In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

September 19, 2011

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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 Donna Pittman presiding, before Theresa Bretch, Certified Court Reporter, commencing at approximately 6:30 p.m. on September 19, 2011.

* * *

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APPEARANCES:

Doraville City Council:

Mayor Donna Pittman
Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Karen Pachuta
Councilmember Bob Roche
Councilmember Pam Fleming

Melissa McCain, City Clerk

Cecil G. McClendon, Jr., Esq., City Attorney

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315 Washington Avenue
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P R O C E E D I N G S

MAYOR PITTMAN: Good evening. Thank all of you for coming out tonight.

I would like to start by saying that we have quite a few special little guests with us tonight. Last week, I had the honor and privilege of going out to Oakcliff Elementary School for their Million Word celebration. I believe most of the schools in Doraville are participating in that. And I was just really impressed that we had two students that had already become Millionaires and had read their million words, and it's only September. So I think that's very impressive. and we were very proud of them, so I asked them to come tonight and lead us in the pledge.

We also would like to welcome, Ms. Saleem, the principal, and Dr. Connery, the assistant principal. So thank you so much for coming.

So if we can all rise. Boys, if you'd like to come forward.

- - -

(Pledge of Allegiance)

- - -

MAYOR PITTMAN: Thank you.

And we have a very special presentation for you young men if you'd like to come up. We have an

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outstanding citizen award for Henry Luong and Juan Cadena-Olmeda (presenting).

Moms and dads, do you want to make a picture real quick?

Thank you.

- - -

(Applause)

- - -

MAYOR PITTMAN: And as always, we're very proud of our children and our schools in Doraville.

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: I'll mark Councilmember Pachuta absent for now.

Councilmember Roche?

COUNCILMEMBER ROCHE: Here.

MAYOR PITTMAN: Okay. Thank you.

Next we're going to have approval of minutes August 22nd, 2001. Do I get a motion?

COUNCILMEMBER ALEXANDER: So moved.

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MAYOR PITTMAN: Second?
COUNCILMEMBER BATES: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR 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 Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PITTMAN: Okay. We also need the approval of the minutes of August 29th, 2011.
COUNCILMEMBER ALEXANDER: So moved.
MAYOR PITTMAN: Second?
COUNCILMEMBER FLEMING: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PITTMAN: Call the roll, please.

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CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Abstain.
CLERK McCAIN: Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PITTMAN: Thank you. And next we have another very special ceremonial presentation for Red Ribbon Proclamation declaring support in the Fight Against Illegal Drugs.
At this time, I would like to introduce to you a very special young man. About a week ago, Jared came to my office and requested a proclamation that declares the week of October 23rd as Red Ribbon Week in Doraville. I thought it would be very nice to bring him in tonight and give him the presentation and the proclamation in public.
Red Ribbon Week was first proclaimed by Congress in 1988. It's a national campaign aimed at raising awareness for alcohol, tobacco and drug use as well as drug-related violence prevention, early intervention and treatment services. It is the largest, most visible prevention awareness campaign observed

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annually in the United States.
Today the Red Ribbon celebration brings millions of people together to raise awareness of the dangers of controlled substance. It is a cause championed by many groups including the Young Marines.
The Young Marines is an organization sponsored by the U.S. Marine Corps for children ages eight through completion of high school. The organization promotes the mental, moral and physical development of its members. Programming focuses on character building, leadership and promotion of healthy, drug-free life styles.
So on behalf of the City, I would like to personally congratulate Jared and the Young Marines for their efforts and present him with these proclamations. This is a proclamation declaring Red Ribbon Week in Doraville, and this is commending the Metropolitan Atlanta Young Marines, so you can take this back to them; and this is especially for you from Doraville, as an outstanding citizen.
Congratulations.
- - -
(Applause)
- - -
MAYOR PITTMAN: And again, we are very

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pleased and very proud when we have young people making very positive impacts in our community. Thank all of you for coming out.
Next is going to be public comments on agenda items only. Please limit your comments to three minutes.
Anyone wishing to make a public comment? Ms. Koontz?
MS. STEPHE KOONTZ: I am Stephe Koontz, Oakcliff Estates, an elder of the Church of the Covenant.
I gave y'all a copy of a proposal that our church made the City over a year ago wanting to erect a pole to display a message relating to our 20-year anniversary of serving the community. It was denied using the current Sign Ordinance.
I believe -- I believe that the code that was used to deny this, original intent was to limit the amount of time that commercial banners about promotional sales events, they be limited to a specific period of time and they be taken down after the event.
I don't think that the original intent was to address what we are trying to do. The church would like to be able to display messages relating to its

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1 mission statement, about serving God by serving
2 others, things like that, but according to the Sign
3 Ordinance, that's illegal.
4 And I'm hoping tonight that since this has
5 been put on as an agenda item that this portion of the
6 Sign Ordinance that's up for review could be changed
7 to accommodate what our church and other nonprofits
8 might want to do while still maintaining the enforce-
9 ment of the original intent, which is about commercial
10 sales-event banners.
11 And thank you for your time and
12 consideration on this.
13 MAYOR PITTMAN: Anyone else?
14 MR. STUART ANDERSON: Stuart Anderson.
15 Couple things. I'll be very interested in
16 the eventual outcome of the administrative decision --
17 appeal from administrative decision at Peachtree
18 Industrial. There's a lot of interesting zoning stuff
19 involved in this, and I'm just stating that I'll be
20 very interested in how it's resolved.
21 I appreciate Councilman Fleming bringing up
22 the vacated Council seats. This has been a problem
23 with various vacated seats in the past, and I think it
24 should be addressed.
25 And while I'm on considering Ms. Fleming, I

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1 appreciate her work in the Halpern Park. The back of
2 the Halpern Park has officially not opened, but it's
3 beautiful. And if you want to go down there and take
4 a walk in there, it's really nice. There's a mulch
5 walkway, and Ms. Fleming has provided a chair to sit
6 in or bench. It's a really nice place, so we actually
7 have a park back.
8 So thank you.
9 MAYOR PITTMAN: Anyone else? Mr. Hart.
10 MR. TOM HART: First is the Solar PV system.
11 I understand that's going to be put on the roof of the
12 jail, and the future of that jail complex is in doubt,
13 and why we're investing in new solar panels on top of
14 a jail that may be removed is beyond me.
15 The Sign Ordinance in the city, it's not
16 just the church property, but the Sign Ordinance in
17 the city has not been dealt with. Three years, the
18 City Council has put it aside, where we have these
19 highway signs on Buford Highway, pole signs, lack of
20 monument signs. The church properties have less than
21 adequate signage on those properties.
22 It's not just this patch-it/Band-Aid
23 approach, but the entire Sign Ordinance needs to be
24 addressed. We're getting new stuff built on Buford
25 Highway, and we're getting the same old stuff we've

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1 had. As a matter of fact, the new stuff being built
2 on Buford Highway doesn't pass the building codes that
3 you-all passed, that stop-gap measure: brick, stone,
4 et cetera. Remember you passed that? None of these
5 buildings being addressed right now meet those codes.
6 So I don't know where the planner is in all of this,
7 but I suggest he read the building ordinances of the
8 city.
9 Special events. I call it -- Chuck
10 Entsminger used to call it Tent Under Development.
11 The blow-up gorillas and basically card tables out
12 front selling feminine products at the curbside I
13 think is kind of a special event we don't need in the
14 city.
15 So instead of moving the city back 15 years
16 like it was 15 years ago, we need to move the city
17 forward. And everything I see on the agenda is
18 potentially a step backwards. Thank you.
19 MAYOR PITTMAN: Anyone else, public
20 comments?
21 - - -
22 (No response)
23 - - -
24 MAYOR PITTMAN: Okay. Thank you.
25 Department reports, Mr. Howe, we're going to

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1 talk about Solar System Installation Project.
2 MR. LUKE HOWE: Thank you, Mayor.
3 Staff is seeking Council approval on
4 contractor recommendation. This is for a solar
5 installation project for the police department. This
6 is to be funded 100 percent by the U.S. Department of
7 Energy.
8 This is not a new grant. This is part of
9 our Energy Efficiency Block Grant. The money going
10 towards this $65,000 installation was originally set
11 aside for an LED Incentives fund for local businesses.
12 That program has been open for six months, and we have
13 not gotten the first application.
14 So this money had to be spent by the end of
15 this calendar year, so faced with that, we elected to
16 go in another direction and have the money reapplied
17 to new project.
18 We submitted our paperwork to the Georgia
19 Environment Finance Authority in early August for a
20 change of work order. They approved it the next day.
21 In evaluating these proposals, we had
22 responses from eight vendors. The criteria, at the
23 pre-proposal conference, we let them know about the
24 $65,000 budget. We let them know about the time
25 frame. Ideally, this needs to be completed by

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1 December the 1st so we have enough time to complete
2 all our paperwork. So with that, I got eight
3 responses, and my recommendation is based on seven
4 criteria:
5 Number one, the proposed system. We wanted
6 the most robust, best quality system for the
7 amount available.
8 Number two, the firm's experience generally
9 with federally-fund projects with particular
10 preference given to firms with GEFA-administered
11 projects.
12 Number three, overall experience, years in
13 business, track record, etc.
14 Number four, references.
15 Number five, documentation, and that
16 includes chief among those is the product, the
17 proposed product's ability to comply with the
18 Buy American clause in the grant's provisions.
19 Number six, GEFA's approval.
20 Number seven, the proposed timeline.
21 And eight, the cost. And cost was really
22 only a factor if they bid over the budgeted
23 amounted, and sure as the world turns, we had
24 one to do that.
25 So it was pretty -- I mean based on that,

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1 the decision was very easy. Radiance Solar out of
2 Atlanta proposed a 17.28 kilowatt system. They
3 propose doing it in four to six weeks with the amount
4 of $64,995. They have 120 projects under their belt,
5 27 of which were federally funded and 23 of those 27
6 were GEFA-administered projects. Nobody even really
7 came close.
8 They submitted all the proper paperwork.
9 GEFA has nothing but good things to say about this
10 firm. At the time we were doing our LED lighting
11 project, a dozen other cities in Georgia were doing
12 solar projects. Radiance did most of those. And
13 based on the luxury of hindsight, Radiance emerged as
14 a leader in Georgia of solar installation projects.
15 So that's what my recommendation is based
16 on. If Council has any questions, I'll entertain them
17 at this time.
18 COUNCILMEMBER FLEMING: Yes, I have three
19 and maybe four.
20 The first one is how was the LED incentives
21 program marketed to the commercial industry?
22 MR. HOWE: Well, we went out and we talked
23 to businesses. I made repeated overtures to speak at
24 a business association meeting. It was never -- I was
25 never taken up on that.

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1 We've had some interest, but, again, nobody
2 has put in an application.
3 So now it's do-or-die time, you know, with
4 the fourth quarter of this year approaching. It's
5 either start a new project or get ready to give that
6 money back, and the latter --
7 COUNCILMEMBER FLEMING: So it was --
8 MR. HOWE: -- is not attractive.
9 COUNCILMEMBER FLEMING: -- more of a word of
10 mouth rather than sending out, you know, a blast to
11 our industries, business communities to let them know
12 that we had this incentive available to them?
13 MR. HOWE: We did that. We put it on our
14 Web site. We did everything we could for free. We
15 didn't spend any money marketing this, but we didn't
16 have any to spend.
17 COUNCILMEMBER FLEMING: Okay. The second
18 question I had was how was it determined that the
19 police complex would be awarded the installation?
20 MR. HOWE: Its roof is the most suitable and
21 the most conducive to a solar installation project.
22 It has a broad, south-facing roof with a standing seam
23 metal roof, plus it's visible from Buford Highway, and
24 that's another benefit. You want people to be able to
25 see this. And based on that criteria, the police

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1 department was selected.
2 COUNCILMEMBER FLEMING: I have the same
3 concern as Mr. Hart made the comment. That was one of
4 my concerns, too, is putting something this expensive
5 on the police building with the possibility of it
6 having to be torn down.
7 And my next question is have we already
8 received these funds or are they going to be
9 reimbursed?
10 MR. HOWE: It's reimbursement basis.
11 COUNCILMEMBER FLEMING: And what is the
12 turnaround time for the reimbursement?
13 MR. HOWE: GEFA's usually pretty good. It's
14 usually about a month after you made the payment and,
15 submit the invoice.
16 And as far as the redeployment of this
17 system in the event that we do build a new police
18 department, they can be moved just like these light
19 fixtures can be moved. I talked to a structural and
20 an electrical engineer about that, so they can be
21 redeployed.
22 COUNCILMEMBER FLEMING: Okay. Thank you.
23 COUNCILMEMBER ALEXANDER: One of the
24 questions I had was regarding the installation on it,
25 the weight and all. I believe, historically, I've

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1 been advised that there were issues during
2 construction of the roof on the jail. And I was just
3 wanting to know what safeguards are going to be as far
4 as I'm sure they're going to have an engineer evaluate
5 the weight and the structural stability but also
6 prevent leaks from appearing in the roof once the
7 panels are installed, because I assume there are going
8 to be holes drilled into it, brackets mounted.
9 MR. HOWE: Yes, ma'am. The good thing is
10 there's two roofs.
11 COUNCILMEMBER ALEXANDER: Fortunately.
12 MR. HOWE: I talked to the police
13 department. So went over that. We even extended the
14 proposal period an extra week so that every -- every
15 vendor had an opportunity to come in and look at the
16 building plans. And we spoke with Ms. Karen Sicner,
17 the architect of the building, prior to, just to
18 confirm that building could, the roof could support
19 the weight. And it could, and our proposals were
20 graded on that. We knew going into the evaluation
21 what it could support and how much. And all --
22 everybody's proposal was consistent with that. So we
23 went to painstaking efforts to make sure that the roof
24 was adequate for this project.
25 COUNCILMEMBER ALEXANDER: And my other

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1 question was similar to Ms. Fleming's, and I'll just
2 follow up that we do need to make sure the funds are
3 approved and set aside and make sure we get a very
4 timely reimbursement.
5 MR. HOWE: Yes, ma'am.
6 MAYOR PITTMAN: Mr. Bates?
7 COUNCILMEMBER BATES: I have no questions.
8 MAYOR PITTMAN: Mr. Roche?
9 COUNCILMEMBER ROCHE: Well, I mean I like
10 some of the things I've heard already.
11 I remember last year, Major Atkinson
12 approached the Council, hiring some patrolmen and some
13 jailers, and I asked him to make it two separate
14 motions because I said, well, you know, certainly
15 replace patrolmen; I voted for that.
16 And exactly what I told him standing right
17 over there was there's no point in hiring jailers if
18 we're going to have to let them go later, and that's
19 exactly what happened.
20 I find myself agreeing with Mr. Hart on
21 this, that, you know, right now, our financial
22 situation is very much up in the air. We may have no
23 choice but to begin using Dekalb County jail since
24 we're already paying for it anyway. And to do capital
25 improvements to a building that we may not need or may

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1 not use any more just doesn't seem to make sense to
2 me.
3 Personally, I don't have a problem at all
4 with returning taxpayer dollars to the granting
5 authority. I mean it's like we're saying, "Oh, my
6 God. We've got to spend this money on something," and
7 I don't like doing that. You know, it's not free
8 money. Someone -- it comes out of taxes someplace.
9 And if someone else somewhere else has better plans,
10 more efficient plans ready for it, then more power to
11 them. We -- you know.
12 So I'm afraid I can't support this at this
13 point. The money came for one thing. The Council
14 voted to say we would offer incentives to business to
15 be more energy efficient, and now we're saying,
16 whoops, we're not going to do that; we're going to,
17 you know, do something completely different.
18 And so I just think it's a poor use of
19 money. I think it's -- again, I can't support this
20 because -- for the reasons I already mentioned and
21 other reasons that were mentioned too.
22 MAYOR PITTMAN: Mr. Howe?
23 MR. HOWE: We will continue the LED
24 incentives program. $10,000 will remain in that, with
25 that program.

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1 If we give this money back, GEFA is going to
2 hand it out to another city or another county.
3 COUNCILMEMBER ROCHE: Good. Maybe they can
4 make better use of it than we can. We're talking
5 about spending $65,000 of taxpayer money and putting
6 it on a building that we may end up shutting down. I
7 would prefer to give it back to someone, and maybe
8 some other city or organization does have a better use
9 for it that can show immediate response to immediate
10 cash -- return on that investment.
11 COUNCILMEMBER BATES: Mr. Howe, correct me
12 if I'm wrong, but would the energy generated be
13 applied to the police department as a whole in
14 reduction of their power bill?
15 MR. HOWE: Yes, sir.
16 COUNCILMEMBER BATES: Okay.
17 MR. HOWE: Yes, sir.
18 COUNCILMEMBER BATES: And I believe I heard
19 you say that if the jail or the building were to be
20 torn down and relocated somewhere else in the
21 municipal complex that the solar panels would be able
22 to travel with it?
23 MR. HOWE: Yes, sir.
24 COUNCILMEMBER BATES: Okay. Thank you.
25 MAYOR PITTMAN: Okay. Do you need a motion?

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MR. HOWE: Yes, ma'am.
MAYOR PITTMAN: Do I get a motion to approve this?
COUNCILMEMBER BATES: Make a motion to reallocate the $65,000 to the solar panels on the police department and to continue to market the LED commercial incentive program.
MAYOR PITTMAN: Second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR 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: No.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: No.
CLERK McCAIN: Mayor?
MAYOR PITTMAN: Well, given the fact that these are transferrable if we build a new building,

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and the fact that it's cost saving in energy and we're going to continue marketing the $10,000, I would say yes.
MR. HOWE: Ma'am, could get a --
MAYOR PITTMAN: Sir?
MR. HOWE: I'm sorry. Could I get a motion on the recommended contractor?
COUNCILMEMBER BATES: Oh, I'm sorry. I should have included that. Radiance -- the motion should have read to include Radiance Solar as the contractor.
MAYOR PITTMAN: Second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR PITTMAN: Discussion?
COUNCILMEMBER ROCHE: I'm certainly not going to approve this. I mean I didn't vote for the other thing, so. I just think it's a poor use of taxpayer dollars.
MAYOR 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: No.

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CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: No.
CLERK McCAIN: Mayor?
MAYOR PITTMAN: Yes.
CLERK McCAIN: Motion carried.
MR. HOWE: Thank you, Mayor. Thank you, Council.
MAYOR PITTMAN: Thank you.
Okay. Next is going to be Stormwater, Mr. Strickland.
MR. STEVE STRICKLAND: Evening, Mayor and Council.
This has been on the agenda for a while. The Council was asking that we sort of clarify and make sure that we have the stormwater funds to enter into a contract with CERM.
So working with our auditor right now, just kind of went over those numbers, what's been carried over from 2009-2010, 2010-11 revenue minus the expenditures, the surplus that we have, and the total surplus from 2009 to 2011. So we just made sure that, you know, that we had the money available, the stormwater utility that we collect that is earmarked for these capital improvement projects.
Hopefully, I answered all the questions, but

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if there are further questions, I'll be more than happy to answer those.
COUNCILMEMBER ALEXANDER: So tonight, you're seeking approval for the $25,000?
MR. STRICKLAND: Yes, ma'am. That would lead to an RFP for the actual construction, but we have to go through that whole bidding process, so it will be, you know, down the road a way. But this'll just kind of keep it moving forward so that we can actually, you know, get an actual price and actual bids for the work that we're looking at in the two neighborhoods.
COUNCILMEMBER BATES: This will be more of a question for the Mayor. Are steps being done to put the funds in a segregated account?
MAYOR PITTMAN: Absolutely. In fact, you have something in your box detailing some of the things that we're working on.
COUNCILMEMBER BATES: Okay. Thank you.
MAYOR PITTMAN: Uh-huh. Additional question? Ms. Fleming? Mr. Roche?
COUNCILMEMBER ROCHE: Not at this point. I think we had them answered last time.
MAYOR PITTMAN: Okay. Ms. Alexander? Mr. Bates?

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Okay. Do I get a motion?
Is that what you need is a motion?
MR. STRICKLAND: Yes, just to approve entering into the contract.
MAYOR PITTMAN: Do I get a motion?
COUNCILMEMBER FLEMING: I'd like to make a motion to enter into a contract with CERM for Phase III to produce the construction RFP and also do the project management for our stormwater system.
COUNCILMEMBER ALEXANDER: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR 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 Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PITTMAN: Thank you. Motion carries.
Thank you, Mr. Strickland.

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Okay. Next under old business, Appeal of Administrative Decision at 6555 Peachtree Industrial Boulevard, Mr. Cooley. This was moved from July 25th, 2011, and I believe there's something new on this you might want to talk about.
MR. JOE COOLEY: Yes. This again was the appeal that was moved from 7/25/11. Mr. Matt Reeves, attorney for the appellant, is here tonight. They have requested an additional deferral for two months. They are in the process of trying to work something out as far as leasing the property consistent with our current ordinances and would like the two months to continue that effort.
The request would be to move it to a time certain so again we don't have to readvertise, but a date certain would be they're requesting in November, two months, so it would be the second meeting of the month which would be Monday, November 21st.
And they have discussed this with City Council and myself, and I have no objections.
MAYOR PITTMAN: Okay. Council, you have any questions?
MR. COOLEY: And Mr. Reeves is here if you'd like to ask him questions, I'm sure.
MAYOR PITTMAN: So we need a motion just to

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move this to a date certain or can we just move it to a date certain?
ATTORNEY McLENDON: We would make a motion to move the hearing to a date certain.
MAYOR PITTMAN: November 21st?
ATTORNEY McLENDON: November 21st.
MAYOR PITTMAN: Okay. Do I get a motion?
COUNCILMEMBER ALEXANDER: So moved.
MAYOR PITTMAN: Second?
COUNCILMEMBER ROCHE: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PITTMAN: Thank you.
Okay. Next is going to be the fee schedule. I also believe we have an e-mail that was sent out in

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reference to that. Did all the Council receive that?
Okay. It's possible, then, we might want to move that to a date certain as well unless you wish to discuss it now.
COUNCILMEMBER FLEMING: We can move it to a date certain. But I have noticed on our initial that we received that we have some -- definitely a lot higher fees proposed than the other cities that have been illustrated. So I want us to take a look at that before we get to the point of passing this.
The other comment that I wanted to make just for this particular moment is that I think it's difficult on the plan review where we've got it listed to $250.00 for minor and $650.00 for major. That gives a subjective opinion. All the other cities that are listed is one cost. So I'd like us to see, you know, a happy medium if necessary rather than . . .
So those are my comments at this present time.
MAYOR PITTMAN: Would you like to address that?
MR. COOLEY: Certainly.
One of the sheets that you have in there is a comparison of fees that we did on a number of things. One was all the costs, the building costs and

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all those aspects of it, and also different zoning aspects.

Actually, what we went through, there are a few that are cheaper, but we are pretty much in line consistently with everything.

One thing we have done, this was something that the Mayor requested and we discussed and I'd seen since I've been here, is there are a lot of complaints regarding the fees on residential. So one of the things that you'll see in there in regards to that $250.00, plan review used to be a straight $250.00 for residential regardless of what it was -- if it was a deck, if it was a roof or anything of that sort -- which was tough on a residential owner, especially when they're building something so small, like a small deck, that that may be more than the cost of materials.

So what we did is several things. One, we scaled it down to get residential to at least, I mean, you know, at a hundred.

But also beyond that, you'll see the details when you look at it, the building, for specific things like screened porches, decks, arbors, like that, we base it upon a valuation, and it brings it way down. So we were really trying to make it more equitable for

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residential.

Pretty much the commercial pretty much stayed the same because we felt that was pretty much in line with everybody else.

The other thing that you'll see is a major thing on it we did was we used to have a situation where you'd get a building permit, you'd have to come in every time, and every contractor, whatever, professional it was, HVAC, electric, whatever, would have to come in, pay $75.00 for an inspection fee all the way through. And that's miserable, especially with a contractor who's working around town having to run over here, pay for their permit so they can get their guys in and working.

One of the things we did, we upped the dollar amount from $5.00 per thousand to $8.00 per thousand and then incorporated three inspections per trade within that, and that's typical. Tony and I worked on it quite a bit to come up with what the average was.

So this now has got it to the point where they come in, they pay their fee. Three inspections per trade is included. They don't have to be running back and forth. It reduces our labor in having to process this all the time, too, and I think it's going

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to be a win all the way around.

We ran the numbers on it. It stays consistent. There's no real increase; it'll average out. But we wanted to make sure we weren't upping fees but we were covering what we were doing to make it simpler.

So there were several other things, too, but those are the two, the particular items you're addressing.

COUNCILMEMBER FLEMING: On the date certain, do we want to use a work session for this or do we just want to go over it ourselves, Council?

COUNCILMEMBER ROCHE: I prefer just to go over it myself.

COUNCILMEMBER BATES: Yeah. I guess I'm torn on that. I think there may be a lot of discussion on some of the individual fees, and if we build that into a regular Council meeting, we're probably not going to get to any other business. So while I'd like some time to, you know, kind of digest what we got today, if I could get you or the Clerk to e-mail the changes to the building fee schedule to us, that would be great, because it's highlighted in red but it didn't print that way so it's kind of hard to see what the --

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MR. COOLEY: Oh. That was the worksheet that Tony did, yeah.

COUNCILMEMBER BATES: Yeah. It's kind of hard to see what the proposed changes are.

MR. COOLEY: Certainly. Well, I'll just print copies out and we'll put them in your boxes.

COUNCILMEMBER BATES: Perfect. Or e-mail to me, either way, or us.

MR. COOLEY: Okay. Whichever is easier.

COUNCILMEMBER BATES: I would prefer a work session so that we can spend some time in depth talking about some of these that we may have questions on or object to or add to or modify. That would be my personal preference.

COUNCILMEMBER FLEMING: So an additional meeting in October or no?

COUNCILMEMBER BATES: I think this along with, you know, major ordinances warrants a separate standalone work session, so I'd be fine with one in October. Perhaps the 10th, Monday the 10th?

COUNCILMEMBER FLEMING: That's fine with me.

COUNCILMEMBER ALEXANDER: Or is that --

COUNCILMEMBER ROCHE: I'm out of town Monday the 10th.

MAYOR PITTMAN: I think there might be

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something on the 10th.
COUNCILMEMBER FLEMING: Is that a holiday?
COUNCILMEMBER BATES: That's Columbus Day maybe?
MAYOR PITTMAN: Yeah.
COUNCILMEMBER BATES: And I'm actually out of town.
MAYOR PITTMAN: Could everyone look at their schedule and send an e-mail, please, and we'll just kind of go from there. Okay. Thank you.
COUNCILMEMBER BATES: I did have one quick question for you, Mr. Cooley, while we've got you here.
MR. COOLEY: Sure.
COUNCILMEMBER BATES: On this chart here -- and I don't know what it's called; it is in the agenda packet -- it starts with --
MR. COOLEY: 2000 square foot?
COUNCILMEMBER BATES: No. It's the one that starts with B type. So it's after the building permit comparisons.
MR. COOLEY: I'm not sure what you're . . .
COUNCILMEMBER BATES: There's a line in here that says outside consultant, expedited plan check. It's towards the bottom of that first page, third

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line.
MR. COOLEY: Right.
COUNCILMEMBER BATES: Is that fee --? Because it says 150 percent of normal fee. Is that an outside consultant's fee or is that us charging a business applicant 150 percent of the normal fee for them to use an outside consultant?
MR. COOLEY: No. That's expedited review for whatever the fee, which would be more than the outside consultant's. It would be 150 percent of the normal fee.
COUNCILMEMBER BATES: Because what I . . . And I'm okay with having --
MR. COOLEY: For example -- only if I may.
COUNCILMEMBER BATES: Sure.
MR. COOLEY: For example, most of these things, you know, we actually, when they're complicated, we do send out to consultants. If they want to expedite it, you know, to speed up the process like that, they had proposed 150 percent on top of that.
COUNCILMEMBER BATES: So it's our outside consultants, not the applicant's outside consultants.
MR. COOLEY: Correct, it's our --
COUNCILMEMBER BATES: I just wanted to --

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MR. COOLEY: -- consultant.
COUNCILMEMBER BATES: -- make sure that it was --
MR. COOLEY: Yeah. I know.
COUNCILMEMBER BATES: Because I don't want to penalize applicants for going out and actually hiring someone on their own to come in and help us a little through the process. I think we should actually encourage that.
MR. COOLEY: That's fine, but we're still going to have -- You know, our consultant --
COUNCILMEMBER BATES: I understand.
MR. COOLEY: -- would be checking these things.
COUNCILMEMBER BATES: But it says minus --
COUNCILMEMBER ALEXANDER: Yeah.
COUNCILMEMBER BATES: -- $1,000.
COUNCILMEMBER ALEXANDER: Minus $1,000.
MR. COOLEY: Yeah. To be quite honest with you, this was the proposal that came out with the work groups before I got here, and that was the proposal. I'm not real cognizant of what the rationale was behind that.
COUNCILMEMBER BATES: It might --
MR. COOLEY: I'll be glad to take --

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COUNCILMEMBER ALEXANDER: Minimum, maybe.
MR. COOLEY: I'll be glad to take a look at that.
MAYOR PITTMAN: What did you say? I'm sorry.
COUNCILMEMBER ALEXANDER: Maybe that should be minimum of $1,000.
COUNCILMEMBER FLEMING: Yeah.
COUNCILMEMBER BATES: For an expedited review perhaps.
The other question --
MR. COOLEY: Yeah.
COUNCILMEMBER BATES: -- I have --
MR. COOLEY: Should be. Maybe that's it.
COUNCILMEMBER BATES: -- just for clarification is on that same page under the first section, it's got variances, minor admin code, and then it says same as above. And then if you go to the next pages, under variances, it's got different fees there for admin, mayor, council.
I just want to make sure that what we're getting is consistent, and, to me, this looked inconsistent.
MR. COOLEY: This was really just a worksheet where we pulled things out of different

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1 codes, and there were some cross purposes on some of
2 the codes. So this was -- what you've got, this was
3 purely -- this and the 2,000 square foot was purely
4 backup data for the building code so y'all could take
5 a look at it and understand where this proposal --
6 this is the fee schedule that's proposed.
7 COUNCILMEMBER BATES: This (indicating)
8 trumps this (indicating)?
9 MR. COOLEY: Yes. That is purely a
10 worksheet --
11 COUNCILMEMBER BATES: Thank you.
12 MR. COOLEY: -- for the building department
13 and for the planning department, background
14 information.
15 COUNCILMEMBER BATES: I will ask no more
16 questions because . . .
17 COUNCILMEMBER FLEMING: So the initial one
18 that was sent out is a moot point and we're supposed
19 to be using these (indicating)?
20 MR. COOLEY: This is the plan that was --
21 This is the fee schedule that was sent out. What I
22 attached, these sheets, which is the 2,000 square foot
23 for the house comparison and also for the business,
24 and the smaller sheet, were purely work sheets to give
25 you-all background information of how we went about

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1 the process to develop this (indicating).
2 COUNCILMEMBER FLEMING: Okay.
3 MR. COOLEY: This was not for action
4 tonight. This was for presentation --
5 COUNCILMEMBER FLEMING: Right.
6 MR. COOLEY: -- to y'all so you could see
7 it; you know, we could get some feedback and then we
8 could see where we need to go with this in order to
9 move it along.
10 COUNCILMEMBER FLEMING: Okay. Thank you.
11 COUNCILMEMBER BATES: Again, I apologize.
12 The highlighted sections mean what versus the non-
13 highlighted sections?
14 MR. COOLEY: On this sheet, all that was
15 doing was by category --
16 COUNCILMEMBER BATES: Breaking out sections?
17 MR. COOLEY: -- make it easier to read.
18 COUNCILMEMBER BATES: Okay.
19 MR. COOLEY: So all this was regularly
20 business license, the next one was street name change,
21 and then sanitation, temporary permits.
22 COUNCILMEMBER BATES: Section breaks.
23 MR. COOLEY: Actually not sections. You
24 have your sections way over here. But that was just
25 so -- categories, so you could see real clearly where

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1 you were as opposed to trying to blend it all
2 together.
3 COUNCILMEMBER BATES: Thank you.
4 MR. COOLEY: And that was the other thing
5 from previous. You know, we clustered this by
6 department. We combined administration and police,
7 but everything else we tried to break out so you could
8 get a better feel and it's more understandable.
9 COUNCILMEMBER BATES: Thank you.
10 MAYOR PITTMAN: Thank you, Mr. Cooley.
11 COUNCILMEMBER ROCHE: Just a quick comment
12 or two. I do like the idea of streamlining the
13 process. I think we should be doing everything we can
14 to encourage people to improve their properties here
15 in Doraville.
16 And I was concerned -- frankly, very
17 concerned -- about the previous submitted fee
18 schedule. It seemed to have the opposite effect. Not
19 just because it makes the neighborhoods look better,
20 but, you know, I've traveled in this district,
21 statehouse district, and what I see a lot of nowadays
22 is places where you see a three-bedroom/two-bath ranch
23 and next door to it's a 5,000-square-foot, you know,
24 eight-bedroom, you know, big square box. If we make
25 it hard to fix up our properties, infills are going to

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1 be right behind this. We don't need to be in a hurry
2 for that.
3 The other thing is that as far as business
4 licenses and everything -- and I've said this before
5 -- we should be very careful about raising fees. In
6 fact, if anything, we should be lowering them because
7 we want to do everything we can to encourage quality
8 businesses coming to Doraville. So I'll be looking at
9 that very closely, so thank you.
10 MR. COOLEY: Just on that, as you know, we -
11 - the City Clerk has done a really good job, in my
12 opinion, of coming up with these new forms that make
13 it a lot simpler to determine whether they had a
14 license -- or not a license; excuse me -- a placard
15 last year, tax placard last year. So we don't need to
16 do those inspections again. So you know, it makes it
17 really simple to figure that out and not be charging
18 people for something that's not needed.
19 MAYOR PITTMAN: And in fact, I think our
20 ultimate goal at the end of the day is to pass this
21 fee schedule and to provide packets to businesses and
22 homeowners that come in as well as get it online, so
23 when they come in, they know exactly what they're
24 supposed to do, exactly what they're supposed to pay.
25 So we're working toward that goal.

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1 MR. COOLEY: Yeah. And that's especially
2 true with the -- as part of the process. You know,
3 we're working on the sheets to have the process, so if
4 somebody's coming in for a rezone -- and I'm rewriting
5 the applications now. We just had one application for
6 public hearing, which was backwards. You know, you
7 have application for a rezoning or whatever, and then
8 part of that is a public hearing, not a public hearing
9 and a rezone is secondary. So that's making it
10 clearer. I think the process will be a lot better.
11 Developing checklists, again, City Clerk has
12 done a good job of these things, making it simpler so
13 anybody -- whoever's out here -- Because, you know, we
14 are short-staffed, and if anybody's out, they've got a
15 checklist to know whether they can actually accept it,
16 because we're not accepting incomplete applications.
17 So all they have to do is go down: "You got
18 that, you got that, you got that, you got that, you
19 got that. Yeah, I can accept it, and then" so-and-so,
20 "who will be here tomorrow," or whatever, "will
21 process it." But at least we can go ahead and accept
22 it and not make people come back just because
23 somebody's out because they're ill or something.
24 MAYOR PITTMAN: And on that note, we're also
25 working toward streamlining and cross-training

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1 employees so everyone knows --
2 MR. COOLEY: That'll be helpful.
3 MAYOR PITTMAN: -- everyone's job. Yes.
4 COUNCILMEMBER ROCHE: Two quick questions.
5 First of all, that checklist is provided to
6 the applicant; right?
7 MR. COOLEY: Yes, that's actually part of
8 the package. And again, for like alcohol license --
9 COUNCILMEMBER ROCHE: So the whole --
10 MR. COOLEY: -- it's the whole package.
11 Just like the business license and the alcohol
12 license, it's everything in there with a check sheet
13 so they know they have to get this and this and this;
14 they come in for a business with alcohol license or
15 something like that, they got the whole package. So
16 makes a lot of sense.
17 COUNCILMEMBER ROCHE: If I really could
18 stretch the scope of this agenda item, has this
19 business out here where they're breaking ground paid
20 their fees?
21 MR. COOLEY: Which one?
22 COUNCILMEMBER ROCHE: Could you tell us a
23 little bit about what that business?
24 MR. COOLEY: Which one?
25 COUNCILMEMBER ROCHE: The one where the

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1 Shell station used to be.
2 MR. COOLEY: Oh. The Quick Trip?
3 COUNCILMEMBER ROCHE: This is the first time
4 I think it's been officially mentioned in a meeting,
5 so.
6 MR. COOLEY: Yeah. They've gone through the
7 process. They have their land disturbance permit,
8 they have their demolition permit. As you see, the
9 demolition's already done.
10 Their plans have been approved. I'm not
11 sure about the status about whether they've paid for
12 their construction permit, new building, yet, but
13 everything else has been paid for.
14 COUNCILMEMBER ROCHE: When's their projected
15 opening?
16 MR. COOLEY: I believe January is what
17 they're shooting for. Looks a lot nicer out there now
18 that they got all that rubble out.
19 COUNCILMEMBER ROCHE: Yes. Thank you.
20 MR. COOLEY: Sure.
21 MAYOR PITTMAN: Thank you, Mr. Cooley.
22 Next on the agenda is new business;
23 Councilmember Roche, Temporary Flags and Banner
24 Ordinance.
25 COUNCILMEMBER ROCHE: Thank you, Mayor.

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1 This has come up a couple different
2 situations. Earlier this summer, one of the local
3 neighborhoods -- neighborhood associations wanted to
4 have an event out in the park, and they come to find
5 out that it would cost them, they had to present a
6 check for $500.00 to hang a banner between two trees
7 just as a security deposit, and then plus $100 fee
8 that they didn't get back, whatever, that did not get
9 returned. And that kind of really brought it home to
10 me because, you know, whatever. But it just seemed
11 kind of silly that to tie a banner between two trees
12 out in the park for an afternoon, you know, cost that
13 much money and tied up that much money, too. And that
14 was kind of the beginning of it.
15 And then I spoke to Ms. Koontz over there,
16 and she was talking about the issues with the churches
17 and just putting up small, basic banners.
18 You know, a lot of cities you ride through
19 town and you'll see these banners. Like whatever's
20 going on, you'll know, because there's banners on the
21 street signs. You know, maybe it's a centennial or
22 maybe it's a neighborhood whatever.
23 And I was also surprised to find that -- I
24 have a flag on my house. It happens to be a U.S.
25 flag. But a lot of places you go, in springtime

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they'll have little spring time flags or they'll have their Georgia state flag or whatever, college football or whatever, and those are not legal, apparently, in Doraville, if I understand correctly from our City Attorney.

It just seemed like a mess, because I remember when I started to research this before, there was code in two different places. Some of it was in, I believe, the Zoning Ordinance, and then some of it was in the general ordinance.

I just think it's time to take a look at this. I understand that yes, we need to look at the entire Sign Ordinance, but for the moment, we need to deal with this. One of the businesses invested money in redoing their facades, and while they were doing that, the businesses that were still in there -- obviously, they had to take down the signs -- so they put up temporary banners just so you knew that you were at the dry cleaners or whatever. And it apparently gave them fits, because every week and a half they had to run over here and pay more money and run over here and pay more money until they could get the construction complete.

And I'm not sure we need to necessarily address that at this point, but I think initially we

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need to do something about at least making it legal to hang a Georgia state flag out in front of your house; and if a church wants to hang a banner such as this, I don't really have a problem with that.

We don't want to have a situation where car dealerships have banners and flags everywhere. I was visiting my stepson a couple of years ago up in Clarkston, and we were coming around this bend, and way up at the end we saw this a huge American flag. And I'd never been there before, and I asked my stepson, I said, "Is that a Toyota dealership?" you know, and that's what it turned out to be. So we don't want that, obviously.

So again, I asked, I requested our city planner to -- I'm sorry -- our city development director to put together some model ordinance, and I believe that the City Attorney chipped in and we have an ordinance in front of us for consideration.

So I'll shut up at this point and let the Council --

MAYOR PITTMAN: Okay. Mr. --

COUNCILMEMBER ROCHE: -- sort this out.

MAYOR PITTMAN: Mr. Cooley, would you like to --

MR. COOLEY: Just add --

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MAYOR PITTMAN: -- add to?

MR. COOLEY: -- add to that, yes.

Yes, Councilman Roche came and asked us to draft this, and originally he was asking us really just for background information on how other places do it.

So what we did, I did that research and put that together and gave you-all some examples. And it was interesting because it was fairly consistent across a couple states, actually.

But because there is constitutional issues involved with this, who you elect to do what, etc., Lennie worked with me. And I said, "This is what we're looking for," and he did a great job, I think, of drafting up a preliminary ordinance just for y'all to take a look at.

This is purely for y'all's review. Not asking any action on it at this point, but at least it gives you something to work from, and if you see things you like in it, you don't like in it, I think it's a good starting point, because when you're drafting issues especially regarding signage, the freedom-of-speech constitutional issues get to be pretty specific, and felt it was best if he took that approach with it and give you-all something to work

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from there.

MAYOR PITTMAN: Council?

COUNCILMEMBER ALEXANDER: I wanted to ask Council, because this is supposed to go -- the way the ordinance is written, it was supposed to be reviewed by the Planning Commission and it has yet to be tendered to them for their review. So do we want to go ahead and give it to them in the present state or do we want to go through it maybe in a work session and make our notes, or how does Council want to proceed?

COUNCILMEMBER BATES: I'm fine with giving it to them in the present state.

COUNCILMEMBER ROCHE: Yeah. And I'd like, obviously, as I always say, to make certain that this is available online for anyone that has access to our Web site to go take a look at.

COUNCILMEMBER BATES: I do have a couple of question based upon --. Did you-all receive this? This was what Ms. Koontz provided to us regarding the Church of the New Covenant.

ATTORNEY McLENDON: I don't have that in front of me.

MAYOR PITTMAN: Here, we have extras (presenting).

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COUNCILMEMBER BATES: Just so I am clear on what we are talking about from a definitions standpoint, would that be classified as a flag or a banner or a sign?

ATTORNEY McLENDON: That's going to be -- I believe that's going to be a flag, in that it has a hole, and so this would be classified as a flag. It looks like it would be a conforming flag under that ordinance, but in residentially-zoned districts, two are allowed --

COUNCILMEMBER BATES: Okay.

ATTORNEY McLENDON: -- under the current ordinance as it's set out.

One thing I would point out as we looked at the ordinance is it has a couple of things in there. We removed the $500.00 requirement for a bond. As I saw it, that was more of an enforcement issue and an issue that if someone came in and applied for the banner permit, that really it's something that at the end of the appropriate period, enforcement can go out and verify that they've taken it down. That would be, as I see it, a more -- a process more likely to result in compliance than a $500.00 bond. And my understanding is we hadn't had an awful lot of success with that in the past.

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The primary question I think I am going to look at on that is do you want to require everybody to get permits on this, you know? As this is worded, as it specifically said in it that every banner requires a banner permit, to come and have someone apply for a permit, I think that would be some direction that would be worth having.

COUNCILMEMBER BATES: If you don't do that, how would you enforce the ordinance on the 14-day issue?

ATTORNEY McLENDON: It becomes just code enforcement noting it. It's very difficult, and I think we probably should put in a specific permitting requirement in here, especially for businesses. I'll not that Subsection 3 in the provision under Banners, that's a relatively specific thing. I can tell it came up in a different city, if I'm correct, which was you had parents that wanted to put up graduation banners, and became very popular in the neighborhoods to do that. And that is particularly right there a graduation-banner provision that says: "No permits required; come on in," and you can put it up between those months, which is that period.

Finally, in Section 4, since this is the Sign Ordinance and since it's constitutional, we've

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set out that variance procedure to be contained with the ordinance, because, really, that's something that the Sign Ordinance, it needs to be self-contained and not rely on any other ordinance for that. That's the reason for the administrative portion -- large administrative portion at the end.

COUNCILMEMBER BATES: So I want to go back to the banner-versus-flag issue, because the definitions for a flag says, "means any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other entity or organization."

So if -- and I'll use Ms. Koontz and the Church of the New Covenant -- if it says "Easter Sunday Service in April," that, to me, is not a symbol of an entity or an organization. That is an advertisement for a religious ceremony that is taking place. So that, to me, wouldn't qualify under the definition of a flag; that would then be a banner.

And I want to make sure that what we do addresses that scenario so that the churches who want to do something that is nice and pleasing like this can continue to do that but we don't get, as Mr. Roche indicated earlier, the banners and flyers all up and down Buford Highway for the 14 day. So it's kind of a

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fine line, but I want to make sure that we can get there with this.

My other question again is pertaining to -- I'll use Ms. Koontz and the Church of the New Covenant -- the restrictions indicate in a residential zone district only May and June for banners. Because the church -- all of our churches or most of our churches, I believe --

COUNCILMEMBER ALEXANDER: Residentially zoned.

COUNCILMEMBER BATES: -- are residentially zoned, they would only be allowed under this proposed ordinance to have banners during the months of May and June.

ATTORNEY FELGIN: Only without a permit. Any other time, there would have to be a permit. In May and June, they can have one without a permit.

ATTORNEY McLENDON: That goes to the provision I'm talking about, which is the graduation provision. Let me tell you, what we need in here is we need something that says every banner shall require a permit, and that is inherent in this right now, but I think it needs to be laid out that says every banner requires a permit, and then basically every property has a right to two banners for two periods during the

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1 year.
2 For the purposes of that paragraph, which I
3 think it's a little confusing, which is why I brought
4 it up, the graduation provision, that was one that
5 said, "If you want to put up the graduation banner for
6 your kids, you don't have to come and get a permit,"
7 but it applies to one of your periods, one of the 14-
8 day periods.
9 That just had become a particular issue that
10 that was a workaround on it, and we put it in there as
11 we throw it up for y'all to look at it and consider
12 it. You may say, "I don't like that," "I do like
13 that."
14 COUNCILMEMBER BATES: I generally like the
15 direction that this is going. I just want to make
16 sure that we're not going to catch an organization in
17 an awkward position by the definition between flags
18 and banners. And perhaps symbols or some photographs
19 in the ordinance that can help articulate what is
20 versus isn't, I don't know if that's, you know, a
21 hindrance or a help, but, you know, to demonstrate
22 what's a banner versus what's a flag, to me, is a
23 benefit.
24 But I'm in favor of this going to the
25 Planning Commission and letting them work it out.

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1 COUNCILMEMBER ALEXANDER: I guess this is
2 for the Catch 22, because I can see a church, for
3 example, this particular church had their Dog Day
4 celebration, but I can also see them having a vacation
5 Bible school; so right there, they would be at their
6 two banner limit for the entire year. But I can
7 definitely see an organization having more than two
8 such activities that they'd want to advertise that
9 way.
10 COUNCILMEMBER BATES: Can you exclude
11 501(c)(3)s?
12 ATTORNEY McLENDON: I would not --
13 COUNCILMEMBER BATES: If you treat --
14 ATTORNEY McLENDON: -- recommend that.
15 COUNCILMEMBER BATES: -- them all the same?
16 ATTORNEY McLENDON: You could probably
17 create that classification. The problem is that might
18 not be the best way to go about it.
19 In the ordinance, what I'm thinking, and
20 based on this discussion, what I'm thinking is this is
21 a flag. The reason it's a flag to me is because it's
22 on a pole, and it's mounted on a pole of a height and
23 it's presented in that format.
24 I'm not particularly liking the content
25 discussion of the flag definition, and that's

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1 something I want to, based on this conversation, sort
2 of continue this, because I would think that any flag,
3 if you are a church, if you are a business, if you are
4 a person, we've basically said you can have a flag. I
5 wouldn't go beyond that too much.
6 COUNCILMEMBER BATES: I hate to harp on this
7 but we've been conditioned to look for nuances --
8 ATTORNEY McLENDON: Sure.
9 COUNCILMEMBER BATES: -- and there are
10 several Bates amendments throughout many ordinances,
11 and we'll just throw one in there.
12 I, too, have a flag hanging from the front
13 of my house, but it is not on a pole; it is suspended,
14 because there is not a pole for the flag to hang. And
15 because it isn't on a pole, it would then be a banner.
16 Is that correct?
17 ATTORNEY McLENDON: Feel free to dive in on
18 this.
19 ATTORNEY FELGIN: I was going to say this
20 doesn't necessarily require a flag to be on a pole if
21 you look at the definition of it.
22 COUNCILMEMBER BATES: That is correct.
23 ATTORNEY McLENDON: As this is set up, the
24 definitions of banner and flag is basically your
25 flag's going to be based upon --

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1 ATTORNEY FELGIN: A flag is --
2 ATTORNEY McLENDON: -- representing --
3 ATTORNEY FELGIN: -- a symbol.
4 ATTORNEY McLENDON: -- an organization.
5 ATTORNEY FELGIN: A flag is a symbol and a
6 banner is a different message.
7 COUNCILMEMBER BATES: So back to the
8 question, back to the question of the Church of the
9 New Covenant, if they have on that pole an
10 advertisement for Easter Service or vacation Bible
11 school or Dog Days or whatever that is not a symbol of
12 the church --
13 ATTORNEY FELGIN: It would be a banner, yes.
14 COUNCILMEMBER BATES: -- it is a banner.
15 ATTORNEY FELGIN: Yes.
16 COUNCILMEMBER BATES: And then they have a
17 14-day -- on this ordinance, they have a 14-day limit
18 on the time --
19 ATTORNEY FELGIN: Yes, sir.
20 COUNCILMEMBER BATES: -- twice a year.
21 - - -
22 (Councilmember Pachuta now present)
23 - - -
24 MR. COOLEY: If I may, I think one of the
25 things that we get confused in our ordinance here is

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1 typically most ordinances, you'll see three things:
2 you'll have a flag, you'll have a pendant and then
3 you'll have banners.
4 Pendant I think is what you're thinking of
5 just hanging down. It's a lot of the things you see
6 on signs or on streets, on Main Street or whatever the
7 case may be. So we may need to look at possibly some
8 definitions.
9 And I think I understand what you-all are
10 saying. I think what would probably be good if maybe
11 we could sit down, go over that, and then also take
12 that to the Planning Board, those issues that y'all
13 brought up, and make sure that those are addressed too
14 and see what type recommendations they come back with,
15 and then we'll bring that back to y'all for further.
16 But I think it's --
17 COUNCILMEMBER FLEMING: Because --
18 MR. COOLEY: -- a very valid point.
19 COUNCILMEMBER FLEMING: I agree with Mr.
20 Bates because these are more of a seasonal --
21 MR. COOLEY: Right.
22 COUNCILMEMBER FLEMING: -- and informational
23 flags that are being put up and they're decorative.
24 So I don't believe that they have to be institutional
25 as in the symbols that we've included in the flag

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1 definition. And so I'm in agreement with that.
2 And the other thing is you've got a 90-day
3 appeal process here, and by that time, they won't even
4 need to hang their flag. So I think we do definitely
5 need to consider reducing that 90-day appeal process.
6 ATTORNEY McLENDON: Let me look at that.
7 The appeal process is something that goes beyond just
8 the -- this isn't just flags and banners. The appeal
9 process is across the entire Sign Ordinance, so the
10 appeal process is going to get into really the signs.
11 COUNCILMEMBER FLEMING: I know, but --
12 ATTORNEY McLENDON: We can resolve this
13 issue.
14 COUNCILMEMBER FLEMING: But if you're going
15 to include it in this ordinance, it needs to be vetted
16 before it comes to us or we need to include our
17 opinion.
18 So my opinion would be even for someone in
19 the commercial line -- on Buford, New Peachtree, GM
20 property -- that they want to hang their sign before
21 90 days, I'm sure, so I would say that the appeal
22 process needs to be done before 90 days.
23 COUNCILMEMBER ROCHE: I think in general
24 what I was hoping for would be -- essentially if it
25 was residential would be you could have one or two

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1 flags, and anything above that you might have to come
2 and get a permit for.
3 And like the example of the church, if they
4 use the same pole and just change the content every
5 once in awhile, that's, to me, no big deal as long as
6 it's two or less.
7 I think for commercial properties, though, I
8 think that might be a little more -- you know, we may
9 need to look at that a little more because, you know,
10 it's like furniture stores. They have a, you know,
11 going-out-of-business sale three times a year and then
12 a grand reopening three times a year, you know, and --
13 COUNCILMEMBER BATES: Different owners, Bob.
14 COUNCILMEMBER ROCHE: Well, of course.
15 COUNCILMEMBER FLEMING: Actually there's --
16 if I'm not mistaken, there's an apartment complex on
17 Chestnut that has -- I mean there must be eight to ten
18 poles --
19 COUNCILMEMBER ROCHE: That's true.
20 COUNCILMEMBER FLEMING: -- on that left-hand
21 side --
22 COUNCILMEMBER ROCHE: Right.
23 COUNCILMEMBER FLEMING: -- and they're
24 erected there for that purpose of being inter-
25 changeable of what they want to put down into the --

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1 what's already in the ground. So --
2 COUNCILMEMBER ROCHE: Well, the other thing
3 is that if we have something that's general enough --
4 I mean if someone puts a "Welcome home, Bob" banner in
5 their front yard and three months later, it's kind
6 of -- you know, by that point, you would think QOL
7 would go along and say, well, just in general, you
8 know, your property is starting to . . . So I mean
9 there is enforcement, I believe, there.
10 ATTORNEY McLENDON: And, to me, that is one
11 that would fit under the . . . the way I would see
12 this working --
13 And again, this is a good conversation
14 because what we're going to do is take this and come
15 back with a different -- something a little closer to
16 this.
17 But it seems like if I wanted to put that up
18 residentially, unless you met the everybody's-going-
19 to-do-it graduation sign, that's something that would
20 be permitted under this; correct?
21 COUNCILMEMBER ROCHE: But again --
22 ATTORNEY McLENDON: As this is set up.
23 MR. COOLEY: Got to look at the details and
24 the wording, but I think you're right.
25 ATTORNEY McLENDON: Yeah, but as this is set

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1 up, that's going to be a required permit on that
2 sign -- the banner.
3 COUNCILMEMBER ROCHE: And again, I mean if
4 someone wants to hang a banner that says "Happy
5 Birthday" so-and-so for a weekend, I don't think they
6 should have to run down to City Hall and pay money and
7 do all kinds of . . . I mean I'm for less regulation
8 on this if possible.
9 And I guess my point is that, as was
10 mentioned before, I don't want to penalize everybody
11 all the time, but if you have an excessive situation
12 where someone hangs something up there and it stays
13 there for six months and it turns green, you know,
14 then QOL should be able to have some kind of enforce-
15 ment on that, anyway, and they probably have that -- I
16 would assume they have something like that available
17 now just in terms of general appearance of property.
18 So I don't want to get too carried away with this.
19 And I mean that's different for a
20 commercial, I mean, because commercial, if someone
21 comes and says, "We're redoing our facade. It's going
22 to take a month," I think they should be able to come
23 in and, okay, get one permit for 30 days for that
24 banner to replace the sign while they're redoing the
25 facade; after 30 days, they're done; but that's one

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1 and only one permit. You see what I'm saying?
2 That way, it's simple and we're doing what
3 we can to try to simplify things for construction,
4 cleaning up and whatever. So that was kind of what my
5 vision was.
6 As far as the content and all of that, I
7 mean that's -- like you said, it's a constitutional
8 thing. So maybe if you wanted to -- if it's okay with
9 the Council, maybe look at creating a different
10 version of this --
11 ATTORNEY McLENDON: Absolutely.
12 COUNCILMEMBER ROCHE: -- that includes
13 something like that, and also sending that to the
14 Planning Commission for consideration, and maybe
15 between the two of us, we can work something out
16 that's reasonable for everybody.
17 ATTORNEY McLENDON: And I think, again, like
18 Joe said, this is one for us to get this conversation
19 so we can take it back to the drawing board and come
20 up with an ordinance that's tailored to what you're
21 looking at.
22 Let me take this conversation and work with
23 Joe and revise this and come back to you with
24 something that hopefully meets that criteria.
25 MAYOR PITTMAN: And in the meantime, if you

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1 think of anything else, please e-mail Mr. McLendon and
2 Lennie.
3 ATTORNEY McLENDON: Absolutely.
4 MAYOR PITTMAN: Okay.
5 COUNCILMEMBER ALEXANDER: So do you want to
6 come back to us before you go to the Planning
7 Commission or do it simultaneously?
8 MR. COOLEY: I don't think there's a need
9 for it. I'm hearing what you-all say, I believe,
10 about it. So what I'd like to do is sit down with
11 Cecil and Lennie, come up with a proposed like that to
12 try to pick this up. We'll take that to the Planning
13 Commission, let them get input, let them know what
14 you-all have said about it, get their input, and then
15 come back to y'all.
16 And we'll try to address these before we go
17 to the Planning Commission, but I don't want to waste
18 y'all's time, you know, until you've got something to
19 really look at, which you can, you know, actually say
20 no, yes, whatever.
21 COUNCILMEMBER ROCHE: Well, you know, I mean
22 if you're going to come up with a revised version,
23 then, you know, e-mail it to us and make it also
24 available to the Planning Commission and we'll go from
25 there.

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1 MR. COOLEY: Yeah.
2 COUNCILMEMBER ROCHE: Because I don't want
3 this to take seven months, either.
4 MR. COOLEY: No, no. It'll be on the next
5 agenda.
6 COUNCILMEMBER FLEMING: And I'm in favor of
7 what Mr. Bates said also is including photographs of
8 what is specifically a flag versus a banner, because
9 even for our advertisement of Doraville Days, we had
10 the wind sails, okay, and so to me that's a wind sail
11 because it blows in the wind and it's on one of those,
12 you know, bendable poles.
13 MR. COOLEY: I agree. One of the best
14 things that you can do and the clearest things that
15 you can do in a lot of codes is do sketches to show
16 what you're defining as what. And you know, most of
17 the newer codes you'll see that in.
18 So yeah, I agree with you. You know, if
19 something can look at something and see what you're
20 talking about, it's so much easier than trying to
21 figure out what all that says.
22 COUNCILMEMBER BATES: And when we get into
23 the Sign Ordinance, that was our request the last
24 round.
25 COUNCILMEMBER ALEXANDER: Yes.

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1 COUNCILMEMBER BATES: That would be our
2 request again this round.
3 MR. COOLEY: I hadn't heard that, but that's
4 good. I agree.
5 COUNCILMEMBER ROCHE: And one question. Can
6 we make those guys that spin the signs around illegal?
7 ATTORNEY McLENDON: I'm sorry?
8 COUNCILMEMBER ROCHE: Those guys that spin
9 the signs around. I can't think of anything more
10 annoying, but that's probably a different time.
11 ATTORNEY McLENDON: That's actually --
12 MAYOR PITTMAN: That is illegal.
13 ATTORNEY McLENDON: That's actually
14 difficult. You're talking about the people on the
15 side of the road that'll hold the signs and spin them
16 around?
17 COUNCILMEMBER ROCHE: I can almost live with
18 the guys. I don't like what they're doing. I don't
19 really like the K-Mart thing, but at least they're ...
20 anyway. But the people just spinning around and --
21 MAYOR PITTMAN: Shaking board sign.
22 COUNCILMEMBER ROCHE: -- dressed in a
23 chicken suit and all that.
24 MAYOR PITTMAN: The shaking board sign.
25 COUNCILMEMBER ROCHE: Anyway.

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1 ATTORNEY McLENDON: I'm not ready to take
2 the -- the Sign Ordinance is coming.
3 MAYOR PITTMAN: Okay. So you guys are going
4 to go back to the drawing board, take it to the
5 Planning Commission and then come back to us.
6 And any input you would like to give, please
7 send it to Joe and to Cecil, we'd appreciate it.
8 Thank you, Mr. Roche.
9 COUNCILMEMBER ROCHE: Thank you.
10 MAYOR PITTMAN: The next thing on the agenda
11 is going to be the vacated Council seats, Ms. Fleming.
12 COUNCILMEMBER FLEMING: Yes. Presently in
13 our charter, it listed in Section 2.05, when there is
14 a vacancy of one seat on Council, it requires a full
15 member approval.
16 I would like us to consider changing that.
17 It will have to be changed versus a resolution going
18 to the legislation, as I understand, rather than
19 changing it here.
20 What my recommended action is is that if one
21 vacated Council seat is less than six months of the
22 expired term, it remains open for the general
23 election.
24 Secondly, one vacated Council seat greater
25 than six months to one year of expired term requires

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1 appointment of three approved votes.
2 Number three, one vacated Council seat
3 greater than one year of expired term requires a
4 special election.
5 And then of course, as it states in our code
6 presently, if there are two vacated Council seats, it
7 requires a special election.
8 I think it's important right now. The City
9 is administratively not balanced. Also, District 1 is
10 not fully represented as far as their own Council
11 members. They are represented as a whole because we
12 all try to represent them. But as far as, you know,
13 pinpointing two people for that district, it's
14 unfortunate at this time.
15 My challenge is for any of us, not just
16 myself but for any of us, to nominate someone that we
17 feel could feel the seat and then have four approval
18 votes. So that's why I would like us to consider a
19 charter change for the vacancies.
20 COUNCILMEMBER ALEXANDER: Is it true by
21 State law there are four times a year we can have a
22 special call -- I mean a special election?
23 ATTORNEY McLENDON: Uh-huh. The dates are
24 set out, and you do that?
25 CLERK McCAIN: Correct. The dates are set

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1 by law, on the State Web site. I don't know those
2 dates off the top of my head.
3 COUNCILMEMBER FLEMING: It depends also if
4 we're in an even or odd year. They're different for
5 even and odd years.
6 COUNCILMEMBER ALEXANDER: But it's four per
7 year.
8 COUNCILMEMBER FLEMING: I believe so.
9 COUNCILMEMBER ALEXANDER: Because having --
10 District 3 having been a victim of this charter with
11 our seat remaining vacant from May until November and
12 it was only allowed to be filled in November because a
13 Councilperson resigned, that's triggering the second
14 seat vacancy that triggered the election, I think it's
15 time we sort of follow suit of the other cities.
16 And if a seat is vacated for more than six
17 months of the expired term, I think we should call a
18 special election immediately or as soon as you can. I
19 think the voters should be allowed to decide.
20 COUNCILMEMBER PACHUTA: That would be my
21 preference also and take out the whole-Council
22 decision in it. But I do think that those less than
23 six months, because a special election costs, you
24 know, several thousand dollars, but if it's less than
25 six months, then just wait until the general election.

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1 COUNCILMEMBER FLEMING: So rather than
2 appointment by Council of three votes, then, your
3 preference would be to if it's greater than six
4 months, to have a special election?
5 COUNCILMEMBER BATES: Well, I guess my
6 concern with that is it depends on when the election
7 time is, because, hypothetically, if there's a
8 resignation in May and the special election is in July
9 and the regular election is in November, to me, you've
10 appointed someone for less than six months or you've
11 got . . .
12 So I think there's a little window in there
13 where there's . . . I'm not opposed to your proposal,
14 but I'm not opposed to any vacancy going up for a
15 special election. You know, there's just a window in
16 there where it doesn't make sense from a planning
17 standpoint.
18 COUNCILMEMBER ALEXANDER: It didn't make
19 sense I had to full qualifying fee to serve for two
20 months --
21 COUNCILMEMBER BATES: I agree.
22 COUNCILMEMBER ALEXANDER: -- but I had to
23 with the special election.
24 COUNCILMEMBER FLEMING: That's why I
25 originally put one year. I mean if it was going to be

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1 greater than one year, then it should go out for
2 special election.
3 COUNCILMEMBER ALEXANDER: I guess that's why
4 I asked you about the four times a year. What is a
5 turnaround time for a special election --
6 CLERK McCAIN: I can --
7 COUNCILMEMBER ALEXANDER: -- with the
8 clearance and all of that?
9 CLERK McCAIN: Right.
10 COUNCILMEMBER FLEMING: Isn't it 45 days
11 before special election, before we call a special
12 election?
13 ATTORNEY McLENDON: 60 days on preclearance.
14 CLERK McCAIN: Right, but you don't have to
15 have that back; you just have to apply for it.
16 I have that in my office, actually already
17 out. If you allow me the minutes, we'll grab that.
18 MAYOR PITTMAN: We can take a five-minute
19 break.
20 - - -
21 (Brief recess)
22 - - -
23 MAYOR PITTMAN: Okay, Ms. McCain.
24 CLERK McCAIN: All right. The special
25 election dates are April, June, September and November

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1 is your regular general.
2 As far as the notification, you just have to
3 send your preclearance letter as soon as you know to
4 DOJ. You have to publish your qualifying fees at
5 least 35 days prior to a special election, and at
6 least 29 days shall intervene between the call and the
7 holding of the special election.
8 COUNCILMEMBER FLEMING: Now, was that for
9 the odd years?
10 CLERK McCAIN: It does not matter.
11 COUNCILMEMBER FLEMING: Okay. I thought I
12 had read that it was odd and even years with different
13 months.
14 CLERK McCAIN: Huh-uh.
15 COUNCILMEMBER FLEMING: Okay.
16 MAYOR PITTMAN: Ms. Fleming, your wishes?
17 COUNCILMEMBER FLEMING: It's entirely up to
18 Council. We can put this forward to the next meeting
19 if you would like so that you can consider it more in
20 detail if you'd like and discuss it amongst ourselves.
21 COUNCILMEMBER PACHUTA: And this is just a
22 little bit of an add-on is that we do need to
23 probably, by November, start thinking about our
24 legislative agenda --
25 COUNCILMEMBER FLEMING: Absolutely.

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1 That's --
2 COUNCILMEMBER PACHUTA: -- for the next
3 session, so --
4 COUNCILMEMBER FLEMING: -- the reason why I
5 wanted to --
6 COUNCILMEMBER PACHUTA: -- we want --
7 COUNCILMEMBER FLEMING: -- go ahead and
8 start now is that we do need to get this accomplished,
9 because I don't think the city should, you know, hang
10 out for two more years without a full Council.
11 MAYOR PITTMAN: Okay.
12 COUNCILMEMBER FLEMING: Thank you. I'd like
13 to put this off until the next agenda if you don't
14 mind.
15 MAYOR PITTMAN: Ms. McCain? Thank you.
16 Okay. The next item is going to be the City
17 Manager Job Description, Ms. Fleming.
18 COUNCILMEMBER FLEMING: Yes. I also wanted
19 to bring this up because this is one of the
20 referendums for the November election for all of us to
21 make this decision on as to whether we are going to
22 have a part-time Mayor/full-time city manager position
23 within the city.
24 And I believe that when we originally
25 discussed this in December about putting this as a

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1 legislative item, that we would come up with a job
2 description to be able to allow the voters time enough
3 to at least educate themselves on what we thought we
4 might be expecting.
5 I have given -- though I've not given you
6 enough time, I'm sure, I've given you numerous -- with
7 the help of Ms. McCain. She's been dutifully been
8 giving me e-mails of different cities who had city
9 managers or who have city managers. We do have their
10 job descriptions available.
11 But I think one of the main things that I'd
12 like to consider this evening is what we really need
13 right now is to determine what the requirements are
14 going to be: the educational requirements as well as
15 experience requirements. That's a main goal for me as
16 well.
17 I don't think that we should just take
18 someone that has a master's degree in administration.
19 I think we really do need an experienced city manager.
20 And so that's one of the issues that I'd also like us
21 to consider this evening or putting it off until the
22 next meeting when you've had enough time to review.
23 COUNCILMEMBER PACHUTA: I guess my idea was
24 not to go into quite that level of detail until after
25 the vote but to more provide for people who don't know

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1 what the difference is between a full-time mayor form
2 of government and a city-manager form of government,
3 something more -- a little more generic, because we're
4 going to have that two-year transition period to
5 really hammer out the details of how much level of
6 experience we want and everything.
7 I didn't -- to me, you know, work on this,
8 the details, after a vote, but, you know, kind of
9 provide the people that don't know what the difference
10 is between the two types of government a more generic.
11 COUNCILMEMBER BATES: Well, actually, I
12 agree with Ms. Fleming. I think moving into a
13 referendum, I think you need to have a very clear
14 understanding of what the position entails and the
15 level of experience that we would be looking for and
16 the specific job duties. And the referendum is going
17 to be looking to replace some of the work that the
18 Mayor does on a day-to-day business -- or day-to-day
19 schedule. Word just went right out of my head, so
20 day-to-day something.
21 COUNCILMEMBER ALEXANDER: Operations?
22 COUNCILMEMBER BATES: Operations; thank you.
23 And I think it's important to have that
24 level of understanding of what the proposed city
25 manager -- what he or she would be doing and what

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1 level of criteria we'd be looking to bring in.
2 So I don't disagree. I think there's room
3 for a summary overview of the difference between what
4 a full-time city manager would do and what a part-time
5 mayor would do as kind of a general side-by-side
6 overview.
7 But I think the level of detail and the
8 compensation and those types, I really do think that
9 we need to have that.
10 COUNCILMEMBER PACHUTA: I disagree, but --
11 COUNCILMEMBER FLEMING: Though I understand
12 what you're suggesting, Ms. Pachuta, that two-year to
13 me was not for looking to design what our city manager
14 would be looking like and what the job description
15 would be. That would be our two-year period of trying
16 to locate someone that we wanted as a transition,
17 because I can't imagine us going from a full-time
18 mayor for two years and then immediately saying,
19 "Okay. Well, now we've got a city manager." There
20 has to be a tran- -- To me, there has to be, in my
21 mind, there has to be a transition period during that
22 second year of the part-time mayor's position.
23 COUNCILMEMBER PACHUTA: I don't want to
24 spend so much time getting so detailed and have the
25 referendum fail, which is a very real possibility.

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1 COUNCILMEMBER BATES: But the converse of
2 that is not providing enough detail and having the
3 referendum fail because of misinformation or poor
4 information.
5 COUNCILMEMBER PACHUTA: I mean whatever the
6 majority decides.
7 My opinion is, you know, I think we should
8 at least leave it a little bit broader to then develop
9 over the two years, but that's my opinion.
10 COUNCILMEMBER ROCHE: I mean I'm kind of in
11 between on this, because I think the broad outlines
12 need to be there and they need to be solid.
13 For instance, you know, I mean I'll just
14 make a comment. I believe that most of the cities in
15 Georgia have a city manager form of government, and
16 when I've talked to other councilpeople from other
17 cities, they said essentially the --
18 Here we have essentially the mayor is like
19 the strongest person in government; whereas, there,
20 the mayor basically bangs the gavel and breaks the
21 ties. Nothing personal. But because we have a
22 professional that comes in and manages the city, and
23 that professional would typically report to the
24 Council, so. And as the manager, you know, this is
25 someone, again, with the experience.

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1 To me, the experience is a lot more
2 important but just as important as the educational
3 background. And I think that we owe it to the voters
4 to be able to say: This is what the city manager is
5 going to do: they're going to manage the city. All
6 the staff in the city report to the city manager. The
7 city manager will be hired and fired by the city
8 council. We will pay somewhere between 100 to 125
9 thousand dollars a year, because these people, they
10 make good money, but they're worth it because they
11 know how to make the city more efficient.
12 It would be the only -- Maybe if we're going
13 to offer a contract or not. I don't know if we want
14 to go there.
15 But in general, broad strokes, what it is,
16 so people know what they're voting on instead of just
17 saying, "Check this box, and then we'll decide what we
18 want to make it later," because we could go anywhere
19 with that, you know.
20 And I think that -- you know, I don't think
21 we need to reinvent the wheel here. I mean a whole
22 lot of cities out there have a city manager form of
23 government and they do just fine, and I think we
24 should just simply do what everyone else is doing.
25 COUNCILMEMBER PACHUTA: I have another

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1 question as far as disseminating the information,
2 because I don't think we can have it at the polling
3 place. I don't think we can have extraneous
4 information that is not actually on the ballot like
5 that, if I'm not mistaken, because I think it would
6 have had to have been precleared.
7 And this may be something for one of you to
8 check into is what role the City can take as far as
9 promoting something --
10 ATTORNEY McLENDON: Right.
11 COUNCILMEMBER PACHUTA: -- or giving
12 information out and what our restrictions are.
13 ATTORNEY McLENDON: Well, I think one of the
14 things you can do is you can provide information.
15 Information is fine.
16 One issue I would say is if we put too much
17 together at this point, I'm not sure it could bind a
18 future Council. So you could put a lot of things
19 together that would say this is what the vision would
20 be, but ultimately there may be decisions that were
21 made down the road that could only be made at that
22 time after the referendum and things were being
23 implemented.
24 One of the things -- and I've not researched
25 this, but one of the things I would imagine is if the

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1 referendum passed, at that point probably in at least
2 one of those years between the passage of the
3 referendum and the implement of the process, there
4 would probably be a pretty substantial charter
5 revision in contemplation of switching from this form
6 of government to a city manager form of government.
7 And frankly, if that occurred -- and I'm
8 sort of talking just process as it moved forward --
9 there might even be something to the effect of a
10 charter commission if the referendum was approved,
11 and, you know, some input on how you would modify that
12 charter to the form of government, and what would be
13 the new role of the mayor and those things.
14 A lot of things would come down the road, so
15 to your point: What's appropriate? I think
16 information is appropriate; objective, you know, these
17 are the distinctions. Education is important. And
18 campaigning is where you're going to say -- that's at
19 the point that you say, "Oops, just went a little
20 far." And certainly talking now, developing
21 information now is important, but ultimately those
22 decisions would be by, you know, the mayor and council
23 at the time that the rubber hits the road, and there
24 would be some transition issues that would be sorted
25 out following the referendum. Just my thoughts.

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1 COUNCILMEMBER ROCHE: So --
2 COUNCILMEMBER FLEMING: So if we drafted --
3 I'm sorry, Mr. Roche, but if we drafted, for instance,
4 a broad summary of what our vision is of the city
5 manager to come in -- for instance, like I mentioned,
6 I'm very concerned about educational requirements that
7 we will set on that person; also experience: are we
8 going to require that person to have city manager
9 experience of, for instance, five years or two years
10 or no years for that matter?
11 But I think that we need to do those
12 requirements as a broad item as part of our checklist.
13 Also what we tend to expect that city manager to be
14 able to do. Maybe we do need to do a broad public
15 awareness for the residents who will be voting rather
16 than getting into the price and so forth, because
17 we're not going to set the -- you know, this Council
18 may not be here next year or whatever.
19 COUNCILMEMBER BATES: I actually think that
20 you both are kind of talking about the same thing.
21 It's really kind of not getting the details and the
22 nitty gritty of the nuances of day-to-day expectations
23 but kind of the overview of this is what this person
24 is going to do, this is who will report to them, this
25 is what their expectations are, this is the level of

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1 experience -- years experience, education, that we'll
2 be looking for; not necessarily the work environment
3 described herein represents those -- Those are things
4 that wouldn't be relevant, but the essential duties
5 and responsibilities.
6 So I think -- I moved quickly -- I think
7 that you guys are both talking about the same thing.
8 COUNCILMEMBER ROCHE: Yeah. It seems like I
9 read all the Georgia -- their charter, and they
10 basically had one paragraph that basically talked --
11 if I remember correctly, and I could be wrong -- and
12 they basically had one paragraph that said what the
13 city manager was responsible for. And that was a
14 really good start, and I would think we'd pretty much
15 want to have that ready to go, you know, and agreed
16 on.
17 And as far as the actual, I still believe,
18 yes, we need to look at things like requirements:
19 like, you know, five years experience if they got an
20 MBA and maybe 10 years if they have a bachelor's or
21 whatever. Maybe that's -- you know.
22 I like the fact that we have all these
23 different job descriptions but maybe we should look at
24 some charter differences too and just see, because
25 obviously what the Mayor's thing is today is all in

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1 the charter. And I agree; I can't see how we can do
2 this without a charter change -- or I mean unless we
3 wanted to make a city administrator, which,
4 technically, we could do tomorrow.
5 So I think that that would be a good -- one
6 thing that we should look at is to have that paragraph
7 available and say, This is what the charter's going to
8 read if this passes.
9 COUNCILMEMBER PACHUTA: Yeah. And I think
10 one of the reasons why we gave ourselves the two-year
11 window before it was enacted was so that we could make
12 some of those changes.
13 But how generic can we get in the charter?
14 Is it more common now to be generic in the charter and
15 refer back to ordinance or does it need to be fairly
16 detailed in the charter?
17 ATTORNEY McLENDON: The charters I've had
18 experience with will set out a good bit of duties
19 between, you know, what are the functions of the
20 mayor? what are the functions of the city manager?
21 And frankly, that is something that is good to have a
22 little bit of detail in the charter itself because it
23 avoids the potential of conflict on it. If you lay
24 out the language clearly in the charter, very critical
25 functions, then the ground rules are clear, and, you

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1 know, everybody knows their role, which makes it much
2 easier because, to be honest, in the city manager form
3 of government, that becomes a lot of the tension: is
4 between, you know, the authority and scope of
5 authority of the city manager versus different -- you
6 know, the mayor and council.
7 COUNCILMEMBER PACHUTA: Assuming that the
8 November referendum passes, is that something you
9 think we could get together by this legislative
10 session to have it into the legislative session to
11 change, you know, starting in 2014?
12 ATTORNEY McLENDON: You know, to be honest,
13 I need to go sit down with the actual legislation
14 authorizing the referendum and sit down and say,
15 "Here's what this legislation says. Here's how you
16 implement it."
17 A lot of what I'm doing is sort of talking
18 in general terms based on our conversation. But one
19 take-away we might want to do is let me go get that
20 piece of legislation that authorizes the referendum
21 and sit down. And potentially, I could even create a
22 timeline type of document that states "Here would be
23 the implementation steps. Here would be relevant
24 decision points where there's going to be policy
25 input, etc. Here's what the legislation already sets

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1 out." I think I could put that memo together in a
2 relatively short time frame and get it out to
3 everyone.
4 COUNCILMEMBER ROCHE: That would be good. I
5 think that would --
6 COUNCILMEMBER ALEXANDER: I think --
7 COUNCILMEMBER ROCHE: -- be a good start.
8 COUNCILMEMBER ALEXANDER: -- that was one of
9 our concerns that we -- the reason we included a
10 transition period is because our sister city Chamblee
11 was already a city manager form of government, and it
12 took them, I think, 18 months to find their city
13 manager.
14 And we're not just looking for a city
15 manager to come into a city manager position, because
16 the city manager will be the first one. So I think
17 that was another reason why we included the transition
18 period in there.
19 We don't want to drag our heels as far as
20 making the changes we need to change, but we know it's
21 going to take us awhile to find this person. And I
22 believe they even used an outside headhunter, if you
23 will.
24 ATTORNEY McLENDON: It is an important, a
25 huge -- if approved, it is a hugely important decision

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that will affect --
COUNCILMEMBER ALEXANDER: So if you could do that --
ATTORNEY McLENDON: -- the future.
I'll put a memo together --
COUNCILMEMBER ALEXANDER: Thank you.
ATTORNEY McLENDON: -- try to address timelines, decision points and areas of sort of how the game plan would go forward.
COUNCILMEMBER ALEXANDER: Ms. Fleming, do you want to carry this over?
COUNCILMEMBER FLEMING: Please, please.
COUNCILMEMBER BATES: And in the packet, the information that the Clerk and Ms. Fleming provided, there are the purposes or job overview descriptions on all of the pieces, that we should review those, because that's probably a very good starting point --
COUNCILMEMBER FLEMING: Absolutely.
COUNCILMEMBER BATES: -- from a general overview from language.
COUNCILMEMBER ROCHE: As long as we just do it -- like find out what other people do, that works, and do it -- instead of trying to create something really weird and off the wall. We've done that before, so.

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MAYOR PITTMAN: All right. Thank you.
COUNCILMEMBER FLEMING: Thank you.
CLERK McCAIN: Mayor -- I'm sorry -- which date, the first or the second meeting in October,did we want to move it to, or just until --
COUNCILMEMBER FLEMING: Mr. McLendon, that would be two weeks. Are you able to --? Now, you're giving a timeline for us of when we need to get things done; is that correct?
ATTORNEY McLENDON: What I'll give you is --
COUNCILMEMBER FLEMING: And also an overview of requirements and so forth, if we can . . . Go ahead.
ATTORNEY McLENDON: What I would envision is putting together a memo that outlines the provisions of the law which has set out the referendum, and then analyzing that, if approved, basically a timeline with commentary in the timeline based upon, "Here's your timeline. These would be steps of how you would be moving forward potentially on implementation."
COUNCILMEMBER FLEMING: Okay. Well, that's -- that's fine, because that's if it's approved.
ATTORNEY McLENDON: If it's approved; that's it.

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COUNCILMEMBER FLEMING: We need to be, though, making decisions to be able to make the public aware of what we're looking for in a city manager.
ATTORNEY McLENDON: Uh-huh.
COUNCILMEMBER FLEMING: So that's not part of your scope.
ATTORNEY McLENDON: I can put that. If that would be something everyone would like me to address potentially, sort of criteria that a city manager -- and we could evaluate even different descriptions and talk about that in general terms, that can become part of it.
COUNCILMEMBER PACHUTA: And I think before next meeting, if we could all e-mail Donna our own ideas or suggestions so that she can compile those and we can see what it is, you know, the consensus.
MAYOR PITTMAN: Okay.
COUNCILMEMBER ROCHE: Well, again, we don't have to invent anything here.
MAYOR PITTMAN: So Ms. Fleming, you're comfortable with that?
COUNCILMEMBER FLEMING: October 3rd?
MAYOR PITTMAN: Ms. Fleming, you're comfortable with that?
COUNCILMEMBER FLEMING: Correct? October

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3rd?
CLERK McCAIN: Yes, ma'am.
COUNCILMEMBER FLEMING: Yes.
MAYOR PITTMAN: You're comfortable with that for October 3rd? Okay.
COUNCILMEMBER FLEMING: Yes.
MAYOR PITTMAN: Okay. Thank you.
ATTORNEY McLENDON: Two weeks; I will have a work product to you in two weeks.
MAYOR PITTMAN: Thank you very much.
I'm sorry. If we could please be respectful. It's very difficult for our court reporter to hear with the chitchat, please. Thank you.
Next on the agenda is going to be Accounting Services Agreement.
As you all know, there's been some significant changes in our accounting department. Sabrina Cape has been contracted to assist the City in preparing accounts and statements for the audit and assist the auditor, among other things.
The previous agreement was for not more than $5,000, which the Mayor was authorized to sign. We are now going to be exceeding that. And she's doing a very good job.
We need to start moving forward. In my

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1 opinion, we need to move forward, I think, in trying
2 to find a finance director, putting together the job
3 description. Sabrina has agreed to help us with that.
4 It's going to take awhile to find a good one. We
5 talked about this in the last Council meeting. And I
6 have spoken with her about this, and she, too, feels
7 that we need to probably move forward with that.
8 But in the meantime, we really do need to
9 keep Ms. Cape on, and we did insert a number of five
10 thousand per month not to exceed. There is a priority
11 list. There are lots of things that we need done
12 everything. It's an enlightenment of things that
13 we're fixing, and I just wanted to see if we could
14 move forward with this.
15 COUNCILMEMBER BATES: Does she have any
16 estimated number of hours that some of these tasks
17 will take?
18 MAYOR PITTMAN: As she runs across them, is
19 basically, because some of them are quite timely. So
20 we are looking at -- we're probably looking at about
21 20 hours right now, if not more. And she has also, I
22 believe, lowered her fee to one fifty and she is not
23 including travel time or travel expenses.
24 This is kind of one of those things, and I
25 hate to say that every day we find something different

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1 that we're having to work on and we're just kind of
2 getting something per day.
3 COUNCILMEMBER ROCHE: Well, under fee for
4 service, it still says $175.00 an hour, not to exceed
5 $5,000 a month.
6 MAYOR PITTMAN: Right, but she had sent
7 something after the fact.
8 COUNCILMEMBER ROCHE: All right, because
9 that's only 28 hours a month.
10 MAYOR PITTMAN: Right.
11 COUNCILMEMBER ROCHE: But I very much agree
12 that we do need to get -- we need to start immediately
13 to begin recruiting a qualified, competent financial
14 director that would be a full-time City employee that
15 would put into place and enforce generally-accepted
16 accounting principles so that we don't continue to end
17 up in a ditch.
18 That was voted against last week. I don't
19 know if I would be able to squeeze that in on this
20 agenda item or not, but.
21 COUNCILMEMBER PACHUTA: Well, I think -- Did
22 she give you an indication when she might be able to
23 help craft a job description or from her experience up
24 there --
25 MAYOR PITTMAN: Any time we --

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1 COUNCILMEMBER PACHUTA: -- as to what we
2 need?
3 MAYOR PITTMAN: Any time we ask her, she can
4 do that.
5 COUNCILMEMBER PACHUTA: Because I think that
6 was our hesitation last time is because now that she's
7 been there and she has seen everything, for her to be
8 able to say, "Look. This is what you need. This is
9 what you don't need. This is what you --
10 MAYOR PITTMAN: Well, I believe --
11 COUNCILMEMBER PACHUTA: "-- need to look
12 for."
13 MAYOR PITTMAN: -- the implication was I
14 think they wanted a little bit more accuracy in
15 numbers. And right now, we have the audit started.
16 We should have true numbers in November, because right
17 now, we really do not know where we stand, and she is
18 working diligently on doing that.
19 The audit is coming along really quickly,
20 quicker than we thought, because everything was pretty
21 much in place when he got here thanks to Ms. Cape.
22 But she does feel that we do need to move
23 forward, at least putting the job description together
24 and moving forward and putting it out there because we
25 want to certainly do our due diligence on this. It's

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1 very important that we find a very good finance
2 director.
3 COUNCILMEMBER PACHUTA: Yeah. My hesitation
4 was I wanted her to help craft the job description.
5 MAYOR PITTMAN: And she can do that any
6 time, any time.
7 COUNCILMEMBER ROCHE: Would that be
8 stretching the bounds of Robert's Rules to make a
9 motion in this agenda item?
10 ATTORNEY McLENDON: No. If y'all wanted to
11 go ahead and add that, you can always -- I mean you
12 can vote to add something to the agenda. I think it
13 would be an appropriate thing to put into this agenda
14 item.
15 MAYOR PITTMAN: Well, let's do two separate.
16 COUNCILMEMBER ROCHE: That's fine.
17 MAYOR PITTMAN: It's two separate items, if
18 you don't mind.
19 Let's make a determination based on, say, 20
20 hours, of the $5,000/20 hours per week. And again, we
21 run across lots of problems every day.
22 COUNCILMEMBER BATES: Do we have a time
23 frame on any financial reports?
24 MAYOR PITTMAN: No. October, the middle of
25 October. Maybe even sooner. We're waiting on the

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1 audit.
2 COUNCILMEMBER BATES: For May? For year
3 end?
4 MAYOR PITTMAN: From (undiscernible)
5 COUNCILMEMBER FLEMING: Pardon me?
6 MAYOR PITTMAN: I'm sorry?
7 COUNCILMEMBER FLEMING: I think I'm going to
8 piggyback on Mr. Bates, because I'm sorry I didn't
9 hear what your response was, but waiting until the
10 audit, the audit tells us what year-end is --
11 MAYOR PITTMAN: Uh-huh.
12 COUNCILMEMBER FLEMING: -- and that's June
13 30th. We're already into the first quarter and almost
14 at the end, and we haven't. So that audit's not going
15 to tell us where we are.
16 COUNCILMEMBER BATES: Today.
17 COUNCILMEMBER FLEMING: Correct.
18 COUNCILMEMBER PACHUTA: And I think the last
19 one --
20 COUNCILMEMBER FLEMING: And so that's --
21 - - -
22 (Overspeaking)
23 - - -
24 COUNCILMEMBER FLEMING: -- the reason why
25 I said no to solar panels and a finance director and

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1 anything that's coming out of our general-fund budget
2 at this moment even though it may be reimbursed. I'm
3 hesitant to say yes for any expenditure.
4 COUNCILMEMBER ROCHE: Well --
5 COUNCILMEMBER FLEMING: I mean not on this
6 contract, Mayor Pittman, but what I'm saying is to
7 move forward with as far as her getting a job
8 description prepared for what she feels that we need,
9 whether it's a finance director, whether it's an AR/AP
10 person is fine with me. I just would like to finally
11 see some financial --
12 MAYOR PITTMAN: Absolutely.
13 COUNCILMEMBER FLEMING: -- monthly reports
14 coming in.
15 MAYOR PITTMAN: Absolutely.
16 COUNCILMEMBER ROCHE: Well, let me make sure
17 I understand. This fee for services -- and you're
18 saying it's -- well, the not-to-exceed is $5,000 --
19 MAYOR PITTMAN: That is correct.
20 COUNCILMEMBER ROCHE: -- per month. And I
21 don't know how she would get it done with 28 or even
22 if it was $150.00, that's still, what? 30 hours or so
23 a month.
24 I mean I don't see where we have a choice at
25 this point. I mean we're kind of forced into this.

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1 But I just --
2 MAYOR PITTMAN: But the sooner we --
3 COUNCILMEMBER ROCHE: -- want to make sure I
4 understand. I would think it would be more like 28-
5 1/2 hours per week, frankly. I mean I hate it but,
6 you know, we don't know how much money's in the bank;
7 we don't know, you know, if our checks are going to
8 clear, and we don't have a choice at this point.
9 MAYOR PITTMAN: Well, she is monitoring
10 that. The checks are going to clear.
11 COUNCILMEMBER ROCHE: Well, that's good, but
12 -- but not if we don't pay her anything, so we got --
13 we unfortunately have to do this.
14 MAYOR PITTMAN: She would have been here
15 tonight but actually she's ill.
16 COUNCILMEMBER ROCHE: That's fine.
17 MAYOR PITTMAN: She was at the doctor's
18 office.
19 COUNCILMEMBER ROCHE: All right. So are we
20 going to that she's proposing not to exceed $5,000 per
21 month?
22 MAYOR PITTMAN: That's what she's saying.
23 COUNCILMEMBER ROCHE: Then, I'd like to make
24 a motion that we accept the current agreement with
25 Sabrina Cape -- where's the name? -- Capable Financial

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1 Solutions for not to exceed $5,000 per month.
2 MAYOR PITTMAN: Do I get a second?
3 COUNCILMEMBER FLEMING: Second.
4 MAYOR PITTMAN: Discussion?
5 COUNCILMEMBER PACHUTA: Just a friendly
6 amendment that said services will not be more than
7 $150.00 per hour versus the $175.00 that's written
8 here.
9 MAYOR PITTMAN: Okay. Thank you.
10 COUNCILMEMBER ROCHE: I'll accept that.
11 MAYOR PITTMAN: Thank you.
12 COUNCILMEMBER ALEXANDER: Can we add
13 creation of a job description to her priority task
14 list?
15 MAYOR PITTMAN: Certainly.
16 COUNCILMEMBER ROCHE: Well, I'm looking to
17 make a separate motion to add that to the agenda.
18 COUNCILMEMBER ALEXANDER: Well, I just meant
19 to her list --
20 COUNCILMEMBER ROCHE: That's fine; yeah,
21 sure.
22 COUNCILMEMBER ALEXANDER: -- of what she's
23 going to do for us.
24 COUNCILMEMBER ROCHE: Certainly. I will
25 take that too.

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You good with all those seconds?
COUNCILMEMBER FLEMING: Oh, absolutely.
COUNCILMEMBER ROCHE: We can amend it to hire somebody too if you want, but I'll make that as a separate motion.
MAYOR PITTMAN: Okay. 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.
MAYOR PITTMAN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
I'd like to make a motion to add advertising and hiring and lifting the hiring freeze for a city financial director to the agenda.
MAYOR PITTMAN: Do I get a second?
COUNCILMEMBER FLEMING: I'll second it just so we can put it on the agenda.
MAYOR PITTMAN: Discussion?
- - -

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(No response)
- - -
MAYOR 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. Thank you.
Could we discuss this now, Mayor, since we're kind of on the topic or do you want to add it to the end?
MAYOR PITTMAN: If the Council does not object, we can talk about it now.
Are y'all okay with that? Okay.
COUNCILMEMBER ROCHE: Well, we just made a motion to make a job description a top priority for our financial consultant. I believe it -- well, I'll just go ahead and make the motion that we go ahead and advertise -- put together the job description with the help of our consultant, advertise for the position of

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City financial director -- would be a high-level position, maybe a CPA-type position -- and lift the hiring freeze to hire same.
MAYOR PITTMAN: Do I get a second? Second?
- - -
(No response)
- - -
MAYOR PITTMAN: Okay. Motion dies.
COUNCILMEMBER ROCHE: We're back into the ditch again.
COUNCILMEMBER FLEMING: I wish we had an opportunity to discuss it again before you made the motion.
MAYOR PITTMAN: All right. Thank you.
COUNCILMEMBER PACHUTA: But you're going to get with her to work on the job description?
MAYOR PITTMAN: Yes, we will.
COUNCILMEMBER FLEMING: That's what I wanted, job description.
COUNCILMEMBER ROCHE: Well --
MAYOR PITTMAN: Okay. The next is going to be Amend Hearing Procedures for Occupational Tax and Massage License, Mr. McLendon.
ATTORNEY McLENDON: Yes, Mayor. We have taken a look at a couple of the different ordinances

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we have that are based on licensing, which would be including the occupation tax license, the massage license as well as the soft-tissue massage license.
And what we're doing with this amendment is adding specific hearing procedures on the revocation of the license or denial. We've based this on generally the same hearing-officer process that we used previously; similar language.
What this would do is if someone who is currently licensed is found to have met criteria for a revocation or suspension, this would be the procedural process that we would follow in going forward to suspend that license. It would give them due process, it would allow for a hearing, it would create a record, and then if they decide to challenge that, it would go to the superior court by writ of certiorari.
COUNCILMEMBER PACHUTA: Now, would this take place after any adjudication in city court, like, say, if they were found to have ordinance violations? So it would not be simultaneous; it would be after --
ATTORNEY McLENDON: Even something --
COUNCILMEMBER PACHUTA: -- adjudication?
ATTORNEY McLENDON: Generally you would want to do that. That would be the point when you -- by having an adjudication, that is very strong evidence

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1 in a hearing such as this.
2 But there could be other scenarios. For
3 instance, certainly the ordinance is if an employee
4 pleads guilty to certain violations, then that can
5 cause problems under the license. There would be
6 different scenarios.
7 But one of the things we would be doing is
8 when moving forward into this process -- This is a
9 very fair process; this is a process that we have the
10 burden to meet. And before we move forward, we would
11 be doing that, knowing that we had sufficient
12 evidence.
13 COUNCILMEMBER PACHUTA: And I guess what I'm
14 thinking is someone continuing to continue, you know,
15 their court date; if a business keeps continuing their
16 court date or they decide they want to bind it over to
17 Dekalb and they just keep stretching it out.
18 ATTORNEY McLENDON: This is something you
19 can move forward. It doesn't require anything
20 specific such as, "I'm waiting. I have to sit and
21 wait for a conviction," if you want to drive the case
22 out. This is just a hearing before a hearing officer,
23 and, you know, a conviction, an admission of guilt is
24 good, but if somebody continues their case
25 indefinitely, the admission of somebody who was

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1 potentially another person involved might provide
2 sufficient evidence to go forward with the revocation
3 of their license.
4 COUNCILMEMBER FLEMING: I want to know who
5 denies, revokes or suspends the original tax placard
6 before it gets to the public hearing officer. Who
7 does that? Us?
8 ATTORNEY McLENDON: This is something where
9 the issuing authority under the ordinance would be
10 revoking it, so I would think it would be an
11 administrative process, not necessarily the Mayor and
12 Council having to move forward with revoking a permit.
13 Generally, I'd see that in the
14 administrator's role as the Mayor determining to move
15 forward with a revocation. It could be we could put
16 that authority wherever y'all wanted to put that
17 authority.
18 COUNCILMEMBER FLEMING: I mean but before we
19 get to the appeal process that you have in here, they
20 are appealing denial, suspension or revocation. So
21 somebody's had to suspend or revoke their tax placard.
22 ATTORNEY McLENDON: Right.
23 COUNCILMEMBER FLEMING: And I'm just trying
24 to determine who's doing that.
25 ATTORNEY McLENDON: Generally, that's going

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1 to be the City -- an administrative function in the
2 City. So the Mayor is your primary administrator on a
3 day-to-day basis.
4 So if someone's going to come in, make a
5 determination -- and I'm sure we would be involved in
6 it -- but it would be the administrative determination
7 that this permit, the terms of this have been
8 violated, and we need to go ahead with a hearing to
9 revoke that permit.
10 COUNCILMEMBER FLEMING: Okay. This is not
11 the same type of ordinance --
12 - - -
13 (Brief, inaudible conversation)
14 - - -
15 ATTORNEY McLENDON: The Clerk or the
16 designee is what I'm hearing is in the ordinance.
17 COUNCILMEMBER FLEMING: Clerk or the
18 designee?
19 ATTORNEY FELGIN: The Clerk or designee,
20 which in this case could be the planning director.
21 COUNCILMEMBER FLEMING: Where is that
22 written?
23 ATTORNEY FELGIN: It's in Section 6-614,
24 which in the ordinance is --
25 COUNCILMEMBER PACHUTA: It's in Section A,

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1 the second line.
2 ATTORNEY FELGIN: Yeah.
3 It's on page four --
4 COUNCILMEMBER FLEMING: Of what?
5 ATTORNEY FELGIN: -- of the ordinance.
6 COUNCILMEMBER FLEMING: This ordinance?
7 ATTORNEY FELGIN: Uh-huh.
8 COUNCILMEMBER FLEMING: Of this ordinance?
9 ATTORNEY FELGIN: Yes, of the proposed
10 ordinance.
11 COUNCILMEMBER FLEMING: No, no, no, no, no.
12 They're sending the notice. They're not revoking.
13 Go ahead.
14 COUNCILMEMBER BATES: What I hear Ms.
15 Fleming saying, and I concur, is who's making the
16 determination to revoke or suspend an existing
17 occupation tax placard for a massage or a CSTTM
18 business?
19 COUNCILMEMBER FLEMING: Because in our
20 alcohol ordinance, we have a very specific
21 three-strikes-and-you're-put scenario, correct?
22 Two-and-a-half or whatever it is.
23 COUNCILMEMBER BATES: Within a time period.
24 COUNCILMEMBER FLEMING: Within a time
25 period.

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1 And they have to come before Mayor and
2 Council and we -- they're out the door; right?
3 COUNCILMEMBER BATES: They get brought to us
4 by the police department --
5 COUNCILMEMBER FLEMING: Correct.
6 COUNCILMEMBER BATES: -- as having been
7 cited based on --
8 COUNCILMEMBER FLEMING: That's correct.
9 COUNCILMEMBER BATES: -- underage,
10 violations of the Alcohol Ordinance, etc.
11 So I concur with Ms. Fleming. Where does
12 the initial suspension, revocation take place? Is
13 that a police function? Is that a Clerk function?
14 ATTORNEY McLENDON: It's an administrative
15 function. This is an administrative function, and the
16 administrative function is in the Mayor.
17 I mean if we're looking at the --
18 COUNCILMEMBER BATES: And I don't mean to
19 interrupt, but the --
20 ATTORNEY McLENDON: Sure.
21 COUNCILMEMBER BATES: -- Clerk and the Mayor
22 aren't the ones that are going to go into an
23 establishment to verify a current tax placard, current
24 massage licenses as issued by the State of Georgia,
25 verify anything that is required of the massage of

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1 CSTTM ordinance. That's going to be a code
2 enforcement/police function.
3 ATTORNEY McLENDON: Two different things.
4 What you're going to end up with is really two
5 different things you're talking about, totally, here.
6 The enforcement of the potentially sort of a
7 criminal enforcement, etc., under the ordinance itself
8 does rely with the police department code enforcement.
9 What happens is let's say somebody does not
10 have their permits under any of the ordinances. What
11 that is is I can write you a violation, say "Come see
12 me in court."
13 That's a totally separate process from the
14 fact that the administration has given you a permit.
15 You have a permit to operate. This ordinance states
16 when that permit can be revoked, such as violations of
17 the law on the premises.
18 That, though, is not a police function.
19 That is a purely administrative function. And as I
20 would see it, you know, in Doraville, you have things
21 happening on two levels. You have the Mayor-and-
22 Council level, you have the -- which is the
23 legislative level. The administrative level is in the
24 Mayor.
25 So, you know, as I would envision this, I

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1 would look at it and say, the determination that says
2 "I've looked. I've talked to the police. I've talked
3 to code enforcement. I've developed the facts, and I
4 believe based upon these facts they have violated
5 these conditions and this permit should be revoked."
6 That would be a decision point where we
7 would move forward with a revocation hearing through
8 this process. The reality is the designee would
9 probably be us to move forward with that revocation.
10 COUNCILMEMBER FLEMING: The revoca- -- You
11 said revocation hearing.
12 ATTORNEY McLENDON: Uh-huh.
13 COUNCILMEMBER FLEMING: No. This is an
14 appeal hearing.
15 ATTORNEY FELGIN: The way it's set up is the
16 administrative function is to send out notice that we
17 intend --
18 ATTORNEY McLENDON: The revocation, right.
19 ATTORNEY FELGIN: -- to deny. If they want
20 to have a hearing on it, it would be then on them to
21 request it, and then we go through the hearing-officer
22 process.
23 But yes, since the administration -- the
24 license is signed off on by the Clerk, the ordinance
25 has the Clerk then basically revoking the same thing

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1 the Clerk has previously granted.
2 COUNCILMEMBER FLEMING: No. Well, that's
3 not what it says, though. It says that she's going to
4 be the one that's sending out the notice; doesn't say
5 that the Clerk is going to take on the responsibility
6 to revoke that placard.
7 ATTORNEY McLENDON: Yeah, and I agree; and
8 frankly, I don't think that would be something that I
9 would put onto the Clerk.
10 COUNCILMEMBER FLEMING: And I'm not so sure
11 that the Mayor wants that full responsibility of
12 making a decision to revoke someone's placard, either.
13 ATTORNEY McLENDON: I can put this --
14 COUNCILMEMBER FLEMING: So I don't know.
15 COUNCILMEMBER BATES: I just want to make
16 sure I'm clear on --
17 ATTORNEY McLENDON: Sure.
18 COUNCILMEMBER BATES: -- the process.
19 So quality of life goes into an
20 establishment and identifies -- I'm looking at 613
21 number 7 --
22 ATTORNEY McLENDON: Right.
23 COUNCILMEMBER BATES: -- that the business
24 is not authorized to operate within the City, or
25 within the zoning district.

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ATTORNEY McLENDON: Uh-huh.
COUNCILMEMBER BATES: Quality of life issues them a citation.
At some point in time, City Hall gets notified when the -- they're told that Business ABC has been cited for not being properly zoned, operating in a properly zoned area.
At that point in time, then, does the Mayor and/or the Clerk and/or their designee send a "Your occupation tax placard is hereby revoked" and then it starts the appeal, "No, we're legitimate," appeal it to the public hearing officer? Is that -- Am I --
ATTORNEY McLENDON: That's the process.
COUNCILMEMBER BATES: -- training this correctly?
ATTORNEY McLENDON: Yes, that is the process, which is the administrative decision is made, based upon all the evidence gathered, that they violated one of these provisions.
COUNCILMEMBER BATES: So --
ATTORNEY McLENDON: At that point, they've lost the -- Go ahead.
COUNCILMEMBER BATES: And in theory, then, the planning director could also be a revoker.
ATTORNEY McLENDON: A designee, although --

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COUNCILMEMBER BATES: Not revolting. Revoker.
MAYOR PITTMAN: Yeah.
COUNCILMEMBER BATES: Okay. I just wanted to make sure I was clear on who was internally going to be suspending, revoking, notifying. I understand that you don't get it to begin with. I understand that. But it's the once you've got it and you do something potentially to screw it up. I just want to make sure that I was with Ms. Fleming. I want to make sure I knew where that ball started.
COUNCILMEMBER PACHUTA: So I'm assuming, I mean, staff's going to have to communicate between quality of life or even the occupation tax clerk, all of them, to bring these matters to the attention periodically, you know, written --
COUNCILMEMBER BATES: But this applies only to massage and CSTTM.
ATTORNEY FELGIN: And occupational tax.
ATTORNEY McLENDON: Had to throw -- the occupation tax need it as well because they all would sort of fall in order. It would probably be a -- those would be a consolidated hearing on the occupation tax, because everybody has one of those, and if they fall because of the other two, the

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occupation tax would need to be revoked.
It's an administrative -- actually, it is an administrative determination, which means the chief administrative decision maker is the Mayor. As with just about anything, the Mayor could have a designee. The Mayor could have a designee of the community development director, the Mayor -- And then on the administrative level it is, you know, "I've done my inquiry, and based on all these facts and circumstances, they have violated A, B, C, D and E of this ordinance. Here's my findings." You know, "Dear Sirs, this is going to be revoked based upon all of these things. You have a right to request a hearing and be heard," at which point it would go to a hearing officer.
Everything would be put up saying, "The license is revoked and it was administrative determination because we have an ordinance that says if you violate the law in these premises, your license could be revoked, or if you make materially false applications," whatever the reasons are.
And you would go in. The burden would be upon the City to show, "Here, hearing officer. Here's the proof I have that they violated these positions." They could come in and say, "I didn't."

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You go through the process, make a determination to either support it or deny the revocation. Typical, very consistent often-used process, because ultimately you have to have ability to make the decision, and that's administrative and that's the best place for it. It's not a good political decision.
But at that point, based upon all the evidence, you make the call, knowing the burden of proof's on the City, that license got to go. It can be designated anywhere.
Questions. I'll quit talking.
COUNCILMEMBER ROCHE: Just curious. In the city manager form of government, that would be the city manager would make that decision?
ATTORNEY McLENDON: Absolutely. And then the city manager would often delegate that to someone else.
MAYOR PITTMAN: Okay. So your wishes tonight?
ATTORNEY McLENDON: I see this as a first read, and let's just look at it unless there's any particular issue, and, you know, if I need to change something, let me know.
COUNCILMEMBER FLEMING: I, yes, absolutely,

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have a question.
Now, I did read this, but I --
Mr. Bates, did you not use an example of the business is in the wrong zone, doing business in the wrong zone?
COUNCILMEMBER BATES: Yes.
COUNCILMEMBER FLEMING: Okay. And you answered yes. Sir? Mr. McClendon?
ATTORNEY McLENDON: Uh-huh.
COUNCILMEMBER FLEMING: Well, guess what. Now we're into zoning issues that should have gone to an appeal process in zoning, and the Planning Commission, and so forth and so on. And so I have now a problem.
ATTORNEY McLENDON: Let me make sure I follow this and let me make sure I thoroughly understood the question.
COUNCILMEMBER FLEMING: Because if I'm not mistaken -- let me jump one more --
ATTORNEY McLENDON: Sure.
COUNCILMEMBER FLEMING: -- statement in here is that --
Karen, if I'm not mistaken, you said this is for all occupational tax placards?
Or somebody said that.

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COUNCILMEMBER BATES: I asked the question. I had said it was for only massage and CSTTM, and Ms. Alexander corrected me that it's for all.
COUNCILMEMBER FLEMING: It's for all. So this particular ordinance is for occupational tax placard, any business in the city, that all of a sudden we could revoke, but there's no criteria in here for the other businesses as to why we're going to revoke them.
ATTORNEY McLENDON: Let me make sure I follow, because what this primarily does is this is going to set up your process to revoke the tax certificate.
COUNCILMEMBER ALEXANDER: Page 3, number 7?
ATTORNEY McLENDON: Right. That's it. So it's just what it is: It's if you have a zoning district that's a C-1 and someone has come in and gotten by one form or another -- without any apparent authority whatsoever has come in and set up a business that's only appropriate in C-2. They have an occupation tax certificate.
At that point, you can say, "Where'd this come from?" you know. "Did they have the authority to do this? Let's look at the zoning file. Let's look at this. No, there is none."

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At that point, you come in and you say, "Sorry, guys. You can't operate that in C-1. You're going to be in C-2. Occupation tax has got to go."
And then this is the administrative process you use to give them the opportunity to come in and say, "Oh, no, wait, you know. I'm okay because, look, I've got this old zoning case that says I can do it."
COUNCILMEMBER BATES: And I apologize. I probably picked a bad example, but it was in there, and I would hope that, you know, our staff would not get us to that point.
COUNCILMEMBER FLEMING: But it's a zoning -- I think it's a zoning thing when we do it.
ATTORNEY FELGIN: If I may, and just to try to alleviate some confusion, if you look at Section 6-613, it says that all of these reasons, 1 through 11, are reasons to deny, suspend or revoke.
Suspension, suspend or revoke. Those are also the reasons you deny it in the first place. And you give them the same opportunity for an administrative appeal if you deny it as if you revoke.
So if they come in and they apply for a business in C-1 and you look on the zoning ordinance and it says that business can't be in C-1, you're going to use 6-613 (7) to deny that occupation tax

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certificate for that business.
COUNCILMEMBER BATES: I'm with you on the denial.
My example was an existing, operating business that somehow managed to, you know --
ATTORNEY McLENDON: Right.
COUNCILMEMBER BATES: -- three years ago, eight years ago.
ATTORNEY McLENDON: Here's where it should come out, is an administrative decision is made that says, "Huh, this can't be in C-2." They move forward and deny or revoke this occupation tax. That's where if somebody came in and had something that provided the basis for them to be operating, that would come out in that hearing process.
Is that where I'm hearing this go?
COUNCILMEMBER PACHUTA: I guess I see it more like this would be used, say, an example: Someone had come in and applied for an occupational tax certificate, saying, "We're opening a doctor's *office."
ATTORNEY McLENDON: Sure.
COUNCILMEMBER PACHUTA: And then quality of life runs by and says, "No, it's a doggy daycare, and that's not allowed in the zoning." Then you could

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1 move forward to revoke the occupational tax.
2 ATTORNEY McLENDON: That would be an
3 administrative -- then all of a sudden, the
4 administrator says, "Hey, where? This is not," then
5 the quality of life, and then bang.
6 ATTORNEY FELGIN: It also violates
7 Subsection 1 because they're guilty of fraud in the
8 operation of the business.
9 COUNCILMEMBER BATES: I'm generally fine,
10 with the exception of the revocation based upon
11 zoning.
12 ATTORNEY McLENDON: Okay. And let me --
13 What's the hard part on it? so I can
14 understand --
15 COUNCILMEMBER BATES: History.
16 ATTORNEY McLENDON: -- where we're coming
17 from. Okay, okay.
18 COUNCILMEMBER ALEXANDER: Yes.
19 ATTORNEY McLENDON: All right. Can I find
20 out some facts on that?
21 COUNCILMEMBER ALEXANDER: Yes.
22 ATTORNEY McLENDON: And let's make the
23 modification if necessary.
24 COUNCILMEMBER BATES: There's lots of
25 examples.

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1 ATTORNEY McLENDON: Okay. Let's discuss
2 that offline, and we can do it.
3 You know, for me, I'm going; I'm not
4 following. It seems like it would be -- it would
5 work, but let's talk about it.
6 MAYOR PITTMAN: Mr. McLendon, let's put this
7 back on another agenda and let the Council --
8 ATTORNEY McLENDON: Absolutely.
9 MAYOR PITTMAN: -- have an opportunity to
10 talk to you, and I'll talk to you --
11 ATTORNEY McLENDON: Uh-huh.
12 MAYOR PITTMAN: -- and we'll move forward
13 with that; okay?
14 ATTORNEY McLENDON: Perfect.
15 MAYOR PITTMAN: Okay. Council, is that
16 okay?
17 COUNCILMEMBER FLEMING: Yes.
18 MAYOR PITTMAN: Thank you.
19 All right. Next is going to be discussion
20 only of Amend Special Events Permit, Mr. McLendon.
21 ATTORNEY McLENDON: Okay. Well, since I'm
22 having such a good night.
23 This is an ordinance -- basically, as we
24 began looking at the different ordinances, the Special
25 Events Ordinance that is currently in place is very

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1 narrow, and this ordinance sort of throws the
2 authority a little wider into public assemblies, which
3 are not organized; it's people getting together to
4 have some sort of an organized meeting; and those
5 special events, which would be somebody putting on
6 something for profit that was larger in school and
7 needed probably coordination of the City services to
8 do it.
9 Both of these ordinances are basically tied
10 to some impact to public property, which goes beyond
11 just having it on public property. I could have --
12 Let me give you an example. The smallest
13 thing you would have would be a whole bunch of people
14 standing on the sidewalk in front of a business, and
15 they come in and say, "I can do that." Well,
16 certainly one person can stand on the sidewalk in
17 front of a business without any issues.
18 But I get 30 people out there, I sort of
19 need to coordinate, and there may be some interference
20 with traffic. "When are you going to do this? Where
21 are you going to --?" You know, you start getting a
22 whole lot of people, and how are you doing these
23 different services?
24 That's what these two ordinances or this is
25 attempting to do is set out the criteria that if

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1 somebody wants to have a significant event that might
2 impact those services, this is basically saying, "Come
3 into the City, make your application."
4 There would be a review of that by staff.
5 What you're going to get is you're going to get --
6 generally this is something that is handled by the
7 community director -- community development director.
8 They coordinate it with police to make sure there are
9 not parking issues, to make sure there are not traffic
10 issues. They coordinate it with the County: probably
11 fire; they would probably coordinate through the
12 health department. It would be sort of the
13 clearinghouse of everyone to be able to come through
14 and make sure that the event is safe, that it doesn't
15 impinge on the City's services or disrupt, you know,
16 the universe for us.
17 When I put this up here, I knew it would be
18 a huge discussion, and I've given you just what I
19 considered sort of a basic framework, and I hoped it
20 would be food for thought so we could have a
21 conversation, because I would like to see improvement
22 over the current Special Events Ordinance we have.
23 Or if you come back to me and say, "Guys,
24 Cecil, talk to me later. There's a reason my Events
25 Ordinance --" just like this. I'll take that, have

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that conversation as well.
COUNCILMEMBER BATES: I've been a huge advocate of redoing our current Special Events Ordinance because it's just -- it's not functional, it doesn't work, and it's in too many different places; it's piecemealed. It's not good. So thank you for trying to consolidate and move us in a uniform direction.
I've got probably a dozen questions, comments, concerns. I'm sure Ms. Fleming has some and other Councilmembers will. I don't know that we've got sufficient time tonight in a 10-minute time period to get to all those.
I would like to e-mail you --
ATTORNEY McLENDON: Absolutely.
COUNCILMEMBER BATES: -- copy Council with, you know, those that I've got identified here. And there may -- I'm guessing there are going to be a lot of similarities in some of our questions and concerns.
But thank you for at least starting this process. It definitely is much needed.
ATTORNEY McLENDON: I would welcome all the feedback everybody has on this.
And what I'll do is take it, put it together into some coherent format -- you know, if I do a great

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job, everybody'll go, "Wow, you've hit the nail on the head" -- and then I'll get that back to you.
And feel free to redline me, and let's figure out if we can get there.
MAYOR PITTMAN: Okay. Thank you so much.
All right. I don't believe there's any reports from committees, commissions, boards or appointments.
Public comments; please limit your comments to three minutes.
MS. SUSAN CRAWFORD: Susan Crawford.
I would just like to say that I'm a member of the Atlanta Writers Club and that they're doing a community outreach program in different areas of the city. And I suggested Sequoyah as one of the places where they could go and do some enrichment, creative writing kinds of projects, and Mayor Pittman has, I believe, mentioned it to the principal at Sequoyah.
So you'll be hearing more from me on this, hopefully, and maybe we can get some community support and volunteers as well as the writers from the Writers Club.
As far as the fees, I think it's wonderful. From what I heard, you're thinking of making it lower for the residents, and I think that's the only way

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we're going to have any kind of community improvement.
In fact, it would be nice to have some kind of incentive to get people to put some money into their homes and fix them up, because in the long run the money that you lose from the high fees you will more than make up from having the tax base go up.
As far as the businesses, eh. You know, my feeling is if it's a really goodness, which was what you said you want to attract, they can afford fairly -- least competitive fees with other cities.
As far as I disagree with Ms. Fleming about just having three people appoint somebody, because this is really kind of an important issue, and this is -- you people represent the whole city, and, conceivably, three of you could have a really good friend that you think would be great up here and just -- that person would be up here with no input from the community, which seems unfair and really less viable than just having the number of people we have now.
So I'm all for a special election. Thanks.
MR. JOE O'CONNOR: Council and Mayor, I've been here for awhile, but I want to say that this meeting's been run very well. I want to thank counsel; this is the first time seeing him move

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everything along here.
I just came to talk a little bit on the proposal to change our longstanding ordinance from a majority down to just three or from four to three. Forget exactly what it was. But I recall when the Mayor was appointed a few years ago, and it was by unanimous vote.
I like Ms. Alexander's proposal that we hold special elections. Call me old school, but I think people ought to be elected, not just appointed, for a seat on the Council.
And seeing that three of the five of you are up for election, I think it's more than fair that we could probably time an election for this other seat, because at least one of those elections, nobody's going to get 50 percent on it, I mean the odds just historically.
So I'd like to second the recommendation of Ms. Alexander that we go to an election for this. Thank you.
MR. STUART ANDERSON: Stuart Anderson. I'll be brief.
I mentioned parks at the beginning of this. And I forgot to mention that Steve Strickland has been spending a lot of time down there and Bobby's crew has

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been spending a lot of time, and they're doing a good job, and Strickland has been overseeing a lot of things, and I appreciate it.

And the other thing is on the city manager. I'm just recommending or asking to really pay attention to the description for this person. It's going to be a binding referendum if I'm not mistaken, so it has to be -- not to argue with Karen, but we need to have things in place, because it's going to be binding so we have to -- if the population goes for this, then we have to have our ducks in a row.

Thank you.

MR. BEN CRAWFORD: Ben Crawford, Oakcliff Estates.

I may have caught a bit of caution from the City Attorney about discussing and promoting for a certain thing that's on the referendum. We had a major discussion within the City about mayor and city manager type of government.

Now I'm hearing tonight City Councilmembers pushing their agenda on a city manager, and I don't think it's right to get up here -- Information, sure, that's good. People should be informed.

But to say, "Hey, I'm a Councilmember and I'm for city manager form of government," is wrong.

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At this point, let the voters decide. They'll decide the right thing.

The hearing procedures for occupational tax and massage license, it sounds to me like the attorney did some work on this. I don't know all; the details to it. But as far as past history, that should have no impact on the writing of these procedures. They should be standard procedures that are followed for all businesses throughout the city.

Thank you.

MAYOR PITTMAN: Anyone else? Mr. Hart.

MR. TOM HART: I wish you had done something about these building fees before I had to pay $350.00 for a hundred-dollar job on my property. It cost twice as much for the permit than it does for the materials.

I again agree with Ben about, you know, we got into a problem with annexation last time because we had Councilmembers promoting annexation and out there beating the band and probably drove the thing in the opposite direction. So let the voters decide these things.

And I think while you're deciding things, how about putting a seat up in the general election that's empty right now? We're going through these,

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you know, gyrations to change the charter to make it three votes. It would be just as easy to change the charter to make it mandatory, like Ms. Alexander said, to put the seat up for election.

You know, that seat has only been elected one time, basically, in a 10-year period. It was appointed, and then it ran unopposed. Then it had an election, and we're back to appointing the seat again. It's like a private -- it's a private seat for certain people on Tilly Mill Road, so I think we need to get off of it and put it up for the people to decide.

Thank you.

MAYOR PITTMAN: Anyone else? Ms. Fraysse.

MS. SUSAN FRAYSSE: Susan Fraysse, Oakcliff Road, and with the Friends of the Doraville Library.

We're going to be having our biennial Friends of the Doraville Library Book Sale. It's going to be October 15th, and we are moving the time up a little bit. The change will be it'll be from 11:00 to 3 o'clock. There is the race in the morning. There's actually a Peachtree-qualifying road race is going to be held here this time, the 5K, and then there'll be a Fun Run and at 9:45, the Tot Trot.

So then we'll have to go home and change and come back and clean up for the book sale, which has

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always been an event the last two or three years, twice a year. We have some other activities that go on sometimes; hot dogs for sale by the Doraville Business Association and stuff.

And I'll need to find out to be sure that we don't run afoul of any new planned special events permits.

But we're a unit of the city, supporting the library, and all proceeds of everything that goes on that day go to support the library. So I encourage everybody to let people know.

We have gotten a tremendous number of donations including 25 boxes of really new good shape, first-rate adult hardback fiction. So spread the word; let people know.

MAYOR PITTMAN: Anyone else?

- - -

(No response)

- - -

MAYOR PITTMAN: All right. Need a motion to go into Executive Session for pending and potential litigation.

CLERK McCAIN: Do you want to make a motion to go past 9 o'clock first?

COUNCILMEMBER PACHUTA: I make a motion to

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extend the meeting past 9 o'clock.
MAYOR PITTMAN: Do I get a second?
ATTORNEY McLENDON: As well as an issue of employment.
MAYOR PITTMAN: Okay. Do I get a second on the past 9 o'clock to extend the meeting?
COUNCILMEMBER ALEXANDER: Second to extend the meeting.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR 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 PITTMAN: And now I need a motion for to go into Executive Session, pending/potential

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litigation and employment.
COUNCILMEMBER PACHUTA: As a personnel matter?
COUNCILMEMBER ROCHE: So moved.
ATTORNEY McLENDON: Yes.
MAYOR PITTMAN: Second?
COUNCILMEMBER PACHUTA: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR 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 PITTMAN: Thank you. Go into Executive Session.
- - -

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(Executive Session from 9:03 to 9:37 p.m.)
- - -
MAYOR PITTMAN: Motion to come out of Executive Session?
COUNCILMEMBER ROCHE: So moved.
MAYOR PITTMAN: Okay. Second?
COUNCILMEMBER PACHUTA: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR 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.
COUNCILMEMBER PACHUTA: Motion to adjourn.
MAYOR PITTMAN: Second?
COUNCILMEMBER ROCHE: Second.

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MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR 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. Thank you.
MAYOR PITTMAN: Thank you-all.
- - -
(Meeting concluded at approximately 9:40 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 27th day of September 2011.

_____

Theresa Bretch, CCR
Permit No. B-755

[SEAL]

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