In The Matter Of:

City Council Meeting

City of Doraville, State of Georgia

Public Meeting

February 17, 2009

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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 7:00 p.m. on Tuesday, February 17, 2009.

* * *

APPEARANCES:

Doraville City Council:

Hon. Ray Jenkins, Mayor

Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Robert Spangler
Councilmember Donna Pittman
Councilmember Bob Roche

Murray J. Weed, City Attorney

Ms. Rhonda Blackmon, City Clerk

Scott Haeberlin, City Planner

P R O C E E D I N G S

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

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Here.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Here.

CLERK BLACKMON: Councilmember Fleming, not here.

Councilmember Pittman?

COUNCILMEMBER PITTMAN: Here.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Here.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Here.

MAYOR JENKINS: Ms. Fleming is very sick. She called me this afternoon and said she can't get out of bed to come to the meeting. So we have some items that will be eliminated and some that we will not vote on because I'd rather have a full Council when we make some of these decisions.

On Mayor's Comments, General Motors is

still at a standstill. I believe today they went before Congress to try to get some stimulus money, but I don't know how that would affect the G.M. plant. And it's just -- it's at a position we can't say anything now till we hear from the people that's going to buy the property.

So I'd like to approve the minutes of 2/2/09, please. Do I get a motion?

COUNCILMEMBER ALEXANDER: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Yes.

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MAYOR JENKINS: I'm going to let Chris bring and give us an update on the citizens' workshop on the going away of John King.

So give us a little update on where we're at at this point.

MS. AVERS: Sure. Chris Avers.

And we've actually decided on a name for ourselves. We're calling ourselves the Citizens Brigade for the 48th Brigade.

And the Mayor received a letter this week, over this past weekend, from an organization called the Aschiana Foundation, and their main goal and focus is to focus on the children in Afghanistan, refugees and children that are housed by -- whether they're orphans or just in a housing area over there. Their purpose is to impart reading, writing, mathematical and hygiene skills to the children. And so in support of that, Ms. Patricia Silberman wrote to the Mayor and said that she was very excited about our community helping out.

And so what we're going to do is going to have a drive for school supplies and hygiene items like toothpaste, soap and shampoo so that we can bring that no later -- up here to City

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Hall or to the Police Department no later than the 26th of February-ish so that the 48th Brigade can collect up all of the stuff that we're sending and take it along with them to Afghanistan.

So this is basically the kick-off, and we now know who our organization is that we're working with. We have a project that we can do now on a quarterly basis where we'll be doing some fundraising, or school supplies raising, hygiene items.

There was talk of -- John Noonan had a suggestion of having the kids at the elementary schools donate a backpack with school supplies and hygiene items in it, the ones that they're not going to use. Like every year, a kid gets a new backpack or whatever. So that was -- that's a pretty good suggestion.

And the Mayor's also gone out to the different schools and solicited letters from the children in support of the troops.

So it's really coming together, and we hope you all will attend on the 26th here at City Hall for our reception for Chief John King and Officer Nichols who are going to be deployed

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with the 48th Brigade. Right now, they're training in Louisiana for their impending deployment.

That's all I had to say.

MAYOR JENKINS: All right.

MS. AVERS: Thank you all for your support.

MAYOR JENKINS: We will be getting into something a little deeper in that letter about adopting a classroom in Afghanistan, but we'll talk about that after we get the first supplies going, get it going with John. And it sounds like a good project, and we'll be working on that a little bit later.

Brian?

COUNCILMEMBER BATES: Item 4, MUNI Code, is going to be deferred. There's some additional information that we're trying to get regarding that.

5, Recycling. I'm going to ask that City Hall, in the next sanitation billing, to once again promote the curbside recycling effort with a call for sign-up and a list of the items that can be recycled under the current program. We need to do what we can to help promote and

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stimulate that.

So if, Rhonda, you can get with Sandra and --

CLERK BLACKMON: And I did -- I believe Steve Edwards a week-and-a-half ago informed me that they would work on a flyer that we could also put in. So I'll ask him the status of that, because I told him that we would like that by the next billing.

COUNCILMEMBER BATES: That would be great. Thank you.

Item 6 is also deferred because of additional information that we have requested.

Item 7, Scott, is this part of you?

MR. HAEBERLIN: Oh, yeah, certainly. I did prepare some revised fees.

We'll just go right now to the building inspection fees. What we discovered is that we were not covering our hourly costs on building inspections. And basically we have suggested raising the flat-rate fee -- excuse me -- the hourly fee, which is a minimum fee, to $75.00, and that would account for Mr. Calcaterra's service as well as the administrative assistant, who is Ruby Biggers, on behalf of the community

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1 development/planning and zoning division,
2 basically. So that's $75.00 per hour would be
3 the minimum charge.
4 Reinspections -- and as a result, these
5 are items -- when something fails and John must
6 go back, basically John is functioning almost
7 like a general contractor. He's talking these
8 people through the entire process. And then his
9 hourly rate is extremely expensive when we
10 consider that he's the only individual that we
11 have to rely on daily for inspections.
12 So we recommend the first reinspection
13 go to $100, a flat rate; second reinspection,
14 $150; third reinspection, $200; four or more
15 reinspections, which is pretty uncommon, but to
16 $250.00. Basically, he's talking them through
17 the entire process of doing whatever item
18 they're doing. And these fee costs are in
19 addition to any other costs required by the
20 Code, such as permit costs and review fees.
21 Fees are nonrefundable, and the fee waiver
22 requires action of the City Council.
23 With John's services, if people are not
24 actively paying for their inspections, the City
25 would reserve the right to refuse additional

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1 work with these individuals until they come up
2 to date on their account. And that is in
3 response to your concerns regarding inspection
4 fees.
5 COUNCILMEMBER ROCHE: Do these
6 inspection fees apply whether it's residential
7 or commercial?
8 MR. HAEBERLIN: Either way. John can
9 handle either one of them.
10 COUNCILMEMBER ROCHE: I understand
11 that.
12 MR. HAEBERLIN: Yes, sir, they're
13 applicable for both residential and nonresi-
14 dential.
15 COUNCILMEMBER ROCHE: And the fees end
16 up going into the General Fund so they could end
17 up basically anywhere as far as how we spend it.
18 MR. HAEBERLIN: Absolutely, yes.
19 COUNCILMEMBER ROCHE: So it's not
20 necessarily that we're spending it on John or
21 the Permits Clerk.
22 MR. HAEBERLIN: Well, what I'm
23 reflecting on is that $75.00 as a minimum charge
24 is really reflecting the City having these two
25 people on staff.

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1 COUNCILMEMBER ROCHE: I understand
2 that. Okay. I just want to make --
3 COUNCILMEMBER BATES: Because right
4 now, the minimum charge is only fifty, and
5 that's what he charges us.
6 CLERK BLACKMON: Correct.
7 MR. HAEBERLIN: That is correct. And
8 that would be a $25.00 raise.
9 COUNCILMEMBER SPANGLER: Are we in line
10 with the other cities around?
11 MR. HAEBERLIN: I'll tell you this on
12 the fees, and we'll get into this a little bit
13 later. It's highly variable among jurisdic-
14 tions. And actually, I'll be honest with you, I
15 think your inspection fees are actually low
16 relative to the rest of the metropolitan cities.
17 CLERK BLACKMON: I agree.
18 COUNCILMEMBER BATES: Mayor, is this
19 something that you would allow us to vote on
20 tonight or would you like to wait until
21 Ms. Fleming's --
22 MAYOR JENKINS: Well, anything of that
23 controversy, I would like for us to wait. But I
24 mean we can have it on the first of the month
25 and go ahead and get it in effect --

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1 COUNCILMEMBER BATES: Okay.
2 MAYOR JENKINS: -- because we really
3 need this. We have been too low on stuff too
4 long. We need to get it going. So we'll put
5 this on the agenda for the first of the month.
6 Is that all right with you?
7 MR. HAEBERLIN: It's fine with me.
8 MR. WEED: Mr. Mayor, from the legal
9 end of it, it would be my opinion that it
10 doesn't constitute a zoning decision under the
11 Code, so I don't think adopting this would
12 require a separate advertisement underneath the
13 Zoning Procedures Act.
14 I do lean towards advising you to adopt
15 it in the form of an ordinance or the form of a
16 resolution --
17 MAYOR JENKINS: Okay.
18 MR. WEED: -- which Scott and I can
19 talk about that, and if you're interested in
20 going forward, I can create one or the other as
21 we deem appropriate.
22 MAYOR JENKINS: Well, can we go ahead
23 and -- well, Ms. Fleming's not here.
24 And taking a consensus is something I
25 think this Council has always had something

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against. What do you say?
MR. WEED: Mr. Mayor, you certainly don't have to do it tonight. I was just suggesting that for your next meeting I would have a more formal document that included the Planner's recommendations for you to review and vote on if you care to.
MAYOR JENKINS: Well, my point is if you make a document, that document costs us. And then if we vote it down, that's a waste.
MR. WEED: Mr. Mayor, it's up to you. We can do whatever you deem appropriate.
I am a little concerned with you just adopting the fees. Legally, I think you can do that, but the problem with that is there's no official recordation. When someone comes up to the office and says, "What are the fees?" there'll be the motion and second in the minutes and whatever document it's actually physically inserted in the minutes. But a better way of doing it in my opinion would be to do a simple resolution or an ordinance that we could hand that document to somebody if they ever ask what the fees are. That's my opinion.
MAYOR JENKINS: Yeah, I understand.

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But I'm saying do you want to go ahead and do the resolution before we vote on it which would be the first of the month?
MR. WEED: That's entirely up to the Council. My experience with the Council so far has taught me that they like to see things in writing, they like to see it as early as possible. Therefore, I would like to do it in writing and I'd like to do it as early as possible.
MAYOR JENKINS: Anybody have any objections?
COUNCILMEMBER ROCHE: To a resolution, no.
MAYOR JENKINS: Okay.
COUNCILMEMBER ROCHE: Because a resolution sounds cheaper.
MAYOR JENKINS: Okay. You have the resolution ready at the first meeting.
MR. WEED: Yes, sir, I will.
MAYOR JENKINS: Thank you.
COUNCILMEMBER ALEXANDER: For this portion only, correct? The permit, the building permit.
COUNCILMEMBER ROCHE: Just for the

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inspection fees.
MR. WEED: Correct.
Now, and I will suggest this: If Scott -- I mean I know that Scott has worked on in October a planning and zoning fee schedule. It would be just as easy to do everything at one time if that's viable for Scott to get done, and that would save you more money, which is what I'd recommend you do, but I'm not trying to give more work to Scott. I don't know. I don't know where that other process is.
COUNCILMEMBER ALEXANDER: It's item 16 on the agenda.
MR. HAEBERLIN: Correct.
COUNCILMEMBER ROCHE: And when we get to item 16 --
MR. WEED: Then I would try to do it in one, which I would do.
MAYOR JENKINS: Now, are we going ahead with the variances and everything?
CLERK BLACKMON: Well, he was just saying when that comes up, that item 16 --
MR. HAEBERLIN: We'll cover that under 16, sir.
CLERK BLACKMON: -- we'll get to that,

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and then Murray can do them both at the same time if Council wants to move forward that way.
COUNCILMEMBER ROCHE: Is there a problem with just going to number 16 now since we've talked about it now?
MAYOR JENKINS: Let's go ahead. Finish it up now. There's no use to wait.
COUNCILMEMBER ROCHE: Do we need a motion and all that to do that?
MR. WEED: Technically, yes, sir. I do think the items are closely enough related that you could probably just do that, but technically it would be better to have a motion and a second to modify. Therefore, I wouldn't recommend you do that. Just -- we'll just hold off on your making a decision --
MAYOR JENKINS: All right.
MR. WEED: -- on 7. When we get to 16, we'll do it then.
MAYOR JENKINS: All right.
Item number 8, I brought this one up, and this is one I will the first of the month, but I want us to go back to a work session, one voting meeting a month. We've already got another meeting each month set up, which we have

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1 to have the court reporter. The court reporter
2 costs us about $3,000 a meeting, and if we can
3 cut back some on that.
4 My main reason for bringing this up
5 again is saving money, and I've always believed
6 in a work session ahead of our regular voting
7 meeting. And another reason for putting it off
8 until the first of the month, we can't put it in
9 effect until the mid-month meeting. So I would
10 like to talk to the Council and say we need to
11 cut back on our expenses on the court recorder.
12 No offense to her. But we're into the budget
13 now and we're trying to cut everywhere we can.
14 But I would like the Council to think
15 about the work session which will be the mid-
16 month meeting, and a voting meeting on the first
17 of the month.
18 And we also need to cut our meetings to
19 two to two-and-a-half hours a meeting. We're
20 getting out of hand. We're going at the least
21 three hours, sometimes four, four-and-a-half.
22 And I think we can do the same thing in the same
23 amount of time if we just -- but the work
24 session will help us on that. But that's
25 another thing that I will put into this and

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1 bring it up the first of the month: that we go
2 to two hours, not more than two-and-a-half hour
3 meetings, and that will also save us some money.
4 So does anybody have any more
5 discussion on that?
6 COUNCILMEMBER ROCHE: Well, you're
7 saying that the main issue, the main reason for
8 number eight for going to the work session is so
9 we don't have to spend as much money on --
10 MAYOR JENKINS: Well, that's one
11 reason.
12 COUNCILMEMBER ROCHE: -- the court
13 reporter?
14 MAYOR JENKINS: That's one reason.
15 I've always believed we need a work
16 session to bring us up to date on some of this
17 stuff and not vote on it by the spur of the
18 moment.
19 COUNCILMEMBER ROCHE: There was a time
20 when we didn't use court recorders at all.
21 MAYOR JENKINS: Yeah, I understand
22 that.
23 COUNCILMEMBER ROCHE: And we just had
24 the minutes kept by the City Clerk.
25 MAYOR JENKINS: Right. You want to go

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1 back to that?
2 COUNCILMEMBER ROCHE: I think it --
3 UNIDENTIFIED SPEAKER: And you all got
4 away with all kinds of stuff. That's why she's
5 there: to record what you're doing.
6 MAYOR JENKINS: Did you put down to
7 speak here on that item? Did you put your name
8 down to speak on that item? Okay.
9 Go ahead, Bob.
10 COUNCILMEMBER ROCHE: No. I was just
11 asking a question. I mean we are recording it.
12 MAYOR JENKINS: We're taping, we're
13 recording.
14 COUNCILMEMBER ROCHE: There's no reason
15 why the recordings couldn't be put on the Web
16 site as far as that goes.
17 Think about it. I mean it's not that
18 big a deal. It might be cheaper in the long run
19 to put the video on the Web site than it would
20 be to try to take down every word.
21 If your main concern is that -- I think
22 that we're getting a lot done, frankly, a lot
23 more done than we used to, with the two voting
24 meetings. A lot of routine stuff that we vote
25 on, we get out of the way. And I think going

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1 back, personally, I feel like that would be a
2 step backwards.
3 MR. WEED: Mr. Mayor, if I might --
4 MAYOR JENKINS: That's the reason I
5 brought it up.
6 COUNCILMEMBER ROCHE: Right.
7 MAYOR JENKINS: I don't -- I still say
8 we need information meetings.
9 It works so good for other cities. Why
10 do we have such a problem?
11 COUNCILMEMBER ROCHE: Well, I find that
12 we end up saying all the same things at the
13 regular meeting --
14 MAYOR JENKINS: We do.
15 COUNCILMEMBER ROCHE: -- as we do at a
16 work session.
17 MAYOR JENKINS: We can put a stop to
18 that if we work 'em out.
19 MR. WEED: Mr. Mayor, if I might make a
20 suggestion. As a compromise, it might be the
21 best of both worlds, some cities I am familiar
22 with, they don't have a nonvoting work session
23 but what they do is regulate their agenda where
24 they have work session items which will not be
25 voted upon and other items on the same agenda

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which will be voted upon; and therefore, you still have two meetings a month. Some would be truly designated as work session items which would not receive a vote, others would be voted upon. That way, you could still have two meetings, there would still be opportunity to vote at more than one meeting, but at the same time, I think you would achieve your goal.

COUNCILMEMBER ROCHE: Well, but one of the goals is to save money on court reporter costs.

MR. WEED: I won't --

COUNCILMEMBER ROCHE: So obviously, that --

MR. WEED: -- address that.

COUNCILMEMBER ROCHE: -- doesn't help any. Right.

MR. WEED: But I think that that would be more efficient. It might help.

COUNCILMEMBER SPANGLER: So if we cut down on the meetings and put a limit of two hours per meeting --

CLERK BLACKMON: Then her bill will go down.

COUNCILMEMBER SPANGLER: -- then her

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bill's going to be about half of what it could be.

CLERK BLACKMON: That is correct.

COUNCILMEMBER ROCHE: Could you use a smaller font?

MAYOR JENKINS: Brian? Maria?

COUNCILMEMBER ALEXANDER: Well, I guess I have opinions both ways. Being a citizen, I remember sitting in the audience and unfortunately seeing the treatment of the City Clerk by members of Council arguing about the minutes and what was in them and what wasn't in them and what they thought they said and what they didn't say. So in that respect, I'm thankful that she's there, and I know the Clerk is thankful that she is there.

So I mean I do see her as a benefit but I also see your point that we do need to try to, you know, cut costs. Perhaps if we can limit ourselves to the number of items that we put on the agenda and try to physically make the agenda smaller, thus one would deduce, hopefully, the meeting would be shorter. That's just how I feel.

MAYOR JENKINS: Brian?

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COUNCILMEMBER BATES: I concur.

MAYOR JENKINS: Anymore discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Well, this item will be on the next agenda for the first-of-the-month meeting.

Rhonda, would you get me the sign-up sheet, please.

CLERK BLACKMON: Yes, sir.

MAYOR JENKINS: Number 9 is Mr. Roche.

COUNCILMEMBER ALEXANDER: No, sir. That's me. Mr. Roche's is on down.

MAYOR JENKINS: Oh, excuse me.

COUNCILMEMBER ALEXANDER: That's okay.

MAYOR JENKINS: You say that number 9 is you?

COUNCILMEMBER ALEXANDER: Yes, sir. 9 and 10 are myself.

We've got two Planning Commission ordinances. One is dated 2/11 and one is dated 1/29. There were some points in the 1/29 one that I wanted to discuss. That's why it's back on here again. I guess we're going to further

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discuss when we get to the last revisions, 2/11. Regarding the addition of the text amendments, the zoning amendments was added to the definitions of what the Planning Commission does.

I did have a question as far as wording. Mr. Weeding, you have "by appointment of the City Council." Does that need to be expanded? because I believe a Council member from the respective district nominates their person and then it's voted on by Council. Do you need to change that wording, or "appointment" basically means the same thing?

MR. WEED: It means the same thing.

COUNCILMEMBER ALEXANDER: Okay.

MR. WEED: Yeah. No individual would have the power to appoint anybody. You can only do it as a body.

COUNCILMEMBER ALEXANDER: Okay. And that's just how we've done it in the past.

MR. WEED: I did contemplate that problem.

COUNCILMEMBER ALEXANDER: Okay. One of the things that was added based on Mr. Weed's suggestion was that Planning Commission members shall attend training with the Atlanta Regional

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1 Commission and take some of their planning
2 courses.
3 We attended a Dekalb Municipal
4 Association meeting, and Commissioner --
5 Was it Boykin?
6 COUNCILMEMBER SPANGLER: Uh-huh.
7 COUNCILMEMBER ALEXANDER: -- from
8 Decatur mentioned that he himself had attended
9 the training and just went on and on about how
10 worthwhile it was, and he suggested that all
11 council members take the training, which I think
12 may not be such a bad idea.
13 So I did like the suggestion of the
14 Planning Commission members partake in the ARC
15 training. The City would pay for that. I
16 didn't know if that needed to be in the
17 ordinance or not. But it said within six
18 months, and I feel like was too short a time
19 period because I think the classes are taught
20 perhaps once a quarter. So I just like the idea
21 that within one year of their appointment or
22 their nomination and acceptance of the role, to
23 have the education that's offered by the ARC.
24 That's all I had to say. I would like
25 to see that the training is offered to the

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1 Planning Commission members as part of the
2 ordinance, and that's all I had on that.
3 And then my next item was Georgia Power
4 Street Lights Maintenance Proposal. We received
5 a letter that we briefly discussed on November
6 the 10th.
7 MAYOR JENKINS: Excuse me just a
8 minute.
9 COUNCILMEMBER ALEXANDER: Yes, sir.
10 MAYOR JENKINS: I had two sign-ups on
11 number 9.
12 COUNCILMEMBER ALEXANDER: Oh, I'm
13 sorry.
14 MAYOR JENKINS: Stuart Anderson, you
15 signed up for number 9?
16 MR. ANDERSON: I signed up for the
17 Planning Commission, both Planning Commission
18 items.
19 COUNCILMEMBER ALEXANDER: That's number
20 9, then. I apologize.
21 MR. ANDERSON: The ARC's classes, this
22 month is the first class and then it's the
23 following, the next two months, and that
24 academy, they call it, is once a year.
25 MAYOR JENKINS: Bonita?

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1 MS. HOFFMEISTER: Bonita Hoffmeister.
2 I just have, again, a problem with
3 requiring training if the City Council is not
4 going to pay for it and if it's not available,
5 because right now we have a plethora of this
6 type of training. You know, the County offers
7 it, the ARC offers it. But if things become
8 tighter, this may not become the case and then
9 you have a conflict in your ordinances.
10 Thank you.
11 MR. ANDERSON: I apologize. I had
12 something else, because I didn't know which item
13 was covering which Planning Commission
14 situation.
15 Stuart Anderson.
16 Concerning this document and putting
17 the variance and zoning considerations into this
18 document that forms the Planning Commission, I
19 think they should be separate. Actually, I
20 think I said this at the last meeting. But
21 nonetheless, the formation legislation for the
22 Planning Commission should be separate. It's a
23 group set up by the City Council as is the
24 Ethics Committee.
25 The zoning requirements and the

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1 variance requirements should be in the Zoning
2 Ordinance Book for the City of Doraville and
3 should be referenced by the City Council and by
4 the Planning Commission. It's the rules.
5 That's where the zoning ordinances and variance
6 ordinances or variance criteria belong.
7 As far as the formation of the Planning
8 Commission and granting its duties to hear
9 variance, et cetera, although the discussion has
10 been going on, it should be a separate item as
11 it was originally intended to be, 06-06, which
12 is the revision of 2-40.
13 The reason that Scott kind of messed
14 around a little bit was because 06-22 was
15 written incorrectly, requiring, as Mr. Weed
16 observed, a change in the zoning book. But
17 those changes shouldn't have been put in the
18 zoning book. They shouldn't be required to be
19 in the zoning book. Only the zoning
20 requirements and the variance should be --
21 variance criteria should be in the zoning book,
22 and the formulation of the Planning Commission
23 should be a separate, standalone ordinance.
24 Thank you.
25 MAYOR JENKINS: Thank you, Stuart.

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Maria, number 10.
COUNCILMEMBER ALEXANDER: Sorry I didn't know persons were signed up for item 9.
As previously discussed back in November, we had received -- I believe the Mayor had received a letter and then a contract.
And I'm sure -- did you receive any calls from the County also on these lights?
MAYOR JENKINS: Did I?
COUNCILMEMBER ALEXANDER: Yes.
MAYOR JENKINS: No.
COUNCILMEMBER ALEXANDER: Okay. So the contact came from Georgia Power.
MAYOR JENKINS: Yes, straight from Georgia Power.
COUNCILMEMBER ALEXANDER: Okay. We received contact from Georgia Power requesting that we pay for maintenance for the lights that are installed on the sidewalks, and the terminology they used is "roadway lighting systems."
As part of our tax equity study with the County, the original special-use tax district was passed back in 1982. When you look at your property bill, under the County portion

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it has a line item that says "Doraville tax district," and there's a dollar amount there.
I'm not a legal eagle, Mr. Weed, but in my reading of this law, which I have put a red flag, that was passed in 1982, part of these moneys says "street and road maintenance including the maintenance of curbs, sidewalks and street lights." So I would take that law to read that Dekalb County is responsible for maintenance of these lights based on the special tax district.
MR. WEED: I think that's a fair reading of that statute.
The only caveat would be it's been a long time since 1982, and the issue, it may have at some point come up where there might be some form of intergovernmental agreement somewhere along the way in between then and now that might vary from that. I'm not saying that there is.
We've been unable to find such agreement. I do think we should take the position that no such agreement exists and let Dekalb County produce it.
COUNCILMEMBER ALEXANDER: Mr. Baggett didn't seem to -- when I posed the question to

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him, because I said they're trying to -- I think I used the language "stick Chamblee and Doraville with these lights," he did not indicate that he thought there was more legislation that modified this language, because that's part of this 1982 language is stormwater is no longer a part of this. Stormwater is a separate utility.
So that's part of the thing that the strategy is, well, this tax district now has changed and morphed over the years. But I don't think that we should pay for a $30,000 contract for these lights when I think it should be covered by the taxes that we already pay on our property taxes.
I don't know. Should we make a motion to investigate this further and then have the Mayor send a letter to Georgia Power just explaining that we think it's already covered by our property taxes or how would Council like to handle this?
COUNCILMEMBER ROCHE: That makes sense to me.
COUNCILMEMBER ALEXANDER: So Mr. Weed, do you want to prove me wrong?

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MR. WEED: I agree with you. We've been unable to find any kind of contract that would obligate the City of Doraville to pay for the lights or pay for the maintenance or use of the lights. We didn't ask for the lights. We didn't have an opportunity to decline their presence. The lights appeared, or at least that's what the records indicate so far. If someone else knows something else, we'd like to hear that.
I think we should take a firm stance on it. And essentially they have the burden of proof to prove that somehow we owe them for the lights. Let them do that.
COUNCILMEMBER ALEXANDER: Okay.
MR. WEED: That's my opinion.
MAYOR JENKINS: Okay. You will be drawing up a letter on that or --
MR. WEED: I will, sir.
MAYOR JENKINS: Is that what you want, Maria?
COUNCILMEMBER ALEXANDER: I'm sorry?
MAYOR JENKINS: Do you want him to draw the letter up --
COUNCILMEMBER ALEXANDER: Yes, sir.

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MAYOR JENKINS: -- make sure we --
COUNCILMEMBER ALEXANDER: And you check out the wording to make sure it's not too mean to Georgia Power.
MAYOR JENKINS: Yes. And we want to make sure that's pedestrian lights, now, not --
COUNCILMEMBER ALEXANDER: Well, it says roadway lighting. That's why I want it worded exactly like the contract, because in the State law, it says street lights, and her proposal says roadway lighting. Because I was concerned if it did say pedestrian lighting, that that would be a whole different animal, but it specifically says roadway lighting.
COUNCILMEMBER BATES: So basically we'll be telling Georgia Power to send their bill to Dekalb County.
MAYOR JENKINS: That's right.
MR. WEED: That's the short version.
MAYOR JENKINS: We'll be telling them no. Hope we can get by with it.
Are you done, Maria?
COUNCILMEMBER ALEXANDER: Yes, sir.
MAYOR JENKINS: Okay. Mr. Roche?
COUNCILMEMBER ROCHE: Yes. Occupancy

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Rate Ordinance. I think at the last meeting or the meeting before, we passed a motion to basically look at the occupancy ordinance. And we have a copy here of 05-42.
The problem we're running into is that the way that the ordinance is written is that it makes it very easy to have a rooming house and it makes it very difficult to have like a roommate situation. Something came up recently where apparently this young couple living in a house, three bedroom house, and they had a roommate, and at one point they were told that the roommate would have to move out and all this sort of thing; whereas, on the other hand, again, we know that we have rooming house problems all over town.
So we asked Mr. Weed to take a look at our current ordinance. Part of it's the family thing. There's a description of family. So what happens if you have like 17 guys living in a house with nine pickup trucks? They all say, "That's my cousin," you know, or, "That's my brother," "That's my half brother," "That's my" whatever.
If we do it by bedrooms, well, they

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just, you know, build little cubicles down in the basement, you know, so everybody's got a bedroom, you know, or two or three people in a bedroom.
I remember when I was ringing doorbells, I mean I remember one door opened. They opened the front door, and in the living room were two or three queen-size beds just there, you know, and I don't know if it's still there or not. I just think that we need to find something that's enforceable.
We spoke briefly, Attorney Weed and I. I spoke to one of the citizens. I think Gwinnett County had a -- I think basically they just said, you know, X-number of people could live in a house. We're just trying to look for, you know, maybe some model legislation that would be effective and enforceable without taking away people's rights, for instance. I know a lot of places where, you know, elderly, maybe someone that's -- I hate to say "elderly" -- a senior citizen might be able to rent a room out to a college student, for instance. It would help the college student. The senior citizen would have someone around the house.

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You know, something like that I think would be reasonable to do. And where we draw that line, I don't know.
One thing I guess I heard was, again, we talked on the phone earlier with someone about this, saying if it's a house, you can't have more than five people living in a house, period. It's very easy to enforce.
Now, if you have a house where it's mommy and daddy and six kids, then certainly they can come to City Hall and say this is the situation and the Mayor can, you know, write something or whatever. If it's a one-bedroom house, no more than three people and two cars. If it's a two-bedroom house, no more than four people and three cars, you know. And you know, something very simple, something very straight-forward.
I don't know the answers because I'm not a lawyer. But again, that's why I brought it up, and I think we need to do something about it. And besides, I made a commitment to some citizens that I would bring this up, and now here we are.
MR. WEED: Mr. Mayor and members of the

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1 Council, I can provide a very short, concise
2 report on where we are with that if you'd like
3 me to.
4 MAYOR JENKINS: Yes.
5 I know that we passed an ordinance
6 similar to that on October the 3rd, 2005. And
7 what you want to do is upgrade it or --
8 COUNCILMEMBER ROCHE: Well, again, I
9 think that Attorney Weed can give us --
10 MAYOR JENKINS: Go ahead.
11 COUNCILMEMBER ROCHE: -- an analysis of
12 where the holes are and what works and what
13 doesn't work.
14 MR. WEED: Per Councilman Roche's
15 request and the Council's approval of that
16 request, I have reviewed six ordinances. I've
17 reviewed Gwinnett County's, Cobb's, ours, Dekalb
18 County's. San Marcos, California, was given to
19 me as well as the City of Tallahassee. What I
20 can tell you from doing that review is that most
21 of these jurisdictions try to combat the evils
22 of overcrowding via their zoning ordinance.
23 I don't think that's the way to do
24 this. I think this really is a building code.
25 And how I would advise you to address it would

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1 be the concept of every living unit has a
2 certain amount of occupiable space for human
3 beings. Every human being is entitled to X-
4 amount of that space. And that would solve the
5 issue without trying to define what a family is.
6 Particularly in Doraville, you've got a domestic
7 partnership ordinance and you have other
8 ordinances which have expanded the view of what
9 constitutes a family.
10 I as a lawyer would steer you away from
11 trying to define that and rather focus on
12 objective numbers: For X-amount of occupiable
13 space, each human being gets X-amount of the use
14 of that space. I think that's certainly more
15 fair. It also relieves you of the burden of
16 trying to define who's a tenant and who's not a
17 tenant. You don't have to get into who's
18 leasing to whose cousin or brother; it's simply
19 a matter of numbers. A football field, a
20 hundred yards long. It could have been 50. It
21 could have been 65. Somebody decided it's going
22 to be a hundred. And that's a very objective,
23 clear-cut, easy-to-interpret, easy-to-enforce
24 standard. So that's my recommendation.
25 I notice in some of the ordinances I

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1 reviewed they don't even have a separate section
2 for it. They actually try to define in their
3 definitions the amount of space per human being,
4 which I think that's a bad idea, too, and I
5 think we should avoid that.
6 So those are my suggestions. I would
7 recommend that we remove the sections in the
8 zoning code which are 809 and 607 and take those
9 out of zoning and put them in the building code
10 which is where I think they're more appropri-
11 ately located.
12 What I've also done is contact John
13 Calcaterra, three or four phone calls to him.
14 He's been out of pocket. He did call me back
15 today. We're going to sit down with this thing
16 and try to come up with numbers for the living
17 space which are both reasonable, fair, but also
18 would prevent overcrowding.
19 And that's the conclusion of my report.
20 That's where this ordinance is now.
21 COUNCILMEMBER ROCHE: The thing I would
22 ask is that you're absolutely right. I mean we
23 shouldn't be in the business of defining what
24 "family" is. You know, me and my cat; that's a
25 family, you know. I don't see that in the

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1 ordinance anywhere, but anyway.
2 Is there anything we can do about the
3 number of vehicles?
4 MR. WEED: Absolutely. I would do that
5 in a separate ordinance. I don't think that
6 really necessarily belongs with regard to a
7 living-space ordinance, but think about that.
8 Hapeville and a number of other
9 jurisdictions just have a separate, standalone
10 ordinance about how many vehicles can be parked,
11 you know, in the grass, parked in a driveway,
12 that type of thing. On a public street, it's
13 hard to regulate that obviously because it's a
14 public street, unless you do it by signage. I
15 mean you could make a street one way. You have
16 that authority if it's your street. You could
17 prevent parking along a street that you've got
18 the authority to do that, too, under Title 40.
19 So let me think about -- I will do
20 something about the cars as well, but I'm not
21 sure that these need to be combined into one
22 ordinance.
23 COUNCILMEMBER ALEXANDER: I believe
24 that Roswell had a code regarding the vehicles
25 and I believe it was under litigation, so you

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1 might want to --
2 MR. WEED: I will look into that.
3 COUNCILMEMBER ALEXANDER: -- research
4 that, because a man had -- all his children came
5 home to visit at the same time at Christmas and
6 then he was cited for too many cars.
7 MR. WEED: It really isn't the number
8 of cars, I think. It's more important where
9 they're parked. I think what you want to try to
10 avoid is cars parked on what should be grass,
11 you know; cars parked where they create an
12 unsafe condition, in driveways, that type of
13 thing or in the street. And I think we can get
14 there, too.
15 COUNCILMEMBER SPANGLER: Well, what's
16 wrong with the part in 809 with the 300 square
17 feet for the first two occupants and 200
18 additional feet for each --
19 MR. WEED: I haven't determined that
20 there's anything wrong with that, Councilman. I
21 wanted to get John Calcalterra's input because,
22 as a building inspector, he'll be doing the
23 predominant amount of measuring and making that
24 determination. So without having talked to him,
25 I didn't want to just put a seal of approval and

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1 say, "By gosh, that's the best number we can
2 do." I'd like to get the Building Inspector's
3 input.
4 COUNCILMEMBER SPANGLER: For 1300
5 square feet, you can only have seven people, so,
6 and again, with the amount of bedrooms or
7 whatever that goes in with that, I mean this
8 ordinance is doable.
9 MR. WEED: It may be the perfect
10 number, and it could very well be. But until
11 John and I talk -- I want to get the Building
12 Inspector's input.
13 COUNCILMEMBER BATES: Just for my
14 clarification, is this the same as Agenda Item
15 19?
16 MR. WEED: Since I don't control the
17 agenda, I don't know. My assumption would be
18 yes.
19 CLERK BLACKMON: Yes.
20 COUNCILMEMBER BATES: Okay. Second
21 question would be, Rhonda, I'm assuming you
22 provided the list of definitions. Are these
23 from our zoning code?
24 CLERK BLACKMON: That is from -- yes,
25 and it goes with that old ordinance. We were

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1 handing those out because those definitions were
2 made for that particular ordinance.
3 COUNCILMEMBER BATES: These definitions
4 were made specifically for this ordinance or are
5 they general definitions for the whole zoning?
6 CLERK BLACKMON: They were general for
7 the zoning but they went with that ordinance.
8 Does that make sense?
9 COUNCILMEMBER BATES: Yes. Thank you.
10 COUNCILMEMBER ALEXANDER: And further I
11 think to Mr. Spangler's points, I like our
12 minimum living space. It's greater than Dekalb.
13 Dekalb is 150 for the first occupant and 100
14 additional square foot per additional occupant.
15 COUNCILMEMBER SPANGLER: And then if it
16 is a family with greater than seven for a 1300-
17 square-foot home, then they could come to City
18 Hall and say, "Hey, look. This is my immediate
19 family," or whatever and get a special permit or
20 whatever they would need in order to occupy that
21 home.
22 MAYOR JENKINS: Item number 11, the
23 sign-up, was that you, Mr. Noonan? Did you sign
24 up for item number 11?
25 MR. NOONAN: I didn't sign up, but I

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1 would have.
2 MAYOR JENKINS: Well, wait just a
3 minute. Who signed up for item number 11? I
4 apologize. I can't read it.
5 MR. NOONAN: I would like to speak on
6 it.
7 MAYOR JENKINS: Okay.
8 MR. NOONAN: John Noonan.
9 I'd just like to point out the existing
10 ordinance doesn't have anything in there about
11 family.
12 COUNCILMEMBER BATES: It does, John.
13 MR. NOONAN: Does it? I have a copy
14 here and I don't see it.
15 COUNCILMEMBER ALEXANDER: It's under
16 rental provision.
17 COUNCILMEMBER BATES: Under rental
18 provision.
19 MR. NOONAN: Oh, rental provision.
20 Okay. I was thinking about the minimum living
21 space there, and it pretty well spells it out,
22 square foot per individual.
23 COUNCILMEMBER BATES: The clause that's
24 really the stickler in this ordinance is the
25 rental provision, and it reads: Any single-

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1 family residence, there shall be no rental space
2 to boarders, students, transients or other
3 nonfamily members.
4 And that's where we get --
5 MR. NOONAN: Yeah.
6 COUNCILMEMBER BATES: So I cannot have
7 a roommate in my house. That would be against
8 the law.
9 COUNCILMEMBER ROCHE: Right.
10 MR. NOONAN: Oh, so that's the part
11 that we're trying to address. We're not trying
12 to change the square footage or anything like
13 that?
14 COUNCILMEMBER BATES: No.
15 COUNCILMEMBER ROCHE: No.
16 MR. NOONAN: Because I was saying that
17 we worked a long time in producing this back in
18 2005 and 2006 and I thought, why are we
19 revisiting it?
20 COUNCILMEMBER BATES: It had some
21 unintended consequences based upon that specific
22 language that really precludes individuals from
23 having roommates --
24 MR. NOONAN: Right.
25 COUNCILMEMBER BATES: -- you know, if

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1 they're not related, and that's a significant
2 challenge.
3 MR. NOONAN: Right; for any individual
4 for starting out. Yes, I agree with that.
5 COUNCILMEMBER BATES: Well, especially
6 for a gay household --
7 MR. NOONAN: Well, that's another
8 issue, too.
9 COUNCILMEMBER BATES: -- or an
10 unmarried couple. You know, those are all --
11 you know.
12 MR. NOONAN: Well, I was just wondering
13 why. I thought we already hammered all this
14 out. I thought we were trying to rewrite this
15 to include --
16 COUNCILMEMBER BATES: No.
17 MR. NOONAN: -- family when that's an
18 issue that you really don't want to get into.
19 COUNCILMEMBER BATES: No.
20 COUNCILMEMBER PITTMAN: And one of the
21 biggest problems I think we faced was the
22 enforcement part because if the officers are
23 allowed to go in, it's wonderful, but if it's
24 not -- and I think oftentimes it was by chance
25 they got another call and were able to get

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1 inside. So that's a big problem.
2 MR. NOONAN: And that's the only way
3 you're going to be able --
4 COUNCILMEMBER PITTMAN: Absolutely.
5 MR. NOONAN: -- to enforce it.
6 MAYOR JENKINS: Bob, do you know what
7 changes you want?
8 COUNCILMEMBER ROCHE: No. I think in
9 general it has to do with the family thing.
10 The only thing I would add would be,
11 like I said, if it was a situation where, like I
12 said, a senior citizen wants to rent out a room
13 to a college student, you know, I think that
14 they should be allowed to do that -- you know,
15 within reason, obviously.
16 MR. NOONAN: That's all I have to say.
17 MAYOR JENKINS: Thank you.
18 MR. NOONAN: I thought you were going
19 to try and rewrite the thing that we already
20 have on the books and it's perfectly fine.
21 MAYOR JENKINS: Fine.
22 MR. NOONAN: Just a minor discrepancy.
23 MAYOR JENKINS: Do you want to go ahead
24 and get this -- change it tonight and get it
25 moving?

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1 COUNCILMEMBER ROCHE: Do what, now?
2 MAYOR JENKINS: Do you want to get the
3 changes for it tonight and get it moving?
4 COUNCILMEMBER ROCHE: No, I don't think
5 so. I think that we're still working on it. I
6 think we just brought it up. I mean tonight
7 basically was to kind of look and see where we
8 are --
9 MAYOR JENKINS: Very good.
10 COUNCILMEMBER ROCHE: -- and then get a
11 general idea of where we want to be. And I
12 think we have a general idea of where we want to
13 be: just pure numbers and get out of the
14 business of defining what families are.
15 MR. WEED: And we have a good
16 direction, I think, and we're headed down it,
17 and we'll have a document for you to look at
18 very soon.
19 MAYOR JENKINS: Okay.
20 MAYOR JENKINS: I believe Bob's next.
21 COUNCILMEMBER SPANGLER: English Oak
22 Park. Recently I had three complaints regarding
23 the park and I also had some calls about rumors
24 that the park was not going to be completed.
25 And so I met with Carol and, you know, to dispel

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1 some of the rumors and to talk about some of the
2 problems, the complaints that I had received.
3 And I think Ms. Alexander also had some of the
4 same phone calls, the Mayor did. I don't know
5 whether any other Council people did or not.
6 But I met with Carol, and also at one
7 meeting I also met with Ms. Alexander, and I was
8 just trying to find out what we needed to do to
9 make the park safe for everybody. And you know,
10 we had arrows shot into the park, we've had a
11 dog jump the fence, and all I want to do is make
12 everybody aware of the problems that we've had,
13 the complaints, and just share it with the full
14 Council.
15 As far as me wanting to do anything or
16 trying to do anything, all I'm trying to do is
17 find out what we can do to make the park safe
18 and for it to be usable for any and everybody
19 that wants to use it that lives in the city.
20 MAYOR JENKINS: Is this just a up-to-
21 date? You want to --
22 COUNCILMEMBER SPANGLER: Oh, that's all
23 I'm doing, Mayor. That's all I wanted to do was
24 talk about I had the complaints. I just wanted
25 to try to find a solution to the problem. You

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1 also heard the same complaints as well as
2 Ms. Alexander.
3 MAYOR JENKINS: Anybody else have any
4 comments on it?
5 COUNCILMEMBER ALEXANDER: I contacted
6 Captain Brown yesterday, and the Quality of Life
7 unit went and visited the residence where the
8 dog was getting out. And today they have
9 repaired their lower fence, and I believe they
10 were issued a warning also about the dog getting
11 out. And I think they even cleaned up some of
12 their back yard. So that was repaired today.
13 So I guess if we can ask our park
14 neighbors to be vigilant, and if you see him out
15 again, if you can please call Mr. Chupp as soon
16 as you see him out in the park. I understand
17 he's a friendly dog, but even friendly dogs can
18 be scary especially to little children. So if
19 you do see him out again now that the fence is
20 repaired, make sure we call Mr. Chupp.
21 MAYOR JENKINS: And the situation on
22 the arrows that Bob mentioned, I believe our
23 Police Department went out to those people, and
24 they assured us that that would never happen
25 again.

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1 COUNCILMEMBER SPANGLER: Well, I think
2 it happened twice.
3 My question -- I want to just ask
4 Mr. Weed -- if somebody were to be shot in that
5 park by an arrow and hurt or killed or whatever
6 or if somebody were to be mauled by a dog that
7 happened to be in that park because it jumped
8 the fence or whatever reason, would the City be
9 liable?
10 MR. WEED: And I'm going to give you
11 the typical lawyer answer: it depends.
12 Ordinarily no, and here's why. We have
13 two things going for us. One is the rule of
14 causation. Every event, there's a chain of
15 causation and a link from one part of the event
16 to the next part of the event. The question
17 would be, did the City do anything in the chain
18 of causation that caused the ultimate injury?
19 Under what you've described, the answer
20 is, I don't think so. It wasn't a situation
21 with bad lighting. It wasn't a situation where
22 we knew that there were drug crimes going on
23 there or we had some foreknowledge of the event.
24 As far as dogs are concerned, in
25 Georgia we still operate under what's called the

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1 one-bite rule, which means that until a dog
2 bites you, there is no evidence the dog is
3 necessarily dangerous.
4 And then with regard to the arrows, if
5 someone were inadvertently hit by the arrow, the
6 person who shot him would be liable. And unless
7 there was some connection to some liability,
8 something that the City did wrong, I think the
9 general rule of our immunity would cover us.
10 We'd be immune from that type of activity.
11 COUNCILMEMBER SPANGLER: So if this
12 incident was reported to the authorities or to
13 the City and nothing was done, then we could be
14 . . .
15 MR. WEED: I think the City has acted
16 appropriately in the context of if we receive a
17 report, if we act upon that knowledge, then we
18 have done what we can do.
19 That doesn't mean to say that somebody
20 won't sue us. But just because you are an
21 American and you can sue anybody you want to
22 doesn't mean you're going to win.
23 So in this case, I haven't heard
24 anything that indicates to me that we would be
25 liable. I think we'd be fine underneath the

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current circumstances.
COUNCILMEMBER BATES: Taking that one step further, under general liability, if a child was playing on playground equipment or in the park itself and is hurt, is there any general liability for the City because it's a City park and it's City equipment and City-maintained?
MR. WEED: Yes. It's the same liability for anything we do, any -- you know, any activity that we enter into.
And it goes back to questions of, you know, did we have notice? In other words, if a piece of playground equipment was reported to us as being faulty and yet we continually ignored it, then arguably we might have some liability. And that goes into an analysis of what was a ministerial function and what would not be a ministerial function.
And I won't bore you with the gory details, but it all depends on the circumstances, it all depends on the number of reports in; it all depends upon the reaction to the reports.
COUNCILMEMBER BATES: Thank you.

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MAYOR JENKINS: Bonita?
MS. HOFFMEISTER: Everything that I wanted to say has been said.
MAYOR JENKINS: Excuse me?
MS. HOFFMEISTER: Everything that I wanted to say has been said.
MAYOR JENKINS: Ben?
MR. CRAWFORD: I got all my questions answered at this time.
MAYOR JENKINS: Thank you.
Okay. Item number 13, 14 and 15, Pam is not here so we're going to put those on the agenda for the first-of-the-month meeting.
We'll go to item number 16, which is Rhonda and Scott, I believe.
MR. HAEBERLIN: Yes, sir. Pass out this to the Council members (presenting).
COUNCILMEMBER ALEXANDER: Is that different than what we had on the 13?
MR. HAEBERLIN: This is not a --
MAYOR JENKINS: Scott, while you're getting these passed out, we're going to take a five-minute break.
MR. HAEBERLIN: Okay.
- - -

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(Brief recess)
- - -
MAYOR JENKINS: Okay, Scott.
MR. HAEBERLIN: Let me go over the first item. You've got a sheet entitled Doraville Fixed Costs for One Hour Public Hearing Session. What I did was -- this is just a supplement -- I was trying to put a reality spin on our presence and our conduct of a public hearing on how much it really costs.
So I went with first, the staff that are present just to have a meeting: the court reporter plus document prep, City Attorney, City Planner, City Clerk. We're looking at approximately $574 for every hour that we sit here.
The legal ad, $40, and that is highly conservative. Signage fabrication and installation, about $80.
The City Planner services prior to the Mayor-and-Council meeting, again, I was highly conservative on this. The consultation for the applications, there's always an initial and a secondary site visit to do the site analysis to be able to write the report. The ad prep, the attorney consultation, notifying the applicant

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of hearing dates. Research and writing the report, again, very conservative at two hours. Review printed advertisement that's run, site visit to see if the sign installed is correct. Report, collate, duplicate, distribution, attendance at PC meeting, follow up with applicant/general correspondence, and we looked at about one hour of calls from the citizens. And that came to about $390.
Then the City Clerk costs prior to this meeting, and this is just preparing the packet, about six bucks.
And then miscellaneous clerical costs, file folders, paper, toner, et cetera, $25.
Highly conservative for a petition of even a moderate degree, $1,115. So that gives you an idea, currently at a hundred dollars for a residential petition and $700 for a nonresidential petition, how much money the City is in fact losing on every petition.
Also highly recommended in this is the attorney prepares an ordinance that rezones said lands or other City Council approved action, and that's about $115. That's a little follow-up the City has never done but would be highly

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1 suggested because of looking at past clerks'
2 minutes and documents being very poor.
3 MR. WEED: Scott, would you please tell
4 them that that was not my idea, that's your
5 idea?
6 MR. HAEBERLIN: Yes, sir.
7 Yes, I did talk with Mr. Weed about
8 this. And we have done this in other jurisdic-
9 tions, and again, I'm going to highly recommend
10 that, because I'm telling you, the track record
11 of the past petitions here in the City is very
12 poor and we really need to be preparing
13 ordinances zoning that land, sending out those
14 ordinances, for example, to the tax assessor and
15 other vendors, et cetera, because there is no
16 cleanup after we have this meeting other than
17 minutes. That's it.
18 So as you see, a petition of a moderate
19 severity, $1,115. So obviously, even at $700,
20 we're losing money.
21 So what I looked at and revised,
22 Partial Revised Planning and Zoning Fee, and I
23 did base this on acreage because I do -- Murray
24 may disagree in some respects, but the larger
25 the site, the more time I spend and the more

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1 complicated it gets, the more people become
2 involved. We then have attorneys, we have
3 architects, we have engineers. And the larger
4 the project, of course if it's a development of
5 regional impact, that could be a significant
6 amount of time. On 168 acre site, it might be
7 three-quarters of a year spent on that.
8 So I calibrated it 0 to 1 acre, $750
9 plus $150 per concurrent variance; 1 to 10,
10 $1,150 plus $150 per concurrent variance, and it
11 goes on, et cetera, to 150 acres where we max
12 out the fee. That may shock you on the maximum
13 fee, but I will tell you, having been involved
14 in previous DRIs, it is not uncommon to spend a
15 significant amount of work time for several
16 years working on these projects.
17 For purposes of the fee calculation, we
18 round up a half acre as being the higher amount.
19 Appeals to Mayor and Council as set
20 forth in Section 1401, currently you have no fee
21 for this whatsoever. This is I make a decision
22 or the building official makes a decision that
23 somebody disagrees with and they're going to
24 appeal it to the Council, saying that we made an
25 error in our interpretation of the zoning

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1 ordinance. So I set that at $750. Again, I
2 think that's highly conservative.
3 Conditional use request, again, not
4 listed in the fee schedule at this time, $850
5 plus $150 per concurrent variance.
6 And then a modification, which is
7 basically a change of conditions, same fee as a
8 rezoning.
9 Tabling and postponement. This is
10 probably something you've not dealt with before,
11 but this makes applicants more likely to show up
12 at their scheduled hearings. We have applicants
13 who don't show up who request things to be
14 tabled because they think that it would be more
15 opportunistic for them to do that. We also get
16 nonsufficient funds checks. So I set that at
17 $250.
18 Variances, administrative. Again, this
19 is something the Mayor does not have to approve,
20 $200 per item. Mayor and Council, $750. And
21 that is residential and nonresidential. And
22 Mayor and Council with concurrent Council
23 action, again, $150.
24 A zoning certification letter which is
25 currently being --

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1 COUNCILMEMBER ROCHE: Sorry. Could you
2 explain that a little bit? Mayor and Council
3 without Council action. Could you tell me what
4 that scenario is?
5 MR. HAEBERLIN: Okay. That would be an
6 example like a setback variance that does not
7 fall under administrative. Let's say for
8 example it went to the Planning Commission and
9 then came to the Mayor and Council. Currently
10 they would only be charged $100 for a residen-
11 tial, but I am saying that that would be at a
12 $750 rate now.
13 The concurrent Council action is like a
14 rezoning. If I rezone and I ask for variances,
15 that's part of my rezoning petition.
16 COUNCILMEMBER BATES: So the $750 is a
17 standalone variance.
18 MR. HAEBERLIN: Standalone variance.
19 COUNCILMEMBER BATES: The $150 is
20 actually just repeating what you've talked about
21 under A --
22 MR. HAEBERLIN: Correct.
23 COUNCILMEMBER BATES: -- which is the
24 $150 --
25 MR. HAEBERLIN: Correct.

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COUNCILMEMBER BATES: -- per concurrent variance. Okay.
MR. HAEBERLIN: And that's what we do in the consultation. We look at a proposed site plan. Like I said, the bigger the acreage, the more complicated it gets, the more people have invested in engineering, and we look and we say, "Look. You're short on parking, you're short on the buffer," this, that and the other. "If you want to do this with a rezoning case and rezoning is required, then it's at $150 per item."
COUNCILMEMBER BATES: Back on the $750, is that per variance or is that inclusive of seven variances being requested?
MR. HAEBERLIN: That's one property, one hearing.
COUNCILMEMBER BATES: No matter how many variances they're requesting.
MR. HAEBERLIN: As long as it's one lot.
COUNCILMEMBER BATES: Okay.
COUNCILMEMBER ALEXANDER: So they could do a setback and a whatever variance.
MR. HAEBERLIN: Lot coverage, for

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example. Yeah.
COUNCILMEMBER BATES: But the $150 per item is --
MR. HAEBERLIN: Only if you have another standing petition such as a rezoning.
COUNCILMEMBER BATES: Got you. I think I got it.
MR. HAEBERLIN: On this zoning certification, $125 plus $5.00 per acre. The reason why I did per acre, the more complicated the zoning certification is -- and these are very important because they're used in closings and for other legal documentation -- you really need to check the boundary and the legal to make sure they actually match. And on bigger parcels, obviously it takes more time because the survey is bigger.
Like I say, currently the City Clerk is doing those and at a net loss to the City.
Obviously, these are in addition to any other fees required by the Code, the fees are nonrefundable, and we have to receive these at application. Fee waiver would be the City Council only. And if the City Council chooses to initiate an item, obviously it is fee exempt.

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COUNCILMEMBER BATES: I only have one issue with all of these, and that's the appeals section.
MR. HAEBERLIN: Okay.
COUNCILMEMBER BATES: Run me through the rationale on why there should be a $750 charge for an applicant to appeal a decision by you or the building official --
MR. HAEBERLIN: Correct.
COUNCILMEMBER BATES: -- when you might be in error --
MR. HAEBERLIN: Okay.
COUNCILMEMBER BATES: -- because you're only human and --
MR. HAEBERLIN: Absolutely.
COUNCILMEMBER BATES: -- Mr. Calcaterra is only human.
MR. HAEBERLIN: Absolutely.
And this is covered under Section 1401 of the Zoning Ordinance. As you're aware, the building official is also charged with the responsibility in many respects of implementing the Zoning Ordinance the same as I am.
The reason for the $750 quite frankly is because we have to hold a public hearing and

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then we go back to running ads, and the time of the attorney, the time of the clerk, et cetera. It's certainly not free. It would in some cases be a disincentive for people to file appeals, because we have had initiation lately of some frivolous appeals because people certainly are just not happy with the results of the zoning ordinance.
COUNCILMEMBER BATES: Let me try to help myself get a little bit more comfortable with this.
Would it be allowable or appropriate if they paid the $750 and it was identified that they were in fact correct, that we then refund the $750?
MR. HAEBERLIN: Well, you know, you still have the fixed costs. You've still spent the money.
COUNCILMEMBER BATES: I understand it.
COUNCILMEMBER SPANGLER: But it was our mistake.
COUNCILMEMBER BATES: But it was our mistake.
MR. HAEBERLIN: Well, that's subjective.

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1 COUNCILMEMBER BATES: They wouldn't
2 have spent the $750 if the error -- and again,
3 whether it's, you know, by paper or by person,
4 whatever -- they wouldn't have spent that money
5 to begin with.
6 MR. HAEBERLIN: Correct.
7 COUNCILMEMBER BATES: So what I'm
8 saying is I'm okay with this if there's a caveat
9 that says if we the government, whomever,
10 entity, agent thereof, screwed up and it's
11 identifiable, that we refund that back to you.
12 MR. HAEBERLIN: Well, again, as long as
13 you understand that appeals are highly subjec-
14 tive in nature. It is --
15 COUNCILMEMBER BATES: My intent is not
16 to -- you know, if we get into this, of, you
17 know, everybody who, you know, claims foul gets,
18 you know, their money back. But if they can
19 identify or if it's identifiable that what they
20 wanted to do was actually allowed, then I would
21 be more inclined to grant a refund or a partial
22 refund. I don't think that --
23 COUNCILMEMBER ROCHE: I think Council
24 has done that before.
25 COUNCILMEMBER BATES: I just want to

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1 make sure that that's within our . . .
2 MR. WEED: It's not illegal. You could
3 choose to do it that way.
4 The only law on the subject really
5 deals with whether or not the -- you can recover
6 any reasonable fee as long as you have some
7 legitimate basis for it. If it is simply a
8 revenue-generation device, that's a tax and you
9 can't do it that way under Title 48. And
10 Scott's done a very good job of providing a
11 reasonable basis for the fees. But other than -
12 - giving the money back if they win, you can do
13 that.
14 COUNCILMEMBER BATES: Let me be very
15 clear. I thank you for doing this. This is
16 very good, and the analysis on costs is very
17 enlightening.
18 That is my only concern regarding the -
19 - because I want people to feel empowered to be
20 able to appeal a decision without incurring
21 additional financial burden if they feel that
22 they've been truly wronged or whatever. So I
23 don't want to put that barrier there, but I
24 understand the need for preventing frivolous,
25 you know, appeals.

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1 MR. HAEBERLIN: Like I said, you know,
2 I think I've been highly conservative, because
3 obviously I haven't -- I haven't included you
4 folks in the mix, and obviously you're paid.
5 The water and the sewage for this building, the
6 heat, the air conditioning. There's all sorts
7 of things we could start thinking about.
8 So in general, are we losing money?
9 Yes, I absolutely feel we're losing money.
10 Is this an incremental approach to
11 raising the fees? Yes.
12 Will we need to raise the fees again?
13 Probably.
14 I think that this is incremental enough
15 right now relative to the fact that for
16 residential it raises it all the way from a
17 hundred to the lowest amount of $750. For non-
18 residential, it raises it in increments of just
19 even 50 bucks. This is very incremental.
20 COUNCILMEMBER BATES: But on the resi-
21 dential side, the number of zoning requests to
22 modify a residential plot is going to be pretty
23 few and far between. I mean they'll only be
24 converting it from an R-1 to an R-2 or C-H. If
25 they were trying to convert it from Commercial

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1 or O-I to R, that would fall under the
2 Commercial side; correct?
3 MR. HAEBERLIN: Well, from Commercial
4 to R, it would be a residential petition.
5 COUNCILMEMBER BATES: Okay. I'm --
6 COUNCILMEMBER ROCHE: Is it --
7 Sorry.
8 COUNCILMEMBER BATES: No. I'm done.
9 Thank you.
10 COUNCILMEMBER ROCHE: No. And I agree
11 with you completely about the appeal thing.
12 Is it legal to charge a different set
13 of rates for residential versus commercial?
14 MR. WEED: Yes, you can. As long as
15 you treat everybody in a given class the same
16 way, that's fine. You can differentiate between
17 classes.
18 COUNCILMEMBER ROCHE: I have a question
19 and maybe it's a dumb question. The year
20 before, I sat up here and there was a lot of
21 discussion about what it cost for site plan
22 reviews. In those days, we farmed them out, I
23 guess, and in some cases they were a fairly
24 significant dollar amount. I don't see a line
25 item that says site plan review.

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MR. HAEBERLIN: Well, because we generally accept site plans only as an exhibit with the zoning. We don't zone specific to a site plan. My site analysis -- this is just me -- is just looking for what the person might need in terms of variances if they were to develop in that fashion.

Of course they can refuse to apply for any variances and simply get a zoning that does not address the need for any variances. So this is just the first part of the process.

What you're talking about comes in with plan review when we actually get permit applications, and that, yes, is significant costs --

COUNCILMEMBER ROCHE: Okay.

MR. HAEBERLIN: -- because that is farmed out.

So like I said, I think this is incremental; however, like I said, I would hate to see the City get a rezoning application for a hundred acres and get $700 for it. I will tell you, we'll lose significant amounts of money.

It's incremental for right now; probably will have to go up in the future.

COUNCILMEMBER BATES: I'm sorry. I

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just want to make sure that everybody is clear.

We're a one -- one-shoe-fits-all right now. It's $700 no matter the size right now.

MR. HAEBERLIN: Yes.

COUNCILMEMBER BATES: Right now.

MR. HAEBERLIN: Yes. That's for commercial or nonresidential.

It's a hundred dollars for residential, so obviously it doesn't cover even Rhonda sitting here.

COUNCILMEMBER BATES: I would ask the Council to instruct Mr. Weed to include that in his resolution?

COUNCILMEMBER ROCHE: If you make a motion, I'll second it.

COUNCILMEMBER BATES: I'll move --

COUNCILMEMBER ALEXANDER: Do we need to include the verbiage about the refund?

COUNCILMEMBER ROCHE: Yes.

MR. WEED: I want to just clarify. It's not your attention to provide attorney's fees. Let's assume that the person filed an appeal and won and they're going to have peripheral costs, arguably. They might have their own planner, their own expert, their own

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attorney. I assume you do not --

COUNCILMEMBER BATES: No.

MR. WEED: -- want to cover that.

COUNCILMEMBER BATES: It would only be the $750 appeal fee as set.

So I will make the motion that we have Mr. Weed craft the resolution including the Partial Revised Building/Inspections Fee Schedule and the Partial Revised Planning and Zoning Fee Scale [sic] with one addenda, and that would be under Appeals: the $750 fee would be refunded if the applicant was successful in their appeal.

COUNCILMEMBER ROCHE: And I will still second it.

MAYOR JENKINS: Anymore discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

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CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Yes.

MAYOR JENKINS: That's good. Thank you.

MR. HAEBERLIN: Thank you.

As we continue to monitor our costs, I'll be giving you guys an update again. We might in the very near future have another request on those specific items, but we're going to move on with some other fees that we need to address as well as soon as I can get them to you.

MAYOR JENKINS: Go ahead with the next item, Scott.

MR. HAEBERLIN: The City Architectural Design Guidelines. I'm not going to go into these in great detail right now because it's a very long document and you folks have just had a very short period of time to really think about it.

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As you drive throughout the city, what I want you to consider is right now, essentially anything that anybody wants to build in the city in terms of architecture is allowed: split-face block, stucco -- not hardcoat stucco, obviously -- metal buildings, flat roofs, et cetera.

The intent of this guideline -- and again, this hasn't come into the proper legalese but I wanted to get it to you as soon as possible because it's a lot to think about -- is to give some sort of continuity to what we're building.

In the past, we've had a lot of haphazard development based on chain stores. Obviously, this is their chain, this is their prototype, et cetera. And if you go to places like Highway 92 in Cherokee County and you see these themes, thematic schemes such as city-scapes -- and that's one of the things discussed in your Comp Plan -- it really does focus on the architecture. It's all about the sense of place, and we're sorely lacking in that right now. And not having any guidelines to do that means that every day that I have a petition come in, essentially I have to approve everything.

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So this is what was thought about when doing this. I did rely heavily on Cherokee County's. I also let you know that I gave reference and looked at Fairfax County, Virginia, because I think theirs is exceptional again.

I did term what I thought we were trying to do as "neo-traditional," and correct me if that's wrong. I mean I think that there's an appropriate mix of modern and contemporary with that of traditional versus just contempo-rary or just traditional, and I think that's reflective of most of metropolitan Atlanta, and that's why I crafted it in this way.

There's a lot of detail here particularly with windows. And we've discussed a lot about covering windows, about having a clear zone, about the design of the windows, getting away from large expanses of plate glass, getting away from synthetic stucco which is used exten-sively in renovations in the city, which is highly inferior over time. Birds can actually pick at that stuff and create holes in it, and I know very well about that because I had an office that had a hole in the side of it as the result of a bird in the past.

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So canopies and awnings, all sort of things in here. Highly detailed, again. I'm just asking at this time that you give consideration to this and give me your input back on how you think our overall look of the city should be. In the back, I did do a glossary of terms as well because I think some of the terms are pretty complicated, particu-larly if you don't work in the architectural field.

And in the future, then we will move forward with having some residential guidelines as well, but I think right now where we're sorely lacking is in nonresidential.

COUNCILMEMBER BATES: And I admittedly have not had a chance to review this. But from a theory of you providing this to us in draft before it gets to the attorney to put into legalese makes a lot of sense to me, so that we can edit, and modify, and adjust, and refine, and clean up before we --

MR. HAEBERLIN: Absolutely.

COUNCILMEMBER BATES: -- get it to you and spend money.

MR. HAEBERLIN: Absolutely.

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COUNCILMEMBER BATES: So thank you for doing this.

And no offense, but . . .

MR. WEED: I have already written up my outline of comments. I'm going to send it to him tomorrow. I think that's how it ought to be done.

MR. HAEBERLIN: Like I said, you know, as we do petitions -- and you see when I do a petition, I recommend conditions. Well, you know, we can avoid a lot of these conditions by simply having this in a code. And this code will not be in the Zoning Ordinance. It will be in the building and construction portion of it. So it won't be in the Zoning Ordinance per se. But architects and other professionals in the field will be able to have a document that they can rely on and say, "Look. We understand the general feel of what the City is wanting to do, and then we'll put forth our vision, see how the City feels about that."

We'll have a provision in here obviously for sky scrapers or 10-story buildings to go to the Council. I do think it's appropriate once we get over five stories --

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1 five to ten stories. It's very important.
2 That's a very important signature building that
3 will be here for a long time.
4 There's an appeals section in here as
5 well because I think that because it heavily
6 relies on my judgment based on these criteria,
7 that people have the right to appeal to you and
8 for you to consider their design within the
9 context of this.
10 Obviously, if somebody presents to you
11 a four-sided metal building, it's not really
12 much of an appeal. It's simply something that's
13 not allowed under the current guidelines.
14 Like I said, do look at this and give
15 me feedback on that. And like I said, it will
16 save us money obviously before we go forward
17 with the attorney drafting it into legalese.
18 MR. WEED: And I'd also advise that you
19 might want to take a look at the City of
20 Hapeville's Architectural Design Ordinance.
21 They spent a lot of money on that. Their
22 ordinance actually has photographs and drawings
23 in it which will help bring some of these terms,
24 these architectural terms, to life. For
25 example, a traditional height plane is an actual

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1 drawing -- pardon me -- a transitional height
2 plane, there's an actual drawing of what one
3 looks like. And that's free. You can get it
4 from them; they'll be glad to give it to you.
5 And I'd recommend that.
6 COUNCILMEMBER ROCHE: I know this is a
7 very preliminary draft but I'd like to get a
8 copy on the Web so people can take a look at it.
9 Mr. Haeberlin?
10 MR. HAEBERLIN: Yes, sir.
11 COUNCILMEMBER ROCHE: Okay.
12 MR. HAEBERLIN: Is that the will of the
13 entire Council, just to make sure I understand
14 the instructions?
15 COUNCILMEMBER ALEXANDER: Okay.
16 COUNCILMEMBER BATES: Yeah.
17 MR. HAEBERLIN: I'll try and make sure
18 I edit out any typos, but we will get it on the
19 Web.
20 MAYOR JENKINS: All right, Scott.
21 MR. HAEBERLIN: Okay.
22 COUNCILMEMBER ROCHE: Thank you.
23 COUNCILMEMBER PITTMAN: Thank you.
24 MAYOR JENKINS: Stuart?
25 MR. ANDERSON: I'll pass. Thank you.

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1 MAYOR JENKINS: All right. Thank you.
2 Murray?
3 MR. WEED: Mr. Mayor and members of the
4 Council, number 18 is the USERRA policy. This
5 stems to you from a memo sent to you by
6 Councilman Fleming on January the 19th. You
7 approved with some modifications her proposed
8 concept, and we put it into a form of an
9 ordinance. It's been sent to all of you.
10 I got a few comments back from
11 Ms. Fleming. There were two typographical
12 errors she found. I re-sent it. I sent it the
13 first time on February the 13th, I re-sent that
14 on February the 16th.
15 We've looked at it pretty thoroughly
16 from our office, in our employment law depart-
17 ment, and we feel pretty good about the policy
18 in that it's in keeping with Federal law on the
19 subject and also Georgia law was contemplated,
20 too.
21 COUNCILMEMBER ROCHE: This is
22 Councilwoman Fleming's ordinance. Otherwise,
23 I'd say vote on it tonight.
24 MAYOR JENKINS: Yeah. We'll put this
25 on the next agenda.

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1 COUNCILMEMBER ROCHE: Yeah.
2 MAYOR JENKINS: Murray, you've got the
3 living space.
4 COUNCILMEMBER ROCHE: I think we kind
5 of covered it.
6 MR. WEED: I think that's actually
7 covered, Mr. Mayor, in my opinion, by our
8 discussion on the occupancy rate. I don't have
9 anything additional to add.
10 MAYOR JENKINS: Very good.
11 COUNCILMEMBER ROCHE: And number 20,
12 the current version of the zoning ordinance
13 changes that we've requested or that was passed
14 essentially talks about the definitions that the
15 zoning -- sorry -- the Planning Commission can
16 look at text amendments, zoning map amendments,
17 conditional uses, permits, everything else.
18 Now, essentially, I think the vision
19 wasn't that they were forced to do this. I
20 think the vision was that they were allowed to
21 do this, I mean, because historically they have
22 reviewed all of these.
23 The current version that we have today
24 does not have any requirements as far as
25 training, doesn't have anything about the

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1 Planning Commission reporting to the City
2 Planner, and there was one other thing. And it
3 does not have a thing -- if we don't hear from
4 the City Planner -- I'm sorry -- from the
5 Planning Commission and we're ready to make a
6 decision, we're just going to make a decision
7 obviously without benefit of their input.
8 So that was something else that was
9 originally part of the draft, but that's not
10 part of the current draft now, those three
11 things. And hopefully on the 23rd, I guess
12 that's when we'll be looking at an up-or-down
13 vote on that particular part of it.
14 I understand that these other issues --
15 I'm not saying they're bad issues; I'm not
16 saying that we shouldn't address them. I'm just
17 saying that they need to be addressed separately
18 than what we have today.
19 MR. HAEBERLIN: If I may?
20 COUNCILMEMBER ROCHE: Certainly.
21 MR. HAEBERLIN: It is going to be
22 2/23/09 beginning at 6:30, and do be patient
23 with us. We have approximately five public
24 hearings before we get to the Planning
25 Commission ordinance, and that is because those

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1 individuals have been waiting. Four of those
2 are City-initiated, and the one lady on Flowers
3 Road has been waiting for a considerable --
4 COUNCILMEMBER ROCHE: Right.
5 MR. HAEBERLIN: -- amount of time.
6 I think there's been extensive e-mail,
7 and I won't belabor that. You know my opinions
8 on the participation of the Planning Commission.
9 I did want to provide this document to
10 the City Council tonight, and this is the 1971
11 Zoning Ordinance for the City of Doraville,
12 Georgia, which is what I want to show as well to
13 the public. This is where we came from to today
14 (indicating).
15 And the 1971 zoning ordinance contains
16 some wording that is very topical in light of
17 the drafts prepared by Mr. Weed's firm. And if
18 you turn to page two, the Planning Commission --
19 of course over time there's been different
20 duties of the Planning Commission, but even in
21 1971, the City elders did find that "If the
22 Planning Commission fails to submit a report
23 within the thirty day period, it shall be deemed
24 to have approved the proposed amendment."
25 Again, I am very concerned. There's

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1 been a lot of discussion about people's
2 perception that I was not pro business. But in
3 all reality, I think it's inexcusable to not be
4 able to produce something for an individual, an
5 answer either up or down, within 90 days. And
6 so I did encourage the Council to put a
7 provision in there that would not allow some-
8 thing to be held hostage at the Planning
9 Commission level. So I did want to let you know
10 about that.
11 Also in 1971, if you turn to page 73 of
12 this document, they did have a Board of Zoning
13 Appeals that handled separately, variance.
14 So that's kind of where we've come from
15 till today, and we're still grappling with some
16 of the same issues. The staffing level has not
17 increased substantially since that time. There
18 still is only one person.
19 COUNCILMEMBER BATES: On the no-
20 recommendation issue, why would it need to read
21 that it's an approval versus no recommendation?
22 MR. HAEBERLIN: That is just semantics.
23 I mean I think it could be either way. Murray
24 and I have discussed that in detail.
25 MR. WEED: Yeah. I told the Council

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1 this repeatedly in my e-mails: that as a place-
2 holder, I put recommenda- -- without any kind of
3 recommendation at all, it would be deemed to be
4 an approval. It could just as easily be deemed
5 to be a denial.
6 Now, where I'm a little more concerned
7 would be that if they failed to meet within a
8 certain period of time, then it is the
9 equivalent of no recommendation at all to the
10 Council, because if that's the case, what's the
11 point in having the Planning Commission review
12 it at all or having an ordinance that provides
13 some structure for them to do that?
14 And I'm a little worried about due
15 process. I'd rather their failure to do their
16 job, which I don't think will ever happen, but
17 if it did happen, either it mean one thing or it
18 mean the other. It meaning nothing, I think
19 that if I were the lawyer representing the
20 person who wanted to get the zoning through, I
21 would say, "You know, you couldn't even get your
22 Planning Commission to do this timely and they
23 haven't come up with any kind of recommendation
24 at all," and I would try to make a procedural
25 due-process argument.

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That's my opinion; it has been my opinion. It doesn't have to be in favor. It could just as easily be against. But that's my preference over nothing.

MR. HAEBERLIN: And as Mr. Weed and I have discussed, the conditional use actually has no parameters in which to review it. So you will be providing something to the Planning Commission for which they have no guidelines from which to review something. Again, that is a major concern of mine.

I guess I do feel that on the issues of text amendments, you have empowered us as staff, Murray and I, to spend a considerable amount of time, which we do, on these drafts, and I think that is appropriate on behalf of the City.

The text amendment issue, I can go either way on that. But I will tell you, the conditional use, you will not get business people to wait substantial periods of times for a conditional use, and then you will in effect lose businesses within the city.

Let's think about the amendments that we did to our Planning Commission. How many items are listed as conditional uses? They are

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substantial. And if I have to wait a significant period of time as a business owner, then I lose my lease.

So I think we again need to be reasonable with our time frame, and then I also think that the conditional uses which were reserved exclusively for the Council is one item that I still feel needs to be reserved exclusively for the Council.

COUNCILMEMBER ROCHE: Well, one thing I do disagree. You say 90 days. I think it should be 60 days. But you know, I want to make sure that we don't do anything to change that.

On the other hand, though, I just don't want -- first of all, the Planning Commission, they just make recommendations.

MR. HAEBERLIN: Uh-huh.

COUNCILMEMBER ROCHE: I mean for all we know, they could be flipping a coin -- not that they are. I know that.

The second thing is that if -- you know, eventually the economy is going to come back, and if they're deluged with all kinds of work, they may just choose not to address some things. I think that they should have that

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right, you know.

And again, I think the way it is now, if I understand correctly, if we don't hear from them within a certain period of time -- and I'm not opposed to doing that, to saying, "Well, okay, Planning Commission, here you go. You got a 30-day or 45-day cycle on this thing. And if we hear from you, fine. If we don't hear from you, we're just going to assume you had no" whatever, then that way, we're not holding up anything.

MR. HAEBERLIN: Correct.

COUNCILMEMBER ROCHE: I would never want to hold up this process.

MR. HAEBERLIN: But that --

COUNCILMEMBER ROCHE: But on the other hand, I don't want a bunch of volunteers to have to work 80 hours a week on this thing if for some reason that it worked out that way.

MR. HAEBERLIN: But that is not in the context of the current ordinance that is before the Council. Conditional use is just lumped in there. There's no provisions on a timeliness fashion.

Like I said, again, I'm concerned. I

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know that, again -- let me rephrase this. Having worked in numerous jurisdictions that had significantly many more staff individuals to handle this than just myself, you're going to be really challenged in terms of time. You know, I can only spend so much time in meetings in addition to my other duties as well as the Planning Commission. You know, asking these individuals to sit for four hours once a month is a lot, it really is, because they're not being compensated. And again, I have no problem with that if the Council would like to compensate the Planning Commission members.

I think you really need to think in terms of capabilities. I don't think we're really where we need to be to expand this function to where it's been suggested right now.

COUNCILMEMBER ROCHE: Well, I see this as an organic document, and I'm almost certain -- I would hope, I would expect -- that at our next meeting -- in fact, you give it to me and I'll put it on the agenda: that we'll begin to address some of these other issues --

MR. HAEBERLIN: Absolutely.

COUNCILMEMBER ROCHE: -- so that

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1 Council can decide how to do it. And I would be
2 more than happy to get that on the agenda --
3 MR. HAEBERLIN: Correct.
4 COUNCILMEMBER ROCHE: -- with your
5 recommendations, and we can sort it out and
6 decide what we want to do.
7 COUNCILMEMBER SPANGLER: The reason I
8 wanted to bring it to your attention is -- and
9 we're talking about fluidity -- like I said, I
10 think they had some very good ideas back in
11 1971. Today, I can't say that I don't support
12 what they thought in 1971. You know, it may
13 very well be that at some point in time the
14 Planning Commission becomes so overwhelmed by
15 items that we may need to establish a Board of
16 Zoning Appeals for variances. They had some
17 very good ideas then. They just didn't really
18 have the staff, and that hasn't really changed
19 much today.
20 COUNCILMEMBER BATES: Well, from a
21 process standpoint, this is going to be heard
22 next Monday.
23 MR. HAEBERLIN: 2/23.
24 COUNCILMEMBER BATES: And at that point
25 in time, we can amend the document if we need

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1 to.
2 MR. WEED: Yes. You can completely
3 rewrite the ordinance. You can not have any
4 ordinance. You can have a substitute ordinance.
5 You can do whatever you want to. All that
6 matters is that the ad is published and that
7 there's a public hearing, and that night you
8 could rewrite the ordinance completely.
9 COUNCILMEMBER ROCHE: Now, my concern
10 here is that we already made a motion to allow
11 the Planning Commission to review these other
12 items. And what we don't want -- what I don't
13 want to see happen is other things get attached
14 to this ordinance that would make it so that we
15 can't vote to pass it. And that's been my
16 concern since the very beginning was that
17 there's at least three other items that were
18 added to it that, frankly, there are a lot of
19 details to be worked out. I don't want to see
20 this bogged down, you know, for other stuff.
21 So again, I think it's entirely
22 appropriate to add these other items to the
23 agenda and work on them, et cetera. But I think
24 that the ordinance in its current draft form
25 needs to get passed so that we can restore the

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1 review process that was there before, the review
2 process that we've been operating under.
3 Thank you. That's all I have.
4 COUNCILMEMBER BATES: And I appreciate
5 that.
6 My concern is specific to conditional
7 uses. We have a recommendation from our City
8 Planner that that is probably not appropriate as
9 a function of the Planning Commission, and if
10 it's passed as-is, then it will become a
11 function of the Planning Commission.
12 And so my question was in regards to
13 amending the document if we need to amend out or
14 amend in, is that allowable? And the answer
15 was, if we get to that point based upon a
16 discussion at the public hearing, then we can do
17 that or do nothing.
18 COUNCILMEMBER ROCHE: Well, under
19 Robert's Rules, I think that would be allowable
20 because it would be germane to the original
21 motion. We're actually talking about what they
22 can and can't review.
23 If I remember correctly, you had to
24 like give notice at the beginning of the meeting
25 that you may want to change an original motion

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1 that was made and passed.
2 MR. WEED: Well, the Charter indicates
3 that Council will follow Robert's Rules.
4 However, I would add a caveat to that. State
5 law, the main thing you have to follow would be
6 the Zoning Procedures Act, and that will trump
7 your local charter. And with regard to the
8 Zoning Procedures Act, if you followed the
9 Zoning Procedures Act and you duly advertised
10 for the meeting -- time, place and purpose --
11 and then you have a public hearing, the Council
12 can of course modify the document at that point.
13 But you know, to the degree we can use
14 Robert's Rules of Order and they don't conflict
15 with State law, then we should.
16 COUNCILMEMBER ROCHE: Right.
17 So again, as long as we're talking
18 about essentially what's in the paragraph on the
19 description, which essentially what happens, the
20 original thing just said zoning proposals, and
21 so what Attorney Weed did was to define zoning
22 proposals to mean variances, et cetera,
23 et cetera. Now, if we want to modify the text
24 of that definition, then I think that's probably
25 appropriate. You know, we can fight that out.

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It's just this extra stuff like the training and all that other I think that needs to be a separate agenda item so that we can get this part through and then deal with the other issues.

Well, we're always going to be dealing with issues. I mean we have a different zoning ordinance now than we had in 1971.

MR. HAEBERLIN: It's not that much different.

COUNCILMEMBER ROCHE: That means that things have changed.

MR. HAEBERLIN: It's not that much different.

COUNCILMEMBER ROCHE: I expect things to change and I expect -- so.

COUNCILMEMBER ALEXANDER: But the 2/11 draft does not contain the verbiage about thumbs-up/thumbs down within 60 days; is that correct?

MR. WEED: The last version, that is correct.

COUNCILMEMBER ALEXANDER: And that does need to be in there.

COUNCILMEMBER ROCHE: No, it doesn't.

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COUNCILMEMBER ALEXANDER: I'm asking the attorney if you don't mind.

MR. WEED: Are you asking me for my professional opinion?

COUNCILMEMBER ALEXANDER: Yes, sir.

MR. WEED: My professional opinion is that I included the language that I thought would best serve the City of Doraville and that has always been my intention. And the Council decides ultimately what is best for Doraville, not the attorney. No provision that's in the ordinance is illegal. That's my professional opinion. And the removal of all of those provisions, any one of them, wouldn't necessarily make the ordinance illegal.

Obviously, I wouldn't draft something for the City that I didn't think was A, necessary and B, legal. That's always been my position. I've said that dozens of times and I will continue to say it a dozen more if need be. But ultimately, it's the Council's decision, not mine.

MR. HAEBERLIN: I would like to say the reason I said 90 days, I just want to be realistic with you guys. With The Champion, it

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really is like 21 days lead time to get an ad run. So if I start the first of the month, obviously the first ad's only going to be run maybe by the end of the month, and then the next month.

So really, 60 days is really a challenge for me, but 90 -- somewhere in the 90-day window I think that most customers consider that very reasonable. Like I said, we want to be customer-friendly to the extent that people get an answer, not that they get what they want always.

COUNCILMEMBER ALEXANDER: Do we have people signed up to speak on this one too?

MAYOR JENKINS: Stuart?

MR. ANDERSON: I guess I understand some of what's been going on. Stuart Anderson.

The automatic approval -- let me back up.

The procedure for the Planning Commission has been to have a meeting on whatever came in the door to the City Clerk on the Thursday after the City Council had their meeting. That way, they could hear whatever.

It comes to the City Clerk and it goes

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to an advertisement which is 15/45-day rule, et cetera. And within that period of time, if the Planning Commission has that meeting Thursday after the City Council meeting, giving two weeks then, then they've had their meeting on whatever came in the door previous to that and was advertisable.

Right now we've got -- and it used to be that after the Planning Commission had their meeting and made a decision, that in the Planning Commission's bylaws, it's that they will proceed to give you information on that hearing within five days of their meeting.

To back up slightly, if they decided that there wasn't enough information provided, which did occur occasionally, by the applicant, then they could postpone their meeting and would generally, not by rote, but generally have a special called meeting of their own so that they could facilitate the applicant and so that they could get in a timely manner their information to the City Council.

Right now we've got where the fourth Monday, I guess, is going to be for zoning and variance hearings, and that's zoning and

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1 variance hearings by y'all, by the City Council.
2 Am I incorrect? Is that a Planning
3 Commission meeting or is it just a City Council
4 meeting on these items?
5 COUNCILMEMBER BATES: City Council.
6 MR. ANDERSON: City Council. That's
7 what I thought.
8 You know, there's not a situation
9 that's anti-business. You come in with an
10 application whether it's zoning or variance,
11 and, as soon as possible, as practical, Rhonda
12 puts the ad in The Champion or whatever is
13 appropriate, and then within that 15-to-45-day,
14 the Planning Commission tries to have their
15 meeting. They've got a regularly-scheduled
16 meeting, of course, the Thursday after your
17 meeting.
18 There's something screwy with the
19 timing going on here. I don't know what's being
20 done. We keep sort of talking in circles about
21 this and nobody has made any decision about it.
22 And I'll quit. But automatic 30-day
23 approvals, automatic approvals of anything are
24 poor practice.
25 MAYOR JENKINS: Who signed up for it?

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1 UNIDENTIFIED SPEAKER: I signed up for
2 this one, Mayor.
3 MAYOR JENKINS: Okay. Come on up. I
4 got a list here. They told me it was -- they
5 wanted it on the next, 21. So I do the best I
6 can with it.
7 MS. KOONTZ: Steph Koontz.
8 So far, this newest draft, I like, and
9 I didn't have a problem with what Maria was
10 saying about having maybe not specifically ARC
11 training but some kind of training within a
12 year.
13 The approval thing, I don't think -- to
14 me, that's not a big deal, either.
15 The problem I have is something Stuart
16 alluded to, was these requirements to consider
17 in regards to making recommendations criteria
18 that are like starting on page 5 and through
19 page 8. I think those being specific to the
20 Planning Commission should be in a different
21 document that is inclusive of the City Council
22 and the City Planner all having to abide by this
23 same set of guidelines and not having like a
24 specific set of guidelines for the Planning
25 Commission.

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1 And reviewing some of these, a lot of
2 them seem redundant. If you look -- I'm looking
3 on page 6. 2 and 3 basically look like they say
4 the same thing. 6 -- or could be combined into
5 7. 6 and -- I mean 7 and 8 could be combined
6 into one instead of repeating the same verbiage
7 twice. Number 10 and 14 say almost exactly the
8 same thing. They're both saying consider the
9 burdensome use on streets and transportation
10 facilities, and you've got two different items
11 that are addressing the same issue. Same with
12 11 and 13. They're both addressing almost the
13 exact same thing. And you end up with this long
14 list of criteria that, looking at Norcross and
15 Chamblee and some other cities, their criteria
16 are six condensed items instead of having these
17 duplicate -- you know, verbiage that's saying
18 the same thing over again.
19 And I'd also like to see the relative
20 harm to the public as compared to the hardship.
21 I think the individual should have to prove
22 hardship and make sure it says that they haven't
23 created this hardship themselves and that the
24 hardship existed without them creating their
25 hardship.

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1 So I'd like to see this stuff taken out
2 and put in like a separate guidelines for the
3 whole city when a variance comes up, to
4 consider, and have the Planning Commission thing
5 -- where it says they should be required to
6 consider, just have it, you know, point to that
7 like in another zoning part of the book.
8 And that's what I wanted to say about
9 this.
10 MAYOR JENKINS: Thank you.
11 MR. WEED: If this is helpful just as a
12 point of information, I didn't invent the
13 criteria. The criteria are already in the
14 zoning code, and what I did was make sure that
15 the Planning Commission was applying the same
16 criteria that the Council already has to apply.
17 The criteria themselves come out of a legal
18 case. It's the Holcomb Bridge Road case. And
19 therefore, I didn't craft the criteria. They
20 didn't spring like Athena from the brow of Zeus.
21 It comes out of the case law.
22 COUNCILMEMBER ROCHE: But is it
23 possible to have just one section of the Zoning
24 Ordinance where all the criteria that are that
25 others refer to? That way, if you change one,

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1 you don't have to change it in three places?
2 MR. WEED: Well, my opinion is it's
3 already built in like that.
4 What we've done simply was if the
5 Planning Commission is going to be granted the
6 authority to consider these things, one of the
7 criteria they're going to be considering them by
8 -- and that criteria's already ordinance now in
9 the relevant sections. The one on variances is
10 there for the Council, and the one on zoning,
11 it's already there for zoning issues for the
12 Council.
13 COUNCILMEMBER ROCHE: But shouldn't all
14 three --
15 MR. WEED: That consolidation's --
16 COUNCILMEMBER ROCHE: -- be identical?
17 MR. WEED: That consolidation's already
18 been done by virtue of this ordinance.
19 In my opinion, there's no need to take
20 out the criteria out of the zoning section or
21 take out the criteria that's already there now
22 for the variance section and put it all
23 together. I think that's just more needless
24 change to the Zoning Ordinance in my opinion.
25 MR. CRAWFORD: We're good to go.

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1 MAYOR JENKINS: Ben?
2 MR. CRAWFORD: Mayor and City Council,
3 appreciate the time. We had the last Planning
4 Commission meeting --
5 Ben Crawford. Sorry.
6 Scott was present. Scott brought it to
7 our attention that the City was in a tight
8 budget crunch, and we did discuss the cost of
9 the Planning Commission meeting.
10 And actually, the Planning Commission
11 had the -- was it the 2/11 draft? Was that the
12 one we had before our meeting? We had one prior
13 to that. I think we had the one that showed
14 both variances and zoning in it.
15 MR. HAEBERLIN: I think you have the
16 original one --
17 MR. CRAWFORD: Yeah.
18 MR. HAEBERLIN: -- prior to 2/11.
19 MR. CRAWFORD: But it also had the
20 variances included in it, too, right?
21 MR. HAEBERLIN: Yeah.
22 MR. CRAWFORD: We had that one but it
23 didn't have review of zoning rewrites.
24 So there was some discussion between
25 the Planning Commission and Scott about the cost

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1 of actually holding redundant public hearings.
2 We tended to agree with him and offered a
3 compromise.
4 Our compromise to City Council is that
5 the zoning rewrites that get done get emailed to
6 the Planning Commission and we act as a conduit
7 to the community after reviewing it and try to
8 get some feedback from them to bring back to the
9 City Council or to Scott -- preferably to Scott
10 also -- but also to encourage the community to
11 get back with the -- you know, interact with
12 Scott in suggestions they may have. So anyhow,
13 that's one suggestion.
14 As far as the draft goes, I realize the
15 draft will change. I personally didn't have any
16 major problem with conditional uses. I agree
17 that Scott has a good point there. I don't
18 think it's something that we should review.
19 I think that if we cover it as the
20 Planning Commission covered the zoning, the
21 variances and, as a compromise, email us drafts
22 to the Planning Commission, that we would not
23 release to people -- they would be able to get
24 the draft, you know, off the City Web site --
25 but we would have a chance to mull over that,

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1 get with our neighbors. And not everybody that
2 we talk to necessarily comes to the Planning
3 Commission meetings, but it might encourage some
4 more involvement in that. It would be helpful.
5 And then the last thing is we as a
6 body, the Planning Commission, has no problem
7 with the educational courses that was
8 recommended. That's not a problem either.
9 And I thank you for your time.
10 MAYOR JENKINS: Thank you.
11 COUNCILMEMBER PITTMAN: Thank you.
12 MAYOR JENKINS: Bonita?
13 MS. HOFFMEISTER: Bonita Hoffmeister.
14 I have one question of City Council.
15 Is it my understanding that we are now having
16 three meetings a month? This is amazing to me
17 that your lack of consistency from one month to
18 the next month. I as a citizen now have three
19 meetings a month that I would like to attend,
20 because you can't do your business in two
21 meetings a month? You know, this is kind of a
22 first, that now we're going to have variances.
23 We have had so many special meetings
24 over the last year, and they're all at different
25 times so the public has no idea what's going on

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1 unless they routinely scrutinize every line in
2 the Citizen. I think that's deplorable.
3 Number two, if you're going to request
4 education from the Planning Commission, you
5 should either provide it or pay for it, reim-
6 burse it.
7 Number three -- and I'm a little upset
8 so I kind of forgot what number three is. But
9 as far as hours, I've been on the Dekalb
10 Planning Commission. I have never had any
11 problem putting four hours into a meeting if
12 that's what is required and I have never seen
13 anything that would require four hours in this.
14 And I would hope that in the future, that if it
15 is, you would split what is heard and form a
16 variance committee.
17 And I am really disappointed that we
18 had signed a petition -- we, the citizens,
19 signed a petition -- what was it? Four years
20 ago? And we're just now getting to the point
21 where we can legally do this or even consider it
22 next week on Monday?
23 MAYOR JENKINS: Tom?
24 MR. HART: I think I was going to speak
25 on the next one.

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1 MAYOR JENKINS: Okay. Fine.
2 Stuart?
3 MR. ANDERSON: I think I already spoke
4 on this, didn't I?
5 MAYOR JENKINS: Did you? I didn't want
6 to forget anybody. Okay. That's all.
7 Okay. 21, Mr. Eric Bart.
8 You have five minutes, sir.
9 MR. BART: Eric Bart. Good evening.
10 At the last meeting, I was requested to
11 turn in a resume of my qualifications as to
12 running the Dog Daze Hot Dog and Coffee Shop,
13 which I have here and I'm going to pass out to
14 the Council (presenting).
15 MAYOR JENKINS: Go ahead.
16 MR. BART: Okay. As you can see from
17 there, I've got extensive background in running
18 either a restaurant or a coffee shop, and there
19 shouldn't be any questions about whether or not
20 I can do that for the City which has asked me to
21 actually take over the building and do so.
22 So I'm asking that the City make a
23 decision on allowing me to go ahead and proceed
24 with the plans to open it up.
25 MAYOR JENKINS: You made a proposal to

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1 the Council, I believe, last time, with quite a
2 few items above really what we thought you
3 wanted. And of course you made a statement to
4 us about $500 a month.
5 Are you still sticking to that?
6 MR. BART: We want to negotiate that.
7 Like everybody knows, the economic situation has
8 been really bad. There are a lot of buildings
9 that are out there and that are still for rent.
10 The DUI building has been unusable for
11 two years. I'm willing to take it over. Not
12 having the whole building, I think that asking
13 $1500 a month which is what was asked two years
14 ago is unrealistic considering I wouldn't be
15 using the whole building. $750 would be the
16 maximum that I would pay, which would be for
17 exactly half that building.
18 MAYOR JENKINS: Comments from the
19 Council?
20 COUNCILMEMBER SPANGLER: Could we rent
21 the other half of that building out, Mayor?
22 Would we have any way to rent out the other half
23 of the building?
24 MAYOR JENKINS: I don't know it's
25 separate. Even if Mr. Bart took it over, we'd

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1 have to have separate meters, separate heaters
2 you might say or have some way to separate the
3 -- it's just about an impossible situation
4 unless we let him have the whole building and
5 let him deal with that. And of course, $750 a
6 month still is not sufficient.
7 And the items -- if you remember, you
8 gave us a list of items you'd have to have. You
9 want the sink taken out. We had no idea that
10 you wasn't going to use the building as it was
11 after we made it handicapped accessible, and
12 that's what we have done.
13 MR. BART: Back in November when I
14 approached the Council about doing this, all
15 those items were addressed.
16 MAYOR JENKINS: Yes, that's what I say.
17 MR. BART: And that was -- one of the
18 things was to convert it into a usable
19 restaurant situation. And at that time, the
20 City Council had given a somewhat okay advance
21 to go ahead and do it. That's why the City has
22 gone ahead and started renovating the building.
23 MAYOR JENKINS: We were going to do the
24 handicap access whether you took it or not, sir.
25 MR. BART: That's understandable. But

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it still hasn't been used. Nobody's rented it. I don't believe anybody's ever approached the City on using it.

MAYOR JENKINS: We haven't advertised it.

Council have anything to say?

COUNCILMEMBER SPANGLER: What are you proposing, Mr. Bart?

MR. BART: If the Council brings -- the City brings the building up to the codes with Dekalb County Health Department which requires having specific things there. And this is any leasing company that's leasing a building would have to do that to allow you to rent the building as a restaurant.

Those three items was basically having a three-compartment sink, which I would put in myself, but we would need to have the plumbing for it. We also would need to have the FOG drain installed and have a mop -- janitor's closet drain, which is also required by the City and I believe also the fire department requires the FOG certificate before we can occupy the building.

MAYOR JENKINS: Okay. We got a number

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of people that want to speak. Does the Council want to have any more comment on it?

COUNCILMEMBER SPANGLER: I just wanted to ask the Mayor, how long has the building been vacant?

MAYOR JENKINS: It's been vacant I guess less than a year. It's been vacant for years but the man was paying for it.

COUNCILMEMBER SPANGLER: So we haven't had any income in over a year?

MAYOR JENKINS: No.

There was some comment from the Council, some of the members of the Council, for using it for override for City Hall. Either way we do it, it'll cost a lot of money to bring it up to standards of a restaurant or just for us to use it as far as phones and stuff like that.

And this is something we're just going to have to decide what to do, and it will cost quite a bit of money to bring it up to what Mr. Bart is referring to.

MR. WEED: Mr. Mayor, if I may, if Mr. Bart gets the building, that's great. If Mr. Bart doesn't get the building, that's great. That's not up to me.

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But one thing I do want to clarify for the record is that to my knowledge a majority of Council never voted to lease this building to Mr. Bart nor --

MAYOR JENKINS: No.

MR. WEED: -- anyone else.

MAYOR JENKINS: No, they did not.

MR. WEED: So I wanted to clarify that.

If you have some other understanding, Mr. Bart, if you can show me the minutes of some meeting where the Council did that, then I'll stand corrected.

But in order to do this legally, you'd have to have a motion and a second, a vote of majority to lease it to Mr. Bart, and then I'll prepare the appropriate documents. I haven't heard that.

MAYOR JENKINS: No. There has been -- he has approached us a number of times, and I told him at the time that we would bring it up to accessibility for handicap, and that's all I said anything about doing, and we have done that.

As far as tearing out and making a new kitchen and all this stuff he's referring to,

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the Health Department and all, we have not done it, no.

Do we want to go ahead with the speakers?

Okay, Tom. You might as well go first.

MR. HART: We do Read to Rover with little kids, and the kids brought this book tonight about the doughnut shop, and it seemed to be appropriate. I mean even this first and second grade reader understands a coffee shop and how important it is to a little town and how when they build a coffee shop, they build another coffee house next to it and so the downtown grew because the chef took a chance.

This man is an entrepreneur. 2009, the economy is down. He's willing to take a chance.

We have a building that's been empty for three years. The DUI house. The guy rented the place, tried for two years to rent the place for $1500. Obviously that's not a price point that people will rent the place.

Then the City tried to rent it and they had signs all over. They even had a lit sign out front trying to rent the facility.

And here we are in 2009. And when we

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1 tried to get Northern Coffee to come in here,
2 Starbuck's, they all wanted money. This man's
3 willing to pay us rent for this space.
4 And so you have this coffee shop where
5 you have coffee, you have six different flavors
6 of ice cream, you have sandwiches and hot dogs.
7 You have art on the wall for sale, you have
8 books for sale. It's a place where the citizens
9 could meet.
10 The guy from Northern Coffee made a
11 statement: You can operate an apartment
12 building with a swimming pool. The swimming
13 pool doesn't make any money. But you can't
14 operate an apartment complex without a swimming
15 pool.
16 In order to kick off the downtown, a
17 city that's lost virtually every core business,
18 that has lost every single core business, here's
19 an opportunity to have a coffee house where the
20 citizens can meet, use their laptop computer,
21 their kids can take a date, movies on a
22 Wednesday night. It's an opportunity. This is
23 a building that we can bring a business in that
24 we would like to go to.
25 And for this Council to sit here and

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1 say -- Ray, you made this man an offer at the
2 car show when he had this hot dog stand in the
3 back. You wanted him to rent that shop up
4 there. And suddenly, we're going from a
5 building that could be rented for $1200 or $1500
6 -- suddenly, well, $750's not enough.
7 Well, how much is enough? $2,000?
8 $4,000? $5,000? At what point does this City
9 Council understand downtown development? When
10 does it understand how important it is that out
11 of a 13 million budget to give the citizens of
12 this city a penny's worth of return? Thank you.
13 - - -
14 (Applause)
15 - - -
16 MAYOR JENKINS: Steve?
17 MS. KOONTZ: I didn't sign up for this.
18 MS. HOFFMEISTER: I did.
19 MAYOR JENKINS: Bonita? Bonita --
20 MS. HOFFMEISTER: Bonita Hoffmeister.
21 MAYOR JENKINS: -- what did you sign up
22 for?
23 MS. HOFFMEISTER: I as a citizen would
24 appreciate having a coffee shop that serves hot
25 dog and American cuisine. As low as that

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1 denominator is, it would be so nice to have
2 something in Doraville that is actually a home-
3 like experience, that can create a neighborhood
4 instead of driving three exits down to do my
5 business.
6 Doraville has nothing. I drive through
7 it every weekend because there is nothing
8 downtown, and you up there grimace at spending a
9 few bucks to try to get a start in downtown.
10 MAYOR JENKINS: Thank you.
11 Kay Bird?
12 MS. BIRD: Kay Bird, Northwoods.
13 I have been in the city off and on
14 since 1960. I have experienced when there's
15 been community here where I as a teenager could
16 go and gather with friends. I cannot find that
17 now. When people want to get together with me
18 from other parts of the city, I have nothing to
19 offer them but try to figure out what's
20 available somewhere else to meet them.
21 I would like to change the image of
22 Doraville, and this is an opportunity to do
23 that. We have a man here who's willing to step
24 up to the plate when other people are closing
25 the doors. He knows Doraville. He runs a

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1 successful business on the edge of Doraville.
2 People like him. He's a friendly person,
3 appropriate for this, and we have to have a
4 starting point if we're going to begin to
5 renovate this city.
6 And if it requires some money on our
7 part to do that, I want to do that. I see all
8 kinds of money being spent on things that I
9 don't use or want.
10 So we've got to change this city to
11 start looking nice, to be attractive to a
12 variety of people. We have international
13 cuisine here which used to attract a lot of
14 people. I don't know if it still does, but even
15 a lot of that is closing down. We need variety.
16 And this is amazing to me that this man
17 is willing to do this and there are questions
18 about it. We are bringing some money into the
19 coffers. We are starting a new trend -- a
20 possibility of a new trend for this city, and
21 this man's willing to do it. I applaud him and
22 I hope that our City Council can see the vision
23 here and begin to make some changes and move
24 this city forward. Thank you.
25 - - -

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(Applause)
- - -
MAYOR JENKINS: Ben Crawford.
MR. CRAWFORD: Are you writing my name down?
MAYOR JENKINS: Everybody signed up for 20, and then I went back to them and they said, "Well, I wanted 21." So I'm doing the best I can. Okay?
MR. CRAWFORD: That wasn't me.
MAYOR JENKINS: Okay. Thank you, sir.
Yes, ma'am.
CLERK BLACKMON: I just wanted to note -- and I'm not advocating for or against this business, but on the occupational tax/permitting side, any business that comes into Doraville, if they want to change it -- and this happens daily -- from an office to a restaurant, that business pays for FOG grease traps, the sinks being torn out or replaced. Even though that is a City building, it is my opinion that I don't agree that we should pay for that part of it. The handicap situation, definitely. But all the other businesses that want to come in, that is part of the requirement for changing that over.

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It's an interior finish buildout.
MAYOR JENKINS: Okay. Thank you.
Yes, ma'am. Did you want to speak?
MS. ROLLINS: Linda Rollins from Oakcliff.
And I would like to see a business like this. I would like to see his business. I ask my friend all the time if we want to go out to eat. Well, you used to say, you know, you'd like to shop and buy in your hometown. What can we shop and buy in this hometown but a cell phone, a wholesale shop or something that's closed?
I don't see why the City couldn't help some, not fund the whole thing. But we have to have something in this city. It almost looks like a ghost town, and there is absolutely nothing to bring people here. If you don't have some good business to bring people here, you're not going to have any good residential. People are going somewhere else because there's nothing for them to have.
And I think that this would be a good start and I think that he is to be commended for trying to help us.

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We don't have a vet service. We don't have a coffee shop. Now that Value City is gone, we don't have anything but K-Mart, and thank goodness we have K-Mart.
But I think we need to wake up. The city is going down and it's nothing for me to be proud of.
- - -
(Applause)
- - -
UNIDENTIFIED SPEAKER: We don't have a grocery store or a drugstore, either.
MS. ROLLINS: No.
COUNCILMEMBER SPANGLER: I'd like to ask Mr. Bart if he'd be willing to pay for the plumbing and whatever other fixtures he needs if we were to agree to the $750 a month.
MR. BART: Okay. As originally planned, I was going to do all the interior renovation which means taking care of the plaster walls, fixing the cracks, redoing the floors, making -- there's wood floors in there which is perfectly great. It was covered up by commercial grade carpeting. We're willing to take that out, have the floors refinished. I've

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got the three-compartment sink.
As to putting in the FOG and -- and the plumbing for the other fixtures, I can probably get some people to either volunteer to do that or do it at a low cost. Other than that, everything else will be absorbed by me.
COUNCILMEMBER SPANGLER: Well, I'm saying would you be agreeable to paying for that cost, whatever it may be lower cost, if we were to lease this building to you for the $750 a month?
MR. BART: As long as it passed the ADA acceptability factors, yes.
MAYOR JENKINS: Do what, now?
COUNCILMEMBER ALEXANDER: What about the additional cost of having to run separate power because you wanted a different meter?
MR. BART: I was told that the building was under the -- under 14 different properties that the City has and it's got a contract with Georgia Power to get a better rate and that that particular building would be assigned to me. But if somebody else is going to be using the bottom half of the building, which I'm supposedly not going to be allowed to use, at

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1 some point in time, that number would have to be
2 adjusted. Other than that, the regular cost of
3 operating the electric -- the electrical service
4 and the water would be paid by me.
5 COUNCILMEMBER ALEXANDER: And are you
6 going to require a different amperage service
7 for industrial stoves?
8 MR. BART: No. It's a gas stove.
9 There's a gas stove in there right now. We're
10 going to replace that with a new one.
11 COUNCILMEMBER BATES: Have you looked
12 at other properties like the Captain D's that's
13 closed or the Grandma's Biscuits that's closed?
14 MR. BART: Yes, I have. Unfortunately,
15 they are too large. We were planning on
16 approximately a thousand to 1200 square feet,
17 which is what the top floor of that building
18 encompasses right now.
19 Plus the fact that I was with Halpern
20 Investments which has a lot of the shopping
21 centers in town, and they had one facility that
22 used to be an Asian-themed restaurant. It's
23 3000 square feet and it's just totally out of my
24 range. They want $3600 a month for that, and
25 that's in the Value City shopping center so

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1 there's no draw. Other places have no
2 visibility.
3 The Doraville location is great because
4 it's right across the street from the MARTA
5 station. Approximately 60 to 70 buses go up and
6 down that street every day. There's a lot of
7 walking traffic. There's people that would
8 actually be from the city coming in the library,
9 so on and so forth. So it's a win-win situation
10 for everybody.
11 I'm going to be putting eight people on
12 payroll which is going to be contributing to the
13 economy. The City is going to get rent. They
14 are going to have a building that's occupied and
15 not creating a hazard scene. Like I said, it's
16 just a win-win situation for everybody.
17 COUNCILMEMBER BATES: Eight people?
18 MR. BART: Uh-huh. Four in the morning
19 and four in the afternoon.
20 COUNCILMEMBER ALEXANDER: And how are
21 we going to address the parking situation when
22 we have events going on during the day at the
23 Civic Center?
24 MR. BART: Well, that was supposed to
25 be addressed -- in fact, Scott was working on

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1 that -- that there would be a trade-off on
2 parking spaces. Some of the parking spaces that
3 were behind the building down the ramp would be
4 assigned to the Civic Center and those other
5 spaces on top would be assigned to my facility.
6 MAYOR JENKINS: Scott, come on up.
7 MR. HAEBERLIN: I do think we need to
8 be realistic in terms of parking. As far as
9 even a tradeoff, I mean we have to be really
10 realistic. At the most, what we're going to be
11 able to offer this gentleman is anywhere between
12 five and seven parking spaces. It's not a lot.
13 Also, too, I want to address the
14 historical integrity of the inside of the
15 structure. The original proposal by Mr. Bart
16 included removal of additional walls. And the
17 reason why I'm going to tell you that I don't
18 support this even though this property is not on
19 the historical register, it will destroy the
20 historical integrity of the structure, and many
21 of those walls are load-bearing.
22 The amendments that we have made thus
23 far with respect to the two bathrooms and a
24 passageway for the wheelchair would in my
25 opinion be the end of any further structural

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1 changes to the inside of the building. If we
2 did anything else, it would completely destroy
3 the integrity of the inside of the building
4 other than bringing it up to general codes. I
5 think some of the original plans included
6 further demolition of additional walls, and that
7 is a concern of mine.
8 MR. BART: We're not going to be doing
9 that. The wall that we had anticipated taking
10 down, we found out that it was a load-bearing
11 wall, and it was suggested that we don't take it
12 down, and we're not going to take it down.
13 That's why the second bathroom was put in
14 towards the back of the building and the opening
15 was made through, quote, the dining room into
16 the back bedroom, so it was wheelchair
17 accessible. The bathroom that was in the hall,
18 it wouldn't have taken a wheel chair but it can
19 be used for pedestrian use. So there's no
20 further structural things that need to be done
21 to the building except taking care of some of
22 the cracks in the plaster.
23 COUNCILMEMBER SPANGLER: My question to
24 you, Mr. Bart, was you're willing to make all
25 the necessary improvements other than what we've

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1 already made in order to lease the building for
2 the $750?
3 MR. BART: That's correct.
4 COUNCILMEMBER PITTMAN: I was just
5 wondering if we could possibly -- I know
6 Ms. Fleming had some questions and some
7 comments, and maybe he could come back with some
8 of the ideas and a new proposal. We haven't
9 voted really on anything else, and I do know she
10 had some questions. If that's possible we could
11 do that if that's okay with the Council?
12 MAYOR JENKINS: Yes. Okay. We'll put
13 this on the agenda for the first-of-the-month
14 meeting, then.
15 MR. BART: Thank you.
16 COUNCILMEMBER PITTMAN: Thank you.
17 MAYOR JENKINS: Taxi?
18 Sir, speak into the microphone and keep
19 it down --
20 MR. ADAMS: Yeah. My name is Chris
21 Adams. I'm talking on behalf of the other cab
22 companies that operate in the city of Doraville.
23 My office is Chamblee Tucker.
24 I'm having problems with my
25 (imperceptible right now. They're telling me I

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1 have to have same colors for my cab. It's never
2 been an issue. I've been driving a cab in
3 Doraville since 1988, never had that kind of
4 problem.
5 And in this moment, the economy's very
6 bad and it's really affected the taxi industry.
7 Nobody really bail us out when the gasoline
8 crisis was there. That was about a year ago,
9 seven months ago, we have the gasoline problems
10 and nobody out there to look after us. They
11 didn't increase our fare.
12 Now I have newer cars in my business.
13 They told us to buy newer cars. I have newer
14 cars. I got 2004, -5, -6. Now they're telling
15 me to paint the colors one color. I don't see
16 any reason why we should go through all of that
17 because they are better. We can do better than
18 this, you know, spending our money fixing our
19 cars. The other taxi companies, they make the
20 same complaint. If we decide to take this car
21 right now to the paint shop, they're going to
22 put factory paint job on a $6,000 car or $7,000
23 car, it going to costs me about 1500 or 1200,
24 depending. The other thing I can do is take it
25 to MAACO. If I put MAACO paint on there, it

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1 make the car look ugly, you know? The car have
2 a sticker around it, you got a taxi meter on
3 top, the light on top of the taxi. We got signs
4 on it. You can tell it's a taxi. Why the
5 color? I don't really make no sense to us.
6 We really need some help because our
7 industry is really hurting right now. There's
8 nobody bailing us out, somebody to look out for
9 us and see that color doesn't really matter. If
10 the car is newer, what's different, you know?
11 That's what we say, sir.
12 MAYOR JENKINS: Thank you.
13 Anybody have any questions? What the
14 gentleman is saying, all taxi cabs --
15 You can stay up there, sir.
16 -- all taxi cabs have to have a uniform
17 color. I think there's a number of reasons for
18 that, that if you use a cab quite consistently,
19 you can determine which cab you want to flag
20 down or something to that nature.
21 But I mean what the gentleman wants to
22 do is just eliminate the color, and when he buys
23 new cars, if he gets a blue one he can run a
24 blue one; if he gets a green one he can run a
25 green one.

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1 I don't know what the Council would say
2 about trying to change that ordinance, and
3 that's the reason I asked him to come.
4 MR. ADAMS: Yeah. I have about six
5 different colors, sir. It's never been an
6 issue. It's never been an issue. The beginning
7 of the permit, I can tell you right now, 2008, I
8 got different permits on four colors of cars
9 right now. That's what I'm saying. It's never
10 been an issue and --
11 MAYOR JENKINS: It's always been that
12 way.
13 MR. ADAMS: No, sir. No, sir. It's
14 never been that way. It never -- they must
15 apply the ordinance but they haven't follow it
16 up. They never followed up. I could call some
17 of my drivers down here right now. I can bring
18 three different cars right here. They have
19 Doraville permit on it. Some of them are red,
20 white, different colors, right now. There are
21 stickers on the car, sir. There are stickers on
22 the car, there are numbers on the car, every-
23 thing that will say taxi. It can tell you which
24 company it is. It don't really matter.
25 In Dekalb County, it's not an issue.

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1 In Chamblee, it's not an issue. Even in
2 Gwinnett, it's not an issue.
3 MAYOR JENKINS: Okay. Are you familiar
4 with that, Chuck? That ordinance, are you
5 familiar with it?
6 CAPTAIN ATKINSON: I am somewhat, based
7 on -- based on what this gentleman is saying. I
8 can't speak for what happened in the past, but
9 the ordinance -- you know, we have a new permits
10 clerk and she is enforcing the ordinance
11 basically how it's written.
12 MAYOR JENKINS: That's right.
13 CAPTAIN ATKINSON: So what happened in
14 the past, no, I cannot speak to it.
15 MAYOR JENKINS: What he don't under-
16 stand is the ordinance has already been that way
17 for quite some time, and they just haven't been
18 enforcing it.
19 MR. ADAMS: Yes, sir. I can see it
20 right now. Last month, they gave me a sticker
21 for a red car, for a Ford Taurus. It was '03.
22 There was a sticker on it. I got a '02 Chevy
23 Malibu. It's a white color. It has a sticker
24 on it. I got a green van. There's a sticker on
25 it right now. That's what I'm saying. It's

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1 never been enforced.
2 COUNCILMEMBER BATES: Captain, is there
3 any reason, you know? because this ordinance
4 looks like it was passed eight years ago or nine
5 years ago. Is there an enforcement or a safety
6 issue for having a color? I mean help me under-
7 stand from a rationale standpoint, anybody, why
8 there's a reason for having a color consistency
9 issue aside from identifying one company from
10 another.
11 CAPTAIN ATKINSON: That's the only
12 thing that I know of. You're able to identify
13 one company from another. Because many years
14 ago, we had a number of companies, and I'm not
15 sure how many companies we have now but I know
16 we have multiple. But as far as any other
17 reason, I don't know, but I do know that it
18 helps to identify, as the Mayor said, one
19 company from another.
20 COUNCILMEMBER PITTMAN: But no real
21 safety issues that you're aware of.
22 MAYOR JENKINS: No. They're all
23 inspected.
24 MR. ADAMS: It's all routine. The
25 company logos are there. What I'm saying, the

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1 logos already there, the logos that say your
2 company name, bold, big. This issue, there's no
3 safety reasons. The only reason, if your car is
4 clean, you got a good car, you got a clean car.
5 What difference? Like 2006 and take it to MAACO
6 to go put a $200 paint on it, going to make the
7 car look horrible.
8 COUNCILMEMBER ALEXANDER: Excuse me,
9 sir. If I can address the Captain.
10 MR. ADAMS: Yes, ma'am.
11 COUNCILMEMBER ALEXANDER: Obviously I
12 wasn't here when Mayor Lively signed this. Do
13 you think that part of this was to perhaps
14 discourage persons from using their personal
15 vehicle and sticking magnetic signs on it and
16 forming their own taxi cab?
17 CAPTAIN ATKINSON: I do think, now that
18 you've mentioned that, that was brought up at
19 that time. And it made them have to put a meter
20 box in there and have the proper signage so that
21 someone couldn't get a phone call in the middle
22 of the night and say, "Hey, can you come pick me
23 up?" and they stick a magnetic sign on there and
24 use their personal car.
25 COUNCILMEMBER BATES: And I hear your

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1 concerns. I do. What I would like to do like
2 we've done all night is to postpone this until
3 we've got Ms. Fleming with us.
4 But I would ask that Rhonda and
5 Mr. Weed, if the Council is amenable to that,
6 give us recommendations based upon law. And if
7 there's a reason for this outside of purely
8 identifying one company from another and what we
9 can do to accomplish what I think the intended
10 result was, which was to prevent Joe from
11 putting a magnetic sign on his car and driving
12 around picking up passengers versus a legitimate
13 company from doing business within the city of
14 Doraville.
15 I think most like with the living
16 ordinance, we've had some unintended conse-
17 quences that have resulted from a well inten-
18 tioned ordinance to try to accomplish a goal
19 that resulted in a hardship to a legitimate
20 company.
21 MAYOR JENKINS: Yes, sir, go ahead.
22 MR. MOMODU: I am an independent
23 contractor. I work for --
24 My name is Frederick Momodu.
25 MAYOR JENKINS: You're not with this

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gentleman. I mean you don't --
MR. MOMODU: Yeah. I work for --
MAYOR JENKINS: You work for him.
MR. MOMODU: As an independent contractor.
Assuming my car is red, and this company is choosing a blue color. I'm already looking for a job. I don't have money. That's why I'm looking for a job. If I have to go paint that red car, I might as well say no deal. It's almost impossible to hire anybody if they got to go paint their car and they're looking for the job.
MR. ADAMS: And secondly, sir, magnetic sign is prohibited in my company. We've been talking about that decade ago. Nobody uses magnetic sign. All the signs in our car are there. You can't just take it off. It's not easy. It's there for good.
COUNCILMEMBER BATES: Yeah, we got you. Thank you.
COUNCILMEMBER ALEXANDER: We understand.
MAYOR JENKINS: We're going to table it, and you can come back the next meeting and

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we'll look at it again.
COUNCILMEMBER ROCHE: I guess the only other thing I can think of on this is that this ordinance would tend to protect the legitimate taxi companies, because we have Doraville MARTA right there. And like I said, like some other people, it's nothing to stick a light on a car on a Saturday, you know, and go get in line. And while that person's in line and carrying fares away from Doraville -- there's a lot of people that come here that come from the airport.
MR. ADAMS: Sure, but in Dekalb County if you are caught you will be really penalized. Nobody will take a chance. Nobody will take that chance.
MAYOR JENKINS: All right.
MR. ADAMS: Your sticker is there.
COUNCILMEMBER ROCHE: Okay. I just want to bring up one other --
MR. ADAMS: Understand, sir, you got a company, they can see your car.
COUNCILMEMBER BATES: We got you. We got you.
MAYOR JENKINS: Thank you.

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COUNCILMEMBER BATES: Captain, I've got one question for you, and then, Ms. Blackmon, I've got one question for you.
You guys routinely patrol and do permit enforcement on the taxis both at the MARTA station, farmer's market and --
CAPTAIN ATKINSON: MARTA station, farmer's market, night clubs.
COUNCILMEMBER BATES: So you guys are looking for rogue people trying to pretend to be a legitimate -- you're looking for nonpermitted.
CAPTAIN ATKINSON: Nonpermitted, right.
COUNCILMEMBER BATES: Okay, great.
Do we have an ordinance regarding taxis that requires the signage to be permanent or is magnetic allowed?
CLERK BLACKMON: I don't think it addresses it, but I will check on that. It says uniform, but I will doublecheck.
MR. ADAMS: There's an ordinance, no magnetic.
COUNCILMEMBER BATES: For you.
MR. MOMODU: For taxi company.
MR. ADAMS: For no taxi company. Even Dekalb County won't accept you. Nobody will

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give you a permit.
COUNCILMEMBER BATES: Got you. Thank you.
MAYOR JENKINS: Thank you.
MR. ADAMS: You can't get a permit with magnetic signs.
COUNCILMEMBER BATES: Thank you.
MAYOR JENKINS: Police Department comments, please. Do you have any?
CAPTAIN ATKINSON: No, unless you want me to touch base because we had a gentleman struck on 285.
MAYOR JENKINS: I'd like to know about that. I never get the straight of it.
CAPTAIN ATKINSON: He's okay.
MAYOR JENKINS: Okay.
CAPTAIN ATKINSON: He broke down I believe in the middle of three lanes and tried to make his way across, and before he got across, he was clipped by another vehicle. But he was alert and conscious, from my reports, when he was transported, so he was okay.
MAYOR JENKINS: All right.
UNIDENTIFIED SPEAKER: Was he on foot? Was he walking?

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CAPTAIN ATKINSON: Yes. He broke down in the number three lane and tried to run across.
MAYOR JENKINS: Murray?
MR. WEED: Mr. Mayor, two comments. One, just to give you a brief report, I was in city court today. I rarely go to city court except for Quality of Life issues where the other side has hired an attorney. We were able to settle a matter for about $8,000 for International Beverage plus the removal of some signage, so we felt that was a good day's work. We've entered into a consent order which we'll get the Court to finalize within the next week.
The other thing I wanted to mention is we have been contacted by Dekalb County Planning, both the Mayor and myself. As the Council is aware by virtue of my email to you -- and we do not have to adopt a resolution tonight, but there is a service delivery agreement between Dekalb County and the City of Doraville as well as the other cities in Dekalb County. Dekalb County has asked us to adopt a resolution affirming that agreement for purposes of their reporting to the Department of

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Community Affairs.
I have modified the sample resolution to particularly make note of our ongoing litigation with regard to duplicative services and double taxation. And I'd recommend that if we get around to adopting this resolution, which I think we should do, I think we should include that paragraph that I have drafted to cover the ongoing litigation in it.
With that, you have a copy of the resolution and you can address it tonight or we can put it on the next agenda.
COUNCILMEMBER BATES: I don't have a copy of the resolution. I'm sorry.
MR. WEED: It was emailed to you.
Is there anybody else that didn't get one in email?
COUNCILMEMBER ALEXANDER: I don't have it either.
COUNCILMEMBER SPANGLER: I think we need to put this on the next meeting.
MR. WEED: And that's certainly fine with me, but I wanted to just kind of make everybody aware of it, Dekalb County's request.
That will conclude my comments.

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MAYOR JENKINS: Thank you.
MR. WEED: Mr. Mayor, we have two items for Executive Session, future and pending litigation, after we close this meeting.
MAYOR JENKINS: Okay. I didn't forget to welcome Donna back. I want everybody to welcome her back.
- - -
(Applause)
- - -
COUNCILMEMBER PITTMAN: I just want to take this moment to thank everyone for all the calls, visits, prayers, and I really appreciate everything. And I really appreciate the Police Department in their timely response. They were there in a minute and a few seconds. And I also appreciate their making sure that fire services got there at all. So thank you very much.
MAYOR JENKINS: Okay. Citizens comments? Come on up.
MS. HOFFMEISTER: Bonita Hoffmeister, Oakcliff.
Just to make you all aware that some zoning changes that are before the Dekalb County are on Henderson Mill that is south of the Embry

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Hills Embry Shopping Center. There is an old apartment complex back there that has some beautiful apartments that have floor plans much similar to homes, and they are requesting to rezone that from RM-100 to RM-75, which will be an additional 60 units. It's in a flood plain, so they cannot tear those buildings down, rebuild them. So what they are going to be doing is going in and dividing the apartments in two that are four and three bedrooms. They are also petitioning to make that a part of the city center that's Embry Hills in Dekalb.
Thank you.
MAYOR JENKINS: Thank you.
Who's next?
MS. BIRD: Kay Bird.
Mr. Bart's left. I wanted to thank him for his courage, and maybe once again we'll put Doraville on the map.
When I moved to Portland, Oregon, in 1986 and people found out I was from Doraville, they said, "Wow, you're from Doraville?" Doraville is actually known all across this country for things like the song Doraville, but there are other reasons behind it, and so I'm

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1 looking forward to that again. And I hope you-
2 all will really help us accomplish this, not to
3 lose money but to grow the city.
4 I have a couple of questions. What
5 about curbside pickup of compostable material?
6 I had always thought that branches, leaves,
7 et cetera, were being picked up and composted,
8 and I've had a couple of people in the
9 neighborhood ask me why they see the truck pick
10 up branches and then throw a sofa on top of it.
11 Is this all going to the landfill, what we've
12 put on the curb, that used to be composted?
13 Does anybody have an answer to that or can you
14 provide an answer for me?
15 COUNCILMEMBER SPANGLER: I don't have
16 an answer, Ms. Bird. I've heard that they do in
17 fact take the recyclable -- or the composting
18 materials to a facility where they are used for
19 that purpose. I had no knowledge of them
20 picking up any other items.
21 MAYOR JENKINS: Are you talking about
22 the limbs?
23 MS. BIRD: Limbs, yes. Anything that
24 can be composted.
25 COUNCILMEMBER BATES: My understanding

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1 -- and I don't know but I will find out -- is
2 that the composted materials, leaves, limbs and
3 things, are carried to a designated facility
4 that is only for biodegradable materials --
5 leaves, limbs and things like that. There
6 shouldn't be any sofas being thrown on top of
7 limbs, so we'll definitely . . .
8 MS. BIRD: Yeah. I would appreciate
9 some investigation on that, and I'll certainly
10 do something. If there's somebody I can call,
11 I'll be glad to help research that.
12 One other question I have in terms of
13 code. There's a house right down the street
14 from me that has converted their garage into a
15 kitchen informally, and I don't think they have
16 gone through the proper processes to do that.
17 MAYOR JENKINS: You know their number?
18 COUNCILMEMBER BATES: It's the corner
19 of Addison and Colquitt.
20 MS. BIRD: Yep, he knows.
21 MAYOR JENKINS: Which corner?
22 CLERK BLACKMON: It's not 2535 Addison,
23 is it?
24 MS. BIRD: It's a brick house.
25 COUNCILMEMBER BATES: Rhonda, we'll get

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1 that to you and to Quality of Life.
2 CLERK BLACKMON: I'll see if they've
3 got a permit.
4 MS. BIRD: I'm sure that based on their
5 culture they don't understand, and they like
6 cooking outside but . . .
7 MAYOR JENKINS: That's the one with the
8 fence all the way around it?
9 MS. BIRD: Yes.
10 MAYOR JENKINS: Down from you. Okay.
11 MS. BIRD: Thanks very much.
12 MAYOR JENKINS: Thank you. Anybody
13 else?
14 Do you need a motion, Murray, to go
15 into Executive Session?
16 COUNCILMEMBER PITTMAN: Stuart. Stuart
17 and Tom.
18 MAYOR JENKINS: When I asked the
19 question, why did you wait?
20 MR. ANDERSON: I was just waving my
21 arm.
22 MAYOR JENKINS: You're down on the
23 floor. I can't see you.
24 MR. ANDERSON: Stuart Anderson.
25 I'm sorry that Mr. Bart left, because

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1 my comment I guess is to pick on you guys and
2 Mr. Bart. I heard a lot of comments about
3 everybody wants the coffee shop, et cetera,
4 et cetera, and that's good, and that's bad and
5 et cetera.
6 Let's be businessmen a little bit,
7 Mr. Bart, who's not here. He needs to come to
8 you. And obviously, there's been a lot said and
9 done. But he needs to come to you with a
10 concrete proposal or the City needs to respond
11 to him with a proposal of their own so that
12 there's not, "We'd like this. We'd like that.
13 Should there be this? Should there be that?"
14 Start off by either making a proposal to him or,
15 since he's not here, I would ask him to make a
16 proposal to you in writing, that detail some of
17 these issues. I heard a lot back and forth, and
18 nobody acts like a businessman in the place.
19 The other comment is perhaps some
20 research. Couple of years ago, there was a
21 proposal to paint all the taxis white, and this
22 place filled up with taxi drivers if you
23 remember. I'm just asking you to go back and
24 look at the minutes and see what was decided.
25 There was one or two meetings about it, so there

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was some decision about it, and I know that it was decided -- I say "I know," but I believe it was decided at the time to make everybody paint their taxi white was an onerous discussion. But I think relative to your conversation or your decision about this coming up, do some research on what has been done, and some of that discussion might be enlightening.

COUNCILMEMBER SPANGLER: Mr. Anderson, I just wanted to say as far as Mr. Bart, the reason we didn't vote on that tonight or bring a motion is because we're one Council member short, and that's the way we've pretty much done some other issues. So we did hear what he was saying, and he did agree to make the other changes, upgrades or whatever, so --

MR. ANDERSON: I'm just asking to put it in writing so everybody knows.

COUNCILMEMBER PITTMAN: I agree with that a hundred percent.

MAYOR JENKINS: It will be, yes, sir.

MR. ANDERSON: Thanks.

MAYOR JENKINS: Come on up, Tom.

MR. HART: I can get you-all a copy of this if you want (indicating).

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The kitchen in the house. There's a house on the corner of Stewart Avenue and Pineland that has a full-service kitchen in their double-car garage, too, so you might want to look at that.

You know, it's interesting. On a Saturday morning, we go down to this place called Chamblee and it has like a -- we have this little Dinky Doughnuts thing down there. There may be a hundred people there, maybe 250 or 300 people. There's hot dogs. There's motorcycles. It's people that used to live in the Buford Highway area that all come together on Saturday morning to the coffee shop between the hours of 8 o'clock and 10 o'clock and just revisit old friends. And so Dinky Doughnuts is closing down here, and it's an opportunity for that group of people that meet there every Saturday morning to --

MAYOR JENKINS: Why are they --

MR. HART: -- come down to --

MAYOR JENKINS: -- closing, Tom?

MR. HART: -- the coffee shop here.

MAYOR JENKINS: Why are they closing?

MR. HART: It's a little hole in the

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wall.

MAYOR JENKINS: Oh, okay.

MR. HART: I don't know. They got not really good coffee and the doughnuts are kind of bad. But that's what people do. It's the opportunity to meet.

And that's all I have to say.

MAYOR JENKINS: Thank you. Anybody else? Anybody else?

- - -

(No response)

- - -

COUNCILMEMBER SPANGLER: I make a motion we go into Executive Session.

MAYOR JENKINS: Okay. Want to make a motion to go into Executive Session?

MR. WEED: For pending and future litigation.

MAYOR JENKINS: Second?

COUNCILMEMBER BATES: Second.

MAYOR JENKINS: Who made the motion?

COUNCILMEMBER BATES: Bob.

COUNCILMEMBER ALEXANDER: Mr. Spangler.

MAYOR JENKINS: Okay. I forgot I couldn't make a motion.

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Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Roche.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Yes.

MAYOR JENKINS: Thank you.

- - -

(Executive Session)

- - -

MAYOR JENKINS: Motion we come out of Executive Session?

COUNCILMEMBER BATES: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

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COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: All right. No action was taken.
So do I have a motion we adjourn?
COUNCILMEMBER ALEXANDER: I make the motion.
COUNCILMEMBER BATES: Second.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?

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COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: Thank you.
- - -
(Meeting adjourned at 10:15 p.m. the same day.)
-o0o-

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C E R T I F I C A T E

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

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This the 25th day of February, 2009.

_____
Theresa Bretch, CCR
Permit No. B-755

[SEAL]

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