In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

September 7, 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 6:30 p.m., September 7, 2010.

* * *

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1 APPEARANCES:
2 Doraville City Council:
3 Hon. Ray Jenkins, Mayor
4 Councilmember Maria Alexander
5 Councilmember Karen Pachuta
6 Councilmember Donna Pittman
7 Councilmember Bob Roche
8 Councilmember Pam Fleming
9 Sandra Bryant, Assistant City Clerk
10 Murray J. Weed, City Attorney
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1 P R O C E E D I N G S
2 MAYOR JENKINS: Meeting come to order.
3 Call the roll, please.
4 CLERK BRYANT: Councilmember Alexander?
5 COUNCILMEMBER ALEXANDER: Here.
6 CLERK BRYANT: Councilmember Bates?
7 Councilmember Fleming?
8 COUNCILMEMBER FLEMING: Here.
9 CLERK BRYANT: Councilmember Pachuta?
10 COUNCILMEMBER PACHUTA: Here.
11 CLERK BRYANT: Councilmember Pittman?
12 COUNCILMEMBER PITTMAN: Here.
13 CLERK BRYANT: Councilmember Roche?
14 COUNCILMEMBER ROCHE: Here.
15 MAYOR JENKINS: Brian didn't feel well
16 tonight, so he won't be here.
17 We have some what you call unsealed
18 meetings, Executive Session minutes to approve.
19 I want to start with 6/2/2010. Do I have a
20 motion?
21 COUNCILMEMBER PACHUTA: So moved.
22 MAYOR JENKINS: Second?
23 COUNCILMEMBER ALEXANDER: Second.
24 MAYOR JENKINS: Discussion?
25 - - -

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1 (No response)
2 - - -
3 MAYOR JENKINS: Call the roll.
4 CLERK BRYANT: Councilmember Alexander?
5 COUNCILMEMBER ALEXANDER: Yes.
6 CLERK BRYANT: Councilmember Fleming?
7 COUNCILMEMBER FLEMING: Yes.
8 CLERK BRYANT: Councilmember Pachuta?
9 COUNCILMEMBER PACHUTA: Yes.
10 CLERK BRYANT: Councilmember Pittman?
11 COUNCILMEMBER PITTMAN: Yes.
12 CLERK BRYANT: Councilmember Roche?
13 COUNCILMEMBER ROCHE: Yes.
14 MAYOR JENKINS: And the same on this one:
15 6/7/2010. Do I have a motion?
16 COUNCILMEMBER PACHUTA: So moved.
17 MAYOR JENKINS: Second?
18 COUNCILMEMBER PITTMAN: Second.
19 MAYOR JENKINS: Call the roll.
20 CLERK BRYANT: Councilmember Alexander?
21 COUNCILMEMBER ALEXANDER: Yes.
22 CLERK BRYANT: Councilmember Fleming?
23 COUNCILMEMBER FLEMING: Yes.
24 CLERK BRYANT: Councilmember Pachuta?
25 COUNCILMEMBER PACHUTA: Yes.

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CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Same on this one, unsealed, 6/16/2010. Motion?
COUNCILMEMBER ALEXANDER: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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: 6/21/2010, motion?
COUNCILMEMBER PACHUTA: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Call the roll, please.

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CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Bates?
I'm sorry. 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: 7/6/2010, unsealed. Have a motion?
COUNCILMEMBER PITTMAN: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: Call the roll.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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: 7/7/2010, unsealed. Motion?
COUNCILMEMBER PACHUTA: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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: Unsealed 7/15/2010. Motion?
COUNCILMEMBER ALEXANDER: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Fleming?

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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: 7/22/2010, unsealed. Motion?
COUNCILMEMBER ALEXANDER: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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: Okay. Thank you.
On the regular Council meetings, 7/22/2010.

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Motion?
COUNCILMEMBER ALEXANDER: Motion to approve.
MAYOR JENKINS: Second?
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: 7/26/2010 regular Council meeting?
COUNCILMEMBER PACHUTA: I make a motion to approve.
MAYOR JENKINS: Second?
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Call the roll, please
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Fleming?

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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: 8/2/2010 regular Council meeting. Motion?
COUNCILMEMBER ALEXANDER: Motion to approve.
MAYOR JENKINS: Second?
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: Call the roll.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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: Okay. 8/16/2010 regular Council meeting. Motion to approve?

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COUNCILMEMBER PACHUTA: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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: Okay. Under Mayor's Comments, Donna will be first on that.
COUNCILMEMBER PITTMAN: September is National Preparedness Month and there's a couple of events that's going to be taking place.
This Saturday, September 11th, from nine to ten o'clock, the various cities in Dekalb County have partnered with Dekalb County to have a 9/11 Memorial Service and Public Safety Recognition. The Mayor is going to be presenting the chief with a plaque in recognition of our police department, so if any of you

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could come out, we would love to have your support. It's going to be at the Church of Jesus Christ Latter Day Saints on Brockett Road. I have more information for you if you need it. I'm going to send out a e-mail later in the week. And from 10:00 to 2:00, they're going to have other activities on the site with safety issues and information that you can get, and some fun things for the kids so everyone could come out.
And the City of Doraville would like to present a proclamation declaring September as National Preparedness Month in Doraville.
And Mayor, do you want me to go ahead and read it?
MAYOR JENKINS: Yes, you go ahead and read it.
COUNCILMEMBER PITTMAN: "Whereas, National Preparedness Month creates an opportunity for every city resident to learn more about ways to prepare for all types of emergencies from public health threats to potential terroristic attacks to natural disasters;
"And whereas, emergency preparedness is the responsibility of every Doraville citizens, all residents can take a few simple steps, creating a disaster supply kit, making a family disaster plan,

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and staying informed to help make citizen preparedness and personal responsibility a priority in this community;

"And whereas, the U.S. Department of Homeland Security and the Georgia Emergency Management Agency, Office of Homeland Security, and officials in the federal, state, local and private sectors are working together to prevent and respond to all type of emergencies, these activities along with a vigilant public contribute to a level of local, state and national preparedness that is critical to securing our city and the homeland;

"And whereas, the City of Doraville Police Department in conjunction with Dekalb County Emergency Service and the Georgia Emergency Management's Office of Homeland Security has initiated ambitious and proactive Ready Georgia campaign to help citizens become better prepared;

"And whereas, we observe National Preparedness Month, the City of Doraville urges adults and children to participate in citizen preparedness activities and to review the Ready web sites and the Citizen Corps web sites;

"I, Ray Jenkins, Mayor of the City of Doraville, do hereby proclaim September 2010 as

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National Preparedness Month in Doraville, Georgia, and recognize the importance of preparing for all potential emergencies."

There is copies of this with the web sites outside, so please pick up one. It's got some really good information and some information about how to prepare your kits if necessary.

And this is a really good program that the cities and Dekalb County has put together, so we'd love to have all of you come out.

And I have one more announcement. On Saturday, September 18th, we will have another Movies Under the Stars. It's going to be Alvin and the Chipmunks, the Squeakquel, which is a really cute movie. It's going to be at Honeysuckle Park. It starts at 6:30. There will be various activities, door prizes, face painting, and the movie starts at dusk, and people just bring their picnics and just have a really good time. This is at no cost to the City. Everything from security to cleanup has been paid by sponsors. So I'd love everybody to come out.

MAYOR JENKINS: Thank you.

COUNCILMEMBER PITTMAN: Thank you.

MAYOR JENKINS: Okay. Salvation Army easement agreement, Luke Howe.

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We met with the church today, and they agreed on what we asked them about getting the easement to go around the pole. And as soon as we get the paperwork from them -- Luke will explain it. As soon as we get the paperwork from them, we'll go forward.

MR. HOWE: Yes, sir. This is a basic permit easement agreement that, like the Mayor said, they agreed to today. It calls for approximately 170 square feet of property that will extend the sidewalks beyond the telephone poles.

MAYOR JENKINS: And tell them how much we had to pay for this.

MR. HOWE: $800.

MAYOR JENKINS: $800 to be able to go around the trees. They gave us that much easement and was glad to do that, so we'll have that taken care of pretty quick.

Do we need a --? I don't think we need a motion on that, do we?

COUNCILMEMBER ROCHE: How much is it going to cost to now build the sidewalks around the telephone poles?

MAYOR JENKINS: That's part of the...

MR. HOWE: We don't know. We don't think it

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will exceed $5,000, which is discretionary funding --

COUNCILMEMBER ROCHE: Another --

MR. HOWE: -- for the Mayor.

COUNCILMEMBER ROCHE: -- $5,000 and then --

MR. HOWE: We're under budget right now with the sidewalk project. We're probably going to come in $3,000 under.

So I talked to Dekalb about the possibility of using that additional money towards the extension, and their response was positive. They hadn't made a decision yet, but we will certainly ask if we can use that residual money.

COUNCILMEMBER ROCHE: What about the telephone poles that are imbedded in the middle of the sidewalk at either end of Central Avenue, the end of the -- at New Peachtree? You see it when you come right out of the MARTA station. That's not the Salvation Army.

MR. HOWE: Right. Well, we won't be addressing that, that pole.

COUNCILMEMBER ROCHE: Or the one at this end on the (indicating)?

MR. HOWE: Right.

COUNCILMEMBER ROCHE: We're not going to be addressing any of them?

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MR. HOWE: The plans are unchanged. You had a chance to look at the plans --
COUNCILMEMBER ROCHE: We got a chance --
MR. HOWE: -- early on.
COUNCILMEMBER ROCHE: -- to look at them the day they were being submitted for -- put out for bids.
MR. HOWE: These plans have been approved by MARTA, Dekalb County, the Department of -- U.S. Department of Housing and Urban Development. So they've been out to inspect it twice in one week, and the report each time has been outstanding, we're doing a great job managing this grant, and we've done it exactly how we planned it.
COUNCILMEMBER ROCHE: Outstanding.
COUNCILMEMBER FLEMING: And the question I have is at the telephone poles themselves, is it going to be a curved area or are we starting from one end of Central to the other and just adding like one or two feet for the entire length of the street?
MR. HOWE: Well, according to the plans that I put in relation to y'all's packet, it will be one long lip.
MAYOR JENKINS: At each pole.
MR. HOWE: Sir, it will extend down multiple poles. It'll be -- it'll come out and go down. So

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we're not going to come out and -- we're not going to wrap around each pole. We're just going to create a new lip altogether and bring it down.
COUNCILMEMBER FLEMING: Okay, and which will make from the pole to the end of the sidewalk how many feet? Will it then be ADA compatible?
MR. HOWE: The sidewalk will never be ADA compliant because the grade of the road exceeds ADA compliance of five percent. The road in some parts is nine percent. So we're exempt from ADA requirements because there's nothing we can do about the topography, so right now there is no ADA-compliant sidewalk connecting New Peachtree with Buford Highway.
COUNCILMEMBER FLEMING: Okay. So with that being said, the width of the sidewalk from the poles to the widest point, could you tell me how wide that would be?
MR. HOWE: There's going to be four feet of sidewalk.
COUNCILMEMBER FLEMING: From the pole --
MR. HOWE: Yes, ma'am.
COUNCILMEMBER FLEMING: -- outward. Okay.
MR. HOWE: Yes, ma'am.
COUNCILMEMBER FLEMING: Thank you.
MR. HOWE: Yes, sir?

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MAYOR JENKINS: If we don't need a motion, that's -- Thank you, Luke.
ATTORNEY WEED: Mr. Mayor, I --
MAYOR JENKINS: We do need?
ATTORNEY WEED: Yeah, I do think you -- My advice would be to make a motion.
MAYOR JENKINS: To accept the --
Can I get a motion to accept the --
What? The contract?
ATTORNEY WEED: I think what we have is we've got an offer for an easement that the Salvation Army is considering.
Is that correct?
MR. HOWE: Yes, sir.
ATTORNEY WEED: That's what I believe I reviewed.
So you need a motion to make an offer to the Salvation Army for the sidewalk easement.
COUNCILMEMBER PACHUTA: I make a motion that we pay the Salvation Army $800 in consideration for the easement agreement on their property to widen the sidewalk.
MAYOR JENKINS: Second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR JENKINS: Discussion?

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- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: No.
CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: No.
MAYOR JENKINS: Thank you. Motion carried.
We got invoices from Morgan Keegan and we're going to add one.
Murray, if you would go ahead and we'll make a motion to add the other one.
ATTORNEY WEED: Yes, Mr. Mayor. This is actually an item from the finance director, Shanta Wilson, I've been asked to cover.
Per my e-mail to Council and my e-mail to the consultants now that we're winding down the current phase of the GM project review, I asked for

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from the consultants their final invoices, and we have two of them.

With regard to Morgan Keegan, their final invoice is in the amount of $2,394.45, and with regard to Miller & Martin, their final invoice is $13,715.98.

COUNCILMEMBER ALEXANDER: I'm sorry. What was that again?

ATTORNEY WEED: $13,715.98.

MAYOR JENKINS: That was for Morgan Keegan.

ATTORNEY WEED: That one was for Miller & Martin.

MAYOR JENKINS: Miller & Martin.

ATTORNEY WEED: Yeah. Morgan Keegan is $2,394.45.

MAYOR JENKINS: Do we have a motion on Morgan Keegan?

COUNCILMEMBER ALEXANDER: And you had already sent us the Miller & Martin invoice by e-mail?

ATTORNEY WEED: I have, yes.

COUNCILMEMBER ALEXANDER: Okay.

ATTORNEY WEED: And I brought the original to Ms. Wilson tonight.

COUNCILMEMBER ALEXANDER: Sorry, Mayor.

COUNCILMEMBER FLEMING: I'm sorry. Was there a previous invoice from Miller & Martin?

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ATTORNEY WEED: My recollection was that there was not.

COUNCILMEMBER FLEMING: Okay.

COUNCILMEMBER ALEXANDER: I make a motion we approve the Morgan & Keegan invoice for payment in the amount of $2,394.45.

MAYOR JENKINS: Second?

COUNCILMEMBER ALEXANDER: Second.

MAYOR JENKINS: Discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll, please.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: I recuse myself from that one.

CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BRYANT: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BRYANT: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: Okay. Motion carried.

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COUNCILMEMBER ALEXANDER: Do you need us to add Miller & Martin?

MAYOR JENKINS: Okay. Do we need a motion to add Miller & Martin to the agenda; is that correct?

ATTORNEY WEED: Well, Mr. Mayor, it can't hurt. It's under Mayor's Comments but it certainly can't hurt to do that. We'll stick to the formalities, and if we could make that motion, I'd appreciate it.

COUNCILMEMBER PACHUTA: I make a motion to add the Miller & Martin invoice to the agenda.

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Okay. Call the roll.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: 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.

COUNCILMEMBER PACHUTA: I make a motion to approve the Miller & Martin invoice in the amount of $13,715.98.

MAYOR JENKINS: Okay. Second?

COUNCILMEMBER ALEXANDER: Second.

MAYOR JENKINS: Discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll, please.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: 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: Okay. Thank you. I would like to have someone make a motion to move No. 4 on new business up under Mayor's comments so the rabbi

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can go if he needs to.
Do I have a motion?
COUNCILMEMBER PACHUTA: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR JENKINS: Discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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.
ATTORNEY WEED: Mr. Mayor, I would like to give some factual background if that would be useful.
MAYOR JENKINS: Yes.
ATTORNEY WEED: Very simply, Yeshiva High School has built a sidewalk in city right-of-way, and

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we have had the building inspector go and inspect the sidewalk and he's made a determination that the fair market value of the same would be $6,000.
And the motion before you tonight if you choose to make the motion would be to pay that amount to Yeshiva for the sidewalk, for the construction of the sidewalk.
The sidewalk will be public sidewalk for public use, there will be no parking on the sidewalk, and of course the City would utilize that sidewalk in whatever manner it deems necessary and appropriate.
COUNCILMEMBER ROCHE: I think there's more to the story than that. Could you tell us about the building permits, the land disturbance permits and all that?
ATTORNEY WEED: Sure; yes, sir. My understanding of the situation is that Yeshiva through their contractor did approach the City seeking a permit. They were referred to John Calcaterra, the building inspector. Mr. Calcaterra informed them that the City didn't issue sidewalk permits and recommended that they go to Dekalb County.
They did go to Dekalb County. My understanding is Dekalb County also -- they didn't have a permit to issue them for the construction of the

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sidewalk.
They returned, and my understanding is, feeling that they didn't need a permit at this point from any official governmental entity, they began to work on the sidewalk and did complete the project.
To my knowledge, the City of Doraville did not issue a stop-work order at any point on the project.
And if there are any other specific questions, I'll do what I can to answer them.
COUNCILMEMBER ROCHE: So the work was done without any permit.
ATTORNEY WEED: That is my understanding.
COUNCILMEMBER ROCHE: We did move this ahead on the agenda, but I think that people -- there are some that wanted to have public comments on this, and as usual, we skipped over public comments. I think we should probably go ahead and have public comments now so the people that want to talk about this have a chance.
MAYOR JENKINS: I have no problem with that.
Murray, what do you say?
ATTORNEY WEED: I have a legal opinion, Mr. Mayor. Can the Council do that? They most certainly can.

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MAYOR JENKINS: Do we have to vote on it?
ATTORNEY WEED: I would prefer that you vote on it; however, in the past, you have been very liberal with public comments and have just allowed it, but it can never hurt to go ahead and make a motion to do so.
COUNCILMEMBER ROCHE: I'd like to make a motion that we take Agenda Item VI, Public Comments on Agenda Items, immediately after which we will return to this agenda item.
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Do you want to have them speak on all the rest of --
COUNCILMEMBER FLEMING: (Inaudible)
MAYOR JENKINS: -- the items also?
Excuse me, ma'am?
COUNCILMEMBER FLEMING: I was telling him to make it for this item.
COUNCILMEMBER ROCHE: I'll take that for this item only.
MAYOR JENKINS: For this item only. Okay.
Any more discussion?
- - -
(No response)
- - -

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1 MAYOR JENKINS: Okay. Call the roll,
2 please.
3 CLERK BRYANT: Councilmember Alexander?
4 COUNCILMEMBER ALEXANDER: Yes.
5 CLERK BRYANT: Councilmember Fleming?
6 COUNCILMEMBER FLEMING: Yes.
7 CLERK BRYANT: Councilmember Pachuta?
8 COUNCILMEMBER PACHUTA: Yes.
9 CLERK BRYANT: Councilmember Pittman?
10 COUNCILMEMBER PITTMAN: Yes.
11 CLERK BRYANT: Councilmember Roche?
12 COUNCILMEMBER ROCHE: Yes.
13 MAYOR JENKINS: Public Comments on Yeshiva
14 High School sidewalks only.
15 MR. HART: This is a picture the day the
16 sidewalk was being built.
17 MAYOR JENKINS: These are still three-minute
18 items.
19 MR. HART: I talked to the person that
20 constructed this.
21 First of all, my name is Tom Hart, and I've
22 constructed more than a few sidewalks in the city.
23 And each time, I had to get a permit from the City of
24 Doraville and approved at Dekalb County, going over to
25 Lavista Road. Each time, I had to have a permit and

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1 pay for a permit of this public works. It was signed
2 off they had to be built to Dekalb County specifi-
3 cations.
4 The day they were pouring this, I sent John
5 Calcaterra and code enforcement over there. They were
6 in the midst of building this. It didn't meet County
7 specifications that I knew of.
8 And you can see from the picture if you look
9 at it closely, basically they threw the stuff on the
10 ground, formed on one side and the curb on the other;
11 no curb cuts, no nothing. Okay?
12 So I don't know of a construction project in
13 the city whether it's in the public right-of-way or
14 whatever that it isn't signed off by Dekalb or GDOT
15 because it's on their right-of-way, so this stuff
16 about somebody didn't know . . . And when people start
17 construction projects in the city without a permit,
18 then if they have to come back and get a permit, then
19 it's double the fine.
20 I don't see on any level that the City
21 should be paying for this, this piece of work that
22 doesn't meet any code either in Doraville or Dekalb
23 County.
24 The City knew about it. There should have
25 been a stop-work order issued by the City at the time

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1 they were pouring it: Pack up the concrete truck and
2 get out of here and then go get a permit from the
3 appropriate bodies and then pay your money and then
4 build it to Dekalb County specifications.
5 And if this city gives anybody a dime for
6 doing this, they've set a standard that virtually, you
7 know, construction's a wild-west show in this city.
8 Thank you.
9 MR. NOONAN: John Noonan, Winters Chapel.
10 I'm just trying to get the facts straight.
11 This high school took it upon themselves to pour a
12 sidewalk on the city right-of-way with no permits, no
13 inspections, no standards, and took it upon themselves
14 to do all this, and now they want the City to pay for
15 it? That's ridiculous. Thank you.
16 MAYOR JENKINS: Thank you.
17 MR. ANDERSON: There might be an echo in
18 here. Stuart Anderson.
19 In the spirit of it's easier to get
20 permission or -- or granted an easement of some sort
21 after you've done something, I've looked at the side-
22 walk. I'm no concrete person, but it's not a pretty
23 sidewalk.
24 The thing was built as a parking thing. Are
25 we going to still park on it?

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1 MAYOR JENKINS: No.
2 MR. ANDERSON: And I echo what these
3 gentlemen said: And we're going to pay them $6,000
4 for building their sidewalk?
5 It sounds like a taxpayer lawsuit to me.
6 Thank you.
7 RABBI PAUL: May I?
8 MAYOR JENKINS: Sir.
9 ATTORNEY WEED: Actually, Rabbi, I'd like to
10 address one thing.
11 The only reason why the City would pay for
12 this, there are two options here.
13 One, the City could make Yeshiva tear up the
14 concrete. That is still an option.
15 Two, because it is in our right-of-way --
16 and it is my understanding that the City intends to
17 take it, control it, use it for public purposes and
18 not allow it for private use, that would be a taking
19 under the law, and at a minimum, in my opinion, would
20 make the City pay fair market value for it.
21 It's based on the quantum meruit theory.
22 We've talked about it before. If you see the neighbor
23 kid come over to your yard and mow the grass and you
24 don't stop them, although you don't have to pay a
25 profit with regard to that job, you have to pay the

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1 fair
2 market value for it.
3 The alternative is you could make them tear
4 up the sidewalk and return it to the raw land that was
5 there before, so that's an option as well.
6 However, no court in the United States is
7 going to allow you to take that sidewalk, use it
8 publicly and not pay them something for it, in my
9 opinion.
10 MAYOR JENKINS: Wait just a minute, sir.
11 Was there anybody else that wanted to speak
12 on that?
13 Excuse me, Rabbi. Just as soon as we --
14 RABBI PAUL: Please. No problem.
15 MR. CRAWFORD: Ben Crawford, Oakcliff
16 Estates.
17 We're holding the citizens in the city to a
18 different set of standards. Remember a gentleman
19 built something in my neighborhood and he did so
20 without a permit, and it was removed. And kind of the
21 way I look at this is that, you know, I don't see
22 where the school did what they needed to do. They
23 built it, and I think that it should be removed and it
24 should be brought back to where it was.
25 I don't think the citizens -- not the City,

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1 but the citizens -- should pay for their mistake. I
2 mean the way for them to rectify the mistake is lose
3 the money for installing. And it doesn't sound like a
4 sidewalk. It sounds like it was a driveway to park
5 cars in, and then now it's becoming a sidewalk. So I
6 think it should be put back the way it was at their
7 expense. Thank you.
8 MAYOR JENKINS: Thank you.
9 Anyone else?
10 - - -
11 (No response)
12 - - -
13 RABBI PAUL: Thank you for your time. I'm
14 Rabbi Paul. I'm the headmaster of the high school in
15 question, and I'd just like to give a little
16 background for a minute or so and then you could
17 proceed however you see fit.
18 We attempted to continue the existing bike
19 pads that were used since I've been here, which is the
20 last five years, for parking spaces, four of them, and
21 the police knew about it and even directed us how to
22 use them. And we wanted to extend it in our property
23 the same distance and the size exactly as it was,
24 continuing another eight spaces down.
25 We did have the contractor contact Dekalb

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1 County as well as Doraville City officials. It was
2 our understanding that since it was on our private
3 property, we didn't need -- and it was already in
4 existence, the same exact thing we built. To
5 continue, it wasn't a problem.
6 It came to our understanding during the
7 process that it wasn't a problem to pour. Even though
8 there were people aware that it was going on, there
9 was no stop order on it, so it was our understanding
10 that it was okay.
11 It came to our attention afterwards that
12 technically since the curb is not ours, it's the
13 city's, we can't access those areas to park.
14 The reason we have those areas to park is
15 because our female students walk in the dark from over
16 a hundred yards away at a church in the dark in the
17 morning and the evening in winter, and some of them
18 just don't feel safe. And I don't think it's right to
19 ask the police to have to be there every morning early
20 at, you know, 7:00 a.m..
21 So we thought this was a way to solve that
22 problem as well as make sure that there was no parking
23 on public property which had been a problem in the
24 past, to be honest, and we thought this was a great
25 solution.

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1 We're certainly willing to have another
2 solution. We just want parking for our kids to be
3 safe without putting a burden on the police that
4 supervise it.
5 I'm okay however you proceed. We do want to
6 be a good neighbor and we don't want to be -- I under-
7 stand the dilemma. I don't want to be a burden on the
8 people of the community and I don't want to be a
9 burden on our neighbors who may feel it's impinging on
10 their -- I guess their -- I'm not sure what it's
11 impinging on, but it's impinging on their sensi-
12 tivities in some way.
13 Thank you.
14 MAYOR JENKINS: Thank you.
15 All right. Any more discussion?
16 Do I have a motion?
17 COUNCILMEMBER ALEXANDER: I would like to
18 ask the Rabbi some questions if I may, sir.
19 RABBI PAUL: Yes, ma'am.
20 COUNCILMEMBER ALEXANDER: This parking, as
21 you know, has been found unsuitable or nonpalatable
22 for persons.
23 What would you -- what's your next plan?
24 Are you planning on putting additional spaces on the
25 property?

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RABBI PAUL: Yes. Over a year ago, we were looking at an alternative space deeper in our property which wouldn't be debatable, you know, easement area. It was given the opinion of the Doraville government that it would need to be permeable substance because of the amount of concrete. On that area where the trees were, it would need to be something water porous to allow for drainage.

We felt that would be not as neat and nice, and we built this, power-washed the entire area so it wouldn't -- wouldn't be an eyesore. We thought that would kind of look like it was just kind of thrown down, and we couldn't put down blacktop or concrete, which would be smoother and neater, so. And there are some trees there that are pretty full grown, you know, trees, and that would be another problem for another group of citizens.

And so it was kind of -- that was not viewed as the best area, but we'll go through the process and try to get Doraville to allow us to do that. And you know, we just would like to have parking for the kids on our property and we certainly don't want to impinge on the public thoroughfare.

COUNCILMEMBER ALEXANDER: The space that you were talking about, which side of the school is it?

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I know as you're looking at the school on the right side, there's quite a bit of space there. I think there's a large air conditioner blower thing there --

RABBI PAUL: Right.

COUNCILMEMBER ALEXANDER: -- from that school to the beginning of what used to be the outdoor classroom.

RABBI PAUL: Uh-huh.

COUNCILMEMBER ALEXANDER: Is that an area you had considered or are you thinking --

RABBI PAUL: Right.

COUNCILMEMBER ALEXANDER: -- of somewhere else?

RABBI PAUL: That's the area we're talking about, which is when you turn into our driveway, there would be basically on our property, a cut, and the curb up to about, I guess, the equivalent number of spaces that we're trying to do there. And we would have to clear that area and get permission to, I guess, replant any trees that were uprooted and such, and that's okay too.

COUNCILMEMBER ALEXANDER: Thank you.

RABBI PAUL: And what?

MR. SIEGEL: (Inaudible)

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RABBI PAUL: Oh, yes. And we'd be losing the four existing spots because those would be under the jurisdiction of the City; we could no longer park any of the kids there. So that was kind of where the discussion came up from.

But I do understand the concerns.

COUNCILMEMBER PITTMAN: I have a question as well.

RABBI PAUL: Yes, ma'am.

COUNCILMEMBER PITTMAN: You were told by our staff that you didn't need a permit from us but one from Dekalb County or --

RABBI PAUL: No.

COUNCILMEMBER PITTMAN: -- they just told you you didn't need one?

RABBI PAUL: I cede my ignorance to the expert involved.

Mike?

MR. SIEGEL: I'm not a very good public speaker. I'm Michael Siegel, president of Planning Concepts.

The Dekalb County, I spoke to, myself, the development division. And because there was no curb cuts, we didn't cut the curb anywhere and there was no aprons that were being formed in, then there was not

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an issue regarding permit regarding putting the concrete in. They were well aware of what we were doing.

What happened was the day of the concrete pour, code enforcement from the City of Doraville actually came, and she gave -- I'm not sure what she gave me, but we hustled to the development office. And once they saw where the location of the concrete was, then they realized it was in the right-of-way, which was Dekalb County, and was deemed not the jurisdiction of City of Doraville.

And the inspector came out -- and he did see everything -- and we measured, physically measured together to make sure it wasn't or it was in the right-of-way. But once it was determined it was in the right-of-way, then it was -- it was outside the jurisdiction of the City of Doraville at that point in time. Things may have changed now. I have no idea.

But the intent was to do the correct thing. I'm not a rebel out there, I promise you.

COUNCILMEMBER ROCHE: Do you do other construction projects?

MR. SIEGEL: Yes, sir.

COUNCILMEMBER ROCHE: Have you ever poured a sidewalk without a permit?

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1 MR. SIEGEL: Yeah. There's been times when
2 there's just slabs that are poured that don't require
3 permits.
4 I mean you can pour a driveway, sections of
5 driveway that are clearly within the right-of-way
6 where it's been cracked up from roots or something
7 like that, and there are no permits required for
8 things like that just about everywhere.
9 I've pulled permits as well. I'm not saying
10 we never --
11 COUNCILMEMBER ROCHE: I understand. I'm
12 just --
13 MR. SIEGEL: Right. I think that was the
14 reason why the first step was asking to find out what
15 was going on here, because this really -- I mean this
16 is a place where cars were parked and have been parked
17 here for a really long time.
18 And above and beyond what Rabbi Paul was
19 saying, it was a safety issue for physically parking
20 the cars on pine straw and dirt the way they were. It
21 was angled and what-not. To level it all out so you
22 don't come out of a car on an angle was another -- I
23 would assume would be another reason why you wanted to
24 pour that like that.
25 But this is not something that's just out of

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1 the blue this year, cars are going to be parked there.
2 Cars have been parked there for a very, very long
3 time.
4 The area that you were speaking about is
5 certainly an area that can be made a parking spot.
6 It's not a problem. The trick is -- because those are
7 specimen trees. They've very, very nice trees -- I'm
8 sensitive to that -- and three of them. There's a
9 magnolia, there's an oak and there's a silver leaf
10 maple, and they're very, very nice trees. The trick
11 is instead of replacing just the eight spots which
12 we've poured, there's another four spots there that
13 are existing, albeit they used to be a long, long time
14 ago bicycle racks, but they've been used as parking
15 for a very, very long time. Those are no longer
16 available to the students, so it's a total of 12
17 spots, and it does -- it's kind of crowded in there.
18 But it's certainly an option, certainly an option, and
19 that would be -- my understanding is that would be on
20 private property in the city of Doraville, which would
21 require permitting.
22 COUNCILMEMBER ROCHE: Yeah. And I guess
23 that my question is, you know, whether it's on the
24 street or on private property, I mean, I don't know of
25 anyone who's gotten away with building anything in or

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1 around Doraville or the county, frankly, without some
2 kind of a permit. But that's what I'm curious about.
3 COUNCILMEMBER PACHUTA: Well, clearly our
4 staff made an error when they went out there or
5 determined that a permit was not required, and,
6 unfortunately, the error was not caught until after
7 they had expended the funds and built the sidewalk.
8 MR. SIEGEL: The concrete truck was
9 literally there. It was in the middle of the process.
10 Everybody was working very, very diligently to try and
11 suss it all out. I mean I'm not saying that they were
12 wrong, or blame or anything like that.
13 COUNCILMEMBER ROCHE: I understand.
14 MR. SIEGEL: Yeah.
15 MAYOR JENKINS: Thank you.
16 Any more discussion at the table?
17 COUNCILMEMBER ROCHE: Yes. I received a
18 phone call from City Attorney Weed on Tuesday at about
19 3:41, and I could not return the call at the time.
20 And I guess what bothers me is that when I
21 finally did reach Mr. Weed, I was pretty much told
22 that this is what we're going to do, and, you know,
23 all we're going to do tonight was just to vote it up
24 or down, apparently.
25 And the whole idea of trying to get the

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1 information and to decide what we're going to do and
2 how we're going to handle this or if we're going to
3 handle this, et cetera, et cetera, all this was
4 apparently dealt with by talking to some Council
5 people on the telephone, and I have to say I'm very
6 concerned about that.
7 Now, in this particular case, you know, it's
8 not like there was an emergency. It's not like the
9 sidewalk's going to go anywhere any time soon. And I
10 would have felt a whole lot more comfortable if this
11 had been put on the agenda for tonight as, "These are
12 the facts. Now we can work out a solution as to what
13 we're going to do about it," instead of, "This is the
14 solution. We're going to vote up or down on paying
15 $6,000," and that's basically the end of story until I
16 asked additional questions and brought out the rest of
17 the -- the other information.
18 I'm just very concerned about I feel like
19 these decisions were made away from the public eye. I
20 understand there are situations where we have
21 emergencies. You know, very recently we had a
22 personnel emergency down the -- down the -- and I
23 guess I could sort of see that maybe.
24 But just the way this whole thing was
25 handled, I just have a real problem with it. And I'm

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very concerned about doing business and deciding how to handle these things behind closed doors when even I as a councilman didn't know what the solution was going to be until I was basically told the solution. And then it was, oh, well, it's okay because it's going to be at the Council meeting.

Well, when the thing's already drafted and when things are pretty much already decided and the dollar amounts have already been figured out, et cetera, et cetera, et cetera, then the public doesn't know about it until they get here. I don't know about it until I get the packet. And I'm just very concerned that this -- this is not specific to this, obviously, this situation.

RABBI PAUL: I understand.

COUNCILMEMBER ROCHE: It's nothing either way. It's just the way we do business. I just feel more and more uncomfortable about this.

COUNCILMEMBER PACHUTA: Well, obviously, all staff decisions and all staff negotiations can't physically be held in public unless -- It's just impossible. That's why we have staff, to run matters through for approval or disapproval by City Council, and that's what we're here to do tonight.

This is the recommendation from staff, and

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we either approve it or we don't approve it. That's our role.

COUNCILMEMBER PITTMAN: If you were asked to take it up -- You had parking prior to the sidewalk?

MR. SIEGEL: Sure.

COUNCILMEMBER PITTMAN: There was parking there?

MR. SIEGEL: Yeah.

COUNCILMEMBER PITTMAN: Is that what --

MR. SIEGEL: There's existing parking right -- that continued off of, that we'd been using for the past five years, and it's my understanding ten years before that, before I moved to Atlanta. And the police actually told us how to use the parking, and make sure we -- please put down the lines so they parallel park, not putting their car so that it'll butt into the public thoroughfare, because that's dangerous.

So we're like absolutely, we will. You know, we used it as like six parking spots. But then they said no, no, there's only enough space there for four if you do it without any space into the public thoroughfare, and that's really the safest way to do it. So we said, okay.

COUNCILMEMBER PITTMAN: So if you tore the

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sidewalk out, what would you do with it?

RABBI PAUL: I would hope we wouldn't have to tear the sidewalk out that's been there for 50 years, but if we do that, I don't know. We'll try and find an alternative, I guess. You know, we'll try and get legal advice and see what we need to do.

COUNCILMEMBER PITTMAN: So you would resume parking?

RABBI PAUL: If the Doraville city government allows us to do that. I mean right now, the truth -- to be perfectly honest, the only thing we were cited for was when there was a sign that came out of the ground and we hadn't put it back in yet, and they said, you know, you need to put that back in the ground, which we have, after the fact, you know, put in.

But yeah. It's really up to the jurisdiction of the City to decide whether we're allowed to be there. I view it as safety, you know, for the kids and things like that, but y'all have to do what y'all have to do, and that's okay.

ATTORNEY WEED: Councilman, if it'll help you clarify where this thing is located, when the school was built, it's obvious that there's a staircase that leads up to the front of the school.

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As you face the school on the left-hand side, there is an existing five or six foot concrete pad area, which is clear to me, although I'm no engineer, that's where students got off the bus and parked their bikes, and you could see the metal stobs where bikes racks were in the older part of the concrete.

That entire area, the older part and the part that the school just recently laid, is separated from the street by about a three-and-a-half inch granite curb. And over the years, apparently, the City -- somebody, I don't know -- apparently was allowing the school to drive up over that curb and park cars on the older part of the concrete pad, and now -- and for a while, cars were being parked up over the granite curb on this newly-laid concrete paid.

Whatever you do with this matter is your business, but that's the official City position on this right now until the Council changes it is that if you drive over the granite curb, you're in the city right-of-way and you can't park there.

Now, you may decide tonight that that's their land and you don't want to claim it as right-of-way. That's up to you. But that's what had been happening and been happening for apparently quite a while.

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1 COUNCILMEMBER PITTMAN: And there was quite
2 a lot of complaints, my understanding, from neighbors,
3 is that correct, parking there?
4 ATTORNEY WEED: That was before my time.
5 RABBI PAUL: Only of the recent, the actual
6 parking that we had. The complaints from neighbors
7 was from a neighbor to our right who said he didn't
8 want people publicly on the public street. But on our
9 private property, no one ever complained about that.
10 COUNCILMEMBER FLEMING: And let me under-
11 stand one thing. You asked for a permit for a side-
12 walk, is that correct, from both Dekalb County and
13 from here?
14 MR. SIEGEL: I strictly just -- I explained
15 to them what we were doing with the concrete, and the
16 dimensions.
17 COUNCILMEMBER PITTMAN: Excuse me. Is that
18 Dekalb you're saying when you refer to them? Dekalb?
19 MR. SIEGEL: Yes, ma'am. I'm sorry.
20 And I had no idea that there was even a
21 query or a question with the City of Doraville until
22 the code enforcement came up the day we were pouring
23 it.
24 COUNCILMEMBER FLEMING: But when you went to
25 Dekalb County, you personally spoke to, I guess --

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1 MR. SIEGEL: Yes, ma'am.
2 COUNCILMEMBER FLEMING: -- where you
3 personally are on the phone, did you tell them you
4 were constructing a sidewalk?
5 MR. SIEGEL: I told them we were con-
6 structing a 12-foot wide concrete matching up
7 existing, for a walkway, for cars, for the whole bit.
8 It was the existing concrete was being used for cars.
9 COUNCILMEMBER FLEMING: Well, to me,
10 parking, having to go over a curb does not sound like
11 a legal parking area if you have to go over a curb to
12 go to it.
13 MR. SIEGEL: Okay.
14 COUNCILMEMBER ROCHE: It's kind of a low
15 curb, and it is separated by it looks like a slab of
16 concrete that's about a foot wide from the next piece
17 that was also sidewalk.
18 MR. SIEGEL: That came up in discussion, and
19 my response was that it had been paved so many times
20 that the curb was really only an inch or two above the
21 pavement.
22 COUNCILMEMBER FLEMING: Yeah, like Central
23 Avenue.
24 MR. SIEGEL: Right.
25 ATTORNEY WEED: There are indentations.

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1 There's granite curb, there's an indentation, granite
2 curb indentation, and clearly those were, I assume, to
3 allow kids to drive their bicycles up when they were
4 parking their bikes.
5 COUNCILMEMBER PITTMAN: So that --
6 MAYOR JENKINS: That's where the parking --
7 the bicycle pads were.
8 COUNCILMEMBER FLEMING: Okay.
9 MAYOR JENKINS: Not where we're talking
10 about.
11 MR. SIEGEL: That's the existing. I wasn't
12 aware of that, to be honest with you. I didn't know
13 that those pieces were there.
14 COUNCILMEMBER PITTMAN: So what's there
15 belongs to them right now?
16 ATTORNEY WEED: The property, in my opinion,
17 is under the ownership of Yeshiva; however, the
18 property where the new concrete pad or sidewalk has
19 been laid is also within the right-of-way of the city
20 of Doraville, Georgia.
21 Like in a traditional subdivision, the first
22 four or five feet from the curb of the street is
23 virtually always city or county or whoever, it's their
24 right-of-way, and you have, for lack of a better term,
25 joint access to the property.

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1 However, if the government needs to put a
2 stormwater drainage feature in, signage, a fire
3 hydrant, they can do so because it's considered to be
4 part of their right-of-way. If they need to maintain
5 the road, then they can enter your property because
6 they're also entering part of their right-of-way. The
7 right-of-way of a street or road is not simply the
8 paved surface of the roadbed; it extends beyond that.
9 COUNCILMEMBER PITTMAN: So the advantage to
10 us paying for that would be?
11 ATTORNEY WEED: Well, the Council will
12 determine if there's any advantage or disadvantage. I
13 have no position with regard to that.
14 If you make them tear it up, that's fine
15 with me.
16 But the only advantage to it is the public
17 gets access to that sidewalk and it gets to be used as
18 opposed to being torn up and being dirt and pine straw
19 again, which is what it was before.
20 COUNCILMEMBER ROCHE: I'm sorry. I'm
21 sympathetic to your parking situation but, you know, I
22 just --
23 RABBI PAUL: And I'm sympathetic to the
24 process issue. I'm sorry you were caught by surprise
25 on that one. That wasn't the intent at all.

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COUNCILMEMBER ROCHE: Well, just several times up here -- and this is before you, obviously. this happened -- you know, people up here have said, "Well, we messed up but we're still going to enforce the rules anyway," you know. But that seems to be a common theme with this Council is that even though we change rules or neglect things or whatever or grant permits when we shouldn't grant them, et cetera, et cetera, then we still yank the permits and we still, you know, go back with what we're doing today.

COUNCILMEMBER ALEXANDER: So Mr. Weed, in the eyes of the law, right-of-way is right-of-way. It doesn't matter if that concrete was poured in 1956 or '55 when the school was built or if it was poured last week.

ATTORNEY WEED: Yes, ma'am. In my opinion, they -- and no offense to Yeshiva -- they never should have been -- they never should have parked on any part of that property, they never should have crossed over the granite curb to get to any part of their property other than let's say people walking on it or bicycles. Automobiles never should have parked there however long they were doing it. That was clearly the city right-of-way and you had to cross over a granite curb to get to it -- curbs which are still there today.

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RABBI PAUL: I don't want to take more of your time, and I'm glad to follow whatever decision you-all make, but we had discussed with the police numerous occasions exactly how they wanted to do this. We are law-abiding people and we will follow whatever you decide, and I thank you for your time.

MAYOR JENKINS: Thank you, sir.

Any more discussion at the table?

- - -

(No response)

- - -

MAYOR JENKINS: Do I get a motion?

COUNCILMEMBER ALEXANDER: I think one of the challenges is when that school was built in 1955, obviously it didn't incorporate students driving, because it was an elementary school --

MAYOR JENKINS: They had parking --

COUNCILMEMBER ALEXANDER: -- and so parking wasn't --

MAYOR JENKINS: -- in the back, Maria.

COUNCILMEMBER ALEXANDER: -- an issue.

MAYOR JENKINS: They had parking in the back and they built a gymnasium over it.

COUNCILMEMBER PACHUTA: And I guess it's unfortunate that the City gave the wrong advice at

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some point before too much money was expended.

ATTORNEY WEED: I wish you'd rephrase that. It was not advice. I wasn't involved.

COUNCILMEMBER PACHUTA: Okay.

COUNCILMEMBER PITTMAN: Well, the County as well. Looks like they were given misinformation all the way around.

MAYOR JENKINS: Okay. We need to do something one way or the other. Do we have a motion?

- - -

(No response)

- - -

ATTORNEY WEED: Once again just to clarify your -- to help crystallize your thinking, essentially, in my opinion at this point, you have two options.

One is if you elect to take the sidewalk, you're going to have to pay something for it. What a court would make you pay is fair market value, whatever that is. According to your building inspector, Mr. Calcaterra, the fair market value is $6,000.

Or if you elect not to take the sidewalk, you can force Yeshiva to return that to the state that it was in before, which is dirt and pine straw.

MAYOR JENKINS: Okay.

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COUNCILMEMBER FLEMING: Or we could just tell them not to park on it, and use it as a sidewalk.

ATTORNEY WEED: No, ma'am, you can't. That's not an option, because you are essentially -- They've put their money into a public property. They've put their money into something that they will not have exclusive control over but the public will. If it's in our right-of-way, it's our sidewalk or it's got to be gone.

COUNCILMEMBER FLEMING: Okay. I make a motion to go back to the drawing board on this particular item.

COUNCILMEMBER PACHUTA: To do what?

COUNCILMEMBER FLEMING: For further consideration.

COUNCILMEMBER PACHUTA: I think those are our two options.

COUNCILMEMBER PITTMAN: So if we purchase the sidewalk, our advantage would be that we would have the sidewalk for public use by Doraville citizens and we would have control over it?

ATTORNEY WEED: Correct.

COUNCILMEMBER PITTMAN: I mean I hear the sidewalk is not done very well. So does that become our responsibility? We don't really have sidewalk

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1 standards at this point.
2 ATTORNEY WEED: To my understanding from the
3 building inspector -- You know, I am not the building
4 inspector, and the building inspector is not here -- I
5 am not in charge of permitting, and the permit person
6 is not here.
7 My understanding is that there are no
8 standards adopted by ordinance for sidewalks in the
9 city of Doraville. In my looking at the code, I can't
10 find anything of the code as I see it. If they're
11 there, I'm happy to stand corrected, but I haven't
12 seen them.
13 If we used sidewalk standards before, I
14 assume they were DOT sidewalk standards or they were
15 county sidewalk standards, but I don't see that the
16 city has them. And I assume that the building
17 inspector knew his job when he told them that none
18 existed at the time. I don't know.
19 COUNCILMEMBER FLEMING: But we do have
20 standards for parking spaces.
21 ATTORNEY WEED: Yes, ma'am.
22 COUNCILMEMBER FLEMING: And when I asked the
23 gentleman regarding whether he asked Dekalb County for
24 a permit for a sidewalk, he indicated not the use of a
25 sidewalk; it was to expand the existing concrete.

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1 That's what I was trying to find out, whether he was
2 actually terming it as a sidewalk.
3 So in my estimation, they never intended to
4 do a sidewalk. They intended to do a parking lot for
5 those cars, and we do have standards for that --
6 ATTORNEY WEED: I would agree with you.
7 COUNCILMEMBER FLEMING: -- and permitting
8 fees and permits.
9 ATTORNEY WEED: I would certainly agree with
10 that, but I'm not -- I'm not Mr. Calcaterra.
11 COUNCILMEMBER FLEMING: Okay.
12 COUNCILMEMBER ROCHE: Want to withdraw your
13 motion?
14 ATTORNEY WEED: And I don't know if the --
15 COUNCILMEMBER FLEMING: I just --
16 ATTORNEY WEED: And that's an interesting
17 question. I don't know if the concrete material
18 that's poured now meets our parking standards, either.
19 I don't know.
20 COUNCILMEMBER ROCHE: And we'd end up having
21 to maintain it.
22 I'm going to go ahead and make a motion that
23 we ask Yeshiva to return it to its prior state.
24 COUNCILMEMBER PITTMAN: Well, I have a
25 question, and I'm sorry.

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1 MAYOR JENKINS: You have a question?
2 COUNCILMEMBER PITTMAN: But there was no
3 second.
4 COUNCILMEMBER ROCHE: No. I made a motion
5 to have Yeshiva High School return that piece of land
6 back to its prior state before they poured concrete.
7 MAYOR JENKINS: Do I get a second?
8 - - -
9 (No response)
10 - - -
11 MAYOR JENKINS: Motion denied for the lack
12 of a second.
13 Do you have a question?
14 COUNCILMEMBER PITTMAN: I did have a ques-
15 tion.
16 Were you parking on the grass and the gravel
17 prior to that?
18 RABBI PAUL: We had tried to discourage
19 people from using that. There were times when kids
20 were parking not on the street but on the existing
21 grass that was there. The police saw that many times
22 and just made sure that we were not having the kids'
23 cars out into the public thoroughfare, and they
24 understood that that was going on.
25 We deemed that that was unsightly and it

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1 didn't look that great. As a school, we didn't think
2 that was a great thing to have going on in front of
3 our building. So we tried to do something we thought
4 that would actually make it more aesthetically
5 pleasing and, you know, more usable in the eyes of the
6 school.
7 COUNCILMEMBER PITTMAN: So you never
8 classified this as being a sidewalk at all, ever.
9 RABBI PAUL: We didn't classify it. It was
10 the existing concrete strip that was there that had
11 multiple uses in the past, and one of them that the
12 police had told us was fine was to -- you know, to
13 park there rather than on the street, and we continued
14 the same thing that was done pretty much without
15 question beforehand.
16 Granted, there's probably a little bit more
17 organization to the actual parking there now instead
18 of just kind of haphazard.
19 COUNCILMEMBER PITTMAN: Thank you.
20 Chief, one of you, I know there was a
21 parking problem there. Could you tell me what the
22 parking issue was there?
23 CHIEF KING: Yes, ma'am. The challenge for
24 Chestnut is if you review your no-parking ordinance,
25 Chestnut is --

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COUNCILMEMBER FLEMING: Raymond.
CHIEF KING: I'm sorry. Raymond.
Raymond has got no parking in certain areas.
What's complicated this area is that the City posted signs, "Parking for residents only," but we can't enforce that because there's no ordinance for us to go and verify that this is a resident parking. And technically, if you look at Yeshiva, then they are technically the residents of that property. So that complicated it, the matter of allowing people to park on one side of the road.
So the signs complicated the issue, and so that was a confusing part for the officers because they see the signs, "No parking, residents only." That sign is invalid.
RABBI PAUL: It's a City sign.
CHIEF KING: It is the City sign, yeah. It is not on their side. It's on the opposite, on the opposing side of the street. So clearly, the ordinance and the signs have to be -- coincide with the ordinance.
Part of the parking pad has been there since way before I became chief of police, and people were parking there. It was the trying to mitigate the issue, because clearly you-all have a number of

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complaints from residents in the area that did not want the students parking in the parking lot. We had to mitigate the issue of the students walking, especially early in the morning when it was still dark versus letting the students -- some of the students were getting out after school activities, walking down that sidewalk all the way to the next church where they have an arrangement to park.
I'm sure the officers that responded tried to mitigate the circumstances between the neighbors complaining and the public safety aspects of having the students walking after dark. I'm sure that's probably what happened.
As far as the sanction from the City allowing, you know, somebody to park, no, there's no official position from the City to allow people to park.
Hopefully that answers your question a little bit.
COUNCILMEMBER FLEMING: Thank you.
COUNCILMEMBER ROCHE: Well --
COUNCILMEMBER PITTMAN: So --
COUNCILMEMBER ROCHE: Go ahead.
COUNCILMEMBER PITTMAN: I was going to say, so either way, whether we purchase the sidewalk or you

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have to take it up, it's not going to benefit your students on what you were trying to accomplish.
RABBI PAUL: No, ma'am.
COUNCILMEMBER PITTMAN: So what is your alternative?
RABBI PAUL: Our alternative is to try and get other parking on our property. Our alternative is to try and get other parking on our property which in our opinion was much more disruptive of the neighborhood because of the trees involved and the porous surface not being equivalent to the existing surfaces. What we have is exactly the same as was there, and we felt to continue in between where the park -- the sidewalk ends right before our driveway and it continues in front of our steps, we didn't fill the entire thing but we felt it would be an additional area that would be useful for a lot of things.
I personally wanted a barbecue there, but that's a separate issue. I mean it wasn't only -- I'm not saying that facetiously. I didn't think it was only for kids to be parking, but I -- I view that as a better alternative than being on the street.
COUNCILMEMBER ROCHE: But it is striped for parking, obviously.
RABBI PAUL: Right.

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COUNCILMEMBER ROCHE: Striped for parking.
RABBI PAUL: We were asked to do that by the police in order to make sure that our students do not back their cars' rear entrance into the public thoroughfare, which was a safety hazard.
I personally wasn't sure that was a great idea, but, again, I'm a rule follower.
COUNCILMEMBER ROCHE: I understand.
Well, according to the city attorney, we had two options, and I just presented one and that was not accepted, so I guess --
COUNCILMEMBER PITTMAN: Well, I have --
COUNCILMEMBER ROCHE: -- someone else will have to.
COUNCILMEMBER PITTMAN: -- another question.
So they can't leave it there for their benefit. I mean I'm trying --
ATTORNEY WEED: It's in our right-of-way.
COUNCILMEMBER PITTMAN: In our right-of-way.
ATTORNEY WEED: You know, a private entity constructed something without our permission directly but maybe, arguably, with our tacit knowledge and permission. That's something you're going to have to decide or a court of law will. And it's clearly in our right-of-way.

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So the question is, you know, if it wasn't permitted, we didn't give permission for it to be there, can we make them remove it? And the answer to that question is yes.

And the other question is, you know, can we let them leave it there? Yes, we can, but it's in our right-of-way; therefore, we can't then give them the right of exclusive use to it.

COUNCILMEMBER PITTMAN: I got it.

ATTORNEY WEED: So if other people want to use it or walk on it -- You know, it's either theirs or its ours.

COUNCILMEMBER PITTMAN: Got it.

ATTORNEY WEED: It's as simple as that. You can't have both.

COUNCILMEMBER ROCHE: Now you're saying there's a third alternative? We could leave it there and not pay for it and not make them take it up?

ATTORNEY WEED: No, sir.

COUNCILMEMBER PITTMAN: No.

ATTORNEY WEED: I didn't say that at all.

COUNCILMEMBER ROCHE: Okay. Just making sure.

ATTORNEY WEED: I hope that cleared that up. I never said that.

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MAYOR JENKINS: Mr. Williams, we've already -- Excuse me, sir. We've already had comments on this. We'd have to go to the Council if they let you speak.

COUNCILMEMBER ROCHE: I make a motion to allow the citizens that arrived, later probably because they figured it wasn't going to come up until later, to weigh in, particularly since these citizens live across the street and are directly affected.

MAYOR JENKINS: Second?

COUNCILMEMBER PITTMAN: Second.

MR. WILLIAMS: Our position is --

MAYOR JENKINS: Wait just a minute.

Call the roll, please.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: 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: Okay. Come on up,

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Mr. Williams. Understand that I cannot make motions. I have to depend on the Council to make the motions.

MR. WILLIAMS: Ken Williams.

Our position is that it is a sidewalk. We were told they were building a sidewalk. They built a sidewalk, although it's not to the normal specifications. It doesn't run all the way and connect to the other sidewalk. It's wider than sidewalks normally are.

But it looks like a sidewalk, it was built like a sidewalk. There are no road cuts there to enable traffic to go on it. That area between the curb and their property line has been traditionally used as a sidewalk area. It's the only area pedestrians have to walk on other than the middle of the street. That's it. That's what we've got.

The other side of the road has residential bushes and shrubs and trees and everything on it. It's not conducive to be walked on. There's no sidewalk there like the normal street scenes in Doraville.

There was a rut there where people were walking there for many years. That's the only place we have. If you turn it into a private parking lot, well, besides violating state law that you can't park

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on sidewalks, we have nowhere else to walk, so what else are we going to do?

COUNCILMEMBER PITTMAN: So your preference would be for us to take the sidewalk and leave it as they have constructed it, as a resident of that area.

MR. WILLIAMS: My preference is that they went through the proper channels and do the things that you're supposed to do when you construct, especially when you're building on someone else's property.

COUNCILMEMBER PITTMAN: And I appreciate that, but we are not at that point any more, unfortunately.

MR. WILLIAMS: I can't make this --

COUNCILMEMBER PITTMAN: No. I mean --

MR. WILLIAMS: -- decision for you.

COUNCILMEMBER PITTMAN: -- but you're a citizen, you know.

MR. WILLIAMS: We need somewhere to walk.

COUNCILMEMBER PITTMAN: Okay. That's what I needed to hear.

MR. WILLIAMS: And that is the sidewalk.

COUNCILMEMBER PITTMAN: Okay.

MR. WILLIAMS: Whether it was paved before or not, the definition of sidewalk in Doraville's

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rules do not say that the sidewalk has to be paved. It just simply says the area between the curb and the property line. That is the sidewalk.

COUNCILMEMBER PITTMAN: Okay.

MR. WILLIAMS: That's where people were walking. We need to still walk. And if you turn that into a private parking lot --

And by the way, they're very quick to call the police on you if you do park there. One of my neighbors parked there just to see what would happen, and in less than five minutes, Doraville showed up to -- you know, Doraville was called to scoot him off of that. Okay?

Now, my opinion is he shouldn't have parked his car there to begin with because it's a sidewalk and you're not supposed to park on it, but --

COUNCILMEMBER PITTMAN: So you live in that area, and if it went back to its original leaves, straw, whatever it is, was that a problem?

MR. WILLIAMS: No.

COUNCILMEMBER PITTMAN: No. That was no problem to the residents.

MR. WILLIAMS: Well, also something about trees has been mentioned.

Now, there's kind of like a good strip of

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trees that have been there for quite some time, since the sixties, anyway, and in all this excavation and everything that they've done, they probably, you know, increased the mortality of those trees significantly. They also took all that topsoil that was dug up out of there and dumped it on top of the roots of the trees up on top of that hill, and they covered them with over five inches of soil. Probably half those trees are now going to be dead.

You know, it's okay; whatever. You can take the trees down, I guess, if you want to. It's your property. But I think Doraville also has tree ordinances involved and soil disturbance and things like that, I mean.

So I mean the idea that they don't want to build a parking lot because it's going to disrupt trees is probably not really accurate because they've already disrupted all kinds of trees and without much regard for it.

And I don't think anybody in the neighborhood would mind them building a parking lot on the large amount of property that they have anywhere else. I mean why not?

COUNCILMEMBER PITTMAN: Do you feel that if it was left as-is, it would be a benefit to the

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citizens in that area?

MR. WILLIAMS: I'm always agreeing with Doraville building sidewalks anywhere that there aren't sidewalks. I mean I helped Doraville build sidewalks before. We need sidewalks in this town. Any sidewalks you build, that's good. Parking on them, that's bad.

COUNCILMEMBER PITTMAN: Well, if we owned them, then they obviously couldn't park on them. Is that correct?

ATTORNEY WEED: That's my official opinion.

MR. WILLIAMS: The state law doesn't say if you own the sidewalk you can park on it. The state law says thou shalt not park on sidewalks unless directed to do so by officers of the law.

COUNCILMEMBER PITTMAN: Okay. Thank you.

MAYOR JENKINS: Thank you.

MS. KOONTZ: Can I say something?

COUNCILMEMBER PITTMAN: Stephe wanted to say something. She came in late.

MAYOR JENKINS: We made a motion to let Mr. Williams speak. We've already went through it.

Do I have a motion?

COUNCILMEMBER ALEXANDER: I feel like this unfortunately has been a Catch 22 situation and I do

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believe that the school tried to do what they thought was right and possibly didn't get all the information that was needed. And it's very confusing when you go to Dekalb County. You're shipped around to multiple departments.

I feel like the sidewalk will be a benefit to the citizens of Northwoods.

I hope that our staff is now well-versed in what is right-of-way and what is the City's responsibility so that a situation like this does not repeat itself, Mr. Weed. I think you're --

ATTORNEY WEED: They have been --

COUNCILMEMBER ALEXANDER: -- nodding your head.

ATTORNEY WEED: -- duly informed, Councilman, and in fact the staff have generated the first draft of a sidewalk ordinance, which I intend to have on your next agenda.

COUNCILMEMBER ALEXANDER: And I do share the concerns of Rabbi Paul about safety and additional parking being needed for the property. As I explained it, that wasn't really an issue when it was an elementary school and we weren't allowed to drive.

So I make a motion to approve the offer of $6,000 for the City to purchase the sidewalk as

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1 constructed on Raymond Drive.
2 COUNCILMEMBER PACHUTA: I'll second.
3 MAYOR JENKINS: Any more discussion?
4 COUNCILMEMBER ROCHE: I have just a couple
5 of things.
6 First of all, again, I do sympathize. I
7 understand. But you know, I don't know how many times
8 we've set up here and voted to not -- You know,
9 apparently the government, when we screw up, it's
10 tough. We hear that over and over and over again up
11 here. And this is not the first time the staff has
12 either given wrong information or treated people the
13 wrong way or whatever, and we let that slide, and I
14 don't know why suddenly we're willing to change that
15 around.
16 I think that anyone -- if I was going to
17 build anything, I would know I'd need to have a
18 building permit. And so essentially, you know, what
19 this kind of boils down to is someone that wanted to
20 build a parking lot, wanted to add additional parking
21 to their property, and maybe they didn't get the right
22 answers. But personally, just me, before I ordered a
23 cement truck, I would make sure I've got all the
24 paperwork straight. I would just have to. I mean I'm
25 not a builder or anything but it just seems to make a

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1 lot of sense.
2 And then to turn around and instead of
3 charge people -- Normally when people build things
4 without a permit, they're penalized. And here what
5 we're doing is we're basically saying, well, we'll
6 give you $6,000.
7 We don't know what it cost to build it. I
8 don't know what it cost. Frankly, I don't know.
9 Maybe it was $20,000 for all I know; maybe it was
10 $1,000.
11 So for those reasons, there's no way. I
12 just can't support this, I'm afraid.
13 MAYOR JENKINS: Do I get a second?
14 COUNCILMEMBER PACHUTA: I seconded it.
15 MAYOR JENKINS: Oh, okay. Any more
16 discussion?
17 COUNCILMEMBER PITTMAN: I empathize with the
18 situation.
19 I guess my concern is, though, if the
20 sidewalk is not done correctly, are we going to also
21 have that additional expense of, once we get our
22 sidewalk standards in place, of fixing that?
23 ATTORNEY WEED: Well, right, wrong or
24 indifferent, it's good to be the government. You can
25 elect to dig it up and, you know, replace it. You can

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1 leave it in place.
2 Throughout Doraville, there are different
3 sidewalk standards. I'm sure there are three-foot
4 sidewalks out there right now. I'm quite sure there
5 are broken, cracked, and you know, sidewalks in
6 disrepair. You are under no legal obligation to, you
7 know, replace every sidewalk that has a crack in it.
8 Should you? Ideally, yes, you should, but you get to
9 the work when you can get to it.
10 So that's the answer to that question,
11 legally.
12 MAYOR JENKINS: Any more discussion?
13 COUNCILMEMBER FLEMING: Well, I sympathize
14 with Rabbi Paul and Yeshiva High School also. But I
15 have a neighbor in our neighborhood who's quite
16 elderly, and she fell on her driveway because it's
17 cracked. And her daughter went to hire a contractor
18 to dig up and repair their driveway. And the cement
19 truck was on its way, and code enforcement fortunately
20 caught them before the cement truck arrived, because
21 they didn't permit. And because they did not permit,
22 they have a dug-up -- a dug-up driveway with no
23 concrete now. So what's good for a resident is also
24 good for a private school.
25 COUNCILMEMBER PACHUTA: I guess just my

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1 feeling on this is that they did come out, the City
2 did come out, and then what they were told, they did
3 not need a permit versus that they needed a permit.
4 So that's how I would distinguish that situation.
5 COUNCILMEMBER PITTMAN: And I'm all about
6 sidewalks. I am just not sure this is a good
7 sidewalk, and I looked at it. And if it was a good
8 sidewalk, I might be more prone to support purchasing
9 it, but it just doesn't look like, in my opinion, what
10 a sidewalk should look like, from what I've seen.
11 So again, I empathize. I don't know that I
12 could support us purchasing a sidewalk that's not done
13 properly.
14 MAYOR JENKINS: Call the roll, please.
15 CLERK BRYANT: Councilmember Alexander?
16 COUNCILMEMBER ALEXANDER: Yes.
17 CLERK BRYANT: Councilmember Fleming?
18 COUNCILMEMBER FLEMING: No.
19 CLERK BRYANT: Councilmember Pachuta?
20 COUNCILMEMBER PACHUTA: Yes.
21 CLERK BRYANT: Councilmember Pittman?
22 COUNCILMEMBER PITTMAN: No.
23 CLERK BRYANT: Councilmember Roche?
24 COUNCILMEMBER ROCHE: No.
25 COUNCILMEMBER ALEXANDER: So Mr. Weed, what

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is the next step? A court order telling them to undo the construction?

ATTORNEY WEED: We'll take whatever action is necessary to have them remove that sidewalk. It's in our right-of-way. It's got to be removed. And if they take exception to that, we'll see what happens in a court of law.

MAYOR JENKINS: Motion carried to remove the sidewalk.

COUNCILMEMBER ALEXANDER: No, sir, there was no such motion.

COUNCILMEMBER FLEMING: No.

COUNCILMEMBER ROCHE: Well, actually, I made the motion but it was withdrawn.

MAYOR JENKINS: Excuse me?

COUNCILMEMBER ROCHE: Actually I made that motion, but it was withdrawn for lack of a second, that would have done the same thing.

COUNCILMEMBER FLEMING: We had made that motion, Mayor --

COUNCILMEMBER ROCHE: Right.

COUNCILMEMBER FLEMING: -- and it was withdrawn.

RABBI PAUL: We can dig it up if you want. You can all go out. If you want it, it's our present

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to the city if you don't want to pay it for the expense of the whatever it is. Like I said, I think it's safer the way it is now than us digging it up again, and it would save us a bunch of expense to go back and re-dig it up.

But if you like it, you can keep it; if you don't, then Mr. Weed will be in contact with me, so that's another question. Our gift to Doraville.

COUNCILMEMBER PITTMAN: Thank you.

MAYOR JENKINS: Thank you, sir.

ATTORNEY WEED: Well, let's discuss that. Do you want to keep the sidewalk or not? That's a Council decision. It's not a staff decision.

You're being offered this free sidewalk. Or do you want the sidewalk or whatever you want to call it, do you want it removed? I mean that's not a decision that staff can make.

COUNCILMEMBER FLEMING: Well, I think it's a legal issue too where the two parties get together and sign an agreement that that's what they're doing: they're giving us the sidewalk.

ATTORNEY WEED: That part's done. I mean I take the Rabbi at his word that he just gave us the sidewalk.

But you're the other party. Do you want the

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sidewalk?

- - -

(Inaudible discussion at Council table)

- - -

ATTORNEY WEED: You can always say no.

COUNCILMEMBER FLEMING: I don't want them to go to any more expense than they've already gone to as far as digging it back up and putting additional concrete down to make it the way it was before. So obviously, I'm going to say yes, we will take the sidewalk the way it is.

COUNCILMEMBER ROCHE: Can I build a porch on my --

MAYOR JENKINS: Without any compensation; is that right?

COUNCILMEMBER FLEMING: That's right.

COUNCILMEMBER ROCHE: If I build a front porch --

MAYOR JENKINS: Do you make that in the form of a motion?

COUNCILMEMBER ROCHE: Sorry.

COUNCILMEMBER FLEMING: Yes, sir.

MAYOR JENKINS: Okay.

COUNCILMEMBER FLEMING: I make a motion to accept --

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ATTORNEY WEED: The sidewalk donation.

COUNCILMEMBER FLEMING: -- accept Rabbi Paul's donation of the sidewalk at Yeshiva High School as property of the city of Doraville.

MAYOR JENKINS: Do I get a second?

COUNCILMEMBER ROCHE: I'll second that.

MAYOR JENKINS: Discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: 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: Thank you.

COUNCILMEMBER ROCHE: Sorry for all the --

COUNCILMEMBER PITTMAN: Thank you.

RABBI PAUL: Thank you for your time, ladies

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and gentlemen.
MAYOR JENKINS: Very sorry it worked out that way.
We're going to take a 10-minute break.
- - -
(Brief recess)
- - -
MAYOR JENKINS: Do we have any reports from department heads?
COUNCILMEMBER PITTMAN: The department heads are in the hallway.
MAYOR JENKINS: Okay.
COUNCILMEMBER ALEXANDER: Mr. Strickland.
MAYOR JENKINS: We got public comments on agenda items, the rest of the agenda items.
Joe Frank. Joe, do you want speak on agenda items?
MR. FRANK: Thank you.
MAYOR JENKINS: Three minutes, sir.
MR. FRANK: Thank you, Mr. Mayor, ladies and gentlemen of the City Council.
I was just informed beginning of last week that some letters were sent out by I guess it was Haeberlin, by the city planner. And anyway, on a number of occasions, I came up before the City

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Council, and I was always told by the Mayor and by Bob and by Brian and by us, and which was also acknowledged by the then-City Council -- which Ms. Pachuta was not a member of at the time, and I don't recall if Maria was in at the time or not but she might have been -- that everything that was existing would be grandfathered in.
And it appears to me that now Mr. Haeberlin just decided that he's not going to have any grand-fathering. So I don't know. I don't know whom to believe any more. I would assume the City Council has set it in good faith, set it where it's supposed to be. I would assume that he just willy-nilly decided that he's going to do something different.
So my question then becomes, who is running the city? Is the City Council running the city? Is it Haeberlin running the city? Who am I supposed to believe? Who am I not supposed to believe?
But the fact is that these businesses have been there for 19 years, 20 years, 25 years, they are businesses that have been in the city for quite a while --
MAYOR JENKINS: Excuse me, sir.
MR. FRANK: -- and now they are not grandfathered in.

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MAYOR JENKINS: Which agenda item are you speaking on?
MR. FRANK: I'm sorry, sir?
MAYOR JENKINS: Which agenda item are you speaking on?
MR. FRANK: Oh. I'm speaking about pawn shops, pawn shop regulations and I'm just sort of --
COUNCILMEMBER ROCHE: You may want to repeat what you said. I don't think some of the Council people were listening, frankly.
COUNCILMEMBER ALEXANDER: No. We --
COUNCILMEMBER PITTMAN: We heard you.
COUNCILMEMBER ALEXANDER: -- were listening.
MR. FRANK: Oh. I'm sorry. I apologize. Is this thing working?
COUNCILMEMBER PITTMAN: It is.
MR. FRANK: Okay. Well, what I was basically saying is that for the past number of years, I was coming before the City Council and bringing up the issue that existing businesses whether or not they were grandfathered in, and I was always told that the existing businesses were grandfathered in, that all those new changes that are being made and that are being added were valid for the new businesses only, not for the -- for the old businesses.

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And what I'm saying now -- and now we're getting a letter from the city planner that even though the businesses have been there for, you know, 20 years or 15 years or some businesses have even been there for as much as 25 and 30 years, that they are not being grandfathered in.
MAYOR JENKINS: Okay. Your time's up.
MR. FRANK: Okay.
MAYOR JENKINS: Next?
MR. CHAMBERS: My name is Richard Chambers, New Peachtree Road, and I'd like to give my time to Joe, please.
MR. FRANK: Continuing where I left off, so then my question becomes, I really don't know whom to believe any more. I'm sure the City Council is acting in good faith. Certainly I always hoped so, and I still believe that they are. But it seems to me that there is a great contradiction between what the City Council is doing and saying and what the employees such as Haeberlin are doing and saying, or the city planner, whatever. Correct me if I have his name wrong, forgive me.
But so we got a great difference here, and it's creating a lot of problems. So I think that there were originally -- I mean there were like I

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1 believe two pawn shops in the city of Doraville.
2 There was one car title place in the city of Doraville
3 for most of the time during the past, I believe, three
4 years. You may correct me on that, but it's
5 approximately three. All of a sudden, three more car
6 title places opened up and one other pawn shop opened
7 up, and now all of a sudden they are coming back and
8 saying, "Well, we don't want all these pawn shops
9 here. We're just going to boot everybody out."
10 And you know, if it was approved and now
11 there are too many, well, okay, so eliminate the ones
12 that were recently put in that were put in not under
13 the code that you-all passed but they were put in, and
14 leave in the ones that were put in under the old codes
15 that were -- they were allowed -- they were already in
16 business for the past 20 years.
17 Two pawn shops and one car title place for a
18 city of 10,000 is not too many. And I would like --
19 hope that you are going to consider that these people
20 all put in their life's work into those businesses and
21 now they are ready to get booted out.
22 I would appreciate that. Thank you very
23 much, Mr. Mayor, Honorable City Council; thank you.
24 MAYOR JENKINS: Next?
25 MR. CRAWFORD: Ben Crawford, Oakcliff

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1 Estates.
2 I'd actually disagree with Mr. Frank. I
3 think the City has set up -- The City Council is, I
4 believe, the legislative body that votes and enacts
5 ordinances. The Mayor runs the city and the staff,
6 you know, takes care of different functions within the
7 city. That's the way it is. That's the way it's
8 been.
9 Whether it ran totally efficiently or not,
10 sometimes it probably hasn't. No state government or
11 federal government or city government or county
12 government does a hundred percent of the time. It's
13 like any other business or any other form of govern-
14 ment. It's always a work in progress. That's why
15 they call it democracy.
16 But one thing I'd like to point out is these
17 upstanding businesses, title pawn shops. Well, title
18 pawn shops are for people that are down on their luck,
19 and I think that they've -- Georgia's had a real
20 problem with title pawn shops charging perhaps 300
21 percent interest. Hmmm. Good business for the city.
22 Pawn shops. Pawn shops categorically -- and
23 this is just my jaded view on it -- bring a lot of
24 unsavory characters to the city. The fact that these
25 were in here before illegally, they were, by city

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1 zoning, and if they've got issued in error, a license
2 before, that doesn't mean the City has to make the
3 same mistake again, and I hope they won't.
4 I do realize there was an ordinance put up
5 for conditional use, and I believe it got passed the
6 other night. If that's what we need to do, then
7 that's what we need to do. Then they'll be
8 conditional.
9 But I look for further regulations on pawn
10 shops in the city of Doraville. Thank you.
11 MAYOR JENKINS: Thank you.
12 MS. KOONTZ: Stephe Koontz. I want to speak
13 on two items.
14 One is on the pawn shop stuff. I think that
15 we have to be careful about -- and especially in this
16 economy, of outlawing more businesses or telling
17 people they can't operate here. There's already a lot
18 of empty spaces on Buford Highway, and more empty
19 buildings is not going to make the area better.
20 You run more people out of business,
21 eventually the tax base goes down and the only option
22 is to raise property taxes.
23 So we've already said we don't want the
24 wholesale people here; they all need to leave. Now
25 we're saying the pawn shop people need to leave, and I

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1 don't know who else we're going to include in that
2 list. There's not going to be any businesses left,
3 and if y'all want to fund the city with your property
4 taxes, that's great, but I don't want to.
5 So I think y'all need to really think about
6 these people that have been in business for 20 years,
7 telling them to leave, because they must have been a
8 fairly successful business to be around that long.
9 On the driveway thing, I think most of the
10 problems that we're seeing with the driveways that we
11 might be trying to correct here isn't the driveway
12 material but more the code that's already in place
13 about driveways, such as the widths of driveways,
14 which are already limited to like 24 feet, and putting
15 in driveways where there's no curb cuts where these
16 properties have two and three driveways on them which
17 are already not illegal -- I mean already are illegal.
18 So I think if we just enforce the current laws that we
19 have regarding driveways, we would eliminate most of
20 the problems with trying to correct by going after
21 somebody who's got like a parking pad in their back
22 yard for a motor home.
23 Thanks.
24 MAYOR JENKINS: Thank you.
25 MR. HART: A couple things. The thing on

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1 Central Avenue would take a couple of days to comment
2 on, so I'm going to skip over that.
3 The Halpern Park stream restoration. I
4 talked to DNR, which is the Department of Natural
5 Resources -- they are to protect the streams and
6 forests and parks of the state of Georgia -- and they
7 were quite unaware that they had given money for a
8 tennis court.
9 Now, mind you, the DNR is there to protect
10 streams and natural resources of the state. And they
11 didn't know the City of Doraville was going to put a
12 tennis court on top of a stream, and in order to do
13 that, they had to fix the stream first and put a pipe
14 in it. That was big news with them. Okay?
15 So their only goal is to protect the streams
16 and forests, yet, they're funding the City of
17 Doraville to put a tennis court on top of a stream and
18 put in a pipe. So we're going to put the pipe in and
19 then we're going to put the tennis courts on top of
20 the stream.
21 The tennis courts could be moved over 25
22 feet and save the City of Doraville and the taxpayers
23 two or three hundred thousand dollars. You got a set
24 of drawings. It's easy to take the eraser out and
25 erase the pencil line, like the telephone poles across

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1 the street, and fix it before you build it.
2 I think this is another case where the City
3 is going to get another black eye. They choose to do
4 it, they're knowingly doing it, and it just takes an
5 eraser and pencil and move the tennis courts over.
6 And also it's the only park in the city that
7 has a parking lot in the middle of it. Name one other
8 park in the city where you have a parking lot in the
9 middle of the park.
10 As far as the pawn shops, the city of
11 Doraville was successful 20 years ago. It was a
12 commerce center, they had a lot of businesses here,
13 and there were two or three pawn shops in the city at
14 that time. All the Johnny-come-latelies have come in
15 here in the last couple of years.
16 I think you need to address the last couple
17 that have come in here, and the people that operated a
18 business successfully in the city for 20 years or 25
19 years, that needs to be taken into consideration.
20 Thank you.
21 MAYOR JENKINS: Anybody else?
22 MR. ANDERSON: Stuart Anderson.
23 I agree with Mr. Hart and Mr. Frank on the
24 involvement of old businesses, quote/unquote, grand-
25 fathered businesses versus recent businesses.

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1 At the end of each zoning chapter in our
2 zoning book, it says that the City Council can approve
3 similar businesses, et cetera. Some of these things
4 have been here 25 years, 22 years, whatever it is.
5 Disagree with me, Murray, but that is tacitly a fact
6 that the City Council has agreed to allow those
7 businesses for 20-some years. I think it certainly
8 opens up the City for a lawsuit if you try to kick out
9 businesses that have been here, run successfully and
10 not had a bunch of arrests,
11 et cetera, et cetera, for long periods of time.
12 Another issue in that thing is making old
13 businesses like that or established businesses become
14 CUPS, use permits, so that they have to be reviewed
15 every year. It's a further infringement on their --
16 on their rights, shall we say.
17 As far as the sidewalk goes, Central Avenue,
18 if we're not ADA compliant, anyway, why are we
19 bothering to buy land from the people and put extra
20 strips down at all? My first question, I suppose, is
21 why we had a sidewalk on that side, anyway, because of
22 the poles. But why are we continuing to do this so
23 that we're ADA compliant in some strange way when it
24 doesn't require that we be ADA compliant? It seems
25 like -- I won't say bad money after bad, but it

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1 doesn't seem like common sense.
2 My other thing on the sidewalk is who got
3 the granite slabs? Those granite slabs, if we keep
4 claiming that we own that right-of-way, those granite
5 slabs that they took out of there are worth a fortune.
6 We could do all sorts of landscaping work with them,
7 stuff in parks, as it were, all over the place. Those
8 slabs should be ours if they took them out, and that
9 right-of-way is ours. They're wonderful things to do
10 construction with. Who got them?
11 MAYOR JENKINS: We kept those.
12 MR. ANDERSON: We kept them.
13 MAYOR JENKINS: Yes, sir.
14 MR. ANDERSON: Excellent. Excellent answer.
15 Thank you very much.
16 I shouldn't ask what we're going to do with
17 them, but I will eventually. Thank you very much.
18 MAYOR JENKINS: Woodall Roofing. Oh, that's
19 Rhonda's item, but we're renewing it.
20 Do you have the amount of time we need to
21 renew that?
22 CLERK BRYANT: She said that --
23 MAYOR JENKINS: Excuse me?
24 CLERK BRYANT: She said that everybody knew
25 and that you guys were going to decide how long you

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1 wanted to renew it for based on the number of
2 complaints, if any.
3 MAYOR JENKINS: We have heard no complaints.
4 Has any of the Council had any complaints?
5 COUNCILMEMBER ROCHE: No complaints. Now
6 they're trying to move -- Are they trying to move it
7 to 4:00 a.m. or was it --
8 CLERK BRYANT: You already --
9 COUNCILMEMBER ROCHE: -- already at 4:00
10 a.m.?
11 CLERK BRYANT: She said you already approved
12 it to 4:00 a.m. the last time.
13 MAYOR JENKINS: Just renewal.
14 CLERK BRYANT: They're just renewing to
15 whatever they have already.
16 COUNCILMEMBER PACHUTA: They already did.
17 And I think we stated that if we got any complaints,
18 it would immediately revert back to ...
19 COUNCILMEMBER ROCHE: I don't remember it
20 being 4:00 a.m. I'm sorry.
21 CLERK BRYANT: They already approved that
22 last time. They're just renewing. Whatever it is
23 now, just extending the number of days.
24 COUNCILMEMBER ROCHE: I don't remember it
25 being 4:00.

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1 COUNCILMEMBER PACHUTA: Ms. Alexander is
2 checking the minutes.
3 COUNCILMEMBER ALEXANDER: (Reading)
4 Councilman Bates: I make a motion to extend the
5 special noise permit to 4:00 a.m. effective tomorrow,
6 the 17th of August, with the same stipulations as the
7 5:00 a.m., and so if we get any noise complaints,
8 we'll be back.
9 COUNCILMEMBER FLEMING: In those minutes,
10 did he indicate when the contract was going to end or
11 when his completion date was expected? Didn't he say
12 something like September/October?
13 COUNCILMEMBER PACHUTA: He was looking -- I
14 can't remember if it was September or October but it
15 wasn't much longer.
16 COUNCILMEMBER ALEXANDER: I don't see that,
17 just glancing.
18 MAYOR JENKINS: How long did we extend it
19 for this past time?
20 COUNCILMEMBER FLEMING: We only did it for
21 two weeks, I think, didn't we?
22 COUNCILMEMBER PACHUTA: I think it was
23 three, until this meeting. We made it specific to a
24 night that we had a meeting.
25 COUNCILMEMBER ALEXANDER: Ms. Fleming

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1 suggested 60 days and then Mr. Roche said he would
2 rather it be two weeks.
3 MAYOR JENKINS: Okay.
4 COUNCILMEMBER ROCHE: I don't see the
5 minutes on the web site.
6 COUNCILMEMBER ALEXANDER: We just approved
7 them this evening. They're not posted yet. We just
8 approved them tonight, Mr. Roche.
9 MAYOR JENKINS: How long are we going to
10 extend it for?
11 COUNCILMEMBER ROCHE: I'd be okay with 30
12 days.
13 MAYOR JENKINS: 30 days. Make a motion?
14 COUNCILMEMBER ROCHE: I make a motion we
15 extend the current special noise permit for 30 days.
16 That would take it to October 7th.
17 MAYOR JENKINS: Second?
18 COUNCILMEMBER ALEXANDER: Second.
19 MAYOR JENKINS: Call the roll.
20 CLERK BRYANT: Councilmember Alexander?
21 COUNCILMEMBER ALEXANDER: Yes.
22 CLERK BRYANT: Councilmember Fleming?
23 COUNCILMEMBER FLEMING: No.
24 CLERK BRYANT: Councilmember Pachuta?
25 COUNCILMEMBER PACHUTA: Yes.

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1 CLERK BRYANT: Councilmember Pittman?
2 COUNCILMEMBER PITTMAN: No.
3 CLERK BRYANT: Councilmember Roche?
4 COUNCILMEMBER ROCHE: Yes.
5 MAYOR JENKINS: Thank you.
6 Steve, come on up, please, sir.
7 Halpern Park Streambank Restoration
8 contract.
9 MR. STRICKLAND: I gave you all a memo and
10 the proposal matrix. Just wanted to be here to answer
11 any questions you might have had.
12 COUNCILMEMBER ALEXANDER: Can you explain
13 exactly what this entails?
14 MR. STRICKLAND: Basically, we will be
15 hiring an engineering firm to do four things: design
16 it, permit it, do the construction RFP, and then
17 actually be the project manager for the actual
18 construction. So basically, it's design and
19 permitting of the project.
20 COUNCILMEMBER ALEXANDER: For the entire
21 length of the stream in the park?
22 MR. STRICKLAND: Yes, ma'am.
23 COUNCILMEMBER ALEXANDER: And this is coming
24 out of the stormwater budget.
25 MR. STRICKLAND: Yes, ma'am.

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MAYOR JENKINS: $48,100; right?
MR. STRICKLAND: Yes, Mayor.
MAYOR JENKINS: Is this the third phase or the second?
MR. STRICKLAND: No. This is Halpern Park. This will be -- you know, we want to do it one phase, not phase it out. It's only -- you know, it's relatively short.
MAYOR JENKINS: Okay.
MR. STRICKLAND: You know, it's shorter than the one we did at Autumn, Autumn Park.
COUNCILMEMBER FLEMING: Now, does this particular contract that we're looking at this evening have anything to do with designing a pipe in the stream?
MR. STRICKLAND: We had an evaluation of that, of that stream, by an ecological consultant, and there's basically two proposals that they put out there. You can either pipe it or you can just build a wall at the -- because, you know, we have the existing tennis courts literally at the stream.
From talking with everyone that came and picked up a packet and further discussion with them, I can't say for sure what they're going to design when they do those proposals but I believe we're going to

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be able to build a wall and not pipe the stream.
Piping the stream would involve -- well, you would incur more costs because then you have to go to FEMA and you actually have to mitigate flood plain. So not only would the construction be more, that's a different permit just to get what's called a letter of map revision from FEMA, because you are revising the flood plain elevations. It's just additional cost.
So I believe that the solution is going to be a wall and not piping, but, you know, this is a contract to design it, so I can't say what the design is going to be. We may be asking for, you know, alternatives, you know, just look at designing it with a pipe and look at designing it without a pipe, which was the recommendation back from the original consultant: "You can do this or you can -- you don't have to do that," because piping is just much more involved, basically because it is a -- it is a FEMA flood zone.
COUNCILMEMBER FLEMING: Okay. Thank you.
COUNCILMEMBER ROCHE: Could we accept this and somehow stipulate that it would not be a pipe as far as the design?
MR. STRICKLAND: Well, I don't want to -- I don't want to do the engineer's job. I want them to

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be able to design it, I guess, as best they see fit. I don't think they're going to -- I think we can get a design -- you know, that they're not going to pipe it, but I don't -- Until it is actually designed, I don't want to ...In other words, I don't want to design it. I'd like to let a professional do that.
COUNCILMEMBER ROCHE: I understand. I guess we're --
COUNCILMEMBER FLEMING: But they're going to be using the ecological study and survey that was done to determine what the design's going to be; correct?
MR. STRICKLAND: Right, and there's two alternatives. There's two design alternatives.
COUNCILMEMBER FLEMING: Okay.
MR. STRICKLAND: And I guess we could stipulate and, you know, say, "We want you to design it without a pipe," but I wouldn't want the hydro analysis to come back and say, "This is what we need to do."
In other words, I don't want to be -- I don't want to engineer the project.
COUNCILMEMBER ROCHE: Well, I guess my concern is what if they come back with a design that includes piping the stream and the Council doesn't want to pipe the stream? Then what? They have to go

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back and redesign?
MR. STRICKLAND: I mean do we want to make that type of engineering decision?
COUNCILMEMBER ROCHE: Well, you say we have alternatives here, you know, one's a wall, one's a pipe. Do we prefer to have an open-air wall versus putting the stream in a pipe? Seems like we did that someplace else, and I never hear the end of it.
MR. STRICKLAND: Yeah.
COUNCILMEMBER ROCHE: Anyway, that was before my time, but whatever.
MR. STRICKLAND: What I would suggest is that, you know, that they give us -- I mean we could tell them design it with a wall or we could say give us the two alternatives and, you know, we can look at it.
Like I said, I would feel -- I would say, you know, if I had to guess, from speaking with them -- just understand they have not designed it yet -- they look at and say, "Okay, here are our options." I mean I do believe that we will be building a wall.
COUNCILMEMBER FLEMING: And you made the comment that if we put a pipe in the stream, it would be more costly --
MR. STRICKLAND: Yes, ma'am.

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COUNCILMEMBER FLEMING: -- and we would have a lot more regulations that we would have to adhere to.
MR. STRICKLAND: Yes, ma'am.
COUNCILMEMBER FLEMING: Now, if a wall is suitable --
MR. STRICKLAND: Yeah, I want --
COUNCILMEMBER FLEMING: -- and -- and will be compatible and not fall into the stream --
MR. STRICKLAND: No. We would definitely --
COUNCILMEMBER FLEMING: -- then that's the way that I would want it designed to begin with.
MR. STRICKLAND: Okay.
COUNCILMEMBER ALEXANDER: I think I would rather defer to the experts. Granted, we're not -- as far as I know, no one up here has a degree in hydrology. I think I'd rather defer to the experts and see what design comes back and then go from there.
And they will be available to answer any questions that we may have. And Council has to be diligent when they get those plans and they get the information, and they do the research, do their homework and come to the table with any questions they have for any of those engineers.
COUNCILMEMBER ROCHE: But didn't the experts

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say here's two alternatives -- one's putting the stream in a pipe and one's building a wall?
COUNCILMEMBER ALEXANDER: That's not the engineer for the construction of it.
COUNCILMEMBER ROCHE: So --
COUNCILMEMBER ALEXANDER: That was the ecological --
COUNCILMEMBER ROCHE: Experts. Okay.
COUNCILMEMBER ALEXANDER: -- review.
MR. STRICKLAND: You could do either one because you're trying to shore up that bank --
COUNCILMEMBER ROCHE: I understand.
MR. STRICKLAND: -- existing. So basically have, you know, two options.
What I'm afraid of, if they come back and just flat out say, "We looked at the engineering of a wall and it can't be done."
COUNCILMEMBER ROCHE: Well, then, at that point, we could look at alternatives.
Right now the experts have given us two options, and I like the one expert option better than the other option.
MR. STRICKLAND: I would say three firms said pipe it and ten firms said a wall. So I think we're headed in that direction. I just don't know if

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we want to --
COUNCILMEMBER ROCHE: That's why we call it a democracy.
MR. STRICKLAND: -- if we want to limit them to, "You must design it this way, but" --
COUNCILMEMBER PITTMAN: I do tend to agree with Ms. Alexander. I'd rather wait. But certainly everyone needs to do their homework once we get that information back.
MR. STRICKLAND: Yeah. It's just kind of funny. We're hiring a firm to design it. Until they design it, we don't know what the design is. We're taking it one step at a time.
MAYOR JENKINS: Any more questions?
- - -
(No response)
- - -
MAYOR JENKINS: Do we have a motion?
COUNCILMEMBER FLEMING: I'd like to make a motion to award the design contract to Clark Patterson for $48,100 to design the Halpern Park streambank restoration.
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: More discussion?
COUNCILMEMBER ROCHE: When you say

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"streambank restoration," that means building a wall; right? not necessarily putting in the pipe?
That's what it sounds like to me. I'm sorry.
MR. STRICKLAND: If we didn't have --
Okay. Best-case scenario is you don't have a tennis court existing next to your stream. But, unfortunately, we have that.
The rest of that stream, you probably won't have to do walls; you just pull back the slopes, armor them, establish, you know, proper vegetation and stuff like that. But we have to -- we have to engineer something because we have an existing situation that is, you know, quite unusual.
COUNCILMEMBER ROCHE: Okay. Sorry to give you a hard time.
MAYOR JENKINS: Call the roll.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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.
MR. STRICKLAND: And thank you. That firm will be meeting with us and TSW, and we'll have several meetings where we discuss, you know, the design options, basically.
MAYOR JENKINS: Thank you, Steve.
MR. STRICKLAND: Thank y'all.
COUNCILMEMBER PITTMAN: Thank you.
COUNCILMEMBER ALEXANDER: Thank you, Mr. Strickland.
MAYOR JENKINS: Luke?
COUNCILMEMBER FLEMING: Mr. Mayor, I need to ask Mr. Strickland one quick question if you don't mind. I'm so sorry.
MR. STRICKLAND: No problem.
COUNCILMEMBER FLEMING: Are you leaving?
MR. STRICKLAND: Yes, ma'am, unless you --
COUNCILMEMBER FLEMING: Will we ever get to new business?
MAYOR JENKINS: Your guess is as good as mine. What are you concerned with on new business?
COUNCILMEMBER FLEMING: The conservation subdivision. I thought he was going to be here for

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that particular item, so that's fine.
MAYOR JENKINS: You want to stay a little bit?
COUNCILMEMBER FLEMING: No, that's -- we're way behind.
MR. STRICKLAND: Yeah. I need to --
COUNCILMEMBER FLEMING: I'll let you go.
MR. STRICKLAND: -- come up to speed with that. I believe we're just moving it.
ATTORNEY WEED: The recommendation of the planner is to move it from the zoning code into the building code.
COUNCILMEMBER FLEMING: And my comment to you is before I make a decision, I want to be sure that you as our arborist as well as our stormwater person have read the proposed ordinance in the draft form to make sure that you feel comfortable with it as written. So that's my comment to you, and --
MR. STRICKLAND: Okay.
COUNCILMEMBER FLEMING: -- maybe if we get that far, we can defer it to the next meeting.
MR. STRICKLAND: Okay. Well, I think we're -- I think we're -- The ordinance exists but it exists in zoning, and we're taking out existing ordinance and we're moving it into the building; so it's the

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ordinance as-is.
COUNCILMEMBER FLEMING: Okay.
MR. STRICKLAND: Are you asking that I take a look --
COUNCILMEMBER FLEMING: I want you to take a look at the draft of the ordinance that we are --
MR. STRICKLAND: Okay.
COUNCILMEMBER FLEMING: -- supposed to be adopting for the building code if you don't mind.
MR. STRICKLAND: Okay. I believe it's -- I believe it's pretty short, actually. I think it's -- it's like you're just -- you're modifying the existing subdivision ordinance --
COUNCILMEMBER FLEMING: Just do me --
MR. STRICKLAND: -- with different --
COUNCILMEMBER FLEMING: -- that favor and then --
MR. STRICKLAND: No problem, but I would --
COUNCILMEMBER FLEMING: -- we'll go from there. How does that sound?
MR. STRICKLAND: I would definitely need time to do that.
COUNCILMEMBER FLEMING: Thank you. Thank you.
MR. STRICKLAND: Okay.

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COUNCILMEMBER FLEMING: Thank you, Mayor.
MAYOR JENKINS: Thank you.
MR. HOWE: Thank you, Mayor.
We're simply, with this, we have gotten MARTA to agree to an amendment to the original grant.
And just to bring everybody up to speed, we were originally awarded $700,000, $90,000 to go to the demolition and reconstruction of the Park Avenue sidewalk making it ADA compliant and $610,000 going towards the design of the scope listed here.
You know, I can read that for you, but basically the design entailed. And this was all spelled out in the 2005 LCI with the assigned figures. New Peachtree Corridor Pedestrian Improvement project will include design of ADA ramps, mast arm signs, LED pedestrian countdown timers, textured sidewalks, signage at the intersection, and the same for Park Avenue.
So with those figures, we were going to overengineer this project, and now we have found an outlet for any residual funding, so -- And we have put together a proposal of sidewalks. We've chopped them up into fundable projects.
But staff's goal has been to create total sidewalk connectivity from Longmire, from the New

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1 Peachtree/Longmire intersection all the way to the
2 Chamblee border on Shallowford and New Peachtree Road
3 with at least one sidewalk going down Longmire and
4 upper Stewart. Now, these areas are not in the town
5 center area. In the town center area, like Park and
6 Central, you would want sidewalks on both sides. And
7 that's part of the design is to try to come up with a
8 design for Park Avenue sidewalk.
9 So this is a coup de gras. It took us
10 months to even get a meeting with MARTA. We chose the
11 Longmire -- New Peachtree/Longmire project because it
12 is outside of 285. That makes it ineligible for
13 community development block grant-funding which
14 typically goes to low-income areas.
15 Now, HUD looks at things through a very
16 broad spectrum, and so they generally view the out-
17 side perimeter area as affluent and higher-income.
18 They don't -- you know, they don't look through, you
19 know, a microscope at this particular area. So that
20 eliminates the HUD funding.
21 There's only one other source that sidewalks
22 come from and that's the federal Department of
23 Transportation, and that usually -- and over the last
24 few years, DOT has been giving that money to ARC to
25 allocate for LCI projects. That area of course is not

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1 in the LCI area, so that would eliminate that funding
2 source.
3 So this is a great opportunity to put
4 sidewalks in a place that desperately needs them, if
5 we have any money left over, which I'm sure we will.
6 COUNCILMEMBER ROCHE: How much of this is
7 for the Park Avenue sidewalk to tear it up and put it
8 back in?
9 MR. HOWE: $90,000.
10 COUNCILMEMBER ROCHE: $90,000?
11 MAYOR JENKINS: Is that for both sides?
12 MR. HOWE: That's for one side, Mayor.
13 MAYOR JENKINS: One side. Okay. The side
14 that has a sidewalk.
15 MR. HOWE: We did not assign these figures.
16 These figures were assigned by Grice or EDAW during
17 the LCI preparation.
18 COUNCILMEMBER FLEMING: Well, if I'm not
19 mistaken, Keck & Wood was awarded the contract to
20 design Park Avenue sidewalks and, if I'm not mistaken,
21 a quarter of a mile in front of the MARTA station.
22 And so their fee was going to be $600,000 to do the
23 walkways or the pedestrian frontage on New Peachtree
24 for that small area, and they've already given us a
25 quote that it would be $600,000 for that design and

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1 $100,000 for the construction of Park.
2 Now, even though MARTA has agreed to amend
3 the grant to be able to design the walkways all the
4 way to Longmire all the way to Buford Highway and
5 possibly Stewart like you mentioned, would Keck & Wood
6 have to come back to us and give us a quote on the
7 design of that area as well?
8 MR. HOWE: No, ma'am. You know, Mr. Weed
9 may have a different opinion, but they were awarded a
10 grant under the banner -- they were awarded that
11 contract under the banner of this grant. This is
12 expanding this grant. They had no idea that this
13 would be available. They quoted a figure based on
14 something that had been published, and every other
15 firm except for one quoted figures that were
16 comparable.
17 This information -- What ARC -- ARC is the
18 entity that dictated these initial quantities. It was
19 published. So the vendors who bid on this contract
20 went to the information that was published and they
21 assigned those same figures.
22 And to Keck & Wood's credit, they could have
23 walked away with $610,000 for a design that is
24 probably not anywhere worth that. And they said,
25 "Look, we're going to have a lot of money left over.

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1 Let's apply it to some material improvements," so, you
2 know, they deserve a lot of credit for that.
3 COUNCILMEMBER FLEMING: Who? MARTA or --
4 MR. HOWE: Well, both, actually.
5 COUNCILMEMBER FLEMING: Well, okay, but back
6 to my original question.
7 I think the contract with Keck & Wood is to
8 design a quarter of a mile in front of the MARTA
9 station and the one side of Park Avenue.
10 Now, do we have to renegotiate a contract
11 with them or amend that contract, Mr. Weed, to include
12 if there's any moneys left over, this is what we want
13 you to design?
14 ATTORNEY WEED: I think you would handle it
15 by doing a simple addendum to the original contract.
16 2-90 of your code clearly gives you the authority to
17 do that.
18 COUNCILMEMBER FLEMING: Thank you.
19 MR. HOWE: I'm simply asking to amend the
20 original contract with MARTA.
21 COUNCILMEMBER ROCHE: Well, one of the bids
22 that came in on this was what? $410,000? Maybe that
23 was because they were bidding on the scope of work
24 instead of the dollar amount that was available to
25 them.

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MR. HOWE: I don't think that has anything to do with what I'm here for tonight.
COUNCILMEMBER ROCHE: So we're trying to save some money that we would have lost because of our earlier actions, I guess.
MAYOR JENKINS: You actually want a motion to extend the contract.
MR. HOWE: This is not about Keck & Wood. This is about our agreement with MARTA and amending that agreement.
MAYOR JENKINS: Amend the contract.
MR. HOWE: Yes, sir.
MAYOR JENKINS: Okay.
COUNCILMEMBER PACHUTA: I make a motion that we amend our contract with MARTA to expand the scope of work as set forth in the agenda item.
MAYOR JENKINS: Okay. Can we get a second?
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.

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CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: No.
CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: I just don't feel comfortable with this. I'm going to vote no.
MAYOR JENKINS: Thank you, Luke.
MR. HOWE: Thank you, Mayor.
And a lot of credit goes to Heather Aldaheff who works with Perkins & Will. She was the one that got the meeting with MARTA that up until that point we could not get MARTA to do anything. So she does deserve a lot of credit.
MAYOR JENKINS: Maria?
COUNCILMEMBER ALEXANDER: Yes, sir. As discussed on previous agendas, December 31st of this year our current sanitation contract expires. I have given to members of Council, the Clerk's office and Mr. Weed a draft sanitation RFP item to review.
Mr. Weed, in correspondence with you, you suggested that we include a sample contract with that.
ATTORNEY WEED: Yes, ma'am.

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COUNCILMEMBER ALEXANDER: So I would like for you to have one prepared if you could by the next Council meeting, which I believe is the 20th if I'm not mistaken.
And if Council would review this and come back to me if you see any typos, corrections, information you want included before then, that way we can have another draft and we can have this ready to be posted on the web to start receiving responses by October 1. There is a timetable in here that I would like for us to try to follow as far as reviewing and responses and things of that nature.
I did have one question. I had e-mailed the questions out to department heads. Thank you, Major Atkinson, for responding, as well as did Ms. Stephens' department and Mr. Pittman's department.
How often are the recycling containers pulled for Honeysuckle?
CLERK BRYANT: Every week.
COUNCILMEMBER ALEXANDER: Every week.
CLERK BRYANT: Unless they're needed more often. We will call them.
COUNCILMEMBER ALEXANDER: Okay. So that will be one change I'll make is pull weekly, then. Okay.

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Any questions? comments?
COUNCILMEMBER ROCHE: Just one. I think the last time we were talking about how the current ordinance provides for twice per week service.
COUNCILMEMBER ALEXANDER: And that's included on the request for --
COUNCILMEMBER ROCHE: All right.
COUNCILMEMBER ALEXANDER: -- responses.
COUNCILMEMBER ROCHE: It also has one per week service.
COUNCILMEMBER ALEXANDER: That's correct.
COUNCILMEMBER ROCHE: So wouldn't we have to either fix our ordinance or not put out a bid for something that's against our ordinances?
COUNCILMEMBER ALEXANDER: I believe Ms. Fleming and I have brought that point up to Mr. Weed that that language needs to be removed from the ordinance.
ATTORNEY WEED: Yes, ma'am. According to the Council policy, until you authorize me to do it, I can't change it. So I'll be happy when you tell me to change it, which I'll take that as a yes; if you-all agree, I'll change it.
COUNCILMEMBER PACHUTA: Do we need to change it before we decide based on the bids whether we're

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1 going to increase back up to two times a week? Can we
2 ask for bids on both and then --
3 ATTORNEY WEED: Well --
4 COUNCILMEMBER PACHUTA: -- depending on our
5 decision?
6 ATTORNEY WEED: -- since you've asked me,
7 the first thing I think you need to decide would be
8 how much involvement do you want as a government in
9 trash collection?
10 You know, constitutionally it's been
11 challenged time and time again, and the courts have
12 universally held that you could simply take over all
13 trash collection, you could eliminate all private
14 contracts with regard to trash collection, you could
15 become the sole-source provider, you can have your own
16 people do it or you can contract it out to another
17 entity.
18 So what I would advise you to do is figure
19 out what you want. Do you want uniform trash cans
20 with your City logo on them to identify that they're
21 the City's? Do you want logos on the dumpsters? Do
22 you want them to be a particular type of dumpster?
23 These are all options that you've got. Or if you
24 choose not to go that route and you simply want
25 someone to pick up the trash and you don't care what

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1 receptacle it's in, you can do that too, so --
2 COUNCILMEMBER ALEXANDER: Not to interrupt,
3 but in the verbiage of the sample RFP, it's
4 contractor-owned containers.
5 ATTORNEY WEED: What I would advise you to
6 do is make those decisions first.
7 And the Councilman's done a great job of
8 providing an RFP but she's done what was reflective of
9 the past. And if you want to continue to do that, you
10 can, or if you want something added, you can, and now
11 is your opportunity to do that.
12 COUNCILMEMBER ALEXANDER: I also included
13 feedback from Council members.
14 ATTORNEY WEED: I know you did, Councilman.
15 COUNCILMEMBER ALEXANDER: Okay. I didn't
16 just copy what we did in the past.
17 ATTORNEY WEED: You've asked for feedback,
18 and I'm sure you got some.
19 COUNCILMEMBER FLEMING: I think Ms.
20 Alexander has done an outstanding job with the RFP
21 that she's written. And when it comes time for us to
22 correct the ordinance that we have, since it's in our
23 city code of ordinances, it won't take a 30-day public
24 hearing and it won't need to be advertised, et cetera,
25 et cetera.

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1 So you know, I don't have a problem with
2 leaving the ordinance the way it is right now until we
3 make a decision on how many days a week we want
4 garbage pickup. So I'm all for coming back on the
5 20th with any corrections that need to be made for
6 this particular ordinance -- I mean RFP.
7 COUNCILMEMBER ALEXANDER: And a sample
8 contract, please, Mr. Weed?
9 ATTORNEY WEED: Yes, ma'am. But I want to
10 clarify, though. The sample contract I'm going to do
11 is going to be pretty generic until the Council makes
12 some affirmative decisions about what they want.
13 If they approve the sample RFP tonight, I
14 can do a contract based upon as close as I can to the
15 RFP.
16 COUNCILMEMBER ALEXANDER: I'm not
17 comfortable with them approving something they haven't
18 read yet because I just gave it to them tonight.
19 ATTORNEY WEED: Then, what I will provide is
20 a generic contract.
21 COUNCILMEMBER ROCHE: Would issuing this RFP
22 preclude us from just simply turning over all this to
23 the County as far as the --
24 ATTORNEY WEED: No, sir. Once again, you
25 can always do an RFP and not accept any bid that comes

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1 in. Nothing wrong with that.
2 COUNCILMEMBER ROCHE: But if we decided we
3 wanted -- as we renegotiate our new IGA or whatever,
4 if we decided we wanted to give them the whole
5 sanitation thing?
6 ATTORNEY WEED: You most certainly can do
7 that, and the fact that you issued an RFP is
8 irrelevant, you know.
9 And in fact in all the RFPs, there's almost
10 always language that says that you can -- and the
11 state law says this -- you can waive your irregu-
12 larities or not, you can elect to do the project
13 yourself or not do it at all. Those are always
14 options. Just because you put out an RFP doesn't mean
15 you have to do anything with it.
16 COUNCILMEMBER ROCHE: I'm just saying that
17 as we review -- if normally we put out this RFP, as we
18 get the responses, we need to include not only the
19 cost of what's in the responses but we also need to
20 review the cost of our employees that do the billing,
21 our situations where we have phone calls, the time
22 that's spent here at City Hall administrating this;
23 you know, dealing with issues, et cetera, et cetera.
24 We need to look at the total cost, not just the cost
25 that's on a particular RFP.

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1 COUNCILMEMBER ALEXANDER: I believe the
2 decision has been made that effective January 1, that
3 the sanitation billing is going to be on the Dekalb
4 County tax bill to increase our collections. We have
5 roughly a 98 percent collection rate on the County
6 property tax bills.
7 So not only would that save money from City
8 Hall, staff preparing the bills, postage mailing them
9 out, but it would also increase our collection rate on
10 those.
11 As far as Dekalb County bidding on it,
12 they're welcome to. I hope this is posted on October
13 1 on the web, you know, as in our time schedule, and
14 they're more than free to bid on it, but I don't want
15 us to go out and solicit bids and be accused of
16 improprieties. That's why I want it published on the
17 worldwide web for everybody to see, and hopefully
18 we'll get a lot of responses.
19 COUNCILMEMBER ROCHE: So if someone moves
20 into the city of Doraville, they're going to go to the
21 County to get their sanitation set up?
22 COUNCILMEMBER ALEXANDER: No, sir.
23 COUNCILMEMBER ROCHE: They have to come
24 here.
25 COUNCILMEMBER ALEXANDER: Yes.

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1 COUNCILMEMBER ROCHE: Okay. So we still
2 have to maintain all the records and . . .
3 COUNCILMEMBER ALEXANDER: (Nods head)
4 COUNCILMEMBER ROCHE: Thank you.
5 MAYOR JENKINS: Is that all?
6 COUNCILMEMBER ALEXANDER: Yes, sir, I'm
7 finished. Thank you.
8 MAYOR JENKINS: Thank you.
9 Pam, Brian Bates on driveways.
10 COUNCILMEMBER FLEMING: Yes, sir. Since
11 Mr. Bates is under the weather this evening -- and I'm
12 sorry if there's anyone here that was here for that
13 particular item, but since he is not here this
14 evening, I'd like to put this off until the 20th,
15 please.
16 I'm so sorry. I am so sorry.
17 MAYOR JENKINS: You made that in a motion?
18 Did you make that in the form --
19 ATTORNEY WEED: You don't have to per se.
20 COUNCILMEMBER FLEMING: No.
21 ATTORNEY WEED: It's old business, it'll
22 carry over.
23 COUNCILMEMBER FLEMING: Please --
24 ATTORNEY WEED: Never hurts to make a
25 motion.

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1 COUNCILMEMBER FLEMING: -- add this to old
2 business for 9/20.
3 I make a motion to postpone it until 9/20.
4 COUNCILMEMBER PITTMAN: Second.
5 MAYOR JENKINS: Okay. Call the roll.
6 CLERK BRYANT: Councilmember Alexander?
7 COUNCILMEMBER ALEXANDER: Yes.
8 CLERK BRYANT: Councilmember Fleming?
9 COUNCILMEMBER FLEMING: Yes.
10 CLERK BRYANT: Councilmember Pachuta?
11 COUNCILMEMBER PACHUTA: Yes.
12 CLERK BRYANT: Councilmember Pittman?
13 COUNCILMEMBER PITTMAN: Yes.
14 CLERK BRYANT: Councilmember Roche?
15 COUNCILMEMBER ROCHE: Yes.
16 MAYOR JENKINS: Karen Pachuta.
17 COUNCILMEMBER PACHUTA: Right now, the
18 permit and regulatory fee schedule -- and I apologize,
19 I have not finished doing some of my research that I
20 wanted to do on the surrounding municipalities.
21 I know Mr. Weed would prefer us to get a new
22 -- Some of these items we're going to have to get some
23 kind of fee in shortly because there is no fee
24 assigned. Some of these, I think we can wait,
25 especially -- My preference would just be to start at

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1 the new year as businesses are reapplying for
2 licenses, to come up with a new fee schedule.
3 And my understanding is that we adopt a fee
4 schedule as an ordinance in and of itself; is that
5 correct?
6 ATTORNEY WEED: Yes, ma'am, you can. That's
7 an option.
8 COUNCILMEMBER PACHUTA: And I have not
9 received any feedback from Council, so if I could get
10 some feedback, and I'd like to just put this back on
11 the agenda for the next Council meeting.
12 MAYOR JENKINS: They all have a copy of
13 this; is that correct?
14 COUNCILMEMBER PACHUTA: They should have,
15 yes.
16 MAYOR JENKINS: And you got no feedback on
17 it?
18 COUNCILMEMBER PACHUTA: No, not yet. And
19 I'll send out a reminder.
20 COUNCILMEMBER ROCHE: Have any of these
21 costs differed from what we're charging now? Like I
22 noticed conditional request is a thousand dollars,
23 costs $150 per concurrent variance. I thought that
24 was -- I don't remember it being that high.
25 COUNCILMEMBER PACHUTA: I think this is the

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1 -- anything in red was proposed by staff. It is not
2 set.
3 COUNCILMEMBER ROCHE: By staff. Yeah. It's
4 $400 now and you're saying we have bumped it up $600.
5 COUNCILMEMBER PACHUTA: Is that correct,
6 sir?
7 My understanding from staff was that it --
8 ATTORNEY WEED: I didn't prepare the list
9 but I --
10 COUNCILMEMBER PACHUTA: Okay. But my under-
11 standing from staff is that everything in red was
12 proposed.
13 ATTORNEY WEED: That is my understanding.
14 COUNCILMEMBER ROCHE: Yeah. It would be
15 good to know what our current costs are so we can
16 compare what we're charging now versus what they want
17 to charge.
18 COUNCILMEMBER PACHUTA: Well, you can look
19 that up.
20 COUNCILMEMBER ROCHE: Well, I know, but I
21 don't know how to look it up because I don't have the
22 ordinances to go look the map out; remember? We asked
23 for that last time.
24 COUNCILMEMBER PACHUTA: Well, if you want to
25 do the research, feel free to do that research.

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1 COUNCILMEMBER ALEXANDER: Do we have a
2 chart?
3 CLERK BRYANT: No.
4 COUNCILMEMBER ALEXANDER: I'm sorry?
5 CLERK BRYANT: Not here.
6 COUNCILMEMBER ALEXANDER: No. But do you
7 have a chart that has the fees on there that you
8 collect now?
9 CLERK BRYANT: For everything?
10 COUNCILMEMBER ALEXANDER: Uh-huh.
11 CLERK BRYANT: I have one -- I do have a
12 chart for the occupational tax part, but some of those
13 regulatory fees, we don't even have.
14 COUNCILMEMBER ALEXANDER: Right, correct.
15 CLERK BRYANT: Rhonda wanted to let you know
16 that (inaudible).
17 THE COURT REPORTER: I can't hear you.
18 COUNCILMEMBER ROCHE: It's hard to hear.
19 COUNCILMEMBER PITTMAN: I can't hear you.
20 CLERK BRYANT: Rhonda wants everybody to
21 know that Scott already sent letters to the pawn shops
22 and that we need to set regulatory fees because the
23 police department already have the forms that were
24 requested for them to have but they don't know what to
25 charge.

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1 COUNCILMEMBER PACHUTA: And I think I spoke
2 to Major Atkinson last week and he wasn't sure on how
3 to give me an estimate but needs to check. Our
4 regulatory fees have to be somehow tied to --
5 ATTORNEY WEED: Actual cost.
6 COUNCILMEMBER PACHUTA: -- actual costs.
7 ATTORNEY WEED: It cannot be for profit.
8 COUNCILMEMBER PACHUTA: So I need to get
9 with the police department.
10 And it's going to depend too on, you know,
11 we've got pawn shop regulations also on the agenda
12 tonight. And I know the police department was working
13 on forms for that, but the fee needs to coincide with
14 the actual costs.
15 COUNCILMEMBER ROCHE: So do these letters
16 include the conditional use request fee?
17 CLERK BRYANT: They do not, no, sir.
18 COUNCILMEMBER ROCHE: Thank you.
19 MAYOR JENKINS: You want to postpone it?
20 COUNCILMEMBER PACHUTA: Yeah, I just want to
21 postpone the fee --
22 MAYOR JENKINS: Make a motion.
23 COUNCILMEMBER PACHUTA: Make a motion to
24 postpone the fee schedule discussion until the next
25 regular scheduled meeting.

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1 MAYOR JENKINS: Second?
2 COUNCILMEMBER ALEXANDER: Second.
3 MAYOR JENKINS: Call the roll, please.
4 CLERK BRYANT: Councilmember Alexander?
5 COUNCILMEMBER ALEXANDER: Yes.
6 CLERK BRYANT: Councilmember Fleming?
7 COUNCILMEMBER FLEMING: Yes.
8 CLERK BRYANT: Councilmember Pachuta?
9 COUNCILMEMBER PACHUTA: Yes.
10 CLERK BRYANT: Councilmember Pittman?
11 COUNCILMEMBER PITTMAN: Yes.
12 CLERK BRYANT: Councilmember Roche?
13 COUNCILMEMBER ROCHE: Yes.
14 MAYOR JENKINS: All right. New business.
15 COUNCILMEMBER PACHUTA: Pawn shop
16 regulations. This came up at the zoning meeting this
17 past week when we added pawn shops as a conditional
18 use in the C-2 zoning.
19 We do have pawn shop regulations on the
20 books. However, they were adopted in 1981, they
21 really have not undergone any changes since then, but
22 a good portion of the regulations are not being
23 enforced at this time. For example, it requires like
24 a background check on employees working at pawn shops
25 and that the police department fingerprint any

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1 employees at pawn shops.
2 And the pawn shops are sending updates on
3 what they have in inventory, correct? So that part is
4 being followed.
5 So we either need to abolish the pawn shop
6 regulations, or what I would like to do is have Mr.
7 Weed review these 1981 regulations to make sure that
8 they still follow along with State law or any changes
9 in State law that have occurred in 1981 and make any
10 recommendations for changes.
11 The other issue that came up at the zoning
12 meeting was to limit the number of pawn shops in the
13 area to avoid oversaturation, which was a lot of the
14 complaints that we heard at the zoning meeting.
15 In speaking with Mr. Weed, he thinks the
16 best way to regulate that would be by distance so that
17 you could only -- each pawn shop would have to be
18 within a certain distance of another pawn shop.
19 And am I correct, it wouldn't affect
20 businesses that are there now but it would in fact,
21 say, if one went out of business --
22 ATTORNEY WEED: Correct.
23 COUNCILMEMBER PACHUTA: -- and a new one
24 would want to come in? So it wouldn't affect current,
25 existing businesses, but new businesses that were

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1 coming in, they would need to be within a certain
2 distance of any existing pawn shops.
3 So those are the two items.
4 Major Atkinson, have you devised forms yet?
5 CHIEF KING: We got two samples, ma'am, from
6 another jurisdiction. We're just now trying to do a
7 study on the amount of the cost involved with staff
8 time so we can determine.
9 For example, I think Atlanta is --
10 UNIDENTIFIED OFFICER: $700.
11 CHIEF KING: -- $750 for the permits. So
12 we're trying to see how they achieved that, by doing
13 our own staff study.
14 COUNCILMEMBER PACHUTA: And the other thing
15 I noticed -- and I don't think it's in our ord- -- I
16 was looking at Norcross's ordinance today, and they
17 require pawn shops to take a fingerprint of everyone
18 pawning an item.
19 CHIEF KING: That is --
20 COUNCILMEMBER PACHUTA: Does that occur?
21 CHIEF KING: That's -- yeah.
22 COUNCILMEMBER PACHUTA: Okay.
23 CHIEF KING: We actually -- The surrounding
24 jurisdictions actually model or use the Doraville
25 model when we first came up with an electronic report

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1 they submit to us daily. They used -- they used our
2 model as an example.
3 We have that. We actually have a very good
4 system that the pawn shops all work with us. It's
5 just the permitting and the fingerprinting and
6 permitting process that we're struggling with now.
7 COUNCILMEMBER PACHUTA: So we can include
8 that cost also within just the regulatory fee --
9 ATTORNEY WEED: Yes.
10 COUNCILMEMBER PACHUTA: -- for a pawn shop,
11 the cost of -- I don't know who looks at those daily
12 reports and things like that --
13 CHIEF KING: That's correct.
14 COUNCILMEMBER PACHUTA: -- and then a
15 separate fee for employees?
16 ATTORNEY WEED: That's my opinion.
17 COUNCILMEMBER PACHUTA: Okay.
18 CHIEF KING: That's correct.
19 COUNCILMEMBER ROCHE: Is it possible to
20 regulate title pawns separately and differently than
21 pawn shops?
22 COUNCILMEMBER ALEXANDER: That was one of
23 the questions, Mr. Roche, that we had asked
24 Mr. Linkous. There's new State law regarding
25 predatory lending that I believe addressed the title

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1 pawn shops, and I thought he was going to make a note
2 for you to check into that when you were out that day.
3 ATTORNEY WEED: I will check. I don't know.
4 I'll find out.
5 COUNCILMEMBER ROCHE: I appreciate you
6 forwarding the e-mail from last year, I guess, talking
7 about regulating title pawns, but --
8 ATTORNEY WEED: So if I already have a memo
9 on this, if I do, I will refresh that memo and see if
10 it's still current.
11 COUNCILMEMBER ROCHE: Thank you; because I
12 mean payday lending, does that come under the heading
13 of any of this?
14 ATTORNEY WEED: I don't know yet.
15 COUNCILMEMBER ROCHE: That's what I'd like
16 to know because --
17 ATTORNEY WEED: If you'll --
18 COUNCILMEMBER PACHUTA: I don't -- I thought
19 that was out --
20 ATTORNEY WEED: If you'll clarify your
21 questions for me.
22 COUNCILMEMBER ROCHE: Well, in my mind, it's
23 just that, to me, title pawns are -- I won't give you
24 my opinion on them right now, but I think that they
25 are different than a pawn shop.

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1 ATTORNEY WEED: And what we want to find out
2 if there are any State law regulations or if we can
3 differentiate between title pawns, pawn shops and
4 payday lending.
5 COUNCILMEMBER ROCHE: I don't even know that
6 payday --
7 COUNCILMEMBER PACHUTA: Yes.
8 COUNCILMEMBER ROCHE: -- lending's legal,
9 frankly.
10 COUNCILMEMBER PACHUTA: I think payday
11 lending's been made illegal.
12 COUNCILMEMBER ROCHE: I think so, too. But
13 to me, there's not a lot of difference between that
14 and title pawns.
15 COUNCILMEMBER PACHUTA: So at this --
16 COUNCILMEMBER ROCHE: But --
17 COUNCILMEMBER PACHUTA: Oh, I'm sorry. Go
18 ahead.
19 COUNCILMEMBER ROCHE: And my second question
20 would be is it possible, as some people have
21 mentioned, to have a grandfather with a date? In
22 other words, something as of the last three years
23 versus something that's been here 20 years.
24 ATTORNEY WEED: Well, there are two
25 different things operating here. There is the

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1 regulations that deal with pawn shops and how that
2 business is to be conducted, and then there's the
3 zoning ordinance which says where these businesses are
4 to be conducted and not necessarily how.
5 As I understand it -- and I'm not the
6 planner -- my understanding is that we've had a zoning
7 ordinance since 1963, and either the pawn shops were
8 an allowed use or they were not an allowed use in the
9 certain zones. Council has very progressively in an
10 effort to, I think, express courtesy and consideration
11 for existing businesses, has attempted through the
12 conditional use permit process -- you've changed your
13 ordinances in order to facilitate the existing pawn
14 shops to make them legal if they are not legal.
15 So the answer to your question is can you
16 grandfather regulatory codes? Usually no, because
17 it's not in zoning. The reason why you grandfather
18 something is really because it's a property-right
19 issue, and you ordinarily grandfather something so
20 that you're not accused of taking.
21 However, if the use was never legal, it
22 doesn't matter how long it's been there -- 100 years -
23 - if it was illegal on the day one, it's still legal.
24 On day 101, year 101, it'll still be illegal until you
25 make it legal, which you're trying to do as --

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1 COUNCILMEMBER ROCHE: And what I'm --
2 ATTORNEY WEED: -- quickly as you can.
3 COUNCILMEMBER ROCHE: -- saying is if we
4 said we wanted to allow pawn shops or any type of
5 business established and given an occupational tax
6 certificate from the City of Doraville before such-
7 and-such a date to be allowed, any of these businesses
8 that were granted after a certain date to not be
9 allowed. Is that legal? I mean is that something
10 that could be done or not?
11 ATTORNEY WEED: I'm going to lean towards
12 no, because you're talking about two different things.
13 The zoning code is very different from the regulatory
14 code. You could craft an ordinance that said any
15 business that was in existence beyond this date does
16 not have to comply with these regulations. You can do
17 that.
18 COUNCILMEMBER ROCHE: Okay.
19 ATTORNEY WEED: But that's very different
20 than any business located on a certain piece of land
21 in a certain zone before this date, if somehow that's
22 made legal. The way you do that is by doing a
23 conditional use permit or by changing the zoning
24 category just to allow it.
25 COUNCILMEMBER ROCHE: Could that be

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1 considered -- a consideration in granting or denying a
2 conditional use permit?
3 ATTORNEY WEED: It could be. Right now, I
4 don't believe it's considered. It's not listed in
5 your conditional use standards. However, you've got
6 the power to amend your standards and add that or
7 change them as you see fit, and you could -- longevity
8 at a location, you know, you could certainly add that
9 as a condition.
10 COUNCILMEMBER FLEMING: On May the 5th, you
11 said grandfathering is continuing to allow an activity
12 after the law changes in order to avoid a taking of
13 property or because a determination of fairness has
14 been applied to continue the prior activity while
15 changing the law generally.
16 ATTORNEY WEED: I think that's what I've
17 just said; yes, ma'am.
18 COUNCILMEMBER FLEMING: So as far as I'm
19 concerned, those businesses that have been here 10 or
20 15 or 20 years should be grandfathered in --
21 ATTORNEY WEED: Ma'am, that's --
22 COUNCILMEMBER FLEMING: -- because it would
23 be --
24 ATTORNEY WEED: -- that's your conviction.
25 COUNCILMEMBER FLEMING: -- because of a --

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ATTORNEY WEED: I respect that.
COUNCILMEMBER FLEMING: -- determination of fairness.
ATTORNEY WEED: That's not what I believe the law is. I mean I appreciate your conviction, I truly do, but that's not my opinion --
COUNCILMEMBER FLEMING: I was just --
ATTORNEY WEED: -- of what the law says.
COUNCILMEMBER FLEMING: -- reading you what you wrote to us on May the 5th.
ATTORNEY WEED: Yes, ma'am, and that's -- that's what I've just said again.
COUNCILMEMBER PACHUTA: And that's what we voted on last week as far as the zoning, and Mr. Roche voted against allowing pawn shops in C-2.
COUNCILMEMBER ROCHE: That's correct. Thank you.
COUNCILMEMBER PACHUTA: But that grand-fathering was with zoning. But I mean this is the regulatory codes, and we actually have -- the regulatory code is already there. It's just not being practiced for whatever reason, but it's there and exists. I don't know at what point we stopped regulating it, but we did, but the ordinance is still there.

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So what I would like Mr. Weed to do is to look at the ordinance since it was updated in 1981 and make sure that it still complies with State regu-lations or any changes that you would recommend to update them to 2010 and to also look at some distance regulations. So I'll make that in the form of a motion.
COUNCILMEMBER ROCHE: And also whether we can handle pawn shops differently from title pawns. They were all lumped together.
COUNCILMEMBER PACHUTA: I'll add that to the motion.
COUNCILMEMBER ROCHE: Thank you. Second.
MAYOR JENKINS: Okay. Discussion?
COUNCILMEMBER FLEMING: Yes, sir.
Mr. Weed, can you give your opinion as to why you feel that distance regulation is more applicable to the saturated uses of the city versus population? Because we did do labor pools per population, and I don't see any reason why we couldn't do -- or could you explain why you're leaning toward all of our other ordinances to be distances?
ATTORNEY WEED: Yes, ma'am. Official Code of Georgia 3-32 and 3-32 and all of those alcohol beverages ordinances that are in State laws that

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follow.
What we do know is a firm foundation for regulatory codes, at least in the alcohol beverage world -- and it's been time-tested and court-tested over and over again -- are distance regulations. Also we know through the zoning codes, which are regulatory but they're different than standard regulation because they're zoning, distances are also allowed under those codes.
Therefore, it's my opinion that those things have been thoroughly tested. Population bases have not been explored in the court systems anywhere near to that level. So I'm going to always give you the most conservative and safest advice that I can, and I think distances have been proven time and time again to work and they've been upheld.
COUNCILMEMBER FLEMING: Thank you.
COUNCILMEMBER PACHUTA: Will you be able to give us an estimate on how many that would allow?
ATTORNEY WEED: Yes, ma'am. And it would all depend upon which distances you adopt. But the first thing, how I would go about doing it is trying to figure out what the distances are now from the existing shops to make sure we accommodate those.
COUNCILMEMBER FLEMING: Well, there's no

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distance between -- you've got three in a row on Buford Highway that are in the same shopping center, so there's no distance between them.
ATTORNEY WEED: Yeah. Once again, that's information I don't have yet, so that's --
COUNCILMEMBER FLEMING: Okay.
ATTORNEY WEED: -- why we'd have to ask those questions.
COUNCILMEMBER FLEMING: Okay. Thank you.
MAYOR JENKINS: Anything else?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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, Murray.

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ATTORNEY WEED: Mr. Mayor, the next item on the agenda is to change your personnel policy to reflect a decision that the Council's already made with regard to the creation of a procedure.

COUNCILMEMBER ROCHE: We're past 9 o'clock, Mayor. Sorry.

ATTORNEY WEED: If you want to continue, yes, that's correct, you need to make a motion to continue.

COUNCILMEMBER ROCHE: So moved.

MAYOR JENKINS: Make a motion to continue? How long? To finish?

COUNCILMEMBER PITTMAN: Yes, sir.

MAYOR JENKINS: Okay. That's good. Second?

COUNCILMEMBER PACHUTA: Second.

MAYOR JENKINS: Call the roll.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: 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. Okay, Murray.

ATTORNEY WEED: As simply put as I can say this, this is simply the paperwork to do something you've already voted on to do.

COUNCILMEMBER ALEXANDER: Do we need to waive first reading?

ATTORNEY WEED: If you want to adopt it tonight, yes, ma'am, you do.

COUNCILMEMBER ALEXANDER: Because these, we in theory already adopted the procedures, we have already used them in one instance but we did not have a formalized ordinance; is that correct?

ATTORNEY WEED: That is correct, yes, ma'am.

COUNCILMEMBER ALEXANDER: Make a motion to waive first reading.

COUNCILMEMBER PACHUTA: Second.

MAYOR JENKINS: More discussion?

COUNCILMEMBER ROCHE: Just in theory, didn't we already vote on how we were going to handle the gravel driveways too?

COUNCILMEMBER ALEXANDER: That's not my agenda item. I'm don't have any comment on it.

COUNCILMEMBER ROCHE: We voted what we were

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going to do. We made a motion, we organized and we worked it out and passed the motion --

COUNCILMEMBER PACHUTA: But the ordinance --

COUNCILMEMBER ROCHE: -- but yet we're reconsidering that, so I'm not sure why we can't re-look at this.

ATTORNEY WEED: You can. You know, it would require a motion and a second to do so, but you can certainly do that.

Since you've already used and approved these procedures one time, my advice is to go ahead and make them, put them on paper, to put them in your book.

MAYOR JENKINS: We had a motion to waive first reading. Is that what we're doing now?

COUNCILMEMBER ALEXANDER: Yes, sir.

MAYOR JENKINS: Call the roll.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER FLEMING: You didn't ask for discussion, Mayor.

MAYOR JENKINS: Discussion?

COUNCILMEMBER FLEMING: Thank you. The reason why I don't want to waive the first reading is that I'm still -- I want to make a comment about item number 7 since this ordinance has not passed in its entirety.

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Item number 7 is that irrelevant testimony about an employee's general character or general work habits will not be allowed, but -- that's item number 7. And number 12, it then says the City Council can receive and consider any relevant documents in addition to the witness testimony. And to me, that's contradicting.

And going back to number 7 again, as an example, our parks and recreation director Carol Stephens dutifully notates -- and I'm sure that the police department does as well, and maybe some of our other directors do -- when they have problems with their employees, they document issues and they put them in their file so that they can fall back on them when these issues still arise.

And I'm bring up Carol, for instance, in that she took it upon herself to document an employee that was continually late, continually not calling in, et cetera, and she terminated him. Though he did not appeal to Council, he appealed to the State of Georgia for unemployment benefits and his appeal was denied based on her documentation of the fact that it was an always-occurring habit that he had.

And if we're going to sit up here as Council members and be judges of an appeal, I think we should

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be afforded all the information, regardless of the instance, about that person. If there's relevant testimony in there about the general work habit of the employee, it should be allowed.

COUNCILMEMBER PACHUTA: It is allowed.

COUNCILMEMBER FLEMING: Sorry?

COUNCILMEMBER PACHUTA: It is allowed.

COUNCILMEMBER FLEMING: It is not allowed.

COUNCILMEMBER ROCHE: No.

COUNCILMEMBER PACHUTA: Relevant testimony is allowed.

COUNCILMEMBER FLEMING: It says --

COUNCILMEMBER PACHUTA: Irrelevant testimony is not allowed.

COUNCILMEMBER FLEMING: -- an employee's general character or general work habits will not be allowed.

COUNCILMEMBER PACHUTA: Irrelevant.

COUNCILMEMBER FLEMING: Testimony should be restricted to that which directly bears upon the alleged offense upon which the termination or forced resignation is based.

COUNCILMEMBER PACHUTA: Correct.

COUNCILMEMBER ALEXANDER: So if --

COUNCILMEMBER PACHUTA: Relevant.

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COUNCILMEMBER ALEXANDER: -- Ms. Stephens terminated someone for excessive absenteeism, not reporting to work or not calling in when they did not show up for work, her documentation and her testimony is relevant to the specific actions of said employee that resulted in his termination.

I am withdrawing my motion. Please leave this item on the next agenda.

ATTORNEY WEED: Yes, ma'am.

COUNCILMEMBER ROCHE: I think that that, number 7, I would say we need to strike the rest of the paragraph after the first sentence --

COUNCILMEMBER PITTMAN: And I disagree.

COUNCILMEMBER ROCHE: -- because according to this --

I mean I asked the question just the other day, and I said -- I asked the person who was in an appeal, I asked him if he had ever received any kind of complaints or been written up because of personnel problems or whatever in 27 years, and that question was objected to. He answered it anyway and things worked out. But to me, I don't see how we could make a decision without that. And if I read the rest of that paragraph, testimony directly on the alleged offense, and that's singular, that means that you

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could be late a hundred times and they come and say, "Well, I was only late once, and that's why they fired me," and not consider the fact that, well, they were late every other day that year too. It just doesn't make sense to me.

MAYOR JENKINS: No. We're going to have --

COUNCILMEMBER ROCHE: But a lot of things don't make sense.

MAYOR JENKINS: We're going to have this on the next agenda. Okay?

Second?

COUNCILMEMBER PACHUTA: Didn't waive first reading.

COUNCILMEMBER ROCHE: There was no motion.

COUNCILMEMBER PITTMAN: It was withdrawn.

ATTORNEY WEED: There is no motion.

COUNCILMEMBER ROCHE: Public comments, I think, Mayor.

MAYOR JENKINS: Call the roll, please.

COUNCILMEMBER PITTMAN: No.

COUNCILMEMBER ALEXANDER: Do you want us to make a motion to --

I withdrew my motion to waive first reading.

MAYOR JENKINS: Oh, okay.

COUNCILMEMBER ALEXANDER: So the item will

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appear on the next agenda. Is that correct, sir?

ATTORNEY WEED: It will automatically be old business.

MAYOR JENKINS: Okay.

COUNCILMEMBER ALEXANDER: Thank you, sir.

MAYOR JENKINS: All right.

ATTORNEY WEED: You actually -- you're on Conservation Subdivision, and although I got the impression Councilman Fleming at least wanted Steve Strickland to read it --

COUNCILMEMBER FLEMING: Yes, sir.

ATTORNEY WEED: -- and offer his opinion, that item is before you.

All I can tell you is the purpose of it, it's at the recommendation of the planner, who wanted to remove it from the zoning code and put it into the building code.

COUNCILMEMBER ALEXANDER: Ms. Fleming, do you want to make a motion to postpone?

COUNCILMEMBER FLEMING: Yes, please. I'd like to make a motion to postpone Item No. VIII-3, Conservation Subdivision, to adopt in building code, until 9/20.

COUNCILMEMBER ROCHE: Second.

MAYOR JENKINS: Any more discussion?

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- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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: Okay. Public comments. Three minutes, please. Come on up.
MS. FRAYSSE: I just wanted to share with you-all some photographs of our really excited group of swimmers. These are ladies and a few gentlemen that have been using the Doraville pool this summer, Memorial Day, basically, until our last session on Friday.
I've enjoyed it. The pool is in good condition. The staff that's been working with us has been excellent. It's a lot of good exercise, and I

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think we have had 18/19 people at times, which is more than we've had in years past. But we're building momentum. And word is getting out; it's been advertised well.
I really appreciate what Carol Stephens has done to grow that program. And Elaine Adams, who is a resident here in Northwoods, has been, you know, there every time, on time. If there's a problem, they call. I think we only canceled two or three swimming events for weather or for accidents or contamination in the pool.
So I've really enjoyed it, and I hope -- I think we're making enough money back on the fees that the participants in our classes are paying, that it's not an undue burden; it's just a part of the program. And it's a big success, and I appreciate it.
I also want to say that I hope everyone is planning -- it is marked on their agenda for September 22nd from 5:30 to 8:30 -- the LCI, the Doraville Downtown LCI 2010 Master Plan public meeting.
My understanding is they're looking for another location that has more room than the civic center. Does anybody know if they found one like that? They were talking to people at the pool.
COUNCILMEMBER PITTMAN: They were working on

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it. They wanted to look at the location at Hightower.
MS. FRAYSSE: Okay. So I think they'll be more comfortable in their space.
And the idea, I imagine, is going to be more like that kind of you drop in any time between 5:30 and 8:30 and put your dots in places on maps and give your input. And I encourage all of you to be there and walk through and be a part of it, and we'll promote it with the public as well. Thank you.
MAYOR JENKINS: Thank you.
Next?
MR. FRANK: Hello, Mayor, City Council.
I had a couple questions. The conditional use permit if I recall is something that needs to be applied for each year or is it a one-time?
COUNCILMEMBER FLEMING: In our ordinance it says each year.
MR. FRANK: That's what I thought it said. And yet people are being told, from what I understand, by Scott, that it's a one-time application. But it's not a one-time application; it's actually each year. So it would be a $1,000 fee each year, from what I understand, if I'm correct.
So what I'm hearing, when they call Scott, Scott is telling them that it's only one time, and the

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one time the fee is being waived and therefore there is no cost to them, which I would assume is an incorrect statement.
COUNCILMEMBER FLEMING: For this year, we voted on to waive the fee --
MR. FRANK: For this year, correct.
COUNCILMEMBER FLEMING: -- for this year.
MR. FRANK: That's what I understand, for this year.
COUNCILMEMBER FLEMING: Now, I --
MR. FRANK: But then next year --
COUNCILMEMBER FLEMING: -- understand --
MR. FRANK: -- they're going to have to --
COUNCILMEMBER FLEMING: -- as a Council member, conditional use permit is on an annual basis.
MR. FRANK: That's what I understand.
But they are -- understand from Scott that it's only one time and the one time is being waived; therefore, it is of no further cost to them; and that needs to be -- I think someone needs to address that.
Another thing, we don't -- they have a deadline of -- if I recall, it was 21st of this month or 22nd of this month that they need to send in the application for the conditional use. However, from what I'm hearing here, you are still discussing a lot

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of different things about what's going to apply to the pawn shops. So we don't -- the pawn shops don't really know what they're applying for.

Now we are talking about are they going to be possibly denied? Are they not going to be denied? Are they going to be put in because of the years or not put in? Is there going to be a distance between a pawn shop? Is there not going to be? And yet, they got until the 22nd to do something or, according to the letter that Mr. Haeberlin sent out, they're going to be closed down by the code enforcement.

So that's again maybe another thing that needs to be addressed prior to that time. If you-all could, I would appreciate that. Thank you.

MAYOR JENKINS: Thank you.

Next?

MS. KOONTZ: I want to comment on the Halpern Park stream thing. It sounds like we're fixing to spend a bunch of money on another stream, which I watched them do over in English Oak Park. And we deferred that to the engineering's expertise, and that park still has standing water and draining issues and all that even after the experts told us the best way to fix it.

So I think -- I hope the Council this time

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will maybe use some common sense on understanding maybe how the water needs to drain places and stuff like that before we spend a bunch of money.

And it's my understanding that we're going to be redesigning the park, and I don't know if part of this is rebuilding the tennis court. And if they're going to be rebuilding the tennis court pretty soon, it seems kind of bad planning to spend a bunch of money to be able to leave the tennis court where it is if we're going to be rebuilding and can move it for maybe less money than we're spending fixing the stream to keep it where it right now.

I know that's a convoluted sentence, but I don't know if we're going to end up spending more money fixing the stream than it would cost to build a new tennis court, which would be kind of a silly waste of money in my opinion if we're going to be building a tennis court and you could move it 20 feet and not have to do anything to the stream.

COUNCILMEMBER FLEMING: Well, Mayor, I'd like to comment on the stream, and I think Ms. Pittman can concur with this. The Halpern Park stream needs to be restored regardless of whether we do anything with the tennis court or not. We have a magnolia growing in it. It's in extremely bad shape. It's

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being washed away as well and a lot of debris is in it, so it really does need to be restored.

MS. KOONTZ: Well, I just -- I don't know if moving -- if the tennis courts were moved, it would take less money to fix it. It would take like the pipe out of the picture if the tennis courts weren't right there. You know what I'm saying?

My question is consider moving the tennis courts in the expenditure of all this stream money. Thank you.

MAYOR JENKINS: Thank you.

MR. HART: Thanks, Stephe, for that part because I don't have to go over it.

But the problem with the Halpern Park plan is the plan. The engineering drawings for the stream restoration are to complete the original plan, and the original plan has got retaining walls and walls and walls for the stream and walls for the dirt so they can have a driveway and a parking lot in the middle of that park. It's the original drawing that's the problem.

You're building new tennis courts in a new park. You got a raw piece of paper. I just bought some erasers down at Office Depot. It cost $2.19. That's a whole lot cheaper than spending millions of

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dollars to find out when you get done you got telephone poles in the middle of the walkway.

Once again, this is Doraville not watching what it's doing, and they get to the end and they go, "I didn't know that was going to happen," or "This Doraville, we just got to leave it that way." I mean I've heard this a thousand times since I've lived here: you just don't watch what you're doing, and this is another example of it.

Okay. So $610,000 to draw what for downtown? You could design Atlantic Station for $610,000 worth of drawings. For a sidewalk project? These are GDOT drawings on these streets over here in Dekalb County. They've already got them in the computer. Just download them on your autocad.

$610,000, that's criminal. Is no one watching what they're doing here? Does anyone have silly idea about the taxpayers' money?

You just wait till it gets done and then go, "Whoa. I didn't know that was going to happen." Maybe we ought to make tee shirts in Doraville. That could be their new motto: "I didn't know that was going to happen."

So thank you.

MAYOR JENKINS: Anybody else?

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COUNCILMEMBER ALEXANDER: Motion to adjourn.
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Call the roll.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: 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: Meeting adjourned.

- - -

(Meeting adjourned at approximately 9:30 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 30th day of September 2010.

_____

Theresa Bretch, CCR
Permit No. B-755

[SEAL]

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