In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

April 16, 2012

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

Transcript of the meeting held in the 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 Monday, April 16, 2012.

* * *

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APPEARANCES:

Doraville City Council:

Mayor Donna Pittman
Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Trudy Jones Dean
Councilmember Pam Fleming
Councilmember Karen Pachuta
Councilmember Robert J. Patrick

Cecil G. McLendon, Jr., City Attorney
and Acting Clerk

Leonid Felgin, Assistant City Attorney

Riley McLendon, LLC
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P R O C E E D I N G S

MAYOR PITTMAN: Meeting come to order.

Our Clerk is not well, so Mr. McLendon is going to be our Acting Clerk tonight, so we will go slow.

ATTORNEY McLENDON: I'm multi-talented.

MAYOR PITTMAN: If we could please rise for the Pledge.

- - -

(Pledge of Allegiance)

- - -

MAYOR PITTMAN: Thank you.

We have no ceremonial presentations tonight.

If you could call the roll, please.

ATTORNEY McLENDON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Here.

ATTORNEY McLENDON: Councilmember Bates?

COUNCILMEMBER BATES: Here.

ATTORNEY McLENDON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Here.

ATTORNEY McLENDON: Councilmember Patrick?

COUNCILMEMBER PATRICK: Here.

ATTORNEY McLENDON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Here.

ATTORNEY McLENDON: Councilmember Jones

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Dean?

COUNCILMEMBER DEAN: Here.

ATTORNEY McLENDON: Mayor Pittman.

MAYOR PITTMAN: Thank you. Very good.

Next we need approval of minutes for April 2nd, 2012.

COUNCILMEMBER ALEXANDER: So moved.

COUNCILMEMBER PACHUTA: I'll second.

MAYOR PITTMAN: Discussion?

- - -

(No response)

- - -

ATTORNEY McLENDON: Call the roll, please.

ATTORNEY McLENDON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

ATTORNEY McLENDON: Bates?

COUNCILMEMBER BATES: Yes.

ATTORNEY McLENDON: Pachuta?

COUNCILMEMBER PACHUTA: Yes.

ATTORNEY McLENDON: Patrick?

COUNCILMEMBER PATRICK: Yes.

ATTORNEY McLENDON: Fleming?

COUNCILMEMBER FLEMING: Yes.

ATTORNEY McLENDON: Jones Dean?

COUNCILMEMBER DEAN: Yes.

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MAYOR PITTMAN: Thank you.
Okay. Next on the agenda is Public Comments on Agenda Items Only. Please limit your comments to three minutes and state your name for the court reporter. Public comments.
MS. STEPHE KOONTZ: My name's Stephe Koontz from Oakcliff.
I talked to the planner today about the sign ordinance stuff and I talked to y'all almost a year ago about it but nothing's been resolved. And I was asking him where we're at, and he said that he presented something to the Council and it had just stopped.
And I was just curious. It's been over a year. What kind of time period can I expect for something to get resolved?
MAYOR PITTMAN: Our goal is, I believe, to have --
You're talking about the Sign Ordinance?
MS. KOONTZ: Yes.
MAYOR PITTMAN: Okay. And I believe because we have meetings every Monday, but in the next few weeks, to set up a meeting to have work sessions on that, workshops. And we'll let you know so you can provide input to us. I know you have some concerns.

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MS. KOONTZ: Yes. And like I said, it's been over a year. Okay. Thank you.
MAYOR PITTMAN: Thank you.
Go ahead.
MR. PATRICK: Stephe, just want to let you know that I guess the idea as I understand is that we will at some point have a work session and then go through code by code on -- I think Ms. Fleming wants to talk about a variety of other codes in addition to the Sign Ordinance. But that's the plan is to --
MS. KOONTZ: Okay.
COUNCILMEMBER PATRICK: -- have this happen shortly and then move on it.
MAYOR PITTMAN: Mr. Cooley, did you want to add something to that?
MR. COOLEY: Yes. After the last meeting -- or not the last meeting. When we last discussed this, the approach that the Council and I think it's a good approach is to take a comprehensive look at each section of the ordinance; in this case, the Sign Ordinance. It's not just the one thing that needs to be fixed, although that definitely does need to be fixed. But there's a lot of other things that we need to clarify. Better do it in one shot, have a workshop on it so Council, the public, whatever, can discuss

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and go from there. I think it's a better approach.
MAYOR PITTMAN: Okay. Thank you.
Additional public comments?
- - -
(No response)
- - -
MAYOR PITTMAN: Thank you.
Department Head Reports.
I just wanted to say that the Governor did sign the annexation today, so it is a go at the end of this year, December 31st. Really, January 1st. We've already started the staff meetings, set our priorities, so come December 1st, we will have everything in place and ready to go.
And we will try to get you at every meeting an update as well as Council as we're moving forward, because some of these things will be brought to the Council and worked through in public. But to set our priorities and our goals, we have already started the staff meetings in reference to that.
Anyone else? Oh, there you are, Captain. We'll talk about the Eagle Advantage Contract Renewal.
CAPTAIN BRINKLEY: Rodney Brinkley.
I'm here today to seek your approval of the maintenance or service contract with Eagle Advantage

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Solutions. This maintenance contract covers our mobile units that are in the police cars as well as the software and the map overlay support for each one of the units.
This is a budgeted item, has been budgeted, and so I seek your permission to go ahead and have it renewed.
MAYOR PITTMAN: Questions from the Council?
COUNCILMEMBER ALEXANDER: Is the rate the same?
CAPTAIN BRINKLEY: Yes, it is.
COUNCILMEMBER PATRICK: Can you explain what the software does exactly?
CAPTAIN BRINKLEY: This is all the software that allows our officers to write police reports, maps of the city that show all the streets in the city, accident reports, running tags, running license checks, and all of the support staff.
COUNCILMEMBER PATRICK: If the computer system goes down or one of the officer's computer goes down, what happens?
CAPTAIN BRINKLEY: Then the dispatchers run the checks in our 911 center and relay the information using the radio.
COUNCILMEMBER PATRICK: Does this company do

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any repairs on specific units in the field or to the software connection for that particular unit or --

CAPTAIN BRINKLEY: A great deal of the maintenance service is done remotely; however, if they are needed to come out on site, they do come out.

COUNCILMEMBER PATRICK: How often has the software gone down?

CAPTAIN BRINKLEY: Not much. I don't have an exact number, but they do a great job of preventive maintenance as well.

MAYOR PITTMAN: Anything in addition?

COUNCILMEMBER DEAN: Just one. Out of curiosity, are there any options to this company? I mean is this the only one?

And I understand exactly where Mr. Patrick was coming from, because we get these things, "Oh, well, this is important and we must need this. But is there anything else? Is there another option?

CAPTAIN BRINKLEY: This is not the only company that does this type of work, but this company is the company that we bought it from and they are familiar with their product.

COUNCILMEMBER FLEMING: Is this an increase over last year?

CAPTAIN BRINKLEY: It is the exact same.

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COUNCILMEMBER FLEMING: Is this an item that could be utilized using the moneys from asset forfeiture rather than general budget?

MAJOR ATKINSON: Ma'am, it's been budgeted for, so.

COUNCILMEMBER FLEMING: I know, but we're still in a deficit situation and I'd like to know whether this is an item that can be serviced through asset forfeiture moneys.

MAJOR ATKINSON: I understand your question;, however, I'll be hesitant to answer that question due to the supplanting-of-the-budget issue for budgeted items.

MAYOR PITTMAN: Anything in addition?

- - -

(No response)

- - -

MAYOR PITTMAN: Do I get a motion?

COUNCILMEMBER BATES: So moved.

MAYOR PITTMAN: Second?

COUNCILMEMBER PACHUTA: Second.

MAYOR PITTMAN: Discussion?

COUNCILMEMBER PATRICK: Could we perhaps hold off another meeting and just get some clarification on this being used or funded with asset

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forfeiture?

COUNCILMEMBER PACHUTA: Well, the Federal and State asset forfeiture laws have a provision that you cannot use asset forfeiture money to supplant a budgeted item, and that is --

COUNCILMEMBER PATRICK: And when does -- and our budget ends in June?

COUNCILMEMBER PACHUTA: Uh-huh.

COUNCILMEMBER PATRICK: Would it be possible to hold off? When does the contract expire? and then we could perhaps --

Would it be possible to, for next year, budget it or take it from asset forfeiture? Is that even a possibility?

COUNCILMEMBER BATES: My understanding is no, because it's a required, necessary tool --

COUNCILMEMBER PATRICK: Since we've done it once, we're committed to it.

COUNCILMEMBER BATES: The asset forfeiture moneys in my understanding are to be used for one-time purchases that are not typical to be used in the day-to-day operation. So I would be very hesitant of trying to use asset forfeiture moneys to supplant an item that has been previously, for years and years and years, covered under general administrative funds.

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ATTORNEY McLENDON: You would look to the facts and circumstances of any particular situation and need to see all those factors that come to bear. And in this situation, the fact that would be relatively strong is the fact that this has been --

COUNCILMEMBER PATRICK: We have a history --

ATTORNEY McLENDON: -- paid for year --

COUNCILMEMBER PATRICK: -- of doing it one way.

ATTORNEY McLENDON: -- after year, which would probably be difficult to -- if you could come up with an argument, it might not be one you wanted to have.

COUNCILMEMBER PATRICK: Okay.

MAYOR PITTMAN: Okay. I have a motion and a second. Additional discussion?

- - -

(No response)

- - -

MAYOR PITTMAN: Call the roll, please.

ATTORNEY McLENDON: Alexander?

COUNCILMEMBER ALEXANDER: Yes.

ATTORNEY McLENDON: Bates?

COUNCILMEMBER BATES: Yes.

ATTORNEY McLENDON: Dean?

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COUNCILMEMBER DEAN: Yes.
ATTORNEY McLENDON: Fleming?
COUNCILMEMBER FLEMING: Yes.
ATTORNEY McLENDON: Pachuta?
COUNCILMEMBER PACHUTA: Yes.
ATTORNEY McLENDON: Patrick?
COUNCILMEMBER PATRICK: Yes.
MAYOR PITTMAN: Motion carried.
MAYOR PITTMAN: Major, did you have anything?
MAJOR ATKINSON: No.
MAYOR PITTMAN: And we are working on -- I know there was a suggestion at one point to be made that we would do department reports. And we will be working towards that at the beginning -- at least once a month, at the beginning of each month. We're trying to work our way into that, so.
Parks & Recreation. Our acting Parks & Recreation Director is out with surgery, and I believe Ms. Fleming is going to address this.
COUNCILMEMBER FLEMING: Yes. An RFP went out for pool management services for this upcoming season. Two companies submitted bids. One was Sears Pool Management Consulting and the other was USA Pools Management.

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An amendment to the management services was also the possibility of purchasing an ADA lift chair, accessible chair lift, and that was still under question.
And personally, Ms. Alexander, did you get any feedback from that?
COUNCILMEMBER ALEXANDER: Well, the Federal government gave a 60-day extension from March 15th, so I assume that would expire May 16th, and they -- they mentioned in the article that they were going to have a comment period and then postpone the requirement six months, but I have not seen an update since then.
COUNCILMEMBER FLEMING: The comment period ended today, so we won't know. They have to make the decision based on that.
COUNCILMEMBER ALEXANDER: Because I think our concern was that -- it's our understanding of this requirement, it has to be in place before our pool opens. And I believe we try to open our pool Memorial Day weekend --
COUNCILMEMBER FLEMING: That's correct.
COUNCILMEMBER ALEXANDER: -- and so we were trying to make sure we are in compliance with the law.
COUNCILMEMBER PACHUTA: So the government won't make a decision for 30 more days if they're

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going to extend it --
ATTORNEY McLENDON: We don't know.
COUNCILMEMBER PACHUTA: -- six months.
ATTORNEY McLENDON: We don't know what they'll do.
COUNCILMEMBER FLEMING: And the purchase requirements is delivery -- I believe the delivery would be four weeks after order and then it would have to be installed by either of the two bidders.
So I'm going to throw this out there. First of all, Sears Pool gave us a management bid of $26,450 for the pool management operation. And we presently have a salt water system that I think that the residents and users have thoroughly enjoyed.
So their salt water system was going to be a four-year commitment and the yearly amount was going to be $4,050.12, so we were going to have to be locked in to actually purchase that salt water system.
The other company is USA Pool, and they quoted $28,000 for the management as well as that included the salt water system. Also, their chair was $3,850.00.
I responded to some of Council's questions and I hope I've covered most of them.
We do have a land-line phone and we do have

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first aid kits at the pool. I made sure of that before I came tonight. We also have the approved lifesaving equipment, cleaning and maintenance equipment, the umbrella for lifeguard use.
And I can only assume from Legal that we would be having a million-dollar property-and-casualty policy insuring the staffs of the bidders as well --
ATTORNEY McLENDON: And our --
COUNCILMEMBER FLEMING: -- because both bidders are requiring us to insure their employees as well --
ATTORNEY McLENDON: Well --
COUNCILMEMBER FLEMING: -- from -- from legal aspects or something.
ATTORNEY McLENDON: We have our -- our policy, and generally, in our bid documents, we're going to require them to carry a policy as well.
COUNCILMEMBER FLEMING: They're showing that, but in both -- and I'll just let you both -- I'm not talking about the contract now. That's something legal. I'm just overviewing what was in there.
ATTORNEY McLENDON: I'll need to look at that provision to make sure that it's something we can do, because we --
COUNCILMEMBER FLEMING: Because both of them

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1 indicated that they wanted the City to have property
2 and casualty insuring their staff on our premises.
3 ATTORNEY McLENDON: I'd like to look at
4 exactly what they were looking at.
5 As far as their saying, "You maintain your
6 insurance for anything the City does," we would comply
7 with that.
8 If they're asking us to indemnify them in
9 some way, that would be problematic, and I'd need to
10 look at the exact language to find out what they were
11 asking us to do.
12 COUNCILMEMBER FLEMING: Okay. Both
13 companies indicated they'd do the management. Of
14 course the expense of the chemicals is our expense.
15 Also, last year we had three assigned life
16 guards during regular hours and one during water
17 aerobics, and that is how the bid was let out, and
18 both bidders did indeed say that they would adhere to
19 that.
20 City staff took care of the admissions at
21 the gate to ensure financial accountability. We do
22 need to get accurate usage numbers. So to me, it's
23 important to have a City staff person rather than
24 utilizing a lifeguard when they need to be saving
25 lives, okay. And verifying the membership.

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1 Also, the pool staff also restocks the
2 restrooms, and I believe our Public Works takes care
3 of the true clean-up of the same.
4 So it was the recommendation of the Acting
5 Director, Ramon Mosely, and myself to enter into a
6 contract with USA Pool for $28,000, and that included
7 the salt water system. And I would like to just do
8 that motion first rather than including the lift
9 chair, because I'm not -- I mean maybe we could do
10 that as a second motion.
11 COUNCILMEMBER PACHUTA: I have a question.
12 Did we ever discover the cause of the leak or what's
13 going on with that?
14 MAYOR PITTMAN: They're doing that. That
15 was separate, and they're doing that; they started
16 today.
17 COUNCILMEMBER PACHUTA: So we don't know yet
18 like if it's a massive cost --
19 COUNCILMEMBER FLEMING: Correct.
20 COUNCILMEMBER PACHUTA: -- repair or
21 something easy to fix.
22 MAYOR PITTMAN: That's correct.
23 COUNCILMEMBER DEAN: How quickly do we have
24 to decide on this? I mean wouldn't it be prudent to
25 wait until after we find out about the leak?

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1 COUNCILMEMBER FLEMING: I agree with you on
2 that. I just want to give us a timeline. We are less
3 than six weeks away from opening.
4 COUNCILMEMBER PACHUTA: Do they know how
5 long it was going to take to find the source and get
6 us some feedback on how much it would cost?
7 MAYOR PITTMAN: I would guess by the next
8 Council meeting they should --
9 COUNCILMEMBER PACHUTA: And we have a
10 meeting --
11 MAYOR PITTMAN: -- have a recommendation.
12 COUNCILMEMBER PACHUTA: -- next Monday;
13 right? I kind of -- I don't know --
14 COUNCILMEMBER FLEMING: That's fine.
15 COUNCILMEMBER PACHUTA: -- if they're going
16 to come back and say, "We got to tear up your whole
17 pool," I mean I don't know, or if it's something
18 really minor.
19 COUNCILMEMBER FLEMING: And I can retract my
20 motion --
21 COUNCILMEMBER PACHUTA: And then also --
22 COUNCILMEMBER FLEMING: -- and wait for the
23 estimate on the pool leak.
24 COUNCILMEMBER PACHUTA: But I'm also --
25 because didn't we have it replastered or whatever,

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1 what? just two years ago?
2 COUNCILMEMBER FLEMING: And they also had to
3 include -- I don't know about replastering totally --
4 COUNCILMEMBER PACHUTA: Uh-huh.
5 COUNCILMEMBER FLEMING: -- but we did have
6 to include the new types of skimmer screens for the --
7 COUNCILMEMBER PACHUTA: Oh, right.
8 COUNCILMEMBER FLEMING: -- pool bottom --
9 COUNCILMEMBER PACHUTA: The suction.
10 COUNCILMEMBER FLEMING: -- suctions area.
11 We did have to do that because that was a new
12 compliance that we had to adhere to.
13 COUNCILMEMBER PACHUTA: Yeah, because --
14 COUNCILMEMBER ALEXANDER: We did that last
15 year, I believe.
16 COUNCILMEMBER PACHUTA: Yeah. I'm just
17 wondering also whatever's leaking, if it's still under
18 some kind of warranty depending too on what it is.
19 MAYOR PITTMAN: So would you like to just
20 table this until the next meeting?
21 COUNCILMEMBER FLEMING: Yes. Now, we are
22 having a meeting next Monday --
23 MAYOR PITTMAN: Well, we can put it on that
24 agenda --
25 COUNCILMEMBER FLEMING: -- for finance.

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MAYOR PITTMAN: -- if we have that information by then. We can certainly --
COUNCILMEMBER FLEMING: I would --
MAYOR PITTMAN: -- add that to the agenda.
COUNCILMEMBER FLEMING: -- prefer adding that to the agenda, then, for next Monday.
COUNCILMEMBER BATES: Ms. Fleming, who's the current -- do you know who the current management company is?
COUNCILMEMBER FLEMING: American Pool Management.
COUNCILMEMBER BATES: Okay. Good. I just wanted to make sure.
COUNCILMEMBER PACHUTA: Did they not bid?
COUNCILMEMBER FLEMING: And if I'm not mistaken, they did not bid.
COUNCILMEMBER PACHUTA: Okay.
COUNCILMEMBER FLEMING: These were the only two that I received from Parks & Rec.
COUNCILMEMBER BATES: And if they had bid, I would not want to consider them.
COUNCILMEMBER FLEMING: Well, and I believe that is the reason why they didn't bother, because we were very dissatisfied with their service.
MAYOR PITTMAN: That's correct.

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COUNCILMEMBER BATES: Thank you.
MAYOR PITTMAN: Okay. So --
COUNCILMEMBER FLEMING: Please move this to Monday night in hopes that we'll have the information about the cost of the leak repair.
MAYOR PITTMAN: Thank you, Ms. Fleming.
Okay. Next on the agenda is going to be the Planning Board Reappointment.
MR. COOLEY: Yes, Mayor. If I may, I'd like to do a couple of things before we get into those two items.
One is one y'all have -- we discussed about having a work session about a number of items, and I'd like to go ahead and have the Mayor to talk about a date. Looks like because all the meetings that you-all have got coming up, the second Monday in May is the first chance that we would get, and I would like to get some feedback from you-all if that's a good date for you to do it. I would really like to proceed.
MAYOR PITTMAN: That's the first two --
MR. COOLEY: That is May 14th.
COUNCILMEMBER BATES: First -- second Monday.
MR. COOLEY: Second Monday, yes.

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MAYOR PITTMAN: And we have budget work sessions next Monday and the next Monday.
COUNCILMEMBER ALEXANDER: But we have to have our millage hearings --
MAYOR PITTMAN: That --
COUNCILMEMBER ALEXANDER: -- and all of that.
MAYOR PITTMAN: We might have to move it off of a Monday. And I don't know how the Council -- I know they expressed not doing two meetings, but at some point, we've got to start.
MR. COOLEY: The response I got back from that was most everyone is pretty much set for -- was good with Mondays except for the last Monday of the month. You know, that seemed to be the consensus, but I know you-all have got a lot of things.
My suggestion would be to, since you-all have already had the information on the commercial design standards, I'd like to address that, and I'd also like the automotive uses within the C-1/C-2 and M-1, so we could tackle both those at the same time.
MAYOR PITTMAN: Okay. So perhaps -- I know that --
Did everyone receive their information on the calendar, the City calendar?

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COUNCILMEMBER FLEMING: Well, when I try to access it like the instruction indicated, I didn't see anything there.
COUNCILMEMBER DEAN: I didn't get it either.
MAYOR PITTMAN: Well, I didn't either. But then I had Chris, wherever he's at, walk me through it, so maybe all of you should maybe take a second with him.
COUNCILMEMBER DEAN: Okay.
COUNCILMEMBER FLEMING: But what I --
MR. COOLEY: One other thing, too, just so you'll know, as you know, in the past, Public Works has been putting up these very large signs for rezoning. They're white, and we've been paying $40.00 each time a new sticker needs to be put on, the manpower that it takes to do that and everything, so we've gone to a system that's typically more used.
But this is what you will be seeing, the rezone signs now (presenting). It stands out a lot better, the visibility is good, so I think it'll make it a lot more obvious. Just so you'll know, they're out now, so don't expect to see those big boards.
Back to the item, the reappointments, we have one gentleman, Gene Ellis, who's the at-large member on the Planning Commission, he would like to

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1 serve a second term. So you-all just need
2 confirmation, I suppose of that.
3 MAYOR PITTMAN: We also have someone that
4 resigned, Mr. Ballantyne. I know he was at-large.
5 And there is someone that --
6 MR. COOLEY: We have two at-large. Gene
7 Ellis and Richard Ballantyne were both at large. John
8 Ibsen is District 1 and Harry Brown is District 2, so
9 we still need a District 3. So we have two positions
10 open: one for District 3 and one at-large.
11 MAYOR PITTMAN: Well, I had spoken with
12 Tommy Galloway, and he had expressed some interest in
13 serving in place of Mr. Ballantyne, but he has not
14 committed; in fact, wanted to come tomorrow to talk to
15 you about it.
16 MR. COOLEY: Okay.
17 MAYOR PITTMAN: But that's just an idea;
18 anybody else that might --
19 MR. COOLEY: But right now, we just need --
20 He's agreed to do it, and you're allowed two terms.
21 So we just need confirmation from the Council,
22 reappoint-ment, I suppose.
23 COUNCILMEMBER BATES: Make the motion to
24 reappoint Mr. Ellis to the Planning Commission.
25 MAYOR PITTMAN: Do I get a second?

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1 COUNCILMEMBER PACHUTA: Second.
2 MAYOR PITTMAN: Discussion?
3 - - -
4 (No response)
5 - - -
6 MAYOR PITTMAN: Call the roll, please.
7 ATTORNEY McLENDON: Ms. Alexander?
8 COUNCILMEMBER ALEXANDER: Yes.
9 ATTORNEY McLENDON: Mr. Bates?
10 COUNCILMEMBER BATES: Yes.
11 ATTORNEY McLENDON: Ms. Dean?
12 COUNCILMEMBER DEAN: Yes.
13 ATTORNEY McLENDON: Ms. Fleming?
14 COUNCILMEMBER FLEMING: Yes.
15 ATTORNEY McLENDON: Ms. Pachuta?
16 COUNCILMEMBER PACHUTA: Yes.
17 ATTORNEY McLENDON: Mr. Patrick?
18 COUNCILMEMBER PATRICK: Yes.
19 MAYOR PITTMAN: Thank you.
20 And next --
21 COUNCILMEMBER FLEMING: Here's her May
22 calendar that she has set, Lisa.
23 MAYOR PITTMAN: Okay.
24 COUNCILMEMBER FLEMING: So no, she
25 (inaudible).

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1 MAYOR PITTMAN: Okay. What we need to do
2 really is get -- I need to get with Ms. Ferguson and
3 check the schedule, and then what we'll do is get with
4 the Council but we'll try to set up something in May.
5 MR. COOLEY: That would be great.
6 MAYOR PITTMAN: Okay. Thank you.
7 COUNCILMEMBER FLEMING: Thank you.
8 MAYOR PITTMAN: And next on the agenda is
9 the Amendment to Section 14-7, the Fees.
10 MR. COOLEY: This was an amendment to the or
11 is an amendment to the Sign Ordinance to address a
12 couple things.
13 One, with the adoption of the fee schedule,
14 this takes out all reference to the fees within our
15 old schedule and references it directly. The other
16 thing that it does is there's some modifications
17 regarding notice of public hearing and also for the
18 variance aspects.
19 What you've got before you, I'm not sure if
20 y'all have the marked-up copy --
21 MAYOR PITTMAN: Huh-huh.
22 MR. COOLEY: -- or the other copy.
23 I've went through and marked up a copy just
24 in response from the planning perspective. Basically
25 what we've got, that legal counsel prepared, is pretty

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1 much a standard procedure, good basic policy approach
2 to this.
3 Because of our situation, there were a
4 couple things that I'd like to address, and if you
5 have that on you, if you would take a look at Section
6 1 -- excuse me, I'm sorry -- Section 2, (c) -- excuse
7 me -- (d), Notice of public hearings.
8 One of the things that was added in here was
9 written notice of the nature of the proposal, the
10 date, being mailed to everyone within 500 feet first
11 class mail as part of the notification process.
12 I personally believe that's a really, really
13 good process. I think the, you know, more notice that
14 you give people around it are good. But really, from
15 a logistical point of view, we don't have a GIS
16 system. Dekalb County cannot give us -- if we say we
17 have this address, give us 500 feet around it. Their
18 GIS system is not such that will do it. Many counties
19 are -- Cherokee, Gwinnett, you can go in and say I
20 need 500 feet, and they'll give you the list and we
21 can mail them out.
22 I think it's a good thing to do, but right
23 now, quite honestly, we don't have the staff to handle
24 figuring out 500 feet, getting it all out. So I think
25 that's an issue.

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1 COUNCILMEMBER ALEXANDER: Okay. That would
2 be a zoning issue because we approved that in our
3 zoning procedures, to do the notification of 500 feet.
4 MR. COOLEY: Actually, correct me --
5 COUNCILMEMBER ALEXANDER: So now we're
6 supposed to be talking about the Sign Ordinance.
7 ATTORNEY FELGIN: This is for the variances
8 of the signs, just like any other variance procedure.
9 COUNCILMEMBER ALEXANDER: But that language
10 is in our zoning procedures.
11 ATTORNEY McLENDON: Okay. Let us talk on
12 that issue. This is the first reading of this.
13 Joe had talked to me about the fact that
14 this would be difficult to do. We need to make sure
15 we are complying with the Zoning Procedures Act.
16 You know, let me dive in. The reason we
17 have added a variance section and a revocation and
18 denial section is we have no process in the ordinance
19 previously that stated how you went through with
20 requests for a variance, and if there was a denial, it
21 did not have a process for how they would appeal that
22 and they would get a hearing on the denial. So those
23 two sections are really just giving us a process to
24 address those two issues.
25 This is the first reading. I would be happy

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1 for Joe and I to sit down and talk about the 500-foot
2 issue and revisit the second reading on that.
3 COUNCILMEMBER FLEMING: And the reason why
4 you have the variance and appeals section in Section -
5 - 12?
6 ATTORNEY McLENDON: With the Sign Ordinance.
7 COUNCILMEMBER FLEMING: -- in Chapter 14 is
8 because it's in our code of ordinances and not in
9 Chapter 23, Zoning, which automatically requires us to
10 post and do a public hearing, etc., etc; whereas, in
11 signs being in our standard code of ordinances in
12 Chapter 14, there was no form of a denial process or a
13 variance process or anything of that nature, so you're
14 creating one in Chapter 14.
15 ATTORNEY McLENDON: Got to, got to, because
16 this can be very First Amendment-oriented, and if
17 somebody comes in and is challenging it, you have to
18 have a defined procedure to walk through as you
19 address their complaint.
20 COUNCILMEMBER BATES: So let me ask this
21 question regarding the 500-feet notice issue: What
22 happens if the City fails to notify?
23 ATTORNEY McLENDON: Generally, what we would
24 do as a matter of pattern and practice is the staff
25 will document the notice. Just like they document

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1 when the sign goes up, generally take a picture of it,
2 they'll have the file documented with the sending of
3 all the notices.
4 COUNCILMEMBER DEAN: Okay.
5 MR. COOLEY: The Zoning Procedure Act,
6 though -- the State Zoning Procedure Act does not
7 require that. It just requires publication in the
8 paper and it requires --
9 COUNCILMEMBER ALEXANDER: Right, but we
10 added it.
11 MR. COOLEY: -- the sign.
12 COUNCILMEMBER BATES: Right.
13 COUNCILMEMBER DEAN: But with the mailing of
14 notices, I have a lien against my property because the
15 City claims to have sent something to us, and we never
16 received it. That's an issue. That's a huge issue.
17 And so that would make me very, very, very nervous in
18 this regard.
19 ATTORNEY McLENDON: And mailing is something
20 that whatever restriction you put on yourself,
21 whatever you say, I'm going to mail it to everyone in
22 the city versus 500 feet versus 250, as long as you
23 meet the minimum threshold of the law. You got to
24 meet it. Once you define it, you absolutely have to
25 meet it.

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1 I understand -- What?
2 COUNCILMEMBER DEAN: Maybe Ms. Alexander has
3 something to say? Do you have something to add here?
4 COUNCILMEMBER ALEXANDER: I thought that we
5 did put that in our Zoning Procedures Act, because I
6 thought I remembered some residents on Turner Street
7 saying they got notification in the mail when we were
8 going to rezone some property on Tilly Mill. That's
9 why they attended the meeting.
10 ATTORNEY McLENDON: Let me follow up on
11 this.
12 COUNCILMEMBER BATES: And I thought --
13 That's what our sidebar was. I thought that we had
14 excluded that because of a previous counsel that
15 counseled us about building a mousetrap that we would
16 catch ourselves in.
17 ATTORNEY McLENDON: That's what I'm saying.
18 MR. COOLEY: I can tell you that is not in
19 our current code.
20 COUNCILMEMBER BATES: This particular piece,
21 the notification piece, got my hackles up a little bit
22 just because there's a concern of what happens if the
23 City doesn't do this 15-day notification piece and
24 what recourse, negative, you know, falls back on us if
25 there's a hearing and Business A or Resident B says

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1 didn't get that notification. And if it doesn't go
2 certified mail, if there's not a tracking process,
3 does this not create an extra step that could
4 potentially damage a hearing?
5 ATTORNEY McLENDON: Yes. Yes. Whatever you
6 put in there, you are bound to it. And if someone
7 came in and challenged any action, what they'd do is
8 say, "Wait. You said you were giving notice to"
9 whomever. And if you failed to meet that notice, that
10 would likely be a significant challenge very difficult
11 to overcome, because you didn't meet your procedure,
12 which is different from --
13 COUNCILMEMBER PATRICK: If the procedures
14 aren't followed, though, isn't it essentially it goes
15 back to Council and it has to go get readvertised and
16 go through the process again?
17 ATTORNEY McLENDON: It would be a nullity.
18 COUNCILMEMBER PATRICK: So --
19 ATTORNEY McLENDON: And I wouldn't say in
20 every case I could defend it.
21 COUNCILMEMBER PATRICK: Yeah.
22 ATTORNEY McLENDON: There may be a lot of
23 shades of gray.
24 COUNCILMEMBER PATRICK: The worst-case
25 scenario --

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1 ATTORNEY McLENDON: Worst-case scenario --
2 COUNCILMEMBER PATRICK: -- someone says come
3 back --
4 ATTORNEY McLENDON: -- it would become a
5 nullity.
6 COUNCILMEMBER PATRICK: -- to Council, do it
7 again.
8 ATTORNEY McLENDON: Worst-case scenario, it
9 would become a nullity and you would move back through
10 the process.
11 The danger is that somebody may have acted
12 in reliance on that. Then we end up with a really big
13 mess, and you're untying it, and as you're going back
14 through the process you are in a precarious position.
15 COUNCILMEMBER FLEMING: But under no circum-
16 stances do I want you or Legal to attempt to change
17 notification when it's a City-initiated rezoning.
18 MR. COOLEY: That's --
19 COUNCILMEMBER FLEMING: Okay. I'm --
20 MR. COOLEY: There's a separate --
21 COUNCILMEMBER FLEMING: -- adamant about
22 that.
23 MR. COOLEY: -- procedure on that.
24 COUNCILMEMBER FLEMING: Absolutely.
25 MR. COOLEY: I think there's -- there's a

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1 separate procedure when it's initiated --
2 COUNCILMEMBER FLEMING: Right.
3 MR. COOLEY: -- by the City --
4 MAYOR PITTMAN: So I --
5 MR. COOLEY: -- within our ordinance and by
6 the State statute also.
7 MAYOR PITTMAN: I take it from Council that
8 we want to put this on another agenda --
9 COUNCILMEMBER ALEXANDER: Well, we don't --
10 MAYOR PITTMAN: -- and --
11 COUNCILMEMBER ALEXANDER: -- have his
12 marked-up copy.
13 MAYOR PITTMAN: And I started to say, if --
14 MR. COOLEY: Well --
15 MAYOR PITTMAN: -- you could provide --
16 MR. COOLEY: -- there's a couple other minor
17 things that I think it would be really good for us to
18 sit down and talk about that, re-mark it, come back to
19 y'all with those aspects.
20 MAYOR PITTMAN: And provide it ahead of time
21 so they can have it.
22 MR. COOLEY: Yeah.
23 ATTORNEY McLENDON: What I'm --
24 COUNCILMEMBER ALEXANDER: And does this not
25 need to go to the Planning Commission?

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1 ATTORNEY McLENDON: What I'm hearing is --
2 MR. COOLEY: One of the recommendations that
3 I have here tonight is a recommendation from the
4 Planning Commission that -- it's just a very minor
5 thing. It's about the appeal process.
6 They had a concern on Item (3) of the appeal
7 process where it states, "Fine for final decision. A
8 final decision will be rendered by the Council within
9 90 days from date an appeal is filed." The sentence
10 they had a problem with is the next one, that says,
11 "If a final decision is not rendered within the 90-day
12 period, the decision sought to be appealed shall be
13 reversed."
14 They didn't feel it was right, for whatever
15 reason the Council did not address it within 90 days
16 for whatever reasons, that it should be reversed.
17 COUNCILMEMBER PATRICK: Is that --
18 MR. COOLEY: So they asked that that be
19 stricken.
20 ATTORNEY McLENDON: And that --
21 COUNCILMEMBER PATRICK: Isn't that sort of
22 like a due-process issue as in, if we don't act on it
23 in a certain reasonable time, then --
24 ATTORNEY McLENDON: Yes.
25 COUNCILMEMBER PATRICK: -- it could be

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1 perceived that we're simply just --
2 COUNCILMEMBER FLEMING: Ignoring it.
3 COUNCILMEMBER PATRICK: -- ignoring them?
4 ATTORNEY McLENDON: That is saving language,
5 because what you've had in the past, you've had
6 situations where someone won't deny it but they'll
7 just forget to rule on it ever.
8 COUNCILMEMBER PATRICK: Yeah.
9 ATTORNEY McLENDON: So it is consti-
10 tutionally --
11 COUNCILMEMBER PATRICK: You have to.
12 ATTORNEY McLENDON: It's a savings clause to
13 be able to say if you haven't done anything in 90
14 days, you lose. So then nobody can argue that "Oh,
15 this is -- they have absolute discretion to just
16 ignore it and never do anything."
17 MR. COOLEY: And actually that's consistent
18 with the language in the Sign. Any time anybody
19 applies for a sign, if it's not processed by staff
20 within 90 days, it's automatically approved.
21 ATTORNEY McLENDON: I would suggest we look
22 at it.
23 MAYOR PITTMAN: Okay. So if we could get
24 all of you together and then provide the information
25 back to them. And if Council has input, please send

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1 it.
2 ATTORNEY McLENDON: Absolutely.
3 COUNCILMEMBER ALEXANDER: One more question
4 about these signs. Are those signs defined in our
5 zoning act?
6 ATTORNEY McLENDON: Generally what you would
7 do on --
8 COUNCILMEMBER ALEXANDER: Because they're
9 defined in here.
10 MR. COOLEY: That's one of the things that I
11 wanted. My recommendation is taking out -- Again,
12 this was taken from another jurisdiction. You're
13 talking about a 12-square-foot sign, which we're
14 getting into what we had before.
15 This is actually a little bit larger than
16 the standard signs that you will see posted in the
17 area, so, and it saves us a lot of money is what it
18 comes down to. We can reprint these things that are
19 blanks and fill in a whole lot cheaper than having a
20 new sticker put on the sign and having two or three
21 guys go out and sink the sign it. Saves a lot of
22 money, and I think it's a lot more visible. And that
23 was one of those portions of my comments were that
24 should be removed.
25 ATTORNEY McLENDON: I would be okay with

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1 deleting the specific sign size, because, like you
2 said, you don't want to build a mouse trap and find
3 out your sign was half a square foot too small and
4 suddenly you've created a million problems.
5 MR. COOLEY: Keep it broad.
6 ATTORNEY McLENDON: I would support that.
7 MAYOR PITTMAN: All right. It we can put
8 this on the first meeting in May agenda, please.
9 Thank you, Mr. Cooley.
10 Next on the agenda is Old Business,
11 Ordinance to Clarify some Massage and CSTTOM
12 Provisions, Mr. McLendon.
13 ATTORNEY McLENDON: Yes, Mayor. This is an
14 item that was looked at previously.
15 Two issues came up as we've been working
16 with the massage and CSTTOM ordinances, and one
17 was that in the issuance provisions we -- we had the
18 ability to revoke somebody's license for a violation
19 of the law retroactively but it did not say you could
20 refuse to issue it and not issue it based on the
21 standard.
22 So we've added in both ordinances a number 7
23 which says we will not issue you a license if you have
24 been convicted of the criminal acts in the previous
25 five years as would be the basis for a denial.

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1 The second is an issue that has come up with
2 just defining what is a sale of a company, especially
3 when these are held by corporations or LLCs. And our
4 previous ordinance said if you sell or transfer, you
5 will get a new license, but it didn't say what that
6 constituted with these entities.
7 So we've said if you sell or transfer over
8 50 percent, it is a sale, that license is void, and
9 you have to come and reapply. And we've done that in
10 both ordinances.
11 So I think this is the second reading.
12 MAYOR PITTMAN: Okay. Questions from
13 Council?
14 COUNCILMEMBER PATRICK: Is there a need to
15 have a time frame over which this 50 percent happens?
16 For example, if there was a slow transfer of assets
17 over a five-year period, how do we track that or how
18 is that --? Is there a time factor that's necessary?
19 ATTORNEY McLENDON: What I would probably --
20 if faced with that scenario, what I would do is look
21 at the original ownership at the time of the initial
22 application, because that's when the entity vests with
23 the ownership. And even if, you know, you had 30
24 percent transferred the first year, which would not
25 ring the bell, but if in the second year, an

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additional 30 percent of the interest was transferred, that would ring the bell, the way I would interpret this as it's written.

COUNCILMEMBER PATRICK: Okay.

MAYOR PITTMAN: Okay. Additional questions?

- - -

(No response)

- - -

MAYOR PITTMAN: Do I get a motion?

COUNCILMEMBER PACHUTA: I make a motion to approve the Massage and CSTTOM provisions as referenced in our packet.

MAYOR PITTMAN: Do I get a second?

COUNCILMEMBER BATES: Second.

MAYOR PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PITTMAN: Call the roll, please.

ATTORNEY McLENDON: Ms. Alexander?

COUNCILMEMBER ALEXANDER: Yes.

ATTORNEY McLENDON: Mr. Bates?

COUNCILMEMBER BATES: Yes.

ATTORNEY McLENDON: Ms. Dean?

COUNCILMEMBER DEAN: Yes.

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ATTORNEY McLENDON: Ms. Fleming?

COUNCILMEMBER FLEMING: Yes.

ATTORNEY McLENDON: Ms. Pachuta?

COUNCILMEMBER PACHUTA: Yes.

ATTORNEY McLENDON: Mr. Patrick?

COUNCILMEMBER PATRICK: Yes.

MAYOR PITTMAN: Okay. Thank you.

Next on the agenda under Old Business is Upgrade and Enhance Agenda Format, Ms. Dean.

COUNCILMEMBER DEAN: Yes. As you know, I would like to have more time with the agenda. I think the whole process could be more efficient and it would allow us more time to do better what we are meant to do in terms of our due diligence on the research. So I've listed a couple of things.

1. More time to review agenda packets, at least a week. Two weeks would be great, because I would like to go into the community and get some feedback on some of the issues that are going on.

More detailed information in packets. For example, it's really difficult when we don't have, for example, the grants or marked-up copies or even attachments. I would like to have as much information as possible, all of the information that's relevant to the decision we're going to be making, particularly me

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at this point because I am at the base of the learning curve and I need to figure out exactly what I am supposed to learn, and there are times I don't even know what questions to ask, so I need as much information as possible.

I also think that copies of these materials should be on file with the Clerk's office and made available to the public, scanned and put online for the people, because when I would attend meetings before I was on Council it was very confusing for me, to say, "Oh, well, they're talking about document X," and you know, we're sitting there waiting while you guys, you know, were flipping through the documentation.

Well, it's just very confusing. You can't follow along like that.

So even if we don't have the resources right now to scan then, even put them on the overhead projector so people can follow along and see what exactly we are talking about when we're talking about it. And again, make them available. If they want copies of them, they can come up and make copies of the information.

Questions regarding any agenda or staff report should be addressed with the City Clerk or

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staff.

Staff and department reports should also be available online. I think that we need some reports from the department heads. I mean that would help everyone know better what's going on in the city, because I think perception is that we're not very transparent, and that's because there's a blockage of information -- not intentional, but there is that blockage. And if people -- "Okay, now, look. See, this is what's going on with this department, this is what's going with this department," then it might make people feel better about what we're doing in terms of development.

I mean, for example, Mr. Cooley, if you could present maybe once a month some of the things that you're doing to market the city or some of the development issues that you're working on, I think you would get a huge fan club, I mean just so people will know what's going on, because if they don't see it, they don't know that it's happening.

So just reports, I think that that is --

MAYOR PITTMAN: Well, we've already addressed that, as I said at the beginning of the meeting, that we are working toward that in our department head meetings of having -- obviously, you

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1 guys have already received reports for this month --.
2 COUNCILMEMBER DEAN: Uh-huh.
3 MAYOR PITTMAN: -- and we're going to
4 continue to do that.
5 As far as the public, we're working toward
6 having at the beginning of each meeting, each Council
7 meeting, at least one time we're going to be letting a
8 department head, either myself or that department head
9 be here to present that report, so we are working
10 toward that.
11 COUNCILMEMBER DEAN: That's -- I'm just
12 reading down my list here.
13 MAYOR PITTMAN: That's okay.
14 COUNCILMEMBER DEAN: Okay. And then
15 additional information, pertinent information: which
16 of the City's strategic goals does the item support?
17 For example, a safe, clean and attractive community;
18 for example, a diverse, productive and sustainable
19 economy; a high-performing open and engaged
20 government. You know, just what aspect of the City
21 does each item touch on? Because I think that that
22 will -- Why is this relevant? Why are we doing this?
23 Well, because it's important for blank.
24 All material available as backup information
25 for requests, again, I've already said that.

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1 And then the financial impact: an
2 expenditure or revenue and the revenue source if
3 applicable.
4 And I sent you a sample sheet, right? Have
5 I sent a sample sheet?
6 MAYOR PITTMAN: Huh-uh.
7 COUNCILMEMBER DEAN: Okay. Well, I have
8 one, but I just -- I cut and pasted from a couple of
9 other agenda sheets that I kind of stole from other
10 cities, but I thought that they were good. I mean I
11 thought that they were really good.
12 And I think it would be really helpful, at
13 least for me, particularly the time, having more time,
14 and getting -- getting information out there.
15 MAYOR PITTMAN: And I and Council talked,
16 but again, we are working toward the communication
17 better with the department heads.
18 COUNCILMEMBER DEAN: Well, usually --
19 MAYOR PITTMAN: I cannot --
20 COUNCILMEMBER DEAN: Excuse me. But with
21 the communication, I mean if you have a document and
22 you scan it, then you can even scan it for the Council
23 members, and that --
24 MAYOR PITTMAN: And I was going to touch on
25 that. Right now, we are very short-staffed, and it is

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1 a huge challenge. And I agree, that's a great idea.
2 In the meantime, I think I had mentioned at
3 the last meeting, what we can do till we get to the
4 point where we have the staffing to scan and get
5 everything online or whatever, certainly we can have
6 it up there. That's a plus. And we can offer it here
7 at City Hall, if it's going to be on the agenda,
8 without a charge or anything. You can come in and get
9 it or we can scan it and send it -- send it to you.
10 COUNCILMEMBER BATES: Mayor, very briefly --
11 and I apologize for springing this on you -- I had an
12 opportunity. Mr. Patrick and I were talking with
13 Chris from Kimberlite just prior to the meeting
14 regarding something entirely different, and he shared
15 with us that he would be willing to scan the documents
16 on City Hall's behalf --
17 MAYOR PITTMAN: Wonderful.
18 COUNCILMEMBER BATES: -- as long as he was
19 provided the documents with sufficient time to do
20 that. So that may help alleviate --
21 MAYOR PITTMAN: Perfect.
22 COUNCILMEMBER BATES: -- some of the -- some
23 of the concern from a staffing aspect.
24 MAYOR PITTMAN: Perfect. Thank you.
25 COUNCILMEMBER BATES: So he volunteered of

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1 his own volition to do that.
2 MAYOR PITTMAN: That's perfect. Okay.
3 Great. I'm going to take him up on that, then.
4 COUNCILMEMBER BATES: And again, I apologize
5 for -- for --
6 MAYOR PITTMAN: No, no, no, no. That's
7 great.
8 And as far as the meetings -- and I will say
9 this; I've said it before -- I'm a big proponent of
10 work sessions. I think work sessions are very
11 effective. I've been here a long time; we've done
12 them a variety of different ways.
13 So if that's something you're referring to
14 as a work session and then a meeting, or we've done
15 them where we've had work sessions prior to the
16 meetings and then have the meetings.
17 COUNCILMEMBER DEAN: Well, even with work
18 sessions, I would still need time to take my material
19 and do my research and talk to people, which -- I mean
20 the work session would be great. I mean however --
21 however you guys want to set it up.
22 I need a lot of time because I have -- with
23 my family, with my job, I have little chunks of time.
24 And so it's not where I can sit down for a couple of
25 hours and do everything. I like to take it, sometimes

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it's 10 o'clock at night, sometimes 11 o'clock at night. What I need, I need a little more time to do my research.

COUNCILMEMBER BATES: Well, let's go hypothetically if we did the two weeks. And I don't disagree with you on time, but it comes down to a matter of establishing a firm deadline that everybody, including us, needs to comply with in order to get items on the next agenda.

So we're at a two-week meeting schedule, which means that our next meeting is May the 7th. If we were to go to the two weeks in advance, that means that all the agenda items would need to be to the Clerk's office for the May 7th agenda no later than April 20th, which is this Friday. So that requires a lot of planning ahead.

And if all of a sudden on April 25th there's a really -- somebody has a brainstorm and really wants to put it on the agenda because it's timely, one of two things has to happen. They either need to then wait until the -- till May 11th to get it on the May 21st agenda or they present it that night and ask for Council to add it to the agenda, and then we're dealing with this whole, "Well, what is it?" "What it's about?" "I didn't get any information in advance"

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challenges.

So I don't disagree with you. Understand, when Ms. Alexander and Ms. Fleming and I first came on Council, we got the agenda packets on Friday night --

COUNCILMEMBER DEAN: Right.

COUNCILMEMBER BATES: -- if that.

COUNCILMEMBER DEAN: Right.

COUNCILMEMBER BATES: So where we are is an improvement over where we were. There's just a -- there's a delay factor built in there.

COUNCILMEMBER DEAN: Well, here's the thing. We all know generally or we should know what we are meant to be doing; right? We have a long term -- we have long-term goals and the more immediate goals.

So if we -- I mean I can say now I have a list of agenda items that I would like to bring, but we're allowed two per meeting. And so it's okay; I'm prioritizing.

If there is a situation where, oh, this is an emergency, well, I think that we should be able to put a provision in there where we can contact or call a special meeting or however you want to do it and say, "Oh, guys. Hey, there's this really important issue now that I think we need to put at the meeting that's coming up immediately," and address that then.

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I mean I think that -- I don't think that it has to be.

MAYOR PITTMAN: So what is your suggestion on how to deal with that?

COUNCILMEMBER DEAN: One week would be better than a weekend, okay, for me. Two weeks would be preferable. And so again, because that's my preference, that's my suggestion, and we can talk about it, I mean the other Council members can.

And the other thing in terms of communicating, it's driving me crazy, we're not really acting as a council; we're acting as individuals.

When you CC someone, CC everyone so we know what's going on, because we seem to be sometimes, you know, following the same path. We're repeating things because I don't know what you're doing and I don't know what you're doing, and you don't know what I --

Well, you do know what I'm doing because I CC you guys on all of my e-mails.

And so that's something -- if we can get the communication going even within Council, then I think we would work more effectively as a board, as a council. That's the way we're supposed to be acting.

MAYOR PITTMAN: Ms. Fleming? You have comments?

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COUNCILMEMBER FLEMING: I am in favor of two voting meetings a month and one work session per month.

On the first agenda of January, I introduced corrections that needed to be truly looked at. It is now April 16th, and we haven't looked at them yet. So whether we get the information two weeks in advance or four months in advance, it's not streamlining anything.

So I don't like thinking that we need two weeks to review material. I think a week is fine. So that's my comment.

MAYOR PITTMAN: Mr. Patrick?

BOARD MEMBER McCOMB: I think there's a benefit to having a time frame to review things.

It lets us go to you guys, or our boss, and doublecheck what you think about this. Is this the direction you want us to go or not? And there's a lot of issues up here that, even the time that I've been here, that I would love to be able to openly talk with you about and say, "What do you think about this?" But we're not -- not doing that.

And again, I think getting the issue out to you guys, it's a good idea, plain and simple. And so if it means we learn to work on a schedule where by

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1 the 15th or by the 20th of the month, that's deadline,
2 and I'm sorry, unless it's an absolute fire emergency,
3 it gets held off to the next month. And arguably,
4 then that gives us a little more time to flush it out
5 and present it to our colleagues as well as put it out
6 in the public and see where it takes us.
7 MAYOR PITTMAN: We can certainly -- as Mr.
8 Bates said, we could start the process. I think we
9 need to give a little advance -- make it start in May,
10 this is what we're going to do, and so we can all be
11 on target, but we can look at that.
12 But I'm going to let the rest of the Council
13 -- Ms. Pachuta?
14 COUNCILMEMBER PACHUTA: I mean it's much
15 better than it used to be where we would get things
16 sometimes Saturday or Sunday before the meeting, so it
17 has improved.
18 And what also really has improved is when we
19 made the requirement you could not just submit an
20 agenda sheet, you needed to have your backup
21 information, because we were getting not even -- we
22 were just getting like a title, "I want to discuss"
23 agenda, and nothing, no explanation. So it is much
24 better.
25 But I would like to maintain some

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1 flexibility for things where it's not a good idea that
2 something -- things that come up that it's not a good
3 idea to wait, you know, four weeks because of the
4 timing. So we do need to somehow maintain flexibility
5 in there.
6 MAYOR PITTMAN: Okay. Mr. Bates?
7 COUNCILMEMBER BATES: Our meetings are
8 controlled by ordinance, so we would need to modify
9 the ordinance, and I don't remember the -- I don't
10 remember the ordinance number.
11 COUNCILMEMBER DEAN: I have it.
12 COUNCILMEMBER BATES: Because the timeline
13 on when the deadlines for submission for agenda items,
14 the number of items, it's all laid out in there.
15 MAYOR PITTMAN: It is.
16 COUNCILMEMBER FLEMING: You know, and I
17 don't mean to interrupt, but I just want to make this
18 comment. I think it's great that this time frame of
19 extra time gives the residents time to get with us and
20 us to get with you, but I also don't want to hear that
21 we're only voting on something once a month and the
22 Council isn't moving the city forward, you know,
23 because we're not taking up as many issues.
24 So I don't -- you know, I agree with Ms.
25 Pachuta. We've got to be able to be flexible. But if

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1 we're going to take six items -- for instance, if we
2 all had one item per month, because that's what it's
3 going to boil down to -- I feel that, you know,
4 there's a half a dozen of one and six of the other.
5 I can see us -- see advantages to both sides
6 of having it just a week in advance or two weeks in
7 advance, but I just don't want to be accused of, well,
8 it doesn't seem like the City's moving in a forward,
9 direction because we're not moving fast enough.
10 COUNCILMEMBER DEAN: It's Section 2.36(e).
11 MAYOR PITTMAN: Thank you.
12 Ms. Alexander?
13 COUNCILMEMBER ALEXANDER: I guess the only
14 issue that we had with the work sessions is they did
15 not work.
16 MAYOR PITTMAN: They were done --
17 COUNCILMEMBER ALEXANDER: I mean we came in
18 here and we discussed and we hashed out, and we would
19 think that we had all our questions answered and
20 everything to come to the meeting and actually take
21 action on an item, and then we just had a work session
22 in public again, and we didn't -- we never got from
23 the work session to either tabling an item or, okay,
24 we're ready to have a consent calendar.
25 MAYOR PITTMAN: I don't know that you're

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1 necessarily looking at work sessions. You're just
2 talking about getting the materials earlier.
3 COUNCILMEMBER DEAN: I just need -- I mean
4 whatever, the work sessions or the regular meeting. I
5 don't -- that's not my thing.
6 I need more time. That's what I want. I
7 want more time to do the research that I feel
8 comfortable -- you know, so I can come here and feel
9 comfortable voting on the issues.
10 MAYOR PITTMAN: So what would you like us to
11 do tonight? What would your motion be or what
12 research? And obviously, there's an ordinance.
13 COUNCILMEMBER DEAN: Shall we change it for
14 a week? one week? two? I mean I'm not really getting
15 a clear -- One week? Is that good for everyone? A
16 week before the meeting?
17 COUNCILMEMBER BATES: I'm flexible. You
18 know, I've been working in two different scenarios, so
19 I -- I can, you know, manage with four days or I can
20 manage with 10 days. I'm very flexible.
21 COUNCILMEMBER DEAN: Okay.
22 COUNCILMEMBER ALEXANDER: So right now, in
23 theory, if it worked the way I think it was envisioned
24 when we changed this, that our submission would be
25 noon on the Wednesday before the Council meeting, and,

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1 in theory, we thought we were going to get our packets
2 that night.
3 COUNCILMEMBER FLEMING: Correct.
4 COUNCILMEMBER ALEXANDER: That was the whole
5 reason to move the deadline up. And I understand with
6 staffing and everything, that that's not happening.
7 So I don't know if we can leave it alone and
8 try to improve when we get the information --
9 COUNCILMEMBER BATES: Well --
10 COUNCILMEMBER ALEXANDER: -- or we have to
11 make it the deadline is the Wednesday after the
12 Council meeting for the following Council meeting,
13 because that would make the deadline Wednesday, the
14 4th, for the Council meeting on the 16th if we do two
15 weeks.
16 COUNCILMEMBER DEAN: I'd love that.
17 COUNCILMEMBER BATES: Ms. Dean, just to
18 clarify, when you say a week, are you talking about
19 the Monday before or --
20 COUNCILMEMBER DEAN: Yeah.
21 COUNCILMEMBER BATES: -- a full week or two
22 weekends?
23 COUNCILMEMBER DEAN: No. The Monday before
24 would be suitable. I need more time.
25 Now, preferable? Yes, two weekends would be

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1 fantastic. But if that's something that you guys
2 don't want to agree with, then I could work with --
3 with one week before, I mean just seven days.
4 If we could get the packet Monday night, for
5 example, for the following Monday's meeting, great.
6 But two weekends would be preferable because if I want
7 to go into the community and say, "Hey, community,
8 what do you think about this? What do you think about
9 that?" that's time consuming, particularly when you
10 have a family.
11 COUNCILMEMBER PATRICK: So for the May 7th
12 meeting that's coming up, what if we just did a test
13 run, said that the packet has to be ready or delivered
14 to us by the 30th, Monday, the 30th?
15 MAYOR PITTMAN: Cecil, can we do that?
16 COUNCILMEMBER PATRICK: Is that doable?
17 MAYOR PITTMAN: Because it's in an
18 ordinance.
19 ATTORNEY McLENDON: I'm trying to think a
20 good bit as I'm listening to the conversation. So
21 what I'm hearing is at the completion of a meeting, by
22 the next Wednesday, all the agenda items would need to
23 be in, formulated.
24 Really, what's happening on our timeline now
25 is two days later, the packet's pretty much going out

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1 on Friday. That gets it to you at that weekend, then
2 the full week -- really two weekends to work with.
3 You know, with some things, that -- and I'm
4 just talking right now, but to give you my input, with
5 some things, that'll work, like where we've made some
6 minor amendments to these ordinances. In some
7 situations, you know, where there's more significant
8 work, won't be able to get done between Monday and
9 Wednesday and ready to go, if it's a more significant
10 project. You know, the time constraints of that, I
11 could see becoming a difficulty.
12 Can you do it? Yeah, you can do it because
13 what you're doing is you are being less restrictive.
14 By saying get it in earlier, it would not violate the
15 terms in the current ordinance.
16 So with the current ordinance in place, if
17 you said, "You know, I have to have it in by Wednesday
18 before that Monday meeting," if you-all all wanted to
19 say, "Well, let's try to do it the Wednesday before
20 that," sure, you can do that because it wouldn't -- it
21 would be less restrictive than your ordinance.
22 If you said, "Let's get it in Friday instead
23 of Wednesday," then I would have an issue because it
24 would violate the ordinance. This doesn't violate it.
25 It's more -- It's less restrictive than the ordinance.

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1 That's how I'd put it. So yes, you could.
2 MAYOR PITTMAN: Ms. Dean?
3 COUNCILMEMBER DEAN: Well, or we can change
4 the ordinance; right?
5 But, then, I think that the question was
6 could we do this on a trial basis? Can we --
7 ATTORNEY McLENDON: Yes.
8 COUNCILMEMBER DEAN: -- do this once and see
9 how it goes? And I think that that -- if we could do
10 that, see how it works.
11 The only difference between doing it that
12 way and the way we're doing it is that we'd have to
13 project a little further --
14 ATTORNEY McLENDON: Yeah.
15 COUNCILMEMBER DEAN: -- the dates.
16 ATTORNEY McLENDON: It's unusual to have it
17 in an ordinance. I don't usually see that.
18 COUNCILMEMBER DEAN: Well, and that's
19 because this is more of a policy; right?
20 MAYOR PITTMAN: So this --
21 COUNCILMEMBER DEAN: And this is -- We seem
22 to have a lot of policies as ordinances, which is --
23 COUNCILMEMBER PACHUTA: Well, we --
24 COUNCILMEMBER DEAN: And so we can even --
25 COUNCILMEMBER PACHUTA: We kept trying to

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1 internally have some policies, and people weren't
2 following them, so I think that's why we went to an
3 actual ordinance.
4 COUNCILMEMBER DEAN: We're going to make you
5 do it; right.
6 MAYOR PITTMAN: So how does the Council feel
7 about the trial run?
8 COUNCILMEMBER BATES: Like I said, I'm
9 flexible.
10 Now, the question is going to be, do we want
11 -- Mr. Patrick, if you -- if we want the agenda
12 items -- if we want the agenda packets Monday the 30th
13 in order to give staff sufficient time so that
14 they're not here working overtime over the weekend,
15 what's the deadline to get the submissions to the
16 Clerk for submissions into --
17 COUNCILMEMBER PATRICK: So going from
18 today's date, the 16th, would it possible to have
19 everything in by the 25th or by Thursday, the 26th?
20 So that gives eight/nine business days for us or
21 whomever to put something together onto the agenda and
22 then it's ready to go, as in staff has a chance to
23 doublecheck for spelling errors, make sure all
24 required attachments are there, it's set and ready to
25 go by the 30th and let's say by close of business on

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1 the 30th.
2 COUNCILMEMBER BATES: I have no objection.
3 COUNCILMEMBER PACHUTA: Okay. Yeah.
4 MAYOR PITTMAN: Ms. Alexander?
5 Ms. Fleming?
6 COUNCILMEMBER FLEMING: That's fine.
7 MAYOR PITTMAN: Does this need to be a
8 motion?
9 ATTORNEY McLENDON: Frankly, I don't think
10 you need a motion. This is something that you're all
11 doing by virtue of agreement. There's an ordinance in
12 place. I would think administratively we can agree
13 that this --
14 MAYOR PITTMAN: And I just want to say --
15 ATTORNEY McLENDON: -- is how we'll do it
16 and move forward.
17 MAYOR PITTMAN: -- this -- we can give this
18 a trial run, but I want you to know that I have a
19 very, very sick Clerk. She was very sick. So just to
20 let you know that right now, but it's something --
21 COUNCILMEMBER DEAN: Then, I want an
22 ordinance. No, I'm kidding.
23 MAYOR PITTMAN: Okay. All right. So if she
24 recovers and is back in a timely, we will certainly
25 move forward doing that.

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1 COUNCILMEMBER PATRICK: Okay.
2 MAYOR PITTMAN: And if not, I will talk to
3 you.
4 Okay. Is that it on your one agenda item?
5 COUNCILMEMBER DEAN: That's it.
6 MAYOR PITTMAN: Okay. The next is going to
7 be the Review and Revision of Planning Commission
8 Procedures. This is carried over also.
9 COUNCILMEMBER DEAN: It's kind of the same
10 thing.
11 I thought I would start from the bottom
12 about how things are operating, just the basic steps.
13 You have a draft plan, a regulation, whatever, that's
14 brought to the Planning Commission.
15 You have a detailed Planning Commission
16 review with the public in attendance. I know I've
17 heard this said a couple of times, "I don't need to
18 take public comments, but I will." I think that -- I
19 think the Planning Commission should be required to
20 take public comments because we are -- all of these
21 things affect the community, and I think that that's
22 really, really important at at the public review at
23 the meeting.
24 The Planning Commission has a public hearing
25 after proper notification, if necessary, where people

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1 are asked pro and con comments on each item just as we
2 do at our hearing. I mean basically it's following
3 the same format but it's done in a more formal kind of
4 way.
5 The Planning Commission recommendation to
6 Council with detailed reasons for or against the
7 recommendation and all supporting documentation
8 included in Council packets.
9 Also, I would like a DVD of all of the
10 meetings, because I used to attend the meetings. I
11 don't think it's appropriate for Council to attend the
12 meetings because it could influence one way or the
13 other just by the presence. But I do want to see
14 what's going on, and I would like to see a copy of the
15 DVD.
16 And then the public hearing before City
17 Council, pro and con comments heard from the members
18 in attendance before us.
19 And then adoption or denial.
20 And then the implementation; the policy
21 analysis, the regional coordination, programs, public
22 improvements, neighborhood planning, etc.
23 Also, the way -- just the way it's just set
24 up logistically. I mean I think that we need to work
25 on our professionalism just in general, and I think

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that one way we can do that is I think the Planning Commission should sit up here. We have all this space. It's easier for the people in attendance to hear, to see if they're up here. And Mr. Cooley could sit here where Cecil sits, to advise the Commission.

I think that the Chair is -- should lead the meeting. I think the Chair is also supposed to be presenting it to us. Am I correct in that? Is that an I don't know?

COUNCILMEMBER ALEXANDER: That's not one of the requirements.

COUNCILMEMBER DEAN: Well, okay. But just if we -- if we set it up differently, if we treat it in a more respectful fashion, then I think that the rest will kind of follow.

And if the people in the audience disagree with what the Planning Commission decides, they're going to have further to jump to get to them.

But I think -- I think that just a couple of things. I mean it's so much easier. Again, sitting at Council meetings and sitting at the Planning Commission meetings, it's just easier to hear, it's easier to see, and we have all this space.

COUNCILMEMBER PACHUTA: I do have -- as far as public comments at a Planning Commission meeting, I

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mean obviously it's not required. But I do worry legally if we make it too formal --

COUNCILMEMBER DEAN: Uh-huh.

COUNCILMEMBER PACHUTA: -- then we're going to run into it's a formal public hearing like we do have at the Council level --

COUNCILMEMBER DEAN: Right.

COUNCILMEMBER PACHUTA: -- which means we would have to advertise for the Planning Commission public hearing, and then the notification requirements for that, which is what? Fifteen and -- Plus the requirements for the newspaper has to have so many days in advance, and then we'd have to do it all over again for the City Council meeting.

And one of the other criticisms that we always get --

MAYOR PITTMAN: Sssssh. I'm sorry.

COUNCILMEMBER PACHUTA: Excuse me.

MAYOR PITTMAN: I'm sorry. It makes it really difficult for her to speak and for her to listen. I'd appreciate it if you-all could just hold it down.

COUNCILMEMBER PACHUTA: -- is that our process takes too long already and it's unfriendly. So if we make public comments too formal at the

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Planning Commission meeting, I would worry that adding all of those public-hearing advertisement requirements and then having to do it all again for the City Council meeting, the process would be way too long; it would be, you know, unfriendly.

And so that's -- I'm fine with public comment. And I guess, Cecil, you can address this, but I do worry about getting too formal, because then we're going to run into all kinds of Zoning Procedures Act problems.

MAYOR PITTMAN: Mr. Cooley, do you have something you wanted to say?

MR. COOLEY: Yes, if I may.

Sounds to me like the issue is getting more public comment at the Planning Commission meeting. I think we can do that in a way that will satisfy that and make it a requirement to that without getting into the process of making it into a hearing.

Our process right now is legal by the State statutes. As you all know, and I think you all know, the minutes and bylaws -- excuse me, not the minutes but the bylaws of the Planning Commission by ordinance are up to the Planning Commission to develop as long as they're not against City ordinance or State statute, which is fine.

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But what we've got, it's not clear exactly what we do have. What I've got in the record -- and I've been given other information and it's not quite the same as what we've got in the record that I received from our previous attorney, Murray Weed.

What I got from him, basically there was a -- there's a markup of bylaws and then there was a 2007, and I think it was actually 2006 when -- is the date on it. Must have been the end of the year. But there was also an amendment in 2009. And if you'll look at it, read it, quite honestly, in my opinion, it's a mess.

What I would suggest -- and I brought this up to the Council and the Planning Commission last time -- that we really need to look at the bylaws on it. It's their job to do that. But my suggestion would be to, you know, let's get -- And they seem to be receptive to rewriting the bylaws. Let's rewrite them in a solid manner that requires public input just like the public does. We can require it as part of the process. They can. But without getting into the situation where we're delaying everything, because, you know, the newspaper only meets -- once I ran the numbers on this, and it takes between 30 and 40 additional days in the process if we require a public

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1 hearing as such, with recording and advertising, etc.
2 It would still be recorded, but to the process.
3 And I guess it depends on where you want to
4 go with this. You know, if you're trying to keep a
5 smooth process, I don't see the need for it. I think
6 there's a need for the public input. So I think my
7 suggestion might be let's go back to the Planning
8 Commission and say, "Look. These bylaws" -- And they
9 don't make a lot of sense. There's contradictions in
10 them. You know, let's incorporate a public hearing
11 portion of it, and we can use the same criteria as to
12 the public hearings, you know, as far as pros and
13 cons, etc., and that'll open it up. And it takes a
14 little bit of the discretion out of the Chair's
15 position of who -- you know, "I've heard it before,"
16 etc., etc. That was the suggestion that I made.
17 And I was talking to Lenny about it, and the
18 process, and what are we trying to accomplish?, and
19 it's get more public input. How can we do that
20 without hurting the process? So we kind of put our
21 heads together and come up with that.
22 COUNCILMEMBER FLEMING: I would think that
23 using the term "hearing" sounds more legal at the
24 Planning Commission meeting. And that's not a
25 hearing. It's more of we are opening it up to the

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1 public for their comments.
2 MR. COOLEY: Yeah, because --
3 COUNCILMEMBER FLEMING: So my preference
4 would honestly be at their meeting to have public
5 comments for and against but not use the term
6 "hearing, as one would think that it's a legal
7 hearing --
8 MR. COOLEY: That's exactly right.
9 COUNCILMEMBER FLEMING: -- that's happening.
10 MR. COOLEY: That's what I'm suggesting,
11 because it takes it out of -- if you call it a public
12 hearing, you're going to be stuck with the procedure
13 put out by the State. State statute says if you have
14 a public hearing, you've got to go through this,
15 you've got to advertise it --
16 COUNCILMEMBER FLEMING: Right.
17 MR. COOLEY: -- between 15 and 45 days.
18 You've got a time frame when it has to be advertised.
19 Our newspaper only comes out once a week. We have to
20 get it in by noon of the Thursday of the week before
21 to even get it published the week after. It has to be
22 in that 45/15 days. It really drags it out.
23 But exactly what you're saying I think is
24 the solution: Let's get public input but let's not go
25 through the legal process on it. We can make it

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1 required if y'all want, you know, if the Commission
2 wants, you know. And again, they make their own
3 bylaws. That's -- by ordinance, that's their duty.
4 MAYOR PITTMAN: Will you --
5 MR. COOLEY: What they do is they come back
6 with a recommendation. They're supposed to be people
7 that go into more detail than the Council has time to,
8 look at issues and to do analysis of it and then make
9 a report back to the Council, and that's their role.
10 So it's good to have public --
11 MAYOR PITTMAN: Nonbinding.
12 MR. COOLEY: -- input on it.
13 MAYOR PITTMAN: It's a nonbinding.
14 MR. COOLEY: It's nonbinding. It's purely a
15 recommendation. That's why the public hearing is
16 reserved to y'all, because you're the ones that are
17 making the legislative decision.
18 COUNCILMEMBER DEAN: Well, the thing with
19 the public comment, I mean I don't think that it would
20 be that confusing, because that's what we do as
21 Council. You know, we have public comment and then we
22 also have comments during the hearings.
23 But what I like -- and this is what they
24 kind of reinforced at the GMA training -- that the
25 more layers you have, the better, the better the City

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1 is insured in developing appropriately, correctly,
2 because -- because you'll -- you'll -- there are more
3 times to catch anything that might need to be caught.
4 And so even if it take -- we're talking
5 about days in terms of delay; right?
6 MR. COOLEY: We're talking about 30 to 40
7 days additional to the process.
8 And looking at it from when you're trying to
9 get good business in like that, we're trying to
10 encourage economic development, good economic
11 development, and that's why we've got a process.
12 But you know, a good example to me is you
13 talk to people that have done good work in Dekalb
14 County, they won't come to Dekalb County any more
15 because the pro- -- I mean it's just gotten so
16 bureaucratic over there, that it's absurd.
17 And we want to have thorough vetting of it,
18 we want to understand it, but we also want to make it
19 conducive so we can develop --
20 MAYOR PITTMAN: Okay.
21 MR. COOLEY: -- you know, to improve.
22 MAYOR PITTMAN: Thank you. I'm going to
23 take comments and start with Ms. Alexander.
24 Ms. Alexander, your thoughts?
25 COUNCILMEMBER ALEXANDER: I do appreciate

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1 the public comments. I'm not going to use the word
2 "hearing," and I don't necessarily want the citizens
3 that comment during the meeting -- I don't want them
4 asked from a Planning Commission member nor our
5 planner, are they speaking for or against. To me, I
6 think that adds a little bit more formal than we want
7 them to.
8 We want them to come up and say, "My name is
9 so-and-so. I live on Dogwood Lane," and say what they
10 want to say. I don't want them to be solicited if
11 they're speaking for or against an item. Again, I
12 think that just adds another legal aspect to it.
13 Again, I know I'm a broken record, but I did
14 appreciate the very thorough and detailed minutes we
15 got from previous members of the Planning Commission,
16 because in those minutes were included citizen
17 comments. Not necessarily did they mention the
18 citizens by name, which I'm fine with that too, but it
19 would just say, "Citizen approached. These were their
20 concerns on the development" and things of that
21 nature. I think that's another way for the citizens
22 to communicate to us, and I think that was one of the
23 very reasons that the Planning Commission was
24 initially founded.
25 But I am in favor of the citizen comments.

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1 I'm fine with the DVD, us getting a copy of the DVD.
2 MAYOR PITTMAN: Thank you. Mr. Bates?
3 COUNCILMEMBER BATES: In addition to what
4 Ms. Alexander said, I personally would prefer the
5 Chair or a representative of the Planning Commission
6 to be here for the public hearing before Council.
7 That allows us to engage them in questions that may
8 not be clear in their minutes, to ask them questions
9 on why they ruled in such a way or to kind of get them
10 used to some of the questions that we may be asking of
11 the applicants and staff so that they can add that to
12 their vetting process, you know, as they grow and
13 learn and develop, too. So I would -- that would be a
14 preference of mine.
15 I have no issue with the public-comment
16 issue. I do agree with Ms. Alexander on the opening
17 it up and not a pro or con. I think that creates less
18 ambiguity and less stress perhaps than for someone to
19 pick a side.
20 COUNCILMEMBER DEAN: Well, that's what we do
21 in our -- in our Council hearings.
22 COUNCILMEMBER BATES: I understand that.
23 COUNCILMEMBER DEAN: Okay.
24 COUNCILMEMBER BATES: But I do think that --
25 COUNCILMEMBER DEAN: Okay. I think that's

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1 fine.
2 COUNCILMEMBER BATES: -- from a legal
3 standpoint, having someone declare yes or no and, you
4 know, allocate time and do those things that we do
5 from the ZPA, I don't think that's a necessary step.
6 But to have the public comments I think is important.
7 MAYOR PITTMAN: And I know that it's not a
8 requirement, but I do believe that we did have a
9 person from the Planning Commission that gave the
10 reports. Am I --?
11 Mr. Crawford --
12 COUNCILMEMBER PACHUTA: We used to.
13 MAYOR PITTMAN: -- I believe we used to
14 have, you know, someone that would stand up and would
15 give the report.
16 MR. BEN CRAWFORD: We did most of the time.
17 Towards the end, it sort of kind of petered out, but
18 generally speaking, the chairperson would come to the
19 meeting.
20 MAYOR PITTMAN: That's what I thought.
21 MR. CRAWFORD: If the chairperson was
22 there -- was not there, then you'd just go to the next
23 Planning Commission member who was there. So it
24 didn't have to be the chairperson.
25 MAYOR PITTMAN: Right. Thank you.

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1 COUNCILMEMBER PACHUTA: I think our bylaws
2 are in desperate need of being reviewed, because, if I
3 understand it, they're not -- we had some from '06 or
4 '07 and then some amendments from '09, but they're not
5 really in a consolidated document or --
6 MR. COOLEY: And it's not clear from the
7 previous attorney what was actually --
8 COUNCILMEMBER PACHUTA: Yes. So --
9 MR. COOLEY: -- initially adopted --
10 COUNCILMEMBER PACHUTA: -- I think --
11 MR. COOLEY: -- into the record, so --
12 COUNCILMEMBER PACHUTA: -- we need to --
13 MR. COOLEY: (Overspeaking)
14 COUNCILMEMBER PACHUTA: -- task the Planning
15 Commission to both review it, come up with recommen-
16 dations, have it vetted by staff and Legal and then
17 come to us for comment, changes, approval/denial,
18 whatever. I think that needs to be done because I
19 think there are just various documents floating around
20 and there's not a consolidated document.
21 I'm all in favor of public comments but I
22 don't want to label it a public hearing because I want
23 to avoid issues with the Zoning Procedures Act, so,
24 but requiring public comments I think is -- I don't
25 have a problem with that, so.

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1 MAYOR PITTMAN: Thank you. Mr. Patrick?
2 COUNCILMEMBER PATRICK: Well, I'm fine
3 calling it a public hearing and I'm fine with asking
4 that it gets posted 30 days in advance in the
5 newspaper or 15 days in advance in compliance with the
6 open -- public procedures policy from the State.
7 I can't imagine why we would not want to
8 have it vetted out amongst the community. Again, it's
9 another step in the review process. The Board only
10 comes up with an opinion. So we have staff's opinion,
11 we have the public citizen board's opinion and then it
12 comes to us and then we make the final call, and
13 sometimes we'll find a middle ground between the two.
14 But either way, I think opening it up, it's
15 our city. It opens it up. I don't see a groblem with
16 that. Staff can come schedule if -- if need be, in my
17 opinion, but that's one vote out of six.
18 MAYOR PITTMAN: Okay. Ms. Fleming?
19 COUNCILMEMBER FLEMING: I'm not in favor of
20 that particular adding another section of procedure to
21 the Zoning Procedures Act. It requires us to have a
22 public hearing as a finality, and that public hearing
23 will be the decision-making.
24 Adding a previous layer of the public
25 hearing will make it more confusing to the applicant,

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1 I think. Having a Planning Commission and having the
2 public comments available, it's not just public
3 comments, because that resident may have a question
4 that they need to ask that could be answered by the
5 applicant or by the Planning Commission as well. So
6 it's not just a comment.
7 That's when questions and answers happen is
8 at the Planning Commission level. When it comes to
9 us, it's already vetted by, as mentioned, a nonbinding
10 decision. And if it's going to be a nonbinding, we
11 don't need to go to the expense, the advertisement,
12 the delay of calling it, and using the ZPA, a public
13 hearing.
14 When it gets to our level, it is required to
15 use that term for the Mayor to open the public
16 hearing. It's separate from the general meeting that
17 we are attending. And she opens the public hearing,
18 and at that time, it's the applicant, and then staff
19 does their report. And then you call for those
20 opposed have 10 minutes; those against -- for and
21 against would have 10 minutes each, raise their hand,
22 and then it's equated just like at Dekalb County.
23 That's the only time that they have a public hearing
24 is when they're going to do -- though they have many
25 different layers of public meetings to discuss zoning

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1 issues, it's never made, the decisions, until they get
2 to the Dekalb County Commission.
3 MAYOR PITTMAN: Thank you. Ms. Dean?
4 COUNCILMEMBER DEAN: Well, we don't even
5 have to have a planning commission. I mean that's not
6 -- we don't have -- It's optional. We don't have to
7 have one. They make a recommendation.
8 But if we are going to have one, I think
9 that we should do it properly. I think that we should
10 have a hearing. I think that we should put that extra
11 layer in there. I think it better insures proper
12 development in our city.
13 And in terms of the expense and the time for
14 the businesses, I mean businesses -- if we can develop
15 our community by doing things properly, then
16 businesses will want to come, because they're going to
17 say, "Wow, that Doraville, they really -- they really
18 have it together. I want to go there because I know
19 that other businesses in the community are going to
20 have to go through the same thing," and so I think it
21 will ultimately make it more attractive.
22 In terms of the expense, we can -- we can
23 pass that expense on to the companies wanting to apply
24 here. I don't think that if someone -- if K-Mart
25 wants to come into Doraville, I don't think waiting 30

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1 days or even 60 days is going to make them say, "Oh,
2 well, no, I'm not going to do this. I'm leaving.
3 Never mind; forget it." I think that it's actually an
4 incentive because they'll see that we are doing things
5 properly in the way that we should be doing.
6 And again, it was re-emphasized, emphasized
7 and re-emphasized that the more layers you put in, the
8 better -- the better the city is going to be developed
9 because you will have time and more people looking at
10 the same situation to make sure everything is done
11 properly.
12 MAYOR PITTMAN: Thank you. What are your
13 wishes? This is your agenda item.
14 COUNCILMEMBER DEAN: Okay. I would like
15 these steps, too. And I don't think -- would this --
16 This would be not be an ordinance; right?
17 This would be a procedure --
18 ATTORNEY McLENDON: Well --
19 COUNCILMEMBER DEAN: -- a policy; right?
20 ATTORNEY McLENDON: -- this would be -- I've
21 heard two discussions. Under one, you would --
22 MAYOR PITTMAN: Sssh, sssh.
23 ATTORNEY McLENDON: -- be modifying your
24 ordinances --
25 COUNCILMEMBER DEAN: Because we have --

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1 ATTORNEY McLENDON: -- because what you
2 would --
3 COUNCILMEMBER DEAN: -- (Overspeaking)
4 ATTORNEY McLENDON: -- basically be doing is
5 in the Planning Commission section of your ordinances,
6 you would change it to say, "The Planning Commission
7 shall," and then you'd basically lay out the Zoning
8 Procedures Act and say, "You shall also follow the
9 Zoning Procedures Act."
10 That's the sort of very, you know, follow
11 ZPA at all levels of the process.
12 The, I think, other suggestion I've heard is
13 that you could come in, leave your ordinance where it
14 basically says they're a recommendory body to give us
15 this, and then the suggestion is require them to
16 modify their bylaws to say, "We shall take public
17 comment of X amount during all hearings," and that
18 could come up as the Board could pass its bylaws.
19 They would be binding on the Board to follow that.
20 And this is policy.
21 So you know, I'm hearing, from my
22 standpoint, one would be to amend the ordinance; the
23 other would be to get with the Planning Commission and
24 assist them in putting together some bylaws that would
25 bind them with that requirement.

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1 COUNCILMEMBER DEAN: Well, and, see, that's
2 the other concern, with the bylaws, because everything
3 is just kind of -- When we have the bylaws --
4 I mean we have this Planning Commission, and
5 they're doing it this way and they could do it this
6 way. We have bylaws that are cut and pasted from two
7 different years. And the thing is if things aren't --
8 aren't -- They're a branch of the City, and we could
9 be held liable for things if they don't go right or if
10 things aren't followed properly.
11 So I would like to make a motion to
12 incorporate this language including the hearing in our
13 Planning Commission policies and procedures into an
14 ordinance, and I can write up --
15 ATTORNEY McLENDON: We could prepare
16 whatever is needed based upon the outcome of the
17 agenda item.
18 MAYOR PITTMAN: Do I get a second?
19 Do I get a second?
20 COUNCILMEMBER PATRICK: Second.
21 MAYOR PITTMAN: Discussion?
22 - - -
23 (No response)
24 - - -
25 MAYOR PITTMAN: Call the roll, please.

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1 I'm sorry.
2 COUNCILMEMBER FLEMING: Call for discussion
3 again, please.
4 MAYOR PITTMAN: I'm sorry. Ms. Fleming
5 would like to have discussion.
6 COUNCILMEMBER FLEMING: The reason why I
7 wanted to call for discussion, I just want to clarify.
8 Your motion is for the Planning Commission to have
9 public hearings; is that correct?
10 COUNCILMEMBER DEAN: To implement these
11 steps, all of these steps which you have in front of
12 you including the hearing. I think that that will --
13 yeah.
14 COUNCILMEMBER BATES: The required
15 advertising, 15-day -- 15-to-14-day notification?
16 COUNCILMEMBER DEAN: Yeah.
17 COUNCILMEMBER FLEMING: Okay.
18 MAYOR PITTMAN: Okay. Call the roll,
19 please.
20 ATTORNEY McLENDON: Ms. Alexander?
21 COUNCILMEMBER ALEXANDER: No.
22 ATTORNEY McLENDON: Mr. Bates?
23 COUNCILMEMBER BATES: No.
24 ATTORNEY McLENDON: Ms. Dean?
25 COUNCILMEMBER DEAN: Yes.

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1 ATTORNEY McLENDON: Ms. Fleming?
2 COUNCILMEMBER FLEMING: No.
3 ATTORNEY McLENDON: Ms. Pachuta?
4 COUNCILMEMBER PACHUTA: No.
5 ATTORNEY McLENDON: Mr. Patrick?
6 COUNCILMEMBER PATRICK: Yes.
7 MAYOR PITTMAN: Motion fails. Thank you.
8 Ms. Dean, anything else?
9 Okay. Now, my understanding is that you are
10 going to have them look at their bylaws and revise
11 those. That does not need any action on the Council,
12 does it, for them to look at their bylaws?
13 ATTORNEY McLENDON: You could direct them to
14 via motion, you could --
15 COUNCILMEMBER DEAN: I would definitely like
16 to look at the bylaws. I think that that's -- that's
17 very --
18 MAYOR PITTMAN: So do you want to make a
19 motion for them to review and revise their bylaws?
20 COUNCILMEMBER DEAN: Right.
21 MR. COOLEY: I think that would be good
22 direction for the Commission.
23 COUNCILMEMBER DEAN: Okay.
24 COUNCILMEMBER PACHUTA: And also, I'm fine
25 making a motion just to require public comments,

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1 generic public comments at each Planning Commission
2 meeting.
3 MR. COOLEY: If I may --
4 COUNCILMEMBER PACHUTA: But Cecil gave me a
5 look.
6 ATTORNEY McLENDON: Who's making a motion?
7 MR. COOLEY: I don't think anybody has yet.
8 MAYOR PITTMAN: Nobody yet.
9 COUNCILMEMBER BATES: Was that was the
10 confused clerk look?
11 COUNCILMEMBER PACHUTA: Or the lawyer don't-
12 do-that look?
13 ATTORNEY McLENDON: Well, I wasn't sure if
14 you were making a motion.
15 MAYOR PITTMAN: It was the confused clerk
16 look.
17 MR. COOLEY: If I may, though, I mean Ms.
18 Fleming had a good point. As opposed to public
19 comment, I think it should be public discussion. It's
20 a different attitude, it's a different approach, and
21 it's not pro or con. You know, I think it would be
22 good to have public discussion as opposed to just
23 comment.
24 MAYOR PITTMAN: So does someone want to make
25 a motion?

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1 COUNCILMEMBER PACHUTA: Do we have a motion
2 already on the table?
3 MAYOR PITTMAN: No.
4 COUNCILMEMBER DEAN: Okay. I'd like to make
5 a motion to have the Planning Commission rewrite and
6 present their bylaws to us.
7 Should I make this all in one motion?
8 ATTORNEY McLENDON: Uh-huh.
9 COUNCILMEMBER DEAN: -- to allow for the
10 Planning Commission to allow public discussion at
11 their meetings and to --
12 What was the third thing?
13 COUNCILMEMBER FLEMING: Report back to us.
14 COUNCILMEMBER DEAN: -- and to report back
15 to us.
16 MAYOR PITTMAN: Say your motion again? What
17 was the first part of it?
18 - - -
19 (Overspeaking)
20 - - -
21 ATTORNEY McLENDON: To revise the bylaws,
22 require public discussion --
23 COUNCILMEMBER DEAN: Right. And there's
24 something else someone said.
25 ATTORNEY McLENDON: Anything else?

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1 COUNCILMEMBER FLEMING: Well, I made a
2 comment because Mr. Crawford did make the comment that
3 yes, they did --
4 COUNCILMEMBER PACHUTA: They did.
5 COUNCILMEMBER FLEMING: -- give a report at
6 the next Council meeting.
7 COUNCILMEMBER BATES: My preference would be
8 for a Planning Commission member to give the report --
9 COUNCILMEMBER FLEMING: Correct.
10 COUNCILMEMBER DEAN: Okay. Right.
11 COUNCILMEMBER BATES: -- to Council.
12 ATTORNEY McLENDON: That wouldn't
13 necessarily need to be in the bylaws. That could be
14 just "Y'all do that."
15 MAYOR PITTMAN: If you'll convey that, Joe.
16 MR. COOLEY: I will.
17 COUNCILMEMBER ALEXANDER: But we want their
18 reports before we get the item for review.
19 ATTORNEY McLENDON: I think all of that
20 would be something --
21 COUNCILMEMBER ALEXANDER: We don't want --
22 ATTORNEY McLENDON: -- y'all could do.
23 COUNCILMEMBER ALEXANDER: -- to be here,
24 supposed to make our decision, and they give their
25 report the same night --

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1 COUNCILMEMBER FLEMING: Right.
2 COUNCILMEMBER ALEXANDER: -- was my point.
3 MAYOR PITTMAN: Do I get a second?
4 COUNCILMEMBER ALEXANDER: Ms. Fleming has
5 a --
6 COUNCILMEMBER FLEMING: Second.
7 MAYOR PITTMAN: Okay. Discussion?
8 - - -
9 (No response)
10 - - -
11 MAYOR PITTMAN: Call the roll, please.
12 ATTORNEY McLENDON: Ms. Alexander?
13 COUNCILMEMBER ALEXANDER: Yes.
14 ATTORNEY McLENDON: Mr. Bates?
15 COUNCILMEMBER BATES: Yes.
16 ATTORNEY McLENDON: Ms. Dean?
17 COUNCILMEMBER DEAN: Yes.
18 ATTORNEY McLENDON: Ms. Fleming?
19 COUNCILMEMBER FLEMING: Yes.
20 ATTORNEY McLENDON: Ms. Pachuta?
21 COUNCILMEMBER PACHUTA: Yes.
22 ATTORNEY McLENDON: Mr. Patrick?
23 COUNCILMEMBER PATRICK: Yes.
24 MAYOR PITTMAN: Thank you.
25 We're going to take a five-minute break.

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1 COUNCILMEMBER FLEMING: Wait, Mayor, to
2 finish up, Ms. Alexander just made the comment that
3 she didn't want to get the information the night
4 before the meeting.
5 Personally -- and I think this is your
6 intention is that we receive the materials that the
7 Planning Commission is going to be discussing at the
8 same time they're getting it. Is that correct?
9 MR. COOLEY: You will not be getting the
10 whole packet because of the amount of material that
11 involves.
12 You get your packet before the meeting.
13 I've been trying to get them to y'all at least a week
14 ahead so you'd have time to review it. You will
15 have --
16 You know, I'm not going to be able to do all
17 the maps. I don't have the money.
18 COUNCILMEMBER FLEMING: Oh, no, no, no, but
19 in regards to your staff reports --
20 MR. COOLEY: Yes.
21 COUNCILMEMBER FLEMING: -- that if it comes
22 to us for a public hearing, when can we expect your
23 staff report for that application we're reviewing?
24 MR. COOLEY: It depends on the time frame.
25 It will come as part of the report as --

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1 MAYOR PITTMAN: Shhhh.
2 MR. COOLEY: -- as a part of your packet.
3 MAYOR PITTMAN: I'm sorry. I need everybody
4 to please be quiet.
5 MR. COOLEY: But what I do not want to do is
6 provide a staff report -- I'll provide the information
7 to the Planning Commission but I don't think it's
8 appropriate that the staff recommendation go to the
9 Planning Commission --
10 COUNCILMEMBER FLEMING: No, no.
11 MR. COOLEY: -- because we don't need any
12 just-follow-in-line. I want -- they should have
13 recommendations; I should have or the staff should
14 have a recommendation --
15 COUNCILMEMBER FLEMING: Correct.
16 MR. COOLEY: -- so it needs to be separate.
17 You know, figure out when you-all want them;
18 you know, we'll get them to you. I'm a believer in
19 you should have it at least a week ahead.
20 COUNCILMEMBER FLEMING: Okay.
21 MR. COOLEY: That's what we've been trying
22 to do.
23 COUNCILMEMBER FLEMING: Okay.
24 MAYOR PITTMAN: Okay. We're going to take a
25 five-minute break.

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1 - - -
2 (Brief recess)
3 - - -
4 MAYOR PITTMAN: Meeting come back to order.
5 Next on the agenda under New Business is the
6 Tree Limb Removal. We know there's been some
7 questions, and this is actually Mr. Bates' item, and
8 I'm going to let him speak.
9 COUNCILMEMBER BATES: Thank you, Mayor.
10 We've noted an increase in yard debris that
11 hasn't been picked up over the last couple weeks.
12 This morning, Ms. Fleming, Mayor Pittman and myself
13 met with Advanced Disposal to discuss that issue
14 regarding their contractual obligations, and they have
15 since come back to us with a proposal from their end.
16 As it sits right now, the contract with
17 Advanced Disposal requires the yard debris to be
18 bagged in a paper bag or in a container that's clearly
19 marked yard waste or for loose debris to be cut down
20 into five-foot lengths stacked, bundled or tied and no
21 more than 50 pounds in weight.
22 The City also for a number of years would
23 use the clam truck and the Public Works Department to
24 go around and pick up the large items. The City has
25 for cost reasons stopped that practice and required a

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1 $30.00 pay-per-pickup fee for any of the oversize
2 goods -- you know, refrigerators, couches and things
3 along that nature.
4 Once we stopped that pickup, it became
5 apparent that the City was supplementing the required
6 work of Advanced in picking up the yard debris, and
7 therefore, they weren't doing it, we were. And long
8 story short, we had a very productive meeting with
9 them this morning. They have come back with a
10 proposal, and I've e-mailed Council; I'll give it to
11 you verbally tonight.
12 The other part of the contract with Advanced
13 was a limit on eight bags or eight containers of
14 material every week, and especially, as we all know,
15 in our wooded neighborhoods during fall season and
16 spring clean-up, we'll go through eight bags in a
17 heartbeat.
18 So they have come back with a proposal
19 that's four parts. One is to eliminate the
20 restrictions on the number of bags or containers. Two
21 would be to eliminate the -- or excuse me, not
22 eliminate but reduce the tonnage dump fee that the
23 City pays to dump the yard waste that we pick up from
24 $36.00 a ton to $30.00 a ton. The other component
25 would be to offer for them to pick up the white goods

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at a fee based upon a 48-hour notification. Those would be couches, oversized items, TVs, etc. So that's what their proposal/suggestion was.

The concern from my end on the Council side is to reduce the cost that the City is bearing with the clam truck driving around the neighborhood one or two, three times a week picking up everything, the City paying those tonnage dump fees, and to reduce the burden that the City is bearing, but we need to find a way of reaching a happy medium to ensure that the refuse from residents is being picked up to make sure that we've got a clean city.

So I'll throw that out there for Council discussion on additional questions that we want to go back to Advanced with, ideas, suggestions, those types of things, and see if we can't hammer out something for the May 7th meeting.

MAYOR PITTMAN: Thank you.

We'll start on this end. Ms. Dean?

COUNCILMEMBER DEAN: One of my neighbors is 95 years old, and she had an issue with this last week or the week before. Is there something, some kind of relief we can provide to the seniors in our community in terms of --? Because she can't -- I mean she's paying someone to do the work, and then if she has to

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pay more to have them bundle it up or tie it up, then on fixed incomes, I think that that could be a big deal and --

COUNCILMEMBER BATES: Well, sure. And my recommendation -- and again, this is purely just my recommendation -- would be if we were to look at adopting the proposal from Advanced would be for the City to pick up the large yard debris at no cost but the residents would need to call so that we are putting that clam truck out one day a week versus driving it around a couple days a week so that everybody knows that on -- you call on Monday for, you know, large-debris pickup and it happens on Wednesday or whatever the timing happens.

I do think that between us and Advanced, we need to coordinate and pick up the debris.

COUNCILMEMBER DEAN: Right, right, right. I think that's right.

MAYOR PITTMAN: Okay. Ms. Fleming?

COUNCILMEMBER FLEMING: There were a couple other items that we discussed in the meeting today, and one was loose twigs, for instance, because there are some people that think that they can just put a small pile rather than putting it in one of their bags or putting it in one of their barrels.

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No, Advanced wasn't picking up even the small -- Anything loose, they were not picking up. So it's going to be up to us as Council to inform the public that if you've got a small little bit of yard waste, loose yard waste, it does need to be in a bag or a barrel.

The larger items, then, yes, we would be getting the City to be able to pick up the larger bundles and so forth.

The other item that we discussed was the gray area that we have in the city about a child's broken play toy or a broken kitchen chair. So there are some, you know, areas that we still need to discuss amongst Council, because that's not really a bulk item that requires a $30.00 or shouldn't require a $30.00 pickup by the, you know, City, nor is it something that probably isn't considered solid waste, as our kitchen garbage per se that goes into the container that Advanced supplies for us. So there is a little bit of gray area there that we do need to discuss on that. So those were my comments.

MAYOR PITTMAN: Thank you.

Mr. Patrick?

COUNCILMEMBER PATRICK: Well, a couple weeks ago, I went outside and cut bamboo that seems to grow

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in my neighborhood, unfortunately, and I even went out and bought a chainsaw after cutting it down to bring it down to the four- or five-foot size requirements. Hopefully, the picture will open up in a moment. Ultimately, it didn't get picked up today.

And I guess my first question is do we have an idea of how many tons we have been paying on average when the clam truck was going around and what did that, dollar-wise, work out to be as a cost to us?

And then the next item would be could we possibly, instead of saying it's every week, perhaps every two weeks the clam truck goes out for large items?

COUNCILMEMBER BATES: Yeah, we did get a -- And I apologize for not giving that to Council; it came in late. Advanced did provide us with a tonnage report over the last three years --

COUNCILMEMBER PATRICK: Okay.

COUNCILMEMBER BATES: -- a 2010, a 2011 and a 2012 to date so that we can see, you know, what the average has been over the last three years. So yeah, we'll certainly get that.

COUNCILMEMBER ALEXANDER: I guess one of the things I want to remind Council is we signed a State-mandated municipal solid waste agreement. There is a

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1 gray area in the State law, and the only reason we are
2 not in violation of that State law is because our yard
3 waste is going into a private landfill.
4 The State act mandates that municipalities
5 and counties reduce the amount of yard waste going
6 into landfills, and we are skirting the gray part of
7 that law by dumping yard waste at Advanced because it
8 goes to a private landfill. So we are not necessarily
9 being good environmental stewards as required by the
10 State law.
11 COUNCILMEMBER PATRICK: So that's all
12 bundled up. There's probably half a dozen or so
13 bundles that I've cut. And thankfully, I didn't get
14 poison ivy. But we do have to have something, and I
15 wasn't aware of what you just had said, but we do have
16 to have something. I'm 39, and I'm not 76 years old
17 as Muriel had sent out in her e-mail, but we've got to
18 do something. I mean this -- it doesn't look good at
19 my neighborhood to have that out now until next week
20 when Advanced might come back.
21 MAYOR PITTMAN: We're actually -- we're not
22 going to allow -- until we come to a common ground,
23 we're not going to allow this stuff to sit. They are
24 going to be picking this up until we come to a --
25 COUNCILMEMBER PACHUTA: Advanced will be?

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1 COUNCILMEMBER BATES: They came last week,
2 we did an audit of just Northwoods, and there were 89
3 houses that had yard debris in Northwoods that had not
4 been picked up. That audit was sent to Advanced, and
5 they were out the next day and addressed the majority
6 of that. I can't speak to any of the other
7 neighborhoods as I didn't review them.
8 I reminded them again tonight when I saw
9 yard debris that was not picked up today, that that is
10 their obligation and responsibility to do that. So we
11 will continue to hammer on them contractually on what
12 they need to pick up, but we need to come to a
13 resolution on what do we do with the stuff that is
14 outside of the size restrictions.
15 Certainly, if you're hiring a private entity
16 to remove a tree, that's their responsibility --
17 COUNCILMEMBER PATRICK: They should do that,
18 yeah.
19 COUNCILMEMBER BATES: -- to haul off the
20 tree parts.
21 But if you're doing it yourself, you're
22 undercutting brush, if you're cleaning, you know,
23 bamboo and -- we need a resolution that makes it easy
24 and everybody understands the process of removing
25 larger items.

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1 And while I'm okay with us charging for a
2 refrigerator or a couch, I personally am leaning
3 towards not being okay for charging for yard debris.
4 To me, those are differences. One, you can't control
5 how fast your trees grow; two, you can control how
6 quickly you replace your refrigerator. Those are two
7 items where I do see a difference, so.
8 MAYOR PITTMAN: As we talked about in the
9 meeting today, what we need is clear, understandable,
10 and consistency, because sometimes ours would pick it
11 up, sometimes Advanced would pick it up, and sometimes
12 the drivers at Advanced wouldn't know because they
13 were thinking because we picked up last week. So I
14 think that's something we need and to educate our
15 citizens so that they know.
16 As someone said earlier, we need to educate,
17 let them know exactly what to expect: You know, is it
18 five foot? four foot? What do we need to do? That
19 was a component of what we talked about today, and it
20 was a good meeting.
21 COUNCILMEMBER DEAN: When does the contract
22 end with Advanced?
23 COUNCILMEMBER BATES: It expires this year.
24 MAYOR PITTMAN: This year, at the end of
25 this year.

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1 COUNCILMEMBER DEAN: The end of this year?
2 COUNCILMEMBER BATES: It's renewable.
3 There's a 60-day opt-out requirement prior to; it's
4 got an automatic renewal clause in it.
5 COUNCILMEMBER DEAN: For another year?
6 COUNCILMEMBER BATES: It's a two-year
7 renewal, I believe.
8 ATTORNEY FELGIN: It's a yearly renewal for
9 a maximum of five total years.
10 COUNCILMEMBER PATRICK: When do we have to
11 get notice to them?
12 ATTORNEY FELGIN: By October 31st if you do
13 not wish to continue it.
14 COUNCILMEMBER PACHUTA: I think what's kind
15 of become clear recently is that we were picking up
16 everything, and I think Advanced took advantage of us.
17 So I feel like we don't have a clear idea of how much
18 is actually outside the scope of what Advanced is
19 supposed to pick up.
20 I know Brian mentioned when he drove around
21 there were a lot that Advanced should have picked up
22 but then there were other things that didn't meet the
23 requirements -- some because they were too big but
24 some because people were just throwing tiny twigs into
25 piles versus throwing them into a bag. So I think

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1 part of it is resident education, you know: if
2 they're tiny twigs, put them in a bag or a container.
3 But I don't feel like we have a good idea,
4 either, because we were picking up everything, and I
5 think Advanced was just like, oh, they'll get it.
6 And I know you e-mailed late today, their
7 proposal, but I haven't had a chance to really --
8 COUNCILMEMBER BATES: Yeah.
9 COUNCILMEMBER PACHUTA: -- look at it.
10 COUNCILMEMBER BATES: And really I wanted to
11 have this conversation to kind of see if there were
12 any additional questions, concerns, feedback, because
13 this is going to end up being a dialogue with Advanced
14 over the next several days before they come back to us
15 with a really firm cost proposal and recommendations,
16 you know, because we can go back to them and say,
17 "Listen. We don't -- we want you to pick up
18 everything," and they can come back and say, "We can't
19 pick up everything for the pricing that we've quoted
20 you; it will be X."
21 COUNCILMEMBER PACHUTA: And you had
22 mentioned this and then Pam mentioned it again,
23 little items like just a broken chair and stuff. And
24 one thing I thought of, and I know Duluth does this,
25 is that they have dumpsters or whatever that you can

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1 bring those kind of items to rather than they pick up.
2 But to make sure people aren't -- outside the city
3 aren't just dumping, you have to do it between the
4 business hours at their public works space, and I
5 think each resident gets so many, like five tickets a
6 year or something, that they can haul stuff themselves
7 and put it in the dumpster. So that is something we
8 can think about, but I think it would have to be like
9 during Public Works' business hours or something, but
10 that's an idea I throw out.
11 MAYOR PITTMAN: So Mr. Bates, are you
12 wanting to put this on the next agenda?
13 COUNCILMEMBER BATES: Yeah. We'll need to.
14 Ms. Alexander, any comments from you?
15 COUNCILMEMBER ALEXANDER: I guess the -- in
16 reviewing the Chamblee code, one of the things that
17 they got, they sort of put a size limitation on what
18 was a free pickup on yard waste and what was outside
19 of the scope. And when I asked for information, I was
20 told, well, if it filled up a bed of pickup truck,
21 that was their size measurement they used. So that
22 was up to the holder of the pickup truck, I suppose.
23 But I mean I think there was -- I think I
24 saw a house -- I can't remember; I thought it was on
25 Oakcliff -- where they had like bush-hogged it, and I

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1 mean the stack went down the entire frontage of the
2 property line and it was probably ten feet tall. Now,
3 that is excessive. That -- I mean that would almost
4 fill up our clam truck for that one residence.
5 So I still think there needs to be some type
6 of guideline. I don't know how you would set that up,
7 though.
8 COUNCILMEMBER BATES: The challenge that
9 we're in right now is that it's subjective, and, you
10 know, unless the Advanced driver gets their tape
11 measure out and their scale to measure whether it's
12 five foot long and under 50 pounds, they're going to
13 eyeball it and say yes or no, and every driver and
14 every crew is going to operate that differently.
15 So having the bagging and the barrel
16 requirement and that's all that they will pick up
17 simplifies that piece of the equation because
18 everybody knows that if it's in a paper bag, if it's
19 in a barrel marked yard waste, that gets picked up on
20 Monday.
21 The loose items becomes, then, a different
22 story. You know, how do you define? And Ms.
23 Alexander's example is a perfect example. Is 10 foot
24 tall and 30 foot long too much or is it eight foot
25 tall and 20 foot? Those are when we get into the gray

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1 areas. And then the large items like if your ladder
2 breaks, what do you -- how do you dispose of your
3 ladder, larger items like that?
4 So we just need -- we need to unambiguously
5 answer -- that wasn't the right word I was looking
6 for, but we need to eliminate the subjectivity of what
7 gets picked up and what doesn't get picked up, and
8 that, I think has got to come from us and not leave it
9 to a contractor to make that determination.
10 MAYOR PITTMAN: Okay. So we'll move this --
11 thank you, Mr. Bates -- to the agenda in May?
12 COUNCILMEMBER PACHUTA: Can you e-mail the
13 fees that we've been paying on --
14 COUNCILMEMBER BATES: I will.
15 COUNCILMEMBER PACHUTA: -- dump fees?
16 COUNCILMEMBER BATES: I'll get you all the
17 dump -- they've pulled the dump tickets.
18 COUNCILMEMBER FLEMING: Can I make a
19 comment?
20 COUNCILMEMBER BATES: Yes.
21 MAYOR PITTMAN: Go ahead.
22 COUNCILMEMBER FLEMING: Go ahead.
23 COUNCILMEMBER BATES: Yeah. I'll e-mail
24 that out to everybody probably tomorrow.
25 COUNCILMEMBER FLEMING: And the other

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1 component of our discussion was chipping and creating
2 mulch for ourselves, and I just wanted to comment on
3 that so the residents know.
4 We physically have run out of room to be
5 able to chip it ourselves and create mulch. And then
6 also there was a comment -- not because of yours but
7 because there's been an overabundance of bamboo --
8 bamboo cannot be chipped, so, because it -- you know,
9 it's -- it won't go through the chipper. So there
10 were so many other larger items of trees or whatever,
11 they're not hardwoods or pines, then they are not able
12 to be chipped. So we do run into a problem like that,
13 so I did want to mention that has well.
14 MAYOR PITTMAN: And Dekalb has so much
15 already, they --
16 COUNCILMEMBER FLEMING: Correct.
17 MAYOR PITTMAN: -- have halted people
18 taking. So that --
19 COUNCILMEMBER FLEMING: Right.
20 MAYOR PITTMAN: -- is a challenge.
21 COUNCILMEMBER FLEMING: Yeah, I --
22 MAYOR PITTMAN: Thank you for bringing that
23 up.
24 COUNCILMEMBER FLEMING: Sure.
25 MAYOR PITTMAN: Okay. Next on the agenda --

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1 and I know we thought we were through with this PTO
2 policy. But some of my goals is to have department-
3 head meetings and speak with our department heads and
4 take the things back that we have passed in our
5 meeting. And in doing so, we discovered that there
6 was a issue and a question with those employees that
7 do not do eight-hour days, that do 12-hour days, which
8 is our Police Department. And so in order to address
9 that, they went ahead and put together something.
10 And Phil, if you would like to come up and
11 explain a little bit?
12 ATTORNEY McLENDON: Mayor, I don't mind sort
13 of taking the lead on it and Phil diving in.
14 The way I understand this, the accrual side
15 of the equation has not changed. Everyone will still
16 continue to accrue PTO at the same rate regardless of
17 whether you're an eight-hour day, 10- or 12-hour day.
18 The issue became that when someone would come in to
19 potentially take a week of PTO, if you were a 12-hour
20 employee, it said it's paid out in eight-hour
21 increments, and that made it very difficult to account
22 for how many increments you've hit if you're a 12-hour
23 employee.
24 What we attempted to do -- and this is not
25 the accrual side of the ledger; this is the payout

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1 side of the ledger. The payout says when paying out,
2 you can pay out one day based upon what the standard
3 shift would be that day for that employee. So if it
4 were a 10-hour employee that worked four days a week,
5 you can say you have four days of PTO and it's four
6 10-hour days. If it's a 12-hour employee, you have
7 three 12 or however those work.
8 So that is the intent of this language: to
9 allow the payout side of the equation to go on the
10 actual schedule of the employees.
11 MAYOR PITTMAN: Thank you.
12 Okay. Questions from the Council?
13 - - -
14 (No response)
15 - - -
16 MAYOR PITTMAN: Okay. Do I --
17 COUNCILMEMBER PACHUTA: Well, is it a first
18 reading?
19 MAYOR PITTMAN: This is the first reading.
20 ATTORNEY McLENDON: First reading.
21 MAYOR PITTMAN: Do we want to waive the
22 first reading to move forward with this? Do you want
23 to do that or do you want to just read it and ponder
24 over it for the next time?
25 COUNCILMEMBER BATES: I'm once bitten/twice

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1 shy on this. I want to pontificate and think about
2 it.
3 ATTORNEY McLENDON: Let me make sure. We'll
4 even vet this further with the P.D. and make sure
5 everybody's happy and bring it back. I would feel --
6 MAYOR PITTMAN: That would --
7 ATTORNEY McLENDON: -- just as good about
8 that as well.
9 MAYOR PITTMAN: -- be perfect. Thank you
10 very much. I appreciate that.
11 And again, if you have comments or
12 questions, please do not hesitate to send those.
13 Thank you, Phil. Appreciate it.
14 Okay. Next is going to my item, which is
15 Discussion on Council Retreat -- I mean Council
16 Records.
17 I'm real big on consistency, and I would
18 like to talk to the Council about in the past -- I
19 certainly want our Council members to be provided with
20 whatever they need to be able to do their job, but
21 there was in the past some history where -- that was
22 not with this Council, but it was taken to the
23 extreme. So Council members had this discussion and
24 were being charged for up to a certain degree of
25 records that they wanted to get, including DVDs. They

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1 were paying $5.00 for that.
2 So there has been some questions on how we
3 want to address this, at what point do we want the
4 Council members to have to pay for records. And
5 again, I'm just looking for consistency and possibly
6 an in-house -- that's not the word, "in-house" -- but
7 an administrative policy that we can adopt, and, with
8 you guys, work on that, but I want to get feedback
9 from the Council.
10 Again, the goal is to provide all materials
11 and information that you need for you to do your job,
12 and I just want to get the input of the Council on
13 this so we can move forward with having the
14 consistency. I don't like the idea of this Council
15 member in the past paid this amount but now you don't
16 have to pay at all or -- You know, let's decide what
17 we're going to do. We're going to charge something
18 for excessive or are we going to charge nothing no
19 matter or what do you-all want to do?
20 I'm going to start down here with Ms.
21 Alexander.
22 COUNCILMEMBER ALEXANDER: I attended some of
23 those Council meetings where it seemed like some of
24 the Council requests were excessive. And I hate to
25 use the term "fishing expeditions," but from sitting

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1 in the audience, that seemed to be like what some of
2 them were.
3 I personally had an issue that was brought
4 to my attention, and I myself paid about $146.00 for
5 Open Records request to do some research, and then I
6 generated a report based on that.
7 But again, I think it's consistency. I
8 don't know that there's a -- You know, I don't know
9 how to determine when a Council member is going to get
10 the information for their own use or when they're, you
11 know, getting it for their neighbor next door.
12 I think it was -- just basically it was
13 initiated because the system was -- was being abused,
14 and that's why it was put in place.
15 MAYOR PITTMAN: Thank you.
16 Mr. Bates?
17 COUNCILMEMBER BATES: I'm open for
18 suggestions. I think there's a -- there's a balance
19 between getting information that we need to move
20 forward with an agenda item and getting information
21 that we're wanting to use because we have an issue
22 with a staff person or a fellow Council member and to
23 use it for political purposes.
24 So I'm open for suggestion, and I don't know
25 what the answer is. I think there should be some --

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1 some equitable things.
2 I also have paid for all of my Open Records
3 requests, DVDs and other information, some of which
4 I've used for agenda items, some of which were purely
5 for my information, for my knowledge. So that, I
6 think I should have paid for, but the items that, you
7 know, I used for, you know, Council agenda items, you
8 know, to me, I think that should be part of, you know,
9 being able to do the research, but. So I'm open for
10 ideas.
11 COUNCILMEMBER PACHUTA: I think just common
12 sense needs to be used, because I do recall when some
13 Council members were -- I mean we're talking making
14 requests that were taking employees, you know, over a
15 week to do, and that takes away from employee
16 productivity.
17 I've paid for my requests. I think, you
18 know, when a Council member's preparing an agenda item
19 or something, then there is a certain amount where,
20 you know, it's reasonable just to get. But I know
21 I've made some requests like I wasn't sure whether it
22 was going to become an agenda item. It was something
23 I was researching, you know, and it took the Police
24 Department a couple hours to gather it for me. And I
25 don't feel right taking away from what they have to

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1 do, so I reimbursed the City for their time.
2 So I think there's just a commonsense
3 element that needs to be applied. You know, if I'm
4 going through and saying I want copies of someone's e-
5 mails for the past year and that's going to take I.T.
6 three days to gather, I should have to pay for that,
7 you know. But if I'm making a simple request and
8 it'll take Sandra, you know, 20 minutes to get it and
9 copy, then maybe that's okay, so.
10 MAYOR PITTMAN: Thank you.
11 Mr. Patrick?
12 COUNCILMEMBER PATRICK: It does seem fair to
13 me that if we have to pay as the residents do, that
14 might be the best way to handle it, but if it is for a
15 specific agenda item, I think that should -- should
16 not be a charge for that item.
17 MAYOR PITTMAN: So you're saying if the
18 Council --
19 COUNCILMEMBER PATRICK: If it's -- if it's
20 perhaps trying to get up information on something that
21 previous councils have done, you know, maybe that --
22 maybe that extra research time is something that
23 should be paid for.
24 MAYOR PITTMAN: Well, for instance, DVDs, in
25 the past, the Council has paid for those, and the

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1 public pays for those, so if you're the Council
2 member, what's your thoughts on that?
3 COUNCILMEMBER PATRICK: I think it's fair
4 that we pay for the DVDs.
5 MAYOR PITTMAN: Thank you.
6 Ms. Fleming?
7 COUNCILMEMBER FLEMING: In regards to
8 Council requests for agenda-item information, if we're
9 trying to do research, I agree that that information
10 should be free of charge. The fishing expeditions,
11 those shouldn't be going on anyway, so I definitely
12 believe that we should be paying for those.
13 MAYOR PITTMAN: Ms. Dean?
14 COUNCILMEMBER DEAN: This issue came about
15 because I asked for copies of the DVD of the Planning
16 Commission meetings. I want those, and I will pay for
17 them if I have to.
18 I don't think it's necessary. I don't think
19 I should pay for them because the reason I want the
20 DVD is because I don't think it's appropriate that I
21 actually attend the meetings; however, I do want to
22 know what's going on. And everything that I get from
23 the City is used for -- for my job sitting up here. I
24 promise you I will never ask for anything for
25 entertainment. Okay.

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1 So anything that I have -- and I don't go on
2 fishing expeditions and I don't -- I don't get
3 documentation for my neighbors or for anyone else.
4 It's for my own knowledge, for what I'm doing here.
5 Even if it's related to something that we're doing,
6 it's still related to this business.
7 I paid for my own hotel at the GMA
8 Conference that was required. That's fine. I don't
9 mind that. But this is important, because I feel that
10 I'm limiting my ability in terms of what -- I mean
11 it's -- I had to -- Okay.
12 An alternative would be to allow us access
13 to the materials. I don't mind doing the work myself.
14 So if you want to say, "Here. Here's the box. Have
15 at it," then that's great. You know, the staff is
16 fine; the staff can do what they're meant to be doing,
17 and I'll do the work myself.
18 MAYOR PITTMAN: Well, please understand, I'm
19 not having an objective. All I'm trying --
20 COUNCILMEMBER DEAN: Right, right, right.
21 MAYOR PITTMAN: -- or objection to this.
22 All I'm trying to do is get consistency --
23 COUNCILMEMBER DEAN: Right.
24 MAYOR PITTMAN: -- because it's not fair for
25 them to pay and then somebody else not pay, and then

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1 maybe you pay this week and next week --
2 COUNCILMEMBER DEAN: Well, we should have a
3 policy. We should --
4 MAYOR PITTMAN: There should be --
5 COUNCILMEMBER DEAN: -- have a policy.
6 MAYOR PITTMAN: -- a policy. That's
7 correct. And that's what I would like to establish is
8 a policy so there's no question.
9 COUNCILMEMBER DEAN: And may I ask Cecil.
10 What -- in your experience, what has been --
11 what has been your experience in this regard?
12 COUNCILMEMBER PATRICK: And what does the
13 State law say as far as making documents available to
14 Council members if it says anything?
15 ATTORNEY McLENDON: It's doesn't. It's
16 silent on that issue. The only issue you're going to
17 get in the law that is direction on this is the Open
18 Records Act.
19 And again, I think really what you-all are
20 talking about is great. That would mean the dividing
21 line would be where you're doing something in
22 conjunction with your work versus I really am -- Let
23 me say I decided -- my neighbor said, "Hey, you can
24 get all this for free." "Great. I'll go get it."
25 COUNCILMEMBER DEAN: Right.

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1 ATTORNEY McLENDON: And that would be -- I
2 know none of you-all would do that. I'm just saying
3 that would be an example.
4 I can tell you I have not really run into
5 folks having to pay a lot, but at the same time, I've
6 never dealt with that issue that was discussed, which
7 is having some point where people were coming in and
8 saying, you know, give me, you know, hours and hours
9 worth of information.
10 And I think that, you know, what you
11 probably had is a policy that was implemented
12 because --
13 COUNCILMEMBER PATRICK: It was being abused.
14 ATTORNEY McLENDON: -- we couldn't sort of
15 use that common sense.
16 MAYOR PITTMAN: I'm sorry. Could I --?
17 Please, please -- it's very difficult to hear -- keep
18 the chit-chat down. If you need to talk, please step
19 outside.
20 ATTORNEY McLENDON: So I can tell you in my
21 experience, I haven't seen it, but at the same time, I
22 have not dealt with anything where we had a history
23 that had entailed that policy.
24 MAYOR PITTMAN: Can I --? My comment on the
25 DVDs for the Planning Commission since it is probably

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1 not in our best interests to go would be, because we
2 do have to educate ourselves on those particular
3 items, I am not objecting to getting that.
4 Now, if you want a DVD of the meeting
5 tonight or whatever, that's a different story. You're
6 here, obviously, and you just want it for your own, I
7 think you might should pay. That's just my thoughts
8 on that.
9 But could we work on putting together
10 something from what you've heard, the consensus of
11 just an in-house, you know?
12 ATTORNEY McLENDON: Take a swing at a
13 policy? I'll take --
14 MAYOR PITTMAN: Yeah. Would you mind?
15 ATTORNEY McLENDON: -- a swing at a policy;
16 sure.
17 MAYOR PITTMAN: Let's do that.
18 ATTORNEY McLENDON: Absolutely.
19 MAYOR PITTMAN: Because again, I want it to
20 be consistent. I want what we do to be consistent
21 across the board.
22 So if you don't mind, if that's okay with
23 the Council, let him take a shot at it and then we'll
24 look at it --
25 ATTORNEY McLENDON: As long as you --

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1 MAYOR PITTMAN: -- and give our input.
2 ATTORNEY McLENDON: -- promise that I can
3 throw up a draft version that says --
4 COUNCILMEMBER BATES: Just don't throw up.
5 ATTORNEY McLENDON: And don't throw it back
6 at me. I'll do my best.
7 COUNCILMEMBER BATES: And Ms. Dean, in my
8 opinion, I think you should be reimbursed for your
9 hotel. That's a required class for the newly elected.
10 MAYOR PITTMAN: And you were asked to do
11 that.
12 COUNCILMEMBER DEAN: Right. Well, but, see,
13 you told me that I -- that I had to pay, and so I
14 don't have a receipt.
15 MAYOR PITTMAN: I didn't tell you you had to
16 pay.
17 COUNCILMEMBER DEAN: Okay. Well, anyway, I
18 was told --
19 COUNCILMEMBER BATES: I think you should be
20 reimbursed for that.
21 COUNCILMEMBER PACHUTA: I think actually
22 State law requires that we reimburse you.
23 MAYOR PITTMAN: Yeah. And I had sent you an
24 e-mail to please --
25 COUNCILMEMBER DEAN: I know, but I don't

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1 have a receipt any more because that, I found out like
2 a month after the fact, so.
3 COUNCILMEMBER BATES: Credit card statement?
4 MAYOR PITTMAN: Yeah.
5 COUNCILMEMBER DEAN: Okay.
6 MAYOR PITTMAN: That's good; if you'll get
7 that.
8 COUNCILMEMBER DEAN: Statement?
9 MAYOR PITTMAN: Yes. Anything that shows,
10 we'll reimburse you.
11 COUNCILMEMBER PACHUTA: And Robert needs
12 that class, but I don't think they offer it again
13 until next year.
14 MAYOR PITTMAN: They do not.
15 COUNCILMEMBER PATRICK: We can talk with GMA
16 about that.
17 MAYOR PITTMAN: Yes.
18 So if you'll be sure and get that to me.
19 COUNCILMEMBER DEAN: Okay.
20 MAYOR PITTMAN: Okay. All right. Thank you
21 very much.
22 The next item is the City Leadership Staff
23 Retreat. Now that we have a full Council, which we
24 have not had in quite some time, and as soon as we get
25 our department heads in place, I think this is very,

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1 very important that we all get together.
2 I'm not talking about spending a lot of
3 money. We're not going to the beach or somewhere like
4 that. But we could go up to another city -- I think
5 we utilized Suwanee last time, used their facility. A
6 couple days of the Council getting together with a
7 facilitator -- you can get a facilitator for a
8 reasonable amount -- and do some goal setting, some
9 what our objectives are going to be, and get together
10 the next day with the department heads and do the same
11 thing.
12 This is very beneficial. All the cities do
13 this. And what I'm wanting is input from the Council
14 as well as I would like to keep it really low-budget.
15 That's why no cost; you could go to another city. I'm
16 not real big on doing it here in the city. And
17 checking around with some of the other cities where
18 there are facilitators that were very effective and
19 good, and maybe look into that and just get some
20 costs, and that's just kind of where I would like to
21 go with this now that we have a full Council.
22 I think this -- to me, it is very, very
23 important and I would just like to get input.
24 Ms. Dean, I'll start on your end this time.
25 COUNCILMEMBER DEAN: I think communication

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is important, and if we could find a way to do it, and I think the budget is -- is an issue. If we an do it on a shoestring, then, yeah. I'd like to sit down and talk with you about it.

MAYOR PITTMAN: Absolutely.

COUNCILMEMBER FLEMING: Having sat through the last one, though I think it's a good idea for all of us to get together, the three on the end may disagree with me, but I don't feel anything was accomplished by it.

It's an added expense. If we want to have goal setting, the Civic Center is a fine place to have it. We can have Chick Fil-A brought in and we can pay for our own. And I think Mayor Pittman is capable of facilitating the meeting.

MAYOR PITTMAN: Okay. Thank you.

Mr. Patrick?

COUNCILMEMBER PATRICK: I think it's a great idea for us to -- to talk, to flush out some ideas and then also get with staff and find out what direction we need to go.

COUNCILMEMBER PACHUTA: Yeah. I mean I think it's a good idea and I think it's good to have an outside facilitator who's experienced in that.

But I do want to look at our budget, and I

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know we just got a new update tonight which I haven't looked at, but I think that's just something we need to see for next -- as we come up on the budget hearings for next year if that is something we can budget.

MAYOR PITTMAN: And that's why I'm throwing it out there ahead of time: for everyone to start looking that way.

Again, it's no cost going to a facility up the street. And you can find a very reasonable, I'm pretty sure, facilitator.

Mr. Bates?

COUNCILMEMBER BATES: I was in favor of it four years ago, three years ago, two years ago, last year, this year, next year, year after.

One of the things that Ms. Dean in one of her items had talked about, the agenda items fitting in with the strategic plan, the City has never had a strategic plan, which is extremely frustrating for me. We don't have priorities for the city, we don't have -- we -- There's just no directional guidance. It's kind of rowing out there and, you know, this side of the boat is rowing, you know, at four miles an hour and that side of the boat is rowing at five miles an hour and we end up, you know, going left when we

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should be going right.

So I'm in favor of these. I think with the right facilitator -- I don't know that the facilitator that we had last time was a good fit for us with where we wanted to be and where we needed to be. But I think with the right facilitator, someone who is able to objectively, you know, calm emotions. Because any time you do these strategic plans where you don't think my priorities are the same, and we start getting emotional about that, which is only human, the right facilitator is able to calm those emotions and redirect and guide that discussion and keep everybody on track.

So I'm -- I'm absolutely in favor of it. I thought the location at Suwanee was -- was terrific. I would not be opposed to going back there. It's an impressive facility.

I do think we need to look at the facilitator and make sure that we've got someone who is going to match our desire, which is, you know, strategic planning, goal setting, versus the last meeting which turned out to be kind of a kvetch session.

MAYOR PITTMAN: Ms. Alexander?

Thank you, Mr. Bates.

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COUNCILMEMBER ALEXANDER: I think one of the things, too, that we have seen and one of the things ironically that we spotted when we were at Suwanee was their annual -- basically an annual report like a public company would do, and it had their goals and their pictures of five years down the road and 10 years down the road.

We've -- we've got our LCI plan and our Comp Plan but we don't have -- like Councilman Bates has been trying to work on a capital improvement list.

One of the things that drives me crazy personally at where I work for my real job is we'll have a great idea and then there's absolutely no follow-up. Okay? Well, that's an issue with me. If you come up, you know, we want this capital improvement plan. Let's get on it and let's start setting goals and let's start setting milestones and timelines for ourselves.

And I think that's one of the things -- one of the things that's aggravating me right now is we had a goal to clean house and auction off all those obsolete vehicles and equipment we're no longer using. We pay insurance on it every year. Get it out of here.

And that's something that we haven't done

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because we've had turnover or somebody doesn't have time or whatever, but it's literally costing the City money every day. And so that's one of those simple goals I thought we had set during budget review last year, and here we are almost a year later and nothing's been done on it.

So I think it's very important to -- to meet and have these goals, but you've got to be -- have a good steward and follow up on your goals. And sometimes you have to reassess your goals that you were too much, you know, pie-in-the-sky and you've got to set your -- your bar a little bit lower.

But I do think it's a good idea, and hopefully we could come out there with a list of five things and say, "Hey, we're going to accomplish these by the end of the year," and actually get them done or -- or give a report on the status of them.

MAYOR PITTMAN: Thank you.

Well, then, the consensus I believe is that we would like to do this. So we will -- I'll check around with some facilities and just kind of start putting the feelers out for a facilitator, and as I talk to you guys as we go along, just what we're looking for in that facilitator.

I just wanted the feedback, and it was very

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good. Thank you.

Okay. Next on the agenda is Reports, Committees. Anyone here that has a report?

Major, you have nothing? Thank you.

Just real quick. We are going to remove the Executive Session tonight due to our Clerk being out.

Next is going to be Public Comments. Please limit your comments to three minutes.

Thank you, and state your name for the reporter.

MS. GINNY CALVERT: She knows me.

COUNCILMEMBER BATES: But I don't.

MS. CALVERT: Ginny Calvert, darling.

Okay. Am I hearing right? By this time, after the countless times at a past meeting people have been told -- now, some of you may not know this, of my next statement.

I didn't know the City had any control over the forfeiture money or in any way in charge of what it is spent for, and only the Chief, as directed by the U.S. Attorney and Department of Justice, as long as it shows on two of them -- the City only has one; the Chief has two or the Police Department has two of them -- that the Chief is legally disbursing money as he is directed by the State.

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A continuance of trying to control the Chief's spending could result in legal problems that some of you have no idea what could happen or what it would be to entail to happen. Okay?

MAYOR PITTMAN: Thank you, Ms. Calvert.

Additional public comments?

MS. NINA: Hello. My name is Nina and I live on McClave Drive. I would love to make comments on the rest of the stuff but I'm still as clueless as I can be, so I'm trying to be here as often as I can to learn.

But the comment that I wanted to make on was the City leadership and staff retreat. You mentioned, Mayor Pittman, that you wanted to go to another city. I mean I support the retreat; I think it's great that you guys get together, because communication is one of the many elements that you guys would need to start building a strong foundation as you serve our city.

My question is why would you want to go to another city? Why would you want to enjoy what Suwanee or wherever it is that you want to go when you can enjoy our city? Use the Civic Center, like Ms. Fleming stated, order food from the restaurants in our city to help our city business owners thrive.

That's just the comment that I have. Thank

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you.

MAYOR PITTMAN: Thank you.

MS. EVELYN WHALEN: My name is Evelyn Whalen. I live over on Moss Oak. A couple of things.

I was exercising in the neighborhood the other week, and as I strolled down Darlington, I spoke with a neighbor who said he was getting really frustrated, he paid his $30.00 fee to have a refrigerator or something taken, and some of our friendly neighbors who scavenge for a living would come and get the thing before the official pick-up people could, and then trying to get one's money back was a bit of a problem. So there are still some wrinkles to be ironed out in the large trash collection.

Personally, I got rid of a broken fan by convincing myself that it was recyclable. I put it out with my recyclables. It worked. At least this time it did.

Another possibility about reports, especially the Planning Commission reports, rather than having DVDs of, would it be possible for committee members to bring their own data stick, shove it into a USB drive and get a download of the session? You know, save a little bit of money; use some other

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1 kind of technology.
2 MAYOR PITTMAN: Thank you.
3 Additional public comments?
4 MS. KOONTZ: Stephe Koontz again.
5 A few things that I wanted to comment about.
6 One was I like the idea you had about the big yellow
7 sign for the zoning thing, but what disturbed me was
8 when they said, well, let's take any size requirement
9 out of the ordinance.
10 Well, they clearly put that size requirement
11 in there because before they put it in there, people
12 were putting signs about this big (indicating) posted
13 to a tree a hundred feet into the property so that
14 nobody would see it. And so I think there needs to be
15 a reasonable size requirement, maybe more like what
16 the size of the sign is or use that sign as a guide
17 but not to just take it out, because, again,
18 somebody -- it was put in there because somebody was
19 abusing the fact that there was no regulation on the
20 size of the sign and they didn't want people to see
21 that there was a zoning hearing.
22 I wanted to comment on the Planning
23 Commission. I'm glad what Karen said about not making
24 this a public hearing. The Supreme Court's ruled on
25 that: these recommendation boards aren't required to

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1 even meet any kind of Open Records standard because
2 they're just a recommendation.
3 And there is a layer of -- a layer there of
4 having the Planning Commission without it being too
5 legalistic. It doesn't need to be complicated, but I
6 like that the public can discuss it.
7 Another thing Joe said I think that's very
8 important is that we don't have staff there running
9 the meeting and then staff giving a recommendation.
10 It should be two independent recommendations so that
11 y'all are getting two different points of view, not
12 the same person's view getting repeated by other
13 people that he's influenced.
14 The other question that I had was something
15 Maria said about the trash and the private landfill
16 stuff that -- Were you saying that our public -- I
17 mean our lawn waste is going to the landfill now?
18 COUNCILMEMBER ALEXANDER: What the City
19 picks up, yes.
20 MS. KOONTZ: Okay. But what Advanced is --
21 COUNCILMEMBER ALEXANDER: Is being recycled.
22 MS. KOONTZ: It's going somewhere else.
23 Okay. That's all I wanted to know. Thank you.
24 MAYOR PITTMAN: Additional public comment?
25 MS. CAROL GILMAN: Carol Gilman, Northwoods.

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1 I certainly was glad to hear what Mr. Bates
2 and Mrs. Alexander had to say about strategic
3 planning.
4 The budget. The budget exists to support
5 the City's vision, the City's business plan, the
6 City's strategic plan. We have to do the plan before
7 we create the budget, and so I encourage you to do
8 strategic planning at the staff retreat.
9 The strategic plan and the budget together
10 is a way we hold our City leaders, the administration,
11 and our department heads accountable. It's also a way
12 that we measure their stewardship of the resources we
13 entrust to them.
14 I hope that we have an outside facilitator
15 who understands and appreciates and can communicate
16 and guide you in this process.
17 I was delighted to be part of the strategic
18 planning process with the Police Department. It
19 seemed to -- it seems to have been interrupted. I'm
20 not sure if we're going to regroup. I would like to.
21 I was glad that the Police Department took
22 that initiative and showed the city that it can be
23 done and how it can be done with an outside
24 facilitator. That facilitator was outstanding. The
25 coming together of the public and employees of the

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1 Police Department was an outstanding process. Several
2 Council members were part of that process.
3 And so I encourage you to jump on the
4 strategic planning process, and if there's any way I
5 can help you as a business consultant, I would be
6 delighted to volunteer my time to do that, and I know
7 others in the community would be delighted to assist
8 too.
9 MAYOR PITTMAN: Thank you, Ms. Gilman.
10 Additional public comment?
11 MR. BOB KELLY: Bob Kelly, Northwoods.
12 I think we've seen a common thread running
13 through this meeting tonight, and I couldn't help
14 thinking about a favorite movie of mine that goes --
15 it's from "Cool Hand Luke," where he would say, "What
16 we have here is a failure to communicate."
17 As a 35-year communications professional, I
18 am a big proponent of communication, and in individual
19 conversations I've had with many of you, I have
20 expressed my views on communication.
21 Many of you promise transparency in your
22 campaign material and in your -- you know, everything
23 that you did to get you elected to be put there, and I
24 am heartened tonight to see that I'm almost thinking
25 that maybe we might be able to see some finally.

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I applaud Trudy, Councilman Dean, on her efforts to get the agenda situated in such a way that where we the citizens know more about what's going on. And if there's any way we can put it onto the Web site or on the City site, put things out there. We are so in the dark as to what you-all do unless we come to these meetings, and it just --

You've taken baby steps tonight, and I applaud you for that. I wish you would take it a step further and respond in a timely manner to citizens' e-mails that they may send you. I know some of you say, "Well, I didn't respond globally. I just sent it back to that person," but there's -- I've been one of the people and I've also known people who have received -- who've sent you e-mails, and I'm still waiting for a response.

So I'm just asking you to be a little bit more cognizant of that and to also take yourselves -- the only time we see some of you are when it's election time -- and get back and communicate with your constituents. Get back into the community; come visit us. Make an effort to have a two-way exchange in communications with us.

But I thank you-all for taking the steps you're taking, which seem to me it's obvious that

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you're at least trying to communicate with us and with each other.

MAYOR PITTMAN: Thank you.

MR. TOM HART: I'm a Cool Hand Luke. I had an opportunity to work with Paul Newman a number of years in racing, and he was quite a guy.

The trash collection. Here we are with Advanced Disposal and the City and the clam truck and the chipper, the same discussion that's been going on for years. We have a company with a transfer station in the middle of the city. We've talked about putting waste materials in landfills, about not meeting the State and Federal requirements for solid waste disposal, of our problems with recycling, and this goes on and on, not having an integrated system that costs less money and gets the job done.

And then we find out magically that Advanced Disposal's not picking up everything or that their dumpsters over at Honeysuckle Park really don't belong to them; they belong to Dekalb County. It's all the series of discovery that Advanced Disposal is not quite doing what they were supposed to do.

In the Maintenance Department, we're going to save all this money with the clam truck and personnel. This has been going on for five or six

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years, the same discussion. Why hasn't something been done about it? And we have people in the city, on the Council, that, for whatever relationship they may have with Advanced Disposal, keeps on putting the staff on the back burner.

We talked about communications, communications with the Planning Commission. We voted to put the Planning Commission in there to communicate with the public on what's going to happen in the city, what's happening in their neighborhood, what's happening on their block so that you don't have this sign a hundred feet off the road that nobody sees. Okay? It's about communicating with the public.

And the last thing, I put in an Open Records request for a parking lot on Tilly Mill -- off Tilly Mill Road next to the mosque, okay, where an R-1 residential lot was zoned for a parking lot. I don't know how you do that, but I asked for a copy.

They came back, and the Open Records request would cost $1,600. I think that's one of those "Can you go away? because we don't want you to know about this."

And then we come back, and they sent me an e-mail back after I complained about it to the State Attorney General's office; it's now only going to cost

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$500.00.

Now, we either need a new computer system that takes care of these permits or -- now, we're talking about a 30-day window. How many parking lot permits were issued in this city? Five? It's going to cost five -- That's a hundred dollars per search; I mean $500.00.

It's not about this Council right now. It's about communications and open government. It's about trash collection, open information about the trash collection.

ATTORNEY McLENDON: That's the time, Tom.

MAYOR PITTMAN: Thank you.

Additional public comments?

MR. JOHN MALONEY: My name's John Maloney on Stewart Road in Doraville.

Just two very quick comments. One, I attended the last Planning Committee meeting and I was fairly impressed with how it was operated and run, and I thought the citizens had their say, and I appreciated that.

The other quick comment is on the clam truck. I hope we can keep it because we live in wooded areas so we have a lot of limbs on the ground and we need them picked up. And my fear about a lot

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of this, about the ordinance with the white goods and this, if we don't make provisions for it to be picked up. I'm afraid it's going to go and start accumulating behind people's houses. That's what my concern is. Thank you.

MAYOR PITTMAN: Thank you.

Hold on one second. I know we're almost through, but it is past nine o'clock. Could we get a motion real quick just to extend it long enough to finish public comments?

I'm sorry.

COUNCILMEMBER BATES: So moved.

MAYOR PITTMAN: Second?

COUNCILMEMBER PACHUTA: Second.

MAYOR PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PITTMAN: Call the roll, please.

Hold on one second. Hold on. We got to call the roll.

ATTORNEY McLENDON: Who moved?

COUNCILMEMBER BATES: Bates. Pachuta.

MAYOR PITTMAN: Pachuta, right.

ATTORNEY McLENDON: Ms. Alexander?

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COUNCILMEMBER ALEXANDER: Yes.

ATTORNEY McLENDON: Mr. Bates?

COUNCILMEMBER BATES: Yes.

ATTORNEY McLENDON: Ms. Dean?

COUNCILMEMBER DEAN: Yes.

ATTORNEY McLENDON: Ms. Fleming?

COUNCILMEMBER FLEMING: Yes.

ATTORNEY McLENDON: Ms. Pachuta?

COUNCILMEMBER PACHUTA: Yes.

ATTORNEY McLENDON: Mr. Patrick?

COUNCILMEMBER PATRICK: Yes.

MAYOR PITTMAN: Thank you. My apologies.

MR. BEN CRAWFORD: I'll be brief. Ben Crawford, Oakcliff Estates.

One thing is I'd like to say also I attended the Planning Commission meeting, and it went well, and the Planning Commission did a good job and so did the city planner.

And the other thing I wanted to mention is on item number 3, the third one down under new business, it seems to me like there's a little bit of confusion on getting Council records requests. That should be simplified. You should draw up a procedure, but it should be that when you're getting records for doing your job, that's not Open Records; you just ask

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for information to facilitate doing your job as a councilperson. But another issue is Open Records, and then you're just like a citizen and you're making an Open Records request. So I think the two things, if you look at them and view them differently, one thing is for personal use -- I've got a vendetta against Brian so I'm going to --

COUNCILMEMBER BATES: Oh, thanks.

MR. CRAWFORD: -- find everything against Brian, so I'm going to ask for everything I possibly can. And yes, you should pay the hourly rate, whatever it is for an Open Records request. It's find in three days by State law, and I tell you it's X-amount of dollars if I'm the clerk pulling the records. The other thing is just what you're doing your job.

That's it. Thank you.

MAYOR PITTMAN: Thank you.

Additional public comments?

- - -

(No response)

- - -

MAYOR PITTMAN: Motion to adjourn?

COUNCILMEMBER ALEXANDER: So moved.

MAYOR PITTMAN: Second?

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COUNCILMEMBER PACHUTA: Second.

MAYOR PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PITTMAN: Call the roll, please.

ATTORNEY McLENDON: Ms. Alexander?

COUNCILMEMBER ALEXANDER: Yes.

ATTORNEY McLENDON: Mr. Bates?

COUNCILMEMBER BATES: Yes.

ATTORNEY McLENDON: Ms Dean?

COUNCILMEMBER DEAN: Yes.

ATTORNEY McLENDON: Ms. Fleming?

COUNCILMEMBER FLEMING: Yes.

ATTORNEY McLENDON: Ms. Pachuta?

COUNCILMEMBER PACHUTA: Yes.

ATTORNEY McLENDON: Mr. Patrick?

COUNCILMEMBER PATRICK: Yes.

MAYOR PITTMAN: Thank you.

- - -

(Meeting adjourned at approximately 9:10 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 25th day of April, 2012.

_____

Theresa Bretch, CCR
Permit No. B-755

[SEAL]

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