In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

April 25, 2011

American Court Reporting Company, Inc.

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Pro Tem Donna Pittman, presiding, before Theresa Bretch, Certified Court Reporter, commencing at approximately 6:30 p.m. on Monday, April 25, 2011.

* * *

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APPEARANCES:
Doraville City Council:
Mayor Pro Tem Donna Pittman
Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Karen Pachuta
Councilmember Bob Roche
Councilmember Pam Fleming
Melissa McCain, City Clerk
William Linkous, City Attorney

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P R O C E E D I N G S

MAYOR PRO TEM PITTMAN: Meeting come to order.

Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Here.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Here.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Here.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Here.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Here.

MAYOR PRO TEM PITTMAN: Thank you.

Approval of minutes, none.

Under Mayor's Comments, Ms. Stephens asked and requests that we go ahead and add to the agenda Halpern Park renovation project bids.

Could I get a motion for that?

COUNCILMEMBER ALEXANDER: So moved.

MAYOR PRO TEM PITTMAN: Do I get a second?

COUNCILMEMBER FLEMING: Second.

MAYOR PRO TEM PITTMAN: Discussion?

- - -

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(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR PRO TEM PITTMAN: Thank you. Motion carries. We will add that under Department Reports.

Next on the agenda is going to be to lift the hiring freeze to replace recreation director.

As all of you know, Ms. Stephens will be retiring the end of May and we need to move on this rather quickly because. We also are going to be losing an employee there, so that will leave her down to one full-time and several part-time.

And I need a motion to lift the hiring freeze.

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COUNCILMEMBER ROCHE: Motion to lift the hiring freeze to replace the recreation director.
MAYOR PRO TEM PITTMAN: Do I get a second?
COUNCILMEMBER FLEMING: Second.
MAYOR PRO TEM PITTMAN: Discussion?
COUNCILMEMBER BATES: I just want to make sure that the exempt status is in the job description.
COUNCILMEMBER ROCHE: Yeah.
COUNCILMEMBER BATES: It says it --
COUNCILMEMBER ALEXANDER: In the ad.
COUNCILMEMBER BATES: -- on the cover sheet but I want to make sure that it's in the ad itself.
COUNCILMEMBER ROCHE: I'll amend my motion to say lift the hiring freeze to replace the recreation director as an exempt employee.
MAYOR PRO TEM PITTMAN: Do I get a second?
COUNCILMEMBER FLEMING: I amend my second as well.
MAYOR PRO TEM PITTMAN: Okay. Thank you. Additional discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

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CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
COUNCILMEMBER BATES: On that, Mayor, when you're doing this, we've got an at-will employment section on page two. That may be a perfect place to put in the exempt notification.
MAYOR PRO TEM PITTMAN: Okay.
COUNCILMEMBER BATES: Or on page three. Sorry.
MAYOR PRO TEM PITTMAN: Yeah.
COUNCILMEMBER BATES: Sorry. Thank you.
MAYOR PRO TEM PITTMAN: That's okay. Thank you.
And do we -- I guess we don't need a motion to put out the RFP or the job --?
CLERK McCAIN: We'll post the job description --

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MAYOR PRO TEM PITTMAN: Tomorrow?
CLERK McCAIN: -- on the Web site.
MAYOR PRO TEM PITTMAN: Do you think you could do that tomorrow? Okay.
CLERK McCAIN: It would depend on how -- Are we going to also lift to replace the outgoing?
MAYOR PRO TEM PITTMAN: Mr. Gary?
CLERK McCAIN: Gary. He's gone on Thursday.
MAYOR PRO TEM PITTMAN: Council, your thoughts on that?
COUNCILMEMBER PACHUTA: My preference is almost to see what a new recreation director wants to staff, but is it something that's going to cripple us?
MAYOR PRO TEM PITTMAN: No.
COUNCILMEMBER PACHUTA: Okay.
MAYOR PRO TEM PITTMAN: No. I discussed that with her today, and she's actually going to be able to pull some of the part-time people to cover for that position.
COUNCILMEMBER BATES: My preference would be to let the new full-time director make a determination on his or her staff.
COUNCILMEMBER ROCHE: I agree.
CLERK McCAIN: Okay.
COUNCILMEMBER ALEXANDER: And if we can make

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sure that gets on the GMA Web site also.
CLERK McCAIN: Correct. And how long did we want to post that for? A week?
MAYOR PRO TEM PITTMAN: We'll see how many we get in a week.
COUNCILMEMBER ROCHE: We're just going to post the recreation director, though. We're not --
CLERK McCAIN: Correct.
COUNCILMEMBER ROCHE: -- posting for anything else.
MAYOR PRO TEM PITTMAN: Actually, you know, we probably should do it two weeks because we asked someone recently to do it for two weeks, not one week, so we need to be consistent.
CLERK McCAIN: Okay. Two weeks?
MAYOR PRO TEM PITTMAN: Uh-huh. Okay. Thank you.
All right. Public Comments on Agenda Items. Anyone wishing to speak, please limit your time to three minutes on the agenda items only. If you could come up to the podium and state your name, please. Anyone?

- - -

(No response)

- - -

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1 MAYOR PRO TEM PITTMAN: Okay. So there's no
2 public comments tonight so far.
3 Okay. Old business.
4 COUNCILMEMBER BATES: Madam Mayor?
5 COUNCILMEMBER FLEMING: What about
6 Department Reports?
7 MAYOR PRO TEM PITTMAN: I'm sorry. Yes. I
8 apologize.
9 We have Bid Opening for Halpern Park Stream
10 Restoration.
11 COUNCILMEMBER ALEXANDER: I have Blount
12 Construction, (spelling) B-l-o-u-n-t Construction out
13 of Marietta. Base bid total $407,827.74.
14 COUNCILMEMBER BATES: Really?
15 I have the Potts Company, P-o-t-t-s. Base
16 bid $161,040.59.
17 COUNCILMEMBER PACHUTA: I have Georgia
18 Development Partners LLC. Base bid total $261,481.94.
19 MAYOR PRO TEM PITTMAN: Okay. Thank you.
20 COUNCILMEMBER PACHUTA: I make a motion to
21 submit these to our stormwater director, Stephen
22 Strickland, for him to review and come back to us with
23 a recommendation.
24 COUNCILMEMBER ROCHE: Second.
25 MAYOR PRO TEM PITTMAN: Discussion?

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1 COUNCILMEMBER FLEMING: Yes. I wanted to
2 find out from Mr. Strickland, do we not have a -- We
3 also have a construction manager for the stream
4 restoration, do we not?
5 MR. STRICKLAND: Yeah. It's Clark
6 Patterson.
7 COUNCILMEMBER FLEMING: Clark Patterson.
8 MR. STRICKLAND: Back when we hired them to
9 do the construction documents, do this bid and be
10 project manager.
11 COUNCILMEMBER FLEMING: So in your opinion,
12 would Clark Patterson also need to be reviewing the
13 requirements and the bids also to determine --
14 MR. STRICKLAND: Yeah, that would be the --
15 COUNCILMEMBER FLEMING: -- whether they're
16 in line with what we're requesting?
17 MR. STRICKLAND: Yeah.
18 The reason why we had so few bids is that we
19 prequalified. So we actually allowed them to submit
20 to be prequalified. We looked at them, and then they
21 had to submit the paperwork. That narrowed it down.
22 And then if we disqualified them, they came off, and
23 so we really narrowed it down. It's very specialized,
24 what we're trying to do.
25 COUNCILMEMBER FLEMING: Correct.

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1 MR. STRICKLAND: So they will be -- they'll
2 probably come tomorrow, go ahead and give them then.
3 They'll review these.
4 But it looks like we'll just be making sure
5 that the low bidder is qualified, because if they are,
6 it looks like it's going to be a good deal.
7 COUNCILMEMBER FLEMING: Thank you. I
8 thought we had a construction management service.
9 Thank you very much.
10 CLERK McCAIN: And I'm sorry, Karen. In
11 your motion, I did not hear who you said to submit
12 them to.
13 COUNCILMEMBER PACHUTA: To Stephen
14 Strickland to direct, yeah, and review.
15 MAYOR PRO TEM PITTMAN: Additional
16 discussion?
17 - - -
18 (No response)
19 - - -
20 MAYOR PRO TEM PITTMAN: Call the roll,
21 please.
22 CLERK McCAIN: Councilmember Alexander?
23 COUNCILMEMBER ALEXANDER: Yes.
24 CLERK McCAIN: Councilmember Bates?
25 COUNCILMEMBER BATES: Yes.

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1 CLERK McCAIN: Councilmember Fleming?
2 COUNCILMEMBER FLEMING: Yes.
3 CLERK McCAIN: Councilmember Pachuta?
4 COUNCILMEMBER PACHUTA: Yes.
5 CLERK McCAIN: Councilmember Roche?
6 COUNCILMEMBER ROCHE: Yes.
7 MAYOR PRO TEM PITTMAN: Okay. Thank you.
8 Motion carries.
9 Next if we could open the bids for Halpern
10 Project Renovation Project.
11 COUNCILMEMBER ROCHE: We have from Willow
12 Construction Company, Powder Springs, Georgia, base
13 bid $140,475.25.
14 COUNCILMEMBER FLEMING: Do they include
15 alternates?
16 COUNCILMEMBER ROCHE: Yeah. Do you want to
17 read all those too?
18 COUNCILMEMBER PACHUTA: It's a long list.
19 I'd just . . .
20 COUNCILMEMBER FLEMING: Base bid.
21 COUNCILMEMBER ROCHE: I could read them too
22 if you want.
23 COUNCILMEMBER FLEMING: Base bid is fine but
24 the -- Okay, go ahead. That's fine.
25 COUNCILMEMBER PACHUTA: I have C.M. Kitchens

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Construction Company. The base bid is $172,200.
COUNCILMEMBER FLEMING: I have Civil Works, Incorporated, base bid $125,199.50.
MAYOR PRO TEM PITTMAN: Thank you.
Do I get a motion?
COUNCILMEMBER PACHUTA: Make a motion to submit these to Carol Stephens for her to review and come back to us with a recommendation.
COUNCILMEMBER ROCHE: Second.
MAYOR PRO TEM PITTMAN: Discussion?
COUNCILMEMBER FLEMING: TSW is our construction manager for this particular project so they would be also involved in the selection process, making sure that alternate bids are complied with as well as the base bid, so they would also be involved with Carol Stephens.
MAYOR PRO TEM PITTMAN: That would be Ryan, Ryan Jenkins; that's correct, yes.
Any additional discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?

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COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Thank you. Motion carries.
Okay. We'll move into Old Business.
Number 1, Mr. Walton, Modify Zoning C-1 District.
MR. WALTON: Good evening, Mayor and Council. All the items under Old Business I believe are zoning-related, so we'll move on through those.
Also, I note just -- and I'll repeat this, but all the items under Old Business with the exception of number 2 were addressed by the Planning Commission at their meeting last Thursday and I believe I forwarded draft notes to all of you. Hopefully, you received those.
So the first item, revision of the C-1 ordinance modifying the provisions specific to

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automotive service stations to remove the requirement for a pitched roof on a service station.
This was discussed at the Planning Commission meeting last Thursday and unanimously recommended for approval.
MAYOR PRO TEM PITTMAN: Council? Questions?
COUNCILMEMBER FLEMING: In regards to this particular item, we're only deleting the pitched-roof design and leaving the balance, and I was under the impression that we were deleting item number 4 because it indicated "shall be faced with brick or stone."
And on March the 2nd, if I'm not mistaken -- and I was trying to get the final for Council this evening though I don't have it myself -- we adopted Section 5-202, Construction Material Standards and we listed four different types of construction materials, and that's the reason why I felt that either the word "may" should be added to "be faced with brick or stone" rather than "shall."
And that would have been my preference, that if we're going to leave that conjunctive statement in there, that we change the word from "shall" to "may."
MAYOR PRO TEM PITTMAN: Council? Thoughts? Comments?
COUNCILMEMBER ROCHE: Makes sense to me. I

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mean on the one hand, if we're going to have architectural standards separate from our zoning ordinance, then it would seem like we would just strike this paragraph altogether; but on the other hand, until such time as we --
Well, I guess we did pass it. I haven't seen the final version yet either on what we passed as far as the percentage allowed of stone, metal, et cetera, et cetera.
COUNCILMEMBER BATES: To me, what we passed was a temporary, very abbreviated placeholder. I'm fine with leaving this in here as it reads right now.
There would be words that I would like to add in there after, excluding -- say "excluding fenestrations and canopy," but until we've got a more permanent set of architectural standards for the city, I'm fine with this particular one remaining in there.
COUNCILMEMBER FLEMING: With "shall" in there?
COUNCILMEMBER BATES: Yes.
COUNCILMEMBER FLEMING: That must be -- you know, absolutely must be faced with brick or stone.
COUNCILMEMBER BATES: Yes.
COUNCILMEMBER ROCHE: Yeah. I don't think that's going to be an issue, frankly, because if we

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1 decide to change it, we've got to wait three more
2 weeks to get this word changed in the document. So I
3 guess I'll -- I'll support it the way it is.
4 COUNCILMEMBER FLEMING: I believe it would
5 have to go in front of another zoning because this is
6 a zoning issue.
7 COUNCILMEMBER BATES: If what?
8 COUNCILMEMBER FLEMING: What we're doing is
9 planning and zoning, and we would have to readvertise
10 and go through all the hoops and stuff to change it.
11 COUNCILMEMBER BATES: No. I think --
12 Melissa, if you've got access to the source document,
13 we could modify it and come back with a final copy
14 tonight.
15 COUNCILMEMBER ALEXANDER: She should already
16 have a copy from the 18th.
17 COUNCILMEMBER BATES: If we want to make any
18 changes, A, we would just postpone it to a date
19 certain so it wouldn't need to go back through the
20 advertising; but B, I think if you've got the original
21 document --
22 CLERK McCAIN: We should have it --
23 COUNCILMEMBER BATES: -- you can make --
24 CLERK McCAIN: -- in the electronic format.
25 COUNCILMEMBER BATES: -- modifications. If

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1 we want to make any changes, we can make modifications
2 to it tonight.
3 Is that correct, Mr. Linkous?
4 ATTORNEY LINKOUS: I would agree with that.
5 COUNCILMEMBER ROCHE: Great, but I'd still
6 just go with what we got, personally. I'm okay with
7 the current language that we have before us.
8 COUNCILMEMBER BATES: And I'm fine too.
9 There was just some question on whether or
10 not this would require a canopy and the columns
11 supporting a canopy over a gas station to be faced
12 with brick or stone. It was a questionable
13 interpretation.
14 COUNCILMEMBER ROCHE: Well, wouldn't that be
15 a structure, though?
16 COUNCILMEMBER BATES: So the --
17 COUNCILMEMBER ROCHE: Columns would be
18 structure.
19 COUNCILMEMBER BATES: -- the columns of the
20 canopy over the gas pumps, you want them to be faced
21 with brick or stone all the way to the top?
22 COUNCILMEMBER FLEMING: That's why I just
23 feel that we ought to change the word from "shall" to
24 "may."
25 COUNCILMEMBER ALEXANDER: Well, we were

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1 given a revised copy on the 18th that included the
2 language "excluding fenestrations and canopies."
3 COUNCILMEMBER BATES: That's correct.
4 COUNCILMEMBER FLEMING: Well, the final
5 doesn't indicate that.
6 COUNCILMEMBER ALEXANDER: I brought that to
7 Mr. Walton's attention.
8 COUNCILMEMBER ROCHE: Who -- When did the
9 change happen? Between the 18th and --? Today is the
10 25th, so someone must have changed this since.
11 COUNCILMEMBER FLEMING: I believe we changed
12 it the night of the meeting and we were given a copy
13 of it here.
14 COUNCILMEMBER ALEXANDER: On the 18th, yes,
15 and this is what it was changed to.
16 COUNCILMEMBER FLEMING: Correct.
17 MAYOR PRO TEM PITTMAN: Council?
18 COUNCILMEMBER ROCHE: Well, have we had a
19 public hearing on this yet?
20 MR. WALTON: Not tonight, no. We have at
21 the Planning Commission meeting but not tonight.
22 COUNCILMEMBER ROCHE: Well, we still have to
23 have a public hearing on this tonight.
24 MAYOR PRO TEM PITTMAN: Uh-huh.
25 MR. WALTON: Correct.

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1 MAYOR PRO TEM PITTMAN: Anything from up
2 here for right now?
3 COUNCILMEMBER ROCHE: Public hearing.
4 MR. WALTON: Okay. Let's now reopen it for
5 a public hearing. Anyone wishing to in this case
6 comment on the proposed text amendment either for or
7 against, I would assume, since there's not an
8 applicant.
9 MAYOR PRO TEM PITTMAN: Okay. Anyone who'd
10 like to come and make a comment, please step forward.
11 MR. ANDERSON: Stuart Anderson.
12 I'm for the text amendment. Flat roofs are
13 not objectionable to me, and I think that it moves
14 this development along. Thank you.
15 MAYOR PRO TEM PITTMAN: Thank you.
16 Anyone else?
17 MR. CRAWFORD: Ben Crawford, Oakcliff
18 Estates.
19 I'm for the text amendment because it'll
20 help move Quik Trip into the community but I'm opposed
21 to changing the word. I agree with Brian. I think it
22 should remain "shall" until architectural standards
23 get addressed a little better and we get some definite
24 architectural standards within the city.
25 Thank you.

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MAYOR PRO TEM PITTMAN: Anyone else? Mr. Hart.
MR. HART: First I'd like to say that normally this stuff was put online so --
CLERK McCAIN: Excuse me, sir. Could I have for or against? because there's a time limit on each.
MR. HART: What?
CLERK McCAIN: Can I ask if you're for or against, your statement? because there's a time limit on each.
MAYOR PRO TEM PITTMAN: And state your name if you don't mind for the record. Although we know who you are, it still needs to be for the record.
MR. HART: Okay. I'm Tom Hart, 2708 Bonnie Avenue, Doraville, Georgia. The Zip code is 30340. Okay.
CLERK McCAIN: I need to know if you're speaking for --
MR. HART: Do you need my --
CLERK McCAIN: -- or against the --
MR. HART: -- telephone number too?
MAYOR PRO TEM PITTMAN: Sir, she's asking you if it's for or against.
MR. HART: I'm half and half, for and against.

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CLERK McCAIN: Okay.
MR. HART: Okay. Normally these packets would be online so that we could see the stuff before we came to these meetings. And it was presented in the past by the past planner as a packet that I think according to Doraville law was required, but that didn't happen.
So this has to do, I assume, with the Quik Trip and with the pitched roof which is incompatible with their architectural trends.
Okay. I'm against changing it from that standpoint because other districts like Berkeley Lake have chosen to go toward a more stringent or more restrictive architectural standard, because their buildings look a little better. And of course in Chamblee, they don't have that; they just have flat roofs.
So it's really a matter of where the city wants to go in the future. And this is the first building in the new downtown, so I would think they would go to a more restricted standard, but apparently not.
It was already in the -- in the ordinance, and I thought it should be retained in the ordinance, but apparently someone decided to downsize it, and I

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don't agree with that. Thank you.
MAYOR PRO TEM PITTMAN: Anyone else?
- - -
(No response)
- - -
MR. WALTON: Do we need a motion to close the public hearing? No? Okay.
MAYOR PRO TEM PITTMAN: Bring it back to the table.
Do you have anything you wanted to add?
MR. WALTON: I have one additional comment regarding the canopy structures and columns.
We did not discuss that specifically with the Planning Commission; however, the general nature of the discussion with the Planning Commission did consider that there were to some extent architectural or material standards passed by the City Council which address the issue of brick and stone and similar materials.
So while they didn't specifically recommend changing the ordinance, didn't necessarily feel it was their role to do that, they did recognize that that issue of facing materials is now covered by City ordinance in a different capacity.
COUNCILMEMBER BATES: I'm in favor of

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adopting the April 18th final.
Mr. Linkous, this is going to be a question for you. We've got two final draft versions, one dated April 18th, one dated April 25th. Can we adopt the April 18th final?
ATTORNEY LINKOUS: What's the difference between the two?
COUNCILMEMBER BATES: It's got a wording "excluding fenestrations and canopies" on the April 18th final.
CLERK McCAIN: And what page is that on, just so when we go back --
COUNCILMEMBER BATES: Three.
CLERK McCAIN: -- to the office, we can find it?
COUNCILMEMBER BATES: It's the very last sentence.
COUNCILMEMBER FLEMING: If I'm not mistaken, they changed it on Sandra's computer. They did it from Sandra's computer. If I'm not mistaken, Mr. Weed was changing it, and at that time, he was sitting at Sandra's computer.
ATTORNEY LINKOUS: And the question is whether or not you can adopt the language and simply add "and canopies."

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COUNCILMEMBER BATES: Well, we've got two different finals, so I just -- without going in and fixing the 25th version, I'd just like to adopt the 18th version.

ATTORNEY LINKOUS: I think you can do that. I think that it would be better obviously if we go ahead and get a final typed on the computer.

CLERK McCAIN: If we take a break, we can check quickly.

COUNCILMEMBER BATES: Okay. I'm going to make a motion to adopt the April 18th, 2011 version of the C-1 text amendment.

COUNCILMEMBER ROCHE: Second.

MAYOR PRO TEM PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

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CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR PRO TEM PITTMAN: Thank you. Motion carries.

Number 2?

MR. WALTON: Thank you. Next item on the agenda is concerning the property located at 5141 Buford Highway, rezoning from C-1 Conditional Use Permit to C-2.

And this was discussed at a previous meeting, and since that time we have not been able to determine with absolute certainty that the property was posted in accordance with procedures. We have no tangible evidence of that.

So as I've indicated in the agenda item sheet, staff's recommendation is to readvertise and repost this property out of an abundance of caution for compliance with the Zoning Procedures Act.

I do also have and pass around copies of the summary of motions from the June 30th, 2010 meeting when the conditional use permit was approved for this property, so that we do have a record of the Council approving the conditional use permit at the time in

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2010.

I'd be happy to answer any questions.

COUNCILMEMBER BATES: I can state factually that there was a sign posted on the front of that property. I did drive by that evening and can confirm that there was signage posted.

The concern I think from Council is we have an ordinance that requires on a City-initiated rezoning that we notify the owner or the individual of record via certified letter that the property is being rezoned, so in this case, from a CUP back to C-2.

I think that was -- and Council can correct me if I'm wrong -- that was the concern: whether or not we had followed our City-initiated rezoning procedures.

There were questions on whether or not there were signs up on the property, but I can state for the record that there were signs up.

MR. WALTON: Okay.

COUNCILMEMBER BATES: But as far as doing this over from the beginning and doing the certified letter to the property owner, et cetera, I think we need to move forward and do it from the beginning.

So thank you. I'll agree with your recommendation.

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COUNCILMEMBER ROCHE: Is that a motion?

COUNCILMEMBER BATES: Yeah. I'll make a motion to restart the process for 5141 Buford Highway from a C-2 CUP back to a C-2.

COUNCILMEMBER PACHUTA: Second.

MAYOR PRO TEM PITTMAN: Discussion?

COUNCILMEMBER FLEMING: Yes, I do have discussion.

I have always been under the impression -- and connect me if I'm wrong, Mr. Walton or Mr. Linkous, but I was under the impression that after six months' use -- a conditional use or a rezoning, for that matter, had not been in operation within six months, that it reverted back to its original zoning automatically.

MR. WALTON: I'm not --

MAYOR PRO TEM PITTMAN: I actually thought that too.

ATTORNEY LINKOUS: Well, I mean it depends on what your code says. If your code has a grandfathering provision in it, that may be the effect of what happens, but I don't -- you know, I haven't researched that issue so I can't tell you exactly right now.

But quite often codes do have grandfathering

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1 provisions which provide that if someone was granted a
2 certain type of use for the property and that use
3 discontinues, that the property might no longer be
4 able to have that use on it.
5 So I don't know is the answer. I wish I
6 could answer your question. I would probably have to
7 research it.
8 MR. WALTON: My understanding is that a
9 legal nonconforming use does have the six-month rule
10 applied for it.
11 If a conditional use permit is granted, I'm
12 not as clear that it expires automatically after six
13 months.
14 COUNCILMEMBER FLEMING: Okay. Rezonings,
15 however -- and I go back to early days when many of us
16 were elected -- the property over in Carver had been
17 rezoned, and that was one of the first things that we
18 did, but it automatically went back to its original
19 zone because it had not been developed or whatever.
20 COUNCILMEMBER PACHUTA: That was part of the
21 original motion when they rezoned it. I was at that
22 meeting --
23 COUNCILMEMBER FLEMING: Okay. All right.
24 COUNCILMEMBER PACHUTA: -- and I do remember
25 that.

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1 COUNCILMEMBER FLEMING: I apologize, then --
2 COUNCILMEMBER BATES: And there was --
3 COUNCILMEMBER FLEMING: -- because I was
4 going back from that.
5 COUNCILMEMBER BATES: Yeah. It was the same
6 with the property over on Stewart Road that had been
7 rezoned from R-1 to RCH.
8 COUNCILMEMBER FLEMING: Uh-huh.
9 COUNCILMEMBER BATES: There was a sunset
10 clause in the motion that if they hadn't complied with
11 certain procedures to move that property forward, that
12 it would revert back automatically.
13 COUNCILMEMBER FLEMING: Okay. And for this
14 particular one, though, I don't remember us ever doing
15 or requesting a City-initiated rezoning on this
16 property.
17 COUNCILMEMBER PACHUTA: The applicant was
18 here. That was . . .
19 COUNCILMEMBER FLEMING: That's what I'm
20 saying.
21 COUNCILMEMBER PACHUTA: Yeah.
22 COUNCILMEMBER FLEMING: It was an applicant
23 request. It wasn't a City-initiated.
24 COUNCILMEMBER PACHUTA: Right, it was
25 applicant request, but my understanding is she's been

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1 out of business now since like November or December.
2 COUNCILMEMBER BATES: Yeah, it's been a
3 while.
4 COUNCILMEMBER FLEMING: So what we are doing
5 now is to do a City-initiated to revert it back --
6 COUNCILMEMBER PACHUTA: To what it was.
7 COUNCILMEMBER FLEMING: -- to its original.
8 COUNCILMEMBER PACHUTA: Uh-huh.
9 COUNCILMEMBER FLEMING: Because I knew that
10 we had not done a City-initiated to put it to a CUP.
11 COUNCILMEMBER BATES: That's correct.
12 This is to protect the property and
13 eliminate the ability for massage to go back in.
14 COUNCILMEMBER FLEMING: That's fine.
15 COUNCILMEMBER BATES: So I'll stand by my
16 motion to start the process over with a certified
17 letter to the -- I don't remember exactly what the
18 code requires but we've got a number of requirements
19 on where the letter needs to go.
20 COUNCILMEMBER ROCHE: But if the conditional
21 use has expired anyway --
22 COUNCILMEMBER BATES: There is no separation
23 on conditional uses. We don't -- we don't have --
24 COUNCILMEMBER FLEMING: We'll get to that in
25 a minute.

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1 COUNCILMEMBER BATES: Yeah. We don't have
2 any sunsets on conditional uses as far as a use-use.
3 COUNCILMEMBER ROCHE: Oh. I thought
4 currently we have --
5 COUNCILMEMBER FLEMING: That's what their --
6 COUNCILMEMBER ROCHE: -- three pending.
7 ATTORNEY LINKOUS: Well, let's make the
8 distinction. There's a distinction between a property
9 that is being used in a certain way and it's rezoned
10 outside of what it can be used for in the new zoning,
11 but it's quote/unquote grandfathered in, which is a
12 legal nonconforming use.
13 COUNCILMEMBER ROCHE: Right.
14 ATTORNEY LINKOUS: In this instance, you had
15 someone who was granted a CUP to a use that could only
16 be -- only be done on the property with a CUP.
17 And under the first instance, there is
18 grandfathering. Under the second instance, I don't
19 know of any provision that we've allowed for
20 grandfathering. It may be in the code, but I don't
21 know of any, and so it's the second instance we're
22 talking about in this case.
23 MR. WALTON: And in that second instance, my
24 understanding is that the conditional use permit is
25 tied to the property, the specific address, not the

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1 applicant or owner or what-have-you.
2 So as long as the property is in question or
3 has the conditional use permit associated with it, it
4 maintains that right until reversed.
5 COUNCILMEMBER ROCHE: So tomorrow someone
6 could come in with an application and be granted an
7 occupational tax license to open a massage place.
8 MR. WALTON: The review would certainly
9 consider that, definitely.
10 COUNCILMEMBER ROCHE: So I mean I'm fine
11 with starting this process over.
12 I guess my question is is there any way we
13 could prevent someone from moving in and just opening
14 a massage place establishment before that happens?
15 COUNCILMEMBER FLEMING: But -- okay, let
16 me -- let's back up here for a second.
17 A C-2 conditional use is more restrictive
18 than C-2.
19 MR. WALTON: No. Technically, if it's zoned
20 C-2 Conditional Use, any permitted use in C-2 is
21 allowable plus the conditional use that was the basis
22 for the CUP.
23 COUNCILMEMBER FLEMING: Okay.
24 ATTORNEY LINKOUS: And Mr. Roche, in answer
25 to your question, there is a way that you can stop it.

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1 You can enact a moratorium.
2 COUNCILMEMBER ROCHE: Yeah. Well, I think
3 we have a motion on the table now for this one, so.
4 Don't we?
5 MAYOR PRO TEM PITTMAN: Yes.
6 Any additional discussion?
7 - - -
8 (No response)
9 - - -
10 MAYOR PRO TEM PITTMAN: Call the roll,
11 please.
12 CLERK McCAIN: Councilmember Alexander?
13 COUNCILMEMBER ALEXANDER: Yes.
14 CLERK McCAIN: Councilmember Bates?
15 COUNCILMEMBER BATES: Yes.
16 CLERK McCAIN: Councilmember Fleming?
17 COUNCILMEMBER FLEMING: Yes.
18 CLERK McCAIN: Councilmember Pachuta?
19 COUNCILMEMBER PACHUTA: Yes.
20 CLERK McCAIN: Councilmember Roche?
21 COUNCILMEMBER ROCHE: Yes.
22 I'd also like to make a motion to impose a
23 moratorium on the 5141 for any use of massage therapy.
24 MAYOR PRO TEM PITTMAN: Well --
25 COUNCILMEMBER ROCHE: That was kind of

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1 babbling, but.
2 ATTORNEY LINKOUS: When you enact a
3 moratorium, it has to be applied across the board for
4 all properties in the city. So you would be
5 enacting --
6 COUNCILMEMBER ROCHE: All right. Well --
7 ATTORNEY LINKOUS: -- a moratorium time-
8 wise.
9 COUNCILMEMBER ROCHE: -- I understand.
10 MAYOR PRO TEM PITTMAN: So do you withdraw
11 your motion?
12 COUNCILMEMBER ROCHE: I'll withdraw my
13 motion and we'll take our chances.
14 COUNCILMEMBER BATES: I mean you can do it
15 and I'll support it. We just need to add it to the
16 agenda.
17 COUNCILMEMBER ROCHE: No. But we were just
18 saying if we're going to do a moratorium, it has to be
19 city-wide.
20 COUNCILMEMBER PACHUTA: How many people have
21 applied for their regulatory license for massage?
22 CLERK McCAIN: I have three.
23 COUNCILMEMBER PACHUTA: Have those been
24 processed right now?
25 So those would halt with a moratorium.

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1 Those would halt --
2 COUNCILMEMBER ROCHE: Right.
3 COUNCILMEMBER PACHUTA: -- in a moratorium.
4 Is that correct, Mr. Linkous?
5 ATTORNEY LINKOUS: What was the question?
6 COUNCILMEMBER PACHUTA: We have three
7 pending --
8 ATTORNEY LINKOUS: Right.
9 COUNCILMEMBER PACHUTA: -- applications for
10 a massage regulatory license.
11 ATTORNEY LINKOUS: Right.
12 COUNCILMEMBER PACHUTA: If we place a
13 moratorium, will that put a halt to issuing those
14 regulatory licenses?
15 ATTORNEY LINKOUS: Generally the moratorium,
16 when placed, it would be placed on the acceptance of
17 more applications, so those would continue in the
18 process. That's the way it generally works.
19 COUNCILMEMBER PACHUTA: Okay. So our code
20 allows four massage establishments. We have three
21 pending. Those could still be processed.
22 ATTORNEY LINKOUS: Yes, I believe so.
23 You would generally make your motion in such
24 a way that you would be enacting a moratorium on new
25 applications for a certain period of time to allow for

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the Council to do something, which in this case might be --

COUNCILMEMBER PACHUTA: But the --

ATTORNEY LINKOUS: -- amending the code.

COUNCILMEMBER PACHUTA: -- fourth spot that's still open would be halted. No one could apply for that fourth spot that is allowed under our regulatory code.

ATTORNEY LINKOUS: Correct; under that limited time frame.

I mean you can't put an unlimited moratorium on but you generally enact it for let's say 60 days or something.

COUNCILMEMBER ROCHE: So we're down to just three massage establishments in the city of Doraville right now?

COUNCILMEMBER PACHUTA: That have filed for regulatory permits --

MR. WALTON: If I could --

COUNCILMEMBER PACHUTA: -- and --

MR. WALTON: I'm sorry.

COUNCILMEMBER PACHUTA: Okay.

MR. WALTON: Excuse me. Just add an additional point, there are three that to our understanding have conditional use permits already

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approved that are going through the process of obtaining their occupational tax placard.

Additionally, our office has received four applications for conditional use permits for massage therapy businesses that are currently pending that will be scheduled for the May zoning agenda.

COUNCILMEMBER ROCHE: Well, as long as we have a limit of four, then it's moot to impose a moratorium because we're not going to accept any new. If we have a limit of four by ordinance, then it would be moot to impose a moratorium because we are well over our four already, so.

MR. WALTON: By my count, between those in process in the City Clerk's office and those in my office, in the planning office preparing for conditional-use-permit consideration, there are seven; that's correct.

COUNCILMEMBER ROCHE: Thank you.

CLERK McCAIN: I did not include the ones that were in Lee's office because we haven't seen those yet.

MR. WALTON: Right.

MAYOR PRO TEM PITTMAN: Okay.

COUNCILMEMBER ROCHE: I think we're good.

MAYOR PRO TEM PITTMAN: Thank you.

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Number 3, Adoption of Official Zoning Code.

MR. WALTON: At a meeting here on March 28th, this was an agenda item I believe placed by the city attorney, and there was discussion, to my remembrance and request, that the Planning Commission take this up and discuss it.

So on March 21st, the Planning Commission did discuss the readoption of the zoning code. They were provided both a copy of Section 23 of the Code of Ordinances as well as copies of all the zoning text amendments adopted since the May 2010 codification. And there was some discussion, and they recommended unanimously in favor of readopting the zoning code.

And I'm not sure if this item requires a public hearing or not.

ATTORNEY LINKOUS: Well, it's better to have one.

MAYOR PRO TEM PITTMAN: Bring it up to the table. Any questions up here?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Okay. If you'd like to --

MR. WALTON: Okay.

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MAYOR PRO TEM PITTMAN: -- open the public hearing, please.

MR. WALTON: Okay. Open the public hearing.

Does anyone have any comments for or against readoption of the zoning code?

MR. ANDERSON: Stuart Anderson.

I'm certainly for adopting the zoning code, the updated.

There was a question in the hearing about -- have it here somewhere -- there was a C-1/R-1 at the NTW location behind your house, and there was some discussion about what was done in that hearing. And I guess I'm just putting it on the record that that should be clarified, because the notes for that discussion and resolution weren't forthcoming from Scott's time during that -- during that hearing.

And I was just wondering, because the Planning Commission members didn't remember, what was done during that hearing as well. And I think it was kind of an important hearing because it was C-1/R-1 behind the NTW there and I think it should be put on the record as to how we decided that zoning should be, and that came out as part of this discussion.

But I'm for adopting the revised zoning. Thank you.

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1 MAYOR PRO TEM PITTMAN: Anyone else?
2 MR. WALTON: If I could provide a quick
3 clarification, I think Mr. Anderson's comment
4 concerned the zoning map which is the next item on our
5 agenda as opposed to the code, just for clarification.
6 MAYOR PRO TEM PITTMAN: Mr. Hart?
7 MR. HART: I have some questions about --
8 I'd asked the Clerk about something that had been
9 passed with ...
10 CLERK McCAIN: I do have a question for you,
11 Mr. Hart. I need to know if you're speaking for or
12 against the zoning code adoption.
13 This isn't general public comments. This is
14 for or against discussion on the Official Zoning Code
15 and there's a time limit for or against, so I need to
16 know if you're speaking for the code or against the
17 code.
18 MR. HART: Well, if it gives me more time,
19 I'll say something against it if --
20 CLERK McCAIN: I can't make that choice for
21 you, sir.
22 MR. HART: Okay. My name is Thomas Hart,
23 2708 Bonnie Avenue, Doraville, Georgia. Zip code is
24 30340.
25 Adoption of the code goes with adoption of

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1 the map, and since the map doesn't have the airport
2 zoning or clearances on it like it's supposed to
3 according to our law, I don't think you can adopt
4 either one tonight.
5 The second thing is that there was a CUP for
6 M-2 or M-1 concerning body shops that you-all voted on
7 but never got out of -- never got past the attorney's
8 office, that's not inside this code.
9 So I don't know what else is missing,
10 because I didn't get a chance to see it online as to
11 exactly what the changes were, but you can't -- I
12 don't know how you can adopt a zoning code when the
13 zoning map is incorrect.
14 Thank you.
15 MAYOR PRO TEM PITTMAN: Anyone else wish to
16 speak?
17 MR. HART: One more thing. Last thing is
18 that I believe the -- did the Planning Commission not
19 table this at their last discussion because they
20 didn't have all the information as well?
21 MR. CRAWFORD: Ben Crawford, Oakcliff
22 Estates.
23 And to answer Mr. Hart's question -- this is
24 germane to the conversation -- yes, we did table it
25 because we didn't have the current copy available to

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1 us, so I made the motion to table it.
2 MAYOR PRO TEM PITTMAN: Sir, excuse me.
3 MR. CRAWFORD: Ben Crawford. This is
4 about --
5 MAYOR PRO TEM PITTMAN: She needs to know if
6 you're for or against.
7 MR. CRAWFORD: I'm for it.
8 MAYOR PRO TEM PITTMAN: Thank you.
9 MR. CRAWFORD: I apologize.
10 CLERK McCAIN: That's all right.
11 MR. CRAWFORD: I am for the passage of this.
12 It's a long due work in progress, should have been a
13 lot further along, but I'm for passing it.
14 But I don't see how it's possible for the
15 payback that we got on the Planning Commission by a
16 City Councilmember with the collusion of the rest of
17 the City Council. But hey, I'm going to go back and
18 research the minutes of those meetings from last year
19 after April and see what I can find.
20 But I don't see how with the new members
21 appointed, they could have had time -- possibly had
22 time to go over all that. But I'm for the passage of
23 it. Thank you.
24 MAYOR PRO TEM PITTMAN: All right. Anyone
25 else?

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1 - - -
2 (No response)
3 - - -
4 MAYOR PRO TEM PITTMAN: Mr. Walton?
5 MR. WALTON: Close the public hearing. I'd
6 be glad to answer any further questions.
7 MAYOR PRO TEM PITTMAN: Bring it to the
8 table. Questions?
9 COUNCILMEMBER FLEMING: In regards to any
10 type of motion that's going to be given, I want to be
11 sure that we include the date of update within the
12 motion.
13 MAYOR PRO TEM PITTMAN: Okay. Anyone else?
14 COUNCILMEMBER ROCHE: Yeah. Something was
15 mentioned earlier, and I think we're going to be
16 taking that up later on in the agenda. And I
17 recognize that there may have been issues with
18 recordkeeping, et cetera, with the prior person, I
19 guess, that was managing this, but I think that we
20 still need to basically set a baseline for where we
21 are. And this is not going to be -- it may not be
22 perfect, but at least we'll have a baseline to start
23 from and move forward, so I'm supporting this.
24 COUNCILMEMBER ALEXANDER: Pursuant to
25 Ms. Fleming's comment, is it my understanding that

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they were given everything that's codified and given the additional that has been passed since the codification?

MR. WALTON: The March 21st Planning Commission meeting --

COUNCILMEMBER BATES: You mean April 21st?

COUNCILMEMBER ALEXANDER: April 21st.

MR. WALTON: Excuse me. April 21st. Thank you. At the April 21st Planning Commission meeting, that is correct: they were given the entire code as well as copies of all the zoning text amendments that had been adopted after May 2010.

Mr. Crawford is correct that at the March 31st Planning Commission meeting, all of that information was not available and the item was tabled by the Planning Commission in order for the information to be provided.

MAYOR PRO TEM PITTMAN: Anyone else?

COUNCILMEMBER BATES: So what we need to adopt tonight is what's been codified, the codification plus everything subsequent to that?

MR. WALTON: Correct; the second.

COUNCILMEMBER BATES: Okay. Thank you.

COUNCILMEMBER FLEMING: Well, you said "Yes, exactly," and you -- I mean he asked a multiple

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question.

MR. WALTON: I'm sorry. I said the second of his points.

My understanding of what's being adopted or, if you will, readopted is Chapter 23 of the City Code of Ordinances, the zoning ordinance, and all of the text amendments that have been adopted by City Council after May 17th, 2010.

COUNCILMEMBER FLEMING: I am not comfortable with passing Chapter 23 beyond May 17th, 2010, because it is not codified. What Mr. Weed had asked us to do is to adopt this book in its entirety, and that's what I thought we were supposed to be doing.

CLERK McCAIN: If I may add to that, the codification does need -- in its entirety does need to be approved. It is not. We're currently working on the ordinances as opposed to this entire document including Chapter 23, and our ordinances that we've passed subsequent to May 2010 are in our first supplement. They are posted online, so anybody goes online would see all of those amendments as well as the original book. They're on the front page the minute you pull up the codification.

COUNCILMEMBER ROCHE: Through what date, though?

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CLERK McCAIN: Through the last ordinance, the last meeting that we had. Everything's been e-mailed. We belong to the NOW program where the minute they get the ordinance they'll post it on the site and then they'll include it in our supplement.

We've already received our estimate for a supplement, and that is in the works to be sent to us.

COUNCILMEMBER ROCHE: But obviously, it doesn't -- it doesn't count what we did tonight so far; right?

CLERK McCAIN: Correct.

COUNCILMEMBER ROCHE: Okay.

CLERK McCAIN: Up until -- it would be I would say until March 31st.

COUNCILMEMBER ROCHE: March 31st.

MAYOR PRO TEM PITTMAN: Anyone else?

COUNCILMEMBER ALEXANDER: So what should the motion be?

COUNCILMEMBER ROCHE: I'll make a motion to adopt City Ordinance Code Chapter 23 with all changes made through March 31st.

CLERK McCAIN: And you understand that that's not this entire book. That's just one section of this book that your.

COUNCILMEMBER ROCHE: I'm sorry. I got it

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confused, then. Would we say we adopt that book?

I withdraw my motion. I must have got it wrong.

COUNCILMEMBER ALEXANDER: Well, this is zoning only, I believe.

CLERK McCAIN: Yes.

COUNCILMEMBER BATES: Well, we can --

ATTORNEY LINKOUS: If you're adopting the zoning code, you're only adopting Chapter 23.

COUNCILMEMBER ROCHE: That's what I thought.

CLERK McCAIN: Right, but you can adopt the whole item is fine also.

COUNCILMEMBER BATES: Which we need to do.

CLERK McCAIN: Correct.

COUNCILMEMBER BATES: We have not yet done that.

CLERK McCAIN: Correct.

ATTORNEY LINKOUS: I believe that was an agenda item recently.

COUNCILMEMBER ROCHE: All right. So what would the motion be, then, if it's not just limited to Chapter 23?

CLERK McCAIN: If you're accepting this whole book, it would be a motion to approve the Code of Ordinances as of March 31st including the Zoning

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1 Code, Chapter 23.
2 COUNCILMEMBER ROCHE: So moved.
3 COUNCILMEMBER ALEXANDER: That's not how it
4 appeared on the agenda.
5 COUNCILMEMBER ROCHE: No? Because it says
6 Official Zoning Code. Is the Official Zoning Code
7 limited to Chapter 23?
8 COUNCILMEMBER BATES: Yes.
9 COUNCILMEMBER ROCHE: Okay. So I'll
10 withdraw that motion and I'll remake the original
11 motion I made. Is that what we're doing here? Okay.
12 CLERK McCAIN: I just wanted to make sure
13 that you understood that it was not the whole book
14 that you were adopting --
15 COUNCILMEMBER ROCHE: Yeah.
16 CLERK McCAIN: -- as we discussed; it was
17 just Chapter 23.
18 COUNCILMEMBER ROCHE: Okay. I'll make a
19 motion that we adopt the Official Zoning Code Chapter
20 23 with all changes through March 31st, 2011.
21 MAYOR PRO TEM PITTMAN: Do I get a second?
22 COUNCILMEMBER ALEXANDER: Second.
23 MAYOR PRO TEM PITTMAN: Discussion?
24 COUNCILMEMBER BATES: Do we have -- do we
25 have the adoption of the balance of the ordinances on

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1 the agenda for next Monday under Old Business?
2 CLERK McCAIN: As far as I know right now,
3 we do not. I was waiting for the agenda request form
4 from attorney or Council, and that has not been done.
5 COUNCILMEMBER BATES: Okay. Thank you.
6 COUNCILMEMBER FLEMING: Mr. Bates, were you
7 talking about the actual codified book?
8 COUNCILMEMBER BATES: Yes, ma'am.
9 MAYOR PRO TEM PITTMAN: Okay.
10 COUNCILMEMBER FLEMING: Is there a reason
11 why we can't put it on the agenda this evening before
12 we leave?
13 COUNCILMEMBER BATES: Okay.
14 COUNCILMEMBER FLEMING: Discussion, yes.
15 I'm still not comfortable with the inclusion
16 of items that are not codified in our book.
17 MAYOR PRO TEM PITTMAN: Additional
18 discussion?
19 - - -
20 (No response)
21 - - -
22 MAYOR PRO TEM PITTMAN: Call the roll,
23 please.
24 CLERK McCAIN: Councilmember Alexander?
25 COUNCILMEMBER ALEXANDER: Yes.

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1 CLERK McCAIN: Councilmember Bates?
2 COUNCILMEMBER BATES: Yes.
3 CLERK McCAIN: Councilmember Fleming?
4 COUNCILMEMBER FLEMING: No.
5 CLERK McCAIN: Councilmember Pachuta?
6 COUNCILMEMBER PACHUTA: Yes.
7 CLERK McCAIN: Councilmember Roche?
8 COUNCILMEMBER ROCHE: Yes. Thank you.
9 MAYOR PRO TEM PITTMAN: Thank you. Motion
10 carries.
11 Okay. Next item is going to be number 5.
12 The next item is number 5, Section 16501, Modify CUP
13 Ordinance.
14 COUNCILMEMBER ROCHE: No, wait. Number 4.
15 MR. WALTON: Is it not the zoning map?
16 MAYOR PRO TEM PITTMAN: I'm sorry. I'm
17 trying to get ahead here.
18 MR. WALTON: Okay.
19 MAYOR PRO TEM PITTMAN: So number 4, we're
20 adopting the zoning map.
21 MR. WALTON: We have a map (presenting).
22 This item also was on the March 28th agenda
23 and was postponed to today's meeting because we did
24 not have a map at that time.
25 Since that meeting, we have conducted

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1 research to determine what revisions have been made to
2 the map by means of ordinance or City Council action
3 that need to be reflected on the map. We ended up
4 having to research meeting minutes going back some
5 time to determine that.
6 We built that list. The Planning Commission
7 did not have the map available at the time -- Keck &
8 Wood was working on the map still -- but they reviewed
9 the list of map changes and the existing map,
10 commented on that, and recommended that the map
11 changes shown on the list that we provided be approved
12 in the process of revising the zoning map.
13 Keck & Wood was able to provide this revised
14 map around the middle of this afternoon. And I
15 reviewed it, compared it with the list, and there are
16 some not discrepancies but just some missing
17 information which I have actually handwritten in on
18 this map. So the map is -- based on our research, it
19 is correct and up to date.
20 And so at this point, the option, based on
21 some discussion with Mr. Linkous before the meeting
22 tonight -- the option for Council is either to adopt
23 and sign this map as is including my handwritten
24 additions reflecting our research or to allow
25 additional time for Keck & Wood to make the revisions

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as marked on this map and to bring, if you will, a clean copy for your consideration.

MAYOR PRO TEM PITTMAN: Okay. Council?

COUNCILMEMBER ALEXANDER: I think I'm in favor of a clean copy.

And I also wanted to make sure that -- we had some issues with a piece of property that had accidentally been left off the map, and I don't know that that has been included in our city limits. We need to verify that.

MR. WALTON: I think it would be wise to verify that and the bullet points as well.

Again, our research was based on rezonings and conditional use permits approved over the past 12 months, and we might not have identified other items like that.

COUNCILMEMBER ROCHE: So are they in or out of our city limits?

MR. WALTON: My understanding is that they're in.

COUNCILMEMBER ALEXANDER: Then, it has been corrected on the back.

MR. WALTON: Do you remember the address?

COUNCILMEMBER PACHUTA: It's Chestnut.

COUNCILMEMBER ALEXANDER: I want to say 3155

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Chestnut, but I'm --

COUNCILMEMBER PACHUTA: That sounds correct.

MR. WALTON: 3155 does not show as being in the city limits on the map.

COUNCILMEMBER ALEXANDER: Okay.

MR. WALTON: So that would seem to be another correction.

COUNCILMEMBER ALEXANDER: Okay. If you would verify that address.

MR. WALTON: Sure.

COUNCILMEMBER ALEXANDER: You should have some documents in your office.

MR. WALTON: Okay. I'll do that.

COUNCILMEMBER FLEMING: And I just want to make a comment, Mr. Walton. Thank you very much for the research, and this is outstanding.

I mean this is part of the minutes of the evening. I would think that this should be part of the minutes of the evening, the back page.

- - -

(Document was marked for identification as Exhibit 1.)

- - -

MS. FLEMING: And so thank you very much for, you know, listing all of the addresses that have

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been rezoned throughout the city in the last year and a half.

COUNCILMEMBER BATES: I make a motion to postpone this to May the 23rd, 2011.

COUNCILMEMBER PACHUTA: Second.

MAYOR PRO TEM PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR PRO TEM PITTMAN: Next will be number 5, Section 1501, Modify CUP Ordinance.

MR. WALTON: The proposed revision to the CUP ordinance is intended to remove the requirement

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for review of CUPs every 12 months. This was a recommendation of the city attorney.

It was discussed at the Planning Commission meeting on April 21st, recommended unanimously to approve this ordinance text amendment.

MAYOR PRO TEM PITTMAN: Council?

COUNCILMEMBER ROCHE: I just have one question. Excuse me. The second paragraph -- second sentence, second paragraph says the --

COUNCILMEMBER FLEMING: What page?

COUNCILMEMBER ROCHE: Sorry. Page 3.

COUNCILMEMBER ROCHE: Says, "The City Planner shall make a recommendation of approval or denial."

I believe we have eliminated the position of the city planner. We're going to get a city development director, and I'm not sure that that's a big deal or not. But if we don't have the position anymore, then I was wondering if we need to modify that.

I recognize that that phrase is elsewhere in our ordinances too but --

MAYOR PRO TEM PITTMAN: Mr. Linkous, your thoughts on that?

ATTORNEY LINKOUS: Well, I think that

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leaving it in there is not something that would cause a terrible amount of confusion, but obviously I'd recommend that the City Council get it as correct as possible given our current circum-stances.

So if we had a different position that we wanted to put in there, I think it would be wise to go ahead and put it in there at this time.

COUNCILMEMBER BATES: Could you put in there a catchall "or designee?"

ATTORNEY LINKOUS: Absolutely, or similar official holding those duties.

COUNCILMEMBER FLEMING: City staff member.

COUNCILMEMBER ROCHE: I'm fine with doing that as long as we're not going to delay passage of this ordinance tonight.

MR. WALTON: Technically, it would be the City staff member designated by the Mayor and Council; correct?

COUNCILMEMBER ROCHE: Right.

I'm just saying if it's a matter -- if it's a choice between passing it tonight saying the city planner even though it's an obsolete position versus having to delay it another month, I would prefer to go ahead and pass it with the current language unless we can --

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COUNCILMEMBER FLEMING: Correct it.

COUNCILMEMBER ROCHE: -- Word document it and fix it tonight.

CLERK McCAIN: It appears that this a draft and it needs to come for a second reading to the Council, so those changes could be made for the second reading.

MAYOR PRO TEM PITTMAN: Unless they wish to waive first reading.

CLERK McCAIN: If you waive first reading, we can see about changing that.

COUNCILMEMBER ROCHE: Do we need a public hearing on it?

MR. WALTON: Yes, we do.

COUNCILMEMBER ROCHE: All right. Well, let's just ...

MR. WALTON: Okay. So we'll open a public hearing. Any public comments for or against the proposed revisions to the Conditional Use Permit ordinance?

MAYOR PRO TEM PITTMAN: Mr. Hart?

MR. HART: I'm absolutely for passing this. This particular passage by this Council costs the City a lot of money on attorney's fees for yearly review of conditional uses and it should never have gotten

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passed to begin with. Thank you.

MAYOR PRO TEM PITTMAN: Okay. Anyone else? No one else?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Okay.

MR. WALTON: Okay. Close the public hearing. I'll be glad to answer any further questions.

MAYOR PRO TEM PITTMAN: Council, anything from the table?

MR. WALTON: I could offer one additional thought, and this is on the spur of the moment. But with the wording "city planner" in the ordinance as presented, I am not sure that the zoning code includes a definition of city planner. That could be added to the code and that definition could satisfy the concern about the specificity of the ordinance.

COUNCILMEMBER ROCHE: I'll go ahead and make a motion to waive first reading of this ordinance tonight. That's Section 1501 paragraph -- well (a), the second paragraph under paragraph (a); Chapter 23. Chapter 23, Zoning, Section 1501, Subparagraph (a), the second paragraph.

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COUNCILMEMBER FLEMING: Or with the correction.

COUNCILMEMBER ROCHE: Well, I think that we could handle the description.

COUNCILMEMBER ALEXANDER: So we want to waive first reading on this document.

COUNCILMEMBER ROCHE: Yeah, waive first reading on this document. And the thinking is that we can always change the -- It might be simpler, instead of having to go through all the ordinances and look for the words "city planner," we'll just simply change the definition of city planner in a future meeting.

MAYOR PRO TEM PITTMAN: Do I get a second?

COUNCILMEMBER ALEXANDER: Second.

MAYOR PRO TEM PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK McCAIN: Councilmember Fleming?

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COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Thank you.
COUNCILMEMBER ROCHE: And motion to pass.
COUNCILMEMBER FLEMING: Well --
COUNCILMEMBER ROCHE: What?
COUNCILMEMBER FLEMING: Go ahead and make your motion.
COUNCILMEMBER ROCHE: I'll make a motion to go ahead and pass Section 1501, Subparagraph (a).
MAYOR PRO TEM PITTMAN: Okay. Do I get a second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR PRO TEM PITTMAN: Discussion?
COUNCILMEMBER FLEMING: I would like us to change it now and, you know, to make it the city staff member, "The designated City staff member shall make a recommendation."
COUNCILMEMBER ROCHE: Well, could we make a motion immediately after this to put on the agenda to add a definition of city planner that would cover it? That way, it'll cover every place in the zoning

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ordinance where the phrase --
COUNCILMEMBER PACHUTA: It would have --
COUNCILMEMBER ROCHE: -- "city planner" --
COUNCILMEMBER PACHUTA: It would have to be advertised.
COUNCILMEMBER ROCHE: That's what I'm saying. We'd have to go through all that.
If we fix it here, we're only fixing it in one places. It's all over the place in the ordinances, so it would seem more reasonable to go ahead and just change the definition in one place. That way, we don't have to track down every single ordinances where these words appear and change it. That would be a lot simpler.
MR. WALTON: That was what I was thinking in a sense. "City planner" does appear many places in the code.
COUNCILMEMBER ROCHE: I agree with you. I'm just suggesting a way --
COUNCILMEMBER FLEMING: But that's --
COUNCILMEMBER ROCHE: -- of implementation.
COUNCILMEMBER FLEMING: -- not the motion on the table right now.
COUNCILMEMBER ROCHE: Well, the motion is to pass this ordinance as written.

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COUNCILMEMBER FLEMING: I don't know why we're not correcting this one now instead of waiting a month to two months to change all the ordinances forever to take "planner" out of it.
COUNCILMEMBER ROCHE: No, we're not going to change all the ordinances. The approach would be to change just the definition in the zoning ordinance or add a definition if city planner and say basically it means -- city planner means designated City staff member. And if we do that once, then it's covered everywhere instead of having to track down every ordinance where city planner exists.
COUNCILMEMBER FLEMING: Okay.
MAYOR PRO TEM PITTMAN: Okay. All right. Motion and a second. Any additional discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?

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COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes. Thank you.
MAYOR PRO TEM PITTMAN: Motion carries.
COUNCILMEMBER ROCHE: Can I make a motion to add this to the next agenda or perhaps the city planner?
MR. WALTON: Certainly.
COUNCILMEMBER ROCHE: Or the whoever you are.
MR. WALTON: We'll be glad to recommend a definition of city planner to be added to the ordinance.
MAYOR PRO TEM PITTMAN: Thank you.
Okay. Next on the agenda is number 6, Section 911-M-1 District Text Revisions.
MR. WALTON: As with others, this proposed text revision was discussed by the Planning Commission on April 21st, recommended unanimously for approval by the City Council, and this text revision I think has been previously discussed prior to my time here at City Council, some revisions made, and my understanding is that the version before you tonight

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1 reflects those previous discussions and revisions.
2 MAYOR PRO TEM PITTMAN: Bring it to the
3 table.
4 COUNCILMEMBER FLEMING: Yes, we did indeed
5 pass the revisions that are listed here on December
6 13th, 2010. Again, if it was only because the Mayor
7 did not sign it and how we voted wasn't listed, if
8 that's all we're missing, we adopted it back on
9 December 13th, 2010.
10 CLERK McCAIN: My understanding, that was a
11 first reading. We found no documentation of a second
12 reading, so this would be the second reading final
13 adoption.
14 COUNCILMEMBER FLEMING: Thank you.
15 COUNCILMEMBER ROCHE: So do we need a public
16 hearing? Presumably, we've already had it.
17 CLERK McCAIN: Correct. I don't know if we
18 want to open it just to ...
19 COUNCILMEMBER BATES: My preference would be
20 out of an abundance of caution to open it up.
21 ATTORNEY LINKOUS: I would agree with that.
22 I mean it can't hurt to have another public hearing.
23 MR. WALTON: Any further questions? Okay.
24 So we'll open a public hearing, any comments
25 for or against the proposed revision to the M-1

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1 section of the zoning ordinance.
2 MAYOR PRO TEM PITTMAN: Comments for or
3 against?
4 MR. ANDERSON: Stuart Anderson.
5 First off, I apologize for combining the map
6 with the zoning ordinance itself.
7 I guess I apologize, for or against, as I'm
8 for this revision.
9 But what I brought up at the Planning
10 Commission meeting was that I felt or that I
11 remembered that this whole discussion was something to
12 do -- well, something to do with a particular body
13 shop down by Nice Car on New Peachtree headed toward
14 Chamblee and that that's what this whole issue was
15 about.
16 And so I apologize, but I don't remember the
17 -- and that was the point that I made at the Planning
18 Commission meeting was I didn't remember the outcome
19 of that, of that hearing about that body shop and why
20 we were changing that text amendment.
21 So I don't know, but I'm for the -- as long
22 as we let that body shop reestablish itself, because
23 of the circumstances that were occurring in the
24 original hearing about that body shop. If we're
25 letting the body shop reestablish itself, I'm for

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1 that. Thank you.
2 MR. CRAWFORD: Ben Crawford, Oakcliff
3 Estates.
4 I'm for the text amendment, but unlike most
5 people, I think that these zoning issues and text
6 amendments should just deal with the city as a whole,
7 not specific properties. Then we get into an issue,
8 as the attorney brought up, as far as grandfathering,
9 what grandfathering is and is not.
10 So I'm for the text amendment. Thank you.
11 MAYOR PRO TEM PITTMAN: Anyone else?
12 - - -
13 (No response)
14 - - -
15 MAYOR PRO TEM PITTMAN: Mr. Walton?
16 MR. WALTON: Okay. Close the public
17 hearing. I'll be glad to answer any further
18 questions.
19 MAYOR PRO TEM PITTMAN: Questions from the
20 table?
21 - - -
22 (No response)
23 - - -
24 MAYOR PRO TEM PITTMAN: Okay. Anyone wish
25 to make a motion?

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1 COUNCILMEMBER BATES: Motion to adopt
2 Section 911, M-1 Light Manufacturing permitted and
3 conditional uses.
4 COUNCILMEMBER PACHUTA: Second.
5 MAYOR PRO TEM PITTMAN: Discussion?
6 - - -
7 (No response)
8 - - -
9 MAYOR PRO TEM PITTMAN: Call the roll,
10 please.
11 CLERK McCAIN: Councilmember Alexander?
12 COUNCILMEMBER ALEXANDER: Yes.
13 CLERK McCAIN: Councilmember Bates?
14 COUNCILMEMBER BATES: Yes.
15 CLERK McCAIN: Councilmember Fleming?
16 COUNCILMEMBER FLEMING: Yes.
17 CLERK McCAIN: Councilmember Pachuta?
18 COUNCILMEMBER PACHUTA: Yes.
19 CLERK McCAIN: Councilmember Roche?
20 COUNCILMEMBER ROCHE: Yes.
21 MAYOR PRO TEM PITTMAN: Thank you. Motion
22 carries.
23 The next item is CSTTOM, number 7, as
24 conditional use in C-2.
25 MR. WALTON: Based on the adoption of the

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1 CSTTOM ordinance recently, it was the city attorney's
2 recommendation and the planning staff agrees it is
3 important to have a location for CSTTOM in the zoning
4 ordinance. So the proposed location by this text
5 amendment is under C-2 Conditional Uses.
6 This was discussed, reviewed by the Planning
7 Commission on April 21st and unanimously approved or
8 recommended for Council approval.
9 MAYOR PRO TEM PITTMAN: Council?
10 COUNCILMEMBER ROCHE: Well, it says under
11 administrative comments and recommendation that during
12 the PC review, "a citizen concern was stated that the
13 CSTTOM ordinance is unique in the State of Georgia and
14 has not been tested."
15 I think it's unique in the United States of
16 America and I still have that concern, but that's all
17 I wanted to say for the record.
18 MAYOR PRO TEM PITTMAN: Okay. Anyone else?
19 - - -
20 (No response)
21 - - -
22 MR. WALTON: Okay. So we'll hold a public
23 hearing, anyone who wishes to comment on the proposed
24 modification to C-2.
25 MAYOR PRO TEM PITTMAN: Okay. Public

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1 comment for or against.
2 MR. CRAWFORD: Ben Crawford, Oakcliff
3 Estates.
4 I'm actually for this and I vote for this.
5 I think it offers some clarification between people
6 that actually have licenses to do full-body massage
7 and people that do foot massage. I think there's kind
8 of a gray area, and sometimes it's incumbent upon the
9 City to take some of the grayness out of it.
10 I realize why in ordinances and everything
11 else you're always going to have things that are open
12 for interpretation, but that's why you hire an
13 attorney. And I think that if you have times when you
14 can get the grayness out so you enforce things fairly
15 for everybody, I think this is a little bit of a step
16 in that direction.
17 Whether it's unique or not, new doesn't
18 necessarily mean that it's wrong. Thank you.
19 MAYOR PRO TEM PITTMAN: Anyone else?
20 - - -
21 (No response)
22 - - -
23 MAYOR PRO TEM PITTMAN: All right.
24 MR. WALTON: Okay. Close the public
25 hearing.

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1 Any questions?
2 COUNCILMEMBER BATES: Is this the first
3 hearing on this? Make a motion to waive first
4 reading.
5 COUNCILMEMBER PACHUTA: Second,
6 MAYOR PRO TEM PITTMAN: Discussion?
7 - - -
8 (No response)
9 - - -
10 MAYOR PRO TEM PITTMAN: Call the roll,
11 please.
12 CLERK McCAIN: Councilmember Alexander?
13 COUNCILMEMBER ALEXANDER: Yes.
14 CLERK McCAIN: Councilmember Bates?
15 COUNCILMEMBER BATES: Yes.
16 CLERK McCAIN: Councilmember Fleming?
17 COUNCILMEMBER FLEMING: Yes.
18 CLERK McCAIN: Councilmember Pachuta?
19 COUNCILMEMBER PACHUTA: Yes.
20 CLERK McCAIN: Councilmember Roche?
21 COUNCILMEMBER ROCHE: Yes.
22 MAYOR PRO TEM PITTMAN: Thank you. Motion
23 carries.
24 COUNCILMEMBER BATES: Make a motion to adopt
25 the conditional use definition part -- excuse me --

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1 conditional use CSTTOM in the C-2 General Business
2 district.
3 COUNCILMEMBER PACHUTA: Second.
4 MAYOR PRO TEM PITTMAN: Discussion?
5 - - -
6 (No response)
7 - - -
8 MAYOR PRO TEM PITTMAN: Call the roll,
9 please.
10 CLERK McCAIN: Councilmember Alexander?
11 COUNCILMEMBER ALEXANDER: Yes.
12 CLERK McCAIN: Councilmember Bates?
13 COUNCILMEMBER BATES: Yes.
14 CLERK McCAIN: Councilmember Fleming?
15 COUNCILMEMBER FLEMING: No.
16 CLERK McCAIN: Councilmember Pachuta?
17 COUNCILMEMBER PACHUTA: Yes.
18 CLERK McCAIN: Councilmember Roche?
19 COUNCILMEMBER ROCHE: No.
20 MAYOR PRO TEM PITTMAN: Okay. Thank you.
21 Motion carries.
22 MR. WALTON: Thank you.
23 MAYOR PRO TEM PITTMAN: Thank you,
24 Mr. Walton.
25 COUNCILMEMBER BATES: Thank you, Mr. Walton.

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MAYOR PRO TEM PITTMAN: Okay. No new business.
Next is Public Comments. Please limit your comments to three minutes.
MR. CRAWFORD: Ben Crawford, Oakcliff Estates.
(Reading) "Today -- grandfathering of exemption provisions for zoning regulations. Today grandfathering of a structure, business activity or use provided as an exemption from curb codes or other newly adopted regulations that would make it otherwise prohibited or fail to meet current codes because it was lawfully in place prior to any change or requirement affecting its existing use or lawfulness.
"When a property or use is grandfathered in, it is said to be nonconforming to any current code or requirement. There is often a misconception that just the prior existence of a structure, activity or use is okay if built or in place prior to the adoption of related code or ordinance. However, the key for grandfathering is the defective item of concern must have been lawfully in place prior to any change or prohibition. Additionally, there are laws that can be adopted for life safety reasons that would not allow any continued use of a structure."

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So basically, I think it's incumbent upon City Council to keep in mind what exactly grandfathering is. And it doesn't mean that anybody can just place anything they want anywhere around the city for a specified or unspecified amount of time and just say, "Hey, you know, that's great. It was there," like happened recently with those sheds on that property. It should have been moved. Thank you.
MAYOR PRO TEM PITTMAN: Any additional public comments? No more?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: That's it. Okay.
Do I get a motion to go into Executive Session for pending and potential litigation?
COUNCILMEMBER ALEXANDER: Second.
COUNCILMEMBER PACHUTA: Or a motion.
MAYOR PRO TEM PITTMAN: Right.
COUNCILMEMBER ALEXANDER: So moved.
COUNCILMEMBER PACHUTA: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -

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MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: And we'll go to my office.
- - -
(Executive Session)
- - -
MAYOR PRO TEM PITTMAN: And motion to come out of Executive Session?
COUNCILMEMBER BATES: So moved.
MAYOR PRO TEM PITTMAN: Second?
COUNCILMEMBER FLEMING: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)

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- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: And motion to adjourn?
COUNCILMEMBER PACHUTA: So moved.
MAYOR PRO TEM PITTMAN: Second?
COUNCILMEMBER BATES: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Meeting adjourned.

- - -

(Meeting adjourned at approximately 8:20 p.m.)

-o0o-

C E R T I F I C A T E

STATE OF GEORGIA]
COUNTY OF DEKALB]

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

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

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

This the 28th day of April 2011.

_____

Theresa Bretch, CCR
Permit No. B-755

[SEAL]

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$140,475.25 (1)
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