In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

October 18, 2010

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

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Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Ray Jenkins presiding, before Theresa Bretch, Certified Court Reporter, commencing at approximately 6:30 p.m., October 18, 2010.

* * *

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

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P R O C E E D I N G S

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

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Here.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Here.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Here.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Here.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Here.

CLERK BLACKMON: Councilmember Roche is not in attendance.

MAYOR JENKINS: Want to get the minutes approved for 9/20/2010, please.

COUNCILMEMBER PACHUTA: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

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CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

MAYOR JENKINS: Before we get started tonight, I would like to acknowledge Hispanic Heritage Month by presenting this proclamation to the Latin American Association of Atlanta.

The proclamation officially declares October as Hispanic Heritage Month of Doraville. October is a time to celebrate the rich traditions, ancestry, and contributions and the unique experiences of Hispanic-Americans.

I'd like to thank the Latin American Association and all of our Hispanic-American employees for all they do.

I would like to encourage all city residents and businesses to celebrate the heritage of Hispanic-Americans and learn more about the many nations that make up the Hispanic world.

Millie Irizarry --

MR. HOWE: Sir, this is Jeffery Tapia. She is the Chief Operations Officer of the Latin American

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Association.
MAYOR JENKINS: Okay. The other lady is not with you, then. Come on up, please, ma'am.
I'm not going to read all this but I will present it to you since we declare Doraville -- today as Hispanic-American heritage. Okay?
MS. TAPIA: Thank you so much. Thank you very much.
MAYOR JENKINS: Murray, the Tea Walk thing, I think all we need to do is get it approved.
ATTORNEY WEED: Yes, sir, that's correct.
MAYOR JENKINS: So we had -- the Pan Asians, every year they have a Tea Walk and they get a little late on getting their resolution and their contract this year. So I went ahead and gave it to them as we have each year for the past, I don't know, 6, 7, 10 years. I don't really know.
So I would like to have a motion that we approve the Tea Walk contract.
COUNCILMEMBER FLEMING: So moved.
COUNCILMEMBER PACHUTA: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PACHUTA: I'll second it.
MAYOR JENKINS: Any more discussion?
- - -

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(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
MAYOR JENKINS: Luke, come on up.
We want to approve the recommendation for Park Avenue/New Peachtree Corridor, and Luke is going to present this.
MR. HOWE: Thank you, sir.
Yes. I respectfully ask the Council to approve staff and engineer's recommendation for Cotangent Technical Services out of Lithonia. We vetted this company pretty good. They were the low bidder. We contacted their references after they submitted a statement of qualifications. We made site visits to their work that's been done in the city of

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Atlanta, particularly Marietta Boulevard, Perry Boulevard, Simpson Road and the North -- North Highland Avenue streetscape, which is around the corner from my apartment, and they did a fine job on that.
So based on their bid and their wherewithal to do the job, we recommend Cotangent.
MAYOR JENKINS: Okay. Do we have any questions from the table?
COUNCILMEMBER FLEMING: And this was for the Park Avenue sidewalks; correct?
MR. HOWE: It included the demolition and reconstruction of 600 feet of Park Avenue plus the construction of New Peachtree sidewalks from Pebblewood Apartments to Longmire and down the south end of Longmire to Buford Highway, so all of that is included in the $75,383.
COUNCILMEMBER FLEMING: So demolition and reconstruction of our current one?
MR. HOWE: Yes, ma'am, the old side.
COUNCILMEMBER FLEMING: Okay. All right.
COUNCILMEMBER BATES: Make a motion to approve Cotangent Technical Services.
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: More discussion?

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- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
MR. HOWE: And Mayor, if I may while I'm up here, I would like to ask the Council to go ahead and preapprove a contract for Cotangent based on Murray's approval, and that's just to keep me from coming back up here, you know, two weeks from now.
MAYOR JENKINS: Can you explain it a little?
MR. HOWE: Yes, sir. The Council has to approve every contract, but I'm asking the Council to consent to go ahead and approve the contract based on Murray's approve to form. So other words, if Murray approves it, then I'm asking to move forward without

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having to come back and have the Council approve the contract.

MAYOR JENKINS: Murray, do you have any comment on it?

ATTORNEY WEED: There's nothing illegal with what he's proposing, and if it would save time on the project, I would certainly do it that way.

MAYOR JENKINS: Okay. Do I have a motion?

COUNCILMEMBER ALEXANDER: Does this have to be completed by the end of the year?

MR. HOWE: In the contract, it says that it does, but MARTA has written a memo saying that if work is not completed, then they will put a new contract for 2011. But ideally, we'd like to get it done before the end of the year.

ATTORNEY WEED: I can make the contract a multi-year contract with a one-year renewal if we need to, anyway, if we can't finish it by the end of this year. So I can take care of that up front.

COUNCILMEMBER ALEXANDER: I make a motion to -- pending Mr. Weed's approval and discretion, to go ahead and issue a contract to Cotangent based on our acceptance of their bid.

COUNCILMEMBER PACHUTA: Second.

MAYOR JENKINS: Any more discussion?

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COUNCILMEMBER FLEMING: Discussion. I just wanted to make a comment that I'm not in favor of preapproving any type of contract that we haven't been able to read in advance.

MAYOR JENKINS: Any more discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: No.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

MAYOR JENKINS: Motion carried.

MR. HOWE: Thank you.

MAYOR JENKINS: John, you got any reports?

CHIEF KING: No, I don't.

MAYOR JENKINS: Okay. Shanta?

MS. WILSON: I have.

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Hello, everyone. The reason I'm here today is to talk about the enterprise resource planning system for the new software.

Before we start, I want to show you all how we feel about the software. That's kind of how we feel about it in the office right now, because MAS 90 that we're using is rather old, so that's how kind of we feel. Yeah, and the elves are getting uppity. We are.

The purpose is to implement a governmental enterprise software for the City of Doraville. Currently the existing financial and customer service software is over 15 years old. At the time of acquisition, the product was cost effective and appeared to accomplish majority of the tasks for the City. The upgrades of the City has not kept the pace of the requirements of the City and is not a governmental software that requires the City to use the required codes that is required by the Georgia General Assembly.

Due to inefficiencies inherent to older technology, it is crucial that staff become more efficient now for the future of Doraville. By implementing a new enterprise software, there are several major business drivers that will improve the

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City: One, enhance organizational capability, increase organizational efficiency, streamline systems and processes, improve access to information and stronger decision support capabilities, improve citizen service delivery, greater transparency within the City, and support the information needs of executive staff and City Council.

The areas that we will focus on for the new software is the general ledger, accounts payable, budgeting, the P.O.s, the fixed assets; project accounting, which is grants; miscellaneous accounts receivable, and central cash management.

That will have impact to the organization. It will streamline operations, which will increase our productivity -- productivity of existing personnel and provide policy makers with central management information. It will also automate all the information between our departments because currently right now none of the other departments can see the current software that we're using. So with having a new software, we'll be able to automate it, and they can see things and get reports.

We will enhance service. Provide personnel with effective tools to successfully deliver the service of government to citizens and other

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departments. What that means is that it won't take us as long to try to pull a report together. When citizens have an Open Record request, it'll take us less time to do that.

Cost constraints. Increase efficiency and contain or reduce costs.

We will have accountability. Provide clear cost and service justification for services provided to citizens.

We will have the technology. It will allow the City to maximize the latest technologies and the efficiencies that it brings.

Access to information. Provide the city and its citizens timely information in an easy-to-access system.

Then you have your errors and omission. With improved security control and processes flow, it will minimize the errors.

Productivity. Provide tools and software that will allow all employees to be more productive with their time.

Then we have a little bit about the technology. An analysis was done to compare the hours spent on selected reports, processes and dealing with constituents with the current system versus the new

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proposed.

A significant hourly savings was shown to move to the new software. By implementing the software Springbrook that the City Council received from the memo on the 19th, we receive that it's nearly 4,000 hours that would be saved if we change to a new software because we won't have so many processes. So that's a value of $171,488, which over 10 years is 1.7 million.

Springbrook is privately owned since 1985. The company develops, markets, implements, supports software solutions for fund accounting and customer information service application exclusively for local governments.

Right now, the software we're using is not fund accounting. It's more for the private sector. And as a government entity, we should be using fund accounting.

Springbrook was founded on providing comprehensive, fully-integrated systems with an emphasis on flexibility and functionality throughout the suite of applications.

They used a Windows-based application that put them miles ahead of their competition. It's a true 32-bit, fully-integrated Windows solution. They

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have increased their sales from 2000-2009 from 2.8 million to 11 million. And this is a company -- that's pretty good for a company of their size. So their earnings went from $341,000 to 2.1 million.

They have a large number, geographically, clients, which allows them to stay in the good financial health that they're in.

The following features of this software will be a true and complex accounting software, user-friendly modules. It will meet the City needs as we grow. Reports can be exported to Excel, with drill-down capabilities.

And I want to stop right there because this is very important, because if I was to export it here and then someone asked me a question, I could be able to click on that item and tell you exactly what it is instead of saying, "Oh, let me check on it." We'll be able to look at it all right here.

We have unlimited number of years of budgeting. Automatic year-end roll-up capability, and it's GASB-34. And all departments will have the capability to see their budgets in real time. So that means whenever we process something, they'll be able to see it that same day or the next day or whenever they want to look at it. It's just like your online

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banking.

The affordability of it. The projects that we have in progress that will increase our revenues as being a passport entity. We'll be able to retain the $25 execution fee. We're in the process of having our online training. We will take photos for the passport, and the charge we'll charge is $7.00.

We're looking into being a background check for citizens and companies with the consent of the individuals, and that will be $6.00. This has been proven to be very profitable for some of our sister cities.

And then currently the modules are the hundred and seventeen, but we can decrease that by 15 thousand if we get rid of two of the modules because it includes human resources and payroll. But if we use our payroll company, Altera, as our main source of payroll and human resources, we won't need those two modules.

And again, to how we really feel about the software. So we'd just rather surrender to the bacteria if we have to continue to use it.

And that's it. Thank you. Any questions?

MAYOR JENKINS: Thank you.

Questions from the table?

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COUNCILMEMBER FLEMING: On the $117,000, does that include the implementation of it?
MS. WILSON: Yes, ma'am. It includes all the training --
COUNCILMEMBER FLEMING: Training?
MS. WILSON: -- everything. Training.
COUNCILMEMBER FLEMING: Converting it over?
MS. WILSON: Yes, ma'am. Everything that converts it over. Training. Ending balances, everything. It's just not for the modules. It's the whole shebang.
COUNCILMEMBER FLEMING: It's not for the modules?
MS. WILSON: It's not just for the modules.
COUNCILMEMBER FLEMING: Okay. I believe in your report to us for this agenda item, you commented on additional modules. I don't know whether these are additional that need to be included later on or whether it's part of this software, but you mentioned code enforcement, planning and zoning, and work orders.
MS. WILSON: Those will be later. Those could be things that we can add later, because currently right now we have another system that we use for occupational tax and for planning and zoning, and

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we have to use those two systems. We have to go in one, do one thing, and then go back into our current financial software.
COUNCILMEMBER FLEMING: Okay. So this $117,000, if I'm not mistaken, though I did not bring my budget with me, did we not just include 60 or 65 thousand in the budget for software?
MS. WILSON: It -- Yes, ma'am. It's a total of a hundred and seventeen that was rolled over from last year.
COUNCILMEMBER FLEMING: I'm sorry?
MS. WILSON: The hundred and seventeen includes that $65,000 from last year.
COUNCILMEMBER FLEMING: But our budget for -- what's on our budget right now says $65,000.
MS. WILSON: No, ma'am. It says a hundred and seventeen. The $65,000 was from last year, from June 30th of last year. The budget for this fiscal year, it has a hundred and seventeen.
COUNCILMEMBER FLEMING: So the budget that you presented to us for your department showed $117,000?
MS. WILSON: Yes, ma'am.
COUNCILMEMBER BATES: On the support side, is the support included, because --

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MS. WILSON: Yes.
COUNCILMEMBER BATES: Okay. And is there a limit to the number of hours of support?
MS. WILSON: They open from 8:00 a.m. to 8:00 p.m.
COUNCILMEMBER BATES: I'm sorry. As far as the number of hours that are included in the base price. There are some companies where you've got unlimited tech support, and there are others that, you know, say you've got, you know, a thousand hours of support, and when you go over it --
MS. WILSON: No, that wasn't quoted to me at all. Their customer service is 8:00 a.m. to 8:00 p.m. That's just their open lines of customer service.
COUNCILMEMBER BATES: And do we know of any other municipalities that use Springbook --
MS. WILSON: No, I don't.
COUNCILMEMBER BATES: -- or Springbrook?
MS. WILSON: In other states I do, but not here in Georgia.
COUNCILMEMBER PACHUTA: Have you worked on this software before?
MS. WILSON: I haven't used it before, but I've seen it and I've seen their demos, and it's very user-friendly, very easy. And I had the IT staff to

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be a part of looking at the demos with me, so I wasn't just choosing it by myself. And I had Ms. Blackmon to look at it and I had Mr. Haeberlin to look at it to see if we decided to move to this software, if we can use it in the future for other things so that we can get rid of Intergov, because we still are paying for that as well.
COUNCILMEMBER FLEMING: Did they possibly include any municipalities within Georgia as references of their product?
MS. WILSON: I will have to go look at their package. I don't remember that they did.
COUNCILMEMBER FLEMING: Okay. And the other question I had was The Management Group is who we're presently using, and they gave a -- when we had introduced or when they did a presentation for us they showed us all of the different programs that they had designed for the police department.
Did we possibly contact them to find out whether they would be able to write programs for our accounting department?
MS. WILSON: No, I didn't ask them that, but they was part of my selection -- on my team to help me select a vendor.
COUNCILMEMBER FLEMING: Okay.

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COUNCILMEMBER ALEXANDER: So this hundred and seventeen does not include hardware?

MS. WILSON: Huh-uh. We won't need any other hardware. I think we may need like one more server. We've had server problems here recently, and we've already purchased one. So when I was talking to our IT group, they said all we probably need maybe is one more, because we've had so many problems with the planning and zoning building with lightning and everything. So we had to buy another server because the current system that we had was running so slow, and we had to purchase another one.

But they said I may have to get another one. Just depends on, you know, if the current service can handle it right now.

COUNCILMEMBER ALEXANDER: And the cost of that?

MS. WILSON: I think I budgeted $30,000. But I remember talking to The Management Group. They said it probably wouldn't be near that amount.

COUNCILMEMBER ALEXANDER: So is there a module that would not incorporate the occupational tax?

MS. WILSON: Is there a module that wouldn't incorporate it?

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COUNCILMEMBER ALEXANDER: Uh-huh.

MS. WILSON: I mean they can merge the two systems together. But I was looking at something that we can eventually move from Intergov, where we can have -- just use one system instead of two systems.

COUNCILMEMBER ALEXANDER: Yeah. That's what I'm asking, because you said if we purchase it, the occupational tax would still be used on its current software.

MS. WILSON: Well, they will connect, they will merge them both together. I was just saying that this is another system where we can get away from Intergov and then use their modules that they have.

COUNCILMEMBER ALEXANDER: So --

MS. WILSON: It would all be on one system instead of having to merge the two together.

COUNCILMEMBER PACHUTA: That's an additional module, the occupational tax?

MS. WILSON: Yes.

COUNCILMEMBER PACHUTA: Okay.

MS. WILSON: The occupational tax is an additional module if we decide to move forward. We don't have to purchase that at all.

COUNCILMEMBER ALEXANDER: And how much are the occupa- -- are the modules?

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MS. WILSON: I can't remember their quotes because we just talked about them. We didn't -- they didn't give me a quote on that at all.

My quotes is basically on what -- the modules that I just presented.

COUNCILMEMBER BATES: And on the two that were possibly to be excluded -- one was payroll and one was --

MS. WILSON: Human resources.

COUNCILMEMBER BATES: -- human resources --

MS. WILSON: Uh-huh.

COUNCILMEMBER BATES: -- payroll, we're currently using Altera.

MS. WILSON: Yes.

COUNCILMEMBER BATES: And so that -- that's not going to be --

MS. WILSON: Right.

COUNCILMEMBER BATES: -- an issue, so we can --

MS. WILSON: Right.

COUNCILMEMBER BATES: If we move forward --

MS. WILSON: Scratch that.

COUNCILMEMBER BATES: -- we could scratch that.

MS. WILSON: Yes.

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COUNCILMEMBER BATES: The H.R., have we received a proposal from Altera to do the H.R.?

MS. WILSON: With their H.R., they mostly just do -- not recruitment but just do the new-hire stuff. But it would be easier for Ms. Blackmon to do more reports from them, and so we are going to work with them to see if they can reduce more reports that we will need similar to the report that you asked us for about the job listing and everything like that. So we're working with them to see if they can produce different type of reports that we're requesting.

COUNCILMEMBER BATES: And is that an additional cost from them?

MS. WILSON: No, no.

COUNCILMEMBER BATES: Right now when you do a report such as the financial reports, how long does it take you to take it from MAS 90 into Excel or Crystal or whatever is being used to get it into a format that's usable by department heads and Council and for public posting?

MS. WILSON: Take me a couple hours. If I close my door and don't answer the phone or nothing, I can get it done, you know, within half a day, because then I have to take each revenue and put it into its appropriate fund that it's supposed to put it in,

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1 putting into appropriate department, list departments
2 out by their fund and separate the reports, and then
3 take a look at the reports to make sure I got
4 everything accurate, and then print it out.
5 COUNCILMEMBER BATES: And in MAS 90 are
6 separate funds like the tree bank fund and stormwater
7 fund, are those connected to the main MAS 90? How are
8 they treated within MAS 90?
9 MS. WILSON: It's treated as a department in
10 MAS 90. It's not treated as a fund. It's just
11 treated as a department.
12 COUNCILMEMBER BATES: And can you do -- Do
13 those departments talk to each other if you do a
14 transfer from --
15 MS. WILSON: I would have to do it manually.
16 If I have to do a journal entry, I have to do that
17 manually.
18 COUNCILMEMBER BATES: Versus the proposed
19 new software would --
20 MS. WILSON: Uh-huh. It will have its own
21 fund, its own set of books, everything. I wouldn't
22 have to separate anything out like I do now. I would
23 put it all under -- The revenues will connect to each
24 other. Currently, it's not like that.
25 Like if I was to go to the software, the

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1 Springbrook software, and I will say I want everything
2 for the general fund, it's going to give me the report
3 for the general fund. It's not going to give me a
4 report for all the financials.
5 Right now, I can't do that. If I say I want
6 only general fund, I have to just print out all the
7 departments and then split it out on an Excel
8 spreadsheet, and go to each different tab and then
9 calculate and put it together.
10 COUNCILMEMBER BATES: Did they give any time
11 frame on a conversion, how long it would take to
12 convert from existing to --
13 MS. WILSON: It depends on us, if they run
14 into problems here. Sometimes it can take up to, you
15 know, 90 days. It just kind of depends. A different
16 situation is different.
17 COUNCILMEMBER FLEMING: Getting back to the
18 question that Mr. Bates had about one fund talking to
19 another fund when you're transferring from one fund to
20 another fund, in Springbrook, it is capable of doing
21 that?
22 MS. WILSON: Yes, because it's a fund
23 accounting software.
24 COUNCILMEMBER FLEMING: Okay.
25 COUNCILMEMBER BATES: Is our -- I'm going to

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1 ask a question I probably shouldn't ask. Is our
2 current financial accounting set up according to the
3 Georgia required --
4 MS. WILSON: No, it's not. I know I
5 can't -- It doesn't have --
6 When you set up codes, you have to have a
7 certain number of lines. I don't have that certain
8 number of lines. If I had to just use what I got and
9 go and change everything the way it needs to be, I'm
10 not going to be able to do that because I can only put
11 so many characters in that one space, the way it's
12 already been set up. I'll probably have to go back to
13 MAS 90, ask them to redo the setup base for me.
14 COUNCILMEMBER BATES: And as far as the MAS
15 90 upgrades, what's the cost of upgrading the current?
16 MS. WILSON: We hadn't asked them that cost.
17 Right now, we're on six-month support, so, which was
18 almost $3,000, I believe.
19 COUNCILMEMBER BATES: For six months?
20 MS. WILSON: For six months.
21 But you know, the current software we have
22 is no -- they've done away with that version. We have
23 to upgrade if we want something else. And they do
24 have governmental, you know. If we keep the same
25 product, I'm fine with that, but I want us to use a

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1 governmental product.
2 COUNCILMEMBER BATES: And do we have a price
3 on their governmental?
4 MS. WILSON: I would have to look at their
5 quote that they sent us.
6 COUNCILMEMBER PACHUTA: Did they bid on the
7 RFP?
8 MS. WILSON: Yes.
9 COUNCILMEMBER FLEMING: On your wish list,
10 what other modules would you want to add over the next
11 year to five years?
12 MS. WILSON: I would like to do planning and
13 zoning and I would like to do code enforcement. And
14 the reason why I say that, because I think it'll be a
15 lot more efficient for the code enforcement officers
16 to know what's going on in planning and zoning so that
17 they won't necessarily have to go to that department,
18 and when they're out in the field, they'll be able to
19 see that. Right now, they can't see that. They have
20 to call in. You know, Ms. Biggers may be on the
21 phone, Mr. Haeberlin may be on the phone.
22 And so that's shortening up their time, you
23 know, trying to get things done. But if they had a
24 system where they can say, "Oh, yes, this person don't
25 have this, so I need to go give this person a

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1 citation," it'd be much easier to see that.
2 Right now, we don't have anything to talk to
3 each other. It's either -- it's the old-fashioned
4 way. It's coming in, talking, or we're on the cell
5 phone talking to each other, you know. We need to
6 kind of move with technology, where we don't have --
7 That takes up more time, trying to go to that place,
8 instead of them already being out in the field. They
9 see, and they just go do their job.
10 COUNCILMEMBER BATES: How do we currently
11 issue P.O.s?
12 MS. WILSON: We hand write P.O.s currently,
13 and every department does not do that.
14 So we have the white and yellow copy of a
15 P.O., and people call in for a P.O. all day long.
16 COUNCILMEMBER ALEXANDER: Why isn't the P.O.
17 module being used?
18 MS. WILSON: It's not set up, because I've
19 even clicked on it, Ms. Alexander, and it says -- It's
20 not set up, it's not registered. It'll give me like a
21 error message when it comes up.
22 CLERK BLACKMON: I think it's an additional
23 thing we have to purchase.
24 COUNCILMEMBER PACHUTA: I thought we did.
25 COUNCILMEMBER ALEXANDER: You did purchase

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1 it.
2 CLERK BLACKMON: It was never set up by
3 anyone. I don't recall purchasing it, but if we did,
4 it was never set up.
5 COUNCILMEMBER PACHUTA: That was a couple
6 years ago, I thought.
7 COUNCILMEMBER ALEXANDER: Yes; two
8 accountants ago.
9 MS. WILSON: There are several modules,
10 Ms. Alexander, that we have, that we don't use. We
11 have the bank reconciliation module. It's not even
12 being used.
13 And I've asked the auditors, where, you
14 know, when you come and look at that bank
15 reconciliation, was this something you looked at?
16 He was like, "Oh, no. I don't trust it." He said,
17 "Everything has been given to me was hand, hand
18 written the old-fashioned way."
19 Where we should be able to upload a file to
20 the software where it should automatically tic off the
21 checks that we have outstanding, and then whatever it
22 doesn't tic off, then we should research that. Right
23 now, we can't do that. We spend more time trying to
24 research things or problems with the bank reconcilia-
25 tion. It takes us about half a day to do that instead

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1 of a couple minutes to do it.
2 COUNCILMEMBER PACHUTA: When you had your
3 estimate of saving 4,000 hours per year, what was that
4 based on?
5 MS. WILSON: I worked with Springbrook. We
6 did a return on investment to kind of see, you know,
7 well, if I decide to purchase this, what kind of
8 investment I'm going to have. And so we did a
9 questionnaire about how long it takes me for every
10 process going from the general ledger to bank
11 reconciliation to P.O.s, how we do processes in
12 general. And we answered those questions on how long
13 it normally takes, and we took an average for a whole
14 month.
15 COUNCILMEMBER ALEXANDER: What would the
16 work order module be used for?
17 MS. WILSON: The work order module? For --
18 One complaint that I've had from the department heads
19 is that a lot of times they get bills in their mailbox
20 that the public works has done, and they don't know
21 anything about it.
22 So this is a way for to track things that's
23 been done in their department; that you got public
24 works that says, "You issue a work order that says 'I
25 need light bulbs changed.'" They come and change the

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1 light bulb; they close out the work order. When the
2 bill comes, you know that you asked for light bulbs to
3 be changed.
4 Right now, they just come and do stuff for
5 their department, and then they get a bill and it's
6 like, "I didn't know that somebody from public works,
7 you know, did this in my department," but yet now you
8 have a bill, and so you have to charge it to your
9 department.
10 And it could also be used for animal control
11 too, for complaints that we get in, calls, and people,
12 we can check on that as well. It's like a tracking
13 system.
14 COUNCILMEMBER PACHUTA: Will any of the
15 court stuff be incorporated or is that --
16 MS. WILSON: Yes.
17 COUNCILMEMBER PACHUTA: Okay.
18 MS. WILSON: It will be.
19 COUNCILMEMBER PACHUTA: So the court will be
20 incorporated already within this 117,000?
21 MS. WILSON: No. It will be --
22 COUNCILMEMBER PACHUTA: That's a future?
23 MS. WILSON: No. I would rather leave that
24 something totally separate, because it's by a
25 different company, by CSI, and Springbrook doesn't

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1 deal with municipal courts. I'd rather leave CSI the
2 way it is. It's working for them. Plus, I think they
3 incorporate with the police department, so I wouldn't
4 want to mess with it.
5 All I would want to do is integrate it with
6 the software that we have, and Springbrook said that
7 they could.
8 COUNCILMEMBER PACHUTA: So just the
9 information will be moved over?
10 MS. WILSON: Yes.
11 COUNCILMEMBER PACHUTA: Okay.
12 MS. WILSON: It would just integrate the two
13 systems together where they talk to one another, just
14 what they do with their -- the existing systems that
15 we have.
16 If we leave all the systems that we have and
17 just change the financial, they will integrate
18 everything that we have so that we can see what's
19 going on.
20 COUNCILMEMBER FLEMING: I noticed that CSI
21 was one of the ones that bid on our accounting soft-
22 ware --
23 MS. WILSON: Uh-huh.
24 COUNCILMEMBER FLEMING: -- and you selected
25 Springbrook.

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1 MS. WILSON: Uh-huh.
2 COUNCILMEMBER FLEMING: The reputation of
3 CSI that's already a tried and proven product --
4 MS. WILSON: Yes.
5 COUNCILMEMBER FLEMING: -- for the City of
6 Doraville, what made your opinion go to Springbrook
7 rather than going with CSI?
8 MS. WILSON: Well, as I read their financial
9 report, they do a lot of mergers and acquisitions with
10 other companies, and to me, that threw a red flag.
11 I'm like, why is this company doing a lot of merging
12 within every few months or every couple years? Are
13 they not strong enough to make the market on their
14 own?
15 And another thing that struck me was is
16 their bread and butter is K through 12, education, and
17 so that's where their main focus is and then local
18 government comes second. Now that they're not getting
19 as much revenue from K through 12, the education side,
20 now they're turning to local government.
21 And my feeling was, okay, so if you're --
22 you're not going to focus on local government any more
23 when your K through 12 comes back up. So I didn't
24 like that.
25 They're a good company, but that's those

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1 things that I did not like, and I didn't like them
2 merging with so many companies, because I felt like,
3 so if you're strong enough, you can go to any market
4 by yourself. You shouldn't have to merge with Company
5 ABC. You should be able to do that on your own. But
6 in their report, in their 10-K that they have, they do
7 a lot of merger and they continue to do more, and I
8 just felt that -- you know, I just struck that as a
9 red flag and thought it was kind of odd.
10 COUNCILMEMBER ALEXANDER: I would like to
11 know the cost of including the occupational tax
12 module.
13 MS. WILSON: They didn't give me that. I
14 just really focused on finance first before we go any
15 further. But they can get that for me, because I told
16 them if we move forward, that would be something like
17 a phase two or phase three, something down the line.
18 But I'll get that for you, Ms. Alexander.
19 COUNCILMEMBER ALEXANDER: Because that way,
20 wouldn't everything in this building be on the one
21 software?
22 MS. WILSON: Yes, ma'am.
23 COUNCILMEMBER ALEXANDER: Okay.
24 COUNCILMEMBER FLEMING: Did you tell me or
25 did you tell us that our system was so slow with the

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1 electricity or whatever, that we had to replace a
2 server at the annex?
3 MS. WILSON: Well, the server is down here.
4 What we had was we had so many -- the servers that we
5 had before we bought the new one, it was making it
6 slow because we had so much traffic. With the e-mail
7 and all the other things that we had on one, we had to
8 get another server to kind of split that up --
9 COUNCILMEMBER FLEMING: So --
10 MS. WILSON: -- so they can run a little bit
11 faster, because we would have problems with it going
12 slow. But now that we have that other server, so we
13 don't have all that traffic going through one main
14 line.
15 COUNCILMEMBER FLEMING: How long ago --
16 MS. WILSON: It's separated.
17 COUNCILMEMBER FLEMING: -- did we buy that
18 server?
19 MS. WILSON: Maybe a month ago, maybe two
20 months ago.
21 COUNCILMEMBER FLEMING: The server is
22 supplied through The Management Group?
23 MS. WILSON: Yes, ma'am. They bought it.
24 COUNCILMEMBER FLEMING: And was that server
25 more than $5,000?

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MS. WILSON: No, ma'am.
COUNCILMEMBER FLEMING: But the additional server that we might need to run all of this would be an additional possibly $30,000?
MS. WILSON: No, ma'am. That was a total for three. That was just an estimate that I've gotten from Management Group for three. But now that we have one, we could spend much less than that.
COUNCILMEMBER FLEMING: Okay.
COUNCILMEMBER BATES: And would all the -- would there be any additional hardware needed for the department heads to access the software from their offices?
MS. WILSON: Should be just licenses that include put it on their desktop.
COUNCILMEMBER BATES: And are the licenses included in --
MS. WILSON: Yes --
COUNCILMEMBER BATES: -- the proposal?
MS. WILSON: -- the licenses are included.
COUNCILMEMBER BATES: How many licenses were included?
MS. WILSON: I think I did up to 10 or 15.
COUNCILMEMBER BATES: On the presentation that you did, you talked about additional revenues.

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MS. WILSON: Uh-huh.
COUNCILMEMBER BATES: And one of them was the criminal background checks that we don't do.
MS. WILSON: Correct.
COUNCILMEMBER BATES: Chief, any idea on how many criminal background checks the City might be missing out on by us not providing that service?
CHIEF KING: Sir, it's difficult to tell right now because we actually turned down a lot of business in the past. We sent it to Chamblee.
There's a great deal of market out there. It's enough market share that if we started doing it, I don't think we're going to be taking a whole lot of business away from Chamblee, because the large companies that do these that are in this area, right now, they're all going to Chamblee.
It's hard -- it's hard to tell, sir. I hate to guess.
COUNCILMEMBER BATES: Do the tank drivers require background checks?
CHIEF KING: Yes, sir, they do. Every two years, they get that and pay a hundred dollars to us.
COUNCILMEMBER BATES: Who performs those?
CHIEF KING: We do, sir.
COUNCILMEMBER BATES: So we perform the

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background checks for the tank farms but we don't --
CHIEF KING: Not for the general public.
COUNCILMEMBER BATES: Okay.
CHIEF KING: That's part of the ordinance that was passed and part of the co-op when they submit fingerprint. Instead of just a name and date of birth check, there's a fingerprint check system that we use for the tank farms. That's why the cost is so much higher for those.
COUNCILMEMBER BATES: Well, this is always a catch 22 on employee efficiencies versus moneys in a tight budget. I don't know that we can.
You don't have the proposal from Sage?
MS. WILSON: We will have to look at it. I'll have to get it from Ms. Blackmon. It wasn't under the name Sage. It was under a different company. And then when we looked through it more, then, oh, this is just a Sage product. But we can -- we have a contact, a rep that we could call at Sage.
COUNCILMEMBER BATES: I would. I'd like to see you guys provide us with an evaluation on the Sage product that's similar to what we've got now but in the government fund accounting.
I do think that on the Springbrook proposal, we do need to see the proposed cost for the occupation

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tax module or future modules, because if it's, you know, 102 now but those two modules are going to be 30 apiece, you know, that obviously has some bearing on future decisions.
If there's going to be an increased cost from Altera on the HR piece or what the benefits of doing the HR package through Springbrook versus costs associated with Altera, I think we need to see that cost comparison.
I appreciate efficiency concerns. I absolutely do, and I see the benefit of doing that. I want to make sure that we're making the right decision based upon what we can afford today and the services that we might need in the future.
That's just me. I'm only speaking for me. So I'm going to let other Council --
COUNCILMEMBER FLEMING: Well, I'd like to jump in on that.
Though this Council has agreed to do payroll implementation through Altera --
MS. WILSON: Uh-huh.
COUNCILMEMBER FLEMING: -- it may be four years from now or six years from now that another Council says, "No, we want to do it in-house --
MS. WILSON: Uh-huh.

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1 COUNCILMEMBER FLEMING: -- "with HR and
2 payroll."
3 MS. WILSON: Uh-huh.
4 COUNCILMEMBER FLEMING: So to me, I would
5 also like to see the HR and payroll cost of imple-
6 mentation on this whether we purchase it or not, the
7 modules that we would have normally had had we not
8 decided to do Altera.
9 MS. WILSON: Uh-huh.
10 COUNCILMEMBER FLEMING: And I believe
11 Ms. Alexander wanted to see occupational tax module as
12 well. So those are my comments.
13 COUNCILMEMBER BATES: Well, and that would
14 be the modules for the three that you list, the code
15 enforcement, planning and zoning, and work orders,
16 what the cost would be on those three.
17 MS. WILSON: Okay.
18 COUNCILMEMBER BATES: Are they three
19 separate modules?
20 MS. WILSON: Separate.
21 COUNCILMEMBER FLEMING: And HR and payroll
22 are two separate ones, or are they together?
23 MS. WILSON: The HR and the payroll are two
24 separate, and they're already in the $117,000 quote.
25 COUNCILMEMBER FLEMING: They are in there.

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1 MS. WILSON: Yes, ma'am, they are already
2 included.
3 COUNCILMEMBER FLEMING: But --
4 MS. WILSON: If we take those out, that'll
5 be a $15,000 savings --
6 COUNCILMEMBER FLEMING: Okay. I'm sorry.
7 MS. WILSON: -- going to 102.
8 COUNCILMEMBER FLEMING: I apologize.
9 MS. WILSON: Uh-huh.
10 COUNCILMEMBER FLEMING: I remember now you
11 putting it on there. Okay.
12 COUNCILMEMBER ALEXANDER: I would also like
13 to see cost on annual maintenance agreement and if
14 that maintenance agreement includes free software
15 upgrades and things like that.
16 MAYOR JENKINS: Brian, do you want to make a
17 motion to table this till we get more information?
18 COUNCILMEMBER BATES: Do we need to?
19 ATTORNEY WEED: It depends upon what you
20 want to do. If you don't make a motion to table, it
21 will appear on your next agenda as old business. If
22 you want to table it indefinitely, you can do that.
23 That would remove it from your agenda. If you want to
24 table it to a date certain, you could do that as well.
25 COUNCILMEMBER BATES: I'm just fine letting

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1 it roll over and it'll be on the next meeting if
2 that -- if that gives you enough time to --
3 COUNCILMEMBER FLEMING: That'll be November
4 the 1st if my calendar is correct.
5 MS. WILSON: Ms. Alexander, in your price
6 proposal that you got from Springbrook, it has the
7 maintenance cost in there.
8 COUNCILMEMBER ALEXANDER: I just have to
9 find that.
10 MS. WILSON: Okay. Okay.
11 COUNCILMEMBER ALEXANDER: That was eight
12 months ago.
13 MS. WILSON: Okay.
14 COUNCILMEMBER ALEXANDER: So if you want to
15 include a copy of that --
16 MS. WILSON: I'll make you --
17 COUNCILMEMBER ALEXANDER: -- with that --
18 MS. WILSON: -- another copy --
19 COUNCILMEMBER ALEXANDER: -- information,
20 that would be --
21 MS. WILSON: -- and send it to yo.
22 COUNCILMEMBER ALEXANDER: -- very helpful to
23 all of us. Thank you.
24 COUNCILMEMBER FLEMING: Thank you very much
25 for the presentation.

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1 MS. WILSON: You're welcome.
2 COUNCILMEMBER BATES: Thank you, Ms. Wilson.
3 MS. WILSON: Uh-huh.
4 MAYOR JENKINS: Thank you, Shanta.
5 We don't need a motion and that'll just roll
6 over; is that correct?
7 COUNCILMEMBER BATES: Yes, sir.
8 MAYOR JENKINS: Okay. We're going to have
9 public comments at this time on old business and new
10 business. We'll have comments on what's on the agenda
11 item and we'll have old and new and we'll have three
12 minutes for each person.
13 Come on up, sir.
14 MR. CRAWFORD: This will be under new
15 business, number 3, Sanitation Code Section.
16 I believe this is germane. Back on -- back
17 on June 17th, 2010, check number 7955 was written to
18 the City of Doraville in the amount of $50. Back on
19 the same date, 7956 was written for $13.50 for the
20 recycling that I think in July was discontinued, and
21 we're paying in advance. So that was July, August and
22 September, so I paid $13.50 I wasn't supposed to.
23 Brought the -- the bills, both bills down
24 with two checks down to the City. The City lost them.
25 Then we got the next bill. The check then

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1 was written on the 7th. And me being stupid, I had
2 the 11th off. I put it in the mail, you know, and
3 sent it.
4 And then I got on -- I guess it was the 14th
5 I got this letter. (Reading) "Dear homeowner. This
6 letter is to inform you that your sanitation tax --"
7 Oh, first of all, the bill that came with
8 it, never received a bill that said I was delinquent
9 for July, August and September. That wasn't on the
10 bill that I got for October, November and December, by
11 the way. I guess it should have been, by the city
12 charter, but I guess maybe we don't do things by the
13 city charter sometimes.
14 So then I get this nice little letter in the
15 mail that says, "Dear homeowner. This is to inform
16 you" -- dated the 11th. "This is to inform you that
17 your sanitation tax" -- well, billed tax, whatever --
18 is delinquent. This is your final notice to pay the
19 amount indicated on your bill. If payment is not
20 received at the office at City Hall by 4:00 p.m. on
21 November 30th, 2010, a fi.fa. lien will be placed on
22 your property December 1st. If the amount included in
23 the fi fa is not received in our office by 4:00 p.m.
24 on December 30th, a notice will be sent to Dekalb
25 County to sell your property at the Dekalb County

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1 court. For any questions, please call our office at
2 (770) 451-8745. Thank you. Rhonda A. Blackmon."
3 The City had my money. The City didn't cash
4 it. Neither did -- All the time I walked by
5 Ms. Blackmon. But besides my concerns for myself,
6 it's also for the citizens of Doraville.
7 Nasty little letter. It suffices to put it
8 on my bill: balances are due immediately upon
9 receipt. It wasn't on the previous bill. It was on
10 this bill.
11 I've lived in Doraville since 1987, paid my
12 taxes, worked with the City in many different forms
13 and stuff, donated my time, a thousand -- hundreds of
14 hours of time, at least. Never asked a thing from the
15 City.
16 But what I do ask is what the hell is the
17 City doing sending out letters like this? It's a
18 nasty letter. It shouldn't have been sent out. A
19 phone call would have been nice. A phone call to any
20 citizen. And there's only 10,000 people in this
21 place.
22 I work for the State, and we make phone
23 calls, believe it or not. We send out three bills,
24 and we actually personally call people. Believe it or
25 not, we actually do that. It's called customer

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1 service. That's what it's called.
2 I resent this bill. It ticks me off. I'm
3 trying to maintain my composure. But there's no way
4 this should happen. This is wrong and you know it's
5 wrong. Thank you.
6 MAYOR JENKINS: Thank you, Ben.
7 Next?
8 MS. CRAWFORD: Susan Crawford.
9 [To Mr. Crawford] You didn't maintain your
10 composure.
11 I too was -- you know, received this, and it
12 is unconscionable. But my question is, all right, we
13 know you people. We know how to call you up and say,
14 "What's going on?"
15 But what about the people who don't speak
16 English so well, who misunderstand and think that
17 their houses are going to be repossessed so they get
18 up and move in the middle of the night?
19 What about the 85-year-old heart patient who
20 gets this and falls over dead?
21 I mean what about the people that have
22 family emergencies and are out of town for two months?
23 Do they come back to find that their houses have been
24 sold on the Dekalb County courthouse steps?
25 Now, all this stuff is something that you

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1 have to work out, but we are on the receiving end,
2 and, you know, you can't terrorize the people who live
3 here. It's just -- it's not right. And we're talking
4 about buying more things that will help make things
5 more -- easier for you to do, but I'd suggest maybe
6 first let's get back to basics like posting checks or
7 good customer service.
8 Sorry, but that's -- you know, that's really
9 upsetting.
10 MAYOR JENKINS: Thank you, Susan.
11 Next? Anybody else? Going once.
12 MR. HART: The billing thing is -- I mean
13 it -- I don't know. We're going to be on Clark Howard
14 next with the billing for the trash collection and
15 selling people's houses off for a $30 trash bill.
16 And if we had a decent trash collection
17 deal, it would be almost somewhat worth it, but, you
18 know, we don't even have what we had five years ago
19 for trash collection. I mean the services like
20 picking up firewood at the maintenance shop, you have
21 a log splitter over there, or picking up leaves or,
22 you know.
23 We saved all that money with that clam shell
24 truck that we still have and we went to -- instead of
25 getting twice a week trash collection like it says in

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the city charter, we get it once a week. We don't follow any of the rules at all around here.

And then, you know, we sent out this letter to these people. I probably have one in my mailbox. I haven't looked yet, but I'm probably on the foreclosure deal too.

Anyway, the other thing was the tree ordinance amendment. You know, I built something across the street here where I was hounded constantly about trees and impervious surfaces, and we went off the deep end trying to accommodate the City and didn't hear a peep out of the City Council.

But here we have large developers in the city that, when they have a problem, the City immediately reacts. You have a problem with your trash collection bill, but these other guys don't have that problem because you're not -- you don't have the political hookup that some people in this city have.

And so the City needs to take a close look at -- you make these rules up and you beat everybody over the head with it, except when it comes to certain customers, then you have to make a little allowance, a special allowance.

And some people on the City Council have problems with $50 for a hot water heater permit or

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like a driveway survey, you know. It's okay when the rest of us have to follow the rules. It's okay. But when it's a big-time customer or it's a Council member, then you have a problem.

Thank you.

MAYOR JENKINS: Next?

MR. ANDERSON: Complain, complain. Stuart Anderson.

To quote Ben Crawford, mistakes were made. One of the biggest mistakes I suspect was sending this kind of letter to the Crawfords, but I might be wrong.

Something that's kind of skipped over, and I know we all certainly blame Rhonda for this, but Rhonda is part and parcel. The tenor of this letter is Rhonda but it's Murray Weed. Those two people were tasked with this process, going after this, this billing, by the City Council. And correct me if I'm wrong, but Rhonda --

ATTORNEY WEED: You are.

MR. ANDERSON: -- and Murray --

CLERK BLACKMON: I wrote it.

MR. ANDERSON: You wrote it period.

CLERK BLACKMON: I had it approved but I wrote it.

MR. ANDERSON: Uh-huh. Okay.

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CLERK BLACKMON: Based on our ordinance.

MR. ANDERSON: Well, there it is.

If they put you out of the house, the Crawfords can come and stay in my garage. It's all right.

MAYOR JENKINS: Next? Come on up, please.

- - -

(No response)

- - -

MAYOR JENKINS: Okay. We'll go into old business. Update Permit and Regulatory Fee Schedule for Pawn Shops.

COUNCILMEMBER PACHUTA: This is the second reading of this ordinance. I guess two Council meetings ago we agreed to, based on the time it would take the police department to enforce background checks, et cetera, for the pawn shops, on a pawn shop regulatory fee of $1,000 with $50 for the employee identification fee; $500 for the precious metal dealers regulatory fee and $50 for the precious metal dealer employee identification regulatory fee.

This is the second reading of the ordinance, so I make a motion to approve the pawn shop regulatory fees.

COUNCILMEMBER PITTMAN: Second.

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MAYOR JENKINS: Second? More discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: No.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Motion carried.

MAYOR JENKINS: Thank you, Karen.

COUNCILMEMBER PACHUTA: And next we have the pawn shop regulations. Again, this was an older ordinance that had not been updated in a long time and Mr. Weed had provided a draft ordinance.

The last Council meeting, we did have some additional questions which I assume we will discuss tonight that primarily regard the number of pawn shops that would be allowed in the city.

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So we were going to start with that. We got the information from the police department about current distances between, and I know Mr. Bates sent out a question today regarding population. I think that's the main issue we need to go over.

COUNCILMEMBER BATES: Yeah. The last meeting, we had talked about 880 yards, to see what that equated to, and we received information from the police department.

Correct me if I'm wrong, Chief, but that didn't include the title pawns. That was only the pure pawn shops, is that correct, the distance?

CHIEF KING: That's correct, sir, as far as I understand.

COUNCILMEMBER BATES: Mr. Weed, can you share with everybody your concern on -- I e-mailed you why we couldn't do it based upon population, and if you could share with us your response on that.

ATTORNEY WEED: Council can do it on population; however, I wouldn't advise that you do so. And I've talked to the Georgia Municipal Association about this as well, and I've got a second opinion. They concur with my analysis.

A population-based regulation, there are a number of issues with it. The first one is the fact

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that's not really been tested or vetted via the court system. What we know is solid regulation, which is defensible because it's clearly been used over and over again and litigated over and over again via the alcohol beverage State law and via the zoning ordinances, are distance regulations. So I still maintain that that is something that's been proved in the court system, and that's the best way to do this type of regulation if you want to have a limit of some kind.

Now, you could establish simply a cap on the number of pawn shops; however, I don't advise you to do that, because I think that you are now taking your judgment as a Council and replacing it with that of the free market economy.

If you have a population-based, you are inherently and directly establishing a cap on the number of pawn shops. If you do it by distance, true enough, you are de facto establishing a cap, but that is clearly regulation that's been approved and vetted by the court system before. So a cap created in that manner has been established to be an effective thing that one can do.

So for example, the ultimate number of alcohol beverage establishments, there is a cap, and

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the cap is based upon the radius of each one compared to the State law of distances, been litigated and found to be constitutional time and time again. Same thing with the similar zoning ordinances.

So if you decide to go with a population basis, you're going to have to come up with a rational reason for the regulation, why that is the most effective and the least intrusive mechanism in order to accomplish the legislative goal that you have.

I assume the legislative goal is to prevent what I call pernicious secondary effects of a pawn shop establishment -- the concern about the influx of the possibility of organized crime, concerns with fencing stolen merchandise. I'm sure that none of our pawn shops have those issues -- maybe they do and maybe they don't -- and I know that you're looking towards the future and the prevention of those items and issues.

So if you do decide you want a population basis with regard to the regulation, those are the things you've got to bear in mind.

So I maintain that the best way of doing this if you're going to create a de facto cap would be some sort of distance limitation as opposed to a population base.

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COUNCILMEMBER FLEMING: So based on the current information that we received back from Major Atkinson, and in your opinion, would we not also have to determine the area in which all the C-1/C-2 is in and the other zoning codes, because they may ask for a conditional use in those codes, to determine how many we could possibly have?

ATTORNEY WEED: Yes would be my preliminary answer.

What I think we would need to do -- and we just got this information back, or I have, and I'm the one who sent it to Council. What Councilman Roche had suggested -- and I think this is a valid idea -- is to, first off, literally take a map, identify every one of the current existent pawn shops. If title pawn is to be included in that, we need to do that too. And so far, that has not been considered. So that's a decision Council needs to make that we need to go back to the zoning ordinance and determine exactly which areas pawn shops could be in. I believe they're C-1. Sorry. They're C-2 under conditional use permit, I believe.

MR. HAEBERLIN: Which is most of Buford Highway.

ATTORNEY WEED: Okay. And then we would do

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a -- we would put them on the map, we'd create the radius for each one, and from that, determine how many you could have in the future.

COUNCILMEMBER FLEMING: But can we not do it in M-1/M-2 or O-I/O-W --

MR. HAEBERLIN: I believe --

COUNCILMEMBER FLEMING: -- as a standard?

MR. HAEBERLIN: -- off the top of my head, and I don't have that code with me --

COUNCILMEMBER FLEMING: I don't.

MR. HAEBERLIN: -- I believe it's a conditional use in M-2 as well. So there are -- in our zoning ordinance, there are multiple locations sometimes for things, and in this case I believe it's allowed in C-2 as a conditional use and M-2 as a conditional use.

COUNCILMEMBER FLEMING: So any of the -- any of the zones that they are -- could legitimately be there, whether it be permitted or conditional, is what we need to be looking at as far as the zoning map is concerned.

ATTORNEY WEED: That makes sense to me, yes, ma'am.

COUNCILMEMBER BATES: And what I wanted us to do -- and I perhaps didn't articulate it. I

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probably didn't even say it because -- I won't . . .

What I thought we were going to do was to actually get a map and put a little pin wherever there's a pawn shop or a title pawn, and take a string and at, you know, 500 feet and at 1,000 feet and at 1,500 feet draw our little circle so we could see, you know, where do we get the maximum coverage, minimum coverage, things along that nature.

ATTORNEY WEED: I think that -- I don't know if that was clearly communicated, but nevertheless, that was always our intention.

We got the field work done today --

COUNCILMEMBER BATES: Okay.

ATTORNEY WEED: -- or at least the field work was shared with me today; therefore, we've had no opportunity whatsoever, you know, to generate the field work onto a map, or I have not. So --

COUNCILMEMBER BATES: I did do a little bit of research based upon distances, and I couldn't find any -- anybody in the state of Georgia that regulated pawn shops based upon distance or any other criteria.

I did find, in every instance that I could find other municipalities or other states or other counties, they all did it by distance. I didn't find anybody else that did it by population.

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The state of Texas is no closer than one mile to each other. The city of Buffalo puts it -- the only criteria is 300 feet from a school or church and 350 feet from a residential property. City of Des Moines, Iowa, one half mile separation and 250 feet from residential. This is Derby, Kansas; one mile separation, 250 foot separation from residential; and businesses must be in a multi-tenant building, they may not be in a standalone facility. And then Hialeah, Florida, which is near Miami, 2,500 feet from one another.

COUNCILMEMBER FLEMING: I'm sorry. Say again?

COUNCILMEMBER BATES: 2,500 feet.

So they were all, with the exception of Derby -- and I don't know how big Derby is -- they're all municipalities or states that were bigger than what we are.

I would really like to see us at the 500/1,000/1,500 just to make nice even numbers. No offense to the 880.

COUNCILMEMBER PACHUTA: That's exactly half a mile.

COUNCILMEMBER ALEXANDER: Yes.

COUNCILMEMBER BATES: I did those in feet,

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though.

COUNCILMEMBER ALEXANDER: 2,640 feet.

COUNCILMEMBER BATES: Thank you.

So I'll throw it out there, let staff come up with different feet radius -- radii, and come back to us with a map that shows us at X feet you could possibly have 30 and at Y feet you could have two.

ATTORNEY WEED: And while we're talking on the subject, to make sure we have the proper parameters, do you want to include pawn shops and/or title pawn --

Well, first off, do you want pawn shops and title pawn?

COUNCILMEMBER BATES: Yes.

ATTORNEY WEED: Okay.

COUNCILMEMBER BATES: I do, and I --

COUNCILMEMBER PACHUTA: Yeah.

ATTORNEY WEED: And under the State law, they appear to be regulated by the same pawn code.

Then the second question will be do you want us to consider non-jurisdictional title pawns and pawn shops? In other words, I am over the city-limit line in the county unincorporated. Do you want a measure from that location and how it might affect something in the city limits or do you just want to focus on

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1 just what's in the city limits?
2 COUNCILMEMBER BATES: I personally would,
3 but --
4 COUNCILMEMBER PACHUTA: But will we be able
5 to regulate based on distances from businesses outside
6 the city limits?
7 ATTORNEY WEED: You're regulating business
8 inside the city limits, but my opinion is you can
9 consider things that are on the border. You do that
10 already in the zoning code and other codes.
11 COUNCILMEMBER BATES: And the reason being
12 is because of the irregularity of our city border, we
13 have an entire stretch of Buford Highway that is not
14 within our city limits, and I would hate for us to
15 have it not be considered as part of the regulatory
16 if -- And let's not hope that the word gets out that
17 that's unincorporated Dekalb County. So I would
18 prefer that to be considered in the evaluation.
19 COUNCILMEMBER PACHUTA: So would I.
20 ATTORNEY WEED: Will Council give me
21 permission to activate whatever staff I need to make
22 this happen?
23 COUNCILMEMBER BATES: Yes.
24 COUNCILMEMBER PITTMAN: Yes.
25 ATTORNEY WEED: Thank you.

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1 COUNCILMEMBER PACHUTA: All right. So this
2 will just go back on the next agenda.
3 ATTORNEY WEED: Yes, ma'am.
4 COUNCILMEMBER FLEMING: Can I ask a question
5 about the previous -- the permit since we talked about
6 title pawn and this particular thing?
7 The one that we just did for pawn shops does
8 not include title pawn fees; is that correct?
9 COUNCILMEMBER PACHUTA: Yeah, I believe it
10 does, because title pawn under the State code is
11 treated as --
12 ATTORNEY WEED: They're treated the same
13 under the State code. I need to -- I need to look to
14 see if it's covered locally. To my recollection, we
15 don't have -- in Chapter 6, we don't have a title pawn
16 code already. So bearing that in mind, I would -- I
17 would lead towards yes, it's covered by that until we
18 otherwise make another differentiation.
19 COUNCILMEMBER FLEMING: And Mayor if I may,
20 just a couple more questions. Because in our previous
21 discussion, I remember Mr. Roche saying that title
22 pawns don't have to be as regulated or aren't as
23 regulated right now as the pawn shops are but yet
24 they're actually basically stealing a person's car if
25 they miss one day payment, so he was really more

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1 concerned about title pawns than he was pawn shops as
2 far as regulating them.
3 ATTORNEY WEED: Yes, ma'am, I believe --
4 COUNCILMEMBER FLEMING: Didn't --
5 ATTORNEY WEED: -- that's what he said.
6 COUNCILMEMBER FLEMING: -- he want -- Wasn't
7 there some discussion about us breaking it down in our
8 ordinance itself, of pawn shops and -- not as an "and"
9 but pawn shops and title pawns?
10 ATTORNEY WEED: Yes, ma'am. That conversa-
11 tion occurred.
12 COUNCILMEMBER BATES: And one of the reasons
13 why I don't think we could was if the regulatory fee
14 is based upon the actual work needed, then their
15 regulatory fee would probably be less than a regular
16 pawn. So if we keep them together, we treat them the
17 same.
18 But I do have a -- Chief, this is going to
19 be a question for you guys. I think we asked last
20 time if there was the ability for us to have the title
21 pawn companies provide a list of the vehicles of whom
22 they were in possession of the titles to do a check to
23 make sure that those vehicles were not stolen.
24 CHIEF KING: That is not currently the
25 requirement because it's not on the State code. Now,

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1 Doraville -- if Doraville wanted to make that part of
2 the reporting requirement, that could be added on to
3 the ordinance.
4 COUNCILMEMBER BATES: Well, I think there
5 was going to be some question as to whether or not you
6 legally could do a search of titles that ...
7 CHIEF KING: Yes, sir, we have the
8 capability to search title by title numbers.
9 COUNCILMEMBER PACHUTA: I think Major
10 Atkinson was concerned that if you put in a title and
11 it came back as stolen --
12 CHIEF KING: Yeah. We need to have --
13 COUNCILMEMBER PACHUTA: -- then they would
14 wonder where is the vehicle, and --
15 CHIEF KING: Yeah. We'd have to have --
16 COUNCILMEMBER PACHUTA: -- we would have to
17 have it.
18 CHIEF KING: -- possession of the vehicle.
19 When you run a criminal -- a check on a vehicle, yes,
20 ma'am, you have to have the vehicle in your hand.
21 COUNCILMEMBER PACHUTA: So but if they were
22 submitting titles that they'd repossessed. That was
23 the issue. I don't know if that's --
24 CHIEF KING: That would be a potential
25 issue. A car could be -- a car could come back stolen

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and the title pawn shop, you know, the title pawn dealer have the title legally because the loan defaulted, but the car is stolen. Some people keep their titles in their cars, which is a big mistake. And the pawn shop is just --

You know, they want to make that quick turnaround. By the time they catch up, usually the vehicles are sold two or three times. They go to an auction block, and they're sold very quickly. And what happens a lot of times is for example a current tow company will get duplicate titles for cars, and that causes a lot of confusion.

It would require, like you said, manpower to do the research, but probably not as much because there's less volume than the typical pawn shop.

COUNCILMEMBER FLEMING: And right now, though, the title pawns are not having to report anything to the Doraville Police Department.

CHIEF KING: That is correct.

COUNCILMEMBER FLEMING: And it is on a daily basis that the pawn shops report to you.

CHIEF KING: Yes, ma'am.

COUNCILMEMBER FLEMING: Or not you, but to the department.

COUNCILMEMBER FLEMING: Yeah. They submit a

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digital record.

COUNCILMEMBER FLEMING: Correct, correct.

CHIEF KING: The only way, ma'am, that the title companies is when they take possession of a car or a title, they have to go change the title into their name or whoever the potential owner, new owner is. That's when the State figures out that there's a problem with the title.

COUNCILMEMBER FLEMING: Okay, thank you.

Thank you, Mayor.

MAYOR JENKINS: Okay. Personnel Policy, Legal. That would be you, Murray.

ATTORNEY WEED: Mr. Mayor and Members of Council, this item has appeared on previous agendas. The Council had wanted the proposed changes to be shared with the department heads to get any commentary back from the department heads with regard to the proposed changes and any other changes that they felt the department heads might want to make or propose to the Council to make.

My understanding is that request did go out, and there were some responses that were presented to the Clerk.

Madam Clerk, were these also given to the Council --

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CLERK BLACKMON: Yes.

ATTORNEY WEED: -- already? Okay.

CLERK BLACKMON: They are in their packets.

ATTORNEY WEED: So those are the responses that have come in.

COUNCILMEMBER ALEXANDER: I thought we had received some information from the police department.

CLERK BLACKMON: I thought so too. I asked Chief this morning or earlier today because I couldn't find my e-mail, and he was going to look, and I don't think he found one either.

So I think your only concern was about the eight days, though; correct?

CHIEF KING: The only concern that we had clearly, I got into a discussion with Mr. Weed versus, you know, the legality. Clearly, the arguments that we had were not legal in nature. I mean it is policy. It is the policy.

The only question that we had is because this lateness in the year and potentially shifting -- you know, cutting down the number of days that could be turned in for pay clearly will be -- we don't have enough time the rest of the year to have officers take over, employees take over, causing us -- if the policy changed, we will have to force employees to take off,

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leaving us potentially short. That would be the only comment.

COUNCILMEMBER FLEMING: If I understand correctly, the two issues that we are to discuss this evening on the personnel manual change would be the pay in advance for training, transportation, and the eight days pay at the end of the year and eight days rollover. Is that correct?

ATTORNEY WEED: Yes, ma'am. Now, you can discuss anything you want to that's in the proposal, but the vast majority of the changes were simply things that frankly are already code but were not in the policy yet, like the eight-day statement, you know, things just for clean-up.

COUNCILMEMBER FLEMING: I think we went --

ATTORNEY WEED: So I would concur with that assessment.

COUNCILMEMBER FLEMING: I think we had gone through the majority of them with Mr. David Pace and forth, because the personnel manual I brought with me this evening is just the standard one with not any changes.

I just wanted to familiarize it's just those two issues, I guess, that we're really discussing.

ATTORNEY WEED: That's my recollection.

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1 COUNCILMEMBER PITTMAN: And it seems that
2 the consensus of the input from the staff is that they
3 would like to get paid in advance for their expense,
4 and if there's -- also, the eight days to be carried
5 over. That seems to be -- that seems to be what
6 everybody has pretty much said.
7 COUNCILMEMBER FLEMING: You want to take
8 them one at a time?
9 COUNCILMEMBER PITTMAN: Sure.
10 COUNCILMEMBER FLEMING: Do you want to take
11 each issue one at a time?
12 MAYOR JENKINS: We can, yeah. Well, you
13 want to start it off?
14 COUNCILMEMBER FLEMING: I don't know what
15 the Council wants to do. Whatever.
16 MAYOR JENKINS: Want to do each item as we
17 move through this?
18 COUNCILMEMBER ALEXANDER: Well, I thought we
19 had some issues in the proposal that was given to us
20 that there was some section misnumberings or something
21 like that I believe came up.
22 And Chief King, do you have your own social
23 networking policy?
24 CHIEF KING: Yes, we do, ma'am. It's very
25 similar to what the city attorney has proposed. We

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1 wanted to make it a little bit more restrictive based
2 on the access that officers have to people being taken
3 into custody and things that -- you know, some of
4 the -- some of the problems that other agencies have
5 had with employees posting comments on social
6 networking.
7 But it's almost identical.
8 COUNCILMEMBER ALEXANDER: And --
9 CHIEF KING: If anything else, it's probably
10 a little bit more restrictive than what the City has
11 proposed.
12 COUNCILMEMBER ALEXANDER: And then there
13 were some supreme court rulings regarding employees
14 and text messaging and things of that nature. I
15 didn't know if that had been incorporated in the
16 electronics policy.
17 CHIEF KING: It is.
18 ATTORNEY WEED: Yes, ma'am.
19 COUNCILMEMBER ALEXANDER: From July?
20 ATTORNEY WEED: It has.
21 COUNCILMEMBER ALEXANDER: I mean the rulings
22 were -- this -- this information was dated July.
23 ATTORNEY WEED: Yes, ma'am. We've
24 considered that.
25 COUNCILMEMBER PACHUTA: I thought she

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1 attached the new one.
2 COUNCILMEMBER ALEXANDER: Oh, we don't have
3 the new one to review?
4 COUNCILMEMBER PACHUTA: Huh-uh. I thought
5 we did.
6 COUNCILMEMBER ALEXANDER: We don't have the
7 latest revision. It was in our packet. I thought we
8 had the new one attached, but this is the old one.
9 CLERK BLACKMON: I don't think we've got ...
10 ATTORNEY WEED: I believe the last one --
11 CLERK BLACKMON: That should have been it.
12 I don't think I got an update from the other.
13 COUNCILMEMBER PACHUTA: It says July 1st,
14 '09, unless the cover sheet was just not changed.
15 ATTORNEY WEED: No. The one that we've been
16 discussing was last month. It's draft number three
17 dated September the 20th.
18 COUNCILMEMBER PACHUTA: I don't know. I've
19 just -- I looked, glanced at it in my packet and I
20 thought that was the most recent version, but that's
21 not what this is.
22 CLERK BLACKMON: The one I copied is the one
23 from the October 4th agenda.
24 COUNCILMEMBER ALEXANDER: So we don't have
25 the latest revision.

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1 COUNCILMEMBER BATES: I don't recall seeing
2 draft three.
3 COUNCILMEMBER ALEXANDER: Because when
4 Mr. Cole was here discussing it we didn't have it.
5 ATTORNEY WEED: That's correct. You had
6 draft two at the time, and there is a draft three
7 dated September 20.
8 COUNCILMEMBER FLEMING: September what
9 again?
10 ATTORNEY WEED: September 20.
11 COUNCILMEMBER BATES: And did that come from
12 you or from Penny?
13 ATTORNEY WEED: It should have come from
14 Penny.
15 COUNCILMEMBER BATES: Okay.
16 COUNCILMEMBER FLEMING: I'm not able to
17 print at home any longer, so I would appreciate
18 someone printing it for me.
19 ATTORNEY WEED: Yes, ma'am.
20 COUNCILMEMBER BATES: And I'll apologize. I
21 don't have my copy to review, so I think we need to
22 move this one to the next agenda.
23 ATTORNEY WEED: If Council --
24 COUNCILMEMBER FLEMING: I agree, but as a
25 comment for Chief King, I never intended for these

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1 issues that we're discussing now to go into effect as
2 we speak. I would think that it would go into effect
3 January 1. I don't know. That's something I --
4 COUNCILMEMBER PACHUTA: The PTO and every-
5 thing?
6 COUNCILMEMBER FLEMING: I'm sorry?
7 COUNCILMEMBER PACHUTA: With the PTO and
8 everything?
9 COUNCILMEMBER FLEMING: Yes. Absolutely.
10 ATTORNEY WEED: Yeah. Once again, most of
11 the -- most of the things are actually in this
12 ordinance. It's not -- there's not a complete change
13 of the entire personnel policy. It simply focused on
14 things that were -- the vast majority that were
15 already in your code. They were not put into your
16 personnel policy, though. So those are simply,
17 literally, housecleaning items.
18 With regard to if you want to have effective
19 dates on certain subsections like the PTO or if you
20 elect not to change the advanced payment of the per
21 diem on travel, then no change will need to be made.
22 The idea behind the PTO change is there will
23 still be an accrual time of eight days. That's your
24 policy now and that will continue to be the policy as
25 proposed.

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1 But what was before you is the question of
2 how to treat exempt employees as opposed to nonexempt
3 employees, and we provided the option A and the option
4 B for your consideration. But you could make any
5 certain subsection you wanted to effective on a
6 particular day, but the vast majority of this is
7 already in effect and has been.
8 MAYOR JENKINS: You want this on the next
9 agenda?
10 COUNCILMEMBER BATES: Please.
11 MAYOR JENKINS: Okay. Before we go to item
12 number 4, let's take a 10-minute break.
13 COUNCILMEMBER ALEXANDER: I had -- can I ask
14 my question relevant to this, before? I'm sorry.
15 Because one of the things, I was hoping that
16 we were going to be able to get a work session on the
17 personnel manual, because some comments had been made
18 to me on the policy that we passed. For example,
19 Section 5.3.2, Leave Without Pay, in that paragraph,
20 instead of the employee requesting leave without pay,
21 if I'm reading the section correctly, asking their
22 supervisor for permission for leave without pay, they
23 have to come before Mayor and Council. Maybe I'm not
24 reading that paragraph correctly.
25 ATTORNEY WEED: And you're talking about

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1 what's currently in effect? Is --
2 COUNCILMEMBER ALEXANDER: Yes.
3 ATTORNEY WEED: -- that correct? Okay.
4 COUNCILMEMBER ALEXANDER: I can see that
5 requirement of a department head or perhaps City Hall
6 staff, somebody that's directly under the Mayor's
7 purview, but I don't necessarily understand that
8 requirement of other employees.
9 ATTORNEY WEED: Currently, it does say Mayor
10 and Council, and that's what the Council approved.
11 You could always change it, but that is what it is
12 does currently say.
13 COUNCILMEMBER ALEXANDER: Any comments from
14 my seat mates?
15 COUNCILMEMBER FLEMING: I'm not reading it
16 right now, but does it include -- I mean they have to
17 go to their supervisor, their department head? Is
18 that what it reads?
19 COUNCILMEMBER ALEXANDER: The granting of
20 this type of leave is normally for compelling reasons
21 and is dependent upon the sole discretion and written
22 approval of the Mayor and City Council.
23 COUNCILMEMBER PACHUTA: I think it should --
24 COUNCILMEMBER FLEMING: And is that it?
25 COUNCILMEMBER PACHUTA: -- department head.

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1 COUNCILMEMBER ALEXANDER: Yes, ma'am.
2 COUNCILMEMBER FLEMING: Is that all it says?
3 COUNCILMEMBER ALEXANDER: Uh-huh.
4 COUNCILMEMBER FLEMING: Well, surely there
5 has to be some type of --
6 I don't have a problem with a department
7 director but there has to be some type of time factor
8 about when to expect that person back or if --
9 ATTORNEY WEED: Yes, ma'am.
10 COUNCILMEMBER FLEMING: -- what circum-
11 stances --
12 ATTORNEY WEED: That's in the paragraph.
13 COUNCILMEMBER FLEMING: Okay.
14 COUNCILMEMBER ALEXANDER: I guess I would
15 like to see some definitive wording as far as, like I
16 said, I could understand a direct report to the Mayor
17 or a department head, but, you know, our department
18 heads' employees, I don't know about them coming
19 before us.
20 COUNCILMEMBER FLEMING: No. I agree.
21 COUNCILMEMBER PITTMAN: Yeah.
22 COUNCILMEMBER ALEXANDER: So do we need to
23 ask Mr. Weed to work on some language for that
24 section?
25 - - -

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(Brief, inaudible conversation between Councilmembers Pittman and Fleming)

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COUNCILMEMBER FLEMING: I'm sorry, Ms. Alexander.

COUNCILMEMBER ALEXANDER: So do we want to ask Mr. Weed to work on some more definitive language for that section?

COUNCILMEMBER BATES: Yes.

COUNCILMEMBER FLEMING: Please.

COUNCILMEMBER ALEXANDER: Thank you.

ATTORNEY WEED: And, now -- Okay. Currently your -- It's been over a year since we talked about this, and I believe the origin of this is in your charter, the Council has direct hiring, firing and supervisory power over individual employees. So I believe this may have been one of those -- one of those issues that, while you have a department head structure, the Council could actually supervise people too, and then that's modified in part by the powers of the Mayor and by ordinances that you adopt and policies you adopt.

So bearing that in mind, what you want to achieve is department heads coming to the full Council for these long-term leaves of absences without pay,

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which is what we're talking about here, but non-department heads can go to the department head and the Mayor? -- no -- or just the department head. I just want to make sure we all have an understanding of what you want me to do.

COUNCILMEMBER ALEXANDER: I think it would be to their department head.

COUNCILMEMBER PACHUTA: Yeah.

COUNCILMEMBER FLEMING: Agree.

COUNCILMEMBER PITTMAN: Yes.

COUNCILMEMBER FLEMING: They're the one that has to determine whether they need part-time help or whether they're actually able to --

COUNCILMEMBER BATES: And as with anything, if they feel aggrieved by the decision, then it would come to --

COUNCILMEMBER FLEMING: That is correct.

COUNCILMEMBER BATES: -- Mayor and Council.

COUNCILMEMBER PACHUTA: And I guess, then, I have one more.

COUNCILMEMBER ALEXANDER: I'm sorry, Chief?

CHIEF KING: I think right now, sir, that if they want to appeal the decision of a department head, they come to the Mayor. Only for firing or induced to resign do they come to the Council.

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ATTORNEY WEED: That's correct.

COUNCILMEMBER PACHUTA: Yeah.

ATTORNEY WEED: That's what's in the charter currently.

COUNCILMEMBER BATES: Which --

COUNCILMEMBER PACHUTA: And that's one of the things I wanted to bring up is with discipline, because currently the Mayor can completely overturn a department head's decision on discipline, and I think that really undermines the department head's authority, particularly with the police department. It's a paramilitary organization.

I would like to see that changed, that the review by the Mayor, that he can only overturn discipline of a department head. This excludes termination or being requested to resign, but that it would be limited to say if there was an error in fact on the department head's decision.

I think it's very demoralizing for department heads when a employee can just appeal to the Mayor and have their discipline overturned.

COUNCILMEMBER FLEMING: If you don't mind -- and I understand what you're talking about, but if you don't mind, could you throw out an e-mail as to what section of where everything you're referring to?

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COUNCILMEMBER PACHUTA: Yeah. It's 10.3. It's in the current policy that's in our agenda, 10.3(C).

COUNCILMEMBER BATES: So are you asking for Mr. Weed to look at --

COUNCILMEMBER PACHUTA: I would like Mr. Weed to at least look at some language that would provide some limitations so that it wasn't just to overturn, that there needed to be a rationale for overturning a department head's discipline.

MAYOR JENKINS: You got that, Murray?

ATTORNEY WEED: Yes, sir, I think I do.

MAYOR JENKINS: Got anything else, Maria?

COUNCILMEMBER ALEXANDER: I think that's enough for right now, sir.

MAYOR JENKINS: Okay. Let's take a 10-minute break.

COUNCILMEMBER ALEXANDER: Thank you.

- - -

(Brief recess)

- - -

MAYOR JENKINS: Meeting come to order.

ATTORNEY WEED: Mr. Mayor, with regard to the personnel policy, I got the impression from the Council that you are not interested in changing the

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1 prepayment for expenses policy.
2 The reason why I ask you that is that the
3 next version when I make changes, I can go ahead and
4 leave that section out. Is that the general
5 consensus? No one seems too excited about changing
6 that, which is fine with me. I --
7 COUNCILMEMBER FLEMING: Prepayment policy is
8 fine; but there again, with me not reading what we
9 presently got. We need to definitely have backup
10 paperwork to accommodate the prepayment, though.
11 ATTORNEY WEED: Right, correct.
12 COUNCILMEMBER FLEMING: You know, an expense
13 report or some type of travel voucher or some such.
14 ATTORNEY WEED: There is a travel form, so
15 that does that exist.
16 Okay. Well, I'll -- in the next version,
17 which will be -- you're going to get a draft version
18 four, and then we'll include the things you've talked
19 about tonight and it will not include that change.
20 COUNCILMEMBER ALEXANDER: Okay.
21 CLERK BLACKMON: I'll make sure four is in
22 the next packet.
23 COUNCILMEMBER ALEXANDER: Thank you, ma'am.
24 ATTORNEY WEED: And to me, the most
25 important thing that Council will want to clear up

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1 essentially would be the eight-day rule, which is
2 still in effect, but whether or not people who are
3 exempt, how you're going to calculate the eight days.
4 That's the most important thing about this
5 policy, in my opinion. Thank you.
6 COUNCILMEMBER PITTMAN: Thank you.
7 MAYOR JENKINS: Okay. Next item is
8 Conservation Subdivision adoption into the building
9 code. Scott, I believe that's your item, and Steve.
10 MR. HAEBERLIN: Well, my desire certainly as
11 the city planner was certainly to get this out of
12 zoning. And we've been working on getting things out
13 of zoning that don't belong in zoning; for example,
14 the city's flood plain ordinance and things that are
15 not zoning codes but more technical-related codes that
16 the building official, who's Mr. Calcaterra, will then
17 enforce.
18 And I know that you have a draft before you
19 and there's been some amendments made. I sent an
20 e-mail earlier this afternoon. Many of you may have
21 missed it because you were probably leaving work to
22 come to the meeting.
23 But basically I still have some concerns
24 about the need for having CSR even as a standalone
25 building regulation. I still have some concerns,

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1 again, about RCH, which is a very distinct zoning
2 classification being an allowable district in which
3 this is allowed. Certainly R-1 makes a lot more
4 sense, but we don't have a lot of R-1 property sitting
5 vacant that has development potential at this time.
6 It's pretty limited.
7 So if we are going to have this in the
8 building codes -- and I certainly don't suggest that
9 you do need it, but if you are to move it somewhere,
10 that is the appropriate location, and I think you
11 should consider limiting it only to R-1 zoning in the
12 city, because that's the largest district.
13 COUNCILMEMBER BATES: Why would you not want
14 RCH to be in there? It would seem to me that that
15 would be the more appropriate place to require a
16 conservation subdivision, with cluster developments,
17 to maximize the amount of or ensure that you're
18 maximizing the amount of green space.
19 MR. HAEBERLIN: What I would do if that
20 would be your desire, I would rewrite RCH because I
21 think you could achieve the same thing with a text
22 amendment to RCH.
23 As I indicated in my e-mail earlier today,
24 RCH has some real fatal flaws, and it has been misused
25 in the past, because it didn't really preserve

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1 anything. It just basically allowed higher density
2 development.
3 So I would suggest if that's where you're
4 going with that, I would say let's rewrite RCH as a
5 zoning district to facilitate what you want to achieve
6 there. And then, still, if you're going to have a
7 CSR, a true CSR, let's leave that in the building
8 codes as an option under R-1.
9 COUNCILMEMBER BATES: So until we get around
10 to rewriting RCH, which would be sometime 2012, 2013
11 -- I'm being facetious because we've got a lot on the
12 plate that we need to get to before that -- is there
13 any harm in leaving it RCH in here and have it
14 effective for any subdivisions that may want to spring
15 up before we get to a rewrite of RCH?
16 MR. HAEBERLIN: Well, I don't think you have
17 to worry about any vacant potential development land.
18 There's only one place, I would say. There
19 is a church on Chestnut, which is part of an RCH
20 development, that was also zoned RCH. If that church
21 should decide to sell that land and subdivide it,
22 which they certainly could, there is maybe a slight
23 potential. And again, that's assuming that a church
24 would sell its facility, tear it down, and allow a
25 developer to develop on it.

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COUNCILMEMBER BATES: And what about the parcel of land across from Stewart Court?
MR. HAEBERLIN: From Stewart Court?
COUNCILMEMBER BATES: It's all wooded.
MR. HAEBERLIN: Well, it's not zoned RCH.
COUNCILMEMBER BATES: It reverted back to R-1, didn't it.
MR. HAEBERLIN: Correct, yeah.
So we don't have a lot of stock, like I said. We have really three platted subdivisions zoned RCH. I apologize, I forget the names. But the one that Councilman Roche lives in, the one on Stewart Court, which was developed as a little cul-de-sac, and then there's another development on Tilly Mill Road, and it doesn't really have a name but it's on the right side of Tilly Mill Road as we go to Home Depot. There's a row of houses that's very recent construction and that's RCH as well.
COUNCILMEMBER BATES: What about Flowers Court?
MR. HAEBERLIN: Flowers Court? Where would that be?
COUNCILMEMBER ALEXANDER: On Flowers Road past Tilly Mill, on the right.
MR. HAEBERLIN: That is --

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COUNCILMEMBER ALEXANDER: Flowers Crossing believe.
MR. HAEBERLIN: -- an RSFA. That's an RSFA, yeah.
COUNCILMEMBER BATES: Okay. Single-family attached.
MR. HAEBERLIN: Yes, sir.
COUNCILMEMBER BATES: Got it.
MR. HAEBERLIN: So the detached, you know, fee simple lots that we're thinking of that are very narrow, narrow frontages, very long, are, you know, the development that Councilman Roche lives on on Chestnut; Stewart Court, which was a later development; and then also too the development on Tilly Mill Road, which I guess it's an unnamed subdivision. I have not been able to identify it.
So we don't -- you don't really have to worry about a huge stock of land coming at you as a potential. However, that church -- and I say that's far-fetched because I don't generally look at churches as selling their property for development. But the church that is adjacent to Councilman Roche's subdivision is also zoned RCH. So that is a large parcel.
COUNCILMEMBER BATES: Well, not to play

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devil's advocate, but I would imagine a significant part of that is in a flood plain.
MR. HAEBERLIN: That's correct. But when they developed the subdivision on Chestnut, they platted the lots straight through. In other words, those people own all these natural features, and so there is no conservation or no ability for a collective unit to own the protected natural resources because it's already owned individually.
So I don't think we have a huge stock of RCH to worry about. Just be aware that how we're going to deal with RCHs, we would get an application.
Let's -- let's use North Carver as an example. If North Carver wanted to develop its RCH, it would have to apply for rezoning, and then you could consider it under the RCH designation. That's really pretty much true throughout the whole city. So I think if you rewrite the RCH, you will achieve a lot more for it than encompassing it within the conservation district.
I mean certainly the conservation district applicability, we just don't have a lot of large parcels and I just don't know where we would apply it. Of course, we might get something in in annexation.
So typically conservation districts are in

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the largest district, the largest lot district. So our largest district is R-1, so that would be my recommendation on where to put it.
And I guess just so the audience is aware, we had RCH -- we had CSR was a zoning district and it was not ever on the zoning map, so it was like C-1/C-2/R-1, so it never appeared onto a City zoning map but it was part of the City zoning ordinance. And the effect that we've done is we've taken it out of zoning, and now we're making a decision do we put it into building so we could have any use of it or do we basically let it disappear.
COUNCILMEMBER BATES: So your recommendation is to remove the RCH district from the general regulation.
MR. HAEBERLIN: Correct. I think, like I said, you're going to only get applications excluding that church site. And I think really I just -- profoundly, I just don't think that's going to happen because you usually see churches selling church property to other churches.
But other than that property, I don't think you have a huge problem waiting on you. I think you can achieve with conditional zoning cases what you want to achieve, and you can also achieve by rewriting

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1 RCH. So if you were to get a large tract to come to
2 you tomorrow for rezoning as RCH, you could make --
3 conditionally, you could say preserve, you know, flood
4 plain, et cetera, et cetera. You could make listing,
5 like we do, the natural, human and built environments.
6 So I think you do have some -- you have some
7 protections, but, you know, RCH is not without
8 problems. We really need to get to impervious surface
9 calculations for all districts. We do not want people
10 to have a hundred percent concrete or asphalt lots.
11 We want to have some permeable areas.
12 COUNCILMEMBER BATES: Mr. Weed, on your
13 rewrite of draft three, did you take the 108 and move
14 it to page six and change it to 110?
15 ATTORNEY WEED: No, sir. It should be
16 deleted.
17 I know the recommended change on page 7 of
18 11, the "are" is still in there and it's not been
19 removed. I mean where is this other?
20 COUNCILMEMBER BATES: Page 6, 3(D).
21 COUNCILMEMBER ALEXANDER: Another mysterious
22 number.
23 MR. HAEBERLIN: 110, yeah.
24 I never found the origination for it, folks,
25 and I have an original copy of the original ordinance,

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1 and I don't even understand where that number comes
2 from.
3 ATTORNEY WEED: Give me the page number
4 again? I'm sorry.
5 COUNCILMEMBER BATES: Page 6.
6 COUNCILMEMBER ALEXANDER: 3(D). So we'll
7 delete that?
8 ATTORNEY WEED: And I suspect that's in
9 Title 23 also. If you want me to look, I will, but I
10 suspect I got that right out of the current ordinance.
11 COUNCILMEMBER FLEMING: No. It was 108 last
12 week.
13 COUNCILMEMBER ALEXANDER: Right now it's
14 110.
15 MR. HAEBERLIN: I see what you're talking
16 about.
17 COUNCILMEMBER BATES: Added to.
18 MR. HAEBERLIN: It went from the front to
19 the back.
20 COUNCILMEMBER FLEMING: Since we were going
21 to work on it two weeks later, you just added two
22 digits to it.
23 COUNCILMEMBER BATES: All right. I'm going
24 to make a couple of motions. One is on page 3,
25 Section 5-291(a), to delete RCH.

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1 COUNCILMEMBER PACHUTA: Second.
2 CLERK BLACKMON: Was that you, Karen?
3 COUNCILMEMBER PACHUTA: Uh-huh.
4 CLERK BLACKMON: Thank you.
5 MAYOR JENKINS: More discussion?
6 COUNCILMEMBER FLEMING: The only comment I
7 want to make on this one is though I appreciate
8 Mr. Haeberlin's comments, and yes, it probably should
9 come out of here, but it's not hurting anything right
10 now if we leave it in until we can get to the RCH.
11 COUNCILMEMBER BATES: And I don't
12 necessarily disagree with you, but if we leave it in
13 now, then we're going to end up having to take it out
14 later.
15 COUNCILMEMBER FLEMING: But it's going to be
16 in a building code so it won't be -- it will just be a
17 text amendment. It won't be in zoning so it won't be
18 as detailed as if it were in zoning is my only
19 comment.
20 COUNCILMEMBER BATES: And I don't
21 necessarily disagree.
22 MAYOR JENKINS: More discussion?
23 - - -
24 (No response)
25 - - -

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1 MAYOR JENKINS: Call the roll.
2 CLERK BLACKMON: Councilmember Alexander?
3 COUNCILMEMBER ALEXANDER: Yes.
4 CLERK BLACKMON: Councilmember Bates?
5 COUNCILMEMBER BATES: Yes.
6 CLERK BLACKMON: Councilmember Fleming?
7 COUNCILMEMBER FLEMING: Yes.
8 CLERK BLACKMON: Councilmember Pachuta?
9 COUNCILMEMBER PACHUTA: Yes.
10 CLERK BLACKMON: Councilmember Pittman?
11 COUNCILMEMBER PITTMAN: Yes.
12 COUNCILMEMBER BATES: And on page 6, it's
13 going to be Section 5-294(b)(2) -- no, sorry --
14 (b)(3)(D), delete the words "One hundred ten (110)."
15 COUNCILMEMBER PACHUTA: Second.
16 MAYOR JENKINS: More discussion?
17 - - -
18 (No response)
19 - - -
20 MAYOR JENKINS: Call the roll.
21 CLERK BLACKMON: Councilmember Alexander?
22 COUNCILMEMBER ALEXANDER: Yes.
23 CLERK BLACKMON: Councilmember Bates?
24 COUNCILMEMBER BATES: Yes.
25 CLERK BLACKMON: Councilmember Fleming?

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COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
COUNCILMEMBER ALEXANDER: Mr. Strickland, in your comments on this you are questioning the 40 percent open space requirement, but then I think in further discussions -- correct me if I'm wrong -- you said you were okay with leaving it at 40 percent?
MR. STRICKLAND: Yes.
COUNCILMEMBER BATES: I make a motion to adopt the Conservation Subdivision regulation Sections 5-290 through 5-294.
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: More discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?

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COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
MAYOR JENKINS: Is that all?
COUNCILMEMBER BATES: That's it, sir.
MAYOR JENKINS: Okay. We don't need to make a motion on the whole item or anything?
COUNCILMEMBER BATES: We just did.
COUNCILMEMBER PITTMAN: We just did.
MAYOR JENKINS: Okay. Do I get a motion?
COUNCILMEMBER BATES: Sir, we're done.
MAYOR JENKINS: We're done.
COUNCILMEMBER PITTMAN: We're moving into the tree ordinance.
MAYOR JENKINS: Okay. We'll go into the --
UNIDENTIFIED SPEAKER: (Inaudible)
MAYOR JENKINS: Find something funny, sir? Mr. Strickland.
MR. STRICKLAND: I believe the only thing left really to discuss on this tree ordinance amendment is just a couple of things based on what we want to include.
If we want to include a 5,000 or 10,000

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square foot limitation or if we want to do 10 percent of the parcel or lot or tract. Do we want to do one or the other? Do we want to do both?
And it was also brought up that we probably need to limit this ordinance to property that is commercial and industrial. We've already taken out residential. But because, as y'all know, there's different residential districts including the RCH and so on and so forth, we have O-W, O&I, I don't think we want this ordinance to apply to all of the -- you know, all of the property in the city, just commercial and industrial where we'll have these what we're calling minor projects.
COUNCILMEMBER BATES: And just so I'm clear on how this is proposed to work, if a project is -- under the current proposal, if a project is less than 5,000 square feet, the tree ordinance would apply only to the area of disturbance.
MR. STRICKLAND: Right. Area of disturbance or project area, whatever we determine.
COUNCILMEMBER BATES: So if the project area, area of disturbance, is 4,000 square feet, then the tree ordinance, which is 30 tree units per acre, would be reduced to apply to about one tenth of that, roughly.

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MR. STRICKLAND: Right.
COUNCILMEMBER BATES: So about three tree units. Is that correct?
MR. STRICKLAND: Right. That's another things. We could -- we could -- That's kind of one of the things I forgot. We could set, you know, a three tree minimum. Then we're not dealing with these, you know, fractions and decimals and all that.
COUNCILMEMBER BATES: So if we change this and did it based upon a percentage, 5 percent or 10 percent, the same would apply. It would just be a sliding scale. So the larger the tract, the greater the threshold.
MR. STRICKLAND: Right, it would still, but it would always be the area of disturbance.
COUNCILMEMBER BATES: Right.
But under any scenario, the applicants are going to be required to comply with the tree ordinance in providing a number of trees to make the necessary tree units or contributing to the tree bank fund or some combination thereof.
MR. STRICKLAND: Right. Yeah. We're not letting them out of it. We're just limiting it to what they're going to disturb on a larger tract.
COUNCILMEMBER BATES: And I had one other

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1 question and that's on Subsection (4)(d). It's the
2 exemption can only be used once within a five-year
3 period of time.
4 Walk me through the rationale from you guys
5 on the five-year period versus a two-year period or a
6 10-year period.
7 MR. STRICKLAND: I mean you could -- you
8 could use whatever you want. I mean you could
9 definitely reduce that.
10 We just wanted to, you know, basically
11 trying to prevent this being used on a piece of land,
12 you know, here, here, here and here. That's how we
13 did contiguous. And we're going to say one time -- as
14 opposed to saying one time and that's it, you know,
15 say one time in a five-year period. So after five
16 years, they could come back and, you know, do
17 something else.
18 But that could -- you could say it's a one-
19 time use and you could say two years, three years,
20 five years.
21 We're just trying to, you know, limit this
22 so that we don't substantially redevelop an entire
23 parcel using this exemption.
24 COUNCILMEMBER BATES: Right.
25 MR. STRICKLAND: You know, an exemption

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1 should be a, you know, pretty rare occurrence.
2 COUNCILMEMBER FLEMING: But we're not even
3 commenting that this ordinance is for an exemption.
4 MR. STRICKLAND: I'm not sure I understand
5 that.
6 COUNCILMEMBER FLEMING: I mean we start out
7 with applicability and general provisions, and we
8 aren't talking about "or less area shall be exempt
9 from the provisions of this article" except for the
10 following, and then we get into exemptions.
11 But we're -- I mean there were no exemptions
12 prior to this.
13 MR. STRICKLAND: From the tree ordinance?
14 COUNCILMEMBER FLEMING: Uh-huh.
15 MR. STRICKLAND: No.
16 What we're saying is we're saying we're
17 exempting you and we're basically setting forth new
18 requirements.
19 COUNCILMEMBER BATES: On the project area
20 and area of disturbance, how is that going to be
21 determined and what happens if there's shared parking
22 between two parcels? Will both parcels be included?
23 MR. STRICKLAND: I don't know. Do we have
24 shared parking?
25 MR. HAEBERLIN: Well, the way our parking

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1 code is written right now, what is construed as shared
2 parking I think is misrepresented because there are
3 people that are claiming they're sharing parking with
4 somebody that doesn't have any surplus. So there's a
5 lot of things that still need to be tweaked on that.
6 I think what we're dealing with is a parcel
7 basis, and the problem with that is many of our older
8 facilities are built across multiple parcels. So we
9 just have to make that into your consideration. You
10 know, is the totality of the site six parcels? seven
11 parcels? eight parcels? three parcels? Who knows?
12 I mean we've been very active in trying to
13 consolidate parcels in the city so that if a shopping
14 center exists, it exists on one tax parcel. Okay?
15 We're just doing corrective actions on the past which
16 should have already been done.
17 So in some cases, the project site will be
18 multiple parcels, and like you're discussing, Brian,
19 if there's no further corrective action from the
20 Council, that there will be multiple parcels
21 potentially involved.
22 So we would have a situation where the
23 project is straddling two lots, is what you're saying,
24 and I think that's very logical that that could
25 happen.

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1 COUNCILMEMBER ALEXANDER: And I guess that
2 was one of the points I had brought up before is the
3 outparcels specifically at the shopping center at
4 McElroy and Buford Highway. As far as I know, the
5 bank, Chick-Fil-A and the vacant bank are all listed
6 as separate parcels but they're contiguous to that
7 huge parking lot.
8 So if they were to purchase that bank and
9 raze that bank, how are you going to calculate his
10 tree contribution? because it is contiguous to the
11 larger parcel.
12 MR. STRICKLAND: Well, if they qualify for
13 this as a separate parcel, then they -- you know, they
14 still have to meet the requirements on the area of
15 disturbance.
16 So in effect, if they bought a 5,000 square
17 foot parcel and they pretty much redid it, then it
18 would -- the requirements would be the same.
19 Like I explained, I've already considered
20 this under the campus effect, that you have a -- you
21 know, you have a college campus that has a lot of
22 different buildings on let's say 20 acres, and all
23 they want to do is, you know, new construction on one
24 of those buildings. Instead of saying you got to
25 bring your entire site into compliance, you just deal

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with the new construction.
ATTORNEY WEED: And I'm not the tree guy nor the planning guy, but the important part is the way this is currently drafted, I don't think that it will matter if the project goes over a lot line.
And the reason why it won't matter is because the project itself is either going to be more or less than 5,000 square feet or contiguous square feet. So that is what's going to trigger the exemption.
It's not -- There's a change in what defines a land disturbance permit, and that is based upon lot. But when you're issued a land disturbance permit, it's issued on a lot basis, anyway.
So that's not a -- you know, it's not -- if your project goes over lot lines, I don't know how you deal with that when you issue a land disturbance permit.
MR. HAEBERLIN: Well, I currently would not allow that.
ATTORNEY WEED: That's what I thought.
MR. HAEBERLIN: Yeah. We would apply the city codes and make sure the setbacks exist on properties. You know, otherwise, what you're doing is essentially allowing condominium ownership, common law

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construction, and in our codes, there is only one district that allows that.
So yes, we -- you know, our basis for lots, a lot in the city is something that's recognized by the government as existing as a lot. Just because you carve off a portion of a property, unless the government has recognized it, it's not a lot. So we would defer to the zoning map.
COUNCILMEMBER PACHUTA: So currently if someone files for a land disturbance permit and it's --
MR. HAEBERLIN: Multiple parcels.
COUNCILMEMBER PACHUTA: -- multiple parcels, you first require them to consolidate with the tax assessor's office?
MR. HAEBERLIN: Absolutely. There's no way I can assure any zoning conformity because the building would be built across multiple lot lines, and there's just no way to regulate that.
For example, the ones that we recently went back and fixed was the Clover Plaza, the Plaza One and the Intown Plaza. They had been issued in the past by staff across multiple lots. We straightened that out by making them one tax parcel. It actually decreased their nonconformity, made them more zoning conformity

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than they were.
COUNCILMEMBER BATES: How do you deal with multiple owners?
MR. HAEBERLIN: In that case, there were not multiple owners. Those were recognized, you know -- Dekalb County GS requires the owner's representative to actually go there with a letter from the City that says, I'm giving consent for this purpose.
And that owner then files the necessary paperwork with Dekalb County GS. They reassign a new tax parcel identification for that property and one parent address. So it's an owner -- it's an owner's right.
But we've not had a situation with multiple owners. I mean you could say multiple owners would be a corporation, certainly.
ATTORNEY WEED: And one thing, too, and I don't know if this would alleviate that concern or not, but it might be helpful. Underneath (d)(4), we could go, "Any permitted land disturbance project which is part of any larger tract or parcel." Right now it says "a." I mean that would, I think, cover, you know, multiple parcel situations.
But obviously the key -- the key point of that of course is that the project itself has to be

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X-number of square feet contiguous in order for the exemption to apply.
COUNCILMEMBER BATES: If we were to shift it to a percentage, how would that --
ATTORNEY WEED: I would say, percentage of what?
And once again, if you have a project that goes over lot lines --
COUNCILMEMBER BATES: Right.
ATTORNEY WEED: -- then that's a real problem to figure out.
Would it be a percentage of every parcel that it impacts? Is it doable? Yes, but you'd have to -- you have to figure that out or we have to figure that out.
COUNCILMEMBER PACHUTA: Oh, but Scott's saying the land disturbance permit wouldn't even go out.
ATTORNEY WEED: Right now, he wouldn't issue one.
MR. STRICKLAND: Yeah, we -- Right. We're going to -- we're going to consolidate parcels however we -- to one or however, to where that project is on one parcel; and then the percentage would be based on total acreage, total size.

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MR. HAEBERLIN: And recall we might have -- and I've not discovered any yet, but any true -- I don't want to use the word "grandfather," but people who are truly grandfathered, who their developments existed across multiple lot lines before the inception of zoning. I have not come across any of those.

So I mean you're talking about a 10 percentage. Let's say Woodwin Road at Winters Chapel, that's 25 acres, so 10 percent of that is substantial. That's a lot. So that would be a situation where there would be an extremely large 10 percent.

MR. STRICKLAND: But is it commercial or industrial?

MR. HAEBERLIN: It's industrial.

MR. STRICKLAND: Okay.

COUNCILMEMBER PACHUTA: I think one of the things you had suggested in your e-mail is having an amount or a percentage, whichever is -- I think you said whichever is less?

COUNCILMEMBER BATES: That was me.

COUNCILMEMBER PACHUTA: Okay.

MR. STRICKLAND: It would actually have to be -- It would have to be whichever is greater, because if you -- if you do 5,000 square feet or 10,000 square feet, you're drawing a line in the sand.

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There is no --

You know, if you do the percentage, you're saying that there can be more disturbance as the tract gets larger, which is something they want to do, because, you know, again, if you have a 5,000 square foot parcel, then there's no problem with complying with the ordinance.

It's when you have a 20-acre parcel that wants to disturb 5,000 square feet. Currently the ordinance makes them comply with 20 acres, and it's a -- you know, it's a little bit unreasonable.

Now, that's how tree ordinances were written. You know, they wanted the entire thing to come up to current code because, you know, for years we developed, and trees were not considered part of the infrastructure -- green space, impervious, all that, you know.

So it's just as -- as the tract gets larger, you can, you know, disturb more of it, but keep in mind that, you know, you'll always be limited to 10 percent. So therefore,no matter how large it is, you can only disturb 10 percent. You can't --

COUNCILMEMBER BATES: And again, that's not saying that they can disturb that 10 percent without complying with the tree ordinance. The tree ordinance

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would --

MR. STRICKLAND: Yeah, they'll always --

COUNCILMEMBER BATES: -- be calculated out.

MR. STRICKLAND: Yeah, they still have to come. They're not getting -- they're not getting out of anything.

We're just saying that you're dealing with whatever -- Basically, it's whatever you disturb, you owe us compliance with that, but we're not going to make you do your entire shopping center, campus. You know, the whole things not going to have to comply, just what -- you owe us for what you disturb, up to a certain limit so they don't disturb 90 percent of it.

But then again, if they disturb 90 percent of it, you'd get 90 percent compliance. We're just going to say 10 percent so that these minor projects can -- can happen. They can do a modification to the site, you know, but they're not redeveloping it.

COUNCILMEMBER BATES: And how do you -- under that Subsection (b) where it says it must meet the tree density requirements for the area of disturbance and/or project area, whichever is greater, how do -- how is that determined, the area of disturbance versus the project area?

MR. STRICKLAND: Well, the area of the

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disturbance could be where they're actually getting back down to dirt, you know, getting back down to bare dirt.

But if they're going to redo the parking lot or something, that would be -- basically, the engineer would determine a project area or a, you know, limits of construction. Limits of new -- yeah, limits of new construction.

COUNCILMEMBER BATES: Like where the silt fences go and --

MR. STRICKLAND: Yeah. Silt, yeah. Silt fences usually can be put at the limits of disturbance or the limits of bare soil.

COUNCILMEMBER FLEMING: Brian, are you finished?

COUNCILMEMBER BATES: I am.

COUNCILMEMBER FLEMING: Starting on page 2, just the definition, I'm not comfortable with the definition. "Land disturbance permit -- shall mean any official authorization for construction, grading or the like," and that could be subjective, and I just -- I don't like "or the like" in there at all. If we're going to be specific, we need to be specific, and that -- that's -- Anyway, "or the like," I don't like that in there at all.

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1 MR. STRICKLAND: We can take that out?
2 ATTORNEY WEED: Yeah. I mean that's fine
3 but --
4 COUNCILMEMBER FLEMING: I mean but whatever
5 it is, I mean --
6 ATTORNEY WEED: What we want, then, the
7 alternative would be construction, grading, paving.
8 What's the list? I mean do you want us just to come
9 up with the best list we can and --
10 COUNCILMEMBER FLEMING: Well, construction
11 is different from grading. So is there another
12 component to construction? Grading and building or
13 construction, grading and paving? You know, I don't
14 know, but the "or the like" --
15 ATTORNEY WEED: Well --
16 MR. STRICKLAND: Primarily it could be
17 construction, grading, paving.
18 COUNCILMEMBER BATES: Do you issue LDPs for
19 demo?
20 ATTORNEY WEED: We've got leave -- we have
21 to leave demolition out of it in order to make this
22 thing effective.
23 COUNCILMEMBER BATES: Okay.
24 ATTORNEY WEED: That was the purpose of the
25 exercise was to leave demolition out of it so that

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1 that would not trigger the tree ordinance.
2 Right now when you're issued a building
3 permit, you know, a subset of a building permit is a
4 demolition permit. It can trigger the entirety of the
5 tree ordinance.
6 So the reason why we have that definition in
7 there at all, you know, why we need to at all was to
8 exclude demolition.
9 We'll modify it however you want, or try to.
10 COUNCILMEMBER FLEMING: I'm just not
11 comfortable with "or the like."
12 And then the very next sentence -- and I
13 know that you may have discussed this with me before
14 -- but "Such permit shall not be required for
15 clearing, grading or new construction which is on a
16 single family detached residential lot of record."
17 Well, to me, they need to have a land disturbance
18 permit if they're going to do new construction on a
19 residential lot, because they could wipe out the
20 entire --
21 MR. STRICKLAND: No. Yeah.
22 COUNCILMEMBER FLEMING: -- canopy of trees
23 on that lot --
24 MR. STRICKLAND: Well, currently --
25 COUNCILMEMBER FLEMING: -- and leave it

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1 bare, and they wouldn't have to have a land
2 disturbance permit.
3 MR. STRICKLAND: Right. Currently we handle
4 that with a building permit, and we do not apply the
5 tree ordinance to building permits. And we'll
6 probably have to come up with what we want to do on
7 single-family detached residential lots separate from
8 what we want to do on commercial and industrial.
9 Right now, we issue a -- for new
10 construction on a single-family detached residential
11 lot of record, we issue a building permit, and there
12 are no tree requirements. The tree ordinance pertains
13 to LDPs, and that's not required for a single-family
14 detached.
15 But just like I think demo and residential
16 is -- we have to rewrite those regulations because
17 they are found elsewhere.
18 COUNCILMEMBER FLEMING: Okay. So should
19 this sentence be in the definition portion?
20 MR. STRICKLAND: Yeah, I --
21 COUNCILMEMBER ALEXANDER: I guess I have --
22 MR. STRICKLAND: -- think it should.
23 COUNCILMEMBER ALEXANDER: -- a question
24 regarding that. We had a developer come before us
25 that was going to build some homes at Tilly Mill and

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1 Flowers, and he was required to do a tree inventory
2 and what trees he was going to save.
3 MR. STRICKLAND: Was it a subdivision,
4 though?
5 COUNCILMEMBER ALEXANDER: Yes.
6 MR. STRICKLAND: Okay. Yeah. The
7 subdivision, the entire subdivision, requires an LDP.
8 COUNCILMEMBER ALEXANDER: Okay.
9 MR. STRICKLAND: Once you get down to the
10 individual lot where you're going to construct a home
11 does not require an LDP, so they're two different
12 things. So yes, he -- he was.
13 Basically, this is -- what we're talking
14 about here is additions to existing residential.
15 COUNCILMEMBER ALEXANDER: Would it address
16 infill?
17 MR. STRICKLAND: Just dealing with -- if
18 we're dealing with a single family, one lot, then the
19 tree ordinance does not apply.
20 COUNCILMEMBER FLEMING: So the two lots that
21 are still remaining on Tilly Mill Road next to
22 Hightower Elementary School, if Mr. Brackbill still
23 owns them, he could come and wipe out that entire area
24 of all those trees that are buffering, even though he
25 wouldn't be in the buffer line, but they are buffering

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1 Hightower to the next house, and he wouldn't be
2 required to put any trees on the lot.
3 MR. STRICKLAND: No, ma'am.
4 COUNCILMEMBER FLEMING: Is that correct?
5 MR. HAEBERLIN: That is correct.
6 MR. STRICKLAND: There's no buffer --
7 MR. HAEBERLIN: That is a --
8 MR. STRICKLAND: -- requirement; right?
9 MR. HAEBERLIN: It is a minor -- minor lot
10 platted subdivision, three lots, zoned R-1, adjacent
11 to an R-1 school.
12 Now that those lots have been authenticated
13 by the appropriate party, which is the City -- In that
14 case, I can't remember if that -- I guess I was here
15 then, maybe, I signed off on the minor plat for that.
16 But normally, a final plat would go to you the
17 Council.
18 Okay. So once the jurisdiction makes the
19 lots so they're eligible for building permits, in that
20 situation, you are correct. Those two remaining lots,
21 they could essentially wipe out all the vegetation.
22 MR. STRICKLAND: But I think if we want to
23 start applying tree requirements to residential lots,
24 you know, we -- we can do that, but it's not what
25 we're trying to do here and now. That would basically

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1 be a different exercise --
2 COUNCILMEMBER FLEMING: Okay. So that's --
3 MR. STRICKLAND: -- dealing with a different
4 ordinance.
5 COUNCILMEMBER FLEMING: I don't have a
6 problem with that, but, then, that's where I'm coming
7 back with this statement shouldn't be in this
8 ordinance.
9 ATTORNEY WEED: For what this -- The current
10 definition of land disturbance permit in the tree
11 ordinance is 5-270. "Land disturbance permit -- shall
12 mean any official authorization for demolition,
13 construction, grading or the like issued by the City
14 of Doraville," so those are the words that have been
15 used since the -- you know, the first adoption of the
16 ordinance. So we'll keep hammering at it but --
17 COUNCILMEMBER FLEMING: That's --
18 MR. HAEBERLIN: Maybe you just need to --
19 COUNCILMEMBER FLEMING: I don't know,
20 Council. What do you think?
21 MR. HAEBERLIN: -- include grubbing in
22 there. I mean that's one of the things we've missed
23 out on.
24 Does everybody understand the concept of
25 grubbing? Selectively just going across and taking

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1 vegetation off versus clearing, which is completely
2 taking all vegetation, and grading, which is moving
3 the dirt. So they probably meant -- "the like"
4 probably applies to grubbing. It's not a permit that
5 many jurisdictions issue.
6 MR. STRICKLAND: So I think what Councilman
7 Fleming is getting at is that the sentence about
8 single-family detached residential lot of record is
9 basically just stating something that exists, and so
10 the question is, is it necessary? I don't think --
11 it's really not going to change anything either way.
12 COUNCILMEMBER FLEMING: Okay. But at some
13 point, we're going to add some type of tree protection
14 plan or replacement to single-family detached homes.
15 MR. STRICKLAND: If that's the Council's --
16 COUNCILMEMBER FLEMING: Okay.
17 MR. STRICKLAND: -- request.
18 COUNCILMEMBER FLEMING: Okay. On page 3, I
19 know that Mr. Bates has been talking about this and 10
20 percent of -- I am okay with the 10 percent if that's
21 what you're suggesting.
22 But I'm on (b), (c) and (d), I didn't see a
23 need for those. And on (c), it's indicating that "the
24 project must consist of no more than one single story
25 accessory building or structure" on whatever land

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1 they're disturbing. And why wouldn't we want like
2 Clover Plaza, it's a two-story building?
3 MR. STRICKLAND: Well, again, we're just
4 trying to put some, you know, limitations on it, so
5 it's just -- it's just an idea, because --
6 COUNCILMEMBER FLEMING: Okay.
7 MR. STRICKLAND: -- normally we want to use
8 this basically so that they can build an accessory
9 structure.
10 COUNCILMEMBER FLEMING: All right. And I'm
11 not comfortable with one time in a five-year period
12 because that would possibly prohibit renovation of
13 some existing plats that we have in the city, shopping
14 centers that we have in the city that may not be
15 disturbing the land at all but they may want to
16 renovate the buildings.
17 MR. STRICKLAND: Well, if they -- Are you
18 talking about interior?
19 COUNCILMEMBER FLEMING: No. Outside,
20 bringing it down to the slab.
21 ATTORNEY WEED: And that's fine. Just bear
22 in mind that if you don't have any kind of cap at all,
23 then essentially people could simply skirt around the
24 entire tree ordinance and do it in subsections.
25 MR. STRICKLAND: If you're talking about

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demo, are you talking about demo and new construction or --

COUNCILMEMBER FLEMING: Uh-huh.

MR. STRICKLAND: -- or just demo?

COUNCILMEMBER FLEMING: Demo/new construction.

MR. STRICKLAND: We're basically going to have to handle demolition through -- with the building regs --

COUNCILMEMBER FLEMING: Okay.

MR. STRICKLAND: -- and that's another -- sort of another exercise.

COUNCILMEMBER BATES: Let's talk about that piecemeal thing, though. If there's Blackacre of 10 acres and the 10 percent threshold is in place, that means that they could do -- that the tree ordinance would be calculated based upon one acre of disturbance. And if they did that 10 consecutive times, wouldn't the sum of the parts equal the total 10 acres?

MR. STRICKLAND: Yeah. But they would -- we would be getting compliance --

ATTORNEY WEED: Each time.

MR. STRICKLAND: -- 10 percent at a time. So once they got to a hundred percent, we'd still --

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it effectively would be the same.

COUNCILMEMBER BATES: Versus 10 percent and then 90 percent the next time they wanted to do something.

MR. STRICKLAND: No. And if we set it at 10 percent, it's at 10 percent.

COUNCILMEMBER BATES: Right, but the next -- If this exemption is still there at five years, if they wanted -- if -- if something happened and there was an outparcel that wanted to be built on acre number two, then they'd have to bring in the entire parcel based upon nine acres or 10 acres versus --

MR. STRICKLAND: If they're within the --

COUNCILMEMBER BATES: -- the second --

MR. STRICKLAND: If they're within the five years?

COUNCILMEMBER BATES: Yes.

MR. STRICKLAND: Yes.

So again, I mean this could be set at two years, I mean whatever, but if you don't set -- you know, again, if you don't set a time period, then, you know, they could come in and do it --

Well, first of all, we're saying they can only use it one time, and then we're saying -- then we're putting a time on it. If we don't, they could

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come in and do something -- you know, they could do 10 percent every two weeks or every month or however fast they could get the permit.

So I don't know what the desire is. If it's not one time within five years, I don't know what, you know. We want to set a total number or a time period?

COUNCILMEMBER ALEXANDER: Because I don't want us to water it down so much that this is not a useful ordinance, I guess, is one of my concerns.

And as you stated, someone could theoretically keep applying for the exemption and run over.

MR. STRICKLAND: Uh-huh. Even though the -- you know, the whole idea behind it is they want to kind of come in and do a one-time thing, you know, that's very unique to quote/unquote normal construction. You know, just -- really just wanted to do this minor project here, and we don't want to ...

I mean, you know, if they want to do a total renovation or total demo or total rehab, then they wouldn't be using this.

COUNCILMEMBER BATES: Right. But as everybody knows, Doraville's got some very unique property. We don't comply with normal building from the -- from the past.

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So while I agree with Ms. Alexander that we don't want to water it down, I do think we need to have some flexibility in there for those unique situations that will inevitably come and we'll find ourselves back up here again dealing with a developer or property owner that wants to do something good but is going to find it, you know, an onerous requirement because they used up their one exemption.

MR. STRICKLAND: I mean I guess just throwing things out, do we want to do two or three exemptions or do we want to say it's one time a year or one time every two years?

COUNCILMEMBER BATES: I wrote down two, but I'm open for Council to --

COUNCILMEMBER FLEMING: But the exemption is 10 percent of the total parcel, but they still have to comply with the number of trees that's needed for the 10 percent.

MR. STRICKLAND: Yeah, uh-huh.

COUNCILMEMBER FLEMING: So it doesn't really make any difference how many periods of years it is, because in Mr. Bates' illustration, if the second year rolled around for the second acre of a 10-acre parcel, let's say that he needed 30 trees for the first --

I'm sorry. Ten trees for the first, because

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it's 10 acres; is that right?
COUNCILMEMBER BATES: That's --
COUNCILMEMBER FLEMING: Okay. Ten trees for the first acre -- then he would have had to put 90 trees on the second acre but he's still got eight more acres to do.
MR. STRICKLAND: Right.
COUNCILMEMBER FLEMING: So he would have had to put 90 trees on the second acre to comply with the tree ordinance if we do not change that.
COUNCILMEMBER BATES: Well, it actually would be 90 trees on the remaining nine acres.
COUNCILMEMBER FLEMING: But he's not developing it at that time.
COUNCILMEMBER BATES: That doesn't matter. It's applicable to the entirety of the parcel.
Is that correct?
ATTORNEY WEED: Well, if you do --
MR. STRICKLAND: You're talking about af- -- Yeah, he's used his exemption and he wants to do something else.
COUNCILMEMBER BATES: Right.
MR. STRICKLAND: Yeah. If he's within the five-year period, he'd have to comply with the --
COUNCILMEMBER BATES: But it would -- but it

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would not be putting all 90 trees on one acre. It would be putting the 90 --
MR. STRICKLAND: Oh, yes.
COUNCILMEMBER BATES: -- trees throughout the --
MR. STRICKLAND: Throughout --
COUNCILMEMBER BATES: -- entirety of the parcel.
MR. STRICKLAND: -- the tract, yeah.
COUNCILMEMBER FLEMING: But what if he doesn't want to develop the other eight acres until 10 years from now?
COUNCILMEMBER BATES: Contribute to the tree bank.
COUNCILMEMBER FLEMING: Okay.
MR. STRICKLAND: And that's the way tree ordinances are.
COUNCILMEMBER FLEMING: Okay.
COUNCILMEMBER BATES: I want to put this on a temporary hold to get back to it today, but I do think we need to get to one other item on the agenda.
Mr. Mayor, are you okay with that, sir?
MAYOR JENKINS: Yes.
COUNCILMEMBER ALEXANDER: Murray, on pages 2 and 3, I think that's supposed to be Section 5-270.

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ATTORNEY WEED: It is.
COUNCILMEMBER ALEXANDER: Okay.
ATTORNEY WEED: It's changed in draft three. Do you have draft three?
COUNCILMEMBER ALEXANDER: No.
COUNCILMEMBER BATES: No.
COUNCILMEMBER FLEMING: No.
ATTORNEY WEED: It's been changed.
COUNCILMEMBER ALEXANDER: Thank you. Sorry.
COUNCILMEMBER BATES: Make a motion to temporarily postpone this today, tonight. This is going to be a multi-part motion: to extend the meeting and to move item VIII-4 up now and then go back to VII-5.
MAYOR JENKINS: How'd you know what I wanted to do?
COUNCILMEMBER BATES: Because I can read your mind, sir.
And we need to extend the meeting to get through VIII-4 and VII-5.
MAYOR JENKINS: Very good.
Do we get a second?
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: More discussion?
- - -

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(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
MAYOR JENKINS: Come on up, Mr. Shinn -- Kim, excuse me, and explain to the Council what you'd like to do, sir, and when.
MR. KIM: Mayor Ray Jenkins, Doraville Council.
COUNCILMEMBER FLEMING: Can't hear you. I'm sorry.
MR. KIM: I'm terribly sorry.
I am here representing Super H Mart regarding our first year anniversary event next month and future events at the Doraville location.
I understand that it is a city ordinance,

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1 and we are not asking the City of Doraville to rewrite
2 the ordinance; however, we are pleading with the City
3 of Doraville to help and support Doraville's --
4 Doraville H Mart with these events, because it is one
5 of the only ways to bring in traffic to a diversified
6 customer base at the store.
7 Due to the economy, this location isn't
8 doing so well revenue-wise, and we are desperately
9 doing whatever it takes to stay in business.
10 As you can see, the current landlord is not
11 doing enough to procure tenants, and the multi-tenant
12 shopping center is still at approximately 10 percent
13 occupancy. It's my understanding the corporate
14 headquarters has offered to procure tenants to the
15 shopping center but our offer was declined. If Super
16 H Mart had the opportunity and the ability to control
17 and procure tenants, the shopping center would be 80
18 to 85 percent occupied.
19 But without catering to the diversified
20 customer base by having these outdoor events in the
21 spring and summer, we are in dire jeopardy in terms of
22 a substantial loss of business. I truly believe that
23 this would be a lose-lose situation for all.
24 If the City of Doraville could just work
25 with us until we see progress with the landlord's

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1 procurement of prospective tenants, we would be
2 eternally grateful and be kind of -- and be a win-win
3 situation in the near future.
4 We ask for the City of Doraville to grant us
5 permission to run and continuously run these events in
6 the spring and summer. But we do have our first year
7 anniversary coming up on November 12th through the
8 14th. It's a three-day event. We're going to have a
9 live band that's just going to be -- play for two
10 hours on a Saturday and a Sunday. Friday will just be
11 an indoor kind of -- kind of like a walk-in type just
12 open to the public, business as usual.
13 But we're not going to have loud music.
14 That's -- well, that won't be heard outside the
15 parking lot. We're not going to have any streets
16 blocked off except for the front portion of the
17 entranceway.
18 But pretty much we'll have a -- we'll have
19 our meat vendors out there cooking barbecue and just
20 giving out free food. And we did get the Dekalb
21 County Health Department's permission to do so as
22 well. We're just waiting on City of Doraville to kind
23 of work with us on this event.
24 COUNCILMEMBER FLEMING: Could you tell me,
25 you said for two hours on Saturday and Sunday for the

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1 live band?
2 MR. KIM: Yes, ma'am. We're going to have a
3 mariachi band and we're going to have like a beat boy
4 kind of a performance. This is all -- this will all
5 be held within the two-hour time span.
6 COUNCILMEMBER FLEMING: Okay. But what are
7 the hours that you're going to have the band?
8 MR. KIM: Events are -- it's from 12:00 p.m.
9 till 7:00 p.m., and we'll have about an hour of setup
10 time and an hour of break time as well or --
11 COUNCILMEMBER FLEMING: But do you have any
12 idea when the band is going to be outside playing?
13 MR. KIM: Yes, ma'am. I think the band will
14 be from two to three o'clock and I think the beat
15 boys will perform between three and four o'clock.
16 MAYOR JENKINS: You say you'll have
17 activities from 12:00 until 7:00?
18 MR. KIM: Well, yes, sir. The event itself
19 will be from 12:00 p.m. until 7:00 p.m.
20 The activities in terms of having like a
21 live band, it's really just from probably between 2:00
22 to 4:00 p.m. The other -- or from 12:00 throughout
23 7:00. It's just really we're having our meat vendors
24 out there barbecuing having some carnicade (ph), some,
25 you know, burritos and stuff like that. So we'll have

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1 some refreshments out from a drink dispenser. We'll
2 have the appropriate trash bins.
3 COUNCILMEMBER FLEMING: Do you have a tent?
4 MR. KIM: We are going to have a 10x10
5 canopy tent. We'll also have one of our radio
6 stations. I think it's La Raza. They're going to do
7 a remote live ad. And pretty much -- that will pretty
8 much wrap up the two-day event.
9 COUNCILMEMBER PITTMAN: And what were you
10 asking to have continuously?
11 MR. KIM: Well, actually, we're -- again, we
12 want to be in compliance with the city ordinances and
13 we've been submitting applications.
14 I think it was the 21st of last month, we
15 submitted an application to the Doraville Police
16 Department, and Major Atkinson just granted us kind of
17 -- granted us permission to just carry on with the
18 event.
19 When we actually submitted our application
20 to the City Council, we found out that it was a city
21 ordinance not to have any outdoor events. But in
22 reality, the past year since we've been open --
23 Well, I'm sorry. I'm sorry. Let me
24 rephrase that.
25 Since May 15th of this year, we've been

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1 having outdoor events. Well, nothing spectacular. We
2 just had a 10x10 canopy tent and were serving
3 refreshments, and once a month we would have our meat
4 vendors out there cooking barbecue and just passing
5 out free food, but nothing to the -- to the extra-
6 ordinary where we would have loud music. Once a
7 month, we would have either El Patron or La Raza out
8 there just doing a remote live ad on premises, and
9 that was pretty much it. But you know, again,
10 barbecue season is during summer, and that's where our
11 meat sales are up.
12 But we've been trying to promote, because we
13 have a diversified customer base at the store. We
14 have -- they're all evenly allocated. We have 20
15 percent Asian customers, Latinos, caucasians,
16 Europeans, and just a mixed group of others. And it's
17 a very special store to us with the diversification
18 compared to some of our other Super H Marts, and we'd
19 like to kind of --
20 You know, we have barbecues. We have All-
21 American cookouts, we have the Asian barbecue events,
22 we have the Hispanic event, and we just want to, you
23 know, revive Doraville and bring, you know, the Asian
24 and the Latino community back here toward Doraville.
25 But because we've been having some issues

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1 with our landlord, they're preventing us from doing so
2 our way. So I think it's just a matter of time before
3 they realize that, I think, we're the pros at bringing
4 business back to the city.
5 COUNCILMEMBER PITTMAN: So you're asking for
6 the special permit for the anniversary.
7 MR. KIM: Yes, ma'am.
8 COUNCILMEMBER PITTMAN: And you're also
9 asking for once-a-month events --
10 MR. KIM: Well, we're having a --
11 COUNCILMEMBER PITTMAN: -- on Saturdays? Is
12 that what you're saying?
13 MR. KIM: Throughout summer, as of May 15th,
14 we were having just outdoor I wouldn't say events but
15 we were just having like just a canopy tent set up on
16 the front, in front of the building. It wasn't like
17 in the parking lot. It was actually in the front of
18 the building itself, literally, where we weren't
19 blocking any cars. And we would just have like a
20 table, two tables connected, and we would have a drink
21 dispenser, using styrofoam cups, and we would have --
22 Now, once a month, we would have a barbecue.
23 We would have a commercial grill out there and we
24 would do some barbecue. But the other three weeks, we
25 would just serve food from the inside, because we have

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1 a food court and we have our own preparation kitchens.
2 And we would just bring food out from the inside of
3 the grocery store and just either serve them on
4 heating trays or -- or serving trays or just other
5 methods of, you know, serving dishes.
6 Sometimes we just serve like different types
7 of fruit dishes on cold, jars and stuff like that, so
8 again, nothing to the -- nothing extraordinary.
9 COUNCILMEMBER PITTMAN: But the police
10 department has been granting that for you; correct?
11 MR. KIM: Yes, ma'am.
12 COUNCILMEMBER PITTMAN: Okay.
13 COUNCILMEMBER ALEXANDER: So Mr. Weed, the
14 issue here, I guess I'm asking for confirmation, is
15 that our current special event permit does not
16 authorize any use on private property.
17 ATTORNEY WEED: That is correct. They could
18 have this event on public property, however, and you
19 could certainly issue an event permit for that.
20 COUNCILMEMBER ALEXANDER: And I'm sorry.
21 You said your dates were November 11 through 12?
22 COUNCILMEMBER BATES: 12 through 14.
23 COUNCILMEMBER ALEXANDER: 12 through 14?
24 MR. KIM: It's November 12th through the
25 14th.

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1 COUNCILMEMBER FLEMING: I personally don't
2 have a problem with giving Mr. Kim and Super H Mart a
3 permit for this particular function from November 12th
4 through the 14th as a special permit, special event
5 permit.
6 In regards to our ordinance, I know that we
7 -- there have been several of us that have commented
8 that we do definitely need to include these types of
9 things on private property. So I think it's something
10 that's going to necessitate us to be able to correct
11 our own ordinance to allow that to happen.
12 MR. KIM: Now, you said on private property?
13 COUNCILMEMBER FLEMING: Uh-huh, your
14 property.
15 MR. KIM: Yes.
16 COUNCILMEMBER FLEMING: Yes.
17 COUNCILMEMBER PACHUTA: And these are events
18 that have been going on --
19 COUNCILMEMBER FLEMING: Correct.
20 COUNCILMEMBER PACHUTA: -- that we've been
21 allowing. I mean not just --
22 COUNCILMEMBER FLEMING: Correct.
23 COUNCILMEMBER PACHUTA: -- at H Mart but at
24 other businesses --
25 COUNCILMEMBER FLEMING: Correct.

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COUNCILMEMBER PACHUTA: -- like BrandsMart had a live radio and blood drive not too long ago.
COUNCILMEMBER FLEMING: Absolutely.
COUNCILMEMBER PACHUTA: I think we do need to revise our ordinance --
COUNCILMEMBER FLEMING: Absolutely.
COUNCILMEMBER PACHUTA: -- to make sure that they're included. I mean we've been allowing them.
But in the meantime, I don't know what the proper procedure is.
ATTORNEY WEED: Well, there is no proper procedure to do it immediately, but you can certainly do it. And what I would advise is two things need to be changed.
You need to modify the zoning ordinance, which is the real problem here, to allow outdoor tent sales and outdoor tent events. So we need to change the zoning ordinance. And you also need to change the special events permit to make it applicable to both private and public property. And we can certainly -- certainly do that.
COUNCILMEMBER FLEMING: So we have to go through and change every single zoning code that we have to allow this to happen in each one of those codes?

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ATTORNEY WEED: With regard to the commercial, Mr. Haeberlin is the planner. My understanding of the current zoning code is that with regard to the commercial properties, they do not allow outdoor tent sales, they don't allow that type of activity to occur at this time.
So yes, ma'am, you would need to -- even if you change the special event permit, you'd have to go back and change the zoning permit [sic] too so the applicant doesn't get cited for violation of the zoning code.
Mr. Haeberlin, is that correct?
MR. HAEBERLIN: Well, let me kind of restate it how I see it.
ATTORNEY WEED: Please do.
MR. HAEBERLIN: It's covered under accessory structures. And in the city of Doraville, on code now, which is ordinance 2009-27 -- this is when we were moving towards architectural codes -- we made very strict determinations on portable, demountable, modular, mobile, manufactured and temporary accessories.
In other words, we had that situation with the freight -- the freight container. We addressed the concept of what is a structure. So we prohibited

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all those things. And so yes, there would need to be an amendment to the zoning code.
What you're really talking about is what Gwinnett County used to call a temporary use permit, and that's when a business owner on that lot who has a valid occupational tax placard from the City of Doraville then chooses to do something in their parking lot.
We're not talking about somebody coming in from Gwinnett County and putting up a rug tent to sell rugs and not have an occupational tax placard from the City. We're talking about that on-site business such as H Mart putting their tent in their parking lot.
So yes, there would need to be amendments to the code to reflect that, and it's zoning based, because I think the discussion back then was we had so much vacant property, we wished to see businesses locate within buildings rather than within parking lots. And so that's how all the -- the original discussion came from.
COUNCILMEMBER FLEMING: So pop-up tents are not allowed.
MR. HAEBERLIN: That is correct. And we have had a lot of complaints, particularly, I think, on the blogs, about events that have occurred which

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were illegal where they used radios and, you know, things of that nature when they were adjacent to residential.
We, the city, have a lot of commercial property -- not your particular property -- that is right next to residential, and so there were pretty aggressive moves back then. It did not contemplate an actual business owner in the city having an event in their parking lot.
Now, certainly if you didn't have structures, I don't think it's as much an issue, because the structures is where the situation occurs. Is the tent fire retardant? Can they cook under the tent? Are there proper electrical hookups? Is there sanitation, water, things of that nature? Health/safety/welfare regulations. I think absent the structures such as in this case -- because this has been batted back between Captain Atkinson, myself, and the City Clerk, in this case.
I think absent the band structure being built, which would require a permit from the City, and absent the tents, the only real issues are the fire marshal and health. So I think when we take the structures out of the component, we have a much more manageable situation than we do when structures are

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1 included.
2 ATTORNEY WEED: And my understanding is the
3 same event could be done within the confines of the
4 building --
5 MR. HAEBERLIN: Oh, absolutely.
6 ATTORNEY WEED: -- any time you wanted to.
7 MR. HAEBERLIN: In C-2, they are allowed to
8 have restaurants. They're allowed to sell food. In
9 fact, they have various restaurant vendors inside.
10 So I think the real issue that we have from
11 zoning is the structures, and that is always going to
12 be an issue. And if you remove the structures out of
13 the situation, they put no structures out there, then
14 you still have the fire department and Dekalb County
15 Health. They do have the right to act on behalf of
16 the city to ensure public health/safety/welfare. We
17 don't want somebody getting sick from improperly
18 cooked food or mishandled food, et cetera.
19 MR. KIM: That's right.
20 ATTORNEY WEED: So to clarify, it still
21 wouldn't be covered by the special event permit. In
22 fact, we wouldn't have a permit to issue them.
23 MR. HAEBERLIN: We have no permit. And this
24 is why --
25 ATTORNEY WEED: Which is fine.

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1 MR. HAEBERLIN: -- unfortunately, our
2 customers keep going back and forth. They go to the
3 police department, and there's always the
4 clarification by myself and the City Clerk, is it a
5 public property, number one? No. Is it on a public
6 right-of-way? No. Then it's not a special event.
7 It's something else, and how will we handle that?
8 It's what Gwinnett County used to call a
9 temporary use permit, and I think, from what I've
10 heard, your desire is for business owners with an
11 existing occupational placard on that property to be
12 able to have some sort of event in their parking lot,
13 not somebody who travels from jurisdiction to
14 jurisdiction and simply sells wares on the corners
15 like tennis shoes and rugs.
16 ATTORNEY WEED: And assuming that the
17 Council wants to move forward with that, we're still
18 going to have to change the zoning code to allow it;
19 correct?
20 MR. HAEBERLIN: I think it could be as
21 easily as saying in this ordinance, where that
22 prohibition is, "except for where a special events
23 permit" -- well, whatever we're going to call it --
24 ATTORNEY WEED: Right.
25 MR. HAEBERLIN: "Where a temporary use

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1 permit has been issued by the City of Doraville."
2 ATTORNEY WEED: So essentially, you would
3 write a code, there could be a subsection of your
4 special events permit code for temporary use permits,
5 and then we need to also modify the zoning code to
6 allow temporary use permits. Or we can just do it in
7 one of the ordinances, but we'd have to -- if we do
8 one, we have to do the zone.
9 Do you concur with that, Mr. Haeberlin?
10 MR. HAEBERLIN: I think we need to be able
11 to have a placard. I think our end result is if we
12 were to grant this gentleman some temporary use permit
13 at some time, there needs to be an official placard
14 from the City of Doraville --
15 ATTORNEY WEED: So you would prefer two
16 ordinances.
17 MR. HAEBERLIN: I think I would prefer two
18 ordinances. I think we need to be safe on both sides.
19 COUNCILMEMBER FLEMING: What's he need a
20 placard for?
21 MR. HAEBERLIN: Well, the placard would just
22 show the public that this is a City-approved temporary
23 event. In Gwinnett County, they were a little pink
24 card about this big (indicating) with black lettering
25 and it had a number; it was TUP and then the month,

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1 date and year, and that it was issued by a certain
2 person. So if you attended that event, you knew it
3 was a recognized event.
4 COUNCILMEMBER FLEMING: But we have Article
5 No. 2 is a special events permit. Are you telling me
6 that we do not have a special events permit?
7 MR. HAEBERLIN: Not on private property.
8 ATTORNEY WEED: Not applicable to this
9 situation.
10 COUNCILMEMBER FLEMING: Ms. Alexander has
11 already commented that we can put that term in this,
12 and therefore his special events permit would apply,
13 and we could still put in the zoning code that
14 accessory structures would be allowed on private
15 property for special events permits.
16 ATTORNEY WEED: Yes, you could do that, and
17 we talked about that before. You could modify the
18 special event permit section to expand it to allow it
19 being on private and public property, and you could
20 certainly do that.
21 In the meantime, we -- I mean you still have
22 to change the zoning ordinance.
23 COUNCILMEMBER FLEMING: All right. But we
24 do indeed, Ms. Blackmon, have a special events permit?
25 CLERK BLACKMON: No, we do not.

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1 COUNCILMEMBER FLEMING: You don't have a 5x7
2 card?
3 CLERK BLACKMON: No. We have an application
4 that is filled out and then contracts, but there is no
5 actual placard that we give anybody.
6 COUNCILMEMBER ALEXANDER: So when they're
7 approved, what proof do they have that they're
8 approved?
9 CLERK BLACKMON: Well, first of all, we've
10 never had anybody get approved because we've never had
11 anyone -- there is nothing for private property.
12 ATTORNEY WEED: It's a --
13 COUNCILMEMBER ALEXANDER: The parade. The
14 tea walk.
15 ATTORNEY WEED: You have the contract and
16 you have the minutes that reflect that you approved
17 it.
18 COUNCILMEMBER FLEMING: And all the
19 carnivals that we've always had forever over across
20 the street from K-Mart or the ones that we had in
21 K-Mart.
22 CLERK BLACKMON: Now, those are permits,
23 actual like occupational tax. They are made to pay
24 for six months like they are a business here because
25 it's for so long of a period of time.

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1 COUNCILMEMBER FLEMING: For two -- yeah.
2 CLERK BLACKMON: It's usually weeks or
3 months. That's different.
4 COUNCILMEMBER FLEMING: For more than 14
5 days. Okay.
6 MR. HAEBERLIN: And remember, those are
7 conditional uses in certain zoning districts now. So
8 you could have like a carnival, circus, rodeo, a tree
9 stand at Christmas time, a pumpkin place. You know,
10 we accounted for all that stuff in zoning as well
11 because we anticipated the need for that someday in
12 the city. And so they were handled as -- those items
13 were handled as conditional uses so they could be
14 considered by the Council.
15 COUNCILMEMBER ALEXANDER: So right now as it
16 is, the Girl Scouts cannot sell cookies at K-Mart?
17 That's a question.
18 ATTORNEY WEED: Well, they can't get a
19 special event permit to do so.
20 And the next question is, would the Girl
21 Scouts selling cookies at K-Mart violate the current
22 zoning? Mr. Haeberlin, I will turn to you for that
23 answer.
24 MR. HAEBERLIN: I see nothing in specific in
25 zoning. At K-Mart, you can sell package food

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1 certainly. But I think from the occupational tax
2 side, Ms. Blackmon's going to be saying, where is the
3 City collecting revenue from that function?
4 ATTORNEY WEED: And if the Girl Scouts
5 wanted to put up a tent and have a band there, the
6 answer's clearly no.
7 MR. HAEBERLIN: And I think a lot of these
8 things just happen because we either don't know about
9 them -- I mean I come up here sometimes on Saturdays
10 and Sundays, and it's a different world than it is
11 Monday through Friday. And most of this happens and
12 we don't know about them. Or sometimes the occupants
13 don't know that there's any regulation involved in
14 anything that would occur outside, so they just may go
15 ahead and do it.
16 But lately we've had some high profile cases
17 where we had tenants and the like and we had blaring
18 music, et cetera. So now it's become a concern of the
19 Council, so now they're getting information from the
20 staff.
21 Like I said, I think Dekalb County fire
22 marshall and the health department could also provide
23 us really good information that we need to know about.
24 COUNCILMEMBER BATES: Okay. How quickly can
25 we look at making it a TUP and modifying the special

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1 events permit clause to allow it to be on private
2 property?
3 ATTORNEY WEED: No less than 15 days, no
4 more than 45.
5 COUNCILMEMBER FLEMING: Oh, please.
6 ATTORNEY WEED: You have to comply with the
7 Zoning Procedures Act. You need to take the zoning
8 aspect of it. Your planning commission's got to
9 review that.
10 You go ahead and do a TUP ordinance, then
11 call a special-called meeting. I can get that cranked
12 out for you quickly. But you can't vary -- the zoning
13 is the zoning is the zoning.
14 COUNCILMEMBER FLEMING: We're under the line
15 for advertisement, are we not? Today's the what?
16 UNIDENTIFIED SPEAKER: 18th.
17 MR. HAEBERLIN: October it would not happen.
18 It's just impossible. Have to be sometime November.
19 COUNCILMEMBER FLEMING: Isn't there anything
20 in our administration codes that the Mayor can do an
21 administrative variance?
22 ATTORNEY WEED: In my opinion, no, ma'am.
23 There's no power given to him that just says he can
24 ignore the zoning code, and frankly, I hope there
25 never will be. No offense, Mayor.

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COUNCILMEMBER PACHUTA: I mean I assume this would really only become an issue if for whatever reason the police department made the choice to enforce and shut them down if that's what they so chose. It's within their discretion.

MR. HAEBERLIN: Or the health or fire department as well.

COUNCILMEMBER BATES: Well, we wouldn't have authority over them even if we issued a special events permit.

MR. HAEBERLIN: Right. If they still violated County --

COUNCILMEMBER ALEXANDER: Health.

MR. HAEBERLIN: -- health or fire laws --

COUNCILMEMBER ALEXANDER: Right.

MR. HAEBERLIN: -- they can come in and shut them down at any time.

MR. KIM: So Mr. Haeberlin, with this current situation that we're in, what would be our alternatives? I mean --

MR. HAEBERLIN: I'm just thinking outside the box. I think that if we could get outside of the concept of structures, which are a clear violation of the zoning code, then I don't see anything particularly from zoning that I could regulate.

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In other words, if we do not have tents on the property, if you did not build a temporary band platform, things of that nature and you just use the surface of the parking lot, I don't really think there's anything zoning-wise that I regulate, any particular function.

It's just when we get into that concept of structures, you know, we have not only me as the planner but we have the building official too, so he would have to inspect something if that was built.

COUNCILMEMBER FLEMING: Mr. Kim, on your stage, are you building the stage or is it actually you're renting it and it's being driven in?

MR. KIM: That is correct. We are not building anything ourselves.

The stage is actually a portable, 6x8. We're renting two from an event business where they rent out canopy tents and stages and so on for wedding halls and so on, and apparently from my understanding, that they're all in compliance with any fire marshall's office.

We've already gotten the okay from the Dekalb County Health Department as well.

ATTORNEY WEED: If you're looking for alternatives, one, this event could be held on city

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property. You could get a special permit to do that.

If this event -- if you elected to do the event without building any structures including a tent, we would not issue a permit but, you know, you wouldn't need a permit and you could go ahead and do it anyway.

So that might be your best course of action.

MR. KIM: Sure. Without getting in trouble? Of course.

ATTORNEY WEED: I'm not your lawyer, but apparently Mr. Haeberlin doesn't have a zoning issue. If there's no tent and no stage and we don't issue a permit for what you're doing right now, anyway, then there's no occupation tax issue, there's no zoning issue. There doesn't seem to be any other thing that you'd be violating other than maybe if you get the health code for whatever food you sell and don't be too loud, don't violate the other ordinances, no problem.

MR. KIM: Now, will eventually this ordinance be rewritten?

MR. HAEBERLIN: It sounds like we're going o receive direction on that.

ATTORNEY WEED: That's up --

MR. KIM: Okay.

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ATTORNEY WEED: -- to the Council. It could be.

MR. KIM: Now, even if the canopy tent was not even near the grill, it still --

MR. HAEBERLIN: It would still be a structure listed under this code. I mean the reason why jurisdictions do this is because they have strong architectural requirements in many locations --

MR. KIM: Okay.

MR. HAEBERLIN: -- to say how things should look, and that's the reason why we included it in this item. Also, too, public safety. You know, cooking under a tent that is not a fire-retardant tent could result in fire --

MR. KIM: Sure.

MR. HAEBERLIN: -- and loss of life, et cetera. We know you're not going to do that.

MR. KIM: Right.

MR. HAEBERLIN: It's why jurisdictions do that.

MR. KIM: Well, we will have a problem, Ms. Fleming, with taking the tent out. The radio station, this is like their -- I guess their main kind of like, you know, their steppingstone where they have their live talents under this tent or they have, you

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1 know, the equipment and so on, and that's one thing
2 that we're concerned.
3 MR. HAEBERLIN: I think the great thing
4 about a special events permit is it could -- or a
5 temporary use permit, it could cover a lot of things
6 but not cross that boundary into zoning.
7 For example, just using this as an example,
8 what if there were people there giving free massages
9 -- I'm just giving you an example -- or something
10 crazy like that?
11 Now, where would the boundary go? All
12 you're doing is serving food and providing enter-
13 tainment, and it's a wholesome approach to what you're
14 trying to do but you're not trying to go into other
15 business forums. You're really doing something that's
16 related to what you do.
17 So I think that's the fine that we need to
18 be careful about is these temporary use permits and
19 what you're allowed to do under the temporary use
20 permit.
21 What you're saying you want to do seems like
22 something that would typically occur in a C-2
23 district.
24 MR. KIM: So basically as long as we're
25 within our limitations of what we're trying to do as a

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1 supermarket business.
2 MR. HAEBERLIN: Correct. And we don't go
3 out there and find that there's a tent with a rug
4 vendor there that doesn't sell at Super H Mart --
5 MR. KIM: I understand.
6 MR. HAEBERLIN: -- something like that.
7 ATTORNEY WEED: So what you can do
8 immediately is you can have your event, no tent, no
9 stage. You could have your event and you don't
10 require a permit from the City.
11 If you -- if you want to do something
12 different than that, then the Council can consider
13 changing the ordinances to allow that in the future.
14 MAYOR JENKINS: I don't think he has time
15 for that.
16 Are you saying that he can have his event
17 outside the entrance to his store, no tents, no stage?
18 MR. HAEBERLIN: As long as he does not
19 impede access, and that would be the fire marshal, or
20 create some public safety disturbance, I don't see
21 anything particularly, based on the schedule of what
22 he's told me, that would violate zoning. He has not
23 indicated there's any use occurring on that site that
24 would not normally occur in a commercial district.
25 Your site is unique, Thank God it's not

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1 located adjacent to residential. I would be much more
2 concerned if had residential.
3 MR. KIM: Now, would we be in terms of
4 liability if the radio stations came out there and
5 just started pitching their tents? How --
6 ATTORNEY WEED: Sir, you're in control of
7 your property.
8 MR. KIM: Okay.
9 ATTORNEY WEED: It's your land, and what
10 happens on your land, you're responsible for.
11 MR. KIM: Understood.
12 COUNCILMEMBER BATES: Scott, what's our time
13 frame on advertising?
14 MR. HAEBERLIN: I'll be honest -- and you
15 guys are aware of how heavy the October agenda is --
16 it could definitely go on November and it would fall
17 on the fourth week in November.
18 COUNCILMEMBER BATES: What's our time frame
19 for a special-called zoning?
20 MR. HAEBERLIN: You know the 15/45 day rule.
21 I'll just get with the Champion tomorrow and see. If
22 I have an idea of what you want to do, and I think I
23 do, then I could write the ad and go ahead and submit
24 it, and see if she'll put it in the hopper. It may
25 put you into the second week of October, something

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1 like that.
2 COUNCILMEMBER FLEMING: No, November.
3 COUNCILMEMBER PITTMAN: November.
4 MR. HAEBERLIN: November. Sorry. November.
5 The months go quickly.
6 So what I'm going to advertise is amendment
7 to ordinance 2009-27, and then Mr. Weed will prepare
8 some text that indicates the exceptions for temporary
9 use permits issued by the City of Doraville, and it
10 would take care of that from a zoning perspective.
11 Then go to the P.C., and then come to you guys and you
12 approve it.
13 COUNCILMEMBER FLEMING: And that would allow
14 him to have his pop-up tent and stage. That would
15 allow him to have a pop-up tent -- or he said 10x10 so
16 my mind was thinking pop-up tent -- and the portable
17 stage; correct, Mr. Haeberlin?
18 MR. HAEBERLIN: Provided he complies with
19 all health/life/safety requirements, yes.
20 ATTORNEY WEED: Bear in mind, if you do that
21 -- now, you could certainly do that and not go back
22 and change your special event permit.
23 But if you want to regulate this on these
24 commercial lots, bear in mind what you're doing is you
25 will be allowing this kind of activity on every

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1 commercial lot you've got, without a permit. Just
2 bear that in mind. And you can certainly do that.
3 COUNCILMEMBER BATES: No. They --
4 COUNCILMEMBER FLEMING: No.
5 COUNCILMEMBER BATES: No. They'd have to
6 have a temporary use permit.
7 ATTORNEY WEED: But we haven't said that
8 yet.
9 COUNCILMEMBER BATES: No. That's --
10 COUNCILMEMBER ALEXANDER: That's what he
11 said.
12 COUNCILMEMBER BATES: That's the whole
13 premise of this discussion was to --
14 ATTORNEY WEED: Well, he's calling it that,
15 but we can either -- I don't know that you can -- we
16 can try to do all of that by virtue of the zoning
17 code, but as you heard Mr. Haeberlin say, you may want
18 to consider going back and changing the other
19 permitting aspect too.
20 COUNCILMEMBER BATES: This is not -- Let me
21 be very, very clear. This is not designed to give
22 cart blanche authorization for business owners across
23 the city to go out and have, you know, events every
24 hour of every day.
25 This is designed to -- and I'm going to use

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1 Mr. Haeberlin's words -- provide a temporary use
2 permit to allow a business owner to apply to the City
3 of Doraville to receive permission to have an event
4 promoting their business in a designated time period
5 at a designated location with designated events.
6 I don't understand why we can't change this
7 ordinance to allow for a temporary use permit and
8 allow our business owners to apply to do something
9 special to promote their business.
10 I am flummoxed, perplexed and frustrated
11 that we seem to be again in a position where we are
12 telling business owners that you can't do something to
13 promote your business within a -- within the confines
14 of what's allowed by the City of Doraville. We just
15 flat don't allow anything any more, or never have,
16 because this was adopted January 3rd of 2005, so --
17 ATTORNEY WEED: Well, let me clarify my
18 question, then, because apparently I asked a bad
19 question.
20 My question is, in addition to the temporary
21 use permit and the change in zoning, does this Council
22 want me to modify the special event permit ordinance
23 or not?
24 COUNCILMEMBER ALEXANDER: Yes.
25 COUNCILMEMBER PACHUTA: Yes.

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1 COUNCILMEMBER BATES: Yes.
2 ATTORNEY WEED: That was my question.
3 And I will be happy to do that to the best of my
4 ability.
5 MAYOR JENKINS: Scott, you can advertise it
6 and get it going?
7 MR. HAEBERLIN: Yes, sir. I mean I'll
8 handle the zoning aspect of it.
9 MAYOR JENKINS: Okay.
10 MR. HAEBERLIN: The other, I will not be
11 involved in.
12 MAYOR JENKINS: Okay.
13 COUNCILMEMBER BATES: We're working on it,
14 Mr. Kim.
15 MR. KIM: Okay. Mayor and City Council,
16 thank you very much.
17 COUNCILMEMBER PITTMAN: Thank you.
18 MAYOR JENKINS: Thank you.
19 COUNCILMEMBER ALEXANDER: I'm fine with
20 moving my item to the next agenda.
21 COUNCILMEMBER PITTMAN: I am too.
22 MAYOR JENKINS: All right, Steven, where did
23 we leave it?
24 MR. STRICKLAND: Okay. So I think at this
25 point, the decisions are do we want a square footage

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1 limit? do we just want to do 10 percent?
2 I think we should limit it to commercial/
3 industrial. We could do a three-tree minimum.
4 The permit would be for construction,
5 grading, paving, grubbing or clearing.
6 We could do away with the single-family
7 detached residential lot because that's just kind of
8 redundant.
9 I don't know if we got a decision on the
10 single-story accessory building.
11 And I guess if y'all wanted to, we could
12 take out the one-time, five-year regulation because, I
13 mean, to allow them to do -- to allow them to do 10
14 percent at a time, they're still complying with that
15 10 percent. So even if they did 10 percent 10 times
16 and redeveloped the whole tract, we would still get a
17 hundred percent compliance with the tree ordinance.
18 But we might want to think about some sort
19 of limit. I don't know if it's one time per year, one
20 time per two-year period. But I guess we could just
21 do away with that regulation.
22 COUNCILMEMBER ALEXANDER: So on the --
23 MR. STRICKLAND: That's all I had.
24 COUNCILMEMBER ALEXANDER: I'm sorry to
25 interrupt you.

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On the definitions, you suggest changing grading, paving --

MR. STRICKLAND: Paving. It's construction, grading, paving, clearing and grubbing.

COUNCILMEMBER ALEXANDER: Clearing and grubbing.

COUNCILMEMBER PACHUTA: Or grubbing? It should be "or;" right?

MR. STRICKLAND: Correct.

ATTORNEY WEED: Which would read, "Land disturbance permit -- shall mean any official authorization for construction, grading, grubbing and clearing -- or clearing by the City of Doraville.

COUNCILMEMBER ALEXANDER: And paving.

COUNCILMEMBER FLEMING: And paving.

ATTORNEY WEED: All right. How about this? "Land disturbance permit -- shall mean any official authorization for construction, grading, grubbing, paving or clearing issued by the City of Doraville."

COUNCILMEMBER ALEXANDER: And then we were striking the next sentence.

ATTORNEY WEED: Got it.

COUNCILMEMBER ALEXANDER: Do you want a motion to cover that one item?

COUNCILMEMBER PACHUTA: Yes. So moved.

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COUNCILMEMBER ALEXANDER: Second.

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

COUNCILMEMBER BATES: On 5-270(d)(4), I'd like to make a motion to change that to 10 percent.

ATTORNEY WEED: All right. So it would read, just to make sure I understand the same thing, "Any permitted land disturbance project which is part of a larger tract or parcel that will disturb a contiguous 10 percent or less area shall be exempt from the provisions of this article except as follows:"

COUNCILMEMBER FLEMING: But didn't you change the "a" to "any?"

ATTORNEY WEED: Not yet I didn't, but I will.

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COUNCILMEMBER BATES: And I guess on that, this is part of that question of overlapping lot lines, so --

MR. STRICKLAND: It would have to -- it would have to be on one parcel.

COUNCILMEMBER PACHUTA: Yeah, because they won't get a land disturbance permit if it wasn't one parcel.

ATTORNEY WEED: All right. How about this? "Any permitted land disturbance project which is part of any single larger tract or parcel that will disturb a contiguous 10 percent or less area shall be exempt from the provisions of this article except as follows."

MR. STRICKLAND: Yes.

COUNCILMEMBER FLEMING: Are there any shopping centers on multiple parcels at this time --

MR. HAEBERLIN: Yes, ma'am.

COUNCILMEMBER FLEMING: -- that have not --

MR. HAEBERLIN: Yes, ma'am. There are shopping centers that exist in the city that are on multiple parcels at this time that we have not been able to resolve yet.

ATTORNEY WEED: And my question to you as the planner is: Going through his exercise, will the

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changes to this ordinance allow shopping centers on multiple parcels to take advantage of this ordinance, and, you know, raise the triggerpoint of the tree ordinance or not? because if that doesn't occur, we need to go back to the drawing board, in my opinion.

MR. STRICKLAND: What if the disturbance was on a parcel, did not go across parcel lines, then they'd be able to use it.

ATTORNEY WEED: Fine with me, but I mean you guys know what's out there.

MR. HAEBERLIN: I'm just thinking if there was any shopping center or development that lawfully existed prior to zoning on multiple parcels, they would be quote/quote grandfathered. I hate to use that word, but I'll use it for this purpose.

There may be shopping centers on multiple parcels that are not quote/quote grandfathered and vested.

MR. STRICKLAND: Well, how about if they wanted to build across parcel lines, they'd have to combine them first.

COUNCILMEMBER PACHUTA: Yeah. That's what they'd have to do anyway to get the land disturbance permit.

MR. HAEBERLIN: You could say that that

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1 5,000 square foot area must be contained on one of the
2 parcels of a multi-parcel development. That helps you
3 avoid that building over the lot lines. I think that
4 resolves that. It's just simple, you know, that 5,000
5 square foot area must be contained on one of the
6 parcels of a multi-parcel development which pre-exists
7 the adoption of zoning.
8 ATTORNEY WEED: Does that cover all
9 situations that both of you are currently aware of,
10 applicable to the city right now, that this might --
11 this ordinance --
12 MR. STRICKLAND: Right. It says --
13 ATTORNEY WEED: -- might apply to?
14 MR. STRICKLAND: -- which is part of any
15 single larger tract or parcel. Part of one parcel.
16 ATTORNEY WEED: So the answer to my question
17 is yes, this would cover all the parcels that have
18 multi-parcel shopping centers.
19 MR. HAEBERLIN: I think so.
20 ATTORNEY WEED: This will raise the trigger
21 level for them.
22 MR. HAEBERLIN: I think so unless they
23 change the proposed locations that I'm aware some of
24 these applicants -- As far as I know right now, the
25 situation that I have been dealing with and Steve has

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1 been dealing with would be fully contained on one of
2 the parcels of a shopping center.
3 COUNCILMEMBER FLEMING: Mr. Weed, would you
4 please read that?
5 ATTORNEY WEED: Yes, ma'am. Let's see. I
6 believe what we have under (d)(4) would be, "Any
7 permitted land disturbance project which is part of
8 any single larger tract or parcel that will disturb a
9 contiguous 10 percent or less area" -- or I can say --
10 you know, I'll leave it like that -- "shall be exempt
11 from the provisions of this article except as
12 follows."
13 MR. STRICKLAND: Yep. That's what I got.
14 ATTORNEY WEED: Mr. Haeberlin, anything
15 else?
16 MR. HAEBERLIN: I'm sorry. I missed --
17 ATTORNEY WEED: Speak now or forever hold
18 your peace.
19 MR. HAEBERLIN: I missed where we were
20 talking about that it must be on one of the parcels.
21 ATTORNEY WEED: I think -- I think that
22 would be included. The way this is written now, it'll
23 be on any single larger tract or parcel. You know, I
24 mean I could add, "The contiguous 10 percent area
25 shall be contained within a single parcel." "Shall

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1 also be contained within a single parcel."
2 MR. HAEBERLIN: And I recognize parcel is a
3 parcel/plot/lot. To me, that references something
4 that's approved by the City of Doraville.
5 ATTORNEY WEED: I would concur with that
6 understanding.
7 So I think what we have -- and I know making
8 the sausage isn't pretty -- "Any permitted land
9 disturbance project which is part of any single larger
10 tract or parcel that will disturb a contiguous 10
11 percent or less area which shall also be contained in
12 a single parcel, shall be exempt from the provisions
13 of this article except as follows."
14 COUNCILMEMBER BATES: So moved.
15 COUNCILMEMBER PACHUTA: Second.
16 ATTORNEY WEED: And if I can clean that up
17 later, I'll bring it back to you --
18 COUNCILMEMBER ALEXANDER: Thank you.
19 ATTORNEY WEED: -- and have it approved.
20 MAYOR JENKINS: Second?
21 COUNCILMEMBER PACHUTA: Yeah.
22 COUNCILMEMBER BATES: Did you second it?
23 COUNCILMEMBER PACHUTA: Yes.
24 MAYOR JENKINS: Call the roll.
25 CLERK BLACKMON: Councilmember Alexander?

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1 COUNCILMEMBER ALEXANDER: Yes.
2 CLERK BLACKMON: Councilmember Bates?
3 COUNCILMEMBER BATES: Yes.
4 CLERK BLACKMON: Councilmember Fleming?
5 COUNCILMEMBER FLEMING: Yes.
6 CLERK BLACKMON: Councilmember Pachuta?
7 COUNCILMEMBER PACHUTA: Yes.
8 CLERK BLACKMON: Councilmember Pittman?
9 COUNCILMEMBER PITTMAN: Yes.
10 ATTORNEY WEED: And actually, Council, in
11 order to save time, would you give me -- would you
12 authorize me, at my discretion in compliance with the
13 law and in compliance with the purpose of this draft
14 language, if I am able to clean it up yet effectuate
15 the purpose, can I simply have the authority as a
16 draftsman to do that?
17 COUNCILMEMBER BATES: Yes.
18 ATTORNEY WEED: Would you make that motion,
19 somebody?
20 ATTORNEY WEED: Thank you.
21 COUNCILMEMBER PACHUTA: So moved.
22 MAYOR JENKINS: Call the roll.
23 COUNCILMEMBER ALEXANDER: Second.
24 CLERK BLACKMON: Councilmember Alexander?
25 COUNCILMEMBER ALEXANDER: Yes.

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1 CLERK BLACKMON: Councilmember Bates?
2 COUNCILMEMBER BATES: Yes.
3 CLERK BLACKMON: Councilmember Fleming?
4 COUNCILMEMBER FLEMING: Yes.
5 CLERK BLACKMON: Councilmember Pachuta?
6 COUNCILMEMBER PACHUTA: Yes.
7 CLERK BLACKMON: Councilmember Pittman?
8 COUNCILMEMBER PITTMAN: Yes.
9 COUNCILMEMBER FLEMING: And Mr. Weed, I mean
10 we need this. It should be considered final. I mean
11 it won't be another draft. It'll be coming back to us
12 as final, and I'd really like a final back.
13 ATTORNEY WEED: Yes, ma'am.
14 COUNCILMEMBER FLEMING: Okay.
15 ATTORNEY WEED: If you adopt it tonight,
16 which you can, tomorrow by mid-day or tomorrow at the
17 end of the day, there would be a final version of
18 this.
19 COUNCILMEMBER FLEMING: Okay.
20 COUNCILMEMBER BATES: I'm not particularly
21 excited about limiting to a single story, because if
22 it's an outparcel development on an existing large
23 lot, why would we not allow them to do a two-story
24 restaurant?
25 MR. HAEBERLIN: I mean I'll let you know

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1 first, I made the recommendation. It's my concern
2 that the built form of a two-story structure has much
3 more impact on our streetscape, and that's something
4 you're going to want to soften because it's a bigger
5 building.
6 One-story building usually has less impact
7 in a shopping center --
8 COUNCILMEMBER BATES: Gotcha. That makes
9 perfect sense.
10 MR. HAEBERLIN: -- and that's the reason why
11 I arted it that way, and also too I think on that
12 small -- When we originally discussed 5,000, I was
13 envisioning the concept of multi stories creates more
14 zoning problems with parking and things like that.
15 COUNCILMEMBER BATES: Gotcha. That makes
16 perfect sense.
17 COUNCILMEMBER FLEMING: But when you look at
18 Burger King, it could look like a two-story because
19 they've got their little accessory thing. I mean
20 they've got all the kids' toys and stuff. So I mean
21 it's not necessarily a two-story building. It's a
22 one-story building, but because of the height. You
23 don't want to use height in here? It should not
24 exceed a height of such-and-such --
25 MR. HAEBERLIN: Well, the --

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1 COUNCILMEMBER FLEMING: -- rather than --
2 MR. HAEBERLIN: -- building official
3 determines the concept of story, and there's a
4 definition of that, obviously. So I think that -- I
5 think that John is fully empowered to -- to regulate
6 the concept of story.
7 I think I feel safer with that than saying
8 20 feet or, you know. Getting into numbers I think is
9 more confusing.
10 COUNCILMEMBER BATES: I'm good with that.
11 MR. HAEBERLIN: Because you may have a one-
12 story structure that has a 12-foot ceiling, for
13 example.
14 COUNCILMEMBER BATES: Right.
15 MR. HAEBERLIN: When it's done
16 appropriately, we follow up with some architectural
17 codes eventually and we can have a nice-looking, you
18 know, building sitting out front.
19 COUNCILMEMBER FLEMING: Okay.
20 COUNCILMEMBER BATES: Under (d), I want to
21 change that to one exemption per every two years.
22 COUNCILMEMBER PACHUTA: Second.
23 COUNCILMEMBER BATES: This is (d)(4)(d).
24 Got it?
25 ATTORNEY WEED: Got it.

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1 MAYOR JENKINS: More discussion?
2 - - -
3 (No response)
4 - - -
5 MAYOR JENKINS: Call the roll.
6 CLERK BLACKMON: Councilmember Alexander?
7 COUNCILMEMBER ALEXANDER: Yes.
8 CLERK BLACKMON: Councilmember Bates?
9 COUNCILMEMBER BATES: Yes.
10 CLERK BLACKMON: Councilmember Fleming?
11 COUNCILMEMBER FLEMING: Yes.
12 CLERK BLACKMON: Councilmember Pachuta?
13 COUNCILMEMBER PACHUTA: Yes.
14 CLERK BLACKMON: Councilmember Pittman?
15 COUNCILMEMBER PITTMAN: Yes.
16 ATTORNEY WEED: I actually thought of
17 something that I'd like to clarify on that same
18 section. I'd like to add, the exemption provided here
19 can be used only one time on a tract or parcel of land
20 previously permitted -- well, on the land disturbed
21 and previously permitted."
22 That will indicate that we're talking about
23 something that's already got a permit on it. It's
24 just being more specific. Do you entertain that?
25 COUNCILMEMBER PACHUTA: So after -- wait a

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1 minute.
2 ATTORNEY WEED: Yeah, let's see. After the
3 words "disturbed," after the word "land disturbed,"
4 there would be three additional words: "and
5 previously permitted."
6 COUNCILMEMBER PACHUTA: Okay.
7 COUNCILMEMBER FLEMING: What page, please?
8 COUNCILMEMBER PACHUTA: Three.
9 ATTORNEY WEED: It would be page 3 of 6,
10 subsection (d)(4)(d), line three of that.
11 COUNCILMEMBER PACHUTA: I'll make that in
12 the form of a motion.
13 COUNCILMEMBER FLEMING: Okay. Read it to me
14 again?
15 ATTORNEY WEED: The whole thing would read,
16 "The exemption provided here can be used only one time
17 on the tract or parcel of land disturbed and
18 previously permitted within a two-year period from the
19 date of the last use of the exemption."
20 COUNCILMEMBER PITTMAN: Second.
21 MAYOR JENKINS: More discussion?
22 - - -
23 (No response)
24 - - -
25 MAYOR JENKINS: Call the roll.

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1 CLERK BLACKMON: Councilmember Alexander?
2 COUNCILMEMBER ALEXANDER: Yes.
3 CLERK BLACKMON: Councilmember Bates?
4 COUNCILMEMBER BATES: Yes.
5 CLERK BLACKMON: Councilmember Fleming?
6 COUNCILMEMBER FLEMING: Yes.
7 CLERK BLACKMON: Councilmember Pachuta?
8 COUNCILMEMBER PACHUTA: Yes.
9 CLERK BLACKMON: Councilmember Pittman?
10 COUNCILMEMBER PITTMAN: Yes.
11 COUNCILMEMBER FLEMING: I want to make sure
12 number (e) is correct by using the map of 1966, is
13 that correct, as listed? Page 4, number (3).
14 ATTORNEY WEED: Yes, ma'am. I mean that's
15 -- Yes. If you want to adopt that regulation, that
16 would be the correct wording of it.
17 COUNCILMEMBER ALEXANDER: But I mean why
18 would we use that map?
19 ATTORNEY WEED: I would turn to
20 Mr. Haeberlin. It was added at his suggestion. I
21 think --
22 MR. HAEBERLIN: Well --
23 ATTORNEY WEED: Go ahead.
24 MR. HAEBERLIN: -- we're looking at
25 primarily older developments, so they are reflective

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1 of a time, you know, essentially at or in the
2 inception of zoning, so they would be on historical
3 tax parcels.
4 But we also put a clause in there that
5 allows us "or as shall be approved by the City." In
6 other words, you can still combine lots, you could
7 still create lots as long as they meet the district
8 requirements.
9 So this is not -- we don't want people to go
10 purchase a raw piece of land just to apply the 5,000
11 square foot exemption. What we're trying to do is go
12 to that older development situation.
13 And that's the most reliable base map that
14 we have. That is the inception base map.
15 COUNCILMEMBER FLEMING: Thank you.
16 COUNCILMEMBER BATES: There's a word, the
17 word "has." It says, "The lot configuration of the
18 project shall be as depicted on the 1966 base zoning
19 map or has been approved." Should that be "as?"
20 COUNCILMEMBER ALEXANDER: Or "as has been
21 approved?"
22 ATTORNEY WEED: That's fine.
23 COUNCILMEMBER ALEXANDER: Okay. I'm sorry.
24 It just wasn't reading.
25 ATTORNEY WEED: That's -- yeah.

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1 COUNCILMEMBER ALEXANDER: Okay.
2 ATTORNEY WEED: You guys have been approving
3 all the other changes. Do you want to approve that
4 one too?
5 COUNCILMEMBER ALEXANDER: I make a motion we
6 insert the word "as."
7 COUNCILMEMBER PACHUTA: Second.
8 MAYOR JENKINS: Call the roll.
9 CLERK BLACKMON: Councilmember Alexander?
10 COUNCILMEMBER ALEXANDER: Yes.
11 CLERK BLACKMON: Councilmember Bates?
12 COUNCILMEMBER BATES: Yes.
13 CLERK BLACKMON: Councilmember Fleming?
14 COUNCILMEMBER FLEMING: Yes.
15 CLERK BLACKMON: Councilmember Pachuta?
16 COUNCILMEMBER PACHUTA: Yes.
17 CLERK BLACKMON: Councilmember Pittman?
18 COUNCILMEMBER PITTMAN: Yes.
19 COUNCILMEMBER BATES: This was on the last
20 agenda, wasn't it?
21 ATTORNEY WEED: Oh, yes. So you've already
22 got the first reading done.
23 COUNCILMEMBER BATES: Motion to adopt with
24 the changes.
25 MR. STRICKLAND: Councilmember Bates?

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1 COUNCILMEMBER BATES: Yes.
2 MR. STRICKLAND: We do have one last
3 question. Do we want to recommend that we limit this
4 to commercial and industrial zoned property?
5 COUNCILMEMBER FLEMING: But it's not in the
6 ordinance or it is?
7 ATTORNEY WEED: It's not.
8 MR. STRICKLAND: It's not.
9 ATTORNEY WEED: But Mr. Haeberlin and
10 Mr. Strickland suggested that to me today during the
11 day, and I advised them to bring that up to the
12 Council tonight.
13 COUNCILMEMBER ALEXANDER: But that goes back
14 to my previous question of the subdivision.
15 So you're telling me now that the land
16 disturbance permit would not apply to a subdivision.
17 MR. STRICKLAND: No. It would.
18 COUNCILMEMBER ALEXANDER: If we only make
19 this applicable to commercial and industrial.
20 ATTORNEY WEED: This is just the tree
21 ordinance, though.
22 MR. STRICKLAND: In a subdi- -- then
23 everything else would have to comply with the tree
24 ordinance as written.
25 COUNCILMEMBER PACHUTA: So just the

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1 exemption would be available to --
2 MR. STRICKLAND: For commercial --
3 COUNCILMEMBER PACHUTA: -- commercial --
4 MR. STRICKLAND: -- and industrial.
5 COUNCILMEMBER PACHUTA: -- and industrial.
6 MR. STRICKLAND: So the subdivision would --
7 COUNCILMEMBER PACHUTA: Not have an
8 exemption.
9 MR. STRICKLAND: Right. But you wouldn't be
10 developing -- If you're talking about a new
11 subdivision, you wouldn't be developing 10 percent of
12 a new subdivision, you know, theoretically.
13 COUNCILMEMBER ALEXANDER: In these economic
14 times, I don't know about that.
15 So where would you insert that language,
16 Mr. Weed?
17 ATTORNEY WEED: I'd just add an (f),
18 something to the effect of "Although this ordinance is
19 not to be construed to be a zoning ordinance, this
20 exemption shall be or it shall only be available on
21 raw land zoned commercial or industrial --"
22 COUNCILMEMBER FLEMING: I -- I'd list them.
23 ATTORNEY WEED: -- or for commercial or
24 industrial zoned property.
25 COUNCILMEMBER FLEMING: I would prefer you

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1 listing them. C-1, whatever you're going to do so
2 that the word "industrial" is not going to be
3 misconstrued by anything.
4 ATTORNEY WEED: We can do that.
5 MR. HAEBERLIN: Actually, I'd like that
6 better because I don't want somebody challenging me,
7 saying that office-institutional is commercial when it
8 really isn't.
9 COUNCILMEMBER BATES: Right.
10 MR. HAEBERLIN: I like that language.
11 ATTORNEY WEED: All right. So we have at
12 least C-1 and C-2.
13 MR. HAEBERLIN: M-1, M-2.
14 ATTORNEY WEED: Is that it? Does that cover
15 all the ones you want to cover?
16 MR. HAEBERLIN: Oh. Do we want to --
17 COUNCILMEMBER PACHUTA: What about O-I?
18 MR. HAEBERLIN: -- put this in CT as well?
19 COUNCILMEMBER FLEMING: Well, see, every
20 time you --
21 I'm not going to that question, but you said
22 office-institutional, and I always thought it was
23 office-industrial.
24 MR. HAEBERLIN: It's institutional.
25 MR. STRICKLAND: Institutional.

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1 COUNCILMEMBER FLEMING: So we're not going
2 to put it in O-I/O-W?
3 COUNCILMEMBER BATES: We've only got two
4 lots that are O-I/O-W.
5 MR. HAEBERLIN: You got three. You got four
6 that are O-W. O-I, you've got a lot, but they're
7 mostly city properties.
8 COUNCILMEMBER FLEMING: Okay.
9 ATTORNEY WEED: So no O-I, no O-W. What
10 about CT?
11 MR. HAEBERLIN: That's a good question.
12 COUNCILMEMBER BATES: Yes on CT.
13 So moved.
14 COUNCILMEMBER PACHUTA: Second.
15 MAYOR JENKINS: Call the roll.
16 CLERK BLACKMON: Councilmember Alexander?
17 COUNCILMEMBER ALEXANDER: Yes.
18 CLERK BLACKMON: Councilmember Bates?
19 COUNCILMEMBER BATES: Yes.
20 CLERK BLACKMON: Councilmember Fleming?
21 COUNCILMEMBER FLEMING: Yes.
22 CLERK BLACKMON: Councilmember Pachuta?
23 COUNCILMEMBER PACHUTA: Yes.
24 CLERK BLACKMON: Councilmember Pittman?
25 COUNCILMEMBER PITTMAN: Yes.

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1 COUNCILMEMBER ALEXANDER: Anything else?
2 COUNCILMEMBER BATES: Make a motion to adopt
3 Article IX, Tree Protection Plan, Sections 5-270(b)
4 and 5-270(d)(4).
5 COUNCILMEMBER PACHUTA: Second.
6 COUNCILMEMBER BATES: With the changes.
7 MAYOR JENKINS: Any more discussion?
8 COUNCILMEMBER FLEMING: Just again I'll just
9 repeat: imperative that we all get finals as soon as
10 you have them available --
11 ATTORNEY WEED: Yes, ma'am.
12 COUNCILMEMBER FLEMING: -- Mr. Weed. Thank
13 you.
14 MAYOR JENKINS: Call the roll.
15 CLERK BLACKMON: Councilmember Alexander?
16 COUNCILMEMBER ALEXANDER: Yes.
17 CLERK BLACKMON: Councilmember Bates?
18 COUNCILMEMBER BATES: Yes.
19 CLERK BLACKMON: Councilmember Fleming?
20 COUNCILMEMBER FLEMING: Yes.
21 CLERK BLACKMON: Councilmember Pachuta?
22 COUNCILMEMBER PACHUTA: Yes.
23 CLERK BLACKMON: Councilmember Pittman?
24 COUNCILMEMBER PITTMAN: Yes.
25 ATTORNEY WEED: And if I might have just a

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1 moment of personal privilege, I just want to state for
2 the record that I did look it up and I'm glad you
3 found it, but there are actually two mysterious
4 numbers in the ordinance, the subdivision regulations,
5 and they're both currently in the zoning code --
6 29-1804 and 29-1803. One of them at 108, mysterious
7 108; the other one's got a mysterious 110, and that's
8 always been there.
9 COUNCILMEMBER ALEXANDER: So now they're
10 both going to be removed.
11 ATTORNEY WEED: So now they'll both be
12 removed.
13 COUNCILMEMBER BATES: Well, at least we know
14 they were crazy, not us.
15 ATTORNEY WEED: That's right. Thank you for
16 that bone, Councilmember.
17 COUNCILMEMBER FLEMING: And Mr. Haeberlin is
18 going to advertise Mr. Kim's --
19 COUNCILMEMBER BATES: Actually, the TUP.
20 COUNCILMEMBER FLEMING: -- TUP.
21 MR. HAEBERLIN: What I'm going to advertise
22 is a change to ordinance 2009-27 --
23 COUNCILMEMBER BATES: Period.
24 MR. HAEBERLIN: -- which addresses the whole
25 concept of temporary things, and we're just going to

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1 put some language in there about temporary use permit.
2 ATTORNEY WEED: And I'll get with the
3 planner tomorrow and we'll talk about, you know,
4 whether we need to change special events permits,
5 particularly if that's the best way of going, or what
6 to do. But we know where you're going with it, and
7 we'll figure that out.
8 COUNCILMEMBER ALEXANDER: Thank you.
9 Public comments?
10 COUNCILMEMBER BATES: The other items are
11 all moving to the next agenda; right?
12 COUNCILMEMBER ALEXANDER: Uh-huh. Right.
13 MAYOR JENKINS: All?
14 COUNCILMEMBER PITTMAN: Uh-huh.
15 MAYOR JENKINS: And what about citizens,
16 public comments?
17 COUNCILMEMBER FLEMING: I'd say there's only
18 five or six people here, Mayor. They won't talk very
19 long.
20 MAYOR JENKINS: Public comments, three
21 minutes. Come on up.
22 - - -
23 (No response)
24 - - -
25 COUNCILMEMBER ALEXANDER: Motion to adjourn.

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1 COUNCILMEMBER PACHUTA: Second.
2 MAYOR JENKINS: Call the roll.
3 CLERK BLACKMON: Councilmember Alexander?
4 COUNCILMEMBER ALEXANDER: Yes.
5 CLERK BLACKMON: Councilmember Bates?
6 COUNCILMEMBER BATES: Yes.
7 CLERK BLACKMON: Councilmember Fleming?
8 COUNCILMEMBER FLEMING: Yes.
9 CLERK BLACKMON: Councilmember Pachuta?
10 COUNCILMEMBER PACHUTA: Yes.
11 CLERK BLACKMON: Councilmember Pittman?
12 COUNCILMEMBER PITTMAN: Yes.
13 - - -
14 (Meeting adjourned at approximately 10:00 p.m.)
15 -o0o-
16
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18
19
20
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22
23
24
25

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 28th day of October, 2010.

_____

Theresa Bretch, CCR
Permit No. B-755

$

$1,000 (1)
51:18
$117,000 (4)
17:1;18:5,22;41:24
$13.50 (2)
44:19,22
$15,000 (1)
42:5
$171,488 (1)
14:8
$25 (1)
16:5
$3,000 (1)
27:18
$30 (1)
48:15
$30,000 (2)
21:18;37:4
$341,000 (1)
15:4
$5,000 (1)
36:25
$50 (4)
44:18;49:25;51:18,20
$500 (1)
51:19
$6.00 (1)
16:10
$65,000 (3)
18:13,15,17
$7.00 (1)
16:7
$75,383 (1)
7:17

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[sic] (1)
134:9
[To (1)
47:9

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09 (1)
71:14

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1 (1)
73:3
1,000 (1)
58:5
1,500 (1)
58:6
1.7 (1)
14:8
10 (41)
5:16;14:8;37:23;95:1;
96:10;105:7,9,11;
106:20,22,24;107:16;
115:19,20;117:14,15,18,
20,24;118:2,5,6,12;
119:1;120:16,18;121:1;
122:11;125:12;156:1,13,
15,15,15;158:14,19;
159:12;162:9,24;
163:10;174:11
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