In The Matter Of:

City Council Meeting

City of Doraville, State of Georgia

Mid-Year Budget Review

March 2, 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 March 2, 2009.

* * *

APPEARANCES:

Doraville City Council:

Hon. Ray Jenkins, Mayor

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

Murray J. Weed, City Attorney

Ms. Rhonda Blackmon, City Clerk

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?

COUNCILMEMBER FLEMING: Here.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Here.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Here.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Here.

MAYOR JENKINS: I feel like a good time was had on the 26th when we had John's reception. Anybody that missed it missed a good reception, and I want to thank everybody that had any part to do with it and get it finished up, and I think it was about as good a reception as we ever had.

And we're still collecting items, so

everybody don't forget to bring school supplies for the kids, and we'll let you know a little later on actually when John will be leaving.

I want to have the minutes approved of 1/28/09. Do I get a motion?

COUNCILMEMBER ALEXANDER: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: No.

MAYOR JENKINS: 2/3/09. Do I have a motion?

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COUNCILMEMBER BATES: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: No.
MAYOR JENKINS: And the minutes for 2/17/09. Do I have a motion?
COUNCILMEMBER BATES: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember

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Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Abstain. I wasn't present.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: No.
MAYOR JENKINS: Okay. Thank you.
The item under Approve Minutes on your agenda has been taken off the agenda, and I'm going to move Item No. 15 honoring Justin Camp, I'm going to move that up to before we get into old business.
Justin, will you come up?
MAYOR JENKINS: I would like for the citizens and the Council to join me in congratulating Justin Camp for his service to the community. Justin recently completed the requirements for Eagle Scouts by placing 300 metal stencils on storm drains.
I believe you glued them on; is that correct?

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MR. CAMP: Yes.
MAYOR JENKINS: Not like this one. But anyway, you did a good job. And these stencils help remind people that what goes in our storm-water drains ends up in the waterways and actually goes all the way to the ocean, I'm sure.
Justin is a fine student, just reached a major milestone. Only one of 100 Boy Scouts ever reach the rank of Eagle Scout. This rank will be bestowed on him at an Eagle Scout Court of Honor ceremony on March the 8th.
For this service and achievement, I'd like to ask for a motion to pass this proclamation, which I want to show you. I did not get it in a frame, but I believe you can take care of that.
MR. CAMP: Yeah, I can do it.
MAYOR JENKINS: And I would like to have a motion --
COUNCILMEMBER PITTMAN: So moved.
MAYOR JENKINS: -- to approve. Second?
COUNCILMEMBER BATES: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember

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Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
COUNCILMEMBER BATES: Congratulations.
MAYOR JENKINS: Thank you, Justin. We're proud of you.
- - -
(Applause. Brief discussion about locating a camera and having a photo session with Justin Camp later during the meeting.)
- - -
MAYOR JENKINS: Moving right along on old business, Municode, Brian?
COUNCILMEMBER BATES: Yes, sir.
Rhonda, do you know if the '08

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1 ordinances have been sent to Municode?
2 CLERK BLACKMON: They have not.
3 COUNCILMEMBER BATES: They have not.
4 CLERK BLACKMON: I have not sent that
5 yet.
6 COUNCILMEMBER BATES: Can we -- and I'm
7 going to actually make this as a motion -- get
8 pricing from Municode to do quarterly codifica-
9 tion for our ordinances and also pricing to get
10 our minutes codified as well?
11 So I will make that as a form of a
12 motion so Council will move forward, that we get
13 pricing from Municode for quarterly codifica-
14 tion of our ordinances and quarterly codifica-
15 tion of our minutes.
16 COUNCILMEMBER FLEMING: Second.
17 MAYOR JENKINS: Anymore discussion?
18 COUNCILMEMBER ROCHE: Yeah. What
19 happens if they -- I guess I'm not sure what's
20 the issue.
21 COUNCILMEMBER BATES: Well, they
22 haven't been updated since December of 2007. So
23 anything that has been passed since then, unless
24 a resident wants to get a copy of that from the
25 Clerk or from the City Attorney, they don't have

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1 access to a codified version. There's the
2 signed versions that are up on our Web site but
3 they're not incorporated into the document as a
4 whole.
5 Same with the minutes. The minutes are
6 up on our site, but if you want to search for a
7 particular phrase you have to go through week by
8 week by week by week whereas if they were up on
9 Municode, you'd just do a keyword search of
10 "recycling" and you would get all the references
11 from all the different meetings of where
12 recycling occurred -- key word or by phrase.
13 COUNCILMEMBER ROCHE: Okay. I'm just
14 curious as to what the process is to get our
15 ordinances out there.
16 CLERK BLACKMON: We were codifying
17 yearly, which is what I've been going on, and
18 everything has been done through --
19 COUNCILMEMBER ROCHE: So once a year --
20 CLERK BLACKMON: -- '07.
21 COUNCILMEMBER ROCHE: -- you just send
22 everything to them.
23 CLERK BLACKMON: But I was -- prior to
24 Brian even checking into it, I had talked to
25 MCCI at one of our classes and talked to them

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1 about doing it quarterly and just never have
2 followed up to get the prices. And they also
3 have a thing that I do know is $25 a month where
4 any ordinance that is passed, I can send it in
5 right away and they'll put it in kind of like a
6 temporary place until it's codified and you can
7 look at it online at Municode also.
8 COUNCILMEMBER BATES: Right. Chamblee
9 does that. And as of a few weeks ago, theirs
10 says enacted and codified as of December 18th of
11 '08. So theirs is a regular, ongoing. And I
12 just want to get that pricing so that we can
13 make a decision on whether that's something we
14 want to pursue to keep everybody regularly
15 updated. That helps me when I'm looking for
16 information.
17 COUNCILMEMBER ROCHE: Right.
18 COUNCILMEMBER BATES: Mr. Weed, I'm
19 sure, would --
20 MR. WEED: I couldn't be happier if you
21 did that.
22 CLERK BLACKMON: And I think it'll also
23 cut down on, as you know, there's some missing
24 from '06 where I had sent them everything. It
25 would help eliminate, I think, that, where you

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1 send so many in and there's a batch that, you
2 know, they've misplaced or whatever.
3 COUNCILMEMBER BATES: And it will also
4 help us get our zoning ordinances up which are
5 not currently online.
6 CLERK BLACKMON: So yes, I will have
7 that information on the next meeting.
8 COUNCILMEMBER ALEXANDER: Pursuant to
9 that, Mr. Weed, so the November 19th, '07
10 propane ordinance is not on Municode.
11 MR. WEED: To the best of my knowledge,
12 the answer is no.
13 CLERK BLACKMON: But it has been sent
14 to them.
15 COUNCILMEMBER ALEXANDER: Okay. So
16 that may --
17 CLERK BLACKMON: That was one of the
18 ones I believe that may not have gotten --
19 because they got everything through December
20 31st of '07.
21 COUNCILMEMBER ALEXANDER: Okay.
22 COUNCILMEMBER BATES: There are a
23 number of others not current on Municode, that
24 we've sent them, so I just want this to get
25 resolved.

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And do we have a contract with them?
MR. WEED: There will be one. I haven't seen it yet. In other words, as part of our contract project, I have not been given a contract for Municode as part of that.
CLERK BLACKMON: Nor have I seen one anywhere.
COUNCILMEMBER SPANGLER: And are we going to get a guarantee, Mr. Bates, that they're going to do this on a timely manner?
COUNCILMEMBER BATES: Well, if we've got a contract with them, absolutely. Otherwise, we'll find somebody else to do it.
COUNCILMEMBER SPANGLER: So your motion was to?
COUNCILMEMBER BATES: Get pricing on quarterly codification of ordinances and minutes.
COUNCILMEMBER SPANGLER: Okay. From?
COUNCILMEMBER BATES: From Municode.
COUNCILMEMBER SPANGLER: From Municode. And can we put some feelers out to anybody else that does this or not?
COUNCILMEMBER BATES: I would like to get the pricing back from them first --

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COUNCILMEMBER SPANGLER: Okay.
COUNCILMEMBER BATES: -- before we look at that.
MAYOR JENKINS: Anymore discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: Charlene, do you want to get those photographs now?
MS. FENG: Yes.

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MAYOR JENKINS: Come on up.
- - -
(Photo session with Eagle Scout Justin Camp)
- - -
COUNCILMEMBER BATES: The next item is the Hotel/Motel Tax. The Clerk has provided to us this evening a copy of a contract between us and the Dekalb Convention & Visitors Bureau. The most recent copy that we've got is from December of 2005.
COUNCILMEMBER FLEMING: I have not received that.
COUNCILMEMBER ALEXANDER: We passed it down.
COUNCILMEMBER BATES: Might have gotten hung up there in between Donna and the Mayor.
COUNCILMEMBER PITTMAN: (Presenting)
COUNCILMEMBER BATES: And this will be put back on the agenda for the next meeting.
I'm a little concerned that we don't have a current contract with the Dekalb CVB, and I want to go through this and see what they're supposed to be providing us. And additionally, it looks like we went from a 5 percent hotel/motel tax to a 3 percent hotel/motel tax. So I

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just want to make sure that we're okay with that and that we're getting the services that we're supposed to be getting from the Convention & Visitors Bureau in promoting the city, so if we can put that back on the next one.
COUNCILMEMBER ROCHE: I'm just curious. Were we able to use any of this money to pay for Doraville Days?
COUNCILMEMBER BATES: Yes.
Sir, I believe that's the extent of me.
MAYOR JENKINS: Are you finished?
COUNCILMEMBER BATES: Yes, sir.
MAYOR JENKINS: Scott?
MR. HAEBERLIN: Yes, sir. Attorney Weed has prepared for you an ordinance relative to the fees that we discussed at your last regular meeting. Actually, this began in 2008 where we started looking into the fees the City was charging, at least to cover the costs of your personnel and other resources. With that in mind, we did put forth some fee increases.
As we discussed at the last regular meeting, there may be a need to adjust these even further up, but at this time this more adequately addresses the actual costs incurred

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1 by the City in processing petitions.
2 And as soon as I have additional fees
3 that I've reviewed, then I will be coming back
4 to the City Council with additional fee-increase
5 requests.
6 The bulk of the fees identified here
7 obviously are Planning and Zoning fees, but
8 there is also a section relative to Inspections,
9 which is a contract position with the City.
10 MAYOR JENKINS: Do you want this to be
11 the first reading or what?
12 MR. HAEBERLIN: Well, they can waive
13 the first reading, can they not?
14 MR. WEED: Scott's looking at me.
15 My stance on first reading has been and
16 is now that by virtue of its appearance on the
17 agenda and its presence in the room, that is
18 first reading in my opinion.
19 COUNCILMEMBER BATES: Before we get
20 into that, Mr. Weed, on page 6 of 8, at the top
21 under number (4), it says, "Fees for appeals are
22 refundable to Applicants who prevail." However,
23 on page 5 of 8, under letter (b) at the top of
24 the page, under appeals, it says, "the City
25 Council may elect to refund all or partial. . ."

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1 I would like for those to be consistent, and my
2 preference would be to have the "may" be the
3 prevailing language.
4 MR. WEED: So noted.
5 COUNCILMEMBER FLEMING: Are we in the
6 discussion, Mr. Mayor?
7 MAYOR JENKINS: Go ahead.
8 COUNCILMEMBER FLEMING: I'm not
9 comfortable with this being moved out of 5-2.1.
10 I don't think we need to continue deleting
11 sections that are already in our City Code of
12 Ordinances and creating additional and adopting
13 new sections.
14 The ordinance that you presented to us
15 is stating that we are going to delete Sections
16 5-1 and 5-2.1, which is Schedule of Fees and
17 Permit Fees. And what we're doing with this
18 ordinance is updating our fees, and, therefore,
19 I feel that it should still stay within the
20 parameters of the 5-2 and 5-2.1.
21 I also feel that on page 4, the section
22 2-261, the zoning processing fees should be
23 removed and put into the zoning ordinance book
24 because we will eventually have a stand-alone
25 zoning ordinance book, and I believe that the

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1 fees should be applicable in that book.
2 Those are my comments.
3 MAYOR JENKINS: Okay.
4 MR. WEED: And for what it's worth,
5 Scott and I have -- this was actually a matter
6 of some debate between your staff members.
7 Scott wants to put all of the fees relevant in
8 the Code ultimately in one section.
9 I didn't disagree with that, other than
10 I have already raised some of the same points
11 that Councilman Fleming did but elected to do
12 what Scott asked me to do.
13 And frankly, it's one of those things I
14 think can go literally either way. You could
15 have a grouping of fees per each individual code
16 section and hope that that'll make it easier for
17 the reader to find them or you can have a
18 section dedicated solely to fees and a heading
19 from Municipal Code Corporation that indicates
20 that this is where all the fees are going to be.
21 So as long as they're in the book somewhere,
22 legally, I'm happy.
23 COUNCILMEMBER ROCHE: I would think I
24 would want them all in one spot and I would
25 probably not want to put things in the zoning

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1 book because that means every time we change it
2 we've got to go through a process that's three
3 times as complicated. You know, we got burned
4 already by, you know, passing ordinances and not
5 following the letter of the law, so I would
6 prefer to just keep it in place.
7 But I do agree that instead of deleting
8 sections 5-2 and 5-2.1, why not just simply
9 update them instead of going to a different
10 section? Seems like we have a habit of deleting
11 and rewriting stuff when all we need to is to
12 modify what's already there.
13 That's all I have.
14 COUNCILMEMBER PITTMAN: Is there a
15 reason it was done this way, this updating?
16 MR. HAEBERLIN: I mean that's really --
17 you know, I provided the information relative to
18 the actual costs. The form has been provided by
19 your City Attorney.
20 MR. WEED: With regard to my reasoning
21 why there's a section 2-260, you'll note in your
22 code book that that's the administrative
23 section. And what I did was because we were
24 going to -- because the Planner had asked to
25 collate all the fees into one area, in my mind,

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as the draftsman, logic would dictate where is the best place to put that, and it occurred to me that in the administrative section, that would be the most appropriate spot. And the current administration section ends at 2-243, so as the draftsman, I gave a little bit of leeway in between two sections and then created a new 2-260.

At the end of the day -- I know I say this a lot, but somebody sometime decided a football field should be 100 yards long. It could have just as easily been 80.

COUNCILMEMBER BATES: So as we move through with updating all of our fees including licensing for alcohol and those permits, occupation tax, those types of things, those would all be moved into the 260?

MR. WEED: That was the concept as I understood it, and this is the very first step towards doing that.

MR. HAEBERLIN: Correct. I think it was based on, you know, we still have a significant amount of fees to look at, number one, and I, for one -- as I told Mr. Weed, having to flip through the Zoning Ordinance and

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find specifically where these fees are listed is really a hassle, and as Councilman Roche illuminated earlier was the concept that it being in the Zoning Ordinance, the process is so much more timely involved.

So I was hoping to write something that we could simply hand out to somebody and say, "Here. If you're wanting to know about any fee in the city, this is our fees."

COUNCILMEMBER BATES: And it's all under one --

MR. HAEBERLIN: That was my approach.

COUNCILMEMBER BATES: And it's all under one section versus --

MR. HAEBERLIN: Yes.

COUNCILMEMBER BATES: -- Chapter 3 here and Chapter 5 there and Chapter 8 there and Zoning here and -- got it. Okay. Thank you.

I move to adopt the ordinance as amended on page 6 to reflect the fees for appeals may be refundable.

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Wait a minute. How are you going to word that?

COUNCILMEMBER BATES: It will say "may

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be."

MAYOR JENKINS: "May be" instead of "are."

COUNCILMEMBER BATES: Yes, sir.

MR. WEED: Subsection (4), "Fees for appeals may be refundable to Applicants who prevail."

COUNCILMEMBER BATES: Yes.

MAYOR JENKINS: Anymore discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: No.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: No.

CLERK BLACKMON: Councilmember

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Spangler?

COUNCILMEMBER SPANGLER: No.

CLERK BLACKMON: Tie vote, sir.

MAYOR JENKINS: That's a tie? I vote yes.

Next item on the agenda is my item, work session. I brought this up before, and I still believe it's the way to go to have a work session and then a voting meeting, which will be the mid-month meeting will be a work session and the first-of-the-month meeting will be a voting meeting.

And this would save money, which, if we use it right, I'm sure it will save us time, too. It'll save on the court recorder. I think it'll also help on the time of the lengths of our meetings.

And as I've said -- and I've brought this up before -- everybody should pretty well have in their mind what they want to do, whether they want to vote for it or not.

So I'm going to bring it up to the Council and see what the Council has to say.

COUNCILMEMBER PITTMAN: Well, I've always been a strong advocate for having a

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1 meeting and -- a work session and a meeting. I
2 do agree that the meetings have been duplicated.
3 If we do work sessions the way they're supposed
4 to be done, where it's a very informal setting
5 where we talk about what we're supposed to do,
6 we do all discussions then. Then the public has
7 -- they can lobby us through the next two weeks
8 till we get to that meeting. Then when we get
9 up here to the table when we come to the
10 meetings, we should pretty much be ready to vote
11 on whatever and make a decision.
12 That way, we're not constantly putting
13 things on the next agenda and keep sending it to
14 the next agenda, and we're not making, hope-
15 fully, impromptu decisions up here that later we
16 have to look back and we possibly might not have
17 done that. So I feel very strongly about doing
18 the work sessions and the meetings.
19 COUNCILMEMBER SPANGLER: I don't think
20 we've really accomplished anything when we were
21 having the work sessions. We had a long work
22 session and then we had a long meeting. Didn't
23 seem to be anything that come off from the work
24 session in the meetings.
25 Now, by having two meetings, even if we

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1 don't cover everything on the agenda, we still
2 have two voting meetings a month plus whatever
3 additional special-called meetings we have. So
4 my personal feelings are we do get more
5 accomplished with two regular meetings a month.
6 COUNCILMEMBER PITTMAN: Unfortunately,
7 I don't think our work sessions were done like
8 work sessions. We were duplicating the
9 meetings. And again, if we do it like work
10 sessions are supposed to be done, then I think
11 we might accomplish more.
12 MAYOR JENKINS: Another thing to add to
13 that is a lot of times if your work session is
14 done right, there are items already deleted on
15 that work session that don't have to come to the
16 first-of-the-month meeting.
17 COUNCILMEMBER SPANGLER: Well, it seems
18 like we've never done that in the past.
19 MAYOR JENKINS: Well, we need to do
20 that.
21 COUNCILMEMBER SPANGLER: Well, there's
22 a lot of things --
23 COUNCILMEMBER PITTMAN: Mr. Spangler is
24 correct. It was never done correctly. We did
25 not do it that way.

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1 So if we can work on getting the work
2 sessions done the way they're supposed to be
3 done, then we'll be right on target with what
4 we're supposed to be doing.
5 COUNCILMEMBER ROCHE: Well, I guess
6 there's two things. First of all, I'm used to
7 seeing agendas that are a whole lot longer than
8 this. I mean they always filled up the whole
9 page. Sometimes they went two pages. So I
10 think that that in and of itself is pretty good
11 evidence. Carrying over old business I think
12 tends to work.
13 I started reading the Robert's Rules
14 lately, because our ordinance says that we
15 basically follow Robert's Rules. I mean that's
16 what the Charter says. It doesn't mean that's
17 what we do or anything, and I thought, what a
18 boring old book.
19 But there's a couple things it talks
20 about that I think could potentially make a lot
21 of difference. For instance, once a motion is
22 made, basically everyone gets to speak twice on
23 the motion -- or at least everyone up here. So
24 you would introduce the motion, say what you
25 have to say, and then everyone else gets a try.

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1 You talk twice. And if you're really, really
2 urgent and you have to say something else, you
3 can suspend the rules, but the point is then you
4 vote on it.
5 And then if someone wants to go off on
6 a tangent somewhere, then someone says, "No.
7 Point of order," and you bring them back to
8 where we are. That way, we don't start talking
9 about -- you know, we bring up one topic, and
10 the next thing you know, we're talking about
11 something completely different and going all
12 over the place.
13 The other thing is we don't get in this
14 back-and-forth speaking because you speak and
15 that's it. You know, you get one more try and
16 then you're done. None of this going back and
17 forth, because I find myself repeating the same
18 thing, you know. And I think if we want to
19 clean up how we do meetings, I think that might
20 be a good idea.
21 You know, I think it would be something
22 to consider, because, you know, it's a cliche
23 but it's a cliche because it works. It's been
24 around for a long, long time. And a lot of
25 people have made modifications to it over the

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1 years, but for the most part, that works. And I
2 think if we want to improve our meetings, I
3 think that would be the way you do it. That
4 way, we're not here until 10 o'clock or 11
5 o'clock every night.
6 But the number one thing I think is
7 just that, you know, to me, the evidence is just
8 looking at the agenda we have today. So I would
9 not be in favor of going back to the old way
10 where we basically have two meetings, one we
11 vote and one we don't.
12 The other thing is that if we start
13 doing motions, it makes things happen. A lot of
14 times, we'll sit here and we'll just ramble all
15 over the place instead of finally just saying --
16 you know, at the beginning of this meeting, you
17 know, I make a motion, someone seconds it, and
18 we discuss it and then it's over with. We
19 either vote on it or we table it or whatever.
20 MAYOR JENKINS: It doesn't work that
21 way, Bob. It hasn't worked that way. That's
22 the problem.
23 COUNCILMEMBER ROCHE: Well, we haven't
24 been trying, Mayor. We haven't been trying to
25 follow -- to go by Robert's Rules.

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1 See? We do this. See?
2 UNIDENTIFIED SPEAKER: It is.
3 COUNCILMEMBER ROCHE: This is what I'm
4 saying. And instead of presenting ourselves, we
5 find ourselves bickering --
6 COUNCILMEMBER PITTMAN: Well, hopefully
7 at a work session --
8 COUNCILMEMBER ROCHE: -- instead of --
9 MAYOR JENKINS: No. You have --
10 COUNCILMEMBER PITTMAN: -- you would
11 have had that done, and then --
12 MAYOR JENKINS: Just a minute.
13 COUNCILMEMBER PITTMAN: -- when we got
14 up here, we'd have had a decision.
15 MAYOR JENKINS: You have your say-so.
16 The other Councilmen have their say-so, too, and
17 I have mine. Okay?
18 COUNCILMEMBER ROCHE: Yep.
19 MAYOR JENKINS: We're not bickering
20 back and forth.
21 COUNCILMEMBER ROCHE: Okay. Well, like
22 I say --
23 MAYOR JENKINS: I gave you my opinion.
24 I think this will work if we don't go back and
25 forth, like you said, if we have a work session,

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1 talk about it, think about it two weeks and then
2 we'll vote on it.
3 COUNCILMEMBER ROCHE: I just think --
4 MAYOR JENKINS: Okay. Anybody else?
5 COUNCILMEMBER BATES: Well, you know,
6 as I said when we made this move, the problem
7 with the work sessions was we didn't get
8 information in advance to review so that we had
9 adequate time to discuss at the work session in
10 an educated and thoughtful manner. So we ended
11 up saying, "Well, here's this brand new piece of
12 information. Let's look it over and come back
13 in two weeks." That doesn't work.
14 If we're going to move back to work
15 session, if you put something on the agenda, you
16 have got to provide the evidence or the response
17 or the documentation or what-not with it,
18 because presenting it that night of or that day
19 of doesn't work and it's not going to accomplish
20 the intended goal.
21 Quite honestly, I am inclined to keep
22 it the way it is right now with old business,
23 new business. I think we are making a little
24 bit of headway. I respect the concern regarding
25 the costs, but I am inclined to keep it as it is

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1 right now.
2 COUNCILMEMBER FLEMING: I would be in
3 favor of a work session if it was prior to the
4 meetings.
5 COUNCILMEMBER PITTMAN: We used to do
6 that; right.
7 COUNCILMEMBER FLEMING: And in that
8 work session, only the Council bring up an item
9 that they're confused about or they want to
10 question -- we don't go through the entire
11 agenda, but it's just the work session items
12 that someone may have a question about -- and
13 use that hour to discuss the issues at hand.
14 I would be in favor of an hour before
15 regular Council meetings, but my opinion is not
16 to go back to one nonvoting and one voting
17 meeting.
18 COUNCILMEMBER PITTMAN: We did that one
19 time, I believe, didn't we, Mr. Weed? And it
20 worked pretty effectively as well. At least you
21 didn't have all the discussion at the meeting.
22 COUNCILMEMBER FLEMING: And we really
23 don't have to -- for instance, if we had a work
24 session this evening from 6:00 to 7:00, we
25 wouldn't have to go through all 20 items on

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1 here. It would just be items that we would need
2 to discuss if there was a question that I might
3 have had, or Mr. Spangler or Mr. Bates might
4 have had.
5 COUNCILMEMBER SPANGLER: The problem
6 is, Ms. Fleming, I've been under both. I've
7 been in office long enough to be under both
8 ways. And we never seem to be able to take
9 anything off the work session, off the agenda
10 from the work session. Regardless of whether it
11 was discussed or what we agreed on, we still
12 went through the whole thing at the regular
13 meeting anyway, so.
14 COUNCILMEMBER FLEMING: Oh, and that
15 would be the case, but the work session would be
16 used for discussion between the Council if there
17 was a question that needed to be asked.
18 COUNCILMEMBER SPANGLER: I understand
19 that, but it just didn't work that way.
20 MAYOR JENKINS: Anymore discussion?
21 Do we have a motion one way or the
22 other?
23 COUNCILMEMBER PITTMAN: I'll make the
24 motion to go back to -- whether it's that way or
25 the other, we could discuss that -- do work

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1 session the way the work session is supposed to
2 be done, and do a meeting, voting meeting.
3 COUNCILMEMBER ALEXANDER: I guess to
4 Pam's point, she and I had discussed this at the
5 beginning of last year, that at the work
6 session, Council sits around a table and hammers
7 it out. There's no citizens' comments. And
8 that's what you do. It's not a dress rehearsal.
9 COUNCILMEMBER PITTMAN: Exactly. It's
10 a very informal setting, almost like a round-
11 table discussion, and you're working. We've
12 never done that before. But if we could
13 accomplish that in the work sessions, I think we
14 would see a difference.
15 COUNCILMEMBER BATES: But you can't
16 work if you don't have the information --
17 COUNCILMEMBER PITTMAN: That is true.
18 COUNCILMEMBER BATES: -- in advance to
19 review and be prepared to work.
20 MAYOR JENKINS: We're getting the
21 information now through Rhonda in our packet.
22 COUNCILMEMBER BATES: As long as a
23 Councilmember or a citizen, whoever is adding
24 something to the agenda, provides that infor-
25 mation to --

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1 MAYOR JENKINS: Right.
2 COUNCILMEMBER BATES: -- the Clerk when
3 they submit it. If they don't, then there's --
4 COUNCILMEMBER FLEMING: It's considered
5 a nonvoting item. It would have to be if we
6 don't get the information beforehand.
7 COUNCILMEMBER ROCHE: Well, even when
8 the information does come, I mean if we look at
9 the agenda that we have here, I mean often it
10 takes more information than what's available at
11 that time, or, you know, we discuss things or
12 whatever.
13 Right now the way we have this set up,
14 it's very easy to say, you know, we'll just push
15 this off to the old business for the next
16 meeting. And some of these things have been on
17 the agenda for a few times, and, you know, it's
18 not that big a deal. I think it works fine,
19 because if we need to gather more information or
20 whatever, we can just simply push it off till
21 the next day. Otherwise, we're pretty much
22 locked into, you know, the middle meeting, and
23 then we've got to vote on it at the first
24 meeting the next month.
25 And a lot of times, the discussion that

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1 happens at the work session -- you know, I had
2 one situation recently where a lot of people
3 were talking about things, and most of the
4 discussion that was surrounding it were in the
5 work session.
6 Someone put a thing in my box -- and
7 I'm not sure if it was Rhonda or whatever --
8 that they have -- I don't know where it came
9 from, and I didn't bring it with me. I think
10 it's in the car. It's a computerized way of
11 basically taking all the videos for all the
12 meetings and putting them all on the Web site so
13 it's very easy to get to.
14 MAYOR JENKINS: That was a company that
15 came to me and wanted us to look at that item
16 that I gave you --
17 COUNCILMEMBER ROCHE: Right.
18 MAYOR JENKINS: -- and see if --
19 COUNCILMEMBER ROCHE: Did everyone get
20 a copy?
21 MAYOR JENKINS: -- see if it was
22 feasible.
23 Sir?
24 Everybody got a copy, yes.
25 COUNCILMEMBER ROCHE: I mean if we're

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concerned strictly about the cost, I don't see why that would be a bad idea to look at.

There's alternatives, you know. Like I said, there's alternatives of, like I said, trying to use Robert's Rules, getting a little more formal with the way we do things, a little more organized, you know.

MAYOR JENKINS: I've got a couple of people that signed up, when the Council finishes discussion.

COUNCILMEMBER SPANGLER: The only comment I wanted to make is I agree with Mr. Bates, you know. It seems like we've gotten more accomplished with going to two meetings a month. And I can't see repetition, and that's exactly what we have in the work sessions.

And I don't see that it will get any better as far as the information. I know Mr. Bates takes items off the agenda if he doesn't have the information in time for everybody to read it, and I think we all should do the same thing. And we can continue to do this to shorten these even more.

But again, both ways, when we had the work sessions before, either before the meeting

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or mid-month, we didn't accomplish that much. It was just like a broken record. It was the same thing over, and over and over again, so we didn't really accomplish anything.

MAYOR JENKINS: The only thing I'll say about it is it works in other cities very well.

COUNCILMEMBER SPANGLER: Lots of other things work in other cities, Mr. Mayor, that doesn't seem to work here.

MAYOR JENKINS: Well, I agree with you there, sir.

Bonita?

MS. HOFFMEISTER: No comment.

MAYOR JENKINS: All right. Stuart? Come on up if you want to speak.

MR. ANDERSON: Stuart Anderson.

My observation is that you've gotten more done in the two meetings, two voting meetings, than when you had the work session and the voting meeting.

MAYOR JENKINS: Do I get a second on that motion?

- - -

(No response)

- - -

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MAYOR JENKINS: Motion died with the lack of a second.

The next item on the agenda is Pam, number 9.

COUNCILMEMBER FLEMING: 8?

COUNCILMEMBER ROCHE: 8.

COUNCILMEMBER FLEMING: Variances and Rezoning in Residential Neighborhoods.

MAYOR JENKINS: Okay. Excuse me. I do make mistakes.

COUNCILMEMBER FLEMING: Oh, no. That's quite all right. I just wanted to repeat for the residents as well as our court reporter.

I apologize, first of all, for not being here at the February 17th meeting, and a couple of these items that are on the agenda this evening were carried over so that I could present them this evening.

This particular item, I provided Council with a copy of the attached resolution that was signed by the Mayor and Council, dated November 19th, 2007, and it's regarding notification to residences regarding variances and rezonings that may be happening in the residential neighborhoods.

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And as we have discussed and found out on some of the resolutions that have been made over the last couple years, even though the intent was of high regard, it may not have been handled legally. I am asking that the resolution be enacted and adhered to and be proactive in our notification to the residents as well as to the businesses.

If it is necessary to put this on the public hearing agenda, I would make a motion to do such. As I understand it from the information that we received from Mr. Weed this afternoon, any City-initiated text amendment can be added without additional advertisement.

But what I would like to do is make -- I will make this as a motion at this time just so you can understand where I'm coming from. I make a motion to include in the Doraville Zoning Ordinance, under Legal Notification, the following: One, it would be notification shall be made public via the City of Doraville Web site and the City of Doraville newsletter. Said notice shall include the address in question and date of public hearing for all rezonings and residents affecting residents and businesses.

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1 And number two, this notification is in addition
2 to the required advertisement in the public
3 organ of the City of Doraville.
4 COUNCILMEMBER ROCHE: And I'll second
5 that.
6 COUNCILMEMBER ALEXANDER: We don't have
7 a copy of what you just read.
8 COUNCILMEMBER FLEMING: Of my motion?
9 No. You do not have a copy of the motion I just
10 stated.
11 COUNCILMEMBER ALEXANDER: Okay.
12 MAYOR JENKINS: You made a motion to
13 add to?
14 COUNCILMEMBER FLEMING: Because I
15 believe Mr. Weed's going to correct the motion,
16 but it is a motion to put this item on the
17 public hearing agenda.
18 MAYOR JENKINS: Do I get a second?
19 COUNCILMEMBER ROCHE: I seconded it.
20 COUNCILMEMBER SPANGLER: I second.
21 MAYOR JENKINS: More discussion?
22 COUNCILMEMBER ALEXANDER: Yes, because
23 I was reviewing some of the input that we had
24 from the City Planner and also the attorney. I
25 guess that's why I wanted a copy of the motion,

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1 to see exactly how it was worded before I cast
2 my ballot.
3 COUNCILMEMBER FLEMING: Would you like
4 me to restate it?
5 COUNCILMEMBER ALEXANDER: Can we have a
6 copy of it, please?
7 COUNCILMEMBER FLEMING: (Presenting to
8 Clerk for making copies for Council members.)
9 COUNCILMEMBER ROCHE: This is just a
10 motion to add it to the agenda; right?
11 COUNCILMEMBER FLEMING: That is
12 correct.
13 MAYOR JENKINS: But you're adding it to
14 the public hearing.
15 COUNCILMEMBER FLEMING: That is
16 correct, public hearing agenda, because it's in
17 regards to a text amendment to the Zoning
18 Ordinance.
19 MR. WEED: Don't forget you're still
20 going to have to run the ads for it in
21 accordance with State law. And the email I sent
22 you today didn't say you are exempt from State
23 law.
24 It just indicated that some of the
25 initial postings that are required by State law

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1 -- in other words, if you, the Council, are
2 putting forward a text amendment, you don't have
3 to post a sign, for example.
4 You still have to comply with the
5 Zoning Procedures Act, though.
6 COUNCILMEMBER FLEMING: Please explain
7 to me, then, Section 1602 provides that the City
8 does not have to generate a report, nor pay a
9 fee, nor apply at least 25 days before the
10 Council to get a zoning matter moving forward.
11 MR. WEED: That's exactly correct. But
12 that doesn't touch upon the State law. You
13 still have to run an ad because that's required
14 by the State law.
15 What you don't have to do on like a
16 private citizen or a landowner is you don't have
17 to submit a report, you don't have to make sure
18 it happens 25 days before it goes to a meeting,
19 et cetera, et cetera.
20 And I'm sorry my email was confusing.
21 COUNCILMEMBER ALEXANDER: I guess I
22 have concerns with the motion because the cutoff
23 is so early for the City newsletter.
24 COUNCILMEMBER FLEMING: Our public
25 hearings are the fourth --

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1 If we start advertising in our
2 newsletters that public hearings for zonings,
3 rezonings and variances will occur on the fourth
4 Monday of every month, that should be adequate.
5 COUNCILMEMBER BATES: But this has the
6 specific address. It says the address in
7 question.
8 And I guess I have Ms. Alexander's
9 concerns.
10 COUNCILMEMBER ALEXANDER: She's already
11 in April now.
12 COUNCILMEMBER BATES: Yes.
13 The 5th of the month is the deadline
14 for the next month --
15 COUNCILMEMBER ALEXANDER: Newsletter.
16 COUNCILMEMBER BATES: -- newsletter-
17 wise, so --
18 And I very much appreciate where you're
19 going with this, and I agree with the Web site
20 and I agree with having a generic notification
21 in the newsletter that we're having a zoning and
22 variance hearing on the fourth Monday. But as
23 far as the specific address in question for the
24 newsletter, I don't know that that's practical.
25 COUNCILMEMBER FLEMING: Okay.

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COUNCILMEMBER ROCHE: But is it okay to just add it to the agenda so we can discuss more about these details?

COUNCILMEMBER BATES: But it's on the agenda.

COUNCILMEMBER FLEMING: No. On the public hearing agenda --

COUNCILMEMBER ROCHE: No. The public hearing agenda. It sounds --

COUNCILMEMBER FLEMING: -- because it's a zoning issue.

COUNCILMEMBER ROCHE: -- like we'll have to get it advertised. Right.

MR. WEED: Essentially as I understand it, Councilman Fleming is simply asking the Council to, you know, initiate this as an official zoning item so that there can be an official Zoning Procedures Act hearing on it the next available time when we can run an ad and have that done.

COUNCILMEMBER BATES: So discuss the nuances then.

COUNCILMEMBER ALEXANDER: You don't want to modify the motion?

MR. WEED: Is that what you want to do?

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COUNCILMEMBER FLEMING: Yes.

COUNCILMEMBER ALEXANDER: You don't want to modify the motion?

COUNCILMEMBER FLEMING: I'll be glad to modify the motion, but the motion for the March 23rd public hearing?

COUNCILMEMBER ALEXANDER: No. When would the next one be?

MAYOR JENKINS: That's the 27th.

MR. HAEBERLIN: At this time, we would be lucky to get it on the April 27th meeting. It would be into the next month.

We do have already a public hearing for a rezone and a public hearing for an appeal scheduled for April 27th at 6:30. So if this is an item that you would like to add, this would be the third item for April 27th.

COUNCILMEMBER ROCHE: Well, could we amend the motion to say if we can do it the 23rd, make it the 23rd, and, if not, we'll do it the next one?

MR. HAEBERLIN: Yeah. Well, we're past the deadline for March 23rd. We're definitely past that.

COUNCILMEMBER FLEMING: Even though we

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don't have to advertise it for 25 days. Is that not correct?

MR. WEED: Well, there are two different forms of advertising. I believe there are some local rules that are applicable. And it doesn't say we have to advertise for 25 days. Essentially what it says is the application's got to be in. It's got to be in play, if I remember correctly. That's for people who are not the City.

However, we still have to comply with the Zoning Procedures law even though we're the City. Even though we don't have to do a report, we don't have to post a sign, we still have to, you know, put a posting in the newspaper, and that's got to run for no less than 15 and no more than 45 days before a public hearing at which the action could be taken.

That's the tablets of stone that have come down from the mountain, not changeable by us.

And you said we couldn't get it in the paper quick enough.

MR. HAEBERLIN: Correct. I mean as we said right today, I've ran two ads today for

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your next fourth Monday that's preceding [sic] the March 23rd. That's going to put you at April 27th.

COUNCILMEMBER SPANGLER: So what is the lead time that you have to give when posting an ad?

MR. HAEBERLIN: With the newspaper, to get it to hit the end of the month -- I mean I am a little early this month for the April, but even if I was to attempt, I could not get it on the 23rd. We're past that time.

COUNCILMEMBER SPANGLER: I thought you said in a previous meeting that you could get an ad placed in the paper within 14 or 15 days.

MR. HAEBERLIN: At least 21 lead days. That's if I hit the paper at the perfect timing. So three weeks is a perfect timing situation.

The last time, I submitted ads for the March 23rd meeting, and I just got in by the skin of my teeth. I just barely made it.

COUNCILMEMBER SPANGLER: And today is the what?

MR. HAEBERLIN: Today is the 2nd.

COUNCILMEMBER SPANGLER: And the 23rd is what? That's 21 days.

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MR. HAEBERLIN: Well, she's already planned the runs for the 5th so I don't think this one is going to get in.

COUNCILMEMBER SPANGLER: So whatever you did today, if you did something today, you should be within that 21 day period that you were talking about for the March 23rd meeting. You should have been able to -- if I understood you correctly.

MR. HAEBERLIN: The lead time, like I said, when I advertised for March 23rd, I barely missed the deadline. So I'm not saying it's a perfect science with the 21 days. This is all subject to Denise and to Jackie at The Champion, and her responding and telling me yes, I can run the ad, or no, I can't.

But it's at least 21 lead days, and I'm already in the process of scheduling for April.

COUNCILMEMBER SPANGLER: So you've already scheduled it -- for what you sent in today, you've scheduled for April the 27th.

MR. HAEBERLIN: Yes, sir.

COUNCILMEMBER FLEMING: My intent in this, as was in November 19th, was to be proactive in notifying the residents. But we

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have learned since that time, we also need to be proactive in notifying our businesses as well.

I would amend the motion that I read, Ms. Alexander, by excluding regarding the address and the date of the public hearing and only making it notification shall be made public via the City of Doraville Web site and the City of Doraville newsletter. This notification is in addition to the required advertisement in the public organ of the City of Doraville.

I would like to make a motion to put this on the April public hearing, zoning public hearing.

COUNCILMEMBER ROCHE: And I'd still like to second it.

MAYOR JENKINS: Bonita?

MS. HOFFMEISTER: Bonita Hoffmeister, Oakcliff Estates.

While I've been with the Dekalb Planning Commission, this has been a sore spot for Dekalb also. And one of the problems is when you get this too complicated, too many things that have to be done -- there is a super-sharp lawyer out there and I can't think of her name, but every time I see her, I know you're

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going to lose and she's going to win. She's just that sharp. And the more conditions you put in your zoning ordinance as far as what you have to do on advertisement, the more likely she is going to win. She gets out and she measures. She counts the days it's out there, when it's posted, where the letters went, everything.

The more complicated you make this, the more things you set the City up to do, the more likely you are to lose. Thank you.

MAYOR JENKINS: Thank you. Stuart?

MR. ANDERSON: I'll pass.

MAYOR JENKINS: Thank you.

Anymore discussion at the table?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

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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.

COUNCILMEMBER FLEMING: My next item, Mayor --

MAYOR JENKINS: Yes.

COUNCILMEMBER FLEMING: -- is item number 9, which is Section 1605 of the Zoning Ordinance. This is also an additional item that I will request to add to the public hearing of April. This is another one that I had given the Council on the 2nd, regarding variances.

At the present time, our zoning ordinances do not include variances for a time limit or a date certain regarding variances like we do for property that is rezoned. Property that is rezoned has a date certain of a 12-month period unless the applicant has shown substantial improvement or construction on the property.

I make a recommendation that we also

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include that same terminology, a 12 months date certain for variances, for land use variances, as we have determined now there are some variances that this Council has approved with no date certain; and the variance stays with the land, it does not stay with the owner.

So I would like to make a motion that we create and adopt a Section 1607, because 1605 is Conditions to Rezoning. I make a motion to create and adopt Section 1607, Conditions to Variances, in the Zoning Ordinance, which provides a date certain approval period of 12 months for variance applications.

And then I used the same wording -- and I'll pass this down for Rhonda to copy -- failure to make substantial progress within the 12-month period will result in reversal of variance. A reversed variance may not be resubmitted for consideration for a period of six months after the date of reversal.

MR. WEED: Councilman Fleming, did you mean to differentiate between the six-month period and the 12 month rezoning on purpose or would you prefer to have a 12-month period because that's defensible if you want to do

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that.

The State law says six months with regard to zoning. If a zoning matter comes up and fails, it can't be brought up for another six months. The local code, which we have the right to do, makes that 12 months. And I didn't know if you wanted them to be 12 months and 12 months or if you intended it to be six months which is the way you said it.

COUNCILMEMBER FLEMING: I will leave that wording up to staff and yourself. I was using the zoning specifications as an example. So I appreciate that.

COUNCILMEMBER ROCHE: Does it have to be advertised and all that?

MR. WEED: I'm sorry, sir. The --

COUNCILMEMBER ROCHE: Yeah.

COUNCILMEMBER FLEMING: Yes.

Yes. My motion is to add it to the public hearing, the zoning ordinance public hearing in April.

MAYOR JENKINS: Bonita?

MS. HOFFMEISTER: No comment.

MAYOR JENKINS: Stuart?

MR. ANDERSON: I apologize.

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COUNCILMEMBER ROCHE: Well, if no one else will, I'll second that motion.

MAYOR JENKINS: Do I get a second?

COUNCILMEMBER ROCHE: I just did. I seconded it.

MAYOR JENKINS: I didn't ask for it yet.

COUNCILMEMBER ROCHE: Oh, okay.

MAYOR JENKINS: Do I get a second?

COUNCILMEMBER ROCHE: Yes, I second it.

MAYOR JENKINS: Anymore discussion?

COUNCILMEMBER BATES: Yes.

This question would be for Mr. Weed and Mr. Haeberlin. Are there differentiations between zoning and variances that would allow us or preclude us from doing a date certain on a variance similar to a zoning?

MR. WEED: I sent the Council -- the answer is there are differences, of course, but in my professional opinion, it would be legally viable. Sent a memo on February 16th on that issue. So the answer is yes, I believe it's legally viable to have a -- we'll call it a sunset provision with regard to variances.

COUNCILMEMBER BATES: And are there

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pros and cons to doing this much like a sunset on the zoning?

MR. WEED: Yes.

COUNCILMEMBER BATES: Pros or cons?

MR. WEED: There are both. I suppose the pros of it would be it's a carrot-and-stick approach for a developer or an owner/applicant to go ahead and do what it was they said they were going to do within a certain time frame. That's pro.

I think the con of course would be whenever you have to define a term like what is substantial compliance, that's always -- you know, there is a definition. And it's not a bad definition. It's already in the zoning code. It's just that that adds a new layer that a court could not agree with your definition and not agree with you that it was a good definition.

COUNCILMEMBER BATES: Thank you.

MR. WEED: So that would be my answer. And I don't know what Mr. Haeberlin thinks.

COUNCILMEMBER ROCHE: Would this discussion be better held at a public hearing that's been advertised?

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1 COUNCILMEMBER BATES: Well, I don't
2 disagree with you. I just --
3 COUNCILMEMBER ROCHE: Yeah.
4 COUNCILMEMBER BATES: -- had a very
5 brief question regarding whether I wanted to
6 move down that route, and my question has been
7 answered.
8 COUNCILMEMBER ROCHE: Yeah. We're just
9 talking about whether or not we want to put it
10 on the agenda.
11 COUNCILMEMBER BATES: Right, and that's
12 a germane discussion to that motion.
13 MR. HAEBERLIN: The only thing I will
14 just add is I don't really have a problem with
15 the provision of sunset on a variance. I just
16 think that a 12-month period would be realistic
17 with the development cycle. It's going to mean
18 that a lot of people are going to have their
19 variances expire and not be able to complete
20 projects.
21 I mean on large projects, it's fairly
22 typical to spend two or three years in the
23 zoning process, the site development, getting
24 necessary variances, et cetera. It could hinder
25 some projects. So my concern is with the time

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1 period.
2 COUNCILMEMBER FLEMING: Using the same
3 verbiage as we have in the zoning, however,
4 because considering that, the site plans and the
5 necessary permitting fees, they may not have
6 broken ground but they've gone through the
7 processes, so that would be substantial
8 progress. And I felt that the wording in the
9 zoning allowed them to resubmit for an
10 additional period, and I would, you know, fall
11 back on that for variances as well.
12 MR. HAEBERLIN: Again, my comments are
13 just based on past experience. I find typically
14 the folks that apply for variances -- and I've
15 been in jurisdictions for long periods of time
16 -- it typically is a one-to-three year window
17 when it actually happens, and it typically
18 doesn't happen as quickly as 12 months. So
19 that's just my comments.
20 MR. WEED: It does say initial con-
21 truction, excavation or site inspection has been
22 made by city or county building development
23 officials.
24 So if we use the, you know, identical
25 language from the zoning and transfer it over to

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1 the variance, then, you know, they would have to
2 do something within 12 months and get it
3 inspected, and one of those three "somethings"
4 would be initial construction, excavation or
5 site inspection. I don't know what practically
6 happens on the ground. Mr. Haeberlin can talk
7 to you about that. But that's what the code
8 says.
9 COUNCILMEMBER FLEMING: And site
10 inspection I would think is a very wide term, is
11 it not?
12 MR. HAEBERLIN: Well, you have to look
13 at the various items that are covered under
14 variances. Let's say you're doing a minor sub-
15 division plat where you're subdividing three
16 lots. You get your variance first and then you
17 go through the process of platting the property.
18 Let's say it reaches a threshold where it
19 requires a land disturbance permit. There's so
20 many different variables present in there that
21 can extend the life span out significantly more
22 than 12 months.
23 So like I said, that's just a
24 commentary on it. Of course I'm fine with the
25 sunset provision. I think we just need to give

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1 a little thought to the time frame and how we
2 define how we're going to address that. I think
3 you're going to have a lot of people coming
4 before you appealing decisions relative to
5 variances. And of course this will not be
6 retroactive on any variance that's already been
7 approved.
8 COUNCILMEMBER FLEMING: I realize that.
9 MR. HAEBERLIN: Those are just a few
10 brief comments.
11 MAYOR JENKINS: Anymore discussion?
12 - - -
13 (No response)
14 - - -
15 MAYOR JENKINS: Call the roll, please.
16 CLERK BLACKMON: Councilmember
17 Alexander?
18 COUNCILMEMBER ALEXANDER: Yes.
19 CLERK BLACKMON: Councilmember Bates?
20 COUNCILMEMBER BATES: Yes.
21 CLERK BLACKMON: Councilmember Fleming?
22 COUNCILMEMBER FLEMING: Yes.
23 CLERK BLACKMON: Councilmember Pittman?
24 COUNCILMEMBER PITTMAN: Yes.
25 CLERK BLACKMON: Councilmember Roche?

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COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MR. WEED: And I would like to add just for the record that I'm sure you're going to rely upon Mr. Haeberlin and myself to draft an ordinance that we believe meets the terms of what you want to do but does not necessarily slavishly follow the zoning code and that you want us to use our best judgment and professional skill in drafting that ordinance. Is that correct?
COUNCILMEMBER FLEMING: Can I get you to make an ordinance that's one page long?
MR. WEED: No, ma'am. I mean the actual text of the paragraph will be one page long. But in order to draft a decent preamble that creates a legally defensible, you know, you can't do that in one page.
COUNCILMEMBER SPANGLER: So how many pages are you saying that it's going to take?
MR. WEED: This particular ordinance will take --
COUNCILMEMBER SPANGLER: 10? 12? 16?

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MR. WEED: Six to eight.
COUNCILMEMBER SPANGLER: Six to eight.
COUNCILMEMBER ROCHE: Well, I'm just curious.
MR. WEED: I will single space it.
COUNCILMEMBER ROCHE: All the "whereases," they never find their way into the code book. I mean does that matter?
MR. WEED: I agree with you that that language is for other lawyers, but there's a reason why it's there. You want to cite your constitutional power and authority you have to draft the ordinance. You want to indicate whether it's a traditional police-powers ordinance under the constitution or whether it's a zoning ordinance. If it's a zoning ordinance, you want to include what the standards were and a recitation of the standards so that no zoning lawyer could say you didn't consider the standards.
So all that's in there on purpose. I know it looks like surplusage, but it's not, or I wouldn't have put it in there.
COUNCILMEMBER FLEMING: 1605 is Conditions to Rezoning and it's three paragraphs.

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MR. WEED: Yes, ma'am; that's correct.
COUNCILMEMBER FLEMING: Three quarters of a page.
MR. WEED: That's correct.
COUNCILMEMBER FLEMING: And I would think that variances could possibly be less or at least just three paragraphs. So I would like you to draft an ordinance that would allow us to be able to review it before the April public hearing regarding conditions to variances.
MAYOR JENKINS: What if it fails?
MR. WEED: I can write you a three-paragraph ordinance. Where the actual text will be changed from the actual code, it is three paragraphs.
However, the preamble, the ordaining clause, the severability clause, the appeal clause, the effective date, all those things are vital to adopting a legal ordinance. And ordinances are regularly defeated for lack of those things being in there, and I promise you as your lawyer and your friend, I would not put anything in an ordinance which wasn't vital to the ordinance. I have no motivation to do so.

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MAYOR JENKINS: Pam, is this another item you're referring to? We got the other one passed. What is this one about?
COUNCILMEMBER FLEMING: This is about variances, sir. We have no time limit at all on variances. We as a council are deciding land --
MAYOR JENKINS: We just made a vote to put it on the --
COUNCILMEMBER FLEMING: Yes, sir.
MAYOR JENKINS: Okay.
COUNCILMEMBER FLEMING: We as a council made a decision or have been making decisions on land use variances that may not go under construction for years from now, and we are making decisions for another council, and they may not even be aware of what happens, you know, ten years down the road. And I just feel it's necessary that we also have a time limit for some type of progress on a variance.
Now, if you would like to put these things off until after year end --
MAYOR JENKINS: I guess I'm asking you, why didn't you put that in your other motion?
COUNCILMEMBER FLEMING: Sir?
MAYOR JENKINS: Why didn't you put that

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in your other motion?
COUNCILMEMBER FLEMING: It's two different items, sir.
MAYOR JENKINS: You don't have variances on here on that particular item.
COUNCILMEMBER FLEMING: I'm sorry?
MAYOR JENKINS: You don't have variances on that particular item. You've got rezoning.
COUNCILMEMBER FLEMING: I was bringing up that so that I could show that we need to have something for variances.
MAYOR JENKINS: Okay. That's fine.
COUNCILMEMBER ROCHE: Well, I think it was just a discussion, Mayor, what we wanted the City Attorney to do.
COUNCILMEMBER SPANGLER: The City Attorney asked what we wanted him to do.
COUNCILMEMBER ROCHE: Right, exactly.
MAYOR JENKINS: My point is the City Attorney does not make up ordinances until the Council votes on it.
Is that correct?
MR. WEED: Mr. Mayor, it can go either way. I think what's happened here is that

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Council has purely approved an ordinance concept. That doesn't -- in order for you to logically and reasonably vote on the ordinance, you have to have the ordinance in front of you and in fact it's my opinion that's what the code says you've got to do. That's why there's a first and second reading requirement.
So I think now that the Council has approved the concept, I will draft an ordinance. It'll go on the agenda and it'll be voted up or down or modified as the Council deems appropriate and fit at the next available meeting where it can be heard.
COUNCILMEMBER ROCHE: Since we're still on this agenda item, I mean would it be appropriate to find out roughly how many hours you think it would take to do that and then make a motion to authorize him to draw up the draft of the ordinance?
MR. WEED: I think it'll take between four and five hours. I think five at the most.
COUNCILMEMBER ROCHE: Did you want to make a motion that authorizes him to do that beforehand?
MR. WEED: You can just -- you don't

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have to. I'll make sure I bring it in under five hours. You have my word --
COUNCILMEMBER ROCHE: Okay.
MR. WEED: -- as a gentleman and a lawyer.
MAYOR JENKINS: Does all the Council agree with that?
COUNCILMEMBER SPANGLER: Well, I can't see the attorney drawing up an ordinance 10, 12 pages long and not having the correct information in it that we need. So I'd rather pay him for the four or five hours that it would take to draw up the ordinance and then see if there's any changes that need to be made.
COUNCILMEMBER ROCHE: The trouble, these things are public hearings, and if you don't do it on that day, then the whole process starts all over again. So if you have a draft ordinance ready to go, then you can just make corrections and potentially pass it on the spot or whatever. That way, it doesn't take five months to get something done.
MR. WEED: As a side note, I'm not suggesting we talk about this here. I do think it's an appropriate conversation for a work

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session idea. And that would be what would be your protocol? Meaning after I, or Scott or both of us draft an ordinance and send it out to you, do you want to send back changes and include all the changes, include none of the changes in the process before it comes to, you know, some hearing or not? That's something for another day but something for you to think about.
COUNCILMEMBER FLEMING: Well, my preference, I would like to see a single-spaced, pinpointed "this is what we're doing" instead of -- I mean as a draft type thing, and then let us give our okay-go-ahead and then you put it in all of the legal terms that need to be in there.
MR. WEED: That would be possible. Certainly could do that.
MAYOR JENKINS: How many hours would that take?
MR. WEED: It would take the same amount of time, essentially. I mean it won't be any shorter because I'd still have to draft the text of it sooner or later.
COUNCILMEMBER ROCHE: Well, as the sponsor of the ordinance, I would think that

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1 Councilwoman Fleming would, you know, be working
2 with you on what the ordinance says.
3 COUNCILMEMBER FLEMING: Mayor, unfor-
4 tunately, I realize that we have gone over
5 budget in our attorney fees, but we can't sit
6 here for the next three months and not get
7 anything done just because we don't want to pay
8 any attorney fees.
9 MAYOR JENKINS: Did you put that in the
10 form of a motion?
11 COUNCILMEMBER SPANGLER: Mr. Weed, do
12 we need a motion on that?
13 MR. WEED: No, sir.
14 COUNCILMEMBER SPANGLER: You agreed
15 that you and Mr. Haeberlin would draft the short
16 draft without all the "whereases" and who-done-
17 it, whatever, and then you would give the
18 information to us and let us make any recommen-
19 dations?
20 MR. WEED: Yes.
21 COUNCILMEMBER SPANGLER: So you don't
22 really need a motion.
23 MR. WEED: Yes, sir. I couldn't have
24 said it better myself.
25 COUNCILMEMBER FLEMING: So it's a

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1 gentleman's agreement; correct?
2 MR. WEED: Yes.
3 COUNCILMEMBER FLEMING: Thank you.
4 MAYOR JENKINS: It'll take five hours;
5 is that correct?
6 MR. WEED: It won't take any more, I
7 assure you, and if it does --
8 MAYOR JENKINS: I'm not for it --
9 MR. WEED: -- I'll eat it.
10 MAYOR JENKINS: -- I'm just going to
11 tell you that, whether it's in a motion or
12 whatever. We're spending too much money on
13 something that may not pass to start with.
14 Okay. Next item?
15 COUNCILMEMBER FLEMING: I would like to
16 request an Ethics Committee update.
17 CLERK BLACKMON: 2/25, last Wednesday,
18 I spoke to Mr. Grant, and he is waiting on a
19 final from the attorney, Mr. Elliott.
20 COUNCILMEMBER FLEMING: And a month
21 ago, they met with Mr. Elliott. Did they give
22 you any idea as to when they might come with any
23 type of recommendation?
24 CLERK BLACKMON: They're waiting on
25 Mr. Elliott's recommendation. That's what

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1 Mr. Grant told me last Wednesday. And he
2 assured me as soon as he had that, he would
3 forward it to me.
4 MAYOR JENKINS: What is the time frame
5 on this being over with?
6 COUNCILMEMBER FLEMING: There isn't
7 any.
8 CLERK BLACKMON: According to --
9 MAYOR JENKINS: Well, it seems --
10 CLERK BLACKMON: -- Mr. Grant --
11 MAYOR JENKINS: -- like there's no time
12 frame.
13 COUNCILMEMBER FLEMING: There should
14 be, Mayor.
15 MAYOR JENKINS: I agree that --
16 COUNCILMEMBER FLEMING: I agree that --
17 MAYOR JENKINS: -- there should be.
18 COUNCILMEMBER FLEMING: -- there should
19 be. And I think that that's something that
20 needs to be addressed.
21 I think Ms. Alexander has an issue
22 about the ethics ordinance regarding the fact
23 that we're not even allowing our employees that
24 don't live in the city --
25 There's two major things in our ethics

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1 ordinance that do need to be addressed, and one
2 is the fact that our employees should have that
3 opportunity, even though they might not live in
4 the city, that they could file an ethics
5 complaint against the Council.
6 Also, the only stated information
7 regarding time factor is 30 days in which to
8 review it. It says nothing about bringing a
9 recommendation to Council, and that's the second
10 thing that needs to be considered.
11 MAYOR JENKINS: I don't think that it
12 should drag on as long as it is with --
13 COUNCILMEMBER FLEMING: Absolutely not,
14 sir. I --
15 MAYOR JENKINS: -- people sitting --
16 COUNCILMEMBER FLEMING: -- thoroughly
17 agree.
18 MAYOR JENKINS: -- and you might say
19 worrying about it or whatever. It's not right.
20 This should already be over.
21 COUNCILMEMBER FLEMING: I agree.
22 MAYOR JENKINS: Anything else on that?
23 COUNCILMEMBER FLEMING: No, sir.
24 MAYOR JENKINS: Murray?
25 MR. WEED: No, sir.

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MAYOR JENKINS: Next item, number 11?
COUNCILMEMBER FLEMING: USERRA policy.
MR. WEED: Per Councilman Fleming's sponsorship, she had wanted to address particularly the existing USERRA policy in the employment manual.
We first began talking about this on January the 19th where the Council approved Councilman Fleming's concept. Also there was further discussion on February the 13th and February the 16th.
Per that general consensus, I performed research with regard to the current law under USERRA. Most of the existing provisions in our Code were applicable; however, there were some that needed to be updated. I have given you a draft ordinance which was sent out to everybody. At least version 2 was sent on the 16th of February and the first version was sent out before that.
MAYOR JENKINS: Murray, would you identify what that is?
COUNCILMEMBER FLEMING: USERRA.
MR. WEED: Correct.
Oh. Essentially, it is the Uniform

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Service Employment and Reemployment Rights Act of 1994.
So we have updated it. It is in compliance, in our opinion, with current Federal and State law, and it's been before you for your review personally, and we interpose no legal objection to the adoption of that into the personnel handbook.
MAYOR JENKINS: More discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Do I have a motion?
COUNCILMEMBER FLEMING: I'd like to make a motion to adopt the military leave USERRA policy, Section 2-245.
MAYOR JENKINS: Is everybody ready?
Do I get a second?
COUNCILMEMBER ROCHE: I'll second it.
MAYOR JENKINS: More discussion?
This is something you need to be sure of your vote so you know what you're voting on.
Is there anymore discussion?
- - -
(No response)

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- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: Mr. Eric Bart.
MR. BART: Eric Bart.
Okay. As per our last meeting, we were going to have you folks vote on whether or not you were going to lease me the building. It was postponed because Councilmember Fleming was absent, so I'm here to ask the Council on renting me the building to proceed with the coffee shop and hot dog program.

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MAYOR JENKINS: Sir, is that business set up for wiring for business versus -- that building's about 50/60 years old. 1930, I believe. 1929 or -30. How much would it cost to have to bring the wiring up to date for your business to move in?
MR. BART: That, I have no idea because we've never gone to that point where we would have an electrician come in and do the update.
MAYOR JENKINS: Well, these are things that we need to -- I got just a verbal, about eight to ten thousand dollars. That was verbal, just a guess.
I just thought I'd bring that up for the simple reason that it is not up to par for a business, especially some --
MR. BART: There are some things that would have to be updated like for the blower fan for the gas stove. That would have to have special wiring, which that's one of the things that I agreed that I would take care of.
Basically, we would maintain the inside the building with, you know, sanding the plastering and so forth and so on; redoing the floor in the kitchen, replacing the sink, so on

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and so on. Very little electrical work really has to be done except in the kitchen area, but the other rooms are fine just the way they are.

MAYOR JENKINS: Scott, is there not a code that it has to be up to certain specifications on the wiring for a business?

MR. HAEBERLIN: I've not had an opportunity to speak with Mr. Calcaterra, the Building Inspector, on this, and he's really not inspected that property to any detail like that.

There have been some concerns raised by those who work in that field regarding large appliances, commercial appliances, being run off the electrical panel that's currently present in the building, so I think it's something that definitely warrants the City taking a look at if they're going to lease the property.

So the answer is I don't know at this time. We've not had an electrician go in the building to do any real inspections on the property, nor has Mr. Calcaterra, the Building Inspector, inspected the property to give us a list of what we need to bring up to code as well.

COUNCILMEMBER SPANGLER: Why wouldn't

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we have done this a couple months ago or three or four months ago?

UNIDENTIFIED SPEAKER: Yeah.

MAYOR JENKINS: When we were remodeling it, we didn't really know we were going to set it up for hot dogs.

UNIDENTIFIED SPEAKER: I don't know why not.

COUNCILMEMBER SPANGLER: Seems to me we just keep putting Mr. Bart off. I mean, you know, that building has been vacant for more than a couple years. I don't know how long we haven't been getting revenues on the property.

We've got somebody now that wants to rent it, wants to make some modifications which he had originally asked us to do but then agreed to do some of those modifications himself, and now we just keep putting him off and keep putting him off.

If we're not going to do it, then everybody just needs to say so. We don't need to keep finding excuses why he can't have the business.

MAYOR JENKINS: I brought that up because I know it's not up to par.

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COUNCILMEMBER FLEMING: Mr. Bart, I apologize for not being able to be here the middle of February when you were present and presenting this.

I have with me what I believe we were going to use on that date, and it was a letter from you, a rent proposal with 12 items that --

MR. BART: Uh-huh.

COUNCILMEMBER FLEMING: -- still needed to be done and that you felt that the City needed to do before you took occupancy.

MR. BART: Some of the things that would be required by the fire department, number one, to make sure that it was safe to even occupy the building, and that's something that the City would have to have the fire department come in.

When we first were approached by this, I called the fire department and I waited all day for them to show up. And during the day, the Mayor and Scott came by, and I told them, you know, what I was doing there. And when the fire marshall finally showed up, he said, "Well, I can't do anything for you. The City has to call me." And I'm still waiting for that to

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happen.

This has been going on since basically October during the Doraville Days when I was approached by the Mayor to rent the building, and this has just been going on, and on and on. And every time we come to a meeting, it seems like we find something else that's going to be a monkey wrench.

And we need to make a -- you know, the City has to make a decision whether I'm going to get the building or not, because, if not, then I've got to do other plans. And I'm sure that the citizens want to have this thing to go forward like they did last meeting.

MAYOR JENKINS: No, that's not true.

You came to me about the building, and I told you I would send it to the Council, and you originally came to the Council, and that's where it started. I never made any commitments to you or anybody about renting that building. I don't have the option. This Council does.

MR. BART: Okay. I disagree with you, because when we did the hot dogs at the Doraville Days, you came by and you said to me, "I've got a building that we would like for you

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1 to rent," and that started it. There was
2 nothing said about whether or not we were
3 actually going to do that.
4 MAYOR JENKINS: That's not true.
5 MR. BART: Well, I've got people that
6 were there that actually heard you.
7 MAYOR JENKINS: Well, I had one gentle-
8 man tell me that, and I told him it wasn't true.
9 COUNCILMEMBER FLEMING: Mr. Bart, the
10 items that you have listed here, though it is
11 items that need to be done by us through Dekalb
12 County, it's only things that need to be done by
13 the City if we are planning on having a
14 restaurant there, and I wasn't under the
15 impression that the City of Doraville wanted to
16 turn it into a restaurant for us to manage.
17 We need to be able to have that
18 building available for possibly after the three-
19 year period, for instance. What would we have
20 to do to it after that three-year period to
21 bring it back to accommodating for another
22 renter?
23 And I'm also concerned about the fact
24 that, first of all, we haven't even made a
25 decision as to whether we want to, quote, rent

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1 the building. And if the Council and City does
2 want to rent the building, I feel that we should
3 get a fair market value off of it.
4 So those are my two statements or
5 comments.
6 MR. BART: As of the last meeting, we
7 made an agreement that I would rent the building
8 for $750 a month plus paying for the utilities
9 if I would make the improvements on the inside
10 of the building. The only thing that held it
11 back was your vote because you weren't here.
12 COUNCILMEMBER FLEMING: Okay. So you
13 changed this $500 to $750?
14 MR. BART: The City approached me on
15 that. They said the $500 was too low and that
16 if I went to $750 that would be acceptable.
17 COUNCILMEMBER PITTMAN: Actually, I
18 believe we did discuss that. I thought we were
19 understanding that when you came back to us
20 tonight that you would have something in
21 writing, some type of proposal to us of what --
22 there was a disagreement on what we wanted, what
23 we were going to do and what you were going to
24 do as well as the amount. And I thought you
25 were going to bring us something tonight stating

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1 what you were willing to do as well as the
2 amount you were willing to pay. Did you by
3 chance bring that?
4 MR. BART: No, because I don't believe
5 that was discussed.
6 COUNCILMEMBER PITTMAN: It actually
7 was, sir.
8 MAYOR JENKINS: We also told you that
9 $750 wasn't really enough if we had to do all
10 this extra stuff on it.
11 MR. BART: I mean that's not what
12 Mr. Spangler had talked about last meeting.
13 Okay?
14 You called me back up after all the
15 citizens came up and made their presentation,
16 and it was said that if I went and agreed to do
17 the $750 and did the improvements on it by
18 myself, that the Council would go for it except
19 that you couldn't vote for it because
20 Councilmember Fleming was not available.
21 COUNCILMEMBER PITTMAN: I believe we're
22 going to pull the minutes. And if I'm wrong, I
23 apologize, but she's going to pull the minutes.
24 Even I believe Mr. Anderson had stood up and
25 said that we need some form from one of the

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1 other, conducting business with some type of
2 proposal. And since we had some disagreement on
3 what you were going to pay and what you were
4 going to do, we were wanting to get something to
5 bring back to show us tonight.
6 MR. BART: As I recall, the only people
7 that came up and spoke were Tom Hart, Kay Bird,
8 Bonita and two other ladies. Mr. Anderson
9 didn't say anything by the time that I left. If
10 that was done afterwards, I have no knowledge of
11 that.
12 COUNCILMEMBER PITTMAN: And he might
13 have. I don't know if you were here or not, but
14 he did speak at some point.
15 UNIDENTIFIED SPEAKER: He said it would
16 be a good idea. He said it in citizens'
17 comments.
18 MR. ANDERSON: I was just trying to
19 expedite the thing so that Mr. Bart --
20 MAYOR JENKINS: Well, wait just a
21 minute. We're going to get to the list in a
22 minute.
23 We might as well go ahead with that
24 now. Do you want to come on up, Stuart?
25 MR. WEED: Mr. Mayor, while there's a

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1 little break as Mr. Anderson approaches the
2 podium, I want everyone to be aware,
3 particularly Mr. Bart, of the legality.
4 Until a majority of the Mayor and
5 Council makes a motion, makes a second, and
6 votes on it, there is no deal. It doesn't
7 matter what the Mayor said. He can stand out in
8 the middle of the street with a poster and say,
9 "Mr. Bart, you got the building." Doesn't
10 matter. He doesn't have that authority and
11 neither does any single member of the Council.
12 So I just want you to know that.
13 COUNCILMEMBER SPANGLER: And I don't
14 think any member of the Council did agree to
15 this. I just asked Mr. Bart -- and you'll
16 discover it in the minutes. I asked him if he
17 was willing to pay the $750 over the $500 and I
18 also asked him if he was in agreement to making
19 those improvements himself, and he agreed.
20 We couldn't make a motion that night,
21 and I may have mentioned that, because we didn't
22 have full Council.
23 MAYOR JENKINS: Stuart, would you mind
24 waiting just a minute?
25 Let's go ahead and take a five-minute

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1 break.
2 - - -
3 (Recess)
4 - - -
5 MAYOR JENKINS: (Pounds gavel) The
6 gentleman has asked to stay in the building
7 until this is over. I say the man should be
8 removed from the building. What does the
9 Council say?
10 COUNCILMEMBER ALEXANDER: You are the
11 presiding officer, sir.
12 UNIDENTIFIED SPEAKER: He just left.
13 COUNCILMEMBER ALEXANDER: I believe
14 they said he left.
15 MAYOR JENKINS: John?
16 CHIEF KING: Excuse me, sir?
17 MAYOR JENKINS: I think the man was
18 completely out of line and I think he should be
19 out of the building.
20 CHIEF KING: He is.
21 MAYOR JENKINS: Thank you, sir.
22 Go ahead, Stuart.
23 MR. ANDERSON: Stuart Anderson. I'll
24 try to not forget what it was I was going to say
25 this time.

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1 I'm for a sunset issue on variances, by
2 the way.
3 Anyway, what I tried to say last time
4 -- I wasn't on the list of presenters during the
5 middle of the meeting and so I got up and said
6 at the end, that I think that either Mr. Bart as
7 a businessman or the City looking for business
8 or looking to do some business, one or the other
9 of you or both should create a business plan, as
10 it were -- and I direct this mostly to Mr. Bart,
11 I guess -- and make a formal paper presentation
12 to you as to what he wants, what he wants to do,
13 what he's willing to pay, using all these last
14 months of discussion as certainly a place to
15 work on that document or discussions from which
16 you could put in that document.
17 I don't see any reason this can't be
18 resolved in a businesslike manner. This format
19 is not the way you conduct a business. If he
20 had come to you or if you had come to him with a
21 business plan and you worked it out over the
22 last month or so and then you just voted on it
23 -- this is the format to vote on accepting a
24 contract perhaps but this is not the format in
25 which to negotiate the contract.

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1 So I'm just asking, admonishing you
2 guys, either the City to come to him with a
3 proposal or for him to come to you with a
4 proposal, and that would facilitate this.
5 My other comment about the reference to
6 discussion that I've heard about this thing is
7 if we can't do anything else with the bottom of
8 that building, we should give him access to it
9 and you can use it for storage but he can get to
10 his electrical supplies and stuff. But if
11 there's not going to be any business conducted
12 down there and if he's got his infrastructure
13 down there, part of his infrastructure,
14 electric, et cetera, to facilitate his day-to-
15 day, he should have access to it at least. But
16 a business plan is what I'm getting at.
17 COUNCILMEMBER PITTMAN: And I was not
18 advocating for or against. I just recall that
19 we had asked you to come back with the ideas and
20 with a proposal on what we had discussed. And
21 it is in the minutes that we had asked you for
22 that, and I was just kind of hoping that you
23 might have that tonight.
24 MR. ANDERSON: And for what it's worth,
25 I'm for it.

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MAYOR JENKINS: I think we need to sit down and draw up some type of a plan and see how much it would cost to put it in shape for your type of business and then we can work a deal. I don't see how we can work any deals when it may cost us $20,000 just to get the building available for you to move in.

MR. BART: I agree.

MAYOR JENKINS: My main objective on that building was to get it handicapped-accessible and leave it like it is in case we needed it for up here.

Then it came up about you, and I told you to come to the Council, and you've been to the Council twice. And it seems like you want us to do most of the expenses and then give you a three-year contract. That's -- I don't know.

Of course that's just my opinion. I'm telling you I never promised anybody anything.

MR. BART: Right. I understand what you're saying. Okay? But I agreed that I would take over the bulk of the money problems. Okay? Last meeting, it was agreed that you were going to bring it in a handicapped-accessible condition which also includes to have the ramp

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by the patio, to have the concrete walk fixed --

MAYOR JENKINS: Well, that's no problem.

MR. BART: -- and I was going to basically do everything else. So the money issue really doesn't belong to the City. It's on my back.

COUNCILMEMBER FLEMING: Okay. But when I asked you about the 12 items that are on here, you indicated that it was the City's responsibility because of Dekalb County's regulations and so forth and so on.

MR. BART: That has changed since that was done, but the building still needs to be inspected by the fire department to make sure that it's habitable.

COUNCILMEMBER FLEMING: Okay. But I believe what Ms. Pittman was ndicating was that if these items have changed, that's what you were to bring to us this evening; correct?

COUNCILMEMBER PITTMAN: That's correct.

COUNCILMEMBER FLEMING: And so I'm looking at this. And to be very honest with you, Mr. Bart, I again restate that I am not in favor of the City spending money to establish a

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restaurant at 3744 Central Avenue.

MAYOR JENKINS: Let me hear from the audience and see what they say.

COUNCILMEMBER FLEMING: Go right ahead, sir.

MAYOR JENKINS: Okay. You weren't on the list but I'm going to go ahead and let you speak if you care to.

MS. SHERLOCK: My name is Cat Sherlock. Thank you.

I was not here last month. I was here the month before. I'm hearing the same concerns that were brought up in the first meeting that are being brought up now.

I have been around Doraville for a little while. We have not gone through this kind of embarrassing, protracted debating session with other people that we rent to or other contracts that we have. It's humiliating as a citizen to sit here and watch this song-and-dance/rope-a-dope go on. It is not businesslike. It is not respectful.

My understanding is that staff's job is to support the investigation of revenue opportunities for this city. That building's been

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vacant for at least 26 months that I know of. It is going to need to be handicapped accessible whether or not it is habitated by City employees.

The fire department will not inspect a building until the improvements are made, whether they're made for a coffee shop or for employees in that building. Those things are going to have to be done. They're going to have to be done soon, because I'm surprised this gentleman hasn't filed suit with us for leading him on like that after being offered a business opportunity.

I am not suggesting that you do that.

MR. WEED: He can, but he won't win.

MS. SHERLOCK: But what I'm saying is as a citizen of this city, it is humiliating to watch you as a Council and the Mayor debate all these things for the third time with no investigation, with no research, with no facts and figures from your staff about how much . . .

Three months is enough. Ninety days is enough time to find out how much it costs to put in a ramp, if you can widen the doorways; if you made the electrical wiring appropriate for a

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1 hood and for a stove, how much that would cost.
2 And having been involved in this
3 process twice, I will tell you, Councilmen, that
4 when you upgrade services so that it will allow
5 for coffee making, for making hot dogs, for
6 making sandwiches, that is not a detriment if
7 you go to rent that to an office group. That's
8 considered an improvement, and it makes it
9 easier to rent to the next people.
10 Please at least put a timeline on this,
11 get some agreement from your staff people on
12 doing the research. That's appropriate for
13 them. It's not appropriate for the renter.
14 This is a business proposition. It
15 means revenue generation. I really wish you
16 were interested in that.
17 - - -
18 (Applause)
19 - - -
20 MAYOR JENKINS: Bonita?
21 MS. HOFFMEISTER: Bonita Hoffmeister,
22 Oakcliff.
23 When I was on the planning commission
24 that we had to form our Planning Commission, we
25 visited various cities to find out how to

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1 improve our downtown. When I went to
2 Chattanooga, which has done an extremely
3 wonderful job of improving their downtown, the
4 thing they said other than streetscaping, which
5 is what the government needs to do, she said
6 work to get a good restaurant, or, for that
7 matter, just try to get a sandwich shop in.
8 Here we are. We're fortunate enough to
9 have a gentleman come here for three months to
10 put a hot dog stand here in Doraville, something
11 that meets the ethnic diet of 50 percent of your
12 residents, and he's willing to put it in down-
13 town Doraville at a minimal cost to you. You
14 should be thrilled.
15 Decatur, when they went to rebuild
16 their downtown, the residents said, we want a
17 grocery store that will sell our type of
18 products to us. They took a building,
19 subsidized it, subsidized Publix --
20 Was it Publix or Kroger's?
21 UNIDENTIFIED SPEAKER: Kroger.
22 MS. HOFFMEISTER: -- Kroger's, to get
23 their grocery store for the residents. That had
24 to cost a lot more than this hot dog stand is
25 going to cost you.

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1 You are getting off cheap. You are
2 going to have somebody bring traffic downtown,
3 and you don't want it, or you don't want to work
4 with him or you want to delay for three or four
5 or six months and maybe he'll just go away.
6 Thank you.
7 - - -
8 (Applause)
9 - - -
10 MAYOR JENKINS: Stuart?
11 MR. ANDERSON: I give my time to Susan
12 Crawford.
13 MS. CRAWFORD: Susan Crawford,
14 Oakcliff.
15 MS. CRAWFORD: I get and I believe we
16 all get that there is a some reluctance here,
17 but I don't really get why. If there is more to
18 this than meets the eye, then, well, it's not
19 meeting my eye. And so it seems it's confusing
20 people because I thought, as we all thought,
21 what we want to do is get something going in the
22 city and something that is unifying, something
23 that can be enjoyed by the people who live here,
24 and this seems to be it.
25 Now, maybe this isn't going to be, you

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1 know, the kind of restaurant that people are
2 going to flock from different states to come to,
3 but what do we have now?
4 I think that you're underestimating --
5 and again, I understand that you're the profes-
6 sionals and that you have your reasons for your
7 reluctance to do this. But I think what you're
8 overlooking or maybe not quite grasping is the
9 excitement that this is generating in the people
10 who live here, and it is. And it's a first in a
11 long time, the first time I've seen people so
12 excited about something.
13 So I hope that if these are petty
14 things that can be dealt with or put aside or
15 improvements that will in the long run help the
16 city, that you consider that this is what a lot
17 of people are looking for to have happen.
18 Times are tough. People are depressed.
19 Give us a break.
20 - - -
21 (Applause)
22 - - -
23 MAYOR JENKINS: Kay Bird?
24 MS. BIRD: Kay Bird.
25 So much has been said about this, there

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1 isn't a lot that I can repeat, but I came up
2 here to emphasize, too, the number of people
3 that are speaking towards this.
4 And Councilman Fleming, you weren't
5 here last time, but the room was full. And I
6 have not seen a gallery of people united on an
7 issue like they have been on this. And there's
8 been a lot of controversy over a lot of things
9 over the years but this one was greeted enthu-
10 siastically from one side of the room to the
11 other. And I'm assuming that all of you are
12 elected officials with some intentions maybe of
13 serving again, maybe not. But these are the
14 movers and shakers that show up. They have some
15 influence. And like Susan pointed out, there's
16 enthusiasm here.
17 This city has gotten a bum rap for a
18 long time. We've had an incident this last week
19 where Doraville showed up in the back pages of a
20 local newspaper, and we're fighting to
21 reestablish this town as one we are proud of and
22 that we want to enjoy living in. And one of
23 those first steps that's being offered to us is
24 this hot dog stand/coffee shop, which to us is
25 not so much about what it's serving but it

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1 symbolizes a place to start for people to gather
2 and talk and enjoy each other's company as
3 citizens. And what we're asking for is your
4 enthusiasm to join in with this and help to
5 resolve the difficulties.
6 I have a lot of frustration that I'm
7 not going to express. I think I expressed it
8 sufficiently last time and this time. And so
9 you've got a lot of people watching, and there's
10 a lot of things that go on up here that people
11 don't pay a lot of attention to but they're
12 paying attention to this one, and I hope you'll
13 join us. Thank you.
14 - - -
15 (Applause)
16 - - -
17 MAYOR JENKINS: Mr. Livingston?
18 MR. LIVINGSTON: Charles Livingston.
19 Really not a whole lot can be said
20 other than what's been said. I think these
21 people have handled it pretty well. But Ray, I
22 get the impression for one reason or another you
23 don't want this, and it seems like you're
24 bending over backwards to make it not happen.
25 And I tell you, as Kay said, the people want it.

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1 The people want it.
2 And you know, all of you were put in
3 office to run the city for us, but I don't think
4 it was ever thought that it was going to be a
5 dictatorship; that if the citizens had some
6 thoughts, that you would take that into account.
7 And I just want to remind you of this, because
8 the city, the people want this.
9 - - -
10 (Applause)
11 - - -
12 MAYOR JENKINS: I don't think you have
13 a dictatorship, sir. And why did you pinpoint
14 me on that? This whole Council is trying to
15 figure out if we can really afford it or what.
16 MR. LIVINGSTON: You're the one that
17 brings up these little things like at the very
18 last minute.
19 MAYOR JENKINS: Sir, if you're going to
20 speak, come back up here.
21 MR. LIVINGSTON: At the very last
22 minute, you know, you're bringing up this
23 electrical business, eight/ten thousand dollars.
24 MAYOR JENKINS: Okay.
25 MR. LIVINGSTON: I don't know. Maybe

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1 you got an --
2 MAYOR JENKINS: I had to --
3 MR. LIVINGSTON: -- estimate from --
4 MAYOR JENKINS: -- do some research,
5 sir, on whether we could rent the building to
6 him or not.
7 UNIDENTIFIED SPEAKER: Well, you should
8 have told him.
9 MAYOR JENKINS: That is my job. And my
10 job is to bring it to this Council, and that's
11 what I did.
12 MR. LIVINGSTON: Yeah. Well, it's been
13 a negative thing, you know. It's very evident
14 that you don't want it for whatever reason, and
15 I'm just telling you the people want it.
16 MAYOR JENKINS: All right. I'll bring
17 it back up to the table.
18 COUNCILMEMBER PITTMAN: Mayor, is it
19 possible -- I mean obviously we haven't done our
20 homework on it, either. So is it possible for
21 us to do what we're supposed to do?
22 And then if you could also -- maybe you
23 didn't understand what we were asking the last
24 time: bring back your proposal of what you're
25 willing to do now, because this is different

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1 from what we originally got, and also the amount
2 of rent, and then we come back at the next
3 meeting and hopefully we'll be able to make a
4 decision with those two.
5 That information, Mayor, could we get
6 the information that we need --
7 MAYOR JENKINS: Yes. That's --
8 COUNCILMEMBER PITTMAN: -- the pricing?
9 MAYOR JENKINS: One of the reasons we
10 brought it back up, if the Council wants me to
11 research how much it'll cost to get it ready for
12 him or whatever.
13 COUNCILMEMBER ALEXANDER: I've got
14 concerns. I've asked you questions before, and
15 I specifically asked you if the electrical
16 system was going to have to be upgraded in that
17 building, and you told me no, you were getting a
18 gas stove. And now you're telling me yes,
19 additional wiring has to be upgraded to
20 incorporate the hood for the stove. So I have
21 brought the issue up about electricity before.
22 Furthermore, I told you I had problems
23 with your business plan. I did not see any
24 guaranty of financing. The way you wrote your
25 business plan, you were going to have financing

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1 from your friends. You did not bring me any
2 more documentation showing me you're guaran-
3 teeing your financing.
4 Also, it was specifically asked if you
5 were registered with the Secretary of State, and
6 you responded in the affirmative. We have not
7 been able to locate you being registered with
8 the Secretary of State either by your name or by
9 Dog Daze, so I would like proof that you are
10 registered with the Secretary of State.
11 I am not trying to delay this, but when
12 I ask questions and request more information, I
13 expect a response.
14 When I asked you if you had any
15 experience in the restaurant industry, you
16 brought us three things, including the United
17 States Coast Guard, with no dates. The last
18 restaurant that you listed has been out of
19 business for over 25 years.
20 Some other residents said you had a
21 thriving business on the end of town. What is
22 that?
23 I also asked you your employment
24 background. I have not received any further
25 information on that.

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1 So I am not trying to delay but I'm
2 trying to do my due diligence as we are elected
3 to do to be stewards of the taxpayers' dollars
4 and the taxpayers' property, which that building
5 is a taxpayer property, and I have not gotten
6 further information from you.
7 MR. BART: As to the dates of my
8 resume, I think that's irrelevant. I don't ask
9 the Council what their experience was to be a
10 council member or the Mayor to be a mayor.
11 My background stands for itself. I've
12 been with Safeguard Self Storage which is down
13 at the end of Chestnut Drive; been there eight
14 years, facility co-manager. I've been a resi-
15 dent of this town since that point. And we are
16 doing the hot dog as a sideline so when it gets
17 time for me to retire, I can retire comfortably.
18 If the Council wants things speci-
19 fically lined out for me to bring, I need that
20 in writing so I can respond to that properly.
21 COUNCILMEMBER SPANGLER: I would like
22 to ask a question, Mr. Weed. Do we go through
23 all these questions and all these background
24 checks and so on and so forth when we lease one
25 of our properties?

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1 MR. WEED: Bear in mind I've been your
2 city attorney since May 15th. What you did
3 before that, I have no idea.
4 Since May 15th, I'm not aware of how
5 many properties that you've leased that you had
6 me do the leases on. In fact, I don't believe I
7 have reviewed a single lease nor been asked to
8 review a lease since I have been here since May
9 15th. I'm very glad to do that, but I don't
10 think I've been asked to.
11 So the answer to your question is, in
12 my opinion, should you do due diligence as the
13 Councilman referred to it? Of course. And I
14 don't think any competent attorney would advise
15 you otherwise. Have you been doing it? I don't
16 know.
17 COUNCILMEMBER SPANGLER: Well, my
18 question is you were supposed to go back and
19 review all of our contracts and agreements and
20 whatever. So I was just wondering if you had
21 had the opportunity yet to come across maybe any
22 of these agreements or anything --
23 MR. WEED: No, sir.
24 COUNCILMEMBER SPANGLER: -- and your
25 answer was no.

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MR. WEED: Not that I recall so far.
In fact, I made my first pass at the ones that I have been given literally last Friday. I don't recall specifically a lease of one of our buildings being in that group. And I'm not saying that it isn't, but please bear in mind that I've been given. I've asked, I have received, and what's in that narrow spectrum of what I've been given, I don't recall it. I could tell you something affirmatively tomorrow, though. I'll send it to everybody.
MAYOR JENKINS: I don't think you have reviewed any leases. Kindercare, of course, has given up their lease. You will be reviewing one before too long.
COUNCILMEMBER FLEMING: Regarding Ms. Pittman's comment about coming to us with another area of items that need to be addressed that we should be doing for you, repairing or upgrading or whatever the case is, I do want a new one.
Like I said, I'm looking at these 12 items. Okay? Based on those items that you bring us is when we would then have to find out how much money it is going to cost to do what

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you want us to do.
So at this point, I don't think we're either ready for a vote on this, because if you want to continue pursuing a lease with us, make sure that you --
I mean was $750 decided upon?
COUNCILMEMBER ALEXANDER: No.
COUNCILMEMBER PITTMAN: No.
COUNCILMEMBER FLEMING: Okay. So I'm looking at $500 per month plus utilities and the 12 items here.
So if you have something in addition to this or something updated, then I would be in favor of looking it over. If there are things that you're requesting the City to do, I would ask the Mayor get with our Building Inspector to determine possibly the cost involved.
MAYOR JENKINS: That's exactly what I said originally. If the Council wants me to pursue it, fine, I will.
COUNCILMEMBER PITTMAN: And he does not have to wait until the meeting to give us the proposal; is that correct? We can have it ahead of time.
MR. WEED: No. I mean in fact, I would

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hope that he wouldn't.
COUNCILMEMBER PITTMAN: Yeah, exactly.
COUNCILMEMBER BATES: Here's what I'd like to make a motion to do because that will help me gather information from Mr. Bart so that we can make an educated decision on the financial viability on investment versus return and hopefully close this out and get it resolved.
So I will make a motion, and it's got six parts to it.
COUNCILMEMBER SPANGLER: I don't think legally you can do that, Mr. Bates.
I think you're going to have to make a motion for each --
COUNCILMEMBER BATES: Mr. Weed, can I make a motion with multiple parts?
COUNCILMEMBER FLEMING: Yeah, but we have to vote on each individual one.
MR. WEED: Well, it depends on how clear your parts are. If each one takes one sentence and everyone can understand that and you can get a second, you can make a motion for anything you want as long as you get the second.
COUNCILMEMBER BATES: Let me put it out

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there and then we'll go from there.
I make a motion that you provide us with a list of your capital investors, that you provide us with the most recent financial statements, that you provide us with a copy of your Secretary of State registration, that you provide your estimated monthly expenses and revenues -- operating expenses and revenues, that you provide an estimate of repairs completed by the tenant, and that there's an estimate of repairs completed by the City.
MR. BART: Two of those things can't be done. Number one, the Secretary of State. I am not a corporation. I'm a sole proprietorship, so I don't need to be registered with the Secretary of State.
I am licensed with the State of Georgia and I've also got my Federal I.D. number for tax payments.
And there was one other one. I just can't remember what you had said.
COUNCILMEMBER BATES: Capital investments, financial statements, projected monthly expenses and revenue.
MR. BART: Okay. That one would be

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1 awful hard to do because we've never really
2 agreed on what the rent's going to be. I can't
3 do a projection if I don't know what I'm going
4 to pay.
5 COUNCILMEMBER BATES: Okay. There's
6 two numbers on the table, $500 and $750.
7 There's a lot of other expenses that go into
8 operating a business of any type, that you can
9 guesstimate on, that have no bearing regarding
10 the rent. General operating costs -- the
11 electric bill, the gas bill, the water bill, the
12 employment expenses, insurance expenses, taxes,
13 food cost, revenues from food sales -- those are
14 all items that have no bearing or no relation-
15 ship with rent.
16 COUNCILMEMBER ROCHE: And a restaurant
17 manager would know.
18 COUNCILMEMBER ALEXANDER: And then you
19 also have to do the Safe Serve before you can
20 get your approval from the health department.
21 MR. BART: I'm sorry. I didn't hear
22 you.
23 COUNCILMEMBER ALEXANDER: You have to
24 do the Safe Serve. You have to have at least
25 one employee that completes the Safe Serve thing

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1 before the health department will allow you to
2 open a restaurant.
3 MR. BART: No. Basically, you can do
4 that any time as long as you actually applied
5 for it, and right now there is a waiting list to
6 get into the classes, which is six to nine
7 months. They're usually handled by food vendors
8 or they're handled by the Dekalb County
9 Department of Health. And once you sign onto
10 it, that's just as good as, for the time being,
11 to get the certificate.
12 COUNCILMEMBER BATES: But the biggest
13 thing that we need to resolve is what is the
14 proposed tenant going to complete as far as
15 upgrades whether it be electrical, plumbing
16 improvements, structural, things along that
17 nature and what is going to be expected of the
18 City. And that needs to be a very complete and
19 defined list so that we have an understanding of
20 what the liability is for the City versus the
21 projected revenues from the rent. You know, if
22 it's going to cost the City 20 grand to renovate
23 that and make it a restaurant-equipped facility,
24 that's almost 28 months of rent at $750.
25 MS. SHERLOCK: My name's Cat Sherlock.

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1 Again the Mayor recognized me.
2 Mr. Bates, have you ever rented a
3 building or a restaurant or an apartment or a
4 house?
5 COUNCILMEMBER BATES: Yes.
6 MS. SHERLOCK: Okay. Did you as the
7 renter approach a landlord and say, "I'd like to
8 rent your house. I'm willing to do this and
9 that," or did that person first say there's a
10 need, then lay down the conditions of the lease,
11 then talk about what they needed back in terms
12 of the revenue; then both parties sign the lease
13 or the contract, it was reviewed by attorneys
14 and then it was enacted? Is that your under-
15 standing of how it operates?
16 COUNCILMEMBER BATES: Yes. I have a
17 37-page lease with my landlord regarding my
18 business.
19 MS. SHERLOCK: I've done that, too.
20 So why are we putting this gentleman
21 through this, and we have not done that?
22 COUNCILMEMBER BATES: Because in the
23 preliminary stages of getting my lease, I had to
24 provide financial statements, I had to provide a
25 business operation plan, provide statement of

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1 revenue in order for that --
2 MS. SHERLOCK: And your landlord had to
3 prove that that place was habitable and that it
4 was safe and that they had ADA-compliant
5 structures; is that right?
6 COUNCILMEMBER BATES: It was already a
7 certified building, ma'am.
8 MS. SHERLOCK: Okay. Well, we haven't
9 done that. And whether or not this gentleman
10 rents from us or whether or not -- I don't know
11 what plans you have for that building, but it's
12 going to have to have almost all those things on
13 that list done even if it's just our employees.
14 And I'm sorry, but y'all are spending a
15 lot of time micromanaging without offering any
16 work, any research, any staff involvement and --
17 COUNCILMEMBER BATES: With all due
18 respect, Ms. Sherlock, a grease trap and
19 upgrading the electrical system to manage the --
20 MS. SHERLOCK: Sir, I've done all of
21 that.
22 COUNCILMEMBER BATES: I understand.
23 MS. SHERLOCK: And the landlord
24 provided me with documentation. They did not
25 ask me to go in and design it.

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1 COUNCILMEMBER BATES: That's not the
2 way the City operates with other facilities.
3 MS. SHERLOCK: I have never -- I've
4 been coming to these meetings for five years. I
5 have never heard this kind of chapter and verse
6 over renting of a property.
7 COUNCILMEMBER BATES: Ms. Blackmon made
8 it very clear at the last meeting that it is the
9 tenant's responsibility for upgrading their
10 facilities for all restaurants, not the
11 restaurant's.
12 MS. SHERLOCK: I'm talking about ADA-
13 compliant. I'm talking about all those
14 improvements that would happen whether or not it
15 was this gentleman or somebody else. That
16 should have been two years ago so we could
17 either use that space --
18 MAYOR JENKINS: We have done that,
19 ma'am.
20 MS. SHERLOCK: Okay. Then, don't bring
21 it up as a bone of contention.
22 COUNCILMEMBER BATES: But a grease trap
23 is not required --
24 MAYOR JENKINS: No. That's not --
25 COUNCILMEMBER BATES: -- for renting

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1 property.
2 MAYOR JENKINS: -- under ADA.
3 MS. SHERLOCK: I'm sorry. I don't want
4 to get into the micromanaging either.
5 I don't feel like y'all appreciate the
6 fact that, A, we need this in the city, and, B,
7 it's going to produce revenue at a time when
8 we're not doing well financially.
9 COUNCILMEMBER BATES: That's the
10 question. It may not produce revenue.
11 MS. SHERLOCK: Well, no. For three
12 months, nobody's done any research to say this
13 is what it would cost to make that building
14 habitable.
15 COUNCILMEMBER BATES: The bigger
16 question is, is the tenant going to be responsi-
17 ble for the improvements or the City?
18 MS. SHERLOCK: Are you going to get
19 another tenant if this one isn't or are you
20 going to just let it lie vacant for two more
21 years? Excuse me. I'm sorry.
22 MAYOR JENKINS: You say we haven't been
23 doing anything. That's what we're doing: we're
24 making it ADA-accessible.
25 MS. CRAWFORD: Can I say something

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1 quickly? Am I recognized?
2 Susan Crawford, Oakcliff.
3 There seems to be a lot of fear about
4 the failure of this enterprise. Isn't there
5 some way you could write it in the contract that
6 if it doesn't work out after a certain very
7 minimal period of time, like three months, that
8 this could be revisited or reclaimed or what
9 have you? Then there wouldn't be a great loss,
10 which I don't think we'd incur, anyway. I think
11 it would be an asset. But couldn't you do that?
12 MAYOR JENKINS: I say it's in all
13 contracts. Is that --
14 MR. WEED: Obviously, you know, we're
15 going to -- if this goes forward, I will
16 endeavor to construct a lease, which my job will
17 be to represent the City, and I'm sure Mr. Bart
18 will hire a lawyer and the two of us will
19 negotiate the terms of the contract. And I can
20 assure you from the City's point of view, I will
21 try to build in every protection I can that's
22 legally viable, and I'm sure Mr. Bart's lawyer
23 will try to do the same for him.
24 MAYOR JENKINS: Okay. Brian, you had
25 some discussion on this?

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1 COUNCILMEMBER BATES: Yes, sir. I've
2 got a motion on the table.
3 MAYOR JENKINS: You want all those
4 motions at one time?
5 COUNCILMEMBER BATES: Yes, sir.
6 MAYOR JENKINS: Do you have a --
7 MR. WEED: In the format which the
8 Councilman has presented it, it's actually one
9 motion with a list. So I have no legal objec-
10 tion to the form of the motion, and if he can
11 get a second, my opinion is it can go forward.
12 COUNCILMEMBER ROCHE: I'll second the
13 motion.
14 COUNCILMEMBER PITTMAN: Well, what
15 about the things that he said that he couldn't
16 provide?
17 COUNCILMEMBER BATES: Well, I disagree
18 with him on providing the monthly expenses and
19 revenues. That should be something that he
20 should be able to identify.
21 Your costs are going to be your costs
22 whether or not the rent is $500 or $750, so I
23 would ask that that remain in there.
24 As far as the business license, I would
25 amend the motion, instead of a copy of the

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1 Secretary of State's registration, to provide a
2 copy of the Federal Tax I.D. number.
3 COUNCILMEMBER SPANGLER: So go over
4 your list again, please, Mr. Bates.
5 COUNCILMEMBER SPANGLER: Capital
6 investors, financial statements, Federal Tax
7 I.D. number, projected monthly expenses and
8 revenue; estimate of repairs completed by the
9 tenant, an estimate of repairs completed by the
10 City.
11 MR. WEED: If that is your motion, you
12 need a friendly second to your friendly amend-
13 ment to your own motion.
14 COUNCILMEMBER ROCHE: Mayor, some
15 discussion came up about having the fire
16 department come out and do that inspection.
17 I'd like to amend the motion to add
18 that we will get that fire department inspec-
19 tion, whatever it is, done.
20 MAYOR JENKINS: I wasn't aware that
21 they wouldn't --
22 COUNCILMEMBER ROCHE: Is that the case?
23 MAYOR JENKINS: -- do that for you,
24 sir.
25 MR. BART: Well, they said since the

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1 City owns the property, the City has to have it
2 done.
3 MAYOR JENKINS: I wasn't aware of that.
4 If I'd have known about it, I would have gotten
5 him to go ahead and do that.
6 Did you make me aware that they would
7 not?
8 MR. BART: I believe I did. That was
9 probably back in November when you and Scott had
10 come to the building when we went in and we
11 looked around and so forth. And then when the
12 guy finally showed up at 4 o'clock, he said
13 that, "I can't do anything for you. The City
14 has to be the one that requires me to come out
15 and do the inspection."
16 COUNCILMEMBER BATES: Mr. Bart, just as
17 a comment for your protection, I would recommend
18 that you do any correspondence to the City in
19 writing so that those types of things are in a
20 documented form, and if you need to, do it in
21 certified mail so that you've got a copy of a
22 receipt to ensure that the City is in receipt of
23 your concerns or requests or recommendations.
24 COUNCILMEMBER SPANGLER: Or he could
25 also do that in an email, Mr. Bates.

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1 COUNCILMEMBER ROCHE: Well, I'll still
2 say I'll second the motion again just to get
3 things going.
4 MAYOR JENKINS: I'll get an estimate of
5 what you tell me it has to be to bring it up to
6 what you need. Can you get me that right away?
7 MR. BART: I can probably do it
8 Thursday.
9 MAYOR JENKINS: Okay. And what else am
10 I supposed to do, Brian, on these motions?
11 COUNCILMEMBER BATES: Well, there needs
12 to be a very clear list of what the tenant is
13 going to be responsible for and what we're going
14 to be responsible for and firm costs associated
15 with both items. So if we're going to be
16 responsible for the plumbing and electrical,
17 then we need to get an estimate on what those
18 are going to cost us. If the proposed tenant is
19 going to be responsible for those, he needs to
20 share with us that he's going to invest X-number
21 of dollars on upgrading the facility. We just
22 need to have a very clear understanding of who's
23 responsible for what.
24 MAYOR JENKINS: Yes.
25 COUNCILMEMBER FLEMING: And it needs to

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1 be an itemized list. It's not just plumbing
2 upgrade.
3 COUNCILMEMBER BATES: That is correct.
4 COUNCILMEMBER FLEMING: It needs to be
5 an itemized list.
6 COUNCILMEMBER BATES: That is correct.
7 MAYOR JENKINS: That's the reason I'm
8 saying if you'll give me a list of exactly what
9 you have to have.
10 COUNCILMEMBER ROCHE: Well, I think on
11 our side, we're going to need to have it
12 inspected by our contract Building Inspector as
13 well as the Fire Department.
14 MAYOR JENKINS: Oh, yes.
15 COUNCILMEMBER ROCHE: So I would amend
16 the motion to add that the City side will do
17 that, too.
18 MAYOR JENKINS: Yes. We have inspected
19 it all as it went along on what we've already
20 done.
21 COUNCILMEMBER ROCHE: Apparently, there
22 are still some outstanding inspections that
23 haven't happened. Is that the case?
24 MAYOR JENKINS: Such as what?
25 MR. HAEBERLIN: Only thing that's been

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1 looked at thus far by Mr. Calcaterra has been
2 the two rest rooms and the ADA compliance from
3 the front of the building to the handicapped
4 restroom. That's all he's looked at.
5 COUNCILMEMBER ROCHE: Right. So he
6 would have to look at the electrical system, the
7 plumbing system.
8 MR. HAEBERLIN: Correct, he would need
9 to do that.
10 I think there's one key item that I'd
11 like to add to your discussion is for him to
12 provide us exactly how many parking spaces that
13 he would be required to have as permanent
14 parking spaces. We are going to need to know
15 that, given that we have a community facility up
16 there that is also in operation sometimes
17 perhaps when he is in business. So I just
18 thought I'd bring it up.
19 MAYOR JENKINS: Anymore discussion?
20 MR. BART: Just one other thing. On
21 last meeting, the City Clerk had mentioned that
22 improvements to the building would be more or
23 less my responsibility.
24 However, in most situations when a
25 landlord is trying to rent a building, they do

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1 what's called build to suit to make sure that
2 the tenant has the building accessible the way
3 that he needs it to be able to begin operations.
4 So I'm just going to throw that in as a point,
5 that the City does need to bring some of those
6 things up to workability.
7 MAYOR JENKINS: I understand that.
8 COUNCILMEMBER ALEXANDER: In my
9 research in other municipalities renting out
10 county or city property for restaurants, that's
11 not the case.
12 CLERK BLACKMON: I disagree. I mean I
13 agree with Councilmember Alexander.
14 MR. WEED: Let me open by saying,
15 Mr. Bart, hope you get the building; good luck.
16 Let me tell the Council what the law is
17 on this, and that is you're a government.
18 You're not a private entity. That means you've
19 got to worry about what's called the anti-
20 gratuities clause to the constitution, which
21 means that you can not use a governmental asset
22 to benefit a single party unless there is some
23 reasonable consideration for it that the
24 government's actually getting.
25 So this has got to be what's called a

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1 quid pro quo lease; it's got to be something for
2 something. And where this begins to get a
3 little bit more disconcerting for me, as your
4 lawyer, is if you're putting in money just for
5 one tenant, either on the front end or the back
6 end, you're going to have to get that money back
7 from the tenant; otherwise, it's an unconstitu-
8 tional gratuity to an individual. So please
9 bear that in mind.
10 And in my experiences, I've done a lot
11 of these type of leases with the private sector.
12 Usually they're done by a development authority.
13 What occurs is the government owns certain
14 assets. The city obtains the assets. They
15 transfer the ownership of the assets to a
16 development authority or some other authority
17 like that that's got more liberal rules about
18 what they can do with the asset, and then that
19 entity has a lease with the actual tenant.
20 I know you don't have that here, but
21 that's something you might want to think about
22 doing. You've got the authority to do that in
23 the future.
24 And the other thing I wanted to ad is
25 that the government, right, wrong or indif-

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1 ferent, the idea legally is that you're going to
2 be here forever -- for a thousand years, for two
3 thousand years, some imaginary number out there
4 -- which means that the assets of the govern-
5 ment, you know, you never have to do anything
6 with them. And I'm not recommending you put
7 your light under a bushel. I'm just saying
8 you're not compelled at any point to do any-
9 thing with any asset of the government. So
10 that's the law.
11 COUNCILMEMBER ROCHE: Well, I didn't
12 want to muddy the water so I'll just withdraw
13 the amendment to the motion about us doing the
14 inspection, and then I'll second the motion, to
15 get it going if that makes sense.
16 MAYOR JENKINS: Well, you don't want us
17 to do the inspection? Is that what you're
18 saying?
19 COUNCILMEMBER ROCHE: No, no. I do. I
20 figured you would want to anyway.
21 MAYOR JENKINS: Okay. Yes.
22 COUNCILMEMBER ROCHE: I just don't want
23 to cloud this. We've already got about five
24 items on this one motion.
25 MR. WEED: Yes, I definitely would like

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to hear the motion again for everybody.
COUNCILMEMBER ROCHE: I don't want to add anything else to it.
COUNCILMEMBER BATES: Sure. The motion is that the proposed tenant provide a list of his capital investors, financial statements, Federal Tax I.D., projected operational monthly expenses and revenue; estimate of repairs completed by the tenant, an estimate of repairs requested to be completed by the City.
COUNCILMEMBER ROCHE: And again, I'll second that just as it is.
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.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: No.
CLERK BLACKMON: Councilmember Pittman?

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COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Is that agreeable to you, Mr. Bart?
MR. BART: As we agreed last time, yes.
COUNCILMEMBER SPANGLER: Okay. I say yes.
MAYOR JENKINS: Thank you.
Is anybody here from a taxi company or have you got that, Murray?
MR. WEED: I don't have it, sir. I mean I can --
Item 13. Is any of the taxi cabs here?
- - -
(No response)
- - -
MR. WEED: I mean I can go over what the law is with you, and I'm not putting the Chief on the spot but the Chief is ready to address that issue.
MAYOR JENKINS: Come on up, John.
CHIEF KING: Sir, the issue with the

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cab companies -- and they've been here a couple of times that they've been put on the agenda.
The contention is that a couple of the cab company owners are objecting to the portion of our City ordinance that requires that every cab company have one color for the company.
Rhonda, correct me if I go off the reservation here.
That has always been part of the ordinances here in Doraville. It is an ordinance in city of Atlanta, which we used the city of Atlanta ordinance when we first started opening Doraville for cab companies.
And one of the primary reasons that we're concerned for the color of cab companies being consistent is that when victims of crime or eyewitnesses say it was a red-and-white cab company, then we can now go to one cab company and start looking at their records to see when they picked up somebody, a witness or a perpetrator, and that is one of the primary reasons.
We're having some challenges because there are so many pirate companies operating in Dekalb County and Gwinnett County. Our MARTA station makes it a gold mine, you know, and a

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couple of these night clubs make it a very lucrative to operate. So the cab companies are always fighting against each other and trying to use the power of the city to take out competition.
We've had issues where a cab company does not want to have their car reinspected, so they'll take the windshield off one cab and they'll put it onto another cab, but that's the kind of way they operate.
We had recently a company that we denied him his application because what we started doing -- and they have a requirement to have a dispatcher. We then sent an officer to the location where they were supposed to have a dispatcher, and no dispatcher was found. I mean the place was locked up, and the owner says, "Oh, the dispatcher was using the bathroom."
We're not going to check you off until we have somebody go and inspect you and we're not going to warn you when we're going to inspect you. We're going to go and inspect you, and if you have a dispatcher, then we'll approve your application.
But those are the challenges we're

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1 facing.
2 The cab companies have an objection
3 that the city of Doraville's system didn't have
4 any color. And they can pick any color they
5 want to. We have not told them what colors to
6 pick but they have to pick one color when they
7 have multiple cabs.
8 COUNCILMEMBER BATES: The question I've
9 got for you, Chief, is Mr. Adams, who was here
10 at the last meeting, made an allegation that
11 it's been an inconsistent enforcement of the
12 single-color ordinance. And he said, and I
13 quote, "I have about six different colors, sir.
14 It's never been an issue. It's never been an
15 issue. The beginning of the permit, I can tell
16 you right now, 2008, I got different permits on
17 four colors of cars . . ."
18 So have we been able to ascertain
19 whether he has received different --
20 CHIEF KING: We have a brand new clerk
21 that got hired just, you know, not too long ago.
22 She was doing the tank permits, and we had --
23 That might be perhaps the truth. But
24 that doesn't mean we just say okay because we
25 did not enforce the -- I mean there's a lot of

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1 laws that we don't enforce all the time if you
2 don't get caught. Once you get caught, you
3 can't say, "You know, wow. You didn't catch me
4 before."
5 He was wrong. He was just as wrong
6 before if he had multiple cab colors as he was
7 today.
8 COUNCILMEMBER BATES: I just want to
9 make sure that we're consistent --
10 CHIEF KING: Oh, absolutely.
11 COUNCILMEMBER BATES: -- in our
12 enforcement.
13 CHIEF KING: And I had a meeting of all
14 the cab company owners, the ones that are
15 insisting that, "Hey, please enforce the law.
16 We like Doraville's law because it keeps the
17 pirates away."
18 And the idea of people just slapping a
19 magnetic sign on the side of a car and putting
20 on a magnetic, you know, taxi sign and then
21 you're going out there and picking up people
22 across the street from MARTA, that's what we're
23 trying to prevent.
24 COUNCILMEMBER FLEMING: You're
25 permitting each vehicle?

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1 CHIEF KING: Yes, ma'am, we inspect
2 them. They're all inspected. Our clerk now has
3 a list, a checklist that she follows, and she
4 goes in, and that's the first thing, and she
5 also has a color code for that company.
6 The cab company, a lot of people would
7 individually come and ask for permits of cabs.
8 COUNCILMEMBER BATES: And were red
9 today.
10 CHIEF KING: And were red today.
11 What's happening -- and I know how I
12 think it was Mr. Adams. What happened is that
13 all these guys were getting individual taxi cab
14 permits, but then you get a company that
15 basically says, "Oh, we'll dispatch for you,"
16 and then they want to come under the umbrella of
17 a company but they don't want to paint their
18 cars.
19 COUNCILMEMBER BATES: Right. He did in
20 fact, or at least one of the gentlemen said he
21 was an independent contractor and was going to
22 have to comply under the color for the company.
23 CHIEF KING: What happens is that one
24 company will go out of business because they'll
25 get caught without a dispatcher. They get their

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1 permit revoked, all those cab drivers are
2 jumping ship to their competitor, but they have
3 to have their cab the consistent color of that
4 company.
5 COUNCILMEMBER SPANGLER: I think
6 Mr. Adams, if I remember, had mentioned the fact
7 that he had --
8 CHIEF KING: That's what's happening.
9 COUNCILMEMBER SPANGLER: -- other
10 people working under him, not for him, but like,
11 you know, contractors.
12 CHIEF KING: For example, there's a cab
13 company that operates throughout the metro
14 Atlanta area, operates here in Doraville. We
15 went and checked their permit. And of course
16 the next day they were in the Mayor's office in
17 force. But there was a repair shop in College
18 Park. There was no dispatcher. That's where
19 they fix their old, broken-down cabs. But they
20 don't have a dispatcher, and that's one of the
21 requirements under the ordinance.
22 COUNCILMEMBER BATES: Thank you.
23 MR. WEED: One thing on the law, too,
24 Councilman, even if we had issued permits in
25 error that violated the ordinance, they have no

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1 legal right to rely upon a permit issued in
2 error by a government. We can always change
3 course and do the right thing.
4 COUNCILMEMBER BATES: I personally am
5 not inclined to change the ordinance.
6 MAYOR JENKINS: It is in our ordinance.
7 MR. WEED: Yes, sir.
8 MAYOR JENKINS: Okay.
9 COUNCILMEMBER ROCHE: We don't need to
10 change any ordinance.
11 CHIEF KING: My recommendation is we
12 stick to what we've got. It's worked very well
13 for us.
14 COUNCILMEMBER SPANGLER: And enforce
15 it.
16 CHIEF KING: Absolutely, Mr. Spangler.
17 MAYOR JENKINS: You want to take a
18 break before we move on, or move on?
19 CLERK BLACKMON: We only have two more
20 items.
21 COUNCILMEMBER PITTMAN: Rhonda needs a
22 break.
23 CLERK BLACKMON: No, no. I said
24 there's only two more items.
25 COUNCILMEMBER PITTMAN: Oh. I thought

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1 you said you need two minutes.
2 MAYOR JENKINS: Pam?
3 COUNCILMEMBER FLEMING: Well, you're
4 probably going to wish you'd taken a break,
5 Mayor.
6 I bring to the attention of the Council
7 this evening and the audience, City of Doraville
8 Ordinance 2-40, the Planning Commission. There
9 is a proposed Planning Commission Ordinance
10 revision 3 dated 2/11 that will be discussed at
11 the March -- 24th?
12 MR. HAEBERLIN: 23rd.
13 COUNCILMEMBER FLEMING: -- 23rd public
14 hearing. The problem that I have with that
15 Planning Commission ordinance is that the very
16 first couple lines is that it is deleting
17 Ordinance 2-40, the Planning Commission, the
18 administration of it. I feel that the adminis-
19 tration of the Planning Commission and the
20 formation of the Planning Commission should stay
21 as an administrative ordinance in Section 2-40.
22 The only phrase in Section 2-40(d), and
23 I'll read, in the Planning Commission Ordinance
24 as it presently states on Municode, section (d)
25 it says, "all meetings of the Planning

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1 Commission at which official action is taken" --
2 that's what I'd like to strike -- "shall be open
3 to the public and all records of the Planning
4 Commission shall be public record." I'd like to
5 delete that phrase "at which official action is
6 taken."
7 And my second proposal is to delete
8 Section (f) and (g) in its entirety and replace
9 it with a less detailed ordinance. And (f)
10 would read, "Duties of the Planning Commission
11 shall include making recommendations to the
12 Mayor and City Council regarding land use
13 zonings, land use variances and zoning text
14 amendments as well as carrying out any other
15 duties with which the Planning Commission is
16 charged by the City. Planning Commission shall
17 present their recommendation within 30 days
18 after receipt of request."
19 And (g), the deletion of (g) was just
20 some verbiage that didn't apply, really. To
21 insert (g), "It is declared the intention of the
22 Mayor and Council that the Planning Commission
23 members will be afforded education and training
24 to make responsible recommendations."
25 And in conclusion, by removing the

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1 criteria from the Administrative section of
2 2-40, it then becomes just a stand-alone
3 administrative ordinance. If we take the
4 criteria out of there and put it into the zoning
5 ordinance where it belongs, then we will not
6 have to worry about if we need to update the
7 administration portion of the Planning
8 Commission, we will not have to worry about the
9 complications and the restrictions from the
10 Zoning Protection Act, and that is what I would
11 like to propose is to not delete Section 2-40
12 and just amend it, as read, (f) and (g), if I
13 may.
14 COUNCILMEMBER BATES: Was that a
15 motion, ma'am?
16 COUNCILMEMBER FLEMING: He hasn't
17 called for one, but I will.
18 I'd like to make a motion to retain
19 administration of the Planning Commission within
20 the City Code of Ordinances in Section 2-40.
21 COUNCILMEMBER ROCHE: I would second
22 that.
23 COUNCILMEMBER ALEXANDER: I guess I'm
24 trying to figure out why, Mr. Weed.
25 MR. WEED: Do you have a question?

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I mean Councilman Fleming's reasoning is her own reasoning, not mine.

COUNCILMEMBER ALEXANDER: No. I meant why do it this way versus what we've been discussing for the past month?

MR. WEED: Well, I don't long to go back to the beginning of the world with regard to this ordinance but I'm going to try to give the briefest summation I can with regard to it and kind of go over how we go there.

In 2006, there were some parallel ordinances that attempted to make some revisions to the zoning code. Those ordinances weren't duly advertised.

At the same time in 2006, there were some ordinances that dealt with the stand-alone ordinance, dealt with the Planning Commission and their appointment, and those changes, most of them did make it into the Municipal Code, and as a stand-alone ordinance, they would have been fine.

The problem, in my opinion, of the Planning director is that when you create a planning commission with -- as a stand-alone ordinance which is in your administrative part

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of the Code and then try to give them duties and assignments and authorities listed in the zoning ordinance without there being a connection between the two, then that causes some inherent problems.

It's my opinion that that's part of the problem what occurred in 2006, and when the changes were attempted to be made to the zoning code, that because the Planning Commission ordinance was in a separate section, there wasn't this uniformity of legislation. Therefore, I drafted, with consultation with the City Planner, an ordinance that would put everything to do with zoning in the zoning code.

In turn, I would advise you that eventually we need to take everything that doesn't have something to do with zoning out of the zoning code -- the tree ordinance, the satellite antennas, that type of thing. So there's a lot of peripheral things that we need to get out of the zoning ordinance, but hopefully we'll get there.

So based upon the concept of putting like things together, much like zoning, we drafted an ordinance that put the Planning

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Commission legislation into the zoning ordinance itself.

Do you have to do it that way? No. It's always an option. It's an option to keep the two things separate.

COUNCILMEMBER BATES: So couldn't you in 2-40 create the Planning Commission and then reference their duties and responsibilities are elucidated in the zoning ordinance section 1604 or whatever it is?

MR. WEED: Yes. But the problem would be if you put their duties and responsibilities in the zoning code, you are obviously going to have to make a zoning text amendment when you want to change them.

One of the other problems -- and Councilman Fleming points it out -- I think that's an advantage as well as a disadvantage, because it keeps it nice and clear, because everything related to the Planning Commission and their duties, the authorities that they've got, what standards are going to apply to both variances and with regard to zoning, it's all set out, it's all in one place: the zoning code.

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But do you have to do it that way legally? No, you don't. What you have to be careful about doing, though, is that when you have a zoning decision -- and the zoning decision is set out very specifically in the code -- it's "Any adoption of a zoning ordinance, the adoption of an amendment to a zoning ordinance, the changes to text, the adoption of an amendment to a zoning ordinance that rezones property, the adoption of an amendment to a zoning ordinance which zones property to be annexed into the city, and the grant of a permit relating to a special use," whenever you do one of those things, you've got to follow the Zoning Procedures Act.

COUNCILMEMBER BATES: Well, I guess my concern, and I'm echoing Ms. Fleming's concern, is the structure of the Planning Commission is proposed to be taken out of 2-40 and put into the zoning code, and that discusses the number of Planning Commission members, their responsibilities, things along that nature. So if the Council today or in five years decides that five members is not the right number, it should be nine, we would then have to go through an

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1 advertisement procedure, the 15 days, the
2 notifications, those types of things, to public
3 hearings to change the number of commissioners
4 from five to nine or three or whatever; whereas,
5 under if it were to remain in 2-40, we would
6 just need to amend the ordinance and be over and
7 done with it.
8 MR. WEED: Yes, that is correct.
9 However, I think it comes down to the
10 ultimate efficiency. Do you want to prevent
11 what occurred in 2006 from happening again? In
12 my professional opinion, the easiest way of
13 doing that is to put everything related to
14 zoning in the zoning code --
15 COUNCILMEMBER BATES: But it --
16 MR. WEED: -- and take everything
17 that's not related to zoning out.
18 COUNCILMEMBER BATES: Okay. And I
19 don't mean to dominate the conversation here --
20 COUNCILMEMBER FLEMING: Go right ahead.
21 COUNCILMEMBER BATES: -- but if you
22 left the administrative -- if you left the
23 creation of the Planning Commission in 2-40 and
24 said their duties are clearly spelled out in a
25 very specific section of the zoning ordinance,

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1 does that not resolve the problem by having the
2 zoning-related items -- i.e., what can you do or
3 not do in regards to hearing a zoning or
4 variance appeal -- still under the zoning
5 section but the creation and the administrative
6 side of the Planning Commission left in the
7 ordinance?
8 MR. WEED: I don't know if that
9 resolves the problem. It all depends on what
10 problem you want to resolve.
11 If you're asking me, is it legal to do
12 it that way? Yes, it is.
13 COUNCILMEMBER BATES: Well, the problem
14 with 6-22 was that nobody knew it existed, so --
15 MR. WEED: Because there were two
16 different things that were attempted to occur in
17 two different parts of the code.
18 COUNCILMEMBER BATES: I understand
19 that. I hear your concern of keeping everything
20 zoning related in zoning, and I agree with that.
21 What I am conflicted with is taking the
22 administrative portion that creates and
23 establishes and grants the authority out of the
24 ordinances and put it in zoning. I have
25 challenges with that.

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1 COUNCILMEMBER FLEMING: And with that
2 in mind, the reason why I feel that the criteria
3 needs to be out of 2-40 and put into the zoning
4 ordinance book, as the revision number 3 clearly
5 states, it doesn't just necessarily apply to the
6 Planning Commission. Those are the criteria for
7 a variance and for a rezone or zoning. So it's
8 more of a definition of what both staff, our
9 City Planner, or if we five years from now
10 decide not to have a Planning Commission, we
11 only have to worry about the 2-40 and not
12 dissolving or deleting 2-40. But the criteria
13 is going to remain the same in our zoning
14 ordinance --
15 COUNCILMEMBER ROCHE: Regardless of
16 whether --
17 COUNCILMEMBER FLEMING: -- regardless
18 of whether it's --
19 COUNCILMEMBER ROCHE: -- the Council or
20 the --
21 COUNCILMEMBER FLEMING: -- Council or
22 staff or the Planning Commission. These are the
23 criteria which we all have to look at.
24 COUNCILMEMBER BATES: Whereas if some
25 Council down the road were to absolve or

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1 increase, absolve, dissolve --
2 COUNCILMEMBER FLEMING: The Planning
3 Commission is in 2-40 and we don't go through
4 everything we've been going through.
5 MR. WEED: And one other thing to bear
6 in mind just as a point of history, there were
7 incorrect criteria for the Planning Commission
8 that were in 2-40. They were in that, and the
9 Council wisely corrected that. That's how in
10 2006 the criteria ended up in the Planning
11 Commission ordinance in 2-40. And then we went
12 ahead earlier, last year, and amended that to
13 make the criteria for the Council also
14 applicable to the Planning Commission.
15 Can you remove the criteria and put it
16 in the zoning code? You certainly can.
17 COUNCILMEMBER ROCHE: Well, the other
18 thing that brought this whole thing about
19 obviously was because we found ourselves in a
20 situation where the Planning Commission was not
21 allowed, basically, to look at variances and
22 make recommendations.
23 And when this came up -- and I promise
24 I won't read the original motion again but I
25 will read something that came up just before the

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1 motion during our discussion back on January 5th
2 when all this came up. And I'm not trying to
3 play "gotcha," but Attorney Weed's words are, "I
4 would advise you to modify ordinance 2-40 to
5 include the Planning Commission in the loop, so
6 to speak, on variances as one of the powers that
7 are granted with regard to giving nonbinding
8 recommendations on variances."
9 Now, later on we made a motion which
10 didn't specifically say 2-40. I think the first
11 motion mentioned we will discuss 2-40. It was
12 mentioned by ordinance number. The actual
13 ordinance itself didn't specifically mention
14 2-40.
15 I think what we're trying to do here --
16 and I don't want to speak for Councilwoman
17 Fleming, but what I've been trying to do, at
18 least is all we needed to do in my opinion --
19 and I'm not an attorney, but all we needed to do
20 was to modify 2-40 to say that the Planning
21 Commission could review variances and whatever
22 else, if they didn't want -- you know, there was
23 some discussion about whether or not it had
24 conditional uses or whatever.
25 I'm fine whatever the Council wants to

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1 add or take back. But if nothing else, just
2 modify 2-40 to add variances, and we would have
3 been done. We would have been done in the
4 middle of January.
5 MR. WEED: Councilman, I hold you in
6 high esteem. You know that. With all due
7 respect, I simply disagree based upon the
8 wording of the actual motion and trying to
9 figure out "whatever else" meant. And in order
10 to do that, we had to define what a zoning
11 proposal was and what a zoning variance was.
12 COUNCILMEMBER ROCHE: Well, a zoning
13 proposal's already defined there in your law
14 book.
15 MR. WEED: It is now, but it wasn't in
16 the local code nor was there any definition of
17 what constituted a zoning variance.
18 COUNCILMEMBER ROCHE: But if we'd added
19 that definition to 2-40 to say zoning proposal
20 means variances, et cetera, et cetera, or
21 whatever we decided, whatever the Council
22 decided we want it to mean, we would have been
23 finished. We would have been finished. You
24 know, you could have brought that one paragraph
25 with all the verses and just said, all we need

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1 to do, okay, we don't want to do conditional
2 uses? Okay, fine. We vote against conditional
3 uses, but whatever.
4 The point is that then variances would
5 be part of 2-40, we would have been done in the
6 middle of January and we wouldn't have spent all
7 this time and, frankly, money on this, and all
8 this controversy and all this everything else.
9 It seems like we took the most complicated and
10 expensive route to fix this minor little problem
11 here.
12 MR. WEED: Councilman, you're entitled
13 to your opinion. I work for you. I'm going to
14 do whatever you tell me to do.
15 I have endeavored to draft an ordinance
16 that was legally compliant to the best of my
17 ability. And if I have failed to satisfy, I
18 apologize and hope to do better next time.
19 COUNCILMEMBER ROCHE: Well, I seconded
20 the motion essentially to do basically that.
21 COUNCILMEMBER FLEMING: I make a motion
22 to retain administration of the Planning
23 Commission within the City Code of Ordinances in
24 Section 2-40. That's motion number one.
25 COUNCILMEMBER ALEXANDER: We're going

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1 to pay money to modify this ordinance.
2 COUNCILMEMBER FLEMING: Well --
3 MR. WEED: I'll tell you what I'll do.
4 COUNCILMEMBER ROCHE: No. We've
5 already paid money.
6 MR. WEED: I will give you the further
7 modifications. I'll do it on my own time, I'll
8 do it on the weekends, just as a courtesy to
9 you.
10 But I would ask, in turn, I want you to
11 tell me exactly what you want. For example, do
12 you still want the definitions of zoning
13 proposal and zoning variance in 2-40?
14 COUNCILMEMBER FLEMING: I don't.
15 That's the administration of the formation and
16 what their duties should be. To me, those would
17 be definitions in our zoning book: What is a
18 variance? This is a variance. And that would
19 be in our zoning book, not in a definition of
20 what the Planning Commission is going to look
21 at.
22 COUNCILMEMBER ROCHE: Isn't that where
23 you define that in our zoning book somewhere,
24 what a variance is?
25 UNIDENTIFIED SPEAKER: Yes.

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MR. WEED: I disagree with that.
COUNCILMEMBER ROCHE: All 2-40 needs to say, they can review variances.
MR. WEED: If someone can find the definition of the words zoning proposal, zoning variance, I'll stand corrected, but I don't think they are. But they certainly can be, and we'll handle that another day in another ordinance.
COUNCILMEMBER ROCHE: Well, I mean we still have the public hearing on the 23rd. But at least today, we could get our Planning Commission back looking at variances again.
COUNCILMEMBER FLEMING: Okay. But I'm making --
COUNCILMEMBER ROCHE: I'm sorry.
COUNCILMEMBER FLEMING: The motion that I'm making is to retain administration of the Planning Commission within the City Code of Ordinances in Section 2-40.
COUNCILMEMBER ROCHE: And not delete it. Right.
COUNCILMEMBER FLEMING: I'm just -- that's the motion.
COUNCILMEMBER ROCHE: Yeah.

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And I'll second that motion.
MR. WEED: And Councilman Fleming, your base motion is based upon what is currently in Municode as 2-40.
COUNCILMEMBER FLEMING: Absolutely.
MR. WEED: And you've made these changes based upon what is in Municode in 2-40.
COUNCILMEMBER FLEMING: That is correct.
MR. WEED: And the only changes you want are the changes listed in your memo.
COUNCILMEMBER FLEMING: Correct.
Now, did you want it as a multiple motion --
MR. WEED: No, I mean --
COUNCILMEMBER FLEMING: -- or do you want me to do it per item?
MR. WEED: If you're telling me to go ahead and make the changes in your July 29th -- I'm sorry. It's dated July 29th.
COUNCILMEMBER FLEMING: It is, isn't it. I'm sorry.
MR. WEED: In this memo that I hold in my hand here --
COUNCILMEMBER FLEMING: Correct.

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MR. WEED: -- if you want me to make those changes just like . . . then I'll do so at no additional expense to the City with regard to amending 2-40.
COUNCILMEMBER ROCHE: And that will have the force of the law and it'll allow the Planning Commission to look at variances.
COUNCILMEMBER BATES: Not yet.
MR. WEED: I do not agree with that, but --
COUNCILMEMBER ROCHE: Because what we have -- this is what we pay you to do. This is what we asked you to do.
MR. WEED: And I --
COUNCILMEMBER ROCHE: When we asked you to do this before, we ended up with, you know, thousands of dollars and hours and hours and blogs and --
COUNCILMEMBER ALEXANDER: I don't agree with 30 days. I don't think that gives them enough time.
COUNCILMEMBER BATES: Hold it. We're not there yet.
All we're talking about is keeping the administrative portion of 2-40 --

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COUNCILMEMBER ROCHE: Right. We'll start there.
COUNCILMEMBER BATES: -- in the Code of Ordinances. We haven't moved into deleting or adding.
COUNCILMEMBER FLEMING: I would like to make it a separate motion so it's not a parti-ciple.
COUNCILMEMBER BATES: So we're only dealing with keeping 2-40 in the code and not moving it to the zoning book.
COUNCILMEMBER FLEMING: That is the motion.
COUNCILMEMBER BATES: As far as the administration of it with definitions and those things being in the zoning book.
COUNCILMEMBER FLEMING: I didn't say anything about definitions, Mr. Bates.
The motion is, I make a motion to retain administration of the Planning Commission within the City Code of Ordinances in Section 2-40.
COUNCILMEMBER BATES: And I understand that.
The problem is, though, that in 2-40,

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it defines what the appeal zoning process is as it sits right now --
MR. ANDERSON: I have an observation.
COUNCILMEMBER BATES: -- that there are -- and that's Section (f).
MAYOR JENKINS: Stuart, I'll get to you in a minute.
COUNCILMEMBER FLEMING: Then, I'll make it as a multiple motion if you feel more comfortable with me making it as a multiple motion.
COUNCILMEMBER BATES: I know what you're wanting, I think, and I think I agree with you. I'm just not sure of the best way of getting from here to there and making sure that we have very clear instructions to Mr. Weed on how to make that happen.
MR. WEED: Let me see if I can help.
If what you want to do is modify Section 2-40 to clearly indicate that the Planning Commission has authority to make nonbinding recommendations on variances, I'll simply change 2-40 to include that in a list of duties that they have.
And then with regard to whatever other

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things that they can do, I think there's been some debate still about what they want to do and what they don't want to do with regard to that list.
COUNCILMEMBER FLEMING: Okay. And based --
MR. WEED: If I have a list of what you want me to do --
COUNCILMEMBER FLEMING: Right. Based on what I understand from the Planning Commission, I believe from Mr. O'Connor as well as Mr. Crawford, it was zonings, variances, and I call them zoning text amendments. Those were the three items that the present Planning Commission advisors felt comfortable in doing.
MR. O'CONNOR: That is correct.
COUNCILMEMBER FLEMING: That is correct.
MR. CRAWFORD: There was an email sent to everybody.
COUNCILMEMBER FLEMING: That is correct. Those were the three things.
MR. WEED: And with regard to the term "zoning," you know, do they want to look at map amendments?

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COUNCILMEMBER ALEXANDER: No.
COUNCILMEMBER SPANGLER: No.
MR. WEED: You know, do they want to look at conditional use permits?
COUNCILMEMBER ALEXANDER: It says rezonings.
MR. WEED: Okay. Just rezonings --
COUNCILMEMBER FLEMING: Rezonings.
MR. WEED: -- of property.
COUNCILMEMBER FLEMING: That would be fine.
MR. WEED: So what I'll do is I'm going to make a modification of 2-40 to include those things as part of their duties and to make the other changes that the Councilman has recommended, if you approve it, on this memo that I'm holding in my hand, which is dated July 29th --
COUNCILMEMBER FLEMING: I'm sorry.
MR. WEED: -- but I think we all understand that that doesn't really matter.
COUNCILMEMBER ROCHE: And then (f), is it possible to just modify (f) to instead of listing the criteria --
COUNCILMEMBER FLEMING: No, there would

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not be any criteria in there.
COUNCILMEMBER ROCHE: Would it refer to the criteria in the zoning ordinance or does it have to?
MR. WEED: What we're going to end up having to do is sooner or later we're going to have to modify the zoning ordinance so that the world will know and the Planning Commission will know what criteria they are to apply when they look at a thing.
COUNCILMEMBER ROCHE: All of us apply.
MR. WEED: It's already applicable to the Council. You don't have to worry about that.
But what we can do with the zoning ordinance is make a change saying the Planning Commission and the members of the Council, you know, anybody it's relevant to, these are the criteria that will apply.
COUNCILMEMBER BATES: Can I make a very brief suggestion? Can we take five minutes and conference, Ms. Fleming, Mr. Weed, myself, and Ms. Alexander or Mr. Roche, and go through the proposed Planning Commission version 3 and identify what we want to come out of that and

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stay in 2-40 versus what needs to move into the zoning?

COUNCILMEMBER ROCHE: We don't want to make a quorum, obviously.

COUNCILMEMBER BATES: Right. I just think it needs to be two or three of us with Mr. Weed.

MR. WEED: And because part of this is, you know, Councilman Fleming had made her modifications based upon what's in Municode as opposed to the draft ordinance, which is fine. But we're actually talking about two different documents --

COUNCILMEMBER BATES: That's correct.

MR. WEED: -- and I agree with you, we need to make sure that they all fit.

MAYOR JENKINS: Murray, is it legal to do what he said? We'll take a break?

MR. WEED: Sure. You know, anything that's nor a quorum, we can go anywhere we want to.

MAYOR JENKINS: Well, go ahead and take a break, then.

- - -

(Recess)

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- - -

MAYOR JENKINS: Murray, I want you to go ahead, but I'm going to suggest that we table this. I don't know what you're fixing to say. I think we need to table. We're getting nowhere. It's 10:20.

How long will it take you to do what you did just now?

COUNCILMEMBER BATES: Ms. Fleming, if you would be amenable to postponing this to the 3/16 meeting and let Mr. Weed and I, as we proposed, on his time, clean up and make a recommendation on 2-40 and a revised zoning ordinance.

MR. WEED: And here's how that can go. 2-40, if you keep 2-40 separately and keep it out of the zoning code, then that could appear on any agenda you want it to appear on. You can call a special-called meeting and you could vote on 2-40.

It's only any element that involves an impact on the zoning ordinance that you have to worry about. However, you've got that covered, too, because you've already got a duly-advertised zoning meeting. So between now and

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then, we can figure out any appropriate change we need to make to the zoning ordinance, too, and you'll be authorized to do that in my opinion.

So we can go ahead and keep working on it now or we could do that. Either one is fine with me, but I think we're close.

COUNCILMEMBER FLEMING: No. I had -- I'm sorry. Go ahead.

COUNCILMEMBER ROCHE: I would just say, I would think that Councilwoman Fleming would be part of that conversation too.

COUNCILMEMBER BATES: Absolutely.

MR. WEED: Great. Absolutely, certainly.

COUNCILMEMBER ROCHE: I don't mean --

COUNCILMEMBER FLEMING: Thank you.

COUNCILMEMBER ROCHE: -- to volunteer your time.

COUNCILMEMBER FLEMING: No. No. That's quite all right.

I had made a motion and we were going to do it in separate items; however, I would like to make a motion at this time to postpone my agenda item, the Doraville Ordinance 2-40,

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Planning Commission, to be brought up at the March 16th --

MAYOR JENKINS: Yes.

COUNCILMEMBER FLEMING: -- regular meeting.

MAYOR JENKINS: Okay.

COUNCILMEMBER ROCHE: Well, and withdraw the original.

COUNCILMEMBER FLEMING: Withdrawing the original motion.

COUNCILMEMBER BATES: And I'll second that.

MAYOR JENKINS: It's done.

Make a motion.

COUNCILMEMBER SPANGLER: I want to make a motion that we adjourn.

MAYOR JENKINS: Do I get a second?

COUNCILMEMBER BATES: Okay. We've got to vote on --

COUNCILMEMBER PITTMAN: We haven't voted yet.

COUNCILMEMBER ROCHE: We have another motion first.

MAYOR JENKINS: Another motion? I thought we just postponed it. We just postponed

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your motion.
COUNCILMEMBER FLEMING: Do we not have to vote on that, sir?
MR. WEED: Yes. You didn't vote yet. They didn't vote on the last motion.
COUNCILMEMBER ALEXANDER: No.
MAYOR JENKINS: Okay. The motion was to postpone it. Table it or postpone it?
COUNCILMEMBER SPANGLER: Postpone it.
COUNCILMEMBER PITTMAN: Postpone.
MAYOR JENKINS: Okay. Do I get a second on that?
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 Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
MAYOR JENKINS: I apologize.
CLERK BLACKMON: Councilmember Roche?

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COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
Now I make the motion that we adjourn.
MAYOR JENKINS: Do I get a second?
MR. WEED: If you could have a very, very brief Execution Session for future and pending litigation, five minutes at the most. There are some very important decisions we need to decide.
MAYOR JENKINS: You mean it's that important?
MR. WEED: Yes, sir, it's that important.
MAYOR JENKINS: Bob, I'm going to leave it up to you. You made a motion.
COUNCILMEMBER SPANGLER: Five minutes?
MR. WEED: Five minutes.
COUNCILMEMBER SPANGLER: And we're going to use the Mayor's office to not inconvenience the audience?
MR. WEED: That's fine with me, too.
MAYOR JENKINS: Very good.
COUNCILMEMBER ROCHE: I make a motion

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that we go into Executive Session to discuss future and pending litigation.
MAYOR JENKINS: Call the roll.
COUNCILMEMBER ALEXANDER: Second.
CLERK BLACKMON: Wait, wait, wait.
COUNCILMEMBER PITTMAN: Second.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
- - -
(Executive Session)
- - -
MAYOR JENKINS: Meeting come back to order.

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We need a motion to come out of Executive Session?
MR. WEED: Yes.
COUNCILMEMBER SPANGLER: Motion to come out of Executive Session.
COUNCILMEMBER BATES: Second.
MAYOR JENKINS: Second?
Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: Murray, we made no --
MR. WEED: You took no action that would require a vote.

MAYOR JENKINS: -- no action to require a vote, and I ask for a motion to adjourn.
COUNCILMEMBER SPANGLER: Motion to adjourn.
MAYOR JENKINS: Second?
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.

- - -

(Meeting adjourned at 10:37 p.m. the same day.)

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C E R T I F I C A T E

E OF GEORGIA]
TY OF DEKALB]

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.

I further certify that the transcript is a true correct record of the evidence given at the said eedings.

I further certify that I am neither a relative mployee or attorney or counsel to any of the ies, nor financially or otherwise interested in matter.

This the 8th day of March, 2009.

_____
Theresa Bretch, CCR
Permit No. B-755

[SEAL]

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