution was presented to the Legislature.
I just had -- you know, I wanted our citizens to fully understand before they go to the ballot box on what this person's job description is

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going to be and what their salary's going to be. Are they going to be able to hire and fire department heads without Council approval, things of that nature? I just wanted to make sure we had an educated voting public, and I was told that that -- those decisions would be discussed after the resolution was presented to the house. And that was just one of my concerns.
I have a question for you, Mr. Weed, in the wording of the resolution. Should that be Doraville legislative delegation or should that be Dekalb?
ATTORNEY WEED: Well, actually, I wrote a version that actually had Dekalb County legislative delegation; however, they also represent the city of Doraville, so I think it's semantics. And I elected, because I'm the lawyer for the City of Doraville, to put Doraville.
COUNCILMEMBER ALEXANDER: Okay. Would this still have to have like the 10 signatures from the Dekalb delegation for the bill to be dropped or --
ATTORNEY WEED: My understanding is that that would not be a requirement with this particular type of legislation.
COUNCILMEMBER FLEMING: And would this be a standalone resolution for our charter changes versus the ones that we already -- have already submitted as

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1 charter changes?
2 ATTORNEY WEED: Correct. The other charter
3 changes obviously didn't contemplate changing the form
4 of the -- the executive branch at all, so this would
5 be a standalone resolution.
6 COUNCILMEMBER BATES: Would there be any of
7 the proposed charter changes that would now be in
8 conflict with this resolution?
9 ATTORNEY WEED: Yes, but I wouldn't use the
10 term "in conflict" because of the timing.
11 Are they incompatible? Well, let me -- The
12 answer to your question is no, they are not in
13 conflict.
14 If the other changes are made, they will
15 deal with some of the issues such as bringing the
16 Mayor's salary up to the present-date approved amount,
17 et cetera, et cetera. So there are things that the
18 current legislative charter change act would do to
19 affect elective office, which is why we have to do it
20 via the Legislature.
21 Those things would be ultimately different
22 if the form of government changed at a later date.
23 But until that change is made, there's no conflict
24 whatsoever.
25 COUNCILMEMBER BATES: If we pass this and it

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1 passes and the State Legislature approves it and it's
2 a referendum and it passes in November, then we'll
3 need to go back and revisit some of those charter
4 changes again.
5 ATTORNEY WEED: That is correct.
6 COUNCILMEMBER BATES: Okay. I'm with you.
7 I'll make the motion to approve the
8 resolution.
9 COUNCILMEMBER PACHUTA: Second.
10 MAYOR JENKINS: Anymore discussion?
11 COUNCILMEMBER ROCHE: Just one question
12 that's slightly -- I mean I think the charter provides
13 for us to -- if we wanted to, we could actually create
14 a city administrator position fairly soon that would
15 have pretty much the same rights and responsibilities
16 as a city manager reporting to the City Council.
17 ATTORNEY WEED: I would concur with that. I
18 think there are existing provisions that could be
19 utilized to accomplish that general goal.
20 The only thing to consider would be you'd
21 still have a full-time Mayor but you'd also have that
22 additional position as well.
23 COUNCILMEMBER ROCHE: Right.
24 ATTORNEY WEED: And therefore, you have to
25 delineate in the creation of the position what that

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1 person's roles and duties would be.
2 COUNCILMEMBER ROCHE: I mean because --
3 ATTORNEY WEED: But I concur with you.
4 COUNCILMEMBER ROCHE: I mean I'm just glad
5 that we're finally acknowledging that there are
6 concerns with how things are going here in City Hall
7 and beginning to do something about it.
8 My only concern about doing it this way,
9 that it may take two full years to bring it about;
10 whereas, I think that we could take action a lot
11 quicker to get something done a lot quicker. But I
12 mean I'll -- I'll support this particular resolution
13 but I think we also need to look at potentially doing
14 something to solve the problem a lot quicker.
15 COUNCILMEMBER BATES: Again turning
16 something good into something negative, so I'll stand
17 by my motion.
18 MAYOR JENKINS: Anymore discussion?
19 - - -
20 (No response)
21 - - -
22 MAYOR JENKINS: Call the roll, please.
23 CLERK BLACKMON: Councilmember Alexander?
24 COUNCILMEMBER ALEXANDER: I pass.
25 CLERK BLACKMON: Councilmember Bates?

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1 COUNCILMEMBER BATES: Yes.
2 CLERK BLACKMON: Councilmember Fleming?
3 COUNCILMEMBER FLEMING: I don't believe the
4 discussion is premature but I believe that passing a
5 resolution without all of the information available to
6 us is premature, so I will have to say no.
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 CLERK BLACKMON: Motion carried.
14 MAYOR JENKINS: Thank you.
15 The IT RFPs is the next thing on the agenda.
16 So we already have -- everybody's had those for about
17 two weeks; is that correct?
18 COUNCILMEMBER FLEMING: Yes, sir, I believe
19 that's correct.
20 MAYOR JENKINS: I believe we had somebody
21 that was going to speak on this tonight, so --
22 COUNCILMEMBER BATES: Yes, sir. I had a
23 chance -- We've got a resident in the city who is an
24 IT expert. In fact he is the current director of the
25 Department of Health and Human Services Security

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1 Incident Response Center with responsibility of IT
2 security for the CDC, FCA, National Institute of
3 Health, Medicare and Medicaid to name a few, so he's
4 got quite a lineage of IT expertise.
5 I had a chance to talk with him last week
6 and shared with him that the City was looking and
7 reviewing IT RFPs and asked him if he would review
8 them for us, and he has done so, and I thank him. And
9 with the Mayor's permission, I would like to ask
10 Mr. Michael Cox to come up and share with us his
11 review of the IT RFPs and help guide us through the
12 process. Mayor?
13 MAYOR JENKINS: All right. Come on up, sir.
14 MR. COX: Thanks for the kind introduction,
15 Brian.
16 I'm Michael Cox. I've been a resident of
17 Northwoods here for 24 years. I have 25 years
18 experience in the IT area. I've spent 19 of the last
19 20 -- 19 of the last 20 at the Centers for Disease
20 Control here. I was one of their first network
21 engineers. I started all of their Internet services
22 and ran those until we -- close to 5 million visitors
23 a month to their CDC Internet site. And the last
24 year, as Brian said, I am director of a new program
25 for Health and Human Services which is setting up a

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1 computer security response center which would be
2 located here in Atlanta.
3 And having given that background, I have
4 done a number of RFIs, requests for information, RFPs,
5 and reviewed and done quite a few large computer
6 hardware/software procurements for CDC and for HHS.
7 So Brian asked me late last week to do a quick review
8 of the proposals for you, and I've written up a short
9 summary for the City. I'd be happy to discuss those.
10 Essentially, three of the proposals were
11 very similar in scope. They propose to come in and
12 install remote management software on the City's
13 computers and networks and manage them from a
14 distance. Anything above and beyond that remote
15 management and telephone help desk support would be an
16 extra charge. And of course one issue with that is of
17 course you don't know ahead of time what that charge
18 is going to be. Somebody breaks a laptop, they set up
19 a new one; you know, what will that be? One hour's
20 work or four hours' work? You know, at this point,
21 you don't have a good feel for that and what your
22 expense would be.
23 The highest priced proposal was almost
24 double for the same -- for the same service, remote
25 management of the systems to keep them patched and

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1 updated and remote telephone support.
2 The other proposal that was kind of in the
3 middle of the two offered a full-time support person
4 on site, you know, 40 hours a week to manage and
5 answer calls, do all the additions, the moves, the
6 adds, the changes of new systems and everything. You
7 know, that in my opinion would probably be the best
8 value for the City, that you have someone here full-
9 time, 40 hours a week. You can make as many changes,
10 add new systems as you would like. With the
11 proposals, you don't really know what the final cost
12 is going to be until it happens.
13 One thing to note was the other four
14 proposals proposed to come in and in the first month
15 or so to review the City's network, computer systems,
16 and then come up with a recommendation for what they
17 would recommend the City does with its network and
18 systems.
19 Again, as I put in on my suggestions, you
20 don't know what you're getting. What if they come up
21 with a proposal for $200,000? What is the decision
22 the City is going to make? So you need to be thinking
23 about those things ahead of time if they come up with
24 a list of things that they think needs to be fixed.
25 And if the City declines to fix their recommendations,

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1 then what's the next step? You know, do you just keep
2 maintaining the existing equipment? So you know, you
3 have several things to think about as the City.
4 And that's it. That's my summary.
5 MAYOR JENKINS: Thank you.
6 MR. COX: So if you have questions on any of
7 the specific proposals, what I liked and didn't like,
8 I'll be happy to discuss those.
9 One of the things in reading proposals like
10 this you need to do is not only read what they put in
11 there but be aware of what they may leave out, because
12 that's where the extra cost and things get you.
13 Anything else?
14 COUNCILMEMBER BATES: So based upon your
15 review, the recommendation, two caveats: one is the
16 initial recommendation was The Management Group based
17 upon the completeness of the RFP but there was a
18 caveat with Radical Support that there may be some
19 similarities between the --
20 MR. COX: There may be. It was hard to tell
21 from the Radical Support what their final proposal
22 was. They had one cost for remote support and another
23 one with a full-time person on site. I could not tell
24 from their report if that second option was in
25 addition to the first one or instead of.

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So if it's in addition to, that's going to bring their cost up very close to The Management Group's proposal, and they would then -- the two proposals would be very similar. So that's one thing to consider. You need to clarify that with both of them. Do they mean a full-time support person here doing work versus and is that an additional cost with the Radical Group?

If you look at their average cost for the move, adds and changes that most of the folks used, it was $100/$130 an hour, that for the difference between the low-cost bidders which was $85,000 to $95,000 a year for remote support, The Management Group was $155,000 for the year for someone on site. For that difference, that would get you about 450 hours of time from one of the low bidders. So you have -- if you look at it that way, you get 450 hours versus 1800 hours or whatever it would be that you'd get with a full-time person here. So that was the main reason that I said that they would -- they appear to be a better value. You would get four times as much, you know, man staff hours here getting work done for, you know, not quite -- for an incremental cost.

COUNCILMEMBER BATES: And based upon your review and understanding of where we're at, is this a

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position that we should look to staff internally or are we better served to outsource at this point in time?

MR. COX: At this time, I would probably outsource it simply, you know, so you have a better understanding of where you want your network to be and everything.

I've hired 20 people in the last year working for me. I'll be up to 30 by the end of this year. And you know, if you went out and got somebody and they didn't work out, then you've got to figure out what to do with that. If you bring in somebody, then it's that vendor's responsibility to make sure the work gets done, and that gives you time to figure out what you need instead of trying to get somebody, say, in the next two weeks or month, or I don't know what your deadline or your schedule is.

COUNCILMEMBER BATES: Thank you.

MR. COX: That would -- you know, for the next year, I would consider getting someone.

And the other thing is probably at some point have an independent review of your networks and systems done so that you know what you have and what your target is for whichever vendor you get to work on.

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You don't necessarily want, you know, that vendor coming in and telling you what you need to do. So you want an independent review as to, you know, here's what systems need to be upgraded, you know, here's which ones are okay and things like that.

MAYOR JENKINS: Just wait a minute.

Anymore questions at the table?

COUNCILMEMBER FLEMING: Not of Mr. Cox.

COUNCILMEMBER ROCHE: Thank you.

MAYOR JENKINS: Sir? Mr. Cox?

Make up your mind. I didn't dismiss him, sir.

COUNCILMEMBER ROCHE: No. I just said thank you. I --

MAYOR JENKINS: You seem --

COUNCILMEMBER ROCHE: -- didn't dismiss him.

MAYOR JENKINS: -- to be taking over. I want you to shut that down.

I certainly appreciate you taking your time to do this for us. You gave us a lot of good information that we can use to determine. Thank you, sir.

MR. COX: Okay.

MAYOR JENKINS: Okay. We'll bring it up to the table.

Page 20

I just want to say that I have worked with The Management Group for quite some time, and I get a lot of comments from the police department how good they are. And they're prompt. We never have to wait for them. They were here most of the day.

But anyway, I personally will recommend The Management Group, but I want the other Councilmen to say how they feel too.

COUNCILMEMBER FLEMING: Since this is our current vendor, I'd like to know what the cost was that we paid them in 2009.

MAYOR JENKINS: Do you have any idea?

CLERK BLACKMON: I do not know, because it's random. There's not a contract price, so it depends on how many calls we had. I don't have that figure.

COUNCILMEMBER ROCHE: So we don't know what the invoices were, the total amount of invoices that we paid to them?

CLERK BLACKMON: No. Nobody's asked me to total that, so I don't have that information.

COUNCILMEMBER ROCHE: Actually, earlier this week I asked for some financial reports and asked for a status on financial reports. I didn't get any kind of response.

Again, thank you very much, Mr. Cox.

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If we're going to go this way, does this mean that from now on whenever we do an RFP we're going to just go out and bring in people from outside to comment on it? If we're going to do that, then I would like the opportunity to -- I mean I know -- I mean this is what I do for a living, too, and I know several people that would probably be able to have expertise on this matter that could also review these, and we could bring them in and they could also give their opinion.

COUNCILMEMBER BATES: Well, I --

COUNCILMEMBER ROCHE: And I'd like to table this until then.

MAYOR JENKINS: Bob, I thought maybe you would do that on your own. You had the information.

COUNCILMEMBER ROCHE: No. I kind of did a quick review myself and sent it in from China, actually. I worked on it on the plane over there.

I have only received this this afternoon. We did not get a chance to really review it. I think if we're going to bring in other outside people, then we should -- all the Councilpeople should have the opportunity to do so instead of at the last minute.

I'm concerned that this particular cost is probably -- what was it? -- $65,000 over the next

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highest bid. I'm concerned that several times -- I'm sorry to bring up my -- the wireless here doesn't work.

I'm concerned that we did do an independent report a couple years ago. We found all kinds of problems, and The Management Group was there then. I'm also concerned --

COUNCILMEMBER BATES: That's not correct.

COUNCILMEMBER ROCHE: I'm also concerned if we --

COUNCILMEMBER BATES: That is not correct.

CLERK BLACKMON: No. And the wireless does work.

COUNCILMEMBER ROCHE: Well, it does now.

COUNCILMEMBER PACHUTA: Management Group came in after that IT audit.

COUNCILMEMBER ROCHE: Right.

COUNCILMEMBER PACHUTA: That is not what you said.

COUNCILMEMBER ROCHE: No. The Management Group was working with the police department before then.

UNIDENTIFIED SPEAKER: No, they were not.

COUNCILMEMBER PACHUTA: No, they were not.

COUNCILMEMBER BATES: No.

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COUNCILMEMBER PACHUTA: Captain Brown, can you comment? I know that they probably do a lot of work for the police department with the laptops in the car and everything on there. I don't see Captain Atkinson.

CAPTAIN BROWN: At that time, The Management Group was working on video only is what Mr. Roche was referring to. But we've been --

COUNCILMEMBER ROCHE: Okay. I stand corrected on that.

CAPTAIN BROWN: We've been totally pleased with their work since they've been in-house working on the computers, which has only been a few months now, actually.

But our issues are more hardware problems; that is, we've got some 35 in-car computers, the Toughbooks, that probably need replacing, but they've been able to keep them running, that I don't think we would be able to get through online support or dial-in support or whatever, because they're hardware issues. They're not software issues.

They break. Components on them break. And they're there to be able to go hands-on and fix them, which I don't think we would have that option with the help desk and things of that nature.

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But if we call them, they're there. I know the technician that is there most of the time lives like 10 minutes away from here. We've called him numerous times during the night, during the A.M. hours, and he's usually there within 10 minutes and the problem's fixed sometimes in 10 minutes or he stays all night and it's done. But we've had that since they've been on board with us, and we're pleased with the work that we've done. I know Captain Atkinson probably can elaborate a little more about it, but from our standpoint, they've been a tremendous asset.

COUNCILMEMBER ROCHE: And the other problem I had was with the RFP in the beginning. I was -- I started work I guess about five years ago as an IT director and we had a similar situation where all the different systems were different software release levels. We had all kinds of problems. It was actually a national company, and I had to travel around getting everything straightened out.

And what is missing from the initial RFP is a survey of our existing systems and to bring all those systems into basically the same level. Once you do that, a lot of the problems just disappear on their own. We've got systems running all different

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1 operating system levels, all different pieces of
2 software, et cetera, et cetera. By standardizing
3 software across the board, I think it's a whole lot
4 easier to maintain. I think that's what one of our
5 respondents was going to do. That's why they that the
6 first year was going to be about $80,000, and then
7 after that, it would be almost half that: because
8 they recognized that once you get everything
9 standardized and once you get everything up to date
10 with all the latest changes, then it's a whole lot
11 easier to maintain.
12 And that was completely missing from our
13 RFP. I mean shame on us for not doing that. I mean
14 this is basic IT maintenance stuff or IT management
15 stuff.
16 So I think that if we're going to have on-
17 site, we have three options. We have The Management
18 Group, we have Radical Support provides an on-site
19 option, and the last option of course would be to hire
20 someone full-time, you know, on staff that would do
21 nothing but take care of us. And for the kind of
22 dollar amounts we're looking at here, that may
23 actually be cheaper, because the differences between
24 them, I mean we can do a lot with $60,000. The
25 $60,000 difference between the two bids, that may be

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1 enough to actually bring all of our servers up to
2 speed.
3 COUNCILMEMBER PACHUTA: But then we wouldn't
4 have the on-site support. The on-site support's added
5 onto the price.
6 COUNCILMEMBER PITTMAN: And I do have a
7 question. I mean I've heard really good things about
8 The Management Group, and I was just curious. Is
9 there any way to see if they would be willing to
10 negotiate the price?
11 CLERK BLACKMON: They are here represented
12 tonight. I'm sure that we could ask them. But you've
13 got to remember that their price is inclusive of
14 somebody being here all the time.
15 COUNCILMEMBER PITTMAN: Would it be
16 appropriate to --
17 COUNCILMEMBER BATES: No. I think we need
18 to conduct interviews of --
19 COUNCILMEMBER PITTMAN: Okay.
20 COUNCILMEMBER BATES: -- two at least.
21 COUNCILMEMBER PITTMAN: Okay.
22 COUNCILMEMBER BATES: So I'm not inclined to
23 make a decision this evening. I think we need to make
24 a decision on interviewing two or three and make a
25 decision based upon that so that we have a chance of

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1 getting to know them and asking them questions based
2 upon, you know, service and pricing and make sure that
3 we're comparing apples to apples.
4 COUNCILMEMBER ROCHE: That sounds like an
5 excellent idea. I would probably narrow it down to
6 The Management Group, Radical Support and perhaps
7 Intellispring.
8 I'm impressed with Intellispring because --
9 well, it would take a long time to go into it all now,
10 but Intellispring, they do a lot of -- you know,
11 whatever. I'll just leave that for now.
12 COUNCILMEMBER PACHUTA: What I didn't like
13 about Intellispring is that it appears they outsource
14 a lot of it.
15 COUNCILMEMBER BATES: I'll make a motion to
16 interview -- schedule interviews with The Management
17 Group and Radical Support.
18 COUNCILMEMBER ROCHE: I'll second that.
19 MAYOR JENKINS: Anymore discussion?
20 COUNCILMEMBER FLEMING: Mayor, prior to the
21 interviews, may we get the 2009 total --
22 MAYOR JENKINS: Yes, we can get --
23 COUNCILMEMBER FLEMING: -- dollars for --
24 MAYOR JENKINS: We can get that up.
25 COUNCILMEMBER FLEMING: Thank you very much.

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1 MAYOR JENKINS: Anymore discussion?
2 - - -
3 (No response)
4 - - -
5 MAYOR JENKINS: Call the roll, please.
6 CLERK BLACKMON: Councilmember Alexander?
7 COUNCILMEMBER ALEXANDER: Yes.
8 CLERK BLACKMON: Councilmember Bates?
9 COUNCILMEMBER BATES: Yes.
10 CLERK BLACKMON: Councilmember Fleming?
11 COUNCILMEMBER FLEMING: Yes.
12 CLERK BLACKMON: Councilmember Pachuta?
13 COUNCILMEMBER PACHUTA: Yes.
14 CLERK BLACKMON: Councilmember Pittman?
15 COUNCILMEMBER PITTMAN: Yes.
16 CLERK BLACKMON: Councilmember Roche?
17 COUNCILMEMBER ROCHE: Yes.
18 MAYOR JENKINS: Next item on the agenda is
19 Brian Bates, Agenda Ordinance.
20 COUNCILMEMBER BATES: Yes, sir. At the last
21 Council meeting, we made motions to amend our charter,
22 a number of sections, to improve the meeting flow.
23 Mr. Weed has drafted an ordinance to codify that.
24 There is only one change that I caught, and
25 that would be on page 4, Section 2-36, Subsection (3)

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and that is actually agenda items should be submitted to the City Clerk and not to the Mayor. But aside from that, it is exactly or most exactly how we voted on last time.

MAYOR JENKINS: Do you need to read that or paraphrase it, Murray?

ATTORNEY WEED: Well, Mr. Mayor, I think the Council very thoroughly discussed the last time and Councilman Bates has provided to you an outline.

The only thing I would add is that you didn't have an actual ordinance before you the last time because I had not been asked to create one. You went ahead and approved it as a concept.

So I would advise you, if you are interested in doing so, to waive first reading tonight because I think this would technically be the first time it's actually appeared on an agenda where an ordinance, you know, actually existed, although I think clearly all of you had an idea of where Councilman Bates wanted to go.

That's the only procedural thing that I would add, and I'm happy to make the change that he mentioned earlier.

COUNCILMEMBER FLEMING: Has this particular ordinance been on our web site for review?

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ATTORNEY WEED: Yes, ma'am. Well, at least it's been sent out from my office, and I assume that it's been placed on the web site. It was sent to Mr. Howe on February the 5th at 2:53 p.m.

COUNCILMEMBER FLEMING: Mr. Howe, could you -- would you tell me whether it is?

MR. HOWE: It should be if it was in that original e-mail after the Council instructed Murray to start sending them to me.

COUNCILMEMBER FLEMING: Thank you.

MR. HOWE: It was a whole list of them.

COUNCILMEMBER BATES: It is on the City web site.

So I make a motion to waive first reading.

COUNCILMEMBER PACHUTA: Second.

MAYOR JENKINS: Anymore 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?

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COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

COUNCILMEMBER BATES: Make a motion to adopt with the change on page four from Mayor to City Clerk, Section 2-36 Subsection (e).

COUNCILMEMBER PACHUTA: Second.

MAYOR JENKINS: Anymore discussion?

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER BATES: I'm sorry. With the effective date being March 1. Well --

ATTORNEY WEED: Well, at this point --

COUNCILMEMBER BATES: -- it would be tonight.

ATTORNEY WEED: -- it will anyway.

COUNCILMEMBER BATES: So our next meeting will fall under the new format --

ATTORNEY WEED: Right.

COUNCILMEMBER BATES: -- new agenda.

ATTORNEY WEED: I purposely didn't put in a different effective date because I knew --

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COUNCILMEMBER BATES: Right, gotcha.

ATTORNEY WEED: -- all this would occur.

COUNCILMEMBER FLEMING: I'm sorry. Did you call for discussion?

MAYOR JENKINS: Yes. I didn't have to call it. It was seconded.

COUNCILMEMBER FLEMING: I'm sorry?

MAYOR JENKINS: It was seconded. Who seconded? Karen did.

COUNCILMEMBER PITTMAN: Karen.

COUNCILMEMBER PACHUTA: Oh, that was just the change from Mayor to City Clerk.

COUNCILMEMBER BATES: Well, it was to adopt the motion with the change in it.

COUNCILMEMBER PACHUTA: Okay.

COUNCILMEMBER BATES: Yes, ma'am.

COUNCILMEMBER FLEMING: And there's been a first and second; correct?

Were you not -- I realize that you put the start time in there of 6:30, but we did not discuss the ending time.

COUNCILMEMBER BATES: Well, we -- I thought we had. I'm fine with keeping the ending time as it is and see how the extra half an hour helps us get through the agenda. If we get down the road and we're

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still not getting through an agenda, then, you know, I think we can consider adding work sessions to the agenda or, you know, extending the time, but --

COUNCILMEMBER FLEMING: Thank you.

COUNCILMEMBER BATES: Uh-huh.

MAYOR JENKINS: 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: We did have a sign-up on that. We've already --

COUNCILMEMBER FLEMING: On the agenda

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ordinance?

MAYOR JENKINS: Yes.

MR. ANDERSON: Pass.

MAYOR JENKINS: Okay. Thank you, Stuart.

Ms. Fleming, you've got the next item on the agenda?

COUNCILMEMBER FLEMING: Yes, sir. I respectfully request a postponement until March 21st. I'd like to make a motion to postpone until March 1st.

MAYOR JENKINS: Second?

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: Item No. 8, Bob.

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COUNCILMEMBER ROCHE: Yeah. This has been on the agenda for a while.

The 2008-2009 audit results, I think that there's quite a few things on the new audit that are of concern. I think there's kind of -- quite a few things on the audit, basically our financial situation that are definitely of concern.

I think the only real way to handle this, though, would be to have a special meeting just to go over the audit. Hopefully by that time we'll have some financial statements. We still haven't had a mid-year budget review.

At the rate we're going, I think as of -- as of June 30th of the last fiscal year, which was seven months ago, I guess, we were down to four million and a half -- four and a half million dollars of unresolved -- unreserved general funds. And if we hit our budget numbers this time -- in other words, if we collect all the revenues we hope we're going to collect and we only spend what we hoped we were going to spend -- we're going to be down to -- we're going to be dipping below three million dollars.

That greatly concerns me, obviously. We spend about a million dollars a month to operate the City of Doraville and we have to have a certain amount

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of reserve, because if we don't -- you know, we don't get paid every month or every week like most people do -- we may find ourselves actually having to borrow money just to operate on a week-to-week -- on a monthly basis.

Anyway, I would like to make a motion that we schedule a special meeting, special-called meeting on the agenda results of 2008/2009.

COUNCILMEMBER FLEMING: Audit.

MAYOR JENKINS: Audit.

COUNCILMEMBER ROCHE: I'm sorry. Audit results. I'm still on China time here.

And that was my motion.

COUNCILMEMBER FLEMING: Second.

MAYOR JENKINS: Anymore discussion? Do you have any suggestions or so you just want us to --

COUNCILMEMBER ROCHE: Specific date? I'm pretty much open actually. I know scheduling's been an issue.

MAYOR JENKINS: I hope you're not talking about this week.

COUNCILMEMBER ROCHE: No. How about the first week of -- how about next week?

COUNCILMEMBER FLEMING: And of course it would be good to have Mr. Whitaker there, so I would

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like you to check with his schedule --
COUNCILMEMBER ROCHE: Right.
COUNCILMEMBER FLEMING: -- and then possibly give us a couple of dates.
COUNCILMEMBER ROCHE: Along with our -- obviously our financial director needs to be here.
MAYOR JENKINS: Yes. Both of them will be here.
Do you want to suggest a couple of dates or how do you --
COUNCILMEMBER FLEMING: No, sir, because, you know, this is Mr. Whitaker's extremely heavy time of the season, so I --
MAYOR JENKINS: I can check with him tomorrow and see if he can get around the middle of the week next week. Would that be sufficient?
COUNCILMEMBER ROCHE: Yeah, next Tuesday or Wednesday, something like that.
MAYOR JENKINS: Okay, because we got a meeting Monday already, and that's all I know of.
Okay. Let me see. Did we finish this?
COUNCILMEMBER FLEMING: First and second.
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.

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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: Bob?
COUNCILMEMBER ROCHE: The next issue, this has kind of come up and then been dropped with the development director position.
I think as we heard recently, we do have a developer for the GM property. We don't know much of the details at all. I think we need to bring someone that is at a high stature that knows what they're doing with this type of situation.
I also think we've had some issues here with -- as we had at the business forum a couple weeks ago, concerns about how businesses are being treated here in Doraville, et cetera, et cetera.
I'd like to make a motion that we hire a full-time city development director who would report

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to the Mayor and who would be over city planning, building inspections, permitting.
- - -
(Applause)
- - -
MAYOR JENKINS: You mean for these. Be over Scott?
COUNCILMEMBER ROCHE: Yes. Absolutely.
MAYOR JENKINS: Did you make a motion?
COUNCILMEMBER ROCHE: Yeah, I did.
MAYOR JENKINS: Do I get a second on that one?
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Discussion?
COUNCILMEMBER BATES: I think this is a great topic for a retreat.
COUNCILMEMBER ROCHE: I think that this is a great topic for Doraville. I think this is a topic that we've needed to deal with for some time.
MAYOR JENKINS: I disagree with that. We've got a good man if you'll just give him a chance.
COUNCILMEMBER PACHUTA: Yeah. I agree with Brian. I think this is one of -- I mean our retreat's in approximately a month. This would be a good time, a good thing to flesh out in a little more detail at

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that retreat.
COUNCILMEMBER ROCHE: I think a lot of people would disagree. But anyway, I'm just trying to solve a problem here in a positive way. So the motion's on the table.
MAYOR JENKINS: Anymore discussion?
COUNCILMEMBER ALEXANDER: I would like to make sure -- I'm sorry.
COUNCILMEMBER ROCHE: Do we have any sign-ups, Mayor?
MAYOR JENKINS: Stuart Anderson.
ATTORNEY WEED: Well, Mr. Mayor, before you hear from Mr. Anderson, Councilman Alexander, do you want to complete your --
MAYOR JENKINS: Yeah. I was going to.
You go ahead with yours.
COUNCILMEMBER ALEXANDER: I sort of had the same concerns that I voiced earlier with the city manager position: funding, exactly what their job duties are. I had discussed this with Councilmembers Bates and Pachuta and I think this is definitely something that we wanted to put on the strategic sourcing meeting and iron out exactly what this person's going to do.
And also I know that zoning and planning and

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then development, if this person's going to be an economic-development type person, then I know sometimes that those duties need to be separated for planning and zoning, and that's one of the things that I have, because in other cities that I've researched, they're separate. They're not -- the economic developer is not over the planning department.

So those are some of the questions and concerns I had that I'd like to discuss further at the strategic sourcing -- at the strategic planning meeting.

MAYOR JENKINS: Thank you, thank you. I agree with that.

Stuart?

MR. ANDERSON: I'm certainly for hiring a development director, economic and planning.

Over at Chamblee the other day, I noticed the planner had an assistant. I think we're under-staffed in this area. Regardless of difficulties we've had, we certainly have a bigger thing going on than Chamblee. We have the Doraville plant to plan. The sooner we can get professional people, more help outside or inside, I'm all for that.

Thank you. I've been pushing for zoning of the GM plant since 2006. You've only heard me say

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that a few times. Thank you.

MAYOR JENKINS: Thank you, Stuart.

David Shanahan?

UNIDENTIFIED SPEAKER: He's not here, Mayor.

UNIDENTIFIED SPEAKER: He's not here.

MAYOR JENKINS: Okay. We'll move right along. Anymore discussion at the table?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: No.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: No.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: No.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: No.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: Thank you.

Murray Weed?

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ATTORNEY WEED: Mr. Mayor and members of the Council, Items 10 and 11 are related. To sum them up quickly, they've appeared on the agenda since January the 15th.

The basic idea is that we currently have a massage ordinance which is a local ordinance. In the year 2006, the State passed a piece of legislation which in effect in my opinion preempted the issuance of local licenses for individual masseurs or masseuses. However, they did not in my opinion prevent or preempt regulation of locations where those persons would perform the work of massage therapy. And that State law also very clearly provides that in order to use the word massage in any way in any advertising or any signage on a building, that it must be conducted by somebody who's licensed by the State in massage therapy.

The State law also gives a broad category of non -- nondefined commercial touching opportunities that aren't defined as massage, which is why there are actually two ordinances. The concept behind the two ordinances is that the massage part of the ordinances really deal with health/safety issues with regard to physical facilities where the work of massage therapy is conducted while the Commercial Soft Tissue Touch &

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Manipulation Ordinance deals with the other commercial operations that involve soft tissue manipulation that don't necessarily meet the State definition of massage.

You currently do have a massage ordinance on the books. That ordinance regulates both individuals as well as massage parlors. It is my opinion that the portions of the ordinance that deal with individual regulation of individual workers in that industry is not valid; however, the ordinance does have a severability clause and it's my opinion that the remainder of the ordinance with regard to the health regulations for facilities remain in place.

That's a synopsis of the ordinances, and I'll attempt to answer questions if you have any.

COUNCILMEMBER FLEMING: Well, first of all, your interpretation of waiving the first reading is if the item appears on an agenda more than once; is that correct?

ATTORNEY WEED: Yes, ma'am.

COUNCILMEMBER FLEMING: Even though it's never been discussed.

ATTORNEY WEED: Yes, ma'am.

COUNCILMEMBER BATES: Mr. Weed on both massage and the soft tissue touch or manipulation

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ordinance there's a section that talks about -- and I'll reference the massage parlor. It's page 6 of 17 and it's section 6-300, Issuance of license or permit for a massage parlor, and there's a similar section in the CSTTOM ordinance, and it reads, "The City shall issue a license for a massage parlor by the City Council, if all requirements for a massage parlor permit described in this article are met unless it finds:" and then it goes through and enumerates what would deem it null and void.

Is there a way that we can reverse that so that the research is done before it comes to City Council for ratification? My concern is is if -- as we've seen happen in the past, if we say go forth and massage but you have to go through the steps, and then the steps aren't completed, the argument is going to be, but the City Council said it was okay.

So I want to try to reverse that so that the research is done and it's presented to us with: here's the applicant. They've already passed their background checks; they've done everything. You make a determination on whether or not that fits within the location.

Can we do that?

ATTORNEY WEED: The answer to your question

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is yes.

Now, the language is based upon the language in the existing massage ordinance and it is written not in the negative but it's written in a particular manner. But in effect, what it says is that you will -- essentially Council will grant the license if the following things occur. The way it's worded, it still requires a determination by Council that these things exist before the issuance of the license. So while I can change the language to more clearly say that, that is what the language does.

COUNCILMEMBER BATES: I just want to make sure that we're ratifying it after the work has already been done and verified by the Clerk, by the police department, by planning and zoning, so when it comes to us it's coming to us as a hopefully complete package that we can review and make a determination based upon all the facts -- you know, criminal background checks and all that stuff versus the other way, which is what's happened previously.

ATTORNEY WEED: My opinion is this language would require that --

COUNCILMEMBER BATES: Okay.

ATTORNEY WEED: -- and that's how it would occur.

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COUNCILMEMBER BATES: I just -- thank you.

COUNCILMEMBER ROCHE: Under 6-319 -- I'm looking at the massage parlor ordinance -- it talks about fees. It says, "The reasonable regulatory fee to investigate, process and regularly inspect . . . is $5,000.00."

Is that $5,000 every single year or is it $5,000 when they first ask for the --

ATTORNEY WEED: As currently drafted, it would be $5,000 every year, because the commitment of the regulatory forces -- i.e., the City, the inspectors, et cetera -- that burden would exist every single year.

COUNCILMEMBER ROCHE: Wouldn't that burden exist for other types of businesses?

ATTORNEY WEED: Indeed it does.

COUNCILMEMBER ROCHE: So, then, why don't we charge all our businesses $5,000 every year?

ATTORNEY WEED: Because the Council hasn't determined on an individual basis that that's the appropriate regulatory fee, although in many cases, those fees probably should go up.

As the Council is aware, I've recommended for some time that the Council and City staff need to do a comprehensive review of all the regulatory codes

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and the fees therein, and some that might need to be adjusted down where it should be and some that might need to be adjusted upward.

COUNCILMEMBER BATES: There's only a limited number of businesses that fall under the regulatory statute; is that correct?

ATTORNEY WEED: Well, I wouldn't say it's a limited number. The list is in 48-3-9, if I remember correctly off the top of my head. If that isn't the correct statute, it's awfully close, but they're in Title 48. And there are I believe 24 or 25 that are listed there; however, the language of the State law clearly says that that is not an all encompassing, comprehensive list.

COUNCILMEMBER ROCHE: I mean aren't we running the risk of singling out a particular type of business for what I think is very high fees every year to operate in Doraville?

ATTORNEY WEED: My opinion is no, I don't believe that this particular business is being singled out. It clearly is on the Title 48 list.

Now, with regard to if $5,000 is an appropriate regulatory fee, always that's up to the Council to decide.

COUNCILMEMBER ROCHE: I think it's way, way

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too high, frankly.
COUNCILMEMBER FLEMING: Plus there's an additional -- and I wasn't ready to get there yet, but if I understand your ordinance that you've written, there's going to be a $5,000 annual regulatory fee plus a $5,000 renewal of their application fee.
ATTORNEY WEED: No, ma'am.
COUNCILMEMBER FLEMING: What page was that, Bob?
COUNCILMEMBER ROCHE: This is on 14 of 17 of the massage one.
ATTORNEY WEED: If this is helpful, the concept would be the $5,000 regulatory fee with a clear explanation that the regulatory fee is not -- That is a fee for a license. That would be in addition to occupation tax payments. But that is a -- it's a one-time fee, and it's an annual fee, one time a year.
COUNCILMEMBER BATES: Do you know if certified massage therapists that are certified by the State need to pay the State a licensing fee every year?
ATTORNEY WEED: Well, if you give me a minute, I'll look. I don't know off the top of my head, but I've got 43(A) here.

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COUNCILMEMBER FLEMING: Yes, sir. On page 4, Section 6-299(a), you're stating the fact that the -- and I'm interrupting this question to you --
ATTORNEY WEED: I can multi-task.
COUNCILMEMBER FLEMING: -- pay a nonrefundable $5,000 annual license fee.
ATTORNEY WEED: Correct. And what's contemplated is a, quote, $5,000 nonrefundable license fee in addition to occupation tax.
COUNCILMEMBER FLEMING: But then over here as Mr. Roche was indicating, on page 14 is an additional $5,000 regulatory fee.
ATTORNEY WEED: No, ma'am. They're the same thing.
COUNCILMEMBER FLEMING: Well, why would you have it listed two different places in the ordinance?
ATTORNEY WEED: Well, because it's been my experience for people reading statutes and ordinances, that repetition is oftentimes helpful and convenient for the reader. But we can reduce it down to one location if that's what the Council desires.
COUNCILMEMBER FLEMING: Well, the reason why I'm bringing it up, Mr. Weed, is that you've got it listed as annual license fee, license fee, and then later on, many pages later, four pages later, you're

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listing it as regulatory fee. So to me, as a applicant, I would have read it as two different fees that I would have had to pay is what I'm stating.
ATTORNEY WEED: I'm not married to that language, Councilman, and I'm happy to change it and make it uniform to clarify that it's one fee.
And Councilman Bates, in answer to your question, I can't find in 43-24(A)(1) and its progeny thereafter a particular recordation of a fee paid to the State, although I would feel confident there would be one. I'd have to check on the Secretary of State's web site and try to find it for you. It doesn't appear to be in the code.
COUNCILMEMBER BATES: Thank you.
COUNCILMEMBER FLEMING: Page 2, third line from the bottom, and we're discussing Item No. 10 which is the massage parlor ordinance. Third line from the bottom, I think that's contradicted or contra -- I'm not sure what that word is.
COUNCILMEMBER ROCHE: Contraindicated.
COUNCILMEMBER FLEMING: Okay.
Item No. -- or page 3, you list a patron is a person over 18 years of age. So a parent could not take their child in for a foot massage or a body massage; is that correct?

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ATTORNEY WEED: At this time, that's correct, and that's also reflected in your current ordinance.
COUNCILMEMBER ROCHE: And if a 16-year-old athlete needed physical therapy and part of that was massage therapy, they couldn't get that in Doraville?
ATTORNEY WEED: Well, not with regard to -- if they needed massage therapy as defined by this law, the answer is no; however, there are exemptions. Physical therapy and other medical treatments are specifically exempt. And if that was offered in a hospital or other medical facility in Doraville, then the answer would be yes, that would be -- they'd be able to get it there.
COUNCILMEMBER FLEMING: But not in what we term as a massage parlor.
ATTORNEY WEED: No, ma'am.
COUNCILMEMBER FLEMING: Okay.
ATTORNEY WEED: Not in what we term as a massage parlor.
COUNCILMEMBER FLEMING: Okay.
ATTORNEY WEED: But that's also not allowed currently, but you could -- you could always expand it.
COUNCILMEMBER FLEMING: Okay. Page 3 still.

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1 Under Section 6-297, Licenses required: "No massage
2 parlor may open until proof has been submitted to the
3 City that all masseuse employees at the location are
4 licensed for massage therapy by the state pursuant --"
5 I would find that a business that's trying
6 to open regardless of whether it's a massage parlor or
7 a restaurant would know possibly who their employees
8 are prior to opening. So what happens with that
9 terminology if they're already open and they hire a
10 couple more people? Are they in violation of this
11 term?
12 ATTORNEY WEED: If the hired persons who met
13 the requisite wanted to perform the duties that are
14 required and regulated by the ordinance and they
15 performed those duties without seeking the proper
16 clearances and security checks, then the answer to
17 your question would be yes, that would violate the
18 ordinance. However, if they follow the proper
19 procedures, then the answer to your question would be
20 no, that would be no violation.
21 And hopefully -- I agree with you.
22 Hopefully, these businesses would know in advance
23 generally who those -- obviously, they're going to
24 know who their employees are because they're going to
25 hire them. But before they actually start working,

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1 with regard to the regulated portions of the business,
2 they clearly have a duty to make sure that they are
3 properly licensed. If it's a massage therapist, they
4 have to be licensed by the State before they touch
5 anybody. And if it's a -- if you adopt a CSTTOM
6 ordinance, the same would apply for things that are
7 already defined by the State law.
8 COUNCILMEMBER FLEMING: Okay. Page 4.
9 We've already discussed the $5,000 annual license fee.
10 Okay. So hopefully you can correct somewhere in the
11 body of this ordinance that they will only be charged
12 -- this particular business will only be charged
13 $5,000 per year.
14 ATTORNEY WEED: They would still be required
15 to pay occupation tax unless the government somehow
16 attempted to exempt them, which I don't think you've
17 got the authority to do.
18 COUNCILMEMBER FLEMING: So the $5,000
19 regulatory fee, the police department is going to do
20 complete background checks every single year for this
21 particular business?
22 ATTORNEY WEED: If you adopt these
23 ordinances, that's what would occur, yes, ma'am.
24 COUNCILMEMBER FLEMING: Under (c), and then
25 you did 1-2-3 and then (a) on that page, page 4, it

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1 says if I'm not mistaken, that you want -- or not you,
2 but you've written the ordinance that we're requiring
3 names and residence addresses of each of the officers
4 and directors of the corporation and of each
5 stockholder owning more than 10 percent of the stock?
6 ATTORNEY WEED: That's in your existing
7 ordinance.
8 COUNCILMEMBER FLEMING: I know. I'm just
9 pointing out some things that are very extreme to me.
10 Item number 4, two previous addresses prior
11 to the present. And then item number six, individual,
12 partnership or corporate officers' and directors'
13 applicants' -- we need to have the height, weight,
14 color of eyes, hair, and sex? I mean we're just -- it
15 seems like we're just going way over the top on what
16 we're requiring of this particular ordinance.
17 ATTORNEY WEED: All those regulations are in
18 your existing ordinance --
19 COUNCILMEMBER FLEMING: I know.
20 ATTORNEY WEED: -- at this time.
21 COUNCILMEMBER FLEMING: I know, but --
22 ATTORNEY WEED: They have been for years.
23 COUNCILMEMBER FLEMING: -- this is going to
24 supersede.
25 ATTORNEY WEED: Yes, ma'am.

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1 COUNCILMEMBER FLEMING: Right, right. So
2 that's why I'm picking it to death is that this is
3 going to supersede what we already have.
4 ATTORNEY WEED: If this is helpful, you
5 know, I think clearly part of the reasoning behind
6 this is that massage parlors are not the same thing as
7 a bank, just like alcohol beverage businesses are not
8 the same thing as a furniture store.
9 These businesses have histories that are
10 related to organized crime, they have histories that
11 are related to unsanitary and unhealthful conditions,
12 which is why the state legislature in their infinite
13 wisdom or the lack thereof elected to adopt state laws
14 regarding the subjects, unlike furniture stores or
15 banks or a number of other businesses.
16 Now, I offer no, you know, value judgement
17 with regard to that, but that value judgment clearly
18 has been made by the State of Georgia and the elected
19 representatives thereof.
20 COUNCILMEMBER ROCHE: Well, you know,
21 recently we had a bust. I think we busted a couple
22 businesses for gambling and I think one was a cell
23 phone business. Do you remember?
24 COUNCILMEMBER FLEMING: Yes.
25 COUNCILMEMBER ROCHE: I was asking --

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CLERK BLACKMON: Yes.
COUNCILMEMBER ROCHE: -- Captain Brown.
CAPTAIN BROWN: A couple weeks ago?
COUNCILMEMBER ROCHE: One was a cell phone business, and I forget what the other two were.
UNIDENTIFIED SPEAKER: Cafes.
UNIDENTIFIED SPEAKER: Coffee shops.
COUNCILMEMBER ROCHE: Coffee shops. Well, obviously, then, if we're going to -- then obviously coffee shops and cell phone businesses need to be regulated too. We should charge them $5,000 a year also.
ATTORNEY WEED: The State of Georgia wouldn't agree with you; however, that is up to the local government. The State of Georgia has a very -- has a lengthy list in Title 48 of businesses they feel are, for lack of a better term, suspect and are worthy of additional regulation.
Now, if you're asking the question which is, could we regulate cafes in greater depth?, I think possibly we could, and that may be perfectly appropriate. That would be for the Council to decide.
COUNCILMEMBER ROCHE: And that was more of a rhetorical statement to wonder if we should be, you know, regulating anybody, frankly.

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ATTORNEY WEED: And that's --
COUNCILMEMBER ROCHE: Or at least --
ATTORNEY WEED: -- always a choice.
COUNCILMEMBER ROCHE: -- not like this, you know.
ATTORNEY WEED: When I was getting my master's in public administration, one thing that they taught us, which I'd like to confer to the Council: doing nothing is always an option and sometimes that's the right thing to do.
COUNCILMEMBER ROCHE: I mean I don't want to see Doraville overrun with foot massage places, and the last thing I want to do is see Doraville turn into someplace where people come for sexual services, and I don't know that this is going to resolve that problem, because the sexual services being -- you know, that's more of a police thing than anything else.
It's just like with restaurants. We have restaurants that have -- that can legally serve alcohol. Well, some do, some don't, to children. That's why the police every so often go in and shop them, and every so often, any restaurant that does serve alcohol to minors, we bust the.
COUNCILMEMBER PACHUTA: And that's why they're also highly regulated and they have a lot of

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extra fees that aren't required of cafes and cell phone stores.
COUNCILMEMBER BATES: That's why there's an ordinance that addresses who you can and can't sell alcohol to and those types of things.
COUNCILMEMBER ROCHE: So if we're going to go down this path, then like I said, then we need to -- we need to start regulating coffee houses --
COUNCILMEMBER PACHUTA: No.
COUNCILMEMBER ROCHE: -- and charge --
COUNCILMEMBER PACHUTA: Because coffee houses --
COUNCILMEMBER ROCHE: -- them five thousand a year.
COUNCILMEMBER PACHUTA: -- don't have the history like the State of Georgia has recognized.
COUNCILMEMBER ROCHE: But here in Doraville, we just busted two of them for gambling.
COUNCILMEMBER PACHUTA: Well, then, bring that up with the Georgia Legislature.
COUNCILMEMBER ROCHE: But we could certainly regulate them, couldn't we?
ATTORNEY WEED: Would it be possible? Yes. Would I advise you to do so? No.
The businesses that we currently regulate in

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Doraville with additional regulation, most of them already appear on the Title 48 list that we're clearly authorized by the State to regulate. There are some that aren't on that list.
But there's a pattern that is sort of an unwritten part of the statute. Things such as carnivals, escort services, those things are definitely on the list. Palm readers. So there's a pattern of things that massage parlors are equated to, where cafes and restaurants aren't on that list, and, in my mind and I think the Legislature's mind, don't equate.
But is it possible to have additional regulation on cafes? Probably yes. Would I advise you to do that at this time? Probably not. It would be dependent upon what you wanted to regulate and what were your -- the evil, quote/unquote, that we were trying to combat as a city?
COUNCILMEMBER ROCHE: Well, for what it's worth, last week I asked some people that live in China. I mean some expats or whateve. We were talking about these things. And at least in Shanghai, if you want to get sex, you don't go to a foot massage, you don't go to a massage parlor; you go to a barber shop. In fact, I think we actually did bust a

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1 barber shop here at some point in the past. So maybe
2 we need to do barber shops. I don't know.
3 ATTORNEY WEED: Councilman, and I agree with
4 you that perhaps we should. If there was a recurring
5 pattern of barber shops in the city of Doraville or
6 anywhere else where it was common that sex services
7 were being sold, I imagine the state legislature, as
8 it did with regard to massage parlors and other things
9 that they regulate, would take a serious look at doing
10 that. And I might advise you if we have that kind of
11 evidence or studies that would back that up, that you
12 ought to do that here, too. I haven't seen that
13 evidence yet, but it may be out there.
14 COUNCILMEMBER FLEMING: Okay. Can I
15 continue?
16 COUNCILMEMBER ROCHE: Sorry. Go ahead.
17 COUNCILMEMBER FLEMING: Page 7, 6-301. It's
18 the application process, approving and denying within
19 90 days, and the application is to be accepted by the
20 City Clerk. Is that correct?
21 ATTORNEY WEED: Yes, ma'am. That would be
22 -- The regulation is that the investigations are done
23 by the police department generally, but I think it
24 would be appropriate that the City Clerk accept the
25 documentation that's handed in and transfer it to the

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1 police department.
2 COUNCILMEMBER FLEMING: So it doesn't go
3 through our planning department first?
4 ATTORNEY WEED: There's no particular order
5 in which -- After an application comes in, this
6 ordinance doesn't dictate an order in which department
7 head or which department processes the application.
8 COUNCILMEMBER FLEMING: Okay. But if the
9 City fails to act within 90 days, the application will
10 be deemed to be denied?
11 ATTORNEY WEED: That's what's being
12 proposed, yes, ma'am. That way, the person would have
13 a definitive answer to the question of whether they
14 have it or not and they could begin whatever
15 proceeding that they needed to with regard to the
16 protection of their rights.
17 COUNCILMEMBER FLEMING: Well, that's not a
18 definitive answer if you just ignore the application.
19 COUNCILMEMBER ROCHE: Three --
20 ATTORNEY WEED: If it's deemed --
21 COUNCILMEMBER ROCHE: -- months.
22 ATTORNEY WEED: If it's deemed denied in
23 three months, the answer's no, and that person has the
24 right to seek whatever legal remedy they have, as
25 opposed to an indefinite time frame where that person

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1 might be in limbo. And the time frame could be
2 lengthened or shortened.
3 COUNCILMEMBER FLEMING: I won't pick it any
4 further, but I've got a lot of yellow streaks, a lot
5 of questions that need to be answered before I move
6 forward on this.
7 COUNCILMEMBER ROCHE: Yeah. I just think
8 that there's -- again, I kind of tend to agree. I
9 think it might be better just to table this until the
10 next meeting, give us more time to look at this and
11 more time maybe to listen to what people have to say
12 other than I mean if people want to --
13 I don't know if people have signed up to
14 speak on this issue or not.
15 MAYOR JENKINS: Yes, we got some. We can go
16 ahead with that now.
17 Mr. Alan Begner?
18 MR. BEGNER: My name is Alan Begner. I have
19 five charts I'd like to pass -- I only have six copies
20 I'd like to pass among the Council people if I may.
21 There are five, so. These are charts that exist in my
22 clients' establishments.
23 I am the lawyer for the Chinese American
24 Association, a nonprofit corporation that represents
25 five Doraville establishments. I have given the list

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1 of those establishments to Murray. He may have passed
2 them on or not.
3 ATTORNEY WEED: I did.
4 MR. BEGNER: I am only here on behalf of
5 these folks who are completely unlike the adult spas
6 or other kinds of spas that Murray has in mind when he
7 recommends that you create an ordinance which really
8 requires the spas to go out of business.
9 This is not a friendly ordinance but it's
10 not geared and it should not be geared to the foot spa
11 industry which offers traditional Chinese treatment of
12 stress and numerous ailments by massaging reflexive
13 zones in the foot. This is not meant to apply to
14 them. And we ask you, I ask you to modify the
15 ordinance to exclude them from being required to
16 comply with, again, your mean-spirited law, impossible
17 to comply with and stay open.
18 I also have another matter to bring to you.
19 All of my clients I believe have been licensed since
20 2008 with occupational tax licenses. They renewed in
21 2009 and received them, and they renewed them timely
22 in 2010 and have not received them. You have no right
23 to refuse to issue the 2010 licenses, and I ask you to
24 do so immediately.
25 These foot spas have never been accused of

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1 or cited for having scantily clad therapists or
2 allowing sex to occur. Unlike adult spas in Doraville
3 and elsewhere, they are nothing -- they're laid out
4 nothing like the adult spas. They have mostly -- I've
5 been in them -- mostly recliner chairs in an open
6 space with therapists of all ages, sizes and sexes who
7 have charts on the wall, and even, I'm told, police
8 officers are regular clients.
9 I say to you that if you -- if we are asked
10 to comply with this law or anybody who is asked to
11 comply with this law, it will ruin their businesses
12 for no reason. It will ruin their families and their
13 lives for no reason. They have done nothing to
14 deserve the death penalty.
15 If it is your intent to highly regulate
16 adult spas, I do not stand here to support adult spas.
17 But if it is your desire to run the Asian community
18 out of Doraville, then you ought to be ashamed of
19 yourself if you're going to apply this to them.
20 As a matter of fact, it seems to me that
21 Doraville does not even recognize how fortunate it is
22 to be filled with so many mom-and-pop businesses which
23 celebrate the international diversity that most cities
24 would kill for. It's as if you would rather have long
25 stretches of mindless franchise fast-food restaurants

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1 and stores instead.
2 I came before you twice before when
3 annexation was an issue before the city. I came to
4 you and I said both times that I represented the adult
5 entertainment establishments, the three that would be
6 brought into Doraville if annexation went through, and
7 I had no position about annexation for Doraville at
8 all except that I wanted the Council and Mayor to
9 agree they would not move to ruin these businesses.
10 There was already in place in Doraville bans on nude
11 dancing clubs.
12 And all I wanted was to keep our Dekalb
13 County licensing and our Dekalb County stuff, and you
14 twice refused to say you would not ruin three
15 businesses that had done nothing to you.
16 As you know, annexation was not only
17 defeated twice but the last vote was 90 percent or so
18 opposed.
19 Two last matters and I'm finished. I have
20 made a career as a lawyer of challenging laws like
21 this one. I have taught humility to city councils and
22 county commissioners who have tried to ruin the lives
23 of people for no good reason.
24 In September, I won a case at the Supreme
25 Court of Georgia in which the City of Atlanta tried to

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1 regulate nightclubs but the Court found they were
2 preempted by State law and had no power to try it.
3 Unanimously, they ruled.
4 Some of you have mentioned several
5 infirmities in this law. There are many, many more.
6 I am not going to tell you what they are, because if I
7 have to challenge it, I'm not going to give you the
8 opportunity to change it first.
9 MAYOR JENKINS: Sir, you're already over
10 your time. Would you sum it up, please, sir.
11 MR. BEGNER: Thank you, Mr. Mayor.
12 I predict that if I have to challenge it, I
13 will succeed in knocking out the law and drain the
14 accounts of Doraville -- to ruin one business is six
15 figures per business if you have guessed wrong -- and
16 you will still have to answer to the Asian community
17 why you want to destroy them for no good reason.
18 Thank you.
19 MAYOR JENKINS: Thank you, sir.
20 - - -
21 (Applause)
22 - - -
23 MAYOR JENKINS: Bonita Hoffmeister?
24 MS. HOFFMEISTER: Bonita Hoffmeister,
25 Oakcliff Estates.

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1 Honorable Mayor, City Councillors, I want to
2 thank you for your work on this. I especially want to
3 thank Mr. Murray Weed.
4 The first question that was brought up was
5 the fee of $5,000. Mr. Roche, Councillor Roche and
6 Councillor Fleming, these establishments can do
7 business with minimal real estate, minimal personal
8 property. They generate no taxes there. They
9 generate no sales tax. So I don't think $5,000 is an
10 unreasonable fee to ask for somebody to pay that is
11 not otherwise generating any taxes for the City of
12 Doraville.
13 To the question of reflexology, I have no
14 problem with a company or a business conducting
15 reflexology. In fact, it might be a good idea for us
16 to draft a special ordinance for reflexology basically
17 stating that that's how they have to advertise their
18 business and similar situations that are in this law,
19 and that they have to be in a facility that has light
20 and windows so that the police can see what's being
21 done in there. I have no problems with this and I
22 would recommend that the City pursue that.
23 And again, a very big thank-you for the
24 City. It has been a long time since I've looked at
25 Creative Loafing and at some of the Mexican ranks or

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1 Spanish ranks that are in this town and seen Doraville
2 prominently plastered over the back pages. And if
3 that's what you want, Councillor Roche and Councillor
4 Fleming, then go find another city.
5 MAYOR JENKINS: Thank you.
6 - - -
7 (Overspeaking)
8 - - -
9 COUNCILMEMBER FLEMING: [To the Mayor] You
10 want to do your thing?
11 MAYOR JENKINS: Do you have a motion to
12 make, Mr. Roche?
13 COUNCILMEMBER ROCHE: Well, I was going to
14 make a motion to table this, I mean.
15 MAYOR JENKINS: Okay. Anymore comments at
16 the table?
17 COUNCILMEMBER ROCHE: I would also like to
18 commend the police department for apparently doing a
19 very good job of keeping Doraville off the back pages
20 of these newspapers. So like I say, it's a police
21 matter. We can have prostitution in any type of
22 business, not necessarily a foot-massage place.
23 ATTORNEY WEED: Let me reiterate. There is
24 no requirement whatsoever that you regulate massage
25 parlors. There's no requirement whatsoever that you

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1 regulate commercial soft tissue manipulation. It's
2 always a choice. You know, my advice to you is simply
3 you have the ability to do so if you so desire.
4 And two other points I'd like to make
5 procedurally.
6 One, the $5,000 fee is not a tax, and I want
7 to clarify that. It can't be used as a tax. That's
8 not the intention of it. It is a regulatory fee. It
9 is based in part on the fact that the maximum
10 regulatory fee allowed by state law for alcohol
11 beverage establishments is $5,000. And by comparable
12 regulation, by comparable requirements, what the
13 police department and the other entities of government
14 would have to do, it's my opinion that the two would
15 equate. So that's the generation of the $5,000 fee.
16 And with regard to the -- the only other
17 point that I'd like to make with regard to --
18 obviously, Mr. Begner, he represents a client. And
19 I'm not going to comment on most of what he had to say
20 except for the fact that it would certainly be a legal
21 judgment with regard to whether the current massage
22 establishments, in whatever form they are, are in the
23 proper zoning and whether they have what Mr. Begner
24 has referred to as a quote/unquote license is in fact
25 a license. But that would be a battle for another

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1 day.
2 COUNCILMEMBER FLEMING: Mr. Weed, I asked
3 you if this particular ordinance that I was dissecting
4 was going to delete the existing, and you said yes.
5 But now that I'm reading your paragraph here, it just
6 says to provide new sections. So help me out here.
7 ATTORNEY WEED: It would delete the previous
8 sections and it would replace them.
9 COUNCILMEMBER FLEMING: To adopt a new
10 section is what this says.
11 ATTORNEY WEED: Yes, ma'am. Some of the
12 boilerplate with regard to the adoption of ordinances
13 is set forth in the ordinances themselves. So
14 essentially that comes into the lawyering part of the
15 magic words that we follow in order to actually adopt
16 the ordinance.
17 But yes, the answer to your question is it
18 will replace the existing ordinance if you adopted it.
19 COUNCILMEMBER FLEMING: Thank you.
20 COUNCILMEMBER BATES: I personally think
21 that there's a significant amount of work that needs
22 to be done on -- wrong word -- discussion that needs
23 to be done on both ordinances. We've been on this now
24 for 40 minutes and we could probably go for, you know,
25 a significant amount of time longer.

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1 I think this actually is one of the more
2 important ordinances that we need to thoroughly vet
3 out, and actually in lieu of tabling. I'm not a big
4 fan of adding to our meeting work load but I think
5 this warrants a thorough discussion with a separate
6 meeting.
7 So I would -- I'm not going to make a motion
8 but I'll suggest that we do in fact have a work
9 session to work through this and not take up time
10 from, you know, addressing items that we need to be
11 getting to further down on the agenda.
12 COUNCILMEMBER ROCHE: I'll withdraw my
13 motion and make a new motion that we hold a special-
14 called meeting to discuss. I think basically what
15 we're trying to do here is make sure that there is not
16 prostitution and sex work in the city of Doraville.
17 That's the problem that we're trying to solve, and I
18 think that that's what it ought to be.
19 COUNCILMEMBER ALEXANDER: Well, I think --
20 COUNCILMEMBER ROCHE: I think that that's --
21 COUNCILMEMBER ALEXANDER: -- one of the
22 concerns --
23 COUNCILMEMBER ROCHE: -- what it ought to
24 be.
25 COUNCILMEMBER ALEXANDER: -- is we have

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1 nonlicensed people performing full-body massages which
2 is in violation of State law.
3 COUNCILMEMBER ROCHE: And they get arrested
4 and thrown in jail just like they're supposed to.
5 COUNCILMEMBER ALEXANDER: That's why --
6 COUNCILMEMBER ROCHE: All right?
7 COUNCILMEMBER ALEXANDER: -- you initiate
8 regulatory fees: to try to discourage the law-
9 breaking.
10 COUNCILMEMBER ROCHE: Seems to be doing a
11 pretty good job of enforcing the law without these
12 ordinances.
13 Like I said, we're doing a very good job,
14 apparently, of keeping these sex establishments out of
15 Doraville.
16 ATTORNEY WEED: Once again, I have no
17 position on whether you pass this ordinance or not,
18 but will say this: My office was contacted by the
19 police department via the Secretary of State and the
20 investigatory arms thereof to find out if we had local
21 ordinances that would apply so they could go after
22 parallel paths of enforcement.
23 And I told them the same thing I've told
24 you, that the provisions with regard to individuals in
25 my opinion were preempted; however, the massage

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1 parlors, those ordinances are still on the books. We
2 do have severability clauses, and I think those
3 ordinances are still enforceable. So just for your
4 general edification, I wanted to share that with you.
5 COUNCILMEMBER ROCHE: So those are State
6 laws under which, you know, you can't give massages
7 unless you're licensed to do so.
8 ATTORNEY WEED: As far as I understand, all
9 cases and charges that have been made have been
10 underneath the State law provisions --
11 COUNCILMEMBER ROCHE: State laws, right.
12 ATTORNEY WEED: -- and under no local
13 ordinance. They've not been in our courts.
14 COUNCILMEMBER ROCHE: So how do we word
15 this? I would like to withdraw that motion, whatever
16 it was.
17 I make a motion that we schedule a special-
18 called meeting to discuss keeping the sex trade out of
19 Doraville and --
20 COUNCILMEMBER FLEMING: Massage parlor
21 ordinance.
22 COUNCILMEMBER ROCHE: -- massage parlor
23 ordinance and CSTTOM ordinance.
24 MAYOR JENKINS: Do I get a second?
25 COUNCILMEMBER BATES: Second.

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1 MAYOR JENKINS: Anymore discussion?
2 - - -
3 (No response)
4 - - -
5 MAYOR JENKINS: Call the roll.
6 CLERK BLACKMON: Councilmember Alexander?
7 COUNCILMEMBER ALEXANDER: Yes.
8 CLERK BLACKMON: Councilmember Bates?
9 COUNCILMEMBER BATES: Yes.
10 CLERK BLACKMON: Councilmember Fleming?
11 COUNCILMEMBER FLEMING: Yes.
12 CLERK BLACKMON: Councilmember Pachuta?
13 COUNCILMEMBER PACHUTA: Yes.
14 CLERK BLACKMON: Councilmember Pittman?
15 COUNCILMEMBER PITTMAN: Yes.
16 CLERK BLACKMON: Councilmember Roche?
17 COUNCILMEMBER ROCHE: Yes.
18 MAYOR JENKINS: We're going to take a five-
19 minute break; five minutes only.
20 - - -
21 (Recess)
22 - - -
23 MAYOR JENKINS: Murray?
24 ATTORNEY WEED: Mr. Mayor and Members of the
25 Council, we're on Item 12. It's the draft Vehicle

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1 Booting Ordinance. The draft ordinance was presented
2 to Council originally on January the 15th, and a few
3 of you had sent in questions which I had responded
4 back to on those items.
5 This is now before you for a second reading,
6 and of course you can either adopt it, not adopt it or
7 make changes as you so desire.
8 MAYOR JENKINS: Okay. Any discussion at the
9 table?
10 COUNCILMEMBER FLEMING: In regards to the
11 fee of $50.00 -- and I'll try to get to that page --
12 I'd like to bring up again that nonconsentual towing
13 that is regulated by the Public Service Commission is
14 by gross weight of the vehicle and that I feel that
15 the fees for booting should be compatible with those.
16 COUNCILMEMBER BATES: Mr. Weed, at the last
17 meeting, we never got to this, but I think I asked you
18 prior to, if there was the opportunity of regulating
19 the time between the boot or the vehicle immobili-
20 zation device being applied and the time when a tow
21 truck could be called. And I believe your response to
22 me was we could in fact regulate that time period. Is
23 that correct?
24 ATTORNEY WEED: That is my opinion.
25 COUNCILMEMBER BATES: And I do have one

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other question and it's going to be on page four, mostly on page five. It's Section (b).

I'm not sure that I understand that section. Can you summarize?

ATTORNEY WEED: I believe what you're asking would be essentially there's a requirement on those who would be in the booting business to provide relevant information to the regulatory entity, the police department acting on behalf of the City. And if there is a request for information from that entity, they essentially would have no later than 30 days to respond with regard to items on an application that needed further enhancement -- for example, our complete application.

If that information was not provided within that 30 days, then there would be a determination automatically that the application was incomplete and it would be deemed to be denied.

COUNCILMEMBER BATES: And so this would require an oral conversation versus additional written information to supplement that application.

ATTORNEY WEED: Well, the concept would be there would be a determination of incompleteness for some matter. In fairness to the applicant, of course, that information would need to be -- the determination

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of incompleteness would need to be communicated to the applicant and they'd be given an opportunity to provide that information and that time period would be no greater than 30 days. Failure to provide that information would result in an automatic dismissal.

If this is helpful, this came up with regard to the last pieces of legislation. Council at one point was quite concerned in the past that there were periods of time that were undefined -- that, for example, I had drafted an ordinance at one point that indicated that failure to meet a certain time frame would mean automatic approval, and the Council took great exception to that. Since that time, I have built into where there are time frames and compliance requirements, I've changed that to an automatic denial in an effort to satisfy the will of the Council from past experience.

Is it required to do that? No. But I think in fairness to any applicant, they need to know whether their application's approved or denied. They need to know that in a timely manner so they can pursue whatever remedy they feel is appropriate.

COUNCILMEMBER BATES: Okay. My question -- I think I can be a little bit more succinct -- is on page five, it's the second full sentence, and it

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starts with, "Applicants, by filing an application, agree to produce for oral interrogation any person requested by the Police Department who is under the applicant's control who possess or may possess knowledge of facts relevant to the application."

I need explanation on that.

ATTORNEY WEED: The concept is that if the police department actually review an application and they determine that something is unclear, that the applicant is agreeable to have a human being who is competent to answer questions provided to the police department so that they can answer those questions, similar to what we're doing here tonight.

COUNCILMEMBER BATES: Okay. Thank you.

Do we prorate fees for any other business?

ATTORNEY WEED: Some of them we do and some of them we don't. It all depends upon the different -- There's no universal proration rule either for or against.

COUNCILMEMBER BATES: And that's going to be based upon -- is that an ordinance or is that --

ATTORNEY WEED: It's based -- right now, it's based upon each individual ordinance, which is frankly, in my opinion, another one of the things I've mentioned to Council before is that at some point all

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of the fees need to be addressed, and you may at some point want to determine that for every regulatory fee you assess that you're going to allow proration or not.

But you have to bear in mind that regulatory fee is not to raise income. The regulatory fee is to, you know, cover the cost of the regulation. After the fact, I mean that cost is already done, meaning if the police department's already had to do a GCIC report on someone, gone to interview their neighbors, gone to, you know, interrogate somebody, et cetera, in accordance with an application they've filed, that money's been spent. And if the Council at a later date -- if that individual applicant says, "Okay. Well, I don't want to do this anymore," or "My business isn't successful. I want to close it down," the police department, the government, you've already spent the regulatory-fee money. You did that as soon as they started the application process. Your cost started then.

So can you prorate? Certainly you can. If you prorate everything, will you operate at a loss? You certainly will in my opinion.

MAYOR JENKINS: Brian, did you want to add a time between booting and towing?

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1 COUNCILMEMBER BATES: We'll get there in a
2 minute.
3 MAYOR JENKINS: Okay. We got a couple of
4 sign-ups on this one.
5 Anthony Lee?
6 MR. LEE: Hi. Good evening. My name is
7 Anthony Lee. I'm one of the owners of Axis Impound.
8 I'm currently the only booting company in your city so
9 I'm kind of amazed to see that you guys need
10 regulation for one company.
11 But the first part of this ordinance states
12 that this was designed for reasonable regulation.
13 What's reasonable about going from $500, which is my
14 fee, to $50 or $75? Where's the reasonableness in
15 there? I don't understand that.
16 $50 or $75, that's the standard fee for any
17 vehicle. Okay? But we're not talking about vehicles
18 -- we're not talking about normal vehicles in your
19 city. We're talking about tractor-trailers. We're
20 talking about dump trucks. We're talking about big,
21 heavy-duty machinery. That's what we're concentrating
22 on here.
23 You guys don't have a real parking problem
24 in this city with regular cars. Your problem is the
25 industrial -- the industrial equipment that's coming

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1 through the city. It's wrecking the pavement of these
2 property owners, and that's what we're here to fix.
3 Why it's being regulated down to $50, I just
4 don't understand it.
5 This is a normal towing company that
6 operates in your city (gesturing). Okay? You can
7 clearly see it's $650 for towing -- six hundred and
8 fifty -- plus storage, plus fees, plus extras. And
9 you want to regulate my company to $50.
10 $500 is pretty appropriate. I mean we're
11 saving these truckers money and time as opposed to
12 yanking them off the property and towing them out to
13 wherever they need to go to come and pick them back
14 up. The towing companies aren't regulated to take
15 Visa, MasterCard, checks, you know, none of that.
16 None of that stuff's on these signs. But yet you want
17 to regulate my company, the only company operating in
18 Doraville, to this ordinance.
19 Now, a lot of this, I don't have a problem
20 with. You know, all these fees that you want, the
21 signage that you want, the going through the police
22 department and getting permitted, I'll do all that.
23 The only thing I'm asking for is relief from the $50
24 fee. I cannot operate and I just -- I can't give the
25 property owners good service at $50. It's just not

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1 worth it for me. We cannot make an income doing that.
2 I mean it's pretty cut and dry.
3 I'm trying to figure out why it is that,
4 okay, when you guys make me take checks and credit
5 cards, you-all are increasing my cost. That costs me
6 money to do that, but yet then you want to lower my
7 fees. How am I supposed to pay for this?
8 You guys are imposing fees on me, fees on
9 me, but yet you want to drop the amount of money that
10 I make. I just don't see it as being reasonable or
11 being fair. Seems to me like the towing companies are
12 being protected or the trucking companies are being
13 protected.
14 Now, I have made an agreement with several
15 property owners in your city not to operate until you-
16 all have passed an ordinance. I'm okay with y'all
17 passing an ordinance, and I'll meet just about any
18 requirement you have.
19 But my fees are my fees, and all I'm asking
20 is that you be fair about that. $50 and $75 is going
21 to drive me out of business, and if it drives me out
22 of business, the only thing you're doing for your
23 business owners in this city is creating drive-
24 throughs for these truckers. You're not helping them.
25 You're tearing the properties down because you're

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1 trying to pass an ordinance that's just ridiculous.
2 It's just ridiculous.
3 In the last City Council meeting, you-all
4 went from a 10-minute waiting period to two hours.
5 Two hours. That's making these other properties a
6 drive-through for like the fast-food restaurants in
7 your city.
8 And it's not the amount of time that they
9 spend on. It's the fact that these trucks, these
10 buses, these rigs keep coming in, keep going out.
11 It's not the amount of time that they're spending in;
12 it's the amount of trucks that are going through these
13 properties that are tearing them up, that you need to
14 look at. It's not the amount of time that they're on
15 there.
16 There was a question about doing video
17 surveillance. You're right. We do video surveil-
18 lance. Everyone that works for me has a video camera
19 mounted on their dash, they all have wireless micro-
20 phones, to make sure that if there's ever a problem
21 and the police want to see the videotape, we have that
22 available for them. By you taking that away from us,
23 that's not protecting us or the businesses or the
24 police.
25 Thanks for your time.

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- - -
(Applause)
- - -
MAYOR JENKINS: More discussion?
Stuart Anderson?
MR. ANDERSON: Stuart Anderson.
I didn't speak on the last issue because I knew that -- and I'm taking Mr. Begner's word, I guess -- I knew that the last one would be mean-spirited. I did spend a bunch of time, however, on this ordinance because I felt also that it probably would be mean-spirited.
I have 30 -- at least 30 problems with this document. Certainly the $50 charge is not acceptable or not conducive to being able to be in business.
Earlier something Brian asked about about the 30-day automatic dismissal, Murray didn't bother to read the word "prejudice." What's the difference between not -- or denying somebody and then denying with prejudice? There's no extra information here as to how we're going to hurt them with the prejudice that this -- this denial includes.
Signs, another issue. Like I say, I have 30 issues with this thing. Signs. The planner is supposed to decide on the signs and the police

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department? Who? Are they going to decide between them? Is it going to go on the private property? In front of people's totems? in front of their business signs? Is it going to go in the right-of-way? We had trouble with that in 1604, if I'm not mistaken, about where signs should go.
This does not define. It leaves things in limbo. There's just all sorts of holes in this document. It at least needs a meeting similar to the two previous discussions.
Any questions? I apologize, but I found it poorly written. Thank you.
MAYOR JENKINS: More discussion at the table?
COUNCILMEMBER BATES: Yeah. I'm going to suggest a couple of modifications for Council to consider.
On page three, Section (2) Subsection ii, maximum fee for removal to change from $50 to $150, and then Subsection iv, change that from 10 minutes to 60 minutes, and then add subsection v to limit the or to make it four hours between booting and towing. And I'll make that in the form of a motion.
COUNCILMEMBER PITTMAN: I wanted to ask about the -- so currently now you take cash only?

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MR. LEE: Yes, ma'am. Now, I am set up to take any form of payment. This is not the only city we operate in. We operate in several other cities throughout the state, so we are currently ready to handle any form of payment.
But the reason why we do cash only in your city is because the price is so high on tractor-trailers that by making it something like $100, $200, that driver may have that cash in his pocket. Okay. And rather than going to his superiors and letting them know that he got booted, he's going to shell out that cash himself and the problem doesn't go away. But if he knows it's $500 and we contact the dispatch and let them know that they need to pay, otherwise that vehicle's going to be towed, that company will let every one of those drivers know: do not park on that property.
Now, last time I was here, we had a problem because I booted a Dekalb County school bus. That bus was let go free of charge. That was basically done to prove a point, and that point worked because the guy that heads the transportation department for Dekalb County schools issued a warning to every bus driver: if they parked on any property that had booting signs on it, they were going to be released from their jobs.

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So nobody parks on my properties anymore. You want to know where they're going now? The Buford Highway Farmer's Market. There were six out there this morning. And why are they there? Because I don't boot over there.
COUNCILMEMBER PITTMAN: Thank you.
COUNCILMEMBER ROCHE: On the amounts, that amount would be $150 for automobiles and trucks?
COUNCILMEMBER BATES: Yes.
COUNCILMEMBER ROCHE: I would ask for a friendly amendment to make it $50 for cars, $150 for trucks.
COUNCILMEMBER BATES: Actually, I think I would prefer it to be $100 for cars and $150 for others, but Mr. Roche is there --
COUNCILMEMBER ROCHE: I think Atlanta only allows $75, doesn't it?
COUNCILMEMBER ALEXANDER: That's correct, sir.
COUNCILMEMBER ROCHE: Why not go with Atlanta's on cars?
COUNCILMEMBER BATES: $75 and $150?
COUNCILMEMBER ROCHE: Fair enough.
COUNCILMEMBER BATES: I'll amend.
COUNCILMEMBER FLEMING: But if they get

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towed in Atlanta --
COUNCILMEMBER ALEXANDER: They could only be towed after 24 hours.
MR. LEE: No, that's not true.
COUNCILMEMBER ALEXANDER: I was looking at the ordinance. I printed it out. Has it been amended since it was updated?
MAYOR JENKINS: Do I get a second?
COUNCILMEMBER ROCHE: I'll second.
MAYOR JENKINS: More discussion?
COUNCILMEMBER FLEMING: I say again that we should consider using the nonconsentual towing charges that have been published by the Georgia Public Service Commission because the towing companies can indeed charge these rates: $125 for vehicles under 10,000 pounds, $195 to 20,000 pounds, $325 for 20,001 pounds, and $650, which is a combination unit of a tractor and trailer that's 20,000 pounds.
MAYOR JENKINS: We got a motion and a second. Anymore discussion?
ATTORNEY WEED: Just to make sure, was there a second to the friendly amendment? because you went to $75 for cars and $150 for trucks. Was there a second to the friendly amendment?
COUNCILMEMBER ROCHE: There was never a

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second to the first motion, I don't think.
ATTORNEY WEED: Okay. All right.
COUNCILMEMBER ROCHE: So that was kind of a --
ATTORNEY WEED: That's fine. I just wanted to clarify.
COUNCILMEMBER ROCHE: And this is just to change the language in the draft ordinance. This is not to pass the ordinance, right?
COUNCILMEMBER BATES: Well, it was to -- well --
ATTORNEY WEED: It's your motion, Councilman, so --
COUNCILMEMBER BATES: Mr. Roche would be correct. It would be only to change the language. It was not a motion to adopt.
MAYOR JENKINS: Anymore discussion?
- - -
(No response)
- - -
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?

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COUNCILMEMBER FLEMING: No.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
COUNCILMEMBER BATES: And now I will make a motion to adopt the ordinance as amended.
MAYOR JENKINS: Second?
COUNCILMEMBER ALEXANDER: Yes, sir.
MAYOR JENKINS: Anymore discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: No.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?

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COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Very good. Thank you. Donna, I believe you're next.
COUNCILMEMBER PITTMAN: Okay. This coming Saturday we're going to be celebrating Arbor Day. This is to stay in compliance with Tree City USA. This item is actually two-part.
We wanted to continue our beautification project so we could set a precedence for everyone. Park Avenue, we planted trees out here, up at the library. So we have since planted trees at the Pan Asian building and the City Court building. I gave the Council a list of the trees. There is a total, I believe, of five -- six, actually, at a cost of $743. If you have the opportunity, take a look at the trees. These are blooming trees. They're going to be really pretty when spring comes around.
We can take this out of the tree budget. We have $110,00 in that budget. However, they have already planted the trees because time was of essence, and the weather, and tree planting season is just about over, so they had to grab what they could. This come out of the Mayor's budget. What would really be

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1 nice if we could go ahead and pass it and let it come
2 out of the tree budget tonight.
3 Again, this is going to be this Saturday.
4 We have invited the Boy Scouts. Ceremonial. The
5 trees are already planted. We're going to have a
6 proclamation. I also gave the Council a copy of the
7 proclamation that the Mayor will be signing.
8 And I wanted to see if we could get this
9 passed to take this out of the tree budget, $743, and
10 if you had any questions about that part of it.
11 I make a motion that we take $743 out of the
12 tree budget.
13 MAYOR JENKINS: Second?
14 COUNCILMEMBER BATES: Second.
15 MAYOR JENKINS: Anymore discussion?
16 - - -
17 (No response)
18 - - -
19 MAYOR JENKINS: Call the roll.
20 CLERK BLACKMON: Councilmember Alexander?
21 COUNCILMEMBER ALEXANDER: Yes.
22 CLERK BLACKMON: Councilmember Bates?
23 COUNCILMEMBER BATES: Yes.
24 CLERK BLACKMON: Councilmember Fleming?
25 COUNCILMEMBER FLEMING: Yes.

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1 CLERK BLACKMON: Councilmember Pachuta?
2 COUNCILMEMBER PACHUTA: Yes.
3 CLERK BLACKMON: Councilmember Pittman?
4 COUNCILMEMBER PITTMAN: Yes.
5 CLERK BLACKMON: Councilmember Roche?
6 COUNCILMEMBER ROCHE: Yes.
7 COUNCILMEMBER PITTMAN: And the second part
8 of this, as part of our standards for Tree City USA,
9 we had to have a Tree Board.
10 Some time ago, we discussed this and there
11 was some discussion about having the Planning
12 Commission do this. I don't believe we ever voted on
13 that, and my understanding from the Planning
14 Commission, because of the work load they already have
15 on them, they really did not want this.
16 I've had quite a few people come to me and
17 want to volunteer to be on the Tree Board. I've got a
18 list I presented also to the Council of recommended
19 members, and I'll read those real quick.
20 Mr. Strickland, who is our storm water
21 inspector and our tree arborist will serve as an
22 advisor. Jennifer McLaurin, who is from the
23 Northwoods residential neighborhood, is a member of
24 the Georgia Water Wise Council. She provides tree
25 programs and education for citizens and schools, and

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1 she's a member of the environmental education.
2 Richard Ballantyne serves on the Planning Commission.
3 He's a landscape designer. He's from the Winters
4 Chapel area. Susan Fraysse, who is a retired
5 librarian, community and neighborhood supporter, 25-
6 year resident of Doraville, serves on the friends of
7 the neighborhood library, served on the original
8 planning commission and served on the steering
9 committee for the LCI and Comprehensive Plan. She's
10 from the Oakcliff residential neighborhood. Gordon
11 Grant, who is a business owner and provides tree
12 services for residential and businesses throughout
13 metro Atlanta from the Tilly Mill residential area.
14 And Jimmy Cushman, who represents the business
15 community. He's a member of the Doraville Business
16 Association and the property manager for Halpern
17 Enterprises.
18 I think this is a great group of people.
19 I've spoken with all these people. They're on board
20 and would like to be part of this.
21 I have a function for the Tree Board, which
22 is to foster relationships between businesses and the
23 community to promote tree planting and maintenance,
24 identify areas for community beautification projects,
25 identify sources of funding and promote public

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1 education about the benefits of trees, green space and
2 other green practices.
3 And I would like to make a motion that we
4 nominate or recommend these members to be on the Tree
5 Board.
6 COUNCILMEMBER ROCHE: Do we need this many
7 members for a tree board?
8 COUNCILMEMBER PITTMAN: Well, we've had
9 people come forward and mention this, and each one of
10 them has something special and unique to offer. And I
11 think since we have volunteers, I couldn't imagine us
12 turning someone away.
13 MAYOR JENKINS: Do I get a second?
14 COUNCILMEMBER BATES: Second.
15 MAYOR JENKINS: Anymore discussion?
16 COUNCILMEMBER ALEXANDER: Do we know when --
17 I mean will we be recognized as a Tree City USA or --
18 COUNCILMEMBER PITTMAN: We are already. We
19 had in place as the Planning Commission, although I
20 don't officially think they've ever really done
21 anything with it. But we are recognized already, and
22 part of that, though, is being able to have the board.
23 And again, this is just people that have come forward
24 showing interest.
25 COUNCILMEMBER ALEXANDER: I know some cities

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have signs that designate their --
COUNCILMEMBER PITTMAN: I will check with Luke on that. You're right. You're right.
COUNCILMEMBER ROCHE: I guess my only concern is that, you know, there may have been people that may have been interested that never knew that this was coming up.
COUNCILMEMBER PITTMAN: Not to say that we can't add someone later. But I think we need forward and at least have the people that we have listed here. And I'm just really excited because, like I said, each one of these have something special to offer, and especially Mr. Cushman, who represents the business community, who will hopefully set a precedence to get some of that going with the business community.
COUNCILMEMBER ROCHE: And what's their length of term going to be?
COUNCILMEMBER PITTMAN: I'm open to suggestions for that.
COUNCILMEMBER ROCHE: Indefinitely and --
UNIDENTIFIED SPEAKER: Forever.
COUNCILMEMBER ROCHE: -- we're never going to change and we're never going to re-elect new ones and we're not going to have any way to --
COUNCILMEMBER PITTMAN: Well --

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COUNCILMEMBER ROCHE: I'm not against --
MAYOR JENKINS: A year would be fine.
COUNCILMEMBER ROCHE: -- the idea. I just think that --
COUNCILMEMBER PITTMAN: One year. How's one year? Susan, do you think that's --
MR. AMBROSE: The life of the tree.
COUNCILMEMBER PITTMAN: That's forever.
COUNCILMEMBER ROCHE: One year?
COUNCILMEMBER PITTMAN: One year.
COUNCILMEMBER ROCHE: All right. One year. That way, we can -- this would be the inaugural.
So you're modifying the motion?
COUNCILMEMBER PITTMAN: I am. To add that for them to serve for one year.
COUNCILMEMBER BATES: Calendar year or from point of appointment?
COUNCILMEMBER PITTMAN: I'm sorry?
COUNCILMEMBER BATES: Is it a calendar year or from the day of appointment?
COUNCILMEMBER PITTMAN: The day of appointment.
COUNCILMEMBER BATES: Okay. I'll second the amendment.
MAYOR JENKINS: Anymore discussion?

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- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
COUNCILMEMBER PITTMAN: And again, I do want everybody to possibly if you can come out on Saturday at 10 o'clock for a few minutes just for the ceremony, to read the proclamation; a few pictures and --
COUNCILMEMBER ROCHE: Do we need to pass this proclamation?
COUNCILMEMBER PITTMAN: Everybody should have a copy. If anyone in the audience would like to have a copy, we'll get one after the meeting for you.

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COUNCILMEMBER ROCHE: Do we need to vote to pass it?
ATTORNEY WEED: I would prefer that if you would.
COUNCILMEMBER PITTMAN: Okay, sure.
Then, the Council has a proclamation that will be read on Saturday for the Mayor to sign. I make a motion that we pass the proclamation.
MAYOR JENKINS: Second?
COUNCILMEMBER ROCHE: Second.
MAYOR JENKINS: Anymore 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.

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CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Don't we need to extend this meeting?
COUNCILMEMBER BATES: Yes, sir. I'll make a motion to extend the meeting to address Items 14, 15, 22 through 25.
COUNCILMEMBER PITTMAN: You say 22?
COUNCILMEMBER BATES: 22 through 25.
COUNCILMEMBER PITTMAN: Did that count number 19? because I really need to -- That will take all of two minutes.
COUNCILMEMBER BATES: So would number 17 and 18 and I'm going to --
MAYOR JENKINS: Now, you want to add 15 --
COUNCILMEMBER BATES: 14, 15, 22 through 25.
COUNCILMEMBER PACHUTA: I'll second that.
COUNCILMEMBER PITTMAN: Could we add that?
COUNCILMEMBER FLEMING: There's evidently some -- Item No. 21 appears to be a business owner. Would he be speaking in public comments, then, Mayor?
COUNCILMEMBER BATES: Mayor, do you know if --
MAYOR JENKINS: I don't believe they're here.

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COUNCILMEMBER PITTMAN: Did that -- I'm sorry, Mr. Bates. 19?
MAYOR JENKINS: This particular thing on that No. 21, we've debated that before, more than one time. We've wore it out. I don't really see any reason why they're coming up.
Is the taxi company here?
- - -
(No response)
- - -
MAYOR JENKINS: Okay. Well, that one is eliminated.
COUNCILMEMBER BATES: I'll add agenda item 19.
COUNCILMEMBER PITTMAN: Thank you.
MAYOR JENKINS: Okay. Number 14 --
COUNCILMEMBER BATES: Well --
ATTORNEY WEED: I've got 14, 15, 19, 22 through 25.
COUNCILMEMBER BATES: Yes, sir.
MAYOR JENKINS: Okay. Second?
COUNCILMEMBER PACHUTA: I'll second that.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.

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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 FLEMING: Mr. Bates --
COUNCILMEMBER BATES: Yes, ma'am.
COUNCILMEMBER FLEMING: -- Number 17 is coming up, I mean within the next couple weeks; right?
COUNCILMEMBER BATES: Tentatively March 17th. So I will address that with Council individually.
COUNCILMEMBER FLEMING: Okay.
COUNCILMEMBER BATES: And by then, we'll announce it at the next meeting.
COUNCILMEMBER FLEMING: All right.
COUNCILMEMBER BATES: Hopefully, we'll get to it.
MAYOR JENKINS: Number 14.
COUNCILMEMBER BATES: It'll be Item 2.

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COUNCILMEMBER PITTMAN: PDK airspace. Just a brief announcement on this. I can provide various web sites for you to go to to find out more information, but the FAA has announced its intentions to change the airspace for Hartsfield Jackson Airport, lowering the floor as low as 4,000 feet, basically pushing the airplanes closer to the ground, also proposing a direct flight pattern over the railway.
This is going to affect Doraville, Dunwoody, Chamblee, quite a few of the neighborhoods in this area, Ashford Park. So there are some three meetings that I'm aware of that are coming up that I think is very beneficial if some of you could attend. Wednesday, February 17th, the PDK Watch will be holding a public meeting at 7 o'clock, Clairmont Baptist Church. Monday, February 22nd, Dunwoody City Council will have a presentation very similar to the one that was held in Chamblee at their council meeting. And the most important meeting of all that they would like to have three or four hundred people there is coming up on March 1st, and it's going to be at the Chamblee Civic Center. The meetings will be held at 3 o'clock, 5 o'clock and 7 o'clock.
Key points on this is quality of life issues, increased noise, increased pollution, and it

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will decrease essentially the home value. This is really important if you can attend some of these meeting, but the most important one if you can't go to any of the others will be March 1st.

I believe Stuart has --

COUNCILMEMBER ALEXANDER: I have some additional information if I may. Councilmember Fleming, Bates and myself and some citizens attended the meeting in Chamblee last Thursday night which was conducted by the director of PDK airport and also the assistant director, Mike Van Wie, and we got extremely good information.

It's extremely important that we get citizen input on this, and unfortunately you have to submit your comments in triplicate to the federal government, either by mail or by the March 1st date. At the meeting, you can submit that. And if you e-mail me, I can e-mail you the documents.

They also -- the PDK Watch along with members of the airport staff have a sample resolution that they are suggesting the municipalities that are affected to pass and forward to the FAA regarding this information, and it addresses specifics about instrument flight rating and things of that nature.

And I would like for us to ask Mr. Weed, if

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Council is agreeable, to address -- to get us a resolution like this, and we need to get it off before March 1st unless some of us take a copy of it with us March 1st to give directly to the FAA.

ATTORNEY WEED: You've got a meeting on the 22nd so you could adopt it then.

COUNCILMEMBER ALEXANDER: It's the -- okay. We have a special-called meeting on the 22nd.

ATTORNEY WEED: Yes.

COUNCILMEMBER ALEXANDER: Okay. Because I plan on trying to attend.

ATTORNEY WEED: If you amend the agenda now before the meeting, which you have the right to do, then you wouldn't have to have a unanimous vote to amend the agenda that night.

COUNCILMEMBER ALEXANDER: Okay.

ATTORNEY WEED: You can go ahead and do it now.

COUNCILMEMBER ALEXANDER: Okay.

COUNCILMEMBER BATES: I just want to echo what Ms. Alexander has said and what Ms. Pittman has said. This is going to be a pretty significant thing if the FAA does what they are planning on doing.

One of the biggest things -- Ms. Fleming, jump in if I'm incorrect -- the FAA is trying to avoid

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an environmental impact study on this change, meaning that they won't study whether the emissions increase from idling planes at PDK because they have to delay their take-off. They won't study whether the planes that will be lowering their altitudes on approach or take-off will impact our neighborhoods with noise pollution or additional emissions.

They are trying to avoid doing an environmental impact study, to rush this through. And that is one of the biggest things that PDK is saying: We have got to alert people to protest this because this is going to impact not just the residences but the businesses. This is going to impact everybody in the city of Doraville, in the city of Chamblee, in the city of Dunwoody, city of Johns Creek. It is a pretty significant change, what the FAA is planning on doing, and we really need to mobilize and bring everybody together on this.

COUNCILMEMBER PACHUTA: I was going to say it's not just the fact that Hartsfield will be lowering the altitudes that the planes are coming in, it's that it does affect PDK also so that the PDK airplanes will have to I guess lengthen the time of their take-off and landing so that they will be at a lower altitude for a longer period of time coming in

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for landing and take-off.

MS. CRAWFORD: Aren't they also going to change their flight pattern --

COUNCILMEMBER PITTMAN: Yes.

MS. CRAWFORD: -- so it'll be over the tank farm?

COUNCILMEMBER PITTMAN: Over the rail tracks, the patch.

MS. CRAWFORD: Well, that's where the tank farm is.

COUNCILMEMBER PITTMAN: Yes.

MS. HOFFMEISTER: And the CDC.

COUNCILMEMBER PITTMAN: Yes.

COUNCILMEMBER ROCHE: I'd like to make a motion to add this to the agenda for the special-called meeting on Monday, February 22nd.

COUNCILMEMBER BATES: Second.

MAYOR JENKINS: During that time, you're going to get in touch with Maria and get the forms and all?

COUNCILMEMBER ROCHE: The resolution.

MAYOR JENKINS: Yeah. Okay.

Anymore discussion?

- - -

(No response)

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- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
MR. ANDERSON: I'm signed up.
COUNCILMEMBER PACHUTA: This is just to amend the agenda to add it to Monday.
MAYOR JENKINS: Wait just a minute, sir.
COUNCILMEMBER ALEXANDER: This is just to amend the agenda for Monday night's meeting.
MAYOR JENKINS: Do you want Stuart to go ahead and speak?
Come on up, Stuart.
MR. ANDERSON: Stuart Anderson.
Most of it's been said. Somewhat of a lack of direction from y'all to the public at this point. If you look on the e-mails, ONA and Early News, you'll see that I've compiled a series of acronyms and statements. And Mr. Bates is absolutely correct. The only thing that matters --
Anyway, back to my e-mails, if you want to monitor that, you'll have a way to get this done, shall we say, that will have an effect on the federal decision-making. It avoids the non-necessary materials that are being presented at all times through all of these discussions.

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The main thing is environmental impact. The things that I have in my e-mail delineate that impact proposal.
The track down the railroad tracks has been proposed but I don't think it's part of the current FAA thing, by the way.
COUNCILMEMBER PITTMAN: I spoke --
MR. ANDERSON: I know. I read it too, but it's --
COUNCILMEMBER PITTMAN: -- to John Hinnegan (phonetic) today and --
MR. ANDERSON: Yeah, okay. Back and forth.
COUNCILMEMBER PITTMAN: Yeah.
MR. ANDERSON: March 1st is absolutely thing. There is a later date in another month when triplicates can be submitted. All of that is in my e-mails, so there's time on that.
Something that needs to be resolved before we hand anything in at the March 1st meeting is whether the hand-ins will be treated the same as the verbal discussions. Your comments will be recorded and made note of as far as the verbal goes, but the triplicate, the way that wording is, when you present triplicate on March 1st, it also says that you have extra copies, so you might be -- they might deny that

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triplicate because you don't have another hundred copies to feed everybody else that's in the room. So if somebody gets up, if I get up, that question needs to be answered and resolved so that that -- so that those triplicates get to the appropriate people and not be disqualified. There are four little rules, and if you don't do the rules just right, then your concerns are disqualified.
So at any rate, like I said, my e-mails designate how your -- and I hope that -- I haven't seen the PDK Watch's compilation, but I did send them mine, by the way. Possibly they incorporated it. I'm not sure.
But environmental is what needs to be discussed because that's the only federal leverage we have.
The other main thing of course is economic impact. Forcing aircraft down ruins the values or lowers the values of all our houses and our businesses, et cetera, et cetera, and that's the second theme in my evaluation.
But just like a lot of zoning law, Planning Commission isn't supposed to take into consideration the economic benefit or non-benefit of a zoning change. Governments supposedly aren't to be in charge

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of profit or loss, so the loss of your property value isn't going to be part of or a very strong part of the argument against this even though it's a major, major thing.
The only thing we have to hang onto is the environmental complaints. Thank you.
MAYOR JENKINS: You made a motion --
COUNCILMEMBER ROCHE: Uh-huh.
MAYOR JENKINS: -- and a second. Did we get a second?
CLERK BLACKMON: Yes, sir.
MAYOR JENKINS: Okay. Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Thank you.

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COUNCILMEMBER ROCHE: Well, Noise Ordinance changes. It's been so long since I've looked at this.

Essentially -- and Attorney Weed could help me with this -- essentially, our existing noise ordinance does not provide for decibel levels. It's basically more of a subjective thing: Oh, I think it's loud. I could call somebody up, call the cops, and they could say, okay, give him a ticket because something is loud. And when it gets to the courtroom, I could say, well, I thought it was loud, and the person making the noise can say, well, I didn't think it was loud, and then if I understand correctly, because of if there is not something that's objective, it's harder to prove in court.

Did I state that somewhat clearly?

ATTORNEY WEED: That is my opinion.

COUNCILMEMBER ROCHE: So essentially, the change to the ordinance was to add a decibel level of -- I don't know if the police department has the -- whatever they're called -- decibel-level read meters, but I believe they're not all that expensive.

I think the draft ordinance said 120 decibels. I would like the Council to consider moving it down to maybe 90 or 100 decibels. But essentially that is what this is all about.

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So I would like to make a motion to change the -- to add a decibel level to our existing noise ordinance and set the decibel level at 100 decibels.

COUNCILMEMBER ALEXANDER: I reviewed a couple of cities. Hapeville has 70 decibels. I could not locate Dekalb's ordinance on the Muni Code. I did locate Chamblee's which actually has a table in it that has different property categories, times, and different sound levels. I didn't know if we wanted to get that detailed in our ordinance or if we were just okay by setting a number.

COUNCILMEMBER ROCHE: Tell you what. I'd prefer to just push this to the next meeting under old business because this is going to take longer.

COUNCILMEMBER FLEMING: Ms. Alexander, in regards to that chart, that was going to be one of my questions. I mean the definition says maximum constant sound level, and I was wondering what the length of time was going to be for the maximum sound, you know, for the period. Is it going to be five minutes? Is it going to be ten minutes? Is it going to be a bleep on? So maybe that chart that you --

COUNCILMEMBER ALEXANDER: It doesn't specify, but I just printed out this one particular chart. I mean I can research the code tomorrow and

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find out if it has a time limit.

COUNCILMEMBER FLEMING: So --

COUNCILMEMBER BATES: The other thing that I need some help on is what is 70 decibels?

COUNCILMEMBER FLEMING: I mentioned that, too.

COUNCILMEMBER BATES: And you know, is a 70 -- and how -- is there a -- how far away from the source of the noise do you measure, do you hold your little decibel meter? Is it five feet? Is it 300 feet? I need a little bit more understanding of what's the measurement, because, obviously, the closer you are, the louder it's going to read.

ATTORNEY WEED: I would suggest to the Council that you might want to read Section 10-3, which is the existing ordinance in place. 10-3 deals with a lot of the subcategories that you're already talking about. It deals with specific prohibitions. It lists radios, televisions, musical instruments and similar devices. It deals with loudspeakers and sound amplifiers. It deals with street sales, animals, construction, demolition, powered model vehicles, emergency signal devices. In there, there are distance requirements and time requirements that already exists. It goes into motor vehicles, blowers,

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engines, machinery, et cetera.

All that I have done at the request of the Councilman was to simply add an objective standard as to what would already apply to the distances and the requirements and categories that are already in your ordinance, because right now it is a quote/unquote "reasonable man" standard. And that's an old-fashioned traditional way of doing these things, however, a lot of case law indicates that a better way of doing it is making the football field a hundred yards or whatever it's going to be, and that, by gosh, is that.

COUNCILMEMBER ROCHE: And that's not how loud people cheer at football games.

ATTORNEY WEED: Right.

COUNCILMEMBER BATES: Does that give a comparative chart of what 70 or 100 decibels --

ATTORNEY WEED: No, sir --

COUNCILMEMBER ROCHE: I think I --

ATTORNEY WEED: -- it does not.

COUNCILMEMBER ROCHE: -- sent links to web sites. I mean there's a whole bunch of web sites. There's always a table where you can find. They're very easy, like X-number is a jet airplane and X-number is a whisper, et cetera, et cetera.

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COUNCILMEMBER ALEXANDER: Not that I did intentional research last night, but I had to replace my smoke alarm, and in the paperwork, it's 85 decibels.
COUNCILMEMBER ROCHE: For a smoke alarm.
COUNCILMEMBER ALEXANDER: Yeah. Because it was malfunctioning when I got home, and my house was closed up. And I was at my mailbox on the street and I could hear it.
COUNCILMEMBER ROCHE: Right.
COUNCILMEMBER ALEXANDER: So that's 85 decibels.
COUNCILMEMBER ROCHE: I mean I'm fine with lowering it to something like 75 or 85 decibels, frankly. But again, I think that the --
Do we have a separate thing for motor vehicles like muffler noises and all that?
ATTORNEY WEED: There's a -- there is a separate category for it, but in none of the noise regulation is there any decibel level at all. It all deals with distances and times of day --
COUNCILMEMBER ROCHE: I understand.
ATTORNEY WEED: -- and different categories of subject matter, but there's no objective decibel level anywhere in the ordinance.

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COUNCILMEMBER ROCHE: So if a motorcycle rides by your house --
ATTORNEY WEED: It would depend upon the vehicle and depend upon the time of day.
COUNCILMEMBER ROCHE: Okay. Again, I'll withdraw my original motion and just make a motion that we just table this until --
COUNCILMEMBER FLEMING: Postpone.
COUNCILMEMBER ROCHE: -- postpone until old business for the next meeting.
COUNCILMEMBER BATES: Before we do that, Captain Atkinson, can I ask you a real quick question?
ACTING CHIEF ATKINSON: Yes.
COUNCILMEMBER BATES: Do you guys have decibel meter readers?
ACTING CHIEF ATKINSON: I'm not aware of one.
We had an issue with this several years ago at the International Ballroom, and I wasn't in a position to know, but I know that there was something that came up about decibel readings, and they actually went across to Town & Country Apartments, and that was kind of like the gauge at that time. If it could be heard from there, then they were told to turn it down or they were cited.

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They did -- I do recall someone did have a decibel meter but I don't -- I don't know of us having one, no.
COUNCILMEMBER BATES: In between now and March 1st, could you investigate the cost of decibel meter readers --
ACTING CHIEF ATKINSON: Yes, sir. You're talking about just a -- I believe they're hand-held; correct?
COUNCILMEMBER ALEXANDER: Yes.
ATTORNEY WEED: Correct.
ACTING CHIEF ATKINSON: Okay.
COUNCILMEMBER BATES: If we're going to implement this as an ordinance, then you guys need to have the tools to actually enforce it, so for budget issues --
ACTING CHIEF ATKINSON: Okay.
COUNCILMEMBER ALEXANDER: We got ours at McMaster Car Supply over on Fulton Industrial, just as a source.
COUNCILMEMBER BATES: Thank you.
MAYOR JENKINS: Do I get a second on that?
COUNCILMEMBER BATES: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?

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COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Chuck, do you have something?
COUNCILMEMBER BATES: May we do Item 19?
COUNCILMEMBER PITTMAN: No. 19. I promise this'll be real quick.
MAYOR JENKINS: Oh, okay.
COUNCILMEMBER PITTMAN: Due to the increasing crime and the burglaries in Winters Chapel area, we try to deter the crime. I'm going to be asking if we could place two to three no-parking signs in the Winters Chapel residential neighborhood.
We already have the signs. It's not going to be any additional cost to Public Works. The places I want to locate them are the dead ends. That seems

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to be where people just sit and sit and sit and for no rhyme or reason with their lights off, especially at night.

We already have a sign, Redwood at the dead end. I mean Hickory Wood and Redwood. We were also supposed to get a sign as you come around there by the wooded area at the dead end. They put a temporary sign. It is in the ordinance for that particular area to allow no parking signs. But the temporary sign fell down and for some reason it just never got put back up.

Also in Glenda Way, the dead end there, cars also park there at night with their lights off.

It doesn't say that we can't, but we may have to add, Mr. Weed, something to allow us to put a no-parking sign there at Glenda Way. It doesn't mention anything.

ATTORNEY WEED: Correct. The current sign -- the current no-parking ordinance does not include that street address. Under Title 40 of the state law, a local government clearly has power to adopt no-parking signage but you have to do it by name. So you are going to have to identify it by name, and we'll have to amend the ordinance for you to do that.

COUNCILMEMBER PITTMAN: Okay. So my motion

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would be to go ahead and add the sign that's already in the ordinance on Redwood Street and also to I guess amend the ordinance to add Glenda Way. And I would really have to confirm the name on that because that's where Glenda runs out and crosses Redwood, and I believe it's still Glenda Way. It's just where the subdivision -- they just cut it off. So that would be my motion.

MAYOR JENKINS: Second?

COUNCILMEMBER FLEMING: Second.

MAYOR JENKINS: Anymore 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.

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CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: Police department?

ACTING CHIEF ATKINSON: Yes, sir, Mayor and Council. The only thing that I have, I just want to provide an update about the officer-involved shooting that we had on February the 8th, last Monday.

We had two officers who were confronted by a subject at an apartment complex. It was right down here at Windchase. The initial call was for a domestic, and they were confronted by said subject with a gun. Our officers fired. One of our officers fired, striking the subject twice.

He is still at Grady Hospital set to undergo another surgery in the morning, from what I understand.

Our officers are -- they're -- they're doing okay. Obviously they're shaken, but physically they're okay. They're out on administrative leave right now, which is the proper procedure when something like this goes on, and we'll just monitor them and make sure that they're okay. But the officers involved were Sergeant Austin and Officer Early. So I just wanted to let everybody know about that.

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COUNCILMEMBER ROCHE: Thank you.

COUNCILMEMBER FLEMING: Thank you.

MAYOR JENKINS: Murray, you got anything?

ATTORNEY WEED: No, sir.

MAYOR JENKINS: Citizens comments, three minutes.

MS. CRAWFORD: Susan Crawford, Oakcliff. As far as the airport, you know, I would like to help in any way I can, and I'm hoping that something will be posted on the City web site to get people involved.

Also I just want to say that on my street there have been two killings of pet cats by dogs that are kind of now apparently beginning to lunge out at people as well. I don't know what can be done about that, but I just want to bring it to your attention.

And I want to register my protest over your decision about monitoring the towing. I think -- who are you protecting here? because the businesses obviously want this to happen and the residents are getting sick of bombs on wheels in the middle of our downtown area, and I'm confused as to why we're making it impossible for this gentleman to do what he's been doing.

- - -

(Applause)

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- - -
MAYOR JENKINS: Next?
MR. FRANK: As far as the booting goes, I mean it's none of my business but I did want to make a comment about it. I think this is something that is needed for properties. Also towing companies, I think there was a price mentioned, $125 for the towing companies, which this is just for towing the vehicle. There are also additional charges afterwards for storage and for paperwork and for all kinds of things, so those charges do go up considerably over by the time the person gets it out.
I think the fees that he is charging are reasonable. It's not so much -- it's more a deterrent. And if you don't have a good fee for deterrent, it's not going to help. People are just not going to care about it. So I think even though it look high to us, for somebody, you also have to consider the amount of time that they have to go out there and take it off and put it on or else they got to stand there and they got to patrol the place. Well, that's all additional charges to them.
So if we do want something that's going to be effective, especially when you've got the big trucks and big rigs, the fee has to be sufficient to

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make people think twice, or at least if they got caught once, they're not going to repeat. If the fee is small, it isn't going to do anything.
As long as the premises are posted, they shouldn't be there, and if they are over there, it's their problem. And I think if the property owners are okay with it and the company's okay with it, I don't think we really need a regulation on it, but that's up to you guys.
Thank you very much.
MAYOR JENKINS: Next?
MR. STOKES: I was going to get up but you didn't have time to get into the issue of 16.
Anyway, I just want to appeal to you folks on the City Commission, Mayor, tomorrow night you're going to be -- I'm sorry; Deane Stokes -- addressing this issue of C-3 zoning, and I want to say a few comments about that and appeal to you-all to really consider to move from the C-2 to the C-3 zoning for the office warehouses mainly on New Peachtree Road and some in other areas of Doraville.
I think we know already that the business mood in Doraville has been at best maybe indifferent and at worst hostile lately -- it just has been -- as businesses have been denied and it's been tough to get

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new licenses because of the zoning changes and so forth.
I want to say this: that we're not a Buckhead, we're not a Brookhaven, and if you travel down those roads, you're going to see bunches of empty buildings, new buildings. We're just not -- in an economy. We're in a state right now where there's a lot of empty stuff around.
Now, we need the C-3 zoning for a season. We're not talking forever. I think Doraville's got a great future, and I think down the road it's going to happen. Meantime, you've got a number of business owners, you've got building owners who have buildings that have housed decent, good, productive businesses that are helpful to the city of Doraville.
So I just would like to leave you with that charge for tomorrow night, and really look at this closely. And that can help the city of Doraville; it'll help the businesses, it'll help the mood of the community to move into this zoning of C-3. Thank you.
MAYOR JENKINS: Thank you.
Anybody else?
MR. HART: Tom Hart.
The City Council never ceases to amaze me. It's like I think the last six sessions I've been

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here, we keep on talking about foot massage. It's like -- it's like one of those reality shows: Foot Massage Part 55. I hope we can resolve it sometime in the next couple of years.
And then we come along, we have an expert witness, the guy that's in the booting business. They have the business owners, the parking lots being chewed up. And another thing that this Council never ceases to amaze me is that given expert advice and all the information in the world, it's like the old man driving down the road with the left blinker on: it will always make the wrong decision. And the audience is sitting here just, "Is there something that we heard that y'all didn't hear or your microphone's not on?"
If you don't want the trucks parking in the parking lots, then you're going to have to allow this business to operate, and if they don't operate, you're going to have the trucks in the parking lot. You don't seem to get it, you know. Is there some kind of -- are they speaking some foreign language?
And the last thing is the thing about Arbor Day which is part of the recycling program. It came out sponsored by Reynolds Aluminum and everything else that Donna Pittman presented. When you have these

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1 committees, it doesn't need to be another political
2 action committee for your re-election. What it needs
3 to be is to have interested citizens be on those
4 committees, you know. We don't need the same person
5 that's been on every committee since the city started
6 to be on the committee. You need to have new people.
7 You need to have new people that are interested.
8 We planted 10 trees down here on Chestnut
9 and it didn't cost the City a dime because we got them
10 donated and had people that actually plant things and
11 they actually grow. They don't die like on Winters
12 Chapel. And the thing is you need to have people
13 where the people in the neighborhoods can come out and
14 things they're interested in and be on these
15 committees.
16 You don't need to have the same old hacks
17 that you have every time you appoint a committee.
18 It's not for your re-election. It's for the people in
19 this city. Thank you.
20 COUNCILMEMBER PITTMAN: Well, the trees
21 didn't die on Winters Chapel, and I believe everyone
22 that is on that committee, maybe with the exception of
23 one, is fairly new to committees, so --
24 MR. HART: No. You got one is on the
25 Planning Commission and you got another one --

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1 COUNCILMEMBER PITTMAN: Okay; two.
2 MR. HART: Okay. And the other one is on
3 the Ethics Committee.
4 MAYOR JENKINS: Anybody else? Come on up to
5 the microphone, please.
6 MR. CRAWFORD: Ben Crawford.
7 City Council, Mayor, the one that amazes me
8 about the talk about the GM property and the other
9 things that have been going on is we hired a city
10 planner whose job is to help the City, guide the
11 city's way into the future. I disagree with the
12 remarks that were made earlier about us having to
13 revisit everything because of, quote, economic times,
14 we need to go backwards. I don't agree with that.
15 The other thing as far as the GM property
16 goes and hiring an economic development director, tune
17 of 100,000/120,000/130,000 and perhaps a planning
18 director another 100,000, we talk about fiscal
19 responsibility within the City.
20 There's not been one time when I've seen the
21 City Council have the city planner here and had an
22 open discussion with the city planner, asking what his
23 thoughts are about the -- the Doraville plant and what
24 can be done there. It seems like, you know, he's
25 hired for the benefit of the city, and I would

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1 actually like to hear in a City Council meeting you
2 guys questioning him about what his thoughts are.
3 Thank you.
4 MAYOR JENKINS: Thank you.
5 - - -
6 (Applause)
7 - - -
8 COUNCILMEMBER FLEMING: Didn't you tell him
9 not to come?
10 COUNCILMEMBER ROCHE: You told him not to
11 come. That's why he's not here.
12 MR. ANDERSON: Stuart Anderson.
13 I'll echo what Ben just said about the
14 planner being here so that the City Council can ask
15 him questions.
16 Back in Mayor's Comments about the part-time
17 mayor, full-time management, I would feel more
18 comfortable -- I think Maria commented about it and
19 possibly Pam -- about getting some criteria before we
20 go ahead and pass that. I think it's a good idea to
21 pass it. Don't get me wrong. I think we need a city
22 manager. But I would like to see some physical
23 responsibility stated as far as fundings or expected
24 salaries and possibly something about job description.
25 On the internet, IT thing on Item 5, if

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1 you're going to have two interviews, why not have
2 three? Your outside expert, Mr. Cox, delineated at
3 least three that were appropriate to be discussed. I
4 think you should make it at least three of those
5 people since you're going to have hearings.
6 Certainly I agree with Susan Crawford and
7 other people have said things about the booting. Not
8 allowing business to operate is mean-spirited. It
9 also smacks of -- well, just dealing -- dealing with
10 people in an inappropriate way and -- well, dealing
11 with people in an inappropriate way. Thank you.
12 - - -
13 (Applause)
14 - - -
15 MS. HOFFMEISTER: Honorable Mayor and City
16 Councillors, I apologize, I have not done research on
17 booting; however, our city is a little different than
18 other communities. We are sitting next to a tank
19 farm. We are sitting next to the largest cooling
20 facility in the world. We are sitting here with five
21 entrances from interstates in a city that's 2.6 square
22 miles.
23 I don't feel that Axis Impound's services
24 are unreasonable at what he requested. I think it
25 behooves you to meet with him and find out what is

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1 regular, especially for a city like this.
2 I being in Oakcliff have no desire to see
3 the commercial facilities that are outside of 285
4 filled with large trucks, even for longer than 10
5 minutes. I realize people can have accidents and move
6 over for 10 years, but I cannot, for the life of me,
7 understand why this city wants to have semis parked in
8 our commercial area. Thank you.
9 - - -
10 (Applause)
11 - - -
12 MS. SEARING: Jean Searing, Chestnut Place.
13 I'd like to also say that I disagree with
14 what took place tonight in regards to the booting.
15 And if I can, I'd like to allot my turn to Axis
16 Impound to make his comments.
17 I've been up at the new indoor soccer place
18 and I've seen gas tanker trucks there and three or
19 four just sitting at a time, and I don't like that
20 idea of them sitting there. And I think that $150 is
21 not enough for him to do his services. I mean he's
22 got overhead cost, his time to sit there, tons of
23 costs, and that's -- $150 is not going to cut it for
24 him to stay in business.
25 But if I can allot the rest of my time to

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1 him, I'd like to do so.
2 - - -
3 (Applause)
4 - - -
5 ATTORNEY WEED: Mr. Mayor, you looked at me.
6 I didn't know if you wanted me to comment.
7 There's no procedure that says you can do
8 that. It's entirely up to the discretion of the
9 Mayor.
10 MAYOR JENKINS: I'll give him the rest --
11 ATTORNEY WEED: There's no procedure that
12 says you can't. It's up to you.
13 MAYOR JENKINS: I'll give him the rest of
14 her time. I let Mr. Joe Frank speak. He's not a
15 Doraville citizen, either, but he is a businessman.
16 MR. LEE: All right. Real quick. Again, my
17 name is Anthony Lee at Axis Impound.
18 I did an Open Records request for the City
19 Hall and also for the police department. The
20 ordinance was designed because of complaints that were
21 coming in to City Hall and the police department.
22 After talking with the City Clerk, she said
23 that there was nothing from City Hall on paper. I
24 mean yes, she's had phone calls about people being
25 booted, but there's nothing on paper. No written

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1 complaints, no reports, no nothing.
2 And then I go to the police department.
3 I've been out doing the K-Mart since 9/23 of '09 --
4 this is my signed contract from the K-Mart -- and no
5 complaints have come up until January, until I started
6 doing that soccer arena. There was only one
7 complaint.
8 And looking through the Open Records request
9 when I got it back from the Doraville Police
10 Department, there's only 11, 11 complaints. No
11 reports, just complaints of people complaining that
12 they got booted.
13 So I'm asking you just to reconsider my fee.
14 That's all I'm asking. Everything else, I'm good
15 with. I'll do anything you want. I just need to be
16 able to make a profit for my company and my family. I
17 have a wife and three kids as well. You-all put me
18 out of business, you know, what am I going to do?
19 Thanks for your time.
20 MR. AMBROSE: James Ambrose, Winters Chapel.
21 I got two things. I retired from the trucking
22 business 10 years ago. Twenty years ago, I got called
23 by a booting company in Norcross and said I had to
24 come pay cash to get it unbooted, a tractor and
25 trailer, and 20 years ago, it was $200. I know costs

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1 have gone way up in 20 years, so please think about
2 that.
3 And I want to change the subject now. I'd
4 like to thank two Councilwomen, Donna Pittman and Pam
5 Fleming. The Winters Chapel subdivision has been
6 having problems with robberies and break-ins since
7 Christmas, and we had one, and myself and two other
8 people in the area, Donna included, got a meeting with
9 the Winters Chapel division here sunday, after two and
10 a half days of getting them together, with the help of
11 the Doraville Police who came and helped us by telling
12 us what we had to do and could do. But in two and a
13 half days, we had 67 people in here, which was
14 amazing, and I think the policemen here coordinated
15 that. But I'd like to thank the two women up here for
16 helping us. Thank you.
17 - - -
18 (Applause)
19 - - -
20 MR. CHAMBERS: Richard Chambers, New
21 Peachtree Road. It sounds like the amount of money
22 for the booting I keep hearing seems to be kind of
23 low. I'm just curious to know, if they get towed,
24 where are they towed to. Are they towed to Palmetto?
25 MR. LEE: That's not my towing company.

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MR. CHAMBERS: That's not yours?
Can I ask where they're towed to?
MR. LEE: Downtown Atlanta.
MR. CHAMBERS: Downtown Atlanta. So we're going to tow tanker trucks to downtown Atlanta? Shouldn't there be someplace away from congested areas within three or four or five miles?
And also the meeting scheduled for tomorrow night, if y'all could possibly reconsider it and let public comments be heard, we would appreciate that. Thank you.

- - -

(Applause)

- - -

MAYOR JENKINS: Motion we adjourn?
COUNCILMEMBER PACHUTA: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER BATES: Second.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.

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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: Thank everybody for coming out.

- - -

(Meeting adjourned at 9:55 p.m.)

-o0o-

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C E R T I F I C A T E

STATE OF GEORGIA]
COUNTY OF DEKALB]

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

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

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

This the 24th day of February, 2010.

_____

Theresa Bretch, CCR
Permit No. B-755

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