In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

April 18, 2011

American Court Reporting Company, Inc.

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Pro Tem Donna Pittman, presiding, before Theresa Bretch, Certified Court Reporter, commencing at approximately 6:30 p.m. on Monday, April 13, 2011.

* * *

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

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P R O C E E D I N G S

MAYOR PRO TEM PITTMAN: Meeting come to order.

We are very honored tonight to have some very special guests with us from Oakcliff Traditional Theme Middle School -- I mean Elementary School. They're going to be leading us in the pledge, so if we could all rise for the pledge, please.

- - -

(Pledge of Allegiance)

- - -

MAYOR PRO TEM PITTMAN: And thank you so much. We have a certificate for helping us out tonight.

And we'd also like to welcome the principal from Oakcliff. We're very honored to have you here tonight, Ms. Saleem.

PRINCIPAL SALEEM: Thank you. We're honored as well to be here.

Again we want to thank you very much for coming tonight. If you could step forward when I call your name. And if they're not present, if you don't mind accepting for them.

PRINCIPAL SALEEM: Not at all. Thank you.

MAYOR PRO TEM PITTMAN: Okay. Franklin

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Marroquin, Litzy Galan, Chaela Luttery. Monserrat Cruz-Gomez, Chris Chavez, Luis Monterroso-Franco, Mauro Moralas-Arias.

Thank you very much for your help (presenting).

MAYOR PRO TEM PITTMAN: And if you will call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Here.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Here.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Here.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Here.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Here.

MAYOR PRO TEM PITTMAN: And next on the agenda is approval of minutes.

We need a motion to approve the minutes from March 21st, 2011.

COUNCILMEMBER PACHUTA: So moved.

MAYOR PRO TEM PITTMAN: Do I get a second?

COUNCILMEMBER ALEXANDER: Second.

MAYOR PRO TEM PITTMAN: Discussion?

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- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Thank you. Motion carries.
Next we need to approve the minutes for March 28th, 2011.
COUNCILMEMBER PACHUTA: So moved.
MAYOR PRO TEM PITTMAN: Second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)

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- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Motion carries.
Next, April 4th, 2011.
COUNCILMEMBER ALEXANDER: So moved.
MAYOR PRO TEM PITTMAN: Do I get a second?
COUNCILMEMBER PACHUTA: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?

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COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Next on the agenda, we are very honored to have the Consulate of Great Britain here tonight. It's Consul-General Annabelle Malins of Great Britain, and we have a proclamation that we would like to honor her with.
As you all know by now, the royal wedding of Kate Middleton and Prince William of Wales, the future King, will take place on April 29th. For Britain, this will be a national holiday, so I would like to present this proclamation declaring Windsor Week in Doraville for the week of April 25th.
Windsor of course is the dynastic name of the current royal family headed by Her Majesty Queen Elizabeth II. It was founded by her grandfather, King George VIII, in 1917. The House of Windsor is a branch of the House of Hanover which ended when Queen

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Victoria took the name of her husband, Prince Albert. Queen Victoria was the great granddaughter of King George II, who our state is named for.
So with that said, I would like to encourage every Doravillian to join me in honoring the historic event for our nation's closest ally.
CONSUL-GENERAL MALINS: Mayor Pittman and City of Doraville Council, it's a great privilege to be here. I'd like to offer my greetings from the U.K. government.
Thank you so much for this very special gesture of a proclamation declaring Windsor Week in Doraville. This means -- the event happening on the 29th of April means a great deal of course for the royal family but all of the British nation, and we're very delighted to be celebrating it here also in Atlanta with a special event on the evening of the 29th not too far from here at one of the hotels with a number of VIP guests including your very own Mayor, Mayor Pittman. We're delighted that she will join us as well as the Governor of Georgia and the Mayor of Atlanta.
Mayor Kasim Reed was actually with Prince Charles, Prince William's father, on the day that the engagement was announced, which created quite a stir.

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And for those of you who've had their eyes peeled, the press coverage, you may have seen Mayor Reed in the backdrop of much of the camera footage. So it was really a special association, and there are many other links between Atlanta and the royal couple and the royal family. So this is a very special proclamation. We shall make sure this is conveyed to all the proper authorities, and I'd like to thank you all very much indeed. Thank you.

MAYOR PRO TEM PITTMAN: And we're going to take a two-minute break.

- - -

(Brief recess)

- - -

MAYOR PRO TEM PITTMAN: Meeting come back to order.

Next on the agenda is going to be I.T. Services.

We requested our current I.T. provider to go back and negotiate a price. They did come off $6,000.

Council, comments?

COUNCILMEMBER ALEXANDER: I've been thinking about this since we had our last meeting, and I've conveyed before sometimes I feel like perhaps people become comfortable with us and we become comfortable

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with other people.

I appreciate that Ms. Stephens, Parks & Rec., took my suggestion and did a price comparison on our current pool service provider even though she's very happy with their services and was able to negotiate a lower rate.

Due to the large dollar amount of this contract, I think I'm going to make a motion to send out an RFP for I.T. services, and I also have located in one of my stacks what I believe is the previous RFP for I.T. services.

If I could give that to the Clerk and ask that you meet with the department heads to find out anything that's been added, subtracted, new hardware and things of that nature.

I make that in the form of a motion.

COUNCILMEMBER ROCHE: Would this be a motion to reconsider the motion of March 7th or would this be a brand new motion?

We made a motion on March 7th to issue an RFP for I.T. services.

COUNCILMEMBER ALEXANDER: That did not pass.

COUNCILMEMBER ROCHE: Well, I know. I'm just saying we're going to --

COUNCILMEMBER ALEXANDER: So I'm making a

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motion to issue an RFP for I.T. services.

COUNCILMEMBER ROCHE: So it's not a reconsideration of the original motion.

COUNCILMEMBER FLEMING: It has to be done right after. Reconsideration is right after.

COUNCILMEMBER ROCHE: I see. Okay. That's fine.

COUNCILMEMBER ALEXANDER: Thank you.

COUNCILMEMBER ROCHE: I'll second the motion by the way.

COUNCILMEMBER ALEXANDER: Thank you.

MAYOR PRO TEM PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: No.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: No.

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CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

Thank you.

MAYOR PRO TEM PITTMAN: Okay. The next agenda item is Department Reports.

Ms. Wilson?

MS. WILSON: Hi, Council. From the broker selection, we had two brokers that you interviewed. It was Resurgens Risk Management and J. Smith Lanier. So tonight I'm coming to ask you --

COUNCILMEMBER FLEMING: I can't hear her.

CLERK McCAIN: The microphones are not working.

MS. WILSON: Oh, okay.

COUNCILMEMBER FLEMING: They are not working?

CLERK McCAIN: No, they're not. Yours are, but . . .

COUNCILMEMBER FLEMING: Okay.

MS. WILSON: Okay. Are you-all ready? Okay.

I said good evening, Council, and I said that you interviewed two brokers that we had for the property liability and workers' comp RFP that we submitted, and it was Resurgens Risk Management and J.

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1 Smith Lanier.
2 So tonight I'm asking which broker would you
3 like to move forward with.
4 MAYOR PRO TEM PITTMAN: Council?
5 COUNCILMEMBER PACHUTA: I was pleased with
6 the responses we got fro both. I think I'd lean more
7 towards J. Smith Lanier just because they have so many
8 municipal clients and they have so much more
9 government experience.
10 But I mean I was pleased with both presen-
11 tations, but I do think I lean a little bit more
12 toward J. Smith Lanier.
13 MAYOR PRO TEM PITTMAN: Okay. Anyone else?
14 COUNCILMEMBER FLEMING: And that was the
15 firm that came down from the question that I had about
16 would they -- that was the firm that included their
17 pricing into the contracted price?
18 COUNCILMEMBER BATES: Yes.
19 MS. WILSON: No, ma'am. That was the
20 company that said the would negotiate a percentage.
21 That was a question that you asked, would
22 they come down in their percentage? That was J. Smith
23 Lanier.
24 COUNCILMEMBER BATES: Well, J. Smith
25 Lanier's pricing was --

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1 COUNCILMEMBER FLEMING: Going to be in the
2 contracted price.
3 COUNCILMEMBER BATES: It was inclusive,
4 whereas Resurgens gave -- netted out their --
5 MS. WILSON: Yes, yes.
6 COUNCILMEMBER BATES: Okay.
7 MS. WILSON: Yes.
8 COUNCILMEMBER FLEMING: And they did come
9 down in their pricing --
10 MS. WILSON: Yes, ma'am.
11 COUNCILMEMBER FLEMING: -- percentage
12 pricing.
13 MS. WILSON: Yes, ma'am. They said they
14 wouldn't go over -- I believe it was 15 percent, I
15 think it was, in the e-mail?
16 COUNCILMEMBER BATES: Yes, ma'am.
17 I'm with Ms. Pachuta. Both firms are
18 equally -- I think could equally do the services.
19 Both of them have their strengths.
20 I do agree, I lean towards J. Smith Lanier
21 for one reason only: they've got -- well, it's two
22 reasons but they're connected: they've got more
23 government experience but they've also got more
24 experience in converting from GMA to private carriers.
25 And I think that when you put them apples-to-apples --

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1 and the firms really are apples-to-apples -- I think,
2 to me, that's what carries -- carries the weight
3 enough to tip the scales in their favor.
4 So I will go ahead and make a motion to
5 accept J. Smith Lanier as the broker.
6 MAYOR PRO TEM PITTMAN: And do I get a
7 second?
8 COUNCILMEMBER PACHUTA: Second.
9 MAYOR PRO TEM PITTMAN: Discussion?
10 - - -
11 (No response)
12 - - -
13 MAYOR PRO TEM PITTMAN: Call the roll,
14 please.
15 CLERK McCAIN: Councilmember Alexander?
16 COUNCILMEMBER ALEXANDER: Yes.
17 CLERK McCAIN: Councilmember Bates?
18 COUNCILMEMBER BATES: Yes.
19 CLERK McCAIN: Councilmember Fleming?
20 COUNCILMEMBER FLEMING: Yes.
21 CLERK McCAIN: Councilmember Pachuta?
22 COUNCILMEMBER PACHUTA: Yes.
23 CLERK McCAIN: Councilmember Roche?
24 COUNCILMEMBER ROCHE: Yes.
25 MAYOR PRO TEM PITTMAN: And motion carries.

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1 Thank you.
2 MS. WILSON: Thank you.
3 MAYOR PRO TEM PITTMAN: Thank you,
4 Ms. Wilson.
5 MAYOR PRO TEM PITTMAN: Next on the agenda
6 is Public Comments on Agenda Items only.
7 If you could please come forward behind the
8 podium, limit your comments to three minutes and state
9 your name for the clerk and for the court reporter,
10 please.
11 Public comments.
12 MS. CRAWFORD: I guess we just can't see all
13 of the agenda items, but I have the . . .
14 Okay. I'd like to say something about the
15 Planning Commission.
16 My name is Susan Crawford, Oakcliff.
17 CLERK McCAIN: It doesn't work.
18 MS. CRAWFORD: Okay.
19 MAYOR PRO TEM PITTMAN: Just talk loud.
20 MS. CRAWFORD: All right. I'll talk loudly.
21 I'm very disappointed, well, in many things.
22 But I was one of the people who -- actually, I wrote
23 the petition to begin the Planning Commission, and
24 many other people went around and got 700 signatures
25 from businesses and residents who wanted a planning

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1 commission. This was to be separate from city
2 government, which was not even you -- most of you, or
3 any of you at that point.
4 It was to be a panel of residents to act
5 originally as a go-between to sort of go back and
6 forth with messages from the city government to the
7 populace and vice versa to try to be a bridge between
8 the residents and the government and the businesses.
9 It was a good idea.
10 And Brian, I remember being in some
11 restaurant. I think you were announcing your
12 candidacy, and we were -- everybody was so excited
13 because it was going to happen.
14 And I had to -- we had to make a few
15 compromises, and one of them was that the City Council
16 would have some say in who was on the panel. Seemed
17 fine. I remember at the time thinking and saying,
18 though, that could go either way, but it was fine.
19 And we were -- Everybody was excited. The
20 city was exited, the residents were excited. The
21 businesses, 150 of whom signed this, were excited as
22 well.
23 Ben has been on it since it began, and I
24 think some of the other people who are now were as
25 well. They worked well together as a team. They did

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1 a lot of work.
2 I can speak for Ben that he was neurotic
3 about checking everything out very carefully. They
4 learned the zoning. They did it in a professional
5 manner. They worked with the planner.
6 And I don't think, Ms. Fleming, that you
7 acted responsibly or ethically by attending the
8 meeting and having -- You would have had to have some
9 bias ahead of time before you voted on the very things
10 that went before the Planning Commissioners; that's
11 just my opinion -- but to try to sway the vote, and
12 when it did not happen, then suddenly get rid of the
13 people who have been -- who have dedicated themselves
14 with no pay and really obviously no thanks.
15 It's a real slap in the face to all of us,
16 not just to me -- I find it particularly a slap in the
17 face because I was excited about the beginning of this
18 -- but really a slap in the face to everybody.
19 MR. CRAWFORD: Ben Crawford.
20 And as I pointed out at the last meeting, it
21 is in the City's ordinance that our terms are expired.
22 Back last April, that was brought to your
23 attention by myself, Joe, by the city planner, and
24 there was trouble finding people, citizens, that were
25 of the nature that they wanted to serve on the

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1 Planning Commission, so we were asked to serve another
2 term. The term was four years.
3 For some reason, you never took care of the
4 paperwork. You could have changed that; you didn't.
5 And it seems ironic to me that a City Councilperson
6 who had problems coming to Planning Commission
7 meetings in the past, Councilperson Fleming, and
8 involving herself.
9 And I don't know if there was ever
10 discussion in the past between City Councilmembers and
11 Ms. Fleming about her behavior. There should have
12 been, and maybe there is.
13 But her last -- at our last meeting, she
14 actively involved herself in the Planning Commission
15 meeting. These are things that would be addressed --
16 would be addressed at a public hearing like we're
17 having tonight.
18 So how can somebody like that that's
19 involved herself with applicants, involved herself
20 with the Planning Commission -- Is it intimidation?
21 Is it just curiosity? What is it?
22 I think it's very unethical, and I as a
23 citizen am going to pursue that venue right there.
24 I'm allowed to, and I will pursue it because I think
25 it's highly unethical and there should be some kind of

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1 penalty for that kind of behavior.
2 But I would like to key on what Susan
3 Crawford said. It's just really depressing that this
4 comes back as payback for us not doing what somebody
5 wanted us to do.
6 The city planner was not prepared that
7 night. We did not have the information. And yes, I
8 did make the motions. I made the motions for all
9 three of them.
10 But the guys that I work with, they decided
11 that the first applicant should have her case heard,
12 and we heard it. That was a point to be made.
13 The other two agenda items were tabled for
14 just cause. You can ask the city planner. Maybe he
15 can give you his take on it, but I think if he was
16 honest with himself, he would say that he was
17 unprepared and we tabled it for just cause.
18 Thank you very much.
19 MR. ANDERSON: I wrote the Planning
20 Commission bylaws. One specific comment or one
21 specific area of the bylaws was to invite City
22 Councilpeople to the Planning Commission because it
23 was issues -- they were going to be hearing issues
24 that the City Council would be hearing, so that they
25 could do research. That's in the bylaws. That's a

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1 specific request to City Council: if they have time
2 and interest in studying something that they're going
3 to do in the future or hear in the future, that they
4 come to Planning Commission meetings.
5 I'm not going to speak for Ms. Fleming, but
6 I'm sure that's why she comes to these things.
7 As far as other allegations, I'm not going
8 to address it.
9 But that's a fact, and the City Council was
10 and still is, unless they've changed the bylaws,
11 invited to come to City Council -- or to Planning
12 Commission meetings and listen to the proceedings.
13 MR. HART: I was on the City Council when
14 they wrote those bylaws, and I was one of those people
15 that went to every Planning Commission meeting and I
16 was also a Councilperson that never spoke up during
17 those Council [sic] meetings because it was
18 interfering with a -- with an independent council and
19 commission, that later on the City Council has to go
20 and vote on those same things as an independent body.
21 And so it's not up to the City Councilperson
22 to get themselves involved in the Planning
23 Commission's business. You can watch and observe; you
24 just don't get involved with it.
25 And I think that there's been several

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1 e-mails between the city attorney and Councilmembers
2 admonishing Pam Fleming about her involvement with the
3 Planning Commission, and she can watch but not get
4 herself involved with it.
5 I think your involvement with the court over
6 here involving cases over on Tilly Mill Road or off
7 Tilly Mill Road with people's property, I think it's
8 highly out of order. As a matter of fact, I think
9 it's an ethics violation.
10 So when you don't get your way, the next
11 meeting, it just so happens you guys fire those people
12 that you didn't agree with.
13 Last year when you extended their terms, it
14 was for another full term, not a half a term or until
15 you get upset with them.
16 That's why they're an independent body.
17 They represent the people's -- that's their day in
18 court. That's the people's day to have their speak.
19 Because we get three minutes here; you can get all day
20 at the Planning Commission.
21 So I think you guys are out of order. Thank
22 you.
23 COUNCILMEMBER FLEMING: Mr. Hart, I have one
24 question for you, please.
25 Mr. Hart, may I ask a question, please?

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1 MR. HART: No.
2 COUNCILMEMBER FLEMING: Thank you.
3 MAYOR PRO TEM PITTMAN: What's the question?
4 You don't need his permission to ask a question. If
5 you need to ask him, go ahead.
6 COUNCILMEMBER FLEMING: Are you accusing me
7 of doing something at the court and involving myself
8 with some type of cases or something? Because if you
9 are, I believe you've just put it on record, and I
10 might myself pursue those items that you're referring
11 to.
12 MR. HART: Okay.
13 COUNCILMEMBER FLEMING: Thank you.
14 MAYOR PRO TEM PITTMAN: Any additional --
15 Oh, I'm sorry, Ginny. Go ahead. Sorry.
16 MS. CALVERT: I'm Ginny Calvert, and I
17 wanted to talk again on the gravel driveways.
18 I think some of the gravel dri- -- I think
19 the gravel driveways to me are just A-OK. We have one
20 in particular that I'm very fond of looking at when I
21 go by, and that's the Galloway house.
22 I don't know if that ever made it into the
23 historic end of it. I think it did.
24 MR. HART: Yes.
25 MS. CALVERT: So I don't believe they can do

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1 anything to stop the gravel driveway that he has. So
2 if they can't stop it, how can you stop the others?
3 MAYOR PRO TEM PITTMAN: Any additional?
4 Thank you, Ginny.
5 Any additional comments?
6 MR. ANDERSON: Have I used my three minutes?
7 MAYOR PRO TEM PITTMAN: You did. We
8 really -- I'm not going to allow people to come back
9 up for a second time. Thank you.
10 Okay. No additional comments.
11 Okay. We're going to move on to Old
12 Business. Gravel Driveways, Ms. Fleming.
13 COUNCILMEMBER FLEMING: Yes. As discussed
14 at the previous meetings, we are correcting an
15 ordinance that was created in 2005 where it indicated
16 that all gravel driveways in the city of Doraville
17 would have to be replaced with asphalt, concrete,
18 pavers or bricks and it had to be done by March 21st
19 of 2011.
20 March 21st, 2011 has come and gone. The
21 attempt was to -- We have already passed an ordinance
22 that indicated that we would extend that period of
23 time to September 15th, 2011, if I'm not mistaken.
24 But since we were moving forward on the
25 gravel driveways, I believe that draft number four has

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1 indeed touched on all gravel driveways in the city of
2 Doraville where the -- I will be more than happy to
3 paraphrase or I can read the whole thing.
4 But paraphrasing would be that the gravel
5 driveways cannot be expanded beyond the 24 feet as is
6 listed in the ordinance to begin with and it cannot
7 cover any more than 30 percent of the total area.
8 We have included the gravel to be -- I'm
9 sorry -- the driveways to be constructed of asphalt,
10 concrete, pavers and bricks or environ-mentally safe
11 materials or any other pervious material creating a
12 hard surface for the future. Any existing driveways
13 constructed of gravel have to be maintained.
14 Also we indicated that the effective date
15 for all property owners to register their property
16 with the City of Doraville is August 1 -- and I just
17 want to touch base on that in just a moment --
18 providing a photograph and a sketch of the dimensions
19 of their existing gravel driveway or parking pad.
20 All driveways must be associated with a curb
21 cut, and the building inspector applying adopted
22 building standards may grant an exemption if
23 necessary.
24 And then effective December 31st, all
25 properties exempted by the requirements in the

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1 previous section above must maintain all gravel
2 materials to avoid the appearance of any visible dirt,
3 comply with the retaining requirements in Section (b),
4 or convert the driveway or secon-dary driveway or
5 parking pad to landscaping.
6 I believe this has come before us prior to,
7 so I don't believe it would require first reading. I
8 mean we've already had the first reading.
9 But I wanted to check with Ms. McCain
10 because it will necessitate us sending out a letter to
11 all of the gravel driveway occupants and owners.
12 This is April the 18th, and do you believe
13 that we will have given sufficient -- be able to
14 create the exemption form and mail it out much prior
15 to August 1st? because we're requiring them to come
16 back to us by August 1 with those requirements, or do
17 you feel that we need to push out the August 1st date?
18 CLERK McCAIN: I believe we can get letters
19 out by the first week of June, and that should be
20 ample time for people to respond.
21 We've always been, you know, flexible. If
22 they have an emergency or something comes up, all they
23 need to do is let us know, and we can make an
24 exception for that one and bring it back to the
25 Council for an extension if they need it.

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1 COUNCILMEMBER FLEMING: Okay. Thank you.
2 MAYOR PRO TEM PITTMAN: Any questions,
3 Council?
4 COUNCILMEMBER ALEXANDER: I guess the next
5 thing is we need to work with the planner and have the
6 guidelines for the driveways and the curb cuts
7 established.
8 COUNCILMEMBER FLEMING: The building
9 inspector, yes, also, yes.
10 MAYOR PRO TEM PITTMAN: Okay.
11 COUNCILMEMBER FLEMING: I'd like to make a
12 motion to adopt Ordinance 5-40 with the corrections
13 that we have made to Section 5-40 Driveway Limitations
14 and Maintenance.
15 MAYOR PRO TEM PITTMAN: Okay. Do I get a
16 second?
17 COUNCILMEMBER ROCHE: Second.
18 MAYOR PRO TEM PITTMAN: Discussion?
19 - - -
20 (No response)
21 - - -
22 MAYOR PRO TEM PITTMAN: Call the roll,
23 please.
24 CLERK McCAIN: Councilmember Alexander?
25 COUNCILMEMBER ALEXANDER: Yes.

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1 CLERK McCAIN: Councilmember Bates?
2 COUNCILMEMBER BATES: Yes.
3 CLERK McCAIN: Councilmember Fleming?
4 COUNCILMEMBER FLEMING: Yes.
5 CLERK McCAIN: Councilmember Pachuta?
6 COUNCILMEMBER PACHUTA: Yes.
7 CLERK McCAIN: Councilmember Roche?
8 COUNCILMEMBER ROCHE: Yes.
9 MAYOR PRO TEM PITTMAN: Motion carries.
10 Thank you.
11 COUNCILMEMBER FLEMING: Thank you.
12 MAYOR PRO TEM PITTMAN: Next up is Nuisance
13 Ordinance, Mr. Roche.
14 COUNCILMEMBER ROCHE: I think I'm going to
15 go ahead and let this drop for now. I'll just put
16 this on the agenda later.
17 MAYOR PRO TEM PITTMAN: Do you have a date
18 certain or do you just want to come back to it?
19 COUNCILMEMBER ROCHE: I'll just let it drop.
20 We'll just start over again, I think.
21 MAYOR PRO TEM PITTMAN: Okay. Thank you.
22 CLERK McCAIN: Do we need a motion to
23 postpone or to table it so that it's off the table?
24 COUNCILMEMBER ROCHE: I'd like to make a
25 motion to table the property owners' or rooming house

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and leash law and nuisance, whatever it's on the agenda as.

I'd like to -- I'll start over.

I'll make a motion to table Nuisance Ordinance under Bob Roche on the agenda.

MAYOR PRO TEM PITTMAN: Do I get a second?

COUNCILMEMBER FLEMING: Second.

MAYOR PRO TEM PITTMAN: Discussion?

COUNCILMEMBER ROCHE: Yeah. I just think that we need to wait until we can get some more -- I think some more information. Some new things will be coming in soon, so.

MAYOR PRO TEM PITTMAN: Okay. Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes. And thank you.

MAYOR PRO TEM PITTMAN: Motion carries.

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Next on the agenda is ARC Salary Survey, Mr. Bates.

COUNCILMEMBER BATES: This has been on the agenda for some time, and we have talked about doing a job classification and pay study through ARC. The cost of that study was $9,000. Just can't justify doing that right now.

On the very back page of the agenda is the listing of the current directors, those who are exempt now, their current pay, the DCA -- Department of Community Affairs -- average pay for Class C cities, which is what we are, and then establishing a proposed pay range for those departments.

We need to start somewhere. We've not had any history and we haven't had any internal guidelines on what the recommended pay scale would be for any employees, let alone our directors.

So this will come as just one motion. I just -- The pay ranges are there for informa-tional purposes just to make sure that what we were currently paying our department heads was within the range from comparable cities.

The only motion that I'm going to make tonight would be to make all of those listed -- and that would be the city clerk, the finance director,

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the mayor, the chief of police, the development director, the parks & rec. director, the public works director, the clerk of courts and the library director -- all as exempt employees.

COUNCILMEMBER ROCHE: Second.

MAYOR PRO TEM PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR PRO TEM PITTMAN: And thank you. Motion carries.

Next is going to be number 4, Order of Business, Mr. Roche.

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COUNCILMEMBER ROCHE: Yeah. And I brought this up -- this has been on the agenda a couple of days or a couple of meetings.

Essentially, this ordinance 2-33 through -36, policies -- believe Mr. Bates had brought this up before, we basically put in the ordinance how we define and how we set up an agenda for a meeting. And I had a few changes that I would like to have the Council consider. There are a couple things in particular.

First of all, the Mayor's comments section. I think that the Mayor comments section should be strictly for, you know, issuing proclamations and that sort of thing. I mean anything of any kind that we have to vote on I think should be part of the body of the meeting, particularly because the body of the meeting is what citizens can make comments on.

What happens now is -- and it doesn't happen so much recently, I'll say, but it used to happen in the past where it seemed like a lot of things got added to Mayor's comments, and things that were regular, you know, other business had to wait, because, you know, like I said, for whatever reason, staff members or whatever were putting a lot of things under Mayor's comments.

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1 Also, the second thing was that the city
2 charter specifies that City Council members can add
3 items to the council meetings. And now, as a Council
4 member, I'm limited. I can only add two new items to
5 any agenda. Now, that doesn't mean I can't have more
6 than that if they get extended or whatever. But if
7 I'm a staff member of Doraville, I can add as many as
8 I want to, and I think we should adjust that to limit
9 staff members to at least the same as what Council
10 members have. I mean I haven't really seen an org.
11 chart, but it's like staff members outrank Council
12 members on this one.
13 And again, citizens' comments would be moved
14 to directly after Mayor's comments, because important
15 items are added to Mayor's comments, citizens can't
16 really -- You know, for instance, tonight was an
17 example, and I'm fine with it, but we talked about
18 I.T. services before citizens got a chance to make
19 comments on it.
20 I mean even though I'm happy with the
21 result, I still very much -- I think my record has
22 shown that we should always have citizen comments and
23 hear out every citizen before and after.
24 So the recommended action was something
25 we've added recently. Councilwoman -- I'm sorry.

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1 Mayor Pittman has added the Pledge of Allegiance to
2 the order of business. I think we should go ahead and
3 add that.
4 We should limit items under the Mayor's
5 comments to announcements, presentations,
6 proclamations, swearing in of staff members, which
7 would mean we'd have to make changes to the ordinance
8 2-33 (4) paragraph (a), ceremonial presentations and
9 city announcements; and then delete other items,
10 because other items meant you could basically add
11 whatever you wanted to under there. And except for
12 ceremonial resolutions, items requiring a motion or
13 vote or not going to be allowed under or would not be
14 allowed under Mayor's comments.
15 Now, sometimes there are situations where
16 there are emergency situations and things are added to
17 the end of the agenda that previously, because of an
18 emergency situation, they were put under Mayor's
19 comments. Once Mayor's comments has happened and
20 citizens' comments, which would immediately follow,
21 the Council can always make a motion to promote
22 something and handle it next if we need to. So if
23 there's something like that, I mean we've done it
24 before. We can rearrange the agenda all we want to.
25 Change to 2-36(G), we would add the words --

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1 it currently says each Councilmember, member of the
2 public, blah, blah, blah, may place a maximum of two
3 new items, and we would just insert the words "City
4 staff member," so a City staff member can only insert
5 two.
6 And then agenda items would be prioritized
7 by group: Councilmembers first, then staff, then
8 citizens; business people and others. And then as far
9 as with each, if I get my agenda item in before
10 Councilwoman Fleming, then I get to go first. You
11 know, that way, there's some kind of sequence to it.
12 And then once an agenda -- once an item has
13 been added to the agenda, it's carried over to the
14 next agenda as old business until it's resolved or
15 tabled. And that's no change; I just wanted to note
16 that.
17 So I'm bringing this to the Council for
18 discussion.
19 MAYOR PRO TEM PITTMAN: I have two questions
20 actually.
21 In reference to where it says Councilmember,
22 City staff, oftentimes we're paying overtime for City
23 staff to be here, and that's why I always put them at
24 the top: so we're not paying overtime; we can get
25 them here and get them out. They've been here all

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1 day. And that's generally why they're there at the
2 top.
3 COUNCILMEMBER ROCHE: I understand. Well,
4 they would be under department --
5 MAYOR PRO TEM PITTMAN: But there's often-
6 times, you know, we just need to get them moved up to
7 the top before Council so they can get out of here.
8 That's why that's there.
9 And then I see that it's limited to two.
10 What if the Mayor wants to discuss something? What if
11 I want to discuss an item other than confirmations or
12 City announcements? If I want to discuss like -- for
13 instance, one of my items recently was registry of the
14 foreclosure. If I wanted to put that on there, where
15 would that go if we removed that?
16 COUNCILMEMBER ROCHE: It would go under new
17 business just like -- Just like if I added something
18 to the agenda, it would go under new business.
19 MAYOR PRO TEM PITTMAN: Just clarifying.
20 COUNCILMEMBER ROCHE: Yeah. And as far as
21 the City staff members issues, that's -- that's --
22 several times we've sat up here and we've had exactly
23 that same situation, and the Council's made a motion
24 and moved up the agenda item so that the -- whoever's
25 involved can, you know, present that agenda item and

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then go home. So there's nothing new there; I mean we could certainly still do that, so.

MAYOR PRO TEM PITTMAN: Okay. Questions? Additional comments from the Council?

COUNCILMEMBER ALEXANDER: One of my questions is sometimes Council will bring up an item and it will either generate an ordinance or resolution. Then suddenly our name gets removed from it and the city attorney's name gets applied to it. So the city attorney may have five items on there that aren't his initiative but are Council's initiative.

So I guess that's one of my concerns because we've had this come up before: Mr. Weed's name's attached to everything, and actually he's just following through with our initiatives.

COUNCILMEMBER ROCHE: I understand.

We used to, in the old days, I think we had it where if we voted to do something, change an ordinance or whatever, then that ordinance basically would be written and hopefully everything straightened out, and then it would be under the -- There was a section at the end of the meeting called City Attorney where basically we would just, you know, vote to approve the ordinances that were already written.

COUNCILMEMBER ALEXANDER: But he would --

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COUNCILMEMBER ROCHE: But I --

COUNCILMEMBER ALEXANDER: -- have more than one.

COUNCILMEMBER ROCHE: -- I don't have a problem either way with that, so.

COUNCILMEMBER ALEXANDER: Possibly.

COUNCILMEMBER ROCHE: I'm sorry?

COUNCILMEMBER ALEXANDER: He would have more than one, possibly, is what I was saying.

COUNCILMEMBER ROCHE: Well, yeah, and I would see that more as just an agenda item that -- You know, the agenda items don't have to get kicked off the agenda. I would just see that as whether it's under a Council person's name or whatever, it would live on the agenda until it's finally worked out, until it's finally resolved whether we pass it or not.

I mean tonight we had the same situation with the gravel ordinance that's been on there for a long, long time, so.

COUNCILMEMBER FLEMING: But you're referring to two new items; correct?

COUNCILMEMBER ROCHE: Yeah, two --

COUNCILMEMBER FLEMING: Because it may --

COUNCILMEMBER ROCHE: -- new items.

COUNCILMEMBER FLEMING: Because it may be

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that we have still some issues of old business that have not been taken care of.

COUNCILMEMBER ROCHE: And maybe I should --

COUNCILMEMBER FLEMING: Right?

COUNCILMEMBER ROCHE: Yeah. And I guess the two new items, so that would be under --

COUNCILMEMBER FLEMING: Maximum of --

COUNCILMEMBER ROCHE: -- new business.

COUNCILMEMBER FLEMING: -- two new, yeah.

COUNCILMEMBER ROCHE: So I can't show up and put five new items on the agenda.

Now, if my agenda items don't get resolved, you know, they could pile up after a while. We would hope they wouldn't, but.

I'm sorry. Does that answer your question? Is it concern that it would change who the agenda item is under?

COUNCILMEMBER ALEXANDER: I guess both.

One of the other things that I had mentioned previously for meeting flow that I had given Mayor Jenkins some information about was the Rules of Conduct and Procedures that the Dekalb County Board of Commissioners uses for citizens comments.

MAYOR PRO TEM PITTMAN: Absolutely.

COUNCILMEMBER ALEXANDER: And they only have

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one set of citizen comments, and the guidelines are laid out, and you sign up to speak and you come when you're called -- it's very orderly --instead of us sitting here waiting for someone to contemplate whether they want to speak or not. That was one of the things that I wanted to try to get initiated just to make the meetings flow better.

I don't know if anybody at City Hall still has still has that document. I could try to find a copy of it or I'll have them re-e-mail it to us.

CLERK McCAIN: I can get that from them.

It does tend to flow better and it prevents people that come in late from signing up at the last minute when stuff may have already been discussed.

That's the way I've seen it in the other cities: they have comments once at the beginning of the meeting on any of the items so that Council has time to consider what the public thinks before they make a decision on the items on the agenda.

COUNCILMEMBER ROCHE: Well, I guess the main concern I had as far as that particular issue is just that citizens are allowed to make comments before we decide an issue.

And the way the schedule works now, the way the agenda is laid out, if it's a department report,

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if it's something from a particular department head or if it's something under Mayor's comments, basically we make the decision and no one gets to say anything.

And that's my main point is to move it up as far as how we actually handle it. I didn't anticipate covering that with these particular changes.

COUNCILMEMBER PACHUTA: Yeah. I have --

COUNCILMEMBER ROCHE: I mean we could certainly bring that up otherwise, but.

COUNCILMEMBER PACHUTA: I have -- I mean I have no problem moving up public comments, although I think things tonight like the proclamation and stuff maybe should go first where we have visitors.

But I don't necessarily want to limit the Mayor's comments just to proclamations and ceremonial, because our form of government is a little bit unique in that the Mayor's position is not just ceremonial. She is the head of day-to-day administrative government and essentially the department head for City Hall.

So I think she does have administrative type things to bring to the Council's attention that do need to go under Mayor's comments, and that's just a function of her role here, which is running the day-to-day operations.

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And then I have the same hesitation. I mean staff doesn't often come here with multiple items, but there has been an occasion. I think Carole's probably been to us before with more than two items just to get some stuff out of the way. So I don't really want to limit staff. I mean this is their opportunity to come to Council and have all of us here if they need us to vote on something.

And then the same thing with staff. Some staff are here earning overtime, so I would want to have them go first before Council.

COUNCILMEMBER ROCHE: Well, as far as the staff, I think we've already addressed that. We can certainly move around the agenda items.

My main concern as far as the prior misuse of -- in my opinion, misuse of Mayor's comments was that if there was something controversial that a staff member wanted to do, they could just get it under Mayor's comments and there was no opportunity for citizens to have anything to say about it.

So I mean as the Mayor, the Mayor can certainly add items to the agenda just like anyone else, and those items would, again, go under new business just like everyone else. And if it was something urgent, then the Council or the Mayor could

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ask for the Council to make a change, make a motion and move that up the agenda just like, again, as we've already addressed with the employees.

COUNCILMEMBER BATES: Most of these I don't have a problem with but there are two that I'm not comfortable with, and one would be limiting staff to two items. I do concur with Ms. Pachuta that there are going to be times where staff -- and if Mayor's going to be treated as staff, then there's the potential for multiple items that need to come up and be addressed from the staff perspective.

So I'm not in favor of limiting staff to two items simply because while we do meet once a week, our true voting meetings are first and third, and there may be many items that can't wait if there's a limit on the number of items that can be placed on the agenda.

The other would be the prioritization of them. I'm not necessarily opposed to having them prioritized based upon when they are received by City Hall, but I wouldn't be in favor of prioritizing them based upon Council first and then staff and then business owners.

We are not an elitist group and we should be treated equally with everybody else, and if we get our

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agenda items in after residents and staff, then so be it. That should be an incen-tive for us to be more diligent and get our items in ahead of time.

COUNCILMEMBER ROCHE: Yeah. And I guess the thing I was concerned about there was, you know, again, in the previous life, there were situations where, you know, I would put some -- a Councilperson would put an item on the agenda, and then when we actually get the agenda there's like five items, you know, way before us, and our agenda items languish while routine stuff, you know, takes precedence, so.

COUNCILMEMBER BATES: I'll ask the Clerk one question.

Do you guys date stamp agenda items when they're received?

CLERK McCAIN: We do not.

And I was going to ask the Council to take into consideration if that's the way we need to go, that I know in the past, even to this day when you look at some of our agenda sheets, they go back from prior to me being here. Some of them are back to December.

And I know I had talked to Councilmember Roche on this before, having a new agenda sheet each time for each meeting.

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For example, the alcohol ordinance was on for numerous meetings, and each meeting it changed. So the first meeting was alcohol ordinance in general; the second meeting it turned into alcohol permits, employee permits only; the third one was distance requirements; but the original agenda sheet said alcohol ordinance.

And it would just be easier to track things and make sure they get on the agenda if we have an agenda sheet for each meeting. And the information changes on it because when you do the history, it's not going to be the same history it was two months ago because things have changed. And that way, when I do get those, then I can date stamp them in for each meeting.

And in the past, as long as I've been here, I've always tried to put the residents first, because sometimes they can't stay for the length of the meeting, and that's why they were before us.

MAYOR PRO TEM PITTMAN: You know, I appreciate Mr. Roche's comments but I also appreciate Ms. Alexander's comments as well. I think we need to look into Dekalb County's rules, and that's appropriate, I think, for us.

And I don't really see the need for two

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public comments. I think one is necessary, and if we sign up in advance to speak on the items, that would certainly expedite the meetings.

COUNCILMEMBER ROCHE: Well, we did that for a while.

MAYOR PRO TEM PITTMAN: We did. We did.

COUNCILMEMBER ROCHE: And again, it was -- it wasn't very workable and that's why we got rid of it, I think.

And you know, anyone that knows me by now knows that I don't care what you have to say; you know, I want you to have the opportunity to say it, you know.

MAYOR PRO TEM PITTMAN: Well, unfortunately, I think it was workable; it just was not followed through appropriately, so I think that's why it did not go through.

COUNCILMEMBER ROCHE: Well, let me say one thing. I love our new City Clerk, I think she's doing a wonderful job, but, as always, I -- we disagree on this one.

I think that once something's on the agenda, as long as it's tabled or postponed or moved to the next agenda as per Robert's Rules, then I think it should stay there. I don't think we should have to

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resubmit and resubmit and resubmit to keep something alive on the agenda.

I understand your point but, you know, I just -- I disagree with that, because this is supposedly a part-time job but, you know.

As far as a time stamp, I mean e-mails have time stamps too and we're doing a lot more things electronically. I submit all my stuff electronically, so. I mean I can live with that, too, I guess, so.

MAYOR PRO TEM PITTMAN: So Mr. Roche, would you like to make a motion?

COUNCILMEMBER ROCHE: Well --

COUNCILMEMBER BATES: If you would be open, while it might take a little bit longer, to do these line by line because I think there are some that --

COUNCILMEMBER ROCHE: That's fine.

COUNCILMEMBER BATES: -- that are going to be easy to do.

COUNCILMEMBER ROCHE: That's what I was kind of going to go to.

I guess my main concern, though, is that there are things that -- proclamations and royal weddings and all that are wonderful, but, you know, we don't really care about -- I don't know that . . . I just want to make it so that citizens have the

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opportunity to comment on an action before the Council -- before the Council takes an action on it.

COUNCILMEMBER BATES: And while you're on that topic, I don't disagree with you at all. I would agree with you that if there's an item that needs to be -- a voting item that's being brought by the Mayor or staff, that that does need to fall under new business under department reports. So I would be fine with moving public comments under Mayor's Comments but ahead of Department Reports.

COUNCILMEMBER ROCHE: I'll second that.

MAYOR PRO TEM PITTMAN: Any discussion?

CLERK McCAIN: Let me write that down. So we're going to move Public Comments up to under Mayor's Comments and before Department Reports.

COUNCILMEMBER BATES: Yes, ma'am.

MAYOR PRO TEM PITTMAN: Okay. Discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: And that was Bob and Brian?

MAYOR PRO TEM PITTMAN: Yes.

COUNCILMEMBER ROCHE: Brian made the motion

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and I seconded it.
CLERK McCAIN: Thank you.
Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes. Thank you.
MAYOR PRO TEM PITTMAN: Motion carries. Thank you.
COUNCILMEMBER ROCHE: And I'd like to make a motion to add the Pledge of Allegiance to the order of business.
MAYOR PRO TEM PITTMAN: And do I get a second?
COUNCILMEMBER PACHUTA: Second.
COUNCILMEMBER ALEXANDER: So that would appear before Roll Call in the ordinance?
COUNCILMEMBER ROCHE: Yeah, after Call to Order.
MAYOR PRO TEM PITTMAN: Okay. Discussion?

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- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
COUNCILMEMBER ROCHE: Okay. Motion carries. Thank you.
COUNCILMEMBER ROCHE: And then I guess the last thing on the Mayor's Comments would restrict it to -- that would be to change 2-33, paragraph (4)(a) to ceremonial presentations and add the words "and City Announcements" and delete 2-33, paragraph (4)(c), other items.
MAYOR PRO TEM PITTMAN: Do I get a second?
COUNCILMEMBER BATES: I'll second that for

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discussion.
MAYOR PRO TEM PITTMAN: Okay. Discussion?
COUNCILMEMBER ALEXANDER: Right now it says ceremonial presentations and resolutions. Would you like to say, comma, "and City announcements?"
COUNCILMEMBER ROCHE: Yeah. That's what it was on the -- yeah. I'm sorry if I didn't read that correctly.
I don't really have a problem with resolutions like someone's, you know, an Eagle Boy Scout or something, but some resolutions can border onto something that people should at least have a chance to weigh in on, I think.
And frankly, something like that can certainly move to department reports under the Mayor's supervision. That way, it's after citizen comments.
COUNCILMEMBER ALEXANDER: So if we had an emergency item -- Like I know we won't have any more because Ms. McCain's on board. But if we have an emergency item like recently we did with the SDS renewals that we had a deadline with the County and DCA that we had, so how would we handle an item such as that?
COUNCILMEMBER ROCHE: We put it under Department Reports which will now be after citizen

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comments or Public Comments.
COUNCILMEMBER PACHUTA: You mean under the Mayor's?
COUNCILMEMBER ROCHE: Well, no. Now, that would -- it would change. Now it's Mayor's Comments, Department Reports, then Public Comments on Agenda Items.
We just voted to move Public Comments up after Mayor's Comments. So if there were something, for instance, I.T. services, under the new ordinance --
And as an aside, I'm not really sure that this really belongs in the ordinances, but that's a whole 'nother story because it's too hard to change, but anyway.
For instance, if it was I.T. services, that would just simply be under Department Reports because the Mayor as the CEO of the City is a department head. They just happen to be the department head of all the departments. And that way, citizen comments can be made and we can take care of it when it needs to be taken care of.
MAYOR PRO TEM PITTMAN: So we're -- Help me understand this.
So proclamations and -- I mean these are

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usually guests that are here, and I'm -- that, in my opinion, they just need to go first before citizens' comments or anything else --

COUNCILMEMBER ROCHE: Right, and that's fine.

MAYOR PRO TEM PITTMAN: -- because it would be rather embarrassing for them sometimes to hear some of the comments. I'm sorry.

COUNCILMEMBER ROCHE: Yes. And we want to make sure we get the kids out of here after the Pledge of Allegiance, too.

MAYOR PRO TEM PITTMAN: Exactly.

COUNCILMEMBER BATES: Yeah. That's not changing. That's not being proposed to change.

MAYOR PRO TEM PITTMAN: Okay.

COUNCILMEMBER BATES: The only thing is -- And Mr. Roche, correct me if I'm wrong. The only thing that would change would be anything that is going to require the Council to vote on would then fall under Department Reports under City Hall or Department Director after Citizen Comments.

COUNCILMEMBER ROCHE: Exactly.

COUNCILMEMBER BATES: Okay.

COUNCILMEMBER ALEXANDER: So if the Mayor had an item that we needed to take action upon, it

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would fall under 5, Reports-Departments, instead of New Business. So that way, it could be addressed expeditiously.

COUNCILMEMBER PACHUTA: That's my understanding.

COUNCILMEMBER ROCHE: I'll go with that.

I mean personally I feel like that's been -- that privilege has been abused in the past and the agenda has been stacked so that regular items don't get to be taken up, but I think I'll go with that for now.

So yes, it would move under Department Reports. So after Mayor's Comments, it would be Public Comments on Agenda Items and Department Reports. I think we've already moved that. What we're discussing now is what goes under Mayor's Comments.

ATTORNEY WEED: So is the Council contemplating adding a new 5(a) which would be Mayor and then adjusting the numbers, the letters down?

COUNCILMEMBER ALEXANDER: I thought that it would be covered under *G, City Hall.

ATTORNEY WEED: I was thinking that too, but that's, I think, oriented towards -- you don't have a separate line for finance, the clerk or any of the

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other people here, although you could do it that way. That might not -- I don't know if that's soon enough for the Mayor, but you could certainly do it that way.

COUNCILMEMBER ROCHE: Well, we've already voted to move up citizen comments.

COUNCILMEMBER ALEXANDER: What Mr. Weed's referring to is it's actually spelled out in the ordinance, the order. Under Reports-Departments, city attorney gets to go first. City attorney, police, the courts, public works, library, parks and recreation, City Hall, planning and zoning.

COUNCILMEMBER ROCHE: That's fine, yeah, we could add the Mayor. That's fine.

COUNCILMEMBER BATES: Well, to me, the Mayor would be part --

COUNCILMEMBER ALEXANDER: Of --

COUNCILMEMBER BATES: -- of City Hall.

COUNCILMEMBER ALEXANDER: -- City Hall.

COUNCILMEMBER BATES: City Hall.

COUNCILMEMBER ROCHE: Oh, yeah.

COUNCILMEMBER BATES: So I don't know there's a need --

COUNCILMEMBER ROCHE: I mean that's why --

COUNCILMEMBER BATES: -- to add it.

COUNCILMEMBER ROCHE: -- I didn't -- Yeah.

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That's why I didn't ask for any changes to that one.

Sorry. I didn't mean to interrupt.

Do I need to re-read it?

MAYOR PRO TEM PITTMAN: Yes, please.

COUNCILMEMBER ROCHE: If I've got it right, items under Mayor's comments will be restricted to announcements, presentations, proclamations and swearing in of staff and elected officials. So that would mean we would change 2-33 (4)(a) to add the words "ceremonial presentations and City announcements."

We would delete 2-33(4)(c) which says "other items," which means anything in the world.

COUNCILMEMBER BATES: Second.

MAYOR PRO TEM PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK McCAIN: Councilmember Fleming?

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COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes. Thank you.
MAYOR PRO TEM PITTMAN: Motion carries. Okay.
Next under Old Business is number 5, 2-180, Terms of Ethics Commission, Ms. McCain.
ATTORNEY WEED: Just a caveat. Please bear in mind that this has got to be converted into an ordinance and it's got to come back to Council.
COUNCILMEMBER BATES: Thank you.
MAYOR PRO TEM PITTMAN: Thank you.
ATTORNEY WEED: It's required to do it by -- Yes. It's required to do --
COUNCILMEMBER ROCHE: I understand.
ATTORNEY WEED: The charter requires under 2.02 that you can do this of course but you have to do it by ordinance.
COUNCILMEMBER ROCHE: And you're talking about the order of business for the agenda.
ATTORNEY WEED: Yes, sir.
CLERK McCAIN: Okay?
ATTORNEY WEED: That was it. Thank you.

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CLERK McCAIN: I was asked to check into the Ethics Commission. Currently our Charter Section 2-180(B) states the Ethics Commission consists of three members. The first member is appointed by the Mayor, the second member is appointed by the Council and the last member is appointed by the first and the second member that was chosen from the Mayor and the Council.
And the terms as I read it was three-year terms. We have Mr. Grant who expires 2012, appointed by the Mayor.
Patty Barker expires April 2011, appointed by the Council. Because she is up for expiration, I did contact her. She is interested in serving again if the Council would like to reappoint her.
Ms. Sandy Sledd has some family issues she needs to take care of so she will not be able to serve any longer.
So it would be up to the two appointees to choose another member.
So we need a nomination from the Council to renominate Patty Barker for that position or another name.
COUNCILMEMBER BATES: I make a motion to renominate Patty Barker for a three-year term for the Ethics Commission.

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MAYOR PRO TEM PITTMAN: Second?
COUNCILMEMBER FLEMING: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Thank you.
Number 6, 2-40-Terms of Planning Commission.
CLERK McCAIN: This is another one I was asked to check into. According to the bylaws, Council shall appoint one Planning Commission representative from each of the three districts. The Council shall also appoint two at-large members for a total of five

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members seated on the Planning Commission.
I have the current district representatives will not be re-serving, they will be resigning from their seats, and the Council will need to appoint new district representatives for the remainder of the terms which will expire 4/1/2014.
The at-large members: Richard Ballentine, has agreed to stay on the Planning Commission for the remainder of his term as an at-large, and I have been able to get ahold of Gene Ellis to confirm his continued service.
MAYOR PRO TEM PITTMAN: Thank you.
COUNCILMEMBER ROCHE: So when did the terms expire?
CLERK McCAIN: From what I can gather -- it was hard to find information on this -- they are four-year terms; 2010 is what I'm showing.
COUNCILMEMBER ROCHE: Last year?
CLERK McCAIN: Yes, sir.
MAYOR PRO TEM PITTMAN: So Councilmembers from each district are supposed to nominate a person; is that correct?
CLERK McCAIN: Correct.
MAYOR PRO TEM PITTMAN: Okay, Council, do we have anyone they'd like to nominate from their

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1 district?
2 COUNCILMEMBER BATES: Mr. Roche and I have
3 put the name of Barry Brown into nomination for the
4 Planning Commission.
5 MAYOR PRO TEM PITTMAN: Okay. Is that a
6 motion?
7 COUNCILMEMBER BATES: That's a motion.
8 MAYOR PRO TEM PITTMAN: Okay. Do I get a
9 second?
10 COUNCILMEMBER ROCHE: Second.
11 MAYOR PRO TEM PITTMAN: Discussion?
12 CLERK McCAIN: And I'm sorry. I'm not
13 familiar with the districts. Which --
14 COUNCILMEMBER BATES: It would be District
15 2.
16 CLERK McCAIN: Thank you.
17 MAYOR PRO TEM PITTMAN: Call the roll,
18 please.
19 CLERK McCAIN: Councilmember Alexander?
20 COUNCILMEMBER ALEXANDER: Yes.
21 CLERK McCAIN: Councilmember Bates?
22 COUNCILMEMBER BATES: Yes.
23 CLERK McCAIN: Councilmember Fleming?
24 COUNCILMEMBER FLEMING: Yes.
25 CLERK McCAIN: Councilmember Pachuta?

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1 COUNCILMEMBER PACHUTA: Yes.
2 CLERK McCAIN: Councilmember Roche?
3 COUNCILMEMBER ROCHE: Yes.
4 MAYOR PRO TEM PITTMAN: And from the
5 District 1?
6 COUNCILMEMBER FLEMING: District 1, we have
7 John Ibsen who is a resident on Pontiac Circle; and
8 he's been very involved with the LCI, was at every one
9 of the meetings and was able to offer great input for
10 the LCI. So I'd like to nominate John Ibsen,
11 (spelling) I-b-s-e-n.
12 MAYOR PRO TEM PITTMAN: Do I get a second?
13 COUNCILMEMBER ALEXANDER: Second.
14 MAYOR PRO TEM PITTMAN: Discussion?
15 COUNCILMEMBER ROCHE: Obviously we're
16 looking to use the LCI. I don't know Mr. Ibsen, I
17 don't think, but --
18 MAYOR PRO TEM PITTMAN: Mr. Ibsen is
19 right --
20 COUNCILMEMBER ROCHE: Oh. There is he is.
21 I do know you.
22 MAYOR PRO TEM PITTMAN: Call the roll,
23 please.
24 CLERK McCAIN: Councilmember Alexander?
25 COUNCILMEMBER ALEXANDER: Yes.

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1 CLERK McCAIN: Councilmember Bates?
2 COUNCILMEMBER BATES: Yes.
3 CLERK McCAIN: Councilmember Fleming?
4 COUNCILMEMBER FLEMING: Yes.
5 CLERK McCAIN: Councilmember Pachuta?
6 COUNCILMEMBER PACHUTA: Yes.
7 CLERK McCAIN: Councilmember Roche?
8 COUNCILMEMBER ROCHE: Yes.
9 MAYOR PRO TEM PITTMAN: Thank you.
10 Ms. Alexander? Ms. Pachuta?
11 COUNCILMEMBER PACHUTA: Right now, we have
12 not gotten a firm commitment from someone, so I wasn't
13 able to get it before the meeting, but we will get
14 back to you at the next meeting.
15 MAYOR PRO TEM PITTMAN: Okay. Thank you.
16 All right.
17 CLERK McCAIN: Do we want to postpone this
18 for our the next meeting?
19 COUNCILMEMBER PACHUTA: Yes.
20 MAYOR PRO TEM PITTMAN: Well, there is -- We
21 have to come back, but that's a . . .
22 Will they be able --
23 COUNCILMEMBER ROCHE: We would postpone it
24 to the next meeting.
25 MAYOR PRO TEM PITTMAN: Right. But will

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1 they be able to still hold their meeting on Thursday?
2 That will be a quorum with the --
3 ATTORNEY WEED: The persons who are
4 appointed are now appointed. So --
5 MAYOR PRO TEM PITTMAN: Okay. I just --
6 ATTORNEY WEED: -- if they have a quorum --
7 MAYOR PRO TEM PITTMAN: -- want to make
8 sure.
9 ATTORNEY WEED: -- they will be able to.
10 MAYOR PRO TEM PITTMAN: Okay. Thank you.
11 Okay. We're going to take a five-minute
12 break before we go into new business.
13 - - -
14 (Brief recess)
15 - - -
16 MAYOR PRO TEM PITTMAN: Okay. Next is going
17 to be new business, Communication Room Repairs. Chief
18 is not here. I think Captain Brinkley is going to
19 speak in his behalf.
20 CAPTAIN BRINKLEY: Good afternoon, Council.
21 We're trying to undertake a major renovation
22 of our 911 center.
23 Everything in there is original from 1998-99
24 when we moved into the facility, and now as a result
25 of the wear and tear, it's time for us to update some

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of our existing furniture and that type of stuff.
And we're planning to do so with seized drug money. It won't cost the taxpayers any money. This is something that we really, really need to have done. It's to the point now where the furniture is causing damage to our employees' clothes; duct tape on the cabinet doors and that type of situation.
And this is an area where our employees are -- they work 12 hours a day, and as their supervisor and listening to some of their concerns, it is time for me to act and help them out so they're comfortable doing this 12 hours, and that is our plan.
In addition, we would like to put a separate filtration system in the 911 center. We don't know what the problem is, but there's a very bad air flow problem in that area. And we've had it cleaned several times, but you can go in there right now and you can see there's black soot coming out of the vents. And this is just months after we had it cleaned, so there is a problem. And we also have to take in consideration their health, and we want to address that as well.
COUNCILMEMBER ROCHE: What do you need from us? Do we need to make a motion or something?
COUNCILMEMBER FLEMING: I notice --

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CLERK McCAIN: There is an agreement attached to --
MAYOR PRO TEM PITTMAN: Yes.
CLERK McCAIN: -- the agenda.
COUNCILMEMBER FLEMING: I notice that the contract, Captain Brinkley -- that you've mentioned a couple other items other than the cabinetry --
CAPTAIN BRINKLEY: That's correct.
COUNCILMEMBER FLEMING: -- that's listed in this contract. And I don't have a problem at all with, you know, accepting this contract for the cabinets and the countertops, et cetera; but you had mentioned furniture, that it was damaging the employees' clothes and so forth.
So those products, those items that you've mentioned such as the duct system or whatever and the furniture, that's going to be taken care of out of asset forfeiture funds as well?
CAPTAIN BRINKLEY: That is correct.
COUNCILMEMBER FLEMING: But it's just not listed in this particular contract.
CAPTAIN BRINKLEY: That's correct.
COUNCILMEMBER FLEMING: Okay. I just wanted to be sure.
MAYOR PRO TEM PITTMAN: Council, do I get a

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motion?
COUNCILMEMBER ALEXANDER: I make a motion to allow the Police Department to use asset-forfeiture funds for the 911 center improve-ents.
COUNCILMEMBER ROCHE: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Thank you. Thank you so much.
COUNCILMEMBER BATES: Thank you.
CLERK McCAIN: Mayor, if I may, the motion

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was to accept the use of asset forfeiture. It didn't approve the agreement with Beacon Custom Woodworking. Can I get a motion to approve that contract?
COUNCILMEMBER ALEXANDER: Motion to approve the contract for cabinetry and related items.
COUNCILMEMBER ROCHE: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Thank you. Motion carries.
Thank you, Ms. McCain.

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1 Next on the agenda is C-1 Text Amendment,
2 Mr. Walton.
3 MR. WALTON: Good evening, Mayor and
4 Council. We have two planning and zoning-related
5 agenda items tonight. I appreciate your entertaining
6 these items at this meeting.
7 The first is a text amendment to C-1. This
8 was discussed at the March 31st Planning Commission
9 meeting and tabled for further discussion by the
10 Planning Commission. So the result -- the staff's
11 recommendation is for postponement of this issue until
12 after a Planning Commission meeting to be held to
13 continue and finalize discussion.
14 COUNCILMEMBER PACHUTA: So we're moving this
15 to what? March 25th?
16 MR. WALTON: If that's the Council's
17 pleasure, yes.
18 CLERK McCAIN: April.
19 COUNCILMEMBER PACHUTA: April 25th.
20 MR. WALTON: If the Council has a time
21 machine and is able to do that.
22 COUNCILMEMBER ALEXANDER: And so you're
23 going to be reviewing the last draft that's been
24 presented to us, I assume?
25 MR. WALTON: That's correct.

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1 MAYOR PRO TEM PITTMAN: Do we need a motion
2 for that or just -- Okay. Can we get a motion to move
3 it to the date certain of April?
4 COUNCILMEMBER PACHUTA: Make a motion to
5 move the C-1 Text Amendment to a date certain of March
6 25th.
7 CLERK McCAIN: April 25th.
8 COUNCILMEMBER PACHUTA: April 25th.
9 MAYOR PRO TEM PITTMAN: Okay. Do I get a
10 second?
11 COUNCILMEMBER BATES: Second.
12 MAYOR PRO TEM PITTMAN: Discussion?
13 - - -
14 (No response)
15 - - -
16 MAYOR PRO TEM PITTMAN: Call the roll,
17 please.
18 CLERK McCAIN: Councilmember Alexander?
19 COUNCILMEMBER ALEXANDER: Yes.
20 CLERK McCAIN: Councilmember Bates?
21 COUNCILMEMBER BATES: Yes.
22 CLERK McCAIN: Councilmember Fleming?
23 COUNCILMEMBER FLEMING: Yes.
24 CLERK McCAIN: Councilmember Pachuta?
25 COUNCILMEMBER PACHUTA: Yes.

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1 CLERK McCAIN: Councilmember Roche?
2 COUNCILMEMBER ROCHE: Yes.
3 MAYOR PRO TEM PITTMAN: Thank you.
4 ATTORNEY WEED: Madam Mayor, just out of an
5 abundance of caution, I would advise that we open the
6 meeting -- open the hearing, the public hearing
7 portion of it so that we fully comply with Zoning
8 Procedures Act and then table it to a date certain
9 after that.
10 I'm probably being overly cautious, but
11 better safe than sorry.
12 MAYOR PRO TEM PITTMAN: Okay.
13 MR. WALTON: Okay. So at this point, we
14 will open the public hearing for public comment
15 concerning the proposed text amendment to the C-1
16 ordinance.
17 MAYOR PRO TEM PITTMAN: So it would be those
18 in favor of?
19 ATTORNEY WEED: No, ma'am. I'll just advise
20 at this point now --
21 MAYOR PRO TEM PITTMAN: Any comments?
22 ATTORNEY WEED: -- it's been opened that you
23 make a motion to table it to a date certain --
24 MAYOR PRO TEM PITTMAN: Do we need a motion?
25 ATTORNEY WEED: -- it will come back.

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1 COUNCILMEMBER PACHUTA: Make the motion to
2 table to a date certain -- the C-1 text amendment to a
3 date certain of April 25th.
4 COUNCILMEMBER BATES: Second.
5 MAYOR PRO TEM PITTMAN: Discussion?
6 - - -
7 (No response)
8 - - -
9 MAYOR PRO TEM PITTMAN: Call the roll,
10 please.
11 CLERK McCAIN: Councilmember Alexander?
12 COUNCILMEMBER ALEXANDER: Yes.
13 CLERK McCAIN: Councilmember Bates?
14 COUNCILMEMBER BATES: Yes.
15 CLERK McCAIN: Councilmember Fleming?
16 COUNCILMEMBER FLEMING: Yes.
17 CLERK McCAIN: Councilmember Pachuta?
18 COUNCILMEMBER PACHUTA: Yes.
19 CLERK McCAIN: Councilmember Roche?
20 COUNCILMEMBER ROCHE: Yes.
21 MAYOR PRO TEM PITTMAN: Okay. Next?
22 MR. WALTON: Thank you.
23 Next, rezoning request by applicant at the
24 address 3093 Flowers Road. Provided the staff report
25 and results of the discussions of the Planning

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1 Commission meeting from March 31st.
2 This being my first presentation before you
3 regarding a rezoning, I don't know if it would be your
4 preference that I first present the staff report or
5 first ask the applicant to speak.
6 MAYOR PRO TEM PITTMAN: Go ahead.
7 COUNCILMEMBER BATES: We've typically had
8 the applicant do their presentation, then staff, and
9 then open it up for Council questions and then public
10 comments.
11 MR. WALTON: Okay. Ms. Caroline Nappo is
12 here representing the applicant.
13 MS. NAPPO: Caroline Nappo. I don't know if
14 you need the spelling of my last name for the records.
15 N and as in Nancy a-p-p-o. Applicant for a zoning
16 request for property located at 3903 Flowers Road from
17 C-1 to C-2.
18 Thank you all very much. This is the second
19 time I've been here to bring my request to you, so
20 thank you.
21 When I came here earlier this evening, there
22 were some comments that basically alluded the past
23 zoning meeting that I had attended, to where I believe
24 one of the members on the zoning board sort of felt
25 perhaps that this was being sort of rushed through and

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1 his decision.
2 At the end of that meeting, it was a
3 unanimous decision by the zoning board to go ahead and
4 approve the C-1 to C-2, but I believe they did not
5 come to any sort of decision on the variance which had
6 to do with two outbuildings.
7 I'm here to say just as an applicant for the
8 city here for Doraville, started back on February the
9 8th where I paid nonrefundable funds, $900, in order
10 to go ahead and submit this request.
11 The process was explained to me by Scott,
12 who was the then-zoning administrator, that the way
13 that it works is that within 30 days, this request
14 would be put into The Champion newspaper and a sign
15 would be placed in front of the property. Both of
16 those were in compliance.
17 I am assuming that all those members on the
18 zoning board also probably would have been notified
19 within that 30-day period, that they could have gone -
20 - Doraville is a three-mile square area -- that
21 certainly they would have gone, driven by and have
22 seen what I think would have been made public to
23 everyone.
24 The day of the zoning committee meeting, I
25 was notified a few hours before that meeting, the only

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1 time, that, unfortunately, the gentleman who was kind
2 enough, that I'd been working with, who was sort of
3 walking me through this, Scott, was no longer on
4 staff.
5 And Mr. Walton was kind enough to make
6 himself known to me and say the zoning meeting had
7 been canceled that evening. This is like three hours
8 before I am prepared to come to the zoning board -- to
9 the zoning committee, because there is a distinction
10 between the committee and the board.
11 Again, I would have thought the zoning
12 committee would have been apprised of the request
13 three hours before I was scheduled to come in.
14 I did come to the board meeting which was a
15 couple days later, and they were kind enough to let me
16 stand here and tell them a little bit about who I was,
17 the nature of our business, and my request from a C-1
18 to C-2.
19 Subsequently, three days later, I was back
20 at the zoning committee for their meeting, which the
21 majority of the time was spent upon, again, this
22 request and the basic -- And this was Mr. Walton's
23 first time addressing the zoning committee about this
24 whole process.
25 So I don't know if I need to restate to

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1 y'all the purpose as to why I'm here. I think it's
2 probably part of your records from our last meeting.
3 I am certainly happy to entertain any
4 questions that you may have. But what I am here at
5 least to say at this point as an applicant who started
6 this process on February the 8th and it is now April
7 the 18th, I am just so glad that at least a decision
8 will finally come about.
9 And I'm so sorry if that gentleman felt it
10 was sort of -- he was sort of forced into making a
11 decision. It was never, I don't think, anyone's
12 intent. It was just a sad state of circumstances
13 where somebody left a position and a new person took
14 it on, and a new applicant brand new to this whole
15 process was here.
16 So any apologies that may have caused anyone
17 feel as though they were rushing to make a decision.
18 Again, any questions from you, I'm happy to
19 entertain, but I do want to say I thank you-all for
20 taking the time to sit through my second time again,
21 these meetings, your time, your efforts that's being
22 given to my request; Mr. Walton for stepping up and
23 being so gracious and professional, walking me through
24 this.
25 And whatever the outcome, and I hope it's

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1 positive, thank you so much for allowing me the time
2 for it. I appreciate it so much.
3 COUNCILMEMBER BATES: I do have a couple of
4 questions for you.
5 MS. NAPPO: Uh-huh.
6 COUNCILMEMBER BATES: Is there any plan to
7 do on-site storage of the HVAC equipment?
8 MS. NAPPO: Storage long-term, no. Storage
9 will be probably about one week because when we get
10 the old systems that have been taken off let's say a
11 residence, it comes back on a truck. There is a 20 x
12 40 cinder block building that is attached to what we
13 would call the office per se, and in that, AC units
14 would be placed in there, and then at the end of the
15 week, we'd take them to the dump and then that's where
16 they are disposed of.
17 COUNCILMEMBER BATES: All right.
18 MS. NAPPO: So will there be storage? Yes;
19 short-storm storage, yes.
20 COUNCILMEMBER BATES: I should have been
21 more clear in my question. I apologize.
22 My question should have been: Any outdoor
23 storage?
24 MS. NAPPO: No, no outdoor storage.
25 I think there is plenty of outdoor storage

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1 that has been at that facility, and that's part
2 of why we are there hopefully to kind of improve the
3 visuals at that location.
4 COUNCILMEMBER BATES: And do you plan on any
5 site improvements to the property?
6 MS. NAPPO: Site improvements, no.
7 Right now, all we have is just a two-year,
8 24-month, lease for being there, so there are no
9 improvements outside of cosmetics -- painting,
10 flooring, that sort of stuff -- no.
11 COUNCILMEMBER BATES: Thank you.
12 MS. NAPPO: You're welcome.
13 MR. WALTON: Acting on behalf of -- as
14 MACTEC on behalf of the City, as we're authorized, we
15 completed a review of the rezoning request from C-1 to
16 C-2, including discussions with the applicant, review
17 of the property. I will point out two key points of
18 the review and then I'll be glad to answer any
19 questions.
20 As Ms. Nappo alluded to, the Planning
21 Commission did conduct a public hearing, discussed and
22 unanimously approved the rezoning request from C-1 to
23 C-2.
24 There was additional discussion concerning
25 the need for a variance to address two existing

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1 storage buildings that are at the rear of the
2 property. The Planning Commission reviewed the survey
3 of the property, discussed the minimum setback
4 requirements, the 40-foot buffer requirement that
5 applies in this circumstance because the property at
6 the rear abuts an R-1 property, and it was the
7 Planning Commission's recommendation and unanimous
8 agreement to not approve variances associated with
9 those two structures.
10 COUNCILMEMBER PACHUTA: These are the two
11 metal sheds?
12 MR. WALTON: Two metal sheds at the rear of
13 the properly, yes, ma'am.
14 As far as a recommendation is concerned
15 based on the criteria that we analyzed, the
16 recommendation is for approval of the rezoning from C-
17 1 to C-2, and I'll be glad to answer any questions.
18 MAYOR PRO TEM PITTMAN: Thank you.
19 Questions, Council?
20 We need a motion?
21 COUNCILMEMBER ROCHE: Have we had the public
22 hearing yet?
23 MR. WALTON: Opportunity for --
24 ATTORNEY WEED: At this point, you'd open it
25 up for public comments, a minimum of 10 minutes per

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1 side.
2 COUNCILMEMBER ROCHE: I do have one quick
3 question, ma'am.
4 As you're bringing in the old equipment,
5 what steps do you take to recover the gases and the
6 chemicals, et cetera, that are in the --
7 MS. NAPPO: Oh, goodness. That's probably a
8 more technical aspect.
9 MAYOR PRO TEM PITTMAN: Ma'am, I'm sorry.
10 Can I get you to come up here so we can hear you?
11 Thank you.
12 MS. NAPPO: That's more probably like a
13 technical question, but my understanding of that is
14 because the capturing of those gases that's governed
15 by the EPA, every single person that is handling that
16 has got to have what's called a universal
17 certification, meaning that they've gone through
18 whatever the test requirements are by the EPA to be
19 approved to remove those.
20 Those, I believe, are always, normally
21 removed on site. There are special tanks they have
22 that those particular things have to be captured and
23 put into. Like they cannot be put out into the air
24 because I think normally you're fined like about
25 $10,000 a violation.

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COUNCILMEMBER ROCHE: Right.
MS. NAPPO: So those are normally done outside wherever it is that we're working if it's residential or commercial. That certainly would not be something that would be done there at the premises.
And really, though, the premises, it's really done just as it's a -- as I stated before, the calls come in and we dispatch. So our guys have got them. They live in -- our technicians live in Lawrenceville and Tucker and Lilburn, and so normally they're dispatched from their places, so it's not something that would be captured there on site.
COUNCILMEMBER ROCHE: Just making sure. Thank you.
MS. NAPPO: Uh-huh.
COUNCILMEMBER BATES: Mr. Walton --
MR. WALTON: Yes, sir.
COUNCILMEMBER BATES: -- just for clarification, at present, is there any screening -- in advance of the public comment, any screening, vegetative or fencing between the property and the R-1 property behind it?
MR. WALTON: There is. There's an existing -- a big wood fence approximately six feet tall, and there is also landscape screening. There

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have been Leyland cypress type trees planted along the property line of this property.
Any further questions?
- - -
(No response)
- - -
MR. WALTON: So at this time I think we would open the public hearing for anyone wishing to speak in favor of the applicant.
MR. ANDERSON: Stuart Anderson.
I certainly go along with the Planning Commission as far as approving going from C-1 to C-2 and Mr. Lee.
The variance discussed was asked for to leave the two little buildings where they were, and that variance was denied, so I guess the applicant is forced to move those buildings.
The reason that she and the neighbor that came and testified at that meeting as well asked for those buildings to remain was due to security. The neighbor's got cameras, and her neighbor has both the benefit of those cameras for security. And by moving those buildings, the Planning Commission disregarded the fact that those buildings being having -- forced to being moved would block those cameras, security

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cameras. And for that reason, I ask you to grant her variance, I guess.
MAYOR PRO TEM PITTMAN: Anyone else for?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Okay, Mr. Walton. Want to open it for those against?
MR. WALTON: Open it for anyone wishing to speak against the rezoning.
MR. CRAWFORD: Ben Crawford, Oakcliff Estates, former Planning Commission member.
And I actually heard this case, and I'm for granting the applicant a zoning change but not the variance. The variance --
And despite what Mr. Anderson stated about us considering the safety aspect, the safety aspect doesn't mitigate the fact that the buildings were installed approximately five years ago illegally and they're nonconforming and shouldn't be there, and they need to be moved back 40 feet, and that was what we decided upon there.
You know, as far as the security goes, it didn't seem like it was a valid point to be made. And also, the property is rented by the applicant, not

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owned by the applicant, and we viewed it like the owner could move the buildings.
MR. HART: The change in zoning, I -- you know, I agree with.
As far as this is a situation where C-2 backs up to a residential neighborhood. Again, this is the same as the residential neighborhoods that back up against Buford Highway and other areas of the city is that people just built buildings right up against the property line, and it didn't offer the tree buffers and the sound attenuation that's required between residential and commercial properties.
And once again, the City has to take it into consideration whether you live on Peachtree Industrial and over where the Mayor Pro Tem lives or on Buford Highway where the neighborhoods are up against all these C-2 properties.
These landowners see those like free space they can build on. And it's not free space; it's supposed to be the sound buffer between the neighborhood and the commercial business.
So I don't agree that we need to -- You know, the buildings were built. So what? I mean they're going to have to move them. Okay?
The same thing with the shopping centers;

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1 the same thing all over the city. You know, that's
2 the reason why you're a city council is to put your
3 foot down. Thank you.
4 MAYOR PRO TEM PITTMAN: Anyone else against?
5 - - -
6 (No response)
7 - - -
8 MR. WALTON: And I believe we would close
9 the public hearing, ask for any further questions or
10 motions.
11 COUNCILMEMBER ROCHE: On these buildings, if
12 there was not a hearing, if there was not a request
13 for a rezoning, what would happen to those buildings?
14 MR. WALTON: To the principal building or
15 the accessory buildings?
16 COUNCILMEMBER ROCHE: I'm sorry. The two
17 accessory buildings against the back of the property
18 line.
19 MR. WALTON: Were there no action requesting
20 rezoning or planning action, I would assume they would
21 remain as-is as nonconforming uses.
22 COUNCILMEMBER ROCHE: Thank you.
23 MR. WALTON: Any further questions?
24 MAYOR PRO TEM PITTMAN: Anyone else?
25 - - -

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1 (No response)
2 - - -
3 MAYOR PRO TEM PITTMAN: Okay. Thank you.
4 I need a motion. Council?
5 COUNCILMEMBER ROCHE: I make a motion that
6 we approve the rezoning with variances from C-1 to C-2
7 with concurrent variances to allow reduction of the
8 required five-foot setback for land lot 321 of the
9 18th District, Parcel I.D. 18-321-15-019 at 3903
10 Flowers Road.
11 MAYOR PRO TEM PITTMAN: Do I get a second?
12 COUNCILMEMBER ALEXANDER: Second.
13 MAYOR PRO TEM PITTMAN: Discussion?
14 - - -
15 (No response)
16 - - -
17 MAYOR PRO TEM PITTMAN: Call the roll.
18 CLERK McCAIN: Councilmember Alexander?
19 COUNCILMEMBER ALEXANDER: Yes.
20 CLERK McCAIN: Councilmember Bates?
21 COUNCILMEMBER BATES: Yes.
22 CLERK McCAIN: Councilmember Fleming?
23 COUNCILMEMBER FLEMING: Yes.
24 CLERK McCAIN: Councilmember Pachuta?
25 COUNCILMEMBER PACHUTA: Yes.

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1 CLERK McCAIN: Councilmember Roche?
2 COUNCILMEMBER ROCHE: Yes.
3 MAYOR PRO TEM PITTMAN: Thank you. Motion
4 carries.
5 Thank you, Mr. Walton.
6 MAYOR PRO TEM PITTMAN: All right. Next on
7 the agenda is going to be Reports from Commission. I
8 believe there is none.
9 Captain Sellers, do you have anything?
10 CAPTAIN SELLERS: No, ma'am.
11 MAYOR PRO TEM PITTMAN: All right. Public
12 Comments. Please limit your comments to three
13 minutes. If you could approach the podium, give your
14 name and address.
15 MS. CRAWFORD: Susan Crawford. You have my
16 address? I'd rather not give it tonight. I might --
17 MAYOR PRO TEM PITTMAN: I think we know who
18 you are.
19 MS. CRAWFORD: -- get firebombed or some-
20 thing.
21 COUNCILMEMBER ROCHE: We know you.
22 MAYOR PRO TEM PITTMAN: We know you.
23 MS. CRAWFORD: Mr. Roche, I want to thank
24 you for your comments about public comments and I
25 guess you are finding your democratic roots.

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1 And I just want to point out that yeah, it
2 would expedite things to have only one public-comment
3 time, but I think you're going to have to sort of
4 restructure, because the way it is now, there's an
5 opportunity for us to speak on the agenda items. But
6 if I wanted to, for example, say there's an art show
7 coming up next month, I would be limited; I wouldn't
8 be able to bring up any. So kind of need to ...
9 So I guess that's about it.
10 I just again, you know, want to say that as
11 a resident, I try to work with the City, but there are
12 a lot of unhappy people right now, for various
13 reasons, I'm sure. The economy isn't making people
14 real happy. And I think their voices do need to be
15 heard, and they will be one way or another. Thank
16 you.
17 MR. HART: I'm just kind of wondering why I
18 got a building permit to put two doors in the back of
19 my house for $350.00. I should have just built a
20 machine shop back there and I could have grandfathered
21 it in.
22 I'm just amazed every time I come here.
23 It's the best show on earth. It's actually free. And
24 if you sold popcorn and some drinks and refreshments,
25 we could pack the house. It's entertainment value

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1 unmatched in the metro area.
2 I don't even know why we have a zoning
3 ordinance. I don't even know why we bother to come
4 here. Just get a rubber stamp; you can stamp it as it
5 comes in the front door. You guys just never cease to
6 amaze me.
7 And I wrote tonight on this blog that
8 somehow the City has confused this LCI study with the
9 Magna Carta. It's a nonzoning document. And the last
10 meeting I came here, the T.V. cameras were here and we
11 had a couple Council people -- I think we're going to
12 have an entry in the Macy's parade for a hot-air
13 balloon. I mean they were going off about how
14 wonderful it was; it was the finest example of a
15 document written in the last 20 years.
16 It just -- you know, good thing there's an
17 election coming up. Thank you.
18 MR. CRAWFORD: And just so that y'all don't
19 forget, it wasn't that long ago -- not too, too long
20 ago -- that Mr. Anderson was about to be thrown off
21 the Planning Commission and he chose to resign.
22 I chose to resign because my time was at an
23 end, as it was pointed out to me by Ms. Fleming.
24 I'd like to say tonight -- and I guess I got
25 10 seconds. I'd like to say again tonight that it is

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1 depressing to come to the City Council meeting and
2 find how the City conducted its business. I, for one,
3 with a lot of other people in the community have put a
4 lot of effort towards the betterment of the community.
5 And we do it for our own interests because we'd like
6 to see it a better place to live and to have our
7 property values increase and also because we want to
8 be active participants in the civic process, so we do
9 it, and we've done it well.
10 I've done my part on the Planning Commission
11 and I've done it well. I actually have a lot more
12 smarts about me than Mr. Anderson gives me credit for
13 and I'm a lot more well-versed in codes, the building
14 code, electrical code more than he can wonder at. He
15 does not know anything about what I do at work,
16 doesn't know anything about me.
17 But Mr. Anderson, he's a guy that can cast
18 around a price list that has certain prices for
19 machine shop work in M-2 and R-1, and that's
20 acceptable in our city. It's not. Most people don't
21 feel it is. But it is here because he weasels his way
22 in. But this is not a personal attack. Like I said,
23 this is -- like I said, I've mentioned that before and
24 I'm done mentioning it.
25 But this is a situation now where the city

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1 can go one way or the other, and to me, it seemed like
2 tonight it took a turn for the worse. Thank you.
3 MR. NOONAN: John Noonan, Winters Chapel.
4 I, for one, would like to know what's going
5 on. Here recently you fired our city planner without
6 a reason, and now you've replaced the Planning
7 Commission. Is it you're not getting the answers you
8 want from these people? You just want to appoint
9 people in places who agree with everything that you
10 do?
11 Planning Commission was from the people, and
12 if you don't want representation, your input from the
13 public, God help us. You're not doing our bidding.
14 MR. ANDERSON: Stuart Anderson. I'll try
15 not to weasel my way through too much of this.
16 To answer Maria's question or observation, I
17 go to Board of Commissioners, Dekalb County Board of
18 Commissioners meetings. And what they do is you get
19 in there and you sign a sign-in sheet as to what issue
20 you want to speak on. And during the issue -- similar
21 to what Doraville used to do, during that issue, then
22 the citizen got up and they had five minutes or ten
23 minutes or whatever it is they give -- I think it's
24 ten minutes -- to present their side of that issue
25 during the discussion of that issue, which I

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1 considered appropriate when Doraville did it.
2 I think Doraville also allowed a citizens
3 comments at the end of each meeting as well as
4 discussion of issues. That's up to you, obviously.
5 But that's how the Board of Commissioners
6 does it. And I thought it was a good idea because
7 then it allowed citizens to comment during the
8 discussion; otherwise, they wouldn't know the nuance
9 of your discussion. And then they couldn't comment on
10 it until the end after you'd voted or tabled it or
11 whatever kind of thing, and if you'd already voted,
12 then it was irrelevant, et cetera. So thank you.
13 MR. CHAMBERS: Richard Chambers, New
14 Peachtree Road.
15 Just wanted to express kudos to the Council
16 for the sinkhole on Buford Highway sidewalk that got
17 repaired last week in one day -- one day only. I
18 appreciate y'all making the phone calls that you
19 needed to do and getting it taken care of.
20 In speaking with Councilman Bates, we don't
21 know if it's permanent or temporary but at least it's
22 safe for the time being, and I appreciate that.
23 And in relationship to that, I have to agree
24 with Ms. Crawford and Mr. Anderson that you permit
25 citizen comments at the end, because since this was

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not an agenda item, I would not be able to praise you-all. So if you want to keep getting praises, let us talk at the end as well.

And I appreciate what appears to be an executive session at the end of the meeting rather than at the beginning of the meeting. Thank you.

MS. FRAYSSE: I appreciate you too.

We had a wonderful Friends of the Doraville Library book sale at the end of National Library Week last week on Saturday. We had a good turnout. We had a lot of volunteers; we had a lot of participation. We've done it I think about -- that's about our fifth time, and we're getting a little better, a little bit smoother.

I want to say that we were able to earn $700 for the Friends of the Library group, and we use that to help the library when they don't have money to pay for certain programs or they need certain kinds of kids' furniture in the kids' area or whatever else they might need.

By all accounts, there were many new visitors to the library who had never been in there before and there were a lot of people that came in for the sale and got library cards.

And I would love to see everyone in

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this room renew their library cards if they haven't renewed them, or if they've never had one, it might be eye-opening that we've had the place refurbished. We have a new energy. We have a lot of support, and I think everybody needs -- everybody in the city. It's a free service, and it opens the world.

Of course I believe that libraries and schools hold up western democracy. So that might be an exaggeration, but I don't think so. We all need to participate.

I would say also special thanks to Harold Shinn who has again donated food that we use to make the profit; the Halpern Company -- well, Jimmy Cushman and Rick and his son Andrew who came and helped to cook the food that day; and Secure Care Storage, Frank Day, who has given us an advantage that we have over the Dunwoody Friends of the Library. They don't have a place where they can store books in between so they have to get rid of everything at the end of every sale, and we have this business locally that has supported us from the beginning. He was a personal friend of Stephen King's growing up, and that just made him committed to books and libraries, so we appreciate that very much.

The new director, Tammy Henry, and the

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entire staff at the library and all of the maintenance people that hauled the tables around, we really appreciate it and we look forward to being a part of Doraville Days and the early planning for Doraville Days in October.

Thank you.

MAYOR PRO TEM PITTMAN: Anyone else?

MR. MALONEY: My name's John Maloney. I live at 3522 Stewart Road.

I'm concerned about the vacant office building that's between Buford Highway and Stewart Road behind the Waffle House where the Star Towers building was going to be.

It's probably been vacant at least two years now. It's a haven for the homeless. It's an eyesore. I was very embarrassed back during Christmas -- it had gang graffiti on the side -- When my family and friends came to my house. It's not good for home sales; it's not good for anything. Maybe some more taxes. I don't know, but that's not good enough reason, and I think it's time for the City to require them to fix it or tear it down, one of the two.

MAYOR PRO TEM PITTMAN: Where's it at, Mr. Maloney?

COUNCILMEMBER PACHUTA: Star Towers.

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MAYOR PRO TEM PITTMAN: Star Towers?

MR. MALONEY: Star Towers building.

MAYOR PRO TEM PITTMAN: Thank you. We'll get on that tomorrow.

COUNCILMEMBER ROCHE: Thank you.

MAYOR PRO TEM PITTMAN: Okay. Anyone else?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Okay. At this time I need a motion to go into Executive Session for pending and potential litigation, personnel issues.

COUNCILMEMBER PACHUTA: So moved.

MAYOR PRO TEM PITTMAN: Do I get a second?

COUNCILMEMBER BATES: Second.

COUNCILMEMBER ROCHE: Second.

MAYOR PRO TEM PITTMAN: Okay. Discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

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COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
- - -
(Executive Session)
- - -
MAYOR PRO TEM PITTMAN: I need a motion to come out of Executive Session, please.
COUNCILMEMBER PACHUTA: So moved.
MAYOR PRO TEM PITTMAN: Do I get a second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR PRO TEM PITTMAN: Dioscussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.

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CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Motion to come back into our regular meeting?
COUNCILMEMBER BATES: So moved.
MAYOR PRO TEM PITTMAN: Second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.

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CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Motion to adjourn?
COUNCILMEMBER ALEXANDER: So moved.
COUNCILMEMBER ROCHE: Second.
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Meeting adjourned.
- - -
(Meeting adjourned at approximately 9:00 p.m.)
-o0o-

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C E R T I F I C A T E

STATE OF GEORGIA]
COUNTY OF DEKALB]

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

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

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

This the 26th day of April, 2011.

_____
Theresa Bretch, CCR
Permit No. B-755

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