In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

March 1, 2010

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

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Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Ray Jenkins presiding, before Theresa Bretch, Certified Court Reporter, commencing at approximately 6:30 p.m., March 1, 2010.

* * *

APPEARANCES:
Doraville City Council:
Hon. Ray Jenkins, Mayor
Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Karen Pachuta
Councilmember Donna Pittman
Councilmember Bob Roche
Councilmember Pam Fleming
Rhonda Blackmon, City Clerk
Murray J. Weed, City Attorney

P R O C E E D I N G S

MAYOR JENKINS: Meeting come to order. Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Here.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Here.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Here.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Here.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Here.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Here.

MAYOR JENKINS: Okay. I need to get the minutes for the February 16th, 2020, approved, please.

COUNCILMEMBER PACHUTA: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: Appreciate everybody coming out tonight and hope we're going to have a short meeting tonight, but we're going to start out with Luke. He's on the Mayor's Comments.

MR. HOWE: Friday there is an opportunity due that would give us technical assistance to implement quality growth standards. What this would entail, an ARC staff across department lines along with graduate assistants would be provided to the City to help implement quality growth programs. So this is not as much about actual planning as it is implementing things we have already planned.

A lot of some of the examples from previous recipients include overlay design, sign ordinances, architectural design ordinances, things of that nature. The goal here would just be to target things that we have planned to do but we simply don't have

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1 the staff to take on at this time.
2 Now, Murray is one of the only staff members
3 who has offered suggestions, and I appreciate that.
4 I'd love to apply for this. I think we would be
5 remiss if we didn't seize this opportunity. So I'll
6 take any suggestions at this time.
7 COUNCILMEMBER BATES: Does it cost the City
8 anything?
9 MR. HOWE: Sir?
10 COUNCILMEMBER BATES: Does it cost the City
11 anything?
12 MR. HOWE: No, sir. It would cost us
13 nothing.
14 COUNCILMEMBER BATES: I think one of the
15 things that has been brought up a couple of times --
16 there are two things that come to mind after reading
17 this. One is the entrances into the city. That's
18 certainly something that needs to be addressed. Well,
19 there's actually three things.
20 The second would be standardizing our
21 streetscaping -- benches, trash receptacles -- and
22 that could imply or extend all the way through to city
23 parks so that we've got a uniform look throughout the
24 city on those items.
25 And the third, and I don't know if it would

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1 fall under this, would be branding -- signage, those
2 types of things.
3 MR. HOWE: Well, you know, I certainly agree
4 that those things need to be done. I don't know if
5 this would -- if these things will qualify.
6 COUNCILMEMBER BATES: Well, the streetscape
7 would certainly, I think, qualify because that was one
8 of the LCI recommendations from --
9 MR. HOWE: I think so.
10 COUNCILMEMBER BATES: -- '06, and, you know,
11 we could take those recommendations and extend them
12 and apply them outward, not necessarily within the LCI
13 study zone.
14 MR. HOWE: Like a landscape ordinance?
15 COUNCILMEMBER BATES: Right.
16 COUNCILMEMBER PACHUTA: At what stage are we
17 supposed to have something that we're going to present
18 to apply for?
19 MR. HOWE: Friday.
20 COUNCILMEMBER PACHUTA: No. I mean is it
21 something that we've -- Like how detailed of a plan do
22 we already have to have in place?
23 I mean we've talked about, you know, at our
24 strategic planning session possibly talking about
25 architectural standards, you know, for new

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1 construction, but that's -- you know, right now, it's
2 just still out there and nothing's been discussed in
3 detail, so I don't even know if that would qualify.
4 MR. HOWE: Anything's that's already been
5 outlined in our previous LCI, and that would be my
6 preference is something more, you know -- a little
7 more fundamental to development.
8 I think landscape would be good, a good
9 choice.
10 Murray, do you have any?
11 ATTORNEY WEED: I've submitted some -- the
12 ideas that I had, but I'll keep thinking about it
13 between now and I guess Wednesday or so. You've got
14 to turn something around.
15 MR. HOWE: Uh-huh.
16 COUNCILMEMBER BATES: What do we need to
17 turn in? I mean what's the extent of -- Is it an
18 application? Is it a narrative? Is it an essay?
19 MR. HOWE: Yes, sir. It's --
20 COUNCILMEMBER BATES: I apologize if you
21 provided that to us.
22 MR. HOWE: Briefly describe the project for
23 which you are requesting implementation assistance.
24 COUNCILMEMBER BATES: Got it. I'm looking
25 at it now. Thank you.

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1 COUNCILMEMBER ROCHE: So what projects do we
2 have ready to implement now?
3 MR. HOWE: We don't have anything right now.
4 You know, I've been trying to get something from staff
5 for about two weeks now. I know they're busy doing
6 other things, and that's part of the problem and that
7 underscores why we need this so bad. We need this. I
8 think if we didn't, it would be something that we
9 regretted down the road if we didn't take advantage of
10 this.
11 COUNCILMEMBER ROCHE: I mean is this going
12 to be available later on or --
13 MR. HOWE: It'll be available next year.
14 COUNCILMEMBER ROCHE: I just -- I mean I
15 hate to pass up an opportunity. I just -- you know,
16 it's like okay, let's get assistance implementing, and
17 we have nothing to implement, so --
18 COUNCILMEMBER BATES: Well, what is --
19 COUNCILMEMBER PACHUTA: We've got the sign
20 ordinance on the agenda, you know, in March, so that -
21 - I mean it's probably what I think of as the closest
22 that we have to implement of the suggestions that you
23 had given us.
24 ATTORNEY WEED: If I might make a
25 suggestion, if you are considering going down that

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1 theater, then I recommend to you that you look into
2 using this type of money for an architectural design
3 ordinance, because the largest part of an
4 architectural design ordinance is actually having
5 somebody or some company do a realistic assessment of
6 what you actually have, looking at the as-built
7 properties to make a determination of what the
8 majority architectural style is, doing that initial
9 assessment.
10 COUNCILMEMBER PACHUTA: That's my
11 preference, but I wasn't sure if we were -- if we
12 needed to be further along in the process.
13 MR. HOWE: I don't think so.
14 ATTORNEY WEED: I think we've repeatedly
15 stated in lots of different public arenas that we are
16 going to do that eventually, that that's a goal,
17 et cetera. So as far as preferences, as far as I'm
18 concerned, a sign ordinance is frankly a lot easier
19 because there's very little quote/unquote, ground work
20 or surveys, research that has got to be done as
21 compared to an architectural design ordinance, because
22 what you're going to want to do is have a study done
23 so that you could have some basis for making decisions
24 eventually about we're going to promote this style as
25 opposed to that style, and you're going to have to

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1 have some basis in fact from which to start.
2 COUNCILMEMBER BATES: Looking at the
3 projects for year 2009, the city of Auburn, the
4 Community Choices Team will assist the city in
5 developing a set of architectural design guidelines
6 for their downtown area. So I think that's a
7 tremendous idea to contemplate.
8 MR. HOWE: I think that would be a good
9 idea.
10 And again, we've had a lot of progress with
11 the current LCI, the 2006. Murray deserves a lot of
12 credit. I think what we -- like I said, this would be
13 something that we have intended on doing. We just
14 haven't gotten around to it.
15 You know, our role would be to basically put
16 the application together and then if we get it, kind
17 of turn it over to Murray and Scott, let them kind of
18 lead the technical assistance team.
19 COUNCILMEMBER ROCHE: Well, one of the
20 biggest issues we've been dealing with for the last
21 several months has been the -- I can't say transition,
22 but the lack of a transitional plan for the new zoning
23 ordinances. I mean we basically went from here we are
24 one thing and then now everything has completely
25 changed, and there's been no -- no real thought given

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1 to how do we get from where we want to be to where we
2 are now without ruining everything in the meantime.
3 And you know, we're looking at potentially
4 updating or going back and reviewing our zoning
5 ordinances. Would that be a reasonable candidate for
6 this? because this is something we have already passed
7 the ordinance, and of course, as I said, we're running
8 into all kinds of issues with that.
9 There was no implementation plan. We just
10 one day decided, well, here's your new ordinance, and
11 all your old uses are no good or whatever --
12 COUNCILMEMBER PACHUTA: I have to disagree
13 with that.
14 COUNCILMEMBER ROCHE: -- and we don't have
15 any kind of --
16 I'm sorry. I didn't mean to interrupt you.
17 COUNCILMEMBER PACHUTA: No. I'm sorry.
18 COUNCILMEMBER ROCHE: Go ahead, please.
19 COUNCILMEMBER PACHUTA: Go ahead, Mr. Roche.
20 I just have to disagree with you about it
21 because I mean as Mr. Bates will talk about tonight,
22 there's actually very few changes to the zoning
23 ordinance and we added a lot more uses than we had
24 before. So I don't know that that's -- you know, I
25 would rather tackle something that, you know, we've

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1 been putting off a little bit.
2 MR. HOWE: Well, I think our ordinances are
3 consistent with quality growth. You know, again, I'm
4 a planning layperson, but I think they've been
5 consistent with what the ARC wants to see.
6 Maybe they were, but I don't know. That's
7 not my place to comment on.
8 COUNCILMEMBER ROCHE: Well, I'm just talking
9 about what I see from the results, and the results and
10 the phone calls I've gotten and everything else.
11 MR. HOWE: Yes, sir.
12 COUNCILMEMBER BATES: Do we need to -- is
13 this limited to applying for only one item or is it
14 multiple?
15 MR. HOWE: Just one.
16 COUNCILMEMBER BATES: And a time frame on
17 selection?
18 MR. HOWE: It'll be in April, late April,
19 late March. I think it will be pretty quickly as far
20 as that is concerned.
21 COUNCILMEMBER BATES: I would be in favor of
22 doing the architectural design standards.
23 MR. HOWE: Okay.
24 COUNCILMEMBER FLEMING: For the entire city?
25 COUNCILMEMBER BATES: Yes, ma'am.

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1 COUNCILMEMBER FLEMING: I think we need to
2 -- Mr. Howe and I had a lengthy conversation on Friday
3 regarding this, and I gave him my suggestions at that
4 time. But I don't have the LCI study in front of me,
5 but I would imagine that -- I'm just imagining -- that
6 we did indeed expect to identify our main street
7 corridor. And at this moment, I don't think through
8 our processes and implementation that we have truly
9 defined our main street corridor, and I think that's -
10 - that's my number one priority.
11 If New Peachtree Road is going to be our
12 main street corridor, then -- and because it would be
13 connected to the GM property, I think we need to
14 identify architectural standards for New Peachtree
15 Road and not the entire city.
16 COUNCILMEMBER ROCHE: I would tend to agree
17 with that.
18 COUNCILMEMBER BATES: Could we ask for a
19 split of the review -- i.e., create two sets of
20 architectural standards?
21 MR. HOWE: I would think so.
22 COUNCILMEMBER BATES: Because I think one of
23 the things -- and I don't disagree, but I think
24 there's an opportunity for us to kill two birds with
25 one stone and identify a main street or a downtown

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1 corridor set of architectural standards or overlay and
2 then an outlying Buford Highway corridor. I think
3 that's a great opportunity for us to look at creating
4 a distinction and establishing a downtown corridor.
5 So if we can do that, I would certainly be in favor of
6 looking at that.
7 MR. HOWE: Well, our LCI identifies two
8 separate overlays, a Buford Highway overlay and a town
9 center overlay which is more what Pam is referring to.
10 Now, our changes were more sweeping and more
11 across the whole city, but that would certainly be
12 consistent with our LCI if we went about this in a
13 two-prong approach.
14 COUNCILMEMBER BATES: I think that makes a
15 lot of sense.
16 MR. HOWE: What do you think, Murray?
17 ATTORNEY WEED: I don't disagree. It
18 certainly is up to the Council.
19 MR. HOWE: Okay.
20 COUNCILMEMBER FLEMING: Well, one of the key
21 words, I believe, in the grant format is implemen-
22 tation. And realistically, what can we implement?
23 Can we tackle the entire city or should we do it in
24 areas that we know that we can implement during a
25 period of time that it's requesting?

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1 And so I'm looking more on a smaller than
2 the entire city-wide for architectural standards is
3 the reason why I was, you know, focusing on a main
4 street or downtown corridor -- main street or --
5 COUNCILMEMBER BATES: Sure, and --
6 COUNCILMEMBER FLEMING: -- whatever.
7 COUNCILMEMBER BATES: -- I don't disagree.
8 If we could do it in a phased implemen-
9 tation, you know, with a New Peachtree/downtown/main
10 street corridor with a secondary implementation of the
11 Buford Highway corridor, if that would work, I'd be
12 absolutely in favor of doing that.
13 MR. HOWE: And maybe the city could make
14 recommendations about how to go and then we can move
15 on accordingly.
16 But I think it's a good project. I think
17 it's something that's fundamentally sound. So I think
18 that's something that everybody's expressing intent on
19 doing, so --
20 COUNCILMEMBER BATES: I think that's great.
21 COUNCILMEMBER ROCHE: In going through an
22 implementation for a smaller piece of a project,
23 typically you have the same implementation steps and
24 issues that you would apply to the larger scale as you
25 apply -- as you implement other things too, so --

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1 MR. HOWE: Yes, sir. And --
2 COUNCILMEMBER ROCHE: It's better that you
3 learn your lessons on -- sorry.
4 MR. HOWE: No. I'm sorry. Go ahead, sir.
5 COUNCILMEMBER ROCHE: It's better to learn
6 your lessons on something small than to learn your
7 lessons on a city-wide initiative.
8 MR. HOWE: I understand.
9 Well, the reason for bringing this up was to
10 of course solicit feedback. But as with most grants,
11 I like to get -- I'd like to have Council's
12 permission. It only requires the Mayor's signature,
13 but, you know, they're more likely to give it to a
14 city who is in unanimity, because they've given
15 projects before with just a mayoral signature, and the
16 council has rejected it, so they don't want to do
17 that.
18 So I think they'll take my word for it. I
19 don't think it requires a resolution, so if --
20 COUNCILMEMBER BATES: Would it help --
21 COUNCILMEMBER PACHUTA: Do you need a
22 motion?
23 COUNCILMEMBER BATES: -- if we --
24 COUNCILMEMBER ALEXANDER: Had a motion?
25 MR. HOWE: I think it would help, yeah.

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Yes, sir.
COUNCILMEMBER ALEXANDER: And then Rhonda could --
MR. HOWE: It wouldn't hurt.
COUNCILMEMBER ALEXANDER: -- perhaps type up some verbiage and show how we voted --
MR. HOWE: Okay.
COUNCILMEMBER ALEXANDER: -- as a supporting document.
COUNCILMEMBER ROCHE: Just curious. How did this come to your attention?
MR. HOWE: Well, Pam actually put it on my desk, but the ARC sent it to me as well, so --
COUNCILMEMBER ROCHE: Thank you.
COUNCILMEMBER BATES: I'll make a motion to move forward with the community choices application for implementation assistance on architectural standards in two phases or two pieces, a downtown/main street/New Peachtree corridor and Buford Highway corridor, with a two-phased implementation.
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Anymore discussion?
- - -
(No response)
- - -

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MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Thank you, Luke.
MR. HOWE: Thank you all.
COUNCILMEMBER PITTMAN: Thank you.
MAYOR JENKINS: If you'll notice, our agenda is a little bit different. And I put a sign-up sheet out, and the people that signed up didn't put down what item they wanted to speak on. It says your name and the item that you want to speak on. I'm going to put it back out.
Does anybody want to speak on the one that Luke just talked about?
COUNCILMEMBER BATES: Mayor, actually it's

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different. We allow public comments before and after the --
MAYOR JENKINS: Yeah.
COUNCILMEMBER BATES: -- business but not on any particular item. So under Item VI --
MAYOR JENKINS: In other words, you're just going to let anybody speak. Well, I misunderstood that.
COUNCILMEMBER BATES: Yeah. Under Item VI and under --
MAYOR JENKINS: Yeah.
COUNCILMEMBER BATES: -- Item IX, public comments will be open.
MAYOR JENKINS: Okay. In other words, they don't have to have a sign-up sheet.
ATTORNEY WEED: Not to disagree, Councilman, but I thought what's in the ordinance that was passed would be two public hearing sections -- not hearing, but public comment sections. Item VI is actually four items on the agenda.
MAYOR JENKINS: That's --
COUNCILMEMBER BATES: Right.
MAYOR JENKINS: -- what I understood.
COUNCILMEMBER BATES: Okay.
ATTORNEY WEED: And the last one is for --

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COUNCILMEMBER BATES: Perhaps, then, I was unclear on this --
ATTORNEY WEED: The latter one would be unrestricted.
COUNCILMEMBER BATES: -- and misunderstood. I don't think Item 6 required them to identify what they were going to talk about. It was merely --
ATTORNEY WEED: I mean there's no -- I wouldn't say that is a requirement that there be a sign-up sheet; however, the Mayor is the authorized person to lead the meeting and he clearly has the authority to organize it --
MAYOR JENKINS: Well, I just --
ATTORNEY WEED: -- in whatever manner --
MAYOR JENKINS: I knew that --
ATTORNEY WEED: -- he sees fit.
MAYOR JENKINS: -- we had changed this, and my understanding was the public comments on agenda items, you sign up for what agenda item you --
That was my understanding.
COUNCILMEMBER BATES: And that's -- that's -- My apologies, sir. My intent was not to limit it to the agenda items. Did we --
COUNCILMEMBER FLEMING: It was indeed for the agenda items --

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1 MAYOR JENKINS: Yes, before.
2 COUNCILMEMBER FLEMING: -- but I was under
3 -- this is my impression was that if we were awarding
4 them, each person, three minutes, and they wanted to
5 discuss four of those items, that they needed to get
6 those four items done in three minutes' time.
7 COUNCILMEMBER BATES: Absolutely.
8 COUNCILMEMBER FLEMING: That's what I was
9 under the impression.
10 COUNCILMEMBER BATES: And I am on the same
11 page on that.
12 ATTORNEY WEED: And with regard to the sign-
13 up sheet and with regard to identifying items, that's
14 clearly within the authority of the Mayor as the
15 leader of this particular meeting to decide if he
16 wants to do that or not.
17 You're not required to do so, Mayor. It's
18 not in the ordinance as adopted.
19 MAYOR JENKINS: Yeah, I understand.
20 ATTORNEY WEED: You have the authority to do
21 so if you care to.
22 COUNCILMEMBER BATES: I'm fine with the
23 sign-up sheet but I don't know if they need to
24 identify what agenda items they want to talk on.
25 COUNCILMEMBER ROCHE: I guess my concern

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1 about the sign-up sheet is if you don't get here right
2 at 6:30 or --
3 COUNCILMEMBER BATES: Right.
4 COUNCILMEMBER ROCHE: -- five minutes
5 before, the sign-up sheet's gone and you can't sign
6 up.
7 MAYOR JENKINS: What are you saying? We do
8 not have a sign-up sheet?
9 COUNCILMEMBER ROCHE: I would prefer that,
10 personally.
11 MAYOR JENKINS: Okay. I mean --
12 CLERK BLACKMON: So no sign-up sheet.
13 MAYOR JENKINS: -- it's fine with me.
14 CLERK BLACKMON: I just need -- I wanted to
15 clarify a few things about this new agenda tonight,
16 anyway. And actually going back to number V, I was
17 under the impression that everything needed to have
18 documentation, but if this is department head reports,
19 that's --
20 MAYOR JENKINS: Not necessarily.
21 CLERK BLACKMON: -- that's not going to be
22 possible for Captain Atkinson.
23 COUNCILMEMBER BATES: That's correct.
24 CLERK BLACKMON: Something could have
25 happened the night before that he wants to report on.

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1 So I'm going to put "reports" and list the
2 departments, and then if someone is here, they can
3 come up? Is that --
4 COUNCILMEMBER BATES: That's correct,
5 because it would be impractical to require a
6 department head --
7 CLERK BLACKMON: Right.
8 COUNCILMEMBER BATES: -- five days before a
9 meeting to anticipate what might happen over the
10 weekend.
11 CLERK BLACKMON: If they have something they
12 need to present, then they can bring documentation.
13 And I'll make sure that they know I need to have that
14 kind of information in the packet, you know, by the --
15 COUNCILMEMBER BATES: Right.
16 CLERK BLACKMON: -- packet deadline.
17 But like I think Captain Atkinson needed to
18 maybe give a report today, and I have none, because I
19 was trying to get the clarification of all of that.
20 So I don't know if we want to go back to see
21 if he needs to speak.
22 MAYOR JENKINS: We're going to go to No. V
23 in a minute, but I still want to get this straight.
24 How are we going to deal with Item No. VI?
25 We start on ADA Ramps, and then anybody can speak on

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1 that; is that correct?
2 COUNCILMEMBER BATES: No, sir.
3 What will happen is under Item VI, it will
4 be public comments, and people will choose to make
5 comments on any agenda item, and when they are done,
6 then we move on to item --
7 MAYOR JENKINS: The next item, and then do
8 the same?
9 COUNCILMEMBER BATES: -- VII. No.
10 MAYOR JENKINS: You do this on each item.
11 COUNCILMEMBER BATES: No.
12 MAYOR JENKINS: Is that --
13 COUNCILMEMBER BATES: No, no. You do it
14 once, and then we move on to Item VII. We do all of
15 Item VII, Item VIII, and then we have public comments
16 again.
17 MAYOR JENKINS: Okay, that's good.
18 Okay. We're going to do No. V, reports from
19 the police.
20 ACTING CHIEF ATKINSON: I just have one
21 thing, and I apologize for not having my documentation
22 to you. I just have a map.
23 We've had a request from the Northwoods
24 Montessori School. They would like to do a Fun Run on
25 April the 17th, and I have a map here. And all I need

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is advice from the Council to allow Mr. Weed to move forward with what he has to do between them and the Montessori school.

They will not be occupying any major streets. The only streets that they'll be occupying, as you can see, are Raymond Drive and Brook Park. They'll just be running -- from the Montessori school, they'll be cutting through right there onto Raymond Drive, run down Raymond Drive to Brook Park Way and do the loop and go right back.

So that's on April the 17th, so I just need Council's approval for Mr. Weed to move forward, I guess, with this, if that's how these are handled.

COUNCILMEMBER ROCHE: I make a motion that we allow Mr. Weed to move forward on this, the Montessori Fun Run on April 17th.

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Anymore discussion?

COUNCILMEMBER ALEXANDER: Yes. Are they going to run down Chestnut and then Wheeler to Raymond or how are they going to run?

ACTING CHIEF ATKINSON: Cutting through right there at the dead end of Raymond Drive. It dead ends into the Montessori School, and you can walk through there, and they just walk across onto Raymond

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Drive. According this, now. I mean I haven't gotten a --

COUNCILMEMBER PACHUTA: And I guess I have the same question as I had with the last group. Is this going to be overtime for the police?

ACTING CHIEF ATKINSON: No, this won't require anything. It's such a small route, I don't foresee any other expenses.

MAYOR JENKINS: Anymore discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

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MAYOR JENKINS: Maria, do you want to give a report on the airport thing today?

COUNCILMEMBER ALEXANDER: I and several citizens attended the PDK FAA airports regarding the Class B airspace. And at the 3 o'clock meeting, Mr. Anderson made a presentation, and at the 5 o'clock meeting, I made a presentation, and basically we echoed each other's points as far as lack of environmental and noise statistical data from the FAA -- nothing was supplied; they didn't offer anything at the meetings -- the economic impact that it could have on our city including the redevelopment of the GM property and safety concerns regarding the aircraft flying lower over our airspace.

There was another meeting at 7:00. Obviously, no one attended. But I appreciate everybody that turned out. And we have until April the 5th, I believe, to submit additional comments.

We've been posting some things on the neighborhood bulletin boards, and it's very important that your voices are heard, because this impacts us, all of us, for a very, very long time.

MAYOR JENKINS: Very good. Thank you.

Any other committee reports? How about you, Ben? You got any reports?

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MR. CRAWFORD: From where?

MAYOR JENKINS: Planning?

MR. CRAWFORD: Sorry, Mayor. Excuse me?

MAYOR JENKINS: Sir?

MR. CRAWFORD: Reports from where?

MAYOR JENKINS: Okay. It's all right.

Anybody else on any kind of committee reports?

COUNCILMEMBER BATES: Mayor, very briefly, the Census 2010 is coming. The census forms are going to be mailed on March the 15th, and they need to be returned back by the very first part of April. So it's critically important that we talk -- knock on our neighbor's door and remind them to do this.

There was a -- at the Dekalb Municipal Association meeting last Thursday, there was a census presenter, and she indicated that every person that was not counted, the local governments including the counties and the cities could lose up to $1,500 per person per year in federal revenues that gets applied out, you know, to the school districts and to, you know, homeland security and public safety and all that good stuff.

So we need to make sure that A., you return yours and that we make sure that we're telling all of

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our neighbors to get their census forms back in. You know, it only happens once every 10 years, and it impacts cities for a very long period of time afterwards.

MAYOR JENKINS: Donna?

COUNCILMEMBER PITTMAN: I have the Tree Board. And our arborist has seedlings out there that we had left from our event if you'd like to have some.

Susan, do you remember what they were called by chance?

MS. FRAYSSE: They're some kind of oak.

COUNCILMEMBER ALEXANDER: Sawtooth oak.

COUNCILMEMBER PITTMAN: Yes. And we have more, I believe, if we run out, so please feel free to take one as you go out.

MAYOR JENKINS: Okay. Anybody else?

COUNCILMEMBER ROCHE: Well, on the census, I think we do it a lot easier here in the States.

Many years ago, I was stationed in Turkey. And on census day, basically wherever you woke up, you had to stay in that building all day long until they came, because if you didn't, they would arrest you for trying to cross the street or anything.

So I think that filling out a form and mailing it in is slightly less of a hassle than

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getting arrested for crossing the street.

MAYOR JENKINS: Yeah. Okay. Is that all?

Item No. VI, public comments on agenda items.

MS. GILMAN: Carol Gilman, Chestnut Place in Doraville. A little clarification. This is only on the agenda item or --

MAYOR JENKINS: Yes. Any of the agenda items.

COUNCILMEMBER FLEMING: And then if you have public comments that you wish to make --

MAYOR JENKINS: That'll be at --

COUNCILMEMBER FLEMING: -- you do that --

MAYOR JENKINS: -- the end of the meeting.

COUNCILMEMBER FLEMING: -- at the end.

MS. GILMAN: Okay. That's good clarification.

The other thing is did you-all put in place in redesigning the agenda format that persons would have to identify themselves when they appear at the podium and state whether they live, live and work or just work in Doraville so that we know who is speaking to us?

COUNCILMEMBER BATES: That's a requirement, I believe.

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ATTORNEY WEED: And traditionally, somebody needs to identify themself and state their residence address. That's usually what's done in almost all public hearings, et cetera.

Council's been very informal about that, but that's what's usually done.

MS. GILMAN: I think it's a good idea since we're going to such wonderful efforts to be more organized and more effective. Thank you.

MAYOR JENKINS: Thank you.

Okay. Agenda items.

MR. ANDERSON: Stuart Anderson, 2595 Barrylynn Drive, Doraville, Georgia 30360.

A couple items. In the Implementation Assistance Program, Luke isn't here, but it seemed to me that since our main grant was for the LCI, this grant should be dovetailed into that for the New Peachtree corridor/center city concept, as it were.

Given to us through Luke's grant, Ms. Fleming's grant, there are specialists allowed to help us. It's up to us to ask for whatever we want, but dovetailing the LCI study and this -- or LCI renovation and this grant would be good, I think.

Another issue, I noticed ADA ramps. I think earlier discussion at another time was about waiving

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the fees. I know we have done that for other things like the LEEDs, et cetera, so I urge that.

And I'll be very interested in the comparison, the discontent chart, what's going to be said about that as far as the January 12th presentation and the business owners' concerns. So I'll be very interested in what comes out of that, Mr. Bates.

And I'll save my comment about the cell towers since it's not on the agenda until public comment at the end. Thank you.

MAYOR JENKINS: Thank you.

MS. CALVERT: I think at one time that -- I'm Ginny Calvert, Doraville, 30340.

Anyway, I believe at one time Maria Alexander did bring up the ramps a few years ago, and she got knocked down by the rest of the Council, but it hasn't happened when I brought it up. Pam Fleming gave me a call on it, and she was enthused about it, and I said, well, go ahead and start this.

I took some pictures of some of the ramps, and I know we can't omit the permits, because we could lose our accreditation to do this, but there's no reason why we can't lower the fee on them.

And I think it would be nice if we could possibly give people a ballpark figure on some of

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these crazy looking things that I've got up there. A couple of them are quite elaborate. On the one with just the rails, they do need a ramp, but she just got out of the hospital, and no more working, and they can't afford, really, to do anything about it right now.

Number two, the lady was in the hospital so I couldn't find the exact amount. She said she had no idea when somebody came out and did this for her. I guess it was a friend.

The number three on the back, she said $300, but oh, look at that thing. I have a feeling it was more money than that.

And the number four, they weren't home, so I couldn't get a price on it or the amount, you know, if they had people or friends doing it for them or what.

But there's two very nice ones. It is a wide variety and range of the amount of money that can be spent on these things.

MAYOR JENKINS: Ben, you signed up to speak.

MR. CRAWFORD: Ben Crawford, 3959 Red Oak Drive, Doraville.

As far as the -- I guess the grant that Luke was talking about, I actually disagree with City Council. I think it should have been for the whole

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city. It's not a very big city.

It seems like you would have, you know, consulted maybe somebody that did that kind of architectural standards to see how long it would take and see if they could handle the whole city at one time and seems like you'd do the whole city at once.

Thank you.

MAYOR JENKINS: Anybody else? Nobody else on agenda items?

- - -

(No response)

- - -

MAYOR JENKINS: Okay. Item No. VII, ADA ramps, Pam Fleming.

COUNCILMEMBER FLEMING: Yes, sir. I presented this for Ms. Calvert. It was on the agenda on -- the first time it was on the agenda was February the 1st. I believe on the February 16th agenda, I believe I passed out an e-mail message to all of us from our city inspector, Mr. John Calcaterra.

But I want to go through the -- for a person that's needing an ADA ramp or any type of building construction within the city, whether it be residential or business owners.

I believe, if I'm not mistaken -- and I'm

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sorry that Mr. Haeberlin's not here, but I believe, if I'm not mistaking, ordinance requires that a survey is to be done and presented, that an engineering site plan has to be done, and then we go into building permits.

And the building permits would be a footing permit for the ADA ramp, a framing permit for the ADA ramp, a final inspection for the ADA ramp, and any exclusive inspections that may arise from that as well as a certificate of completion.

Now, Mr. Calcaterra has, by his e-mail, waived the fees for what would be the footing, the framing and the final inspection.

We have presently -- I know that Mr. Weed is concerned about our gratuity law. However, we have instances in place right now such as LEED certification where we waive fees or we discount them heavily if a contractor is indeed LEED certified and are putting in LEED-approved electricity, plumbing, et cetera.

So as far as gratuity, we have that LEED ordinance in there, so I can't really think that waiving -- waiving the fees and not --

I don't believe that putting an ADA ramp for a disabled person up would require a survey of the

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property nor do I think an engineered site plan would be necessary. I think that a site plan of the way that it should be constructed or the way that the contractor is going to manufacture it would be required.

These ramps would have to meet the Georgia Accessibility Code. I mean they would have to have the proper degree of climb, et cetera, so they'll have to fall into that area. That's where Mr. Calcaterra would be coming into reviewing as they're in the process of constructing as well as far as the site plan.

So I really would like Council to consider disregarding the survey of the property for ADA ramps as well as an engineered site plan. I think a site plan showing the home and the setbacks if necessary and where the intended ADA ramp is going to be installed should be appropriate.

And since Mr. Calcaterra has indeed waived all of his fees, I think that we should do so also.

COUNCILMEMBER PACHUTA: I assume -- this is just a pet peeve. It's not actually ADA ramps because ADA wouldn't apply to residential ramps, correct?

ATTORNEY WEED: That's correct.

COUNCILMEMBER PACHUTA: Okay. One of my

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1 concerns -- and I think I had shared this earlier --
2 is I don't think we should assume that because someone
3 needs a ramp that they can't afford to pay the permit
4 fee. My preference is if someone's having a hard
5 time, you know, affording a ramp is that we refer them
6 to a social service agency that can assist them rather
7 than just assuming.
8 And again, if we were going to waive any
9 fees, then I think it would need to be based on need,
10 some kind of objective standard for need.
11 And you mentioned in your intro, you were
12 talking about businesses also, and I would not be in
13 favor of waiving any of this for a business. It's
14 just a necessary cost of business. At that point, ADA
15 does kick in.
16 COUNCILMEMBER FLEMING: I'm sorry if I
17 misled you or the audience. I'm only referring to
18 single-family residences.
19 One other comment that I'd like to make in
20 regards to waiving the fees. We presently have in
21 effect waiving of sanitation fees for senior citizens
22 that are -- senior citizens that are 70 years old and
23 older that have lived in their home for five years,
24 and that's an ongoing thing. And so as far as the
25 gratuity law again is concerned, we are giving to

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1 people, you know, of age that I feel very much for. I
2 think they deserve to have a break in their sanitation
3 fees.
4 And also a disabled person that needs a
5 Georgia accessibility ramp, I feel that they should
6 also have their fees waived as well, and also the
7 requirements. The survey, they would have to go out
8 and get a survey, and that's $250/$350. If they had
9 to have an engineer do a site plan for them, that's
10 another $250/$350. I think those are too extreme for
11 a homeowner.
12 COUNCILMEMBER PACHUTA: I don't know if you
13 want to weigh in on the anti-gratuities. It may be
14 quite possible that our sanitation waiver violates
15 anti-gratuities. I don't know. But I assume that the
16 LEEDs ordinance would be of benefit back from the
17 developer for using, you know, more environmentally
18 sound building practices.
19 ATTORNEY WEED: That's the theory behind the
20 basic LEEDs ordinance.
21 With regard to the anti-gratuities clause,
22 as all of you know, the general rule is the
23 governmental resources cannot be expended for private
24 gain. That's the simplest way to put it. It's
25 against the constitution, so it's unconstitutional.

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1 There are exceptions. You can -- it is
2 possible to craft an ordinance that would set up some
3 clearly objective criteria that people either meet or
4 they don't meet where you could discount or possibly
5 even waive a fee. However, after you build the
6 criteria, you can't vary from it.
7 Once again, by my usual analogy, a football
8 field someone just decided was going to be a hundred
9 yards. If you put into place that anyone over 70
10 years old who meets certain health criteria or
11 economic criteria, that the fees are lowered or waived
12 for them, what you've done is created a class. You
13 are allowed to create classes of people and you are
14 allowed to treat people differently by class.
15 However, everyone who's put into that class must be
16 treated the same.
17 So those things are possible. You would
18 have to write an ordinance that would of course
19 implement all of these things and all the different
20 rules that you want to put into place.
21 The other concern I've got beyond the
22 possible violation of the anti-gratuities clause is a
23 concern with regard to waiving requirements of surveys
24 and things of that nature. If you don't require a
25 survey, you really have no way to objectively judge

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1 whether or not the construction is being done within
2 or outside of the setback.
3 Once again, although you're not required to
4 have any of these rules, you can simply not require
5 building permits. No one can make you do that.
6 Once you've engaged in doing building
7 permits, it's like being pregnant. You're either
8 pregnant or you're not pregnant; you're not a little
9 bit pregnant. So if you step your toe into the waters
10 of permitting, you have to permit all the way. If you
11 fail to do that, then you could subject yourself to
12 liability.
13 So that's my basic advice. If you want to
14 do this, could it be possible legally? Yes. You'd
15 have to structure an ordinance that did it. You'd
16 have to create an objective criteria to create a class
17 of individuals that you are going to treat differently
18 than other individuals. You have to stick to that
19 class. If people don't make it within that circle,
20 they don't get it. If they do, they do.
21 And with regard to permitting, I caution you
22 to act very carefully with regard to issues such as,
23 you know, waiving requirements for surveys. I think
24 you're going to regret that under the current case
25 law.

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1 Once again, I'd use the example of the barn
2 case where the theory was -- in that case, there was a
3 barn structure on a piece of property. The building
4 inspector inspected the home, did not inspect the
5 barn. The courts found that that was a nondis-
6 cretionary function as opposed to a ministerial
7 function. It was a ministerial function, they found,
8 and therefore, they should have -- the inspector
9 should have done the inspection on everything there,
10 and the government in that case was found to be liable
11 when the barn collapsed.
12 So you're in for a penny or you're in for a
13 pound.
14 So can I get you an ordinance that would do
15 these things mostly? Yes, that would be possible.
16 COUNCILMEMBER PITTMAN: Do we know what any
17 other cities -- how they deal with this, Ms. Fleming?
18 Have you done any research into that?
19 COUNCILMEMBER FLEMING: No, I have not.
20 COUNCILMEMBER PITTMAN: I don't really feel
21 like I would support waiving the requirements. I
22 think we need to stick with that. But I'd be
23 interested to see maybe how somebody else handles it.
24 And a while back, we did have some conversation with
25 another council about although it's wonderful that our

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1 seniors get that, we have had some seniors say, we
2 appreciate and we really don't have to -- we don't
3 need it. So maybe even, you know, both of those
4 things could be a case-by-case financial type of
5 something that you would fill out to waive.
6 ATTORNEY WEED: You would have to do that,
7 and you'd have to ask them some questions, you'd have
8 to --
9 COUNCILMEMBER PITTMAN: Right.
10 ATTORNEY WEED: -- set up the criteria, and
11 people would either make it or they wouldn't make it.
12 COUNCILMEMBER PITTMAN: I know a lot of them
13 really need it; a lot of them really appreciate it and
14 said that they could do without it, and maybe even
15 that with ADA.
16 COUNCILMEMBER FLEMING: Well, I believe also
17 we have not only sanitation, but we don't require --
18 and correct me if I'm wrong, but I believe I am
19 correct -- we don't require city taxes for people that
20 are 70 years old or older.
21 UNIDENTIFIED SPEAKER: That's going to be
22 property.
23 COUNCILMEMBER FLEMING: Property tax.
24 Mayor, do you recall?
25 MAYOR JENKINS: Excuse me?

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1 COUNCILMEMBER FLEMING: Property tax.
2 Pproperty tax for seniors that are 70 years old or
3 over.
4 MAYOR JENKINS: 65 on garbage, 70 on it, but
5 you have to go through the County to get the 70. 65
6 is garbage free, yes.
7 COUNCILMEMBER FLEMING: But as far as our
8 city taxes are concerned, property taxes, a senior --
9 MAYOR JENKINS: No. It's the same way with
10 70 at -- with the County.
11 COUNCILMEMBER FLEMING: Okay.
12 COUNCILMEMBER PACHUTA: And that is money --
13 I mean frankly, it is money even though, you know, it
14 is a benefit for seniors.
15 MAYOR JENKINS: That's right.
16 COUNCILMEMBER PACHUTA: You know, we
17 subsidize heavily from the general fund to the
18 sanitation fund every year, and, you know, property --
19 the taxes we collect are lower because of that
20 exemption. So I'm not sure at what point we should
21 just keep giving our free services.
22 You know, again, my preference is to refer
23 people to a social service agency if they haven't --
24 You know, if they can't afford the fee, it's going to
25 be difficult to build the ramp itself, also. And if

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1 the Council did decide to waive the fee, then my
2 preference would be that it be based on objective
3 financial criteria, not just an assumption that it's
4 unaffordable.
5 COUNCILMEMBER BATES: From a need-based
6 program, what can and can't you ask for in setting up
7 those criteria? I mean how do you go about
8 determining need?
9 ATTORNEY WEED: You could ask for anything
10 you deemed appropriate. Essentially, you've got some-
11 thing, and if somebody else wants it, they need to
12 meet the criteria to get it.
13 COUNCILMEMBER PACHUTA: Dekalb County does
14 have some criteria, but I actually don't know what
15 their criteria is for --
16 COUNCILMEMBER ALEXANDER: Yes, they do.
17 COUNCILMEMBER PACHUTA: What are their
18 senior exemptions?
19 COUNCILMEMBER ALEXANDER: For a homestead
20 exemption, Dekalb County bases it on disabilities,
21 veterans, you're exempt from school tax if you're a
22 certain age, and also income levels.
23 ATTORNEY WEED: I would like to point out
24 that the exemptions under the tax basis are -- that's
25 actually set out statutorily to give local government

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some authority to do that.
As a general rule, there's no general authority to, you know, violate the anti-gratuities clause as a general rule unless some statute has given some authority such as the one with regard to the taxation issue. So they're a little different.
COUNCILMEMBER ALEXANDER: When this item was mentioned over a year ago, I contacted United Way -- and I apologize, I don't have my documentation -- and they connected me to an organization that does assist building residential ramps; however, you have to meet their criteria, and I believe the documentation requested your household income. But they do not pay for the permitting fees for the municipalities. The homeowner is responsible for getting the permit, and then they will come out and construct the item. They're basically construction and materials only.
You know, Mr. Weed, I was disappointed because I understood your legal point of view, but my heart wanted to help these people more, and I understand there's only so much legally that we can do as a municipality.
I guess I would like to see an estimate on as it is today, what it would cost a homeowner to go through the permitting process and the inspection

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process without the waiver of Mr. Calcaterra's fees and see what the cost would be. After evaluating that, I would be in favor of looking at perhaps a reduced fee. And I will try to get my notes from the United Way organization to see what their criteria were on their application, and that might be a guideline for us to follow also.
COUNCILMEMBER FLEMING: I think that's an excellent suggestion, Ms. Alexander.
I just want to point out one other thing: that the ramp itself would be -- there will be no footprint change for the building because it's in lieu of the steps to the home. And therefore, I'm still leaning toward no survey requirement. And as far as the site plan is concerned, that it could indeed be done by the construction company that would be installing or pouring the footing or the framing of the ramp itself.
So I appreciate your comments on looking into exactly how much the fees would be, and I'd be glad to do that for our next meeting and offer a postponement of this until --
COUNCILMEMBER ROCHE: Could I jump in first?
COUNCILMEMBER FLEMING: I'm sorry. Go right ahead.

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COUNCILMEMBER ROCHE: I didn't mean to interrupt, but I just had a few comments on this.
First of all, Mr. Calcaterra's not going to allow something to be built that's not safe. I mean I know he wouldn't do that. So survey plans or not, you know, he's going to be involved, so we will have a building inspector that's involved with this whole thing.
One of the things I noticed is, you know, you go by some houses don't have mailboxes out front. And it's my understanding, and I could be wrong, but if you are a senior citizen or somehow otherwise incapacitated, all it requires is a letter from a physician and the post office will actually deliver your mail to your door. And to me, if that's a gratuity, then that's a gratuity. I don't know the post office gets away with it legally, but I mean it seems like that that's something that the government does to take care of people that maybe need a little more help, and I don't have a problem with that at all.
And again, like I said, if there are setbacks or whatever.
I don't think that the fees would amount to all that much, frankly, in a year. I think that

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whatever we could do to take care of or help to take care of people that are in a time of need -- I mean a they don't go out and plan accidents. They don't go out and plan to find themselves in a wheel chair, you know. They don't go out and plan this, you know. I could have -- you know, I ride a motorcycle. Who knows? Maybe I'll be wheeling around one day. I hope not.
And you know, to have this and have this happen suddenly and then have to work through all the paperwork and everything else of the City and on top of that have to pay for all this stuff, I mean I would think we could find a way to make that unnecessary, because as it's been stated before, you know, senior citizens don't pay for sanitation and they have a tax exemption.
I remember years -- a couple years ago, we were in a budget meeting, and someone said, "Well, I don't understand why those senior citizens are worried about the budget. Heck, they don't pay taxes anyway." Well, the senior citizens, many of them have been living in this city and paying taxes for a long, long time before that exemption took effect. So to me, that's not a valid argument.
I would personally like to just see us move

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1 forward on this. I'd like to see us waive any fees, I
2 would like to see us waive the engineered permits, and
3 I would like to see us waive the survey.
4 And basically as long as Mr. Calcaterra is
5 going to be involved in making sure that what's get
6 built is safe, you know, I think that should be it. I
7 think it should be made as simple as possible.
8 MAYOR JENKINS: Anybody else?
9 COUNCILMEMBER FLEMING: Want me to make it?
10 COUNCILMEMBER ROCHE: Sure.
11 MAYOR JENKINS: Did you want to make a
12 motion to delay it, postpone it?
13 COUNCILMEMBER FLEMING: I'll just go ahead
14 and jump right on out there, because I've got a
15 feeling about March 15th.
16 I do feel that we need to relieve the burden
17 on disabled citizens regardless of age, and I'd like
18 to make a motion to adopt an ADA -- excuse me -- a
19 Georgia accessibility code for the City of Doraville
20 that the accessibility ramps would not require a
21 survey, would not require an engineered site plan;
22 that all fees would be waived for permitting as far as
23 footing, framing, final, certificate of completion,
24 whatever fees that go along with the building permit,
25 that those would be waived. And that's my motion.

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1 COUNCILMEMBER ROCHE: And I'll second that.
2 MAYOR JENKINS: Anymore discussion?
3 COUNCILMEMBER PITTMAN: Again, I might be
4 okay with, you know, waiving the fees or lowering
5 them, but I'm just not inclined to go without having
6 the proper surveys and things done.
7 MAYOR JENKINS: Anybody else?
8 - - -
9 (No response)
10 - - -
11 MAYOR JENKINS: We've got a motion and we
12 got a second. Call the roll, please.
13 CLERK BLACKMON: Councilmember Alexander?
14 COUNCILMEMBER ALEXANDER: No.
15 CLERK BLACKMON: Councilmember Bates?
16 COUNCILMEMBER BATES: No.
17 CLERK BLACKMON: Councilmember Fleming?
18 COUNCILMEMBER FLEMING: Yes.
19 CLERK BLACKMON: Councilmember Pachuta?
20 COUNCILMEMBER PACHUTA: No.
21 CLERK BLACKMON: Councilmember Pittman?
22 COUNCILMEMBER PITTMAN: No.
23 CLERK BLACKMON: Councilmember Roche?
24 COUNCILMEMBER ROCHE: Yes.
25 CLERK BLACKMON: Motion denied.

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1 MAYOR JENKINS: Thank you.
2 COUNCILMEMBER FLEMING: We'll try again,
3 Ginny.
4 MAYOR JENKINS: Bob Roche.
5 COUNCILMEMBER ROCHE: I brought this up
6 several -- a couple of meetings ago, I guess.
7 Essentially what it boils down to is this: We already
8 have a noise ordinance here in Doraville, but there's
9 one part that's not in the noise ordinance and that's
10 an objective measurement of what noise -- what level
11 or loudness can constitute, say, a violation.
12 I think it was New Year's Even, and there
13 was an apartment building out behind my house, and
14 they were pretty loud. In fact, I ended up actually
15 calling the cops and saying, you know, "It's way past
16 midnight and my girlfriend's trying to sleep, you
17 know. If they would just settle down a little bit."
18 And I think the police went out there, and they turned
19 down the music, and of course they turned it back and
20 whatever.
21 Long story short, I don't think that the
22 police officer could have really given them a ticket
23 based on the noise ordinance.
24 What this change to the ordinance would do
25 would be to provide a decibel level and say basically

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1 anything over this decibel is a violation, you know,
2 below that decibel level would not be a violation.
3 And the decometers or whatever they call them -- I
4 don't know what they're called. These are devices
5 where you can actually measure the decibel level.
6 They're not all that expensive. I believe the police
7 department could get hold of them.
8 Did we find out how much they were going to
9 cost, Chief Atkinson?
10 ACTING CHIEF ATKINSON: I did, and I'm
11 looking it up right now.
12 COUNCILMEMBER ROCHE: Well, once Chief
13 Atkinson's looked that up, I guess the second question
14 I would have is how many speeding tickets are given
15 out for people without the benefit of a radar gun?
16 You know, we have a speed limit here of 35 miles an
17 hour. Does a policeman just say, "Whoops, I think
18 they were speeding," and write them a ticket? Because
19 then all that happens is that when you get to court,
20 the person says, "Oh, I wasn't speeding," and then
21 basically it's one person's word against the other.
22 So if we ever tried to enforce the current noise
23 ordinance the way it is, the police officer says, "You
24 were loud," and then the person that's got the party
25 brings 10 people to show up at the courtroom, and they

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all say, "Well, we didn't think it was loud." Then you basically have to -- you know, whose side are you going to believe? There's not any objective criteria for this.

So most cities have this. I think that Attorney Weed mentioned this before, that, you know, basically it's just an objective way of doing this. It's pretty simple, it's pretty straightforward. I think right now the ordinance says 120 decibels, I have provided for the Council.

It's all over the Internet. If you type in "decibel level," there's all these scales of, you know, this is how much a jet airplane -- how loud that is in number of decibels, et cetera, et cetera.

Did you find that?

ACTING CHIEF ATKINSON: Yes, sir. These are the figures that I've been given.

With a plus or minus two accuracy, it's $198.17 with the certification and $98.17 without certification.

Now, when you go down a little bit, plus or minus 1.5 accuracy, it's $358.16 with certification and $230.59 without certification.

And they're both hand-held --

COUNCILMEMBER ROCHE: Right.

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ACTING CHIEF ATKINSON: -- but one's plus or minus two in the accuracy range and one's plus or minus one and a half.

COUNCILMEMBER ROCHE: What level of accuracy would be nec- -- Well, I would think if you're plus or minus -- that's in decibels?

ACTING CHIEF ATKINSON: Right.

COUNCILMEMBER ROCHE: So in other words, you said the first one was plus or minus how much?

ACTING CHIEF ATKINSON: Plus or minus two.

COUNCILMEMBER ROCHE: Two. So if we set it to a hundred decibels --

ACTING CHIEF ATKINSON: And they were 98 to 102.

COUNCILMEMBER ROCHE: Right, then you're fine.

ACTING CHIEF ATKINSON: Right.

COUNCILMEMBER ROCHE: Well, you can write someone a ticket and it'll be -- the ordinance would be enforceable then.

ACTING CHIEF ATKINSON: Yes, sir.

COUNCILMEMBER ROCHE: If it was 105, then obviously the ordinance would be enforceable.

ACTING CHIEF ATKINSON: Exactly.

COUNCILMEMBER ROCHE: The only time you'd

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run into any trouble is if it was 99 or 101, then someone might --

ACTING CHIEF ATKINSON: If you set the limit at 100 --

COUNCILMEMBER ROCHE: Uh-huh.

ACTING CHIEF ATKINSON: -- I wouldn't want us to start writing citations until it got to 103.

COUNCILMEMBER ROCHE: I understand.

ACTING CHIEF ATKINSON: Okay. And then, you know, at that point, we --

COUNCILMEMBER ROCHE: Yeah. It's kind of like you do with a radar gun --

ACTING CHIEF ATKINSON: Right.

COUNCILMEMBER ROCHE: -- where it's got to be over a certain amount before you actually write a citation.

ACTING CHIEF ATKINSON: Yes, sir.

COUNCILMEMBER ROCHE: So again, I think it's fairly simple, I think it's fairly straightforward. I think it was first brought up a couple of meetings ago.

COUNCILMEMBER BATES: Mr. Weed, I --

COUNCILMEMBER ROCHE: I --

COUNCILMEMBER BATES: Mr. Roche, I'm sorry. Were you finished?

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COUNCILMEMBER ROCHE: No, go ahead. I'll just make a motion in a minute.

COUNCILMEMBER BATES: I don't have 10-3 in front of me. Does it stipulate the distance from or where the noise reading is taken?

COUNCILMEMBER ALEXANDER: I couldn't find it. Maybe I didn't bring that particular section.

ATTORNEY WEED: No. I'll answer the question yes and no.

There are time frames built into the existing ordinance and there are also distance requirements built into the existing ordinance depending upon what subsection you're dealing with. For example, construction and demolition, there is a 6:00 p.m. - 6:00 a.m. time frame. So it varies.

As far as where you would stand to measure the noise when you're holding the decibel meter in your hand, that is not in the draft ordinance nor is it in the existing ordinance.

COUNCILMEMBER BATES: I guess it would seem logical to me that if I was in my home and my neighbors were having a raucous throw-down, that you would take the measurement from my property and not from standing outside their window.

ATTORNEY WEED: That's what I would advise a

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1 law enforcement official to do.
2 I think the goal is, you know, is the noise
3 a nuisance? In order for it to be a nuisance, does it
4 leave the property itself? And so yes, I would advise
5 a code enforcement officer or a policeman to measure
6 it from the public street, to measure it from the
7 complaining party's property, and if the noise
8 registers beyond the decibel level, it obviously has
9 gone beyond the four corners of that lot, it's a
10 nuisance.
11 COUNCILMEMBER BATES: Would you need to put
12 that in writing to make it enforceable?
13 ATTORNEY WEED: No, sir, I don't believe so.
14 COUNCILMEMBER BATES: Okay.
15 ATTORNEY WEED: I mean I think that would
16 come out in a cross-examination between the defense
17 attorney and the prosecution.
18 If I were the prosecutor, I would certainly
19 ask the question, "Where were you at when you took
20 this decibel reading?" You go through the litany:
21 you know, "Why were you at this property?" "Were you
22 in the public street?" "Were you invited onto the
23 premises of the complaining party?" "Did you have a
24 decibel reader?" "Was it certified?" "What did it
25 measure?" So that's how I would approach that, and I

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1 think any attorney would.
2 COUNCILMEMBER BATES: What about public
3 places where they're having an outdoor event? because
4 noise travels in different ways and distances. How
5 would you go about measuring that from a complaint
6 standpoint?
7 ATTORNEY WEED: Well, right now, what you
8 would do is you'd base it upon your existing
9 ordinance. For example, if it was a horn signaling
10 device, you would look at that standard, and then
11 based upon the requirements of that, you could --
12 you'd make that determination. If it was a radio,
13 television, amusements or a similar device, you'd look
14 at that standard and apply it to the decibel level,
15 et cetera, and then you'd go on down the list
16 depending upon what exactly is making the noise.
17 That's how your ordinance is built currently.
18 COUNCILMEMBER FLEMING: In that particular
19 ordinance -- and no, I didn't bring that either with
20 me -- does it give a specific period of time? because
21 in this ordinance that has been drafted for us, you've
22 used the term "maximum constant sound level." So
23 constant. Can you define constant for me in a term of
24 minutes? I mean is it five minutes or a half an hour
25 or -- you know?

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1 ATTORNEY WEED: It's not defined. It isn't
2 defined in that, in the additional ordinance, because
3 you have standards that already are on the books.
4 So once again, if it was a street sale, then
5 it would be the offering for sale by shouting or
6 outcry within any residential, commercial or noise-
7 sensitive area, public right-of-way or public space
8 except by permit issued by the City.
9 So in order to be guilty of that crime, you
10 would, A., you would not have a permit, B., you would
11 be conducting a street sale, C., you would be shouting
12 or outcrying, you know, D., you'd be within a
13 residential, commercial or noise-sensitive area; and
14 then if you adopt this ordinance, you would have
15 reached also the threshold noise level.
16 So it could be -- you know, constant can
17 just be, you know, one second or a millisecond. It
18 would depend upon the different criteria that are
19 already set out in your existing ordinance.
20 And then of course is the other element,
21 which no one can legislate, which is just common
22 sense. No law enforcement official -- if the noise
23 were allowed but short enough, they would have
24 difficulty, A., responding to a call or a complaint,
25 they couldn't get there in enough time to do anything

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1 about it, and the noise would essentially be gone, so
2 you'd have essentially, I guess, a victimless crime.
3 So the answer to your question is no, ma'am.
4 Constancy level is not defined, but I did that
5 purposely because your ordinance is already so
6 specific.
7 COUNCILMEMBER FLEMING: Okay. The other
8 question I had, Mr. Roche, and maybe I've just
9 misunderstood and maybe counsel knows.
10 Because of the issue that we're having at
11 the Chamblee farmer's -- I mean --
12 MAYOR JENKINS: Flea market.
13 COUNCILMEMBER FLEMING: -- sorry -- flea
14 market, in my understanding, their decibel level is at
15 70 and you can hear it in Northwoods. So that's less
16 of a decibel level than we would be requiring, and
17 you're hearing greater or 70 and above in Northwoods,
18 from that area. So I'm just curious as to why we
19 stopped on 120.
20 ATTORNEY WEED: Yeah. I'm not married to
21 that. That was a placeholder decibel level. I got
22 that literally -- I borrowed it from Hapeville's
23 ordinance. In Hapeville, while we were going through
24 redevelopment, we were required in order to acquire
25 properties from the City of Atlanta to build in each

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1 deed a certain decibel level and also adopt an
2 ordinance that required it, and there was 120. It
3 could certainly be less.
4 COUNCILMEMBER ROCHE: And again, I mean I
5 was planning on, you know, trying to get a motion to
6 change that anyway tonight when we pass this if we
7 pass this, because 90 to 95 decibels is, according to
8 the particular web site -- like I said, there's a
9 million of them -- level at which sustained exposure
10 may result in hearing loss.
11 My only concern about the -- I was think 100
12 decibels as long as --
13 Now, this particular web site says if you're
14 mowing your lawn and if you're three feet away, that's
15 107 decibels. So we don't want a situation where code
16 enforcement can come out and give you a ticket for
17 mowing your lawn and then they can turn around and
18 give you a ticket for having your grass too tall. So
19 you know, obviously, we don't want that.
20 So I was thinking 100 and then see how that
21 works. If 100 doesn't work, then fine.
22 MAYOR JENKINS: I think our main problem is
23 you might say after hours.
24 And my question is bass music carries
25 further than ordinary. I don't know what ordinary

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1 music is. But the only problems that I've ever had
2 late at night is the bass, the boom-boom. And I don't
3 know what you call that, and if there's a difference
4 in the decibel level on bass music versus the other.
5 I never hear the other but I hear the bass, and that's
6 what's so -- it's irritating. It's just a boom and a
7 boom and a boom.
8 ATTORNEY WEED: Well, Mr. Mayor, my first
9 advice would be to you to stay out of a disco.
10 MAYOR JENKINS: Wait a minute.
11 ATTORNEY WEED: I'm sorry.
12 MAYOR JENKINS: I'm talking about -- now let
13 me say this: I'm talking about in my bedroom.
14 ATTORNEY WEED: I know, I know.
15 UNIDENTIFIED SPEAKER: Whoa, whoa, whoa.
16 ATTORNEY WEED: I have no comment.
17 MAYOR JENKINS: No, I'm not going to let you
18 come and listen at it, but I'm referring to music at
19 least two blocks away.
20 ATTORNEY WEED: Mr. Mayor, in all
21 seriousness and no pun intended, we do have -- there
22 is already a loudspeaker and sound amplifier require-
23 ment and it does not differentiate between bass and
24 other tones. So I think that whatever you set the
25 objective level to be, I am pretty confident that will

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1 capture what you're worried about.
2 Because, once again, what would happen would
3 be you'd contact the police. They'd come over to your
4 property and then ask you, "Mr. Mayor, can we go into
5 your back yard and use a decibel reader?" They'd go
6 back there. And if it cleared the -- you know, if it
7 met the standards of Subsection (b)(3) here and it was
8 over the base level on the decibel reader, then those
9 people would be issued a citation. I'd track them
10 down.
11 MAYOR JENKINS: I just want them to stop. I
12 don't want to give them a citation.
13 ATTORNEY WEED: Or you could politely ask
14 them to stop.
15 COUNCILMEMBER BATES: I brought this up last
16 time, and I'm actually going to suggest, Mr. Roche,
17 that we lower the number to match Chamblee's.
18 But I would like to actually get a decibel
19 reader and get an understanding of -- you know, turn
20 somebody's car radio up, you know, playing some boom-
21 boom, and actually see what those readings are. I
22 don't have a sense of understanding of how accurate
23 they are compared to the charts that are out there
24 and, you know, what distance.
25 So I'm in favor of this. I think we need to

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1 move forward and do it. But I'd like to get a
2 demonstration, personally, just so I can see, you
3 know, what is the meter reading, you know, at 100 feet
4 with somebody's stereo at level 10.
5 Anybody have a son or daughter they want to
6 loan?
7 COUNCILMEMBER PITTMAN: I've got several.
8 COUNCILMEMBER ALEXANDER: I have an
9 additional question, Mr. Weed.
10 I'm sorry, Mr. Roche.
11 But Chamblee's also has a caveat in there
12 for multi-family dwellings, because you're going to
13 have dwellings that share a wall, and a sound to them
14 is going to be a lot louder than to someone in a
15 single-family dwelling. And I don't believe that our
16 existing noise ordinance has such a clause in it.
17 COUNCILMEMBER ROCHE: I don't know.
18 ATTORNEY WEED: To my memory --
19 COUNCILMEMBER ROCHE: I didn't want to
20 expand the scope of what we're doing here too far. I
21 mean this is a small change. I think it's a positive
22 change.
23 Could you tell me what Chamblee's --
24 COUNCILMEMBER ALEXANDER: It says in a
25 multi-family dwelling it shall be unlawful to create

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or permit to be created any noise that exceeds the daytime 7:00 a.m. to 11:00 p.m. limit at 55 decibels and the night time 11:00 p.m. to 7:00 a.m. limit of 45 decibels as measured from the closest neighbor's dwelling.

COUNCILMEMBER ROCHE: I was talking about the regular decibel level.

COUNCILMEMBER ALEXANDER: It's 70.

COUNCILMEMBER ROCHE: 70?

COUNCILMEMBER PACHUTA: Daytime and night?

COUNCILMEMBER ALEXANDER: Actually, 7:00 to 11:00 is 70, 11:00 to 7:00 is 60.

COUNCILMEMBER ROCHE: Because I guess --

COUNCILMEMBER ALEXANDER: No. I'm sorry. It's 70. A noise-sensitive facility I believe is 60.

COUNCILMEMBER ROCHE: Because I guess no one's called me up and said, my neighbor in my duplex is -- you know. I guess --

COUNCILMEMBER ALEXANDER: But they may call Captain Atkinson.

COUNCILMEMBER ROCHE: Well, if and when that happens, I guess. 70 is pretty low as it is.

I mean if you want me to expand that language to include that, I guess I don't have a problem with that if that'll get this done.

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ATTORNEY WEED: There's no differentiation between any particular place, meaning a --

There's a differentiation between a construction site and a non-construction site, so to speak, but there's not a differentiation between different residential units in the current ordinance.

COUNCILMEMBER ALEXANDER: And I guess I echo Mr. Roche's concern about the lawn mower issue. I mean we already have hours of operation allowed. But if you have an old Briggs & Stratton and it's loud, I mean, how are you going to handle that?

ATTORNEY WEED: Well, that's covered by Subsection (b)(10), and essentially the -- I'm going to try to reduce this down. It's about a paragraph. The short version would be if there's a machine that's causing the noise, it causes the noise due to its operation within 5,000 feet of any residential or noise-sensitive area, and unless the blower, fan, tool, compressor, engine or other machine is equipped with a functional muffler device or is contained or housed within a structure sufficient to deaden the noise to the point that it's not plainly audible to a person of normal hearing ability -- which, after we change this, it would be to whatever the decibel level is going to be -- in a residential or noise-sensitive

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area nearest the source of the noise, between the hours of 10:00 p.m. and 7:00 a.m. on weekends and 10:00 p.m. and 10:00 a.m. on weekends and holidays.

So that would be the standard, so --

COUNCILMEMBER BATES: And it wouldn't apply at 4 o'clock in the afternoon.

ATTORNEY WEED: No. Well --

COUNCILMEMBER FLEMING: And it's 5,000 feet, too, so that's pretty --

COUNCILMEMBER BATES: Mr. Roche, would you be okay with 70?

COUNCILMEMBER ROCHE: Fine. 70's good.

I'd like to make a motion that we modify Section 10-3 --

Is this a modification or is an addition of the definition?

ATTORNEY WEED: It would be -- it would be a modification of an ordinance.

COUNCILMEMBER ROCHE: To add a definition.

ATTORNEY WEED: Correct.

COUNCILMEMBER ROCHE: I'd like to start over.

I'd like to make a motion to modify Section 10-3, which is Noise, by adding a definition of noise: Noise shall mean a maximum constant level of 70

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decibels as measured on the A scale of a sound meter. Any sound above 70 decibels shall be deemed to annoy, disturb, endanger or unreasonably interfere with the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the jurisdiction of the city as such term is used in this article. Sounds below such threshold shall not be deemed in violation of this article unless other relevant provisions of this article are violated.

And (2) under "Certain noises prohibited."

And I'd also like to add to that that any budget authorization necessary to purchase the less --

ACTING CHIEF ATKINSON: Plus or minus two?

COUNCILMEMBER ROCHE: -- the plus or minus two.

What's it called? A decibel meter?

ACTING CHIEF ATKINSON: Decibel meter, yeah.

COUNCILMEMBER ROCHE: -- decibel meter.

COUNCILMEMBER FLEMING: (Inaudible)

COUNCILMEMBER ROCHE: I'll leave that for here, for now.

Did you want to add that?

COUNCILMEMBER ALEXANDER: What does Council think about addressing the multi-family dwelling?

COUNCILMEMBER BATES: I'm good with adding

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it in.
COUNCILMEMBER ALEXANDER: Adding it in?
COUNCILMEMBER ROCHE: And I would modify my motion to add in --
Could you please read it, Councilwoman Alexander?
COUNCILMEMBER ALEXANDER: In a multi-family dwelling, it shall be unlawful to create or permit to be created any noise that exceeds the daytime 7:00 a.m. to 11:00 p.m. limit of 55 decibels and the night time 11:00 p.m. to 7:00 a.m. limit of 45 decibels as measured from the closest neighbor's dwelling.
And I'll give you a copy.
COUNCILMEMBER ROCHE: Right. I think we'd have to change it slightly because I think it's setting a different limit than what we have here.
ATTORNEY WEED: You could -- you could create that other level if you care to or you could modify it. If you want 70 to be the base level, you could adjust the numbers accordingly.
COUNCILMEMBER ROCHE: No. I'm fine with those levels. I just think that the way it read was a little bit --
ATTORNEY WEED: The way I crafted the ordinance, it would be --

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That's why I included that other little line about as -- I created the decibel level at 70 but I also -- there was the other line about -- the other parts of the article, we leave those.
COUNCILMEMBER ROCHE: You know what we want; right?
ATTORNEY WEED: Yes.
COUNCILMEMBER ROCHE: Okay. There it is. There's your motion.
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Anymore discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.

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CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
Now, before I go -- Now what have we just done? Have we modified the draft? Now do we have to have a first reading and pass it?
ATTORNEY WEED: No, sir.
COUNCILMEMBER FLEMING: No.
COUNCILMEMBER ROCHE: Okay. We're done.
ATTORNEY WEED: There's already been a first reading, it appeared on an agenda; you're done.
COUNCILMEMBER ROCHE: Thank you very much, counsel.
COUNCILMEMBER FLEMING: But could you e-mail us the final?
ATTORNEY WEED: I will, yes, ma'am.
COUNCILMEMBER FLEMING: Thank you.
MAYOR JENKINS: Brian?
COUNCILMEMBER BATES: Yes, sir. A few weeks ago or actually a little bit longer than that, we had a forum for the business community to share their thoughts with us.
After that, I spent a significant amount of time because I heard things both before and after that that I wanted to verify, and that was a reduction of allowable uses in the zoning. And so I went through

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and I did a line-by-line hand comparison of the old C-1/C-2, M-1/M-2, and the new which is now over a year old C-1/C-2.
I'm going to read some of my findings. Certainly I'm human; I'm capable of error.
In the old C-1, there were 30 permitted uses, and in the new C-1, there are 64 permitted uses, an increase of 34 specific uses.
The following were permitted under the old C-1 but are no longer listed in C-1, and that is boarding and rooming houses, which are no longer listed in any classification; neighborhood shopping centers, a generic classification is no longer listed; and the following uses were permitted under the old C-1 but were moved to a conditional use under the new C-1, and that was day care center, laundromats, news stands and tobacco shops.
Under the old C-2, there were 56 permitted uses and nine conditional uses. In the new C-2, there were 120 specific permitted uses, which was an increase of 64, and 65 conditional uses, which was an increase of 56 over the previous code.
The following permitted uses under the old C-2 are no longer allowed under the new C-2. Ambulance service was moved to M-1 conditional.

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1 Auction gallery including automotive was not listed in
2 any classification. Auto fuel station, automotive
3 repair shops, body/fender work, automobile/vehicle
4 painting provided that all uses and waste material
5 were kept inside and out of site were moved to M-1.
6 Camp grounds for travel trailers, not listed in any
7 zoning. Combination store, office/warehouse/
8 fabrication shop was moved to M-1. Community shopping
9 centers as a general generic classification is no
10 longer listed. Dry cleaning/dye plants was moved to
11 M-1. Group homes was moved to zone O/I conditional.
12 Mobile home sales and lots was moved to M-2
13 conditional. Mortuaries were moved to M-1. Rooming
14 and boarding houses, again no longer listed. Special
15 retail center, generic classification, is no longer
16 listed. Telephone/telegraph exchanges, utilities
17 structures moved to M-1. Wholesaling and warehousing
18 moved to M-1.
19 The following were permitted under old C-2
20 and moved to conditional uses under C-2. Bus or rail
21 stations, bus or rail terminals, day care centers,
22 funeral homes without crematoriums, hotels but
23 excluding motels and extended-stay facilities, and
24 transit terminals.
25 So I'm not going to go through the M-1/

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1 M-2 because -- actually, I think I will.
2 O/I -- under old O/I, eight permitted uses;
3 under the new O/I, 48 permitted uses, an increase of
4 40. There were zero conditional uses allowed. There
5 are 45 conditional uses allowed now.
6 The following were moved out of O/I.
7 Community assembly facilities including civic, social,
8 fraternal, philanthropic, private nonprofit clubs were
9 moved to C-1. Cultural and recreational services
10 including art galleries, libraries, museums, parks,
11 playground and play fields were moved to C-1, and
12 intermediate medical care facility was moved to C-2
13 conditional.
14 O/I, also the conditional uses added in
15 colleges and universities, and then group and
16 congregate personal care centers, assisted living,
17 nursing homes, et cetera.
18 Under M-1, there were 19 permitted uses and
19 four conditional uses. Under the new zoning, there
20 are 63 permitted uses and 55 conditional uses under
21 M-1.
22 Items that were removed from M-1: airport
23 and landing areas, which are no longer listed, and
24 outdoor theaters, which are no longer listed.
25 The following were moved from M-1 to

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1 conditional. That was tire recapping and retreading
2 shops without retail sales, and mini warehouses.
3 Under the old M-2, there were 25 permitted
4 uses and two conditional uses. The new M-2, there are
5 70 specific permitted uses, which is an increase of
6 45, and 51 conditional uses, which is an increase of
7 49.
8 The following two items were listed under
9 M-2 but are no longer allowed. That is grain
10 elevators or commercial feed mills, and natural
11 production uses, the excavation and sale of topsoil,
12 gravel, sand, shale and other natural mineral
13 deposits.
14 So basically we increased the number of
15 specific permitted uses that were allowed under the
16 new zoning classification and eliminated the general
17 common or generic uses such as special retail centers
18 and neighborhood shopping district, which in my
19 opinion allowed for some business entities to enter
20 the city that were not specifically allowed for but
21 came in under some generic classifications, or if
22 there was a Council meeting that authorized a zoning
23 change to specifically allow them as was authorized
24 under the old code.
25 So I think in the zoning, there's been a

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1 little misconception out there, but we have specific
2 -- we have significantly increased the number of
3 specific uses that were allowed under the new zoning,
4 so --
5 COUNCILMEMBER ROCHE: Excuse me. Councilman
6 Bates, can we get a copy of this, a hard copy?
7 COUNCILMEMBER BATES: Sure. It's -- it was
8 available on the web site from the last agenda, so
9 it's still there.
10 COUNCILMEMBER ROCHE: Okay.
11 Yeah, I'm good for a break.
12 MAYOR JENKINS: Okay. Five-minute break.
13 - - -
14 (Brief recess)
15 - - -
16 MAYOR JENKINS: Meeting come to order.
17 Brian?
18 COUNCILMEMBER BATES: Sir, that concludes
19 the information that I wanted to present just to get
20 the word out.
21 MAYOR JENKINS: Okay. You're on the next,
22 No. 4?
23 COUNCILMEMBER FLEMING: No, sir. I wanted
24 to comment about Item No. 3 as well.
25 And Mr. Bates, I really appreciate all the

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1 information that you've given us, and the fact that
2 it's on the web. And it took quite a bit of time, so
3 I do appreciate you going through and doing that
4 analysis because it makes one believe that the new
5 ordinances have elaborated on additional uses.
6 And though we have elaborated on additional
7 uses, in many of these uses we have exclusions in
8 these uses. Just for instance, we have art and school
9 supply, but then it goes on to say without instruction
10 but then three pages later we've got fine arts
11 instruction is permitted in C-1. So I'm not sure why
12 we're deleting instruction in the art and school
13 supply.
14 We've got auto fuel stations and convenience
15 stores but we're not allowing any coin-operated car
16 washes. Banks, we have no drive-throughs. Bakeries,
17 we couldn't have a Krispy Kreme or a Dunkin Donut
18 because it says no drive-through.
19 So I appreciate what you've done. It's
20 given us all the impression that we've really gone out
21 there and added a lot of uses, but there are so many
22 of these uses that have exceptions.
23 Another one: a hobby, toy or game store is
24 limited to 2,000 square feet. Ice cream shop, no
25 drive-through. And it goes on and on and on.

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1 So I really do believe that we need to look
2 not just at the overall additions, because there are
3 so many exceptions to those additions that we've
4 added. And I look forward to the day, and I hope it's
5 very soon, that we can do a complete review of
6 C-1/C-2.
7 COUNCILMEMBER BATES: And thank you. I
8 appreciate your comments. I just want to clarify a
9 couple of items that you just mentioned.
10 When you referenced the no drive-throughs,
11 you were specific to a C-1 zoning district. C-1 is
12 light commercial, C-2 is heavy commercial, and those
13 businesses were allowed or are allowed in C-2 with or
14 without drive-through. That would be a bank, a Krispy
15 Kreme, an ice cream place, et cetera. So I just want
16 to make that clarification.
17 But I appreciate, and I have reviewed your
18 C-1/C-2 review as well, and I appreciate the work that
19 you've done. You know, together we're going to get
20 through this and it's going to be a better City of
21 Doraville down the road. So thank you.
22 COUNCILMEMBER ROCHE: Well, I guess -- and
23 you know, I looked at some of these too. I mean you
24 can have a camera store but you can't process film.
25 You know, I just -- when I look at this stuff, it's

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1 like --
2 And what really upsets me, frankly, is the
3 fact that our city planner, who wrote this, is not
4 present tonight. You know, I don't understand why we
5 keep doing this.
6 Why do we keep hiding away our city planner
7 who would be the person that could answer why we're
8 making these changes and what was in the mind of the
9 city planner when he wrote this ordinance? But he's
10 not here.
11 Where is he? You know, is he sick today? is
12 he missing; do you know?
13 And there was a whole lot of other things
14 that were discussed during that meeting of -- with the
15 city -- when the business people showed up too. There
16 were over 80 people in that room and over 20 of them
17 spoke.
18 So again, you know, whatever we do in City
19 Hall is one thing, and how do we know things aren't
20 going well? Well, we know things aren't going well
21 because of the results, and the results have been
22 very, very concerning, frankly.
23 I've gotten more complaints and I've heard
24 from more people in the last three or four months
25 about this than just about every other issue since

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1 I've been here. And I think that we need to not slow
2 down. I think we need to take affirmative action and
3 actually start working through some of these issues
4 and doing it fairly quickly because it's -- it's --
5 You know, we're shutting down businesses.
6 Businesses are bypassing Doraville. We get these
7 letters like -- you know, like this one, about the
8 decision to relocate is -- to no longer consider
9 Doraville a suitable candidate for relocation of our
10 other businesses as a result of the less than welcome
11 climate for small businesses, you know, and I've
12 gotten three or four or five of these letters already,
13 you know.
14 People are voting; they're voting with their
15 feet. And they're going to places like Sandy Springs,
16 who are saying, "You know what, you want to come here;
17 we'll waive all the fees." You know, you have to pay
18 your occupational taxes, but, you know, the fees,
19 which I think in our audit was only about $290,000
20 last year; but if that can bring in more business,
21 then great.
22 We have a horrible reputation. And I'm not
23 saying that. I'm saying that because I've heard this
24 over and over and over again and I hear the same
25 stories over and over and over again, and we're going

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to do nothing about it, apparently, so --
I've said it over and over again. I'm done saying it, I guess.
MAYOR JENKINS: Brian?
COUNCILMEMBER BATES: Thank you, Mayor. I'm going to move on to No. 4, Sequoyah Middle School.
Last year, we had talked about partnering with our local schools and their civics classes and allowing them to participate in a City Council meeting. Sequoyah Middle School has jumped at the opportunity this year to bring their sixth graders to a City Council meeting, and we have set a date of March the 17th.
They've got two classes that they are going to bring to participate, and they are actually working on some proposed legislation for us to consider. We'll know about it in advance so that we can make sure that we will vote the appropriate way. They've given me two suggestions, and, unfortunately, neither one of them, the City has any influence on. Both of them are Dekalb County or the Dekalb School Board. But we may in fact, if they move down that direction, pass resolutions in support of their efforts to increase or address those items. One of them was increasing the pedestrian safety along Buford Highway

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and the second was to -- apparently some lights around Sequoyah are on security timers, and they don't come on at appropriate times, and it's dark around the school and things like that.
But I'm looking forward to it. The teacher Mrs. Smith and Principal Cunningham are both very excited about this opportunity. So I thank Council for agreeing to give of their time outside of our regular schedule, which is extensive these days, to work with our local middle school children, so I'm looking forward to that event.
COUNCILMEMBER FLEMING: Have you set a time on that yet, Mr. Bates?
COUNCILMEMBER BATES: They have -- In fact, this afternoon I got a suggested time of 9:30 for the first class and 10:30 for the second class. So if that's okay, I will go ahead and move that as the times. Thank you.
Apparently, the kids are excited and they're looking forward to asking us questions, so I hope we have good answers for them.
The last item of mine under the old business is the high school district attendance maps. If you've been following the news with Dekalb County, you realize that our Dekalb County School System has some

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challenges, and I think that's putting it mildly, from the construction side all the way up to school closures and school districting.
They are planning on doing, in addition to announcing their two to six -- the numbers is actually two to six school closings, probably in the elementary school side. They're going to start planning for redistricting all of the school districts. They're going to have to.
This is going to be a great opportunity for us to get involved. The city of Doraville has been quiet in the school districting process for far too long.
I gave you some examples specific to Cross Keys. City of Doraville doesn't have a high school in the city. Our kids are split under three -- under three -- high school districts. The kids on the east side of Buford Highway and inside of 285 excluding the GM plant go to Cross Keys, the kids outside of 285 and west of Buford Highway go to Dunwoody High School and the kids in the soon-to-be redeveloped General Motors plant will go to Chamblee High School. So our city will be split between three different high schools.
Cross Keys is 6.2 miles away from Sequoyah Middle School. Oakcliff Elementary School is an

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additional three miles away from Sequoyah. So those kids that live in Oakcliff drive, bus, because they certainly can't walk, up to nine miles each day. In some cases, that's even further than that. Chamblee High School is three-and-a-half miles away. Dunwoody High School is five miles away. Tucker High School is 5.3 miles away. Lakeside High School is 4.1 miles away.
There are four high schools closer to the city of Doraville than where most of our kids go to high school. And that to me is an abomination, it is disgusting, and when I show you the school districting map that I'm going to unveil for you in just a minute, I think it will be very, very clear as to what the Dekalb County School Board did because we were very, very quiet.
(Indicating) This is Cross Keys, and it runs all the way down Buford Highway from the Gwinnett County border to the Fulton County border. Every other school district is grouped. It's concise, relatively concise. But our district is this narrow swath all the way up Buford Highway, and that, to me, says very clearly one thing: They didn't care. And it's time for us to care because this isn't good. And I'll pass this around and let y'all look at it

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1 (presenting).
2 So as those public meetings start to take
3 shape and become announced, we will be very, very
4 aggressive on getting the word out because this is an
5 opportunity for us to make a significant difference,
6 plan for our future. And as everybody knows, schools
7 impact where people live, and I know of three families
8 in Northwoods that have already said that when it's
9 time for their kids to go to high school, they will
10 move. And it's time for us to make a stand and make
11 sure that we hold the Dekalb County School Board
12 accountable.
13 The other piece of information that needs to
14 be out there is according to Dekalb County's own
15 statistics, by the year 2016, the three high schools,
16 Cross Keys, Chamblee and Dunwoody, again, by 2016 --
17 this is not including any redevelopment and any new
18 housing -- there will be 900 more students than seats.
19 That is 50-some trailers, so, and there are no plans
20 for new construction, there are no plans for a new
21 high school in this part of the county. So we've got
22 to be very aggressive and watch the Dekalb County
23 School Board and make sure that we hold them
24 accountable for making sure that our kids have a place
25 to go to school that is not nine/ten miles away. So

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1 thank you.
2 - - -
3 (Applause)
4 - - -
5 COUNCILMEMBER BATES: And if anybody else
6 has anything they want to share -- Ms. Pittman, I know
7 you are involved in --
8 COUNCILMEMBER PITTMAN: You pretty much said
9 everything there is to say except the key is
10 involvement. We really do have to do get in there.
11 And they do listen. We have to let our voices be
12 heard loud and clear on what we want and what we
13 expect.
14 COUNCILMEMBER BATES: As you're looking at
15 that map, take a look at where Cross Keys is located
16 compared to where the Chamblee High School district
17 lines are. You will see that there are kids that live
18 somewhere between six and eight blocks away from Cross
19 Keys that go to Chamblee when they could walk to high
20 school and yet our kids are bussed six, eight, nine,
21 ten miles one way to go to high school. That's --
22 something smells.
23 COUNCILMEMBER PITTMAN: And when asked the
24 reason behind that, there was no explanation.
25 COUNCILMEMBER BATES: I'll tell you what the

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1 reason was. Brookhaven stood up and yelled and
2 screamed, and it's time for Doraville to stand up and
3 yell and scream.
4 COUNCILMEMBER ROCHE: Well, wouldn't it be
5 good if the Council drafted some sort of a resolution
6 and passed it and made sure that the -- you know, I
7 mean take some affirmative action?
8 COUNCILMEMBER BATES: Yeah. And what I'd
9 like to do is when we hear more about what the
10 redistricting schedules are so that we're -- so it's
11 timely is to have that presented and make sure that
12 we've got a unified front from Mayor and City Council
13 and make sure that all of our residents are on board
14 with that, including, you know, petitions and requests
15 for them to look at building a new high school in the
16 district, because 900 students, that's a complete high
17 school in and of itself. So I absolutely agree,
18 Mr. Roche.
19 COUNCILMEMBER PITTMAN: Even a new high
20 school is something feasible. They just built a new
21 elementary school to accommodate the overloading of
22 Hightower, Kingsley, the schools over in that area.
23 My son's school they have just built, which
24 accommodates sixth graders, because of the trailers,
25 and it did ease some, so --

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1 COUNCILMEMBER BATES: And if you drive down
2 Henderson Mill, there's a brand new Tucker High School
3 right down the street.
4 COUNCILMEMBER PITTMAN: Right.
5 COUNCILMEMBER ROCHE: And the middle school
6 in Chamblee hasn't been there all that long either.
7 COUNCILMEMBER BATES: Yeah, Chamblee Middle
8 School.
9 COUNCILMEMBER PITTMAN: And Peachtree Middle
10 was just renovation. Looks like it's -- they
11 renovated. They tore it to the ground, and it's a
12 brand new school.
13 COUNCILMEMBER BATES: And Chamblee Middle
14 School was the former Sexton Woods Elementary School
15 that was converted to middle school.
16 So the County has shown a propensity of
17 building. We can go on and on about Cross Keys.
18 Cross Keys was slated to be torn down and rebuilt
19 under SPLOSTII. That project went by the wayside.
20 Nobody can really explain why instead of
21 tearing down and building a new Cross Keys they're
22 putting in a 15 million dollar renovation. And when
23 you hear about what the renovation is, it's a
24 two-story expansion of the technical school to become
25 a magnet school for the technical students. They are

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1 renovating the tennis courts, they are converting part
2 of the gym into the weight room and they are doing
3 cosmetic upgrades of new paint, new ceiling tiles and
4 new windows.
5 There is nothing to address classroom, there
6 is nothing to address instructional capabilities,
7 there is nothing to address equipment. And you talk
8 with the teachers down there, and they are fit to be
9 tied.
10 COUNCILMEMBER PITTMAN: He's exactly right.
11 And there's some talk about renovating Dunwoody High
12 School as well, which is fine, because my kids go
13 there, and Peachtree Middle School.
14 But again, it goes back to who screams the
15 loudest, and the Dunwoody parents are very loud, very
16 vocal, and I think that's what we need to start doing.
17 COUNCILMEMBER ROCHE: It would seem that at
18 least a resolution as soon as we can get one -- I mean
19 before they final- -- the more time goes by, the more
20 they finalize anything.
21 COUNCILMEMBER BATES: Yeah. Unfortunately,
22 they've got -- they've got some challenges to deal
23 with from the school-closure side before they even
24 start talking about redistricting.
25 But I absolutely agree that as soon as we

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1 know what their time frame is, we'll get that out
2 there.
3 COUNCILMEMBER ALEXANDER: (Inaudible)
4 COUNCILMEMBER BATES: Oh. Yeah.
5 Speaking of good things, March 13th is the
6 Sequoyah Cleanup Day. There's a brand new principal
7 at Sequoyah Middle School, Principal Cunningham, who
8 is a dynamo and loves her kids and is looking for any
9 way to partner with the community that she can.
10 A few weeks ago, a group of neighbors from
11 the Sequoyah Woods subdivision and Northwoods met on a
12 Saturday morning to kind of look at the grounds.
13 Mr. Brown was there with us. And it's obvious that
14 that property has been neglected for a significant
15 amount of time. There was substantial debris, trash
16 throughout the grounds, mold on part of the building,
17 the ball fields had been recently tagged with
18 graffiti, and there's just no funds from the school
19 district to -- or they don't want to expend any funds;
20 I don't know which.
21 But the community has agreed to do a
22 neighborhood cleanup on March the 13th at 11:00?
23 10:00?
24 COUNCILMEMBER ALEXANDER: 10:00.
25 COUNCILMEMBER BATES: -- 10:00 to 1:00. So

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1 we will have trash bags and gloves but we need
2 physical people, physical labor. There's a lot of big
3 debris that needs to be moved -- old fencing. It's
4 amazing what's over there. You will be mortified,
5 disgusted and surprised when you see the condition of
6 some of the facilities.
7 So put that on your calendar. Love to have
8 everybody out there.
9 COUNCILMEMBER PITTMAN: And also tomorrow at
10 all the elementary schools -- Hightower, Cary Reynolds
11 and Oakcliff -- is Read Across America Day. They're
12 celebrating Dr. Seuss's birthday and they're inviting
13 -- they invited the Council, the Mayor, the police
14 department. Ms. Fraysse is going to be reading, going
15 out and reading to the different schools.
16 And it's a lot of fun. I've done it for the
17 last few years, and it's a lot of fun. So if any of
18 you readers would like to go to one of the schools and
19 read in the morning or afternoon, they would love it.
20 COUNCILMEMBER BATES: That's all I have.
21 Thank you, Mayor.
22 MAYOR JENKINS: All right, Donna.
23 COUNCILMEMBER PITTMAN: Last meeting, we
24 talked about because of the increase of crime in the
25 Winters Chapel residential area, we were going to be

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1 putting no-parking signs at the dead ends. One of
2 them was already in the ordinance. We had to add
3 Glenda to that because for some reason they like to
4 get down there and hide and park, and it's just
5 invitation to crime. They just park down there and do
6 what they want to do.
7 So we wanted to put the no-parking signs,
8 and I believe I was happy with the ordinance. We
9 added Glenda, and I guess we need to make a motion to
10 pass that tonight?
11 ATTORNEY WEED: You need a motion to waive
12 first reading and to pass it.
13 COUNCILMEMBER PITTMAN: Okay.
14 ATTORNEY WEED: Although you brought it up
15 and discussed it at the last meeting, there wasn't an
16 ordinance in front of you at that time.
17 COUNCILMEMBER PITTMAN: Okay. And we've
18 already placed the signs at Winters Chapels. We have
19 not at Glenda, pending this.
20 I'd like to make a motion to waive first
21 reading.
22 MAYOR JENKINS: Second? Do I get a second?
23 COUNCILMEMBER FLEMING: Second.
24 MAYOR JENKINS: Call the roll, please.
25 CLERK BLACKMON: Councilmember Alexander?

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COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Motion carried.
COUNCILMEMBER PITTMAN: And I'd like to make a motion to pass the ordinance allowing no-parking signs, Winters Chapel, Glenda Way in the Winters Chapel Hills residential area.
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?

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COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Okay. Personnel Complaint Ordinance. That is listed under me.
Murray, this is only an addition to our Memorandum of Understanding rather than a whole new ordinance; is that correct?
ATTORNEY WEED: That's basically correct, Mr. Mayor.
Back in March of 2009 --
MAYOR JENKINS: March 19th.
ATTORNEY WEED: -- there was a Memorandum of Understanding that the Council essentially agreed to with regard to an outline of how it would deal with staff personnel issues at a Council-to-the-Mayor level. Then the Council reduced that later in March to an actual ordinance. That ordinance has essentially been in effect for almost a year.
Councilman Roche had contacted me with regard to the possibility of narrowing down the time frame for the Mayor's response.
As you recall, the original ordinance simply

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said that Council members would file complaints regarding staff to the Mayor in writing and the Mayor would respond in turn in writing, but there was no definitive time frames.
Also after I presented that to the Council, the Mayor indicated to me that he thought it would be appropriate to have dual time frames, meaning that there would be a firm time frame from an event that the Council would be complaining about in contacting the Mayor in writing, and, in turn, the Mayor would have a firm time frame to respond.
Right now, the proposed wording would be: The Councilmember complaint would be sent in writing to the Mayor's office at City Hall within five days of the event triggering the concern. The concern would be clearly articulated. The Mayor shall respond to all clearly articulated Council concerns on personnel issues in writing within 10 business days of receipt of the written concern.
MAYOR JENKINS: That's pretty well -- actually, all that's here. The rest of it is the same; is that correct?
ATTORNEY WEED: Yes, sir.
MAYOR JENKINS: Okay. Well, I see no problem with the changes. Do we have a motion?

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COUNCILMEMBER ROCHE: Well, actually I've got a couple problems with this.
I think that we probably -- most of us know the history of how this came about. This came about as a negotiation. We were having issues with a City employee, and the end of result of the negotiation was that the Council would pass the Memorandum of Understanding and then the employee would have a performance evalua- -- a performance improvement plan. And even though the Council voted two or three times unanimously for that performance improvement plan, it never was implemented.
The concern I have here is that it says that if there is a personnel issue and a Councilperson wants to make a complaint, we only have five business days, and five business days is -- you know, we can't even get our staff members to show up at these meetings.
So five business days is a long time -- or it's not enough time to even find out when things happen. So basically if you -- you know, if an event happens, if an event that triggers the concern occurs, it may be five or six days or ten days before we even know about it.
MAYOR JENKINS: What do you think is a fair

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1 time?
2 COUNCILMEMBER ROCHE: Well, I think it
3 should be at least 10 to 15 days, and I would be
4 willing to make it 15 days and also change the
5 response from the Mayor from 10 days to 15 days to
6 make it even. That way, if something does happen that
7 does need to come to the Mayor's attention, then
8 there's plenty of time or at least a reasonable length
9 of time to be able to investigate and get the facts on
10 something instead of just having to rush and try to do
11 something in five days.
12 MAYOR JENKINS: I have no problem with that,
13 Bob.
14 COUNCILMEMBER ROCHE: So I would I guess
15 make a motion to change the draft ordinance from five
16 days of the event triggering to 15 days and the
17 respond to personnel issues within 15 days of receipt
18 of the --
19 And I guess my -- Yeah, I will go ahead and
20 make that motion. I have one other question.
21 COUNCILMEMBER BATES: Would both of those be
22 business days?
23 COUNCILMEMBER ROCHE: Yes, business days.
24 COUNCILMEMBER BATES: Okay.
25 MAYOR JENKINS: Okay. What's your other

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1 questions?
2 COUNCILMEMBER ROCHE: Well, let's -- I mean
3 that was this part, and then we can --
4 MAYOR JENKINS: Okay.
5 COUNCILMEMBER ROCHE: And that's just to
6 change the draft.
7 MAYOR JENKINS: Do I get a second on that?
8 COUNCILMEMBER FLEMING: Second on the 15-day
9 change.
10 MAYOR JENKINS: Anymore discussion?
11 - - -
12 (No response)
13 - - -
14 MAYOR JENKINS: Call the roll, please
15 CLERK BLACKMON: Councilmember Alexander?
16 COUNCILMEMBER ALEXANDER: Yes.
17 CLERK BLACKMON: Councilmember Bates?
18 COUNCILMEMBER BATES: Yes.
19 CLERK BLACKMON: Councilmember Fleming?
20 COUNCILMEMBER FLEMING: Yes.
21 CLERK BLACKMON: Councilmember Pachuta?
22 COUNCILMEMBER PACHUTA: Yes.
23 CLERK BLACKMON: Councilmember Pittman?
24 COUNCILMEMBER PITTMAN: Yes.
25 CLERK BLACKMON: Councilmember Roche?

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1 COUNCILMEMBER ROCHE: Yes.
2 And my second concern about this, it says
3 the concerns shall be clearly articulated. And I
4 guess what is the standard that says something is or
5 is not clearly articulated?
6 ATTORNEY WEED: It would ultimately be a
7 legal standard. And by that I mean to say that the
8 only time that would be triggered would be if there
9 was a contest between a Council member or members and
10 the Mayor and the Mayor deemed that the clearly-
11 articulated standard had not been met and the Council
12 members took exception to that and declined to revise
13 the complaint, then it would be decided in court.
14 COUNCILMEMBER FLEMING: Where do we have a
15 clearly-articulated standard?
16 ATTORNEY WEED: I just stated that, ma'am.
17 COUNCILMEMBER ROCHE: So I mean how do I
18 know if someone writes a complaint, that -- you know,
19 how do we know that that's clearly articulated or not?
20 ATTORNEY WEED: You would not until the
21 Mayor said to you or any other Council member that you
22 hadn't met the standard, and if --
23 COUNCILMEMBER FLEMING: So he is -- so the
24 Mayor would be the standard.
25 COUNCILMEMBER ROCHE: The Mayor would decide

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1 whether it was --
2 COUNCILMEMBER FLEMING: The Mayor would be
3 the deciding factor of whether it met the Mayor's
4 clearly-articulated standard. There's not going to be
5 a set of standards to formulated whether it's clearly
6 articulated or not.
7 ATTORNEY WEED: Well, there certainly can be
8 if you can -- if you have a clear standard in mind.
9 Ultimately, the decision would be on the
10 basis of a court. A judge would decide.
11 Because let's talk about this practically.
12 If a Council member or members issued a complaint
13 about a staff member, they now are required to do so
14 in writing. They're required to do so in writing
15 whether you adopt this ordinance or not.
16 That writing goes to the Mayor. Right now,
17 there is no standard. So essentially, that person
18 could draw a stick figure, and as long as it was in
19 writing, then that would be a legitimate complaint
20 because there's no standard of clear articulation or
21 not.
22 COUNCILMEMBER ROCHE: Right.
23 ATTORNEY WEED: So the Mayor can then
24 respond to the stick figure he received.
25 So common-sensically, if there were a, you

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1 know, clearly-articulated standard, that's simply a
2 bare minimum use-of-English-language standard that so-
3 and-so did something and, you know, I don't know like
4 it because of this reason.
5 The Mayor, if he decided that the standard
6 had not been met, but a Council member didn't agree
7 with that, then they would move that on to a decision
8 in a superior court.
9 MAYOR JENKINS: Why wouldn't it be -- the
10 Council be the decision after? If he did not agree
11 with the Mayor's decision, why wouldn't it be up to
12 the Council? Why do we have to go to the courts?
13 ATTORNEY WEED: Yeah. You could route it in
14 that direction.
15 At the end of the day, though, the current
16 charter provisions actually hold that the Council can
17 hire, fire and supervise any employee that they care
18 to.
19 MAYOR JENKINS: Right.
20 ATTORNEY WEED: So if a person, a Council
21 member could get enough votes, I guess arguably they
22 could skip this process and this ordinance. You could
23 do that anyway by deleting the ordinance or you could
24 skip it in accordance with the charter and go directly
25 to an attempt to discipline, hire or fire somebody.

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1 COUNCILMEMBER ROCHE: I guess my concern is
2 that if the Mayor -- if I'm the Mayor for some reason,
3 lose my mind -- shoot me before that happens, but
4 anyway.
5 If I was the Mayor and someone wrote a
6 complaint about one of my employees, I could just say,
7 "Oh, well, it's not clearly articulated," and I don't
8 have to respond.
9 ATTORNEY WEED: And the reason why --
10 MAYOR JENKINS: No. I have to re- --
11 ATTORNEY WEED: -- the Mayor wouldn't do
12 that, frankly speaking, is because of public
13 embarrassment and the fact that that complaint would
14 be brought forward in public, that complaint would be
15 brought to the Council and Council --
16 MAYOR JENKINS: Right.
17 ATTORNEY WEED: -- would then make a
18 decision on voting on it and/or it would end up in
19 court and a judge would decide whether or not the
20 Mayor, any mayor, was reasonable in trying to say that
21 a clearly-articulated standard was not met.
22 Now, can I be more specific? Yes. The
23 problem would be do you want to say that the complaint
24 must be three lines long or must be 27 words? The
25 term "clearly articulated" was the vaguest term that I

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1 could think of that would be fair to Council members
2 but at the same time be fair to whoever is the sitting
3 Mayor so that he could honestly respond to a real
4 complaint as opposed to something so vague and
5 nebulous that there'd be no way to respond to it.
6 COUNCILMEMBER ROCHE: But the problem with
7 the way this is written is that since the Mayor would
8 decide whether something is clearly articulated -- it
9 says, "The Mayor shall respond to all clearly
10 articulated Council concerns," well, that means, "I
11 don't think this is clearly articulated; therefore, I
12 don't have to respond."
13 ATTORNEY WEED: Yeah. Once again, I agree
14 with you --
15 COUNCILMEMBER ROCHE: And that's why I --
16 ATTORNEY WEED: And what would prevent --
17 COUNCILMEMBER ROCHE: -- think that's a
18 problem.
19 ATTORNEY WEED: And what would prevent that
20 from happening would be the charter authority for a
21 majority of Council to still act upon any individual
22 employee has never been altered, not even by this
23 ordinance. So that would prevent that from happening.
24 Secondly would be the fact that any kind of
25 contestation of what would constitute a clearly

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1 articulable complaint would undoubtedly be heard in a
2 public forum and then probably by a judge. And if the
3 Mayor, any mayor, didn't act upon that reasonably and
4 was unreasonable in deeming what would be a clearly
5 articulated complaint, he or she would suffer from all
6 of that public embarrassment, have their decision
7 overturned, and the standard, we would all move
8 forward anyway.
9 COUNCILMEMBER ROCHE: I got all that.
10 The original idea here, the reason I brought
11 it to you was that there was nothing to compel the
12 Mayor -- a mayor -- to respond to any complaints about
13 personnel from City Council members. And what this
14 wording does is basically take that and basically
15 gives you a big, old, huge loophole, and then you say,
16 "I do not have to respond because in my own opinion I
17 do not feel it is clearly articulated."
18 And I personally feel like the only way to
19 fix this is to delete the line that begins, "The
20 concern shall be clearly articulated," and delete,
21 "The Mayor shall respond to all . . . Council
22 concerns" to be clearly articulated there.
23 If the Mayor says, "I don't think this is
24 clearly articulated," then the Mayor can respond and
25 say, "I do not think you have a clearly articulated

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1 complaint," but at least the Mayor has to respond.
2 ATTORNEY WEED: Councilman, I don't know if
3 you're asking me a question or just --
4 COUNCILMEMBER ROCHE: I'm just --
5 ATTORNEY WEED: -- making a statement.
6 COUNCILMEMBER ROCHE: -- making a statement
7 and --
8 ATTORNEY WEED: Obviously, you can make a
9 motion at any time you care to.
10 COUNCILMEMBER ROCHE: Well, I will make a
11 motion that we strike the sentence beginning, "The
12 concerns shall be clearly articulated" and also the
13 two words "clearly articulated" in the next sentence
14 so that it reads, "The Mayor shall respond to all
15 Council concerns on personnel issues in writing within
16 15 business days of receipt of the written concern."
17 COUNCILMEMBER FLEMING: And I do second this
18 because I have a problem clearly articulating my
19 comments, sitting up here. So I have issues with the
20 words "clearly articulated" also.
21 COUNCILMEMBER BATES: Mr. Weed, would it be
22 possible to swap out the words, "The concerns shall be
23 clearly articulated," with "The concerns shall
24 indicate who, what, when, where and how?"
25 ATTORNEY WEED: Yes.

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1 COUNCILMEMBER BATES: I think it would be
2 incumbent upon us, if we were to voice a concern about
3 an employee -- we'll use Sally Smith. I hope we don't
4 have a Sally Smith employed. If Sally Smith does
5 something that I disagree with, I think it's incumbent
6 upon me to write a letter to the Mayor saying, "Sally
7 Smith on March the 1st did a horrible, egregious thing
8 by, you know, stomping her feet and squishing the
9 giant bug that was my pet for 10 years, and therefore,
10 she should be punished." So can we --
11 COUNCILMEMBER ROCHE: And then I as the
12 Mayor can say, "But you didn't say the bug was three
13 inches long and it was only two inches long;
14 therefore, it's not clearly articulated so I don't
15 have to respond."
16 COUNCILMEMBER BATES: And I think at that
17 point in time, because I have clearly articulated my
18 concern of the event, I will bring it to Council and
19 say, "Sally Smith on March 1st stomped on my pet bug
20 and she knew it was my pet bug, and I clearly told the
21 Mayor about it. Council, we need to reprimand her."
22 And I think common sense would say you would
23 tell me one of two things: "Brian, you need to get a
24 life, because if you've got a pet bug, you shouldn't
25 have it at Council meeting," or, "Yes, that was

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1 obviously your pet, and Sally had no business; so
2 therefore, we'll go into Executive Session and
3 discuss, you know, personnel matters."
4 ATTORNEY WEED: My understanding of what's
5 being proposed would simply eliminate the clearly
6 articulable standard.
7 Please bear in mind that I have certainly
8 made an assumption that the Council would be able to
9 clearly articulate their complaints and did not want
10 to -- did not want to demean the Council by creating a
11 form that you had to fill out in order to do this.
12 Having a form that you filled out would simply solve
13 the problem too. I did not want to presume to do
14 that.
15 So I was trying to reach wording that would
16 give you the maximum ability to articulate concerns
17 that you have without reducing it to a form or even a
18 format. However, I'm certainly -- You know, is an
19 objective form or format legal? Absolutely. And if
20 you don't think it's demeaning, I'm happy to write it
21 that way, and that might solve your problem.
22 COUNCILMEMBER BATES: I would love to have a
23 form.
24 COUNCILMEMBER ROCHE: Again, the whole point
25 is we're asking for a response. If the Mayor doesn't

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1 feel like the response --
2 What we're building here is whatever you
3 call it -- the what, when, where; clearly articulable
4 -- it's just another name for a loophole for the Mayor
5 to say, "Gees, I don't have to respond, so I'm not
6 going to respond."
7 And then how long do we know that it's not
8 going to be a response? Is it going to be 15 days?
9 He says, "Well, it's not 15 days because it wasn't
10 clearly articulated." So at what point does it come
11 up to the Council?
12 ATTORNEY WEED: It seems that the Council
13 debate here is we've moved beyond having the clearly
14 articulable standard and we've moved into either an
15 objective standard of what the complaint would
16 specifically include and/or a form. And I'm happy,
17 and that's easy to prepare. Once again, I did not
18 want to presume to do that, but with those
19 instructions, I'll certainly get that done.
20 COUNCILMEMBER PITTMAN: So who, what, where,
21 when and how.
22 COUNCILMEMBER ROCHE: I'll withdraw my
23 motion in favor of a motion to have Mr. Weed draw up a
24 form for a complaint.
25 COUNCILMEMBER BATES: Second.

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COUNCILMEMBER ROCHE: You're seconding my withdrawal?
Oh, okay; good.
COUNCILMEMBER BATES: I can't second --
COUNCILMEMBER ROCHE: I got you.
COUNCILMEMBER BATES: I can't second your withdrawal, sir.
COUNCILMEMBER ROCHE: I'm sorry. Where are we?
ATTORNEY WEED: You had -- you --
COUNCILMEMBER ROCHE: I withdrew one motion and made another motion to postpone it until Councilman Weed [sic] can --
MAYOR JENKINS: The motion's already been voted on.
COUNCILMEMBER ROCHE: Sorry. I just promoted you.
Attorney Weed can put together a form.
MAYOR JENKINS: Wait a minute. The motion was already voted on. What --
ATTORNEY WEED: No.
COUNCILMEMBER ROCHE: No. This is a whole new motion.
ATTORNEY WEED: The first motion was simply to amend the draft to change the five and ten days to

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fifteen days in both of those sections. So that motion passed.
And now I'm not -- if there is another motion that was seconded, unfortunately I didn't hear it.
COUNCILMEMBER ROCHE: Well, I'll withdraw the motion about striking the language about clearly articulated.
ATTORNEY WEED: And there doesn't appear --
COUNCILMEMBER FLEMING: I withdraw my second.
ATTORNEY WEED: Okay.
COUNCILMEMBER ROCHE: Okay. There we go.
ATTORNEY WEED: There you go. You have nothing on the table, and the world is your oyster and you can make whatever motion you feel fit.
COUNCILMEMBER ROCHE: No. You were going to make a motion about adding a form.
COUNCILMEMBER BATES: Oh, I thought you had.
I'll make a motion to have Mr. Weed, our City Attorney, craft a form regarding personnel complaints.
COUNCILMEMBER ROCHE: And I would add to that and also change the language of the ordinance, that we would use that form.

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ATTORNEY WEED: Requiring use of the form and removing the clearly articulated standard.
COUNCILMEMBER ROCHE: Right.
COUNCILMEMBER BATES: And I'll accept that.
COUNCILMEMBER ROCHE: And I'll second. See, we work together.
MAYOR JENKINS: Anymore discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: All right, Bob. New business.

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COUNCILMEMBER ROCHE: Under new business, Occupational Tax License Reporting and Statistics, I made a couple of comments here.
On the 15th -- usually in the middle meeting of every -- the Council, we receive this little stack of papers, and we get reports from each department. We get a report of how many people have been arrested and for what offenses. We get a report of all the QOL tickets. We get a report of how many people were served by the library. We get a report of how many people use the recreational services and what types of recreational services they've used. We get a report from the courthouse saying how much -- how many fines were collected and what type of tickets, et cetera, et cetera. We even get a report of all the building permits issued and how much we received on that.
What we do not get currently is a report on the occupational tax licenses. Now, occupational tax licenses, the revenues that come from the licenses themselves -- I'm not talking about the fees; I'm talking about the revenues themselves -- work out to about 2.13 million dollars, and that's the unaudited number from the last fiscal year, fiscal year that ended June 30th of 2009.
And on a side note, it's almost 2 million

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1 dollars in commercial property taxes.
2 And this is what all this occupa- -- I pay
3 occupational taxes because I work out of my home. I
4 have to write a check every year for like a hundred
5 and fifty, a hundred and whatever dollars it is.
6 But we don't know how many licenses we gave
7 out last year. We don't know how many we're denying.
8 We don't know how many we're issuing. And you can't
9 manage something that you can't measure.
10 So what I'd like to do is to -- I would --
11 And in the e-mail that I requested putting
12 this on the agenda, I said there was no associated
13 documentation. I mean I can't show you a document
14 that doesn't exist. And I also specifically requested
15 the city planner be here because it certainly -- you
16 know, the city planner makes all the decisions
17 nowadays on these occupational tax licenses.
18 COUNCILMEMBER PACHUTA: I'm sorry. Is that
19 correct?
20 COUNCILMEMBER ROCHE: So I would like to --
21 Are you going to interrupt me again? Go
22 ahead and interrupt me again.
23 COUNCILMEMBER PACHUTA: Yes, I will. Thank
24 you.
25 Is that correct? I'm sorry. I thought it

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1 was --
2 CLERK BLACKMON: No.
3 COUNCILMEMBER PACHUTA: -- Sandra Bryant was
4 in charge of occupational --
5 CLERK BLACKMON: Correct.
6 COUNCILMEMBER ALEXANDER: -- tax licenses.
7 CLERK BLACKMON: Scott just has the
8 preliminary, the zoning, and Sandra issues the actual
9 occupational tax.
10 COUNCILMEMBER ROCHE: But the decisions are
11 made by the city planner.
12 COUNCILMEMBER PACHUTA: I don't believe
13 that's correct.
14 CLERK BLACKMON: Only regarding zoning.
15 COUNCILMEMBER ROCHE: The city planner,
16 Mr. Haeberlin, sat here and said in front of us that
17 everything goes to him first, and --
18 COUNCILMEMBER PACHUTA: No.
19 COUNCILMEMBER ROCHE: -- every denial letter
20 I've ever seen on an occupational tax license is under
21 -- is over the signature of Mr. Scott Haeberlin, who
22 is our city planner.
23 COUNCILMEMBER PACHUTA: I don't believe
24 that's correct.
25 I mean what I heard when we had the meeting

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1 was that if there was a zoning issue, then that was in
2 his office until Council or somebody resolved the
3 zoning issue, but everything else is in Sandra's
4 office. And the majority of occupational tax licenses
5 that have been reapplied for and have not been issued
6 were due to incomplete applications, and again, that's
7 in Sandra's office.
8 COUNCILMEMBER FLEMING: But the application
9 has been going to Mr. -- for a new business to come
10 into the city, if I'm not mistaken -- and of course
11 Ms. Blackmon or Ms. Pachuta can correct me -- but it
12 goes to Mr. Haeberlin first for zoning appropriate-
13 ness.
14 COUNCILMEMBER PACHUTA: Correct.
15 COUNCILMEMBER FLEMING: And so therefore he
16 is in the position of either moving forward or denying
17 it.
18 COUNCILMEMBER PACHUTA: Related to zoning.
19 COUNCILMEMBER BATES: But he would not have
20 --
21 COUNCILMEMBER FLEMING: It wouldn't go
22 further from his desk to get to Sandra's desk if he
23 denied it.
24 COUNCILMEMBER PACHUTA: Due to zoning.
25 COUNCILMEMBER FLEMING: Either way,

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1 Ms. Pachuta, the business didn't come into the city
2 because it was denied.
3 The point is we don't have a track on
4 businesses -- occupational tax, business licenses,
5 permits, whatever, coming into the city that indicates
6 whether they have been approved, denied, and how much
7 money those businesses are bringing in as far as
8 occupational tax.
9 COUNCILMEMBER PACHUTA: Mr. Roche, are you
10 asking just for the reports related to zoning appro-
11 priateness or -- I mean you're -- and again, we didn't
12 have any backup for the agenda item because your
13 agenda item just says occupational tax license
14 reporting and most of that's going to come through
15 Sandra's office. What's going to come through Scott's
16 office would be any zoning -- any denials of the
17 zoning appropriateness letter.
18 COUNCILMEMBER BATES: If the question is is
19 the number of occupation tax licenses that are issued
20 each year, I think that clearly comes from
21 Ms. Bryant's office because she records and enters and
22 issues those.
23 If the request is for number of occupation
24 tax licenses that are denied based upon zoning, then
25 that would clearly come under Mr. Haeberlin's depart-

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1 ment.
2 So I think there needs to be a little bit of
3 clarity as to the information that's being requested,
4 because that would determine under whose responsi-
5 bility that falls.
6 I actually fully agree with getting the
7 information. I think it's important to have. But I
8 think there needs to be a little bit of clarity as to
9 the specifics of the information.
10 And I would actually go further and say I
11 would be in favor of getting a comparative number of
12 occupation tax licenses issued on a year-to-year
13 comparison as well as a list of the occupation tax
14 licenses that are denied based upon zoning. I think
15 those are two pieces of information that would be very
16 important to have.
17 COUNCILMEMBER PACHUTA: Yeah. I was just
18 seeking clarification on that, because it's not purely
19 Mr. Haeberlin's area of responsibility for
20 occupational tax licensing as a whole.
21 MAYOR JENKINS: That what you want?
22 COUNCILMEMBER ROCHE: I'm prepared to make a
23 motion if I can do it without being interrupted again.
24 COUNCILMEMBER BATES: Well, I'll -- when --
25 when --

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1 COUNCILMEMBER PACHUTA: I felt I needed
2 clarification --
3 COUNCILMEMBER ROCHE: Well --
4 MAYOR JENKINS: I agree with you.
5 COUNCILMEMBER PACHUTA: -- before you
6 continued to make the motion.
7 COUNCILMEMBER ROCHE: Well, there's ways to
8 ask for clarification.
9 But anyway, I'd like to make a motion that
10 we begin beginning -- today is March 1st -- beginning
11 the first meeting in April, we begin receiving reports
12 beginning with the last year's number of occupational
13 tax licenses. That would be as of January -- well, I
14 guess I'll just say January 1st of 2009. All new
15 applications since then, applications denied -- number
16 of applications denied and applications approved, and
17 then the new number. And then that way, we'd get --
18 and then every month, we'd begin with a beginning
19 balance of last month's number of occupational tax
20 licenses, number of new applications, number denied,
21 number approved and a new balance. And I will add the
22 year-to-year comparison that Mr. Bates mentioned.
23 ATTORNEY WEED: And just for the record so
24 that we clearly articulate this, there is a difference
25 between the payment of occupation tax and a license.

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1 For example, when you want to have -- when you want to
2 serve alcoholic beverages, you must have a license but
3 you still must pay occupation tax; therefore, I --
4 COUNCILMEMBER ROCHE: I know that.
5 ATTORNEY WEED: -- assume you only want --
6 COUNCILMEMBER ROCHE: Right.
7 ATTORNEY WEED: -- occupation taxes.
8 COUNCILMEMBER ROCHE: Exactly.
9 ATTORNEY WEED: You don't want --
10 COUNCILMEMBER ROCHE: I'm not talking about
11 any licenses.
12 ATTORNEY WEED: Okay.
13 COUNCILMEMBER ROCHE: I'm talking about the
14 occupational tax license; all right?
15 ATTORNEY WEED: Just --
16 COUNCILMEMBER FLEMING: Permit.
17 ATTORNEY WEED: -- occupation taxes, or a
18 permit or a permanent placard or receipt.
19 COUNCILMEMBER BATES: Mr. Roche, could we
20 actually extend that till May 1st so that staff has
21 some time to evaluate their ability to get those
22 reports?
23 I agree that we want them, and I will second
24 this, but I want to make sure that staff can provide
25 the information or at least create a mechanism to

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1 provide it in a reasonable amount of time and --
2 COUNCILMEMBER ROCHE: And I will accept the
3 change to May 1st because I'm a swell guy.
4 CLERK BLACKMON: We actually turn them in in
5 the middle of the month, so can I assume that it's to
6 begin on the 1st but you'll receive them in the
7 middle? I mean we give them two weeks to give you the
8 previous month's. So I usually turn them in in them
9 mid-month Council meeting, not the first of the month.
10 COUNCILMEMBER BATES: Mr. Roche, would --
11 COUNCILMEMBER ROCHE: That's fine.
12 COUNCILMEMBER BATES: Thank you. And I'll
13 second that.
14 MAYOR JENKINS: Anymore discussion?
15 - - -
16 (No response)
17 - - -
18 MAYOR JENKINS: Call the roll.
19 CLERK BLACKMON: Councilmember Alexander?
20 COUNCILMEMBER ALEXANDER: Yes.
21 CLERK BLACKMON: Councilmember Bates?
22 COUNCILMEMBER BATES: Yes.
23 CLERK BLACKMON: Councilmember Fleming?
24 COUNCILMEMBER FLEMING: Yes.
25 CLERK BLACKMON: Councilmember Pachuta?

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1 COUNCILMEMBER PACHUTA: Yes.
2 CLERK BLACKMON: Councilmember Pittman?
3 COUNCILMEMBER PITTMAN: Yes.
4 CLERK BLACKMON: Councilmember Roche?
5 COUNCILMEMBER ROCHE: Yes. And thank you,
6 Council.
7 MAYOR JENKINS: Thank you.
8 Public comments, three minutes. Who's
9 first?
10 MS. GILMAN: Carol Gilman, Chestnut Place,
11 Doraville; Mayor, Council.
12 A great big thank you to Doraville P.D. in
13 general and Sergeant Seigler in particular for leading
14 our CPR class last Saturday. Sergeant Seigler was
15 manning the door, and he's right there now. I wish
16 he'd step in.
17 Jerry, you want to ask him to step in?
18 MAYOR JENKINS: Come on in, Sergeant.
19 SERGEANT SEIGLER: (Enters room)
20 MS. GILMAN: This is the very fine police
21 officer who led our CPR and first aid and AED class
22 last Saturday. It was held at the Doraville P.D.
23 training center. It was a very hands-on, focused and
24 intense class. I can assure you Sergeant Seigler cut
25 us no slack. All six participants performed under his

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1 scrutiny and leadership, and we were all tested and we
2 all passed. I see one of the participants, Jerry
3 Cullen, here.
4 It is a wonderful program. I would
5 encourage anyone who lives in the city to take such a
6 class when it's available.
7 And I would have to say that one of the
8 greatest compliments that our class received is that
9 the sergeant said at day's end that we were fully
10 equipped and trained, competent to give him CPR or any
11 member of his family. I hope that does not happen,
12 but that's certainly the highest compliment, and I
13 thank the Doraville P.D. and Sergeant Seigler for a
14 fine job.
15 - - -
16 (Applause)
17 - - -
18 MAYOR JENKINS: Sergeant, you can go now.
19 COUNCILMEMBER ROCHE: Thank you.
20 COUNCILMEMBER PITTMAN: Thank you.
21 MAYOR JENKINS: Have a good evening.
22 Who's next?
23 MS. CRAWFORD: Susan Crawford, Oakcliff.
24 We're having our first neighborhood watch
25 meeting, sort of a get-together to see if there will

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1 be meetings, I guess, tomorrow night at the civic
2 center at 7:00. If any Oakcliff residents are here, I
3 hope you will come.
4 I'm really glad, Brian, that you'll be
5 visiting this thing about the school districting, and
6 I hope that something can change. We had a daughter
7 who was bussed ten miles to Cross Keys. And I
8 remember when this came up many years ago, and I can
9 think of other words for the reason for the
10 districting. It was quite awful.
11 And I would like to add that Cross Keys has
12 the most wonderful art department, as you probably
13 know from the art that's come here. And they have the
14 most gorgeous art room with high ceilings and lots of
15 light, and it was the highlight, that is now going to
16 be part -- taken away from that department and given
17 to the school of technology or whatever. So yeah, I
18 know the art teacher's really upset and so are most
19 other people.
20 And Mr. Roche, I would just like to say that
21 I think the reason for putting that stipulation on the
22 development of film is because there are very heavy
23 chemicals used when you do develop film.
24 Anyway, thank you.
25 MAYOR JENKINS: Thank you.

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1 Next?
2 MR. ANDERSON: Stuart Anderson, 2595
3 Barrylynn Drive, Doraville, Georgia 30360.
4 Occupational tax license reporting
5 statistics. To debate Karen, the top of my form was a
6 zoning appropriateness form. It changed from last
7 year for the occupational tax permit, if you will, or
8 form to allow you to either pay your tax or not, to a
9 zoning appropriateness form. That's not semantics.
10 It's a real change. Thank you.
11 MS. CALVERT: Ginny Calvert again.
12 I've heard so much about Scott tonight not
13 being here, and I don't think we really need to pay
14 him extra money to come in here on our nights. He's
15 there all day. If there are any questions, all of us
16 including the people here have the ability to call or
17 come in and see him. I would rather do that than to
18 pay him extra money to come in and sit here. Okay?
19 MAYOR JENKINS: Thank you.
20 - - -
21 (Applause)
22 - - -
23 MR. HART: Tom Hart.
24 After spending a couple days in a wheelchair
25 recently, I can agree with this ramp situation. If

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you get doctor's orders for a wheelchair or you have an ADA cart and then, you know, to park your car, you should be able to get a ramp deal with the City of Doraville.

Most of these people, you know, it's either an accident or it's, you know, a younger person in a wheelchair or elderly. And in the case of an elderly person in a wheelchair, it's usually -- they're not going to have the ramp long. It's usually -- I know I had to put ADA ramps in a house for my mother. And it's a sensitive issue, and there's been a lot of problems with it across the city. And there's not that many of them, so I don't think the City's going to go broke handing out ADA ramp permits to people unless we're just mean old Doraville again.

The school districting, one of the nails in the city's coffin was losing Sequoyah High School.

Brian, you brought up a good point. And it's pretty clear how the districts were drawn. You know who it benefitted, who it didn't benefit, and Doraville was on the wrong side of the tracks or rather on the wrong side of Peachtree Industrial. It's where the garbage dumps go. It's where the airport noise goes. It's where no schools go.

It's because Doraville has to stand up for

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itself because the city of Dunwoody and Chamblee are going to run all over unless it does. Even if we have to set aside property in the city for a high school and to get local people involved and we're doing something here and telling Dekalb County first thing we have to get this Lewis guy out of jail before he can make a decision.

So I mean Dekalb County is not going to help the city of Doraville unless Doraville goes out to try to help itself. So I'm on board that big-time, so any help I can give you on that.

And also the Sequoyah Middle School clean-up, I don't know how much clean-up I can do. I can't hardly walk right now.

That's about it. Thank you.

COUNCILMEMBER BATES: Thanks, Tom.

MAYOR JENKINS: Thank you, Tom.

Next?

MR. AMBROSE: James Ambrose, Winters Chapel.

Last week, City Council had a meeting and they discussed a cell phone tower 124 feet tall to be put up over between the Colonial pipeline and Plantation pipeline. It was not notified on it.

And a lot of you all don't know that many years ago a little pilot light was the cause of almost

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burning Doraville away, and people don't realize how close it was to it. If one of the gas tanks next to the one that was on fire ever collapsed, which was within 10 feet of it, it would have got rid of Doraville. And they want to put a cell phone tower up in that area.

How many times in a week do you see in the paper where a cell phone -- somebody got out with a cell phone pumping gas and a car caught on fire? I think this is absolutely unnecessary in this area, and I don't think they really considered it a long way. If they'd have checked the city codes and read them all the way through, which is ten and a half pages -- The closest other code is five pages, so this must be a lot of interesting reading that depicts why you do not want one, and the limits, distances and height that you got to have before you have one.

Thank you.

- - -

(Applause)

- - -

MAYOR JENKINS: Next?

- - -

(No response)

- - -

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MAYOR JENKINS: Motion to adjourn?

COUNCILMEMBER ALEXANDER: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

- - -

(Meeting adjourned at 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 9th day of March, 2010.

_____

Theresa Bretch, CCR
Permit No. B-755

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