

**In The Matter Of:**

*City Council Meeting  
City of Doraville, State of Georgia*

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*Mayor Ray Jenkins Presiding  
November 19, 2007*

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CITY COUNCIL MEETING  
CITY OF DORAVILLE  
STATE OF GEORGIA  
\* \* \*

Transcript of the proceedings 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 7:05 p.m. on Monday, November 19, 2007.

\* \* \*

[1] PROCEEDINGS  
[2] **MAYOR JENKINS:** Meeting come to order.  
[3] Appreciate everybody coming out  
[4] tonight. We got a long agenda and we're going  
[5] to try to work it so it won't be.  
[6] I want Priscilla to call the roll,  
[7] please.  
[8] **MS. MURPHY:** Councilman Lowe?  
[9] **COUNCILMAN LOWE:** Here.  
[10] **MS. MURPHY:** Councilwoman Hadden?  
[11] **COUNCILWOMAN HADDEN:** Here.  
[12] **MS. MURPHY:** Councilwoman Pittman?  
[13] **COUNCILWOMAN PITTMAN:** Here.  
[14] **MS. MURPHY:** Councilman Spangler?  
[15] **COUNCILMAN SPANGLER:** Here.  
[16] **MAYOR JENKINS:** I'd like to approve the  
[17] minutes for the November the 7th -- 5th, 2007  
[18] Council meeting. November the 5th.  
[19] **COUNCILWOMAN HADDEN:** So moved.  
[20] **COUNCILWOMAN PITTMAN:** Second.  
[21] **MAYOR JENKINS:** All in favor?  
[22] Opposed?  
[23] Okay. I'm going to introduce Judge  
[24] Angela Duncan. If you'll come up to the  
[25] microphone, please.

[1] **APPEARANCES:**  
[2] Doraville City Council:  
[3] Hon. Ray Jenkins, Mayor  
[4] Councilwoman Marlene Hadden  
[5] Councilwoman Donna Pittman  
[6] Councilman Robert Spangler  
[7] Councilman Ed Lowe  
[8] Councilman Brian Bates  
[9] Councilwoman Maria Alexander  
[10]  
[11] Hugh "Rick" Powell, City Attorney  
[12]  
[13] Ms. Priscilla Murphy, Consultant  
[14]  
[15]  
[16]  
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[24]  
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[1] She's going to do the swearing in, and  
[2] I'm would ask Mr. Brian Bates and -- to come on  
[3] up.  
[4] **JUDGE DUNCAN:** Okay. Let's get you to  
[5] stand side by side, please.  
[6] **COUNCILMAN BATES:** Which way?  
[7] **JUDGE DUNCAN:** Well, do you want to  
[8] face them or do you want to face the Council?  
[9] **UNIDENTIFIED SPEAKER:** Face us.  
[10] **JUDGE DUNCAN:** Good evening, ladies and  
[11] gentlemen. My name's Judge Angela Duncan. I'm  
[12] here with the City of Doraville, been here since  
[13] 2004, and the Mayor and City Council member-to-  
[14] me, Ms. Alexander, actually requested that I be  
[15] here today to administer the oath of office.  
[16] And I'd like to say congratulations to  
[17] you both, and I appreciate the invite. It's a  
[18] privilege and an honor to be before the Council  
[19] and our Mayor. Thank you very much.  
[20] If both of you would please raise your  
[21] right hand and repeat after me: I do solemnly  
[22] swear or affirm that I will support the  
[23] Constitution of the United States and of the  
[24] state of Georgia, and I will in all respects  
[25] observe the provisions of the Charter and

[1] Ordinances of the City of Doraville, and I will  
[2] faithfully discharge the duties of Councilman or  
[3] Councilwoman, so help me God.  
[4] - - -  
[5] (The oath was repeated by both parties.)  
[6] - - -  
[7] **JUDGE DUNCAN:** All right.  
[8] Congratulations.  
[9] **COUNCILWOMAN ALEXANDER:** Thank you.  
[10] **COUNCILMAN BATES:** Thank you.  
[11] **JUDGE DUNCAN:** If you guys would both  
[12] sign the Oath of Office.  
[13] All right. Thank you very much.  
[14] Congratulations.  
[15] **COUNCILMAN BATES:** Thank you.  
[16] **COUNCILWOMAN ALEXANDER:** Can I come up  
[17] now?  
[18] **MAYOR JENKINS:** Congratulations.  
[19] Congratulations.  
[20] We've got a full Council for the first  
[21] time in how long?  
[22] **MS. MURPHY:** Since May.  
[23] **MAYOR JENKINS:** Maria, would you like  
[24] to say a couple words?  
[25] **COUNCILWOMAN ALEXANDER:** Just thank

[1] continue to take it to the bin. We're trying to  
[2] appease everyone, so we're looking at various  
[3] options. We do want to go ahead hopefully by  
[4] the first of the year and have something that we  
[5] can move forward with.  
[6] Last time we talked about bags. I know  
[7] Dekalb County does this. And I know real  
[8] briefly he can give us a rundown on that if you  
[9] don't mind. And also you were going to make an  
[10] announcement for me about yard debris, so if you  
[11] could do that as well.  
[12] **MR. EDWARDS:** Sure. I'm Steve, your  
[13] garbage guy, Advanced Disposal.  
[14] And what I want to do first is talk  
[15] about the holiday schedule for garbage service.  
[16] We're going to be a day behind. That's  
[17] typically how we do things. If your pickup day  
[18] is on a Thursday, we're going to pick you up on  
[19] the Friday after Thanksgiving, and if your  
[20] pickup day is a Friday, we'll pick you up on  
[21] Saturday and catch you up.  
[22] Also, too, there's a question about  
[23] yard debris in bags, and that's okay to do. I  
[24] think traditionally it's been paper bags. It  
[25] can be also in plastic bags now as long as

[1] everybody for turning out to vote for everyone.  
[2] And please, please remember to get out  
[3] and vote again on December 4th. Every vote  
[4] counts. It's very, very important.  
[5] **MAYOR JENKINS:** Brian?  
[6] **COUNCILMAN BATES:** Thank you very much.  
[7] I look forward to the opportunity to serve and I  
[8] look forward to working with everybody up here.  
[9] And thanks for coming out and showing  
[10] your support for the city and being involved and  
[11] active citizens. I wish more people would take  
[12] the interest that you guys do, so thank you.  
[13] **MAYOR JENKINS:** Thank you.  
[14] Donna has asked me to put Steve in here  
[15] now so he can leave. He has a long way to go.  
[16] Will you take care of that, Donna?  
[17] **COUNCILWOMAN PITTMAN:** I will.  
[18] I appreciate you staying.  
[19] There's a couple things we talked  
[20] about. We've been talking about -- a lot about  
[21] recycling. We do want to move forward with  
[22] this.  
[23] As you well know, there's a lot of  
[24] people that want to participate in curbside  
[25] recycling and there's some people that want to

[1] they're clear and we can see through them and  
[2] see what it is.  
[3] But to address Councilwoman Pittman's  
[4] point, we've been talking aggressively with  
[5] Mayor and Council about recycling and we're  
[6] looking at several different methods. One is  
[7] the bag program with subscription service.  
[8] Another method is curbside service.  
[9] And what we're going to do is provide a  
[10] survey to the residents of Doraville, not all  
[11] the residents of Doraville, to see if that's a  
[12] direction, along with Mayor and Council's vote,  
[13] to go in for recycling.  
[14] We're very excited that Mayor and  
[15] Council is looking at recycling and we think  
[16] it's the right thing to do to move Doraville  
[17] forward. And I'm excited, and congratulations  
[18] to Brian and Maria.  
[19] And that's all I have. If you have any  
[20] questions?  
[21] **COUNCILWOMAN PITTMAN:** I do not.  
[22] Does anyone have any questions out  
[23] here?  
[24] **MR. EDWARDS:** Thank you. Have a great  
[25] night.

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[1] **COUNCILWOMAN PITTMAN:** We have one in  
[2] the back.  
[3] **MR. EDWARDS:** Oh.  
[4] **UNIDENTIFIED SPEAKER:** You're just  
[5] going to do a trial run, is that what you're  
[6] saying?  
[7] **MR. EDWARDS:** For recycling?  
[8] **UNIDENTIFIED SPEAKER:** Right.  
[9] **MR. EDWARDS:** We're looking at  
[10] different options before we do a trial run.  
[11] We're looking at where everybody gets a bin.  
[12] That's one method. We're looking at  
[13] subscription service where only people who want  
[14] the service get a bin and pay for it. We're  
[15] also looking at the way Dekalb County --  
[16] unincorporated Dekalb County has a program. So  
[17] we're just trying to figure out which is best  
[18] for the city because there is no cookie-cutter  
[19] approach. It's got to fit with the residents  
[20] and the city.  
[21] **MS. FLIER:** What does Dekalb County do?  
[22] **MR. EDWARDS:** They have subscription  
[23] service through bags, and you get a bin, and  
[24] every Wednesday they come out and they pick the  
[25] recycling up. The blue bin is for paper only.

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[1] And then they also have a bag that you put all  
[2] your commingled recyclables in such as plastic,  
[3] tin, steel, glass. And it's \$30 in up-front  
[4] charge. But what we're trying to find out is  
[5] what's the monthly charge or annual charge  
[6] because it's buried somewhere in their taxes,  
[7] and I need to find that.  
[8] **COUNCILWOMAN PITTMAN:** That's a real  
[9] good possibility considering that we do have a  
[10] great number of people that do not necessarily  
[11] -- they do recycle but they don't want to do the  
[12] curbside. So this would be --  
[13] **MR. EDWARDS:** Correct.  
[14] **COUNCILWOMAN PITTMAN:** -- you would  
[15] sign up for this to do this.  
[16] **MR. EDWARDS:** Uh-huh (affirmative).  
[17] **COUNCILWOMAN PITTMAN:** So this is some-  
[18] thing we're strongly looking at.  
[19] **MR. EDWARDS:** And I will say, too,  
[20] thank you for dropping your recyclable -- those  
[21] of you do that do recycle, thank you for  
[22] dropping off your recyclables at Honeysuckle.  
[23] We provide service there with all the different  
[24] recyclables mixed up together.  
[25] And I had a couple people come and say,

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[1] "Well, how can you do it all mixed together?"  
[2] Really what we do is we take and empty the  
[3] recycle bins. They kind of look like sub-  
[4] marines. We take them and we dump them out onto  
[5] the concrete floor inside a large metal  
[6] warehouse and push it up a conveyor; up goes the  
[7] conveyor. And we have pickers, about 10 or 15  
[8] pickers sorting through their particular  
[9] responsible recyclable for that day. And that's  
[10] how that works. It's called one-stream  
[11] recycling. In the old days, we used to have to  
[12] separate them.  
[13] Yes?  
[14] **MS. FRAYSSE:** I have a question. Do  
[15] you take all kinds of plastic or only certain  
[16] numbers and the symbols on the bottom?  
[17] **MR. EDWARDS:** I think if -- if it has a  
[18] symbol, then we take it. We also take the  
[19] plastic flower pots and plastic coat hangers.  
[20] So if it has a symbol, we'll take it.  
[21] **COUNCILMAN BATES:** Steve, you had  
[22] mentioned earlier that you were going to do  
[23] surveys?  
[24] **MR. EDWARDS:** Yes.  
[25] **COUNCILMAN BATES:** What would be the

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[1] context of the surveys? What types of questions  
[2] are you going to be asking?  
[3] **MR. EDWARDS:** I think -- I haven't  
[4] formatted the questions to the exact point yet,  
[5] and Mayor and Council will have privy to that,  
[6] and we'll share it with y'all before we do it.  
[7] I think first of all is, you know,  
[8] "Would you be willing to recycle?" "If you're  
[9] not willing to recycle, why?" "If we made it  
[10] easier to recycle or if we provided this price  
[11] would you recycle or this price point would you  
[12] recycle?"  
[13] I think first -- what we try to do is  
[14] educate them first on what the several options  
[15] are and then have them answer the questions.  
[16] But that's a very good point. The  
[17] questions have to be geared to be very neutral.  
[18] **COUNCILMAN BATES:** And is there a time  
[19] frame on getting that completed?  
[20] **MR. EDWARDS:** I was going to come back  
[21] in December and talk more about the bag program.  
[22] And then once I do that, we'll have more of a  
[23] complete idea of the options. And then after  
[24] that, I would probably end up engaging in the  
[25] survey probably mid December or thereafter.

[1] Go ahead.

[2] **COUNCILWOMAN PITTMAN:** Is this for your

[3] own -- does it help you maybe provide a better

[4] service to us? Because we've done a survey.

[5] **MR. EDWARDS:** Uh-huh (affirmative).

[6] **COUNCILWOMAN PITTMAN:** We feel we

[7] pretty much know what the community --

[8] I mean certainly if you feel that

[9] that's something you need to do . . .

[10] **MR. EDWARDS:** Uh-huh (affirmative).

[11] Not necessarily, no. I think . . .

[12] **COUNCILWOMAN PITTMAN:** I mean I know

[13] that we feel pretty comfortable what we have

[14] found out.

[15] **MR. EDWARDS:** Okay.

[16] **COUNCILWOMAN PITTMAN:** And I just feel

[17] that it's something Doraville really needs to

[18] move forward with. For the environment, we need

[19] to do this. But what we're trying to do is find

[20] the most feasible way --

[21] **MR. EDWARDS:** Right.

[22] **COUNCILWOMAN PITTMAN:** -- so we can

[23] appease everyone but yet enhance our program

[24] that we have now.

[25] And Maria also is working on something

[1] with aluminum cans, and she'll have some further

[2] information probably maybe the next meeting.

[3] **COUNCILWOMAN ALEXANDER:** Hopefully,

[4] we're supposed to get some contact information

[5] from the Georgia Department of Community Affairs

[6] to assist with that, a cash-for-cans kind of

[7] thing. So hopefully we'll have some more infor-

[8] mation.

[9] **COUNCILWOMAN PITTMAN:** But I mean if

[10] you feel that that will help you . . .

[11] I mean I don't know. We've done the

[12] survey. We probably would have got better

[13] results if we would have sent an envelope that

[14] would come back to us, but we didn't.

[15] How do y'all feel about doing another

[16] survey?

[17] **COUNCILMAN BATES:** Well, if it provides

[18] us with some good specific information on what

[19] the price point is that would get people to

[20] participate or not participate, I think that's a

[21] valuable piece of information to get.

[22] Correct me if I'm wrong, Mr. Mayor, but

[23] the survey that was sent out was just a yes/no,

[24] do-you-support, without different --

[25] **COUNCILWOMAN PITTMAN:** Was that pretty

[1] much it?

[2] **MS. MURPHY:** Right.

[3] **COUNCILMAN BATES:** -- permutations. So

[4] I think that's important information to set a

[5] price point. You know, if \$3.00 is the price

[6] point per month, then we need to work for a

[7] program that gets us below \$3.00.

[8] **COUNCILWOMAN PITTMAN:** Would that be

[9] something that you'll be part of, trying to get

[10] to the . . .

[11] **MR. EDWARDS:** Yes.

[12] **COUNCILWOMAN PITTMAN:** Okay.

[13] **MR. EDWARDS:** I'll work diligently on

[14] that.

[15] Thank you.

[16] **COUNCILWOMAN PITTMAN:** Thank you so

[17] much for staying.

[18] **MR. EDWARDS:** You're welcome.

[19] **MAYOR JENKINS:** All right. Item number

[20] c., John, would you come up to the podium and

[21] explain this. We have a ordinance. Do you have

[22] your . . .

[23] **CHIEF KING:** Yes, sir, I have a copy of

[24] the ordinance. I think the City Attorney has

[25] drafted the proposed ordinance with some changes

[1] as a result of the meeting that several of the

[2] members of the City Council had with the co-op.

[3] **MAYOR JENKINS:** Yeah. We had a meeting

[4] with the co-op.

[5] And I don't believe Mr. Spangler was

[6] there. Is that right?

[7] **COUNCILMAN SPANGLER:** No, sir.

[8] **MAYOR JENKINS:** And Ms. Hadden, Donna,

[9] myself and --

[10] **COUNCILWOMAN PITTMAN:** Mr. Lowe.

[11] **MAYOR JENKINS:** -- Mr. Lowe was there,

[12] and we had a conversation with them. So John,

[13] will you go ahead and explain what we --

[14] **CHIEF KING:** Sure.

[15] **MAYOR JENKINS:** -- talked about at that

[16] meeting.

[17] **CHIEF KING:** Yes, sir. The FBI in

[18] cooperation with the Georgia Bureau of

[19] Investigation has changed the -- and the legis-

[20] lature has changed the access that we have for

[21] background checks.

[22] In the past, local law enforcement

[23] agencies were doing backgrounds but we were --

[24] like we are doing today, have been authorized to

[25] do background checks on persons entering or

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[1] working in and around the tank farm facilities.  
[2] But those checks are only state, the state of  
[3] Georgia. If somebody committed a crime outside  
[4] the state of Georgia, those background checks  
[5] will not catch them. We were not authorized to  
[6] check nationwide.  
[7] The legislatures changed the law, and  
[8] it requires that the City designate the tank  
[9] farm facilities as a high-security area. Then  
[10] it authorizes that -- then it authorizes local  
[11] agencies to conduct nationwide checks but they  
[12] can only be fingerprint-based.  
[13] So it would require the people coming  
[14] in -- you know, they come every year. They come  
[15] and they would get their fingerprints taken.  
[16] Those fingerprints will be transmitted to the  
[17] GBI, then to the FBI, and it will run a  
[18] nationwide check.  
[19] We will have the access to do that but  
[20] only if an ordinance as such is passed. If it's  
[21] not passed, we basically stick to Georgia-only  
[22] checks.  
[23] Rick, if there --  
[24] Part of the conversation that was had  
[25] with the co-op was to increase the amount of the

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[1] fees, because I know that was one of the  
[2] concerns from several members of the Council, to  
[3] increase it to \$100 per person for getting  
[4] these, but to change it from yearly to every two  
[5] years, and if the person waits too long or their  
[6] permit expires, they would have to pay a \$100  
[7] penalty for coming and getting their permit  
[8] reinstated.  
[9] There's a number of other -- a lot of  
[10] people talk about TWICs. And basically that is  
[11] a -- that is a program that Customs is trying to  
[12] put in to credential people, truckers, to be  
[13] able -- it's Transportation Workers Identity  
[14] Card. But that is receiving a lot of opposition  
[15] in Congress because the unions, the trucking  
[16] unions, did not want to have the full background  
[17] checks done on all employees because they feel  
[18] that a lot of the operators of the carriers will  
[19] not be able to pass the background.  
[20] And basically, that is the gist of the  
[21] ordinance.  
[22] We currently have around fifteen to  
[23] seventeen hundred permitted persons. We  
[24] currently have about fifteen to seventeen  
[25] hundred people permitted in the city of

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[1] Doraville. It's not just the truck operators,  
[2] but anybody that works in the tank farms, the  
[3] managers. Everybody that has access to the  
[4] terminals have such a permit.  
[5] **COUNCILWOMAN PITTMAN:** Weren't we going  
[6] to be increasing the hours?  
[7] **CHIEF KING:** That is correct; to be  
[8] able to fulfill this, you know, to be able to  
[9] meet their demands.  
[10] And there were some complaints from the  
[11] trucking companies. Mr. Pitfield is present  
[12] here. And those complaints were valid, that we  
[13] have one person doing it on a part-time basis  
[14] because they have other -- they were sharing  
[15] duties with other duties in the department.  
[16] You know, she got pregnant, she took  
[17] maternity leave to go have a baby and she was  
[18] not available to issue permits. We had somebody  
[19] else step in, but they had other duties, so.  
[20] And then if the person takes vacation, we have  
[21] to fulfill -- you know, we have to shift people  
[22] around to fulfill this.  
[23] Part of the conversation with the tank  
[24] -- with the co-op was to increase by having one  
[25] clerk hired by the City to supplement the

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[1] current person doing it. That way, we will have  
[2] coverage in case anything happens, that we would  
[3] have more hours of operation, and it would be,  
[4] you know, without fail that they would be  
[5] available to issue those permits.  
[6] **ATTORNEY POWELL:** What we need to  
[7] emphasize is if you institute this program,  
[8] you're going to have to authorize the hiring of  
[9] a -- of a --  
[10] **CHIEF KING:** Of a clerk.  
[11] **ATTORNEY POWELL:** -- of a person.  
[12] **COUNCILMAN SPANGLER:** Chief, I thought  
[13] you said in the meeting we had when we brought  
[14] up the two-year deal, that if we went to two  
[15] years, you wouldn't need another clerk.  
[16] **CHIEF KING:** Sir, my initial -- my  
[17] initial assessment was that, but then I started  
[18] looking at -- I started examining also the  
[19] permits that we --  
[20] We don't just issue the tank permits.  
[21] That same person now is issuing the taxicab  
[22] permits.  
[23] And we started working -- as a result  
[24] of the conversation that we had with the City  
[25] Council, we realized a lot of the cab companies

[1] have cab operator permits but the companies are  
[2] not permitted in the city of Doraville. This  
[3] same person is having to do those, too, and also  
[4] the liquor pouring. This large nightclub that  
[5] just opened has flooded us with a number of  
[6] people they're requiring to get permitted  
[7] before.

[8] So I answered the question at the time  
[9] based on just this program but without realizing  
[10] that there's a lot of other people being  
[11] permitted and this same person's having to do  
[12] the same.

[13] It's also increased the amount of work  
[14] here at City Hall because what we're requiring  
[15] -- and we were not clear, and the City Attorney  
[16] and I have basically worked on this -- is that  
[17] not only are we requiring every operator, for  
[18] example, of a cab company to come and get a  
[19] permit, but the company has to have an occupancy  
[20] permit.

[21] **ATTORNEY POWELL:** Occupation tax  
[22] permit.

[23] **CHIEF KING:** Yeah, occupation tax.

[24] So before we'll issue a permit, they  
[25] have to come here to City Hall, get an

[1] requires to process the fingerprints. The rest  
[2] will go into the general fund as far as fines  
[3] and fees.

[4] **COUNCILMAN BATES:** So quick math, we're  
[5] looking at a hundred. If we're at 1700 people,  
[6] we're looking at --

[7] **CHIEF KING:** That's just -- that's just  
[8] tank permits --

[9] **COUNCILMAN BATES:** Right.

[10] **CHIEF KING:** -- you know. And now that  
[11] we have the occupancy, the same persons will be  
[12] doing these permits. So the conservative number  
[13] is between fifteen to seventeen hundred. That  
[14] is the most conservative number that we have.

[15] Now, taxicab permits, liquor-pouring  
[16] permits the same people will be doing, those  
[17] will be in addition to those revenues being  
[18] generated by these -- by these clerks.

[19] **ATTORNEY POWELL:** And frankly, the  
[20] number of other permits is going to go up  
[21] because the Code Enforcement people are checking  
[22] that.

[23] **CHIEF KING:** They're starting to find  
[24] -- they're now going -- they're now focusing a  
[25] lot on the business -- on the business aspect

[1] occupation permit. Then they can go get their  
[2] taxicab.

[3] And believe me, sir, I didn't realize  
[4] that we're having a tough time finding where  
[5] some of these companies are located. I mean  
[6] we're sending registered letters to the places  
[7] where their permit -- their original permit said  
[8] that they operate out of, but. And then we send  
[9] an officer to check, and it's on Campbellton  
[10] Road and it's an empty lot.

[11] And so basically we're not issuing  
[12] those per- -- if they don't have, the company,  
[13] have a permit in Doraville, we're not -- there's  
[14] going to be some cutting down on the number of  
[15] cabs operating in Doraville.

[16] And probably that's not a bad thing,  
[17] either, because I think some of the cab  
[18] companies that operate in Doraville I think are  
[19] irresponsible. They're not operating the way  
[20] they should be.

[21] **COUNCILMAN BATES:** Chief or Rick, of  
[22] the \$100 fee, what's the distribution? I'm  
[23] assuming that the City won't get the full  
[24] hundred. Is --

[25] **CHIEF KING:** \$24 is what the FBI

[1] of, you know, businesses operating, and they're  
[2] doing a number of other things in the city. So  
[3] it's going to increase people. If you want to  
[4] do business in Doraville, you're going to have  
[5] to go get a permit.

[6] **ATTORNEY POWELL:** There are going to be  
[7] a lot more -- and we call them "business  
[8] licenses" -- occupation tax certificates issued  
[9] out of this office because there are lots of  
[10] people who were not.

[11] **COUNCILWOMAN HADDEN:** In other words,  
[12] the position pays for itself.

[13] **COUNCILMAN BATES:** That's what I was  
[14] getting at.

[15] **ATTORNEY POWELL:** One other thing.  
[16] Once we pass this, we have to submit it to the  
[17] FBI, and before it can be implemented, they have  
[18] to approve that we're going to operate it  
[19] correctly. So it will take a little while.

[20] **CHIEF KING:** The ordinance is just the  
[21] first of the steps before we can start the  
[22] process.

[23] **COUNCILMAN BATES:** What's the time  
[24] frame?

[25] **CHIEF KING:** Right now, because we are



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[1] one of the -- we're probably one of the first  
[2] agencies in the state of Georgia to actually do  
[3] it, really I cannot give you an accurate answer,  
[4] sir.  
[5] **COUNCILMAN BATES:** Does the I.D. belong  
[6] to the Police Department, to the --  
[7] **CHIEF KING:** It belongs to the City of  
[8] Doraville, sir.  
[9] **COUNCILMAN BATES:** So upon their  
[10] termination, quitting, that I.D. would then be  
[11] turned back in to?  
[12] **CHIEF KING:** What happens, sir, is what  
[13] we do is we notify --  
[14] The terminals actually are our catch-  
[15] all because the terminals will not dispense fuel  
[16] to the operators if they don't have a valid,  
[17] active I.D. card. So if somebody gets -- you  
[18] know, they quit, before they can go to another  
[19] company, they have to get it activated.  
[20] And that is one of the things that  
[21] we're working with the tank farms is once we  
[22] deactivate or somebody loses their -- their --  
[23] you know, and this is renewed on their birthday.  
[24] So the tank farm facilities are our  
[25] best avenue. Now, we do some spot checking, but

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[1] they will not dispense any fuel unless you have  
[2] not only their cards but also the Doraville  
[3] card. The Doraville card gets you the foot in  
[4] the door just for access, and then to get fuel  
[5] dispensed, you have to have other.  
[6] We work very closely with the trucking  
[7] companies. Their safety departments and their  
[8] insurance carriers are very interested in this  
[9] because the benefit they get is that we get to  
[10] prescreen their employees. And so it helps them  
[11] out also. I mean they're getting a benefit out  
[12] of it. And I think that's why they've been  
[13] relatively cooperative as far as the fee  
[14] increase.  
[15] The one thing that they're worried  
[16] about is the lag or the waiting in line or the  
[17] problems with having access. It mostly occurs  
[18] when there's a crisis like a tornado, a  
[19] hurricane or something that happens where you  
[20] have drivers coming from other parts of the  
[21] country to pull fuel from here. And we have a  
[22] mechanism to either do temporary or emergency  
[23] cards, but, you know, they have to contact us  
[24] and work through those.  
[25] **COUNCILWOMAN HADDEN:** We spent quite an

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[1] extensive amount of time talking back and forth  
[2] with the different co-op people. Wasn't it  
[3] about two or two and a half hours?  
[4] **CHIEF KING:** I really appreciate the  
[5] fact that y'all -- because instead of me coming  
[6] and giving the message to them, the fact that  
[7] you-all were present, you got to hear, and they  
[8] got to hear from you, too. I mean they got to  
[9] hear what -- your concerns about making sure  
[10] that the position pays for itself because it's  
[11] not right for the rest of the taxpayers of  
[12] Doraville to have to fund something that deals  
[13] with the tank farm.  
[14] **COUNCILWOMAN HADDEN:** It allows for a  
[15] high level of security for our city, also.  
[16] **CHIEF KING:** Yes.  
[17] **COUNCILMAN SPANGLER:** How much safer do  
[18] you think it's going to be by doing the full-  
[19] blown?  
[20] **CHIEF KING:** I think, sir, we have a  
[21] good program because it's one of a kind. I  
[22] think that the nationwide I think will -- will  
[23] give us a better idea.  
[24] I didn't realize that some of these  
[25] drivers come from North Carolina and from

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[1] Alabama. I mean they come from -- I thought we  
[2] were -- when we first started this program, I  
[3] thought we were just dealing with local drivers.  
[4] I didn't realize that we have folks coming from  
[5] really far away. Well, I had no idea.  
[6] And I looked at the co-op, and most of  
[7] those folks operate here in the Doraville area.  
[8] But there's a number of jobbers, companies that  
[9] only have maybe two trucks. They come in, pull  
[10] fuel, and they don't come for another month or  
[11] so. Those are the ones that -- and their safety  
[12] checks are not as good as some of these large,  
[13] established companies. Those are the ones I  
[14] think that we will be able to . . .  
[15] Because what happens is that these  
[16] drivers that work here in the area, the  
[17] companies, like the folks that operate here,  
[18] they can pick and choose who the drivers are  
[19] because the competition is so fierce.  
[20] Well, those jobbers that are farther  
[21] away and out of state, those -- those -- their  
[22] screening capacity is probably not as good as  
[23] the ones here. So this will give us the  
[24] opportunity to check those guys.  
[25] A criticism, sir -- and I'll be up

[1] front. The criticism is that if a person  
[2] commits a crime and he doesn't -- you know, I  
[3] won't know until two years. But it's the same  
[4] as the ones that get it yearly. If they  
[5] committed a crime next month and their birthday  
[6] is not for -- for a year, I wouldn't know,  
[7] either, sir.

[8] So this relies on the -- on the company  
[9] being alert, the -- the facility that dispenses  
[10] fuel being alert, the State of Georgia being  
[11] alert through the Department of Motor Vehicles  
[12] and also the Department of Transportation. So  
[13] what we're trying to do is a multi-layer effort  
[14] to be able to catch these people who --

[15] It's not just Doraville looking at  
[16] these individuals. The Department of  
[17] Transportation through their hazmat certifica-  
[18] tion process is looking at them. The Department  
[19] of Motor Vehicles comes and also inspects the  
[20] trucks.

[21] Because I'll tell you, sir, if I looked  
[22] at an 18-wheeler, I couldn't tell you if an 18-  
[23] wheeler is safe or not. I mean I don't have  
[24] those expertise.

[25] The Department of Motor Vehicles, they

[1] **MR. CRAWFORD:** Ben Crawford.  
[2] Like the I.D.'s you get at the airport,  
[3] if you're terminated or they expire, you return  
[4] them to the airport.

[5] Are you saying that these will be  
[6] returned the Police Department?

[7] **CHIEF KING:** Yes.

[8] **MR. CRAWFORD:** That's what I thought.

[9] **CHIEF KING:** Yes.

[10] Yes, ma'am.

[11] **MS. FLEMING:** Pam Fleming. I have two  
[12] questions.

[13] Upon a renewal, the two-year renewal,  
[14] you're charging the driver or the employee \$100.

[15] **CHIEF KING:** Yes.

[16] **MS. FLEMING:** Are we then going through  
[17] the process of the --

[18] **CHIEF KING:** Yes, ma'am.

[19] **MS. FLEMING:** -- background checks?

[20] **CHIEF KING:** Okay. They will be  
[21] resubmitted every two years. We don't just take  
[22] their money and cut them a new I.D. card, no,  
[23] ma'am.

[24] **MS. FLEMING:** And secondly, what's the  
[25] criteria that you would be using to decline a

[1] come and inspect the trucks. You'll see them on  
[2] the side of the road a lot of times doing the  
[3] spot checks. So we have a number of agencies  
[4] looking at this.

[5] This will put -- Doraville was the  
[6] first ones that started this in the nation.  
[7] This ordinance will -- you know, but other  
[8] agencies are now doing it. This will put us  
[9] back up to probably having the best, safest  
[10] method of getting people who are questionable in  
[11] background. This is also to turn a lot of  
[12] people that potentially wanted to come and --  
[13] and it's a lot of people said, "You know, if you  
[14] don't get a Doraville card, we're not hiring  
[15] you." So it helps the companies, too, sir.

[16] Sorry I took 10/15 minutes to explain  
[17] that, but I just kind of wanted to get everybody  
[18] . . .

[19] Yes, sir.

[20] **MR. CRAWFORD:** Yeah, I have a question.

[21] So are you proposing to do something  
[22] similar to what they do at the airport as far as  
[23] I.D.'s go?

[24] **MAYOR JENKINS:** That's Mr. Ben  
[25] Crawford.

[1] request for certification?

[2] **CHIEF KING:** Ma'am, it's very similar  
[3] to what the Federal government uses, and I'll go  
[4] real quickly over the criteria. It's not that  
[5] --

[6] I will tell you what Doraville uses for  
[7] the things that TWICs --

[8] **ATTORNEY POWELL:** In the ordinance  
[9] itself, Ms. Fleming, "disqualifying act" means  
[10] any conviction, plea of guilty or plea of nolo  
[11] contendere --

[12] **CHIEF KING:** I actually have the list.

[13] **ATTORNEY POWELL:** -- in any state or  
[14] federal court.

[15] **CHIEF KING:** I got the list here.

[16] **ATTORNEY POWELL:** Okay.

[17] **CHIEF KING:** Ma'am, Doraville actually  
[18] will be a little bit tougher than the Federal.  
[19] But for example, you will be permanently  
[20] disqualified, you can never get a card if you  
[21] are -- for a lifetime -- if you are convicted of  
[22] terrorism, espionage, sedition, treason, murder,  
[23] any offense dealing with explosives; a  
[24] registered sex offender; any crime involving a  
[25] severe transportation security incident, like an

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[1] environmental damage; a transportation system  
[2] disruption or loss of life; any offenses where  
[3] the Racketeer, Influenced and Corrupt  
[4] Organizations Act is involved; any improper  
[5] transportation of hazmat materials, and  
[6] conspiracy to or attempt to commit any of the  
[7] above crimes. That will get you banned forever.  
[8] Let me continue, and I will answer your  
[9] question.  
[10] You can be disqualified if convicted  
[11] for -- within the last seven years but released  
[12] from prison within the last five years -- and  
[13] that's how we get around some of the folks that  
[14] perhaps might have been convicted of a crime  
[15] that have rehabilitated their lives and the  
[16] companies want to give them a chance of working  
[17] again -- if you've either been arrested or  
[18] indicted for assault with intent to murder,  
[19] kidnap or hostage-taking, rape or aggravated  
[20] sexual abuse, extortion, robbery, arson,  
[21] bribery, smuggling, immigration violations,  
[22] identity fraud, tax evasion, perjury or false  
[23] statements to Federal government, distribution  
[24] or possession with intent to distribute  
[25] controlled substances, and any weapons

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[1] violation. That mirrors the Federal statute.  
[2] The one thing that -- for me to -- if I  
[3] have somebody in that second group of people  
[4] who's been convicted over seven years ago and  
[5] been released out of prison for more than five  
[6] years, it requires the company manager and the  
[7] driver to come and sit down with us. And  
[8] basically the company has to say, "I'll vouch  
[9] for him. Please give him -- you know, we are  
[10] aware of it."  
[11] The ones that we don't negotiate is  
[12] when a person comes and lies about their back-  
[13] ground and then we find out that they've lied in  
[14] their background. Then we don't issue -- that's  
[15] the end of the story. We don't issue the  
[16] permit.  
[17] If they're convicted over -- and  
[18] they're released out of prison over five years  
[19] ago, then it requires the manager of the company  
[20] and the employee, and basically the company has  
[21] to vouch for them.  
[22] Is that --  
[23] **MS. FLEMING:** Thank you very much.  
[24] **CHIEF KING:** And that mirrors the  
[25] Federal except for the Federal does not have the

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[1] child -- the child sexual offenses. I added  
[2] those because that just -- that's one of my pet  
[3] peeves.  
[4] Yes, ma'am.  
[5] **UNIDENTIFIED SPEAKER:** You answered my  
[6] question.  
[7] **COUNCILWOMAN ALEXANDER:** I have a  
[8] couple of questions. On Section F, it says the  
[9] identification card may only be delivered  
[10] personally or to the applicant, and then it goes  
[11] on about on termination it would be returned to  
[12] their employer.  
[13] So, then, is it the employer's  
[14] responsibility to return it to the P.D.?  
[15] **CHIEF KING:** That is -- that is one of  
[16] the things that was part of the discussion  
[17] between the members of the City Council. And  
[18] I'm waiting to get a little bit more comment on  
[19] whether we would collect those or the employer  
[20] would.  
[21] To us, if somebody gets fired or  
[22] dismissed, the employer has more of a capacity  
[23] of getting that I.D. card by not cutting them  
[24] the last check until they turn in those cards  
[25] instead of me going and trying to hunt them

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[1] down.  
[2] And that is the mindset of doing it:  
[3] to get the employers to collect the cards and  
[4] then send them to me, and that's what --  
[5] although the companies are a little reluctant to  
[6] do that. But they have the power of that last  
[7] paycheck, and I think they can track them down.  
[8] And that is what I would recommend  
[9] because -- I'm sure probably Mr. Pitfield  
[10] probably would not agree because then he would  
[11] have to be collecting those cards for me.  
[12] **MR. PITFIELD:** If I may, may I respond  
[13] briefly?  
[14] **CHIEF KING:** That's up to you, sir.  
[15] **MR. PITFIELD:** There is a catch,  
[16] believe it or not, where it is in fact illegal  
[17] for me to hold an employee's paycheck to get  
[18] back Nextel radios, terminal loading cards and  
[19] the like.  
[20] But just so you understand the process,  
[21] when an employee is either terminated or resigns  
[22] or is fired or gets hauled off --  
[23] **CHIEF KING:** We've done that, too.  
[24] **MR. PITFIELD:** -- you know, realize  
[25] that my immediate exposure is his loading cards

[1] and access to the terminal. And if he's given  
[2] one of those to one of his buddies, I'm on the  
[3] hook for basically 30,000 bucks a pop, and you  
[4] can load a lot of fuel over a long weekend  
[5] without me knowing about it.

[6] So we immediately send a letter out to  
[7] all the terminals -- it's fax'ed -- and this is  
[8] standard policy with all of the carriers;  
[9] there's nobody who doesn't do this -- the  
[10] terminal is notified immediately of that  
[11] driver, and his cards are shut down  
[12] automatically.

[13] When they come in and resign, for the  
[14] most part, yeah, we sort of maybe hold their  
[15] checks a little bit, but we don't really do  
[16] that.

[17] And along with that comes the Doraville  
[18] I.D. card. The greatest thing with the  
[19] Doraville I.D. card is on the back it says that  
[20] it is the property of the employer.

[21] Correct?

[22] **CHIEF KING:** Yes, because you guys paid  
[23] for it, right.

[24] **MR. PITFIELD:** Right, and that's what  
[25] we'll continue to do. So that's a wonderful

[1] after September 11th of anybody in the country,  
[2] and we're now -- quite frankly, it's useless.

[3] Perhaps not quite useless, but --

[4] **CHIEF KING:** Not useless.

[5] **MR. PITFIELD:** -- it's a stumbling  
[6] block.

[7] **CHIEF KING:** Not as good as it should  
[8] be.

[9] **MR. PITFIELD:** Now, realize that the  
[10] TWICs card that John has mentioned is for  
[11] coastal and inland waterways, and that's where  
[12] they're trying to implement it right now. It  
[13] does not affect ports -- or not ports. What  
[14] would we call this? -- sort of an inbound -- an  
[15] inbound loading facility within the continental  
[16] United States. TWICs is not even going to come  
[17] to be that.

[18] The airport has their own security card  
[19] loading -- security card and loading criteria,  
[20] which I don't think is anywhere near as strong.

[21] And I think, if anything, the other  
[22] important example for this card that we are  
[23] trying to get through is, if you will remember  
[24] in January -- January/February of this past  
[25] winter, there was a driver in California in

[1] bargaining chip for us.

[2] And if we can continue to -- you know,  
[3] we've agreed that yes, it's going to be a  
[4] property-of-Doraville-city card. If we could  
[5] somehow keep it, you know, the property of the  
[6] employer, it's going to make everybody's world a  
[7] lot easier.

[8] But I mean the most important thing of  
[9] this entire change in the ordinance is this is a  
[10] huge win-win for everybody, both myself as an  
[11] employer, the Doraville City Police Department,  
[12] and certainly the community and the citizens of  
[13] Doraville.

[14] Because right now I've got 40-odd guys  
[15] working for me and, for the most part, I have  
[16] absolutely idea -- and neither does John King --  
[17] what they might have done in another state at  
[18] another point in time. Nobody has any idea  
[19] unless one or two have come to us and --

[20] **CHIEF KING:** Most of them are up front  
[21] and they say, "Hey, look. I did this."

[22] **MR. PITFIELD:** -- and a couple we've  
[23] just stumbled on.

[24] And as I have stated before, originally  
[25] we had the most stringent guidelines immediately

[1] San Francisco who -- bottom line, driver-  
[2] preventable -- was going too fast, wiped out the  
[3] truck, took out an entire part of the bridge  
[4] structure of San Francisco Bay.

[5] And the best comment I could have on  
[6] that was when the Chief of Police looked at me  
[7] one day and said, "If he'd had to get a  
[8] Doraville card, he wouldn't have been driving  
[9] here," and that's what we need.

[10] **CHIEF KING:** Pending any other  
[11] questions, I --

[12] Ma'am?

[13] **COUNCILWOMAN ALEXANDER:** I just had the  
[14] other one.

[15] I just wanted to say in reading  
[16] Subsection B, it actually seems like if an  
[17] employee of one of the terminals knowingly lets  
[18] someone in that does not have a card, that they  
[19] can actually be prosecuted. Is --

[20] **CHIEF KING:** That is correct.

[21] **COUNCILWOMAN ALEXANDER:** -- that  
[22] correct?

[23] **CHIEF KING:** That is correct.

[24] And actually, the tank farm facilities  
[25] asked for that. They wanted that introduced

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[1] into the ordinance when we first started because  
[2] they want to be able to police their own  
[3] employees to make sure that everybody -- the  
[4] only way this is going to work is if everybody's  
[5] doing their part; we're checking and they're  
[6] enforcing this ordinance.  
[7] So far, we've been -- we've actually  
[8] only made two arrests on this ordinance, and it  
[9] is two gentlemen that walked into the tank farm  
[10] facility several years ago to take pictures, and  
[11] they didn't have cards. So they were arrested  
[12] and they were detained, and the FBI was able to  
[13] come and interview them. And it turned out to  
[14] be they just -- they got lost, but -- but that  
[15] gave us the authority to place them under arrest  
[16] and at least bide time till the federal agents  
[17] could come and chat with them.  
[18] **MAYOR JENKINS:** Steve?  
[19] **MR. KOONTZ:** This is Steve Koontz.  
[20] Back to the one- versus two-year thing,  
[21] remember when this was first being discussed,  
[22] they were kind of pushing for the two-year thing  
[23] because they said that we don't have the staff,  
[24] we don't have a full-time person to be doing  
[25] this and it was holding up the drivers --

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[1] **CHIEF KING:** Yes.  
[2] **MR. KOONTZ:** -- they couldn't get their  
[3] permits, and they wanted -- you know, if they  
[4] were going to be more involved, they would, you  
[5] know -- they would like it to be two years.  
[6] But now we're talking about hiring  
[7] somebody specific to do that, which, you know,  
[8] it sounds to me like that's taking the not  
[9] having the time to do this off the plate. What  
[10] advantage does the two-year thing have, then,  
[11] beyond -- you know, I understand the employer,  
[12] save him thousands of dollars a year and --  
[13] **CHIEF KING:** That's one of the --  
[14] **MR. KOONTZ:** -- these things.  
[15] **CHIEF KING:** -- things, sir. I mean,  
[16] still, sir, think about the fact is one employee  
[17] -- it's going to be very difficult for one  
[18] employee to be able to absorb 1500 people in one  
[19] year. I mean not unless they live at the Police  
[20] Department and work 24 hours a day. But these  
[21] people, you know, they have days off, they have  
[22] sick time, they have training. They have things  
[23] that we have to manage as a supervisor.  
[24] And that gives us the ability to be  
[25] able not only to take those duties but also the

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[1] duties of the taxicab permits and the alcohol-  
[2] pouring permits -- I'll be able to consolidate  
[3] those under one individual. And that is -- that  
[4] is the reason why.  
[5] I did not think it was -- you know, the  
[6] Federal program is five years, I believe.  
[7] **MR. PITFIELD:** Well, no. Hazmat is  
[8] every four years.  
[9] **CHIEF KING:** Yeah. Hazmat is every  
[10] four years.  
[11] But the other Federal checks are every  
[12] five years. We're doing it every two years.  
[13] And that is something that we worked with the  
[14] co-op for them to -- to work with us.  
[15] **MAYOR JENKINS:** The gentleman in front  
[16] here, did you want to say something, sir?  
[17] **COUNCILWOMAN PITTMAN:** Mr. McDonald.  
[18] **MAYOR JENKINS:** McDonald. Did you want  
[19] to say something?  
[20] **MR. McDONALD:** Yeah. I just wanted  
[21] to say --  
[22] **MAYOR JENKINS:** Give your name.  
[23] **MR. McDONALD:** -- to you that these  
[24] trucks go across state lines. Isn't this all a  
[25] government thing?

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[1] **CHIEF KING:** Yes, sir. We -- we are  
[2] the government.  
[3] **MR. KOONTZ:** I think he means the  
[4] Federal government.  
[5] **CHIEF KING:** Well, sir, the Federal  
[6] government is not addressing it. I mean they're  
[7] not. The City of Doraville created this  
[8] ordinance because there was a vacuum and the  
[9] fact that the Federal agencies were not doing  
[10] that.  
[11] **MR. McDONALD:** Why not?  
[12] **CHIEF KING:** Sir, you would have to  
[13] talk to --  
[14] **MS. HOFFMEISTER:** Write your senator.  
[15] **CHIEF KING:** Hank Johnston is probably  
[16] the person that I would recommend you probably  
[17] go talk to.  
[18] **MR. McDONALD:** Is the tank farm going  
[19] to fix my fence that's falling down --  
[20] **CHIEF KING:** I don't see how that --  
[21] **MR. McDONALD:** -- where it backs up  
[22] right against it?  
[23] **CHIEF KING:** Sir, I do not understand  
[24] your question. I don't know if you're asking me  
[25] a question or you're making a comment.

[1] **MR. McDONALD:** I've got to buy the wood  
[2] and fix it myself?

[3] **CHIEF KING:** All right, sir. But are  
[4] you making a statement or asking me a question,  
[5] sir? I don't understand your comment.

[6] **MR. McDONALD:** Maybe I'll just tear it  
[7] down and let it rot. How does that sound?

[8] **CHIEF KING:** All right, sir.

[9] **MAYOR JENKINS:** Ben?

[10] **MR. CRAWFORD:** I have one last  
[11] question. Ben Crawford.

[12] I asked you earlier about the program,  
[13] and you said it was similar to the City of  
[14] Atlanta --

[15] **MR. McDONALD:** (Inaudible) to live in  
[16] this society (exiting room).

[17] **MAYOR JENKINS:** Excuse me, sir. Did  
[18] you not finish, sir?

[19] Go ahead, Ben.

[20] **MR. CRAWFORD:** Earlier you mentioned  
[21] that it was similar to the one down at the  
[22] airport. The gentleman from the tank farm gets  
[23] up and says he'd like the I.D. to be company  
[24] property.

[25] The one that's down at the airport

[1] Now, a lot of times what happens is  
[2] that the companies pay for it.

[3] **MR. CRAWFORD:** Yeah. No, I understand.

[4] **CHIEF KING:** That gives them property  
[5] rights.

[6] **MR. CRAWFORD:** I have one at the  
[7] airport, and the State of Georgia paid for it  
[8] but it still goes back to the airport.

[9] **CHIEF KING:** Yes, sir. But in fact  
[10] that card belongs to the State of Georgia. It's  
[11] got your information, but since the State of  
[12] Georgia paid for it, it --

[13] **MR. CRAWFORD:** I have to return it to  
[14] the airport.

[15] **CHIEF KING:** That's -- but sir, if the  
[16] State of Georgia paid for it, they are the ones  
[17] that have property rights --

[18] **MR. CRAWFORD:** Yes, they have.

[19] **CHIEF KING:** -- for the card, yes.

[20] But what is the guarantee? For  
[21] example, sir, if a person gets fired and they  
[22] don't want to return it, what is the  
[23] precursor --

[24] **MR. CRAWFORD:** Oh, no. I agree with  
[25] the company collecting it. Don't get me wrong.

[1] belongs to the city.

[2] **CHIEF KING:** It belongs to the city,  
[3] yes.

[4] **MR. CRAWFORD:** Yeah. And you have said  
[5] that it was similar to that, yeah, and it was  
[6] going to belong to the City of Doraville.

[7] **CHIEF KING:** I like -- I like -- the  
[8] fact we issue it, we are the ones that are doing  
[9] the standards, but I like the fact that the  
[10] companies be able to collect it. I can't hunt  
[11] down when the -- when the guy gets fired --

[12] **MR. CRAWFORD:** But that doesn't answer  
[13] my question.

[14] **CHIEF KING:** All right.

[15] **MR. CRAWFORD:** My question was this  
[16] gentleman here said he'd like it to be city --  
[17] company property is the remark he made.

[18] **CHIEF KING:** He wants it on the back of  
[19] it to be --

[20] **MR. CRAWFORD:** How could it be if it's  
[21] a city card?

[22] **CHIEF KING:** It's a city card, sir.

[23] **MR. CRAWFORD:** Yeah, so it would be  
[24] owned by the city.

[25] **CHIEF KING:** Yes.

[1] I don't think it should --

[2] **CHIEF KING:** But I have to get them  
[3] some authority to be able to collect those, sir.

[4] **MR. CRAWFORD:** But it's going to say  
[5] City of Doraville.

[6] **CHIEF KING:** Absolutely.

[7] **MR. PITFIELD:** And ideally it would be  
[8] "property of the City of Doraville to be  
[9] collected by employer on termination" or  
[10] something like that.

[11] I have no problem with acting as an  
[12] agent for the City of Doraville Police  
[13] Department. That would be great. But it gives  
[14] us all a huge bartering angle that I can hang it  
[15] over his head that I'm the one who collects it,  
[16] "Don't go to the Police Department. Come to  
[17] me."

[18] **MAYOR JENKINS:** John, let's go ahead  
[19] and bring it up to the table.

[20] **CHIEF KING:** Pending any other  
[21] questions, sir, from members --

[22] **MAYOR JENKINS:** Okay. Is there --

[23] **CHIEF KING:** -- of the Council.

[24] **MAYOR JENKINS:** -- any more questions  
[25] at the table?

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[1] Okay. I would suggest unless there's  
[2] another motion -- of course I can't make a  
[3] motion. But I would suggest that we have the  
[4] first and second reading on this. It seems like  
[5] everybody's pretty well up to date on it.  
[6] Is there any problem with that, Rick?  
[7] **ATTORNEY POWELL:** One second, please.  
[8] - - -  
[9] (Brief, inaudible discussion between  
[10] Attorney Powell and Chief King.)  
[11] - - -  
[12] **ATTORNEY POWELL:** Well, okay. If -- if  
[13] -- you could have a first reading, and -- and  
[14] what the first reading -- or you can waive the  
[15] first reading, and we would just add to the  
[16] disqualifying act definition the items that the  
[17] Chief read out earlier, because they are not --  
[18] all of them are not included in the disquali-  
[19] fying acts.  
[20] With that caveat, you certainly could  
[21] go forward with a vote. But I would suggest,  
[22] after listening to the Chief, that we do revise  
[23] it slightly with the disqualifying act language.  
[24] **MAYOR JENKINS:** Okay. Well, like I  
[25] say, I can't make a motion.

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[1] Do I have a motion?  
[2] **COUNCILWOMAN HADDEN:** I make a motion  
[3] that we do away with the first reading based on  
[4] the contingency of adding the revisions  
[5] regarding the disqualifying act and pass this as  
[6] an ordinance this evening.  
[7] **COUNCILWOMAN PITTMAN:** Second.  
[8] **MAYOR JENKINS:** Any more discussion?  
[9] Priscilla, will you call the roll,  
[10] please?  
[11] **MS. MURPHY:** Councilman Lowe?  
[12] **COUNCILMAN LOWE:** Yes.  
[13] **MS. MURPHY:** Councilwoman Hadden?  
[14] **COUNCILWOMAN HADDEN:** Yes.  
[15] **MS. MURPHY:** Councilwoman Pittman?  
[16] **COUNCILWOMAN PITTMAN:** Yes.  
[17] **MS. MURPHY:** Councilman Spangler?  
[18] **COUNCILMAN SPANGLER:** Yes.  
[19] **MS. MURPHY:** Councilman Bates?  
[20] **COUNCILMAN BATES:** My first vote. Yes.  
[21] **MS. MURPHY:** Councilwoman Alexander?  
[22] **COUNCILWOMAN ALEXANDER:** Yes.  
[23] **MAYOR JENKINS:** Good. Carried  
[24] unanimously.  
[25] **ATTORNEY POWELL:** You need a motion to

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[1] adopt.  
[2] **MAYOR JENKINS:** Sir?  
[3] **ATTORNEY POWELL:** Now you need a motion  
[4] to adopt it.  
[5] **COUNCILWOMAN HADDEN:** I make a motion  
[6] that we now adopt the ordinance.  
[7] **COUNCILWOMAN PITTMAN:** Second.  
[8] **MAYOR JENKINS:** Okay. Any more  
[9] discussion?  
[10] - - -  
[11] (Brief inaudible discussion between  
[12] Councilwoman Hadden and Mayor Jenkins.)  
[13] - - -  
[14] **MAYOR JENKINS:** John, would you check  
[15] on the gentleman that just left? I really don't  
[16] understand what happened, and they're a little  
[17] concerned.  
[18] **COUNCILWOMAN HADDEN:** It's a situation  
[19] that requires a little compassion. The gentle-  
[20] man has had brain cancer and some operations,  
[21] and --  
[22] **CHIEF KING:** I'll check.  
[23] **COUNCILWOMAN HADDEN:** -- he may be out  
[24] there in the dark trying to get home. Thank  
[25] you.

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[1] **MAYOR JENKINS:** Will you call the roll,  
[2] Priscilla?  
[3] **MS. MURPHY:** Councilman Lowe?  
[4] **COUNCILMAN LOWE:** Yes.  
[5] **MS. MURPHY:** Councilwoman Hadden?  
[6] **COUNCILWOMAN HADDEN:** Yes.  
[7] **MS. MURPHY:** Councilwoman Pittman?  
[8] **COUNCILWOMAN PITTMAN:** Yes.  
[9] **MS. MURPHY:** Councilman Spangler?  
[10] **COUNCILMAN SPANGLER:** Yes.  
[11] **MS. MURPHY:** Councilman Bates?  
[12] **COUNCILMAN BATES:** Yes.  
[13] **MS. MURPHY:** Councilwoman Alexander?  
[14] **COUNCILWOMAN ALEXANDER:** Yes.  
[15] **MS. MURPHY:** That's two unanimous,  
[16] Mayor.  
[17] **MAYOR JENKINS:** The next item on the  
[18] agenda is I've had lots of comments about the  
[19] web page, and I put this on the --  
[20] Is he all right?  
[21] **CHIEF KING:** He drove away, sir. He  
[22] got in his vehicle and left.  
[23] **MAYOR JENKINS:** I put this on the  
[24] agenda, and I've done some research on it and  
[25] I've talked to Mr. Hart. And of course Mr. Hart

[1] and Jason were the liaison to Brandi Asadi and  
[2] Asadi Designs.

[3] Okay. I didn't know why it wasn't  
[4] heard from Brandi at all.

[5] Mr. Hart told me that he had called her  
[6] a number of times, and she did not call him  
[7] back.

[8] Is that correct, Mr. Hart?

[9] **MR. HART:** Jason and I worked on the  
[10] new web page. Actually, it's a PR program with  
[11] new City logos, tag lines, includes the  
[12] stationery and a web site. And we met with  
[13] Brandi a number of times in Norcross, and they  
[14] finalized the -- and we met with all the  
[15] department heads to come up with a final sort of  
[16] a backbone for the web site.

[17] The next part was a little -- where  
[18] each one of the Council members were given a  
[19] series of questionnaires to fill out -- and I  
[20] think that everybody participated in that -- to  
[21] come up with new tag lines for the City.

[22] **MAYOR JENKINS:** Yeah.

[23] **MR. HART:** And we finished that. Okay.

[24] The next part was --

[25] So we sort of flushed out a structure

[1] be set aside and the new web site will, you  
[2] know, come online.

[3] **MAYOR JENKINS:** Okay. As I was saying,  
[4] as I dug into this deeper, I called Brandi and I  
[5] asked her. She said that she had sent the  
[6] information, which I called her and told her to  
[7] send it to me, which was what you were referring  
[8] to, and up to date. And I told her I personally  
[9] did not get this.

[10] But she said, well, she says -- no  
[11] offense to anybody -- she said Ms. Hadden had  
[12] called her, was the only one that had called  
[13] her, and she said that Ms. Hadden had told her  
[14] just to wait, to put it on hold until after the  
[15] elections.

[16] **COUNCILWOMAN HADDEN:** That's not so.

[17] **MAYOR JENKINS:** Well, I mean she first  
[18] -- let me say this: She first told me that you  
[19] told her after November. And the second time I  
[20] called her to verify it. And this is what I'm  
[21] bringing this up for.

[22] **COUNCILWOMAN HADDEN:** Uh-huh  
[23] (affirmative).

[24] **MAYOR JENKINS:** Okay. What I'm saying  
[25] is I called her to verify that, and she said on

[1] for the web site, how it functioned. Each  
[2] department head would have its own editor so  
[3] that it could update -- each department head  
[4] could update their own web page.

[5] It went through -- the next step after  
[6] the tag lines was to flush out and make a City  
[7] logo, and that's where the conversation stopped  
[8] with ASADI.

[9] **MAYOR JENKINS:** Well, this was my  
[10] question. And I had a number of people ask me  
[11] why the web site was so far behind and we didn't  
[12] have the logos or anything like that.

[13] **MR. HART:** Well, I think people are  
[14] confused because there's a current operating web  
[15] site that has nothing to do with this new web  
[16] site. That's like a --

[17] **MAYOR JENKINS:** Now, I understand that.

[18] **MR. HART:** -- '53 Chevrolet and there's  
[19] a two thousand --

[20] **MAYOR JENKINS:** But that's what we're  
[21] going to change is the old one.

[22] **MR. HART:** Excuse me?

[23] **MAYOR JENKINS:** We're going to change  
[24] the old one to the new web site, yes.

[25] **MR. HART:** Well, that's just going to

[1] the phone this afternoon that you told her to  
[2] wait until after the elections.

[3] Okay. That's all beside the point.

[4] I'm saying to you -- and I will get  
[5] together with her of why she did not get  
[6] together with me on that if -- if they were not  
[7] in on it.

[8] But I'm just making a point. But I'll  
[9] tell you that's what she told me. And I am very  
[10] really and truly disappointed with Asadi's  
[11] follow-through on this. We have got exactly  
[12] nothing.

[13] **COUNCILWOMAN HADDEN:** What I'd like to  
[14] explain, too, is that Ms. Asadi had someone that  
[15] she works with call me and ask for the names of  
[16] some people that they could call to get some  
[17] more information from, and I furnished that to  
[18] her.

[19] **MAYOR JENKINS:** Okay.

[20] **COUNCILWOMAN HADDEN:** But I think that  
[21] there is some type of mistake here about any  
[22] type of date or anything such as that. So I  
[23] think maybe you and I need to have a meeting  
[24] with Ms. Asadi --

[25] **MAYOR JENKINS:** We will.



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[1] **COUNCILWOMAN HADDEN:** -- and get that  
[2] aired out.  
[3] **MAYOR JENKINS:** I will.  
[4] If you want to be there, it's perfectly  
[5] all right, yes, ma'am, because --  
[6] **COUNCILWOMAN HADDEN:** Thank you. Yes,  
[7] sir.  
[8] **MAYOR JENKINS:** -- because I will make  
[9] sure that --  
[10] In other words, my whole point is she  
[11] should have called the mayor if she had any  
[12] problems, because we got a contract with her and  
[13] it is a signed contract for \$46,000.  
[14] **COUNCILWOMAN HADDEN:** I don't remember  
[15] the lady's name right now, but it's somebody  
[16] that's connected with her company that called me  
[17] based on whatever the questionnaire was that  
[18] each of us had turned in and had some questions  
[19] for me on my questionnaire, some of my answers.  
[20] **MAYOR JENKINS:** Well, anyway, I just  
[21] wanted to know if there was any particular  
[22] reason why you told her that. That's all I'm  
[23] saying.  
[24] But anyway, I will get together with  
[25] her, and if you want to be available, fine.

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[1] **COUNCILWOMAN HADDEN:** That's good.  
[2] Thank you.  
[3] **MAYOR JENKINS:** Thank you.  
[4] **MR. HART:** Okay. I can --  
[5] **MAYOR JENKINS:** Excuse me just a  
[6] minute, Tom.  
[7] **MR. HART:** I can verify the --  
[8] **MAYOR JENKINS:** You can stay up there.  
[9] Wait a minute.  
[10] **MR. HART:** Okay.  
[11] **MAYOR JENKINS:** And Susan came up, the  
[12] last one that called me about this web site, and  
[13] I looked at it myself. And of course I know the  
[14] one we have in there will be -- and we're  
[15] deleting it as we speak. Okay?  
[16] Now go ahead, Tom.  
[17] **MR. HART:** Well, I just wanted to say  
[18] that, you know, Marlene was contacted, and I  
[19] think she provided Tommy Galloway and several  
[20] other people to talk to them. And each one of  
[21] the Council people provided people to talk to  
[22] the person that was doing the tag lines and  
[23] trying to get some feedback on what the tag  
[24] lines would be.  
[25] And so Marlene -- all the Council

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[1] people were working with her on that web site,  
[2] and a lot of progress has been made.  
[3] I mean it's fully flushed out. They  
[4] got the tag lines done for the City. They're  
[5] going to present those five tag lines to the  
[6] City.  
[7] And that's when the conversation  
[8] stopped. I would e-mail her and call her and  
[9] there was just no response, and that's --  
[10] **MAYOR JENKINS:** Well, that was my  
[11] question on why the response stopped.  
[12] If she had any problems, she should  
[13] have called the mayor.  
[14] The next item, number 4, is a second  
[15] public hearing on rezoning on the following  
[16] addresses: 3967 Tilly Mill, 3955 Flowers Road,  
[17] 3953 Tilly Mill, and there is no number on the  
[18] other lot on Tilly Mill.  
[19] They canceled that. The rezoning  
[20] request was withdrawn. I know there are a lot  
[21] of people concerned with that. So that one is  
[22] over. They'll probably come back to the drawing  
[23] board, but anyway.  
[24] Anyone on the agenda, five minutes;  
[25] citizens comments, three. I want to stress

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[1] that.  
[2] And we're going to item number 5.  
[3] Mr. Brackbill, will you come on up, please, sir?  
[4] **COUNCILWOMAN PITTMAN:** Ben had a  
[5] question back there, Mayor.  
[6] **MR. CRAWFORD:** Mayor, I have a question  
[7] about that.  
[8] **MAYOR JENKINS:** Excuse me?  
[9] **MR. CRAWFORD:** Ben Crawford.  
[10] Was that withdrawn with or without  
[11] prejudice? I mean there's more than one way to  
[12] withdraw that.  
[13] **MAYOR JENKINS:** Excuse me, sir?  
[14] **MR. CRAWFORD:** On the zoning, how was  
[15] that done? Was it with or without prejudice? I  
[16] think there's different ways to withdraw from  
[17] the zoning.  
[18] **MR. ANDERSON:** Mr. Crawford is correct.  
[19] **MR. CRAWFORD:** I just want to know  
[20] which way it was.  
[21] **COUNCILWOMAN ALEXANDER:** I don't think  
[22] he specified on his letter. We have a letter we  
[23] received.  
[24] **COUNCILWOMAN PITTMAN:** No, he did not  
[25] specify.

[1] **MR. CRAWFORD:** Thank you.  
[2] **MAYOR JENKINS:** Okay. I had hoped that  
[3] Chuck Entsminger would be here tonight on this,  
[4] and there was kind of a mix-up on him staying  
[5] for this. But we have some maps, and I'll put  
[6] one of these out where you can look at it.

[7] **MS. MURPHY:** I got it, Mayor.  
[8] **MAYOR JENKINS:** You got it? Don't we  
[9] have one laid out somewhere where they can see  
[10] it?

[11] Mr. Brackbill, will you take this one  
[12] out and show the people your situation, what you  
[13] want? And this is a rezoning; is that correct?

[14] **MR. BRACKBILL:** Yes, sir.

[15] **MAYOR JENKINS:** And some variances; is  
[16] that correct? There's also some variances; is  
[17] that correct?

[18] **MR. BRACKBILL:** Should I just pass this  
[19] around, just let it go through? That'll be  
[20] fine. I think I've got an extra one here that I  
[21] can start over on the side.

[22] **ATTORNEY POWELL:** Which one are you  
[23] passing around?

[24] **MR. BRACKBILL:** Well, they're all on  
[25] the plat. I mean it's the same plat. I just

[1] Tilly Mill. And I came over there and I said,  
[2] well, this is a -- you know, I'd never really  
[3] ventured down much past the Home Depot. I said,  
[4] "Well, this is a really nice neighborhood."

[5] And so I did a little market study and  
[6] came up with a product, and it sold right away.  
[7] I was really surprised.

[8] And then during the process of building  
[9] that, Inspector Entsminger said, "Well, you  
[10] know, there's --" told me about a parcel on  
[11] Wilton Avenue that was in disrepair and was  
[12] going to be condemned, and gave me the names of  
[13] the owner and how to contact them. And we were  
[14] able to work out a deal where I tore down that  
[15] house.

[16] But prior to that, it was used in SWAT  
[17] training, so I got to meet the members of the  
[18] Police Department, and I thought this was a  
[19] really, really great thing here to be able to  
[20] witness 24 in person.

[21] And then driving down and back one day,  
[22] there was a for-sale-by-owner sign on Chestnut  
[23] drive. So, oh, there's another lot. This is  
[24] just a wonderful town. And everything I was  
[25] building was selling.

[1] designated them separately the way I submitted  
[2] them.

[3] **MAYOR JENKINS:** Well, you've got on  
[4] here, you checked rezoning.

[5] **MR. BRACKBILL:** Yes, sir.

[6] **MAYOR JENKINS:** Did you mark out  
[7] variance?

[8] **MR. BRACKBILL:** Well, there's actually  
[9] two separate -- well, there's three. There was  
[10] actually three separate applications for the  
[11] combined proposed plat.

[12] There's a variance request for the 4212  
[13] Tilly Mill and then there's a -- I mean there's  
[14] a rezoning request for 4212 Tilly Mill and  
[15] there's a rezoning for the Valley Stream and a  
[16] variance for the same parcel. So it's actually  
[17] three applications.

[18] Anyways, just to -- just to give a  
[19] brief introduction to those of you who don't  
[20] know me, my name is Bill Brackbill and I'm the  
[21] owner of CLM Homes. I build primarily in  
[22] Dunwoody, Doraville and Tucker.

[23] I first stumbled into the Doraville  
[24] market in 2004. A realtor told me that there's  
[25] a vacant lot on Valley Stream at the corner of

[1] And then most of you probably saw the  
[2] Mill Court. It made the -- made the -- made the  
[3] news. There was a big fire. And I went over  
[4] there and I bought that house, tore it down,  
[5] built a new house. It sold.

[6] And then Porter Glade, it burned down.  
[7] People started calling me up. "Where were you  
[8] when that fire started?" because they thought I  
[9] was burning them down because there's no vacant  
[10] lots. So basically either a house has to be  
[11] turned down or burnt to generate a place to live  
[12] in Doraville.

[13] So I went over there and bought that  
[14] one. It was in foreclosure. It was a little  
[15] bit more complicated process to buy that house.  
[16] But I built that one, and, believe it or not, a  
[17] realtor bought it because, they said, "This is a  
[18] really good area. This is a great value."

[19] And then concurrent with starting those  
[20] homes, I contacted the owner of the property at  
[21] 4212 Tilly Mill Road, with interest in buying  
[22] that property because it's a large parcel. He  
[23] says, "A lot of people have contacted me, but  
[24] I've got other rental properties here, and if  
[25] you want this one, you got to buy them all." So

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[1] I ended up with a house at Tilly Mill Road next  
[2] to the park and one further down Valley Stream.  
[3] And then the rest of the story is then  
[4] the housing market went south, so my big plans  
[5] got a little bit attenuated. I was thinking the  
[6] houses should sell in the 400's, and the market  
[7] told me the mid-350's. So what I paid for the  
[8] land and what I was actually able to sell them  
[9] for didn't work out.  
[10] So I'm still building houses. I'm not  
[11] losing money, but it's -- the last couple have  
[12] been pretty close to break-even.  
[13] So I looked at the owner of the  
[14] property at -- it was the other parcel on --  
[15] **UNIDENTIFIED SPEAKER:** 2602.  
[16] **MR. BRACKBILL:** -- 2602 Valley Stream.  
[17] It was just a vacant house sitting there with  
[18] junk piled up everywhere, a big ditch dug in the  
[19] front yard.  
[20] So he called me up, and I said, "Well,  
[21] I guess it backs up to this other parcel. Maybe  
[22] I can do something with it." And I bought it  
[23] and tore it down.  
[24] So that's where we're at here tonight.  
[25] I've got the parcel at Tilly Mill Road

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[1] which is actually two lots -- on the tax  
[2] records, it's 4208 and 4212, but it's not been  
[3] officially subdivided but it's been approved to  
[4] be subdivided as two lots -- and then 2602  
[5] Valley Stream.  
[6] So as the property sits and as it's  
[7] represented on the map, right now it's three  
[8] lots; just two facing Tilly Mill, one facing  
[9] Valley Stream. And under the current economic  
[10] circumstances and what it cost to buy the land,  
[11] it's really not economically viable. It's  
[12] cheaper for me to just pay the taxes on the  
[13] property and the mowing than take a chance on  
[14] possibly losing money on the house, not to say  
[15] that in the future the values won't improve.  
[16] So that's a brief rundown.  
[17] Basically, since I've started building  
[18] in Doraville in 2004, I built one house in 2004,  
[19] two in 2005, sold one in 2006 and I've sold  
[20] three this year in 2007.  
[21] And I can't believe that I'm the  
[22] largest builder in the city of Doraville. You  
[23] know, I've always wanted to be the biggest at  
[24] something, and so here I am.  
[25] And I've come to love Doraville. I

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[1] know a lot of the commissioners. I got to know  
[2] a lot of the people.  
[3] The Malones referred me to their cousin  
[4] that I bought the property from down at Turner  
[5] and Tilly Mill Road, which I've got other plans  
[6] since it sounds like that's not going to work  
[7] for the guy that was trying to buy it from me.  
[8] But I love Doraville. I think it's a  
[9] great location. I think everybody that's here  
[10] cares about and loves Doraville. And if anybody  
[11] knows what I've built and seen what I've done, I  
[12] think that they can see that I'm not trying to  
[13] just come in, make a quick buck and leave. It's  
[14] more of a long-term project and vision. I try  
[15] to be considerate of the neighbors. And, you  
[16] know, when you're the only builder and you've  
[17] only got one erosion inspector, you get a lot of  
[18] attention.  
[19] And it's been a little bit tough trying  
[20] to get to this point tonight just because there  
[21] isn't a planning person. So just trying to  
[22] figure out how to apply for a rezoning was a  
[23] tough process. So the only really way to do it  
[24] was to do it, and so here I am.  
[25] And I guess there's some laws that

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[1] prevent you from talking to commissioners, so I  
[2] never really could talk to commissioners and  
[3] say, "What do you think? What should I do?"  
[4] You just have to put it out before everybody.  
[5] So --  
[6] **MAYOR JENKINS:** Okay. Your rezoning is  
[7] on which one, now?  
[8] **MR. BRACKBILL:** For both of them it's  
[9] for rezoning.  
[10] **MAYOR JENKINS:** Both is rezoning.  
[11] **MR. BRACKBILL:** Right.  
[12] **MAYOR JENKINS:** And then you got a  
[13] variance on which one?  
[14] **MR. BRACKBILL:** The Valley Stream.  
[15] **MAYOR JENKINS:** Okay. Well, explain  
[16] the rezoning, then.  
[17] **MR. BRACKBILL:** Okay. The property is  
[18] currently zoned R-1, which is 85 foot of  
[19] frontage for the lot. The property is currently  
[20] -- this is the Tilly Mill parcel right here,  
[21] this is Hightower Elementary, and then this is  
[22] the Valley Stream property and it's just one  
[23] single lot, and this is the new home I built in  
[24] 2004.  
[25] R-1 zoning basically 85 foot frontage

[1] and 10,250 square feet. Obviously, everybody  
[2] doesn't have a copy. But if you were to take  
[3] the total acreage of both of the combined  
[4] parcels and divide it by the six proposed lots,  
[5] you have more than 10,250 square foot per lot.  
[6] So we're not talking about a density increase  
[7] reducing the amount of land space between  
[8] houses, you know, that the rest of the neighbor-  
[9] hood has. So it's not really like there's going  
[10] to be this cluster neighborhood with all these  
[11] little houses jammed together. It's more of an  
[12] issue to do with the frontage at the front on  
[13] Tilly Mill and then to have a common shared  
[14] driveway on three flag lots to access the back  
[15] of this larger parcel.

[16] And one of the other things that I have  
[17] found in building the houses, like one over here  
[18] and one over there, people love the houses but  
[19] they're like, "You know, I'm building a house  
[20] for three fifty or three seventy-five." I  
[21] thought they were worth four and a quarter but I  
[22] had to bring them down. And they say, "You  
[23] know, the house next door is like one twenty-  
[24] five or one fifty." But they're still buying  
[25] them, because they're walking in and it's got

[1] move to Gwinnett County. We're not going to  
[2] sell that house. We're going to rent it." So  
[3] there's an inordinate number of rental houses in  
[4] this area that over time have gone into decline.  
[5] Every month, there's a foreclosure.

[6] You know, I think the zoning  
[7] department, you know, they don't work as hard in  
[8] this area because the people just aren't -- you  
[9] know, it's not like over off Wilton where your  
[10] grass gets this tall (indicating), boom, you  
[11] better know it. Over here, it can get a little  
[12] taller (indicating). And I do apologize for  
[13] being one of the violators. That Code thing is  
[14] just tearing me up.

[15] So anyways, my proposal is to kind of  
[16] -- to really do -- you know, not just do one or  
[17] two but just come in here and start three or  
[18] four of them at one time and let the buying  
[19] public see, "Hey, this is nice because we want  
[20] to be five minutes from my job at Perimeter  
[21] Mall. Gas is \$4.00 a gallon. I can ride my  
[22] bicycle up to MARTA." And it's more of a -- not  
[23] increasing density overall but more of a renewal  
[24] project for the area, because I think everybody  
[25] cares about Doraville.

[1] the granite. I mean they're buying them,  
[2] anyways.

[3] But if I could have like -- I basically  
[4] call this like a -- you know, like a -- I wrote  
[5] it down here. It was a good word. Like a  
[6] gateway coming into Doraville from the western  
[7] gate. You know, as you come in, here's a new  
[8] group of homes that you can see in one place  
[9] that are tastefully done. It's not like five  
[10] different builders did them. There's a theme.  
[11] There's landscaping. And then what that does is  
[12] that allows leap-frogging out beyond that,  
[13] because this person down here says, "Well, I'm  
[14] not too far from that group of six."

[15] And, you know, people say, "What do you  
[16] mean, 'leapfrog'?" Well, there's -- most of the  
[17] homes in these neighborhoods are 50, 60, and I  
[18] think some of them might even be 70 years old.  
[19] I don't know. But I mean they were good homes,  
[20] and most of the families moved out. And this is  
[21] one of the older areas. Some of the areas over  
[22] off Wilton and Chestnut are a little more modern  
[23] and kept up. But I think a lot of people in  
[24] this area back when Home Depot came in, thought,  
[25] "We're going to cash out. So we're going to

[1] And so nothing is really static. You  
[2] know, everything is either in decline, expansion  
[3] or renewal. Well, Doraville doesn't have any  
[4] room to expand so all we can do is just renew  
[5] what's here.

[6] And, you know, the other thing that  
[7] happened, there's some houses that are in pretty  
[8] good shape. And if an investor comes in and he  
[9] says, "Wow, they're building new houses. I'm  
[10] going to buy that house and I'm going to fix it  
[11] up" -- and I'm talking about really fix it up.  
[12] I'm not talking about some of the stuff that  
[13] I've heard about here where people come in and  
[14] put a little bit of paint over rotted wood. I'm  
[15] talking about real renovations. I think it  
[16] could be a new Brookhaven or a new -- just, you  
[17] know, those areas, you know, you hear about.

[18] And you drive around and you say, "This  
[19] is such a great location. Why isn't this  
[20] happening here?" And I think that once I start  
[21] this, there'll be other builders come in and  
[22] trying to do the same thing. But most of them  
[23] aren't into nonprofit, and that's what I've been  
[24] doing for the last couple of years, so.

[25] I'll be glad to take some questions on

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[1] that.  
[2] Yes, sir.  
[3] **MR. KOONTZ:** I mean from what you're  
[4] saying, it looks like mainly the issue is that  
[5] you don't have road frontage per unit that you  
[6] want to build but you have the acreage per unit;  
[7] that you're not going to be increasing the  
[8] density. It's just going to be -- because I can  
[9] see like Hightower Elementary, if there was a  
[10] road going down there, you'd have the square --  
[11] you'd have the road frontage.  
[12] **MR. BRACKBILL:** I'd have the frontage,  
[13] yes.  
[14] **MR. KOONTZ:** But there's no road back  
[15] there.  
[16] **MR. BRACKBILL:** Yeah.  
[17] **MR. KOONTZ:** You have to -- you have to  
[18] kind of make a little road up into the acreage  
[19] to build on it.  
[20] **MR. BRACKBILL:** Yeah.  
[21] **MR. KOONTZ:** That's what it looks like  
[22] you're asking for.  
[23] **MR. BRACKBILL:** Right. A private  
[24] drive.  
[25] **MR. KOONTZ:** Okay.

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[1] **MR. BRACKBILL:** And a reduction in the  
[2] square foot-- the linear footage on the front  
[3] of the lots. From the parcel on Tilly Mill,  
[4] it's a reduction from 85 to 60.  
[5] **MR. KOONTZ:** Right, but it's not --  
[6] you're not like trying to put a bunch of density  
[7] in. You just -- it's just a weird-shaped lot  
[8] you've got is basically --  
[9] **MR. BRACKBILL:** And I know there's a  
[10] lot of people -- I don't know if they're here or  
[11] if they left when they found out the first  
[12] zoning meeting was canceled. But I also own one  
[13] of the parcels at the corner of Tilly Mill and  
[14] Turner which, when I heard the guy next door was  
[15] trying to get that zoned for multi-family, I  
[16] said, "Well, gosh. I might as well sell to him  
[17] because I don't know if I could sell houses next  
[18] to townhomes."  
[19] But if that gets turned down, then I  
[20] would be looking -- you know, if this is  
[21] successful, which I'm sure it would be, I'd be  
[22] looking at dealing with that parcel and working  
[23] the other way.  
[24] I mean -- I mean that was a pretty bad  
[25] house there that sat vacant for five years, the

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[1] Malone house. I mean it was a junk site. Now  
[2] it looks like a park. I'm surprised the City  
[3] hasn't said, "We want to buy that and make it a  
[4] nice park."  
[5] **COUNCILMAN LOWE:** Well, you want to  
[6] rezone it to residential cluster homes; right?  
[7] **MR. BRACKBILL:** Residential cluster.  
[8] **MAYOR JENKINS:** Okay. That's the  
[9] rezoning you're wanting, RCH.  
[10] **MR. BRACKBILL:** Right.  
[11] **MAYOR JENKINS:** Ben, has your group  
[12] looked at this?  
[13] **MR. CRAWFORD:** Mayor, you asked us --  
[14] Ben Crawford.  
[15] Mayor, I believe you asked us that  
[16] before, and --  
[17] **MAYOR JENKINS:** Yes, sir, I did.  
[18] **MR. CRAWFORD:** -- our answer -- and our  
[19] answer is still the same: that we had no  
[20] recommendation to make because there was -- we  
[21] had two votes. One vote was against three to  
[22] two, and the second vote was for it and it was  
[23] two to two, and the chairperson declined to vote  
[24] so we had no recommendation to make to City  
[25] Council.

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[1] **MAYOR JENKINS:** Okay. So you actually  
[2] turned it over to the Council.  
[3] **MR. CRAWFORD:** That's correct.  
[4] **UNIDENTIFIED SPEAKER:** No, that's not  
[5] the one.  
[6] **MR. CRAWFORD:** I'm sorry.  
[7] **UNIDENTIFIED SPEAKER:** That is not the  
[8] one.  
[9] **MR. CRAWFORD:** Oh, this one -- oh, this  
[10] is not. I was thinking of the second one. I'm  
[11] apologize.  
[12] **UNIDENTIFIED SPEAKER:** If I recall  
[13] correctly, what it was is y'all disagreed as to  
[14] whether this was the proper procedure --  
[15] **MR. CRAWFORD:** That's correct, sir.  
[16] **UNIDENTIFIED SPEAKER:** -- whether we  
[17] were allowed to get a rezoning without a map  
[18] change first. And so I never could get a true  
[19] read from you as to what you felt because you  
[20] wouldn't --  
[21] **MR. CRAWFORD:** If I could answer that.  
[22] **UNIDENTIFIED SPEAKER:** -- vote on that.  
[23] **MR. CRAWFORD:** If I could answer that,  
[24] I guess my opinion was -- we had a disagreement  
[25] on the Planning Commission -- my opinion is

[1] you'd have to have the rezoning. The zoning  
[2] would have to be granted first in order to make  
[3] a change to the map. I thought that was the --  
[4] that's the way I was feeling, and we had other  
[5] people that were on the Planning Commission that  
[6] disagreed with that. So that is correct.  
[7] That's what happened. So we just threw it back  
[8] at City Council.

[9] **UNIDENTIFIED SPEAKER:** So it's not that  
[10] you were against it. It's you couldn't decide  
[11] on whether you could vote on it.

[12] **MR. CRAWFORD:** That's correct; whether  
[13] we could even deal with it as a was. That's  
[14] exactly right.

[15] **MAYOR JENKINS:** Thank you, Ben.

[16] **MR. CRAWFORD:** Sorry for my confusion.

[17] **MAYOR JENKINS:** No, that's all right.

[18] You want to take some questions now?

[19] **MR. BRACKBILL:** I've got two hands, but  
[20] I'm not sure who's directing how it works.

[21] **MR. WEESE:** Dwight Weese. I do live on  
[22] Tilly Mill.

[23] You said that there wouldn't be an  
[24] increase in density, but right now it's three  
[25] lots and you're doubling that to six lots. Now,

[1] same time.

[2] The second thing is that in my  
[3] experience in working with the County, that you  
[4] do not want a private drive maintained by three  
[5] people. Eventually that will end up being a  
[6] city road because they will not be able to main-  
[7] tain it and it will deteriorate and therefore  
[8] end up with the city. And I would recommend  
[9] that you look at trying to get a road in there  
[10] and address the variances so that you can get a  
[11] road in there.

[12] **MR. BRACKBILL:** Well, to address that,  
[13] in passing this by several people, I didn't -- I  
[14] just didn't think it would look good to have  
[15] three driveways coming out that close together.

[16] **MS. HOFFMEISTER:** Right, right.

[17] But I'm saying you should -- instead of  
[18] having a private drive to where they split, that  
[19] should be a road because it's been the county's  
[20] experience that when you do something like that,  
[21] then it does -- it becomes an item that the  
[22] owners cannot repair and eventually it ends up  
[23] being a problem of the city.

[24] **MR. BRACKBILL:** Well, the way I had  
[25] anticipated to deal with that would be to have a

[1] that might be proper, but that seems like that  
[2] doubles the density.

[3] **MR. BRACKBILL:** It doubles the number  
[4] of homes but it doesn't double the density of  
[5] R-1 zoning which is 10,250 square foot per  
[6] house. In other words, if I had the road  
[7] frontage, I could -- I could put the six houses  
[8] under the current zoning.

[9] So there will be twice as many homes.  
[10] I'm not arguing that. So it will be six homes;  
[11] more dense than three, twice as dense.

[12] But if I build just those three houses,  
[13] they'll be on such large lots, they won't --  
[14] they'll be on much larger lots than the houses  
[15] around them. So the compatibility is what I was  
[16] talking about with the density. In other words,  
[17] those six houses will be on lots that don't look  
[18] like they're any smaller than the lots around  
[19] then.

[20] **MAYOR JENKINS:** Yes, ma'am.

[21] **MS. HOFFMEISTER:** Bonita Hoffmeister.

[22] I would like to ask the City Council  
[23] when you hear this at the next meeting that you  
[24] consider this as two separate agenda items  
[25] instead of just one and both presented at the

[1] homeowners association with covenants and  
[2] restrictions.

[3] **MS. HOFFMEISTER:** Yeah, I know.

[4] **MR. BRACKBILL:** Right.

[5] **MS. HOFFMEISTER:** And that's exactly  
[6] what I'm saying.

[7] **MR. BRACKBILL:** What I'm saying, the  
[8] townhome project that's up on Flowers or any  
[9] other thing that this problem --

[10] **MS. HOFFMEISTER:** Yeah, but you have  
[11] three -- you've got three homeowners, and  
[12] generally you're going to have a hard time  
[13] getting them to finance a road when it needs to  
[14] be repaired.

[15] **COUNCILWOMAN HADDEN:** I think what  
[16] Mr. Brackbill was alluding to was that the three  
[17] homes belong to their own homeowners association  
[18] and they pay --

[19] **MS. HOFFMEISTER:** Right.

[20] **COUNCILWOMAN HADDEN:** -- a fee --

[21] **MS. HOFFMEISTER:** Precisely.

[22] **COUNCILWOMAN HADDEN:** -- every year.

[23] **MS. HOFFMEISTER:** That's my point.

[24] You're going to have a hard time getting three  
[25] people to finance repaving a road when it's time

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[1] for it to be repaved. So you need to look at  
[2] having that be a street.  
[3] **MAYOR JENKINS:** That would have to be  
[4] in with the homeowners association.  
[5] **MR. BRACKBILL:** Well, this isn't going  
[6] to be like a big asphalt road like you --  
[7] **MS. HOFFMEISTER:** I know, but it's --  
[8] **MR. BRACKBILL:** It's going to be a --  
[9] **MS. HOFFMEISTER:** -- for access.  
[10] **MR. BRACKBILL:** -- concrete driveway.  
[11] Yes, it is.  
[12] **MS. HOFFMEISTER:** And as such, it's not  
[13] going to be maintained if it's the responsi-  
[14] bility of three people. That's just the  
[15] experience --  
[16] **UNIDENTIFIED SPEAKER:** How much  
[17] maintenance would it be if there's only three  
[18] people?  
[19] **MS. HOFFMEISTER:** It's not today. It's  
[20] in 20 years when it falls apart. You're going  
[21] to have a road that is going to be in disrepair.  
[22] **MR. CRAWFORD:** Get City Council to fix  
[23] it.  
[24] **MS. HOFFMEISTER:** Yeah, and it's going  
[25] to end up being the City's responsibility so it

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[1] might as well be a street.  
[2] **MAYOR JENKINS:** Go ahead, Tom.  
[3] **MR. HART:** We have other examples of  
[4] this common driveway. There's one at the end of  
[5] Highland where they have three houses on the end  
[6] of it, and I think the City's going to be  
[7] spending a lot of money fixing some water  
[8] problems there.  
[9] Another example is Bagley, off of  
[10] Bagley where Ms. (inaudible) lives, there's  
[11] three houses on that little flag road that goes  
[12] down there, whatever they call that driveway  
[13] there.  
[14] **MAYOR JENKINS:** That's considered a  
[15] private driveway. I called the County on that.  
[16] **MR. HART:** Okay. And so both of those  
[17] are examples of stuff that's fallen in disrepair  
[18] that people can currently go see.  
[19] **MAYOR JENKINS:** Yeah, I understand.  
[20] **MR. CRAWFORD:** Can I -- Ben Crawford  
[21] again.  
[22] So I guess if they three private  
[23] driveways, that it's okay; right? And then it's  
[24] the homeowners' responsibility, even though  
[25] aesthetically it would look terrible to have

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[1] three separate driveways. The City wouldn't  
[2] really have to worry about the three separate  
[3] driveways because they belong to the three  
[4] separate houses. But aesthetically, looking at  
[5] the three houses that could go in there, you'd  
[6] want to have one drive that split off in three  
[7] different directions.  
[8] **MR. BRACKBILL:** I just think with the  
[9] price --  
[10] **MR. CRAWFORD:** You have more green  
[11] space, right?  
[12] **MR. BRACKBILL:** I just think with the  
[13] price of these homes and the homeowners going  
[14] into it knowing what they're going into, that --  
[15] and I'm not aware of these particular places  
[16] he's citing, but it sounds like it was -- as the  
[17] city of Doraville grew up around it, these were  
[18] like some rural lots that these people just  
[19] didn't tie in. There's some nonconforming  
[20] situations.  
[21] **COUNCILWOMAN PITTMAN:** He's had his  
[22] hand up for awhile.  
[23] **MR. BRACKBILL:** Okay. Like I say, I  
[24] wasn't sure who was supposed to --  
[25] **MS. FLIER:** Yeah. No, it's -- I know

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[1] what kind of things they're talking about. I  
[2] have some friends that are going through the  
[3] same thing at their condo unit in Sandy Springs.  
[4] It's about 20 or 25 years old and it has a lot  
[5] of infrastructure that is in disrepair. And  
[6] there's a huge fee due to the condo association,  
[7] and nobody who lives there now can afford to pay  
[8] it and so it's crazy. But it is a completely  
[9] different situation than what you're talking  
[10] about.  
[11] **MR. BRACKBILL:** I mean I think you're  
[12] talking about maybe for \$5,000 you could put a  
[13] whole new driveway in back to the --  
[14] **MS. FLIER:** Yeah.  
[15] **MR. BRACKBILL:** -- common point where  
[16] it breaks off.  
[17] And basically all of them are going to  
[18] have their own sewer and water taps at the  
[19] street, so there's not going to be any type of  
[20] sewer or stormwater or any other type of infra-  
[21] structure other than the driveway.  
[22] **MS. FLIER:** And we're also talking like  
[23] you said about more expensive homes than what I  
[24] think these places are, so.  
[25] **MR. BRACKBILL:** I mean also I would

[1] think that, you know, if the rezoning were to be  
[2] approved and the variance is granted, that there  
[3] would be some type of additional permitting  
[4] process and plat submission required so that the  
[5] City could have further review of the exact  
[6] implementation of how it meets other standards  
[7] that might be required. This is not a point to  
[8] submit that until we -- when we get past this.

[9] **COUNCILWOMAN ALEXANDER:** I suppose that  
[10] that was my question when I was reviewing this  
[11] drawing today. And you have lot number one.  
[12] I'm sort of -- I'm used to reviewing mechanical  
[13] and pneumatic and schematics, not architectural  
[14] drawings.

[15] So lot number one, is that the actual  
[16] footprint of the property? Because if it is,  
[17] then your side yard is not to code because the  
[18] code is seven and a half feet, and that's only  
[19] five feet.

[20] **MR. BRACKBILL:** Well, residential  
[21] cluster's five feet is the side setback.

[22] **COUNCILWOMAN ALEXANDER:** Not what I  
[23] read today. It was seven and a half feet on the  
[24] side yard.

[25] Maybe I'm not interpreting the

[1] you could more center it.

[2] **MR. BRACKBILL:** I just probably didn't  
[3] pay him for enough hours to draw to do a good  
[4] job.

[5] **COUNCILWOMAN ALEXANDER:** Because I have  
[6] the same question on lot number two. When you  
[7] get to the narrowest point from that corner of  
[8] the house to the lot, again you're looking at  
[9] five feet.

[10] **MR. BRACKBILL:** And these are really  
[11] just generic boxes. I mean --

[12] **COUNCILWOMAN ALEXANDER:** Right.

[13] **MR. BRACKBILL:** -- this house may have  
[14] a little jig or a jag on that corner --

[15] **COUNCILWOMAN ALEXANDER:** Right.

[16] **MR. BRACKBILL:** -- that would make  
[17] it --

[18] **COUNCILWOMAN ALEXANDER:** Right. So --

[19] **MR. BRACKBILL:** -- further away.

[20] **COUNCILWOMAN ALEXANDER:** So this is  
[21] not --

[22] **MR. BRACKBILL:** And this lot number two  
[23] is real -- that's really like --

[24] **COUNCILWOMAN ALEXANDER:** Yeah, I know  
[25] it's --

[1] ordinances correctly.

[2] **MR. HART:** New ordinance is seven feet.

[3] **MS. HOFFMEISTER:** No, but the County is  
[4] seven and a half.

[5] **COUNCILWOMAN ALEXANDER:** The old  
[6] ordinance. I was told to use the 1986 ordinance  
[7] when I reviewed this, and I saw it was seven and  
[8] a half feet on the side yard.

[9] Maybe I'm misunderstanding the  
[10] ordinance.

[11] **MR. BRACKBILL:** I just -- I gave the  
[12] printout that Chuck gave me out of the manual to  
[13] my engineer, and he -- he had copied it down as  
[14] 20 foot front, 20 rear and five feet side unless  
[15] you're on a major road like Tilly Mill. Then  
[16] you have to be 65 foot.

[17] I think with the amount of room I've  
[18] got on this property, I could easily do seven --

[19] **COUNCILWOMAN ALEXANDER:** That's what --

[20] **MR. BRACKBILL:** -- and a half feet,  
[21] though.

[22] **COUNCILWOMAN ALEXANDER:** -- I was  
[23] wondering if you couldn't -- if there was a  
[24] geographical or topographical reason why you had  
[25] the house skewed to one side of the lot or if

[1] **MR. BRACKBILL:** That's really big, and  
[2] I can probably push that house back a little --

[3] **COUNCILWOMAN ALEXANDER:** Right.

[4] **MR. BRACKBILL:** -- further, anyway.

[5] **COUNCILWOMAN ALEXANDER:** So this is not  
[6] a "wizzy way." What I'm saying is this is not  
[7] what-you-see-is-what-you-get. This is just the  
[8] first --

[9] **MR. BRACKBILL:** Well, this was --

[10] **COUNCILWOMAN ALEXANDER:** -- pass at it.

[11] **MR. BRACKBILL:** -- mainly to show how  
[12] the houses would potentially sit on the property  
[13] in orientation to the streets.

[14] **COUNCILWOMAN ALEXANDER:** Because you've  
[15] e

[16] got the same five-foot issue over here on -- on  
[17] -- in some areas on the three lots on Tilly  
[18] Mill.

[19] **COUNCILMAN LOWE:** And you don't see a  
[20] driveway coming out of those.

[21] **COUNCILWOMAN ALEXANDER:** And that --

[22] **MR. BRACKBILL:** Well, there was --

[23] **COUNCILWOMAN ALEXANDER:** That was  
[24] another question I had.

[25] **MR. BRACKBILL:** -- some questions.

There was some people that said, "Well, you know



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[1] you really ought to do rear-entry garages," and  
[2] there were some other people that says, "No, we  
[3] want them front entry." So you know, I would be  
[4] open to conditional zoning either way.  
[5] **COUNCILWOMAN ALEXANDER:** That was  
[6] another question I had. Were you going to  
[7] incorporate a turnaround or a circular drive-  
[8] way? Because I would hate for someone to try to  
[9] back out on Tilly Mill --  
[10] **MR. BRACKBILL:** If you look --  
[11] **COUNCILWOMAN ALEXANDER:** -- especially  
[12] right by the school.  
[13] **MR. BRACKBILL:** -- at the one that I  
[14] did on Tilly Mill Road, the second lot up from  
[15] the park, what I did is even though it's front  
[16] entry, I did a backout pad that kind of comes  
[17] over in front of the porch so that when you back  
[18] out of your garage, you can back into the  
[19] backout pad and then pull forward out onto Tilly  
[20] Mill. And --  
[21] **COUNCILWOMAN ALEXANDER:** What is the  
[22] address of that house?  
[23] **MR. BRACKBILL:** 4166 Tilly Mill Road.  
[24] And because I had that concern about someone  
[25] backing out onto --

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[1] And believe it or not, Tilly Mill Road  
[2] over there is not near as busy as it is on the  
[3] other side of Peachtree Industrial going up  
[4] toward Peeler. It's almost -- except for during  
[5] the times of the day when the school's -- it's  
[6] really just a nice leisurely road, although  
[7] sometimes there's people going down through  
[8] there at 50 miles an hour and then they catch  
[9] the speed trap at the bottom of the hill.  
[10] Welcome to Doraville.  
[11] Yes, ma'am.  
[12] **UNIDENTIFIED SPEAKER:** I live right in  
[13] the middle of all the --  
[14] **MR. BRACKBILL:** Yes, you do. You live  
[15] at lot number two, Hilldale Homes.  
[16] **UNIDENTIFIED SPEAKER:** Is there any  
[17] chance that I might be bought out?  
[18] **MR. BRACKBILL:** I -- I think that the  
[19] several times that we've spoken about that, you  
[20] were like, "Where would I go? Where could I  
[21] ever get this location?", you know.  
[22] So I mean, you know, I think I've given  
[23] you my card several times and you were like --  
[24] **UNIDENTIFIED SPEAKER:** I don't remember  
[25] you giving me your card.

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[1] **MR. BRACKBILL:** Well --  
[2] **UNIDENTIFIED SPEAKER:** Maybe once.  
[3] **MR. BRACKBILL:** -- the -- the -- I mean  
[4] this isn't probably the best place to conduct a  
[5] negotiation, what the purchase of your property  
[6] is, what I have to do to get the zoning.  
[7] But if it wasn't me, I can imagine that  
[8] somebody else, once I was building higher-value  
[9] homes, would be very interested in doing that.  
[10] I have spoken to -- I don't have her  
[11] name here, but the lady on lot four to the left  
[12] of the house on Valley Stream, and she's got  
[13] some interest. You know, everybo- -- for a  
[14] price, everybody would probably sell.  
[15] I mean I'm not interested in -- I don't  
[16] go knocking on doors asking people if they want  
[17] to sell. You put a sign up and a realtor's name  
[18] and number on it, and you'd be surprised how  
[19] many calls we get from people saying, "Hey, I  
[20] have a house over here. Would you like to buy  
[21] it?" And I'm out of money right now.  
[22] Yes, sir.  
[23] **UNIDENTIFIED SPEAKER:** Yes, sir. With  
[24] a private drive, would you be able to get a fire  
[25] truck or a garbage truck down that road?

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[1] **MR. BRACKBILL:** I think that's why we  
[2] tried to limit it to a hundred feet in length.  
[3] I think that's the code on drives without  
[4] cul de sacs.  
[5] So, you know, if there's not a fire  
[6] hydrant, we would have to install one right  
[7] there at the private-drive entrance, and then  
[8] the idea is that a fire truck could just pull up  
[9] there and they could just work from the hose  
[10] there to the houses or they could back up into  
[11] the cul de sac forward or backwards and they're  
[12] within a hundred -- they're right there at the  
[13] fire hydrant.  
[14] And the hundred-foot rule I think just  
[15] has to do with they don't want them to have to  
[16] back up too far. You know, if you get down into  
[17] -- you've been in some of these older subdivi-  
[18] sions with cul de sacs that are -- they just  
[19] seem to go forever. And then you get to the end  
[20] and it -- it just stops, and then how do you  
[21] turn around? So I think -- I think that was why  
[22] I tried to limit the point where the driveway  
[23] split off to a hundred feet.  
[24] Yes, sir.  
[25] **MR. WEESE:** Dwight Weese again.

[1] The Council should consider that while  
[2] it was stated that the houses were not closer  
[3] together than the other houses in that area,  
[4] they will -- with six houses, just looking at  
[5] the two lots there compared to the one lot that  
[6] is present. The two lots facing Tilly Mill make  
[7] a trio with the present property that's  
[8] developed. They will look closer together. It  
[9] might still be a good project, but they will  
[10] look closer together if there are more than four  
[11] houses.

[12] **MAYOR JENKINS:** Stuart?

[13] **MR. ANDERSON:** Just a couple items of  
[14] clarification and a question if I could.

[15] One is that we are discussing two  
[16] different items, per Ms. Hoffmeister. This is a  
[17] zoning -- rezoning request, and until the  
[18] rezoning is done, then we can't or, once again,  
[19] procedure, shouldn't be considering a variance  
[20] for this rezoning until the rezoning is done  
[21] because you can't -- you have to have a zone,  
[22] zoning. You have to have a zone before you can  
[23] request a variance for that zone, so I wanted to  
[24] make that.

[25] Another clarification is in our meeting

[1] to build a detention facility.

[2] Also under the Georgia Stormwater Act,  
[3] there's several different ways to do it. You  
[4] can actually pipe all the gutters on all the  
[5] houses and have little individual detention  
[6] facilities at each house. And that would be one  
[7] other reason why not to do a full-blown County-  
[8] maintained road: because their standards  
[9] require such a big, wide road, that that would  
[10] even cause for more runoff.

[11] **MR. ANDERSON:** It requires a 24-foot or  
[12] a 26-foot, and your single driveway would be how  
[13] wide?

[14] **MR. BRACKBILL:** Well, probably 20 feet  
[15] just so there will be plenty of room for two  
[16] cars to pass, you know.

[17] I mean I've seen private drives that  
[18] are 12 feet wide and somebody's taken to the  
[19] curb.

[20] But that's what I said. This is not an  
[21] approval just to go and build six houses. This  
[22] is an approval to then submit a plat, which  
[23] would be an LDP permitting process, land-  
[24] disturbance permits. Even though I'm not doing  
[25] any road infrastructure, I would then be able to

[1] we discussed a vote pro and con. But we had  
[2] four people, and it was two and two. So we did  
[3] not take a formal vote for or against the issue,  
[4] just for clarification on that.

[5] And the question, Bill, is I talked to  
[6] my neighbors. I live in that neighborhood. And  
[7] down the hill from that, the assemblage of six  
[8] houses here, right next to the house that you  
[9] have or the property that you have down toward  
[10] the bottom of the hill, there's a lot of water  
[11] runoff coming down that hill, erosion through  
[12] people's yards and stuff. And I guess if we're  
[13] -- the City Council is asking for conditions or  
[14] situations, that possibly a retention pond could  
[15] be put up in there.

[16] **MR. BRACKBILL:** And I would assume that  
[17] would be part of the permitting process for six  
[18] lots. We would have to consider the -- we could  
[19] probably reduce the amount of . . . because the  
[20] back left corner of this property is a natural  
[21] low point --

[22] **MR. ANDERSON:** Right.

[23] **MR. BRACKBILL:** -- for these six houses  
[24] as well as the other two houses that are there  
[25] at the corner. And it would be a natural point

[1] go to the -- to the Dekalb County where I would  
[2] permit the additional water taps and the sewer  
[3] taps and then, through Chuck and an engineer  
[4] that drew this up, we would submit, you know,  
[5] the stormwater calculations for this property  
[6] and the runoff and whatever the appropriate  
[7] measures were to detain the water.

[8] So right now, there's nothing stopping  
[9] it. The water just rushes down.

[10] **MR. ANDERSON:** That's why I mentioned  
[11] it, yeah.

[12] **MR. BRACKBILL:** And I think that this  
[13] would actually help improve that for all those  
[14] people down the hill.

[15] Yes, sir.

[16] **MR. LIVINGSTON:** I'm Charles  
[17] Livingston.

[18] You know, we've been talking about this  
[19] for about an hour now. I've never met this guy  
[20] in my life, but I'll tell you what. I like what  
[21] he says. He's the kind of guy that Doraville  
[22] needs. He's trying to do the best he can with  
[23] the property. It's obvious that anything  
[24] different than what he's going to do is not  
[25] going to be economical. This is going to be

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[1] good for the city.  
 [2] Let's get on with it and work with this  
 [3] guy.  
 [4] **MS. MURPHY:** Mayor, we do have three  
 [5] items. We have both of the rezonings and the  
 [6] variance. The applicant went ahead and done the  
 [7] variance because he wanted to show the whole  
 [8] picture. The rezoning needed the variance to go  
 [9] with it, so he went ahead and applied for all of  
 [10] it. So you do have three items.  
 [11] **MAYOR JENKINS:** Yeah. Well --  
 [12] **MR. BRACKBILL:** And technically you  
 [13] could probably say we don't need to rezone the  
 [14] property at 2602 because with just a little  
 [15] wiggle of the line on lot one, I could get it to  
 [16] 10,250 square feet. So technically, that one  
 [17] would only need a variance, but -- and all the  
 [18] lots would need R-1.  
 [19] But I didn't want to get into little  
 [20] technicalities. I mean I'm looking for  
 [21] basically what it is, and I don't want to get in  
 [22] here and say . . .  
 [23] **COUNCILWOMAN ALEXANDER:** Mr. -- I got  
 [24] -- just clarifying, Mr. Powell, if you look at  
 [25] the last zoning ordinance we were given tonight,

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[1] page 48, and I believe the applicable zoning for  
 [2] this would be now NRCH, and it says side yard,  
 [3] seven feet in the chart.  
 [4] **ATTORNEY POWELL:** It says how much?  
 [5] **COUNCILWOMAN ALEXANDER:** Seven.  
 [6] **COUNCILMAN LOWE:** Seven feet.  
 [7] **ATTORNEY POWELL:** Well, the current one  
 [8] says seven and a half.  
 [9] **COUNCILWOMAN ALEXANDER:** Correct.  
 [10] **MR. POWELL:** You are correct.  
 [11] **MR. BRACKBILL:** For RCH?  
 [12] **ATTORNEY POWELL:** Yes, sir.  
 [13] **COUNCILWOMAN ALEXANDER:** Yes.  
 [14] **MR. BRACKBILL:** Okay. Well, like I  
 [15] said, there's plenty of room on these properties  
 [16] to meet the requirements of five or seven and a  
 [17] half.  
 [18] **MAYOR JENKINS:** Well, this is the first  
 [19] public hearing on this. Now what are we saying?  
 [20] Stuart made a point that you have to  
 [21] get the rezoning before you go to variances.  
 [22] Both are on the agenda tonight.  
 [23] **MS. MURPHY:** We have all three because  
 [24] he felt like he wanted the Council to know that  
 [25] he was going to need the variance to do what he

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[1] thought he needed to do with the property, so he  
 [2] went ahead and applied for the two rezonings and  
 [3] the variance.  
 [4] **MR. BRACKBILL:** I later found out --  
 [5] **MAYOR JENKINS:** Rick?  
 [6] **MR. BRACKBILL:** -- that had I gone down  
 [7] and combined the properties into one parcel at  
 [8] Dekalb County, I would have only had to do one  
 [9] application, which would have saved \$700, so  
 [10] \$1400 but --  
 [11] **MAYOR JENKINS:** Rick, I need an opinion  
 [12] on if he has to have the zoning, then the  
 [13] variances or whatever.  
 [14] **ATTORNEY POWELL:** You would have to  
 [15] rezone it, but you -- you -- I don't know why  
 [16] you couldn't go forward. If Stuart knows  
 [17] something different . . .  
 [18] You could do it as a con- -- you might  
 [19] not even need the variance. You might could  
 [20] just make it part of the zoning, rezoning.  
 [21] **COUNCILMAN BATES:** Well, you need the  
 [22] variance on three of the lots.  
 [23] **ATTORNEY POWELL:** Well, you can -- part  
 [24] of the zoning, you could --  
 [25] **MR. BRACKBILL:** Well, what I wanted to

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[1] do is I wanted to leave this lot line here  
 [2] because that's where those trees are.  
 [3] **MR. HART:** Yeah.  
 [4] **MR. BRACKBILL:** Remember all those big  
 [5] trees on the back of the property?  
 [6] **MR. HART:** Yes.  
 [7] **ATTORNEY POWELL:** There's nothing wrong  
 [8] with putting them together.  
 [9] **MR. BRACKBILL:** (Inaudible)  
 [10] **ATTORNEY POWELL:** -- putting them  
 [11] together.  
 [12] **MR. BRACKBILL:** -- line this way and  
 [13] make these lines bigger, these houses not get  
 [14] into those trees.  
 [15] - - -  
 [16] (Multiple overspeaking)  
 [17] - - -  
 [18] **MAYOR JENKINS:** We need to -- excuse  
 [19] me? Ma'am?  
 [20] **MS. MURPHY:** You're right. It is the  
 [21] first hearing. The second hearing is December  
 [22] the 3rd.  
 [23] **MAYOR JENKINS:** Yeah. This is the  
 [24] first public hearing. We will have another  
 [25] hearing on December the 3rd.

[1] ---  
 [2] (Multiple overspeaking)  
 [3] ---  
 [4] **MAYOR JENKINS:** Okay. We will have  
 [5] another hearing on December the 3rd. This is  
 [6] the first public hearing, okay. And if you  
 [7] don't need the variances --  
 [8] **MR. BRACKBILL:** Oh, I do.  
 [9] **UNIDENTIFIED SPEAKER:** He does.  
 [10] **MR. BRACKBILL:** I got to have the  
 [11] variance for the Valley Stream lot whether I  
 [12] rezone or not.  
 [13] **MAYOR JENKINS:** Okay.  
 [14] **MR. BRACKBILL:** So I've got to have  
 [15] that.  
 [16] **MAYOR JENKINS:** Okay. Can we --  
 [17] **MR. BRACKBILL:** I just think that --  
 [18] **MAYOR JENKINS:** -- address this --  
 [19] **MR. BRACKBILL:** -- what's going to  
 [20] happen is --  
 [21] **MAYOR JENKINS:** -- before we do the  
 [22] rezoning, Rick?  
 [23] **ATTORNEY POWELL:** You could -- you  
 [24] could do it all at the same time.  
 [25] **COUNCILMAN LOWE:** So we can wait.

[1] nice, and --  
 [2] **MR. KOONTZ:** -- instead of --  
 [3] **COUNCILWOMAN PITTMAN:** -- it's enhanced  
 [4] the neighborhood.  
 [5] **MR. KOONTZ:** -- apartment-looking  
 [6] somethings, you know.  
 [7] **COUNCILWOMAN PITTMAN:** The neighbors  
 [8] love it. I mean I've heard no complaints. The  
 [9] school loves it.  
 [10] **MR. BRACKBILL:** Well, I think that what  
 [11] you're starting to see is, you know, a lot of  
 [12] people got into the rental/investor. They stay  
 [13] up and wait and watch these infomercials, and  
 [14] you could go out and build this wealth empire.  
 [15] And so people went out and got all these four  
 [16] percent investor one-year adjustable rates, and  
 [17] they bought properties in Doraville for \$125,000  
 [18] or \$135,000. And they really needed a lot of  
 [19] fixing up, and they didn't know what they were  
 [20] getting into. And then the rates went to nine  
 [21] percent and then the people -- I mean they need  
 [22] a lot of maintenance, and they're just running  
 [23] down. And you don't need a --  
 [24] I mean that is such a nice community.  
 [25] The parks. You can tell that 30 years ago, they

[1] **ATTORNEY POWELL:** Yeah, but I thought  
 [2] that -- Yes.  
 [3] **MS. MURPHY:** We have the --  
 [4] **MAYOR JENKINS:** We're not going to --  
 [5] **MS. MURPHY:** -- proper application.  
 [6] **MAYOR JENKINS:** -- pass it tonight.  
 [7] **ATTORNEY POWELL:** Right. That's  
 [8] correct. And you can consider it all at the  
 [9] next meeting.  
 [10] **MAYOR JENKINS:** Is that fair enough for  
 [11] you?  
 [12] **MR. BRACKBILL:** I welcome that.  
 [13] **MAYOR JENKINS:** Okay.  
 [14] **COUNCILWOMAN PITTMAN:** And I will say  
 [15] I've seen the homes and I've seen the inside of  
 [16] them. They're very nice, very nice.  
 [17] **MAYOR JENKINS:** He's done a very good  
 [18] job.  
 [19] **COUNCILWOMAN PITTMAN:** Yes. And --  
 [20] **MR. KOONTZ:** And especially to be  
 [21] driving into the city and see something like  
 [22] that --  
 [23] **COUNCILWOMAN HADDEN:** Yes.  
 [24] **MR. KOONTZ:** -- it would be nice --  
 [25] **COUNCILWOMAN PITTMAN:** It's really

[1] were viable communities with families and  
 [2] children and churches and schools, and it's just  
 [3] not that any more.  
 [4] And you know, the fact that you're not  
 [5] allowing apartments or townhomes very much helps  
 [6] preserve the idea that it could come back to  
 [7] what it used to be.  
 [8] **MS. MURPHY:** Mayor, Mayor, I'd like to  
 [9] thank Mr. Brackbill, too, for all of his  
 [10] patience. Since we were without a city clerk  
 [11] for the few months, we've put him through a  
 [12] little bit of trouble.  
 [13] And we appreciate your patience with  
 [14] it.  
 [15] **MR. BRACKBILL:** Just \$4,000 in  
 [16] interest.  
 [17] **MS. MURPHY:** That's a lot.  
 [18] **MAYOR JENKINS:** Okay. Thank you.  
 [19] Item number six, Zoning Ordinance. We  
 [20] talked about this at the work session.  
 [21] So Mr. Lawler, come on up and you and  
 [22] Rick can kind of come up with a way --  
 [23] ---  
 [24] (Whereupon, there was a brief recess.)  
 [25] ---

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[1]           **MAYOR JENKINS:** Meeting come back to  
[2] order.  
[3]           We're going to allow 15 minutes for  
[4] this public hearing. This is more on an  
[5] informational meeting than anything, and this  
[6] will be the first public hearing. And it's a  
[7] possibility we may have to have more hearings on  
[8] this.  
[9]           But go ahead, Rick.  
[10]           **ATTORNEY POWELL:** All right. On the  
[11] agenda tonight, I have three ordinances, and  
[12] this ties into the Zoning Ordinance. I  
[13] explained this at the work session.  
[14]           There have been three sections of our  
[15] zoning -- our existing Zoning Ordinance that  
[16] don't appear in the new Zoning Ordinance, and  
[17] both Pond & Company and Mr. Lawler agreed on  
[18] that two of them should not be in there. But  
[19] Mr. Lawler and I, working together, also removed  
[20] the Tree Protection Ordinance, the section out  
[21] of the Zoning Ordinance.  
[22]           And so if the new Zoning Ordinance is  
[23] adopted, it would not have these three items:  
[24] the Stream Buffer, the Flood Plain Management  
[25] and the Tree Protection Ordinance. So

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[1]           therefore, we're going to adopt ordinances  
[2] separate from the Zoning Ordinance for those  
[3] three items.  
[4]           And the Flood Plain Ordinance -- The  
[5] Tree Protection and the Stream Buffer are the  
[6] same except for maybe one correction and  
[7] changing the numbering and lettering.  
[8]           The Stream -- the Flood Plain  
[9] Management Ordinance has the revisions that had  
[10] been -- we were going to have to adopt, anyway,  
[11] by the State. And CH2MHill has reviewed it, and  
[12] between CH2MHill and me, we have -- we revised  
[13] the ordinance to meet the current requirements.  
[14]           And therefore, we would try to get  
[15] through these ordinances tonight as a first  
[16] reading also.  
[17]           So I'm going to ask Mr. Lawler to come  
[18] forward and address the audience.  
[19]           **MR. LAWLER:** I'm Johnny Lawler and I'm  
[20] a planning consultant, and I was charged with  
[21] the task of taking the last or latest Pond &  
[22] Company draft and working with Mr. Powell and  
[23] reviewing it and giving my opinion on that  
[24] ordinance, and I have done that.  
[25]           And as you've heard, we've taken some

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[1]           things out that were in there, namely, the Tree  
[2] Ordinance and stormwater \*place-back  
[3] conservation. And we've met several times, and  
[4] the ordinance that is dated November 2nd is our  
[5] latest draft.  
[6]           In addition to being charged with that,  
[7] I was also given written comments by either four  
[8] or five different folks, and I just commend  
[9] Doraville once again for having the interested  
[10] citizens and Council members, the Mayor, in  
[11] taking the time to do that work and look at that  
[12] ordinance. It's very important to your future.  
[13] And I did read those, and in one case or maybe  
[14] several -- I didn't read it all the way through,  
[15] but I gleaned the good. I think I used  
[16] something from everybody's comments to try to  
[17] add into the ordinance. What I thought was,  
[18] "Well, that was a good idea," and that's how I  
[19] read it.  
[20]           The ordinance itself is -- is -- I  
[21] think critical in our day and age is to include  
[22] a flexible zoning district. There's actually  
[23] three mixed-use districts in this ordinance.  
[24] Two of them are simply commercial/residential  
[25] mixes and the other one is a planned development

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[1]           that's a mix. So that's key to attract the  
[2] quality developers that you want to attract to  
[3] the city of Doraville to -- to have a flexible  
[4] zoning. It does contain that.  
[5]           It does contain what will be new  
[6] nomenclature to you-all and to many of us as far  
[7] as the designations themselves, and it still  
[8] allows and mandates that the City Council be the  
[9] variance-granting body rather than a separate  
[10] zoning board of appeals that many jurisdictions  
[11] have.  
[12]           That's good and bad. And in the case  
[13] of tonight's hearing that was earlier, that's  
[14] very good because you can grant the zoning and  
[15] the variances at the same time. And I think  
[16] that's useful, especially in being flexible to  
[17] accommodate development that you deem you would  
[18] like to have, and I heard some about that. And  
[19] others may not feel that way. But it's a good  
[20] thing to be able to grant the variances, and  
[21] it's in fact the way this ordinance is set up  
[22] and the way you've been set up in the past.  
[23]           There's other distinctive features  
[24] about the ordinance.  
[25]           One of the critical things I should

[1] probably cover -- we're time-sensitive -- is  
[2] there's three maps up here.

[3] That's your current zoning map which is  
[4] adopted on the far left, the audience's far  
[5] left.

[6] The middle is a proposed zoning map  
[7] that would take the zoning designations -- and  
[8] in my view of it, what Pond & Company did was  
[9] take the zoning designations and try to place  
[10] these categories as nearly possible in the new  
[11] zoning designations.

[12] Mind you that some of those flexible --  
[13] those mixed-used districts which are commercial  
[14] and residential are also included.

[15] And this last map here, Mr. Powell and  
[16] I outlined some of the districts that hadn't  
[17] been transferred one-to-one like that. It's not  
[18] a -- shouldn't use that term because there's no  
[19] one-to-one zoning district between the old map  
[20] and the new maps.

[21] All the districts are different in some  
[22] way. And it's very important that you as a  
[23] property owner, business owner, citizen, that  
[24] you look at your property and make sure that you  
[25] know what the old permitted uses are and what

[1] that's proposed is not an uncomplicated  
[2] ordinance or a simple zoning ordinance. It has  
[3] a lot of technical requirements -- reviewing the  
[4] plans, and a lot of staff requirements. And you  
[5] don't -- not dismissing the City Clerk, which  
[6] the seat's vacant, or Mr. Entsminger's  
[7] contribution, because they do a great job, but  
[8] you need planning staff.

[9] And I just reiterate that. It's going  
[10] to take Doraville -- the size it is, the  
[11] location that it is and the future that you  
[12] have, you've got to have somebody paying  
[13] attention to this.

[14] And Priscilla did a great job with that  
[15] hearing just then, in taking the variance  
[16] applications. But it's an example that you need  
[17] a person dedicated to that to pay attention to  
[18] this facet of the development of your city.

[19] All the developers have staff and  
[20] people that know all about rules and setbacks  
[21] and everything, and you're at a disadvantage in  
[22] that development community without somebody  
[23] paying attention for Doraville all the time.  
[24] And I like being a consultant, but it doesn't --  
[25] me just coming down here every once in awhile

[1] the proposed new permitted uses are. And this  
[2] last map, again, is where some of those did not  
[3] either get coded properly or that was a stab at  
[4] changing them further than just trying to find  
[5] the district that most closely resembles the old  
[6] district. So especially if you have properties  
[7] that we outlined there, you'd want to look at  
[8] those.

[9] I have not attended a public hearing to  
[10] hear what you think of this proposed Zoning  
[11] Ordinance. I, myself, did attend a Planning  
[12] Zoning Board meeting over a year ago on the  
[13] earliest version, maybe, of the Zoning  
[14] Ordinance, and that's been the extent of the  
[15] public input that I've heard.

[16] I know the Mayor and Council would like  
[17] to hear from the public. And under time  
[18] constraints, it may be that you need to e-mail  
[19] and talk to your individual Council members, and  
[20] look at your property and look at the rewrite  
[21] and make sure that you are satisfied or at least  
[22] satisfied that you've had your say in this  
[23] proposed Zoning Ordinance.

[24] Now, the last thing I'll say, that the  
[25] Council's heard me many times, but the ordinance

[1] certainly doesn't constitute any kind of staff.  
[2] And so you need to just count on that. You got  
[3] to do that, and that's for your future. Get  
[4] somebody in here that puts that --

[5] I'm going to give you one more example  
[6] of that. In my former jurisdiction, they  
[7] adopted the zoning ordinance in 1972 and we did  
[8] a major change in 2001. So '72 to '92 would be  
[9] 20 years, so 2002 would have been 30 years. So  
[10] at the 27-year mark, 28-year mark, I was still  
[11] making and recommending changes to the zoning  
[12] ordinance. This is not a static document. But  
[13] we were paying attention, making anywhere from  
[14] probably three to twelve to fifteen changes a  
[15] year on that document. So it's a living  
[16] document that somebody has to pay attention to  
[17] and make work for your city.

[18] No matter whether you don't adopt this  
[19] or you do adopt it, no matter how many more  
[20] meetings we have to have before we're satisfied  
[21] with it or maybe do something else completely,  
[22] no matter what, you need to know it's a living  
[23] document and that you need to have somebody's  
[24] gray matter focused on Doraville, focused on  
[25] your ordinance, focused on making sure everybody

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[1] does the same thing when they come in here for a  
[2] rezoning. And that would benefit you as much as  
[3] any ordinance that's written, really, because  
[4] that person, just like I did, would be thinking,  
[5] "Hey, we need to change this. This is not  
[6] working," or "How are we ever going to get this  
[7] type of development or this quality of  
[8] development if this says this or they have to do  
[9] that?" And so you need to have that as a real  
[10] piece of the puzzle.  
[11] So that's as important to me -- and it  
[12] may be self-serving if I was looking for a job,  
[13] but I'm not, so it's not self-serving. It's  
[14] just a fact.  
[15] Sorry. That was too long on that deal,  
[16] and I'll open it to the public and I'll take  
[17] questions or anything else.  
[18] **MAYOR JENKINS:** Yes, ma'am.  
[19] **MS. FLIER:** What was the -- Lee Flier.  
[20] What was the reason for taking those  
[21] three areas out of the zoning ordinance?  
[22] **MR. LAWLER:** The zoning ordinance  
[23] continually -- this is one reason -- continually  
[24] has to be defended in court, and you got to know  
[25] that there's some good . . .

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[1] You don't want to cloud up your zoning  
[2] ordinance with anything that a lawyer can say,  
[3] "Well, you see this part right here? What did  
[4] you mean by that part?" And so that -- we're  
[5] going to throw this all out because this doesn't  
[6] make sense.  
[7] So get everything you can, really, out  
[8] of the zoning ordinance that doesn't need to be  
[9] there, like stormwater regulation. That's a  
[10] civil engineering matter, not a planning matter.  
[11] You need to get stuff like that out of your  
[12] ordinance.  
[13] And the Tree Ordinance doesn't have to  
[14] be. Used to be -- commonly used to be in zoning  
[15] ordinances, and you can get the Tree Ordinance  
[16] out.  
[17] **MS. FLIER:** And do what with it  
[18] exactly?  
[19] **MR. LAWLER:** Just have a stand-alone  
[20] ordinance. So that is defended on its own and  
[21] the zoning ordinance is defended on its own.  
[22] But if you put them all in there, then there's a  
[23] whole lot more room for somebody to attack your  
[24] zoning ordinance. So get the stuff that doesn't  
[25] need to be in the zoning . . .

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[1] And the zoning ordinance is under a  
[2] stricter procedural in a lot of cases. The  
[3] Zoning Procedures Act in the state of Georgia,  
[4] you've got to have the right advertising and  
[5] you've got to have the right hearing, and you  
[6] have to change it with following your own  
[7] procedures, and it's so -- you just unclutter it  
[8] and it's more defensible.  
[9] **MS. FLIER:** My concern is that it makes  
[10] those other three areas less defensible.  
[11] **MR. LAWLER:** No, it doesn't. A city  
[12] ordinance is a city ordinance.  
[13] Somebody was asking me about the  
[14] housing ordinance. You can adopt that standard  
[15] housing ordinance, and all your other ordinances  
[16] are defensible. And I appreciate it living in a  
[17] neighbor- -- being a neighbor of the city of  
[18] Doraville, all of this. I appreciate y'all  
[19] spending an hour of your time on this licensing  
[20] procedure for the tank farms. I just think that  
[21] was great. I mean America needs to thank  
[22] Doraville for what you did tonight because, you  
[23] know, you might have kept an incident from  
[24] happening.  
[25] **MR. HART:** When you have this

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[1] information in this ordinance, it says in the  
[2] ordinance that this ordinance will take  
[3] precedence over everything else. Like if you  
[4] mention buffers or trees in the ordinance  
[5] itself, it would take preference over any of  
[6] these outside ordinance.  
[7] **MR. LAWLER:** Where does it say that it  
[8] takes preference?  
[9] **MR. HART:** I don't know. It just --  
[10] **MR. LAWLER:** I don't -- a zoning  
[11] ordinance usually doesn't have a statement that  
[12] it takes preference over some tree ordinance or  
[13] it takes -- it usually doesn't say that.  
[14] What you want is them to coincide with  
[15] each other, not one take precedence over the  
[16] other; to not conflict.  
[17] **MR. CRAWFORD:** Well, I think like the  
[18] tree ordinance, if you refer to the tree part --  
[19] I actually read this thing today and read the  
[20] other one. But anyhow, if you look, there's a  
[21] part that refers to the standalone tree  
[22] ordinance in the zoning. It says, "Refer to  
[23] Doraville tree replacement," or something like  
[24] that, in there.  
[25] **MR. LAWLER:** Sure.

[1] **MR. CRAWFORD:** So there is language  
[2] that ties it back into the standalone ordinance.

[3] **MR. HART:** It also refers to a city  
[4] planner about 15 times, but we don't have one of  
[5] those.

[6] **MR. CRAWFORD:** Yeah, but that's for the  
[7] future, Tom.

[8] **MR. LAWLER:** Right. I've already  
[9] preached that message so I won't go back into  
[10] it.

[11] **MR. ANDERSON:** Isn't the matter of  
[12] separation or togetherness, as it were, handled  
[13] by -- and I can't pronounce the word --  
[14] servability wherein, well, just like these  
[15] people are discussing is the higher standard or  
[16] the county -- if the state standard has  
[17] precedent over a local, that sort of thing.

[18] And also I'm asking, I guess, what  
[19] you're saying, then, these three are going to be  
[20] kept out of the Zoning Ordinance because you  
[21] don't think they should be in it. And who  
[22] oversees the administration of it? The Police  
[23] Department or the Building Permit office? Who  
[24] has jurisdiction?

[25] **MR. LAWLER:** Well, that varies. The

[1] **MR. ANDERSON:** Toward muni codes.  
[2] Taking things out of the zoning ordinance and  
[3] making them responsible to the Quality of Life  
[4] department should we say, that sort of thing.  
[5] And it is a -- it seems in reading it that there  
[6] is a removal of city council control to a muni  
[7] code control, which is, quite honestly, the  
[8] Police Department.

[9] **UNIDENTIFIED SPEAKER:** What is a muni  
[10] code?

[11] **UNIDENTIFIED SPEAKER:** Municipal code.

[12] **MAYOR JENKINS:** We're going to take one  
[13] more question and shut this one down.

[14] Yes, ma'am.

[15] **MS. HOFFMEISTER:** Thank you, Mayor and  
[16] the City Councillors.

[17] Mr. Lawler, I appreciate the work that  
[18] you've done in it. This summer, I wrote the  
[19] City Councillors a letter addressing six of my  
[20] issues with this zoning, and I believe -- I'm  
[21] not a professional, but I believe the first two  
[22] were addressed by Johnny Lawler I think to my  
[23] satisfaction.

[24] I would like to point out that I -- I  
[25] really appreciate the fact that you're working

[1] Council needs to tell -- for instance, if you  
[2] have an inspector or public works or a  
[3] development department. Different entities in a  
[4] city can oversee the stormwater ordinance.

[5] **MR. CRAWFORD:** It would be a building  
[6] official.

[7] **MR. LAWLER:** So you have -- you have to  
[8] decide that.

[9] Police Department. That's right. Left  
[10] you out. Stormwater.

[11] **CHIEF KING:** (Inaudible)

[12] **MR. LAWLER:** Actually, in my former  
[13] jurisdiction, we kept handing the stormwater  
[14] back and forth between public works and  
[15] community development.

[16] **MR. ANDERSON:** Well, I guess the reason  
[17] I asked the question is in my reading of the  
[18] various additions to this zoning thing through  
[19] the last several months, I see a certain creep  
[20] of civilian control going into muni codes, that  
[21] sort of thing. I can't give you an exact  
[22] example, but I see a kind of a shift of respon-  
[23] sibility in my reading.

[24] **MR. LAWLER:** Shift of responsibility  
[25] for?

[1] on this comprehensive plan map, but there are  
[2] two areas that are currently M-1. This Zoning  
[3] Ordinance does not differentiate between M-1 and  
[4] M-2 or Industrial-1 and Industrial-2, which is  
[5] Light Industrial and Heavy Industrial.

[6] For you people on Tilly Mill, you'll  
[7] notice that green area right there (indicating).  
[8] You don't want a dump. You don't want gas  
[9] terminals there. And you want this area right  
[10] here also to be Light Industrial. Believe me,  
[11] there's a world of difference. Makes the  
[12] difference between the value of your property.  
[13] It's like a poison-pen drop of ink in the middle  
[14] of your community.

[15] I respectfully submit that you include  
[16] Light Industrial and Heavy Industrial in this  
[17] Zoning Ordinance.

[18] I also respectfully submit that you  
[19] have more verbiage concerning adult entertain-  
[20] ment. If you expect to annex the area around  
[21] here, we want good protection.

[22] Granted, the way the Zoning Ordinance  
[23] is written right now, you have that. But Dekalb  
[24] may change its laws, and you want the higher  
[25] standard in your city.



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[1] Thank you.  
[2] **MAYOR JENKINS:** Thank you.  
[3] Rick, you had one more item on your  
[4] agenda. Do you want to take it?  
[5] Thank you, Mr. Lawler.  
[6] The "d"?  
[7] **COUNCILMAN LOWE:** Resolution, notice to  
[8] residents?  
[9] **MAYOR JENKINS:** Yes, ma'am.  
[10] **MS. MURPHY:** I'm sorry, but the  
[11] Planning Commission -- on the last meeting,  
[12] y'all sent it to the Planning Commission to be  
[13] reviewed. And did you want to hear from them  
[14] about their review or the process that they're  
[15] in now with the Zoning Ordinance?  
[16] **MAYOR JENKINS:** Ben?  
[17] **MR. CRAWFORD:** Yes.  
[18] **MAYOR JENKINS:** Come on up.  
[19] **MR. CRAWFORD:** Mayor, City Council,  
[20] Citizens; Ben Crawford, Planning Commission.  
[21] At this point, we're still in the  
[22] process of reviewing the zoning rewrite with a  
[23] lot of citizen input, which we appreciate. And  
[24] there are a lot of questions that people have,  
[25] and a good point to bring it up is tonight. But

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[1] also on the twenty --  
[2] What is it? 29th?  
[3] **MR. ANDERSON:** 29th.  
[4] **MR. CRAWFORD:** The 29th at 7 o'clock at  
[5] the -- I believe right here --  
[6] **MR. ANDERSON:** Right.  
[7] **MR. CRAWFORD:** -- we're going to have  
[8] another work session to include the public and  
[9] get public input so we could get back with City  
[10] Council and the Mayor on any suggestions we  
[11] might have.  
[12] Just because this is, you know, not a  
[13] zoning or a -- or a variance thing, just on my  
[14] own personal view, I've read the 2000 -- re-read  
[15] the 2006, re-read the Pond & Company one today  
[16] and also re-read the new one from November 6, I  
[17] believe is what it was. And right now, I'm  
[18] getting a pretty positive feeling, myself. At  
[19] least, that's my own personal opinion.  
[20] But anyhow, that's it. We're still  
[21] working on it, Mayor.  
[22] **MAYOR JENKINS:** Okay. Thank you.  
[23] Rick?  
[24] **ATTORNEY POWELL:** I have four items  
[25] now. The three ordinances that are going to

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[1] replace the sections of the --  
[2] **MAYOR JENKINS:** This is just the first  
[3] reading, and you've --  
[4] **ATTORNEY POWELL:** Yeah, this will be --  
[5] **MAYOR JENKINS:** -- already read them.  
[6] **ATTORNEY POWELL:** -- the first reading  
[7] --  
[8] **MAYOR JENKINS:** You've already read  
[9] these three.  
[10] **ATTORNEY POWELL:** -- about Tree  
[11] Protection/Replacement, the Flood Plain  
[12] Management/Flood Damage Prevention Plan, and the  
[13] Stream Buffer Protection. But we would need to  
[14] have a motion that this be considered the first  
[15] reading  
[16] **MAYOR JENKINS:** Okay.  
[17] **ATTORNEY POWELL:** -- of the ordi-  
[18] nances --  
[19] **MAYOR JENKINS:** Do I get a motion?  
[20] **ATTORNEY POWELL:** -- as described.  
[21] **COUNCILWOMAN HADDEN:** So moved.  
[22] **MAYOR JENKINS:** Second?  
[23] **COUNCILWOMAN PITTMAN:** Second.  
[24] **MAYOR JENKINS:** Call the roll.  
[25] **MS. MURPHY:** Councilman Lowe?

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[1] **COUNCILMAN LOWE:** Yes.  
[2] **MS. MURPHY:** Councilwoman Hadden?  
[3] **COUNCILWOMAN HADDEN:** Yes.  
[4] **MS. MURPHY:** Councilwoman Pittman?  
[5] **COUNCILWOMAN PITTMAN:** Yes.  
[6] **MS. MURPHY:** Councilman Spangler?  
[7] **COUNCILMAN SPANGLER:** Yes.  
[8] **MS. MURPHY:** Councilman Bates?  
[9] **COUNCILMAN BATES:** Yes.  
[10] **MS. MURPHY:** Councilwoman Alexander?  
[11] **COUNCILWOMAN ALEXANDER:** Yes.  
[12] **MS. MURPHY:** Unanimous again, Mayor.  
[13] **MAYOR JENKINS:** Do you want to do the  
[14] other one?  
[15] **ATTORNEY POWELL:** Yes, please.  
[16] **MAYOR JENKINS:** Go ahead with that and  
[17] then we'll go back to Donna.  
[18] **ATTORNEY POWELL:** Okay. At the last  
[19] meeting, there was an application for rezoning  
[20] and there were some citizens who said that they  
[21] were fortunate to even know about it, the  
[22] citizens that were close neighbors to the  
[23] property, and it was suggested that I draft a  
[24] resolution to provide for notice.  
[25] And if I may, I'll just read the

[1] pertinent part of the resolution. You, the  
 [2] Council has it before it.  
 [3] (Reading) Now therefore be it resolved  
 [4] by the City Council for the City of Doraville,  
 [5] and it is hereby resolved by authority of the  
 [6] same that the residents who reside in the  
 [7] neighborhood in which a parcel of land is  
 [8] located and which is under consideration for  
 [9] rezoning or the grant of a variance to the owner  
 [10] of said property shall be sent written notice of  
 [11] the date, time and place of the public hearing  
 [12] to consider the rezoning or variance  
 [13] application. At the first Council meeting  
 [14] following the filing of an application for  
 [15] rezoning or variance, the Mayor and City Council  
 [16] shall determine the area in which residents are  
 [17] to receive notice.  
 [18] If that meets with you-all's approval,  
 [19] you could pass it.  
 [20] **MAYOR JENKINS:** Yeah.  
 [21] **COUNCILWOMAN PITTMAN:** Sounds good.  
 [22] **MAYOR JENKINS:** I think we can go ahead  
 [23] and waive the second reading on that.  
 [24] **ATTORNEY POWELL:** But it's just a  
 [25] resolution. It doesn't take a second reading.

[1] On the first three rezoning -- this is just if a  
 [2] developer wants to build over a creek, would  
 [3] they have to apply for a variance if the flood  
 [4] plain and the stream and the tree was separate  
 [5] from the Zoning Ordinance?  
 [6] **ATTORNEY POWELL:** Go ahead.  
 [7] **MR. LAWLER:** It wouldn't be a zoning  
 [8] variance. It would be a variance, but it's not  
 [9] a zoning -- it shouldn't be a zoning variance,  
 [10] this creek.  
 [11] **MS. HOFFMEISTER:** Okay. So it would be  
 [12] a variance, and how would that be dealt with?  
 [13] **MR. LAWLER:** Well, you can't -- the  
 [14] Council -- the last 25 feet within a bank or  
 [15] stream bank, that variance has to come from the  
 [16] State, so the Council can't do it.  
 [17] And I don't know your Stream Buffer  
 [18] Ordinance. I presume it's 75 feet?  
 [19] **ATTORNEY POWELL:** It's 75 feet.  
 [20] **MR. LAWLER:** Okay.  
 [21] **ATTORNEY POWELL:** And the one that was  
 [22] drafted, it said 50 feet and 25 extra. I  
 [23] flipped those feet because the State is 25 feet,  
 [24] and then we've added -- we have a 50-foot.  
 [25] **MS. HOFFMEISTER:** So how would -- how

[1] **MAYOR JENKINS:** Okay. And do I get a  
 [2] motion?  
 [3] **COUNCILWOMAN HADDEN:** So moved.  
 [4] **MAYOR JENKINS:** Second?  
 [5] **COUNCILWOMAN PITTMAN:** Second.  
 [6] **MAYOR JENKINS:** Any more discussion?  
 [7] Call the roll.  
 [8] **MS. MURPHY:** Councilman Lowe?  
 [9] **COUNCILMAN LOWE:** Yes.  
 [10] **MS. MURPHY:** Councilwoman Hadden?  
 [11] **COUNCILWOMAN HADDEN:** Yes.  
 [12] **MS. MURPHY:** Councilwoman Pittman?  
 [13] **COUNCILWOMAN PITTMAN:** Yes.  
 [14] **MS. MURPHY:** Councilman Spangler?  
 [15] **COUNCILMAN SPANGLER:** Yes.  
 [16] **MS. MURPHY:** Councilman Bates?  
 [17] **COUNCILMAN BATES:** Yes.  
 [18] **MS. MURPHY:** Councilwoman Alexander?  
 [19] **COUNCILWOMAN ALEXANDER:** Yes.  
 [20] **MAYOR JENKINS:** Thank you.  
 [21] That's all of yours; is that right?  
 [22] **ATTORNEY POWELL:** Yes, sir.  
 [23] **MAYOR JENKINS:** Donna, go ahead and  
 [24] give the . . .  
 [25] **MS. HOFFMEISTER:** I have a question.

[1] would a person go about requesting a variance  
 [2] and how would that be held?  
 [3] **MR. LAWLER:** That needs to be part of  
 [4] -- they would appeal to . . .  
 [5] There's not a board -- well, the zoning  
 [6] board of appeals wouldn't be in effect, anyway.  
 [7] But they'd have to appeal to the Council to  
 [8] grant a variance to the stream buffer  
 [9] requirements and not -- and then the State on  
 [10] the last 25 feet, so.  
 [11] And now let me tell you that a creek  
 [12] crossing can occur without a variance. A  
 [13] driveway can. But just --  
 [14] **MS. HOFFMEISTER:** Well, how about --  
 [15] **MR. LAWLER:** -- (overspeaking) a creek  
 [16] --  
 [17] **MS. HOFFMEISTER:** -- you just put a  
 [18] whole building on top of it?  
 [19] **MR. LAWLER:** No, you cannot. No, you  
 [20] cannot.  
 [21] You can --  
 [22] **MS. HOFFMEISTER:** What about --  
 [23] **MR. LAWLER:** -- have a creek crossing.  
 [24] **MS. HOFFMEISTER:** -- a variance from  
 [25] the County or from the City?

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[1] **MR. LAWLER:** You can have a creek  
[2] crossing in order to get a driveway or utilities  
[3] across a creek.  
[4] **MS. HOFFMEISTER:** How about a parking  
[5] lot?  
[6] **MR. LAWLER:** No.  
[7] Well, you can have a driveway to get to  
[8] a parking lot, but you can't have a parking lot.  
[9] **MS. HOFFMEISTER:** No. I mean to put  
[10] the whole parking lot --  
[11] **MR. LAWLER:** No, huh-uh (negative).  
[12] **MS. HOFFMEISTER:** -- on the creek.  
[13] **MR. LAWLER:** You cannot do that. You  
[14] have to get a variance for that, so. But you  
[15] would have to appeal to the Council in that  
[16] regard.  
[17] **MR. HART:** If the Flood Plain  
[18] Management and the Tree and the Stream Buffer  
[19] Ordinance were part of a building ordinance,  
[20] when it goes to a site plan review, it says  
[21] right here the enforcement is by the mayor or  
[22] his designee.  
[23] Who enforces all these things when it  
[24] comes to a site plan review submitted to the  
[25] City?

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[1] **MR. LAWLER:** I can't -- I can't answer  
[2] that, but I can tell you that the ordinance that  
[3] the stream -- the buffer and stormwater  
[4] ordinances and so forth need to be more closely  
[5] associated with a development regulation than it  
[6] does a zoning regulation.  
[7] **MR. HART:** Yeah, but we don't have a  
[8] development regulation.  
[9] **MR. LAWLER:** Well, I don't know where  
[10] you stand on that, so.  
[11] **MAYOR JENKINS:** Okay, Johnny. Thank  
[12] you.  
[13] **MS. MURPHY:** Mayor?  
[14] **MAYOR JENKINS:** Yes, ma'am.  
[15] **MS. MURPHY:** Can I ask Rick one  
[16] question?  
[17] I was wondering, and I may be wrong,  
[18] but why do we choose to do a resolution instead  
[19] of an ordinance? because a resolution has a  
[20] shorter life than an ordinance. Do you plan on  
[21] putting part of this in the Zoning Ordinance?  
[22] **ATTORNEY POWELL:** I guess we can look  
[23] at that.  
[24] I was just instructed to do this at the  
[25] last meeting. That's the reason I did it.

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[1] **MS. MURPHY:** Is that true that a  
[2] resolution has a shorter life span or it's  
[3] usually done for a shorter term?  
[4] **ATTORNEY POWELL:** Well, we don't have  
[5] any limitation on it here, so I think until  
[6] changed, it's a policy of the city.  
[7] **MS. MURPHY:** Okay.  
[8] **ATTORNEY POWELL:** And you may -- after  
[9] you go through a couple of these, you may want  
[10] to reconsider as to whether it's a good idea or  
[11] not.  
[12] **MAYOR JENKINS:** Okay, Donna.  
[13] **COUNCILWOMAN PITTMAN:** Just wanted to  
[14] invite everyone to the Christmas tree lighting  
[15] which will be December 7th, Friday, from 6:00 to  
[16] 8:00. We just want you to know, everyone's  
[17] invited to this. It's a lot of fun. Just hot  
[18] chocolate, cookies; just a lot of socialization.  
[19] That's really what it is.  
[20] If you would like to bring an ornament  
[21] and dedicate it to someone, you can certainly do  
[22] that. We have done that in years in the past.  
[23] Maria and I were --  
[24] **MAYOR JENKINS:** Santa Claus?  
[25] **COUNCILWOMAN PITTMAN:** Oh. Sorry.

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[1] Santa Claus will be here. The Mayor's  
[2] just maybe two, but, you know, that might be a  
[3] little confusing, but we'll definitely have  
[4] Santa here.  
[5] Also, Maria and I were brainstorming a  
[6] little bit about maybe something else we could  
[7] do. So she came up with the idea of Toys for  
[8] Tots, so we're also going to have a box here for  
[9] Toys for Tots.  
[10] There was a representative from Chick  
[11] Fil-A in the audience during the work session,  
[12] and she stated that they, too, would put a box  
[13] in Chick Fil-A for Toys for Tots and coordinate  
[14] it with us. They are going to also have the  
[15] Christmas Cow here, be giving out prizes.  
[16] So if anyone else has any ideas, any-  
[17] thing they'd like to include in this, please let  
[18] us know. We will be more than glad to do it.  
[19] We really do want everybody to come out. This  
[20] is our third year, and each year we have more  
[21] and more people come out, and it's a lot of fun.  
[22] **UNIDENTIFIED SPEAKER:** Where is it  
[23] going to be?  
[24] **COUNCILWOMAN PITTMAN:** City Hall, right  
[25] here.

[1] **MAYOR JENKINS:** On the front steps.  
[2] Ben? Did you leave?  
[3] **MR. CRAWFORD:** I'm over here now.  
[4] **MAYOR JENKINS:** You've got a report,  
[5] committee report?  
[6] **MR. CRAWFORD:** Basically that could be  
[7] considered the report, Mayor.  
[8] **MAYOR JENKINS:** Thank you.  
[9] Is Jo Rathburn --  
[10] **MS. MURPHY:** It's Jo Rathburn. Yes.  
[11] **MAYOR JENKINS:** Yes.  
[12] **MS. RATHBUN:** Mayor, City Council,  
[13] thank you very much for hearing me this evening.  
[14] I'll hand this out to you. I'm not sure. I can  
[15] explain to you what has happened as well. It  
[16] seems so minute compared to what we've been  
[17] discussing tonight.  
[18] I'm Jo Rathburn. I'm the owner of --  
[19] **MAYOR JENKINS:** Excuse me just a  
[20] minute.  
[21] **MS. RATHBUN:** Sure.  
[22] **MAYOR JENKINS:** This is a discussion of  
[23] renter and sanitation bill, so you're protesting  
[24] a bill. Is that correct?  
[25] **MS. RATHBUN:** I have a problem with a

[1] the benefits of water for probably two years  
[2] before the account was turned into my name and  
[3] we determined that something was wrong. So it  
[4] just shows that deceptively we were dealing with  
[5] someone benefiting from government subsidy but  
[6] clearly trying to get away with much more.  
[7] I think my issue here is there's a  
[8] \$1400 sanitation bill now on the table. I was  
[9] just notified for the very first time in July of  
[10] this past year. There was a letter sent to me  
[11] directly from the City of Doraville. I now live  
[12] in D.C. I've lived in Atlanta for 12 years.  
[13] Someone tracked me down at the City of  
[14] Doraville, which I'm very happy because I  
[15] immediately jumped on this issue and wanted to  
[16] resolve it.  
[17] Being in Dekalb County and the Atlanta  
[18] -- unincorporated but Dekalb County, all of my  
[19] sanitation bills were previously included in the  
[20] tax bill, and so I guess I was caught. I was  
[21] alarmed, shocked and surprised when I initially  
[22] saw this bill and obviously going -- dating back  
[23] to 2003. So had I known sooner, I would have  
[24] tried to act and respond to that.  
[25] I think Mr. Powell can claim that I was

[1] bill. So --  
[2] **MAYOR JENKINS:** Okay. Go right ahead.  
[3] **MS. RATHBUN:** -- yes, I'm here to walk  
[4] through that with you.  
[5] I am the owner of 3925 English Oak  
[6] Drive, and that's in Oakcliff subdivision. I  
[7] purchased the home in December of 2002 and sub-  
[8] sequently had a tenant move in on February 13th,  
[9] 2003.  
[10] She's a Section 8 tenant, single  
[11] parent, six children. I did have a prior  
[12] relationship with her at another rental home,  
[13] and she -- that home had too many children for a  
[14] Section 8 and so therefore I moved her to this  
[15] home in Doraville. Never really had any prior  
[16] problems with payment history there, with  
[17] utilities, et cetera.  
[18] When or since she took possession in  
[19] 2003, I noticed that there were several power  
[20] and gas shutoffs including late, delinquent rent  
[21] payments.  
[22] And then the tenant even went as far as  
[23] to close their water and sewer account with  
[24] Dekalb County, then manually go and turn on the  
[25] valve in the front yard and continue receiving

[1] in touch with Sandra in your office and then  
[2] spoke with you about how to resolve some of  
[3] these issues. And some of those bills relate to  
[4] liens that were placed, which I'm in commercial  
[5] real estate. I understand that process.  
[6] But again, I -- I guess just being a  
[7] lawful citizen, having a very good credit rating  
[8] myself -- I pay my bills, I don't have credit  
[9] card bills -- I just felt as though I wanted to  
[10] have an opportunity to stand in front of you to  
[11] say is there.  
[12] I mean it's somewhat of a hardship at  
[13] this point for me. I am a landlord, and that is  
[14] the business I am in. I don't make positive  
[15] cash flow on this property. And I just wanted  
[16] to present it to you to just ask for assistance  
[17] in some fashion with this bill.  
[18] **MAYOR JENKINS:** You bought the property  
[19] in 2002?  
[20] **MS. RATHBUN:** Correct. December of  
[21] 2002.  
[22] **MAYOR JENKINS:** Your complaint -- tell  
[23] me what your complaint is. Do you -- did they  
[24] send you a bill?  
[25] **MS. RATHBUN:** I have never received a

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[1] bill at the property. I was in possession of  
[2] the property from --  
[3] **MAYOR JENKINS:** Let me ask you a  
[4] question.  
[5] **MS. RATHBUN:** -- October of '05 to  
[6] March of '06.  
[7] **MAYOR JENKINS:** You rent property; is  
[8] that correct?  
[9] **MS. RATHBUN:** I own this one --  
[10] **MAYOR JENKINS:** Okay. You didn't --  
[11] **MS. RATHBUN:** -- property and I --  
[12] **MAYOR JENKINS:** -- know you had to --  
[13] **MS. RATHBUN:** -- own my house in  
[14] Atlanta.  
[15] **MAYOR JENKINS:** -- pay your taxes?  
[16] **MS. RATHBUN:** I'm sorry?  
[17] **MAYOR JENKINS:** You didn't know you had  
[18] to pay your taxes?  
[19] **MS. RATHBUN:** I pay them. I receive a  
[20] bill for that that goes to my house.  
[21] **MAYOR JENKINS:** You said you didn't  
[22] receive a bill.  
[23] **COUNCILWOMAN PITTMAN:** Sanitation.  
[24] **MS. RATHBUN:** Well, I don't actually --  
[25] **COUNCILWOMAN PITTMAN:** Sanitation.

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[1] **MS. RATHBUN:** I don't receive a  
[2] sanitation bill. Like I've never received a  
[3] sanitation bill.  
[4] **COUNCILWOMAN HADDEN:** Mr. Mayor, I can  
[5] help you on that some.  
[6] **MAYOR JENKINS:** Yeah.  
[7] Well, what I'm trying to say is did you  
[8] not know that you had to pay a sanitation bill  
[9] at that property?  
[10] **MS. RATHBUN:** No. And I think had -- I  
[11] think had the services been shut off, then I  
[12] would have clearly been made aware of that,  
[13] because I actually was at the property for about  
[14] five months, repairing, putting tile, I mean  
[15] repairing tons of damages. Morgan and I planted  
[16] grass one night at 10:00 p.m. I mean we were  
[17] there working to recover this property and try  
[18] and place someone in there that was better for  
[19] the community and the neighborhood.  
[20] But throughout that time, I mean I was  
[21] pulling a ton of trash out of that property as  
[22] well, and sanitation services were being picked  
[23] up. So I kind of felt as though there was  
[24] nothing that was triggering me to believe that  
[25] there was any problem. And given that my

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[1] Atlanta home that I have, I don't pay a separate  
[2] bill for that -- it comes out of my taxes -- so  
[3] it just didn't trigger in my mind to even ask or  
[4] submit a -- that's where I'm at a loss.  
[5] **COUNCILMAN LOWE:** So the residents that  
[6] were living there did not forward the sanitation  
[7] bill to you.  
[8] **MS. RATHBUN:** Well, the current  
[9] resident -- no, they did not. But the current  
[10] resident that's there is very accountable, and  
[11] she just received the very first bill. She's  
[12] been there since March of 2006, so almost two  
[13] years coming up in March. And that's the first  
[14] bill that -- I just received that.  
[15] **COUNCILWOMAN HADDEN:** You closed on  
[16] this in December of 2002.  
[17] **MS. RATHBUN:** Correct.  
[18] **COUNCILWOMAN HADDEN:** You went to a  
[19] closing with an attorney and received a HUD-1  
[20] statement; is that your statement?  
[21] **MS. RATHBUN:** Correct.  
[22] **COUNCILWOMAN HADDEN:** On that HUD  
[23] statement, it would have listed the sanitation  
[24] charges separately along with your taxes, and so  
[25] that was your notification on that closing

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[1] statement. It would have showed that as a  
[2] separate line item, that you would have a  
[3] separate sanitation bill.  
[4] **MAYOR JENKINS:** Okay.  
[5] **MS. RATHBUN:** But I mean going forward,  
[6] I wouldn't --  
[7] **COUNCILWOMAN HADDEN:** I would have said  
[8] this --  
[9] **MS. RATHBUN:** -- know what to pay.  
[10] **COUNCILWOMAN HADDEN:** -- was on my  
[11] closing statement, and I -- this is on my  
[12] closing statement. Where is my sanitation bill?  
[13] **MS. RATHBUN:** Would the average person  
[14] do that?  
[15] **COUNCILWOMAN HADDEN:** It seems like  
[16] most of the people in the city are doing it.  
[17] **MS. RATHBUN:** But I think most of these  
[18] people --  
[19] **UNIDENTIFIED SPEAKER:** Well, we get our  
[20] bills, though.  
[21] **MS. RATHBUN:** -- might have received  
[22] their bills.  
[23] **UNIDENTIFIED SPEAKER:** She didn't  
[24] receive a bill for five years.  
[25] **MS. RATHBUN:** I mean I was in the

[1] property. I actually stayed at the property for  
 [2] much of that period. I camped out on the  
 [3] property.  
 [4] **COUNCILWOMAN PITTMAN:** And so are you  
 [5] just asking possibly if we can just break it  
 [6] down for you to pay payments?  
 [7] **MS. RATHBUN:** I'm asking for  
 [8] assistance, whether it's -- I don't know if it's  
 [9] installments or if there's --  
 [10] **COUNCILWOMAN HADDEN:** We can do  
 [11] installments.  
 [12] **COUNCILWOMAN PITTMAN:** And do  
 [13] installments.  
 [14] **MS. RATHBUN:** -- or if there's just  
 [15] saying can we --  
 [16] **MAYOR JENKINS:** Yeah. We can break it  
 [17] down for you.  
 [18] **MS. RATHBUN:** -- split the bill or --  
 [19] **COUNCILWOMAN HADDEN:** Let's do the  
 [20] installments.  
 [21] **MS. RATHBUN:** I think there's late  
 [22] penalties on there as well.  
 [23] **MAYOR JENKINS:** You want to pay it in  
 [24] installments.  
 [25] **MS. RATHBUN:** Well, I'd like some

[1] good.  
 [2] **MS. RATHBUN:** I think she's a little  
 [3] overwhelmed as it is.  
 [4] **MAYOR JENKINS:** Okay. Well, you come  
 [5] in and see Sandra whenever you're available --  
 [6] **COUNCILWOMAN PITTMAN:** Well --  
 [7] **MAYOR JENKINS:** -- and see Rick.  
 [8] **COUNCILWOMAN PITTMAN:** Well, Rick.  
 [9] **MAYOR JENKINS:** Rick can get together  
 [10] with Sandra, and they can work it out. Okay?  
 [11] **ATTORNEY POWELL:** I'll talk with her.  
 [12] We'll --  
 [13] **MS. RATHBUN:** Okay. All right. Thank  
 [14] you very much.  
 [15] **MAYOR JENKINS:** Thank you.  
 [16] John King.  
 [17] **CHIEF KING:** Ladies and gentlemen of  
 [18] the Council, the only thing that I wanted to  
 [19] mention, we have State contracts for buying our  
 [20] patrol cars. But my guys have been able to go  
 [21] and negotiate with several car dealers to get  
 [22] State contracts even cheaper, but in the  
 [23] process, we asked for sealed bids in relation.  
 [24] So we submitted these sealed bids.  
 [25] This will be for the purchase of the

[1] relief on it, too. It's \$1400, but --  
 [2] **UNIDENTIFIED SPEAKER:** Late bill, late  
 [3] fees, liens.  
 [4] **MS. RATHBUN:** Liens were assessed  
 [5] multiple times and filed multiple times, so it's  
 [6] \$140 a pop.  
 [7] **MAYOR JENKINS:** We can work out the  
 [8] whole bill with you through Sandra Brown at the  
 [9] office here if you care to.  
 [10] **ATTORNEY POWELL:** Well, respectfully,  
 [11] you need to not put her in the position of  
 [12] making that decision.  
 [13] I think you have to authorize. If you  
 [14] want to authorize me, I'll be happy to --  
 [15] **MAYOR JENKINS:** Okay.  
 [16] **ATTORNEY POWELL:** -- try to work with  
 [17] her if that's okay with y'all. I don't think it  
 [18] would be fair to Sandra --  
 [19] **MAYOR JENKINS:** Right, right.  
 [20] **ATTORNEY POWELL:** -- to do that.  
 [21] **COUNCILWOMAN PITTMAN:** (Inaudible)  
 [22] **MAYOR JENKINS:** I see what you're  
 [23] saying.  
 [24] **ATTORNEY POWELL:** Okay.  
 [25] **COUNCILWOMAN PITTMAN:** That's very

[1] patrol cars that you have allocated in the  
 [2] current budget.  
 [3] **MAYOR JENKINS:** Okay. We've got these  
 [4] opened.  
 [5] Maria?  
 [6] **COUNCILWOMAN ALEXANDER:** Twenty one  
 [7] eight seventy-six sixty for the GSA Auto Choice  
 [8] for a --  
 [9] **MAYOR JENKINS:** Twenty-one what?  
 [10] **COUNCILWOMAN ALEXANDER:** -- Charger.  
 [11] Eight seventy-six sixty.  
 [12] **MAYOR JENKINS:** \$21,876.60.  
 [13] **COUNCILWOMAN ALEXANDER:** Yes, sir.  
 [14] **MAYOR JENKINS:** Okay. Brian?  
 [15] **COUNCILMAN BATES:** A Dodge Charger from  
 [16] Atkins Chrysler, twenty-two seven eight zero --  
 [17] 2-2-7-8-0 and zero cents.  
 [18] **MAYOR JENKINS:** Marlene?  
 [19] **COUNCILWOMAN HADDEN:** I guess I have  
 [20] Beck Auto Sales, and it says total price with  
 [21] options comparable to other bids, \$24,120.  
 [22] **MAYOR JENKINS:** Ed?  
 [23] **COUNCILMAN LOWE:** I have a bid here,  
 [24] but I don't have a name on it that I can see.  
 [25] The bid I got is \$21,198.

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[1] **COUNCILWOMAN HADDEN:** I don't see a  
[2] name, either, Ed.  
[3] **MAYOR JENKINS:** Nothing on the  
[4] envelope?  
[5] **ATTORNEY POWELL:** Are you buying it  
[6] from the Georgia Department of Public Safety?  
[7] **CHIEF KING:** Yeah, it's through the  
[8] Georgia Depart- -- that is the State contract.  
[9] Let me look.  
[10] Yes, we purchased -- this is the same  
[11] people that -- the Georgia State Patrols buys  
[12] them in bulk and then they'll send those.  
[13] **COUNCILMAN LOWE:** Georgia Department of  
[14] Public Safety.  
[15] **MAYOR JENKINS:** Okay. What is it?  
[16] Twenty-one --  
[17] **COUNCILWOMAN PITTMAN:** Twenty-one one  
[18] ninety-eight.  
[19] **COUNCILMAN LOWE:** Twenty-one one  
[20] ninety-eight.  
[21] **MAYOR JENKINS:** John, have you got any  
[22] preference? They are pretty close.  
[23] **CHIEF KING:** Same car, sir. It's the  
[24] State contract patrol car.  
[25] **MAYOR JENKINS:** The last one?

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[1] **CHIEF KING:** Whatever you -- it's the  
[2] choice of the Council.  
[3] **COUNCILWOMAN PITTMAN:** If they're the  
[4] same, then, the cheapest one?  
[5] **CHIEF KING:** I have no preference with  
[6] any of the dealers, sir.  
[7] **ATTORNEY POWELL:** Is one closer by?  
[8] **CHIEF KING:** I don't care.  
[9] **COUNCILWOMAN PITTMAN:** So you don't  
[10] think that would make a difference?  
[11] **CHIEF KING:** We get them serviced  
[12] through our maintenance shop or the local  
[13] dealers, anyway, so it doesn't matter where we  
[14] purchase them.  
[15] **MAYOR JENKINS:** Did you figure out  
[16] where that one come from, Ed?  
[17] **COUNCILMAN LOWE:** Yeah. (Inaudible)  
[18] **MAYOR JENKINS:** That's the lowest bid,  
[19] I believe; is that correct?  
[20] **COUNCILWOMAN PITTMAN:** Yes.  
[21] **COUNCILMAN LOWE:** Yes. Twenty-one one  
[22] ninety-eight.  
[23] **MAYOR JENKINS:** Okay. Do I have a  
[24] motion?  
[25] **COUNCILWOMAN HADDEN:** So moved.

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[1] **COUNCILWOMAN PITTMAN:** Second.  
[2] **MAYOR JENKINS:** Any more discussion?  
[3] **CHIEF KING:** Thank you. Sir, pending  
[4] any --  
[5] **MAYOR JENKINS:** Call the roll,  
[6] Priscilla.  
[7] **MS. MURPHY:** Councilman Lowe?  
[8] Councilman Lowe?  
[9] **COUNCILMAN LOWE:** Yes.  
[10] **MS. MURPHY:** Councilwoman Hadden?  
[11] **COUNCILWOMAN HADDEN:** Yes.  
[12] **MS. MURPHY:** Councilwoman Pittman?  
[13] **COUNCILWOMAN PITTMAN:** Yes.  
[14] **MS. MURPHY:** Councilman Spangler?  
[15] **COUNCILMAN SPANGLER:** Yes.  
[16] **MS. MURPHY:** Councilman Bates?  
[17] **COUNCILMAN BATES:** Yes.  
[18] **MS. MURPHY:** Councilwoman Alexander?  
[19] **COUNCILWOMAN ALEXANDER:** Yes.  
[20] **MS. MURPHY:** The motion was to accept  
[21] the bid, the low bid, which was --  
[22] **COUNCILMAN SPANGLER:** Twenty-one one  
[23] ninety-eight.  
[24] **MS. MURPHY:** -- twenty-one one ninety-  
[25] eight from the Georgia Department of Safety?

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[1] **COUNCILWOMAN PITTMAN:** Public Safety.  
[2] **MS. MURPHY:** -- Public Safety.  
[3] **MAYOR JENKINS:** Okay, John. You say  
[4] it's --  
[5] **CHIEF KING:** Pending any other  
[6] questions --  
[7] **MAYOR JENKINS:** You got anything else?  
[8] **CHIEF KING:** No, sir, I don't.  
[9] **MAYOR JENKINS:** Okay. Thank you.  
[10] Citizens comment, and we'll be three  
[11] minutes flat.  
[12] **MS. MURPHY:** Mr. Hart had one thing.  
[13] **MAYOR JENKINS:** Oh, you got one item  
[14] you wanted to keep. I apologize. You want to  
[15] keep on the mapping.  
[16] **MR. HART:** I'm going to make it short.  
[17] **MAYOR JENKINS:** Is that correct?  
[18] **MR. HART:** A lot of the stuff was  
[19] already answered except for the recycling.  
[20] We have a contract. It's a five-year  
[21] contract for trash. And I think we're required  
[22] to only have a two-year contract because we  
[23] don't want to encumber the next administration.  
[24] And so I'm suggesting that we perhaps  
[25] put out the trash for bid in January so that we

[1] keep in compliance with normal procedures for  
[2] state and local governments for like length of  
[3] -- like Norcross I think would be actually every  
[4] year. Because we replace Council people every  
[5] two years, you don't want to encumber the next  
[6] administration. So we'd have a new trash  
[7] contract in January.

[8] And also that we invite at the next  
[9] meeting the five major trash companies so they  
[10] could offer their recycling programs and also  
[11] maybe couple that with maybe a small pilot  
[12] program that might be offered by the City to get  
[13] some competitive looks at what recycling may  
[14] look like.

[15] And also if you're a company that's  
[16] offering recycling, you're also offsetting the  
[17] costs of picking up that trash. Because you're  
[18] picking up a lot less trash, you have less dump  
[19] fees and fuel cost. So if you have a  
[20] combination company, they can offer you a better  
[21] price, a lower price. So I'd like the Council  
[22] to entertain that.

[23] Water conservation. We have a -- we  
[24] have a leaky swimming pool. The deck was  
[25] supposed to have been replaced last year, a

[1] purposes, the map. And we have to look  
[2] carefully at those areas on that map and compare  
[3] it to the final edition over here.

[4] And we have a resolution on the table  
[5] right now for notifying property owners because  
[6] of rezoning in the area like on Tilly Mill Road.  
[7] This, essentially with the new Zoning Ordinance,  
[8] is a rezoning of the city.

[9] So I think it's very important that a  
[10] copy of these maps be able to be presented to  
[11] the people in the audience or that come to City  
[12] Hall. A copy of the new Zoning Ordinance needs  
[13] to be available, and I think we need to notify  
[14] the citizens in the city exactly what's going on  
[15] here.

[16] Thank you.

[17] **MAYOR JENKINS:** Thank you, Tom.  
[18] Steve?

[19] **MR. KOONTZ:** The question I got is  
[20] probably directed more to Rick Powell about it  
[21] was brought to my attention about the Planning  
[22] Commission.

[23] If Council members attend the Planning  
[24] Commission, they're -- I think the way the  
[25] bylaws are written, they're not supposed to

[1] section of it. There's a possible pipe leak, so  
[2] it was supposed to be pressure tested, and that  
[3] needs to be looked into. The kids were cutting  
[4] their feet on the deck surface last year. And  
[5] that end of the pool needs to be sliced off --

[6] **MAYOR JENKINS:** We're working on that  
[7] now, Tom.

[8] **MR. HART:** -- and the water leaks  
[9] repaired, and possibly a cover for the pool that  
[10] was bid out and wasn't replaced last year.

[11] Flow chart. Because of the new Zoning  
[12] Ordinance, I'm going to revise the flow chart  
[13] separate and I'll bring that next time.

[14] Mapping. We have to give a little  
[15] applause to Rhonda that's in the Building  
[16] Department for observing the problems on the  
[17] map.

[18] And you have to look carefully at the  
[19] original zoning map for the City, because when I  
[20] was doing the Zoning Ordinance, we didn't have  
[21] an official zoning map for the City. They  
[22] looked around and they couldn't find one, one  
[23] that was signed by Council and the Mayor and  
[24] kept in the safe.

[25] So that is, for all intents and

[1] participate but they can come and observe.

[2] Is there a problem like if all of the  
[3] Council members at the same Planning meeting  
[4] showed up at the same time? I know there's a  
[5] thing about the quorum or whatever. But if they  
[6] all came to a Planning Commission meeting where  
[7] they couldn't participate, is that a problem?  
[8] Because they should all be able to come if they  
[9] wanted to.

[10] **ATTORNEY POWELL:** I think they can all  
[11] come if they're just sitting in a meeting as  
[12] long as they don't participate.

[13] **MR. KOONTZ:** Okay.

[14] **ATTORNEY POWELL:** If they're not there  
[15] for taking action, they're not going to be  
[16] discussing, you know. I would counsel them  
[17] against talking among themselves --

[18] **MR. KOONTZ:** Right.

[19] **ATTORNEY POWELL:** -- about that. But  
[20] the Open Meetings law would say that any citizen  
[21] has a right to come.

[22] **MR. KOONTZ:** Okay, because somebody had  
[23] said that they were concerned that it's almost  
[24] like the Council members have to decide which  
[25] ones came to this meeting or that.



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[1] You know, they should all be able to  
 [2] come, then, if they wanted to if they're just  
 [3] going to sit and observe what's going on.  
 [4] **ATTORNEY POWELL:** Right.  
 [5] **MR. KOONTZ:** Okay. That was all I  
 [6] wanted to ask.  
 [7] **MS. FLIER:** It's open to the public,  
 [8] anyway, right?  
 [9] **COUNCILWOMAN HADDEN:** I will say that  
 [10] Mr. Lawler did say when the Planning Commission  
 [11] first started, that it possibly would be a  
 [12] better idea if we did not attend so that it did  
 [13] not look like we were trying to exert any undue  
 [14] influence just by being there in person.  
 [15] **MR. KOONTZ:** Right. I know it's an  
 [16] issue because at some of the Planning Commission  
 [17] meetings, some of the Council members come and  
 [18] some don't.  
 [19] **COUNCILWOMAN PITTMAN:** Well, that's why  
 [20] we don't, because --  
 [21] **COUNCILWOMAN HADDEN:** Yeah.  
 [22] **COUNCILWOMAN PITTMAN:** -- she's  
 [23] correct. We had been advised that it would not  
 [24] be a good idea, so we didn't come.  
 [25] **MR. KOONTZ:** Well, maybe that's

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[1] something that Council needs to kind of come to  
 [2] a decision on: whether to say no, you don't  
 [3] come, or you do come, and not have it as well,  
 [4] maybe you should or not, and some of the Council  
 [5] members feeling like they can come and then  
 [6] other ones feeling like they shouldn't.  
 [7] **COUNCILWOMAN HADDEN:** Yeah.  
 [8] **MR. KOONTZ:** It's kind of a conflict  
 [9] between the Council members about people coming  
 [10] and not coming.  
 [11] **MAYOR JENKINS:** You said we need to  
 [12] have a ruling.  
 [13] **MR. KOONTZ:** Yeah. I think you should  
 [14] have a ruling.  
 [15] **MAYOR JENKINS:** Well, the last time  
 [16] this happened, there was four of us here, and  
 [17] one of us moved out in the hall.  
 [18] **MR. KOONTZ:** Right; that kind of thing.  
 [19] Okay. No problem. I just thought it  
 [20] needed to be addressed.  
 [21] **MAYOR JENKINS:** Thank you.  
 [22] **COUNCILWOMAN PITTMAN:** It's a good  
 [23] point.  
 [24] **MAYOR JENKINS:** Yeah. We'll address  
 [25] that. Okay?

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[1] **MS. CRAWFORD:** Susan Crawford.  
 [2] Am I doing this right?  
 [3] **MR. KOONTZ:** You're doing great.  
 [4] **MS. CRAWFORD:** There was some talk  
 [5] awhile back about cameras, spy cameras for the  
 [6] traffic violators being put up. And I just  
 [7] wanted to say that I travel down Buford Highway  
 [8] to my job, between jobs, in the middle of the  
 [9] day every day, and I see with alarming  
 [10] regularity these tanker trucks running red  
 [11] lights at Longmire Road, appropriately named,  
 [12] and Buford Highway. And it seems to be it might  
 [13] be a really good place to put one of those  
 [14] cameras.  
 [15] **MAYOR JENKINS:** Okay. Got that, John?  
 [16] **CHIEF KING:** Sir, the statistics, the  
 [17] traffic study does not support a traffic camera  
 [18] being put there, sir. 141 at -- Peachtree  
 [19] Industrial at I-285 is by far the highest road  
 [20] that we have the problems with.  
 [21] **MS. CRAWFORD:** Right. But Longmire is  
 [22] where the tankers come out. And I think if two  
 [23] of them run a red light at the same time, it  
 [24] could be kind of an explosive situation.  
 [25] **CHIEF KING:** But they also take Tilly

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[1] Mill -- they take Tilly Mill to Peachtree  
 [2] Industrial and then south on Peachtree  
 [3] Industrial to 285. That's the route that they  
 [4] take a lot more.  
 [5] I mean they did a traffic study and  
 [6] counted the number of vehicles running the  
 [7] lights at several of these intersections, and  
 [8] Peachtree Industrial and 285 were by far the  
 [9] highest. We can't put red-light cameras at  
 [10] every intersection, so we picked the one that's  
 [11] the worst record of them.  
 [12] **MS. CRAWFORD:** No. I understand that,  
 [13] and I don't want to argue with you.  
 [14] **CHIEF KING:** I understand.  
 [15] **MS. CRAWFORD:** It's just --  
 [16] **CHIEF KING:** It's okay.  
 [17] **MS. CRAWFORD:** -- the tankers are, to  
 [18] me, very scary.  
 [19] **CHIEF KING:** What I'll do is take in  
 [20] your comments, obviously, and we'll start  
 [21] looking at getting some more patrol cars to  
 [22] monitor that and try to look at what peak times.  
 [23] First we got to do a little traffic study of  
 [24] when is the peak times that we have these large  
 [25] trucks and then try to put our officers to

[1] monitor that.  
 [2] **MR. KOONTZ:** I think you have a point  
 [3] there. I think if the cops started really  
 [4] watching that intersection and the tanker trucks  
 [5] started getting tickets for running that red  
 [6] light --  
 [7] **CHIEF KING:** The word gets out.  
 [8] **MR. KOONTZ:** -- pretty soon --  
 [9] **CHIEF KING:** The word gets out real  
 [10] quick.  
 [11] **MR. KOONTZ:** Word gets out real quick,  
 [12] running that red light.  
 [13] **MS. FLIER:** Yeah. And I agree with  
 [14] her, by the way. Every time I'm at that inter-  
 [15] section, there's some scary incident involving a  
 [16] tanker, it seems like.  
 [17] **CHIEF KING:** They use it a lot. I know  
 [18] that. And we'll figure out when's the highest  
 [19] peak times and we'll start monitoring it.  
 [20] **MAYOR JENKINS:** Thank you. One more.  
 [21] Bonita?  
 [22] **MR. PITFIELD:** Which direction are we  
 [23] talking about? Is there one direction that's  
 [24] more prevalent than the other?  
 [25] ---

[1] **MS. HOFFMEISTER:** Honorable Mayor, City  
 [2] Councillors --  
 [3] **MAYOR JENKINS:** Make yours about a  
 [4] minute, okay?  
 [5] **MS. HOFFMEISTER:** -- and citizens of  
 [6] Doraville, this is just an informative to inform  
 [7] you, the Dekalb Planning Commission has voted on  
 [8] rezoning the property that's across the street  
 [9] from Big Lot's in Embry Hills.  
 [10] The zoning is going to be changed so  
 [11] that they can build a town center. The  
 [12] occupancy there or the density there will be 350  
 [13] apartment units. I have notified several people  
 [14] in the community and some of the City  
 [15] Councillors.  
 [16] I've not heard any objections, so I've  
 [17] not passed any on to the County. But if you are  
 [18] interested, it will be voted on this month, and  
 [19] you can get the information on the Dekalb web  
 [20] site.  
 [21] **MAYOR JENKINS:** Okay. Thank you.  
 [22] **MS. FLEMING:** I have two quick  
 [23] questions.  
 [24] **MAYOR JENKINS:** Excuse me. Give her  
 [25] your name, please.

[1] (Multiple overspeaking)  
 [2] ---  
 [3] **MR. KOONTZ:** I think she's talking  
 [4] about where the Krystal is.  
 [5] **MS. CRAWFORD:** I'm going south.  
 [6] **CHIEF KING:** Are they turning left off  
 [7] of Buford Highway or are they turning off of  
 [8] Longmire?  
 [9] **MS. CRAWFORD:** I saw two doing like a  
 [10] do-si-do.  
 [11] **COUNCILMAN LOWE:** Actually, it's both  
 [12] ways.  
 [13] **MS. CRAWFORD:** Turning left on --  
 [14] **MR. PITFIELD:** You said turning right  
 [15] onto Buford Highway as well as turning left up  
 [16] onto Longmire off of Buford?  
 [17] **MR. KOONTZ:** Yes.  
 [18] **MS. CRAWFORD:** And also just running  
 [19] right through the red light.  
 [20] **CHIEF KING:** We'll start monitoring it.  
 [21] ---  
 [22] (Multiple overspeaking)  
 [23] ---  
 [24] **MAYOR JENKINS:** All right. Wait a  
 [25] minute. Hold on.

[1] **MS. FLEMING:** Oh. I'm sorry. Pam  
 [2] Fleming, and I have two questions for Chief  
 [3] King.  
 [4] In regards to the photo-enforced  
 [5] traffic lights --  
 [6] **CHIEF KING:** Yes, ma'am.  
 [7] **MS. FLEMING:** -- I'm a pro-info type  
 [8] person where I like to let people know.  
 [9] Obviously, if you've got a photo-enforced  
 [10] traffic light, that means that is a very heavily  
 [11] ticketed area. Correct? Because you're having  
 [12] the photo -- not because you have the photo-  
 [13] enforced, but prior to that.  
 [14] **CHIEF KING:** It's based on accidents.  
 [15] **MS. FLEMING:** Okay.  
 [16] **CHIEF KING:** It's based on accidents,  
 [17] ma'am, and the number of people violating --  
 [18] **MS. FLEMING:** Right.  
 [19] **CHIEF KING:** -- when they do the study.  
 [20] **MS. FLEMING:** Okay. So with that in  
 [21] mind, would it not be better to have a photo-  
 [22] enforced sign next to the traffic light on the  
 [23] line itself?  
 [24] **CHIEF KING:** Ma'am, follow the guide-  
 [25] lines the legislature put on. The legislature

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[1] puts very specific guidance of what signage must  
[2] be.  
[3] First of all, you have to put the  
[4] signage as you enter the jurisdiction. You'll  
[5] see the, you know, photo enforced placards as  
[6] you're going into the city, and basically -- and  
[7] then also as you're approaching the intersec-  
[8] tion.  
[9] A couple people have asked us to ask  
[10] the company, because the company does a lot of  
[11] the signage. We've asked them to increase the  
[12] signage on the Buford Highway and 285 intersec-  
[13] tion because there's a couple people said that  
[14] they -- you know, they weren't aware that it was  
[15] photo enforced.  
[16] But I also at the same time request  
[17] that don't run the light.  
[18] **MS. FLEMING:** Oh, absolutely.  
[19] But that would be another deterrent for  
[20] them as well --  
[21] **CHIEF KING:** Yes, ma'am.  
[22] **MS. FLEMING:** -- is that it's right  
[23] there by the traffic signal itself.  
[24] But if it's State regulation, then,  
[25] obviously --

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[1] **CHIEF KING:** There's some State  
[2] regulations, but we're asking the company to  
[3] increase the amount of signage because that way,  
[4] there's no -- I don't want people to feel that  
[5] they were tricked into running the light, I  
[6] guess.  
[7] **MS. FLEMING:** Okay.  
[8] **CHIEF KING:** And it's one of those  
[9] situations where --  
[10] **MS. FLEMING:** Okay.  
[11] **CHIEF KING:** But yes, ma'am, we are  
[12] asking for increased -- because you're not --  
[13] you know, there's several people have asked that  
[14] we increase the signage.  
[15] **MS. FLEMING:** And the other quick  
[16] question I have is are the requirements for your  
[17] new vehicles that you're purchasing or the  
[18] options that you're getting tinted for the  
[19] driver as well as the front passenger, the  
[20] tinted windshields also?  
[21] I like to wave at my --  
[22] **CHIEF KING:** Yes, ma'am. I'm asking --  
[23] you know, I just went through a very detailed  
[24] discussion with my uniform commander about the  
[25] tinting of the cars. The only cars that I'm

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[1] allowing them to tint darker is the ones where  
[2] they have the dogs, because to keep the inside  
[3] of those -- of the vehicles cool because of the  
[4] canines riding in the cars. And I'm asking that  
[5] the tinted be a legal tint, first of all.  
[6] And I'm pretty close to just saying,  
[7] "You know what? No tint," based on -- and thank  
[8] you for your comments, but that's what I want to  
[9] do.  
[10] **MS. FLEMING:** Well, I feel that the  
[11] passengers in the rear should be tinted for the  
[12] privacy of the person they may be transporting.  
[13] I can understand that.  
[14] But I want to be able to wave to my --  
[15] **CHIEF KING:** Fair enough, ma'am.  
[16] **MS. FLEMING:** -- traffic officer as  
[17] he's going through the neighborhood.  
[18] **CHIEF KING:** The guy in the back won't  
[19] be able to wave because he's probably in  
[20] handcuffs. But yes, ma'am, we'll --  
[21] **MS. FLEMING:** Thank you.  
[22] **COUNCILMAN SPANGLER:** May I make a  
[23] motion to adjourn the meeting?  
[24] **MAYOR JENKINS:** Thank you, John.  
[25] Do I get a second?

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[1] **COUNCILMAN BATES:** Second.  
[2] **COUNCILWOMAN ALEXANDER:** I think it's  
[3] unanimous.  
[4] **MAYOR JENKINS:** All in favor?  
[5] Opposed?  
[6] - - -  
[7] (Whereupon, the meeting was adjourned at  
[8] 9:55 p.m. the same day.)  
[9] -o0o-

[1] C E R T I F I C A T E

[2] STATE OF GEORGIA]

[3] COUNTY OF DEKALB]

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

[8] I further certify that the transcript is a true  
[9] and correct record of the evidence given at the said  
[10] proceedings.

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

[15] This the 28th day of November, 2007.

[16]

[17]

[18] Theresa Bretch, CCR

[19] Permit No. B-755

[20]

[21]

[SEAL]

[22]

[23]

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