In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

July 6, 2010

American Court Reporting Company, Inc.

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

* * *

Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Ray Jenkins presiding, before Theresa Bretch, Certified Court Reporter, commencing at approximately 6:35 p.m., July 6, 2010.

* * *

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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, Deputy Clerk
Murray J. Weed, City Attorney

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P R O C E E D I N G S

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

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Here.

CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Here.

CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Here.

CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Here.

CLERK BRYANT: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Here.

CLERK BRYANT: Councilmember Roche?

COUNCILMEMBER ROCHE: Here.

MAYOR JENKINS: We need to approve the minutes for June the 16th, 2010. Do I have a motion?

COUNCILMEMBER ALEXANDER: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Any more discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

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CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BRYANT: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BRYANT: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: And the minutes for June 21st, 2010? Motion?

COUNCILMEMBER ALEXANDER: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER ROCHE: Second.

MAYOR JENKINS: Any more discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BRYANT: Councilmember Bates?

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COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Under Mayor's Comments, we got special events permit. Now, Murray, that only needs to be signed; is that correct?
ATTORNEY WEED: That's correct, Mr. Mayor. The special events permit was for an event that recently occurred. The Hispanic branch of the Calvary Baptist Church sought permission to utilize a Doraville facility for their event. And the document before you would be a hold harmless and indemnification agreement, which is what we usually do with regard to those events.
MAYOR JENKINS: Okay.
COUNCILMEMBER ALEXANDER: And they signed it before the event?
ATTORNEY WEED: They filled out a Special Events application before the event; that is correct.

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They haven't executed the contract, though, yet.
COUNCILMEMBER ROCHE: I guess I'm curious as to why we're doing it after the fact. It says June 21st; is that correct, the correct date?
MAYOR JENKINS: Yeah, that's correct.
ATTORNEY WEED: The reason is they contacted the Mayor after the next -- there was not another available Council meeting that would have allowed them to have the event, and the first we could put it on the agenda was tonight's meeting.
COUNCILMEMBER ROCHE: But the event's already happened.
ATTORNEY WEED: That is correct.
MAYOR JENKINS: Yes. It was a church event.
ATTORNEY WEED: The alternative would have been to tell them no, they couldn't use the facility.
MAYOR JENKINS: Do I have a motion we --
Do we need to approve it?
Do I have a motion we approve it?
COUNCILMEMBER PACHUTA: So we're just ratifying --
ATTORNEY WEED: That is correct.
COUNCILMEMBER PACHUTA: -- the contract. Okay.
ATTORNEY WEED: If you choose to, or you can

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choose not to. However, my advice to you would be to go ahead and ratify it so you can have the benefits of the indemnification agreement.
COUNCILMEMBER PACHUTA: Okay. I make a motion that we ratify the contract.
MAYOR JENKINS: Second?
COUNCILMEMBER BATES: Second.
MAYOR JENKINS: Any more discussion?
COUNCILMEMBER FLEMING: Yes, sir. I have a question in regards to the third whereas in regards to the fact that, though I do not have a problem with Calvary having used our facility for their special event, but we're also indicating that we were giving them traffic control as well, which I understand that to be police protection or whatever during this event?
ATTORNEY WEED: Correct.
COUNCILMEMBER FLEMING: At our cost.
ATTORNEY WEED: To my knowledge, there was no particular charge to them to cover that.
COUNCILMEMBER FLEMING: Okay. And that's quite all right; however --
ATTORNEY WEED: And that's been the policy of the City so far.
COUNCILMEMBER FLEMING: I just wanted to be consistent whenever --

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COUNCILMEMBER PACHUTA: I thought we changed that.
COUNCILMEMBER ALEXANDER: Yes, we did.
ATTORNEY WEED: You varied it. Different events, you have -- On large events such as parades, tours, things that require a great deal of police presence, you have required it when streets had to be closed, things of that nature.
This was simply the utilization of one of your facilities for essentially a yard sale.
MAYOR JENKINS: It was an inside event also.
COUNCILMEMBER ALEXANDER: So they --
ATTORNEY WEED: To my knowledge. Whether you actually had a police presence there or not, I don't know. The Mayor might be able to answer it.
MAYOR JENKINS: They didn't.
ATTORNEY WEED: My understanding was not.
My agreement, however, was drawn to cover the eventuality in case it occurred.
Factually, apparently, it did not occur.
COUNCILMEMBER ALEXANDER: Okay. So no police personnel were used for this event.
ATTORNEY WEED: My understanding from the Mayor is that is correct.
COUNCILMEMBER ALEXANDER: Okay.

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MAYOR JENKINS: Far as I know, there's not, no.
COUNCILMEMBER ALEXANDER: Okay.
COUNCILMEMBER FLEMING: I brought it up because I want us to be consistent --
COUNCILMEMBER ALEXANDER: Right, absolutely.
COUNCILMEMBER FLEMING: -- in the policies that we have, that if we are going to provide traffic services, police protection, that one for all and all for one.
COUNCILMEMBER PACHUTA: I agree.
COUNCILMEMBER FLEMING: Okay. Thank you.
MAYOR JENKINS: Very good.
Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll?
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Pachuta?

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COUNCILMEMBER PACHUTA: Yes.
CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Okay. The next item is Perkins & Will, and this is possible Executive Session, so I need a motion if we go into Executive Session.
ATTORNEY WEED: Mr. Mayor, before that, the Deputy Clerk informs me that the minutes of 6/16/10 were not actually approved.
MAYOR JENKINS: 6/15?
ATTORNEY WEED: 6/16/10.
CLERK BRYANT: We did 6/7 and 6/21.
COUNCILMEMBER ALEXANDER: No.
COUNCILMEMBER PACHUTA: 6/7 was already approved at the last meeting. We took it out. So it was 6/16 and 6/21.
MAYOR JENKINS: We just did the last two.
CLERK BRYANT: Okay.
MAYOR JENKINS: The first one's already been finished.
CLERK BRYANT: Okay.
ATTORNEY WEED: Thank you.

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MAYOR JENKINS: All right. Okay.
COUNCILMEMBER ALEXANDER: Mr. Weed, I believe the Mayor asked you a question.
ATTORNEY WEED: Yes, sir. Did you ask me a question?
MAYOR JENKINS: No.
ATTORNEY WEED: Apparently not, Councilman.
COUNCILMEMBER PACHUTA: All right. I make a motion that we go into Executive Session to discuss possible real estate acquisition.
MAYOR JENKINS: Do I get a second?
COUNCILMEMBER FLEMING: Second.
COUNCILMEMBER ROCHE: I think I -- Sorry. I was waiting for you to ask for discussion.
MAYOR JENKINS: Discussion?
COUNCILMEMBER ROCHE: I would think that since people are here, it might be better to wait and do this later on or after the meeting, because basically people come to a meeting and then we basically kick everybody out.
And we've had a lot of things on the agenda that have been wasting away for a couple of months now, and maybe it would be better, with all due respect to Perkins & Will, that we go ahead and try to cover some of the things on the agenda and then go

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into Executive Session after the regular meeting.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: No.
MAYOR JENKINS: Motion carried. We're going into Executive Session.
- - -
(Executive Session)
- - -
(Brief recess)
- - -

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1 MAYOR JENKINS: Meeting come to order.
2 Okay. We'll go right to the next agenda item, and we
3 don't have any reports from any department heads or
4 staff.
5 Now, are we going to have public comments on
6 agenda items or wait'll after the agenda items?
7 COUNCILMEMBER ROCHE: Well, I think it's
8 next on the agenda to have public comments, Mayor.
9 MAYOR JENKINS: Public comments. Anybody
10 want to speak on the agenda items?
11 MR. FIEDLER: We can't see the entire
12 agenda, Mayor.
13 MAYOR JENKINS: Excuse me?
14 MR. FIEDLER: We can't see the entire
15 agenda.
16 COUNCILMEMBER ALEXANDER: She's going to
17 move it.
18 CLERK BRYANT: (Adjusts agenda on screen.)
19 MAYOR JENKINS: Sorry.
20 Okay. Anybody want to speak on the agenda
21 items, come on up to the microphone, please.
22 MS. HOFFMEISTER: Bonita Hoffmeister,
23 Spanish Oak Drive in Oakcliff.
24 I would like when you're considering your
25 C-1 and C-2 to consider taking the round building down

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1 here, the mushroom building that's downtown and trying
2 to get those registered as national landmarks. I
3 think those are pieces of property that would have a
4 viable future economic interest to anybody who would
5 be coming into this area to develop it. Thank you.
6 MAYOR JENKINS: Thank you.
7 MR. FIEDLER: Raymond Fiedler, Oakcliff
8 Estates, Doraville.
9 On the item concerning the tethering of
10 animals, I don't know how it happens in the other
11 subdivisions, but I know that Ms. Alexander was called
12 out one Sunday afternoon because people were bringing
13 their animals down to the park. And one of the other
14 Councilmembers has property on the park, had a dog
15 confined to the yard, but the pit bulls the people
16 were bringing down there were raising Cain.
17 And Ms. Alexander came down to try to
18 intervene and she was treated very poorly, very poorly
19 by the people she confronted, and at one time, I
20 thought I was going to have to call for police backup
21 to get her out of a hole, but she handled it pretty
22 good. And we thank you for that.
23 But untethered animals running around in
24 English Oak Park is a constant, constant problem. The
25 people next door to us let their little old chihuahua

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1 dogs and their yorkies go out there without leashes
2 and things on. People come down the street. They
3 have the dog tethered, they had the dog tethered, but
4 they turned the tether loose in the park, and these
5 dogs are going around doing their business on the
6 sidewalks and in the things, stuff like that. So we
7 do need some kind of strong enforcement efforts to
8 alleviate that situation. Thank you.
9 MAYOR JENKINS: Thank you, sir.
10 MS. ROLLINS: Thank you. Linda Rollins,
11 Oakcliff Estates.
12 I believe there's a little bit different
13 definition in tethering and leashing. I'm here to ask
14 the Council and the Mayor to be positive on of course
15 having your dog on a leash and in control anywhere,
16 but I would like stronger animal control ordinance for
17 people not being able to tether or tie out their dog
18 unless they are with them for short periods of time or
19 if you're bathing them.
20 Tethering that I don't want, or tying out,
21 is day-in and day-out, to a tree, to a fence, to a
22 post, with no access to shelter. We need to have this
23 read more like Dekalb County does, and these animals
24 need to be attended.
25 Maybe you could put them on a runner as long

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1 as they had housing. But I'm currently seeing dogs
2 that are tied to fences, tied to trees, they can't get
3 to shelter; and I don't want that type of tethering,
4 but we do need leash law. And if you-all could be
5 positive to this effect, I would appreciate it.
6 MAYOR JENKINS: Next?
7 MR. HART: About the tethering, this isn't
8 so much with dogs as it is with cats. We have
9 probably a dozen feral cats running up and down my
10 street that have, quite literally, obliterated
11 anything that's flying, living or crawling on the
12 street. And you know, they have a law about dogs
13 running around with collars, and leash laws and
14 everything else, but we got cats running all over the
15 city -- no shots, nobody fixes them. They reproduce
16 like crazy, and there's just nothing done about it.
17 So that's the problem on our street. The problem is
18 not dogs; it's the cats.
19 They crawl up in the birds' -- all the nests
20 are emptied out, all the birds' nests are destroyed on
21 the block because there's one family of cats that's
22 reproduced about four times in the last two years, and
23 they're all over the place. So I want something done
24 about that.
25 I agree with Linda about the tethering of

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1 animals with these one-foot, two-foot-long leashes
2 tied to the body shops around here where the animal is
3 living in its own feces, that it's kept there in the
4 hot sun without any water. They just find an animal,
5 some kind of a guard dog, whatever it is, and they let
6 it loose at night, but during the daytime it sits on a
7 leash that's no more than two or three feet long. And
8 so we need to do something about the short tethering
9 leashes, about keeping these animals tethered up 12
10 hours a day. And that's what I'd like to address.
11 Thank you.
12 MAYOR JENKINS: Thank you.
13 Next? Anybody else?
14 - - -
15 (No response)
16 - - -
17 MAYOR JENKINS: Okay.
18 COUNCILMEMBER ROCHE: Excuse me, Mayor,
19 before we go into the next thing, I've gotten calls
20 all day long and e-mails from people that are very
21 concerned about the situation with the public library.
22 I'd like to make a motion that we add discussion on
23 the public library to the agenda for tonight's
24 meeting.
25 COUNCILMEMBER FLEMING: Is that a motion?

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1 COUNCILMEMBER ROCHE: Yes.
2 COUNCILMEMBER FLEMING: Second.
3 MAYOR JENKINS: More discussion?
4 - - -
5 (No response)
6 - - -
7 MAYOR JENKINS: Call the roll, please.
8 CLERK BRYANT: Councilmember Alexander?
9 COUNCILMEMBER ALEXANDER: No.
10 CLERK BRYANT: Councilmember Bates?
11 COUNCILMEMBER BATES: No.
12 CLERK BRYANT: Councilmember Fleming?
13 COUNCILMEMBER FLEMING: Yes.
14 CLERK BRYANT: Councilmember Pachuta?
15 COUNCILMEMBER PACHUTA: No.
16 CLERK BRYANT: Councilmember Pittman?
17 COUNCILMEMBER PITTMAN: No.
18 CLERK BRYANT: Councilmember Roche?
19 COUNCILMEMBER ROCHE: Yes.
20 MAYOR JENKINS: Thank you.
21 Next item on the agenda is C-1 and C-2 text
22 amendments, Pam Fleming.
23 COUNCILMEMBER FLEMING: Yes, sir. The
24 C-1 and C-2 zoning district was written in its
25 entirety back in December 1st, 2008. The first

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1 reading was waived, with little or no comment, and it
2 actually was put into legislation at that time. And
3 due to irregularities within this document, I really
4 do believe that review is necessary.
5 I do know that we have two consulting firms
6 that are looking into a new LCI. Based on the
7 information that I have read from that RFP, they will
8 be looking into our zoning ordinances for compata-
9 bility with what we presently have versus what should
10 be here, as well as our own GM consultants will be
11 doing the same.
12 Though I believe there are some text amend-
13 ments that do need to be changed at this present time,
14 I want to take this off the agenda now and reintroduce
15 at a later date for the specific text amendments that
16 really do need to be addressed for the rest of the
17 city.
18 MAYOR JENKINS: Is that the form of a
19 motion?
20 COUNCILMEMBER FLEMING: Yes, sir, it is.
21 MAYOR JENKINS: Do I get a second?
22 COUNCILMEMBER PACHUTA: Do we need a motion
23 to pull it off the agenda?
24 ATTORNEY WEED: Well, if you don't do
25 something with it, it'll keep -- it'll stay on the

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1 agenda as old business continually.
2 COUNCILMEMBER PACHUTA: Okay.
3 MAYOR JENKINS: I thought you were going to
4 set up a work session.
5 COUNCILMEMBER BATES: I'll second that.
6 MAYOR JENKINS: Okay. Second?
7 COUNCILMEMBER PITTMAN: Brian seconded.
8 MAYOR JENKINS: Okay. Any more discussion?
9 - - -
10 (No response)
11 - - -
12 CLERK BRYANT: Councilmember Alexander?
13 COUNCILMEMBER ALEXANDER: Yes.
14 CLERK BRYANT: Councilmember Bates?
15 COUNCILMEMBER BATES: Yes.
16 CLERK BRYANT: Councilmember Fleming?
17 COUNCILMEMBER FLEMING: Yes.
18 CLERK BRYANT: Councilmember Pachuta?
19 COUNCILMEMBER PACHUTA: Yes.
20 CLERK BRYANT: Councilmember Pittman?
21 COUNCILMEMBER PITTMAN: Yes.
22 CLERK BRYANT: Councilmember Roche?
23 COUNCILMEMBER ROCHE: Yes.
24 MAYOR JENKINS: Okay. Tethering of animals,
25 Maria and Karen Pachuta.

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COUNCILMEMBER ALEXANDER: We're glad to finally get to this agenda item. Thank you, sir, and thanks to the animal lovers out there for being patient with us.

Historically, our animal control laws are almost verbatim to what Dekalb County's are. Unfortunately, we had the demise of a dog in Oakcliff Estates, that was tethered out in the yard, fixed to a tree, and that really got our awareness up. And in doing research, we found out that we did not have anti-tethering legislation on our books to mirror Dekalb County's.

Basically we have -- in ordinance tonight, we have near Dekalb County's; however, we have improved on it a bit by allowing you to, say, be sitting in your front yard in your lounge chair and you being able to have your dog tethered to your lounge chair when it's on a leash. You're physically within five feet --

COUNCILMEMBER PACHUTA: Within five feet.

COUNCILMEMBER ALEXANDER: -- of the animal. It's not like you put your chair outside and then you go back inside. Because that's one of the issues that we've had is people would tether their dog on their deck or on their patio and go inside and the poor

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animal would be there by themselves with no water, no shelter or food.

We also do not allow tethering to a fixed object other than the five-foot guideline. So the animal is allowed to be tethered to either a running cable line or a trolley system but for no more than for 12 hours in a 24-hour period.

We're trying to instill responsibility in pet ownership. I think it's very important that you -- you know, it's a living, breathing animal; it's not just a toy that you put out in your back yard and you don't worry about it.

COUNCILMEMBER PACHUTA: And I'd also like to say, just in doing the research, you know, most organizations -- I'm probably going to get it wrong -- the American Vet -- I think it's the Veterinary Medical Association and other organizations strongly discourage tethering. It actually increases the territorial instincts of dogs, it actually causes more aggression in dogs and biting behavior, things like that. That is why they do not recommend tethering, because they don't get that pack instinct with the family around.

A lot of counties around us already have this. Dekalb already has it. And it's one way

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counties have been using to combat dog fighting, because a lot of dog-fighting rings, they tether the dog -- again, it helps build up that aggression -- and they don't have to actually catch the dogs fighting; they can get them on tethering, because -- and I think most bites a lot of times come from dogs who have been tethered.

COUNCILMEMBER ALEXANDER: Mr. Weed, do we need to waive first reading on this? It's been on the agenda since May 17th.

ATTORNEY WEED: My opinion about that is that if the item appears on the agenda, that's the equivalent of first reading because your ordinance is not any more specific about that. So my opinion is no, you would not need to waive first reading. It's appeared on numerous agendas.

COUNCILMEMBER ALEXANDER: Do we need to include an effective date in the motion?

ATTORNEY WEED: The way that the ordinance is currently written, it would be effective upon adoption by the Mayor and Council. If you want to have a different -- if you want to have a sunset provision or the equivalent thereof and want to have an effective date, you certainly can, but it's written with the standard effective-upon-adoption clause right

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now.

COUNCILMEMBER ROCHE: I have just a quick question. I mean I like the idea and I certainly support it. Number 8, it talks about free access to food, water and shelter. I mean it gets very, very hot and also very, very cold.

Is this an appropriate place to talk about the nature of the shelter? I mean a shelter could be -- they could just say the tree is a shelter. Maybe I'm over-thinking it.

COUNCILMEMBER PACHUTA: I think it may be addressed somewhere else in the ordinance, but I'm not positive on that.

COUNCILMEMBER ROCHE: Yeah. That's what I wonder about.

COUNCILMEMBER PACHUTA: I think it's defined.

ATTORNEY WEED: I have to look.

Adequate shelter is defined. It's on Section 4-1 in the definitions. I won't bother reading the entire thing to you, but it does include it consists of a completely enclosed structure with four sides and a roof, with a door opening, and then it's got to be clean, dry and compatible. So there's a very lengthy definition of what constitutes adequate

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shelter.
COUNCILMEMBER ROCHE: Outstanding.
COUNCILMEMBER ALEXANDER: I would like to make a motion to adopt this ordinance regarding anti-tethering legislation.
I'd like to ensure that Mr. Chupp receives a copy of this ordinance as soon as it is signed.
Can that happen tomorrow, Mr. Weed?
ATTORNEY WEED: Yes, ma'am.
COUNCILMEMBER ALEXANDER: And I respectfully request him to include an article about this in the next newsletter, informing all the citizens that receive a newsletter that it's no longer okay to tether your dog except following these specific guidelines.
COUNCILMEMBER PACHUTA: And I'll second that motion.
MAYOR JENKINS: Any more discussion?
COUNCILMEMBER FLEMING: I am definitely in favor of this particular ordinance, as a pet lover. Also, I find it very difficult to understand how animals can be left outside, tethered, and without water and shelter and so forth.
I believe that our code enforcement department who might be doing the citations would also

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need a copy of this.
COUNCILMEMBER ALEXANDER: Okay.
COUNCILMEMBER FLEMING: For that matter, any ordinances that need to go out to any of the departments need these as soon as possible, as soon as they're approved and signed by the Mayor.
COUNCILMEMBER ALEXANDER: I amend my motion to include animal control and quality of life unit.
COUNCILMEMBER PACHUTA: And I'll second.
COUNCILMEMBER ALEXANDER: Thank you, Ms. Fleming.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BRYANT: Councilmember Pittman?

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COUNCILMEMBER PITTMAN: Yes.
CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Thank you.
- - -
(Applause)
- - -
MAYOR JENKINS: Pam, Policies and Procedures?
COUNCILMEMBER FLEMING: Yes, sir. I bring this up because I really felt that we needed and the Council needed a policy or possibly a procedure with which to present something for discussion prior to drafting any ordinances or policies or procedures.
And reason being is that some of us do go to Mr. Weed directly, or goes to the Mayor and gets an idea and presents it without any prior knowledge to the rest of us. And I think I've got a notebook about four or five inches thick of ordinances that we have not gone through because they've been drafted and we're still waiting to discuss them.
So what I'd like to do is have more of a follow-through discussion first and say, "Yeah, that's a pretty good idea. Let's move forward with an ordinance."

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And that's the reason why I felt that I wished that we could come up with a policy, possibly, of present the ordinances or ideas first at a work session or at a regular meeting and then agreeing to move forward with the ordinance.
So that's my discussion for this evening for Council to comment.
COUNCILMEMBER PITTMAN: I actually thought we had something similar to that that was already discussed and passed.
ATTORNEY WEED: Council has discussed this and we've had e-mail communications back and forth but there's no formal policy in place that I know of.
COUNCILMEMBER PITTMAN: I actually think that was prior to you.
ATTORNEY WEED: I can't -- I can't account for what occurred prior to me.
COUNCILMEMBER ROCHE: Well, I think what was going on is before, we had an hourly rate with the attorney, and I think we had basically a process where people just nod their head and then we would typically make a motion to have the city attorney draft ordinances.
That way -- again, because it was costing us an hourly rate -- at least a majority of the Council

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1 were at least nodding their heads as far as
2 continuing. And then once we went to a flat-rate
3 annual dollar amount, that may have kind of fallen
4 away.
5 And I share some concerns, because, you
6 know, we talk about what a draft is, and we talk about
7 a living document and all that. And I find that when
8 something's -- once ink has hit paper, it's a lot more
9 difficult to change at that point, and sometimes what
10 gets presented as a draft ends up becoming the rule of
11 law with maybe less negotiation or working things out
12 than would otherwise happen.
13 So I like the idea of, frankly, kind of
14 going back to the way we had it before where the
15 Council -- someone could bring it, I could put
16 something on the agenda, and if the Council is
17 basically nodding their head to put together a draft
18 ordinance, two weeks is usually plenty for a draft
19 ordinance, I would think, not to mention the Council
20 would have the opportunity to potentially bring in
21 model legislation from other municipalities, other
22 government entities, and then kind of hash out what we
23 want and then have it drafted.
24 COUNCILMEMBER BATES: That only works,
25 though, if we provide some specific guidance to draft

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1 that ordinance. We've got a history in the past of
2 being very nebulous in what we're asking the ordinance
3 to do or say.
4 You know, again I'll reiterate, one of the
5 reasons why we changed the agenda format was to
6 require Council to come prepared with research and
7 evidence to document what they want to get
8 accomplished.
9 I think if we move in this direction with us
10 discussing draft ordinances prior to them going to the
11 city attorney, we still have that obligation and
12 responsibility to come with our recommendations for
13 discussion purposes.
14 So I don't necessarily disagree, but I think
15 the ownership and responsibility rests with us. If
16 we're going to, you know, bring something out for
17 discussion, we need to come prepared and have it in
18 advance so that everybody's had a chance to read it.
19 COUNCILMEMBER FLEMING: You know, I don't
20 have a problem with that but I do have an issue with
21 having an ordinance already prepared ready for
22 signature without having it even discussed prior to.
23 And that's where I'm coming from.
24 I think a policy needs to be set to say
25 let's -- you know, if this is an ordinance that needs

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1 to go on our books -- because we're passing ordinances
2 left and right; not that it doesn't carry any weight
3 -- it's just it needs to be discussed prior to
4 actually going into an ordinance document.
5 COUNCILMEMBER ROCHE: And I guess the
6 problem with what we're doing today, if there is a
7 problem, is it kind of precludes -- I mean I believe
8 very strongly in the team-oriented approach where, you
9 know, you can present a problem and throw it out on
10 the table, and then the group that we have here with
11 our different backgrounds and skills can weigh in and
12 hammer out or brainstorm or whatever and come up with
13 some sort of a solution versus basically having a
14 solution already on paper.
15 And in a brainstorming or team-oriented
16 approach to problem solving, having something on paper
17 -- obviously you need to introduce the issue, and it's
18 best to introduce it as early as possible so everyone
19 can bring their ideas and bring their own research, as
20 a matter of fact, because the person that brings up
21 the issue isn't necessarily the one with the best idea
22 about how to solve it.
23 COUNCILMEMBER ALEXANDER: Okay. I guess I'm
24 trying to -- I guess we'll use our agenda item as an
25 example.

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1 We submitted our agenda item sheet on May 17
2 and we outlined what we wanted to do, why we wanted to
3 do it. We included existing Doraville code and we
4 included existing Dekalb County code. And then the
5 ordinance was drafted on May the 20th after these
6 documents were presented but we had not had an
7 opportunity to discuss it. But you still were given
8 the opportunity to offer your feedback on it, because
9 you had the documentation we submitted when we
10 submitted our agenda item.
11 COUNCILMEMBER ROCHE: Well, and again --
12 COUNCILMEMBER FLEMING: The ordinance --
13 Excuse me. The ordinance wasn't attached to your
14 tethering --
15 COUNCILMEMBER ALEXANDER: I don't believe
16 so.
17 COUNCILMEMBER FLEMING: -- agenda item to
18 begin with?
19 COUNCILMEMBER ALEXANDER: No.
20 COUNCILMEMBER FLEMING: And I'm not, you
21 know, slating your particular item. It's just I
22 really feel that we just need to discuss a specific
23 item before an ordinance is drafted.
24 COUNCILMEMBER ALEXANDER: I guess my point
25 is we've been trying to get this passed since May the

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1 17th, and if we did not have his sample ordinance that
2 he had already done, we would still be trying to get
3 this passed.
4 COUNCILMEMBER ROCHE: Well, I think the
5 reason that it's taking so long to get something
6 through the agenda is the way the agenda is being
7 handled, frankly, because a whole lot of stuff that
8 ought to be regular agenda items are finding their way
9 to Mayor's comments so that everything that we put on
10 continues to get put off over and over again week
11 after week. And I think that needs to come to an end,
12 but that's a slightly different issue than what we're
13 talking about now.
14 COUNCILMEMBER ALEXANDER: I mean I guess,
15 Murray, as the city attorney who's spending his time
16 drafting the ordinances -- I mean obviously it's
17 falling under your flat fee. I mean he's the one
18 who's potentially wasting time, but --
19 ATTORNEY WEED: I have three comments.
20 When you pay my contract rates and you're
21 not on hourly rate, if I'm not doing your work, I'm
22 going to do someone else's work. It costs you no more
23 for me to draft a dozen drafts of an ordinance than it
24 does for me to do one. It's the same price.
25 So there's no advantage to you to only have

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1 one ordinance drafted at some point in the future when
2 you have technically agreed upon what you think are
3 the terms, because when you get the ordinance before
4 you, you always negotiate terms of the ordinance that
5 night anyway.
6 Two, with regard to since I've been city
7 attorney, there's been no ordinance that has ever been
8 adopted, that I have drafted, that every one of you
9 didn't have in advance. And of course I have the
10 dissemination of the e-mail list to generate that, to
11 demonstrate that, and I maintain that as a permanent
12 record for all time. So that's not really an issue.
13 You'll always have the ordinance, as long as
14 I'm the city attorney, in advance. And if you have it
15 that night, I would certainly never ask you to waive
16 first reading unless, item three, there is some
17 substantial crisis that needs and warrants immediate
18 attention. For example, the penalty provision in your
19 code was illegal. It had been illegal for a number of
20 years. It had been identified by a Council member to
21 other persons that the penalty provision was wrong.
22 That's something that doesn't really need debate; it
23 simply needs to be complied to state law.
24 So if you adopt the policy, you know that I
25 will comply with it, but the only caveat I would have

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1 to that or want to have to that is if there is
2 something that's blatantly illegal, I would think you
3 would want me to do my job or what I perceive to be my
4 job, and fix it for you and not wait until you tell me
5 to fix it for you, because, in the past, doing that
6 has failed, and I think I can prove that to you as
7 well.
8 So that's essentially all I have to say with
9 it. If you do develop some form of policy, I'm happy
10 to comply.
11 It's been my experience that this Council
12 has preferred to have generally something in writing
13 as some basis from which to work rather than some idea
14 that hasn't been reduced to writing. I remember that,
15 you know, my office was criticized for essentially
16 scope creep with regard to an ordinance that I thought
17 there was a clear understanding of the Council of what
18 you wanted in it. Council apparently had a different
19 idea.
20 If it's in black and white and you have some
21 basis to go on, then, you know, issues of, oh, that's
22 more than we wanted or less than we wanted, then
23 you'll know from draft number one what the baseline
24 is, and if you want more or less, you can always table
25 it from there. So those are my comments.

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1 COUNCILMEMBER FLEMING: Mr. Bates, and I'm
2 not jumping on you on this one, but the CT ordinance
3 was a discussion that you had with Mr. Weed and
4 Mr. Haeberlin, and that document was drafted and
5 almost underway before we were able to even discuss
6 any of the innards to it.
7 What I thought we were trying to do is
8 address all of C-1 and C-2.
9 And so I'm just making that as a comment, as
10 an illustration as to I wished we had been able to
11 discuss your thoughts before we actually put it a
12 document of the direction that you felt that the City
13 should be going in.
14 And I agree with that, but I just didn't
15 want to see it in a document before we discussed it,
16 because we are a team and we have been trying to work
17 as a team, and that's the reason why I brought this
18 up.
19 And I don't mean to be taking up too much
20 time on this specific item but I just felt that we
21 needed to have some type of a direction.
22 COUNCILMEMBER BATES: Sure. And since you
23 brought that up, if my memory serves me correct, that
24 was a draft document that I presented to Council for
25 discussion before it went to Mr. Weed for an ordinance

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1 writing. So from my perspective, I did present it as
2 a concept before it made it to ordinance and Council
3 had plenty of time to modify it, adjust it, address
4 it. We spent two or three work sessions addressing it
5 specifically.
6 To modify it, I have no problem with us
7 taking a look at drafts and adjusting them
8 accordingly. But I presented my suggestions prior to
9 it ever becoming an ordinance, in ordinance form, but
10 I appreciate you bringing that up.
11 COUNCILMEMBER FLEMING: Sure.
12 COUNCILMEMBER ROCHE: And one other thing
13 I will say, and Attorney Weed mentioned, touched on
14 it, I'm very uncomfortable with, essentially what
15 happens is there will be something that comes out in
16 an e-mail and then all of us Council people kind of
17 weigh in on it, and I feel like it's almost having a
18 pre-Council meeting by way of e-mail. And because of
19 the policy that we've been following, if the city
20 attorney is copied on it, then it turns out to be
21 protected under client-attorney privilege or attorney-
22 client privilege.
23 And so when something is brought here and
24 we're in front of everybody and 19 cameras and, you
25 know, every word is taken down, then everybody knows

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1 what's going on, and, to me, that demonstrates open
2 government.
3 When we're doing all these conversations by
4 way of e-mail, that are not even subject to Open
5 Records requests unless we make a special motion and a
6 special vote to do that, it reminds me that I was told
7 that years ago what would happen was the Council would
8 meet in the Mayor's office before the meeting and they
9 would hammer it all out, and the meeting itself took
10 20 minutes because they'd basically made all the
11 decisions already.
12 And to me, this feels like the same thing,
13 and it continues --
14 COUNCILMEMBER FLEMING: And the door was
15 open. I want you to know the door was open and
16 anybody could have come in and out at that time, I
17 swear.
18 COUNCILMEMBER ROCHE: That's fine. But I'm
19 just saying, right, wrong or indifferent -- and maybe
20 the laws were different then.
21 I just feel more and more uncomfortable with
22 this every day. I think we really need to probably
23 revisit that aspect of it, this whole client-attorney
24 privilege as a shield for our conversations.
25 ATTORNEY WEED: And once again, as I have

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1 advised the Council, the group that holds the
2 privilege is the Council. At any moment including
3 right now, any correspondence I have ever shared with
4 the Council or ever will share with the Council, you
5 can waive it tonight, you can waive it now. All it
6 does is require a vote.
7 The attorney-client privilege is never to
8 protect the lawyer. It is to protect the Council. So
9 I invite you to consider doing that if you feel that's
10 necessary. I don't think that's a good idea, because
11 I'm your lawyer. So that's something you hold.
12 And all I can tell you with regard to
13 ordinances is that any ordinance I have ever generated
14 for you, you've had it well in advance of a meeting
15 night, and you always will, and I promise you that.
16 COUNCILMEMBER ROCHE: And I'm not saying
17 that the attorney-client privilege issue is an issue
18 with our attorney. I'm saying it's an issue with how
19 this Council does business. Thank you. That's all.
20 COUNCILMEMBER FLEMING: Well, I'd like to
21 make a motion to create a policy regarding the way
22 that we request ordinances to be drafted.
23 COUNCILMEMBER ALEXANDER: Okay. So what is
24 going to be included in the policy? because I assume
25 that we'll be asking Mr. Weed to author a document.

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1 COUNCILMEMBER FLEMING: Well, and those are
2 things -- I need to get it off of this old business
3 and get it onto a working work session, then.
4 MAYOR JENKINS: You just want it to come
5 before the Council before anything is drafted. That's
6 simply what you want, isn't it?
7 COUNCILMEMBER FLEMING: Yes, sir, that is
8 it.
9 MAYOR JENKINS: Okay. Well, make that in
10 the form of a motion.
11 COUNCILMEMBER FLEMING: I would like any
12 requests for ordinances to be brought before Council
13 first before any ordinances are drafted.
14 MAYOR JENKINS: Do I get a second?
15 COUNCILMEMBER ALEXANDER: Okay. Are you
16 excluding staff and Mr. Weed from that? If it's a
17 Council-originated ordinance? Because he gave us
18 examples of he and staff doing ordinances.
19 COUNCILMEMBER ROCHE: Well, frankly, as far
20 as staff, I think regardless of where something comes
21 from, it should go under new business just like
22 everything we do.
23 I mean this idea of staff saying, "I think I
24 want to say something in the meeting tomorrow," and
25 suddenly it becomes the first thing on the agenda,

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that's got to end.
COUNCILMEMBER ALEXANDER: Okay. I understand that, but I was speaking --
COUNCILMEMBER FLEMING: Ms. Alexander, you know, on some of the staff ordinances that we have seen, no, they were not requested by us, though I think they need to come to us under department heads and staff as a report and say, "I believe we need to change," just like Chief King did the other night. He gave us a package and said, "Here are the fines, here are the permits. I would like Council to take a look at these and address these issues." Okay?
He came to us and said, "These are some things that need to be discussed among Council so that we can adjust these fines." And that, to me, is the proper way to handle it rather than it rather than him saying, "These are what I want you to do." He gave it to us and said, "These are the things I feel need to be addressed," and I think that's the proper way to handle it.
ATTORNEY WEED: I need to clarify procedurally what occurs.
COUNCILMEMBER ALEXANDER: Wait just a second.
ATTORNEY WEED: Yes, ma'am.

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COUNCILMEMBER ALEXANDER: I don't think you understood my question.
For example, I believe it's every year or every five years that we are required by State to update our stormwater ordinances to match the State's, so Mr. Strickland brought those to us in the form of an ordinance for us to adopt.
So are you wanting him now to bring the information to Council before he has Mr. Weed pen a document?
COUNCILMEMBER FLEMING: He could bring it to the staff. We've got three meetings a month. He could bring it to us in a staff meeting or right up here and say, "The stormwater contract" or "the stormwater ordinance will be coming up in the next couple of weeks." I think it still should be coming to us as a discussion item.
COUNCILMEMBER ROCHE: And it should just go on new business on the next agenda just like everything else.
MAYOR JENKINS: Did I get a second on that?
COUNCILMEMBER ROCHE: I'm going to second it. I'm concerned. I think this probably needs to be discussed a little more, because I think there are some situations where -- routine situations where we

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can just get things done, but I will second it for the sake of that conversation.
ATTORNEY WEED: And I would just like to point out for you as part of your discussion that what Councilman Fleming has outlined is already occurring. In fact, this Council built the mechanisms to make sure that that happened.
Every single ordinance, every single item generated by the staff should have a corresponding agenda-item sheet that they get from the Clerk and that they fill out.
I am not exempt from that. I fill out agenda sheets on any ordinance I do and I try to list whoever's sponsoring it. And if it's something that I've self-sponsored as a correction in the code, I also do an agenda-item sheet for it. So that's done, and that's always a part of your packet since you've amended the procedure for how you handle your agenda. So that occurs with every single occasion.
And once again, I'm happy with whatever policy you adopt, with one caveat, which is I advise you not to slow yourselves down. If there is something blatantly illegal that we find in the code, you need to let us fix it, and the "us" that need to fix it would be the staff.

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I don't think you should tie your own hands, because you're still going to have to have an agenda item done, have a meeting, have first reading waived or it'll be on multiple agendas, and then pass it. No ordinance you've ever adopted didn't follow all of those formats. So there's plenty of procedural due process and safeguards in there.
COUNCILMEMBER PITTMAN: I know in the past, we did have something in place as she is talking about, but the reason was because the attorney was on an hourly rate and we were not seeing them prior to. They were not coming to us prior to. When we'd sit down, a lot of times that was the first time we would see it, and sometimes we were expected to vote on it right then.
But I am pretty comfortable with the way that we do it now, because we do see it ahead of time, and I'm just a little bit worried -- and I respect what you're trying to say, but I'm a little bit worried it will slow down the process a little bit on us trying to get things accomplished.
COUNCILMEMBER BATES: I will agree with you, if it's a Council-initiated agenda item, I think we need to discuss it before it moves forward on the draft ordinance, so I do concur with you on that.

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But on a staff-initiated, I think, you know, we've hired and retained them to look out for our best interest, and I think that they will provide us with plenty of opportunity to, you know, address a specific ordinance. You know, like our alcohol ordinance and our sign ordinance are staff-initiated, and we're plugging away at them.

COUNCILMEMBER FLEMING: Still in that five-inch packet.

COUNCILMEMBER BATES: With lots of our notes and comments.

COUNCILMEMBER FLEMING: Yes, exactly.

COUNCILMEMBER BATES: The reasons why they're not moved forward is because we've asked questions and, you know, wanted to --

COUNCILMEMBER FLEMING: Exactly.

COUNCILMEMBER BATES: -- address and adjust them.

So from a staff-initiated perspective, I think we have shown clearly that we're willing to, you know, review and adjust and not pass what just, you know, gets sent to us. But I do agree that from a Council-initiated perspective, I think that that's something that I'd support.

COUNCILMEMBER FLEMING: I'd like to amend my

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motion, then, if you don't mind, to create a policy in regards to Council-initiated requesting ordinances, that it would come to the Council first for discussion before moving toward creating a document.

COUNCILMEMBER ROCHE: And I'll second the amendment.

COUNCILMEMBER PACHUTA: And I would just like to say I don't like hemming us in to only one option. I think if a Council member wants to just bring up a general idea for discussion before going to Mr. Weed, that's fine; but also that if a Council member has a specific idea, at least can get it into an ordinance form so that all of the issues are there for everyone to think of.

I think when it comes to like a sign ordinance -- I mean obviously that came from staff, but, you know, if we just brought up the anti-tethering, you know, I think we could just end up with some very vague discussions. You know, we looked at Dekalb's ordinance and the running cable line and whether or not -- you know, how far you could be from the dog, so -- and it worked well for us to have something already there and already written that Council members could read in the ordinance format. So I just think we should have either option. I don't

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like cutting us out from one or the other.

COUNCILMEMBER BATES: But I guess the benefit of going this route is if it doesn't have general support, a fully vetted and written ordinance isn't a good use of time.

COUNCILMEMBER PACHUTA: Well, but I mean it's not costing us any more money, but, you know, I think we would run into the habit of not hammering it down enough. At what point is it going to go to Mr. Weed, and then are we going to --? You know, I just -- I don't like limiting our options.

COUNCILMEMBER ROCHE: Well, I think it's certainly appropriate -- I mean there are times I call Attorney Weed just to ask him legal questions because there's things -- I think I called some time ago and asked if we could regulate title pawns under City ordinance, and he gave me an answer, and based on that answer, I mean I didn't really think it was worth pursuing because it's kind of already regulated. Not very well, but whatever.

So I guess I'm of two minds of this, but I can understand -- again, when something hits on paper, it's almost sometimes like it's etched in cement.

And the other thing is, you know, we were -- I think Councilwoman Fleming mentioned that in some

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situations, we have been surprised, you know, by things, you know, the Wednesday before a meeting or whatever and maybe it was a clearly different approach. But it's like already the course has been set; you know, it's very difficult to change course.

For instance, instead of fixing C-1/C-2, we went this whole other thing with CT. And I'm not debating the merits or goods or bads about that, but you know, if it had been brought up for discussion ahead of time, maybe we would have taken the course of simply repairing our existing ordinance instead of creating a whole new zone.

And it's an iffy thing. I mean if --

COUNCILMEMBER PITTMAN: Okay. So I have an item that I plan to put on the next agenda for the next Council meeting. I've got my research. So instead of asking him to go ahead and draw up a document or an ordinance, looking at some other cities, he couldn't do that.

So I've got to bring the item -- I'm just trying to understand. We've got to bring the item, discuss it, and then all vote on him to draw up an ordinance, and then it's got to come to a second Council meeting and then we got to waive first reading, and then we got to go back to a third Council

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1 meeting to make sure it gets --
2 I mean that just, to me, slows down the
3 process a little bit.
4 ATTORNEY WEED: I believe what you have
5 outlined is what would happen.
6 COUNCILMEMBER PITTMAN: I mean --
7 ATTORNEY WEED: And I'm not -- that's
8 nothing good --
9 COUNCILMEMBER FLEMING: Well, the other --
10 ATTORNEY WEED: -- or bad. I'm just --
11 COUNCILMEMBER FLEMING: The other issue --
12 ATTORNEY WEED: -- making a comment.
13 COUNCILMEMBER FLEMING: -- is when I have
14 asked -- I'm just making this as a comment. When I
15 asked about a specific item, Mr. Weed, you e-mailed me
16 back and said if I had a Council majority, you'd move
17 forward. So I just want to make that as a comment,
18 that when I asked about moving forward on the hotel/
19 motel authority, trying to get it established, you
20 said if I had a majority of the Council, that you'd
21 move forward in creating the documents, and that's --
22 So what I'm trying to do here is bring the
23 item to the Council first before we move forward with
24 the ideas.
25 ATTORNEY WEED: And that wouldn't require an

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1 ordinance, to my knowledge. It would require a
2 resolution. I'm happy tonight if you want me to -- If
3 there's acknowledgement that you want to proceed --
4 COUNCILMEMBER FLEMING: No.
5 ATTORNEY WEED: -- I'm glad to do it.
6 COUNCILMEMBER FLEMING: Just making a
7 comment that you told me that I had to have a Council
8 majority before you'd move forward on it.
9 ATTORNEY WEED: And I told I think other
10 members of this Council the same thing on numerous
11 occasions.
12 COUNCILMEMBER ROCHE: So when do we need a
13 Council majority and when do we not to have you draft
14 an ordinance?
15 COUNCILMEMBER PACHUTA: Well, nothing's
16 going to pass among --
17 ATTORNEY WEED: Right now --
18 COUNCILMEMBER PACHUTA: -- the Council now.
19 ATTORNEY WEED: -- ordinances haven't
20 required a Council majority at all. I've simply
21 drafted whatever ordinances any individual has asked
22 me to draft.
23 What Councilman Fleming has mentioned is not
24 an ordinance. Never has been.
25 COUNCILMEMBER ROCHE: So what was the --

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1 What was it? A resolution?
2 COUNCILMEMBER FLEMING: Yes. It was trying
3 to do a hotel/motel authority.
4 Don't worry about it. Let's -- We got a
5 first and second on the floor.
6 COUNCILMEMBER PITTMAN: It just seems to me
7 -- again, I respect what you're trying to do here, but
8 if I have an item that I want to put on next time, to
9 have all the information and ask you to go ahead and
10 look at laws, rules, ordinances for this particular
11 item and just kind of come up with something and then
12 bring it back to the Council, let them see it ahead of
13 time, unlike years ago when we didn't get to see it
14 ahead of time, it was just presented to you that
15 night. But now we do get an opportunity, and
16 everybody can look at it and put their input in, and
17 then that night, we can -- if we have anything we need
18 to critique, and then the next meeting we could
19 actually vote on it or if you choose to waive first
20 reading but --
21 COUNCILMEMBER FLEMING: But Ms. Pittman,
22 what you're describing is that research materials that
23 you're referring to is what we should be doing.
24 COUNCILMEMBER PITTMAN: Right, and I'm
25 talking about that, but --

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1 COUNCILMEMBER FLEMING: Not Mr. Weed going
2 to other cities and doing it; that we need to be going
3 to other cities and gathering up the material.
4 COUNCILMEMBER PITTMAN: And I understand
5 that. But if he puts it into a legal form -- I can't
6 put it into a legal form. I can tell you what they've
7 got and give you the information, but then what he
8 comes up with sometimes we might want to say, "Oh,
9 well, you know, we've done it before. Take this out.
10 That may be great for their city but not ours."
11 I don't know. It just seems like it might
12 slow. I can see it either way.
13 MAYOR JENKINS: I agree with Pam for the
14 simple reason a lot of times we have these ordinances
15 come before us, we spend all the money drafting and
16 everything, and then we turn it down because it wasn't
17 researched originally.
18 Is there any more discussion?
19 - - -
20 (No response)
21 - - -
22 MAYOR JENKINS: Call the roll, please.
23 CLERK BRYANT: Councilmember Alexander?
24 COUNCILMEMBER ALEXANDER: No.
25 CLERK BRYANT: Councilmember Bates?

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COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: No.
CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: No.
CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BRYANT: It's tied.
MAYOR JENKINS: Motion carried.
COUNCILMEMBER PITTMAN: No. It's a tie.
COUNCILMEMBER FLEMING: It's up to you.
MAYOR JENKINS: I'm going to say yes.
ATTORNEY WEED: So what am I supposed to do now?
COUNCILMEMBER BATES: Wait we pass it up here first.
ATTORNEY WEED: On what?
COUNCILMEMBER FLEMING: If the Council has an idea to bring up that requires an ordinance, first of all, we're not even sure whether it needs an ordinance, okay? But we've got an idea, and it needs to be brought to Council first, and it's just Council.
Staff, you, whoever --

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ATTORNEY WEED: In other words, if I find something clearly wrong --
COUNCILMEMBER FLEMING: Absolutely.
ATTORNEY WEED: -- in an ordinance --
COUNCILMEMBER FLEMING: Bring it to us.
ATTORNEY WEED: -- I have the right to correct it. Do you want me to do that?
COUNCILMEMBER BATES: Yes.
ATTORNEY WEED: That's good enough for me.
COUNCILMEMBER FLEMING: Bring it on.
MAYOR JENKINS: Okay. Next item on the agenda.
COUNCILMEMBER ALEXANDER: Zoning discussion, Ben Crawford. Mr. Crawford respectfully requests his item is removed for this evening.
MAYOR JENKINS: Excuse me?
COUNCILMEMBER ALEXANDER: He requests that his item is removed for this evening.
MAYOR JENKINS: Oh, okay.
COUNCILMEMBER FLEMING: Does he want it on the next meeting?
COUNCILMEMBER ROCHE: He's right there. We can ask him.
MAYOR JENKINS: Do you want it on the next meeting?

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MR. CRAWFORD: At a later date.
MAYOR JENKINS: Just take it off completely.
MR. CRAWFORD: I'll put it on at a later date.
MAYOR JENKINS: Okay. Nations Cab, would you come up to the microphone, please.
They're asking for an extension of age of vehicles used for taxi transportation service. Can you explain that, sir?
MR. ISIAKA FOFANA: Isiaka Fofana, (spelling) I-S-I-A-K-A- F-O-F-A-N-A.
MAYOR JENKINS: Get close to the mic, sir. Okay. Go ahead.
MR. ISIAKA FOFANA: I'm representing the taxi driver union of Doraville. Okay. Because of the economic situation right now, we are coming and asking the Council to please extend the age of our vehicles. Currently, it's at eight years, and we want you to add two years to it. Thank you.
COUNCILMEMBER FLEMING: And you want to add what? Two years?
MR. ISIAKA FOFANA: Two more years to make it ten years.
COUNCILMEMBER ROCHE: So currently it's eight years and you're looking for ten years.

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MR. ISIAKA FOFANA: Yes.
COUNCILMEMBER FLEMING: Is there a mileage requirement on your vehicles?
MR. ISIAKA FOFANA: No, no mileage requirement.
MAYOR JENKINS: They do check them to make sure they're in good shape and everything at the police department.
COUNCILMEMBER PITTMAN: Mr. Weed, do we know why it's eight years? Is there a specific reason for eight versus ten or --
ATTORNEY WEED: No, ma'am. To my knowledge, there's no statutory authority that would dictate that. I mean it's purely a local rule. Someone decided a football field would be 100 yards long. It could have been 105.
COUNCILMEMBER FLEMING: Mr. Weed, do you have any idea whether there are any other cities that have an age limitation and/or a mileage limitation on taxi vehicles?
ATTORNEY WEED: City of Atlanta.
COUNCILMEMBER FLEMING: And --
ATTORNEY WEED: I don't know exactly what they are, but I know that they have that.
COUNCILMEMBER ROCHE: How often do you have

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1 to bring your taxi to the police department to be
2 inspected now?
3 MR. ISIAKA FOFANA: Every year we have to
4 renew the permit. So when we come, the car is
5 inspected. I mean the lights, I mean everything, and
6 the age. Everything comes inspected. So we do it
7 every year.
8 COUNCILMEMBER ROCHE: Well, it seems like in
9 light of the economy, I could see doing it but only
10 for a temporary, maybe two year.
11 I'll make a motion that we extend the age
12 from eight years to ten years as long as there are
13 going to continue to be annual inspections and that
14 this extension is only good for two years from today.
15 COUNCILMEMBER PACHUTA: And I guess that
16 motion would be for, then, Mr. Weed to change the
17 ordinance --
18 COUNCILMEMBER ALEXANDER: Correct.
19 COUNCILMEMBER PACHUTA: -- to then bring the
20 ordinance back to us, that we can waive first reading
21 the next time and then pass it.
22 COUNCILMEMBER ROCHE: Thank you very much.
23 That's exactly -- That works for me.
24 COUNCILMEMBER ALEXANDER: I'm not in favor
25 of the sunset clause. I just think that would be

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1 another item that someone would have to keep up with.
2 If we're going to do it for an additional two years,
3 then let's do it for an additional two years.
4 COUNCILMEMBER BATES: Mr. Weed, do you have
5 -- in the context of the ordinance, does it say eight
6 years, the age of the vehicle?
7 ATTORNEY WEED: Give me a second to wade
8 through it here --
9 COUNCILMEMBER BATES: Okay.
10 ATTORNEY WEED: -- and I'll try to answer
11 your question.
12 COUNCILMEMBER ROCHE: I mean I can certainly
13 withdraw that part of it. I just don't want to see
14 three years from now having to come back and change
15 it. I mean I'll amend my motion to remove the
16 expiration of the two-year extension, and that would
17 make it a permanent 10-year age for taxicabs.
18 MR. ISIAKA FOFANA: Thank you.
19 MAYOR JENKINS: Who seconded that?
20 COUNCILMEMBER FLEMING: Hold on, Mr. Mayor.
21 MAYOR JENKINS: We need to get a second.
22 COUNCILMEMBER FLEMING: Mr. Weed's looking
23 up some information before I do a second, sir.
24 MAYOR JENKINS: Okay.
25 COUNCILMEMBER FLEMING: Thank you.

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1 COUNCILMEMBER PITTMAN: I wish I knew the
2 history behind the eight years versus the ten, if it's
3 something the police department bases that on or --
4 COUNCILMEMBER ROCHE: I wish they were here
5 tonight. They could give us an understanding.
6 COUNCILMEMBER PITTMAN: Yeah, I wish --
7 ATTORNEY WEED: I would suggest that. I
8 mean you might want to -- they're the people who
9 actually do the practical inspections so you might
10 want to get some feedback from them just as an idea.
11 COUNCILMEMBER BATES: Well, we --
12 COUNCILMEMBER FLEMING: Well, I did e-mail
13 Chief today to find out exactly what was on -- what
14 their requirement was, and they said eight years. And
15 I asked about the mileage because I'm more concerned
16 about mileage than I am the actual vehicle age. You
17 know, if you've got 200,000 miles on a vehicle and
18 it's only four years old, I have more concern with
19 that than I do with the age of the vehicle.
20 COUNCILMEMBER BATES: Well, we've got two
21 weeks between now and our next Council meeting to get
22 that research done for a draft ordinance.
23 COUNCILMEMBER ROCHE: Well, I wouldn't think
24 the police department would allow an unsafe vehicle on
25 the streets as part of their annual inspection

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1 process.
2 ATTORNEY WEED: Of course this relevant
3 section is one of the last ones in that code, but
4 essentially it's 22-20, Age of Vehicles for Hire.
5 There are no annotations that give us any more of a
6 clue as to why they came up with eight years.
7 The last amendment to the ordinance occurred
8 in 2004 if that's helpful to anybody on Council with a
9 memory of that.
10 The only other thing I can add to the
11 discussion would be, based upon this, is that it
12 clearly does say, you know, eight years, and that's
13 the expectation right now. But there's nothing in the
14 annotations that, you know, would indicate.
15 We could go back during the two-week period.
16 I could go back to the -- or Council or whoever's
17 going to be doing research now, to the 2004 ordinance
18 and attempt to find out what the motivations were
19 then.
20 And the way I do ordinances is there's a
21 preamble that has a listing of reasoning for the
22 ordinances, and many of the ordinances before I became
23 city attorney don't include a preamble, so there's no
24 explanatory text, but you might be able to find that
25 from the police department as well.

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1 COUNCILMEMBER ROCHE: How many vehicles do
2 you have right now that will no longer be --
3 MR. ISIAKA FOFANA: I cannot tell the exact
4 number, but we are many, but we are the ones that can
5 park the car in Doraville station. What I'm saying is
6 that we are many driving in Doraville city, but most
7 of us can be at the MARTA transportation. So I mean I
8 cannot tell exactly how many we are.
9 COUNCILMEMBER FLEMING: (Inaudible)
10 COUNCILMEMBER ROCHE: I understand.
11 What I'm getting at is what will be the
12 impact of waiting two more weeks. I mean would it be
13 that big a deal?
14 MR. ISIAKA FOFANA: Well, you see, what I
15 want to say is, you know, we have some of our friends
16 that drive in Atlanta and at the airport. I think
17 they put in the same regards to -- I think they
18 considered their request because (inaudible) problems
19 with the economy, so they did it and they give them
20 two years. They were eight years there too and now
21 they given them two more years.
22 COUNCILMEMBER ROCHE: I understand.
23 MR. ISIAKA FOFANA: Yeah.
24 COUNCILMEMBER PITTMAN: I personally would
25 like to find out if there's some basis to eight years

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1 versus two years before I made a decision.
2 COUNCILMEMBER BATES: Well, we're not voting
3 on the ordinance tonight.
4 COUNCILMEMBER PITTMAN: I know. Well, not
5 the ordinance but -- two weeks.
6 COUNCILMEMBER FLEMING: I'd like to --
7 There's a motion on the table?
8 COUNCILMEMBER PITTMAN: Yes.
9 COUNCILMEMBER ROCHE: I'll go ahead and
10 withdraw my motion and say in two weeks --
11 COUNCILMEMBER FLEMING: I'd like to --
12 COUNCILMEMBER ROCHE: Could we come back in
13 two weeks?
14 COUNCILMEMBER FLEMING: Absolutely. I'd
15 like to make a motion that we do a little more
16 research into the request from Nation Cabs, come back
17 on our next meeting date with the information for us
18 to be able to move forward.
19 COUNCILMEMBER ROCHE: I'll second that.
20 COUNCILMEMBER BATES: Is that for Mr. Weed
21 to draft the ordinance or who's going to do the
22 research?
23 COUNCILMEMBER PITTMAN: We can -- I mean we
24 can do the research. We can try to find out what the
25 basis. We can do the research just to find out if

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1 there is a rhyme or reason or if eight years was just
2 something that they came up with.
3 COUNCILMEMBER ROCHE: Actually, this wasn't
4 presented by a Council person, so --
5 COUNCILMEMBER PACHUTA: So Mr. Weed can now
6 draft ordinances based on a citizen requesting an
7 ordinance be drafted?
8 COUNCILMEMBER FLEMING: I mean if you don't
9 like -- I mean I'm very sorry I brought it up, but I'm
10 not sorry, but I'm really getting a little upset about
11 the direction in which the sarcasm is going about the
12 policy that I asked for.
13 COUNCILMEMBER PACHUTA: Well, I'm just --
14 but I'm trying to put this out. We now have him -- So
15 now we're going to do some research and then discuss
16 it and then tell Mr. Weed to draft the ordinance.
17 You know, he could just prepare an ordinance
18 and we have it next meeting.
19 COUNCILMEMBER ROCHE: Well, essentially, the
20 only change is to two numbers. We're going to change
21 a number from eight to ten. That's the sum total of
22 the ordinance change.
23 COUNCILMEMBER PITTMAN: Well, just to find
24 out if there was a rhyme or reason why we have eight
25 years, if there's a reason they --

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1 COUNCILMEMBER ALEXANDER: Well, he just
2 mentioned in passing that the City of Atlanta was
3 eight years.
4 COUNCILMEMBER PITTMAN: Right. That's --
5 COUNCILMEMBER ALEXANDER: And we probably
6 modeled our ordinance after theirs is probably what
7 previous council may have done.
8 COUNCILMEMBER ROCHE: And what he was
9 saying, I think, was that -- and I don't want to put
10 words in your mouth, but my understanding was that
11 they're also making the same requesting of the --
12 COUNCILMEMBER ALEXANDER: Correct.
13 COUNCILMEMBER ROCHE: -- City of Atlanta and
14 the Airport Authority, too, or whatever the
15 authorities are.
16 MAYOR JENKINS: My understanding is they're
17 also doing it because of the economy.
18 COUNCILMEMBER ROCHE: Of course.
19 So your motion was to basically postpone
20 this until next meeting?
21 COUNCILMEMBER FLEMING: Uh-huh.
22 COUNCILMEMBER ROCHE: And I'll second that.
23 MAYOR JENKINS: Any more discussion?
24 COUNCILMEMBER ALEXANDER: Well, I don't know
25 how many agendas this poor gentleman's already been

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on.
MAYOR JENKINS: He's been on about two or three months, at least two months.
COUNCILMEMBER PITTMAN: I mean could we give the police department -- someone a call real quick, maybe, and just ask them if there's --? I mean I don't know.
CLERK BRYANT: Mayor, do you want me to call somebody at the police department?
COUNCILMEMBER BATES: No.
COUNCILMEMBER ALEXANDER: I don't think -- I mean I think if the police department's inspecting them, they would be able to judge if a 10-year-old vehicle was not safe enough to be used as a cab.
I don't want to put this man off again. He's probably got drivers that can't operate in our city right now because of this rule.
COUNCILMEMBER ROCHE: Well, do you want to withdraw yours and I can put mine back out there?
COUNCILMEMBER FLEMING: I'm just going to withdraw my motion and keep my mouth shut.
COUNCILMEMBER ROCHE: All right. I'm going to make the same motion I made a minute ago, so, which was to modify the existing ordinance from eight years to ten years.

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MAYOR JENKINS: Second?
COUNCILMEMBER ALEXANDER: I second it.
COUNCILMEMBER PACHUTA: And again, you'll come back to us with an ordinance to vote on the next meeting; is that correct?
ATTORNEY WEED: Tomorrow I will draft the ordinance --
COUNCILMEMBER PACHUTA: Okay.
ATTORNEY WEED: -- I will e-mail it to Council the same way I would any other time, and then at your next available agenda unless you have a special-called meeting, it'll be on your agenda with another agenda cover sheet and you can --
Before time, you can comment on the ordinance, I mean if you care to, amongst each other, and then you can actually do a vote at your next agenda item -- next agenda.
COUNCILMEMBER ROCHE: And that way, if there's --
ATTORNEY WEED: If you waive first reading.
COUNCILMEMBER ROCHE: -- strenuous objections from the police department or anyone, we can take that into consideration before we pass it.
MAYOR JENKINS: Second?
MR. ISIAKA FOFANA: Do we have to be in the

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next meeting?
COUNCILMEMBER ROCHE: Probably you'd want to be, yes --
MR. ISIAKA FOFANA: Okay.
COUNCILMEMBER ROCHE: -- because that's when we're going to decide if we choose to --
MR. ISIAKA FOFANA: Okay.
COUNCILMEMBER ROCHE: -- pass it.
MR. ISIAKA FOFANA: Thank you.
MAYOR JENKINS: Did we get a second?
COUNCILMEMBER BATES: Yes, sir.
MAYOR JENKINS: Okay. Any more discussion?
- - -
(No response)
MAYOR JENKINS: Call the roll.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.

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CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Thank you.
Murray?
ATTORNEY WEED: Mr. Mayor and members of the Council, this item has appeared on other agendas. It's the contract with Morgan Keegan and the contract with Miller & Martin. Essentially, the Council is familiar with the terms, and you actually preliminarily discussed this before; however, in checking back on the minutes, because we've gone into other Executive Sessions, it appears from the minutes there was never actually a vote on either of these contracts. So we just want to, as a housekeeping item, you know, clarify that and move it forward.
COUNCILMEMBER ROCHE: In both of these situations, the contract cannot exceed $5,000; right?
ATTORNEY WEED: Currently that is the -- that's what's in the contract. My understanding from both of these gentlemen is that they've got other time that they want to submit for Council's approval, so I would forewarn you of that, but the original contract term was $5,000 cap and no additional time unless Council approves it. But they've communicated both to me by e-mail that they've got additional time that

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they want to present to the Council for your consideration.

COUNCILMEMBER ROCHE: But that would be a separate thing.

ATTORNEY WEED: Correct. I mean we would do an addendum to the contract or I could do a separate contract for the additional time.

COUNCILMEMBER FLEMING: Well, it states in Article No. 3 for both of these contracts is they list their hourly fee and then it says shall not exceed $5,000 unless there is prior approval from the City. So I don't think you have to actually amend the contract.

COUNCILMEMBER ROCHE: I'd be more comfortable if we did.

ATTORNEY WEED: Whatever -- whatever makes the Council comfortable. Usually --

COUNCILMEMBER FLEMING: I mean --

ATTORNEY WEED: -- you prefer formality --

COUNCILMEMBER FLEMING: -- it would be -- us approving --

ATTORNEY WEED: -- over informality.

COUNCILMEMBER FLEMING: -- their bills.

COUNCILMEMBER ROCHE: I like the idea -- if they -- if they approach $5,000, I do think they

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should have to come back to the City to go over $5,000.

ATTORNEY WEED: And I am notifying the Council that they have both reached the $5,000 threshold up to this point, because you had numerous meetings that involved them. And I have asked them to give me a current statement of any time that they have beyond $5,000 so you that could approve it or not approve it. But that time does exist, but I don't know the number yet because I haven't been given that.

COUNCILMEMBER ROCHE: So you're saying maybe we should consider changing the cap from $5,000 to maybe $7,500 just to make sure we're covered?

ATTORNEY WEED: No, sir. I think you should go ahead and approve this contract. This contract was on a number of agendas. My advise would be to approve this contract and then let them submit whatever other time that they've got, and then you would either approve that time or not approve it. I think that's the cleanest way of handling that. Because I don't know the actual figure, I hate -- I'm hesitant to set another threshold --

COUNCILMEMBER ROCHE: I understand.

ATTORNEY WEED: -- without us knowing the actual figure.

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COUNCILMEMBER ROCHE: That's fair.

ATTORNEY WEED: I have asked for that; I have not received it. Obviously we've been engaged in a lot of other issues.

COUNCILMEMBER ROCHE: So you just need a motion.

COUNCILMEMBER BATES: Make a motion to approve the Morgan Keegan contract.

COUNCILMEMBER ROCHE: Second.

MAYOR JENKINS: More discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Abstain.

CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BRYANT: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BRYANT: Councilmember Roche?

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COUNCILMEMBER ROCHE: Yes.

COUNCILMEMBER BATES: I'll make the motion to approve the Miller & Martin contract.

COUNCILMEMBER ROCHE: Second.

MAYOR JENKINS: Discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BRYANT: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BRYANT: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: All right. Mr. Livingston?

COUNCILMEMBER FLEMING: No.

Oh, I'm sorry. My apology.

MAYOR JENKINS: It's a five-minute item,

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five minutes only.
MR. LIVINGSTON: It is my understanding that the City of Doraville presently, from all deposits, every bank account we have, that we have on the order of 5 million dollars in the bank. It's also my understanding that the projected budget deficit is 3.2 million dollars.
I was here during part of the previous meetings you had when you were asking various department heads to skin a little -- cut a little here and there where they could. I did not hear the final number, but for practical purposes, I'm just going to use 3.2 million dollars.
Also, I think that there's probably a good chance that of the 5 million dollars that we have on deposit, that there's probably $500,000 that is still owed by various unpaid bills and that sort of thing that probably haven't come in yet. So we're talking about 4-and-a-half million dollars maybe, and if you subtract 3.2 million from 4.5 million, that leaves you 1.3 million, which I think is just barely enough to operate on if it's even enough to do that.
Now, it's also my understanding that you the Council are thinking very seriously about borrowing 3 million dollars from a bank for the purpose of park

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construction in Northwoods and the Tilly Mill-Winters Chapel area.
Now, I understand there's people out that these are their districts. I understand that they would like to have, you know, their parks done. You know we spent 1.3 million plus or minus, I guess, in Oakcliff, which a lot of us thought we never should have spent that much money, but -- and I can understand everybody wants their park and their area to, you know, be fixed up as fancy as the other one.
But these are tough times, folks, and we don't -- with our tax base going down -- you know, Scott Haeberlin is running businesses out just as fast as he can, and our tax base is going down. Our deficit each year is worse than it was the year before.
I don't see how in the world we can possibly service this debt let alone pay the interest. And I would like each of you to seriously search your souls about doing this. I guess nothing has been finalized, but I know I've heard that this is in the -- in the works, and there's a lot of us that are seriously concerned about the health of this city and what's happening.
And just to show you that it's not just me,

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I would like everybody in the audience that thinks like I do, to please stand up.
And what I'd like to do is for each of you to state your name starting in the front row. Sit down as soon as you state your name.
MR. LOWE: Ed Lowe.
MAYOR JENKINS: Wait just a minute.
MS. HOFFMEISTER: Bonita Hoffmeister.
MAYOR JENKINS: Wait just a minute.
This is not necessary.
MR. LIVINGSTON: Well, I want it to be for the record. I mean --
MAYOR JENKINS: Get to the point, sir.
MR. LIVINGSTON: Well, I've got to the point. I don't know how I can tell it any more. We're concerned about what's going on, and, you know, this city has got a very good chance of ceasing to exist. I mean we can't print money like they do at Washington, and I can see no rationale for borrowing money on something that we don't need.
I mean it would be nice. I would like it for all these other neighborhoods to have what we have in Oakcliff, but we shouldn't have spent that much money, truthfully. And to borrow 3 million dollars that we don't know how in the world we're going to pay

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it back, I don't see it. And I'd like each of you to seriously consider this.
So that's what it's all about, and like I say, it's not just me. I hope you looked at the people out here that agree with me and give it some serious thought, folks, because we can't afford it. We don't have the money. Thank you.
COUNCILMEMBER ROCHE: For the record, about 12 people did stand up.
MAYOR JENKINS: Thank you. We can't see.
I don't know where we'd borrow 3 million dollars for parks, anyway.
Next?
COUNCILMEMBER PITTMAN: Public comments.
COUNCILMEMBER FLEMING: Public comments.
MAYOR JENKINS: That's what I'm saying. Who's next?
COUNCILMEMBER ROCHE: So we're now moving into public comments.
MAYOR JENKINS: Next?
COUNCILMEMBER ALEXANDER: Public comments.
COUNCILMEMBER PITTMAN: He was on the agenda. Now it's public comments.
MAYOR JENKINS: Oh, okay. Come on up.
Three minutes on the public.

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MR. FIEDLER: Raymond Fieldler, Oakcliff Estates, Doraville.

I do agree. I do agree with Mr. Livingston on the fact that we need to consider what we spend and where we get the money to spend it for. Maybe some of the figures are exaggerated, but I'm for healthy economic management of our city finances.

Aside from that, I have a minor gripe. For the last two years, I've been coming to the Council meeting here, and as a veteran of the United States armed forces, I get a little bit upset to see the American Flag being displayed on the wrong side of the stage. It should always be to the other side. That would be good.

COUNCILMEMBER ROCHE: (Moves flag)

MR. FIEDLER: Okay. In addition to that, now, I'm not so surprised with the budget or I'm not making a big issue, but I am a little bit embarrassed. Like Mr. Roche said earlier, people call him or e-mail and he doesn't know what's going down. People notify me on e-mail and they call me -- why did this incident happen at the police department, why did an incident happen at the library?

We don't find anything about it until weeks and days and maybe sometimes a month thereafter.

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Now, I think I have a lot of rapport with everybody on this Council. You know me. You know that I'm a no-nonsense type guy, that I support you where I can and I disagree with you respectfully where -- I will also.

But it's just awful embarrassing sometimes to find out -- I can understand we had a meeting for the Council members in Savannah a weekend ago. When this incident in the library happened was on a Tuesday. Maybe no one had any time to get back to me on this, but I would rather hear it from City Council people before I read about it in a paper or on the television. Can you give me that honor, please? Thank you.

MAYOR JENKINS: Thank you.

Next?

MS. CRAWFORD: Susan Crawford, Oakcliff.

Again, I agree. But I'm not quite sure how that would be done, practically, but maybe just some short issuance on a web -- on ONA or something just saying things are being taken care of, it was an unfortunate incident that occurred. I, too, am getting sick of the stuff on the news.

But I actually wanted to ask about the recycling. I got a letter from the recycling people

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saying that they were no longer recycling but we were welcome to keep the bin which is, I guess, itself recyclable. But is there some plan?

MAYOR JENKINS: That's true, but we're working on it to get some new people for that.

MS. CRAWFORD: Thank you.

And I also would caution any borrowing of money at this point.

MAYOR JENKINS: Come on up, please.

MR. HART: I don't know who has the direct line into Channel 46 News, but things have been hot. And just like the library issue or the massage parlors, I mean it seems like every other day I see the Mayor on TV trying to not explain something, and it's -- it's the trash deal, the recycling, it's the sidewalks.

I mean you brought this stuff up tonight about these secret meetings or like these Internet meetings where you decide things, and in the public meeting, we don't really know what's going on because we're not privy to the background information.

But there are so many issues from the budget to the finances to the dollar amounts on hand, to massage parlors, to trash contracts that are not legal. Recycling, the library and stuff going on. I

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mean the carpet where all this trash has been swept under is getting kind of lumpy guys, you know. It's -- it's -- the City is headed right down the sewer hole, and we're playing this little game like this trash contract that we're spending a lot of money on, that's not even legal. It wasn't legal the day they signed it; it was a five-year contract. And we got this recycling company that subs out to another one that was some phony-baloney deal. It gets old. We got the C-1/C-2 that ran all these businesses out of town, and it gets old.

So at some point in time, the Mayor and Council have to take some personal responsibility. Thank you.

- - -

(Applause)

- - -

MR. CHAMBERS: Good evening. My name is Richard Chambers, New Peachtree Road.

Several months ago -- I don't know if any of the other people in the audience noticed, but we were getting traffic lights replaced up on New Peachtree Road, and to my knowledge, over the last 15/18 years, they were working great. I think we replaced them with LED lights, and I don't know why other than the

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1 federal government had money they wanted to spend.
2 It's our money at one point or another, but I was told
3 by one the staff members, "Well, it's the federal
4 government." I think it flows on into just about
5 every government, and my feeling -- my personal
6 feeling is I generally think that there are many items
7 that governments should be involved in to a great
8 extent. There's also a lot of items that government
9 is involved in that need to take a smaller step or a
10 smaller portion in.
11 So my next comment is: Sometimes slowing
12 down government is a good thing. And I see the
13 waiving of first reading sometimes can be problematic.
14 Sometimes something happens with unintended
15 consequences. Thank you.
16 MAYOR JENKINS: Next?
17 MR. ANDERSON: Stuart Anderson. There's
18 been a lot said here.
19 I guess what I'm standing up for is some
20 clarification. The C-1/C-2 thing is long, long
21 overdue. I agree that we should have either P&W or
22 TSW or one of our consultants that we've hired to
23 coordinate the rezone -- the consideration of our
24 rezoning of our zoning codes.
25 Right now, we've got the LCI study, the GM

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1 study, the Central Avenue study, Buford Highway study.
2 I'd like the City Council to give one of our
3 consultants a mandate, as it were, and have them
4 coordinate these committees -- the LCI committee, the
5 Buford Highway committee -- so that there's some
6 continuity as far as what the City's vision is.
7 Tonight it was discussed to wait for one of
8 these groups -- I guess, and from what I could hear --
9 one of these groups to look at our C-1/C-2, which
10 definitely needs to be done. I think there was a work
11 session agreed on to discuss the things that
12 absolutely need to be done very soon for the C-1/C-2.
13 I didn't hear a date for that.
14 But more importantly or as importantly -- I
15 shouldn't say more importantly -- as importantly, I
16 wish you folks would give a mandate to one of our --
17 one of our consultants and not so much put them in
18 charge of coordinating these things. Right now, we've
19 got a few people have been nominated for the Buford
20 Highway study. That hasn't been followed through as
21 to all the people for that group. TSW hasn't been
22 heard from as far as the LCI. I know they're getting
23 their stuff together, and that's fine and dandy and
24 that's good. And I'm certainly not expected to be --
25 myself, be privy to the discussions between TSW and

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1 P&W and these other groups, but I also haven't seen or
2 heard any information from y'all as to coordination
3 therein.
4 So please, the C-1/C-2 has been -- we've
5 filled this room with business people and the Civic
6 Center about this issue, and we're trying to make
7 something happen for it tonight, but I'd like to hear
8 a little more coordination from you guys. Thank you.
9 MAYOR JENKINS: Thank you, Stuart.
10 Yes, sir.
11 MR. CRAWFORD: Ben Crawford, Oakcliff.
12 Mayor and City Council, it seems to me like
13 sometimes when things get recounted as far as the
14 zoning rewrites, that a little bit of accuracy and
15 memory is -- kind of history is changed a little bit.
16 But my memory serves me pretty well with a
17 lot of -- except for the C-1 and C-2, which didn't go
18 through the Planning Commission, that the zoning
19 rewrites have gone through public hearings and
20 discussions with City Council, City Council meetings,
21 and changes were made. There may have been some issues
22 with business involvement in the past. I think that's
23 been addressed.
24 The C-2 actually wasn't a rewrite for C-1 --
25 CT was not actually a rewrite for the C-1 and C-2. I

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1 believe that that was for a number of properties that
2 were located in C-1 or C-2 that didn't -- that were
3 nonconforming, so that was an address to that specific
4 issue that I feel like the City did come together and
5 the City Council to try to address those specific
6 questions.
7 And one other thing is that I, like Ray,
8 disagree with some things that the City Council
9 decides upon. We had the City-initiated zoning was
10 done at the property over by the GM site that was --
11 the owner was not happy about, and he came back to
12 City Council, and it seemed to me like City Council
13 capitulated where it should have been a little bit of
14 give-and-take on the City's part with the business. I
15 agree, it seemed like the uses that were there, the
16 six uses or five uses, should have been the uses for
17 that site next to GM and it should have been that the
18 other 53 uses or 48 or whatever it was would have been
19 conditional uses, which just would have meant that the
20 City Council would have seen what those uses were
21 going in next to a big development and said, "Oh, yes.
22 We want a tannery right next to a nice development,"
23 or, "Oh, yes. We want a big laundry plant right next
24 to a nice development."
25 So I don't think you made the right decision

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either. But that being said, I think that there was a process in place. I don't agree that there wasn't one. And I think that all the City Council people had a chance to engage in that process. Whether it was perfect, no. It is a living document, it's not final.

And it seems to me like we're talking about slowing down the business. The gentleman that spoke made a remark about slowing down a little bit, and I see his point; but then there was a business guy here the other night that wanted to hurry up. So you know, you can't have it both ways. I guess the slowing down, maybe it is time to slow down, but that's what you guys are there for. You're the ones that put on the brakes in the process. You're the ones that do the review process.

- - -

(Buzzer)

- - -

And we do have public hearings and we do have a format for that, and I'd like to go for a few seconds more because I had another gentleman that was up here, and I won't be real rude but --

MAYOR JENKINS: That's enough.

MR. CRAWFORD: All right.

MAYOR JENKINS: Next?

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MS. JOHNSON: Janice Johnson. I just have a question. I'm asking, there's a forum for meet the candidates.

COUNCILMEMBER ALEXANDER: Yes, ma'am.

MS. JOHNSON: When and where?

COUNCILMEMBER ALEXANDER: It's Thursday. It starts at 6:00 p.m. at the Forrest Fleming Arena.

MS. FLEMING: Okay.

COUNCILMEMBER ALEXANDER: Meet-and-greet at 6:00 and then the questions start at 7:00.

And we've had -- I think that this one's got 12 candidates to respond: school board, county commission, State House of Representatives, State Senate, and some Congressional candidates also. So please come.

COUNCILMEMBER ROCHE: Is this a City-sponsored event?

COUNCILMEMBER ALEXANDER: No, sir. Group of citizens.

COUNCILMEMBER ROCHE: Because it looks like from the Web that it was a City-sponsored event. It had the City logo on it.

COUNCILMEMBER ALEXANDER: I didn't know that it was --

MS. JOHNSON: I just heard about it by

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mouth, so, but I wasn't sure of the time.

MAYOR JENKINS: Anybody else?

COUNCILMEMBER ALEXANDER: Motion to adjourn.

COUNCILMEMBER PACHUTA: Second.

MAYOR JENKINS: Second?

Second?

COUNCILMEMBER PACHUTA: I seconded.

MAYOR JENKINS: Call the roll.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BRYANT: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BRYANT: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

- - -

(Meeting adjourned at approximately 9:20 p.m.)

-o0o-

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C E R T I F I C A T E

STATE OF GEORGIA]

COUNTY OF DEKALB]

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

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

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

This the 13th day of July 2010.

_____

Theresa Bretch, CCR

Permit No. B-755

[SEAL]

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