In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

April 26, 2010

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Page 0

CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

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Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Ray Jenkins presiding, before Theresa Bretch, Certified Court Reporter, commencing at 6:40 p.m., April 26, 2010.

* * *

Page 2

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

Page 3

P R O C E E D I N G S

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

ASSISTANT CLERK BRYANT: Councilmember Alexander?

- - -

(No response)

- - -

ASSISTANT CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Here.

ASSISTANT CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes, here.

ASSISTANT CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Here.

ASSISTANT CLERK BRYANT: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes, here.

ASSISTANT CLERK BRYANT: Councilmember Roche?

COUNCILMEMBER ROCHE: Here.

MAYOR JENKINS: We have no minutes to approve.

Page 4

And on the Mayor's comments we have a potential resolution for Halpern Park. So Luke, will you take care of that one?

MR. HOWE: At the request of the recreation department, I was asked to work on a Land and Water Conservation Fund grant for Halpern Park. The pre-application is due Friday. Part of the package is a resolution demonstrating commitment to the project, which is a 50 percent match is required. You can apply for it as low as fifty with a 50 percent match, and you can go up to a hundred, so you'd have to match that with a hundred.

So we're -- based on the finance director's recommendations as well as Carol's, we're going to keep the scope of work within $50,000, which means a $25,000 match.

MAYOR JENKINS: They put fifty and we put fifty. Is that what you're saying?

MR. HOWE: They put twenty-five, we put twenty-five --

MAYOR JENKINS: Oh, okay.

MR. HOWE: -- for a total of fifty.

MAYOR JENKINS: How high will we be able to go on it?

MR. HOWE: Fifty thousand.

Page 5

MAYOR JENKINS: And that's all.
MR. HOWE: Yes, sir.
MAYOR JENKINS: Okay.
MR. HOWE: We could due the hundred thousand but Shanta didn't think that was very wise.
COUNCILMEMBER ROCHE: I just want to know what exactly value we're going to get for the $25,000 assuming we get it.
MR. HOWE: Well, we're going to start. Right now we're not required to go into a lot of debt. We're going to give them the site plan that TSW has put together. We're going to start from the back and work our way to the front so we don't disrupt any construction by starting at the front and working ourselves to the back.
We're going to tell them where we want to start from, we're going to give them a description of the entire project in general, and what they do, from what I understand, they'll come back after the pre-application process and give us advice on what they would like to see that money go towards.
COUNCILMEMBER ROCHE: So we're allocating money and we're not even sure what we're going to spend it on?
MR. HOWE: We're going to spend it on

Page 6

Halpern Park and we're going to start from the back and work our way to the front. Carol has suggested to start -- go ahead and start on the walk path. That's, you know, fine with me.
COUNCILMEMBER BATES: So are there strings attached to this. So DNR is going to say, we recommend that you apply the $50,000 or $25,000 or whatever towards, you know, stream bank restoration or removing the invasive plant materials? Would we be required to spend it on that or could we use it towards another project within the park?
MR. HOWE: We could use it on any project within the park as long as it's something that we've already said we're going to do. I mean that's -- you know, anything that's in the site plan.
COUNCILMEMBER PACHUTA: So you're using TSW's whole site plan and you're going to submit that entire --?
MR. HOWE: Sure.
ATTORNEY WEED: There happens to be a copy of it here on the table if anyone wants to look at it. I'm sure you have it already.
COUNCILMEMBER BATES: Thank you. I make a motion to approve the resolution for $25,000.
COUNCILMEMBER PITTMAN: Second.

Page 7

MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
ASSISTANT CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MR. HOWE: Thank you.
COUNCILMEMBER BATES: Thank you, Luke.
COUNCILMEMBER PITTMAN: Thank you, Luke.
MAYOR JENKINS: Okay. Thank you, Luke. We have no departmental reports.

Page 8

And I would like to ask the Council are we using this as a regular meeting? Our agenda, public comments on agenda items, do we want that before this meeting being as this is a public hearing?
COUNCILMEMBER PACHUTA: I think since it's a public hearing, we can just go ahead and have the public comments with each item like we normally do in a zoning.
COUNCILMEMBER PITTMAN: I agree.
MAYOR JENKINS: Very good.
Do we need a motion on that, Murray?
ATTORNEY WEED: Mr. Mayor, you can -- well, you can just simply --
Actually you'd better have a motion for that if you're just going to amend the agenda to request that public comments will be involved in the hearing section. I think that's --
MAYOR JENKINS: Okay. Do I have a second?
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: You did.
COUNCILMEMBER PACHUTA: Yeah, I made it.
MAYOR JENKINS: Any more comments?
COUNCILMEMBER ROCHE: I always vote for comments, so --
MAYOR JENKINS: Sir?

Page 9

COUNCILMEMBER ROCHE: I just said I'll always vote for public comments.
MAYOR JENKINS: Yeah, very good.
Any more discussion?
COUNCILMEMBER ROCHE: So the motion is that we will not have public comments?
COUNCILMEMBER PACHUTA: Well, we will have public comments. They'll just be at each item at --
COUNCILMEMBER ROCHE: No. I understand --
COUNCILMEMBER PACHUTA: -- the public hearing.
COUNCILMEMBER ROCHE: -- that, but okay.
ATTORNEY WEED: You have to repeat everything anyway. If you have public comments now --
COUNCILMEMBER ROCHE: Well, I know all that. I got all that.
ATTORNEY WEED: -- (overspeaking) everything said in the hearing, you'd have to repeat them.
COUNCILMEMBER ROCHE: I got all that.
MAYOR JENKINS: Okay. Any more comments?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
ASSISTANT CLERK BRYANT: Councilmember

Page 10

Alexander?
- - -
(No response)
- - -
ASSISTANT CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: No.
MAYOR JENKINS: Okay. Scott?
MR. HAEBERLIN: The next item under old business, in front of each Councilmember there is an e-mail from Amanda Degenhardt. She is the authorized representative for the Trammells.
This was a rezoning from M-1 to C-2 for a

Page 11

day care but unfortunately there is a situation where there is a convenience store adjacent to the property and they will not be able to have a schooling facility there. The applicants had worked on trying to resolve the situation with the adjacent property owner, but since this time my understanding is that have released the contract on the property. And Ms. Degenhardt, has you see from the e-mail, has withdrawn the application so there will be no action required for that at all now.
The next item, which is under new business, is the GTJ properties, the Galloway brothers. Now, these are three separate tax parcels so you see them listed three times. Basically, 18-311-01-005, the parking lot, what we know as the parking lot on New Peachtree Road; 18-311-01-007, which is the old hardware store; and 18-311-01-004, which is really the Central Avenue ingress/egress next to the former DUI building.
So at the Planning Commission level, we had three separate public hearings. I'll let Mr. Weed counsel you on how to do that or if there's another method to do it.
But at this time, we'll invite the applicant to come forward and talk generally about all

Page 12

three petitions, then I will speak as staff generally about all three petitions, and then Mr. Weed will instruct us on how we're going to do the public hearing.
So at this time I invite Mr. Galloway to come up and speak on the petition.
MR. GALLOWAY: Hey, my name's Tommy Galloway. I'm representing my brothers, George and John, concerning the property. I had the business, but as far as the property and buildings, it's the three of ours together. Basically, we just are petitioning for C-2 because that seems to be the thing that would best fit us.
I am in the process of -- in fact, I'm going tomorrow to Dekalb County. With my surveyor's help, I've been able to get the properties, all except for paying them $150. They have accepted us pretty much into one property, one tax parcel.
I have been reading over some of the things here, and everything looks good except I'm a little concerned about the two 9- by 20-foot landscape islands which another part I read. Our parking lot's relatively small as it is, and 9x20, that would come out from the window to probably about halfway and then nine feet. That seems like that's going to eat up --

Page 13

two of them are going to eat up quite a bit of my potential parking. That's a concern. I don't mind doing that, but now, that takes up several parking spaces.

Let's see, did I see anything else? There was something I saw in here, and I can't seem to find it right now.

- - -

(Councilmember Alexander enters Council room.)

- - -

MR. GALLOWAY: Okay. Number 5 on the Built part, all ground-mounted signage shall be of a monument design and all that. Does that pertain to my tenant? Do they have to do that or is that something I'm obligated? I don't really understand that part.

COUNCILMEMBER BATES: Well, I believe that would be -- could be negotiated between you and your tenant. If they wanted to provide their own signage, that could be written into the lease. I'm not a landlord-tenant expert, but I believe that, you know, if you wanted to provide the signage for the building, you could, or you could write that into the lease that they would --

MR. GALLOWAY: I mean I don't mind doing what I need to do, but --

Page 14

COUNCILMEMBER BATES: Well, this is --

MR. GALLOWAY: -- it could be kind of onerous to have to --

COUNCILMEMBER BATES: This is not a requirement. You don't have to do this.

This just says that if you do do it, that it would need to -- it couldn't be taller than 25 feet and it would need to --

MR. GALLOWAY: Right.

COUNCILMEMBER BATES: -- meet these requirements.

MR. GALLOWAY: Sure.

COUNCILMEMBER BATES: So I don't believe number 5 is a -- Mr. Haeberlin, correct me if I'm wrong. I don't believe number 5 is a requirement of the conditions.

MR. HAEBERLIN: If he doesn't want to construct any signage, then it would not be a requirement. If he does want to construct signage, it would fall in that criteria.

COUNCILMEMBER BATES: Right. So if you wanted to put a monument sign on New Peachtree Road, it will need to comply with that criteria.

MR. GALLOWAY: Oh, sure.

COUNCILMEMBER BATES: If you don't, you

Page 15

don't have to.

MR. GALLOWAY: I just wasn't sure. I know it says recommendations but I wasn't sure how much I needed to do to get this to pass. I mean I want -- I need it to pass. I need to get that space rented. I'm concerned.

I just don't want to have to put the guy in business and make it look like a temple with ionic pentameter whatever, columns. I don't mind doing that. If that's what I have to do, I'll do it, but they're going to be the ones who are in business.

And you know, I think, well, I know we need to fit this in with what the city looks -- what we want the city to look like. But at some point, I am going to sell the place, and I don't know how long. I might have a renter for three years, and if I have to do this for a couple years and then he bails out, I've got this and I'm ready to sell and I've spent --

I'm concerned about several things as far as how much I have to do versus recommendations, I guess.

COUNCILMEMBER ROCHE: What's the nature of the business you think you think you're going to rent to?

MR. GALLOWAY: Well, Bob, the thing is we've had a few potential renters. Most of them of course

Page 16

have had to, because of my problems with surveying -- And two out of these three parcels, I had to work really hard to find out that they were even honest. I had one parcel was not -- the ingress and egress was not -- My dad had bought it from guy. Ray would remember. Ed Chandler, you know, across the street, an old brick, red building. My dad bought that in '70/'71 and somehow had a devil of a time finding a deed to it.

The parking lot, the main parking lot that comes in off of Tilly Mill, back in about 1990 or '91, prior to the opening of the MARTA, there had been a -- and Scott is better at explaining these, but there had been a deal between the City and MARTA and us whereby we -- the parking lot was deeded over to us. The City owned that parking lot, and somehow MARTA, there was a swap done that MARTA was happy with, and then they deeded that property to us. Well, I had to look that up. It wasn't recorded so --

COUNCILMEMBER ROCHE: But you don't have any potential tenants at this point.

MR. GALLOWAY: Not yet.

COUNCILMEMBER ROCHE: No one at all has expressed any interest or --

MR. GALLOWAY: Well, several people have,

Page 17

1 but with O&I, they've had to move on. You know, they
2 couldn't -- This has taken a while. I'm new at this.
3 You know, I --
4 COUNCILMEMBER ROCHE: I'm just trying to get
5 a picture of if we grant this to C-2, what type of
6 business would we expect to see there.
7 MR. GALLOWAY: Well, let's see.
8 What have you --
9 MS. CARDEN: Can I answer that for him --
10 COUNCILMEMBER ROCHE: Sure.
11 MS. CARDEN: -- because I'm his broker.
12 MAYOR JENKINS: Excuse me, ma'am. Come on
13 up.
14 MS. CARDEN: Oh.
15 ATTORNEY WEED: You need to identify
16 yourself for the record, please.
17 MS. CARDEN: I'm Lynn Carden. I'm Tommy's
18 real estate broker.
19 MR. GALLOWAY: And stepsister.
20 MS. CARDEN: The nature would be a normal
21 retailer along the lines of a store. The type of
22 tenants, the prospective tenants that we've had have
23 been thrift stores, which I know you don't like,
24 consignment shops, furniture store, a type of Big
25 Lot's. Mainly I'd say retailers appealing to blue

Page 18

1 collar type of demographic.
2 No one of any restaurant or anything that
3 would take up a tremendous amount of parking or
4 traffic. It's really been sort of lower-end retail.
5 Does that help?
6 COUNCILMEMBER ROCHE: Well, yeah. I guess
7 I'm concerned about the parking, that there may not be
8 enough parking for any type --
9 I mean there was enough parking for when you
10 had the hardware store --
11 MR. GALLOWAY: Right.
12 COUNCILMEMBER ROCHE: -- because people come
13 in and then they go, you know.
14 MS. CARDEN: That's why we're worried about
15 the landscape, the size of the landscaping beds,
16 because parking is key in all retail. That's what --
17 parking and traffic count are what drive who goes
18 where. So if you don't have enough parking, you
19 eliminate an awful lot of uses simply because they
20 have a certain parking requirement. So that's why --
21 you know, we understand that there needs to be some
22 landscaping. We just -- 9x20 is huge, and two of
23 them. That's big. And so we just want to preserve as
24 much parking as possible so that we have a pool of
25 retailers that we can choose from.

Page 19

1 MR. GALLOWAY: I mean I'm glad to landscape,
2 I mean, but wow, that's large, and especially two of
3 them. That really cuts down on parking.
4 COUNCILMEMBER ROCHE: And I guess my other
5 thing is that -- and whether it really applies to
6 this, I don't know. But you know, we do have people
7 that drive in and they get on MARTA and they stand on
8 the MARTA platform and they look at Doraville, you
9 know, and what are they going to see? I mean
10 anything's probably better than an empty store.
11 MR. GALLOWAY: Yeah. I mean we've been -- I
12 mean look at the way Doraville -- I was born here.
13 Some of my ancestry goes back to 1820s. Tilly Mill
14 Road, Medlock Bridge, Jones Bridge, Chestnut Drive,
15 those are all family members. We've been here a long
16 time --
17 COUNCILMEMBER ROCHE: No, I understand.
18 MR. GALLOWAY: -- and I've seen -- You know,
19 Doraville, I have big visions for Doraville too, but
20 right now it just -- you know, I think something's
21 better than nothing.
22 COUNCILMEMBER ROCHE: I understand.
23 MS. CARDEN: I wish we could predict what
24 type of retailer. It's impossible.
25 COUNCILMEMBER PITTMAN: So how are you

Page 20

1 marketing the property?
2 MS. CARDEN: We took it off the market.
3 COUNCILMEMBER PITTMAN: How will you be if
4 this should pass?
5 MS. CARDEN: As a retail store, what we call
6 Grade BC. BC means secondary street, lower traffic,
7 probably in the nature of $8.00 to $10.00 a square
8 foot so it will appeal to those -- that's cheap --
9 it'll appeal to those retailers who are budget driven.
10 And there's really no choice because New Peachtree
11 does not have enough of a traffic count to command a
12 store like Trader Joe's, for example, which we'd love
13 to have in Doraville. But they require a certain
14 traffic count and New Peachtree does not have it.
15 Maybe someday it will, but right now it doesn't. So
16 you have to market to those people who can get by as
17 what we call destination retail, meaning they know
18 where it is, they're coming there for a reason.
19 They're not just driving by like you would Kroger and
20 pull over to run in and get a sandwich.
21 COUNCILMEMBER PITTMAN: Thank you.
22 MR. GALLOWAY: And that's the demographics.
23 That's what's here. And that was Asian, Hispanic,
24 Indian, Bosnian. That was 80 percent of our customers
25 for the last I guess 10 to 15 years, and they were

Page 21

great folks.
COUNCILMEMBER ROCHE: Right.
MR. GALLOWAY: I realize, you know, a lot of our long-time customers moved or passed on, but I want to appeal to anybody who wants to come here but have to be realistic about, as Lynn said, about what we've got to deal with, what we've got right now.
COUNCILMEMBER BATES: Mr. Galloway, on the recommendations, you expressed concern over the land-scaped islands and --
MR. GALLOWAY: The signs.
COUNCILMEMBER BATES: -- concerns over the signage.
Are you okay with the requirements of putting in a bench and waste receptacle and are you okay with specifically condition 4 of the Built which requires you to encase the steel square front facade porch columns with a pre-cast stone, poly resin, fiberglass, et cetera?
MR. GALLOWAY: It wasn't what I expected, I mean, but I -- I'm okay with that. It sounds like y'all are giving me on a lot of these things a pretty good grace period.
I understand the need for a -- I mean we had our old cruddy looking dumpster which was an eyesore,

Page 22

so I understand the need to have a nice -- There again, I wonder, though, could the customer do that? I mean it's going to be a dumpster that's going to be used by them. It's for their benefit. Why shouldn't they be the ones to --?
I'm just trying to say that certain costs that maybe be potential, a client needs to bear.
COUNCILMEMBER BATES: And again, I --
MR. GALLOWAY: I mean I don't know.
COUNCILMEMBER BATES: -- think it's perfectly reasonable for you to negotiate that with whatever tenant and that you --
MR. GALLOWAY: Sure.
COUNCILMEMBER BATES: -- build that into their lease or rent or just build that into your, you know, price. I think that's really entirely up to you and whatever tenant or tenants.
MR. GALLOWAY: About the columns, I mean I understand that would certainly make that old building look better, I mean if that's what needs to be done. There again, I don't know if that's something where it's all on me or if that's negotiable.
COUNCILMEMBER FLEMING: I think that's within a three-year period, and we just don't know at this time in regards to what's going to happen with

Page 23

New Peachtree.
MR. GALLOWAY: Sure.
COUNCILMEMBER FLEMING: May be a completely new, different corridor at that time.
MR. GALLOWAY: Well, I'm --
COUNCILMEMBER FLEMING: I think, like you mentioned, that the grace period is giving you enough time to, you know, consider the options, but it's definitely within that three-year period.
I think it would add aesthetics to your building to be --
MR. GALLOWAY: Sure.
COUNCILMEMBER FLEMING: -- able to charge a greater per square foot pricing.
I also I wanted to ask, would you or Ms. Carden, either one, be opposed to like 4x8 raised beds instead of taking up an entire -- I mean 9x20 seems awfully large to me.
But I can envision, you know, since it's all parking area up front and it's just asphalt, we do want to try to beautify New Peachtree. and this is my vision. I haven't even spoken to the Council about this. But my vision right now for your particular location since we're only requiring one receptacle and one bench, you know, having a raised bed on either

Page 24

side, you know, in that frontage area would definitely beautiful the area rather than having islands within the parking lot.
MR. GALLOWAY: That would be more appealing to me because that wouldn't compromise our parking spaces. And I think, you know, in later years when we got to selling more plants in the store, I know it was just a small thing but I put these half cut-open whisky barrels with flowers out there. And so, you know, I'm certainly agreeable to that. I mean for one thing, in a way, since that would be on the front, that would show. I mean that's more of something you would see immediately, whereas if you're coming from Chamblee, you could see the islands, but if you're coming from across the bridge over 285, when would you see them? You would be past the store. You could see them from one direction but you would have to physically turn your head to look to see.
COUNCILMEMBER FLEMING: Well, that's just a thought that I had, a vision, you know, to help out your frontage area.
MR. GALLOWAY: And that sounds --
COUNCILMEMBER FLEMING: Of course it's --
MR. GALLOWAY: I agree.
COUNCILMEMBER FLEMING: -- up to the

Page 25

Council.
MR. GALLOWAY: And I agree that to me that makes more sense.
MS. CARDEN: Can I just bring up a point? You have to think when you put in plantings, you have to figure out a way to water them. So you just got to be careful about the scope of it because you have to -- they have to be watered or they're going to die. What I've seen in midtown is squares cut out in the paving. Rather than these big items, they're squares. And then I can recall when the tree people, the tree guys from the City of Atlanta actually come out, and you do the square, you cut out the square, and they'll plant the trees for you.
MR. GALLOWAY: Trees Atlanta.
MS. CARDEN: Trees Atlanta. There you go.
They did it all down Peachtree. Something like that as long as it didn't cause like traffic problems or visibility, because you can put -- I don't know if you guys know what gator bags are, but you can put these bags on the trees -- you've seen them all over town -- and that's how they get watered initially because they need a lot of water the first year.
I think if we could keep the landscaping just a little less dramatic than 9x20, I don't think

Page 26

any of us have any problem with putting a few trees in.
The thing about the benches, I'm not sure where you guys want to put them, but you got to remember we're right across from the MARTA station. The last thing we want to be is the pickup station instead of the KISS ride across the street. So we already have a problem up and down New Peachtree Road with some of that going on. But the benches just -- we need to be keep in mind who's going to be sitting there. If it's our customers, cool. If it's MARTA people or vagrants who are looking to get a ride or waiting on the taxi, not so cool.
Could I ask a question real quick? because Tommy wasn't clear and I wasn't either. These are recommendations. Does this mean this is a condition upon y'all passing the C-2 for him or is this something you'd like to see?
COUNCILMEMBER ROCHE: Those are conditions.
MS. CARDEN: Okay. That's what I thought.
COUNCILMEMBER ROCHE: That's the point is that whether you rent the place or not, if we pass this and we agree to this, you're on the hook for this --
MS. CARDEN: Yeah.

Page 27

COUNCILMEMBER ROCHE: -- no matter what.
MS. CARDEN: Yes.
COUNCILMEMBER ROCHE: I'm not saying I agree or disagree. I'm just saying that the way this is written, you got to have a Chinese -- Japanese Zelkova tree and you've got to have the doric columns and brick and --
MS. CARDEN: What is that tree? What kind of tree is that?
MR. HAEBERLIN: It's a tree that's very tolerant of human pollution.
MS. CARDEN: Is it a Japanese maple?
MR. HAEBERLIN: Actually we planted them all in front of the court building. The trees that we the City planted --
MS. CARDEN: Yes.
MR. HAEBERLIN: -- in front of the court building, those are all the same type tree. They're very heat-tolerant, they're very pollution-tolerant, and they're graded for urban settings like what we're in.
MS. CARDEN: Do you have any idea how much they are?
MR. HAEBERLIN: Those we paid less than a hundred dollars for, so it just depends upon the

Page 28

supplier.
MS. CARDEN: Okay. But they're not a Japanese maple.
MR. HAEBERLIN: No, ma'am, they're not a Japanese maple.
MR. GALLOWAY: I mean, like I say, I agree to most. My concern was the islands, the size versus what Pam said. I kind of like her idea about the plantings out front. I mean I would take the trees out front too, I mean, if that's --
I grew up for about 20 years in the Morningside/midtown area. I know how things look down there and how things can be really nice. I used to -- I could walk to Virginia Highlands in one direction or walk to Emory Village in another direction, so I appreciate, you know, how good things can be, but at the same time I also realize this is not Emory/ Morningside; this is Doraville. And I want to make it better, too; I just want to, you know, know what I'm totally responsible for and what, you know, I can get the tenant to accommodate me and things like that.
MS. CARDEN: I can speak about the tenant. In this market and in the near future, in the next two to three years, you will not get a tenant who will put columns on that building or provide a dumpster screen

Page 29

or install landscaping beyond putting some plants into the ground. They will not pay. They don't have to because they have so many choices from so many retail owners already who will do back flips to get them to come into their building. So you will not be able to negotiate that in the next couple years. That will be on the landlords, which in a couple years might not be such a big problem. Right now, considering that he's earning no income, you know, it would be a financial problem for him.

COUNCILMEMBER PITTMAN: I mean I kind of like the front too, I mean the planting in the front as well. That would be nice.

As far as the benches, the benches are okay.

COUNCILMEMBER FLEMING: It's only one bench.

COUNCILMEMBER PITTMAN: Yeah. I mean, you know, as far as vagrants or whatever, you can always call the police to handle that and -- you know.

MS. CARDEN: I think our big issue here is really the landscaping, how to get that reduced to something that's financially manageable and that doesn't take up so much parking.

MR. GALLOWAY: I just think it would personally be better to put out front as Pam suggested because that's where you can see it. There again, you

Page 30

can't see. The way our store blocks things, you wouldn't -- you could see it from MARTA and the MARTA riders could see it. You could see it, like I say, coming from north to -- I mean south to north. But whether it's the trees or the nice beds, either one is fine with me.

It just seems it would really compromise my parking space if I had especially two of them in the parking lot. I mean y'all have -- at one time or another, I guess all of you-all have been in the parking lot. It's not a bad amount of parking. I mean when I look -- What's the place down the street we used to call the Alamo? It was the Catholic mission.

COUNCILMEMBER PITTMAN: Uh-huh.

MR. GALLOWAY: I mean I look at that. They've got potential places for how many businesses? And it doesn't look like they're having to do a whole lot, and it doesn't look like they've got a lot more parking than we do for one business, I mean, just from my looking at it.

COUNCILMEMBER PITTMAN: How do you-all feel about the frontage of the plants in the front versus in the parking lot?

COUNCILMEMBER BATES: I want to hear from the public before I comment.

Page 31

MAYOR JENKINS: Anything else, Tommy?

MR. GALLOWAY: No, not at all.

MAYOR JENKINS: Okay. Thank you, Mr. Tommy.

MR. GALLOWAY: Thank you. I appreciate it.

COUNCILMEMBER PITTMAN: Thank you.

MAYOR JENKINS: All right. We'll open it up to a public hearing now.

MR. HAEBERLIN: Well, you got to have me.

COUNCILMEMBER PITTMAN: Yes.

MAYOR JENKINS: Okay. Go ahead.

MR. HAEBERLIN: I'll go through some of the history. The ingress/egress to Central Avenue was a difficult situation. Apparently it was a quit claim, and that was really what was holding this petition up. And I'll be honest with you that we spent -- I spent several hours on the Dekalb County Web site even finding this. As you see, it's inappropriately addressed. It has a Peachtree Road address. Don't know why. Apparently there used to be a Peachtree Road across from the site.

When MARTA acquire a lot of right-of-way and took some of the parking from the Galloway Hardware, there were some weird addresses assigned. So Mr. Galloway is correct. We had a serious problem with getting the ingress/egress parcel as part of this

Page 32

petition. And so the individual enlisted the services of a surveyor, you know, and we eventually got to where we are today.

But needless to say, it is three tracts and the gentleman is working on combining those tracts. Combining them would actually make it more conforming than it is today, because essentially you have three parcels that don't really conform with the zoning. You have a building that actually has zero parking as it is on site. And so that'll make it more conform to the code.

On the Comp Plan, this is identified as the Doraville town center which recommends Main Street retail, government, civic, green space and office/professional. The good thing about going from strict office/professional, what he is today, he also gets retail under C-2 and office professional, so we've kind of accomplished two goals of the Comp Plan.

As you're aware, the adjacent property is owned by the City of Doraville, so the potential for assembling this property with other properties is pretty limited. I don't think that the court is going to move any time soon.

But this is part of the LCI plan, and the zoning history does indicate at some point in time

Page 33

there's at least two of these parcels that were zoned C-2. And we don't know why they're not zoned C-2, but the map is what the map is today and they are zoned O-I at this point.

The parking situation, our recommendations are based on our amendment we did to the Parking Code. The Parking Code amendments were designed to allow people to have less parking because, as we discussed, there are lots of properties in the city that don't have enough parking based on the code.

And so if you look under the parking discussion, the only thing that the site actually qualifies for today is office/professional. That's a concern of mine. There's only 17 parking spaces. I think there's an ability to squeeze some additional parking spaces adjacent to Central Avenue, but we're in a situation that just for retail, single use, he needs 21 spaces. He only has 17. So right now, all he qualifies for is office/professional.

So I looked at the code: how does the code grant relief? The code grants relief by installing landscape islands. If he installed landscape islands, the retail goes from 21 to 11 and the office goes from 17 to 13. So that was an approach for the staff to figure out some way to make this work, basically, on

Page 34

parking, and so that's why I recommended that.

Under the Standards of Review, I think the key item is this whole designation as a Main Street area that we could have both office/professional and retail under C-2, and under O-I we only have office/professional. So it is more in keeping with your Comp Plan. It achieves a lot of objectives by it being zoned C-2.

I would say that now that the Post Office site is no longer used by the Federal government, that site as well is definitely eligible for C-2 and should be considered as C-2. Unfortunately, Bob's Auto Care is O-I and it was developed in O-I at a time that, believe it or not, auto services were listed under O-I. So it probably is considered a legal noncon-forming use. That's unfortunate but, however, it could be zoned C-2 as well.

Under Recommendations, I did recommend the rezoning for all three parcels, and it's not implied that there's variances being granted. I didn't -- I didn't separate uses, and the reason I didn't, because I think the geography of this site and in situation being adjacent to the City of Doraville, I think it's highly unlikely that thousands -- well, "thousands" -- many parcels are going to be combined and create a

Page 35

gigantic development parcel. I just don't think that's going to happen. There's -- (counting) three, four -- five parcels here that might be assembled but they're not of sufficient depth that I think we need to be concerned.

A lot of the geography precludes a lot of the things in C-2 that he may consider on the site. For example, a gas station. I just don't see a gas station being able to be fit on the site.

So those are my recommendations. And always a difficult situation. Actually easier to write recommendations for a raw piece of land than it is an existing piece of land.

So under (1) under the Natural, the curb islands were an approach to make his parking situation work for the applicant, and the code supports that now.

And number (2) is just again to describe the quality and caliper of the tree.

And number (3) is again just in case there's demolition, because as you heard, the applicant could sell this property and there could be a tear-down.

Under the Human Environment, the trash receptacle and the bench, these are consistent with the other zoning cases we've done, and it adds

Page 36

continuity in our downtown district for things to match and then, you know, we have a little variety in the architecture. And so that recommendation is consistent with the LCI and the Comp Plan.

Under the Built Environment, number (1) is the combination of parcels, which the applicant is already working on.

Number (2) again just protection just in case they decide to redo the exterior.

Number (3) addresses new construction. It does not require a brick dumpster enclosure. I want to clarify that. This site actually benefits from having two existing dumpster enclosures in place at this time.

Number (4) is the front columns which I think architecturally this is one of the few properties in the city that actually has that feel that it is part of a main street and it has some history. And when I looked at the building, I thought, you know, there are some simple things that can be done to improve the architecture of this building. It may be as simple as encasing the columns with a square column and adding a little decorative trim at the top. And I wanted to give some opportunity for the property owner to have some input

Page 37

1 into how that design would occur.
2 And number (5) is again consistent with the
3 proposed Sign Code which we are currently underway
4 working on, and that is if he elects to put in a sign,
5 again, a monument sign, the 25 feet that we discussed
6 in the Sign Code.
7 And number (6) again is just two wall signs.
8 I don't think that this property would benefit from
9 more than two wall signs. And the way your current
10 code is written, unfortunately it prevents wall signs
11 that don't face public right-of-ways. So I put in
12 condition number (6).
13 On the map of the property -- I think this
14 is important to pass around if we can. You guys have
15 not already received it.
16 The Bob's Auto Care folks, at one point,
17 they received a citation for a dumpster enclosure, and
18 unfortunately at that time neither Mr. Galloway nor I
19 could prove that they didn't own the location where
20 they built the dumpster. So actually Bob's Auto
21 Repair built a dumpster enclosure on Mr. Galloway's
22 property right at the lot line. So he has now
23 benefitted from having two on-site dumpsters, so
24 really there is probably no need for any additional
25 dumpsters over and above that, and so I wanted to

Page 38

1 point that out.
2 Much of the property that the City I guess
3 believed that it owned adjacent to the DUI building,
4 most of the lawn area with the railroad ties is
5 actually owned by the Galloways. And so if you go out
6 there today and see the zoning sign and the property
7 pin, you will note that there's a huge lawn area.
8 Now, when we discussed the ability to have trees, if
9 the Council elects to do something different, we could
10 perhaps consider that lawn area as the location for
11 additional landscaping because it is owned by the
12 Galloway family.
13 COUNCILMEMBER FLEMING: Could you tell me
14 approximately how wide and long that is?
15 MR. HAEBERLIN: I would say -- well, it's an
16 unusual shape as you see on there. It's kind of a
17 triangle. At it's widest point it might be, depth-
18 wise coming towards the City property, as wide as
19 maybe 18 feet. It's a lot more property than either
20 the Mayor I had originally anticipated. When we saw
21 the property pin set, we then realized how much more
22 property the Galloways actually own that the City had
23 been maintaining the lawn for years. So that is a
24 location where there could be some additional land-
25 scaping set in.

Page 39

1 COUNCILMEMBER FLEMING: I'm sorry. Was that
2 on the New Peachtree side?
3 MR. HAEBERLIN: That is on the Central
4 Avenue side --
5 COUNCILMEMBER FLEMING: Okay.
6 MR. HAEBERLIN: -- next to the old DUI
7 building.
8 COUNCILMEMBER PACHUTA: It looks to be about
9 35 feet.
10 COUNCILMEMBER BATES: On the Central Avenue
11 side.
12 COUNCILMEMBER FLEMING: Thank you.
13 MR. HAEBERLIN: So that location obviously
14 could be considered by the Galloways to -- they could
15 put parking in that location if they wanted to. The
16 City could allow the landscaping criterions to be
17 placed in that area rather than adding islands. But
18 my goal as staff was to figure out some way to make
19 their parking compliant with the code, and the only
20 way that the code currently allows me to do that is to
21 add islands, and that's what my recommendation was
22 based on.
23 MAYOR JENKINS: Thank you, Scott.
24 MR. HAEBERLIN: Are there any --
25 COUNCILMEMBER PACHUTA: So if --

Page 40

1 MR. HAEBERLIN: Uh-huh.
2 COUNCILMEMBER PACHUTA: So if it they did
3 not have the islands, then under the current parking
4 code they would be required to have more parking.
5 MR. HAEBERLIN: More parking spaces.
6 And there is some possibility that they
7 might be able to squeeze some spaces running parallel
8 behind Bob's, which is the back line of the auto
9 mechanics place. They might be able to squeeze some
10 in there, and they may have some additional like
11 corrugated tin structures back there that really are
12 not being used by the facility, that they might be
13 able to take portions of that out, and that's going to
14 be up to the property owner.
15 But they are deficient on parking and so my
16 approach was to try to figure out some way to make
17 them compliant, and that's the best approach I could
18 come up with.
19 COUNCILMEMBER ROCHE: So what's the
20 difference between number (1) here with parking versus
21 our Parking Ordinance?
22 MR. HAEBERLIN: There really isn't any
23 difference because what your Parking Ordinance says if
24 the person elects to install landscape islands --
25 landscape islands are the same size as a parking lot

Page 41

1 [sic], which is 9x20 -- then they can go for a reduced
2 parking criterion.
3 COUNCILMEMBER ROCHE: So then we won't
4 really need to put this in here, then. I mean why
5 would we specify this on this as a condition when it's
6 already covered by the ordinance?
7 MR. HAEBERLIN: Well, as you're aware, we
8 have not gone into detail on furthering that ordinance
9 at this time. We have not given any specific
10 criterion to the type of trees, the plantings,
11 et cetera. We only corrected the parking lot but we
12 have not gone any further on that individual island
13 ordinance at this time.
14 COUNCILMEMBER BATES: Well, my concern --
15 and Mr. Roche, I don't mean to interrupt, but I agree,
16 I think, with where you're going. We put the parking
17 amendment on there to give owners an option, but yet
18 by putting it in here under the conditions as in a
19 statement within two years, we're taking that option
20 away from the property owner.
21 I really do firmly believe that the choices
22 that we gave in the parking amendment are options for
23 landlords to choose to implement or not to implement.
24 This takes away that option. It makes it a require-
25 ment.

Page 42

1 COUNCILMEMBER ROCHE: Right. And that would
2 seem to -- Then I will ask the same question about the
3 trees. I mean doesn't our Tree Ordinance talk about,
4 you know, how big the trees have to be and all that?
5 MR. HAEBERLIN: No, sir. Our existing Tree
6 Ordinance is really poor. We don't really have a true
7 landscape ordinance, and that's something that we need
8 to work for.
9 COUNCILMEMBER ROCHE: So we're going to
10 specify a -- basically we're going to put conditions
11 on this particular piece of property which may or may
12 not someday be overridden by our Tree Ordinance.
13 MR. HAEBERLIN: Well, they would not be
14 overridden. Once they become part of a conditional
15 zoning, they will run with the land until such time as
16 the Council modifies the conditions.
17 COUNCILMEMBER ROCHE: So then someone else
18 comes along and says they want a rezoning, and maybe
19 on that one we say the trees have to be four inches in
20 caliper. And then the next thing we know, every lot
21 in the town has its own little tree ordinance.
22 MR. HAEBERLIN: Well, actually, sir, these
23 are consistent with all the other cases I've written.
24 It's one of the things that staff is always cautious
25 of. I reviewed 5891 New Peachtree Road to make sure

Page 43

1 that I was consistent with what I recommended on that
2 site.
3 COUNCILMEMBER ROCHE: Well, again I just
4 feel like, you know, this would be covered under the
5 Tree Ordinance and I'm not sure why we're going to
6 specify it here also. I mean we got --
7 Well, I guess maybe I should just hold off,
8 and I guess that goes along with the signage. You
9 know, we're basically making a sign ordinance here for
10 this one property. And who knows? We may decide in
11 our -- if we make a sign ordinance, to have something
12 completely different?
13 MR. HAEBERLIN: I will agree on that. But
14 if we don't pass the Sign Ordinance by the time the
15 gentleman applies for a sign, he could have a 40-foot
16 sign on this property and that's really a concern of
17 mine. In a downtown district, you never know. You
18 might have that individual who wants it. And as a
19 precautionary, that's why I'm consistent with what I
20 believe to be the general belief of the Council. I
21 said, okay, 25 is what the Council felt was appro-
22 priate. If we're going to put a condition, let's be
23 consistent with what I think the Council is going to
24 approve rather than a 40-foot high.
25 COUNCILMEMBER ROCHE: But any other C-2

Page 44

1 zoned property could put a 40-foot sign there right
2 now.
3 MR. HAEBERLIN: Yes, sir. That's very
4 unfortunate. But in this situation, we're doing
5 conditional zoning and we've had an applicant come
6 forward. And Mr. Weed can go into further detail,
7 that any reasonable condition can be placed by the
8 government at the time of an application for zoning.
9 COUNCILMEMBER ROCHE: Yeah. Well, I'll just
10 hold off for the rest until the end, I guess.
11 MR. HAEBERLIN: Again, I'm just trying to be
12 precautionary. You know, I hope that we have a new
13 sign code, I hope that we have a new landscape code,
14 but I don't know that factually, and a lot of this is
15 precautionary.
16 COUNCILMEMBER ROCHE: But you're actually --
17 you're predicting the future. You're basically saying
18 that this is what our sign code's going to look like,
19 this is what our tree ordinance is going to look like,
20 this is what our parking may look like, et cetera,
21 et cetera, and it just seems way confusing.
22 It just seems very complicated to have to
23 manage. If I'm in charge of enforcing all this, I'm
24 going to have to ride around with this filing cabinet
25 full of "Let's see. For this property I've got this

Page 45

1 set of requirements and for that property I've got
2 another set. This other one I've got parking but it's
3 different, so I'm going to have to basically carry
4 around, you know -- it's just --
5 MR. HAEBERLIN: Well, every property is
6 unique. Unfortunately in the city of Doraville, 99
7 percent of the property has no zoning conditions
8 attached to it. So if the existing city codes are not
9 up to par, which in my opinion they're not, then you
10 basically allow people to do anything they want to do.
11 That's a concern of mine. It's a precautionary.
12 COUNCILMEMBER ROCHE: Then we should fix --
13 MR. HAEBERLIN: It's just a recommendation.
14 COUNCILMEMBER ROCHE: Then we should fix
15 C-2. But anyway, I'll hold off until the end.
16 MR. HAEBERLIN: Just a precautionary
17 recommendation for the Council and it's my best
18 advice.
19 COUNCILMEMBER FLEMING: I wanted to ask a
20 question about number (6) just so I can understand the
21 description and definition of what one wall sign is
22 per building elevation.
23 MR. HAEBERLIN: Well, in our code, you box
24 the largest parameter of the sign, and that is the
25 length times the width. Okay? So if it's an odd

Page 46

1 shape, it becomes a box around the whole sign. And
2 that's the way our current code addresses how to
3 determine how big a sign is.
4 But our current code says something to the
5 extent that you can't have a sign that's not facing a
6 right-of-way, and I just don't feel that is valuable.
7 I mean it may be valuable for Mr. Galloway's tenants
8 to have a sign facing the parking lot. And so I --
9 since our current code fails on that, I think that in
10 this instance a variance -- the way this is written to
11 give him a little more authority on that secondary
12 signage, I think it's of benefit to him.
13 COUNCILMEMBER FLEMING: Okay. But then you
14 go on -- I understand that. But what about the
15 maximum two wall signs on the entire structure, none
16 on the same elevation?
17 So are you saying that he cannot continue
18 the sign down the building, you know, like Galloway
19 was one sign, Hardware was another, and Company or
20 Supply was the third?
21 MR. HAEBERLIN: If -- in our current code,
22 if he boxes all those words in together and they're
23 like on a raceway, a single raceway or continuous
24 material, it's considered one sign.
25 COUNCILMEMBER FLEMING: Okay. But if he had

Page 47

1 done it Galloway, Hardware, Supply, that second way,
2 it would have been three on the same elevation, and
3 even two on the same elevation would not have been
4 allowed.
5 MR. HAEBERLIN: Under your current code,
6 yes, ma'am.
7 COUNCILMEMBER FLEMING: And for this, for
8 this condition, he would not have -- or he will not be
9 able to do a second sign extending vertically --
10 horizontally -- is that what you're saying? -- but he
11 can extend it vertically?
12 MR. HAEBERLIN: Well, the way I've written
13 this, he could have one, for example, on the front
14 elevation which I call the porch, okay, and then he
15 could have one interior to the parking lot.
16 But the way the code is written today, if
17 it's not varied, then he can only have a sign facing a
18 public right-of-way. In his case, that's going to be
19 New Peachtree. And then I'm not for certain there's
20 any elevation that'll actually face Central in any
21 capacity. So he will be prevented from having a sign
22 interior to the parking lot area, which, like I said,
23 I think it a disincentive. And that's the reason why
24 I tweaked the sign code a little in this situation. I
25 think it might be a benefit for him to have a sign

Page 48

1 facing the parking lot.
2 Again, these are all assumptions. Like I
3 said, the code has not changed at this time, and that
4 I think is a benefit to him.
5 MAYOR JENKINS: Scott, we need to go in the
6 public hearing.
7 MR. HAEBERLIN: Yes, sir.
8 COUNCILMEMBER PACHUTA: Murray, do we need
9 to have one on each?
10 ATTORNEY WEED: Well, Councilman, it's
11 really entirely up to the Council. Under the Zoning
12 Procedures Act, this hearing was duly advertised.
13 They were advertised separately, individually.
14 Mr. Galloway is here. If you want to have one hearing
15 of all of these properties, if Mr. Galloway concurs,
16 then I would advise you that that will be appropriate.
17 If Mr. Galloway doesn't want to have that and he wants
18 individual hearings on each one, then I would advise
19 you to have individual hearings on each one.
20 At this time, I'd like to ask Mr. Galloway.
21 Mr. Galloway, do you have objection to
22 having one hearing on all three properties or would
23 you like to have them broken down?
24 MR. GALLOWAY: No, I don't have any
25 objection on one, the whole thing.

Page 49

ATTORNEY WEED: And you will not be penalized in any way if you want to have each individual hearing. I need to clarify that.

MR. GALLOWAY: Right. I -- I -- you know, I'm ready to get this done and I'm fine with it all, you know, in one, you know, not having a separate hearing for each. One hearing for all; that's fine.

ATTORNEY WEED: Thank you.

With that, then I believe you can conduct the one hearing one time, but you'll certainly make the general announcement that you're doing that, for the record, Mr. Galloway has concurred, then you can proceed.

MAYOR JENKINS: And we're going to have one hearing on all the property.

ATTORNEY WEED: Correct.

MAYOR JENKINS: Okay. Who wants to speak first for the property? Come on up to the microphone if you want to speak for it.

UNIDENTIFIED SPEAKER: What is for the property?

MS. CARDEN: I'm not sure what you're asking.

COUNCILMEMBER PACHUTA: In favor.

COUNCILMEMBER PITTMAN: In favor of.

Page 50

ATTORNEY WEED: If you wish to speak in favor of the rezoning, now is the opportunity for you to come to the microphone and make your announcements, comments, or provide evidence. And if you would please state your name and residence for the record.

MAYOR JENKINS: And next we'll ask to speak against. This is for the property. Call it what you like.

MR. ANDERSON: Stuart Anderson, 2595 Berry Lynn Drive, Doraville, Georgia.

I'm for it, for all three parcels being assembled, and I have a question that Scott has answered about the landscaping versus the parking. Did a little math on the triangle. 35x18 triangle is 315 square feet, a 9x20 times two is 360 square feet. So just keeping the grass the way it is almost takes up for the green space. Possibly a window box or two would do the other 50 square feet or so. It wouldn't be much, without doing any landscaping.

The way I figure it, I commented at the last meeting that there was possibly a row of parking up the back driveway, around the building, pretty close to being 20 feet wide or so. If you have a 12-foot one-way, you'd have four or five parking places in an arc there.

Page 51

MR. GALLOWAY: I could tear down, you know, the chain link fence that we had our pipe and stuff. That's my property, I guess, right up to Bob. I mean I could certainly -- where the chain link is no use to me now, there is nothing in there to protect. I would certainly gain space by getting rid of the chain link.

MR. ANDERSON: Sounds to me like there's several ways to cover this or handle this.

I apologize for backing up to the beginning. My beginning statement was to appreciate no end putting the room back the way it was before, with the podium being here. I apologize for --

MAYOR JENKINS: What room, Stuart?

MR. ANDERSON: -- changing the subject.

We had Murray and the --

MAYOR JENKINS: Oh, we'll take care of this. We got a reason for moving this.

COUNCILMEMBER FLEMING: He thanked you, Mayor.

MR. ANDERSON: I'm thanking you. I'm thanking you. I'm thinking this is a great thing. I appreciate it. That's the first thing I wanted to say, that I appreciate the room organization.

Anyway, back to parking. I think it's handled or I think it can be handled pretty well just

Page 52

in the parameters of what we got.

Can't read my own writing of course.

And I believe that it should have been C-1 or C-2 all along and probably was, so this is an appropriate action all the way.

And that's it. Thank you. I'm for it. Thank you.

MAYOR JENKINS: Thank you, Stuart.

MR. MALCOLM: I am Alan Malcolm, 3493 Raymond Drive, neighbor to the Mayor. I'm proud of that. I hope he is as well.

I am absolutely for this. What I can tell you is what the Galloways have spent already to comply with the City and to get this property in conforming mode, and they have done everything that's been asked, and most of the time with a smile on their face.

You have to realize that while all of us want to see a Starbuck's or a Trader Joe's, we're just not there yet. And so I think that we have to consider where we are today but also consider that they have been without income for almost two years, trying to get the right surveyors. The first surveyor that the City suggested held them up for almost nine months.

I am absolutely for this. I think that four

Page 53

more parking spaces can be constructed in the back where the chain-link fence enclosure is. I think that parking is key to attracting a tenant for that building. I know that Tommy is absolutely in favor of having green space, but to take away from parking with more islands is just, I think, onerous on him.

So I would suggest that the Council consider, you know, allowing four more parking spaces to be developed behind the building and the raised beds, wonderful idea, perfect ideal for street appeal. And I know that Tommy, even that old building holds tremendous memories for his family and certainly for mine. I grew up going to Galloway Hardware. And he wants that building to look well for the city, and I don't think that you would have any problem with him doing exactly what you ask him to do, with the exception of those two items, because I think that would hurt his ability to rent the building and I think we could find another way.

So thank you very much.

MAYOR JENKINS: Next?

MR. STOKES: Deane Stokes. I don't live in Doraville but I've had my business here for some 40 years. I think enough has been said about the Galloway store but I just wanted to say that is a

Page 54

tradition that the Galloways are part of the boards of the city of Doraville, and I'm totally in favor of the proposal to cooperate with whatever is necessary in the zoning field to let Tommy continue to lease that building. That building has a lot of appeal in historic ways and just a place I used to love to stop by in my business, in the warehouse business, and just stop by and visit.

Enough said. I'm just totally in favor.

MAYOR JENKINS: Thank you.

MR. SHANAHAN: T.M. Shanahan, 5873 New Peachtree.

I'm a hundred percent in favor like the rest of them. I wish he was back. It was a great place to shop.

I have just a procedural thing that I would suggest to you as gently as I could. The question is, should it go from one zoning to another zoning? That's a simple questions.

Eight or nine items out of other ordinances have been added to this, and it's been an hour and fifteen minutes discussing signage, planting, and all of these. Four out of eight of them could be controlled only by the city planner. I mean that's been taken out of the hands of the owner of the

Page 55

property, and I think that is wrong to take decisions like that of the private ownership out of his hands, number one. And number two, split the items. If you have no zoning, put them in later. Tell him whether he can be C-2 or not, and then the rest comes later. But it's complicated the issue of y'all's already hard job.

Thank you.

MAYOR JENKINS: Anybody else?

MS. FRAYSSE: Susan Fraysse, 3971 Spanish Oak.

I want to say first that I very much respect and appreciate the contributions of the Galloway family and I think they have a historic role in the city, and I spoke in favor of this recommendation to change the zoning to C-2 at the Planning Commission meeting that we had last week.

And by the way, the Planning Commission -- and I guess Scott was going to let you know that they recommended this also going to C-2, but that's what they recommended.

I was concerned when I heard that several of the potential tenants would be thrift stores, and I love thrift stores and I spend a lot of my life in thrift stores and I go all over Chamblee and other

Page 56

areas around here. Believe me, it's no offense against the institution of the thrift store.

But it did not occur to me that that would be any sort of consequence of the decision you're about to make. But I feel more confident. As I understand it, C-2 does not currently allow thrift stores. Is that right?

MR. HAEBERLIN: That's correct.

MS. FRAYSSE: I don't think a thrift store along with the enigma store, you know, would be what I want people to see from MARTA. And a lot of people, that is what they think. That's one of our gateways to the city. So I'm glad that we have a good strong C-2 zoning that wouldn't allow thrift stores, although there are plenty of places where they can be and they certainly are.

But I am hopeful that this rezoning will allow the family the use of the property now and will ultimately improve the view from MARTA, and so I'm in favor of rezoning to C-2.

MAYOR JENKINS: Thank you.

Anyone else?

MR. SHANAHAN: David Shanahan, 5879 New Peachtree.

One quick thing. The single sign for

Page 57

elevation, that's principally the elevation facing the parking lot. That's where I always think of their sign being, where it is right now. I didn't know if you'd consider the possibility -- I think it's 5,000 square feet in the store -- it could be divided into two suites or more. I don't know if you want to take that into account to allow signage possibilities in the event that there are two tenants in there instead of one.

Thank you.

MAYOR JENKINS: Thank you.

MS. GILMAN: Carol Gilman, 3334 Chestnut Woods Circle. I spoke in favor of this proposal at the Planning Commission meeting the other night and I speak in favor of it this evening and I really admire and agree with the comments that Alan Malcolm made. I think he spoke very well on the subject.

Thank you.

MAYOR JENKINS: Thank you.

Anyone else?

- - -

(No response)

- - -

MAYOR JENKINS: Anyone that would like to speak against the zoning come up to the microphone.

Page 58

Anyone against it?

- - -

(No response)

- - -

MAYOR JENKINS: Okay, Scott.

MR. HAEBERLIN: Return it to the Council and close the public hearing and have discussion from the Council and motion and second, et cetera.

MAYOR JENKINS: We'll bring it back up to the table.

COUNCILMEMBER BATES: Mr. Haeberlin, I've got two questions for you.

MR. HAEBERLIN: Yes, sir.

COUNCILMEMBER BATES: Have we contacted or been contacted by Trees Atlanta or thought about a comprehensive streetscape plan for New Peachtree to look at doing those square inset tree plantings?

MR. HAEBERLIN: We have not. And the problem I'll let you know, and your city arborist is very opposed to that type of inset because he believes, and I concur with him, that those insets really are too small for a tree to live out its useful life in it. And really we'd have to -- we'd probably consider doing something like shrubs if we're just going to do a small inset, because, really, parking

Page 59

lot trees really suffer immensely, and that's one of the reasons why, if you read parking lot ordinances, that people try to create the biggest planting area they can because the trees, they get girded. They just don't live out their useful life. And it's unfortunate, because we have this instant beauty but then later on we have tree roots breaking up the parking lot and the trees dies, et cetera.

So if you're going to go to small islands, my suggestion would be to do something like shrubs. The shrubs will certainly probably live in that area, but really for full-sized trees, you need a lot larger area than these. They're basically about 16 square feet like in the Home Depot that they mention in midtown. They have squares that are about 16 square feet, and the plantings that are in them are really challenged. They just are not doing well.

So while it's a great idea, the area needed for trees is just immense, and for long-term health, really you need something at least in the 180-square-feet-or-larger area to have real trees in there. You might be able to do, if you're going to do these insets, something like a crape myrtle, which is an understory, which really is almost a shrub. So again it's a great idea; it's just for long-term health of

Page 60

the tree you really need a larger area.

And so there are properties along New Peachtree certainly that have more surplus parking that they can give away than others. And so as far as a comprehensive tree planting, what really hurts that tree is the way the ingress/egress to the sites is developed, and also too the overhead power lines.

So we're going to have to be site-specific on our desires to put trees. Some are going to work, some are not.

COUNCILMEMBER BATES: And my second question would be in reference to Mr. Shanahan's point of multiple tenants and how that would affect or not affect signage.

MR. HAEBERLIN: Well, multiple tenants, the way the code is written today, I don't really consider this building to be a multi-tenant facility because I just don't see how another tenant could have an exterior ingress/egress. So that is kind of a gray to the code.

So for example -- and I'm just picking something ridiculous -- let's say 50 people located in this site. Okay? There is nothing in the current city code that precludes that type of establishment. I can think of a property along Buford Highway where

Page 61

there's at least 50 tenants and it's a similar-size building.

So in that respect, would you allow a sign for every single tenant? I would certainly hope not, because the building would be covered up with wall signs.

So I think that allowing that extra sign in the parking lot is a benefit. And in this case, if there is more than one tenant, we have provided an opportunity for Mr. Galloway to work that situation out with his competing tenants, but I don't think we should allow more than two because I think that will harm the architecture of the building.

COUNCILMEMBER BATES: And I apologize, Council, for the follow-up.

On that, it says that the allowable square footage shall be based upon ten percent of the elevation.

MR. HAEBERLIN: Correct.

COUNCILMEMBER BATES: Per side? Is that ground level to rooftop or is that actual face where a signage could be placed?

MR. HAEBERLIN: It is the height of the building times the width of the building. That's a number. Ten percent of that is what is allowed, and

Page 62

that's in full concert with your current code. That's how it computes signage.

COUNCILMEMBER BATES: Okay. So that would be per side.

MR. HAEBERLIN: Per side.

COUNCILMEMBER BATES: Per side.

MR. HAEBERLIN: Yeah. So each elevation will have its own computation and percentage. So the parking lot side will be a bigger bonus because it's bigger --

COUNCILMEMBER BATES: Right.

MR. HAEBERLIN: -- than the front elevation.

COUNCILMEMBER BATES: Got it. Thank you.

COUNCILMEMBER FLEMING: And keeping with the signage still, I'm still concerned about the two not levels but two lines of signs, two lines of signs that may be not retrofitted to one whatever you called before. I mean one --

MR. HAEBERLIN: One raceway or one --

COUNCILMEMBER FLEMING: One raceway or what-ever.

MR. HAEBERLIN: -- fixture.

COUNCILMEMBER FLEMING: Exactly.

So I --

MR. HAEBERLIN: And that's always a concern

Page 63

and that's something we probably might want to address with the new sign code. But how much distance do you allow between two words and make it one sign? Because I've had folks come in here that literally had five different words that they wanted to put up, and so they're really five different signs. And as you know, often people will put a caricature like a big circle or a figure, and then that of course breeches the area, the amount of area that they can have.

It's just semantics o how the sign code is written. Like I said, I think that this is actually more of a benefit than -- If I defaulted to the exiting sign code, he probably would not be able to have a sign interior to the parking lot unless he applied for a variance, so I consider it a benefit.

COUNCILMEMBER FLEMING: In regards to the tree -- and I'm again envisioning now as well as the future -- I see New Peachtree Road as being our downtown area, our corridor and as a point type area. I like the idea of raised beds, and those could have shrubs in them rather than having to have trees in them that may -- You know, if we widen the street, for instance, if the DOT widens New Peachtree, at least they're only taking out, you know, smaller shrubs rather than trees at that point.

Page 64

So my recommendation would be instead of requiring the two landscape islands, I would like to see some beauty on New Peachtree along with the bench. I like the bench idea and the trash receptacle, but I would like to see raised beds possibly.

MR. HAEBERLIN: Well, may I propose this, because think that you are all on the same line. The building really sits right in the right-of-way, so if they widen New Peachtree, we're going to see the building gone. And it's unfortunate, but the building really does come right up to the right-of-way and sits right on the right-of-way.

If the Council would consider -- just say to the applicant, you'll have to meet the minimum requirements for parking so you'll have to add some parking on your site, and then take some of this grass area on Central and maybe perhaps put two trees there. And then what you're talking about is some sort of decorative planter on the left and right side of the front door like some concrete planter or something that can be moved, that can be watered, can be stored in the winter, et cetera, to allow something like that. And that would give you the beauty that you want, that quaint small-town feel. But I get concerned about building raised beds in parking lots

Page 65

because I know that sitting on top of that heat area, that asphalt, that things are going to cook. And so a commercial-styled planter might be the best option for alleviating that, and then you could get some of the trees, like I said, in that patch of grass on the Central Avenue.

So in the background of this structure, you'll see some greenery; you'll see a tree coming up. And that would be an improvement over the overall look. And like I said, that would achieve some of the desires of the Council, and also too the applicant will then figure out a way to get four more parking spaces on the site. So that seems like a compromise of what y'all are talking about.

COUNCILMEMBER FLEMING: But if he utilizes that greenery area that's already there, that one area, then he would not have to try to come up with any other parking space; is that correct?

MR. HAEBERLIN: Well, he would still be deficient if he goes retail. Right now he's got 17, and that would be sufficient for professional office but he needs four more if he's going to go to retail. And so he will have to figure out a way, like he suggested, taking out the chain link enclosures and restriping areas on the site to get at least four more

Page 66

spaces.

COUNCILMEMBER ROCHE: Well, but would he have enough spaces if he didn't have to put the two --

MR. HAEBERLIN: Islands?

COUNCILMEMBER ROCHE: -- curbed landscaped islands?

MR. HAEBERLIN: If he can get four more spaces, he'll meet the bare minimum retail, the bare minimum.

COUNCILMEMBER ROCHE: But if he didn't have to have the four landscape -- the two landscaped islands, would he already have the minimum?

MR. HAEBERLIN: No, sir.

COUNCILMEMBER PITTMAN: No.

MR. HAEBERLIN: It's deficient, so he's going to have to do something relative to fixing that.

COUNCILMEMBER ROCHE: So he needs four more spaces with or without.

COUNCILMEMBER BATES: Without the islands.

COUNCILMEMBER PITTMAN: Without the islands.

MR. HAEBERLIN: Without the islands, because the code gives him that option of being less.

COUNCILMEMBER FLEMING: But we could make the condition at this point, and I agree with Mr. Shanahan that we should -- the decision is C-2 versus

Page 67

O&I and yes, it's definitely a C-2, but yes, we do have to consider these conditions. But if we make the condition of not requiring the two islands and allowing his parking to not be deficient, that would be our condition, could it not?

COUNCILMEMBER BATES: We would have to grant a variance.

COUNCILMEMBER FLEMING: Well, can we not do a variance at this public hearing?

COUNCILMEMBER PITTMAN: But Mr. --

COUNCILMEMBER BATES: No, because it wasn't advertised.

ATTORNEY WEED: You'd have to -- you could have a public hearing but you can't do it altogether.

COUNCILMEMBER PITTMAN: Mr. Galloway --

ATTORNEY WEED: He's got to go through the application process to seek a variance.

COUNCILMEMBER PITTMAN: Tommy, or Mr. Galloway, you don't foresee that being a problem. Don't you think you can get the four -- Do you think you can get the four spaces if you remove that fence? I know what you're talking about.

MR. GALLOWAY: I'm thinking that that's how it should be.

COUNCILMEMBER PITTMAN: And I see you

Page 68

nodding, so that would be conducive to something that's --

MR. GALLOWAY: I think so.

COUNCILMEMBER PITTMAN: -- feasible for you to do.

MR. HAEBERLIN: He might do one way along the -- he could consider doing one way along the retaining wall that Mr. Anderson discussed, so he has parallel spaces. So there are some other opportunities, once he gets with a site designer, that he'll be able to figure that out.

COUNCILMEMBER PACHUTA: And if he does end up renting it Office-Industrial, he won't need to add the spaces.

MR. HAEBERLIN: Correct.

COUNCILMEMBER PITTMAN: That's correct.

MR. HAEBERLIN: If he just does pure office, which a lot of the discussion has focused on retail, then he will have no problem.

COUNCILMEMBER PITTMAN: But see, I really like the idea of moving the planters. And then the trees in the back and removing that fence, I like that.

MR. GALLOWAY: I could do that.

MAYOR JENKINS: Tommy, you might get more

Page 69

than four in that back. That's a pretty good space in there.
MR. GALLOWAY: It is. It is. I don't foresee the parking being an issue. I think I --
COUNCILMEMBER PITTMAN: Well, the reason --
MR. GALLOWAY: -- can probably get six.
COUNCILMEMBER PITTMAN: The reason for the requirement of the particular tree type is to have --
MR. HAEBERLIN: Just it works really good in --
COUNCILMEMBER PITTMAN: -- it uniform for everyone?
MR. HAEBERLIN: Well, it works good in an urban environment, and also too it does add that consistency. We're kind of building our downtown corridor and are replicating key elements. You're building continuity. And I hear all this discussion about variety. I think the architecture is your opportunity for variety, but there are certain key things that should look consistent and it makes it feel like it all fits together.
COUNCILMEMBER PITTMAN: Are you comfortable with that?
MR. GALLOWAY: Yeah.
My main concern was about the islands, and

Page 70

Scott has addressed that by substituting our property that runs up into the --
MR. HAEBERLIN: 3774, the DUI building.
MR. GALLOWAY: The DUI building, you know, and I can probably get six spaces, I don't know, by tearing down that chain-link fence and also parallel parking on the retaining wall, so that's -- I'm happy.
I will say this: Scott answered and he's been patient with me. He's answered my sometimes-ignorant questions, he's helped me out, so I have no complaints.
COUNCILMEMBER FLEMING: I have one other question, the Built, item number (3).
MR. HAEBERLIN: Yes, ma'am.
COUNCILMEMBER FLEMING: It's really discussing new structures. John had a problem with faced brick and stone. And then it says, other than required dumpster location, all structures subsequent to this zoning shall have a pitched or pitched style, with proposed masonry surfaces shall never be painted.
MR. HAEBERLIN: Correct. The reason I put that in there, in my experience -- and I'll just -- it's a very brief story -- McDonald's built all sorts of beautiful all-brick buildings throughout the United States, and then McDonald's Corporation changed their

Page 71

corporate mantra and they decided to paint all their McDonald's. Okay? I happened to be in one of those jurisdictions. There was no zoning condition that prevented it, and so one of the best looking -- again, my opinion -- best looking Williamsburg-style brick McDonald's was painted red, white and blue, basically, yellow accents as well.
I think it's kind of for your protection since you don't currently have an architectural ordinance. I hate to see something constructed that the City is real happy with and then somebody comes in and decides to paint pea green, for example. That's just a protection for your guys.
COUNCILMEMBER FLEMING: So you're using the term masonry for brick, stone --
MR. HAEBERLIN: Yes, ma'am.
COUNCILMEMBER FLEMING: -- concrete.
MR. HAEBERLIN: Yes, ma'am.
COUNCILMEMBER FLEMING: Okay.
MR. HAEBERLIN: Again, you know, we have some interesting paint colors that appear, particu-larly in unincorporated Dekalb County, that's on the edge of our city, so I'm just trying to prevent that.
COUNCILMEMBER FLEMING: Okay.
COUNCILMEMBER PITTMAN: Even in the

Page 72

neighbors, we've had some. And it's awful.
MR. HAEBERLIN: Yes, ma'am.
COUNCILMEMBER BATES: And what happens if that structure is tagged?
MR. HAEBERLIN: Well, that's some-thing we have to deal with citywide.
COUNCILMEMBER BATERS: I mean don't -- I honestly don't -- I'm worried about us saying, "Look, we can't do any brick or we can't do any stone in the city because we're worried about the gang activity." Let's address the gang activity. There are some products that will help.
MR. HAEBERLIN: Yes, sir.
COUNCILMEMBER BATES: My point is we've got existing buildings that are brick, masonry, stone, and reality is that they get tagged with something.
MR. HAEBERLIN: Uh-huh, and they --
COUNCILMEMBER BATES: So nowhere am I advocating for us not to have brick, masonry or stone product for fear of it getting tagged. That's not anywhere in my vernacular tonight. But if it is tagged, the options are to acid-wash it or leave it up there and get, you know, QOL citations --
MR. GALLOWAY: Sure, sure.
COUNCILMEMBER BATES: -- or get a paint that

Page 73

is a similar color matched by Home Depot or Lowe's and cover it.

MR. HAEBERLIN: I'll be honest with you. I've seen situations where the paint has been done, and, to me, it doesn't turn out acceptable.

I think we need to address the underlying problem, and maybe with the architectural ordinance that we provide, the new technology that's in place for that. You seal these masonry surfaces to prevent the tagging, to adhere to it.

If we're going to continue to have a problem throughout the city with tagging, we're going to have to either solve the tagging problem or come up with a solution because, you know, we'll have all sorts of -- For example, the GM site. We may have all sorts of new brick buildings there. I would hate to see them tagged and then we have people paint them colors that the Council may not feel is acceptable within the city.

COUNCILMEMBER PITTMAN: Well, I don't think Bobby paints over any of our brick planters. I believe he does clean them with some type of solution.

COUNCILMEMBER ALEXANDER: But to that point, Mr. Halpern has renovation at Northwoods Plaza. He has painted the brick to match his new facia, and I

Page 74

don't find it unattractive.

MR. HAEBERLIN: Well, remember, this applies only to this property, and that --

COUNCILMEMBER ALEXANDER: I understand, but when I brought up the same thing about the Dumpster Ordinance, you used the same argument.

ASSISTANT CLERK BRYANT: Well, I will tell you. I think if you're going to paint brick, you should use paint grade brick so it's a lot less expensive. The design scheme is already there.

Paint grade brick is significantly less expensive than brick that is not painted, so that's something you'll have to consider. So if you build all sorts of new buildings in the city, that's a decision for the Council to make. But again, this only applies to if a new structure is constructed, and there may never be a new structure on the site for all we know.

MAYOR JENKINS: All right.

COUNCILMEMBER ROCHE: Two questions for the city attorney. First of all, if we grant this variance with all these conditions, these conditions, I mean some of them obviously have time limits, but these conditions would basically exist forever and ever --

Page 75

ATTORNEY WEED: That is correct. Until --

COUNCILMEMBER ROCHE: -- until changed by the Council.

ATTORNEY WEED: Until changed by the Council.

COUNCILMEMBER ROCHE: And if for some reason, you know, Cracker Barrel decided they wanted to rent this property and they wanted a good shingle front, how would -- I mean would that require a zoning variance application, I mean? If there is something, one of these conditions that Mr. Galloway or some future . . . wanted relief from or a change to, what would be the process to get that, to make that happen?

ATTORNEY WEED: The applicant would apply for a rezoning of the property without conditions or with different conditions.

MR. HAEBERLIN: Or the same -- The terminology I would use would be a zoning modification, but Murray and I agree it's the same thing.

COUNCILMEMBER ROCHE: I got it. Okay.

MR. HAEBERLIN: And that actually gives some control to the City so that's not a bad thing.

COUNCILMEMBER ROCHE: I'm done with the questions.

COUNCILMEMBER BATES: Under Built number

Page 76

(2), exterior modifications to the existing structure shall, excluding fenestrations -- or existing structure shell shall be faced with brick. What about other masonry products? Stone?

MR. HAEBERLIN: I mean you're working on the existing structure. What I was trying to prevent there is the addition of synthetic EFIS onto the structure that we see throughout the city, which really is a foam with a thin veneer of stucco on it.

COUNCILMEMBER BATES: Is synthetic EFIS a masonry product?

MR. HAEBERLIN: Well, there -- this goes back and forth with building officials all the time, but in the situations that I've dealt with, that most of the building officials do find that to be a masonry product; however, there's been a continual debate on hardiplank, which is concrete-based, as to whether it's a masonry product. In the court cases that I have experienced or seen, that qualifies as a masonry as well under most of the decisions that have been rendered that I've seen.

So masonry can mean a lot of things unless you specify it. So you could say "faced with brick and/or stone," so then you cut out stucco or any other option.

Page 77

COUNCILMEMBER BATES: I want to make a motion to strike Natural number (1).
COUNCILMEMBER ROCHE: Sorry. I guess we have to wait for a second.
COUNCILMEMBER PACHUTA: Second.
COUNCILMEMBER ROCHE: I'd like to make a friendly amendment to your motion that we strike all the conditions with the exception of Built number (1). That's the only one that's really appropriate for this particular property.
COUNCILMEMBER BATES: I'm not going to accept that at the time. Thank you.
MAYOR JENKINS: Any more discussion on Brian's motion?
- - -
(No response)
- - -
ASSISTANT CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
ASSISTANT CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?

Page 78

COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER ROCHE: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Very good.
COUNCILMEMBER BATES: I'm going to make a motion to change Human (1) to read within two years instead of one.
MAYOR JENKINS: Second?
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
ASSISTANT CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
ASSISTANT CLERK BRYANT: Councilmember

Page 79

Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
COUNCILMEMBER BATES: Make a motion on Built number (2) to add "or stone" at the end of sentence one.
MAYOR JENKINS: More discussion?
COUNCILMEMBER BATES: I need to modify my motion, please, to read "and/or stone."
COUNCILMEMBER PACHUTA: And I'll modify the second.
MAYOR JENKINS: More discussion?
- - -
(No response)

Page 80

- - -
MAYOR JENKINS: Call the roll.
ASSISTANT CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
ASSISTANT CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
COUNCILMEMBER BATES: Motion on Built (3) to strike "Proposed masonry surfaces shall never be painted."
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: More discussion?

Page 81

1 COUNCILMEMBER ROCHE: I'll just jump in that
2 point. I mean we're basically imposing architectural
3 standards and we don't have an architectural standards
4 ordinance. I think we're going to have one property
5 and one property only on this whole street that's
6 going to have these.
7 I'm certainly not against, you know,
8 improving the look of the street. I think we should
9 take an approach of looking at the entire street,
10 though, as far as our architectural ordinances.
11 What we're basically doing here is we're
12 writing a separate zoning ordinance for one little
13 piece of property, and it looks like they're going to
14 continue doing this. And then the next time someone
15 comes up and wants rezoning, we're going to write a
16 little zoning ordinance for them.
17 I believe that if we feel like we don't --
18 that we want brick or stone, then we should make an
19 architectural ordinance and say so. I feel like if we
20 want a certain number of trees and a certain type of
21 trees, then we should add it to our tree ordinance. I
22 think if we have, you know, issues with all of this
23 stuff, we should basically take care of it with the
24 zoning ordinances.
25 This is basically asking to be rezoned to

Page 82

1 one zone to another. If we have a problem with C-2
2 zoning, then we need to fix C-2 zoning. I don't
3 understand why we're doing all of this. We are going
4 to be the most regulated city in the world here --
5 MR. HAEBERLIN: Well --
6 COUNCILMEMBER ROCHE: -- and I don't see how
7 anyone is ever going to be able to enforce any of this
8 stuff.
9 And this means that any time someone -- you
10 know, if someone decides, you know, I'll like a dark
11 green bench instead of a black one, pedestrian bench
12 or whatever, black and consistent with -- if they
13 decide they want a dark green one, they've got to come
14 for a whole new variance and a whole new rezoning
15 hearing because they got dark green maybe because
16 they're going to paint the front, you know, dark green
17 and maybe that's going to be the trim color.
18 I just think it's crazy. I'm sorry. I just
19 can't accept this.
20 I will continue to vote for things that at
21 least loosen them up somewhat, but I don't think that
22 any of them need to be here. So I'm doing the best I
23 can.
24 MAYOR JENKINS: Anymore discussion?
25 - - -

Page 83

1 (No response)
2 - - -
3 MAYOR JENKINS: Call the roll.
4 ASSISTANT CLERK BRYANT: Councilmember
5 Alexander?
6 COUNCILMEMBER ALEXANDER: Yes.
7 ASSISTANT CLERK BRYANT: Councilmember
8 Bates?
9 COUNCILMEMBER BATES: Yes.
10 ASSISTANT CLERK BRYANT: Councilmember
11 Fleming?
12 COUNCILMEMBER FLEMING: Yes.
13 ASSISTANT CLERK BRYANT: Councilmember
14 Pachuta?
15 COUNCILMEMBER PACHUTA: Yes.
16 ASSISTANT CLERK BRYANT: Councilmember
17 Pittman?
18 COUNCILMEMBER PITTMAN: Yes.
19 ASSISTANT CLERK BRYANT: Councilmember
20 Roche?
21 COUNCILMEMBER ROCHE: Yes.
22 Well, I make a motion that we strike all the
23 conditions under Natural, Natural (1), (2) and (3) as
24 they are covered by or should be covered by other
25 ordinances already in place or soon to be developed.

Page 84

1 COUNCILMEMBER FLEMING: Second.
2 MAYOR JENKINS: Any more discussion?
3 - - -
4 (No response)
5 - - -
6 MAYOR JENKINS: Call the roll.
7 ASSISTANT CLERK BRYANT: Councilmember
8 Alexander?
9 COUNCILMEMBER ALEXANDER: No.
10 ASSISTANT CLERK BRYANT: Councilmember
11 Bates?
12 COUNCILMEMBER BATES: No.
13 ASSISTANT CLERK BRYANT: Councilmember
14 Fleming?
15 COUNCILMEMBER FLEMING: Yes.
16 ASSISTANT CLERK BRYANT: Councilmember
17 Pachuta?
18 COUNCILMEMBER PACHUTA: No.
19 ASSISTANT CLERK BRYANT: Councilmember
20 Pittman?
21 COUNCILMEMBER PITTMAN: No.
22 ASSISTANT CLERK BRYANT: Councilmember
23 Roche?
24 COUNCILMEMBER ROCHE: Yes.
25 COUNCILMEMBER FLEMING: Motion to

Page 85

1 reconsider.
2 Motion to reconsider.
3 COUNCILMEMBER ROCHE: I'll second that.
4 Again, these are already covered by other
5 ordinances. I don't understand why they're -- or they
6 should be covered.
7 Again, if we need -- if we have a problem
8 with the Tree Ordinance, we can fix the Tree
9 Ordinance.
10 COUNCILMEMBER FLEMING: Okay. And item
11 number (3) -- and the motion was seconded, but anyway,
12 we'll go ahead and discuss it. Item number (3) is
13 demolition of the present structure -- we're talking
14 about the building itself -- will require a 15 percent
15 pervious green space requirement. So they're going to
16 require 15 percent. If the building comes down, we're
17 going to ask them to have 15 percent of that building
18 space with green space.
19 MR. HAEBERLIN: As is consistent with your
20 C-2 ordinance that exists today.
21 COUNCILMEMBER ROCHE: And again, it's
22 covered by an existing ordinance so it doesn't need to
23 be a condition of this particular zoning app.
24 MR. HAEBERLIN: Only the number, sir. The
25 alternatives are not covered the existing code.

Page 86

1 COUNCILMEMBER ROCHE: Well, then, if there's
2 a problem with the existing code, we need to fix the
3 existing code instead of applying -- making special
4 conditions for every lot in town.
5 MAYOR JENKINS: Murray, a motion was made to
6 reconsider, and we're going to have discussion on it.
7 Do we have to pass it to reconsider it, to get into
8 it?
9 ATTORNEY WEED: No, sir. The motion was
10 made to reconsider the preceding matter. That was
11 seconded, and you would naturally go into discussion.
12 And now if someone wants to call for a vote, you can
13 call for a vote and see how the motion does.
14 COUNCILMEMBER FLEMING: Go ahead.
15 COUNCILMEMBER ROCHE: I'll call the
16 question.
17 COUNCILMEMBER FLEMING: Second.
18 COUNCILMEMBER ALEXANDER: It was a call for
19 a vote on a motion already made and seconded.
20 MAYOR JENKINS: That's what I --
21 COUNCILMEMBER ALEXANDER: Okay.
22 MAYOR JENKINS: Okay. Call --
23 ATTORNEY WEED: That's correct.
24 MAYOR JENKINS: -- the roll.
25 ASSISTANT CLERK BRYANT: Councilmember

Page 87

1 Alexander?
2 COUNCILMEMBER ALEXANDER: No.
3 ASSISTANT CLERK BRYANT: Councilmember
4 Bates?
5 COUNCILMEMBER BATES: No.
6 ASSISTANT CLERK BRYANT: Councilmember
7 Fleming?
8 COUNCILMEMBER FLEMING: Yes.
9 ASSISTANT CLERK BRYANT: Councilmember
10 Pachuta?
11 COUNCILMEMBER PACHUTA: No.
12 ASSISTANT CLERK BRYANT: Councilmember
13 Pachuta?
14 COUNCILMEMBER PACHUTA: No.
15 ASSISTANT CLERK BRYANT: Councilmember
16 Pittman?
17 COUNCILMEMBER PITTMAN: No.
18 ASSISTANT CLERK BRYANT: Councilmember
19 Roche?
20 COUNCILMEMBER ROCHE: Yes.
21 I'd also like to make a motion that we
22 delete conditions (5) and (6) from the Built section
23 as these will be covered under the Sign Ordinance,
24 either the existing one or one to be coming up,
25 because again, we're going to -- if we have problems

Page 88

1 with the sign ordinance, we need to -- Council needs
2 to then decide on a new sign ordinance that handles
3 everybody in town. Why make exceptions for each
4 individual lot in town?
5 COUNCILMEMBER FLEMING: Second.
6 COUNCILMEMBER BATES: So you're okay with a
7 sign larger than 25 feet right now.
8 COUNCILMEMBER ROCHE: I'm okay with whatever
9 our ordinance says. If we have a problem with our
10 current ordinance, we need to fix our current
11 ordinance. Why we're going to single out a single
12 property owner for special treatment just is beyond
13 me.
14 COUNCILMEMBER ALEXANDER: We've been trying
15 to work on our side code. I don't think a 45-foot
16 tall sign on that piece of property would be very
17 attractive.
18 COUNCILMEMBER ROCHE: Well, then, shame on
19 us, but I don't see any other 45-foot signs in
20 Doraville.
21 COUNCILMEMBER ALEXANDER: There's one on
22 Buford Highway.
23 COUNCILMEMBER ROCHE: Well --
24 COUNCILMEMBER FLEMING: I have a question
25 for Mr. Weed.

Page 89

As mentioned before, the conditions stay with the property for the life of the property; is that correct?
ATTORNEY WEED: They stay with it, yes, ma'am, or until Council changes the conditions.
COUNCILMEMBER FLEMING: Okay. And if we change the codes, the conditions stay with the property and they are not flipped over to a new code.
ATTORNEY WEED: That is correct.
COUNCILMEMBER FLEMING: So that means that the applicant would have to request a variance to be able to adopt any new codes -- for us to --
ATTORNEY WEED: Not a variance. They would have to request a new -- a rezoning of the property to either change the conditions or remove the conditions.
COUNCILMEMBER FLEMING: Thank you.
ATTORNEY WEED: But you're right; it is correct.
COUNCILMEMBER FLEMING: Thank you.
COUNCILMEMBER ROCHE: So in this case, if we decided we want our sign ordinance to say a monument design with a maximum of 20 feet in height, you know, they don't have to comply with that, so --
ATTORNEY WEED: That would be correct.
MAYOR JENKINS: Have we got another motion

Page 90

on the table?
COUNCILMEMBER ROCHE: We made a motion and it was seconded, Mayor.
MAYOR JENKINS: Well, they've already been seconded. What was the motion?
COUNCILMEMBER ROCHE: The motion was to delete number (5) and (6) under the Built section of the conditions.
MAYOR JENKINS: Okay. Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
ASSISTANT CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: No.
ASSISTANT CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: No.

Page 91

ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: No.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
ATTORNEY WEED: Mr. Mayor, it's a tie, I believe; is that correct?
ASSISTANT CLERK BRYANT: (Nods head).
ATTORNEY WEED: It's your decision, sir.
MAYOR JENKINS: I'll vote yes on that.
Okay. What else?
COUNCILMEMBER ROCHE: I think that's the best we'll get.
I'd like to make a motion that we grant the --
COUNCILMEMBER PACHUTA: Oh. I've got one more. Sorry.
COUNCILMEMBER BATES: Okay.
COUNCILMEMBER ROCHE: That's all right.
COUNCILMEMBER BATES: Thank you.
On Built (4), to change the time period from three to five years.
COUNCILMEMBER PITTMAN: Do what?
COUNCILMEMBER FLEMING: I'm sorry?

Page 92

COUNCILMEMBER BATES: On Built number (4), to change the time period from three to five years.
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
ASSISTANT CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
ASSISTANT CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?

Page 93

COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Let me ask a question. Are we going to change anything else on this?
COUNCILMEMBER ALEXANDER: No, sir.
MAYOR JENKINS: If we are, we need to take a break.
COUNCILMEMBER ALEXANDER: No. We need to accept this, don't we?
MAYOR JENKINS: We're going to take a 10-minute break.
COUNCILMEMBER ALEXANDER: Well, sir, are we going to finish?
COUNCILMEMBER ROCHE: All we have to do is make --
COUNCILMEMBER PITTMAN: Make the motion.
MAYOR JENKINS: I asked if there was anything else to be brought up.
COUNCILMEMBER ROCHE: To change; but we have to make -- we actually have -- Now we have to decide whether or not we're going to rezone the property.
MAYOR JENKINS: That's right. I would like to know if you want to go ahead with that or if have you got more changes to make.
COUNCILMEMBER ROCHE: I'm done with changes.
COUNCILMEMBER FLEMING: I have none.

Page 94

MAYOR JENKINS: Anybody got any more changes?
COUNCILMEMBER ALEXANDER: No.
COUNCILMEMBER PACHUTA: No, sir.
MAYOR JENKINS: Okay. I'm going to call for the motion.
COUNCILMEMBER ROCHE: So moved. I move that we rezone these three lots, 18-311-01-005, -007 and -004 from O-I to C-2.
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Any more discussion?
COUNCILMEMBER PACHUTA: Well, I guess we need a friendly amendment with the recommendations that we just --
MR. HAEBERLIN: As specified in the record.
COUNCILMEMBER PACHUTA: -- as specified in the record.
COUNCILMEMBER ROCHE: And I'll certainly accept that.
MAYOR JENKINS: Call the roll, please.
ASSISTANT CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
ASSISTANT CLERK BRYANT: Councilmember Bates?

Page 95

COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
Thank you.
- - -
(Applause)
- - -
MAYOR JENKINS: 10-minute break.
- - -
(Brief recess)
- - -
MAYOR JENKINS: Scott?
MR. HAEBERLIN: Yes, sir. The next item is going to be a public hearing, which is the creation of a new commercial district which is referred to as the

Page 96

CT Commercial Transition District.
The copy that the Council has been provided in their packages, that includes the blue and the red amendments by the city attorney, has gone to the Planning Commission. The Planning Commission asked the Council to address the discussion on the doors, dock doors versus vehicle-style doors, and as well -- and that's on page 3 -- and as well they have on page -- let me get to that page -- on page 13, that the Council consider addressing the definition that was offered by the city attorney of what constitutes an antique.
Those were the only two items that came out of the Planning Commission activity on this item, and you have reports in front of you from the Planning Commission on this and every other petition that you're seeking.
COUNCILMEMBER BATES: Is this Q&A time?
ATTORNEY WEED: Well, we have this listed as a public hearing; correct, Scott?
MR. HAEBERLIN: Correct. And you know, typically I guess I'm technically the applicant on behalf of the City or on behalf of the Council. So we usually do have a little dialogue before the public hearing if you are desirous of that. So yes, it's a

Page 97

1 question-and-answer.
2 COUNCILMEMBER BATES: All right. And this
3 will be -- I don't know who to address to but I'll
4 start and put it out for both.
5 On page 3, on the roll-up door, in my notes
6 from our joint work session, I show that we changed it
7 from 120 square feet to 150 square feet, and the draft
8 that I'm looking at on April 14th, it's been changed
9 to read to a single-entry vehicular style.
10 Can someone comment on where that change
11 took place?
12 MR. HAEBERLIN: As I went out and looked at
13 the properties, I thought, you know, placing that
14 limit is really going to create a problem, potential
15 problem for us, so I took out the size and I just
16 defaulted it to single-entry vehicular door. To me,
17 that achieves the same objective and would prevent us
18 from getting, you know, one square foot one way or
19 another off. And so without the square-footage
20 threshold, to me it was easier to implement, so that's
21 something I suggested.
22 COUNCILMEMBER BATES: And is that single
23 entry per unit? per suite? per property?
24 MR. HAEBERLIN: It's per door. So it's not
25 designed as a double door like a -- Think like a

Page 98

1 convention house with a two-car garage.
2 COUNCILMEMBER BATES: Right. So a tenant
3 who has two single roll-up doors but they are side by
4 side would not be precluded from.
5 MR. HAEBERLIN: As long as there's a space
6 bar separation from them and it's not quote/quote a
7 double-entry door, yes, they would be allowed to do
8 that.
9 COUNCILMEMBER BATES: Okay.
10 COUNCILMEMBER ALEXANDER: But we do have
11 property owners that it's not technically an entry
12 door because it's dock-high only.
13 MR. HAEBERLIN: Well, and that's something
14 that the Council can consider as an amendment to that
15 verbiage: single-entry vehicular style or dock-high
16 door.
17 COUNCILMEMBER ALEXANDER: I think that's why
18 we were sort of sticking to the nomenclature of the
19 size of the door, and I think the concern with the
20 size was that one of the property owners had a
21 different size door or something, so that's why we're
22 going to try to confirm the measurements. So I'd like
23 for us to try to agree on some wording to correct
24 that.
25 And then I was -- I asked Mr. Weed about

Page 99

1 this today, and he said it was your language: "an
2 interior private driveway or a secondary street other
3 than New Peachtree, Shallowford, or Buford Highway."
4 But that is specifically where these businesses are
5 located.
6 MR. HAEBERLIN: Well, let's -- reading
7 through the whole -- and you may be reading this
8 differently than I do -- is that primarily the
9 majority -- and maybe the word "majority" should have
10 been used. The majority of the doors don't face those
11 right-of-ways. They face something other than those
12 right-of-ways. And in this case, most of them face
13 interior portions of the site, so they're not built
14 parallel to these roads.
15 So if you had a site -- for example, let's
16 say you had a four-bay, you know, four single bays for
17 a building that faced that road, and that's the whole
18 building, that's how it was constructed -- it would be
19 ineligible because the majority or the primary bays
20 are facing the right-of-ways that we've specified
21 here. So we're trying to limit the availability of
22 applicants to existing in what is built basically on
23 the ground.
24 So it might just be the nomenclature of how
25 you're reading that versus how I read it. Maybe it

Page 100

1 should say "with the majority of the doors facing."
2 That may be an improvement on the terminology.
3 COUNCILMEMBER ROCHE: Well --
4 COUNCILMEMBER FLEMING: But if they only
5 have two doors --
6 COUNCILMEMBER ROCHE: And both of them face
7 --
8 COUNCILMEMBER FLEMING: -- and both of them
9 are facing, that is the majority, and they wouldn't
10 comply.
11 COUNCILMEMBER BATES: Right.
12 MR. HAEBERLIN: I don't know particularly of
13 any site that -- that would be a problem with that.
14 In other words, I don't know of -- I can't think of a
15 site that we've discussed as CT-eligible that just has
16 two doors.
17 COUNCILMEMBER ROCHE: Actually, there is.
18 COUNCILMEMBER ALEXANDER: I believe one of
19 the properties on New Peachtree has two dock-high
20 doors that face New Peachtree.
21 MR. HAEBERLIN: But they have additional
22 doors throughout the facility?
23 COUNCILMEMBER BATES: No.
24 And the property located on Buford Highway
25 has doors that face -- I mean I guess you could call

Page 101

it an interior, but they do face Buford Highway.
My concern is with the -- two words: "other than."
MR. HAEBERLIN: Okay.
COUNCILMEMBER BATES: Because I'm reading this as "The CT District is intended for parcels that have A but don't do B."
When you say "other than," to me, that's exclusionary. That says, "You can have ice cream other than vanilla," which means that you can't have vanilla. Am I reading that --
ATTORNEY WEED: I would concur with that reading, yes, sir.
COUNCILMEMBER FLEMING: I'm reading it the same way.
COUNCILMEMBER BATES: So I would suggest language that -- instead of "other than," that says "limited to."
COUNCILMEMBER ROCHE: Maybe we ought to just strike that altogether.
COUNCILMEMBER FLEMING: Yeah. I was going to say, why do we even need to list the streets? If we're just addressing the C-2 transition district, okay, for specific five to eight tenants -- parcels, why do we even need to list the streets that all of

Page 102

their roll-up doors are facing whether it's singular or double-entry? Because we're restricting them to not equipping them with anything greater than what they already have whether it be vehicular entry or dock-high doors.
COUNCILMEMBER BATES: I agree with you because we do limit the block of parcels down lower, so it's not something that's going to be throughout the city.
COUNCILMEMBER FLEMING: Exactly.
And as we've said from the very beginning, this is a transition district that will go away one of these days.
COUNCILMEMBER ROCHE: But as we do this, I mean we want to make sure that there are properties that are out there that actually qualify for this zone, so -- And you know, I have an e-mail here from one of the property owners that says a lot of this language basically disqualifies them, so --
It seems reasonable to just strike all that stuff about what street and all that.
COUNCILMEMBER FLEMING: I'm comfortable with "The CT Commercial Transition district is intended for parcels that have existing roll-up doors," period.

Page 103

COUNCILMEMBER BATES: That's exactly what I just --
COUNCILMEMBER ROCHE: Right.
COUNCILMEMBER BATES: -- did on my end over here.
COUNCILMEMBER FLEMING: Okay.
COUNCILMEMBER ROCHE: So do we need anything else in the --
COUNCILMEMBER FLEMING: And then start --
COUNCILMEMBER ROCHE: -- rest of that paragraph?
COUNCILMEMBER FLEMING: -- back up, "This district provides a mixture of --"
COUNCILMEMBER BATES: Yeah.
ATTORNEY WEED: The only thing I would recommend you include: If you're going to leave -- if you're going to modify the first paragraph, I'm certainly fine with that legally and you're going to leave that second paragraph on the pages, you are going to want me to move that last sentence which deals with if the names of the streets change, because that isn't your intention.
So I would suggest that sentence beginning, "All," we relocate that to the bottom of the second paragraph and then you make the deletions that you've

Page 104

already mentioned.
COUNCILMEMBER ROCHE: But we won't need the street names references if we're going to delete the street names from the ordinance.
ATTORNEY WEED: Well, you -- but you --
COUNCILMEMBER FLEMING: We do in the blocks of parcels --
ATTORNEY WEED: -- have described --
COUNCILMEMBER BATES: Yeah. Yeah.
COUNCILMEMBER FLEMING: -- down on the third -- on the second paragraph.'
COUNCILMEMBER ALEXANDER: So "All references the street names are based on the" moves down to below "labeled as Exhibit 'A?'"
ATTORNEY WEED: That would be my recommendation.
COUNCILMEMBER FLEMING: I agree.
COUNCILMEMBER ROCHE: Mayor, I'll make a motion that we make the change we just discussed, which basically means paragraph one will read, "The CT Commercial Transition district is intended for parcels that have existing roll-up doors," period. Strike everything, I mean till "All references to street names."
COUNCILMEMBER ALEXANDER: Huh-uh.

Page 105

COUNCILMEMBER PACHUTA: Huh-uh.
COUNCILMEMBER FLEMING: No. Start up with "The district provides."
COUNCILMEMBER ROCHE: Oh, I'm sorry. Right.
Okay. So we strike that paragraph until it begins with "The district provides," and ends with "Parcels must be 3," and I'll stop there for this motion, you know, and fix the street names in a second.
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Any more discussion?
COUNCILMEMBER FLEMING: I need to ask someone. We haven't gotten into public hearing for --
COUNCILMEMBER ROCHE: That's a good point, yeah.
COUNCILMEMBER FLEMING: -- so should we be doing this and then allowing them to speak after or --
COUNCILMEMBER ROCHE: I think they need to speak first.
COUNCILMEMBER FLEMING: What's your --
ATTORNEY WEED: You can do it either way according to procedure, meaning you could -- you could make the changes you might like to make throughout the ordinance and then call for public comment at that time.

Page 106

It's been duly advertised in the public. As long as you have the public comment section that might answer some of the questions the public might have, because you're actually making changes that they might want. If you happen to delete sections or change sections the public does want, they'll still have the equal opportunity to say, "Oh, my gosh. Don't do that."
So it's entirely up to you. You can call for public comments right now on the draft you have before you that's been out on the Web site and take it from there. Either one's fine.
COUNCILMEMBER BATES: Normally my preference is to have the public comment and then make those changes. But I think because of the nature of this and some of the questions that may be out there, let's muddle through it, you know, get some of the motions changed. If we get comments back that warrant us reconsidering a motion, we can always strike it --
COUNCILMEMBER FLEMING: Agreed.
COUNCILMEMBER BATES: -- before we adopt it.
ATTORNEY WEED: Because just like the other -- other situation, because you're going to have to adopt the whole thing anyway at the end if you want to or not.

Page 107

COUNCILMEMBER FLEMING: Thank you.
COUNCILMEMBER ROCHE: Mayor, I guess my motion stands. And I know we have other changes to make to this paragraph but --
COUNCILMEMBER PACHUTA: Okay. I just want to clarify it will say "The CT Commercial Transition District is intended for parcels that have existing roll-up doors," period, and then, "The district provides a mixture of;" is that correct?
COUNCILMEMBER BATES: That's what I have.
COUNCILMEMBER FLEMING: That's correct.
ATTORNEY WEED: That's what I have too.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
ASSISTANT CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
ASSISTANT CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?

Page 108

COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
And as we said, we want to remove the references to street names to the end of the second paragraph?
ATTORNEY WEED: That's my advice.
COUNCILMEMBER ROCHE: I'll make that as a motion. Move the last sentence in this paragraph to add it to the last sentence of the second paragraph or append it to the second paragraph --
COUNCILMEMBER PACHUTA: Second.
COUNCILMEMBER ROCHE: -- or append it to the second paragraph.
COUNCILMEMBER PITTMAN: Second.
ASSISTANT CLERK BRYANT: Karen, you --
COUNCILMEMBER PACHUTA: Me and Donna, either one.

Page 109

COUNCILMEMBER PITTMAN: Either one.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
ASSISTANT CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
ASSISTANT CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
I have a question. Do we have any properties that would be involved that are actually

Page 110

larger than three acres, that would be --
No? Okay.
And then the next paragraph, we're saying everything -- before they can go to this, they already have to be C-2?
COUNCILMEMBER FLEMING: That's correct.
COUNCILMEMBER ROCHE: And then was there anything that was like in O-I or something who might want to be included in this too?
MR. HAEBERLIN: There is only one parcel left. Excuse me. Strike that.
There are two parcels left. One is undeveloped. It's located adjacent to the old Clinicare facility. That's O-I. The parcel adjacent to it on the right has two old homes on it. That is O-I. But the rest of the street, there's no other O-I that --
COUNCILMEMBER BATES: Except for Bob's --
MR. HAEBERLIN: -- the City doesn't own.
COUNCILMEMBER BATES: Except for Bob's Garage.
MR. HAEBERLIN: Yeah, correct; that the City doesn't own.
Well, that's correct, yeah --
COUNCILMEMBER ROCHE: The Post Office.
MR. HAEBERLIN: -- moving further down the

Page 111

street.
COUNCILMEMBER BATES: But they wouldn't apply because they don't have a roll-up. Yeah, they do in the back.
COUNCILMEMBER ROCHE: Like I said, should we add, "The existing parcel must be zoned C-2 or O-I," because some of these parcels are on these streets?
We're talking about an area here. I mean we're zoning more in terms of a space, a place in town more than the zoning they have to have.
Because this whole rest of the paragraph that was added, "and where no portion of the site being used for residential," and then "can't have been primarily automotive and associated automobile uses." I'm not sure why we would keep them out, not make this available to them.
And seems like I would be inclined just add C-2 and O-I and just strike all the rest of it because basically we're talking about a particular part of town, we're talking about a particular type of building.
Yeah, I know.
COUNCILMEMBER FLEMING: I agree, I agree.
COUNCILMEMBER ROCHE: Should I make a --
COUNCILMEMBER FLEMING: I agree, I agree.

Page 112

COUNCILMEMBER ROCHE: -- motion of that?
COUNCILMEMBER ALEXANDER: Well, I have a question. In previous historical zoning documents was residential property -- residential habitation ever allowed in the commercial district?
MR. HAEBERLIN: No, ma'am; not since the earliest code that I could find, which I've brought with me tonight, the earliest orange code.
COUNCILMEMBER ALEXANDER: Is that 1966?
MR. HAEBERLIN: The earliest one that I have available which I understand is the first instigation of zoning in the city is 1971. The map was done in '66.
COUNCILMEMBER ALEXANDER: Okay.
COUNCILMEMBER BATES: So they're -- regarding Mr. Roche's --
Have you made that as a motion yet, Bob?
COUNCILMEMBER ROCHE: I'll make that as a motion.
I make a motion that we change the third paragraph to read, "The existing parcel must be zoned C-2 General Business District or O-I," period, and that would be the end of that paragraph.
COUNCILMEMBER FLEMING: At the time of the application; correct?

Page 113

1 COUNCILMEMBER ROCHE: Yeah, okay; fine.
2 COUNCILMEMBER BATES: Correct me if I'm
3 wrong, Mr. Haeberlin, but that would, based upon this
4 ordinance, only affect two properties. That would be
5 Bob's Garage and the Post Office.
6 MR. HAEBERLIN: That's correct. And based
7 on your previous action earlier tonight, if we get
8 applications for those properties I'm going to
9 recommend that you make those C-2 so you've got a
10 consistent block to block. And then the rest
11 obviously adjacent to it is all City property. So O-I
12 is perfectly appropriate for City property.
13 COUNCILMEMBER ROCHE: And I think that they
14 should be C-2 also, but the purpose of this particular
15 zoning action is to allow the businesses that are
16 currently there to be able to rent their properties in
17 the meantime.
18 COUNCILMEMBER FLEMING: But in regards to
19 Ms. Alexander's question -- and he answered it
20 correctly; but over the years, because of our zoning
21 map, the way that it has been changed and we default
22 back to the map for zoning, okay, back to Mr. Webb's
23 case again on Flowers Road, at one time he was indeed
24 R-1 and was living in his home. So that's the reason
25 why I feel that the residential habitation should come

Page 114

1 out of there.
2 COUNCILMEMBER ROCHE: Well, and that's what
3 I'm saying.
4 COUNCILMEMBER FLEMING: But I mention it to
5 Maria because of the example of Mr. Webb.
6 COUNCILMEMBER ALEXANDER: But Mr. Webb's
7 house was rezoned.
8 COUNCILMEMBER FLEMING: He didn't rezone it.
9 COUNCILMEMBER PACHUTA: He did rezone it. I
10 found the minutes. He requested that himself.
11 COUNCILMEMBER FLEMING: Oh. Well, that
12 would have been nice. When did you find it?
13 COUNCILMEMBER PACHUTA: Oh, I searched them
14 online after that meeting. I think I downloaded it.
15 I don't know.
16 COUNCILMEMBER ROCHE: So what this would
17 mean is for any property that currently has a resi-
18 dential building or unit in the property, if they
19 wanted to rezone to CT and maintain that residential,
20 they would basically have to request a rezoning with a
21 variance.
22 ATTORNEY WEED: Correct. That's correct,
23 because bear in mind that it doesn't seem like there
24 would be any property that would qualify for this
25 zoning that would ever have a legal nonconforming use

Page 115

1 because the zoning goes back into 1971 at least.
2 The only evidence we have is that the residential
3 component, at least one of these buildings, was there
4 since 1973. So there's no -- right now, there's no
5 evidence presently that I'm aware of that would
6 indicate that a residential unit in any one of these
7 properties that is being proposed to be considered for
8 CT would constitute a legal nonconforming use.
9 MR. HAEBERLIN: And the site to the left of
10 5891 that has the two houses on it that's zoned
11 commercial, those certainly have been vacated to such
12 extent that there's no legal nonconforming on those,
13 if any existed. I mean I've been here what? 20
14 months. There's absolutely been nobody living in
15 those facilities.
16 COUNCILMEMBER ROCHE: So then there's no
17 real need to have all this stuff about the residential
18 habitation capacity.
19 MR. HAEBERLIN: It could be looked at that
20 way. If there's somebody that has residential habi-
21 tation, then we'll need to go out and cite them.
22 COUNCILMEMBER FLEMING: I'm not in favor of
23 doing something like that.
24 COUNCILMEMBER ROCHE: Yeah, neither am I,
25 I'm just saying. But still, I mean nothing happens

Page 116

1 unless they request a rezoning.
2 MR. HAEBERLIN: Well, it's still -- it would
3 still be my opinion, as my function of being zoning
4 administrator for the City, if I know that something's
5 illegal, that I turn it in to the code enforcement
6 officers for further action. I mean it just makes
7 sense.
8 COUNCILMEMBER ROCHE: But that's not the
9 question we're here to discuss. The only thing I'm
10 talking about right now is paragraph three, changing
11 the language to include O&I and then deleting all the
12 rest of it.
13 MR. HAEBERLIN: So the only two properties
14 that really would affect would be Bob's and the Post
15 Office.
16 COUNCILMEMBER ROCHE: Right.
17 MR. HAEBERLIN: So rather than that being a
18 consistent block of C-2, it would then become CT, C-2,
19 CT.
20 COUNCILMEMBER BATES: Well, that would be
21 only if they applied for C-2.
22 MR. HAEBERLIN: Correct.
23 COUNCILMEMBER ROCHE: Right.
24 COUNCILMEMBER BATES: I -- I --
25 COUNCILMEMBER ROCHE: If they applied for

Page 117

C-2, they --
COUNCILMEMBER BATES: I think this provides a little bit of flexibility should those two particular property owners, one that's vacant and not leased and the other's a car repair shop and probably will be for the foreseeable future. I think it would make sense for both property owners to want the C-2 designation. I think that's more -- for this particular business, is more flexible, but --
MR. HAEBERLIN: I think in Bob's case, because, like I said, I researched the code -- don't ask me why the old code in O-I allowed automotive; don't ask me, but it did -- I think that in his case, the property owner probably would perceive that they have some legal nonconforming and they wouldn't want to breach that. So I don't know that he would be particularly an applicant; but the Post Office, you're correct, might possibly be an applicant.
COUNCILMEMBER ROCHE: Okay. Well, I made the motion. I'm not sure if there was a second or not.
COUNCILMEMBER FLEMING: Was your motion to change just -- or to add O-I and delete the balance or are we just doing O-I at this moment?
COUNCILMEMBER ROCHE: I'll restate the

Page 118

motion. I'll withdraw my -- I mean make a new motion.
I make a motion that we change paragraph three to read, "The existing parcel must be zoned C-2 General Business District or O-I," which is Office Industrial, "at the time of application for the Commercial Transition district," period, and that's the end of the paragraph.
COUNCILMEMBER BATES: Second.
MAYOR JENKINS: It's the end of the paragraph all the way over on page --
COUNCILMEMBER ROCHE: Right; delete everything else, right.
MAYOR JENKINS: Bob?
COUNCILMEMBER ROCHE: Yes, sir, delete everything else.
MAYOR JENKINS: Okay. Thank you.
Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
ASSISTANT CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
ASSISTANT CLERK BRYANT: Councilmember

Page 119

Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: No.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MR. HAEBERLIN: Based on the action you just took, on page four you're going to need to say "and remains a C-2 and/or O-I designation," that second paragraph. So every place that you have C-2, you'll need to add in O-I now.
COUNCILMEMBER ROCHE: Right.
COUNCILMEMBER BATES: Yes.
MR. HAEBERLIN: The same with paragraph three. It says where it "shall revert to C-2," or O-I zoning. So in both of those, we need to add O-I as an option.

Page 120

Are you keeping up with me, Murray?
ATTORNEY WEED: I am.
MR. HAEBERLIN: Okay.
COUNCILMEMBER ROCHE: Do they want them to revert to --
COUNCILMEMBER FLEMING: Its original.
COUNCILMEMBER ROCHE: -- C-2 or O-I or the original?
COUNCILMEMBER FLEMING: The original zoning. Its original zoning prior to the date of application for CT, because then they have a choice of what zone they want to be in.
COUNCILMEMBER ROCHE: First, I mean, I see this whole point is a transition to C-2. It seems like to me if we go to C-2, that maybe we'd say, "Once you come to CT, you can go to C-2." I'm not sure about the O-I thing or -- or you know, where --
COUNCILMEMBER ALEXANDER: It would have to revert to its original zoning, because I believe if it did not, and you gave them a choice, that would be a rezoning.
ATTORNEY WEED: That's correct.
COUNCILMEMBER ALEXANDER: Okay.
COUNCILMEMBER BATES: So it would need to revert back to --

Page 121

COUNCILMEMBER FLEMING: It's original.
COUNCILMEMBER BATES: If it was O-I, it would need to revert back to O-I.
COUNCILMEMBER FLEMING: Prior to their application for CT.
COUNCILMEMBER BATES: Yeah, their original.
MR. HAEBERLIN: I think we're understanding that and can produce the necessary language for that.
COUNCILMEMBER ROCHE: Yeah. Well, I guess I'll put that in the form of a motion. and then maybe if we hear something different later, we can --
I'll make a motion that wherever it says C-2, we also include "C-2 and O & I," and in the third paragraph on page four, it'll be "revert to the original zoning before changing to CT."
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
ASSISTANT CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
ASSISTANT CLERK BRYANT: Councilmember

Page 122

Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER PITTMAN: Yes.
ATTORNEY WEED: And just for the record, I think I understand the Councilman's point. He doesn't -- you don't really mean that the word "and" would be there because a lot of times it's going to be "or."
COUNCILMEMBER ROCHE: Well, right; whatever applies to the sentence.
ATTORNEY WEED: For future reference in case something odd happens, I want that on the record.
COUNCILMEMBER FLEMING: I have a question on page four also, and it would be the third paragraph. Does the Galloway property have a roll-up door in the

Page 123

back?
MAYOR JENKINS: No.
COUNCILMEMBER PITTMAN: No.
MR. HAEBERLIN: Not that I'm aware of.
COUNCILMEMBER PITTMAN: No, they don't.
MAYOR JENKINS: It's got double doors in the back.
COUNCILMEMBER FLEMING: Are there any properties that we're referring to right now or possibly might be applying that have conditions on them at the present time?
MR. HAEBERLIN: Well, 5891 New Peachtree Road has extensive conditions just as the Andes Newberger petition that we rezoned, I don't know, 12 or 13 months ago, so it has extensive conditions that address its development.
So it already has a conditional zoning on the property and we're waiting for the property owner to partake of the development process, so if it was applied to that particular site, it would severely diminish what could be achieved on that property by way of the conditions.
COUNCILMEMBER BATES: On the second paragraph that starts with "The district does not apply to new," the last sentence reads, "Demolition of

Page 124

interior tenant spaces shall be permitted for interior renovation provided there is no expansion in the tenant space square footage."
So help me understand. Does that mean that if I've got 10 units that are 10x10 and two of the units that are -- or two of the tenants that are side by side more out and I want to put in one tenant that is now 10x20, I can't do that?
MR. HAEBERLIN: That's correct. And the reason that was written that way is the original of this district was that these buildings are stuck in time, they are footprints that exist today, and it's merely a band-aid zoning for these properties to be able to rent to different type uses. It never foreseen redevelopment of the property.
COUNCILMEMBER BATES: Well, that's not redevelopment of the property. That's modifying interior tenant space to accommodate a larger need by a potential tenant.
I fully agree with not expanding the footprint of the building, but I'm concerned that if I've got 500 square feet of space, two units side by side, and I've got a potential tenant that wants a thousand square feet of space, I'm not going to be able to remove a wall to accommodate that.

Page 125

1 ATTORNEY WEED: And clearly it's up to
2 Council as to what you do. I mean I can -- I know
3 where Mr. Haeberlin -- and that's not my language but
4 I know where Mr. Haeberlin's coming from because under
5 the basic theory of legal nonconforming uses, you
6 can't expand a legal nonconforming use even on the
7 interior, because the idea is that eventually you want
8 to stop time and so then eventually that property will
9 be converted to another use.
10 Now, you may make the determination that you
11 don't agree with that philosophy or you don't want to
12 apply it here, but from the planning angle, he is
13 acting in keeping with what would be ordinarily the
14 case.
15 COUNCILMEMBER BATES: Then let's put that
16 caveat in there that you can't expand legal noncon-
17 forming, but if I've got a tenant that is a -- just
18 randomly picking one, I decide that I'm getting a dog
19 obedience training person to come in and they want
20 suites A, B and C to expand so that there's plenty of
21 room for training, this ordinance as it is written
22 would not allow them to combine suites A, B and C. Is
23 that correct?
24 MR. HAEBERLIN: That's correct. It also
25 prevents the whole property from the interior being

Page 126

1 demolished and it becoming a single tenant at the same
2 time. That's my philosophy on that.
3 COUNCILMEMBER BATES: And the problem with
4 doing that -- so I get a detective agency that has 15
5 detectives that work out of an office, you know,
6 they're doing -- evaluating film and they want to take
7 my entire building, that's a bad thing?
8 MR. HAEBERLIN: Not a bad thing, but I agree
9 with Mr. Weed's philosophy on these are really
10 supposed to be properties that are stuck in time, and
11 this is a transition zoning to a future use. It's not
12 rebuilding the entire structure.
13 COUNCILMEMBER BATES: I -- I don't --
14 MR. HAEBERLIN: That's the reason I wrote it
15 that way.
16 COUNCILMEMBER BATES: I don't disagree with
17 you on that, but I do believe that if we are trying to
18 encourage our property owners to go out and secure new
19 tenants that are going to be a benefit to the city and
20 those new tenants need more space than what is allowed
21 or allotted for in the existing configuration, we are
22 basically saying: Sorry. It's awful to be you, but
23 you're stuck with 300 square feet or 700 square feet
24 or whatever you've got today, and there's no way for
25 you to merge suites and allow for, you know, a florist

Page 127

1 and gift shop to come in because they need two suites,
2 one for their cooler and one for their retail sales.
3 COUNCILMEMBER ROCHE: And you force them to
4 move out.
5 COUNCILMEMBER BATES: I --
6 COUNCILMEMBER FLEMING: And with regards to
7 that, I don't know how we as a city would consider
8 this zone that we are creating, that the parcels will
9 be legal nonconforming when we are creating this zone
10 right now. I believe you mentioned that they would be
11 legal nonconforming.
12 ATTORNEY WEED: No, ma'am.
13 COUNCILMEMBER FLEMING: Okay.
14 ATTORNEY WEED: I was using that as an
15 analogy, just as an example. The reason why I thought
16 Mr. Haeberlin wrote it the way he did. I was simply
17 using that as analogy to explain what I thought was
18 the reason.
19 COUNCILMEMBER FLEMING: Okay. Because the
20 way I look at it, if we have the CT ordinance, there
21 is no legal conforming. If they comply to what we
22 have in here, they would all be conforming.
23 ATTORNEY WEED: I agree.
24 COUNCILMEMBER FLEMING: Okay. So I'm in
25 agreement with Mr. Bates that a combination of suites

Page 128

1 as long as it doesn't affect the footprint of the
2 existing overall building should be acceptable.
3 COUNCILMEMBER ROCHE: So you're saying we
4 should just delete that sentence, Councilman Bates?
5 COUNCILMEMBER BATES: Yes, sir.
6 Well -- yes, sir.
7 MR. HAEBERLIN: Well, the only caution I
8 want to make is if you combine suites, you are going
9 to end up with some large spaces that have a roll-up
10 door, so -- And the basic genesis of this whole
11 district is because they were designed as quote/quote
12 office warehouse design, so you will have some roll-up
13 doors that are in suites.
14 COUNCILMEMBER BATES: Understood.
15 I have a question for you but it is probably
16 more akin to an executive session for possible future
17 and pending litigation?
18 ATTORNEY WEED: You have every right to seek
19 a motion to go into Executive Session any time you
20 desire.
21 COUNCILMEMBER BATES: Council, I promise
22 this will be a very, very brief Executive Session, but
23 I do want to make a motion to go into a very brief
24 Executive Session for future and pending litigation.
25 COUNCILMEMBER ROCHE: I'll second that.

Page 129

MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
ASSISTANT CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
ASSISTANT CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
Do we want to just go in the office?
COUNCILMEMBER BATES: If we could go into

Page 130

the Mayor's office.
Again, if you can bring page four, this will be very, very brief.
ATTORNEY WEED: Can I ask that the planner accompany us?
COUNCILMEMBER BATES: I believe that would be appropriate.
- - -
(Executive Session)
- - -
MAYOR JENKINS: We've come out of Executive Session with nothing to report. So moving right along, I believe.
ATTORNEY WEED: We've gotten in the habit of reconvening with a motion. It's an unsettled point of law whether we have to or not.
Mayor and Council, would someone make a motion to reconvene the meeting and then second, we can proceed.
COUNCILMEMBER ALEXANDER: So moved.
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Call the roll.
ASSISTANT CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.

Page 131

ASSISTANT CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
COUNCILMEMBER BATES: Did we have a motion on the table before we went in?
COUNCILMEMBER ROCHE: No.
ASSISTANT CLERK BRYANT: No.
COUNCILMEMBER BATES: Okay. Real quick question. On "The district does not apply to new, ground-up construction and/or vacant parcels," vacant parcels I'm assuming means land that is not built?
MR. HAEBERLIN: You could say undeveloped parcels.

Page 132

COUNCILMEMBER BATES: Undeveloped parcels? Thank you.
And then I will make a motion to delete the sentence, "Demolition of interior tenant space shall be permitted" through the end of that paragraph.
COUNCILMEMBER FLEMING: Second.
COUNCILMEMBER BATES: Page four, paragraph two.
ATTORNEY WEED: Page four, the first full paragraph two will be line four.
COUNCILMEMBER BATES: Yeah, the last sentence.
MAYOR JENKINS: You want to delete that, you say?
COUNCILMEMBER BATES: Yes, sir.
MAYOR JENKINS: Do I get a second?
COUNCILMEMBER FLEMING: Yes, sir, you did.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
ASSISTANT CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.

Page 133

ASSISTANT CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
ATTORNEY WEED: Councilman Bates, did you want to change the word "vacant" in line one of that paragraph to "undeveloped?"
COUNCILMEMBER BATES: That would be my preference. Do we need a motion to do that?
ATTORNEY WEED: You do.
COUNCILMEMBER BATES: Make a motion to change the word "vacant" on page four, full paragraph two, first sentence, to "undeveloped."
COUNCILMEMBER PACHUTA: Second.

Page 134

MAYOR JENKINS: Call the roll.
ASSISTANT CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
ASSISTANT CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
On the next paragraph, "Properties which have been conditionally zoned by the City and/or have settlement agreements," I just want a little more clarification. It says conditionally zoned. Does that mean we granted them a zoning or the Council granted them a zoning with conditions?

Page 135

MR. HAEBERLIN: That's correct.
COUNCILMEMBER ROCHE: So anyone that ever has any -- like what we just did with the Galloway property, that would not qualify for this. I mean he doesn't have a roll-up door but assuming he, you know, did have one.
I'm just wondering how many -- I don't know if previous councils were in the habit of adding conditions to zoning, but my concern is that if previous councils do like this Council does and add conditions all the time, then for all we know, none of the current properties may be eligible for this.
MR. HAEBERLIN: No. From what I've read -- and I've been reading back to since the 1966 original -- the previous councils when they zoned property did not place conditions on the properties. They just simply went from one classification to the next.
COUNCILMEMBER ROCHE: So, then, we don't really need this paragraph at all, do we?
ATTORNEY WEED: I would disagree with that with regard to -- it doesn't matter to me about the -- it's up to you with regard to -- it will be up either way, but with regard to the conditionally zoned properties, if you remove the conditions by de facto, by removing them for any property that it might be

Page 136

applicable to in the zone, I think that is legally troubling to me.
But the main thing I'm interested in would be properties that have got legal settlement agreements in place, that creates an entire new bubble of reality that I don't advise you to begin.
COUNCILMEMBER ROCHE: I guess my question was do any of the properties that may be currently eligible for the CT zoning have any conditions on their zoning and/or settlement agreements?
COUNCILMEMBER ALEXANDER: 5891.
MR. HAEBERLIN: I concur with Councilwoman Alexander, which is the Newberger Andes, the red roof building on --
COUNCILMEMBER ROCHE: Right.
MR. HAEBERLIN: -- New Peachtree.
COUNCILMEMBER ROCHE: All right. I'm going to let that go for now.
COUNCILMEMBER FLEMING: Still on page four, "exterior renovations other than painting and routine maintenance shall be permitted." I mean it says "no additional roll-up doors or exterior renovation other than painting and routine maintenance shall be permitted."
The question is about awnings and so forth

Page 137

and so on. Would you consider replacement of their awnings routine maintenance? Just give me a little bit of clarification on that. New windows, you know, that type of thing.

MR. HAEBERLIN: I don't think any of them have awnings.

COUNCILMEMBER BATES: What if they wanted to put them on?

COUNCILMEMBER ROCHE: Yeah, that's my question. As long as they're not changing a footprint, it would seem like if they want to improve the looks of their property, we shouldn't, you know, discourage that.

MR. HAEBERLIN: It goes back to the philosophy, and my understanding is -- maybe I misunderstood that the Council wanted these properties to be quote/quote stuck in time until such time as we get, say, a mixed-use zone or something, and so I wrote that restrictive for that reason.

COUNCILMEMBER BATES: Let me clarify I think what was in my head, and I'm not going to speak for the rest of us.

Using the stuck-in-time analogy, that would be a usage stuck-in-time and not an appearance stuck-in-time. So I would be in favor of it if a property

Page 138

owner wanted to approve the facade, if they wanted to, you know, clad the front of their building in brick or stone, that that would be a good thing for the property, knowing that that property may go away in five, eight, ten years as redevelopment happens in the city.

I don't want us to preclude or prevent an owner from improving their property even if it's for a short duration of time, so I would be in favor of allowing them to do some -- not some, but any exterior renovation so long as they're not expanding the footprint.

COUNCILMEMBER FLEMING: I don't think "exterior renovations" should be in that sentence at all.

I can understand why you put "no additional roll-up doors," because then you're actually changing the configuration or the style of the building. So I'm all in favor of no additional roll-up doors but I think they should be allowed exterior renovation.

COUNCILMEMBER ROCHE: So we could pretty much just --

COUNCILMEMBER FLEMING: Not -- Go ahead.

COUNCILMEMBER ROCHE: -- put a full stop after where it says "no additional roll-up doors."

Page 139

COUNCILMEMBER ALEXANDER: "Shall be permitted."

COUNCILMEMBER FLEMING: That's fine, yes.

MR. HAEBERLIN: Kind of a point of clarification. Obviously you're aware that I'm concerned that that's not in an architectural ordinance, and so I did write this restrictive. I was concerned what might happen in the meantime.

Roll-up doors shall be permitted. Is that how you guys --

COUNCILMEMBER FLEMING: Yes, please.

COUNCILMEMBER ROCHE: Want to make that in a motion?

COUNCILMEMBER FLEMING: Yes, please.

MAYOR JENKINS: What is the motion?

COUNCILMEMBER FLEMING: Let's see, (counting) one, two, three -- the fourth paragraph shall read, "Properties without existing roll-up doors as described herein are exempt from inclusion; however, no additional roll-up doors shall be permitted," and that is the form of a motion.

COUNCILMEMBER BATES: Second.

MAYOR JENKINS: Call the roll.

ASSISTANT CLERK BRYANT: Councilmember Alexander?

Page 140

COUNCILMEMBER ALEXANDER: Yes.

ASSISTANT CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

ASSISTANT CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

ASSISTANT CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

ASSISTANT CLERK BRYANT: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

ASSISTANT CLERK BRYANT: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

The next thing, about the wholesaling. You remember when we discussed wholesaling before, you know, about the resident -- the store-front wholesaling and everything, and the other part of --

Mr. Cushman's gone.

And part of what came out of that was that, you know, if we're going to restrict wholesaling from one area, we should have another area where it could be provided. And it would seem to me that like a

Page 141

1 supply company or a small wholesaler -- I mean it
2 would seem to me that this type of district would be
3 where something like that would go, because it's not
4 storefront. It is, you know, out of the way of the --
5 obviously, the street, the storefront. So I would say
6 that we should probably strike that.
7 Wholesale, storage. I'm okay with the idea
8 of not having outdoor storage and display, but as far
9 as the use of wholesaling itself, I mean that could
10 be, like I said before, a supply company or whatever
11 too.
12 COUNCILMEMBER BATES: But we do within this
13 district have properties that are street frontage
14 window retail, and we do allow for wholesaling in one,
15 so it is allowed in another zone within the city.
16 I'm a little leery of making that change. I
17 appreciate where you're going. I'm just -- I'm not
18 there yet.
19 MR. HAEBERLIN: Just to add perspective, I'm
20 just concerned about vesting any more wholesalers in
21 what should be your town center location, it's kind of
22 difficult -- it's difficult to get rid of people once
23 you get them there, and that's obviously why I put
24 that in there.
25 COUNCILMEMBER FLEMING: Okay. I have a

Page 142

1 question, Mr. Weed or Mr. Haeberlin.
2 MR. HAEBERLIN: Uh-huh.
3 COUNCILMEMBER FLEMING: Previously removed,
4 on page three, "and where no portion of the site being
5 used in any residential habitation capacity." We
6 deleted that from page three, so at the bottom of page
7 four, the sentence begins -- the last sentence of this
8 page begins, "Residential habitation" and ends with
9 "are prohibited."
10 So I'd like to make a motion to remove
11 residential habitation from that, from that sentence.
12 COUNCILMEMBER ROCHE: Because it's redun-
13 dant?
14 ATTORNEY WEED: It's not redundant now. I
15 mean it may still be a bad idea to have it in there,
16 but it's no longer redundant.
17 COUNCILMEMBER BATES: That would allow for
18 an expansion of residential habitation in the
19 district, so any suite could be converted to a home.
20 ATTORNEY WEED: Correct, or a multi-tenant
21 facility or --
22 MR. HAEBERLIN: Well, unless under the
23 clause any use not permitted is a prohibited use.
24 My concern -- I don't want to address a
25 particular property but I want to tell you there's a

Page 143

1 property that's in this block, that is zoned C-2, that
2 has a certificate of occupancy for that of a boarding
3 house, that is being used as multi-family, which are
4 individual tenant spaces that are rented out.
5 So I have a code situation. Without going
6 into the details of that specific property, I have a
7 code situation with residential habitation that needs
8 to be addressed anyway. So that's why I'm very
9 concerned about how the language is structured on
10 residential habitation.
11 COUNCILMEMBER BATES: So Ms. Fleming, I
12 would be disinclined of taking out that prohibition.
13 COUNCILMEMBER ROCHE: Yeah. If someone
14 wants to -- again, if someone wants to rezone that
15 property to CT and they do have a residential
16 component, then we could grant them a variance at the
17 time they -- at the rezoning.
18 MR. HAEBERLIN: Well, that would --
19 Mr. Weed, would that be a use variance that
20 would be prohibited under the code today?
21 ATTORNEY WEED: Yeah.
22 MR. HAEBERLIN: Is that correct?
23 ATTORNEY WEED: Correct.
24 COUNCILMEMBER BATES: But they could apply
25 for a split zone.

Page 144

1 ATTORNEY WEED: Correct.
2 MR. HAEBERLIN: That's correct.
3 COUNCILMEMBER ROCHE: Okay. Fair enough.
4 COUNCILMEMBER FLEMING: Okay. Then we
5 deleted it again on page three because we didn't want
6 it there.
7 And now -- and Mr. Bates, I understand where
8 you're coming as far as a multi-suite building being
9 habited by a family. I do not wish to see that
10 either.
11 But if there are what appears to be R-1
12 homes on the properties at the present time, that's
13 where I'm leaning toward, and I just don't know how to
14 phrase it.
15 MR. HAEBERLIN: They're actually C-2 homes.
16 I mean they're zoned C-2. They have not been
17 residential for quite some time. But they could
18 exempt that portion of the parcel out and rezone it to
19 R-1. I mean that's -- I mean I don't know how that
20 would be consistent with your land use in any capacity
21 but there are a couple quote/quote adaptive reuses in
22 this area that went from houses purely to commercial
23 overnight, basically.
24 And that language -- that sentence, folks,
25 is just consistent with your other ordinances.

Page 145

1 Sometime if you don't say it, people don't believe
2 that it's not allowed. So sometimes saying it in that
3 capacity is good to say it versus the catch-all any
4 use not specifically allowed or a conditional use is a
5 prohibited use. Well, we still get calls every day
6 with people asking the same questions: Can I live on
7 a commercial-zoned property? The answer is no.
8 I mean it's a clarifier. Certainly it could
9 be struck, but I think you'll get questions out of it.
10 COUNCILMEMBER ROCHE: I hope you don't mind
11 if I try to change gears. I'm thinking maybe it's
12 time to go ahead and have the public hearing because
13 the only other issue I really had was on the
14 conditional uses at the back about the antique store.
15 COUNCILMEMBER BATES: I've got two.
16 COUNCILMEMBER ROCHE: Okay.
17 COUNCILMEMBER BATES: If I may, looking at
18 the first draft from March 5, there was a sentence
19 that said, "The overnight storage of commercial
20 vehicles other than within a completely enclosed
21 structure is prohibited." That is gone. And I
22 thought we had discussed putting a weight restriction
23 on there in that if it exceeded the weight
24 restriction, the weight limit, that the driver must
25 remain with the truck.

Page 146

1 COUNCILMEMBER PITTMAN: That was my under-
2 standing.
3 COUNCILMEMBER BATES: So I'm just kind of
4 curious as to why that was deleted.
5 MR. HAEBERLIN: Well, we had that conver-
6 sation as you recall with the fire marshal, and I
7 really -- unfortunately, I don't feel that we really
8 got anywhere, Councilman Bates, and it seemed like the
9 fire marshal was only going to really give us
10 information if we had an applicant. So I just got
11 nervous with that. I didn't know how to address it
12 otherwise.
13 COUNCILMEMBER BATES: Thank you for that
14 reminder. I guess my concern was that the -- that we
15 were going to . . . So if I'm reading this correctly,
16 an 18-wheeler can now park overnight on the property.
17 MR. HAEBERLIN: Unless there is an existing
18 city code that precludes it, that is correct.
19 COUNCILMEMBER BATES: Okay.
20 MR. HAEBERLIN: As long as there's somebody
21 with it, because it's not being quote/quote stored.
22 COUNCILMEMBER BATES: Right.
23 COUNCILMEMBER PITTMAN: But it doesn't say
24 that, though, does it?
25 MR. HAEBERLIN: Well, I mean if I'm with my

Page 147

1 car, if I'm in my car, I'm not storing my car. I'm
2 using my car. I mean semantics. Mr. Weed can comment
3 on maybe how to address that.
4 ATTORNEY WEED: I agree. I mean we could --
5 we could further define it, but I would agree with
6 that.
7 MR. HAEBERLIN: I just got nervous. You
8 know, we added some things in there, automotive use,
9 and I didn't want to see the city bear having vehicles
10 out there partially disassembled, sitting around, --
11 COUNCILMEMBER BATES: Well, I --
12 MR. HAEBERLIN: -- and I tried to address
13 that.
14 COUNCILMEMBER BATES: I agree with you
15 there, but I thought we had talked about large trucks
16 being on the property overnight. And Council, correct
17 me if my memory is wrong, but I thought we had talked
18 about not allowing large vehicles to be parked
19 overnight unless the driver remained with them so that
20 we didn't get a truck lot anywhere along there.
21 MR. HAEBERLIN: I think under the police
22 powers that the -- you know, the commercial vehicle
23 codes and stuff, I think they have their own set of
24 items that rule that situation separate from zoning.
25 COUNCILMEMBER BATES: Chief?

Page 148

1 CHIEF KING: Yes, we do, sir. There's some
2 areas, for example, in the city, that large trucks are
3 not allowed to travel in. It's on the -- on the uses
4 on the street. We have a whole set of ordinances.
5 COUNCILMEMBER BATES: Well, what about
6 parking?
7 CHIEF KING: Sir, I will tell you I would --
8 even a driver remaining in the vehicle, I would be
9 very leery because then you turn into a truck lot --
10 you know, lot lizards and everything that comes with
11 that.
12 COUNCILMEMBER PITTMAN: Yeah, but then they
13 come and they park and they make a delivery, they're
14 not -- They come from Michigan, and they have a
15 delivery the next morning, and they oftentimes leave
16 and they don't come back till the next afternoon.
17 CHIEF KING: I would just be very cautious.
18 I would -- I will ask the Council to be very cautious
19 with permitting or allowing any large trucks.
20 Especially if this supposed to be our center of our
21 community, I would be very cautious with that.
22 COUNCILMEMBER PITTMAN: And I think one of
23 the business owners brought up the fact that they were
24 making a delivery to their business on their business
25 property, that that's what we were trying to prevent:

Page 149

them just leaving and taking off and coming back whenever they please, you know. At least they're there when the business opens the next morning or if an emergency comes about, they would be with the vehicle.

COUNCILMEMBER BATES: I'll put a request when we get into the public comments that if the property owners could comment on --

COUNCILMEMBER ROCHE: Right.

COUNCILMEMBER BATES: -- large trucks, that will be great.

My second and final on this is in reference to I thought we had talked about putting a generic storage language in the front or before the permitted uses that basically said something along the lines of associated storage is allowed but no outdoor displays or storage, and that would eliminate the need of listing it repetitively throughout.

Is that something that we could do?

MR. HAEBERLIN: I thought we had added that in, and I'm looking closely to see.

COUNCILMEMBER BATES: I didn't see it, but again I could be very much off. I did not see where storage was discussed in the preamble prior to permitted uses.

Page 150

ATTORNEY WEED: You're suggesting that just -- you want to clarify that no -- outside storage is not allowed?

COUNCILMEMBER BATES: Yeah, and that interior storage is permitted, you know, that's appurtenant to the business.

As an example, let me give you -- let me give you two examples -- or one example. If I can find one quickly . . . of course I'm not going to be able to find it.

All right. The first one where it's not specifically called out whether they could or couldn't would be contractor's offices, and that's on page eight.

MR. HAEBERLIN: You could -- I guess we could say any permitted use shall be allowed associated storage.

COUNCILMEMBER BATES: Indoor.

MR. HAEBERLIN: Indoor storage on the parcel, I guess. I don't know.

ATTORNEY WEED: Sure. And then on uses prohibited, we could just use the sentence "Outside storage is not permitted." We could do that too.

COUNCILMEMBER ROCHE: Yeah, because I think before it said something like bicycles -- outdoor

Page 151

storage of the bicycles is not permitted and all that.

COUNCILMEMBER BATES: Yeah. We do have outdoor storage prohibited --

COUNCILMEMBER ALEXANDER: Page four.

COUNCILMEMBER BATES: -- page four.

COUNCILMEMBER ROCHE: I think we're okay then.

COUNCILMEMBER BATES: Yeah. If we could just put generic language in there saying that associated storage must be indoors or --

MR. HAEBERLIN: How about "The permitted uses shall be allowed associated indoor storage on the same parcel," so that allows them in multiple locations.

ATTORNEY WEED: Repeat that?

MR. HAEBERLIN: "The permitted uses shall be allowed associated indoor storage on the same parcel."

So if you're -- let's say you're not next to a roll-up door but there's a roll-up door that's vacant down on the end, then you could use that roll-up door for your storage or what have you.

COUNCILMEMBER FLEMING: So are you suggesting under the permitted uses, before you begin permitted uses, you're going to have that as a preamble to the permitted uses?

Page 152

ATTORNEY WEED: That's what I just --

MR. HAEBERLIN: As a clarifier, uh-huh.

ATTORNEY WEED: One more time. I think it would be better to leave, you know, permitted uses shall be allowed -- what?

MR. HAEBERLIN: Associated indoor storage on the same parcel.

COUNCILMEMBER ROCHE: I'll make that as a motion.

COUNCILMEMBER BATES: Second.

MAYOR JENKINS: Call the roll.

ASSISTANT CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

ASSISTANT CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

ASSISTANT CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

ASSISTANT CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

ASSISTANT CLERK BRYANT: Councilmember Pittman?

Page 153

COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
And I didn't mean to steal that from you.
COUNCILMEMBER BATES: No, no.
COUNCILMEMBER ROCHE: I was getting hungry.
COUNCILMEMBER BATES: I hear you, I hear you.
I don't have anything.
COUNCILMEMBER ROCHE: The only other concern I have tonight, and it'll be up to the property owners, is in the back, we have a whole area about setbacks and sizes and all that. And my only concern there is that we don't pass something here where, because of a setback or something, that no one's property qualifies.
COUNCILMEMBER ALEXANDER: I have one question, and then Mr. Weed, I found another typo.
We currently have a gentleman that has a car detailing business here in town. Obviously he's not going to physically wash the cars inside the building. If he is not the owner of that building and the owner applies for the CT zoning, how is that going to affect him as a business owner? because he would not be

Page 154

allowed under this zoning.
MR. HAEBERLIN: Well, I guess that's a caveat of applying, yeah. You've got to really look at what your existing tenant make-up is. I mean it could impact it, certainly.
ATTORNEY WEED: If the owner wanted to do it and he got it, then that tenant would not be able to perform that function in this area.
MR. HAEBERLIN: The whole issue of car washes, I mean when Mr. Buice was here, that was a continuous situation that the City had to deal with. There's a lot of perception about what people think they can actually do that really EPD doesn't allow.
ATTORNEY WEED: Councilman, where is the other typo?
COUNCILMEMBER ALEXANDER: On page 11, "pluming."
ATTORNEY WEED: Oh, yeah. I got that one.
MR. HAEBERLIN: Okay, got it.
COUNCILMEMBER ROCHE: "Pluming," that's flowers.
COUNCILMEMBER FLEMING: Plumbing?
COUNCILMEMBER ROCHE: Pluming.
ATTORNEY WEED: We like to call that the Little Jack Horner clause.

Page 155

COUNCILMEMBER FLEMING: Just so that I understand, back on page four, are we removing outdoor storage and display or are we -- Are we removing outdoor storage from that last sentence on page four?
COUNCILMEMBER BATES: No, ma'am.
MR. HAEBERLIN: Not in my understanding, no.
COUNCILMEMBER FLEMING: Okay.
MR. HAEBERLIN: And then you might want to address the discussion on the antique store definition. It's in red on page 13, and that wording comes from the city attorney. So I realize we need to make some definition of what constitutes an antique. I don't know what you guys want that to be, 10, 20, 25 or whatever.
I think Mr. Weed's concern, and he can speak to this, is that he's not wanting a flea market to show up on these locations. He's wanting, I mean, you know, an antique retailer to consider these locations.
ATTORNEY WEED: That's correct. I don't have anything else to add other than you can set the time on whatever you want it to be, but I do advise having a bright line.
COUNCILMEMBER ROCHE: Well, if we're going to allow a consignment store for used furniture or clothing or used office furniture or equipment. So

Page 156

we're saying we can't sell used cameras or used lawn mowers or used computers.
MR. HAEBERLIN: They could certainly --
ATTORNEY WEED: You could do a computers because that would be --
MR. HAEBERLIN: Yeah. Computers, yeah.
ATTORNEY WEED: -- used office furniture or equipment.
COUNCILMEMBER ALEXANDER: So the lawn mower and small engine repair within a facility would not be allowed to sell used lawn mowers that they had repaired?
ATTORNEY WEED: That is correct.
COUNCILMEMBER FLEMING: Are we honestly working on permitted uses now in all this bunch of definitions --
COUNCILMEMBER ROCHE: Well, that's what I'm saying. That's what we're getting to --
COUNCILMEMBER FLEMING: -- or are we going to --
COUNCILMEMBER ROCHE: Yeah. That's why I wanted to wait until we -- just personally, I was thinking we should hear from everybody first before we got into this, but --
MR. HAEBERLIN: That was the only other

Page 157

1 major issue. I just wanted to bring it to your
2 attention. There had been no specific resolution by
3 the Planning Commission. I just wanted you guys to
4 consider that.
5 COUNCILMEMBER BATES: Clearly pass the buck.
6 MR. HAEBERLIN: Absolutely; but, you know,
7 some limit might be useful, and in other portions of
8 the zoning ordinance you might want to define antiques
9 differently.
10 ATTORNEY WEED: Or you might want to allow
11 anything. It's always up to the Council.
12 COUNCILMEMBER ROCHE: Well, the property
13 owners may not want it at all.
14 COUNCILMEMBER FLEMING: Are we going to
15 discuss what we've changed before we get into
16 permitted uses with the public? Is that what you
17 wanted to do, Mayor?
18 MAYOR JENKINS: I want to do what the
19 Council wants to do. Don't we need to have a public
20 hearing?
21 COUNCILMEMBER FLEMING: Yes, but I just
22 wanted to clarify what the public was going to talk
23 about. Are they going to talk about our --
24 COUNCILMEMBER BATES: The whole thing.
25 COUNCILMEMBER PITTMAN: The whole thing.

Page 158

1 COUNCILMEMBER FLEMING: Okay. All right.
2 Thank you.
3 MAYOR JENKINS: Okay. Let's start out with
4 opposed. Anybody opposed?
5 MS. CARDEN: Opposed to the changes?
6 MAYOR JENKINS: To the changes.
7 MS. CARDEN: I have a correction.
8 COUNCILMEMBER BATES: Opposed to the
9 ordinance.
10 MR. STOKES: There's some elements in the
11 ordinance that need to be addressed.
12 MS. CARDEN: I think it's more clarification
13 than expansion.
14 ATTORNEY WEED: Just as a general rule, if
15 everyone who comes to the podium would please state
16 your name and residence address, we appreciate that
17 for the record.
18 MS. CARDEN: My name is Lynn Carden, and I
19 am not a resident of Doraville but I own a building at
20 6039 through 6043 New Peachtree Road.
21 I guess the first thing I just wanted to get
22 some clarification is on page four when we talked
23 about the change, "Demolition of interior tenant
24 spaces shall be permitted for interior renovation
25 provided there is no expansion in the tenant space

Page 159

1 square footage."
2 I sort of lost the thread on that one. Did
3 we change it?
4 COUNCILMEMBER BATES: We deleted that
5 sentence.
6 MS. CARDEN: We deleted the whole thing?
7 COUNCILMEMBER BATES: Yes.
8 MS. CARDEN: The only question I had about
9 it is are you permitting demolition of interior tenant
10 spaces now? because sometimes the offices are so
11 crummy looking that it's better to just demolish them
12 and rebuild the office.
13 COUNCILMEMBER BATES: There are no -- and
14 Mr. Weed and Mr. Haeberlin, correct me if I'm wrong,
15 but there are no prohibitions on any tenant interior
16 finishes.
17 ATTORNEY WEED: You can do whatever you want
18 to.
19 MS. CARDEN: Okay.
20 COUNCILMEMBER ALEXANDER: According to the
21 building code as long as it's not a, you know, wall
22 that has to hold up the building.
23 MS. CARDEN: Got it. Okay.
24 COUNCILMEMBER ALEXANDER: Is that clear?
25 MS. CARDEN: Okay. Just making sure.

Page 160

1 COUNCILMEMBER ROCHE: If the building falls
2 in.
3 MS. CARDEN: Okay. Thank you for fixing the
4 exterior renovations. That was really important to
5 me.
6 I know that the word "wholesale" has such a
7 negative kind of connota- -- section in Doraville, but
8 there are lots of businesses in warehouses. We've
9 always called them distribution and wholesale because
10 they are bought by one party for resale or for repair
11 to another party.
12 So understanding that "wholesale" is a
13 negative word here, I wondered if we should allow
14 supply companies. And I'll give you a prime example.
15 I have a tenant in two locations, called United
16 Refrigeration. They're a national company, and what
17 they do is they sell HVAC components to HVAC
18 contractors. So I think under this current list of
19 zoning, they would not be allowed, and they're an
20 important part of the contractor business. Every
21 plumber, every electrician, every contractor who fixes
22 anything has to pick up supplies somewhere, and the
23 smaller businesses, they are not going to travel to
24 Chattahoochee Industrial to pick up an HVAC part.
25 They are going to go wherever its closest.

Page 161

So if the word "wholesale" is negative, then maybe "supply company," "contractor supply company." There should be some language that allows for these guys to go and pick up parts. So I would ask you to consider that, and if you want any more clarification. It doesn't have to be open to the general public. We're not trying to wholesale socks. We're just trying to make the warehouses usable for the contractors to come and pick up supplies.

COUNCILMEMBER BATES: I'm going to ask -- I'm sorry, Ms. Fleming. Let me ask Mr. Haeberlin and Mr. Weed, on page nine -- and I just pulled one at random -- the third one down, heating and air conditioning dealers, repair, and service. Would dealers, with Ms. Carden's question regarding supplies, suppliers, equate to the word dealers?

MR. HAEBERLIN: I would think so. I mean you could just put a line item here starting under S, you know, supply, supply sources, or some terminology, and not try to fix every individual one but add that as a line item.

ATTORNEY WEED: They're dealing in air conditioning units in a retail basis, you know. That's what that clearly means.

COUNCILMEMBER BATES: So supplying from --

Page 162

and I agree with Mr. Haeberlin on adding that possibly in as a standalone, because they go into plumbing and it doesn't talk about dealers. It just talks about supply showrooms but it doesn't talk about suppliers.

So I just want to get a little bit of clarification and consistency from staff. If we're dealing with contractor equipment and supplies selling from A to B, is that allowed versus traditional retail?

MR. HAEBERLIN: I guess you could say supply sources with or without retail sales, and then you could have -- you could supply tile from one person to the next, and if you wanted to do retail with it, you could. I mean it's just all in how you guys art that, how you craft that. I think if you go down to the S area and include that somewhere in that, it will be easier and be a catchall.

MS. CARDEN: It would be helpful.

ATTORNEY WEED: And obviously you can do whatever it is you care to do, legally.

But if the question is how you differentiate that dealer to another dealer, unless the word "retail" is involved in that and it's a direct, you know, dealer to -- whole supplier to a dealer, who will then, you know, sell it at retail to an end user,

Page 163

that's one thing. Or you could just say wholesaling is allowed.

COUNCILMEMBER BATES: That's it.

And Ms. Fleming, I didn't mean to interrupt.

COUNCILMEMBER FLEMING: I think we're touching on the same scenario. I was going to make a comment, contractor's offices and supply companies, but what Mr. Haeberlin was saying about having it as one line item, that's fine.

But if we put "supply companies" in there, we need to correct the language throughout the permitted uses, like the dealer services or retailer. Not retailer. Whatever. If it's got that one permitted use in there, then we need to look at all the other uses that we've already typed in.

ATTORNEY WEED: The question was -- I mean our instructions we thought were clear, that wholesaling was not to be a permitted use. And if that's changed, then that's certainly appropriate. That's up to the Council.

And then if we're going to carve out some new thing, which is supplier to somebody, to Receiver X, that's fine. But the question is is it going to be a wholesale or is it going to be a retail transaction, essentially?

Page 164

COUNCILMEMBER PACHUTA: Can we carve it out so that like contracting, contractor and building supplies versus . . . so we're not opening it up to all wholesale?

MR. HAEBERLIN: Yeah, that would --

ATTORNEY WEED: Sure.

MR. HAEBERLIN: I mean that's good language there.

COUNCILMEMBER ROCHE: Well, I guess, to me, obviously the idea of wholesaling for somebody to put in a store and sell to somebody else to me is different than wholesaling where you're going to sell parts to a plumber and he's going to go put it in someone's house. But still, I guess you could say that the plumber sold that piece of pipe. You know, he also installed it; that's his value add. Or someone that sells rolls of towels that go in -- you know, janitorial supplies. You know, things that are not necessarily going to be sold to somebody to be sold again, I guess is my point.

MS. CARDEN: Well, Perky Beverage has been our tenant for 22 years, and they get in boxes of crackers and soft drinks, and they go and they go and supply vending machines, so they're sort of a reseller.

Page 165

COUNCILMEMBER ROCHE: Right.
MS. CARDEN: Are they a contractor? I don't know. That's why I thought supply.
I think the concern on -- I wish I understood the concern on wholesale so I could help you with the language. I'm not quite sure what you're trying to avoid in the warehouses.
I understand what you're trying to avoid in the retail strip centers, but in the warehouses I'm not sure what the big onerous part of this is.
COUNCILMEMBER BATES: But there are retail strip centers that could and potentially will be part of this district.
MS. CARDEN: They will be part of this transitional district, the CT.
COUNCILMEMBER BATES: (Nods head)
MS. CARDEN: Oh, okay. There's retail --
COUNCILMEMBER BATES: Your property is a great example.
MS. CARDEN: Oh. On, my little front? We got to have a roll-up door to service these guys. So if you're not going to put in a roll-up door, you can't really, you know, stock much.
COUNCILMEMBER BATES: I mean where Enigma is is a great example.

Page 166

MS. CARDEN: They're not a wholesaler.
COUNCILMEMBER BATES: But if we allow wholesaling in here, they could be.
MS. CARDEN: They sell religious icons --
COUNCILMEMBER BATES: But they --
MS. CARDEN: -- to individuals.
COUNCILMEMBER ALEXANDER: The suite --
COUNCILMEMBER BATES: The suite --
COUNCILMEMBER ALEXANDER: -- could be a wholesaler.
COUNCILMEMBER BATES: Right. A new tenant could come in there and be a wholesaler, and then you have a street-front wholesaler.
MS. CARDEN: What if you said wholesale is only allowed if you have a roll-up door, if you have a loading door?
COUNCILMEMBER BATES: At the back side of your property has --
MS. CARDEN: The back side of my property.
COUNCILMEMBER BATES: -- has a loading door.
MS. CARDEN: What's the problem with a wholesaler in the back of the property?
COUNCILMEMBER BATES: But that's connected. You would need to -- we would need to then split your property in half and specify out that the New

Page 167

Peachtree side can't and the Church Street side can.
MS. CARDEN: What if you limit it to who the suites who have loading doors?
COUNCILMEMBER BATES: Then we're getting into suite by suite, tenant by tenant, saying yes, no, no, no, no, yes, yes.
MS. CARDEN: Well, then --
COUNCILMEMBER FLEMING: But I believe Ms. Carden's property is unique in that it carries two separate addresses.
MS. CARDEN: I would never put a warehouse in the front of my building because I would get less rent.
COUNCILMEMBER FLEMING: She has Church Street addresses and she's got New Peachtree addresses.
COUNCILMEMBER ALEXANDER: I'm not in favor of making the language so vague that we get additional general merchandise wholesalers in this district.
MS. CARDEN: And I understand that you hate the world wholesaler. That's why I thought supply companies, even if we said -- I thought just saying supply companies would be enough. But if you have to define it, I guess we could say contractor supply company, contractor supply and parts company?

Page 168

COUNCILMEMBER ROCHE: Or just say no store front wholesaler?
MS. CARDEN: That would be fine.
MR. HAEBERLIN: The contractor supply, I feel safer with that.
COUNCILMEMBER ROCHE: No storefront wholesalers.
MR. HAEBERLIN: Contractor supply, I feel more comfortable with because, as you guys are aware, we have some situations where we have adult novelties being supplied. So I wouldn't want to get into arguing semantics with people. I just want to be very careful that we don't introduce something that you guys don't want in your downtown district.
MS. CARDEN: But you've already forbid everything adult in here, so I think you're covered.
CHIEF KING: Well, no.
ATTORNEY WEED: No, we're not.
CHIEF KING: We have leather supplies in the neighborhood.
ATTORNEY WEED: Yeah. The concern I would have about storefront would be what constitutes a store front. We need to define that carefully, because, as you know, in Doraville, it's very hilly here, there's lots of peaks and valleys; everything's

Page 169

a front in some ways. So it's not impossible to do that. But I would turn to the planner and say, we then would have to carefully define what constitutes a store front. Especially if you have a single parcel with more than one address, you know, which one, which address is in front?

COUNCILMEMBER ROCHE: The one with the windows.

ATTORNEY WEED: Yeah, but it could be, you know, one could front one street and one could front the other. In this town, it happens often.

COUNCILMEMBER FLEMING: Are we going to have an issue with trying to define contractor?

ATTORNEY WEED: I don't know if we'll have an issue with it but we'll sure work at it together as a group.

COUNCILMEMBER FLEMING: Because we're all thinking building, okay?

ATTORNEY WEED: Yes. That's what I was thinking.

COUNCILMEMBER FLEMING: And you know, but there might be other contractors out there.

ATTORNEY WEED: Based upon what the --

COUNCILMEMBER FLEMING: I'm sorry, Chief, but you got to be --

Page 170

CHIEF KING: You're -- No. You're --

COUNCILMEMBER FLEMING: -- deep about these things.

CHIEF KING: You're exactly right, ma'am.

COUNCILMEMBER ROCHE: I mean automotive parts. You know, there's a little automotive parts that sells to mechanics.

MS. CARDEN: I actually have two of those tenants over in Stone Mountain where mechanics actually send a runner to these warehouses --

COUNCILMEMBER ROCHE: Right.

MS. CARDEN: -- to pick up parts. They don't go to Auto Zone. They don't pay retail.

COUNCILMEMBER ROCHE: Exactly.

MS. CARDEN: So somehow we got to get the words supply company, supply parts companies. I don't know how to --

COUNCILMEMBER FLEMING: Distribution? Contractor's supply and distribution?

ATTORNEY WEED: Or retail sales.

COUNCILMEMBER ROCHE: Could you say parts?

MS. CARDEN: Parts is a good word.

COUNCILMEMBER ROCHE: Parts is parts.

MR. HAEBERLIN: I think the package --

COUNCILMEMBER ROCHE: I keep forgetting

Page 171

people are taking down every word I say.

MR. HAEBERLIN: The packaged food that she discussed, I don't -- that doesn't freak me out, but I would of course be freaked out if there was vats of food being stored, and seafood, and stuff like that. But the packaged food that she was talking about, you know, cheese crackers or whatever, that doesn't upset me. I mean I don't think that's going to be a problem.

So you could just put a clarifier in there, like I say, you know, for contractor's office, you know, for supply, that type stuff. Vending machines, whatever; whatever you want to put on the list. But obviously we need to make sure that any food is packaged good, so I mean you could clarify that and I would address that.

COUNCILMEMBER ROCHE: Could we have a quick break?

Well, let me ask a question first. Is there any reason in the world why we couldn't, you know, continue with what we're doing and have some -- like for instance, this question we have now; you know, try to come up with some language and look at this at the very next City Council meeting?

ATTORNEY WEED: No. You need to just -- you

Page 172

would adjourn this hearing to a date certain, name the date, and you can continue on at that date certain.

COUNCILMEMBER ROCHE: Okay. I mean we still need to do the public hearing. I'm just saying it's not like --

ATTORNEY WEED: You would -- you'd stop it tonight, for example, and just continue it at the next date certain.

COUNCILMEMBER ROCHE: Well, I want everybody to have a chance to say what they want to say, to bring up all the issues, and then we can decide whether we want to pursue some of them or not.

ATTORNEY WEED: That's legal too.

COUNCILMEMBER ROCHE: Because personally I feel like we should probably pursue this particular issue and then maybe work up some language between now and the next Council meeting, and then at the next Council meeting we can decide whether or not to add this issue or whatever language we come up with or don't come up with.

ATTORNEY WEED: That process is legal in my opinion.

COUNCILMEMBER ROCHE: Okay.

MS. CARDEN: And I certainly don't have a problem with finessing the language when we're not --

Page 173

1 when it's not 10 o'clock at night. Everybody's got to
2 get up in the morning.
3 So I just want to get that out there because
4 it does -- and I see your point, because we don't want
5 wholesale seafood, you know. I've had those tenants.
6 So it sounds like it needs some finessing.
7 I just have one more question and then I'll
8 let somebody else talk. On page four of the split
9 zoning which I think pertains to my property and maybe
10 one other, I guess my question is do I -- is there
11 some reason why I have to do split zoning? Would I
12 not be allowed to lease to normal sort of retail uses
13 in the front if I go to CT?
14 MR. HAEBERLIN: If you go to CT, you'll
15 be subject to the uses in CT. If you have a portion
16 of your property that you really want to keep C-2 uses
17 -- and C-2 allows you a lot of conditional uses too --
18 then you might want to consider the split zone,
19 because you will be taking away some things that you
20 have options under C-2.
21 MS. CARDEN: That I already have.
22 MR. HAEBERLIN: Or apply for a conditional
23 use.
24 MS. CARDEN: All right. And then it says
25 that I need to provide an as-built survey with a

Page 174

1 delineated zoning line and legal description. How do
2 you delineate the zoning line if you hadn't split the
3 parcel yet? You just draw a line through the building
4 and say this is what I want?
5 MR. HAEBERLIN: It is just an arbitrary
6 line. It really is that. "This portion of my
7 property is developed as roll-up doors; this I want
8 CT. This portion of my property is more retail style,
9 and this portion I want C-2."
10 COUNCILMEMBER ROCHE: The whole point of
11 this is to get people into C-2. Why wouldn't we
12 simply include all uses that are allowed in C-2 in CT?
13 MS. CARDEN: That's kind of what I was
14 thinking because you want the upgraded uses anyway.
15 If by some miracle I could lease one of my little
16 warehouses on Church Drive to a C-2 user, that would
17 be an upgraded use. I think you would be happier.
18 MR. HAEBERLIN: Well, again, my under-
19 standing was that the reason we wrote this district
20 was for certain as-built functions in the city. I
21 suggested this split zoning because I think it's of
22 benefit to a couple property owners, not just you.
23 And so I mean that was just the way I arted the
24 ordinance. I never suggested, you know, that we
25 include everything from C-2. So we should have just

Page 175

1 left these properties C-2, I mean, you know.
2 MS. CARDEN: Well, what were trying to do
3 was bring back in some of the older what you called
4 lesser uses. That's what we were trying to do, and
5 we're accomplishing that. So I kind of agree with Bob
6 that I think that if we could say -- you know, if you
7 can lease one of your warehouses to a C-2 user, if a
8 hair dresser wanted to go into one of my warehouses,
9 I'd be overjoyed. They probably won't, okay, because
10 there's no visibility. But over time, if the market
11 improved to such that somebody fell in love with the
12 back of my building and wanted to put a retail use in
13 there, I think everyone would be happy including me.
14 And you would get, you know, a higher tax base; I
15 would get more rent. It's just something to consider.
16 COUNCILMEMBER FLEMING: Thank you.
17 MS. CARDEN: All right. That's all.
18 COUNCILMEMBER ROCHE: Thank you.
19 MAYOR JENKINS: Bob, do you want to continue
20 the public hearing or continue everything until the
21 next meeting?
22 COUNCILMEMBER ROCHE: I don't know. Where
23 are we at?
24 COUNCILMEMBER BATES: I would prefer to hear
25 what --

Page 176

1 COUNCILMEMBER ROCHE: Right.
2 COUNCILMEMBER BATES: -- good, bad and ugly.
3 COUNCILMEMBER ALEXANDER: We're still on the
4 opposed; correct?
5 ATTORNEY WEED: Yes.
6 MR. STOKES: I want you all to know it's
7 past my bedtime too. I'm probably the oldest member
8 here. I'm just going to throw this out from what Lynn
9 just said.
10 And I've dealt with municipalities, City of
11 Atlanta, Clayton County, City of Douglasville -- I can
12 down the list -- Mableton, et cetera, and all the
13 zoning that I've been subjected to or dealt with, that
14 you can always upgrade. In other words, if you had a
15 zoning -- we're talking about C-2/CT zoning which I
16 assume we're talking about correcting the mishaps of
17 the existing zoning so that in the warehouse use we
18 can do what warehouses are supposed to do.
19 And I'll just spend a second on that, that
20 if you can come to a -- normally that would include
21 anything that was of a higher grade, as Lynn said,
22 automatically wouldn't be a problem.
23 Now, warehouses are not designed for retail,
24 but they're designed for distribution, they're
25 designed for contractors, subcontractors. You don't

Page 177

like the word "wholesaler." We can use -- we can come in with some other word. But I liked -- somebody said maybe the store fronts. I can see that. You don't want to have on Buford Highway, other places where you got a lot of retail spaces, you don't want to bring wholesalers in, and that's fine, but don't restrict the warehouse to that.

Now, there's one thing in here I needed to bring up on a specific item if you'll bear with me just a minute.

Yeah. On page five down at the bottom, this is sort of like on teddy bears in with bottles of beer. It says, "Alcohol warehousing, sales or consumption is not permitted within this district, and then right underneath it's got adult novelty. Fine. That should remain exactly as it is.

But when it says alcohol warehousing, wine distribution, that's not -- that's not a bar or anything like that. That's just a distributor of bottles of wine, and I don't see that that should be restricted, and I'd like to see maybe some comment because I think that the way this is worded, you don't want to have consumption, and I agree with that. It's not permitted. But when it says sales, I think that would knock out a business of wine distribution.

Page 178

MR. HAEBERLIN: That's really covered under existing regulatory codes anyways, and I think it's actually called Alcohol Warehousing or Wholesaling, something like that. Your regulatory codes have a section on them already. And typically we don't find that in the commercial districts. We have -- in the commercial districts we have consumption on premises and we have quote/quote -- I hate to use this word -- package wine and beer with a convenience store, but typically we don't have anything else other than that.

MR. STOKES: Well, in other words, this clause in here wouldn't prohibit a wine distributor, then.

ATTORNEY WEED: My opinion is it would.

MR. HAEBERLIN: It would. I would agree with Mr. Weed.

MR. STOKES: Well, that's why I want to address it.

MR. HAEBERLIN: Well, then we have to allow wholesaling, because under the regulatory code it's addressed as a wholesaler. So we've got another set of city regulatory codes outside of zoning that address alcohol, and there's only very specific ways alcohol can be used in the city. So that would be as a wholesaler of alcohol, and that's -- I mean that's

Page 179

my belief as to how the regulatory codes are written. We don't deal with those very often. I think we only have maybe one in the whole city --

MR. STOKES: One what?

MR. HAEBERLIN: -- in M-1. It's in M-1. A wine wholesaler. He's in M-1. And there's a whole set of documents that exist just for that in the regulatory codes.

MR. STOKES: What about grandfathering?

MR. HAEBERLIN: Well, grand- --

MAYOR JENKINS: Listen. We're going to be here all night. We've got one lady that has to leave because of a sick child. Are we going to extend this meeting or are we going all night?

We're not going to finish in 30 to 45 minutes. We can see that.

COUNCILMEMBER ROCHE: Do we want to just simply -- can we postpone the public hearing part of this until the next Council meeting?

ATTORNEY WEED: You can postpone any part that you want.

COUNCILMEMBER ROCHE: I make a motion that we --

MAYOR JENKINS: We can take up right where we are now with this gentleman.

Page 180

ATTORNEY WEED: And it would still be Mr. Stokes.

COUNCILMEMBER ROCHE: I make a motion to do that. I love it.

ATTORNEY WEED: You need to set it for a date certain.

COUNCILMEMBER FLEMING: We've got to make it to a date certain.

MAYOR JENKINS: Do I get a second?

COUNCILMEMBER ROCHE: The date certain would be the beginning of the next Council meeting under old business.

MAYOR JENKINS: At the beginning. Can we come maybe 30 minutes early on that?

COUNCILMEMBER ROCHE: Well, we'll just do it at the Council meeting, the regular Council meeting.

COUNCILMEMBER FLEMING: Bob, I really think that it's going to take longer than 30 minutes, actually.

MAYOR JENKINS: Well, I'm saying wouldn't you want to start just a few minutes early to get --

COUNCILMEMBER PACHUTA: I can't get here earlier than 6:30.

MAYOR JENKINS: It'll be at 6:30, then, before the next Council meeting.

Page 181

COUNCILMEMBER FLEMING: No, sir.
COUNCILMEMBER PACHUTA: The next Council meeting starts at 6:30.
COUNCILMEMBER PITTMAN: Why don't we --
MAYOR JENKINS: That's what you said.
COUNCILMEMBER ROCHE: No, at the --
COUNCILMEMBER FLEMING: No, sir, I did not. I said it would take longer than 30 minutes.
COUNCILMEMBER ROCHE: The motion would be to postpone the current public hearing to the beginning of the next Council meeting under old business.
COUNCILMEMBER ALEXANDER: It'll take up the whole meeting.
COUNCILMEMBER PACHUTA: Yeah, I agree.
COUNCILMEMBER PITTMAN: Why don't we do a separate meeting for this because obviously this is taking --
ATTORNEY WEED: Yeah.
COUNCILMEMBER PITTMAN: -- a long time.
ATTORNEY WEED: It doesn't matter when you do it. You just --
COUNCILMEMBER FLEMING: Because our next meeting --
ATTORNEY WEED: -- pick date.
COUNCILMEMBER FLEMING: -- we have the

Page 182

Alcohol Ordinance on it, or should have.
COUNCILMEMBER ROCHE: Oh, okay. I forgot about that.
MAYOR JENKINS: We also have the C-1/C-2, don't we?
COUNCILMEMBER PACHUTA: And the Dumpster Ordinance.
COUNCILMEMBER PITTMAN: Yes, and the Dumpster Ordinance.
COUNCILMEMBER ROCHE: I hate to delay this any more but --
COUNCILMEMBER FLEMING: We've got a calendar right there.
MR. HAEBERLIN: Is May 3rd the next meeting, Mayor and Council?
MAYOR JENKINS: Yes. Monday.
Later in the week possibly we could have a meeting. I wouldn't be available tomorrow, no.
COUNCILMEMBER ROCHE: And I'm not available Thursday.
ATTORNEY WEED: For what this is worth, we have to get together on May 4th anyway to open the bids, and we did that on purpose just to open bids and only be here 10 or 15 minutes, but we have to be here for that.

Page 183

MAYOR JENKINS: That's Tuesday of next week.
COUNCILMEMBER ROCHE: I make a motion that we postpone this public hearing until May 4th following the bid opening at -- 7:00?
COUNCILMEMBER FLEMING: What time is -- what bids are we opening at what time or are we opening them?
ATTORNEY WEED: Yes. I'm going on memory here.
MAYOR JENKINS: Be at 6:30.
ATTORNEY WEED: Thank you. I believe it's at 6:30, and I know it's on May the 4th, and I believe the bids that are going to be opened include the solicitor or the public defender and I believe there's one other one.
COUNCILMEMBER ROCHE: Yeah, because we can probably pass --
ATTORNEY WEED: All you're going to do is literally open those, because on two of them you decided to form a committee to do recommendations back to you later.
COUNCILMEMBER ROCHE: Okay.
ATTORNEY WEED: So that literally is scheduled to take you 15 minutes. But you're going to have to do that anyway, so that might be a good time

Page 184

to do it. That's all I'm throwing out there.
COUNCILMEMBER ROCHE: 7 o'clock May 4th.
ATTORNEY WEED: Or you could put it off to another date, whenever.
MAYOR JENKINS: That sounds good to me.
COUNCILMEMBER ROCHE: Can I get a second?
ASSISTANT CLERK BRYANT: At 7:00? Is that what he saying?
MR. HAEBERLIN: 7:00.
COUNCILMEMBER ROCHE: Second.
MAYOR JENKINS: Call the roll.
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Call the roll, please.
ASSISTANT CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
ASSISTANT CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.

Page 185

ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Motion we adjourn?
COUNCILMEMBER ALEXANDER: Does everyone understand that it's Tuesday, May the 4th, at 7:00 p.m.
ATTORNEY WEED: And I want to clarify, Mr. Stokes, you have not used up all the time allowed to you. So when we get back, if you are here that night, you will be right back where you were if you want to speak.
COUNCILMEMBER ROCHE: Second the motion to adjourn.
MAYOR JENKINS: Call the roll.
ASSISTANT CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
ASSISTANT CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember

Page 186

Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
THE REPORTER: Who made the motion to adjourn? I didn't hear it.
COUNCILMEMBER ROCHE: I believe Councilwoman Alexander.
MAYOR JENKINS: Bob Roche did.
COUNCILMEMBER ROCHE: I seconded it.
ATTORNEY WEED: Is someone willing to make that motion?
COUNCILMEMBER PITTMAN: Move to adjourn.
ATTORNEY WEED: All right. Let the record reflect that Councilman Pittman made the motion.

- - -

(Meeting adjourned at 10:20 p.m.)

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Page 187

C E R T I F I C A T E

STATE OF GEORGIA]
COUNTY OF DEKALB]

I hereby certify that the foregoing transcript uas 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 30th day of April 2010.

_____

Theresa Bretch, CCR
Permit No. B-755

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$8.00 (1)
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004 (1)
94:9
007 (1)
94:8

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1 (7)
35:14;36:5;40:20;
77:2,8;78:13;83:23
10 (5)
20:25;124:5;155:13;
173:1;182:24
10- (1)
93:9
10:20 (1)
186:24
10-minute (1)
95:18
10x10 (1)
124:5
10x20 (1)
124:8
11 (2)
33:23;154:16
12 (1)
123:14
120 (1)
97:7
12-foot (1)
50:23
13 (4)
33:24;96:9;123:15;
155:10
14th (1)
97:8
15 (7)
20:25;85:14,16,17;
126:4;182:24;183:24
150 (1)
97:7
16 (2)
59:13,15
17 (4)
33:14,18,24;65:20
18 (1)
38:19
180-square- (1)
59:20
1820s (1)
19:13
18-311-01-004 (1)
11:17
18-311-01-005 (2)
11:14;94:8
18-311-01-007 (1)
11:16
18-wheeler (1)
146:16
1966 (2)
112:9;135:14
1971 (2)
112:12;115:1
1973 (1)
115:4
1990 (1)
16:11

2

2 (5)
35:18;36:8;76:1;
79:16;83:23
20 (5)
28:11;50:23;89:22;
115:13;155:13
20-foot (1)
12:21
21 (2)
33:18,23
22 (1)
164:22
25 (5)
14:7;37:5;43:21;88:7;
155:13
2595 (1)
50:9
285 (1)
24:15

3

3 (10)
35:20;36:10;70:13;
80:21;83:23;85:11,12;
96:8;97:5;105:7
30 (4)
179:15;180:14,18;
181:8
300 (1)
126:23
315 (1)
50:15
3334 (1)
57:12
3493 (1)
52:9
35 (1)
39:9
35x18 (1)
50:14
360 (1)
50:15
3774 (1)
70:3
3971 (1)
55:10
3rd (1)
182:14

4

4 (4)
21:16;36:15;91:22;
92:1
40 (1)
53:23
40-foot (3)
43:15,24;44:1
45 (1)
179:15
45-foot (2)
88:15,19
4th (5)
182:22;183:3,12;
184:2;185:9
4x8 (1)
23:16

5

5 (7)
13:11;14:14,15;37:2;
87:22;90:7;145:18
5,000 (1)
57:4
50 (5)
4:9,10;50:18;60:22;
61:1
500 (1)
124:22
5873 (1)
54:11
5879 (1)
56:23
5891 (4)
42:25;115:10;123:12;
136:11

6

6 (5)
37:7,12;45:20;87:22;
90:7
6:30 (5)
180:23,24;181:3;
183:10,12
6039 (1)
158:20
6043 (1)
158:20
66 (1)
112:13

7

7 (1)
184:2
7:00 (4)
183:4;184:7,9;185:10
70/'71 (1)
16:8
700 (1)
126:23

8

80 (1)
20:24

9

9- (1)
12:21
91 (1)
16:11
99 (1)
45:6
9x20 (6)
12:23;18:22;23:17;
25:25;41:1;50:15

A

A' (1)
104:14
ability (3)
33:15;38:8;53:18
able (20)
4:23;11:3;12:16;
23:13;29:5;35:9;40:7,9,
13;47:9;59:22;63:13;
68:11;82:7;89:12;
113:16;124:14,25;
150:10;154:7
above (1)
37:25
absolutely (5)
52:12,25;53:4;115:14;
157:6
accents (1)
71:7
accept (4)
77:12;82:19;93:8;
94:19
acceptable (3)
73:5,18;128:2
accepted (1)
12:17
accommodate (3)
28:21;124:18,25
accompany (1)
130:5
accomplished (1)
32:18
accomplishing (1)
175:5
according (2)
105:22;159:20
account (1)
57:7
achieve (1)
65:10
achieved (1)
123:21
achieves (2)
34:7;97:17
acid-wash (1)
72:22
acquire (1)
31:21
acres (1)
110:1
across (5)
16:6;24:15;26:5,7;
31:20
Act (1)
48:12
acting (1)
125:13
action (6)
11:9;52:5;113:7,15;
116:6;119:15
activity (3)
72:10,11;96:14
actual (1)
61:21
Actually (29)
8:14;25:12;27:13;
32:6,9;33:12;35:11;
36:12,17;37:20;38:5,22;
42:22;44:16;47:20;
63:11;75:21;93:19;
100:17;102:16;106:4;
109:25;138:17;144:15;
154:13;170:8,10;178:3;
180:19
adaptive (1)
144:21
add (19)
23:10;39:21;64:15;
68:13;69:14;79:16;
81:21;108:17;111:6,17;
117:23;119:19,24;
135:10;141:19;155:20;
161:20;164:16;172:18
added (4)
54:21;111:12;147:8;
149:20
adding (4)
36:23;39:17;135:8;
162:1
addition (1)
76:7

additional (12)
33:15;37:24;38:11,24;
40:10;100:21;136:22;
138:16,19,25;139:20;
167:18
address (18)
31:18;63:1;72:11;
73:6;96:6;97:3;123:16;
142:24;146:11;147:3,
12;155:9;158:16;169:5,
6;171:16;178:18,23
addressed (5)
31:18;70:1;143:8;
158:11;178:21
addresses (6)
31:23;36:10;46:2;
167:10,15,16
addressing (2)
96:10;101:23
adds (1)
35:25
adhere (1)
73:10
adjacent (9)
11:2,5;32:19;33:16;
34:23;38:3;110:13,14;
113:11
adjourn (5)
172:1;185:7,17;
186:13,20
adjourned (1)
186:24
administrator (1)
116:4
admire (1)
57:15
adopt (3)
89:12;106:21,24
adult (3)
168:10,16;177:15
advertised (4)
48:12,13;67:12;106:1
advice (3)
5:20;45:18;108:14
advise (4)
48:16,18;136:6;
155:21
advocating (1)
72:19
aesthetics (1)
23:10
affect (6)
60:13,14;113:4;
116:14;128:1;153:24
afternoon (1)
148:16
again (29)
22:2,8,21;29:25;
35:18,20;36:8;37:2,5,7;
43:3;44:11;48:2;59:24;
63:17;71:4,20;74:15;
85:4,7,21;87:25;113:23;
130:2;143:14;144:5;
149:23;164:20;174:18
against (5)
50:7;56:2;57:25;58:1;
81:7
agency (1)
126:4
agenda (3)
8:2,3,15
ago (1)
123:15
agree (30)
8:9;24:24;25:2;26:23;
27:3;28:6;41:15;43:13;
57:16;66:24;75:19;
98:23;102:6;104:17;
111:23,23,25,25;124:20;
125:11;126:8;127:23;
147:4,5,14;162:1;175:5;
177:23;178:15;181:14
agree- (1)
136:4
agreeable (1)
24:10
Agreed (1)
106:20
agreement (1)
127:25
agreements (2)
134:22;136:10
ahead (8)
6:3;8:6;31:10;85:12;
86:14;93:22;138:23;
145:12
air (2)
161:13,22
akin (1)
128:16
Alamo (1)
30:13
Alan (2)
52:9;57:16
Alcohol (7)
177:13,17;178:3,23,
24,25;182:1
Alexander (83)
3:5;10:1;13:9;73:23;
74:4;77:19,20;78:23,24;
80:4,5;83:5,6;84:8,9;
86:18,21;87:1,2;88:14,
21;90:15,16;92:10,11;
93:4,7,11;94:3,22,23;
98:10,17;100:18;104:12,
25;107:19,20;109:7,8;
112:2,9,14;114:6;
118:23,24;120:18,23;
121:23,24;129:7,8;
130:20,24,25;132:24,25;
134:3,4;136:11,13;
139:1,25;140:1;151:4;
152:13,14;153:18;
154:16;156:9;159:20,
24;166:7,9;167:17;
176:3;181:12;184:15,
16;185:8,20,21;186:15
Alexander's (1)
113:19
all-brick (1)
70:24
alleviating (1)
65:4
allocating (1)
5:22
allotted (1)
126:21
allow (22)
33:7;39:16;45:10;
56:6,14,18;57:7;61:3,12;
63:3;64:22;113:15;
125:22;126:25;141:14;
142:17;154:13;155:24;
157:10;160:13;166:2;
178:19
allowable (1)
61:16
allowed (26)
47:4;61:25;98:7;
112:5;117:12;126:20;
138:20;141:15;145:2,4;
148:3;149:16;150:3,16;
151:12,17;152:5;154:1;
156:11;160:19;162:8;
163:2;166:15;173:12;
174:12;185:12
allowing (7)
53:8;61:7;67:4;
105:17;138:10;147:18;
148:19
allows (4)
39:20;151:13;161:3;
173:17
almost (4)
50:16;52:21,23;59:24
along (13)
17:21;42:18;43:8;
52:4;56:10;60:2,25;
64:3;68:6,7;130:13;
147:20;149:15
alternatives (1)
85:25
although (1)
56:14
altogether (2)
67:14;101:20
always (11)
8:23;9:2;29:17;35:10;
42:24;57:2;62:25;
106:19;157:11;160:9;
176:14
Amanda (1)
10:23
amend (1)
8:15
amendment (6)
33:6;41:17,22;77:7;
94:13;98:14
amendments (2)
33:7;96:4
amount (3)
18:3;30:11;63:9
analogy (3)
127:15,17;137:23
ancestry (1)
19:13
and/or (6)
76:24;79:20;119:17;
131:22;134:21;136:10
Anderson (6)
50:9,9;51:7,14,20;
68:8
Andes (2)
123:13;136:13
angle (1)
125:12
announcement (1)
49:11
announcements (1)
50:3
answered (4)
50:13;70:8,9;113:19
anticipated (1)
38:20
antique (5)
96:12;145:14;155:9,
12,18
antiques (1)
157:8
Anymore (1)
82:24
anything's (1)
19:10
anyways (1)
178:2
apologize (3)
51:9,12;61:14
app (1)
85:23
Apparently (2)
31:13,19
appeal (5)
20:8,9;21:5;53:10;
54:5
appealing (2)
17:25;24:4
appear (1)
71:21
appearance (1)
137:24
appears (1)
144:11
append (2)
108:18,20
Applause (1)
95:16
applicable (1)
136:1
applicant (13)
11:25;35:16,21;36:6;
44:5;64:14;65:11;75:14;
89:11;96:22;117:17,18;
146:10
applicants (2)
11:4;99:22
application (10)
4:7;5:20;11:8;44:8;
67:17;75:10;112:25;
118:5;120:10;121:5
applications (1)
113:8
applied (4)
63:15;116:21,25;
123:20
applies (6)
19:5;43:15;74:2,16;
122:20;153:24
apply (9)
4:10;6:7;75:14;111:3;
123:25;125:12;131:21;
143:24;173:22
applying (3)
86:3;123:10;154:3
appreciate (8)
28:16;31:4;51:10,22,
23;55:13;141:17;158:16
appro- (1)
43:21
approach (5)
33:24;35:15;40:16,17;
81:9
appropriate (6)
48:16;52:5;77:9;
113:12;130:7;163:19
approve (4)
3:25;6:24;43:24;138:1
approximately (1)
38:14
appurtenant (1)
150:6
April (1)
97:8
arbitrary (1)
174:5
arborist (1)
58:19
arc (1)
50:25
architectural (7)
71:9;73:7;81:2,3,10,
19;139:6
architecturally (1)
36:16
architecture (4)
36:3,21;61:13;69:18
area (32)
23:20;24:1,2,21;
28:12;34:4;38:4,7,10;
39:17;47:22;59:3,11,13,
18,21;60:1;63:9,9,19,19;
64:17;65:1,16,17;111:8;
140:24,24;144:22;
153:13;154:8;162:16
areas (3)
56:1;65:25;148:2

arguing (1)
168:12
argument (1)
74:6
around (7)
37:14;44:24;45:4;
46:1;50:22;56:1;147:10
art (1)
162:14
arted (1)
174:23
as-built (2)
173:25;174:20
Asian (1)
20:23
asphalt (2)
23:20;65:2
assembled (2)
35:3;50:12
assembling (1)
32:21
assigned (1)
31:23
ASSISTANT (149)
3:4,9,12,15,18,21;7:6,
9,12,15,18;9:25;10:5,8,
11,14,17;74:7;77:18,21,
24;78:2,5,8,22,25;79:3,
6,9,12;80:3,6,9,12,15,18;
83:4,7,10,13,16,19;84:7,
10,13,16,19,22;86:25;
87:3,6,9,12,15,18;90:14,
17,20,23;91:1,4,9;92:9,
12,15,18,21,24;94:21,
24;95:2,5,8,11;107:18,
21,24;108:2,5,8,23;
109:6,9,12,15,18,21;
118:22,25;119:3,6,9,12;
121:22,25;122:3,6,9,12;
129:6,9,12,15,18,21;
130:23;131:1,4,7,10,13,
19;132:23;133:1,4,7,10,
13;134:2,5,8,11,14,17;
139:24;140:2,5,8,11,14;
152:12,15,18,21,24;
153:2;184:7,14,17,20,
23;185:1,4,19,22,25;
186:3,6,9
associated (7)
111:14;149:16;
150:17;151:10,12,17;
152:6
assume (1)
176:16
assuming (3)
5:8;131:23;135:5
assumptions (1)
48:2
Atlanta (5)
25:12,15,16;58:15;
176:11
attached (2)
6:6;45:8
attention (1)
157:2
ATTORNEY (108)
6:20;8:12;9:13,17;
17:15;48:10;49:1,8,16;
50:1;67:13,16;74:21;
75:1,4,14;86:9,23;89:4,
9,13,17,24;91:7,10;96:4,
11,19;101:12;103:15;
104:5,8,15;105:21;
106:22;107:12;108:14;
114:22;120:2,22;122:15,
21;125:1;127:12,14,23;
128:18;130:4,14;132:9;
133:16,21;135:20;
142:14,20;143:21,23;
144:1;147:4;150:1,21;
151:15;152:1,3;154:6,
14,18,24;155:11,19;
156:4,7,13;157:10;
158:14;159:17;161:22;
162:19;163:16;164:6;
168:18,21;169:9,14,19,
23;170:20;171:25;
172:6,13,21;176:5;
178:14;179:20;180:1,5;
181:18,20,24;182:21;
183:8,11,18,23;184:3;
185:11;186:18,21
attracting (1)
53:3
attractive (1)
88:17
authority (1)
46:11
authorized (1)
10:23
Auto (6)
34:12,14;37:16,20;
40:8;170:13
automatically (1)
176:22
automobile (1)
111:14
automotive (5)
111:14;117:12;147:8;
170:5,6
availability (1)
99:21
available (4)
111:16;112:11;
182:18,19
Avenue (6)
11:18;31:12;33:16;
39:4,10;65:6
avoid (2)
165:7,8
aware (6)
32:19;41:7;115:5;
123:4;139:5;168:9
away (7)
41:20,24;53:5;60:4;
102:12;138:4;173:19
awful (3)
18:19;72:1;126:22
awfully (1)
23:18
awnings (3)
136:25;137:2,6

B

back (43)
5:12,15,19;6:1;16:11;
19:13;29:4;40:8,11;
50:22;51:11,24;53:1;
54:14;58:9;68:22;69:1;
76:13;103:12;106:18;
111:4;113:22,22;115:1;
120:25;121:3;123:1,7;
135:14;137:14;145:14;
148:16;149:1;153:13;
155:2;166:17,19,22;
175:3,12;183:20;185:13,
14
background (1)
65:7
backing (1)
51:9
bad (6)
30:11;75:22;126:7,8;
142:15;176:2
bags (2)
25:20,21
bails (1)
15:17
balance (1)
117:23
band-aid (1)
124:13
bank (1)
6:8
bar (2)
98:6;177:18
bare (2)
66:8,8
Barrel (1)
75:7
barrels (1)
24:9
base (1)
175:14
based (10)
4:13;33:6,10;39:22;
61:17;104:13;113:3,6;
119:15;169:23
basic (2)
125:5;128:10
Basically (23)
11:14;12:11;33:25;
42:10;43:9;44:17;45:3,
10;59:13;71:6;74:24;
81:2,11,23,25;99:22;
102:19;104:20;111:19;
114:20;126:22;144:23;
149:15
basis (1)
161:23
BATERS (1)
72:7
Bates (201)
3:10,11;6:5,23;7:7,8,
22;10:6,7;13:16;14:1,4,
10,13,21,25;21:8,12;
22:8,10,14;30:24;39:10;
41:14;58:11,14;60:11;
61:14,20;62:3,6,11,13;
66:19;67:6,11;72:3,14,
18,25;75:25;76:10;77:1,
11,22,23;78:12;79:1,2,
15,19;80:7,8,21;83:8,9;
84:11,12;87:4,5;88:6;
90:18,19;91:19,21;92:1,
13,14;94:25;95:1;96:18;
97:2,22;98:2,9;100:11,
23;101:5,16;102:6;
103:1,4,14;104:9;
106:13,21;107:10,22,23;
109:10,11;110:17,19;
111:2;112:15;113:2;
116:20,24;117:2;118:8;
119:1,2,21;120:24;
121:2,6;122:1,2;123:23;
124:16;125:15;126:3,13,
16;127:5,25;128:4,5,14,
21;129:10,11,25;130:6;
131:2,3,16,20;132:1,7,
11,15;133:2,3,16,19,22;
134:6,7;137:7,20;
139:22;140:3,4;141:12;
142:17;143:11,24;
144:7;145:15,17;146:3,
8,13,19,22;147:11,14,
25;148:5;149:6,10,22;
150:4,18;151:2,5,8;
152:10,16,17;153:6,8;
155:5;157:5,24;158:8;
159:4,7,13;161:10,25;
163:3;165:11,16,18,24;
166:2,5,8,11,17,20,23;
167:4;175:24;176:2;
184:18,19;185:23,24
bays (2)
99:16,19
BC (2)
20:6,6
bear (4)
22:7;114:23;147:9;
177:9
bears (1)
177:12
beautiful (2)
24:2;70:24
beautify (1)
23:21
beauty (3)
59:6;64:3,23
become (2)
42:14;116:18
becomes (1)
46:1
becoming (1)
126:1
bed (1)
23:25
beds (7)
18:15;23:17;30:5;
53:10;63:20;64:5,25
bedtime (1)
176:7
beer (2)
177:13;178:9
begin (2)
136:6;151:23
beginning (7)
51:9,10;102:11;
103:23;180:11,13;
181:10
begins (3)
105:6;142:7,8
behalf (2)
96:23,23
behind (2)
40:8;53:9
belief (2)
43:20;179:1
believes (1)
58:21
below (1)
104:13
bench (8)
21:15;23:25;29:15;
35:24;64:3,4;82:11,11
benches (4)
26:3,9;29:14,14
benefit (10)
22:4;37:8;46:12;
47:25;48:4;61:8;63:12,
15;126:19;174:22
benefits (1)
36:12
benefitted (1)
37:23
Berry (1)
50:9
best (8)
12:13;40:17;45:17;
65:3;71:4,5;82:22;91:14
better (9)
8:14;16:13;19:10,21;
22:20;28:19;29:24;
152:4;159:11
Beverage (1)
164:21
beyond (2)
29:1;88:12
bicycles (2)
150:25;151:1
bid (1)
183:4
bids (4)
182:23,23;183:6,13

Big (10)
17:24;18:23;19:19;
25:10;29:8,19;42:4;
46:3;63:7;165:10
bigger (2)
62:9,10
biggest (1)
59:3
bit (4)
13:1;117:3;137:3;
162:5
black (2)
82:11,12
block (5)
102:7;113:10,10;
116:18;143:1
blocks (2)
30:1;104:6
blue (3)
17:25;71:6;96:3
boarding (1)
143:2
boards (1)
54:1
Bob (8)
15:24;51:3;112:17;
118:13;175:5,19;
180:17;186:16
Bobby (1)
73:21
Bob's (9)
34:12;37:16,20;40:8;
110:17,19;113:5;
116:14;117:10
bonus (1)
62:9
born (1)
19:12
Bosnian (1)
20:24
both (6)
34:4;97:4;100:6,8;
117:7;119:24
bottles (2)
177:12,20
bottom (3)
103:24;142:6;177:11
bought (3)
16:5,7;160:10
box (3)
45:23;46:1;50:17
boxes (2)
46:22;164:22
breach (1)
117:16
break (4)
93:6,10;95:18;171:18
breaking (1)
59:7
breeches (1)
63:8
Brian's (1)
77:14
brick (20)
16:7;27:7;36:11;
70:17;71:5,15;72:9,15,
19;73:16,21,25;74:8,9,
11,12;76:3,23;81:18;
138:2
Bridge (3)
19:14,14;24:15
brief (5)
70:23;95:20;128:22,
23;130:3
bright (1)
155:22
bring (8)
25:4;58:9;130:2;
157:1;172:11;175:3;
177:5,9
broken (1)
48:23
broker (2)
17:11,18
brothers (2)
11:12;12:8
brought (4)
74:5;93:17;112:7;
148:23
BRYANT (149)
3:4,9,12,15,18,21;7:6,
9,12,15,18;9:25;10:5,8,
11,14,17;74:7;77:18,21,
24;78:2,5,8,22,25;79:3,
6,9,12;80:3,6,9,12,15,18;
83:4,7,10,13,16,19;84:7,
10,13,16,19,22;86:25;
87:3,6,9,12,15,18;90:14,
17,20,23;91:1,4,9;92:9,
12,15,18,21,24;94:21,
24;95:2,5,8,11;107:18,
21,24;108:2,5,8,23;
109:6,9,12,15,18,21;
118:22,25;119:3,6,9,12;
121:22,25;122:3,6,9,12;
129:6,9,12,15,18,21;
130:23;131:1,4,7,10,13,
19;132:23;133:1,4,7,10,
13;134:2,5,8,11,14,17;
139:24;140:2,5,8,11,14;
152:12,15,18,21,24;
153:2;184:7,14,17,20,
23;185:1,4,19,22,25;
186:3,6,9
bubble (1)
136:5
buck (1)
157:5
budget (1)
20:9
Buford (6)
60:25;88:22;99:3;
100:24;101:1;177:4
Buice (1)
154:10
build (3)
22:14,15;74:13
building (65)
11:19;13:21;16:7;
22:19;23:11;27:14,18;
28:25;29:5;32:9;36:19,
22;38:3;39:7;45:22;
46:18;50:22;53:4,9,11,
14,18;54:5,5;60:17;61:2,
5,13,24,24;64:8,10,10,
25;69:15,17;70:3,4;
76:13,15;85:14,16,17;
99:17,18;111:21;
114:18;124:21;126:7;
128:2;136:14;138:2,18;
144:8;153:22,23;
158:19;159:21,22;
160:1;164:2;167:12;
169:18;174:3;175:12
buildings (7)
12:10;70:24;72:15;
73:16;74:14;115:3;
124:11
Built (18)
13:11;21:16;36:5;
37:20,21;70:13,23;
75:25;77:8;79:15;80:21;
87:22;90:7;91:22;92:1;
99:13,22;131:23
bunch (1)
156:15
business (25)
10:22;11:11;12:9;
15:8,11,22;17:6;30:19;
53:23;54:7,7;112:22;
117:9;118:4;148:23,24,
24;149:3;150:6;153:21,
25;160:20;177:25;
180:12;181:11
businesses (5)
30:16;99:4;113:15;
160:8,23

C

C-1 (1)
52:3
C-1/C-2 (1)
182:4
C-2 (63)
10:25;12:12;17:5;
26:17;32:17;33:2,2;
34:5,8,11,12,17;35:7;
43:25;45:15;52:4;55:5,
16,20;56:6,14,20;66:25;
67:1;82:1,2;85:20;94:9;
101:23;110:5;111:6,18;
112:22;113:9,14;116:18,
18,21;117:1,7;118:3;
119:17,18,23;120:7,14,
15,16;121:13,13;143:1;
144:15,16;173:16,17,20;
174:9,11,12,16,25;
175:1,7
C-2/CT (1)
176:15
cabinet (1)
44:24
calendar (1)
182:12
caliper (2)
35:19;42:20
Call (38)
3:3;7:5;9:24;20:5,17;
29:18;30:13;47:14;50:7;
78:21;80:2;83:3;84:6;
86:12,13,15,18,22;
90:13;92:8;94:5,20;
100:25;105:24;106:9;
107:17;118:21;121:21;
129:5;130:22;132:22;
134:1;139:23;152:11;
154:24;184:11,13;
185:18
called (6)
62:17;150:12;160:9,
15;175:3;178:3
calls (1)
145:5
came (2)
96:13;140:22
cameras (1)
156:1
can (96)
4:9,11;8:6,12,13;17:9;
18:25;20:16;23:19;25:4,
11,19,20;28:13,16,20,
22;29:17,25;36:21;
37:14;41:1;44:6,7;
45:20;47:11,17;49:9,12;
51:25;52:12;53:1;55:5;
56:15;59:4;60:4,25;
63:9;64:21,21,21;66:7;
67:8,20,21;69:6;70:5;
76:22;82:23;85:8;86:12;
97:10;98:14;101:9;
105:21;106:9,19;110:4;
120:16;121:8,11;125:2;
130:2,4,19;138:16;
145:6;146:16;147:2;
150:8;154:13;155:15,
20;159:17;162:19;
164:1;167:1;172:2,11,
18;175:7;176:11,14,18,
20;177:1,1,3;178:24;
179:16,18,20,24;180:13;
183:16;184:6
capacity (5)
47:21;115:18;142:5;
144:20;145:3
car (7)
117:5;147:1,1,1,2;
153:20;154:9
CARDEN (63)
17:9,11,14,17,17,20;
18:14;19:23;20:2,5;
23:16;25:4,16;26:20,25;
27:2,8,12,16,22;28:2,22;
29:19;49:22;158:5,7,12,
18,18;159:6,8,19,23,25;
160:3;162:18;164:21;
165:2,14,17,20;166:1,4,
6,14,19,21;167:2,7,11,
20;168:3,15;170:8,12,
15,22;172:24;173:21,24;
174:13;175:2,17
Carden's (2)
161:15;167:9
care (7)
4:3;11:1;34:12;37:16;
51:16;81:23;162:20
careful (2)
25:7;168:13
carefully (2)
168:23;169:3
caricature (1)
63:7
Carol (2)
6:2;57:12
Carol's (1)
4:14
carries (1)
167:9
carry (1)
45:3
cars (1)
153:22
carve (2)
163:21;164:1
case (11)
35:20;36:9;47:18;
61:8;89:20;99:12;
113:23;117:10,13;
122:21;125:14
cases (3)
35:25;42:23;76:18
catchall (1)
162:17
catch-all (1)
145:3
Catholic (1)
30:13
cause (1)
25:18
caution (1)
128:7
cautious (4)
42:24;148:17,18,21
caveat (2)
125:16;154:3
center (3)
32:13;141:21;148:20
centers (2)
165:9,12
Central (8)
11:18;31:12;33:16;
39:3,10;47:20;64:17;
65:6
certain (14)
18:20;20:13;22:6;

47:19;69:19;81:20,20;172:1,2,8;174:20;180:6,8,10
certainly (19) 22:19;24:10;49:10;51:4,6;53:12;56:16;59:11;60:3;61:4;81:7;94:18;103:18;115:11;145:8;154:5;156:3;163:19;172:24
certificate (1) 143:2
cetera (8) 21:19;41:11;44:20,21;58:8;59:8;64:22;176:12
chain (4) 51:2,4,6;65:24
chain-link (2) 53:2;70:6
challenged (1) 59:17
Chamblee (2) 24:14;55:25
chance (1) 172:10
Chandler (1) 16:6
change (22) 55:16;75:12;78:13;89:7,15;91:22;92:2;93:3,18;97:10;103:21;104:19;106:5;112:20;117:23;118:2;133:17,23;141:16;145:11;158:23;159:3
changed (10) 48:3;70:25;75:2,4;97:6,8;106:18;113:21;157:15;163:19
changes (10) 89:5;93:23,24;94:2;105:23;106:4,15;107:3;158:5,6
changing (5) 51:14;116:10;121:15;137:10;138:17
charge (2) 23:13;44:23
Chattahoochee (1) 160:24
cheap (1) 20:8
cheese (1) 171:7
Chestnut (2) 19:14;57:12
Chief (9) 147:25;148:1,7,17;168:17,19;169:24;170:1,4
child (1) 179:13
Chinese (1) 27:5
choice (3) 20:10;120:11,20
choices (2) 29:3;41:21
choose (2) 18:25;41:23
Church (3) 167:1,14;174:16
Circle (2) 57:13;63:7
citation (1) 37:17
citations (1) 72:23
cite (1) 115:21
city (62) 15:13,14;16:14,15;25:12;27:15;32:20;33:9;34:23;36:17;38:2,18,22;39:16;45:6,8;52:14,23;53:14;54:2,24;55:15;56:13;58:19;60:24;71:11,23;72:10;73:12,19;74:14,21;75:22;76:8;82:4;96:4,11,23;102:9;110:18,21;112:12;113:11,12;116:4;126:19;127:7;134:21;138:6;141:15;146:18;147:9;148:2;154:11;155:11;171:24;174:20;176:10,11;178:22,24;179:3
citywide (1) 72:6
civic (1) 32:14
clad (1) 138:2
claim (1) 31:13
clari- (1) 139:4
clarification (6) 134:23;137:3;158:12,22;161:5;162:6
clarifier (3) 145:8;152:2;171:10
clarify (8) 36:12;49:3;107:6;137:20;150:2;157:22;171:15;185:11
classification (1) 135:17
clause (3) 142:23;154:25;178:12
Clayton (1) 176:11
clean (1) 73:22
clear (3) 26:15;159:24;163:17
clearly (3) 125:1;157:5;161:24
CLERK (149) 3:4,9,12,15,18,21;7:6,9,12,15,18;9:25;10:5,8,11,14,17;74:7;77:18,21,24;78:2,5,8,22,25;79:3,6,9,12;80:3,6,9,12,15,18;83:4,7,10,13,16,19;84:7,10,13,16,19,22;86:25;87:3,6,9,12,15,18;90:14,17,20,23;91:1,4,9;92:9,12,15,18,21,24;94:21,24;95:2,5,8,11;107:18,21,24;108:2,5,8,23;109:6,9,12,15,18,21;118:22,25;119:3,6,9,12;121:22,25;122:3,6,9,12;129:6,9,12,15,18,21;130:23;131:1,4,7,10,13,19;132:23;133:1,4,7,10,13;134:2,5,8,11,14,17;139:24;140:2,5,8,11,14;152:12,15,18,21,24;153:2;184:7,14,17,20,23;185:1,4,19,22,25;186:3,6,9
client (1) 22:7
Clinicare (1) 110:13
close (2) 50:22;58:7
closely (1) 149:21
closest (1) 160:25
clothing (1) 155:25
code (49) 32:11;33:6,7,10,20,20,21;35:16;37:3,6,10;39:19,20;40:4;44:13,13;45:23;46:2,4,9,21;47:5,16,24;48:3;60:16,20,24;62:1;63:2,10,13;66:22;85:25;86:2,3;88:15;89:8;112:7,8;116:5;117:11,12;143:5,7,20;146:18;159:21;178:20
codes (9) 45:8;89:7,12;147:23;178:2,4,22;179:1,8
code's (1) 44:18
collar (1) 18:1
color (2) 73:1;82:17
colors (2) 71:21;73:17
column (1) 36:23
columns (7) 15:9;21:18;22:18;27:6;28:25;36:15,22
combination (2) 36:6;127:25
combine (2) 125:22;128:8
combined (1) 34:25
combining (2) 32:5,6
comfortable (3) 69:22;102:22;168:9
coming (10) 20:18;24:13,15;30:4;38:18;65:8;87:24;125:4;144:8;149:1
command (1) 20:11
comment (9) 30:25;97:10;105:24;106:2,14;147:2;149:8;163:7;177:21
commented (1) 50:20
comments (16) 4:1;8:3,7,16,22,24;9:2,6,8,14,20;50:4;57:16;106:10,18;149:7
commercial (13) 95:25;96:1;102:23;104:21;107:6;112:5;115:11;118:6;144:22;145:19;147:22;178:6,7
commercial-styled (1) 65:3
commercial-zoned (1) 145:7
Commission (9) 11:20;55:16,18;57:14;96:5,5,14,16;157:3
commitment (1) 4:8
committee (1) 183:20
community (1) 148:21
Comp (4) 32:12,18;34:6;36:4
companies (6) 160:14;163:7,10;167:22,23;170:16
Company (9) 46:19;141:1,10;160:16;161:2,2;167:25,25;170:16
competing (1) 61:11
complaints (1) 70:11
completely (3) 23:3;43:12;145:20
compliant (2) 39:19;40:17
complicated (2) 44:22;55:6
comply (5) 14:23;52:13;89:23;100:10;127:21
component (2) 115:3;143:16
components (1) 160:17
comprehensive (2) 58:16;60:5
compromise (3) 24:5;30:7;65:13
computation (1) 62:8
computers (3) 156:2,4,6
computes (1) 62:2
concern (20) 13:2;21:9;28:7;33:14;41:14;43:16;45:11;62:25;69:25;98:19;101:2;135:9;142:24;146:14;153:11,14;155:15;165:4,5;168:21
concerned (13) 12:21;15:6,19;18:7;35:5;55:22;62:15;64:25;124:21;139:5,7;141:20;143:9
concerning (1) 12:9
concerns (1) 21:12
concert (1) 62:1
concrete (2) 64:20;71:17
concrete-based (1) 76:17
concur (3) 58:21;101:12;136:12
concurred (1) 49:12
concurs (1) 48:15
condition (12) 21:16;26:16;37:12;41:5;43:22;44:7;47:8;66:24;67:3,5;71:3;85:23
conditional (7) 42:14;44:5;123:17;145:4,14;173:17,22
conditionally (3) 134:21,23;135:23
conditioning (2) 161:14,23
conditions (33) 14:16;26:19;41:18;42:10,16;45:7;67:2;

74:22,22,24;75:11,15,16;77:8;83:23;86:4;87:22;89:1,5,7,15,15;90:8;123:10,13,15,22;134:25;135:9,11,16,24;136:9
conducive (1)
68:1
conduct (1)
49:9
confident (1)
56:5
configuration (2)
126:21;138:18
confirm (1)
98:22
conform (2)
32:8,10
conforming (4)
32:6;52:14;127:21,22
confusing (1)
44:21
connected (1)
166:23
connota- (1)
160:7
consequence (1)
56:4
Conservation (1)
4:6
consider (23)
23:8;35:7;38:10;52:20,20;53:8;57:4;58:24;60:16;63:15;64:13;67:2;68:7;74:13;96:10;98:14;127:7;137:1;155:18;157:4;161:5;173:18;175:15
considered (5)
34:12,15;39:14;46:24;115:7
considering (1)
29:8
consignment (2)
17:24;155:24
consistency (2)
69:15;162:6
consistent (14)
35:24;36:4;37:2;42:23;43:1,19,23;69:20;82:12;85:19;113:10;116:18;144:20,25
constitute (1)
115:8
constitutes (4)
96:11;155:12;168:22;169:3
construct (2)
14:18,19
constructed (4)
53:1;71:10;74:16;99:18
construction (3)
5:14;36:10;131:22
consumption (3)
177:14,23;178:7
contacted (2)
58:14,15
continual (1)
76:16
continue (10)
46:17;54:4;73:11;81:14;82:20;171:21;172:2,7;175:19,20
continuity (2)
36:1;69:17
continuous (2)
46:23;154:11
contract (1)
11:7
contracting (1)
164:2
contractor (11)
160:20,21;161:2;162:7;164:2;165:2;167:24,25;168:4,8;169:13
contractors (4)
160:18;161:9;169:22;176:25
contractor's (4)
150:13;163:7;170:19;171:11
contributions (1)
55:13
control (1)
75:22
controlled (1)
54:24
convenience (2)
11:2;178:9
convention (1)
98:1
conver- (1)
146:5
converted (2)
125:9;142:19
cook (1)
65:2
cool (2)
26:11,13
cooler (1)
127:2
cooperate (1)
54:3
copy (2)
6:20;96:2
corporate (1)
71:1
Corporation (1)
70:25
corrected (1)
41:11
correcting (1)
176:16
correction (1)
158:7
correctly (2)
113:20;146:15
corridor (3)
23:4;63:19;69:16
corrugated (1)
40:11
costs (1)
22:6
Council (50)
8:1;13:9;23:22;25:1;38:9;42:16;43:20,21,23;45:17;48:11;53:7;58:6,8;61:15;64:13;65:11;73:18;74:15;75:3,5;88:1;89:5;96:2,6,10,23;98:14;125:2;128:21;130:17;134:24;135:10;137:16;147:16;148:18;157:11,19;163:20;171:24;172:17,18;179:19;180:11,16,16,25;181:2,11;182:15
Councilman (6)
48:10;128:4;133:16;146:8;154:14;186:22
Councilman's (1)
122:16
Councilmember (853)
3:4,9,11,12,14,15,17,18,20,21,23;5:6,22;6:5,16,23,25;7:6,8,9,11,12,14,15,17,18,20,22,23;8:5,9,19,21,23;9:1,5,7,9,10,12,15,19,25;10:5,7,8,10,11,13,14,16,17,19,22;13:9,16;14:1,4,10,13,21,25;15:21;16:20,23;17:4,10;18:6,12;19:4,17,22,25;20:3,21;21:2,8,12;22:8,10,14,23;23:3,6,13;24:19,23,25;26:19,21;27:1,3;29:11,15,16;30:14,21,24;31:5,9;38:13;39:1,5,8,10,12,25;40:2,19;41:3,14;42:1,9,17;43:3,25;44:9,16;45:12,14,19;46:13,25;47:7;48:8;49:24,25;51:18;58:11,14;60:11;61:14,20;62:3,6,11,13,14,20,23;63:16;65:15;66:2,5,10,14,17,19,20,23;67:6,8,10,11,15,18,25;68:4,12,16,20;69:5,7,11,22;70:12,15;71:14,17,19,24,25;72:3,7,14,18,25;73:20,23;74:4,20;75:2,6,20,23,25;76:10;77:1,3,5,6,11,18,20,21,23,24;78:1,2,4,5,7,8,10,12,16,22,24,25;79:2,3,5,6,8,9,11,12,14,15,19,21;80:3,5,6,8,9,11,12,14,15,17,18,20,21,24;81:1;82:6;83:4,6,7,9,10,12,13,15,16,18,19,21;84:1,7,9,10,12,13,15,16,18,19,21,22,24,25;85:3,10,21;86:1,14,15,17,18,21,25;87:2,3,5,6,8,9,11,12,14,15,17,18,20;88:5,6,8,14,18,21,23,24;89:6,10,16,19,20;90:2,6,14,16,17,19,20,22,23,25;91:1,3,4,6,13,17,19,20,21,24,25;92:1,3,9,11,12,14,15,17,18,20,21,23,24;93:1,4,7,11,13,15,18,24,25;94:3,4,7,10,12,16,18,21,23,24;95:1,2,4,5,7,8,10,11,13;96:18;97:2,22;98:2,9,10,17;100:3,4,6,8,11,17,18,23;101:5,14,16,19,21;102:6,10,14,22;103:1,3,4,6,7,9,10,12,14;104:2,6,9,10,12,17,18,25;105:1,2,4,10,12,14,16,18,20;106:13,20,21;107:1,2,5,10,11,18,20,21,23,24;108:1,2,4,5,7,8,10,15,19,20,22,24;109:1,6,8,9,11,12,14,15,17,18,20,21,23;110:6,7,17,19,24;111:2,5,23,24,25;112:1,2,9,14,15,18,24;113:1,2,13,18;114:2,4,6,8,9,11,13,16;115:16,22,24;116:8,16,20,23,24,25;117:2,19,22,25;118:8,11,14,22,24,25;119:2,3,5,6,8,9,11,12,14,20,21;120:4,6,7,9,13,18,23,24;121:1,2,4,6,9,16,22,24,25;122:2,3,5,6,8,9,11,12,14,19,23;123:3,5,8,23;124:16;125:15;126:3,13,16;127:3,5,6,13,19,24;128:3,5,14,21,25;129:6,8,9,11,12,14,15,17,18,20,21,23,25;130:6,20,21,23,25;131:1,3,4,6,7,9,10,12,13,15,16,18,20;132:1,6,7,11,15,17,23,25;133:1,3,4,6,7,9,10,12,13,15,19,22,25;134:2,4,5,7,8,10,11,13,14,16,17,19;135:2,18;136:7,11,15,17,19;137:7,9,20;138:13,21,23,24;139:1,3,11,12,14,16,22,24;140:1,2,4,5,7,8,10,11,13,14,16;141:12,25;142:3,12,17;143:11,13,24;144:3,4;145:10,15,16,17;146:1,3,13,19,22,23;147:11,14,25;148:5,12,22;149:6,9,10,22;150:4,18,24;151:2,4,5,6,8,22;152:8,10,12,14,15,17,18,20,21,23,24;153:1,2,4,6,7,8,11,18;154:16,20,22,23;155:1,5,7,23;156:9,14,17,19,21;157:5,12,14,21,24,25;158:1,8;159:4,7,13,20,24;160:1;161:10,25;163:3,5;164:1,9;165:1,11,16,18,24;166:2,5,7,8,9,11,17,20,23;167:4,8,14,17;168:1,6;169:7,12,17,21,24;170:2,5,11,14,18,21,23,25;171:17;172:3,9,14,23;174:10;175:16,18,22,24;176:1,2,3;179:17,22;180:3,7,10,15,17,22;181:1,2,4,6,7,9,12,14,15,19,22,25;182:2,6,8,10,12,19;183:2,5,16,22;184:2,6,10,12,14,16,17,19,20,22,23,25;185:1,3,4,6,8,16,19,21,22,24,25;186:2,3,5,6,8,9,11,14,17,20
councils (3)
135:8,10,15
Councilwoman (2)
136:12;186:14
counsel (1)
11:22
count (3)
18:17;20:11,14
counting (2)
35:2;139:17
County (4)
12:15;31:16;71:22;176:11
couple (5)
15:17;29:6,7;144:21;174:22
course (6)
15:25;24:23;52:2;63:8;150:9;171:4
court (4)
27:14,17;32:22;76:18
cover (2)
51:8;73:2
covered (12)
41:6;43:4;61:5;83:24,24;85:4,6,22,25;87:23;168:16;178:1
Cracker (1)
75:7
crackers (2)
164:23;171:7
craft (1)
162:15
crape (1)
59:23

crazy (1)
82:18
cream (1)
101:9
create (3)
34:25;59:3;97:14
creates (1)
136:5
creating (2)
127:8,9
creation (1)
95:24
criteria (2)
14:20,23
criterion (2)
41:2,10
criterions (1)
39:16
cruddy (1)
21:25
crummy (1)
159:11
CT (23)
96:1;101:6;102:23;104:20;107:6;114:19;115:8;116:18,19;120:11,16;121:5,15;127:20;136:9;143:15;153:24;165:15;173:13,14,15;174:8,12
CT-eligible (1)
100:15
curb (1)
35:14
curbed (1)
66:5
curious (1)
146:4
current (14)
37:9;40:3;46:2,4,9,21;47:5;60:23;62:1;88:10,10;135:12;160:18;181:10
currently (8)
37:3;39:20;56:6;71:9;113:16;114:17;136:8;153:20
Cushman's (1)
140:21
customer (1)
22:2
customers (3)
20:24;21:4;26:11
cut (3)
25:9,13;76:24
cut-open (1)
24:8
cuts (1)
19:3

D

dad (2)
16:5,7
dant (1)
142:13
dark (4)
82:10,13,15,16
date (10)
120:10;172:1,2,2,8;180:6,8,10;181:24;184:4
David (1)
56:23
day (2)
11:1;145:5
days (1)
102:13
de (1)
135:24
deal (5)
16:14;21:7;72:6;154:11;179:2
dealer (5)
162:22,22,24,24;163:12
dealers (4)
161:14,15,16;162:3
dealing (2)
161:22;162:7
deals (1)
103:21
dealt (3)
76:14;176:10,13
Deane (1)
53:22
debate (1)
76:16
debt (1)
5:10
decide (8)
36:9;43:10;82:13;88:2;93:19;125:18;172:11,18
decided (4)
71:1;75:7;89:21;183:20
decides (2)
71:12;82:10
decision (4)
56:4;66:25;74:15;91:10
decisions (2)
55:1;76:20
decorative (2)
36:23;64:19
deed (1)
16:9
deeded (2)
16:15,18
deep (1)
170:2
default (1)
113:21
defaulted (2)
63:12;97:16
defender (1)
183:14
deficient (4)
40:15;65:20;66:15;67:4
define (6)
147:5;157:8;167:24;168:23;169:3,13
definitely (4)
23:9;24:1;34:11;67:1
definition (4)
45:21;96:10;155:10,12
definitions (1)
156:16
Degenhardt (2)
10:23;11:7
Dekalb (3)
12:15;31:16;71:22
delay (1)
182:10
delete (10)
87:22;90:7;104:3;106:5;117:23;118:11,14;128:4;132:3,13
deleted (5)
142:6;144:5;146:4;159:4,6
deleting (1)
116:11
deletions (1)
103:25
delineate (1)
174:2
delineated (1)
174:1
delivery (3)
148:13,15,24
demographic (1)
18:1
demographics (1)
20:22
demolish (1)
159:11
demolished (1)
126:1
demolition (6)
35:21;85:13;123:25;132:4;158:23;159:9
demonstrating (1)
4:8
dential (1)
114:18
department (1)
4:5
departmental (1)
7:25
depends (1)
27:25
Depot (2)
59:14;73:1
depth (1)
35:4
depth- (1)
38:17
describe (1)
35:18
described (2)
104:8;139:19
description (3)
5:17;45:21;174:1
design (5)
13:13;37:1;74:10;89:22;128:12
designation (3)
34:3;117:8;119:17
designed (6)
33:7;97:25;128:11;176:23,24,25
designer (1)
68:10
desire (1)
128:20
desires (2)
60:9;65:11
desirous (1)
96:25
destination (1)
20:17
detail (2)
41:8;44:6
detailing (1)
153:21
details (1)
143:6
detective (1)
126:4
detectives (1)
126:5
determination (1)
125:10
determine (1)
46:3
developed (5)
34:13;53:9;60:7;83:25;174:7
development (3)
35:1;123:16,19
devil (1)
16:8
dialogue (1)
96:24
die (1)
25:8
dies (1)
59:8
difference (2)
40:20,23
different (11)
23:4;38:9;43:12;45:3;63:5,6;75:16;98:21;121:11;124:14;164:12
differentiate (1)
162:21
differently (2)
99:8;157:9
difficult (4)
31:13;35:11;141:22,22
diminish (1)
123:21
direct (1)
162:23
direction (3)
24:17;28:14,15
director's (1)
4:13
disagree (3)
27:4;126:16;135:20
disassembled (1)
147:10
discourage (1)
137:13
discuss (3)
85:12;116:9;157:15
discussed (10)
33:8;37:5;38:8;68:8;100:15;104:19;140:18;145:22;149:24;171:3
discussing (2)
54:22;70:16
discussion (27)
7:1;9:4;33:12;58:7;68:18;69:17;77:13;78:17;79:18,23;80:25;82:24;84:2;86:6,11;90:9;92:4;94:11;96:6;105:11;107:13;109:2;118:17;121:17;129:1;132:18;155:9
disincentive (1)
47:23
disinclined (1)
143:12
display (2)
141:8;155:3
displays (1)
149:16
disqualifies (1)
102:19
disrupt (1)
5:13
distance (1)
63:2
distribution (6)
160:9;170:18,19;176:24;177:18,25
distributor (2)
177:19;178:12
district (31)
36:1;43:17;95:25;96:1;101:6,23;102:12,23;103:13;104:21;105:3,6;107:7,8;112:5,22;118:4,6;123:24;124:11;128:11;131:21;141:2,13;142:19;165:13,15;167:19;168:14;174:19;177:14
districts (2)

178:6,7
divided (1)
57:5
DNR (1)
6:6
dock (1)
96:7
dock-high (4)
98:12,15;100:19;
102:5
documents (2)
112:3;179:7
dog (1)
125:18
dollars (1)
27:25
done (11)
16:17;22:20;35:25;
36:21;47:1;49:5;52:15;
73:4;75:23;93:24;
112:12
Donna (1)
108:24
door (21)
64:20;97:5,16,24,25;
98:7,12,16,19,21;
122:25;128:10;135:5;
151:19,19,21;165:21,22;
166:15,16,20
doors (27)
96:6,7,7;98:3;99:10;
100:1,5,16,20,22,25;
102:1,5,25;104:22;
107:8;123:6;128:13;
136:22;138:17,19,25;
139:9,18,20;167:3;174:7
Doraville (17)
19:8,12,19,19;20:13;
28:18;32:13,20;34:23;
45:6;50:10;53:23;54:2;
88:20;158:19;160:7;
168:24
doric (1)
27:6
DOT (1)
63:23
double (2)
97:25;123:6
double-entry (2)
98:7;102:2
Douglasville (1)
176:11
down (20)
19:3;25:17;26:8;
28:12;30:12;46:18;
48:23;51:1;70:6;85:16;
102:7;104:10,13;
110:25;151:20;161:13;
162:15;171:1;176:12;
177:11
downloaded (1)
114:14
downtown (5)
36:1;43:17;63:19;
69:15;168:14
draft (3)
97:7;106:10;145:18
dramatic (1)
25:25
draw (1)
174:3
dresser (1)
175:8
drinks (1)
164:23
drive (6)
18:17;19:7,14;50:10;
52:10;174:16
driven (1)
20:9
driver (3)
145:24;147:19;148:8
driveway (2)
50:22;99:2
driving (1)
20:19
due (2)
4:7;5:4
DUI (5)
11:18;38:3;39:6;70:3,
4
duly (2)
48:12;106:1
dumpster (12)
21:25;22:3;28:25;
36:11,13;37:17,20,21;
70:18;74:5;182:6,9
dumpsters (2)
37:23,25
duration (1)
138:9

E

earlier (2)
113:7;180:23
earliest (3)
112:7,8,10
early (2)
180:14,21
earning (1)
29:9
easier (3)
35:11;97:20;162:17
eat (2)
12:25;13:1
Ed (1)
16:6
edge (1)
71:23
EFIS (2)
76:7,10
egress (1)
16:4
Eight (5)
54:20,23;101:24;
138:5;150:14
either (14)
23:16,25;26:15;30:5;
38:19;73:13;87:24;
89:15;105:21;106:12;
108:24;109:1;135:22;
144:10
electrician (1)
160:21
elects (3)
37:4;38:9;40:24
elements (2)
69:16;158:10
elevation (11)
45:22;46:16;47:2,3,
14,20;57:1,1;61:18;62:7,
12
eligible (3)
34:11;135:12;136:9
eliminate (2)
18:19;149:17
else (16)
13:5;31:1;42:17;55:9;
56:22;57:20;91:12;93:3,
17;103:8;118:12,15;
155:20;164:11;173:8;
178:10
e-mail (3)
10:23;11:8;102:17
emergency (1)
149:4
Emory (1)
28:15
Emory/ (1)
28:17
empty (1)
19:10
encase (1)
21:17
encasing (1)
36:22
enclosed (1)
145:20
enclosure (4)
36:11;37:17,21;53:2
enclosures (2)
36:13;65:24
encourage (1)
126:18
end (15)
44:10;45:15;51:10;
68:12;79:16;103:4;
106:24;108:12;112:23;
118:7,9;128:9;132:5;
151:20;162:25
ends (2)
105:6;142:8
enforce (1)
82:7
enforcement (1)
116:5
enforcing (1)
44:23
engine (1)
156:10
enigma (2)
56:10;165:24
enlisted (1)
32:1
enough (11)
18:8,9,18;20:11;23:7;
33:10;53:24;54:9;66:3;
144:3;167:23
enters (1)
13:9
entire (8)
5:18;6:18;23:17;
46:15;81:9;126:7,12;
136:5
entirely (3)
22:16;48:11;106:9
entry (3)
97:23;98:11;102:4
Environment (3)
35:23;36:5;69:14
envision (1)
23:19
envisioning (1)
63:17
EPD (1)
154:13
equal (1)
106:7
equate (1)
161:16
equipment (3)
155:25;156:8;162:7
equipping (1)
102:3
especially (4)
19:2;30:8;148:20;
169:4
essentially (2)
32:7;163:25
establishment (1)
60:24
estate (1)
17:18
et (8)
21:19;41:11;44:20,21;
58:8;59:8;64:22;176:12
evaluating (1)
126:6
even (13)
5:23;16:3;23:22;
31:16;47:3;53:11;71:25;
101:22,25;125:6;138:8;
148:8;167:22
evening (1)
57:15
event (1)
57:8
eventually (3)
32:2;125:7,8
every- (1)
9:13
everybody (3)
88:3;156:23;172:9
Everybody's (1)
173:1
everyone (4)
69:12;158:15;175:13;
185:8
everything's (1)
168:25
evidence (3)
50:4;115:2,5
exactly (8)
5:7;53:16;62:23;
102:10;103:1;170:4,14;
177:16
example (16)
20:12;35:8;47:13;
60:21;71:12;73:15;
99:15;114:5;127:15;
148:2;150:7,8;160:14;
165:19,25;172:7
examples (1)
150:8
exceeded (1)
145:23
except (4)
12:16,20;110:17,19
exception (2)
53:17;77:8
exceptions (1)
88:3
excluding (1)
76:2
exclusionary (1)
101:9
Excuse (2)
17:12;110:11
executive (6)
128:16,19,22,24;
130:9,11
exempt (2)
139:19;144:18
Exhibit (1)
104:14
exist (3)
74:24;124:12;179:7
existed (1)
115:13
existing (27)
35:13;36:13;42:5;
45:8;72:15;76:1,2,6;
85:22,25;86:2,3;87:24;
99:22;102:24;104:22;
107:7;111:6;112:21;
118:3;126:21;128:2;
139:18;146:17;154:4;
176:17;178:2
exists (1)
85:20
exiting (1)
63:13
expand (3)
125:6,16,20

expanding (2)
124:20;138:11
expansion (4)
124:2;142:18;158:13,25
expect (1)
17:6
expected (1)
21:20
expensive (2)
74:10,12
experience (1)
70:22
experienced (1)
76:19
expert (1)
13:20
explain (1)
127:17
explaining (1)
16:13
expressed (2)
16:24;21:9
extend (2)
47:11;179:13
extending (1)
47:9
extensive (2)
123:13,15
extent (2)
46:5;115:12
exterior (9)
36:9;60:19;76:1;136:20,22;138:10,14,20;160:4
extra (1)
61:7
eyesore (1)
21:25

F

facade (2)
21:17;138:1
face (11)
37:11;47:20;52:16;61:21;99:10,11,12;100:6,20,25;101:1
faced (4)
70:17;76:3,23;99:17
facia (1)
73:25
facilities (1)
115:15
facility (7)
11:3;40:12;60:17;100:22;110:14;142:21;156:10
facing (9)
46:5,8;47:17;48:1;57:1;99:20;100:1,9;102:1
fact (2)
12:14;148:23
facto (1)
135:24
factually (1)
44:14
fails (1)
46:9
Fair (1)
144:3
fall (1)
14:20
falls (1)
160:1
family (6)
19:15;38:12;53:12;55:14;56:18;144:9
far (8)
12:10;15:19;29:14,17;60:4;81:10;141:8;144:8
favor (16)
49:24,25;50:2;53:4;54:2,9,13;55:15;56:20;57:13,15;115:22;137:25;138:9,19;167:17
fear (1)
72:20
feasible (1)
68:4
Federal (1)
34:10
feel (15)
30:21;36:17;43:4;46:6;56:5;64:24;69:21;73:18;81:17,19;113:25;146:7;168:5,8;172:15
feet (20)
12:25;14:7;37:5;38:19;39:9;50:15,15,18,23;57:5;59:14,16;88:7;89:22;97:7,7;124:22,24;126:23,23
feet-or-larger (1)
59:21
fell (1)
175:11
felt (1)
43:21
fence (5)
51:2;53:2;67:21;68:22;70:6
fenestrations (1)
76:2
few (4)
15:25;26:1;36:16;180:21
fiberglass (1)
21:19
fication (1)
139:5
field (1)
54:4
fifteen (1)
54:22
fifty (5)
4:10,17,18,22,25
figure (9)
25:6;33:25;39:18;40:16;50:20;63:8;65:12,23;68:11
filing (1)
44:24
film (1)
126:6
final (1)
149:12
finance (1)
4:13
financial (1)
29:9
financially (1)
29:21
find (10)
13:6;16:3;53:19;74:1;76:15;112:7;114:12;150:9,10;178:5
finding (2)
16:8;31:17
fine (13)
6:4;30:6;49:5,7;103:18;106:12;113:1;139:3;163:9,23;168:3;177:6,16
finessing (2)
172:25;173:6
finish (2)
93:12;179:15
finishes (1)
159:16
fire (2)
146:6,9
firmly (1)
41:21
first (17)
25:23;49:18;51:22;52:22;55:12;74:21;103:17;105:19;112:11;120:13;132:9;133:24;145:18;150:11;156:23;158:21;171:19
fit (3)
12:13;15:13;35:9
fits (1)
69:21
five (9)
35:3;50:24;63:4,6;91:23;92:2;101:24;138:5;177:11
fix (8)
45:12,14;82:2;85:8;86:2;88:10;105:8;161:20
fixes (1)
160:21
fixing (2)
66:16;160:3
fixture (1)
62:22
flea (1)
155:16
Fleming (175)
3:13,14;7:10,11;10:9,10;22:23;23:3,6,13;24:19,23,25;29:15;38:13;39:1,5,12;45:19;46:13,25;47:7;51:18;62:14,20,23;63:16;65:15;66:23;67:8;70:12,15;71:14,17,19,24;77:25;78:1;79:4,5;80:10,11;83:11,12;84:1,14,15,25;85:10;86:14,17;87:7,8;88:5,24;89:6,10,16,19;90:21,22;91:25;92:16,17;93:25;94:10;95:3,4;100:4,8;101:14,21;102:10,22;103:6,9,12;104:6,10,17;105:2,10,12,16,20;106:20;107:1,11,25;108:1;109:13,14;110:6;111:23,25;112:24;113:18;114:4,8,11;115:22;117:22;119:4,5;120:6,9;121:1,4,16;122:4,5,23;123:8;127:6,13,19,24;129:13,14;131:5,6;132:6,17;133:5,6;134:9,10;136:19;138:13,23;139:3,11,14,16;140:6,7;141:25;142:3;143:11;144:4;151:22;152:19,20;154:22;155:1,7;156:14,19;157:14,21;158:1;161:11;163:4,5;167:8,14;169:12,17,21,24;170:2,18;175:16;180:7,17;181:1,7,22,25;182:12;183:5;184:21,22;186:1,2
flexibility (1)
117:3
flexible (1)
117:9
flipped (1)
89:8
flips (1)
29:4
florist (1)
126:25
flowers (3)
24:9;113:23;154:21
foam (1)
76:9
focused (1)
68:18
folks (4)
21:1;37:16;63:4;144:24
following (1)
183:4
follow-up (1)
61:15
food (4)
171:2,5,6,14
foot (3)
20:8;23:14;97:18
foot- (1)
138:11
footage (3)
61:17;124:3;159:1
footprint (3)
124:21;128:1;137:11
footprints (1)
124:12
forbid (1)
168:15
force (1)
127:3
foresee (2)
67:19;69:4
foreseeable (1)
117:6
foreseen (1)
124:15
forever (1)
74:24
forgetting (1)
170:25
forgot (1)
182:2
form (3)
121:10;139:21;183:20
former (1)
11:18
forming (2)
34:16;125:17
forth (2)
76:13;136:25
forward (2)
11:25;44:6
found (2)
114:10;153:19
four (32)
35:3;42:19;50:24;52:25;53:8;54:23;65:12,22,25;66:7,11,17;67:20,21;69:1;99:16;119:16;121:14;122:24;130:2;132:7,9,10;133:23;136:19;142:7;151:4,5;155:2,4;158:22;173:8
four-bay (1)
99:16
fourth (1)
139:17
Fraysse (3)
55:10,10;56:9
freak (1)
171:3
freaked (1)
171:4

Friday (1)
4:7
friendly (2)
77:7;94:13
front (34)
5:13,14;6:2;10:22;21:17;23:20;24:11;27:14,17;28:9,10;29:12,12,24;30:22;36:15;47:13;62:12;64:20;75:9;82:16;96:15;138:2;149:14;165:20;167:12;168:2,23;169:1,4,6,10,10;173:13
frontage (4)
24:1,21;30:22;141:13
fronts (1)
177:3
full (5)
44:25;62:1;132:9;133:23;138:24
full-sized (1)
59:12
fully (1)
124:20
function (2)
116:3;154:8
functions (1)
174:20
Fund (1)
4:6
furniture (4)
17:24;155:24,25;156:7
further (5)
41:12;44:6;110:25;116:6;147:5
furthering (1)
41:8
future (9)
28:23;44:17;63:18;75:12;117:6;122:21;126:11;128:16,24

G

gain (1)
51:6
Galloway (73)
11:12;12:5,7,8;13:11,24;14:2,9,12,24;15:2,24;16:22,25;17:7,19;18:11;19:1,11,18;20:22;21:3,8,11,20;22:9,13,18;23:2,5,12;24:4,22,24;25:2,15;28:6;29:23;30:15;31:2,4,22,24;37:18;38:12;46:18;47:1;48:14,15,17,20,21,24;49:4,12;51:1;53:13,25;55:13;61:10;67:15,19,23;68:3,24;69:3,6,24;70:4;72:24;75:11;122:25;135:3
Galloways (5)
38:5,22;39:14;52:13;54:1
Galloway's (2)
37:21;46:7
gang (2)
72:10,11
garage (3)
98:1;110:20;113:5
gas (2)
35:8,8
gateways (1)
56:12
gator (1)
25:20
gave (2)
41:22;120:20
gears (1)
145:11
general (8)
5:18;43:20;49:11;112:22;118:4;158:14;161:6;167:19
generally (2)
11:25;12:1
generic (2)
149:13;151:9
genesis (1)
128:10
gentleman (4)
32:5;43:15;153:20;179:25
gently (1)
54:17
geography (2)
34:22;35:6
George (1)
12:8
Georgia (1)
50:10
gets (2)
32:16;68:10
gift (1)
127:1
gigantic (1)
35:1
GILMAN (2)
57:12,12
girded (1)
59:4
given (1)
41:9
gives (2)
66:22;75:21
giving (2)
21:22;23:7
glad (2)
19:1;56:13
GM (1)
73:15
goal (1)
39:18
goals (1)
32:18
goes (9)
18:17;19:13;33:23,23;43:8;65:20;76:12;115:1;137:14
good (21)
8:10;9:3;12:20;21:23;28:16;32:15;56:13;69:1,9,13;75:8;78:11;105:14;138:3;145:3;164:7;170:22;171:15;176:2;183:25;184:5
gosh (1)
106:7
government (3)
32:14;34:10;44:8
grace (2)
21:23;23:7
Grade (4)
20:6;74:9,11;176:21
graded (1)
27:20
grand- (1)
179:10
grandfathering (1)
179:9
grant (7)
4:6;17:5;33:21;67:6;74:21;91:15;143:16
granted (3)
34:20;134:24,25
grants (1)
33:21
graph (1)
103:11
grass (3)
50:16;64:16;65:5
gray (1)
60:19
great (8)
21:1;51:21;54:14;59:18,25;149:11;165:19,25
greater (2)
23:14;102:3
green (10)
32:14;50:17;53:5;71:12;82:11,13,15,16;85:15,18
greenery (2)
65:8,16
grew (2)
28:11;53:13
ground (3)
29:2;61:21;99:23
ground-mounted (1)
13:12
ground-up (1)
131:22
group (1)
169:16
GTJ (1)
11:12
guess (29)
15:20;18:6;19:4;20:25;30:10;38:2;43:7,8;44:10;51:3;55:19;77:3;94:12;96:22;100:25;107:2;121:9;136:7;146:14;150:15,20;154:2;158:21;162:10;164:9,14,20;167:24;173:10
guy (2)
15:7;16:5
guys (13)
25:12,20;26:4;37:14;71:13;139:10;155:13;157:3;161:4;162:14;165:21;168:9,14

H

habi- (1)
115:20
habit (2)
130:14;135:8
habitation (9)
112:4;113:25;115:18;142:5,8,11,18;143:7,10
habited (1)
144:9
HAEBERLIN (179)
10:21;14:14,17;27:10,13,17,24;28:4;31:8,11;38:15;39:3,6,13,24;40:1,5,22;41:7;42:5,13,22;43:13;44:3,11;45:5,13,16,23;46:21;47:5,12;48:7;56:8;58:6,11,13,18;60:15;61:19,23;62:5,7,12,19,22,25;64:6;65:19;66:4,7,13,15,21;68:6,15,17;69:9,13;70:3,14,21;71:16,18,20;72:2,5,13,17;73:3;74:2;75:17,21;76:5,12;82:5;85:19,24;94:15;95:23;96:21;97:12,24;98:5,13;99:6;100:12,21;101:4;110:10,18,21,25;112:6,10;113:3,6;115:9,19;116:2,13,17,22;117:10;119:15,22;120:3;121:7;123:4,12;124:9;125:3,24;126:8,14;127:16;128:7;131:24;135:1,13;136:12,16;137:5,14;139:4;141:19;142:1,2,22;143:18,22;144:2,15;146:5,17,20,25;147:7,12,21;149:20;150:15,19;151:11,16;152:2,6;154:2,9,19;155:6,8;156:3,6,25;157:6;159:14;161:11,17;162:1,10;163:8;164:5,7;168:4,8;170:24;171:2;173:14,22;174:5,18;178:1,15,19;179:5,10;182:14;184:9
Haeberlin's (1)
125:4
hair (1)
175:8
half (2)
24:8;166:25
halfway (1)
12:24
Halpern (4)
4:2,6;6:1;73:24
handle (2)
29:18;51:8
handled (2)
51:25,25
handles (1)
88:2
hands (2)
54:25;55:2
happen (5)
22:25;35:2;75:13;106:5;139:8
happened (1)
71:2
happens (6)
6:20;72:3;115:25;122:22;138:5;169:11
happier (1)
174:17
happy (4)
16:17;70:7;71:11;175:13
hard (2)
16:3;55:6
hardiplank (1)
76:17
hardware (6)
11:17;18:10;31:22;46:19;47:1;53:13
harm (1)
61:13
hate (5)
71:10;73:16;167:20;178:8;182:10
head (4)
24:18;91:9;137:21;165:16
health (2)
59:19,25
hear (8)
30:24;69:17;121:11;153:8,8;156:23;175:24;186:13
heard (2)
35:21;55:22
hearing (32)
8:4,6,16;9:11,18;12:4;31:7;48:6,12,14,22;49:3,7,7,10,15;58:7;67:9,14;

82:15;95:24;96:20,25;105:13;145:12;157:20;172:1,4;175:20;179:18;181:10;183:3
hearings (3) 11:21;48:18,19
heat (1) 65:1
heating (1) 161:13
heat-tolerant (1) 27:19
height (2) 61:23;89:22
held (1) 52:23
help (6) 12:15;18:5;24:20;72:12;124:4;165:5
helped (1) 70:10
helpful (1) 162:18
herein (1) 139:19
Hey (1) 12:7
high (2) 4:23;43:24
higher (2) 175:14;176:21
Highlands (1) 28:14
highly (1) 34:24
Highway (6) 60:25;88:22;99:3;100:24;101:1;177:4
hilly (1) 168:24
himself (1) 114:10
Hispanic (1) 20:23
historic (2) 54:6;55:14
historical (1) 112:3
history (3) 31:12;32:25;36:19
hold (4) 43:7;44:10;45:15;159:22
holding (1) 31:14
holds (1) 53:11
Home (4) 59:14;73:1;113:24;142:19
homes (3) 110:15;144:12,15
honest (3) 16:3;31:15;73:3
honestly (2) 72:8;156:14
hook (1) 26:23
hope (5) 44:12,13;52:11;61:4;145:10
hopeful (1) 56:17
horizontally (1) 47:10
Horner (1) 154:25
hour (1) 54:21
hours (1) 31:16
house (4) 98:1;114:7;143:3;164:14
houses (2) 115:10;144:22
HOWE (11) 4:4,19,22,25;5:2,4,9,25;6:12,19;7:21
huge (2) 18:22;38:7
Huh-uh (2) 104:25;105:1
human (3) 27:11;35:23;78:13
hundred (5) 4:11,12;5:4;27:25;54:13
hungry (1) 153:7
hurt (1) 53:18
hurts (1) 60:5
HVAC (3) 160:17,17,24

I

ice (1) 101:9
icons (1) 166:4
idea (12) 27:22;28:8;53:10;59:18,25;63:20;64:4;68:21;125:7;141:7;142:15;164:10
ideal (1) 53:10
identified (1) 32:12
identify (1) 17:15
ignorant (1) 70:10
illegal (1) 116:5
immediately (1) 24:13
immense (1) 59:19
immensely (1) 59:1
impact (1) 154:5
implement (3) 41:23,23;97:20
implied (1) 34:19
important (3) 37:14;160:4,20
imposing (1) 81:2
impossible (2) 19:24;169:1
improve (3) 36:21;56:19;137:11
improved (1) 175:11
improvement (2) 65:9;100:2
improving (2) 81:8;138:8
inappropriately (1) 31:17
inches (1) 42:19
inclined (1) 111:17
include (8) 103:16;116:11;121:13;162:16;174:12,25;176:20;183:13
included (1) 110:9
includes (1) 96:3
including (1) 175:13
inclusion (1) 139:19
income (2) 29:9;52:21
indeed (1) 113:23
Indian (1) 20:24
indicate (2) 32:25;115:6
individual (9) 32:1;41:12;43:18;48:18,19;49:3;88:4;143:4;161:20
individually (1) 48:13
individuals (1) 166:6
Indoor (5) 150:18,19;151:12,17;152:6
indoors (1) 151:10
Industrial (2) 118:5;160:24
ineligible (1) 99:19
information (1) 146:10
ingress (1) 16:4
ingress/egress (5) 11:18;31:12,25;60:6,19
initially (1) 25:22
input (1) 36:25
inset (3) 58:17,20,25
insets (2) 58:21;59:23
inside (1) 153:22
install (2) 29:1;40:24
installed (2) 33:22;164:16
installing (1) 33:21
instance (3) 46:10;63:23;171:22
instant (1) 59:6
instead (8) 23:17;26:7;57:8;64:1;78:14;82:11;86:3;101:17
instigation (1) 112:11
institution (1) 56:2
instruct (1) 12:3
instructions (1) 163:17
intended (4) 101:6;102:24;104:21;107:7
intention (1) 103:22
interest (1) 16:24
interested (1) 136:3
interesting (1) 71:21
interior (17) 47:15,22;63:14;99:2,13;101:1;124:1,1,18;125:7,25;132:4;150:5;158:23,24;159:9,15
interrupt (2) 41:15;163:4
in-time (1) 137:25
into (31) 5:10;12:18;13:19,22;22:14,15;29:1,5;37:1;41:8;44:6;57:5,7;70:2;86:7,11;105:13;115:1;128:19,23;129:25;143:6;148:9;149:7;156:24;157:15;162:2;167:5;168:11;174:11;175:8
introduce (1) 168:13
invasive (1) 6:9
invite (2) 11:24;12:5
involved (3) 8:16;109:25;162:23
ionic (1) 15:8
island (1) 41:12
islands (24) 12:22;21:10;24:2,14;28:7;33:22,22;35:15;39:17,21;40:3,24,25;53:6;59:9;64:2;66:4,6,12,19,20,21;67:3;69:25
issue (10) 29:19;55:6;69:4;145:13;154:9;157:1;169:13,15;172:16,19
issues (2) 81:22;172:11
item (14) 8:7;9:8;10:21;11:11;34:3;70:13;85:10,12;95:23;96:14;161:18,21;163:9;177:9
items (7) 8:3;25:10;53:17;54:20;55:3;96:13;147:24

J

Jack (1) 154:25
janitorial (1) 164:18
Japanese (4) 27:5,12;28:3,5
JENKINS (123) 3:2,24;4:17,21,23;5:1,3;7:1,5,24;8:10,18,20,22,25;9:3,20,24;10:20;17:12;31:1,3,6,10;39:23;48:5;49:14,17;50:6;51:13,16;52:8;53:21;

54:10;55:9;56:21;57:11,19,24;58:5,9;68:25;74:19;77:13;78:11,15,17,21;79:18,23;80:2,25;82:24;83:3;84:2,6;86:5,20,22,24;89:25;90:4,9,13;91:11;92:4,8;93:2,5,9,16,21;94:1,5,11,20;95:18,22;105:11;107:13,17;109:2;118:9,13,16,21;121:17,21;123:2,6;129:1,5;130:11,22;132:13,16,18,22;134:1;139:15,23;152:11;157:18;158:3,6;175:19;179:11,24;180:9,13,20,24;181:5;182:4,16;183:1,10;184:5,11,13;185:7,18;186:16
job (1)
55:7
Joe's (2)
20:12;52:18
John (2)
12:9;70:16
joint (1)
97:6
Jones (1)
19:14
jump (1)
81:1
jurisdictions (1)
71:3

K

Karen (1)
108:23
keep (6)
4:15;25:24;26:10;111:15;170:25;173:16
keeping (5)
34:6;50:16;62:14;120:1;125:13
key (5)
18:16;34:3;53:3;69:16,19
kind (15)
14:2;27:8;28:8;29:11;32:18;38:16;60:19;69:15;71:8;139:4;141:21;146:3;160:7;174:13;175:5
KING (7)
148:1,7,17;168:17,19;170:1,4
KISS (1)
26:7
knock (1)
177:25
knowing (1)
138:4
knows (1)
43:10
Kroger (1)
20:19

L

labeled (1)
104:14
lady (1)
179:12
Land (6)
4:5;35:12,13;42:15;131:23;144:20
land- (2)
21:9;38:24
landlords (2)
29:7;41:23
landlord-tenant (1)
13:20
landscape (11)
12:21;18:15;19:1;33:22,22;40:24,25;42:7;44:13;64:2;66:11
landscaped (2)
66:5,11
landscaping (9)
18:15,22;25:24;29:1,20;38:11;39:16;50:13,19
language (19)
99:1;101:17;102:19;116:11;121:8;125:3;143:9;144:24;149:14;151:9;161:3;163:11;164:7;165:6;167:18;171:23;172:16,19,25
large (8)
19:2;23:18;128:9;147:15,18;148:2,19;149:10
larger (5)
59:12;60:1;88:7;110:1;124:18
largest (1)
45:24
larly (1)
71:22
last (11)
20:25;26:6;50:20;55:17;103:20;108:16,17;123:25;132:11;142:7;155:4
later (7)
24:6;55:4,5;59:7;121:11;182:17;183:21
law (1)
130:16
lawn (7)
38:4,7,10,23;156:1,9,11
LCI (2)
32:24;36:4
leaning (1)
144:13
lease (7)
13:19,22;22:15;54:4;173:12;174:15;175:7
leased (1)
117:5
least (9)
33:1;59:20;61:1;63:23;65:25;82:21;115:1,3;149:2
leather (1)
168:19
leave (6)
72:22;103:16,19;148:15;152:4;179:12
leaving (1)
149:1
leery (2)
141:16;148:9
left (5)
64:19;110:11,12;115:9;175:1
legal (15)
34:15;114:25;115:8,12;117:15;125:5,6,16;127:9,11,21;136:4;172:13,21;174:1
legally (3)
103:18;136:1;162:20
length (1)
45:25
less (7)
25:25;27:24;33:8;66:22;74:9,11;167:12
lesser (1)
175:4
level (2)
11:20;61:21
levels (1)
62:16
life (4)
55:24;58:23;59:5;89:2
liked (1)
177:2
limit (6)
97:14;99:21;102:7;145:24;157:7;167:2
limited (2)
32:22;101:18
limits (1)
74:23
line (13)
37:22;40:8;64:7;132:10;133:17;155:22;161:18,21;163:9;174:1,2,3,6
lines (5)
17:21;60:7;62:16,16;149:15
link (4)
51:2,4,6;65:24
list (5)
101:22,25;160:18;171:13;176:12
listed (3)
11:14;34:14;96:19
Listen (1)
179:11
listing (1)
149:18
literally (3)
63:4;183:19,23
litigation (2)
128:17,24
little (20)
12:20;25:25;36:2,23;42:21;46:11;47:24;50:14;81:12,16;96:24;117:3;134:22;137:2;141:16;154:25;162:5;165:20;170:6;174:15
live (5)
53:22;58:22;59:5,11;145:6
living (2)
113:24;115:14
lizards (1)
148:10
loading (3)
166:16,20;167:3
located (4)
60:22;99:5;100:24;110:13
location (8)
23:24;37:19;38:10,24;39:13,15;70:18;141:21
locations (4)
151:14;155:17,18;160:15
long (13)
6:13;15:15;19:15;25:18;38:14;98:5;106:2;128:1;137:10;138:11;146:20;159:21;181:19
longer (4)
34:10;142:16;180:18;181:8
long-term (2)
59:19,25
long-time (1)
21:4
look (27)
6:21;15:8,14;16:18;19:8,12;22:20;24:18;28:12;30:12,15,17,18;33:11;44:18,19,20;53:14;58:17;65:10;69:20;72:8;81:8;127:20;154:3;163:14;171:23
looked (4)
33:20;36:19;97:12;115:19
looking (10)
21:25;26:12;30:20;71:4,5;81:9;97:8;145:17;149:21;159:11
looks (5)
12:20;15:13;39:8;81:13;137:12
loosen (1)
82:21
lost (1)
159:2
lot (55)
5:10;11:15,15;16:10,10,15,16;18:19;21:3,22;24:3;25:23;30:9,11,18,18,23;31:21;34:7;35:6,6;37:22;38:19;40:25;41:11;42:20;44:14;46:8;47:15,22;48:1;54:5;55:24;56:11;57:2;59:1,2,8,12;61:8;62:9;63:14;68:18;74:9;76:22;86:4;88:4;102:18;122:18;147:20;148:9,10;154:12;173:17;177:5
lots (5)
33:9;64:25;94:8;160:8;168:25
lot's (2)
12:22;17:25
love (5)
20:12;54:6;55:24;175:11;180:4
low (1)
4:10
lower (2)
20:6;102:7
lower-end (1)
18:4
Lowe's (1)
73:1
Luke (4)
4:2;7:22,23,24
Lynn (6)
17:17;21:6;50:10;158:18;176:8,21

M

M-1 (4)
10:25;179:5,5,6
ma'am (12)
17:12;28:4;47:6;70:14;71:16,18;72:2;89:5;112:6;127:12;155:5;170:4
Mableton (1)
176:12
machines (2)
164:24;171:12
main (6)
16:10;32:13;34:3;36:18;69:25;136:3
Mainly (1)
17:25
maintain (1)
114:19

maintaining (1)
38:23
maintenance (3)
136:21,23;137:2
major (1)
157:1
majority (6)
99:9,9,10,19;100:1,9
makes (4)
25:3;41:24;69:20;
116:6
make-up (1)
154:4
making (7)
43:9;86:3;106:4;
141:16;148:24;159:25;
167:18
Malcolm (3)
52:9,9;57:16
manage (1)
44:23
manageable (1)
29:21
mantra (1)
71:1
many (5)
29:3,3;30:16;34:25;
135:7
map (6)
33:3,3;37:13;112:12;
113:21,22
maple (3)
27:12;28:3,5
March (1)
145:18
Maria (1)
114:5
market (5)
20:2,16;28:23;155:16;
175:10
marketing (1)
20:1
marshal (2)
146:6,9
MARTA (13)
16:12,14,16,17;19:7,8;
26:5,11;30:2,2;31:21;
56:11,19
masonry (12)
70:20;71:15;72:15,19;
73:9;76:4,11,15,18,19,
22;80:22
match (6)
4:9,10,11,16;36:2;
73:25
matched (1)
73:1
material (1)
46:24
materials (1)
6:9
math (1)
50:14
matter (4)
27:1;86:10;135:21;
181:20
maximum (2)
46:15;89:22
may (32)
18:7;23:3;35:7;36:22;
40:10;42:11,11;43:10;
44:20;46:7;62:17;63:22;
64:6;73:15,18;74:17;
99:7;100:2;106:16;
125:10;135:12;136:8;
138:4;142:15;145:17;
157:13;182:14,22;183:3,
12;184:2;185:9
Maybe (24)
20:15;22:7;38:19;
42:18;43:7;64:17;73:7;
82:15,17;99:9,25;
101:19;120:15;121:10;
137:15;145:11;147:3;
161:2;172:16;173:9;
177:3,21;179:3;180:14
MAYOR (134)
3:2,24;4:17,21,23;5:1,
3;7:1,5,24;8:10,12,18,
20,22,25;9:3,20,24;
10:20;17:12;31:1,3,6,10;
38:20;39:23;48:5;49:14,
17;50:6;51:13,16,19;
52:8,10;53:21;54:10;
55:9;56:21;57:11,19,24;
58:5,9;68:25;74:19;
77:13;78:11,15,17,21;
79:18,23;80:2,25;82:24;
83:3;84:2,6;86:5,20,22,
24;89:25;90:3,4,9,13;
91:7,11;92:4,8;93:2,5,9,
16,21;94:1,5,11,20;
95:18,22;104:18;
105:11;107:2,13,17;
109:2;118:9,13,16,21;
121:17,21;123:2,6;
129:1,5;130:11,17,22;
132:13,16,18,22;134:1;
139:15,23;152:11;
157:17,18;158:3,6;
175:19;179:11,24;180:9,
13,20,24;181:5;182:4,
15,16;183:1,10;184:5,
11,13;185:7,18;186:16
Mayor's (2)
4:1;130:1
McDonald's (4)
70:23,25;71:2,6
mean (88)
6:14;13:24;15:4;18:9;
19:1,2,9,11,12;21:21,24;
22:3,9,18,20;23:17;
24:10,12;26:16;28:6,9,
10;29:11,12,16;30:4,9,
11,15,19;41:4,15;42:3;
43:6;46:7;51:3;54:24;
62:18;72:7;74:23;75:9,
10;76:5,22;81:2;100:25;
102:15;104:23;111:8;
114:17;115:13,25;
116:6;118:1;120:13;
122:17;124:4;125:2;
134:24;135:4;136:21;
141:1,9;142:15;144:16,
19,19;145:8;146:25;
147:2,4;153:5;154:4,10;
155:17;161:17;162:14;
163:4,16;164:7;165:24;
170:5;171:8,15;172:3;
174:23;175:1;178:25
meaning (2)
20:17;105:22
means (8)
4:15;20:6;82:9;89:10;
101:10;104:20;131:23;
161:24
meantime (2)
113:17;139:8
measurements (1)
98:22
mechanics (3)
40:9;170:7,9
Medlock (1)
19:14
meet (3)
14:10;64:14;66:8
Meeting (26)
3:2;8:2,4;50:21;55:17;
57:14;114:14;130:18;
171:24;172:17,18;
175:21;179:14,19;
180:11,16,16,25;181:3,
11,13,16,23;182:14,18;
186:24
member (1)
176:7
members (1)
19:15
memories (1)
53:12
memory (2)
147:17;183:8
ment (1)
41:25
mention (2)
59:14;114:4
mentioned (4)
23:7;89:1;104:1;
127:10
ments (2)
14:11;136:5
merchandise (1)
167:19
merely (1)
124:13
merge (1)
126:25
method (1)
11:23
Michigan (1)
148:14
microphone (3)
49:18;50:3;57:25
midtown (2)
25:9;59:15
might (31)
15:16;29:7;35:3;
38:17;40:7,9,12;43:18;
47:25;59:22;63:1;65:3;
68:6,25;99:24;105:23;
106:2,3,4;110:8;117:18;
123:10;135:25;139:8;
155:8;157:7,8,10;
169:22;173:18;183:25
Mill (2)
16:11;19:13
mind (6)
13:2,24;15:9;26:10;
114:23;145:10
mine (4)
33:14;43:17;45:11;
53:13
minimum (4)
64:14;66:8,9,12
minute (2)
93:10;177:10
minutes (10)
3:24;54:22;114:10;
179:16;180:14,18,21;
181:8;182:24;183:24
miracle (1)
174:15
mishaps (1)
176:16
mission (1)
30:13
misunderstood (1)
137:16
mixed-use (1)
137:18
mixture (2)
103:13;107:9
mode (1)
52:15
modification (1)
75:18
modifications (1)
76:1
modifies (1)
42:16
modify (3)
79:19,21;103:17
modifying (1)
124:17
moment (1)
117:24
Monday (1)
182:16
money (2)
5:21,23
months (3)
52:24;115:14;123:15
monument (4)
13:13;14:22;37:5;
89:21
more (70)
7:1;8:22;9:4,20;24:4,
7,12;25:3;30:18;32:6,
10;34:6;37:9;38:19,21;
40:4,5;46:11;53:1,6,8;
56:5;57:6;60:3;61:9,12;
63:12;65:12,22,25;66:7,
17;68:25;77:13;78:17;
79:18,23;80:25;84:2;
90:9;91:18;92:4;93:23;
94:1,11;105:11;107:13;
109:2;111:9,10;117:8,9;
118:17;121:17;124:7;
126:20;128:16;129:1;
132:18;134:22;141:20;
152:3;158:12;161:5;
168:9;169:5;173:7;
174:8;175:15;182:11
morning (3)
148:15;149:3;173:2
Morningside (1)
28:18
Morningside/midtown (1)
28:12
Most (8)
15:25;28:7;38:4;
52:16;76:14,20;82:4;
99:12
motion (66)
6:24;8:11,14;9:5;58:8;
77:2,7,14;78:13;79:15,
20;80:21;83:22;84:25;
85:2,11;86:5,9,13,19;
87:21;89:25;90:2,5,6;
91:15;93:15;94:6;
104:19;105:8;106:19;
107:3;108:16;112:1,17,
19,20;117:20,22;118:1,
1,2;121:10,12;128:19,
23;130:15,18;131:16;
132:3;133:20,22;139:13,
15,21;142:10;152:9;
179:22;180:3;181:9;
183:2;185:7,16;186:12,
19,22
motions (1)
106:17
Mountain (1)
170:9
move (7)
17:1;32:23;94:7;
103:20;108:16;127:4;
186:20
moved (4)
21:4;64:21;94:7;
130:20
moves (1)
104:13
moving (4)
51:17;68:21;110:25;

130:12
mower (1)
156:9
mowers (2)
156:2,11
much (15)
12:17;15:3,20;18:24;27:22;29:22;38:2,21;50:19;53:20;55:12;63:2;138:22;149:23;165:23
muddle (1)
106:17
multi-family (1)
143:3
multiple (3)
60:13,15;151:13
multi-suite (1)
144:8
multi-tenant (2)
60:17;142:20
municipalities (1)
176:10
Murray (6)
8:11;48:8;51:15;75:19;86:5;120:1
must (6)
105:7;111:6;112:21;118:3;145:24;151:10
myrtle (1)
59:23

N

name (4)
50:5;158:16,18;172:1
names (7)
103:21;104:3,4,13,24;105:8;108:12
name's (1)
12:7
national (1)
160:16
Natural (4)
35:14;77:2;83:23,23
naturally (1)
86:11
nature (4)
15:21;17:20;20:7;106:15
near (1)
28:23
necessarily (1)
164:19
necessary (2)
54:3;121:8
need (68)
8:11;13:25;14:7,8,23;15:5,5,12;17:15;21:24;22:1;25:23;26:10;35:4;37:24;41:4;42:7;48:5,8;49:3;59:12,20;60:1;68:13;73:6;79:19;82:2,22;85:7,22;86:2;88:1,10;93:5,7;94:13;101:22,25;103:7;104:2;105:12,18;115:17,21;119:16,19,24;120:24;121:3;124:18;126:20;127:1;133:20;135:19;149:17;155:11;157:19;158:11;163:11,14;166:24,24;168:23;171:14,25;172:4;173:25;180:5
needed (3)
15:4;59:18;177:8
needless (1)
32:4
needs (9)
18:21;22:7,20;33:18;65:22;66:17;88:1;143:7;173:6
negative (3)
160:7,13;161:1
negotiable (1)
22:22
negotiate (2)
22:11;29:6
negotiated (1)
13:17
neighbor (1)
52:10
neighborhood (1)
168:20
neighbors (1)
72:1
neither (2)
37:18;115:24
nervous (2)
146:11;147:7
new (56)
11:11,15;14:22;17:2;20:10,14;23:1,4,21;26:8;36:10;39:2;42:25;44:12,13;47:19;54:11;56:23;58:16;60:2;63:2,18,23;64:3,9;70:16;73:8,16,25;74:14,16,17;82:14,14;88:2;89:8,12,14;95:25;99:3;100:19,20;118:1;123:12,25;126:18,20;131:21;136:5,16;137:3;158:20;163:22;166:11,25;167:15
Newberger (2)
123:14;136:13
next (33)
10:21;11:11,18;28:23;29:6;39:6;42:20;50:6;53:21;81:14;95:23;110:3;134:20;135:17;140:17;148:15,16;149:3;151:18;162:13;171:24;172:7,17,17;175:21;179:19;180:11,25;181:2,11,22;182:14;183:1
nice (5)
22:1;28:13;29:13;30:5;114:12
night (5)
57:14;173:1;179:12,14;185:14
nine (4)
12:25;52:23;54:20;161:12
nobody (1)
115:14
nodding (1)
68:1
Nods (2)
91:9;165:16
nology (1)
75:18
nomenclature (2)
98:18;99:24
noncon- (2)
34:15;125:16
nonconforming (8)
114:25;115:8,12;117:15;125:5,6;127:9,11
none (3)
46:15;93:25;135:11
nor (1)
37:18
normal (2)
17:20;173:12
normally (3)
8:7;106:13;176:20
north (2)
30:4,4
Northwoods (1)
73:24
note (1)
38:7
notes (1)
97:5
novelties (1)
168:10
novelty (1)
177:15
nowhere (1)
72:18
Number (28)
13:11;14:14,15;35:18,20;36:5,8,10,15;37:2,7,12;40:20;45:20;55:3,3;61:25;70:13;75:25;77:2,8;79:16;81:20;85:11,12,24;90:7;92:1

O

O&I (3)
17:1;67:1;116:11
o0o- (1)
186:25
Oak (1)
55:11
obedience (1)
125:19
objection (2)
48:21,25
objective (1)
97:17
objectives (1)
34:7
obligated (1)
13:15
obviously (11)
39:13;74:23;113:11;139:5;141:5,23;153:21;162:19;164:10;171:14;181:16
occupancy (1)
143:2
occur (2)
37:1;56:3
o'clock (2)
173:1;184:2
odd (2)
45:25;122:22
off (9)
16:11;20:2;43:7;44:10;45:15;97:19;149:1,23;184:3
offense (1)
56:1
offered (1)
96:11
office (18)
32:17;33:23;34:9;65:21;68:17;110:24;113:5;116:15;117:17;118:4;126:5;128:12;129:24;130:1;155:25;156:7;159:12;171:11
office/ (2)
32:14;34:5
office/professional (4)
32:16;33:13,19;34:4
Office-Industrial (1)
68:13
officers (1)
116:6
offices (3)
150:13;159:10;163:7
officials (2)
76:13,15
often (3)
63:7;169:11;179:2
oftentimes (1)
148:15
O-I (26)
33:4;34:5,13,13,15;94:9;110:8,14,15,16;111:6,18;112:22;113:11;117:12,23,24;118:4;119:17,19,23,24;120:7,17;121:2,3
old (12)
10:21;11:16;16:7;21:25;22:19;39:6;53:11;110:13,15;117:12;180:11;181:11
older (1)
175:3
oldest (1)
176:7
Once (4)
42:14;68:10;120:15;141:22
one (130)
4:3;12:18,18;16:4,23;18:2;23:16,24,25;24:10,17;28:14;29:15;30:5,9,19;36:16;37:16;42:19,24;43:10;45:2,21;46:19,24;47:13,15;48:9,14,18,19,22,25;49:6,7,10,10,14;54:18;55:3;56:12,25;57:9;59:1;61:9;62:17,18,19,19,20;63:3;65:16;68:6,7;70:12;71:2,4;75:11;77:9;78:14;79:17;81:4,5,12;82:1,11,13;87:24,24;88:21;91:17;97:18,18;98:20;100:18;102:12,18;104:20;108:25;109:1;110:10,12;112:10;113:23;115:3,6;117:4;124:7;125:18;127:2,2;133:17;135:6,17;139:17;140:24;141:14;148:22;150:8,9,11;152:3;153:18;154:18;159:2;160:10;161:12,13,20;162:12;163:1,9,13;169:5,5,7,10,10,10;173:7,10;174:15;175:7,8;177:8;179:3,4,12;183:15,15
onerous (3)
14:3;53:6;165:10
ones (2)
15:11;22:5
one's (2)
106:12;153:16
one-way (1)
50:24
online (1)
114:14
only (37)
23:24;29:15;33:12,14,18;34:5;39:19;41:11;47:17;54:24;63:24;74:3,16;77:9;81:5;85:24;96:13;98:12;100:4;103:15;110:10;113:4;115:2;116:9,13,21;128:7;145:13;146:9;153:11,14;156:25;159:8;166:15;178:23;179:2;182:24
on-site (1)

37:23
onto (1)
76:7
open (5)
31:6;161:6;182:22,23;
183:19
opened (1)
183:13
opening (5)
16:12;164:3;183:4,6,6
opens (1)
149:3
opinion (5)
45:9;71:5;116:3;
172:22;178:14
oppor- (1)
68:9
opportunity (5)
36:25;50:2;61:10;
69:19;106:7
opposed (7)
23:16;58:20;158:4,4,
5,8;176:4
option (7)
41:17,19,24;65:3;
66:22;76:25;119:25
options (4)
23:8;41:22;72:22;
173:20
orange (1)
112:8
order (1)
3:2
Ordinance (47)
40:21,23;41:6,8,13;
42:3,6,7,12,21;43:5,9,11,
14;44:19;71:10;73:7;
74:6;81:4,12,16,19,21;
85:8,9,20,22;87:23;88:1,
2,9,10,11;89:21;104:4;
105:24;113:4;125:21;
127:20;139:6;157:8;
158:9,11;174:24;182:1,
7,9
ordinances (8)
54:20;59:2;81:10,24;
83:25;85:5;144:25;
148:4
ordinarily (1)
125:13
organization (1)
51:23
original (10)
120:6,8,9,10,19;121:1,
6,15;124:10;135:14
originally (1)
38:20
others (1)
60:4
other's (1)
117:5
otherwise (1)
146:12
ought (1)
101:19
ours (1)
12:11
ourselves (1)
5:15
out (69)
12:24;15:17;16:2,3;
24:9,20;25:6,9,12,13;
28:9,10;29:24;33:25;
38:1,5;39:18;40:13,16;
54:20,23,25;55:2;58:22;
59:5;61:11;63:24;65:12,
23,24;68:11;70:10;73:5;
76:24;88:11;96:13;97:4,
12,15;102:16;106:11,16;
111:15;114:1;115:21;
124:7;126:5,18;127:4;
130:11;140:22;141:4;
143:4,12;144:18;145:9;
147:10;150:12;158:3;
163:21;164:1;166:25;
169:22;171:3,4;173:3;
176:8;177:25;184:1
outdoor (6)
141:8;149:16;150:25;
151:3;155:2,4
outside (3)
150:2,22;178:22
over (17)
12:19;16:15;20:20;
21:9,12;24:15;25:22;
37:25;55:25;65:9;73:21;
89:8;103:4;113:20;
118:10;170:9;175:10
overall (2)
65:9;128:2
overhead (1)
60:7
overjoyed (1)
175:9
overnight (5)
144:23;145:19;
146:16;147:16,19
overridden (2)
42:12,14
overspeaking (1)
9:17
own (10)
13:18;37:19;38:22;
42:21;52:2;62:8;110:18,
22;147:23;158:19
owned (5)
16:16;32:20;38:3,5,11
owner (14)
11:5;36:25;40:14;
41:20;54:25;88:12;
117:14;123:18;138:1,8;
153:23,23,25;154:6
owners (13)
29:4;41:17;98:11,20;
102:18;117:4,7;126:18;
148:23;149:8;153:13;
157:13;174:22
ownership (1)
55:2

P

Pachuta (80)
3:16,17;6:16;7:13,14;
8:5,21;9:7,10;10:12,13;
39:8,25;40:2;48:8;
49:24;68:12;77:5;78:3,
16;79:7,8,21;80:13,14,
24;83:14,15;84:17,18;
87:10,11,13,14;90:24,
25;91:17;92:19,20;94:4,
12,16;95:6,7;105:1;
107:5;108:3,4,19,24;
109:16,17;114:9,13;
119:7,8;122:7,8;129:16,
17;131:8,9;133:8,9,25;
134:12,13;140:9,10;
152:22,23;164:1;
180:22;181:2,14;182:6;
184:24,25;186:4,5
package (3)
4:7;170:24;178:9
packaged (3)
171:2,6,15
packages (1)
96:3
page (30)
96:8,8,9,9;97:5;
118:10;119:16;121:14;
122:24;130:2;132:7,9;
133:23;136:19;142:4,6,
6,8;144:5;150:13;151:4,
5;154:16;155:2,4,10;
158:22;161:12;173:8;
177:11
pages (1)
103:19
paid (1)
27:24
paint (10)
71:1,12,21;72:25;
73:4,17;74:8,9,11;82:16
painted (5)
70:20;71:6;73:25;
74:12;80:23
painting (2)
136:20,23
paints (1)
73:21
Pam (2)
28:8;29:24
par (1)
45:9
para- (1)
103:10
paragraph (32)
103:17,19,25;104:20;
105:5;107:4;108:13,16,
17,18,21;110:3;111:11;
112:21,23;116:10;118:2,
7,10;119:18,22;121:14;
122:24;123:24;132:5,7,
10;133:18,23;134:20;
135:19;139:17
paragraph' (1)
104:11
parallel (4)
40:7;68:9;70:6;99:14
parameter (1)
45:24
parameters (1)
52:1
parcel (16)
12:18;16:4;31:25;
35:1;110:10,14;111:6;
112:21;118:3;144:18;
150:20;151:13,17;
152:7;169:4;174:3
parcels (24)
11:13;16:2;32:8;33:1;
34:19,25;35:3;36:6;
50:11;101:6,24;102:7,
24;104:7,21;105:7;
107:7;110:12;111:7;
127:8;131:22,23,25;
132:1
Park (7)
4:2,6;6:1,11,13;
146:16;148:13
parked (1)
147:18
parking (86)
11:15,15;12:22;13:2,
3;16:10,10,15,16;18:3,7,
8,9,16,17,18,20,24;19:3;
23:20;24:3,5;29:22;
30:8,9,11,11,19,23;
31:22;32:9;33:5,6,7,8,
10,11,14,16;34:1;35:15;
39:15,19;40:3,4,5,15,20,
21,23,25;41:2,11,16,22;
44:20;45:2;46:8;47:15,
22;48:1;50:13,21,24;
51:24;53:1,3,5,8;57:2;
58:25;59:2,8;60:3;61:8;
62:9;63:14;64:15,16,25;
65:12,18;67:4;69:4;
70:7;148:6
Part (19)
4:7;12:22;13:12,15;
31:25;32:24;36:18;
42:14;54:1;111:19;
140:20,22;160:20,24;
165:10,12,14;179:18,20
partake (1)
123:19
partially (1)
147:10
particu- (1)
71:21
particular (13)
23:23;42:11;69:8;
77:10;85:23;111:19,20;
113:14;117:4,9;123:20;
142:25;172:15
particularly (2)
100:12;117:17
parts (11)
161:4;164:13;167:25;
170:6,6,12,16,21,22,23,
23
party (2)
160:10,11
pass (10)
15:4,5;20:4;26:22;
37:14;43:14;86:7;
153:15;157:5;183:17
passed (1)
21:4
passing (1)
26:17
past (2)
24:16;176:7
patch (1)
65:5
path (1)
6:3
patient (1)
70:9
paving (1)
25:10
pay (2)
29:2;170:13
paying (1)
12:17
pea (1)
71:12
Peachtree (29)
11:16;14:22;20:10,14;
23:1,21;25:17;26:8;
31:18,19;39:2;42:25;
47:19;54:12;56:24;
58:16;60:3;63:18,23;
64:3,9;99:3;100:19,20;
123:12;136:16;158:20;
167:1,15
peaks (1)
168:25
pedestrian (1)
82:11
penalized (1)
49:2
pending (2)
128:17,24
pentameter (1)
15:9
people (21)
16:25;18:12;19:6;
20:16;25:11;26:12;33:8;
45:10;56:11,11;59:3;
60:22;63:7;73:17;
141:22;145:1,6;154:12;
168:12;171:1;174:11
per (10)
23:14;45:22;61:20;

62:4,5,6;97:23,23,23,24
perceive (1)
117:14
percent (10)
4:9,10;20:24;45:7;
54:13;61:17,25;85:14,
16,17
percentage (1)
62:8
perception (1)
154:12
perfect (1)
53:10
perfectly (2)
22:11;113:12
perform (1)
154:8
perhaps (2)
38:10;64:17
period (11)
21:23;22:24;23:7,9;
91:22;92:2;102:25;
104:22;107:8;112:22;
118:6
Perky (1)
164:21
permitted (28)
124:1;132:5;136:21,
24;139:2,9,21;142:23;
149:14,25;150:5,16,23;
151:1,11,16,23,24,25;
152:4;156:15;157:16;
158:24;163:12,14,18;
177:14,24
permitting (2)
148:19;159:9
person (3)
40:24;125:19;162:12
personally (3)
29:24;156:22;172:14
perspective (1)
141:19
pertain (1)
13:13
pertains (1)
173:9
pervious (1)
85:15
petition (5)
12:6;31:14;32:1;
96:16;123:14
petitioning (1)
12:12
petitions (2)
12:1,2
philosophy (4)
125:11;126:2,9;
137:15
phrase (1)
144:14
physically (2)
24:18;153:22
pick (6)
160:22,24;161:4,9;
170:12;181:24
picking (2)
60:21;125:18
pickup (1)
26:6
picture (1)
17:5
piece (6)
35:12,13;42:11;81:13;
88:16;164:15
pin (2)
38:7,21
pipe (2)
51:2;164:15
pitched (2)
70:19,19
Pittman (98)
3:19,20;6:25;7:16,17,
23;8:9,19;10:15,16;
19:25;20:3,21;29:11,16;
30:14,21;31:5,9;49:25;
66:14,20;67:10,15,18,
25;68:4,16,20;69:5,7,11,
22;71:25;73:20;78:6,7;
79:10,11;80:16,17;
83:17,18;84:20,21;
87:16,17;91:2,3,24;92:3,
22,23;93:15;95:9,10;
108:6,7,22;109:1,19,20;
119:10,11;122:10,11,14;
123:3,5;129:19,20;
130:21;131:11,12;
133:11,12;134:15,16;
140:12,13;146:1,23;
148:12,22;152:25;
153:1;157:25;181:4,15,
19;182:8;184:12;185:2,
3;186:7,8,20,22
place (14)
15:15;26:22;30:12;
36:13;40:9;54:6,14;
73:8;83:25;97:11;111:9;
119:18;135:16;136:5
placed (3)
39:17;44:7;61:22
places (4)
30:16;50:24;56:15;
177:4
placing (1)
97:13
plan (9)
5:11;6:15,17;32:12,
18,24;34:7;36:4;58:16
planner (3)
54:24;130:4;169:2
Planning (10)
11:20;55:16,18;57:14;
96:5,5,14,15;125:12;
157:3
plant (2)
6:9;25:14
planted (2)
27:13,15
planter (3)
64:19,20;65:3
planters (2)
68:21;73:21
planting (4)
29:12;54:22;59:3;60:5
plantings (5)
25:5;28:9;41:10;
58:17;59:16
plants (3)
24:7;29:1;30:22
platform (1)
19:8
Plaza (1)
73:24
please (11)
3:3;9:24;17:16;50:5;
79:20;94:20;139:11,14;
149:2;158:15;184:13
plenty (2)
56:15;125:20
plumber (3)
160:21;164:13,15
Plumbing (2)
154:22;162:2
pluming (3)
154:17,20,23
pm (2)
185:10;186:24
podium (2)
51:12;158:15
point (24)
15:14;16:21;25:4;
26:21;32:25;33:4;37:16;
38:1,17;60:12;63:19,25;
66:24;72:14;73:23;81:2;
105:14;120:14;122:16;
130:15;139:4;164:20;
173:4;174:10
police (2)
29:18;147:21
pollution (1)
27:11
pollution-tolerant (1)
27:19
poly (1)
21:18
pool (1)
18:24
poor (1)
42:6
porch (2)
21:18;47:14
portion (7)
111:12;142:4;144:18;
173:15;174:6,8,9
portions (3)
40:13;99:13;157:7
possibilities (1)
57:7
possibility (2)
40:6;57:4
possible (2)
18:24;128:16
Possibly (7)
50:17,21;64:5;117:18;
123:10;162:1;182:17
Post (5)
34:9;110:24;113:5;
116:14;117:17
postpone (4)
179:18,20;181:10;
183:3
potential (11)
4:2;13:2;15:25;16:21;
22:7;30:16;32:20;55:23;
97:14;124:19,23
potentially (1)
165:12
power (1)
60:7
powers (1)
147:22
pre- (2)
4:6;5:19
preamble (2)
149:24;151:25
pre-cast (1)
21:18
precautionary (5)
43:19;44:12,15;45:11,
16
preceding (1)
86:10
preclude (1)
138:7
precluded (1)
98:4
precludes (3)
35:6;60:24;146:18
predict (1)
19:23
predicting (1)
44:17
prefer (1)
175:24
preference (2)
106:13;133:20
premises (1)
178:7
present (3)
85:13;123:11;144:12
presently (1)
115:5
preserve (1)
18:23
pretty (7)
12:17;21:22;32:22;
50:22;51:25;69:1;
138:21
prevent (6)
71:23;73:9;76:6;
97:17;138:7;148:25
prevented (2)
47:21;71:4
prevents (2)
37:10;125:25
previous (5)
112:3;113:7;135:8,10,
15
Previously (1)
142:3
priate (1)
43:22
price (1)
22:16
pricing (1)
23:14
primarily (2)
99:8;111:14
primary (1)
99:19
prime (1)
160:14
principally (1)
57:1
print (1)
138:12
prior (4)
16:12;120:10;121:4;
149:24
private (2)
55:2;99:2
probably (20)
12:24;19:10;20:7;
34:15;37:24;52:4;58:23;
59:11;63:1,13;69:6;
70:5;117:5,14;128:15;
141:6;172:15;175:9;
176:7;183:17
problem (25)
26:1,8;29:8,10;31:24;
53:15;58:19;67:19;
68:19;70:16;73:7,11,13;
82:1;85:7;86:2;88:9;
97:14,15;100:13;126:3;
166:21;171:9;172:25;
176:22
problems (3)
16:1;25:19;87:25
procedural (1)
54:16
procedure (1)
105:22
Procedures (1)
48:12
proceed (2)
49:13;130:19
process (6)
5:20;12:14;67:17;
75:13;123:19;172:21
produce (1)
121:8
product (4)
72:20;76:11,16,18
products (2)
72:12;76:4
professional (4)

32:15,17;34:6;65:21
prohibit (1)
178:12
prohibited (7)
142:9,23;143:20;
145:5,21;150:22;151:3
prohibition (1)
143:12
prohibitions (1)
159:15
project (4)
4:8;5:18;6:11,12
promise (1)
128:21
properties (31)
11:12;12:16;32:21;
33:9;36:17;48:15,22;
60:2;97:13;100:19;
102:15;109:25;113:4,8,
16;115:7;116:13;123:9;
124:13;126:10;134:20;
135:12,16,24;136:4,8;
137:16;139:18;141:13;
144:12;175:1
property (109)
11:2,5,7;12:9,10,18;
16:18;20:1;32:19,21;
35:22;36:25;37:8,13,22;
38:2,6,18,19,21,22;
40:14;41:20;42:11;
43:10,16;44:1,25;45:1,5,
7;49:15,18,21;50:7;
51:3;52:14;55:1;56:18;
60:25;70:1;74:3;75:8,
15;77:10;81:4,5,13;
88:12,16;89:2,2,8,14;
93:20;97:23;98:11,20;
100:24;102:18;112:4;
113:11,12;114:17,18,24;
117:4,7,14;122:25;
123:18,18,21;124:15,17;
125:8,25;126:18;135:4,
15,25;137:12,25;138:4,
4,8;142:25;143:1,6,15;
145:7;146:16;147:16;
148:25;149:8;153:12,
17;157:12;165:18;
166:18,19,22,25;167:9;
173:9,16;174:7,8,22
proposal (2)
54:3;57:13
propose (1)
64:6
proposed (4)
37:3;70:20;80:22;
115:7
prospective (1)
17:22
protect (1)
51:5
protection (3)
36:8;71:8,13
proud (1)
52:10
prove (1)
37:19
provide (6)
13:18,21;28:25;50:4;
73:8;173:25
provided (5)
61:9;96:2;124:2;
140:25;158:25
provides (5)
103:13;105:3,6;107:9;
117:2
public (43)
8:2,4,6,7,16;9:2,6,8,
10,14;11:21;12:3;30:25;
31:7;37:11;47:18;48:6;
58:7;67:9,14;95:24;
96:20,24;105:13,24;
106:1,2,3,6,10,14;
145:12;149:7;157:16,19,
22;161:6;172:4;175:20;
179:18;181:10;183:3,14
pull (1)
20:20
pulled (1)
161:12
pure (1)
68:17
purely (1)
144:22
purpose (2)
113:14;182:23
pursue (2)
172:12,15
put (49)
4:17,17,19,19;5:12;
14:22;15:7;24:8;25:5,
19,21;26:4;28:24;29:24;
37:4,11;39:15;41:4,16;
42:10;43:22;44:1;55:4;
60:9;63:5,7;64:17;66:3;
70:21;97:4;121:10;
124:7;125:15;137:8;
138:16,24;141:23;
149:6;151:9;161:18;
163:10;164:10,13;
165:22;167:11;171:10,
13;175:12;184:3
putting (7)
21:15;26:1;29:1;
41:18;51:11;145:22;
149:13

Q

Q&A (1)
96:18
QOL (1)
72:23
quaint (1)
64:24
qualifies (4)
33:13,19;76:19;
153:17
qualify (3)
102:16;114:24;135:4
quality (1)
35:19
question-and-answer (1)
97:1
quick (4)
26:14;56:25;131:20;
171:17
quickly (1)
150:9
quit (1)
31:13
quite (3)
13:1;144:17;165:6
quote/quote (6)
98:6;128:11;137:17;
144:21;146:21;178:8

R

R-1 (3)
113:24;144:11,19
raceway (4)
46:23,23;62:19,20
railroad (1)
38:4
raised (6)
23:16,25;53:9;63:20;
64:5,25
random (1)
161:13
randomly (1)
125:18
rather (7)
24:2;25:10;39:17;
43:24;63:21,25;116:17
raw (1)
35:12
Ray (1)
16:5
Raymond (1)
52:10
read (12)
12:22;52:2;59:2;
78:13;79:20;97:9;99:25;
104:20;112:21;118:3;
135:13;139:18
reading (10)
12:19;99:6,7,25;
101:5,11,13,14;135:14;
146:15
reads (1)
123:25
ready (2)
15:18;49:5
real (6)
17:18;26:14;59:21;
71:11;115:17;131:20
realistic (1)
21:6
reality (2)
72:16;136:6
realize (4)
21:3;28:17;52:17;
155:11
realized (1)
38:21
really (59)
11:17;13:15;16:3;
18:4;19:3,5;20:10;
22:16;28:13;29:20;30:7;
31:14;32:8;37:24;40:11,
22;41:4,21;42:6,6;
43:16;48:11;57:15;
58:22,23,25;59:1,12,16,
20,24;60:1,5,16;63:6;
64:8,11;68:20;69:9;
70:15;76:9;77:9;97:14;
116:14;122:17;126:9;
135:19;145:13;146:7,7,
9;154:3,13;160:4;
165:23;173:16;174:6;
178:1;180:17
reason (17)
20:18;34:21;47:23;
51:17;69:5,7;70:21;
75:7;113:24;124:10;
126:14;127:15,18;
137:19;171:20;173:11;
174:19
reasonable (3)
22:11;44:7;102:20
reasons (1)
59:2
rebuild (1)
159:12
rebuilding (1)
126:12
recall (2)
25:11;146:6
received (2)
37:15,17
Receiver (1)
163:22
receptacle (4)
21:15;23:24;35:24;
64:4
recess (1)
95:20
recommend (4)
6:7;34:18;103:16;
113:9
recommenda- (1)
104:15
recommendation (6)
36:3;39:21;45:13,17;
55:15;64:1
recommendations (11)
4:14;15:3,20;21:9;
26:16;33:5;34:18;35:10,
12;94:13;183:20
recommended (4)
34:1;43:1;55:20,21
recommends (1)
32:13
reconsider (5)
85:1,2;86:6,7,10
reconsidering (1)
106:19
reconvene (1)
130:18
reconvening (1)
130:15
record (9)
17:16;49:12;50:5;
94:15,17;122:15,22;
158:17;186:21
recorded (1)
16:19
recreation (1)
4:4
red (5)
16:7;71:6;96:3;
136:13;155:10
redevelopment (3)
124:15,17;138:5
redo (1)
36:9
reduced (2)
29:20;41:1
redun- (1)
142:12
redundant (2)
142:14,16
reference (3)
60:12;122:21;149:12
references (4)
104:3,12,23;108:12
referred (1)
95:25
referring (1)
123:9
reflect (1)
186:22
Refrigeration (1)
160:16
regard (3)
135:21,22,23
regarding (2)
112:16;161:15
regards (4)
22:25;63:16;113:18;
127:6
regular (2)
8:2;180:16
regulated (1)
82:4
regulatory (6)
178:2,4,20,22;179:1,8
relative (1)
66:16
relatively (1)
12:23
released (1)
11:6
relief (3)
33:21,21;75:12

religious (1)
166:4
relocate (1)
103:24
remain (2)
145:25;177:16
remained (1)
147:19
remaining (1)
148:8
remains (1)
119:17
remember (4)
16:6;26:5;74:2;140:18
reminder (1)
146:14
remove (6)
67:21;89:15;108:11;
124:25;135:24;142:10
removed (1)
142:3
removing (5)
6:9;68:22;135:25;
155:2,3
rendered (1)
76:21
renovation (6)
73:24;124:2;136:22;
138:11,20;158:24
renovations (3)
136:20;138:14;160:4
rent (9)
15:22;22:15;26:22;
53:18;75:8;113:16;
124:14;167:13;175:15
rented (2)
15:5;143:4
renter (1)
15:16
renters (1)
15:25
renting (1)
68:13
Repair (5)
37:21;117:5;156:10;
160:10;161:14
repaired (1)
156:12
repeat (3)
9:13,18;151:15
repetitively (1)
149:18
replacement (1)
137:1
replicating (1)
69:16
report (1)
130:12
REPORTER (1)
186:12
reports (2)
7:25;96:15
representative (1)
10:24
representing (1)
12:8
request (7)
4:4;8:15;89:11,14;
114:20;116:1;149:6
requested (1)
114:10
require (5)
20:13;36:11;75:9;
85:14,16
require- (2)
14:10;41:24
required (6)
4:9;5:10;6:10;11:9;
40:4;70:18
requirement (6)
14:5,15,19;18:20;
69:8;85:15
requirements (3)
21:14;45:1;64:15
requires (1)
21:17
requiring (3)
23:24;64:2;67:3
resale (1)
160:10
researched (1)
117:11
reseller (1)
164:25
resi- (1)
114:17
residence (2)
50:5;158:16
resident (2)
140:19;158:19
residential (17)
111:13;112:4,4;
113:25;114:19;115:2,6,
17,20;142:5,8,11,18;
143:7,10,15;144:17
resin (1)
21:18
resolution (4)
4:2,8;6:24;157:2
resolve (1)
11:4
respect (2)
55:12;61:3
response (19)
3:7;7:3;9:22;10:3;
57:22;58:3;77:16;78:19;
79:25;83:1;84:4;90:11;
92:6;107:15;109:4;
118:19;121:19;129:3;
132:20
responsible (1)
28:20
rest (10)
44:10;54:13;55:5;
103:10;110:16;111:11,
18;113:10;116:12;
137:22
restate (1)
117:25
restaurant (1)
18:2
restoration (1)
6:8
restrict (2)
140:23;177:6
restricted (1)
177:21
restricting (1)
102:2
restriction (2)
145:22,24
restrictive (2)
137:19;139:7
restriping (1)
65:25
retail (33)
18:4,16;20:5,17;29:3;
32:14,17;33:17,23;34:5;
65:20,22;66:8;68:18;
127:2;141:14;161:23;
162:9,11,13,23,25;
163:24;165:9,11,17;
170:13,20;173:12;
174:8;175:12;176:23;
177:5
retailer (5)
17:21;19:24;155:18;
163:12,13
retailers (3)
17:25;18:25;20:9
retaining (2)
68:8;70:7
retrofitted (1)
62:17
Return (1)
58:6
reuses (1)
144:21
revert (6)
119:23;120:5,19,25;
121:3,14
Review (1)
34:2
reviewed (1)
42:25
rezone (7)
93:20;94:8;114:8,9,
19;143:14;144:18
rezoned (3)
81:25;114:7;123:14
rezoning (14)
10:25;34:19;42:18;
50:2;56:17,20;75:15;
81:15;82:14;89:14;
114:20;116:1;120:21;
143:17
rid (2)
51:6;141:22
ride (3)
26:7,12;44:24
riders (1)
30:3
ridiculous (1)
60:22
Right (70)
5:10;13:7;14:9,21;
18:11;19:20;20:15;21:2,
7;23:23;26:5;29:8;31:6;
33:18;37:22;42:1;44:1;
49:4;51:3;52:22;56:7;
57:3;62:11;64:8,11,12,
19;65:20;74:19;88:7;
89:17;91:20;93:21;97:2;
98:2;100:11;103:3;
105:4;106:10;110:15;
115:4;116:10,16,23;
118:11,12;119:20;
122:19;123:9;127:10;
128:18;130:12;136:15,
17;146:22;149:9;
150:11;158:1;165:1;
166:11;170:4,11;
173:24;175:17;176:1;
177:15;179:24;182:13;
185:14;186:21
right-of-way (6)
31:21;46:6;47:18;
64:8,11,12
right-of-ways (4)
37:11;99:11,12,20
Road (12)
11:16;14:22;19:14;
26:8;31:18,20;42:25;
63:18;99:17;113:23;
123:13;158:20
roads (1)
99:14
Roche (227)
3:22,23;5:6,22;7:19,
20;8:23;9:1,5,9,12,15,
19;10:18,19;15:21;
16:20,23;17:4,10;18:6,
12;19:4,17,22;21:2;
26:19,21;27:1,3;40:19;
41:3,15;42:1,9,17;43:3,
25;44:9,16;45:12,14;
66:2,5,10,17;74:20;75:2,
6,20,23;77:3,6;78:4,9,
10;79:13,14;80:19,20;
81:1;82:6;83:20,21;
84:23,24;85:3,21;86:1,
15;87:19,20;88:8,18,23;
89:20;90:2,6;91:5,6,13,
20;92:25;93:1,13,18,24;
94:7,18;95:12,13;100:3,
6,17;101:19;102:14;
103:3,7,10;104:2,18;
105:4,14,18;107:2;
108:9,10,15,20;109:22,
23;110:7,24;111:5,24;
112:1,18;113:1,13;
114:2,16;115:16,24;
116:8,16,23,25;117:19,
25;118:11,14;119:13,14,
20;120:4,7,13;121:9;
122:13,19;127:3;128:3,
25;129:22,23;131:14,15,
18;133:14,15;134:18,19;
135:2,18;136:7,15,17;
137:9;138:21,24;
139:12;140:15,16;
142:12;143:13;144:3;
145:10,16;149:9;
150:24;151:6;152:8;
153:3,4,7,11;154:20,23;
155:23;156:17,21;
157:12;160:1;164:9;
165:1;168:1,6;169:7;
170:5,11,14,21,23,25;
171:17;172:3,9,14,23;
174:10;175:18,22;
176:1;179:17,22;180:3,
10,15;181:6,9;182:2,10,
19;183:2,16,22;184:2,6,
10;185:5,6,16;186:10,
11,14,16,17
Roche's (1)
112:16
role (1)
55:14
roll (23)
3:3;7:5;9:24;78:21;
80:2;83:3;84:6;86:24;
90:13;92:8;94:20;
107:17;118:21;121:21;
129:5;130:22;132:22;
134:1;139:23;152:11;
184:11,13;185:18
roll- (1)
151:20
rolls (1)
164:17
roll-up (24)
97:5;98:3;102:1,24;
104:22;107:8;111:3;
122:25;128:9,12;135:5;
136:22;138:17,19,25;
139:9,18,20;151:19,19;
165:21,22;166:15;174:7
roof (1)
136:13
rooftop (1)
61:21
room (5)
13:9;51:11,13,23;
125:21
roots (1)
59:7
routine (3)
136:20,23;137:2
row (1)
50:21
rule (2)
147:24;158:14
run (2)

20:20;42:15
runner (1)
170:10
running (1)
40:7
runs (1)
70:2

S

safer (1)
168:5
salers (1)
168:7
sales (5)
127:2;162:11;170:20;177:13,24
saling (1)
166:3
same (21)
27:18;28:17;40:25;42:2;46:16;47:2,3;64:7;74:5,6;75:17,19;97:17;101:15;119:22;126:1;145:6;151:13,17;152:7;163:6
sandwich (1)
20:20
sation (1)
146:6
saw (2)
13:6;38:20
saying (22)
4:18;27:3,4;44:17;46:17;47:10;72:8;110:3;114:3;115:25;126:22;128:3;145:2;151:9;156:1,18;163:8;167:5,22;172:4;180:20;184:8
scaped (1)
21:10
scaping (1)
38:25
scenario (1)
163:6
scheduled (1)
183:24
scheme (1)
74:10
schooling (1)
11:3
scope (2)
4:15;25:7
Scott (11)
10:20;16:13;39:23;48:5;50:12;55:19;58:5;70:1,8;95:22;96:20
screen (1)
28:25
seafood (2)
171:5;173:5
seal (1)
73:9
searched (1)
114:13
Second (50)
6:25;8:18,19;47:1,9;58:8;60:11;77:4,5;78:15,16;79:22;80:24;84:1;85:3;86:17;88:5;92:3;94:10;103:19,24;104:11;105:9,10;108:12,17,18,19,21,22;117:20;118:8;119:17;121:16;123:23;128:25;130:18,21;132:6,16;133:25;139:22;149:12;152:10;176:19;180:9;184:6,10,12;185:16
secondary (3)
20:6;46:11;99:2
seconded (6)
85:11;86:11,19;90:3,5;186:17
section (6)
8:17;87:22;90:7;106:2;160:7;178:5
sections (2)
106:5,6
secure (1)
126:18
seek (2)
67:17;128:18
seeking (1)
96:17
seem (6)
13:6;42:2;114:23;137:11;140:25;141:2
seemed (1)
146:8
seems (10)
12:12,25;23:18;30:7;44:21,22;65:13;102:20;111:17;120:14
sell (10)
15:15,18;35:22;156:1,11;160:17;162:25;164:11,12;166:4
selling (2)
24:7;162:7
sells (2)
164:17;170:7
semantics (3)
63:10;147:2;168:12
send (1)
170:10
sense (3)
25:3;116:7;117:7
sentence (20)
79:16;103:20,23;108:16,17;122:20;123:25;128:4;132:4,12;133:24;138:14;142:7,7,11;144:24;145:18;150:22;155:4;159:5
separate (8)
11:13,21;34:21;49:6;81:12;147:24;167:10;181:16
separately (1)
48:13
separation (1)
98:6
serious (1)
31:24
service (2)
161:14;165:21
services (3)
32:1;34:14;163:12
session (7)
97:6;128:16,19,22,24;130:9,12
set (10)
38:21,25;45:1,2;147:23;148:4;155:20;178:21;179:7;180:5
setback (1)
153:16
setbacks (1)
153:14
settings (1)
27:20
settlement (3)
134:22;136:4,10
several (6)
13:3;15:19;16:25;31:16;51:8;55:22
severely (1)
123:20
shall (21)
13:12;61:17;70:19,20;76:2,3;80:22;119:23;124:1;132:4;136:21,23;139:1,9,18,20;150:16;151:12,16;152:5;158:24
Shallowford (1)
99:3
shame (1)
88:18
Shanahan (5)
54:11,11;56:23,23;66:25
Shanahan's (1)
60:12
Shanta (1)
5:5
shape (2)
38:16;46:1
shell (1)
76:3
shingle (1)
75:8
shop (3)
54:15;117:5;127:1
shops (1)
17:24
short (1)
138:9
show (3)
24:12;97:6;155:17
showrooms (1)
162:4
shrub (1)
59:24
shrubs (5)
58:24;59:10,11;63:21,24
sick (1)
179:13
side (21)
24:1;39:2,4,11;61:20;62:4,5,6,9;64:19;88:15;98:3,4;124:6,7,22,23;166:17,19;167:1,1
sign (43)
14:22;37:3,4,5,6;38:6;43:9,11,14,15,16;44:1,13,18;45:21,24;46:1,3,5,8,18,19,24;47:9,17,21,24,25;56:25;57:3;61:3,7;63:2,3,10,13,14;87:23;88:1,2,7,16;89:21
signage (14)
13:12,18,21;14:18,19;21:13;43:8;46:12;54:22;57:7;60:14;61:22;62:2,15
significantly (1)
74:11
signs (10)
21:11;37:7,9,10;46:15;61:6;62:16,16;63:6;88:19
similar (1)
73:1
similar-size (1)
61:1
simple (3)
36:20,22;54:19
simply (6)
8:13;18:19;127:16;135:17;174:12;179:18
single (11)
33:17;46:23;56:25;61:4;88:11,11;97:22;98:3;99:16;126:1;169:4
single-entry (3)
97:9,16;98:15
singular (1)
102:1
site (30)
5:11;6:15,17;31:16,20;32:10;33:12;34:10,11,22;35:7,9;36:12;43:2;60:23;64:16;65:13,25;68:10;73:15;74:17;99:13,15;100:13,15;106:11;111:12;115:9;123:20;142:4
sites (1)
60:6
site-specific (1)
60:8
sits (2)
64:8,11
sitting (3)
26:10;65:1;147:10
situation (16)
11:1,5;31:13;33:5,17;34:22;35:11,15;44:4;47:24;61:10;106:23;143:5,7;147:24;154:11
situations (3)
73:4;76:14;168:10
six (2)
69:6;70:5
size (7)
18:15;28:7;40:25;97:15;98:19,20,21
sizes (1)
153:14
small (7)
12:23;24:8;58:22,25;59:9;141:1;156:10
smaller (2)
63:24;160:23
small-town (1)
64:24
smile (1)
52:16
socks (1)
161:7
soft (1)
164:23
sold (3)
164:15,19,20
solicitor (1)
183:14
solution (2)
73:14,22
solve (1)
73:13
somebody (10)
71:11;115:20;146:20;163:22;164:10,11,19;173:8;175:11;177:2
someday (2)
20:15;42:12
somehow (3)
16:8,16;170:15
someone (12)
42:17;81:14;82:9,10;86:12;97:10;105:13;130:17;143:13,14;164:17;186:18
someone's (1)
164:14
some-thing (1)
72:5
something's (2)
19:20;116:4
Sometime (1)
145:1
sometimes (2)
145:2;159:10

sometimes- (1)
70:9
somewhat (1)
82:21
somewhere (2)
160:22;162:16
soon (2)
32:23;83:25
sorry (9)
39:1;77:3;82:18;
91:18,25;105:4;126:22;
161:11;169:24
sort (8)
18:4;56:4;64:18;
98:18;159:2;164:24;
173:12;177:12
sorts (4)
70:23;73:14,15;74:14
sounds (5)
21:21;24:22;51:7;
173:6;184:5
sources (2)
161:19;162:11
south (1)
30:4
space (20)
15:5;30:8;32:14;
50:17;51:6;53:5;65:18;
69:1;85:15,18,18;98:5;
111:9;124:3,18,22,24;
126:20;132:4;158:25
spaces (24)
13:4;24:6;33:14,16,
18;40:5,7;53:1,8;65:13;
66:1,3,8,18;67:21;68:9,
14;70:5;124:1;128:9;
143:4;158:24;159:10;
177:5
Spanish (1)
55:10
speak (14)
12:1,6;28:22;49:17,
19;50:1,6;57:15,25;
105:17,19;137:21;
155:15;185:15
SPEAKER (1)
49:20
special (2)
86:3;88:12
specific (6)
41:9;101:24;143:6;
157:2;177:9;178:23
specifically (4)
21:16;99:4;145:4;
150:12
specified (3)
94:15,16;99:20
specify (5)
41:5;42:10;43:6;
76:23;166:25
spend (5)
5:24,25;6:10;55:24;
176:19
spent (4)
15:18;31:15,15;52:13
split (8)
55:3;143:25;166:24;
173:8,11,18;174:2,21
spoke (3)
55:15;57:13,17
spoken (1)
23:22
square (23)
20:7;21:17;23:14;
25:13,13;36:23;50:15,
15,18;57:5;58:17;59:13,
15;61:16;97:7,7,18;
124:3,22,24;126:23,23;
159:1
square-footage (1)
97:19
squares (3)
25:9,10;59:15
squeeze (3)
33:15;40:7,9
staff (5)
12:1;33:24;39:18;
42:24;162:6
stand (1)
19:7
standalone (1)
162:2
Standards (3)
34:2;81:3,3
standing (2)
146:2;174:19
stands (1)
107:3
Starbuck's (1)
52:18
start (11)
5:9,12,17;6:1,3,3;
97:4;103:9;105:2;158:3;
180:21
starting (2)
5:14;161:18
starts (2)
123:24;181:3
state (2)
50:5;158:15
statement (2)
41:19;51:10
States (1)
70:25
station (4)
26:5,6;35:8,9
stay (3)
89:1,4,7
steal (1)
153:5
steel (1)
21:17
stepsister (1)
17:19
sticking (1)
98:18
still (14)
62:15,15;65:19;106:6;
115:25;116:2,3;136:19;
142:15;145:5;164:14;
172:3;176:3;180:1
stock (1)
165:23
Stokes (10)
53:22,22;158:10;
176:6;178:11,17;179:4,
9;180:2;185:12
stone (13)
21:18;70:17;71:15;
72:9,15,19;76:4,24;
79:16,20;81:18;138:3;
170:9
stood (1)
165:5
stop (6)
54:6,8;105:7;125:8;
138:24;172:6
storage (21)
141:7,8;145:19;
149:14,16,17,24;150:2,
5,17,19,23;151:1,3,10,
12,17,21;152:6;155:3,4
store (25)
11:2,17;17:21,24;
18:10;19:10;20:5,12;
24:7,16;30:1;53:25;
56:2,9,10;57:5;145:14;
155:9,24;164:11;168:1,
23;169:4;177:3;178:9
stored (3)
64:21;146:21;171:5
storefront (4)
141:4,5;168:6,22
store-front (1)
140:19
stores (6)
17:23;55:23,24,25;
56:7,14
storing (1)
147:1
story (1)
70:23
stream (1)
6:8
street (28)
16:6;20:6;26:7;30:12;
32:13;34:3;36:18;53:10;
63:22;81:5,8,9;99:2;
102:21;104:3,4,13,23;
105:8;108:12;110:16;
111:1;141:5,13;148:4;
167:1,15;169:10
street-front (1)
166:13
streets (4)
101:22,25;103:21;
111:7
streetscape (1)
58:16
strict (1)
32:15
strike (12)
77:2,7;80:22;83:22;
101:20;102:20;104:22;
105:5;106:19;110:11;
111:18;141:6
strings (1)
6:5
strip (2)
165:9,12
strong (1)
56:13
struck (1)
145:9
structure (12)
46:15;65:7;72:4;
74:16,17;76:1,3,6,8;
85:13;126:12;145:21
structured (1)
143:9
structures (3)
40:11;70:16,18
Stuart (3)
50:9;51:13;52:8
stucco (2)
76:9,24
stuck (4)
124:11;126:10,23;
137:17
stuck- (1)
137:24
stuck-in-time (2)
137:23,24
stuff (8)
51:2;81:23;82:8;
102:21;115:17;147:23;
171:5,12
style (5)
70:19;97:9;98:15;
138:18;174:8
subcontractors (1)
176:25
subject (3)
51:14;57:17;173:15
subjected (1)
176:13
submit (1)
6:17
subsequent (1)
70:18
substituting (1)
70:1
suffer (1)
59:1
sufficient (2)
35:4;65:21
suggest (4)
53:7;54:17;101:16;
103:23
suggested (7)
6:2;29:24;52:23;
65:24;97:21;174:21,24
suggesting (2)
150:1;151:23
suggestion (1)
59:10
suite (6)
97:23;142:19;166:7,8;
167:5,5
suites (9)
57:6;125:20,22;
126:25;127:1,25;128:8,
13;167:3
supplied (1)
168:11
supplier (3)
28:1;162:24;163:22
suppliers (2)
161:16;162:4
supplies (7)
160:22;161:9,16;
162:7;164:3,18;168:19
Supply (26)
46:20;47:1;141:1,10;
160:14;161:2,2,19,19;
162:4,10,12;163:7,10;
164:24;165:3;167:21,23,
24,25;168:4,8;170:16,
16,19;171:12
supplying (1)
161:25
supports (1)
35:16
supposed (3)
126:10;148:20;176:18
sure (28)
5:23;6:19,22;14:12,
24;15:2,3;17:10;22:13;
23:2,12;26:3;42:25;
43:5;49:22;72:24,24;
102:15;111:15;117:20;
120:16;150:21;159:25;
164:6;165:6,10;169:15;
171:14
surfaces (3)
70:20;73:9;80:22
surplus (1)
60:3
survey (1)
173:25
surveying (1)
16:1
surveyor (2)
32:2;52:22
surveyors (1)
52:22
surveyor's (1)
12:15
Susan (1)
55:10
swap (1)
16:17
synthetic (2)
76:7,10

T

table (4)
6:21;58:10;90:1;
131:17
tagged (5)
72:4,16,20,22;73:17
tagging (3)
73:10,12,13
talk (7)
11:25;42:3;157:22,23;
162:3,4;173:8
talked (4)
147:15,17;149:13;
158:22
talking (11)
64:18;65:14;67:22;
85:13;111:8,19,20;
116:10;171:6;176:15,16
talks (1)
162:3
tall (1)
88:16
taller (1)
14:7
tation (1)
115:21
tax (3)
11:13;12:18;175:14
taxi (1)
26:13
tear (1)
51:1
tear-down (1)
35:22
tearing (1)
70:6
technically (2)
96:22;98:11
technology (1)
73:8
teddy (1)
177:12
temple (1)
15:8
ten (3)
61:17,25;138:5
tenant (33)
13:14,18;22:12,17;
28:21,22,24;53:3;60:18;
61:4,9;98:2;124:1,3,7,
18,19,23;125:17;126:1;
132:4;143:4;154:4,7;
158:23,25;159:9,15;
160:15;164:22;166:11;
167:5,5
tenants (17)
16:21;17:22,22;22:17;
46:7;55:23;57:8;60:13,
15;61:1,11;101:24;
124:6;126:19,20;170:9;
173:5
term (1)
71:15
termi- (1)
75:17
terminology (2)
100:2;161:19
terms (1)
111:9
thanked (1)
51:18
thanking (2)
51:20,21
that'll (2)
32:10;47:20
theory (1)
125:5
thin (1)
76:9
thinking (7)
51:21;67:23;145:11;
156:23;169:18,20;
174:14
third (6)
46:20;104:10;112:20;
121:13;122:24;161:13
though (3)
22:2;81:10;146:24
thought (16)
24:20;26:20;36:20;
58:15;97:13;127:15,17;
145:22;147:15,17;
149:13,20;163:17;
165:3;167:21,22
thousand (3)
4:25;5:4;124:24
thousands (2)
34:24,24
thread (1)
159:2
three (27)
11:13,14,21;12:1,2,11;
15:16;16:2;28:24;32:4,
7;34:19;35:2;47:2;
48:22;50:11;91:23;92:2;
94:8;110:1;116:10;
118:3;119:23;139:17;
142:4,6;144:5
three-year (2)
22:24;23:9
threshold (1)
97:20
thrift (8)
17:23;55:23,24,25;
56:2,6,9,14
throughout (8)
70:24;73:12;76:8;
100:22;102:8;105:23;
149:18;163:11
throw (1)
176:8
throwing (1)
184:1
Thursday (1)
182:20
tie (1)
91:7
ties (1)
38:4
tile (1)
162:12
till (2)
104:23;148:16
Tilly (2)
16:11;19:13
times (5)
11:14;45:25;50:15;
61:24;122:18
tin (1)
40:11
tion (1)
104:16
TM (1)
54:11
today (14)
32:3,7,16;33:3,13;
38:6;47:16;52:20;60:16;
85:20;99:1;124:12;
126:24;143:20
together (6)
5:12;12:11;46:22;
69:21;169:15;182:22
tolerant (1)
27:11
Tommy (9)
12:7;26:15;31:1,3;
53:4,11;54:4;67:18;
68:25
Tommy's (1)
17:17
tomorrow (2)
12:15;182:18
tonight (5)
72:21;112:8;113:7;
153:12;172:7
took (5)
20:2;31:22;97:11,15;
119:16
top (2)
36:24;65:1
total (1)
4:22
totally (3)
28:20;54:2,9
touching (1)
163:6
toward (1)
144:13
towards (4)
5:21;6:8,11;38:18
towels (1)
164:17
town (11)
25:22;32:13;42:21;
86:4;88:3,4;111:9,20;
141:21;153:21;169:11
tracts (2)
32:4,5
Trader (2)
20:12;52:18
tradition (1)
54:1
traditional (1)
162:8
traffic (6)
18:4,17;20:6,11,14;
25:18
training (2)
125:19,21
Trammells (1)
10:24
transaction (1)
163:24
Transition (9)
96:1;101:23;102:12,
23;104:21;107:6;118:6;
120:14;126:11
transitional (1)
165:15
trash (2)
35:23;64:4
travel (2)
148:3;160:23
treatment (1)
88:12
tree (26)
25:11,11;27:6,8,9,10,
18;35:19;42:3,5,12,21;
43:5;44:19;58:17,22;
59:7;60:1,5,6;63:17;
65:8;69:8;81:21;85:8,8
trees (28)
25:14,15,16,21;26:1;
27:14;28:9;30:5;38:8;
41:10;42:3,4,19;58:15;
59:1,4,8,12,19,21;60:9;
63:21,25;64:17;65:5;
68:22;81:20,21
tremendous (2)
18:3;53:12
triangle (3)
38:17;50:14,14
tried (1)
147:12
trim (2)
36:24;82:17
troubling (1)
136:2
truck (3)
145:25;147:20;148:9
trucks (4)
147:15;148:2,19;
149:10
true (1)
42:6
try (9)
23:21;40:16;59:3;
65:17;98:22,23;145:11;
161:20;171:22
trying (18)
11:4;17:4;22:6;44:11;
52:22;71:23;76:6;88:14;
99:21;126:17;148:25;
161:7,8;165:7,8;169:13;
175:2,4
TSW (1)
5:11
TSW's (1)
6:17
Tuesday (2)
183:1;185:9
tunities (1)
68:10
turn (5)
24:18;73:5;116:5;
148:9;169:2
tweaked (1)
47:24
twenty-five (2)
4:19,20
two (62)
12:21;13:1;16:2;
18:22;19:2;28:23;30:8;
32:18;33:1;36:13;37:7,
9,23;41:19;46:15;47:3;
50:15,17;52:21;53:17;
55:3;57:6,8;58:12;
61:12;62:15,16,16;63:3;
64:2,17;66:3,11;67:3;
74:20;78:13;96:13;98:3;
100:5,16,19;101:2;
110:12,15;113:4;
115:10;116:13;117:3;
124:5,6,22;127:1;132:8,
10;133:24;139:17;
145:15;150:8;160:15;
167:9;170:8;183:19
two-car (1)
98:1
type (19)
17:5,21,24;18:1,8;
19:24;27:18;41:10;
58:20;60:24;63:19;69:8;
73:22;81:20;111:20;
124:14;137:4;141:2;
171:12
typed (1)
163:15
typically (3)
96:22;178:5,10
typo (2)
153:19;154:15

U

ugly (1)
176:2
ultimately (1)
56:19
unattractive (1)
74:1
unde- (1)
110:12

under (36)
10:21;11:11;32:17;33:11;34:2,5,5,14,18;35:14,14,23;36:5;40:3;41:18;43:4;47:5;48:11;75:25;76:20;83:23;87:23;90:7;125:4;142:22;143:20;147:21;151:23;154:1;160:18;161:18;173:20;178:1,20;180:11;181:11
under- (3)
146:1;165:4;174:18
underlying (1)
73:6
underneath (1)
177:15
Understood (1)
128:14
understory (1)
59:24
underway (1)
37:3
undeveloped (4)
131:24;132:1;133:18,24
unfortunate (4)
34:16;44:4;59:6;64:10
unfortunately (6)
11:1;34:12;37:10,18;45:6;146:7
UNIDENTIFIED (1)
49:20
uniform (1)
69:11
unincorporated (1)
71:22
unique (2)
45:6;167:9
unit (3)
97:23;114:18;115:6
United (2)
70:24;160:15
units (4)
124:5,6,22;161:23
unless (7)
63:14;76:22;116:1;142:22;146:17;147:19;162:22
unlikely (1)
34:24
unsettled (1)
130:15
unusual (1)
38:16
up (77)
4:11;12:6,25;13:1,3;16:19;17:13;18:3;22:16;23:17,20;24:25;25:4;26:8;28:11;29:22;31:6,14;40:14,18;45:9;48:11;49:18;50:17,21;51:3,9;52:23;53:13;57:25;58:9;59:7;61:5;63:5;64:11;65:8,17;68:13;70:2;72:22;73:13;74:5;81:15;82:21;87:24;93:17;103:12;105:2;106:9;120:1;125:1;128:9;135:22,22;148:23;151:21;153:12;155:17;157:11;159:22;160:22,24;161:4,9;163:20;164:3;170:12;171:23;172:11,16,19,20;173:2;177:9;179:24;181:12;185:12
upgrade (1)
176:14
upgraded (2)
174:14,17
upon (5)
26:17;27:25;61:17;113:3;169:23
upset (1)
171:7
urban (2)
27:20;69:14
usable (1)
161:8
usage (1)
137:24
use (33)
6:10,12;33:17;34:16;51:4;56:18;74:9;75:18;114:25;115:8;125:6,9;126:11;141:9;142:23,23;143:19;144:20;145:4,4,5;147:8;150:16,22;151:20;163:14,18;173:23;174:17;175:12;176:17;177:1;178:8
used (21)
22:4;28:13;30:13;31:19;34:10;40:12;54:6;74:6;99:10;111:13;142:5;143:3;155:24,25;156:1,1,2,7,11;178:24;185:12
useful (3)
58:22;59:5;157:7
user (3)
162:25;174:16;175:7
uses (27)
18:19;34:21;111:14;124:14;125:5;145:14;148:3;149:15,25;150:21;151:12,16,23,24,25;152:4;156:15;157:16;163:12,15;173:12,15,16,17;174:12,14;175:4
using (7)
6:16;8:2;71:14;127:14,17;137:23;147:2
usually (1)
96:24
utilizes (1)
65:15

V

vacant (6)
117:4;131:22,22;133:17,23;151:20
vacated (1)
115:11
vagrants (2)
26:12;29:17
vague (1)
167:18
valleys (1)
168:25
valuable (2)
46:6,7
value (2)
5:7;164:16
vanilla (2)
101:10,11
variance (13)
46:10;63:15;67:7,9,17;74:22;75:10;82:14;89:11,13;114:21;143:16,19
variances (1)
34:20
varied (1)
47:17
variety (3)
36:2;69:18,19
vats (1)
171:4
vehicle (3)
147:22;148:8;149:5
vehicles (3)
145:20;147:9,18
vehicle-style (1)
96:7
vehicular (4)
97:9,16;98:15;102:4
veloped (1)
110:13
vending (2)
164:24;171:12
veneer (1)
76:9
verbiage (1)
98:15
vernacular (1)
72:21
versus (11)
15:20;28:7;30:22;40:20;50:13;66:25;96:7;99:25;145:3;162:8;164:3
vertically (2)
47:9,11
vesting (1)
141:20
view (1)
56:19
Village (1)
28:15
Virginia (1)
28:14
visibility (2)
25:19;175:10
vision (3)
23:22,23;24:20
visions (1)
19:19
visit (1)
54:8
vote (7)
8:23;9:2;82:20;86:12,13,19;91:11

W

wait (2)
77:4;156:22
waiting (2)
26:13;123:18
walk (3)
6:3;28:14,15
wall (10)
37:7,9,10;45:21;46:15;61:5;68:8;70:7;124:25;159:21
wants (12)
6:21;21:5;43:18;48:17;49:17;53:14;81:15;86:12;124:23;143:14,14;157:19
warehouse (5)
54:7;128:12;167:11;176:17;177:7
warehouses (10)
160:8;161:8;165:7,9;170:10;174:16;175:7,8;176:18,23
warehousing (3)
177:13,17;178:3
warrant (1)
106:18
wash (1)
153:22
washes (1)
154:10
waste (1)
21:15
Water (3)
4:5;25:6,23
watered (3)
25:8,22;64:21
way (47)
5:13;6:2;19:12;24:11;25:6;27:4;30:1;33:25;37:9;39:18,20;40:16;44:21;46:2,10;47:1,12,16;49:2;50:16,20;51:11;52:5;53:19;55:18;60:6,16;65:12,23;68:6,7;97:18;101:15;105:21;113:21;115:20;118:10;123:22;124:10;126:15,24;127:16,20;135:23;141:4;174:23;177:22
ways (4)
51:8;54:6;169:1;178:23
Web (2)
31:16;106:11
Webb (1)
114:5
Webb's (2)
113:22;114:6
WEED (116)
6:20;8:12;9:13,17;11:21;12:2;17:15;44:6;48:10;49:1,8,16;50:1;67:13,16;75:1,4,14;86:9,23;88:25;89:4,9,13,17,24;91:7,10;96:19;98:25;101:12;103:15;104:5,8,15;105:21;106:22;107:12;108:14;114:22;120:2,22;122:15,21;125:1;127:12,14,23;128:18;130:4,14;132:9;133:16,21;135:20;142:1,14,20;143:19,21,23;144:1;147:2,4;150:1,21;151:15;152:1,3;153:19;154:6,14,18,24;155:19;156:4,7,13;157:10;158:14;159:14,17;161:12,22;162:19;163:16;164:6;168:18,21;169:9,14,19,23;170:20;171:25;172:6,13,21;176:5;178:14,16;179:20;180:1,5;181:18,20,24;182:21;183:8,11,18,23;184:3;185:11;186:18,21
Weed's (2)
126:9;155:15
week (3)
55:17;182:17;183:1
weight (3)
145:22,23,24
weird (1)
31:23
what- (1)
62:20
What's (7)
15:21;20:23;22:25;30:12;40:19;105:20;166:21
whenever (2)
149:2;184:4
whereas (1)
24:13
whereby (1)

16:14
wherever (2)
121:12;160:25
whisky (1)
24:9
white (1)
71:6
whole (26)
6:17;30:17;34:3;46:1;48:25;81:5;82:14,14;99:7,17;106:24;111:11;120:14;125:25;128:10;148:4;153:13;154:9;157:24,25;159:6;162:24;174:10;179:3,6;181:13
whole- (2)
166:2;168:6
Wholesale (11)
141:7;160:6,9,12;161:1,7;163:24;164:4;165:5;166:14;173:5
wholesaler (12)
141:1;166:1,10,12,13,22;167:21;168:2;177:1;178:21,25;179:6
wholesalers (3)
141:20;167:19;177:6
wholesaling (12)
140:17,18,20,23;141:9,14;163:1,18;164:10,12;178:3,20
who's (1)
26:10
wide (3)
38:14,18;50:23
widen (2)
63:22;64:9
widens (1)
63:23
widest (1)
38:17
width (2)
45:25;61:24
Williamsburg-style (1)
71:5
willing (1)
186:18
window (3)
12:24;50:17;141:14
windows (2)
137:3;169:8
wine (6)
177:17,20,25;178:9,12;179:6
winter (1)
64:22
wise (2)
5:5;38:18
wish (5)
19:23;50:1;54:14;144:9;165:4
withdraw (1)
118:1
withdrawn (1)
11:8
within (14)
4:15;6:11,13;22:24;23:9;24:2;41:19;73:18;78:13;141:12,15;145:20;156:10;177:14
without (11)
50:19;52:21;66:18,19,20,21;75:15;97:19;139:18;143:5;162:11
wonder (1)
22:2
wondered (1)
160:13
wonderful (1)
53:10
wondering (1)
135:7
Woods (1)
57:13
word (14)
99:9;122:17;133:17,23;160:6,13;161:1,16;162:22;170:22;171:1;177:1,2;178:8
worded (1)
177:22
wording (2)
98:23;155:10
words (8)
46:22;63:3,5;100:14;101:2;170:16;176:14;178:11
work (15)
4:5,15;5:13;6:2;16:2;33:25;35:16;42:8;60:9;61:10;88:15;97:6;126:5;169:15;172:16
worked (1)
11:4
working (6)
5:14;32:5;36:7;37:4;76:5;156:15
works (2)
69:9,13
world (3)
82:4;167:21;171:20
worried (3)
18:14;72:8,10
worth (1)
182:21
wow (1)
19:2
write (4)
13:22;35:11;81:15;139:7
writing (2)
52:2;81:12
written (12)
13:19;27:5;37:10;42:23;46:10;47:12,16;60:16;63:11;124:10;125:21;179:1
wrong (5)
14:15;55:1;113:3;147:17;159:14
wrote (4)
126:14;127:16;137:19;174:19

Y

y'all (4)
21:22;26:17;30:9;65:14
y'all's (1)
55:6
year (1)
25:23
years (18)
15:16,17;20:25;24:6;28:11,24;29:6,7;38:23;41:19;52:21;53:24;78:13;91:23;92:2;113:20;138:5;164:22
yellow (1)
71:7
you-all (2)
30:10,21

Z

Zelkova (1)
27:5
zero (1)
32:9
zone (11)
82:1;102:17;120:11;127:8,9;136:1;137:18;141:15;143:25;170:13;173:18
zoned (16)
33:1,2,3;34:8,17;44:1;111:6;112:21;115:10;118:3;134:21,23;135:15,23;143:1;144:16
zoning (65)
8:8;32:8,25;35:25;38:6;42:15;44:5,8;45:7;48:11;54:4,18,18;55:4,16;56:14;57:25;70:19;71:3;75:9,18;81:12,16,24;82:2,2;85:23;111:9,10;112:3,12;113:15,20,22;114:25;115:1;116:3;119:24;120:9,10,19;121:15;123:17;124:13;126:11;134:24,25;135:9;136:9,10;147:24;153:24;154:1;157:8;160:19;173:9,11;174:1,2,21;176:13,15,15,17;178:22