In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

November 21, 2011

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Page 0

CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Donna Pittman presiding, before Theresa Bretch, Certified Court Reporter, commencing at approximately 6:30 p.m. on Monday, November 21, 2011.

* * *

Page 2

APPEARANCES:
Doraville City Council:
Mayor Donna Pittman
Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Karen Pachuta
Councilmember Pam Fleming

Sandra Bryant, Deputy City Clerk

Cecil G. McLendon, Jr., City Attorney
Leonard Felgin, Esquire, Assistant City Attorney
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315 Washington Avenue
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(770) 590-5900

Page 3

P R O C E E D I N G S

MAYOR PITTMAN: Meeting come to order. Please rise for the Pledge.

- - -

(Pledge of Allegiance)

- - -

MAYOR PITTMAN: Thank you. Call the roll, please.

DEPUTY CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Here.

DEPUTY CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Here.

DEPUTY CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Here.

DEPUTY CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Here.

MAYOR PITTMAN: Thank you. Can I get approval of minutes for November 7th, 2011?

COUNCILMEMBER ALEXANDER: So moved.

COUNCILMEMBER PACHUTA: Second.

MAYOR PITTMAN: Call the roll, please.

DEPUTY CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

Page 4

DEPUTY CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

DEPUTY CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

DEPUTY CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

MAYOR PITTMAN: Thank you. I believe there's no ceremonial presentations tonight.

Next is going to be public comments on agenda items. Please limit your comments to three minutes on agenda items only.

MR. BOB ROCHE: Councilmembers, I just wanted to commend you on taking action on holding a special election. I think District 1 has been under-represented too long, and I think that the special election in March will do wonders. It'll at least will bring on another person and we'll have a full Council. And I'm very excited about that and also very excited about 2013.

So good luck. It's been interesting and it's been fun, and have a good one. And all I have to do now is figure out what to do on Monday nights, so good night.

MAYOR PITTMAN: Thank you, Mr. Roche.

Okay. Anyone else?

Page 5

- - -
(No response)
- - -
MAYOR PITTMAN: Okay. I don't believe we have any department head reports. Anyone have department head reports?
- - -
(No response)
- - -
MAYOR PITTMAN: Okay. Thank you.
COUNCILMEMBER FLEMING: City Hall?
MAYOR PITTMAN: Okay, yes. I think Mr. Cooley is going to be doing this for Mr. Howe.
MR. JOE COOLEY: I was going to take this for Luke since this was the only thing he had on the agenda.
You're familiar. This is the short-term work plan. You've got copies of the -- I believe the letter from ARC and Department of Community Affairs and also a copy of the proposed resolution.
This was -- the Council approved this back on August 29th of this year, and it was sent to DCA and ARC for review. We got the letter back -- the Mayor got the letter back on October 10th, basically that it was approved, that it meets the regional

Page 6

requirements; and it extends Doraville's qualified local government status for another year.
Part of this -- DCA had no recommended changes to it, so this is -- what we need now is just the resolution of adoption so we can take that and send it back to DCA, and we'll be set to go. Nothing has changed in this since you approved it on August 29th.
MAYOR PITTMAN: Thank you.
COUNCILMEMBER BATES: Move to adopt the resolution.
MAYOR PITTMAN: Do I get a second?
COUNCILMEMBER PACHUTA: Second.
MAYOR PITTMAN: Discussion?
COUNCILMEMBER FLEMING: Yes. I just want to make a comment like I did back in August is that I really felt that we need to make it a short-term work program by consolidating and making it, instead of all of these items, making it 15 or somewhere -- something that we would be able to truly implement.
The other thing is we need, you know, a mark-up board or some type of a chalk board to indicate the specific ones that we're supposed to be completing in 2011 so that we can keep tabs of it, of what our implementation is.

Page 7

So I mean if -- just because we have this piece of paper doesn't mean anything unless we're implementing.
MR. COOLEY: Right. It is on a spreadsheet now, so it'll be a lot easier to track over the year. And that's the intention is to do this over the year basis, as we discussed at the last meeting, instead of a five-year.
COUNCILMEMBER FLEMING: Okay.
MAYOR PITTMAN: Anything additional?
- - -
(No response)
- - -
MAYOR PITTMAN: Call the roll, please.
DEPUTY CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
DEPUTY CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
DEPUTY CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
DEPUTY CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
MAYOR PITTMAN: Thank you. Okay. Next is going to be the Appeal of Administrative Decision at

Page 8

6555 Peachtree Industrial Boulevard.
This has been deferred, I believe?
MR. COOLEY: We have a request from the attorney, from Matt Reeves, for the -- attorney for the applicant. Sent a letter in requesting a continuance to a date certain.
You were forwarded, I believe, a copy of that letter and the information and the background on that. City attorney discussed it, I believe, with Mr. Reeves, and staff has no objections as far as deferral.
ATTORNEY McLENDON: And this is a case that has come up a couple of times. Mr. Reeves has asked that we defer this as to the determination of whether a collision repair would be an appropriate use in this location.
They've asked for two relatively significant deferrals based upon them trying to work, apparently, with some folks to get a tenant in. I have discussed this with Mr. Reeves that I really didn't want this to go indefinitely that they held this decision open.
He had a conflict tonight so he could not be here, and with a conflict, I wouldn't want to go forward without the attorney being present. But at this point, unless Mr. Reeves presents something else,

Page 9

I would be inclined to say let's put this at a relatively near meeting in the future and address the issue.

MAYOR PITTMAN: So possibly the next December meeting?

ATTORNEY McLENDON: And that would be, I think, appropriate.

MR. COOLEY: I would suggest the December 19th meeting.

MAYOR PITTMAN: Okay.

COUNCILMEMBER PACHUTA: Well, we typically -- I don't know if we were planning on doing it this year. We typically cancel that second meeting in the month of December with the holidays so close. So I don't know if -- I think it's December 6th is the next meeting? -- if that's too soon.

I mean I know the attorney for them had a conflict tonight. He had another city council meeting to attend.

MR. COOLEY: Correct.

COUNCILMEMBER PACHUTA: So I don't know if that's too soon.

MAYOR PITTMAN: I think December 5th is quite appropriate.

ATTORNEY McLENDON: Yeah, I --

Page 10

MR. COOLEY: December 5th?

ATTORNEY McLENDON: -- have no objection.

THE COURT: If the Council has no objection?

COUNCILMEMBER ALEXANDER: So they need to be notified that will be held at the Civic Center.

COUNCILMEMBER BATES: My understanding was that he'd asked for the deferral last time because he was looking for a different -- they were trying to find an alternate business to go in there.

ATTORNEY McLENDON: Right. And at this point in my conversations with him, I've not heard anything specific on that. And initially in our conversations about the deferrals, I had told him, you know, I this really isn't something that we want to just hold over indefinitely to see if, you know, something else happens that makes the determination unnecessary to review.

I've heard nothing inconsistent with that, and I think, you know, it's been quite awhile, and this might be an issue we just need to deal with it and move forward.

COUNCILMEMBER PACHUTA: I make a motion to postpone this matter until the date certain of December 5th.

MAYOR PITTMAN: Do I get a second?

Page 11

COUNCILMEMBER BATES: Second.

MAYOR PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PITTMAN: Call the roll, please.

DEPUTY CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

DEPUTY CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

DEPUTY CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

DEPUTY CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

MAYOR PITTMAN: Thank you. Thank you, Mr. Cooley.

Next is going to be under old business, Modify Sanitation Code, Ms. Alexander.

COUNCILMEMBER ALEXANDER: Thank you, Mayor.

We have been given a ordinance suggestion. I suppose this has come out of the meetings with the Public Works staff and City Hall staff regarding how to handle actually following our existing ordinance and charging fees on large good pickups, also known as

Page 12

white goods pickup.

So I don't want to waive the first reading, obviously. I'd like for Council to discuss if they have any suggestions or concerns.

I did want to clarify that the language that we will continue to pick up refrigerators, I just want to make sure we're following the EPA regulations regarding the freon collection.

ATTORNEY FELGIN: According to Bobby Pittman, they do recycle them at a particular location that does take care of all of those.

COUNCILMEMBER ALEXANDER: Okay. Thank you.

COUNCILMEMBER PACHUTA: I guess my only concern is with the $30.00 per pickup plus $5.00 per item collected. That, to me, is going to be just a paperwork nightmare. I would almost rather just have a flat pickup fee whether you have five items or 10 items; maybe per truck, so if someone's just cleaning out the entire house and it ends up taking two truck loads, that would be $30.00 per truck load. But I think per item is just going to be -- from a logistical standpoint, will be difficult.

ATTORNEY McLENDON: And I think we had talked a little bit with Melissa as we were developing this, because Melissa would be the person who was

Page 13

1 basically doing the paperwork on -- you know, to work
2 with people as they came in and requested this, and I
3 think she was okay with that.
4 And you know, if we're talking about larger
5 with goods, you know, it wouldn't sort of be I threw
6 everything sort of out of the house out on the corner
7 of the street. This would be definable: TV sets,
8 refrigerators, washing machines, those kind of things.
9 It's in your court, absolutely, policy-wise,
10 but I think that concept was at least considered in
11 the drafting of this.
12 COUNCILMEMBER FLEMING: I'm in agreement
13 with Ms. Pachuta. I don't think we should collect per
14 item. It might be that the person comes to apply for
15 this particular service, and at the moment, they're
16 not truly knowing exactly what they're going to throw
17 out on that specific Wednesday. So I think it would
18 be hard for them to actually list per item.
19 And I wanted clarification, the
20 prepositional phrase, in addition to the regular
21 payment for collection of solid waste. Is that
22 referring to their sanitation fees that we're already
23 collecting?
24 COUNCILMEMBER BATES: (Nods head)
25 COUNCILMEMBER ALEXANDER: (Nods head)

Page 14

1 ATTORNEY McLENDON: Uh-huh.
2 COUNCILMEMBER FLEMING: Okay. All right.
3 COUNCILMEMBER BATES: I agree. I'm just not
4 comfortable with the $5.00 per item. That becomes
5 subjective: you know, is the couch and the loveseat
6 two items or is it one? So I think you open it up for
7 some subjectivity on that per item.
8 I agree with Ms. Pachuta, a flat per truck
9 fee would be my preference.
10 COUNCILMEMBER ALEXANDER: Okay. On the
11 truck issue, though, we have to keep in mind that we
12 pay $30.00 per ton to dump that truck. So odds are if
13 they filled up an entire truck, it would cost us more
14 than $30.00 to dump it. So I don't want to do the
15 $30.00 per truck because we've already got the truck
16 fee set out in our truck rental thing.
17 My main concern here is I'm not looking to
18 make money but we've got to stop supplanting the
19 sanitation budget.
20 COUNCILMEMBER BATES: Right.
21 COUNCILMEMBER ALEXANDER: So we've got to
22 cover our costs. And I believe the $30.00 was Mr.
23 Pittman and Ms. McCain calculating the labor rate for
24 the two gentlemen that operate the truck. Now, that's
25 where they came up with the $30.00.

Page 15

1 COUNCILMEMBER BATES: So thirty for pickup
2 whether it's one item or eight items?
3 ATTORNEY FELGIN: According to Mr. Pittman,
4 that's how much it would cost for us to come to a
5 residence to pick up and to haul away.
6 COUNCILMEMBER ALEXANDER: So in theory, the
7 $30.00 is for the stop --
8 ATTORNEY FELGIN: Yes.
9 COUNCILMEMBER ALEXANDER: -- and the $5.00
10 is the dump fee.
11 ATTORNEY FEE: The dump fee.
12 COUNCILMEMBER PACHUTA: So I would almost
13 rather it be a $35.00 or $40.00 flat fee, but I don't
14 know. I mean I'm . . .
15 ATTORNEY McLENDON: Hearing the direction on
16 it --
17 COUNCILMEMBER PACHUTA: I'm open to doing
18 $5.00 per item. I just see, from a paperwork stand-
19 point, it being a problem, but -- from a tracking
20 standpoint.
21 ATTORNEY McLENDON: Hearing the direction on
22 it, I think what we could do is go back to Mr. Pittman
23 and again Melissa and sort of come up with a everybody
24 would, it seems like, prefer a flat fee -- simpler to
25 let everybody know about, simpler to implement.

Page 16

1 Why don't we come back? Take that issue in-
2 house and then come back to you with a recommendation
3 and a basis for how we've reached that recommendation
4 of a flat fee?
5 COUNCILMEMBER ALEXANDER: And perhaps
6 include language less than truck load; if it's a truck
7 load, please see Code Section so-and-so for the rate.
8 ATTORNEY McLENDON: Then, let us make a
9 recommendation to you trying to achieve those
10 objectives.
11 COUNCILMEMBER FLEMING: If we go beyond
12 $30.00 per pickup, though, I'm not comfortable going
13 beyond that, to be honest with you. I don't think
14 that's right to our residents. The plus $5.00, I'm
15 not in favor of, per item. So that's my comments.
16 MS. SINCLAIR: May I ask a question?
17 MAYOR PITTMAN: Not --
18 MS, SINCLAIR: Let me know when I can.
19 COUNCILMEMBER ALEXANDER: Madam Clerk, if
20 you can leave this on the agenda again, please. Thank
21 you.
22 MAYOR PITTMAN: Ms. Sinclair, if you don't
23 mind, we can maybe at the end answer your question,
24 because we're going to put this on the agenda again.
25 MS. SINCLAIR: I just want to know, are we

Page 17

1 talking -- when you say per piece of pickup, are you
2 talking about if I put a chair out and a table?
3 MAYOR PITTMAN: We're going back to the
4 drawing board with it. We're going to bring it back
5 again.
6 MS. SINCLAIR: Okay.
7 MAYOR PITTMAN: Okay. Thank you.
8 MS. SINCLAIR: Okay.
9 MAYOR PITTMAN: All right. So you've got
10 that on the agenda again? Thank you.
11 Ms. Alexander, thank you.
12 COUNCILMEMBER ALEXANDER: Uh-huh.
13 MAYOR PITTMAN: Next under new business,
14 Foot Reflexology, 5187 Buford Highway.
15 MR. COOLEY: This is an application for a
16 conditional use permit to allow an expansion on an
17 existing licensed massage parlor located in Pinetree
18 Plaza Shopping Center at 5187 Buford Highway. It's
19 approximately 1,000 square feet of space now and
20 proposed addition.
21 The application was properly advertised and
22 signage posted. This was deferred by the Council to
23 today at the request of the applicant because their
24 business advisor could not be here at the last
25 meeting.

Page 18

1 The applicant currently is operating at 5189
2 Buford Highway as Foot Reflexology, and,as it says,
3 it's approximately 1,000 square foot in their existing
4 facility.
5 Foot Reflexology was granted a conditional
6 use permit and a massage-parlor license on June 6th of
7 this year. They wish to expand into the adjacent
8 suite at Pinetree Plaza. The address of that suite is
9 5187 Buford Highway and requires an additional
10 conditional use permit in that it is a separate
11 facility and with a different address.
12 Copy of the floor plan should have been in
13 y'all's package so you get an idea of what's being
14 proposed.
15 This was presented to the Planning
16 Commission after discussion they had. It was a
17 unanimous of 3-0 to recommend approval.
18 As I said, this is an existing massage
19 parlor. As such, we are not increasing the number of
20 massage parlors, so it's consistent with Section 6-318
21 that regulates the number of massage parlors. It's
22 basically increasing it.
23 The staff opinion basically is that it meets
24 the eight standards of review for a conditional use
25 permit for a massage parlor in C-2, and the staff

Page 19

1 recommendation is for approval.
2 I'll be glad to answer any questions.
3 MAYOR PITTMAN: Council?
4 They stepped outside, I believe. They were
5 in here.
6 MR. COOLEY: Applicant here?
7 - - -
8 (No response)
9 - - -
10 MAYOR PITTMAN: They stepped out awhile ago.
11 MR. COOLEY: Did they leave?
12 - - -
13 (Brief inaudible discussion)
14 - - -
15 MR. COOLEY: Okay. Thank you.
16 The officer said that they mentioned
17 something about December 5th and left.
18 COUNCILMEMBER FLEMING: They thought we were
19 moving it December 5th?
20 MR. COOLEY: I don't know.
21 MAYOR PITTMAN: Council, what would you like
22 to do?
23 COUNCILMEMBER ALEXANDER: I think we all
24 have questions, and they're not here to answer them.
25 MAYOR PITTMAN: Mr. Cooley, are you

Page 20

1 comfortable with deferring it to the date certain of
2 December 5th?
3 MR. COOLEY: Yes, ma'am, if that's the
4 Council's direction.
5 COUNCILMEMBER BATES: I'm comfortable with
6 denying it because they're not here.
7 COUNCILMEMBER PACHUTA: I would be leery. I
8 just think (inaudible).
9 ATTORNEY McLENDON: If we have someone who's
10 left potentially under a misapprehension of what's
11 occurred here, I would think it would be better to be
12 deferential to them, give them an opportunity to be
13 heard. Put us in a better position if there were any
14 sort of issues down the road with it.
15 Mr. Cooley, I think we probably would want
16 to communicate with the applicants and make sure, you
17 know, whatever it takes, that we're absolutely clear
18 with them about the process that they're involved with
19 and they would speak with us.
20 I'm afraid a denial would just potential be
21 problematic.
22 COUNCILMEMBER PACHUTA: Based on it appears
23 the applicant left, misunderstanding that this had
24 been moved, I will make a motion to move it to the
25 date certain of December 5th.

Page 21

MAYOR PITTMAN: Do I get a second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PITTMAN: Call the roll, please.
DEPUTY CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
DEPUTY CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: No.
DEPUTY CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
DEPUTY CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
MR. COOLEY: I will contact them in the morning and make sure they under- -- are very clear on that.
MAYOR PITTMAN: Thank you.
Next on the agenda is going to Parking Variance for 5338 Buford Highway.
MR. COOLEY: This is a variance request by PFAM Investments to reduce the number of parking spaces required for a new retail store business, which

Page 22

will be named Nell (ph) Mall, at 5338 Buford Highway. It's a reduction of the required 40 spaces to 32 spaces and also to reduce the size of a parking space from 9 x 20, which is required by code, to 9 x 18.
This was originally heard on October 17th and continue until today to allow the applicant to provide some additional information that the Council requested.
Just some quick background information to refresh your memories on it, this is 0.936 acres. It's an empty building that was formerly the auto paint shop. It's right down the street here. The applicant intends to demolish the building and construct a new retail store with corporate offices.
The application resulted from the topography of the site and a requirement by the Dekalb County Fire Marshal to increase the standard parking aisle width to six feet in order to allow better fire-truck access; that, along with changing the grade of the entrance so that fire trucks don't bottom out going in.
The back of the site has severe topographic change. I've got additional photos here. I don't know if anybody would like to see them. I think they were presented the last time, but I do have those if

Page 23

you'd like them.
And like I said, the Council requested additional information, so the applicant is back with a presentation and some additional information plus the packages that y'all received, and I'll let them describe that.
The Planning Commission unanimously recommended approval. There was discussion about other things including the character of the building which was discussed, but they were focusing on the actual -- the variance for the parking.
The reduction of the parking is consistent with the City stormwater consultant's recommendations, CH2MHill, to reduce all our parking spaces from 9 x 20 to 9 x 18 in order to reduce the amount impervious surface and reduce the amount of runoff, stormwater runoff.
The fact that there's topographic issues on the site and because of the request of the Dekalb County Fire Marshal to expand the normal aisle width to six feet, staff also recommends approval.
And again, the applicant is here and has a presentation and I think will be here to answer all the questions that you might have had.
MAYOR PITTMAN: Thank you.

Page 24

COUNCILMEMBER PACHUTA: Mr. Cooley --
MR. COOLEY: Yes.
COUNCILMEMBER PACHUTA: -- I have a question. With CH2MHill's recommendation to 9 x 18, how does that fit? Would that be 32 spaces or how many spaces?
MR. COOLEY: That's what's proposed on their site plan.
COUNCILMEMBER PACHUTA: Right. But does that fit in with what CH2MHill recommended?
MR. COOLEY: As far as the size, yes. I'm sorry. That is, yeah. Their recommendation is to go to 9 x 18. Again, that's what we have for compact cars right now.
But their recommendation -- and we'll be bringing these to you shortly; it's not a high-priority issue, but they had a number of things they're suggesting -- one was being put a maximum and a minimum on the amount of parking required as opposed to just a required minimum. So there's some other ones there. But that was -- that came in right before this application did.
MS. MICHELLE HOWARD: Michelle Howard. Mayor, Council, thank you. I can expand a little bit more on the parking request.

Page 25

We are only requesting two feet shortened on the length. We are not going to be having any smaller width parking spaces. We are going to use a full width parking space. And Dekalb County, we looked at all of our neighboring counties, it is the longest of all the required spaces. A 9 x 18 has been the rule of thumb and is also typical for the neighboring counties.

And 20 feet length is in the current ordinance, and we're asking for 18 feet in length but not any reduction in width.

PFAM Investments, they're local family-owned company and they currently have other businesses in Chamblee, and they're looking to develop a new business, the Snail Mall, which sells beauty supplies, it's open to the public here in Doraville.

The building itself is primarily retail. There are offices in the first structural bay and they're there to support the administrative function of this retail space, and they also wanted to centralize their personal administrative offices into one location.

So there are three levels of offices proposed in this building. You see the main body is retail, and then there's some storage for loading and

Page 26

unloading the commodities before they make it to the sales floor. They're support spaces for the actual retail. They -- like I said, it's beauty supplies that they're going to be selling and it's open to the public.

You can see the existing footprint of the structure that's out there now is this yellow footprint. The new footprint is not that much bigger. The initial intention was to keep the existing building pad and remove and demolish the existing structure and build a new structure that would obviously be higher for the three levels.

But because the fire marshal had requested a 26-foot-wide lane in lieu of 20 feet, we could not keep the building located in the center of the site and maintain 26 feet all the way around, so we went with a single lane with a turnaround at the rear. But the site is particularly narrow compared to its length. So to enter the site, turn around and leave, there's not a lot of flexibility with the width of the site compared to the length.

Another huge challenge that the site has presented is the topography. Getting into the site right off of Buford is going to require some grading. And also the rear embankment behind the site precludes

Page 27

development in that whole rear portion of the site, which has pulled in our fire-truck wide turnaround and is not really allowing us to use much of that space. So we do have a retaining wall incorporated into the site design to help stabilize that rear portion and to maximize utilization of that area.

So this request is for a 25 percent reduction in spaces, and that alone allows us to meet all the impervious site requirements, all of the land-scaping requirements.

The civil engineer now has completed his analysis and calculations for storm runoff. I know that had been an issue in questions before. We will have a detention tank under the parking. We are modifying enough of the site and increasing the storm runoff enough to require the detention tank. So that would be in the detailed civil drawings that we will submit for a permit later this month.

And if you have any other questions, I'm happy to answer.

COUNCILMEMBER FLEMING: With 10,500 square feet of retail space, that's going to be an awful lot of product. Your loading dock area, just by your schematic that you have here, does not look like it could accommodate a 52- or a 58-foot trailer.

Page 28

MS. HOWARD: It does. It's a 50-foot long by 11 feet wide at three and a half percent slope, I believe. I might have to look at the slope again. But it does accommodate a full size trailer. It accommodates at the entrance, and a fire truck is a larger, and we had to be able to get the fire truck in and turn around and out. And because of this Y shape, it actually allows the service truck to back in quite nicely down into the loading dock without having to make several point turns.

COUNCILMEMBER FLEMING: So your loading dock is entranced on the back end?

MS. HOWARD: Correct.

COUNCILMEMBER FLEMING: Okay. I apologize. It was looking at it from the side view.

MAYOR PITTMAN: Any additional questions?

COUNCILMEMBER FLEMING: One other one. I apologize.

So to actually visit their retail facility, they have -- a person such as myself would have to be going through their offices?

MS. HOWARD: No. There are two separate entrances. This entrance here (indicating) is a 16 foot wide automatic-slider door with pushouts in the event of a fire. It's your standard Ross dress-for-

Page 29

less example for a door. That is the main retail entrance.

We pulled around the facade of the offices to give it a more grandiose feel being on Buford Highway, but this is actually taking you right into the -- to the retail space.

The office entrance is half the size. It's eight feet wide. That's facing Buford right here at the front (indicating), so there are two entrances.

COUNCILMEMBER FLEMING: Okay. And one last question.

Based on your rendering there, is that cinder block on the bottom?

MS. HOWARD: No. It's architectural split-face block.

COUNCILMEMBER FLEMING: Okay.

COUNCILMEMBER ALEXANDER: Going back to your comment about the grade, I guess the hadn't thought about that before, but I was stuck in Chamblee because a tractor-trailer got stuck trying to get into the Carnation plant. So I didn't know if that's something you have to incorporate in that entry.

MS. HOWARD: We are actually flattening it out, and that was also driven mostly by the fire marshal. They have a maximum 10 percent grade, and it

Page 30

currently is over 11 percent, so we are flattening that out to prevent those issues.

COUNCILMEMBER ALEXANDER: Okay. Great.

MS. HOWARD: Buford Highway, yes, that's not a good -- not a good place for a trailer-trailer to get stuck.

MAYOR PITTMAN: Anything further?

COUNCILMEMBER ALEXANDER: No. Mr. Bates, I think he does.

MAYOR PITTMAN: Anything else?

COUNCILMEMBER PACHUTA: No.

MAYOR PITTMAN: Ms. Fleming?

COUNCILMEMBER FLEMING: That's all I have.

- - -

(Brief inaudible discussion between Councilmember Bates and Attorney Fleming.)

- - -

COUNCILMEMBER BATES: I have a question for Mr. Cooley.

Based on the site plan that they provided, do these here, there, there and there, there, there and there (indicating) qualify as landscape islands?

MR. COOLEY: The portions as far as the reduction of the -- I think what you're getting at is a reduction of the parking spaces.

Page 31

COUNCILMEMBER BATES: Yes.

MR. COOLEY: There are two different ratios. This is what qualifies as the curbed -- requires it to be curbed landscape islands. It allows you to reduce and it takes out parking spaces but increases the green, so that's where the balance is.

COUNCILMEMBER BATES: And is the variance request based upon the reduced?

MR. COOLEY: It is based upon those landscape islands being in as the site plan shows; that's correct.

COUNCILMEMBER BATES: So the one per 250 requirement.

MR. COOLEY: I believe that's correct, yeah.

COUNCILMEMBER BATES: Thank you.

MR. COOLEY: Yes.

COUNCILMEMBER PACHUTA: And I'm sorry, Mr. Cooley, just to make sure --

MR. COOLEY: Sure.

COUNCILMEMBER PACHUTA: -- if we were using CH2MHill's recommendation, it would already -- it would be approximately 32?

MR. COOLEY: No. That changes the size, actually.

COUNCILMEMBER PACHUTA: Oh, just the size.

Page 32

MR. COOLEY: The size; that requirement.

COUNCILMEMBER PACHUTA: Okay.

MR. COOLEY: However, part of their things that they say we need to look at is the number of parking spaces. I think the general feel from them is that we probably are beyond what is the standard these days --

COUNCILMEMBER PACHUTA: Okay. But they didn't give --

MR. COOLEY: -- requirement.

COUNCILMEMBER PACHUTA: -- a particular recommendation?

MR. COOLEY: No, not on that. Just on the size. They did recommend a 9 x 18.

COUNCILMEMBER PACHUTA: Okay.

MAYOR PITTMAN: Okay. Anything additional?

- - -

(No response)

- - -

MAYOR PITTMAN: Council, anyone wish to make a motion?

COUNCILMEMBER FLEMING: Public hearing.

MAYOR PITTMAN: Oh. Is this a public hearing?

ATTORNEY McLENDON: This is a public hearing

Page 33

and we need to hear opposition -- in favor and opposition.

MAYOR PITTMAN: Okay. We're going to open the public hearing portion. Those wishing to speak for, please come forward. Wishing to speak for.

- - -

(No response)

- - -

MAYOR PITTMAN: Okay. Anyone wishing to speak against, please come forward. Anyone wishing to speak against.

MR. JOE O'CONNOR: Joe O'Connor.

My question here is how much of this facility is going to be retail and how much of it's going to be wholesale? And I'm a little afraid that just judging on the size of this building, it's going to be mostly wholesale, and wholesale is not allowed in this zoning.

I think they're trying to get the camel's head into the tent by just asking, "Well, give us a little bit; we don't need all these parking spaces." Well, yeah; if you got a wholesale, you don't.

And if in fact this is granted maybe conditionally, I'd like to make sure when this comes up for a full vote on what's going to happen here that

Page 34

in fact any type of a conditional use or grant you're going to give them, if it turns out to be wholesale, that it be rejected. Thank you.

MAYOR PITTMAN: Anyone else wishing to speak against? Mr. Hart.

MR. TOM HART: Thomas Hart.

I'd like to echo Joe's concerns about the ratio of office to this what appears to be a warehouse-type building. They're offering that we grant building permits, and then someone comes in for a business license and things don't exactly match up. And so I think that's a primary concern of the people in the neighborhood that no wholesale businesses are open in C-2 on Buford Highway. I know this Council has spent a lot of time and a lot of political grief over that matter, and you need to look at it very carefully.

The second thing is they adopted some building standards for the city; they're fairly minimal but they do exist. And I was wondering what type of materials that the building was going to be built out of and if those things met those hard-coat surfaces and stucco and metal, etc., that they had put into the building code and if those were being met.

So I'm concerned about -- and any

Page 35

conditional use here, what conditions are being placed on the property, if any, by the Council, and what is the city is getting out this? Thank you.

MAYOR PITTMAN: Anyone else wishing to speak against?

- - -

(No response)

- - -

MAYOR PITTMAN: At this time, we're going to close the public hearing portion.

Mr. Cooley?

MR. COOLEY: Be glad to answer any questions additionally, but just as a clarification, this is not a conditional use permit; it's a variance.

MAYOR PITTMAN: Council, any additional questions?

COUNCILMEMBER BATES: So just to be clear, this is a parking variance. They will still need to do all of their submittals on building materials, site plans, go through the proper process of making sure that is a feasible, viable use in that zoning, all of that stuff, after this, if we grant it.

MR. COOLEY: That is correct.

ATTORNEY McLENDON: And I would just note as well that this building would be subject to all other

Page 36

zoning provisions and use provisions as well and required to be operated in conformity with the ordinances.

MAYOR PITTMAN: Thank you.

COUNCILMEMBER BATES: I'll make a motion to grant the parking variance for Parcel I.D. 18-310-04-026.

MAYOR PITTMAN: Do I get a second?

COUNCILMEMBER PACHUTA: Second.

MAYOR PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PITTMAN: Call the roll, please.

DEPUTY CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

DEPUTY CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

DEPUTY CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

DEPUTY CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

MAYOR PITTMAN: Thank you. Okay. Next on the agenda is going to be the first reading, Amendment

Page 37

to Article II, Section. Mr. Cooley?
MR. COOLEY: Yes. This is a amendment to the ordinance amendment to Section 2-40(k) of the ordinance, which requires that Planning Commission meetings to be held on the Thursday before the fourth Monday of the month. This was applicable really before the Council changed their schedule to meet on a first and third Mondays. So what was happening, we were getting the Council -- or Planning Commission meeting happening after the Council meeting, and beyond that, the original setup to me was -- I think it was too tight, having it the week before. It didn't give enough time for the Council to get the package, have it for a week to be able to review it.
So the recommendation -- Well, this was discussed at the Planning Commission, and their recommendation was to change it to the first Wednesday of each month, the time to be determined by the Planning Commissioner but to be an evening meeting to better allow public attendance. Right now, what they're shooting for is -- or planning are 7 o'clock meetings because it works better with one of the planning commissioners also. This is instead of a 6:30.
And again, the Planning Commission

Page 38

recommended approval, and staff recommends approval.
MAYOR PITTMAN: Questions from the Council?
COUNCILMEMBER BATES: Motion to waive first reading.
MAYOR PITTMAN: Second?
COUNCILMEMBER PACHUTA: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PITTMAN: Call the roll, please.
DEPUTY CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
DEPUTY CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
DEPUTY CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
DEPUTY CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
MAYOR PITTMAN: Thank you.
COUNCILMEMBER BATES: Motion to adopt.
COUNCILMEMBER PACHUTA: Second.
MAYOR PITTMAN: Discussion?
- - -

Page 39

(No response)
- - -
MAYOR PITTMAN: Call the roll, please.
DEPUTY CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
DEPUTY CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
DEPUTY CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
DEPUTY CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
MAYOR PITTMAN: Okay. Thank you.
Next on the agenda is going to be Call for Special Election. This pertains to Ms. Fleming and I's district. This is fill any vacated Council seats as of January 9th, 2012, to run in conjunction with the Presidential primary held on March 6th.
And Ms. Fleming, if you would like to elaborate? Do you have anything you want to add?
COUNCILMEMBER FLEMING: Yes. Council has made effort to move forward with this by adopting a resolution to go to the legislature. Calling for a special election now, we will not have to wait for the legislature to be able to approve or deny our request.

Page 40

And since two Council seats are now vacant, it's necessary that we have a call for a special election.
I believe an ordinance was written by our firm of Mr. McLendon and Mr. Felgin; and want to go over it?
ATTORNEY McLENDON: Sure. As we've said, we reviewed our Charter, and once we have the two vacancies, that does move the seats to the special election. The special election set by the state law is March 6, 2012.
What we have done is we've used the -- basically the previous ordinances that the City has used to call for the special elections and utilized that format, inserting the data for this election in that format.
The City Clerk, Melissa, proposed to have the ordinance set out, because it lays everything out orderly, it keeps everyone apprised regarding the dates, et cetera, and we're fine with that. And if we wanted to waive reading and adopt it or I think we would have time to put it on the next meeting for a second reading, whichever direction we wanted to go with it. Has to be done 60 days before the special election, so whichever way y'all prefer to move forward.

Page 41

COUNCILMEMBER ALEXANDER: So I guess to keep this time schedule is the reason the qualifying period was shortened, I'm deducing?

ATTORNEY McLENDON: The qualifying period is set out under the state law, and I don't notice -- I did not notice particularly that it was shortened. I think it was consistent with what's allowable under the Secretary of State rules for the elections.

ATTORNEY FELGIN: Special elections is two and a half days.

COUNCILMEMBER BATES: Under Section (e), I think I know the answer to this, but should there be a period at the end of preclearance because that's the title of the section? Should there be a period at the end of that? I mean I -- because I started to read it as one complete paragraph and it didn't make any sense.

ATTORNEY FELGIN: No. It's the title section, and then below it is the paragraph.

COUNCILMEMBER BATES: Right. Well, the only reason I ask is there are periods after the other title sections, and I just wanted to make sure that I was reading it correctly.

ATTORNEY McLENDON: I think putting a period there would be appropriate.

Page 42

COUNCILMEMBER BATES: I'm okay either way. I just wanted to make sure I was reading it correctly.

ATTORNEY McLENDON: I'm good with the period.

COUNCILMEMBER FLEMING: I do want to make a comment that Ms. McCain did provide us with and Ms. Bryant copied the schedule of intent. It is in draft form because we have not actually adopted our ordinance this evening, the draft of the special election agenda or the itinerary or dates of when we need to do things, and it's over there on the counter over there -- window sill.

MAYOR PITTMAN: Thank you. Does the Council wish to waive first reading or do you want to carry it over?

COUNCILMEMBER FLEMING: Make a motion to waive first reading.

MAYOR PITTMAN: Second?

COUNCILMEMBER PACHUTA: Second.

MAYOR PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PITTMAN: Call the roll, please.

DEPUTY CLERK BRYANT: Councilmember Alexander?

Page 43

COUNCILMEMBER ALEXANDER: Yes.

DEPUTY CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

DEPUTY CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

DEPUTY CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

MAYOR PITTMAN: Thank you.

COUNCILMEMBER FLEMING: Make a motion to adopt the ordinance to call for a special election to be held on March 6 to provide for the District 1 Council seat.

MAYOR PITTMAN: Second?

COUNCILMEMBER ALEXANDER: Second.

MAYOR PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PITTMAN: Call the roll, please.

DEPUTY CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

DEPUTY CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

Page 44

DEPUTY CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

DEPUTY CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

MAYOR PITTMAN: Thank you.

Okay. Next is First Reading of Ordinance Amending Speed Limits. I believe there is a request to defer this for further discussion with the Chief?

ATTORNEY McLENDON: Mayor, what we were doing with this section is making sure that our rules of the road setting out the speed limits in the city that are set forth in our code of ordinances are consistent with the underlying speed limits as adopted through the State.

In speaking with the Chief today, we have gotten a recently revised rules of the road for Doraville that talk about on-system and off-system roads, and after reviewing that with our ordinance, I would ask for a deferral to the next meeting so we have time to sit down, put our heads together and make sure they are consistent as well as make sure that we are satisfied with the format that these are going into our code section.

MAYOR PITTMAN: Council, any questions?

COUNCILMEMBER FLEMING: So you're requesting

Page 45

1 December the 5th?
2 ATTORNEY McLENDON: That would be fine.
3 There will be another item which will be
4 included in this agenda item, not only the amendment
5 to our code, we'll be asking you to approve and
6 authorize the Mayor to sign and approve the on-
7 system/off-system speed limits as submitted to us.
8 MAYOR PITTMAN: Do I get a motion to defer
9 to December 5th?
10 COUNCILMEMBER ALEXANDER: So moved?
11 MAYOR PITTMAN: Second?
12 COUNCILMEMBER BATES: Second.
13 COUNCILMEMBER PACHUTA: Second.
14 MAYOR PITTMAN: Discussion?
15 - - -
16 (No response)
17 - - -
18 MAYOR PITTMAN: Call the roll, please.
19 DEPUTY CLERK BRYANT: Councilmember
20 Alexander?
21 COUNCILMEMBER ALEXANDER: Yes.
22 DEPUTY CLERK BRYANT: Councilmember Bates?
23 COUNCILMEMBER BATES: Yes.
24 DEPUTY CLERK BRYANT: Councilmember Fleming?
25 COUNCILMEMBER FLEMING: Yes.

Page 46

1 DEPUTY CLERK BRYANT: Councilmember Pachuta?
2 COUNCILMEMBER PACHUTA: Yes.
3 MAYOR PITTMAN: Thank you.
4 I believe there are no reports, committees,
5 commissions, boards or appointments.
6 Public Comments. Please limit your comments
7 to three minutes. Please state your name. Public
8 Comments.
9 MR. O'CONNOR: Since I don't get around here
10 too much anymore, I like to use up all my time.
11 First regarding the parking lot sizes and
12 the space, my purpose up here is just to be the canary
13 in the mine -- you know, just warning a little bit
14 ahead of time -- so I might skip a little bit ahead,
15 but I will be here for the rest of it.
16 Number two, I agree with Mr. Bates. I mean
17 I've been an attorney for 30 years. It's like a
18 defendant comes in or a plaintiff in a lawsuit, and
19 all of a sudden decides he doesn't have to stay here.
20 They then go and ask the city planner to make an
21 announcement for them. They didn't go over and see
22 the city attorney; they just walked out. Now, what
23 type of contempt are they holding us citizens and you
24 for your time being here? And I imagine there's a few
25 citizens who are in here just to have a chance to

Page 47

1 speak before the Council on this matter.
2 And I think you ought to reconsider and tell
3 them no. I think we got plenty of massage places,
4 anyway, and if my memory serves me correctly, that
5 same location where there would be now two of them
6 together, was where there was a massage place that I
7 believe was raided by the Doraville police and was
8 eventually shut down. So I don't think we need to
9 renew this over at Halpern's property. Thank you.
10 MAYOR PITTMAN: Thank you, Mr. O'Connor.
11 Additional public comments? Mr. Hart?
12 MR. HART: I'd like to thank the city
13 attorney and Chief King for looking into a problem
14 that's been going on since 2006, and with the help of
15 Channel 46 News.
16 We have 140 illegal signs in this city, and
17 our big problem is that the Municode in the City of
18 Doraville didn't match the speed limit signs on Buford
19 Highway. The State of Georgia, they match, but not
20 the Municode in Doraville. So we've been handing out
21 speeding tickets on all these people, but the Municode
22 in Doraville didn't match those speed limits.
23 So I'd like to thank Chief King and the city
24 attorney, and again, Channel 46 for looking into it
25 and to motivate the City to get on their horse and do

Page 48

1 something about it. Thank you.
2 MAYOR PITTMAN: Any additional public
3 comments?
4 MS. SUSAN CRAWFORD: I'd like to agree with
5 what Mr. O'Connor said. I think we have -- and you
6 know, I did miss, I don't know if there was drama or
7 not but I came in very late, but I do think we have --
8 I did see the word "expansion" in the program, and
9 that brought my alerts.
10 But I also just wanted to say happy
11 Thanksgiving.
12 MAYOR PITTMAN: Thank you, Ms. Crawford.
13 Additional public comments?
14 - - -
15 (No response)
16 - - -
17 COUNCILMEMBER ALEXANDER: Motion to adjourn.
18 MAYOR PITTMAN: Second?
19 COUNCILMEMBER PACHUTA: Second.
20 MAYOR PITTMAN: Discussion?
21 - - -
22 (No response)
23 - - -
24 MAYOR PITTMAN: Call the roll, please.
25 DEPUTY CLERK BRYANT: Councilmember

Alexander?
COUNCILMEMBER ALEXANDER: Yes.
DEPUTY CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
DEPUTY CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
DEPUTY CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
MAYOR PITTMAN: Meeting adjourned.

- - -

(Meeting adjourned at approximately 7:18 p.m.)

-o0o-

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 29th day of November 2011.

_____

Theresa Bretch, CCR
Permit No. B-755

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$30.00 (9)
12:14,20;14:12,14,15,22,25;15:7;16:12
$35.00 (1)
15:13
$40.00 (1)
15:13
$5.00 (5)
12:14;14:4;15:9,18;16:14

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0.936 (1)
22:10
026 (1)
36:7

1

1 (2)
4:14;43:12
1,000 (2)
17:19;18:3
10 (2)
12:17;29:25
10,500 (1)
27:21
10th (1)
5:24
11 (2)
28:2;30:1
140 (1)
47:16
15 (1)
6:19
16 (1)
28:23
17th (1)
22:5
18 (7)
22:4;23:15;24:4,13;25:6,10;32:14
18-310-04- (1)
36:6
19th (1)
9:9

2

20 (4)
22:4;23:14;25:9;26:14
2006 (1)
47:14
2011 (2)
3:19;6:24
2012 (2)
39:17;40:10
2013 (1)
4:19
2-40k (1)
37:3
25 (1)
27:7
250 (1)
31:12
26 (1)
26:16
26-foot-wide (1)
26:14
29th (2)
5:22;6:8

3

30 (1)
46:17
3-0 (1)
18:17
32 (3)
22:2;24:5;31:22

4

40 (1)
22:2
46 (2)
47:15,24

5

50-foot (1)
28:1
5187 (3)
17:14,18;18:9
5189 (1)
18:1
52- (1)
27:25
5338 (2)
21:22;22:1
58-foot (1)
27:25
5th (9)
9:23;10:1,24;19:17,19;20:2,25;45:1,9

6

6 (2)
40:10;43:12
6:30 (1)
37:24
60 (1)
40:23
6-318 (1)
18:20
6555 (1)
8:1
6th (3)
9:15;18:6;39:18

7

7 (1)
37:21
7:18 (1)
49:11
7th (1)
3:19

9

9 (8)
22:4,4;23:14,15;24:4,13;25:6;32:14
9th (1)
39:17

A

able (4)
6:20;28:6;37:14;39:25
absolutely (2)
13:9;20:17
access (1)
22:19
accommodate (2)
27:25;28:4
accommodates (1)
28:5
According (2)
12:9;15:3
achieve (1)
16:9
acres (1)
22:10
action (1)
4:13
actual (2)
23:11;26:2
actually (8)
11:24;13:18;28:8,19;29:5,23;31:24;42:8
add (1)
39:20
addition (2)
13:20;17:20
additional (12)
7:10;18:9;22:7,23;23:3,4;28:16;32:16;35:15;47:11;48:2,13
additionally (1)
35:13
address (3)
9:2;18:8,11
adjacent (1)
18:7
adjourn (1)
48:17
adjourned (2)
49:9,11
Administrative (3)
7:25;25:19,21
adopt (4)
6:10;38:22;40:20;43:11
adopted (3)
34:18;42:8;44:13
adopting (1)
39:22
adoption (1)
6:5
advertised (1)
17:21
advisor (1)
17:24
Affairs (1)
5:19
afraid (2)
20:20;33:15
again (10)
15:23;16:20,24;17:5,10;23:22;24:13;28:3;37:25;47:24
against (4)
33:10,11;34:5;35:5
agenda (11)
4:10,11;5:16;16:20,24;17:10;21:21;36:25;39:14;42:10;45:4
ago (1)
19:10
agree (4)
14:3,8;46:16;48:4
agreement (1)
13:12
ahead (2)
46:14,14
aisle (2)
22:17;23:20
alerts (1)
48:9
Alexander (47)
3:10,11,20,24,25;7:16,17;10:4;11:8,9,19,20;12:12;13:25;14:10,21;15:6,9;16:5,19;17:11,12;19:23;21:2,9,10;29:17;30:3,8;36:16,17;38:13,14;39:5,6;41:1;43:1,2,15,22,23;45:10,20,21;48:17;49:1,2
Allegiance (1)
3:5
allow (4)
17:16;22:6,18;37:20
allowable (1)
41:7
allowed (1)
33:17
allowing (1)
27:3
allows (3)
27:8;28:8;31:4
almost (2)
12:16;15:12
alone (1)
27:8
along (1)
22:19
alternate (1)
10:9
Amending (1)
44:7
Amendment (4)
36:25;37:2,3;45:4
amount (3)
23:15,16;24:19
analysis (1)
27:12
andas (1)
18:2
announcement (1)
46:21
anymore (1)
46:10
apologize (2)
28:14,18
apparently (1)
8:18
Appeal (1)
7:25
appears (2)
20:22;34:8
applicable (1)
37:6
applicant (9)
8:5;17:23;18:1;19:6;20:23;22:6,13;23:3,22
applicants (1)
20:16
application (4)
17:15,21;22:15;24:22
apply (1)
13:14
appointments (1)
46:5
apprised (1)
40:18
appropriate (4)
8:15;9:7,24;41:25
approval (7)
3:19;18:17;19:1;23:8,21;38:1,1
approve (3)
39:25;45:5,6
approved (3)
5:21,25;6:7
approximately (4)
17:19;18:3;31:22;49:11
ARC (2)
5:19,23
architectural (1)
29:14
area (2)
27:6,23
around (5)
26:16,19;28:7;29:3;

46:9
Article (1)
37:1
attend (1)
9:19
attendance (1)
37:20
attorney (35)
8:4,4,9,12,24;9:6,17,25;10:2,10;12:9,23;14:1;15:3,8,11,15,21;16:8;20:9;30:16;32:25;35:24;40:6;41:4,9,18,24;42:3;44:9;45:2;46:17,22;47:13,24
August (3)
5:22;6:7,16
authorize (1)
45:6
auto (1)
22:11
automatic-slider (1)
28:24
away (1)
15:5
awful (1)
27:22
awhile (2)
10:19;19:10

B

back (15)
5:21,23,24;6:6,16;15:22;16:1,2;17:3,4;22:22;23:3;28:8,12;29:17
background (2)
8:8;22:9
balance (1)
31:6
based (6)
8:18;20:22;29:12;30:20;31:8,9
basically (5)
5:24;13:1;18:22,23;40:12
basis (2)
7:7;16:3
Bates (48)
3:12,13;4:1,2;6:10;7:18,19;10:6;11:1,10,11;13:24;14:3,20;15:1;20:5;21:11,12;30:8,16,18;31:1,7,12,15;35:17;36:5,18,19;38:3,15,16,22;39:7,8;41:11,20;42:1;43:3,4,24,25;45:12,22,23;46:16;49:3,4
bay (1)
25:18
beauty (2)
25:15;26:3
becomes (1)
14:4
behind (1)
26:25
below (1)
41:19
better (5)
20:11,13;22:18;37:20,22
beyond (4)
16:11,13;32:6;37:11
big (1)
47:17
bigger (1)
26:8
bit (5)
12:24;24:24;33:21;46:13,14
block (2)
29:13,15
board (3)
6:22,22;17:4
boards (1)
46:5
BOB (1)
4:12
Bobby (1)
12:9
body (1)
25:24
bottom (2)
22:20;29:13
Boulevard (1)
8:1
Brief (2)
19:13;30:15
bring (2)
4:17;17:4
bringing (1)
24:16
brought (1)
48:9
BRYANT (49)
3:9,12,14,16,23;4:1,3,5;7:15,18,20,22;11:7,10,12,14;21:8,11,13,15;36:15,18,20,22;38:12,15,17,19;39:4,7,9,11;42:7,25;43:3,5,7,21,24;44:1,3;45:19,22,24;46:1;48:25;49:3,5,7
budget (1)
14:19
Buford (12)
17:14,18;18:2,9;21:22;22:1;26:24;29:4,8;30:4;34:14;47:18
build (1)
26:11
building (15)
22:11,13;23:9;25:17,24;26:10,15;33:16;34:9,10,19,21,24;35:19,25
built (1)
34:22
business (7)
10:9;11:18;17:13,24;21:25;25:15;34:11
businesses (2)
25:13;34:13

C

C-2 (2)
18:25;34:14
calculating (1)
14:23
calculations (1)
27:12
Call (16)
3:7,22;7:14;11:6;21:7;36:14;38:11;39:3,14;40:2,13;42:24;43:11,20;45:18;48:24
Calling (1)
39:23
came (4)
13:2;14:25;24:21;48:7
camel's (1)
33:19
Can (8)
3:18;6:5,24;16:18,20,23;24:24;26:6
canary (1)
46:12
cancel (1)
9:13
care (1)
12:11
carefully (1)
34:17
Carnation (1)
29:21
carry (1)
42:14
cars (1)
24:14
case (1)
8:12
Center (3)
10:5;17:18;26:15
centralize (1)
25:21
ceremonial (1)
4:8
certain (4)
8:6;10:23;20:1,25
cetera (1)
40:19
CH2MHill (2)
23:14;24:10
CH2MHill's (2)
24:4;31:21
chair (1)
17:2
chalk (1)
6:22
challenge (1)
26:22
Chamblee (2)
25:14;29:19
chance (1)
46:25
change (2)
22:23;37:17
changed (2)
6:7;37:7
changes (2)
6:4;31:23
changing (1)
22:19
Channel (2)
47:15,24
character (1)
23:9
charging (1)
11:25
Charter (1)
40:7
Chief (4)
44:8,15;47:13,23
cinder (1)
29:13
citizens (2)
46:23,25
City (17)
5:11;8:9;9:18;11:23;23:13;34:19;35:3;40:12,16;44:11;46:20,22;47:12,16,17,23,25
Civic (1)
10:5
civil (2)
27:11,17
clarification (2)
13:19;35:13
clarify (1)
12:5
cleaning (1)
12:18
clear (3)
20:17;21:18;35:17
CLERK (50)
3:9,12,14,16,23;4:1,3,5;7:15,18,20,22;11:7,10,12,14;16:19;21:8,11,13,15;36:15,18,20,22;38:12,15,17,19;39:4,7,9,11;40:16;42:25;43:3,5,7,21,24;44:1,3;45:19,22,24;46:1;48:25;49:3,5,7
close (2)
9:14;35:10
Code (7)
11:19;16:7;22:4;34:24;44:12,23;45:5
collect (1)
13:13
collected (1)
12:15
collecting (1)
13:23
collection (2)
12:8;13:21
collision (1)
8:15
comfortable (4)
14:4;16:12;20:1,5
commend (1)
4:13
comment (3)
6:16;29:18;42:6
comments (9)
4:9,10;16:15;46:6,6,8;47:11;48:3,13
Commission (6)
18:16;23:7;37:4,9,16,25
Commissioner (1)
37:19
commissioners (1)
37:23
commissions (1)
46:5
committees (1)
46:4
commodities (1)
26:1
communicate (1)
20:16
Community (1)
5:19
compact (1)
24:13
company (1)
25:13
compared (2)
26:18,21
complete (1)
41:16
completed (1)
27:11
completing (1)
6:24
concept (1)
13:10
concern (3)
12:14;14:17;34:12
concerned (1)
34:25
concerns (2)
12:4;34:7
conditional (7)
17:16;18:5,10,24;34:1;35:1,14
conditionally (1)
33:24
conditions (1)
35:1
conflict (3)
8:22,23;9:18
conformity (1)

36:2
conjunction (1)
39:17
considered (1)
13:10
consistent (5)
18:20;23:12;41:7;
44:13,21
consolidating (1)
6:18
construct (1)
22:14
consultant's (1)
23:13
contact (1)
21:17
contempt (1)
46:23
continuance (1)
8:6
continue (2)
12:6;22:6
conversations (2)
10:11,13
Cooley (40)
5:13,14;7:4;8:3;9:8,
20;10:1;11:17;17:15;
19:6,11,15,20,25;20:3,
15;21:17,23;24:1,2,7,11;
30:19,23;31:2,9,14,16,
18,19,23;32:1,3,10,13;
35:11,12,23;37:1,2
copied (1)
42:7
copies (1)
5:18
copy (3)
5:20;8:7;18:12
corner (1)
13:6
corporate (1)
22:14
correctly (3)
41:23;42:2;47:4
cost (2)
14:13;15:4
costs (1)
14:22
couch (1)
14:5
Council (27)
4:18;5:21;9:18;10:3;
12:3;17:22;19:3,21;
22:7;23:2;24:24;32:20;
34:14;35:2,15;37:7,9,10,
13;38:2;39:16,21;40:1;
42:13;43:13;44:24;47:1
Councilmember (186)
3:9,11,12,13,14,15,16,
17,20,21,23,25;4:1,2,3,4,
5,6;5:11;6:10,13,15;7:9,
15,17,18,19,20,21,22,23;
9:11,21;10:4,6,22;11:1,
7,9,10,11,12,13,14,15,
20;12:12,13;13:12,24,
25;14:2,3,10,20,21;15:1,
6,9,12,17;16:5,11,19;
17:12;19:18,23;20:5,7,
22;21:2,8,10,11,12,13,
14,15,16;24:1,3,9;27:21;
28:11,14,17;29:10,16,
17;30:3,8,11,13,16,18;
31:1,7,12,15,17,20,25;
32:2,8,11,15,22;35:17;
36:5,9,15,17,18,19,20,
21,22,23;38:3,6,12,14,
15,16,17,18,19,20,22,23;
39:4,6,7,8,9,10,11,12,21;
41:1,11,20;42:1,5,16,19,
25;43:2,3,4,5,6,7,8,10,
15,21,23,24,25;44:1,2,3,
4,25;45:10,12,13,19,21,
22,23,24,25;46:1,2;
48:17,19,25;49:2,3,4,5,6,
7,8
Councilmembers (1)
4:12
Council's (1)
20:4
counter (1)
42:11
counties (2)
25:5,8
County (3)
22:16;23:20;25:4
couple (1)
8:13
COURT (2)
10:3;13:9
cover (1)
14:22
CRAWFORD (2)
48:4,12
curbed (2)
31:3,4
current (1)
25:9
currently (3)
18:1;25:13;30:1

D

data (1)
40:14
date (4)
8:6;10:23;20:1,25
dates (2)
40:19;42:10
days (3)
32:7;40:23;41:10
DCA (3)
5:22;6:3,6
deal (1)
10:20
December (13)
9:5,8,14,15,23;10:1,
24;19:17,19;20:2,25;
45:1,9
decides (1)
46:19
Decision (2)
7:25;8:21
deducing (1)
41:3
defendant (1)
46:18
defer (3)
8:14;44:8;45:8
deferential (1)
20:12
deferral (3)
8:11;10:7;44:19
deferrals (2)
8:18;10:13
deferred (2)
8:2;17:22
deferring (1)
20:1
definable (1)
13:7
Dekalb (3)
22:16;23:19;25:4
demolish (2)
22:13;26:10
denial (1)
20:20
deny (1)
39:25
denying (1)
20:6
department (3)
5:5,6,19
DEPUTY (48)
3:9,12,14,16,23;4:1,3,
5;7:15,18,20,22;11:7,10,
12,14;21:8,11,13,15;
36:15,18,20,22;38:12,
15,17,19;39:4,7,9,11;
42:25;43:3,5,7,21,24;
44:1,3;45:19,22,24;46:1;
48:25;49:3,5,7
describe (1)
23:6
design (1)
27:5
detailed (1)
27:17
detention (2)
27:14,16
determination (2)
8:14;10:16
determined (1)
37:18
develop (1)
25:14
developing (1)
12:24
development (1)
27:1
different (3)
10:8;18:11;31:2
difficult (1)
12:22
direction (4)
15:15,21;20:4;40:22
discuss (1)
12:3
discussed (5)
7:7;8:9,19;23:10;
37:16
Discussion (15)
6:14;11:2;18:16;
19:13;21:3;23:8;30:15;
36:10;38:7,24;42:20;
43:16;44:8;45:14;48:20
District (3)
4:14;39:16;43:12
dock (3)
27:23;28:9,11
done (2)
40:11,23
door (2)
28:24;29:1
Doraville (6)
25:16;44:17;47:7,18,
20,22
Doraville's (1)
6:1
down (5)
20:14;22:12;28:9;
44:20;47:8
draft (2)
42:7,9
drafting (1)
13:11
drama (1)
48:6
drawing (1)
17:4
drawings (1)
27:17
dress-for- (1)
28:25
driven (1)
29:24
dump (4)
14:12,14;15:10,11

E

easier (1)
7:5
echo (1)
34:7
effort (1)
39:22
eight (3)
15:2;18:24;29:8
either (1)
42:1
elaborate (1)
39:20
election (11)
4:14,16;39:15,24;
40:2,9,9,14,24;42:10;
43:11
elections (3)
40:13;41:8,9
else (6)
4:25;8:25;10:16;
30:10;34:4;35:4
embankment (1)
26:25
empty (1)
22:11
end (4)
16:23;28:12;41:13,15
ends (1)
12:19
engineer (1)
27:11
enough (3)
27:15,16;37:13
enter (1)
26:19
entire (2)
12:19;14:13
entrance (5)
22:20;28:5,23;29:2,7
entranced (1)
28:12
entrances (2)
28:23;29:9
entry (1)
29:22
EPA (1)
12:7
et (1)
40:19
etc (1)
34:23
evening (2)
37:19;42:9
event (1)
28:25
eventually (1)
47:8
everybody (2)
15:23,25
everyone (1)
40:18
exactly (2)
13:16;34:11
example (1)
29:1
excited (2)
4:18,19
exist (1)
34:20
existing (7)
11:24;17:17;18:3,18;
26:6,9,10
expand (3)
18:7;23:20;24:24
expansion (2)

17:16;48:8
extends (1)
6:1

F

facade (1)
29:3
face (1)
29:15
facility (4)
18:4,11;28:19;33:14
facing (1)
29:8
fact (3)
23:18;33:23;34:1
fairly (1)
34:19
familiar (1)
5:17
family-owned (1)
25:12
far (3)
8:10;24:11;30:23
favor (2)
16:15;33:1
feasible (1)
35:21
fee (9)
12:17;14:9,16;15:10,11,11,13,24;16:4
feel (2)
29:4;32:5
fees (2)
11:25;13:22
feet (11)
17:19;22:18;23:21;25:1,9,10;26:14,16;27:22;28:2;29:8
FELGIN (6)
12:9;15:3,8;40:4;41:9,18
felt (1)
6:17
few (1)
46:24
figure (1)
4:22
fill (1)
39:16
filled (1)
14:13
find (1)
10:9
fine (2)
40:19;45:2
Fire (8)
22:17,20;23:20;26:13;28:5,6,25;29:24
fire-truck (2)
22:18;27:2
firm (1)
40:4
first (10)
12:2;25:18;36:25;37:8,17;38:3;42:14,17;44:6;46:11
fit (2)
24:5,10
five (1)
12:17
five-year (1)
7:8
flat (5)
12:17;14:8;15:13,24;16:4
flattening (2)
29:23;30:1
Fleming (48)
3:14,15;4:3,4;5:11;6:15;7:9,20,21;11:12,13;13:12;14:2;16:11;19:18;21:13,14;27:21;28:11,14,17;29:10,16;30:12,13,16;32:22;36:20,21;38:17,18;39:9,10,15,19,21;42:5,16;43:5,6,10;44:1,2,25;45:24,25;49:5,6
flexibility (1)
26:20
floor (2)
18:12;26:2
focusing (1)
23:10
folks (1)
8:19
following (2)
11:24;12:7
Foot (5)
17:14;18:2,3,5;28:24
footprint (3)
26:6,8,8
form (1)
42:8
format (3)
40:14,15;44:22
formerly (1)
22:11
forth (1)
44:12
forward (6)
8:24;10:21;33:5,10;39:22;40:25
forwarded (1)
8:7
fourth (1)
37:5
freon (1)
12:8
front (1)
29:9
full (4)
4:17;25:3;28:4;33:25
fun (1)
4:21
function (1)
25:19
further (2)
30:7;44:8
future (1)
9:2

G

general (1)
32:5
gentlemen (1)
14:24
Georgia (1)
47:19
given (1)
11:21
glad (2)
19:2;35:12
good (7)
4:20,21,23;11:25;30:5,5;42:3
goods (2)
12:1;13:5
government (1)
6:2
grade (3)
22:19;29:18,25
grading (1)
26:24
grandiose (1)
29:4
grant (4)
34:1,10;35:22;36:6
granted (2)
18:5;33:23
Great (1)
30:3
green (1)
31:6
grief (1)
34:15
guess (3)
12:13;29:18;41:1

H

half (3)
28:2;29:7;41:10
Hall (2)
5:11;11:23
Halpern's (1)
47:9
handing (1)
47:20
handle (1)
11:24
happen (1)
33:25
happening (2)
37:8,10
happens (1)
10:16
happy (2)
27:20;48:10
hard (1)
13:18
hard-coat (1)
34:22
Hart (5)
34:5,6,6;47:11,12
haul (1)
15:5
head (5)
5:5,6;13:24,25;33:20
heads (1)
44:20
hear (1)
33:1
heard (4)
10:11,18;20:13;22:5
Hearing (7)
15:15,21;32:22,24,25;33:4;35:10
held (5)
8:21;10:5;37:5;39:18;43:12
help (2)
27:5;47:14
high- (1)
24:16
higher (1)
26:12
Highway (10)
17:14,18;18:2,9;21:22;22:1;29:5;30:4;34:14;47:19
hold (1)
10:15
holding (2)
4:13;46:23
holidays (1)
9:14
honest (1)
16:13
horse (1)
47:25
house (3)
12:19;13:6;16:2
HOWARD (8)
24:23,23;28:1,13,22;29:14,23;30:4
Howe (1)
5:13
huge (1)
26:22

I

ID (1)
36:6
idea (1)
18:13
II (1)
37:1
illegal (1)
47:16
imagine (1)
46:24
impervious (2)
23:15;27:9
implement (2)
6:20;15:25
implementation (1)
6:25
implementing (1)
7:3
in- (1)
16:1
inaudible (3)
19:13;20:8;30:15
inclined (1)
9:1
include (1)
16:6
included (1)
45:4
including (1)
23:9
inconsistent (1)
10:18
incorporate (1)
29:22
incorporated (1)
27:4
increase (1)
22:17
increases (1)
31:6
increasing (3)
18:19,22;27:15
indefinitely (2)
8:21;10:15
indicate (1)
6:23
indicating (3)
28:23;29:9;30:22
Industrial (1)
8:1
information (5)
8:8;22:7,9;23:3,4
initial (1)
26:9
initially (1)
10:12
inserting (1)
40:14
instead (3)
6:18;7:7;37:23
intends (1)
22:13
intent (1)
42:7
intention (2)
7:6;26:9
interesting (1)
4:20
into (12)
18:7;25:21;26:23;

27:4;28:9;29:5,20;
33:20;34:24;44:23;
47:13,24
Investments (2)
21:24;25:12
involved (1)
20:18
I's (1)
39:16
islands (3)
30:22;31:4,10
issue (6)
9:3;10:20;14:11;16:1;
24:17;27:13
issues (3)
20:14;23:18;30:2
item (11)
12:15,21;13:14,18;
14:4,7;15:2,18;16:15;
45:3,4
items (7)
4:10,11;6:19;12:17,
18;14:6;15:2
itinerary (1)
42:10

J

January (1)
39:17
JOE (3)
5:14;33:12,12
Joe's (1)
34:7
judging (1)
33:16
June (1)
18:6

K

keep (5)
6:24;14:11;26:9,15;
41:1
keeps (1)
40:18
kind (1)
13:8
King (2)
47:13,23
knowing (1)
13:16
known (1)
11:25

L

labor (1)
14:23
land- (1)
27:9
landscape (3)
30:22;31:4,10
lane (2)
26:14,17
language (2)
12:5;16:6
large (1)
11:25
larger (2)
13:4;28:6
last (5)
7:7;10:7;17:24;22:25;
29:10
late (1)
48:7
later (1)
27:18
law (2)
40:9;41:5
lawsuit (1)
46:18
lays (1)
40:17
least (2)
4:16;13:10
leave (3)
16:20;19:11;26:19
leery (1)
20:7
left (3)
19:17;20:10,23
legislature (2)
39:23,25
length (5)
25:2,9,10;26:19,21
less (2)
16:6;29:1
letter (5)
5:19,23,24;8:5,8
levels (2)
25:23;26:12
license (2)
18:6;34:11
licensed (1)
17:17
lieu (1)
26:14
limit (3)
4:10;46:6;47:18
Limits (5)
44:7,11,13;45:7;47:22
list (1)
13:18
little (6)
12:24;24:24;33:15,21;
46:13,14
load (3)
12:20;16:6,7
loading (4)
25:25;27:23;28:9,11
loads (1)
12:20
local (2)
6:2;25:12
located (2)
17:17;26:15
location (4)
8:16;12:10;25:22;47:5
logistical (1)
12:22
long (2)
4:15;28:1
longest (1)
25:5
look (4)
27:24;28:3;32:4;34:16
looked (1)
25:4
looking (6)
10:8;14:17;25:14;
28:15;47:13,24
lot (6)
7:5;26:20;27:22;
34:15,15;46:11
loveseat (1)
14:5
luck (1)
4:20
Luke (1)
5:15

M

ma'am (1)
20:3
machines (1)
13:8
Madam (1)
16:19
main (3)
14:17;25:24;29:1
maintain (1)
26:16
makes (1)
10:16
making (4)
6:18,19;35:20;44:10
Mall (2)
22:1;25:15
many (1)
24:6
March (4)
4:16;39:18;40:10;
43:12
mark-up (1)
6:22
Marshal (4)
22:17;23:20;26:13;
29:25
massage (7)
17:17;18:18,20,21,25;
47:3,6
massage-parlor (1)
18:6
match (4)
34:11;47:18,19,22
materials (2)
34:21;35:19
Matt (1)
8:4
matter (3)
10:23;34:16;47:1
maximize (1)
27:6
maximum (2)
24:18;29:25
May (1)
16:16
maybe (3)
12:18;16:23;33:23
MAYOR (90)
3:2,7,18,22;4:7,24;5:4,
10,12,24;6:9,12,14;7:10,
14,24;9:4,10,23;10:25;
11:2,6,16,20;16:17,22;
17:3,7,9,13;19:3,10,21,
25;21:1,3,7,20;23:25;
24:24;28:16;30:7,10,12;
32:16,20,23;33:3,9;34:4;
35:4,9,15;36:4,8,10,14,
24;38:2,5,7,11,21,24;
39:3,13;42:13,18,20,24;
43:9,14,16,20;44:5,9,24;
45:6,8,11,14,18;46:3;
47:10;48:2,12,18,20,24;
49:9
McCain (2)
14:23;42:6
McLENDON (20)
8:12;9:6,25;10:2,10;
12:23;14:1;15:15,21;
16:8;20:9;32:25;35:24;
40:4,6;41:4,24;42:3;
44:9;45:2
mean (6)
7:1,2;9:17;15:14;
41:15;46:16
meet (2)
27:8;37:7
Meeting (16)
3:2;7:7;9:2,5,9,13,16,
18;17:25;37:10,10,19;
40:21;44:19;49:9,11
meetings (3)
11:22;37:5,22
meets (2)
5:25;18:23
Melissa (4)
12:24,25;15:23;40:16
memories (1)
22:10
memory (1)
47:4
mentioned (1)
19:16
met (2)
34:22,24
metal (1)
34:23
Michelle (2)
24:23,23
might (5)
10:20;13:14;23:24;
28:3;46:14
mind (2)
14:11;16:23
mine (1)
46:13
minimal (1)
34:20
minimum (2)
24:19,20
minutes (3)
3:19;4:11;46:7
misapprehension (1)
20:10
miss (1)
48:6
misunderstanding (1)
20:23
Modify (1)
11:19
modifying (1)
27:15
moment (1)
13:15
Monday (2)
4:22;37:6
Mondays (1)
37:8
money (1)
14:18
month (4)
9:14;27:18;37:6,18
more (3)
14:13;24:25;29:4
morning (1)
21:18
mostly (2)
29:24;33:17
motion (10)
10:22;20:24;32:21;
36:5;38:3,22;42:16;
43:10;45:8;48:17
motivate (1)
47:25
Move (6)
6:10;10:21;20:24;
39:22;40:8,24
moved (3)
3:20;20:24;45:10
moving (1)
19:19
much (6)
15:4;26:8;27:3;33:13,
14;46:10
Municode (3)
47:17,20,21
myself (1)
28:20

N

name (1)

46:7
named (1)
22:1
narrow (1)
26:18
near (1)
9:2
necessary (1)
40:2
need (12)
6:4,17,21;10:4,20;
32:4;33:1,21;34:16;
35:18;42:11;47:8
neighborhood (1)
34:13
neighboring (2)
25:5,7
Nell (1)
22:1
new (6)
17:13;21:25;22:14;
25:14;26:8,11
News (1)
47:15
Next (12)
4:9;7:24;9:4,15;11:18;
17:13;21:21;36:24;
39:14;40:21;44:6,19
nicely (1)
28:9
night (1)
4:23
nightmare (1)
12:16
nights (1)
4:22
Nods (2)
13:24,25
normal (1)
23:20
note (1)
35:24
notice (2)
41:5,6
notified (1)
10:5
November (1)
3:19
number (6)
18:19,21;21:24;24:17;
32:4;46:16

O

o0o- (1)
49:12
objection (2)
10:2,3
objections (1)
8:10
objectives (1)
16:10
obviously (2)
12:3;26:12
occurred (1)
20:11
o'clock (1)
37:21
O'Connor (5)
33:12,12;46:9;47:10;
48:5
October (2)
5:24;22:5
odds (1)
14:12
off (1)
26:24
offering (1)
34:9
office (2)
29:7;34:8
officer (1)
19:16
offices (6)
22:14;25:18,21,23;
28:21;29:3
off-system (1)
44:17
old (1)
11:18
on- (1)
45:6
once (1)
40:7
one (11)
4:21;14:6;15:2;24:18;
25:22;28:17,17;29:10;
31:12;37:22;41:16
ones (2)
6:23;24:21
only (6)
4:11;5:15;12:13;25:1;
41:20;45:4
on-system (1)
44:17
open (7)
8:21;14:6;15:17;
25:16;26:4;33:3;34:14
operate (1)
14:24
operated (1)
36:2
operating (1)
18:1
opinion (1)
18:23
opportunity (1)
20:12
opposed (1)
24:19
opposition (2)
33:1,2
order (3)
3:2;22:18;23:15
orderly (1)
40:18
ordinance (11)
11:21,24;25:10;37:3,
4;40:3,17;42:9;43:11;
44:6,18
ordinances (3)
36:3;40:12;44:12
original (1)
37:11
originally (1)
22:5
ought (1)
47:2
out (24)
4:22;11:22;12:19;
13:6,6,17;14:16;17:2;
19:10;22:20;26:7;28:7;
29:24;30:2;31:5;34:2,
22;35:3;40:17,17;41:5;
44:11;46:22;47:20
outside (1)
19:4
over (11)
7:5,6;10:15;30:1;
34:16;40:5;42:11,12,15;
46:21;47:9

P

Pachuta (53)
3:16,17,21;4:5,6;6:13;
7:22,23;9:11,21;10:22;
11:14,15;12:13;13:13;
14:8;15:12,17;20:7,22;
21:15,16;24:1,3,9;30:11;
31:17,20,25;32:2,8,11,
15;36:9,22,23;38:6,19,
20,23;39:11,12;42:19;
43:7,8;44:3,4;45:13;
46:1,2;48:19;49:7,8
package (2)
18:13;37:14
packages (1)
23:5
pad (1)
26:10
paint (1)
22:12
paper (1)
7:2
paperwork (3)
12:16;13:1;15:18
paragraph (2)
41:16,19
Parcel (1)
36:6
Parking (19)
21:21,24;22:3,17;
23:11,12,14;24:19,25;
25:3,4;27:14;30:25;
31:5;32:5;33:21;35:18;
36:6;46:11
parlor (3)
17:17;18:19,25
parlors (2)
18:20,21
Part (2)
6:3;32:3
particular (3)
12:10;13:15;32:11
particularly (2)
26:18;41:6
pay (1)
14:12
payment (1)
13:21
Peachtree (1)
8:1
people (3)
13:2;34:12;47:21
per (17)
12:14,14,18,20,21;
13:13,18;14:4,7,8,12,15;
15:18;16:12,15;17:1;
31:12
percent (4)
27:7;28:2;29:25;30:1
perhaps (1)
16:5
period (6)
41:2,4,13,14,24;42:4
periods (1)
41:21
permit (6)
17:16;18:6,10,25;
27:18;35:14
permits (1)
34:10
person (4)
4:17;12:25;13:14;
28:20
personal (1)
25:21
pertains (1)
39:15
PFAM (2)
21:24;25:12
ph (1)
22:1
photos (1)
22:23
phrase (1)
13:20
pick (2)
12:6;15:5
pickup (6)
12:1,14,17;15:1;
16:12;17:1
pickups (1)
11:25
piece (2)
7:2;17:1
Pinetree (2)
17:17;18:8
PITTMAN (89)
3:2,7,18,22;4:7,24;5:4,
10,12;6:9,12,14;7:10,14,
24;9:4,10,23;10:25;11:2,
6,16;12:10;14:23;15:3,
22;16:17,22;17:3,7,9,13;
19:3,10,21,25;21:1,3,7,
20;23:25;28:16;30:7,10,
12;32:16,20,23;33:3,9;
34:4;35:4,9,15;36:4,8,
10,14,24;38:2,5,7,11,21,
24;39:3,13;42:13,18,20,
24;43:9,14,16,20;44:5,
24;45:8,11,14,18;46:3;
47:10;48:2,12,18,20,24;
49:9
place (2)
30:5;47:6
placed (1)
35:1
places (1)
47:3
plaintiff (1)
46:18
plan (5)
5:18;18:12;24:8;
30:20;31:10
planner (1)
46:20
planning (10)
9:12;18:15;23:7;37:4,
9,16,19,21,23,25
plans (1)
35:20
plant (1)
29:21
Plaza (2)
17:18;18:8
Please (20)
3:3,8,22;4:10;7:14;
11:6;16:7,20;21:7;33:5,
10;36:14;38:11;39:3;
42:24;43:20;45:18;46:6,
7;48:24
Pledge (2)
3:3,5
plenty (1)
47:3
plus (3)
12:14;16:14;23:4
pm (1)
49:11
point (4)
8:25;10:11;15:19;
28:10
police (1)
47:7
policy-wise (1)
13:9
political (1)
34:15
portion (4)
27:1,5;33:4;35:10
portions (1)
30:23
position (1)

20:13
possibly (1)
9:4
posted (1)
17:22
postpone (1)
10:23
potential (1)
20:20
potentially (1)
20:10
preclearance (1)
41:13
precludes (1)
26:25
prefer (2)
15:24;40:24
preference (1)
14:9
prepositional (1)
13:20
present (1)
8:24
presentation (2)
23:4,23
presentations (1)
4:8
presented (3)
18:15;22:25;26:23
presents (1)
8:25
Presidential (1)
39:18
prevent (1)
30:2
previous (1)
40:12
primarily (1)
25:17
primary (2)
34:12;39:18
priority (1)
24:17
probably (2)
20:15;32:6
problem (3)
15:19;47:13,17
problematic (1)
20:21
process (2)
20:18;35:20
product (1)
27:23
program (2)
6:18;48:8
proper (1)
35:20
properly (1)
17:21
property (2)
35:2;47:9
proposed (6)
5:20;17:20;18:14;
24:7;25:24;40:16
provide (3)
22:7;42:6;43:12
provided (1)
30:20
provisions (2)
36:1,1
public (15)
4:9;11:23;25:16;26:5;
32:22,23,25;33:4;35:10;
37:20;46:6,7;47:11;
48:2,13
pulled (2)
27:2;29:3
purpose (1)
46:12
pushouts (1)
28:24
put (8)
9:1;16:24;17:2;20:13;
24:18;34:23;40:21;
44:20
putting (1)
41:24

Q

qualified (1)
6:1
qualifies (1)
31:3
qualify (1)
30:22
qualifying (2)
41:2,4
quick (1)
22:9
quite (3)
9:24;10:19;28:8

R

raided (1)
47:7
rate (2)
14:23;16:7
rather (2)
12:16;15:13
ratio (1)
34:8
ratios (1)
31:2
reached (1)
16:3
read (1)
41:15
reading (10)
12:2;36:25;38:4;
40:20,22;41:23;42:2,14,
17;44:6
really (5)
6:17;8:20;10:14;27:3;
37:6
rear (4)
26:17,25;27:1,5
reason (2)
41:2,21
received (1)
23:5
recently (1)
44:16
recommend (2)
18:17;32:14
recommendation (11)
16:2,3,9;19:1;24:4,12,
15;31:21;32:12;37:15,
17
recommendations (1)
23:13
recommended (4)
6:3;23:8;24:10;38:1
recommends (2)
23:21;38:1
reconsider (1)
47:2
recycle (1)
12:10
reduce (6)
21:24;22:3;23:14,15,
16;31:5
reduced (1)
31:8
reduction (6)
22:2;23:12;25:11;
27:8;30:24,25
Reeves (5)
8:4,10,13,20,25
referring (1)
13:22
Reflexology (3)
17:14;18:2,5
refresh (1)
22:10
refrigerators (2)
12:6;13:8
regarding (4)
11:23;12:8;40:18;
46:11
regional (1)
5:25
regular (1)
13:20
regulates (1)
18:21
regulations (1)
12:7
rejected (1)
34:3
relatively (2)
8:17;9:2
remove (1)
26:10
rendering (1)
29:12
renew (1)
47:9
rental (1)
14:16
repair (1)
8:15
reports (3)
5:5,6;46:4
represented (1)
4:15
request (9)
8:3;17:23;21:23;
23:19;24:25;27:7;31:8;
39:25;44:7
requested (4)
13:2;22:8;23:2;26:13
requesting (3)
8:5;25:1;44:25
require (2)
26:24;27:16
required (7)
21:25;22:2,4;24:19,
20;25:6;36:2
requirement (4)
22:16;31:13;32:1,10
requirements (3)
6:1;27:9,10
requires (3)
18:9;31:4;37:4
residence (1)
15:5
residents (1)
16:14
resolution (4)
5:20;6:5,11;39:23
response (17)
5:2,8;7:12;11:4;19:8;
21:5;32:18;33:7;35:7;
36:12;38:9;39:1;42:22;
43:18;45:16;48:15,22
rest (1)
46:15
resulted (1)
22:15
retail (11)
21:25;22:14;25:17,20,
25;26:3;27:22;28:19;
29:1,6;33:14
retaining (1)
27:4
review (4)
5:23;10:17;18:24;
37:14
reviewed (1)
40:7
reviewing (1)
44:18
revised (1)
44:16
Right (15)
7:4;10:10;14:2,20;
16:14;17:9;22:12;24:9,
14,21;26:24;29:5,8;
37:20;41:20
rise (1)
3:3
road (3)
20:14;44:11,16
roads (1)
44:18
ROCHE (2)
4:12,24
roll (12)
3:7,22;7:14;11:6;21:7;
36:14;38:11;39:3;42:24;
43:20;45:18;48:24
Ross (1)
28:25
rule (1)
25:6
rules (3)
41:8;44:10,16
run (1)
39:17
runoff (4)
23:16,17;27:12,16

S

sales (1)
26:2
same (1)
47:5
Sanitation (3)
11:19;13:22;14:19
satisfied (1)
44:22
scaping (1)
27:10
schedule (3)
37:7;41:2;42:7
schematic (1)
27:24
seat (1)
43:13
seats (3)
39:16;40:1,8
Second (24)
3:21;6:12,13;9:13;
10:25;11:1;21:1,2;
34:18;36:8,9;38:5,6,23;
40:22;42:18,19;43:14,
15;45:11,12,13;48:18,19
Secretary (1)
41:8
Section (9)
16:7;18:20;37:1,3;
41:11,14,19;44:10,23
sections (1)
41:22
seems (1)
15:24
selling (1)
26:4
sells (1)
25:15
send (1)
6:6

sense (1)
41:17
sent (2)
5:22;8:5
separate (2)
18:10;28:22
serves (1)
47:4
service (2)
13:15;28:8
set (6)
6:6;14:16;40:9,17;
41:5;44:12
sets (1)
13:7
setting (1)
44:11
setup (1)
37:11
several (1)
28:10
severe (1)
22:22
shape (1)
28:7
shooting (1)
37:21
shop (1)
22:12
Shopping (1)
17:18
shortened (3)
25:1;41:3,6
shortly (1)
24:16
short-term (2)
5:17;6:17
shows (1)
31:10
shut (1)
47:8
side (1)
28:15
sign (1)
45:6
signage (1)
17:22
significant (1)
8:17
signs (2)
47:16,18
sill (1)
42:12
simpler (2)
15:24,25
SINCLAIR (6)
16:16,18,22,25;17:6,8
single (1)
26:17
sit (1)
44:20
site (18)
22:16,22;23:19;24:8;
26:15,18,19,21,22,23,25;
27:1,5,9,15;30:20;31:10;
35:19
six (2)
22:18;23:21
size (9)
22:3;24:11;28:4;29:7;
31:23,25;32:1,14;33:16
sizes (1)
46:11
skip (1)
46:14
slope (2)
28:2,3
smaller (1)
25:2
Snail (1)
25:15
so-and-so (1)
16:7
solid (1)
13:21
some- (1)
10:15
someone (2)
20:9;34:10
someone's (1)
12:18
somewhere (1)
6:19
soon (2)
9:16,22
sorry (2)
24:12;31:17
sort (4)
13:5,6;15:23;20:14
space (8)
17:19;22:3;25:4,20;
27:3,22;29:6;46:12
spaces (14)
21:25;22:2,3;23:14;
24:5,6;25:3,6;26:2;27:8;
30:25;31:5;32:5;33:21
speak (8)
20:19;33:4,5,10,11;
34:4;35:4;47:1
speaking (1)
44:15
special (12)
4:14,15;39:15,24;
40:2,8,9,13,23;41:9;
42:9;43:11
specific (3)
6:23;10:12;13:17
Speed (6)
44:7,11,13;45:7;
47:18,22
speeding (1)
47:21
spent (1)
34:15
split- (1)
29:14
spreadsheet (1)
7:4
square (3)
17:19;18:3;27:21
stabilize (1)
27:5
staff (7)
8:10;11:23,23;18:23,
25;23:21;38:1
stand- (1)
15:18
standard (3)
22:17;28:25;32:6
standards (2)
18:24;34:19
standpoint (2)
12:22;15:20
started (1)
41:15
state (6)
40:9;41:5,8;44:14;
46:7;47:19
status (1)
6:2
stay (1)
46:19
stepped (2)
19:4,10
still (1)
35:18
stop (2)
14:18;15:7
storage (1)
25:25
store (2)
21:25;22:14
storm (2)
27:12,15
stormwater (2)
23:13,16
street (2)
13:7;22:12
structural (1)
25:18
structure (3)
26:7,11,11
stucco (1)
34:23
stuck (3)
29:19,20;30:6
stuff (1)
35:22
subject (1)
35:25
subjective (1)
14:5
subjectivity (1)
14:7
submit (1)
27:18
submittals (1)
35:19
submitted (1)
45:7
sudden (1)
46:19
suggest (1)
9:8
suggesting (1)
24:18
suggestion (1)
11:21
suggestions (1)
12:4
suite (2)
18:8,8
supplanting (1)
14:18
supplies (2)
25:15;26:3
support (2)
25:19;26:2
suppose (1)
11:22
supposed (1)
6:23
sure (13)
12:7;20:16;21:18;
31:18,19;33:24;35:20;
40:6;41:22;42:2;44:10,
21,21
surface (1)
23:16
surfaces (1)
34:23
SUSAN (1)
48:4
system/off-system (1)
45:7

T

table (1)
17:2
tabs (1)
6:24
talk (1)
44:17
talked (1)
12:24
talking (3)
13:4;17:1,2
tank (2)
27:14,16
tenant (1)
8:19
tent (1)
33:20
Thanksgiving (1)
48:11
theory (1)
15:6
third (1)
37:8
thirty (1)
15:1
Thomas (1)
34:6
though (2)
14:11;16:12
thought (2)
19:18;29:18
three (5)
4:10;25:23;26:12;
28:2;46:7
threw (1)
13:5
throw (1)
13:16
thumb (1)
25:7
Thursday (1)
37:5
tickets (1)
47:21
tight (1)
37:12
times (1)
8:13
title (3)
41:14,18,22
today (3)
17:23;22:6;44:15
together (2)
44:20;47:6
told (1)
10:13
TOM (1)
34:6
ton (1)
14:12
tonight (3)
4:8;8:22;9:18
topographic (2)
22:22;23:18
topography (2)
22:15;26:23
track (1)
7:5
tracking (1)
15:19
tractor-trailer (1)
29:20
trailer (2)
27:25;28:4
trailer-trailer (1)
30:5
truck (16)
12:18,19,20;14:8,11,
12,13,15,15,16,24;16:6,
6;28:5,6,8
trucks (1)
22:20
truly (2)
6:20;13:16
trying (5)
8:18;10:8;16:9;29:20;
33:19
turn (2)

26:19;28:7
turnaround (2)
26:17;27:2
turns (2)
28:10;34:2
TV (1)
13:7
two (13)
8:17;12:19;14:6,24;
25:1;28:22;29:9;31:2;
40:1,7;41:9;46:16;47:5
type (4)
6:22;34:1,21;46:23
typical (1)
25:7
typically (2)
9:11,13

U

unanimous (1)
18:17
unanimously (1)
23:7
under (7)
11:18;17:13;20:10;
27:14;41:5,7,11
under- (2)
4:14;21:18
underlying (1)
44:13
unless (2)
7:2;8:25
unloading (1)
26:1
unnecessary (1)
10:17
up (12)
8:13;12:6,19;14:6,13,
25;15:5,23;33:25;34:11;
46:10,12
upon (3)
8:18;31:8,9
use (13)
8:15;17:16;18:6,10,
24;25:3;27:3;34:1;35:1,
14,21;36:1;46:10
used (2)
40:11,13
using (1)
31:20
utilization (1)
27:6
utilized (1)
40:13

V

vacancies (1)
40:8
vacant (1)
40:1
vacated (1)
39:16
Variance (7)
21:22,23;23:11;31:7;
35:14,18;36:6
viable (1)
35:21
view (1)
28:15
visit (1)
28:19
vote (1)
33:25

W

wait (1)
39:24
waive (5)
12:2;38:3;40:20;
42:14,17
walked (1)
46:22
wall (1)
27:4
warehouse-type (1)
34:9
warning (1)
46:13
washing (1)
13:8
waste (1)
13:21
way (3)
26:16;40:24;42:1
Wednesday (2)
13:17;37:17
week (2)
37:12,14
what's (5)
18:13;20:10;24:7;
33:25;41:7
whichever (2)
40:22,24
white (1)
12:1
whole (1)
27:1
wholesale (6)
33:15,17,17,22;34:2,
13
who's (1)
20:9
wide (4)
27:2;28:2,24;29:8
width (6)
22:18;23:20;25:3,4,
11;26:20
window (1)
42:12
wish (3)
18:7;32:20;42:14
wishing (6)
33:4,5,9,10;34:4;35:4
without (2)
8:24;28:9
wondering (1)
34:20
wonders (1)
4:16
word (1)
48:8
work (4)
5:18;6:17;8:18;13:1
Works (2)
11:23;37:22
written (1)
40:3

Y

y'all (2)
23:5;40:24
y'all's (1)
18:13
year (6)
5:22;6:2;7:5,6;9:13;
18:7
years (1)
46:17
yellow (1)
26:7

Z

zoning (3)
33:18;35:21;36:1