

**In The Matter Of:**

*City of Doraville*

*State of Georgia*

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*City Council Meeting*

*January 6, 2014*

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*American Court Reporting Company, Inc.*

*52 Executive Park South*

*Suite 5201*

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

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Transcript of the meeting of the

Doraville City Council held at Doraville

City Hall, 3725 Park Avenue, Doraville,

Georgia, Mayor Donna Pittman presiding,

before Theresa Bretch, Certified Court

Reporter, commencing at 6:30 p.m. on Monday,

January 6, 2014.

\* \* \*

1 PROCEEDINGS  
2 MAYOR PITTMAN: Meeting come to order.  
3 Welcome to everyone on this cold, cold night.  
4 This is an exciting night. We have two new  
5 Council members to swear in and we have Mr. Patrick  
6 who's been with us for a couple years. So if we could  
7 get the new Council members, and Mr. Patrick, if you  
8 would step down there, please.

9 ---  
10 (Whereupon, Dawn O'Connor, Robert Patrick,  
11 and Sharon Spangler were administered the oath  
12 of office as Council members by Mayor Pittman.)

13 ---  
14 MAYOR PITTMAN: Congratulations.

15 ---  
16 (Brief recess)

17 ---  
18 MAYOR PITTMAN: Meeting come back to order.  
19 We are going to be taking Additional IQM2  
20 Training off because we are not going to be utilizing  
21 that tonight, so that will come off the agenda.

22 If we could call the roll, please.  
23 CLERK ROCKELEIN: Council Alexander?  
24 COUNCILMEMBER ALEXANDER: Here.  
25 CLERK ROCKELEIN: Council Dean?

1 APPEARANCES:  
2 Doraville City Council:  
3 Mayor Donna Pittman  
4 Councilmember Maria Alexander  
5 Councilmember Trudy Jones-Dean  
6 Councilmember Pam Fleming  
7 Councilmember Dawn O'Connor  
8 Councilmember Robert Patrick  
9 Councilmember Sharon Spangler  
10 Shawn Gillen, City Manager  
11 Connie Rockelein, Deputy City Clerk  
12 Cecil McLendon, Esquire, City Attorney

1 COUNCILMEMBER DEAN: Here.  
2 CLERK ROCKELEIN: Council Fleming?  
3 COUNCILMEMBER FLEMING: Here.  
4 CLERK ROCKELEIN: Council O'Connor?  
5 COUNCILMEMBER O'CONNOR: Here.  
6 CLERK ROCKELEIN: Council Patrick?  
7 COUNCILMEMBER PATRICK: Here.  
8 CLERK ROCKELEIN: Council Spangler?  
9 COUNCILMEMBER SPANGLER: Here.  
10 MAYOR PITTMAN: Thank you.  
11 If we could all please rise for the Pledge.

12 ---  
13 (Pledge of Allegiance)

14 ---  
15 MAYOR PITTMAN: Thank you.  
16 Again, thank all of you for coming out on  
17 this cold, cold night. Hopefully, we won't talk real  
18 long, so you can get out of here before it gets  
19 extremely cold.

20 I need approval of minutes for October 21,  
21 2013.  
22 COUNCILMEMBER ALEXANDER: So moved.  
23 MAYOR PITTMAN: Second?  
24 COUNCILMEMBER FLEMING: Second.  
25 MAYOR PITTMAN: Discussion?

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1            ---  
2            (No response)  
3            ---  
4            MAYOR PITTMAN: Call the roll, please.  
5            CLERK ROCKELEIN: Council Alexander?  
6            COUNCILMEMBER ALEXANDER: Yes.  
7            CLERK ROCKELEIN: Council Dean?  
8            COUNCILMEMBER DEAN: Yes.  
9            CLERK ROCKELEIN: Council Fleming?  
10           COUNCILMEMBER FLEMING: Yes.  
11           CLERK ROCKELEIN: Council O'Connor?  
12           COUNCILMEMBER O'CONNOR: Yes.  
13           CLERK ROCKELEIN: Council Patrick?  
14           COUNCILMEMBER PATRICK: Yes.  
15           CLERK ROCKELEIN: Council Spangler?  
16           COUNCILMEMBER SPANGLER: Abstain.  
17           MAYOR PITTMAN: Okay. Thank you.  
18           Next we need approval of minutes for  
19 November 4th, 2013.  
20           COUNCILMEMBER ALEXANDER: So moved.  
21           COUNCILMEMBER DEAN: Second.  
22           MAYOR PITTMAN: Discussion?  
23           ---  
24           (No response)  
25           ---

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1            MAYOR PITTMAN: Call the roll, please.  
2            CLERK ROCKELEIN: Council Alexander?  
3            COUNCILMEMBER ALEXANDER: Yes.  
4            CLERK ROCKELEIN: Council Dean?  
5            COUNCILMEMBER DEAN: Yes.  
6            CLERK ROCKELEIN: Council Fleming?  
7            COUNCILMEMBER FLEMING: Yes.  
8            CLERK ROCKELEIN: Council O'Connor?  
9            COUNCILMEMBER O'CONNOR: Yes.  
10           CLERK ROCKELEIN: Council Patrick?  
11           COUNCILMEMBER PATRICK: Yes.  
12           CLERK ROCKELEIN: Council Spangler?  
13           COUNCILMEMBER SPANGLER: Abstain.  
14           MAYOR PITTMAN: Okay. Next I need a motion  
15 for November 12th, 2013.  
16           COUNCILMEMBER ALEXANDER: So moved.  
17           MAYOR PITTMAN: Second?  
18           COUNCILMEMBER FLEMING: Second.  
19           MAYOR PITTMAN: Discussion?  
20           ---  
21           (No response)  
22           ---  
23           MAYOR PITTMAN: Call the roll, please.  
24           CLERK ROCKELEIN: Council Alexander?  
25           COUNCILMEMBER ALEXANDER: Yes.

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1            CLERK ROCKELEIN: Council Bates?  
2            Oh, I'm sorry.  
3            Council Dean?  
4            COUNCILMEMBER DEAN: Yes.  
5            CLERK ROCKELEIN: Council Fleming?  
6            COUNCILMEMBER FLEMING: Yes.  
7            CLERK ROCKELEIN: Council O'Connor?  
8            COUNCILMEMBER O'CONNOR: Yes.  
9            CLERK ROCKELEIN: Council Patrick?  
10           COUNCILMEMBER PATRICK: Yes.  
11           CLERK ROCKELEIN: Council Spangler?  
12           COUNCILMEMBER SPANGLER: Abstain.  
13           MAYOR PITTMAN: Okay. Next I need a motion  
14 for the November 18th, 2013 minutes.  
15           COUNCILMEMBER ALEXANDER: So moved.  
16           MAYOR PITTMAN: Second?  
17           COUNCILMEMBER FLEMING: Second.  
18           MAYOR PITTMAN: Discussion?  
19           ---  
20           (No response)  
21           ---  
22           MAYOR PITTMAN: Call the roll, please.  
23           CLERK ROCKELEIN: Council Alexander?  
24           COUNCILMEMBER ALEXANDER: Yes.  
25           CLERK ROCKELEIN: Council Dean?

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1            COUNCILMEMBER DEAN: Yes.  
2            CLERK ROCKELEIN: Council Fleming?  
3            COUNCILMEMBER FLEMING: Yes.  
4            CLERK ROCKELEIN: Council O'Connor?  
5            COUNCILMEMBER O'CONNOR: Yes.  
6            CLERK ROCKELEIN: Council Patrick?  
7            COUNCILMEMBER PATRICK: Yes.  
8            CLERK ROCKELEIN: Council Spangler?  
9            COUNCILMEMBER SPANGLER: Abstain.  
10           MAYOR PITTMAN: Okay. Thank you.  
11           Next I need a motion for the December 2nd,  
12 2013 minutes.  
13           COUNCILMEMBER ALEXANDER: I make a motion  
14 that we approve the minutes both of the administrative  
15 hearing and also the regular Council meeting of  
16 December 2nd.  
17           MAYOR PITTMAN: Thank you. Discussion? Or  
18 second?  
19           COUNCILMEMBER FLEMING: Second.  
20           MAYOR PITTMAN: Discussion?  
21           COUNCILMEMBER DEAN: What was the hearing,  
22 the administrative hearing?  
23           COUNCILMEMBER ALEXANDER: 5597 Buford  
24 Highway, the former K-Mart property.  
25           MAYOR PITTMAN: Call the roll, please.

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1 CLERK ROCKELEIN: Council Alexander?  
 2 COUNCILMEMBER ALEXANDER: Yes.  
 3 CLERK ROCKELEIN: Council Dean?  
 4 COUNCILMEMBER DEAN: Yes.  
 5 CLERK ROCKELEIN: Council Fleming?  
 6 COUNCILMEMBER FLEMING: Yes.  
 7 CLERK ROCKELEIN: Council O'Connor?  
 8 COUNCILMEMBER O'CONNOR: Yes.  
 9 CLERK ROCKELEIN: Council Patrick?  
 10 COUNCILMEMBER PATRICK: Yes.  
 11 CLERK ROCKELEIN: Council Spangler?  
 12 COUNCILMEMBER SPANGLER: Abstain.  
 13 MAYOR PITTMAN: And just for clarification,  
 14 we have a lot of minutes here, we do did do the  
 15 November 18th; correct?  
 16 COUNCILMEMBER FLEMING: Yes.  
 17 MAYOR PITTMAN: All right. Thank you.  
 18 Next we need approval of the meeting agenda.  
 19 There's been a request to move the Executive Session  
 20 under Public Comments, and I need a motion or if  
 21 someone has anything that they would like to --  
 22 COUNCILMEMBER DEAN: Yes. I would like to  
 23 add two items to this agenda. I submitted my two  
 24 items the Friday before last, believing that that's  
 25 what our ordinance required.

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1 There was some confusion. The City Manager  
 2 told me that it had to have been submitted the --  
 3 three Fridays ago and then former Councilwoman Karen  
 4 Pachuta said that it should have been filed three  
 5 Fridays ago because we canceled the December 16th  
 6 meeting, and MuniCode states that it's the Wednesday  
 7 before the two-Friday-ago date so I think that we're  
 8 kind of confused on exactly when we get our items on  
 9 the agenda.  
 10 So in any event, I would like to add the  
 11 Text Amendment Deleting Commercial Transitional Zoning  
 12 from our code to tonight's agenda and I would also  
 13 like to add my item to Dissolve the Current DDA Board  
 14 to this agenda.  
 15 MAYOR PITTMAN: Do I get a second?  
 16 COUNCILMEMBER O'CONNOR: Second.  
 17 MAYOR PITTMAN: Discussion?  
 18 COUNCILMEMBER DEAN: Could someone tell me  
 19 why you would not want to hear these items tonight?  
 20 MAYOR PITTMAN: Well, let's wait till we get  
 21 to the discussion part if you don't mind.  
 22 COUNCILMEMBER DEAN: Well, you just said  
 23 discussion; right?  
 24 MAYOR PITTMAN: And we got a second.  
 25 COUNCILMEMBER DEAN: Okay.

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1 MAYOR PITTMAN: So is there any discussion?  
 2 That's good. Sorry.  
 3 COUNCILMEMBER DEAN: Okay.  
 4 MAYOR PITTMAN: Would anyone like to address  
 5 Ms. Dean?  
 6 COUNCILMEMBER FLEMING: My preference,  
 7 Ms. Dean, as well as other Council members would be,  
 8 and the public as well, is to put both of these items  
 9 on work sessions so that we do have an opportunity to  
 10 have back-up paperwork available for the meeting. So  
 11 that would be my preference: to put both of those on  
 12 a work session.  
 13 COUNCILMEMBER DEAN: Well, and I e-mailed  
 14 the -- the CT zoning has been on the agenda before and  
 15 then taken off I think a couple of times now, and with  
 16 the DDA board, I sent I thought a pretty thorough  
 17 cover sheet stipulating why, and I again asked for  
 18 when -- when -- when Shawn asked me or told me that I  
 19 was too late in submitting my items, I asked you guys  
 20 to please be prepared to discuss this, and I was  
 21 hoping for your consideration in moving forward with  
 22 this, and I have not received any responses from  
 23 anyone requesting more information.  
 24 MAYOR PITTMAN: Okay. Call the roll,  
 25 please.

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1 CLERK ROCKELEIN: Council Alexander?  
 2 COUNCILMEMBER ALEXANDER: No.  
 3 CLERK ROCKELEIN: Council Dean?  
 4 COUNCILMEMBER DEAN: Yes.  
 5 CLERK ROCKELEIN: Council Fleming?  
 6 COUNCILMEMBER FLEMING: No.  
 7 CLERK ROCKELEIN: Council O'Connor?  
 8 COUNCILMEMBER O'CONNOR: Yes.  
 9 CLERK ROCKELEIN: Council Patrick?  
 10 COUNCILMEMBER PATRICK: No.  
 11 CLERK ROCKELEIN: Council Spangler?  
 12 COUNCILMEMBER SPANGLER: Yes.  
 13 MAYOR PITTMAN: So it's a tie? Okay. And I  
 14 am going to say "no" because after conferring with the  
 15 attorneys today in our meeting, my understanding is  
 16 due to the Open Meetings law, that unless it's some-  
 17 thing that's extremely urgent, that we're not supposed  
 18 to possibly be violating the Open Meetings laws.  
 19 And correct me if I'm wrong.  
 20 ATTORNEY McLENDON: The State has tightened  
 21 up what you can and can't get on an agenda under the  
 22 Open Meetings at a meeting like this. It has been  
 23 tightened up. To err on the side of caution is not a  
 24 bad idea.  
 25 COUNCILMEMBER DEAN: So I'll put it on the

1 next agenda.

2 ATTORNEY McLENDON: The next agenda would be  
3 perfectly appropriate.

4 COUNCILMEMBER DEAN: And I would like a  
5 special meeting, not the work session, because I would  
6 like a vote on this sooner rather than later, and  
7 we've discussed this several times. Okay?  
8 Particularly the CT, the CT issue.

9 MAYOR PITTMAN: And Legal, did you have  
10 something? Dr. Gillen, did you have something that  
11 you --

12 COUNCILMEMBER DEAN: We also have the mayor  
13 pro tem issue to discuss. It is the first meeting of  
14 the -- of the new year and so the mayor pro tem matter  
15 should be discussed today as well.

16 MAYOR PITTMAN: We do have till the 21st,  
17 but we need a motion to see if we want to add that.

18 Let me find out from them --

19 ATTORNEY McLENDON: You would be --

20 MAYOR PITTMAN: -- what they're doing.

21 ATTORNEY McLENDON: -- adding the -- if that  
22 was something the Council chose to go forward with  
23 tonight, that would require a motion to add that. And  
24 again, that's where the -- it has to be done by the  
25 21st, so it could be taken up this evening.

1 The other one, we do have where it was  
2 submitted, the actual language for the legislation for  
3 the annexation bill that in our previous meeting had  
4 been authorized the staff to prepare, and we prepared  
5 that draft and submitted it. That is one that we're  
6 at the beginning of the session. We would very much  
7 like to get that into the legislature's hands this  
8 week.

9 COUNCILMEMBER DEAN: And where is that?  
10 Where is that?

11 ATTORNEY McLENDON: We sent an e-mail out on  
12 that today and we should be able to distribute a copy  
13 of that.

14 But it's basically we have taken the  
15 direction of Council to move forward with the  
16 annexation pursuant to the annexation area that was on  
17 the map --

18 COUNCILMEMBER DEAN: Uh-huh.

19 ATTORNEY McLENDON: -- and prepare  
20 legislation that the legislature would adopt if they  
21 chose to move forward with that.

22 COUNCILMEMBER DEAN: And do you have the --  
23 I asked questions about this before in terms of the  
24 revenues and the cost of this annexation. Do we have  
25 any backup material on this?

1 MAYOR PITTMAN: Okay. Second?  
2 COUNCILMEMBER FLEMING: Second.  
3 MAYOR PITTMAN: Discussion?

4 - - -  
5 (No response)  
6 - - -

7 MAYOR PITTMAN: Call the roll, please.  
8 CLERK ROCKELEIN: Council Alexander?  
9 COUNCILMEMBER ALEXANDER: Yes.  
10 CLERK ROCKELEIN: Council Dean?  
11 COUNCILMEMBER DEAN: No.  
12 CLERK ROCKELEIN: Council Fleming?  
13 COUNCILMEMBER FLEMING: Yes.  
14 CLERK ROCKELEIN: Council O'Connor?  
15 COUNCILMEMBER O'CONNOR: Yes.  
16 CLERK ROCKELEIN: Council Patrick?  
17 COUNCILMEMBER PATRICK: Yes.  
18 CLERK ROCKELEIN: Council Spangler?  
19 COUNCILMEMBER SPANGLER: No.

20 MAYOR PITTMAN: Thank you. Motion carries.  
21 So we will put this at the end under -- we'll make it  
22 F under New Business.

23 Ms. Dean, did you want to make a motion for  
24 the mayor pro tem?

25 COUNCILMEMBER DEAN: Yes. I would like to

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1 put the issue of electing, nominating a mayor pro tem  
2 for the year 2014 on the agenda tonight.  
3 MAYOR PITTMAN: Okay. Second?  
4 COUNCILMEMBER SPANGLER: Second.  
5 MAYOR PITTMAN: Discussion?  
6 ---  
7 (No response)  
8 ---  
9 MAYOR PITTMAN: Call the roll, please.  
10 CLERK ROCKELEIN: Council Alexander?  
11 COUNCILMEMBER ALEXANDER: No.  
12 CLERK ROCKELEIN: Council Dean?  
13 COUNCILMEMBER DEAN: Yes.  
14 CLERK ROCKELEIN: Council Fleming?  
15 COUNCILMEMBER FLEMING: No.  
16 CLERK ROCKELEIN: Council O'Connor?  
17 COUNCILMEMBER O'CONNOR: Yes.  
18 CLERK ROCKELEIN: Council Patrick?  
19 COUNCILMEMBER PATRICK: No.  
20 CLERK ROCKELEIN: Council Spangler?  
21 COUNCILMEMBER SPANGLER: Yes.  
22 CLERK ROCKELEIN: A tie.  
23 MAYOR PITTMAN: Okay. Once again, based on  
24 the information that Legal had provided that something  
25 that is not of dire need, I'm going to vote no.

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1 We can put that on the 21st as well. But  
2 that does have to be addressed at the 21st meeting;  
3 otherwise, it falls to I guess the person with the  
4 most votes in the --  
5 ATTORNEY McLENDON: There's a formula in the  
6 ordinances if you don't adopt that before the 21st, so  
7 it would need to be resolved at that next meeting,  
8 absolutely.  
9 DR. GILLEN: And we'll put it the special-  
10 called meeting so a vote can be taken.  
11 COUNCILMEMBER DEAN: And if it's not the  
12 formula, because we did this same thing last year, we  
13 failed to address it, only in the Charter, the date  
14 was wrong. It was May instead of January. So what  
15 was that formula again? Do you recall?  
16 ATTORNEY McLENDON: Off the top of my head,  
17 I believe it was whoever had gotten the most votes in  
18 the last election, but I don't --  
19 COUNCILMEMBER DEAN: Okay. Okay.  
20 ATTORNEY McLENDON: -- know exactly what it  
21 is.  
22 COUNCILMEMBER DEAN: Okay. All right.  
23 MAYOR PITTMAN: Shh. I'm going to ask  
24 everyone to please be respectful; if we could please  
25 keep the noise down and any giggles or laughs, agree

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1 or disagree with what goes on here, we do ask that you  
2 respect everyone, please.  
3 Okay. Next on the agenda is going to be  
4 Public Comment. But before we go into that, Mr. Moses  
5 with our auditing firm has asked to speak during  
6 Public Comment.  
7 So if you don't mind coming up real quick  
8 for me and addressing the Council.  
9 And after he speaks, then anyone else that's  
10 wishing to speak in Public Comments, if you could  
11 please come to the podium and state your name for the  
12 court reporter, and you have three minutes to speak.  
13 MR. DOUG MOSES: Good evening. My name is  
14 Doug Moses. I'm one of the partners at Mauldin &  
15 Jenkins and I'm responsible for the City of  
16 Doraville's June 30, 2013 audit, financial statements.  
17 Thanks for having us here today. I have  
18 also with me Joel Black. I'll let him introduce  
19 himself real quick.  
20 MR. JOEL BLACK: I'm Joel Black. I'm a  
21 partner with Mauldin & Jenkins as well.  
22 MR. MOSES: Okay. I'm here to discuss the  
23 audit status for this year's audit. Again, this is  
24 our first year doing the City's audit. And a lot of  
25 times first-year audits can be kind of difficult, the

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1 learning curve on both parties. And then also this --  
2 this past October, we had two of our managers in our  
3 Atlanta office who left the firm, and that kind of  
4 created some scheduling conflicts with us. And so we  
5 had to get additional people scheduled to do the  
6 City's audit, and so we requested that the City do an  
7 extension.  
8 We are right now doing the review of the  
9 audit work papers and drafting the City's financial  
10 statements and so we are looking to finish with the  
11 audit by the end of this month and then present our  
12 audit results to the City during next month's Council  
13 meeting.  
14 But again, we've been working with manage-  
15 ment to resolve some year-end closeout procedures  
16 matters. There are a few findings that we're going to  
17 cite in the audit report this year similar to some  
18 findings you had in the prior year and a few  
19 management points as well.  
20 But again, we will present those audit  
21 results to the City Council as well as provide some  
22 financial trends over the last five years and kind of  
23 show you how revenues compared this year versus the  
24 previous year's fund balance and things of that  
25 nature.

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1 So again, we apologize for the delay. We  
2 always pride ourselves on being timely in issuing  
3 financial statements for clients. We have over about  
4 200 governmental clients, and I would say about 90  
5 percent of those we do issue on time.  
6 And so again, once we get over this hiccup  
7 this year, I do not foresee any problems next year in  
8 meeting the December 31st deadline in getting the  
9 City's financial statements submitted to the State.  
10 MAYOR PITTMAN: Okay. Thank you. I  
11 normally in Public Comments do not allow the Council  
12 to ask questions, but this is circumstances that if we  
13 could very briefly, Council --  
14 MR. MOSES: Okay.  
15 MAYOR PITTMAN: -- if you have something you  
16 would like to ask him.  
17 If you don't mind answering --  
18 MR. MOSES: Okay. Sure.  
19 MAYOR PITTMAN: -- anything, I think it's  
20 appropriate that we ask them if they have anything  
21 they want to say.  
22 Ms. Alexander?  
23 COUNCILMEMBER ALEXANDER: I'm disappointed.  
24 because you guys are one of the most renowned  
25 governmental auditing firms in the state, and previous

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1 Council and I were very excited to have you on board  
2 because we thought felt a more in-depth look at our  
3 books was needed and a fresh set of eyes. We'd had  
4 the same auditor for years and years.  
5 So I was disappointed, and I hope that you  
6 guys have taken steps to prevent this from happening  
7 to another municipality because it's reportable on us  
8 if we're late.  
9 But that's all I had to say. I'm still very  
10 glad that you guys are on board.  
11 MR. MOSES: Yeah. Well, we guarantee you  
12 get a quality audit. We did note some errors, noted  
13 some errors in prior-year financial statements where  
14 we had to restate beginning balances, and we'll  
15 discuss that with you guys, restate beginning balances  
16 that were reported in previous years.  
17 And so I think we did get a great audit, but  
18 we will look to issue on time in the future.  
19 MAYOR PITTMAN: Ms. O'Connor?  
20 COUNCILMEMBER O'CONNOR: And we'll  
21 definitely have it when?  
22 MR. MOSES: I would say, like I said, we're  
23 looking -- I don't know when the next -- the first  
24 meeting in February, but it'll be sometime in February  
25 when we -- we present the audit results.

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1 COUNCILMEMBER O'CONNOR: And no further  
2 delays.  
3 MR. MOSES: Correct, correct.  
4 MAYOR PITTMAN: Mr. Patrick?  
5 COUNCILMEMBER PATRICK: Our first meeting's  
6 going to be February 3rd. Is that --  
7 MR. MOSES: We can shoot for that date, yes.  
8 COUNCILMEMBER PATRICK: I'll hold you to it.  
9 MAYOR PITTMAN: Ms. Spangler?  
10 COUNCILMEMBER SPANGLER: No comment.  
11 MAYOR PITTMAN: Ms. Fleming?  
12 COUNCILMEMBER FLEMING: I have a couple  
13 comments.  
14 When did you notify the City that you were  
15 going to be late?  
16 MR. MOSES: I would say it was some time  
17 maybe the first week or maybe the second week in  
18 December because we were still trying to push to be  
19 able to meet that deadline.  
20 COUNCILMEMBER FLEMING: Okay. And you have  
21 a copy of the letter that you sent to the State  
22 requesting --  
23 MR. MOSES: Your Financial Director, she --  
24 COUNCILMEMBER FLEMING: I'm sorry?  
25 MR. MOSES: Your Financial Director has the

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1 letter. It was drafted by the Department of Audits.  
2 They gave you a six-month extension. Of course we're  
3 not going to, you know, rely on six months. We're  
4 going to do it within --  
5 COUNCILMEMBER FLEMING: So the City has a  
6 copy of the extension letter from the State?  
7 MR. MOSES: I would assume either the letter  
8 or the e-mail from the State auditors.  
9 MS. LISA FERGUSON: I got an e-mail.  
10 MR. MOSES: Yeah, the e-mail.  
11 COUNCILMEMBER FLEMING: And what will be the  
12 penalties assessed to the City because you're late?  
13 MR. MOSES: There is no penalties. This is  
14 normal -- not normal, but you have a lot of times  
15 governments don't issue on time, and they always --  
16 you know, if we request an extension, the State never  
17 really denies.  
18 A lot of times, they give a two -- they  
19 allow for two year consecutive extensions, and then  
20 after that, they don't really give an extension. So  
21 you have like -- you have two consecutive extensions  
22 and then, again, they don't, you know, recommend you  
23 have a third one.  
24 COUNCILMEMBER FLEMING: I appreciate your  
25 comments.

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1 I am, like Ms. Alexander, disappointed in  
2 what has transpired for us this year. I would have  
3 thought that from a firm of your caliber that we would  
4 not have needed to request an extension, so just want  
5 to let you know that.  
6 MR. MOSES: Okay.  
7 MAYOR PITTMAN: Okay. Ms. Dean?  
8 COUNCILMEMBER DEAN: I've asked for a copy  
9 of the correspondence e-mail and I have not yet  
10 received a response from the City. Could someone in  
11 the City please forward that along to me?  
12 And just out of curiosity, why was Doraville  
13 put in the 10 percent that did not get their audits on  
14 time and not in the 90 percent --  
15 MR. MOSES: Right.  
16 COUNCILMEMBER DEAN: -- category?  
17 MR. MOSES: Again, first-year audit, and  
18 there were some things -- balances that we had to work  
19 out with your Finance Director and the Finance  
20 Department as far as like balances didn't change from  
21 the prior year. Again, we have some restatements that  
22 we had to address --  
23 COUNCILMEMBER DEAN: Uh-huh.  
24 MR. MOSES: -- which requires additional  
25 procedures, and we have to get with your predecessor

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1 auditor to discuss those prior-period adjustments as  
2 well. So things like that that, you know. The City  
3 wasn't fully ready for us to come out and do the audit  
4 as, you know, working to get certain things kind of  
5 reconciled --  
6 COUNCILMEMBER DEAN: Okay.  
7 MR. MOSES: -- and addressed.  
8 COUNCILMEMBER DEAN: All right. Thank you.  
9 MR. MOSES: Uh-huh.  
10 MAYOR PITTMAN: Mr. Moses, thank you very  
11 much.  
12 MR. MOSES: Okay. Thank you.  
13 MAYOR PITTMAN: Okay. Anyone wishing to  
14 make public comments, please line up at the podium  
15 and, again, state your name for the court reporter.  
16 MR. JOE O'CONNOR: Joe O'Connor.  
17 I congratulate our newest additions, Ms.  
18 Spangler and Ms. O'Connor.  
19 I'd just like to make a quick comment on  
20 this EPA grant deal, the grant resolution. I don't  
21 understand why we're going to put ourself maybe out  
22 for \$200,000 when General Motors is going to sell this  
23 place for 80 million. It should be -- the County has  
24 a bigger responsibility, and EPA still has a big  
25 responsibility for cleaning up this hazardous waste.

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1 I don't know what, you know. I don't know why we have  
2 to be up front to try to get money, but we may wind up  
3 . . . \$200,000, I don't think we need to get  
4 involved with this. We'll never get out. It's going  
5 to be like the tar baby. Thank you.  
6 MS. CAROL GILMAN: Mayor, Council; Carol  
7 Gilman, Northwoods.  
8 First of all, Happy New Year; secondly,  
9 congratulations to Councillors O'Connor, Patrick and  
10 Spangler.  
11 Next, I wish the auditors had remained. As  
12 a business consultant with over 30 years' experience  
13 in auditing and accounting, I'm very disappointed to  
14 hear that news tonight, and I find it unacceptable and  
15 I would really like -- would liked to have had a  
16 conversation with the partner in charge.  
17 I agree with what Ms. Alexander said,  
18 Ms. Fleming, Ms. Dean; I think your comments were  
19 right on: unacceptable.  
20 And I'm wondering, was the City receiving  
21 copies of audit findings or management comments during  
22 the course of the audit so that you could identify any  
23 corrective action that you could take or you would  
24 take at a later date.  
25

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1 an audit, and I hope the City had that going  
2 communication and that the audit results are not a  
3 surprise.  
4 Next I'd like to briefly say how proud I am  
5 of our newsletter for the city. I certainly like the  
6 name Insight. I like particularly that we're getting  
7 insight into the City's operation, into what the  
8 various departments do. I like that; I think the  
9 public likes it. It's all good stuff.  
10 And if I may, when you go to the Web site  
11 and you click on the newsletter and you get that  
12 automatic page turner, that's pretty cool.  
13 And so I'm real pleased for the city, and I  
14 thank everyone who was involved in making that happen.  
15 Thank you very much.  
16 MS. LINDA RAWLINS: Linda Rawlins, Oakcliff.  
17 I want to thank the City for allowing us to  
18 have the AARP defensive driving class in December. I  
19 love to take Mr. Jerry Lee's classes, and anybody that  
20 hasn't taken it should. It's only like six hours. I  
21 think you can do them online, too. But in person it  
22 was very good, and it also gives you a discount on  
23 your car insurance.  
24 But thank you for allowing him to do that,  
25

1 and do more classes.

2 MS. SUSAN CRAWFORD: Susan Crawford,  
3 Oakcliff.

4 I would like to welcome the two new members  
5 of the City Council as well, and Happy New Year to  
6 everybody. And just to sort of echo what Mr. O'Connor  
7 said, I agree about the brownfield, and I'm wondering,  
8 it's really out of character for General Motors,  
9 because historically they clean up their sites when  
10 they leave.

11 I worked there for the last 10 years that  
12 they were open, and I know that the EPA came twice a  
13 year and checked all the different areas, the ground  
14 in all different areas of the plant. And I know it  
15 was a very strong union and the people were very, very  
16 aware of health issues, and it always was perfectly  
17 within the guidelines of the EPA.

18 So obviously, the \$2,000,000 dollars will  
19 not be given until the federal government checks, so  
20 that's a moot point, but I do wonder why we're getting  
21 involved. Thank you.

22 MR. STUART ANDERSON: Stuart Anderson.

23 I also want to welcome Dawn and Sharon to  
24 the Council. I think that's a good thing that's  
25

1 I want to say that the item 13(D), the  
2 subdivision, I'm speaking for this, and I hope it goes  
3 through without any difficulty. The Planning  
4 Commission thought it was a good idea, and I think  
5 it's a good thing for the city and certainly for the  
6 church.

7 I too have some questions about the  
8 brownfield, 13(E), item 13(E). It says a loan and a  
9 grant. Is it a loan or a grant? One or the other, I  
10 guess. Who pays it back? How much is paid back?

11 I read the issue, and there's a million  
12 dollars and there's 20 percent, \$200,000, etc. Are we  
13 working with somebody to give them the money, the  
14 developers, so that they can sweeten the pot, I guess,  
15 or are we going to go ahead with assessment ourselves  
16 when the developers right now are under an extension  
17 for assessment. There's a bunch of questions there.

18 But really, who pays the loan back? And I  
19 know it's a five-year thing in what I read, but who  
20 pays the loan back and do they pay the \$800,000 or do  
21 we pay \$200,000, etc., etc., that sort of thing? So  
22 there's a lot of questions in that, in that document  
23 that don't seem to be answered by the document.

24 I want to certainly congratulate Sandra.  
25

1 build houses, etc., on top of stream beds, etc.  
2 And in this policy, adjacent property that's  
3 not owned or dedicated right by the City or the County  
4 is somebody else's property. We need to stop doing  
5 what we've been doing for decades, and this stormwater  
6 policy assures that the bad behavior will continue, so  
7 look at it very carefully.

8 Amendment to the car dealerships in C-2.  
9 The City Council had no problem of legitimizing the  
10 Lexus dealer with six acres and 600 feet of frontage  
11 area and outlawed the Porsche dealership, and they did  
12 that on purpose. It was done by members of the former  
13 Council on purpose.

14 Now we come back, and the Lexus dealer, not  
15 the Porsche dealer, has a problem. They want to put  
16 some smaller dealerships adjacent to their property,  
17 so the little hook-up law they got the last time.

18 And I might mention that the Council members  
19 and the Mayor have received considerable contributions  
20 and cars from these dealerships, and that is not on  
21 this agenda and it has not been publicly disclosed.

22 The International Building Code. Okay.  
23 Subdivision of parcel on Chestnut. I  
24 support the church and the school, but we have a thing  
25

1 to the family, so to congratulate her. And that's the  
2 issues I have. Thank you.  
3  
4 MAYOR PITTMAN: Mr. Anderson, if you would  
5 so graciously check the heat back there, because it  
6 sure feels like the air is on. Thank you.  
7  
8 MR. TOM HART: I too would like to  
9 congratulate the new Council members.  
10  
11 MAYOR PITTMAN: Excuse me. I know we all  
12 know who you are, but would you mind identifying  
13 yourself --  
14  
15 MR. TOM HART: Tom Hart from --  
16  
17 MAYOR PITTMAN: -- for the court reporter.  
18  
19 MR. HART: -- from Gordon Heights.  
20  
21 We'd like to congratulate the new Council  
22 members. Six people entered the race. We had three  
23 new members enter the race. Two of them were very  
24 successful and they won in a landslide, the third  
25 candidate was disqualified by the City, the City of  
Doraville allowed one of the old members to run  
unopposed. We can only guess what the vote would be  
tonight if all three members had won.  
The stormwater policy, we need to look at  
that very carefully. The city has suffered for  
decades because of mismanagement of its stormwater

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1 of our law. If you're going to subdivide 14 acres of  
 2 land, each parcel has to meet the zoning requirements  
 3 of those two separate parcels. It's not something  
 4 against the church, not something against the school.  
 5  
 6 And I don't understand why they're selling  
 7 the property, anyway. They're selling the property  
 8 for \$180,000, and it has a free market value of  
 9 somewhere around a million dollars. So there's a lot  
 10 of questions to be asked here.  
 11  
 12 And there is also the question of a public  
 13 right-of-way that goes from Raymond Drive to Chestnut,  
 14 which was formerly called Central Avenue.  
 15  
 16 A lot of questions. It should be an open  
 17 public meeting posted property and meet the zoning  
 18 laws of the State of Georgia.  
 19  
 20 And the last thing, the EPA Brownfield. We  
 21 have copies of documents from the EPA that says the GM  
 22 property is not a brownfield. We have those public  
 23 documents. If you want to go ahead and push this  
 24 thing, it's called fraud, and you're taking City and  
 25 public money and using it in a fraudulent manner.  
 The General Motors property --  
 MAYOR PITTMAN: Sir --  
 MR. HART: -- was kept --

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1  
 2 MR. HART: -- by G.M. -- Thank you.  
 3 MAYOR PITTMAN: All right. Anyone else  
 4 wishing to speak?  
 5  
 6 - - -  
 7 (No response)  
 8  
 9 - - -  
 10  
 11 MAYOR PITTMAN: Going to close the Public  
 12 Comments portion.  
 13  
 14 Next we will be going into executive  
 15 session, and I need a motion to do so, please.  
 16  
 17 ATTORNEY McLENDON: And that would be for  
 18 the purposes of real estate and litigation.  
 19  
 20 MAYOR PITTMAN: Thank you.  
 21  
 22 COUNCILMEMBER ALEXANDER: I make a motion to  
 23 go into executive session for the purposes of  
 24 discussion of real estate and litigation.  
 25  
 MAYOR PITTMAN: All right. Second?  
 COUNCILMEMBER FLEMING: Second.  
 MAYOR PITTMAN: Discussion?  
 - - -  
 (No response)  
 - - -  
 MAYOR PITTMAN: Call the roll, please.  
 CLERK ROCKELEIN: Council Alexander?

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1  
 2 CLERK ROCKELEIN: Council Dean?  
 3  
 4 COUNCILMEMBER DEAN: Yes.  
 5  
 6 CLERK ROCKELEIN: Council Fleming?  
 7  
 8 COUNCILMEMBER FLEMING: Yes.  
 9  
 10 CLERK ROCKELEIN: Council O'Connor?  
 11  
 12 COUNCILMEMBER O'CONNOR: Yes.  
 13  
 14 CLERK ROCKELEIN: Council Patrick?  
 15  
 16 COUNCILMEMBER PATRICK: Yes.  
 17  
 18 CLERK ROCKELEIN: Council Spangler?  
 19  
 20 COUNCILMEMBER SPANGLER: Yes.  
 21  
 22 MAYOR PITTMAN: Okay. Thank you. We will  
 23 be going to the conference room. Please be patient  
 24 with us. We will return momentarily.  
 25  
 - - -  
 (Executive Session)  
 - - -  
 MAYOR PITTMAN: If I could please get a  
 motion to come out of Executive Session.  
 COUNCILMEMBER ALEXANDER: So moved.  
 MAYOR PITTMAN: Second?  
 COUNCILMEMBER PATRICK: Second.  
 MAYOR PITTMAN: Discussion?  
 - - -  
 (No response)

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1  
 2 MAYOR PITTMAN: Call the roll, please.  
 3  
 4 CLERK ROCKELEIN: Council Alexander?  
 5  
 6 COUNCILMEMBER ALEXANDER: Yes.  
 7  
 8 CLERK ROCKELEIN: Council Dean?  
 9  
 10 COUNCILMEMBER DEAN: Yes.  
 11  
 12 CLERK ROCKELEIN: Council Fleming?  
 13  
 14 COUNCILMEMBER FLEMING: Yes.  
 15  
 16 CLERK ROCKELEIN: Council O'Connor?  
 17  
 18 COUNCILMEMBER O'CONNOR: Yes.  
 19  
 20 CLERK ROCKELEIN: Council Patrick?  
 21  
 22 COUNCILMEMBER PATRICK: Yes.  
 23  
 24 CLERK ROCKELEIN: Council Spangler?  
 25  
 26 COUNCILMEMBER SPANGLER: Yes.  
 27  
 28 MAYOR PITTMAN: Okay. There is I understand  
 29 no Consent Agenda tonight, Organizational and  
 30 Procedural Items, and we'll move into Reports and  
 31 Presentations.  
 32  
 33 Dr. Gillen?  
 34  
 35 DR. GILLEN: Thank you, Mayor, City Council.  
 Wanted to talk to you about a couple items  
 that we're going to be launching here in January, and  
 it has to do with Code Enforcement. We're going to be  
 doing two things.  
 One is an occupational tax certificate-

1 some areas on Buford Highway and possibly New  
 2 Peachtree Road where they're going to take a week and  
 3 we're going to be checking every business in that  
 4 designated area for occupational tax compliance and  
 5 things like that, and we'll take about a five-day --  
 6 five-working-day period to test it and see what kind  
 7 of numbers we generate out of that as far as how many  
 8 businesses do we find that don't have an up-to-date  
 9 occupational tax and how much revenue might be  
 10 generated from that, you know, and that sort of thing.

11 The second is a pilot test of what we call  
 12 the SWEEPS program, and that is an intensive code  
 13 enforcement look at the common areas of multi-family  
 14 housing. We're going to start with the Wind Chase  
 15 apartment complex, and that'll be about the -- both  
 16 these things are going to occur about the third week  
 17 of January, and for one week we're going to add two  
 18 additional code enforcement officers from Clark  
 19 Patterson Lee who are going to focus on that property  
 20 alone. And they're going to meet with the building  
 21 manager, the complex manager, and they're going to  
 22 walk through all the common spaces and they're going  
 23 to write up all the code violations that are there,  
 24 and then they will generate a report for the City  
 25

1 violations and what they need to do to bring it up to  
 2 code, and this is --

3 And then from those two small pilot  
 4 projects, we can extrapolate what the potential is for  
 5 expanding that throughout the city, and that'll give  
 6 us an idea of what the cost and revenue benefit would  
 7 be before we launch, you know, with both feet.

8 So those are the two major things we're  
 9 going to be working on here in the next couple of  
 10 weeks, so I just wanted to make sure you knew that.  
 11 You might hear about it.

12 But it's just something we talked about when  
 13 we brought Clark Patterson Lee on board, and now that  
 14 we've got our guys, our Code Enforcement guys with  
 15 their feet on the ground a little bit, we think we can  
 16 expand into this. We want to take this first step  
 17 first.

18 And with that, I'll be done and so we can  
 19 move on to -- to Community Development, but the point  
 20 behind some of this is -- is law enforcement, really.  
 21 It's public-safety oriented. I'm sure you've heard of  
 22 the broken window theory of law enforcement, and  
 23 that's what we're trying to get at: to where if you  
 24 let the small things go, the next type of thing will  
 25

1 develops into crime and -- and further down the road.  
 2 So what we're trying to do is catch things in the  
 3 early stages before they develop, and that's where the  
 4 intent behind this is. So I'll be done at that point.

5 Any questions?

6 MAYOR PITTMAN: Ms. Alexander, do you have  
 7 any questions?

8 COUNCILMEMBER ALEXANDER: No, ma'am.

9 MAYOR PITTMAN: Ms. O'Connor?

10 COUNCILMEMBER O'CONNOR: No.

11 MAYOR PITTMAN: Mr. Patrick?

12 COUNCILMEMBER PATRICK: No.

13 MAYOR PITTMAN: Ms. Fleming?

14 COUNCILMEMBER FLEMING: No.

15 MAYOR PITTMAN: Ms. Dean?

16 COUNCILMEMBER DEAN: No.

17 MAYOR PITTMAN: Okay. Thank you so much.

18 And while Mr. Cooley is coming up, I want to  
 19 welcome John Heneghan, a Dunwoody council member, for  
 20 being here tonight. We're glad to have you.

21 MR. HENEGHAN: Thank you. Congratulations.

22 - - -  
 23 (Applause)  
 24 - - -  
 25

1 Council.

2 This is the quick report on what's going on  
 3 with Community Development and it's going to give you  
 4 an idea, kind of reiterate what we've done as far as  
 5 changes that we've made but also some of the things  
 6 that you've seen, you know, some of you are aware of  
 7 but some of you may not be aware, but it'll be coming  
 8 up.

9 As you know, the Community Development was  
 10 reorganized, and basically -- and the new Council  
 11 members have already seen this, because when we  
 12 talked, I gave you a copy of this to begin with; but  
 13 basically it was in your package.

14 But real quickly what the overview of what  
 15 the Community Development Department is, first off,  
 16 planning. We have two parts of it; we have short-term  
 17 planning and then we have the long-term planning.

18 Short-term really is focused on the customer  
 19 service. We're support staff for the Planning  
 20 Commission on conditional use permits, zoning  
 21 variances, etc., and we do updates of the Community  
 22 Development page on the Web site.

23 We coordinate with the Economic Development  
 24 Director, handle small area studies, and we're also  
 25

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1 agencies within the region.  
2  
3 Long-term, we're really talking about  
4 comprehensive planning. That's something we  
5 coordinate, again, with Economic Development, looking  
6 at the LCI implementation strategies and how those  
7 work and how to carry forward on that, and again,  
8 coordination with ARC and other local agencies and  
9 things of this sort.  
10  
11 Separate from that, we have Zoning. Again,  
12 primary issue and our primary concern is customer  
13 service. We answer questions regarding allowed uses,  
14 the pre-submittal meetings to help people and  
15 customers have an idea of what they need to know  
16 coming into this. We're trying to work with everybody  
17 up front to make sure we get a lot of the issues  
18 ironed out before they get into the actual process of  
19 it.  
20  
21 We handle the zoning applications, zoning  
22 code interpretations; identification and resolution of  
23 conflicts within the code. And y'all have brought up  
24 many, and we have a lot more to go through. Drafting  
25 of ordinances that when Council has a policy y'all  
want, we try to take that and incorporate it and  
develop it into actual ordinances working with Legal.

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1 regarding the occupational tax certificate. We're  
2 working closely right now with them, trying to get  
3 some better processes so we've got better checks and  
4 balances of the way we're going through and making  
5 sure that when something comes in, it's getting the  
6 zoning-review level that it needs to have. I think  
7 we've missed some of that in the past, and part of  
8 it -- a lot of it has been the processes. So we're in  
9 the midst of a mix of changing a lot of that and  
10 getting it more comprehensive.  
11  
12 We're working real closely with our Permit  
13 Coordinator, Jane Keegan, and also the Building  
14 Department, or Kenny is our Building Official, and  
15 task them with trying to get these together and  
16 actually get something that we can put on the Web  
17 page, schematics to show how this all works so people  
18 can come in and say, "Okay. If I want to get this  
19 type of permit, this is the general process I've got  
20 to go through." Right now we don't have anything out  
21 there for the public to see that, and we need to get  
22 it out there.  
23  
24 We have maintenance of the Zoning and  
25 Building Department planning documents. We review the  
alcoholic beverages.

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1 sure you've all met him at this point -- is the  
2 Building Official. Jane Keegan is the Permit  
3 Coordinator. Again, especially with the permit aspect  
4 is is customer service, and by having the Building  
5 Official here, we have somebody to answer questions  
6 when people come in, and they're specific, detailed.  
7  
8 We're getting involved in the preapplication  
9 meetings so when somebody comes in, it's not just a  
10 zoning issue but they can go through the process,  
11 they'll know the aspects and what they have to go  
12 through as far as what they need to get for building  
13 permits, when they need to get them and what they've  
14 got to have.  
15  
16 Construction inspections, stop-work orders.  
17 When we find something -- when Code Compliance finds  
18 something that's going on, they and the Building  
19 Official will actually issue stop-work orders on it,  
20 and we follow through on that.  
21  
22 We issue certificates of completion of work  
23 once a project that's been permitted is done,  
24 certificates of occupancy, and we coordinate with Code  
25 Compliance. Permitting pretty much covers the broad  
scale from zoning all the way into construction to  
signs, pretty much a broad gamut.

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1 stormwater inspections and maintenance. He does  
2 erosion control. Flood plain and stream protection is  
3 under his aspect. Coordination with both State and  
4 Dekalb agencies, which is critical, and review and  
5 coordination of land disturbance permits. That's all  
6 under his, along with he is the arborist for the city  
7 so he does the tree inspections and permit review and  
8 the site development review for consistency with the  
9 Tree Ordinance.  
10  
11 We also, as you know, have started and we're  
12 making really good progress on a geographical infor-  
13 mation system. Three of us actually got first-level  
14 of training on it. That was a good two-day program  
15 that we had. We are in the processes of getting the  
16 software, the scanner and the printer that we need,  
17 large format, to be able to get documents so y'all can  
18 have them electronically.  
19  
20 But we also are in the process of looking at  
21 what we need to do with our permits to require  
22 electronic submittals as part of this. Again, that'll  
23 save time and effort for the staff, and we want to get  
24 into -- and I've tasked Kenny with looking at what we  
25 need to do to start doing electronic review of plans  
so we don't have this continuous generation of paper,

1 storage problem and a filing problem for the City.  
2 That's the overview.  
3 A few specifics that you've already seen or  
4 are coming before you in current planning/zoning  
5 projects before the Council, as you know, there's the  
6 amendment to the C-2 to allow franchise authorized  
7 auto dealerships. You'll be seeing that later  
8 tonight.

9 We have minor subdivision of a parcel this  
10 evening for the New Covenant Presbyterian Church.

11 Y'all are working on the Architectural  
12 Design Standards, and we got through one workshop and  
13 we've got one more to finish that up so we actually  
14 take that information and put it into a final draft,  
15 hopefully something that will work for y'all, and at  
16 that point, we will also update the -- the manual that  
17 goes with that.

18 We've got an ordinance correcting some legal  
19 conflicts that Legal has gone through within the  
20 Zoning Ordinance. We got an ordinance updating the  
21 code language to allow -- adopt a building code.  
22 Again, you will see that tonight.

23 Planning Commission has been jammed. There  
24 has been a lot of things for them to review and  
25

1 because I think they're doing a great job. They  
2 really are taking -- You know, it seems tough  
3 sometimes, but they're taking their time and they're  
4 going through things, and they're really going through  
5 it thoroughly. And again I commend them on that; I  
6 know it's frustrating at times, but that's what it  
7 takes sometimes.

8 To that, they're working on the front yard  
9 setback and the directly-affected ordinances. They've  
10 got the tents and canopy code amendments which I  
11 believe they are just about ready to give the recom-  
12 mendations to the Council on that and also on the  
13 front yard setbacks.

14 They're working on the Livable Community  
15 Code, the form-based code. It's currently before the  
16 P.C. As you know, it's already gone through their  
17 visions and the stakeholder and public input, the  
18 voluntary advisory group; and Tunnell Spangler Walsh,  
19 as Caleb Racicot has been leading that up.

20 We've also got coming before you -- and it's  
21 actually before the Planning Commission right now --  
22 is an ordinance for the third-party code inspection  
23 required for multi-family rental units. This kind of  
24 goes hand-in-hand with what Dr. Gillen was talking  
25

1 Dekalb has adopted; I think Sandy Springs, Dunwoody.  
2 But basically it puts the onus back on the apartment  
3 owners to have the inspections done. We give them  
4 criteria; we certify who can and cannot do it. But it  
5 puts it back on them to do it and it gets into the  
6 individual units as opposed to just the public areas,  
7 and I think that's going to be huge for a lot of  
8 reasons.

9 Some other things that are going on, as I  
10 said, Jane is working to coordinate with Kenny,  
11 streamline and better organize the review process in  
12 coordination with the Clerk's office and Dekalb  
13 County. We're working on a flow chart. I've got one  
14 that Clark Patterson Lee supplied us that I'm working  
15 on changing around and trying to find the time to  
16 finish that up.

17 We're analyzing the options and the required  
18 processes -- and I brought this to y'all before --  
19 regarding the fire marshall reviews. That's something  
20 we've had discussions on. I'll be presenting that to  
21 y'all at a work session shortly to give you the  
22 options that the City has, the pros and cons of the  
23 different aspects of that so y'all can take a look at  
24 it and see if you want to proceed that way. All in  
25

1 positive; I think it'll be a tremendous help for the  
2 City.

3 A couple other things real quick. We have  
4 applied for technical assistance from the ARC under  
5 the Community Choices, and that's related to the  
6 development of the town center as part of the LCI. As  
7 you may recall, we had the GM, then we had the town  
8 center. We have kind of this aerial view of what it's  
9 to be that was in the LCI. So what this does is it's  
10 a public-input process that allows the City to find  
11 out at a closer detail level, What do you want it to  
12 be? And that's critical to be able to move on and see  
13 what this would be in relationship to everything else  
14 in the city.

15 All this works together. It's not  
16 contingent upon what happens anyplace else in the  
17 city. But again, that was part of the LCI and I think  
18 it's probably a good portion of the heart and the soul  
19 of the city and what the people of Doraville want to  
20 see this area to be, so I think it's critical to get  
21 that information.

22 But it also will allow us once that we get  
23 through that process to possibly see how we want to go  
24 further from there whether it be through a  
25

1 out for a request for qualifications for a developer  
 2 to implement this vision very much in the same way  
 3 Suwanee has done. So that's where we're going on  
 4 that.  
 5  
 6 And the last one that's coming up and is not  
 7 -- it sounds like a long time away but it's actually  
 8 not -- in 2016, our Comprehensive Plan is required to  
 9 be updated by DCA, so that's something that we need to  
 10 start working on. It's a long, involved process.  
 11 We've got a lot of things going on that will have  
 12 input into that but we got to be cognizant of it and  
 13 actually start now on it, because if we wait to the  
 14 last minute, we'll be in deep water.  
 15 So I'll be glad to answer any questions. I  
 16 don't want to take up too much of your time, but  
 17 that's kind of an overview.  
 18 MAYOR PITTMAN: Thank you, Mr. Cooley.  
 19 Ms. Alexander?  
 20 COUNCILMEMBER ALEXANDER: No, ma'am.  
 21 MAYOR PITTMAN: Ms. O'Connor?  
 22 COUNCILMEMBER O'CONNOR: No.  
 23 MAYOR PITTMAN: Mr. Patrick?  
 24 COUNCILMEMBER PATRICK: No.  
 25 MAYOR PITTMAN: Ms. Fleming?

1  
 2 COUNCILMEMBER DEAN: No. I'm good.  
 3 MAYOR PITTMAN: Thank you very much.  
 4 Next on the agenda is going to be Unfinished  
 5 Business, our Stormwater Policy, Mr. Strickland -- or  
 6 Cecil.  
 7 - - -  
 8 (Brief interruption)  
 9 - - -  
 10 ATTORNEY McLENDON: Mayor and Council, what  
 11 we have is this is just a policy that's come back a  
 12 couple of times, and what this policy is about, it's  
 13 really about maintenance and maintaining repair of  
 14 existing stormwater infrastructure that's already in  
 15 the city.  
 16 What happens with that in a lot of cases is  
 17 you'll get a complaint that something is broken and it  
 18 comes to staff, and then we need to have a method of  
 19 determining A, Is it the City's responsibility? Is it  
 20 part of the city infrastructure? And if it is, then  
 21 how do you address putting it into a prioritization  
 22 for repair and moving forward to get these issues  
 23 repaired?  
 24 What you have in this area is a lot of times  
 25 records weren't kept real well in the past and a pipe

1 document recorded that the City said, "That's our  
 2 pipe." And then so people will call in and say,  
 3 "Well, this pipe's here. It needs to be fixed," and  
 4 you go and look in the records and you can't see. It  
 5 doesn't say whose pipe it is. It may be on the  
 6 individual's property, but nothing's recorded that  
 7 says the City took responsibility.  
 8 We're trying to address a couple of things  
 9 in this policy. The first is to come in and if  
 10 somebody has an issue with a pipe, it gives us a  
 11 method of addressing is it the city's infrastructure  
 12 or not; and by and large, the determination of whether  
 13 it's the city's infrastructure is really looking at it  
 14 as a property issue.  
 15 Usually this infrastructure is going to be  
 16 associated with a road because you had the pipe under  
 17 the road to convey the water under the road. That's  
 18 part of the road system; that's our responsibility.  
 19 And with some exceptions, as a general rule, from end  
 20 to end of that pipe conveying the water under the road  
 21 would be the City's responsibility.  
 22 So this gives us the ability to come in and  
 23 analyze responsibility, determine -- If it is  
 24 determined it's the City's responsibility, it talks  
 25

1 prioritization about how imminent the deterioration is  
 2 and how -- you know, the sort of prioritizing how  
 3 badly it needs to be repaired immediately and then  
 4 moving through it that way as part of a consistent  
 5 stormwater process.  
 6 We had looked at it before, and I think a  
 7 very good suggestion was made to say let's attach our  
 8 standard documentation to this that we would use if we  
 9 came out and said, "Okay. We agree that is our pipe."  
 10 Because one of the things I think we want to do is if  
 11 we come out and fix something is we document it for  
 12 the future, that if we fixed it today, 20 years from  
 13 now, if it breaks, they come back and say, "Oh, the  
 14 City agreed that it was -- everybody agreed it was the  
 15 City's responsibility back then." And it's usually a  
 16 document we'll find out in deed records, they'll be  
 17 able to find it, and there will be no question about  
 18 it: the City will come in and fix it in 20 years.  
 19 So what we do on that is two documents are  
 20 proposed here. One is basically a permanent drainage  
 21 easement, and what that's doing is saying in this area  
 22 -- and we would draw the area and say, In this area,  
 23 "City will have the right to maintain" usually a pipe  
 24 or could be some other things, but "The City will have  
 25

1 Everybody acknowledges it's the City's responsibility.  
2 20 years from now, pipe breaks; they'll find that.  
3 The City'll know it's their responsibility and fix it.  
4 That is the permanent access easement that's  
5 in here. Some of the things this document does is it  
6 says, "Owner, you can't come out and break the pipe.  
7 You can't change the way the pipe is pushing water  
8 through the property. If there's a problem, you'll  
9 notify us and let us know that there's an issue to  
10 look at out there," so, and that's the easement which  
11 is more significant; we're going to keep some  
12 structure there.  
13 The second document is an access easement.  
14 And what that's about is sometimes -- I mean you can  
15 envision an embankment that goes down that you can't  
16 go down the embankment. You might need to have the  
17 right to come around the side and bring in equipment  
18 through a different area. And that's not in every  
19 case. A lot of times, you can go straight in off the  
20 right-of-way and fix it. But in certain instances,  
21 you might need to maintain access rights, and the  
22 second document is what would be used if we needed to  
23 say basically, "Well, we agree if we need to get to  
24 this, we're going to come over here to the right and  
25

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1 what that second -- second document is doing.  
2 And that does things like say, you know,  
3 "You can't build a building in the middle of that  
4 access area. You've got to -- you know, if we come in  
5 and use it, we'll grass it back, we'll make it good;  
6 but if you put in, you know, a lot of improvements  
7 there, we're not going to, you know, rebuild a  
8 decorative landscape," because everybody knows this is  
9 a potential access area after we've recorded this.  
10 So that's what we have, and it's a policy  
11 that's no frills; just sort of a real simple step-by-  
12 step analysis to take them on and figure out if we  
13 have the responsibility, and if so, get it documented  
14 and let staff get to work fixing it.  
15 MAYOR PITTMAN: Thank you, Mr. McLendon.  
16 Ms. Alexander, do you have any questions?  
17 COUNCILMEMBER ALEXANDER: No, ma'am.  
18 This is the second reading; correct?  
19 ATTORNEY McLENDON: It is. We've looked at  
20 this a couple of times but this is a first with the  
21 forms attachment. I think it would still be  
22 appropriate if y'all chose to act on it to have time.  
23 MAYOR PITTMAN: Okay. Ms. O'Connor?  
24 COUNCILMEMBER O'CONNOR: No.  
25

1 COUNCILMEMBER PATRICK: No. Thank you.  
2 MAYOR PITTMAN: Ms. Spangler?  
3 COUNCILMEMBER SPANGLER: No.  
4 MAYOR PITTMAN: Ms. Fleming?  
5 COUNCILMEMBER FLEMING: I appreciate you  
6 putting the forms on the back side.  
7 I was proponent in access to a person's  
8 property, because at previous meetings that we had  
9 with stormwater policy, we were indicating that the  
10 City wasn't going to be held responsible for any of  
11 that type of thing.  
12 So I appreciate these being attached now,  
13 and we are going to be liable for any damage or re-  
14 grassing; so I appreciate you doing exactly that.  
15 Thank you.  
16 MAYOR PITTMAN: Ms. Dean?  
17 COUNCILMEMBER DEAN: When you talk about  
18 pipes, you're also referring to detention and  
19 retention ponds; right?  
20 ATTORNEY McLENDON: Uh-huh. There would  
21 be -- the typical things you'll see is a pipe. There  
22 may be a detention facility, a lot of times you'll see  
23 associated with a pipe like a headwall or maybe even a  
24 weir that sort of backs up the water until it pours  
25

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1 So there are various things, and usually the  
2 solution in each area is an engineered solution: You  
3 go in and see what the problem is, Engineer, what's  
4 the appropriate infrastructure? That's what goes  
5 there.  
6 COUNCILMEMBER DEAN: And so will the City go  
7 out to these properties and say, "Hey, this is what we  
8 want to address and fix?" because I can point to a  
9 number of them right now and say here, here, here,  
10 here.  
11 ATTORNEY McLENDON: This policy -- I've had  
12 a lot of experience with this policy because I've  
13 worked in areas --  
14 COUNCILMEMBER DEAN: Right.  
15 ATTORNEY McLENDON: -- that had a lot of  
16 problems with infrastructure put in about 30 and 40  
17 years ago.  
18 And how this would typically work in the  
19 real world: Somebody calls in and says, "There's a  
20 pipe in my yard and" -- or "a sinkhole forming in my  
21 yard where it appears this pipe goes."  
22 Staff would go out, investigate it, take  
23 pictures. We'd look to see if we could find any  
24 documents such as plats or deeds that said, you know,  
25

1 it," or anything of public record that would work.  
 2 You take all those documents and look at it  
 3 and make the determination. And if it is the City's  
 4 responsibility, if it is determined to be the City's  
 5 responsibility, at that point it goes into the queue  
 6 of stormwater projects, at which point it is  
 7 engineered to determine what is the correct solution  
 8 to it and then that solution is implemented.  
 9 COUNCILMEMBER DEAN: Okay. Now -- Oh, and  
 10 to the sinkhole problem, etc., if the City agrees to  
 11 go and fix this, is daylighting the stream on that  
 12 realm of possibility? Because I've spoken with the  
 13 DNR, with a woman at the DNR a couple of times, and  
 14 she said yes, because we do have -- we do have these  
 15 issues, and here are several ways to resolve these.  
 16 And that way, we don't have to keep fixing the same  
 17 problem repeatedly.  
 18 ATTORNEY McLENDON: What happens with these  
 19 is there's every variation of the potential solution  
 20 to it.  
 21 COUNCILMEMBER DEAN: Right. Okay.  
 22 ATTORNEY McLENDON: What you might find is  
 23 the property owner -- one property owner said day-  
 24 lighting, it seems like good idea. You know, a lot of  
 25

1 COUNCILMEMBER DEAN: Okay.  
 2 MAYOR PITTMAN: All right. So you need a  
 3 motion?  
 4 ATTORNEY McLENDON: I think at this time if  
 5 we chose to adopt this, it would be appropriate.  
 6 MAYOR PITTMAN: Does anyone wish to  
 7 entertain a motion?  
 8 COUNCILMEMBER ALEXANDER: I make a motion to  
 9 accept the stormwater policy with the attached  
 10 easement forms.  
 11 MAYOR PITTMAN: Second?  
 12 COUNCILMEMBER FLEMING: Second.  
 13 MAYOR PITTMAN: Okay. Discussion?  
 14 - - -  
 15 (No response)  
 16 - - -  
 17 MAYOR PITTMAN: Call the roll, please.  
 18 CLERK ROCKELEIN: Council Alexander?  
 19 COUNCILMEMBER ALEXANDER: Yes.  
 20 CLERK ROCKELEIN: Council Dean?  
 21 COUNCILMEMBER DEAN: Yes.  
 22 CLERK ROCKELEIN: Council Fleming?  
 23 COUNCILMEMBER FLEMING: Yes.  
 24 CLERK ROCKELEIN: Council O'Connor?  
 25

1 area of the yard that you wouldn't want -- they  
 2 wouldn't want to necessarily daylight.  
 3 But again, you know, the potential solutions  
 4 are, you know, anything within the realm of  
 5 possibility; that the real thing you've got to watch  
 6 for in these projects is make sure by fixing this you  
 7 don't do something bad to the next property down.  
 8 That's always the hardest thing to be watching.  
 9 COUNCILMEMBER DEAN: Okay. And finally, I  
 10 sent an e-mail with some information about grants  
 11 regarding this. Have we looked into those, some of  
 12 those? Because apparently there are a lot of funds  
 13 available to municipalities so that they could fix,  
 14 because it's such a huge issue. Have we even looked  
 15 into that, explored that?  
 16 ATTORNEY McLENDON: That would be --  
 17 MR. STEVE STRICKLAND: Yeah, and of course  
 18 we -- you know, we have our stormwater utility and we  
 19 have the money to fix these things.  
 20 A lot of times, the grants are actually a  
 21 regional, and we're actually partnering with some of  
 22 the other cities to look at regional detention.  
 23 COUNCILMEMBER DEAN: All right. Good.  
 24 MR. STRICKLAND: So yes, but we'll have  
 25

1 CLERK ROCKELEIN: Council Patrick?  
 2 COUNCILMEMBER PATRICK: Yes.  
 3 CLERK ROCKELEIN: Council Spangler?  
 4 COUNCILMEMBER SPANGLER: Yes.  
 5 MAYOR PITTMAN: Okay. Thank you. Thank you  
 6 both.  
 7 We are going into New Business. A is going  
 8 to be the Amendment to C-2 Zoning for New Auto  
 9 Dealerships along PIB. This is a public hearing.  
 10 And I do want to say that it is 20 till  
 11 9:00. We do have quite of other -- a lot of other  
 12 items here to cover. I need a motion if you so wish  
 13 to extend the meeting past 9 o'clock.  
 14 COUNCILMEMBER ALEXANDER: So moved.  
 15 MAYOR PITTMAN: Second?  
 16 COUNCILMEMBER FLEMING: Second.  
 17 MAYOR PITTMAN: Discussion?  
 18 - - -  
 19 (No response)  
 20 - - -  
 21 MAYOR PITTMAN: Call the roll, please.  
 22 CLERK ROCKELEIN: Council Alexander?  
 23 COUNCILMEMBER ALEXANDER: Yes.  
 24 CLERK ROCKELEIN: Council Dean?  
 25

1 CLERK ROCKELEIN: Council Fleming?  
 2 COUNCILMEMBER FLEMING: Yes.  
 3 CLERK ROCKELEIN: Council O'Connor?  
 4 COUNCILMEMBER O'CONNOR: Yes.  
 5 CLERK ROCKELEIN: Council Patrick?  
 6 COUNCILMEMBER PATRICK: Yes.  
 7 CLERK ROCKELEIN: Council Spangler?  
 8 COUNCILMEMBER SPANGLER: Yes.  
 9 MAYOR PITTMAN: Okay. Thank you.  
 10 MR. COOLEY: Good evening again, Mayor and  
 11 Council.  
 12 This is a amendment to the C-2 Zoning  
 13 District for New Auto Dealerships along Peachtree  
 14 Industrial Boulevard. I just passed out a couple  
 15 color Xerox. One is kind of a aerial photograph  
 16 marked up real broadly of the area that we're talking  
 17 about, and on the second page, you'll see a more  
 18 specific that relates to the parcels associated with,  
 19 which are at the intersection of I-285 and Peachtree  
 20 Industrial Boulevard.  
 21 As you all know, currently under the Zoning  
 22 Code auto dealerships whether new and used are only  
 23 allowed in the M-1 zoning district, and that's by a  
 24 conditional use permit in addition to other  
 25

1 minimum of six acres in size and must also have 600  
 2 feet of frontage on the right-of-way of arterial  
 3 street.  
 4 I think the intent of this -- and this  
 5 happened before I got here -- but was really to stop  
 6 the proliferation of small scale, especially used auto  
 7 dealership. Primarily where you've seen them happen  
 8 has been on Buford Highway. You know, every little  
 9 place became one because it was an allowed use at that  
 10 point and there were no restrictions on it.  
 11 And this was based upon -- the six acres,  
 12 my understanding was based upon the size -- they took  
 13 as, for example, Hennessy Lexus, which is on Peachtree  
 14 Industrial Boulevard -- so basically all sales lots,  
 15 automobile sales lots require accessory uses,  
 16 associated parking, etc.  
 17 Peachtree Industrial, as you're all aware,  
 18 is very much a -- a business cluster, and that's, you  
 19 know, it's a term, economic term where you get a  
 20 certain amount of one type of business that kind of  
 21 feeds on itself and it becomes an economic cluster.  
 22 That's happened all the way along Peachtree  
 23 Industrial, primarily not in the city of Doraville but  
 24 we do have two dealerships up in this area right next  
 25

1 ordinance was changed to be only in M-1. We have the  
 2 Jim Ellis Porsche dealership and we have the Hennessy  
 3 Lexus also there.  
 4 One of the things -- and it was -- I think  
 5 it was not foreseen at the time -- what it did do is  
 6 create both of those -- made them become non -- legal  
 7 nonconforming uses. Number one, the use is not  
 8 allowed in C-1, and number two, the size of the lot,  
 9 the six acre. Now, Hennessy meets that acreage but  
 10 the Porsche dealership does not, so they're both legal  
 11 nonconformity, and it creates issues both from a  
 12 perspective of insurance, rebuilding, improvements, a  
 13 lot of things that are involved that you cannot do  
 14 because they're legal nonconformity: you can't expand  
 15 a legal nonconformity.  
 16 All that being said, that's the basis of the  
 17 -- the reasons for the nonconforming use aspect of it.  
 18 The other aspect of it is, it's multiple.  
 19 First off, this is an area that the Council  
 20 decided in the LCI that would be pulled out of the  
 21 typical transect sections, the 4, 5, 6 that you're all  
 22 familiar with at this point, and was to be left in the  
 23 C-2 zoning area. My understanding in talking to  
 24 citizens and Council members was part of the intent of  
 25

1 there. So that was kept; that was part of the adopted  
 2 LCI, and it was discussed, and that has been retained.  
 3 So it is C-2, and if the intent is to allow  
 4 automobile dealerships to continue in that area, it  
 5 needs to be addressed within the code.  
 6 We've got a situation also where the  
 7 Hennessy Lexus is interested -- and they came to the  
 8 City -- of putting a new dealership on property that  
 9 is within this area, and the parcel they were looking  
 10 at or discussing is the outparcel right next to the  
 11 BrandsMart, right there on Peachtree Industrial where  
 12 it ties into Motors Industrial Way.  
 13 They were looking at ways to do this.  
 14 Recommendation is while it makes sense to bring it to  
 15 Council, see if Council would be interested in it. We  
 16 -- Council heard it, we sent it -- y'all sent it to  
 17 the Planning Commission. Planning Commission  
 18 discussed it, they reviewed it. Their recommendation,  
 19 as you can see in your agenda sheet, was for approval  
 20 but with conditions.  
 21 First condition, that there be a minimum lot  
 22 size of two acres, and this does correspond to the  
 23 current size of the Porsche dealership. So if this  
 24 were to pass, the Porsche dealership would actually  
 25

1 modifications, etc.  
 2  
 3 The use be restricted to an area in the LCI  
 4 that was shown as the C-2 at the area around the  
 5 intersection of Peachtree Industrial Boulevard and  
 6 Interstate I-285 to include both existing new auto  
 7 dealerships at that intersection, Porsche and the  
 8 Lexus dealerships.  
 9 Number three is that the use be restricted  
 10 to factory-authorized franchise dealerships selling  
 11 new vehicles with used vehicles selling as a customary  
 12 secondary ancillary use only. The point of that was,  
 13 again, to get away from the used auto dealerships.  
 14 This is language that apparently they use in  
 15 a lot of their real estate contracts. Being a  
 16 franchise through an automobile manufacturer is one of  
 17 the requirements of this, so it does limit it to that  
 18 aspect.  
 19 The sheet that I passed around to you -- and  
 20 could see this actually in the code or the ordinance  
 21 itself -- does limit it to an area within Peachtree --  
 22 or excuse me -- within the perimeter, inside I-285  
 23 within 1300 feet of the right-of-way of Peachtree  
 24 Industrial Boulevard.  
 25 Went around a lot of different ways trying

1 discussing, but also limiting them.  
 2  
 3 The front page you see, the part in orange -  
 4 - and excuse the big white line, but I'm not very good  
 5 with white-out creating maps -- but the two areas that  
 6 you see cross-hatched in there, the one north of  
 7 Peachtree Industrial is Jim Ellis Porsche, and the  
 8 below area is -- and you see this actually better on  
 9 the second page where you can actually see the  
 10 building -- is Hennessy Lexus. There's also the  
 11 Peachtree Pavilion and the BrandsMart is all within  
 12 that tract. The parcel that the consideration is  
 13 being for the new dealership again is that outparcel  
 14 you kind of see a kind of a yellow area there. It's a  
 15 little tough to see, but it's actually part of the  
 16 BrandsMart property. So they're in contract  
 17 negotiations on that.  
 18 So that being said, we are back before you  
 19 with this as you request. Again, the Planning  
 20 Commission recommended approval. Staff recommendation  
 21 is approval but incorporating the Planning  
 22 Commission's recommendations along with it.  
 23 So at that point, I will be glad to answer  
 24 any questions.  
 25 MAYOR PITTMAN: Thank you, Mr. Cooley, and

1 be aware that someone's here representing Hennessy,  
 2 and I'm going to ask them to come up, but before --  
 3 after they ask you questions, I am going to ask  
 4 Ms. Gilman if she has anything she'd like to say on  
 5 behalf of the Planning Commission.  
 6 MS. GILMAN: Mayor, thank you. I don't have  
 7 anything additional, but we do have a member of the  
 8 Planning Commission, Susan Crawford, I'd like to --  
 9 Susan, do you have anything to add to the  
 10 discussion?  
 11 MS. CRAWFORD: No.  
 12 MS. GILMAN: We have nothing.  
 13 MAYOR PITTMAN: Thank you so much.  
 14 MR. COOLEY: And we -- just for your  
 15 information, we also have Mr. Ellis from Jim Ellis  
 16 Porsche here this evening, so --  
 17 MAYOR PITTMAN: Okay.  
 18 MR. COOLEY: -- since that affects him.  
 19 MAYOR PITTMAN: All right. So is it  
 20 appropriate for him to speak in the public hearing or  
 21 should --  
 22 MR. COOLEY: I think if you did, once you  
 23 did the pro --  
 24 MAYOR PITTMAN: Okay. Got you.  
 25

1  
 2 MAYOR PITTMAN: Okay.  
 3 MR. COOLEY: -- that would be the  
 4 appropriate time.  
 5 MAYOR PITTMAN: Thank you.  
 6 MR. COOLEY: They did not initiate this.  
 7 This was something the City initiated, so --  
 8 MAYOR PITTMAN: Okay.  
 9 MR. COOLEY: -- they are not the applicant.  
 10 MAYOR PITTMAN: That's great. Thank you so  
 11 much.  
 12 Ms. Alexander, do you have any questions, do  
 13 you have any questions for Mr. Cooley before I call  
 14 the applicant up?  
 15 COUNCILMEMBER ALEXANDER: No, ma'am.  
 16 MAYOR PITTMAN: Ms. O'Connor?  
 17 COUNCILMEMBER O'CONNOR: No.  
 18 MAYOR PITTMAN: Mr. Patrick?  
 19 COUNCILMEMBER PATRICK: Just a quick  
 20 question. How would we enforce the factory-authorized  
 21 component of this?  
 22 MR. COOLEY: Again, as part of their getting  
 23 their occupational tax certificate if this is a  
 24 portion of the requirement within the code, they would  
 25 have to produce paperwork, lease and agreements

1 what the dealership is, along with the site plans,  
2 etc.

3 And I know you did have a question also  
4 about the architectural standards. Trying to make it  
5 work with the existing area, to me, was very  
6 problematic, and I think this is a good case; because  
7 personally -- and I don't think the City would be  
8 interested in something similar to BrandsMart, which  
9 would be the neighbor. Nothing against BrandsMart,  
10 but that's not what the City is looking for, I don't  
11 believe.

12 But that being said, if and when the City  
13 Council passes architectural design standards, as  
14 commercial property, this would fall under that, so,  
15 but you know, if it passes before they come in for  
16 application, they will fall under it, but conversely,  
17 if they apply for --

18 No, that's architectural design standards.  
19 Excuse me. That's not a zoning matter, so they would  
20 still apply. So yes, that would apply to it.

21 COUNCILMEMBER PATRICK: Okay. But I guess  
22 my question is is for enforcing the franchise, that is  
23 a requirement that we can -- that's legally  
24 defensible; we could say, We need this before we give  
25

1 MR. COOLEY: Yes, because actually in the  
2 actual ordinance, that language actually states that  
3 the -- This is adding an allowed use to the C-2 zoning  
4 district.

5 COUNCILMEMBER PATRICK: Okay.

6 MR. COOLEY: And let me read it so every-  
7 body will have -- everybody doesn't have this.

8 (Reading) This is a manufacturer-authorized  
9 car franchise dealership with customary sales and  
10 service of primarily new vehicles as well as pre-owned  
11 vehicles as a secondary accessory use, having a  
12 minimum lot size of two acres and located within 1,300  
13 feet of the right-of-way of Peachtree Industrial  
14 Boulevard and within the area formed by Interstate  
15 I-285 loop highway, said area also being known as  
16 inside I-285 perimeter.

17 So yes, we've got the language in there that  
18 this has to be a manufacturer-authorized car  
19 dealership.

20 COUNCILMEMBER PATRICK: Okay. And then one  
21 final question as a follow-up. It says "the  
22 majority." Does that assume that 51 percent of their  
23 inventory is going to be new cars?

24 MR. COOLEY: Well, again, it's --  
25

1 initiated rezoning; correct?  
2

3 MR. COOLEY: That is correct, yes, ma'am.

4 COUNCILMEMBER FLEMING: So putting  
5 conditions on ourselves for rezoning sounds a little bit  
6 odd to me.

7 MR. COOLEY: Well, actually you're putting  
8 it on the applicants of anybody that comes in.  
9 You-all are setting out the criteria. If  
10 anybody wants to come in to do this, this is what  
11 they've got to meet up. So basically the Council --  
12 you're not putting conditions on yourself; you're  
13 putting conditions on anybody that applies for it.

14 And I think it's critical, because if you --  
15 if you want to limit this to what -- you know, my  
16 understanding is the City looking for, you know, you  
17 know, the idea of a new auto dealership is a very  
18 positive thing from an economic impact, from the tax  
19 perspective, all types of reasons. But it makes a lot  
20 of sense.

21 COUNCILMEMBER FLEMING: I apologize. I said  
22 this incorrectly. We are doing a text amendment.

23 MR. COOLEY: Yes, ma'am.

24 COUNCILMEMBER FLEMING: Okay. We are not  
25 talking about a specific parcel right this second.

1 COUNCILMEMBER FLEMING: Okay.

2 MR. COOLEY: -- about a specific area,

3 though, which is --

4 COUNCILMEMBER FLEMING: Correct, correct,

5 and I totally agree with the ordinance the way that

6 it's written for the text amendment, but I was getting

7 a little bit confused on the architectural standards

8 for the building and so forth and so on because we're

9 trying to just do the text amendment to allow a

10 permitted use --

11 MR. COOLEY: Right.

12 COUNCILMEMBER FLEMING: -- not get into a

13 rezoning of a specific parcel number I.D.

14 MR. COOLEY: You're -- you're absolutely

15 right.

16 COUNCILMEMBER FLEMING: Okay. So --

17 MR. COOLEY: The only reason I was

18 responding to that, because I did have a question from

19 Councilman Patrick --

20 COUNCILMEMBER FLEMING: Okay.

21 MR. COOLEY: -- regarding that issue, and I

22 just wanted to share that and make sure everybody was

23 aware.

24 COUNCILMEMBER FLEMING: Okay. All right.

25

1 MAYOR PITTMAN: Okay. Ms. Dean?

2 COUNCILMEMBER DEAN: If this is -- if this

3 is City-initiated, then who is the applicant here?

4 MR. COOLEY: This is City-initiated, so

5 there's not really an applicant. This is not a

6 rezoning. This is an amendment to the Zoning

7 Ordinance.

8 COUNCILMEMBER DEAN: Okay. So we don't have

9 an applicant here tonight.

10 MR. COOLEY: No, ma'am.

11 COUNCILMEMBER DEAN: Okay. I live in

12 Doraville and I don't want to live in a parking lot,

13 and so -- so the following will be based on -- on

14 that. But why would putting overlay on C-2 be better

15 than having the dealerships come in and -- and apply

16 for a variance or a change in zoning?

17 MR. COOLEY: Well, number one, because they

18 would have to -- to apply for a zoning change, they

19 would have to apply for an M-1 zoning --

20 COUNCILMEMBER DEAN: Right.

21 MR. COOLEY: -- which is not consistent with

22 the Comprehensive Plan or the LCI plan. That is

23 specifically shown as C-2.

24 Besides that, this is a continuation where

25

1 C-2 that were legal when the ordinance was changed I

2 think in 2010, 2009, somewhere around there.

3 COUNCILMEMBER DEAN: But we're expanding

4 that, so we're saying, This is no longer allowed, but

5 because it's here already, we're going to make this

6 area bigger.

7 MR. COOLEY: No, ma'am. What we're doing is

8 saying that this is an allowed use within this real

9 specific little area. It's because it's part of that

10 Peachtree Industrial corridor of new car dealerships.

11 We've got a desire for people to do that within the

12 city.

13 COUNCILMEMBER DEAN: Okay.

14 MR. COOLEY: It's a logical use.

15 COUNCILMEMBER DEAN: Listen to my question.

16 We do not allow this in C-2 now, but they

17 are here; right? They're here --

18 MR. COOLEY: Right.

19 COUNCILMEMBER DEAN: -- and they were here

20 before. So what we are wanting to do now is increase

21 that area to allow more of this thing that is not

22 allowed in C-2, in C-2 in this bigger area.

23 MR. COOLEY: Yes, ma'am, in that -- that

24 small area within that quadrant as defined and shown

25

1 I guess the -- the biggest concern I've got

2 is to make sure that everybody understands this is

3 specific to that area and that area only.

4 COUNCILMEMBER DEAN: But that's a big area.

5 They're talking about all -- Why am I not under-

6 standing why we don't just expand the dealerships that

7 are there?

8 And for the record, I think the Porsche

9 dealership is closer to three acres, three-plus acres.

10 That was my understanding of the conversation I had

11 today.

12 MR. COOLEY: Yeah, they cannot -- Being

13 legal nonconformities --

14 COUNCILMEMBER DEAN: Uh-huh.

15 MR. COOLEY: -- they can't expand. They

16 cannot. It's illegal for them to expand.

17 And I do know, and I just recently found

18 out, that they are interested in redoing their

19 building, and they can't --

20 COUNCILMEMBER DEAN: Right, but -- okay.

21 MR. COOLEY: -- as a legal conforming.

22 COUNCILMEMBER DEAN: So if this thing's like

23 going here when we just have to go here -- right? --

24 I mean why are we making this area so big? Because

25

1 is there.

2 MR. COOLEY: This is the area that was set  
3 out as C-2 and only this area in this that was set out  
4 in the LCI to be -- to maintain a C-2. So the logical  
5 basis was, you know, that's what that was for.

6 It gets kind of awkward if you're trying to  
7 start splitting up parcels and taking a parcel and  
8 maybe splitting the zoning on it. That creates  
9 problems.

10 So basically we were just following what was  
11 in the LCI as far as area goes.

12 COUNCILMEMBER DEAN: Okay. But I'm still  
13 not understanding why C-2 is better than M-1. Why not  
14 just change it or even have the City initiate a zoning  
15 change to make that M-1 so they can do what they want?

16 MR. COOLEY: Because M-1 is not -- would not  
17 be allowed if you followed the Comprehensive Plan.

18 COUNCILMEMBER DEAN: Okay. But see, here's  
19 my -- here's my -- here's my -- This is where I'm not  
20 understanding, because if it's going to be used for  
21 the same thing and it doesn't follow our Comp Plan,  
22 then what's the difference?

23 MR. COOLEY: The difference is you are  
24 adding one individual use into the C-2, which there is  
25

1 M-1 is light manufacturing. You are opening  
2 up a huge big pile of other things other than the used  
3 car dealerships. Now, you could do that and y'all  
4 could change the Comprehensive Plan if you like.  
5 That's certainly within y'all's power.

6 But I'm not sure that the uses that we have  
7 in M-1 would necessarily be appropriate in the area  
8 that has been designated under the LCI as C-2.

9 COUNCILMEMBER DEAN: Okay. But what's to  
10 prevent someone from going, "Oh, here's this great  
11 place on Buford Highway that's C-2. I want to put a  
12 car dealership here"?

13 MR. COOLEY: That would not be allowed under  
14 this ordinance, this amendment.

15 COUNCILMEMBER DEAN: And again, because the  
16 City is the applicant, we don't get all the paperwork  
17 that's involved in this kind of change like who made  
18 donations and contributions to -- to campaigns --

19 MR. COOLEY: That's public --

20 COUNCILMEMBER DEAN: -- elected officials?

21 MR. COOLEY: That's not standard procedure.  
22 I'll turn to Legal on that. But that's something  
23 that's public --

24 COUNCILMEMBER DEAN: I mean usually --  
25

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2 up a huge big pile of other things other than the used  
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23 that's public --

24 COUNCILMEMBER DEAN: I mean usually --  
25

1 This is about open government, and clearly  
2 what's going on here, we are making a change in the  
3 Zoning Ordinance, circumventing State zoning laws  
4 specifically for one client in the city, and that is  
5 Hennessy Lexus and the land group that owns the land  
6 around Hennessy Lexus which contributed large sums of  
7 money to the campaign of several people on this Mayor  
8 and Council.

9 By doing a City-initiated rezoning, we're  
10 circumventing State law here. Now, changing to two  
11 acres, that is again the specific size of the property  
12 adjacent to Hennessy Lexus. It's owned by the same  
13 group of people that own the 46 acres purchased from  
14 the GM property, the original 192 acres.

15 Now, I'm not saying I'm against the car  
16 lots. That's not. I mean the Porsche -- I work on  
17 Porsches. But the problem here is we are not allowing  
18 the public to know what's going on here. We're  
19 circumventing the law.

20 This needs to go back to the Council -- to  
21 the Planning Commission and we need to make this a C-3  
22 zoning or some other than C-2, that we will allow  
23 three acres or better, whatever it is, new-car  
24 franchises to be in this area, not just for Hennessy  
25

1 Chevrolet parts plant.  
2 This is clearly Doraville -- at the root of  
3 Doraville's problems. Behind the door, circumventing  
4 the law, and not being up front with the public  
5 because certain members of this Council and Mayor's  
6 office have received large sums of money and benefits  
7 from the ownership involved.

8 This pie is not done; you need to stick it  
9 back in the oven.

10 And the fact that there were some questions  
11 asked about this is the 190 acres of development.  
12 Okay? This is the General Motors future. Does the  
13 BrandsMart look like a good development? No. Why are  
14 you adding to the problems? The H-Mart building is  
15 now condemned. It's part of that blighted area you-  
16 all voted on, okay? Now that's going to become a car  
17 dealership. Is this part of your vision for the  
18 future?

19 What you're doing is you're circumventing  
20 the law, and once again corruption raises its ugly  
21 head in the city of Doraville. Thank you.

22 MAYOR PITTMAN: Anyone else wishing to speak  
23 against please come forward, anyone wishing to speak  
24 against.  
25

1 (No response)  
2 - - -  
3

4 MAYOR PITTMAN: Okay. At this time we're  
5 going to close that portion and I'm going to open the  
6 floor for anyone speaking in favor of. If you're  
7 willing to come speak in favor of, again, you have 10  
8 minutes. That's 10 minutes total. Please state your  
9 name for the court clerk.

10 MS. LAUREL DAVID: My name is Laurel David.  
11 I'm an attorney with Galloway Law Group. I'm  
12 representing Hennessy here tonight.

13 I want to first thank Joe for going through  
14 the staff report so thoroughly. I know we're all  
15 trying to get home, so I'm not going to speak too  
16 long.

17 I wanted to say, though, that the fact that  
18 Hennessy is a nonconforming use is a serious concern.  
19 It would be for any business. So for instance, if  
20 shall we say the pipes froze and the building flooded  
21 and destroyed the building tonight, they would not be  
22 able to rebuild that building. It creates insurance  
23 problems and refinancing issues for the building.  
24 There are also limitations on any renovation or, you  
25 know, refurbishment of the existing building in your

1 Now, when we originally came to the City  
2 wanting to see how we could resolve this issue -- and  
3 we did discuss the possibility of a rezoning and  
4 decided that, you know, putting M-1 in this isolated  
5 C-2 area felt more like spot zoning -- you know, added  
6 to which of course it doesn't conform with your  
7 Comprehensive Plan. So this was the solution that --  
8 that we came up with.

9 No, we're not asking for special favors,  
10 we're not trying to circumvent any Zoning Procedure  
11 laws. We are asking the City to look at this  
12 objectively and decide is this a use that you would  
13 like to see here and is this a business that you would  
14 like to encourage within the city limits.

15 And we expect you to make that decision  
16 objectively and without regard to anything that was  
17 alluded to by the previous speaker.

18 So unless you have any questions, I'll ask  
19 for your support. Thank you.

20 MAYOR PITTMAN: Thank you.

21 MR. STUART ANDERSON: Stuart Anderson.  
22 Just simply a common-sense solution to a --  
23 to an issue that was created, and it makes sense.  
24 Thank you.  
25

1 Oakcliff.

2 I agree with what Stuart said. I think this  
3 is a real common-sense solution.

4 Switching it to M-1's crazy because then you  
5 can just let all kinds of stuff go in there. And it  
6 sounds like it's very specific. There's already a  
7 whole corridor of car dealerships which happen in  
8 different areas and it's a very good economic thing  
9 for the city to have these car dealerships in the city  
10 from the taxes that we know the city needs.

11 And you know, the way it's currently  
12 written, like he was saying too, like the Porsche  
13 dealer, if they just want to do some expansion or they  
14 want to remodel, they can't, because it was an  
15 existing business that was then zoned nonconforming  
16 use. And it's happened all over the city to different  
17 businesses.

18 And this kind of stuff needs to be fixed so  
19 that these businesses can thrive and not be under this  
20 fear, "If the pipes bust, we can't fix our building."  
21 So I think you should definitely consider doing this.  
22 Thank you.

23 MAYOR PITTMAN: Thank you.

24 MR. JIMMY ELLIS: Good evening. I'm Jimmy  
25

1 And I didn't really plan to speak tonight.  
2 I came after a notification, I guess it was three or  
3 four weeks ago, about this particular meeting that  
4 occurred in November to address this issue.

5 When the M-1 zoning occurred -- and I think  
6 it was back in '10 that that happened -- we were  
7 blind-sided by that, honestly. I didn't get noti-  
8 fication of it until late and I guess I was busy and  
9 things going on, didn't really pay attention. That  
10 was my bad.

11 But we woke up one morning and we had  
12 basically been zoned nonconforming, and we had been  
13 there for -- for some time and had taken a showroom  
14 that was a Pontiac showroom and expanded it into a  
15 nice, really good looking Porsche dealership.

16 And being a manufacturer representative, we  
17 wish that a lot of times they would come up with their  
18 architectural design and be happy with that for some  
19 period of time, but their expectation is for us to  
20 grow and expand our business in our representation of  
21 their brand within the market that we've been given.  
22 And to do that, it requires the flexibility of us to  
23 be able to expand within the corridor that we're  
24 currently doing business in.  
25

1 I kind of get that.

2 But with the restriction of a manufacturer-  
3 approved auto dealership, they don't just hand these  
4 franchises out, you know. You have to work really  
5 hard, and they designate a large area for that  
6 franchise to have one dealership represented so you  
7 won't have to worry about the proliferation of all of  
8 a sudden all these dealerships starting to sprout up  
9 here. We're just, by making that restriction of it  
10 being a manufacturer-approved new car facility.

11 And to your question about the balance  
12 between new and used vehicles, Mr. Patrick, we are  
13 required to inventory a certain number of new vehicles  
14 and sell a certain number of new vehicles to keep the  
15 franchise. So there are requirements of performance  
16 on each dealer, and how we represent the brand, how we  
17 take care of our customers; the facilities, how well  
18 they're kept; the architectural design, because we're  
19 representing their brand, and that's very, very  
20 important to them. So the restrictions that are  
21 placed on us as representatives of their brands are  
22 far greater than what you might think would be  
23 appropriate restriction for a business operating in  
24 your community.  
25

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1 this and correct a fallacy that occurred back in '10  
2 that I do believe was unintentional.  
3  
4       MAYOR PITTMAN: Thank you, Mr. Ellis.  
5       MR. ELLIS: Thank you.  
6       MAYOR PITTMAN: Okay. Anyone else wishing  
7 to speak in favor of?  
8                     - - -  
9                     (No response)  
10                    - - -  
11       MAYOR PITTMAN: Okay. At this time, we're  
12 going to close the Public Hearing portion and bring it  
13 back up.  
14       Mr. Cooley, did you have anything else you  
15 wanted to add?  
16       MR. COOLEY: No, ma'am, unless there are  
17 questions.  
18       MAYOR PITTMAN: Okay. Any questions, Ms.  
19 Alexander?  
20       COUNCILMEMBER ALEXANDER: No, ma'am.  
21       MAYOR PITTMAN: Ms. O'Connor?  
22       COUNCILMEMBER O'CONNOR: No.  
23       MAYOR PITTMAN: Mr. Patrick?  
24       COUNCILMEMBER PATRICK: No.  
25       MAYOR PITTMAN: Ms. Fleming?

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1       MAYOR PITTMAN: Ms. Dean?  
2       COUNCILMEMBER DEAN: What would -- what  
3 would the -- the difference be in designating a new  
4 zoning district -- for example, C-3 for example or  
5 something else -- to facilitate this?  
6       MR. COOLEY: You would actually have to go  
7 through a process to determine what all the different  
8 uses that you would want in that. You basically would  
9 be a creating a totally new zoning district --  
10       COUNCILMEMBER DEAN: Uh-huh.  
11       MR. COOLEY: -- so you would -- it would be  
12 beyond -- I guess what you want to compare is what  
13 would you not want to have in C-2 that you would have  
14 in C-3 other than one district on something like that.  
15 I think that would be the primary aspect of it, too.  
16       The only other thing I can see is that,  
17 again -- and maybe this is just a question of  
18 modifying the LCI or the Comp Plan to accommodate for  
19 that --  
20       COUNCILMEMBER DEAN: Okay. And --  
21       MR. COOLEY: -- because right now it's C-2.  
22       COUNCILMEMBER DEAN: And the minimum size of  
23 two acres, because Mr. Ellis said earlier that his lot  
24 is 3 point something acres and he wants to expand. So  
25

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1 from two acres to three?  
2       MR. COOLEY: Well, part of that certainly is  
3 -- you know, was when this was brought up to us with  
4 the area that they were talking about. I asked the  
5 Lexus when they first came in and started saying,  
6 "Now, what's the possibility of something like this?"  
7  
8       And my question to them is, you know, "How  
9 much room do you have to have?" You know, "What's the  
10 minimum that, you know, makes it functional?"  
11       And basically the answer I was told for any  
12 dealership -- and this gets into not some of your  
13 really large volume things, I think, like you would  
14 see a huge inventory of, say, Toyota or something like  
15 that.  
16       COUNCILMEMBER DEAN: Uh-huh.  
17       MR. COOLEY: It's probably more specialized,  
18 higher-end type of market and models and stock. The  
19 thing was two acres minimum. "Can't do it less than  
20 two acres." So that's what we used as the basis.  
21       COUNCILMEMBER DEAN: Okay. But what --  
22       MR. COOLEY: And it works for that area.  
23       COUNCILMEMBER DEAN: Right.  
24       So three -- three acres would not be a -- I  
25 mean can we change it to three acres?

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1       MR. COOLEY: Well, again, your situation  
2 then is the smallest lot that you've got over there  
3 within the C-2 is two acres. There's one two-acre lot  
4 that's vacant. The rest, everything else is pretty  
5 much full up at this point.  
6       COUNCILMEMBER DEAN: Okay. All right.  
7 Thank you.  
8       MR. COOLEY: Certainly.  
9       MAYOR PITTMAN: Thank you.  
10       So you need a motion --  
11       MR. COOLEY: Yes, ma'am.  
12       MAYOR PITTMAN: -- for one way or the other?  
13       MR. COOLEY: It would be back to y'all, you  
14 know, the pleasure of the Council.  
15       MAYOR PITTMAN: Okay. Bring it up to the  
16 Council. Does anyone wish to entertain a motion?  
17       COUNCILMEMBER ALEXANDER: I make a motion to  
18 approve the C-2 text amendment regarding manufacturer-  
19 authorized new car dealerships.  
20       MAYOR PITTMAN: Second?  
21       COUNCILMEMBER PATRICK: Second.  
22       MAYOR PITTMAN: Discussion?  
23       COUNCILMEMBER ALEXANDER: I want to thank  
24 Mr. Ellis for his comments and his understanding. He  
25 is correct. The reason we changed the zoning in 2010

1 was because Buford Highway was becoming overpopulated  
2 with the buy-here/pay-here give-us-your-paycheck-and-  
3 we-give-you-a-car, and that was the reasoning of  
4 changing our zoning, and we apologize that it had an  
5 unintended ill effect on some other dealerships.

6 COUNCILMEMBER DEAN: And I would like to say  
7 that I'm going to vote -- because I think that this  
8 could have been done a better way. I'm not sure how,  
9 but I just -- I don't feel like it's very tightly done  
10 in terms of --

11 I mean I'm still not sure why this overlay  
12 will prevent someone else from going to another part  
13 of C-2, so I just want to say that on the record.

14 MAYOR PITTMAN: Call the roll, please.

15 CLERK ROCKELEIN: Council Alexander?

16 COUNCILMEMBER ALEXANDER: Yes.

17 CLERK ROCKELEIN: Council Dean?

18 COUNCILMEMBER DEAN: No.

19 CLERK ROCKELEIN: Council Fleming?

20 COUNCILMEMBER FLEMING: Yes.

21 CLERK ROCKELEIN: Council O'Connor?

22 COUNCILMEMBER O'CONNOR: Yes.

23 CLERK ROCKELEIN: Council Patrick?

24 COUNCILMEMBER PATRICK: Yes.

25 CLERK ROCKELEIN: Council Spangler?

1 COUNCILMEMBER SPANGLER: Yes.

2 MAYOR PITTMAN: Motion carries. Thank you.

3 Okay. Next on the agenda is going to be  
4 under New Business, Adoption 2012 International  
5 Property Maintenance Code Update.

6 MR. COOLEY: This is a -- basically an  
7 update of the existing ordinance that we have. We  
8 need to -- The International Property Maintenance Code  
9 is updated every so often. The State goes through and  
10 adopts different aspects of it.

11 What we're doing is updating the language  
12 within our code to utilize the new ordinance as  
13 opposed to the old. It's pretty much the same as what  
14 is in there now except updating.

15 One comment I did receive from Council was a  
16 question on page 4 under section 302.4 where it says  
17 insert 10 inches, and that is regarding grass height.  
18 Now, the way the code was adopted that we currently  
19 have, it says municipality fill in the blank, and this  
20 Council filled in previously 10 inches.

21 The question was, Is there a problem if the  
22 Council wished to change that? Absolutely not. I've  
23 discussed it with Legal, I've discussed it with Code  
24 Compliance. They do not have a problem if y'all wish  
25 to make it 15 inches or bring it down to 8 inches or

1 whatever you wish. It's not a problem from a Code  
2 Compliance and certainly not from a legal perspective,  
3 and so that's one thing I think that there might be  
4 some interest in modifying.

5 MAYOR PITTMAN: Okay. Ms. Alexander, did  
6 you have any questions?

7 COUNCILMEMBER ALEXANDER: Yes, I did.  
8 Regarding Section 106, the way I read that, since it  
9 uses the word "shall" means that that's going to be  
10 the penalty that's imposed every time. So I was a  
11 little confused by that language. because I think we  
12 give our members of the judiciary across the way there  
13 the ability to adjust fines.

14 MR. COOLEY: On that, where I think the  
15 language where it says "shall be up to" includes that  
16 discretion by virtue of the "up to" being in there.  
17 And the six months/\$1,000 dollars is our maximum  
18 allowable fine.

19 MAYOR PITTMAN: Ms. O'Connor?

20 COUNCILMEMBER O'CONNOR: No.

21 MAYOR PITTMAN: Mr. Patrick?

22 COUNCILMEMBER PATRICK: No.

23 MAYOR PITTMAN: Ms. Spangler?

24 COUNCILMEMBER SPANGLER: No.

25 MAYOR PITTMAN: Ms. Fleming?

1 COUNCILMEMBER SPANGLER: Yes.  
2 MAYOR PITTMAN: Motion carries. Thank you.  
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22 Council wished to change that? Absolutely not. I've  
23 discussed it with Legal, I've discussed it with Code  
24 Compliance. They do not have a problem if y'all wish  
25 to make it 15 inches or bring it down to 8 inches or

1 COUNCILMEMBER FLEMING: The International  
2 Property Maintenance Code is in MuniCode?

3 MR. COOLEY: No, ma'am. It's not allowed to  
4 be; it's copyrighted. This is the type of thing that  
5 is only in the book.

6 Actually, I think there is one place --

7 COUNCILMEMBER FLEMING: And Council --

8 MR. COOLEY: -- that you can find it.

9 That's the --

10 COUNCILMEMBER FLEMING: Council doesn't have  
11 books; right? We don't have this --

12 MR. COOLEY: We --

13 COUNCILMEMBER FLEMING: -- in our  
14 possession.

15 MR. COOLEY: They are very expensive. We  
16 have just received -- we -- two or three weeks ago, we  
17 actually got the copies, two sets of copies that we  
18 keep here at the courthouse.

19 COUNCILMEMBER FLEMING: So my comment to  
20 Legal as well as to Mr. Cooley is that it is extremely  
21 difficult for me to make text-amendment changes to  
22 something that I'm not seeing the original. Okay? I  
23 think that's a very poor policy, because just like  
24 section 302.4, if somebody asks, "Well, what are we  
25 inserting 10 inches for?" you know, I mean. So this

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1 is one thing that I have an issue with is that we  
2 haven't seen an original document to determine whether  
3 we ought to be putting these in or not putting these  
4 in.  
5 But one I do want to make a comment on is  
6 section 106.2, and we're going to add a sentence.  
7 Now, I don't know what's before it and I don't know  
8 what's after it, but it says, A citation without prior  
9 notice, a violation may be served upon an owner of  
10 property where a notice of any violation had  
11 previously been served within a 24-month period prior  
12 to a new violation.  
13 MR. COOLEY: I'm afraid I'm going to have to  
14 pass on this to Legal because they drafted it.  
15 COUNCILMEMBER FLEMING: We're going to hit  
16 somebody up with a citation --  
17 MR. COOLEY: Money.  
18 COUNCILMEMBER FLEMING: -- for something  
19 that they did this time, that 24 months ago, they  
20 didn't do before.  
21 ATTORNEY McLENDON: And a couple of things  
22 to address. It is something where -- it's a step  
23 backwards. The property maintenance is very  
24 protective of their copyright. We do maintain copies  
25 at City Hall, and the ordinance actually states they

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1 are maintained here and available for public  
2 inspection in the Clerk's office.  
3 I think it would be fair use for us to get  
4 copies of the sections that you're looking at, and I  
5 would think we would be able to distribute that  
6 without a problem.  
7 This particular section, I can, not to --  
8 Y'all can do anything we want. This can be changed  
9 however it's the Mayor and Council's policy to make  
10 this.  
11 I can tell you I had issues come up in the  
12 past because the International Property Maintenance  
13 Code is sort of the standard format, has a very long  
14 process before you can get to issuing a citation. And  
15 the problem with that is sometimes you need to be able  
16 to issue a citation fast, especially if you have a  
17 really looming property maintenance issue.  
18 You know, if your neighbor has a -- you  
19 know, if their yard has just gone wild and you have  
20 vermin and things in the grass, the tall grass, under  
21 the original draft of the Property Maintenance Code,  
22 there was a long, two-week waiting period, and if I'm  
23 correct, this was a relatively drawn-out process. And  
24 this gives you a little more expedited ability to come  
25 in and get quicker compliance is what it's about.

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1 But I would be -- I would have absolutely no  
2 objection, and I think we'd be fine copyright-wise to  
3 give you copies of these sections that you're  
4 reviewing so you would be able to address it in  
5 context.  
6 COUNCILMEMBER FLEMING: So let me ask one  
7 question and then I'll ask something else.  
8 So are these amendments in section 5-27,  
9 amendments to IPMC, amendments that we're -- that we  
10 are amending or that they are requesting us to amend?  
11 ATTORNEY McLENDON: The way it's set up,  
12 it's set up as a generic document for -- you know, all  
13 communities can use it as a model code. But everyone  
14 who adopts it comes in and makes the changes. For  
15 instance, you insert City of Doraville where it  
16 requires the city name. It's a common issue of how  
17 high do you want it to, you know, make the grass  
18 height violation.  
19 That's why we take what is the model  
20 ordinance but fill in these key areas and sort of  
21 tailor them to your policy so what ultimately goes in  
22 there is the Mayor and Council's decision.  
23 COUNCILMEMBER FLEMING: And that's fine.  
24 And since these are not their changes that they're  
25 requesting and they are changes we are doing, the

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1 document then becomes ours and it's not then becoming  
2 a copyrighted item, okay? So I would like a copy of  
3 the International Property Maintenance Code, please.  
4 ATTORNEY McLENDON: And A, we can certainly  
5 get you a copy.  
6 I can tell you with the number of changes in  
7 there, it probably -- copyright law is pretty complex,  
8 and I'd be -- we'd have to look at that. But you can  
9 have copies for use in context, especially deciding  
10 your amendments. I think that's not a problem at all  
11 and I think that would be perfectly appropriate to  
12 provide it.  
13 COUNCILMEMBER FLEMING: Well, though -- and  
14 I don't mean to elaborate on this particular item --  
15 so we can move on, I'm not in favor of this at all,  
16 but I'm definitely not in favor of giving somebody a  
17 citation without warning within a 24-month period.  
18 You know, somebody has their car not parked on their  
19 driveway and they're on the grass and they get a  
20 citation because their grass wasn't mowed to 10 inches  
21 24 months ago.  
22 ATTORNEY McLENDON: It's your policy. Your  
23 policy. Y'all can do anything that you choose to do  
24 in that section.  
25 MAYOR PITTMAN: Okay. Ms. Dean?

1 COUNCILMEMBER DEAN: Yeah. This is the  
 2 first read; right? Anyone?  
 3 ATTORNEY McLENDON: Yeah, I think it would  
 4 be.  
 5 MR. COOLEY: This is the first time it came  
 6 up.  
 7 COUNCILMEMBER DEAN: Okay. I would really  
 8 greatly appreciate copies of just the sections in  
 9 which the changes are made. I would feel much better  
 10 having that before.  
 11 COUNCILMEMBER ALEXANDER: And if I could  
 12 just make an additional comment, previously we also  
 13 had a copy of the book held as City property at the  
 14 Doraville Library, because the library is open more  
 15 hours than City Hall and the money to get additional  
 16 availability of the book to our residents.  
 17 COUNCILMEMBER DEAN: Great.  
 18 ATTORNEY McLENDON: I think that's a great  
 19 idea.  
 20 MR. COOLEY: I believe we ordered a copy for  
 21 the Library, have all the new code sections.  
 22 COUNCILMEMBER ALEXANDER: Okay. Thank you.  
 23 It just wasn't included in the -- in the ordinance so  
 24 I wanted to make sure we still have a copy at the  
 25 library.

1 MAYOR PITTMAN: Ms. Alexander?  
 2 COUNCILMEMBER ALEXANDER: No, ma'am.  
 3 MAYOR PITTMAN: Ms. O'Connor?  
 4 COUNCILMEMBER O'CONNOR: No.  
 5 MAYOR PITTMAN: Mr. Patrick?  
 6 COUNCILMEMBER PATRICK: No.  
 7 COUNCILMEMBER FLEMING: No.  
 8 MAYOR PITTMAN: Ms. Fleming?  
 9 COUNCILMEMBER FLEMING: No.  
 10 COUNCILMEMBER SPANGLER: No.  
 11 MAYOR PITTMAN: Ms. Dean?  
 12 COUNCILMEMBER DEAN: No.  
 13 MAYOR PITTMAN: Okay. So this will also be  
 14 on the 21st.  
 15 MR. COOLEY: The 21st.  
 16 MAYOR PITTMAN: All right. Next on the  
 17 agenda is the Subdivision of Parcel at 3300 Chestnut  
 18 Drive, Parcel No. 18 296 060 009 by the Church of the  
 19 New Covenant Presbyterian Church.  
 20 MR. COOLEY: This is a subdivision of an  
 21 existing R-1 parcel which has been utilized as a  
 22 Montessori school and the Church of the New Covenant  
 23 Presbyterian Church.  
 24 The church is interested in subdividing to  
 25 allow division of the Montessori school along from the

1 ATTORNEY McLENDON: When you do something by  
 2 incorporation like this, there's certain magic  
 3 incorporation language you have to say, and the real  
 4 magic language is it has to go on file in the Clerk's  
 5 office but you can -- the more access, the better, so.  
 6 COUNCILMEMBER ALEXANDER: And if staff could  
 7 please get us copies of the language.  
 8 MR. COOLEY: The relevant sections?  
 9 COUNCILMEMBER ALEXANDER: Yes.  
 10 MR. COOLEY: And we also will have a copy  
 11 here if you'd like to see it.  
 12 COUNCILMEMBER ALEXANDER: And this will  
 13 carry over to the 21st agenda I assume?  
 14 MAYOR PITTMAN: Yes, it will.  
 15 Okay. Next is going to be the adoption of  
 16 the State Updated Building Codes.  
 17 MR. COOLEY: We're in a similar situation  
 18 again. The State has adopted the new version 2012 --  
 19 we just need to do this to be consistent -- as opposed  
 20 to the International Maintenance Code, Property  
 21 Maintenance Code.  
 22 There's not changes within this. This is  
 23 just adoption of the new code instead of the old 2006,  
 24 I believe it was.  
 25 Be happy to answer any questions.

1 actual property. From a physical perspective, it  
 2 works well because of the separation: one is one end  
 3 of the site; the other is the other end of the site.  
 4 The reason this is coming before y'all and  
 5 through the Planning Commission as opposed to a minor  
 6 subdivision which is administratively under the --  
 7 under the Building Code on Section 5 is that under  
 8 that section it specifically states that if it is to  
 9 be residential use.  
 10 Even though a residential zoning, this is  
 11 not a residential use. It's an allowed use by  
 12 conditional use permit. However, this predated that  
 13 ordinance and this is a legal nonconforming use which  
 14 will continue to be a legal nonconforming use, so it  
 15 is not -- we couldn't do it administratively and  
 16 thought it was appropriate that it best go before the  
 17 Planning Commission for their review and approval, and  
 18 then upon that approval, review and approval, it  
 19 actually comes to the City Council for concurrence and  
 20 signing by the Mayor. It's already been signed and  
 21 approved by the secretary of the Planning Commission  
 22 and so it moves forward.  
 23 Just as a note, too, though, and this is  
 24 something that wasn't really related -- and maybe,  
 25 Carol, you'd like to speak to it -- is that one of the

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1 things that the Planning Commission was concerned  
2 about was the runoff and some of these things like  
3 this. It really is not applicable or part of the  
4 review when you're just subdividing the land like  
5 that. If you're going to build something new, it  
6 kicks in. So if they were to tear something down or  
7 change the site development plan, it would be  
8 required, but in this case, it's not.  
9 But that was a concern. I know there's  
10 large amounts of water that really come off that.  
11 It's an issue that we've had in Doraville, all  
12 throughout Doraville, I think, because just an era  
13 when most of it was developed and the way it was paved  
14 and stormwater and retention was not required. And as  
15 Steven mentioned, you know, we are working with some  
16 of the municipalities about a larger concept of some  
17 of the stormwater approaches.  
18 One other thing in here, too: The parking  
19 is divided. Now, there's sufficient parking for both  
20 use, but because of the way they drew the line, we  
21 require them to have a ingress/egress-and-parking  
22 shared-use agreement, and to that end, we also did  
23 require them to execute that and have it recorded with  
24 the clerk of the court prior to this going before the  
25 Planning Commission, which they did, so the parking is

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1 not an issue.  
2 It meets all the remaining portions of the  
3 existing code that are applicable. So as I said, the  
4 Planning Commission has approved; they're asking your  
5 concurrence in signing the balance.  
6 MAYOR PITTMAN: Ms. Gilman, did you have  
7 anything?  
8 MS. GILMAN: Thank you, Mayor.  
9 Mr. Cooley is correct; we did address the  
10 very serious issue of the severe stormwater run-off  
11 coming down the -- the sharp hill from the school and  
12 down onto Chestnut and across the roadway. We  
13 discussed that also with the Stormwater Manager,  
14 Steven Strickland. And as Joe just said, that action  
15 would be required if there was a change in the  
16 structure or any type of rebuilding or new building.  
17 I would hope that the applicant -- I would  
18 hope that the church and the school would treat this  
19 issue, stormwater runoff, from a good-neighbor policy  
20 standpoint as opposed to the legal standpoint.  
21 There's such a thing as an investment, a minor invest-  
22 ment of something that would look like a speed breaker  
23 that could be installed in several places crossways in  
24 that parking area, to help stem that water flow --  
25 severe water flow -- and direct it toward the drains

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1 that do exist on Chestnut Drive. That was our major  
2 concern, and I hope that the church and school would  
3 take it in the light and manner in which it was  
4 intended.  
5 MAYOR PITTMAN: Thank you, Ms. Gilman.  
6 Ms. Alexander, did you have any questions?  
7 COUNCILMEMBER ALEXANDER: No, ma'am.  
8 MAYOR PITTMAN: Ms. O'Connor?  
9 COUNCILMEMBER O'CONNOR: Yes. I have one  
10 question. What about the parking you said that it was  
11 agree -- how would that parking work now with the  
12 properties being . . .  
13 MR. COOLEY: Basically it's the same as it's  
14 been used, but from an ownership perspective, it's in  
15 one lot versus the other as opposed to, you know, one  
16 over a lot. That's why we required them to get the  
17 cross easement so they -- it is on the property but  
18 they have a right to use that parking and ingress/  
19 egress.  
20 It's pretty much like you see in a shopping  
21 center, very similar. It's kind of the same approach.  
22 You've got a lot of different -- if it's condos or  
23 individual buildings, they all share parking, but it  
24 has to be done in a legal document and recorded by the  
25 clerk. That's why we wanted to make sure that it was

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1 done then and noted actually on the plat.  
2 COUNCILMEMBER O'CONNOR: And that's not  
3 going to be a problem?  
4 MR. COOLEY: No, ma'am. And actually, the  
5 uses are not planned to be changed, and I believe a  
6 representative from the church is here -- yes -- that  
7 they could speak to it more specifically.  
8 But my understanding from what was discussed  
9 -- what I've discussed with their attorneys and with  
10 the members and they presented at the Planning  
11 Commission was that, you know, they've been very good  
12 tenants, I guess, if you will, and they wanted to keep  
13 it the same, so it just basically is giving them their  
14 own land and versus the church.  
15 And again, she can address probably the  
16 things, but as far as the parking requirement, that  
17 meets the City requirements.  
18 COUNCILMEMBER O'CONNOR: Can we hear a  
19 little bit more about the parking from the church?  
20 MR. COOLEY: The runoff?  
21 COUNCILMEMBER O'CONNOR: No, no. The  
22 parking. You said that we could get some -- that  
23 somebody from the church was here and was going to --  
24 MR. COOLEY: Oh. Yes, ma'am. I think they  
25 could probably answer your questions better than I

1 could.

2 MAYOR PITTMAN: Okay. Give me just a minute  
3 and we'll get them up here, Joe.

4 Mr. Patrick?

5 COUNCILMEMBER PATRICK: Just kind of a  
6 general question with the process itself. Is it in  
7 your experience that many jurisdictions have a simple  
8 land subdivision come through a political organ of a  
9 community?

10 MR. COOLEY: No. Very simple ones like this  
11 -- and I think that was the City's intent when they  
12 added it. Instead of putting it in the subdivision  
13 regulation, for some reason, it was put up in the  
14 Building Code. And to be quite honest with you, I'd  
15 never seen it.

16 In fact, Councilman Dean, you know, brought  
17 it to our attention. It's in the wrong place it was  
18 adopted. It's okay there, but it should be -- it  
19 should be under the subdivision ordinance. And that's  
20 when I was talking about antiquated. The old part is.  
21 what you were referring to in this is not.

22 The fact that it is not a residential use,  
23 though, I think it was appropriate that it go through  
24 this process.

25 Major subdivisions, yes, that needs to go

1 the use or -- I'm trying to think of some other  
2 situations where it would require a conditional use  
3 permit.

4 If they were to expand, because it's a legal  
5 nonconforming use --

6 COUNCILMEMBER DEAN: Uh-huh.

7 MR. COOLEY: -- for example, they couldn't  
8 put another building out there and expand that legal  
9 nonconformity. To do that, they would have to come  
10 back before y'all to get a conditional use permit to  
11 allow them to do that.

12 So no expansion can take place as a legal  
13 nonconforming use. If they want to do that, they're  
14 going to have to come back for a conditional use  
15 permit before the Planning Commission and the City  
16 Council.

17 COUNCILMEMBER DEAN: And so how long has the  
18 church there been existing, this particular church?

19 MR. COOLEY: I'll have to let them answer  
20 it. I know it's been there a lot time.

21 COUNCILMEMBER DEAN: All right. So has this  
22 property been subdivided in the past?

23 MR. COOLEY: No, ma'am.

24 It's one parcel as-is. Beyond the creation  
25 of that parcel, I do not know. I don't know. My

1 through the entire process, but when you're making --  
2 you know, we've had two recently where basically it's  
3 just splitting it up.

4 The way the ordinance is written, in my  
5 opinion, we have to go through this process. We may  
6 want to look at modifying that if y'all feel it's  
7 appropriate; whatever you all think on that.

8 COUNCILMEMBER PATRICK: Okay.

9 MR. COOLEY: But no, it's usually simpler.

10 COUNCILMEMBER PATRICK: Thank you.

11 MAYOR PITTMAN: Ms. Fleming?

12 COUNCILMEMBER FLEMING: No, ma'am.

13 MAYOR PITTMAN: Ms. Dean?

14 COUNCILMEMBER DEAN: Are we allowed to  
15 subdivide a property that has a legal nonconforming  
16 status?

17 MR. COOLEY: Yes, ma'am.

18 COUNCILMEMBER DEAN: Okay. And do they have  
19 a variance? Do both businesses, the school and the  
20 church, have a conditional use permit to operate as  
21 the businesses?

22 MR. COOLEY: No. That's the reason they're  
23 nonconforming: because they were existing prior to  
24 the requirement that you get a conditional use permit  
25 for that. So if they were going to come in and change

1 guess is probably not because you're surrounded by  
2 single-family residential subdivisions, so my guess is  
3 probably not.

4 COUNCILMEMBER DEAN: But we don't know?

5 MR. COOLEY: No. It might have been a part  
6 of a larger agricultural parcel at one point, but  
7 something like that.

8 COUNCILMEMBER DEAN: Okay. Now, with the  
9 parking issue, okay, our parking code states that  
10 "Parking requirements for two or more uses of the same  
11 or different types may be satisfied by the allocation  
12 of a common or collective parking facility. Such  
13 facility shall not be less than the sum of the  
14 requirements for the individual uses computed  
15 separately in accordance with the requirements of this  
16 article, except -- except that one half of the parking  
17 requirements for churches and similar places of public  
18 assembly may be satisfied by the parking areas of  
19 other dissimilar uses where the hours of operation are  
20 normally at different times of the day."

21 MR. COOLEY: Right.

22 COUNCILMEMBER DEAN: Okay? So how many  
23 parking spaces are required for the school and how  
24 many for the church and how many spaces are in the  
25 parking lot?

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1 MR. COOLEY: Ran the calculations some time  
2 ago. We've been working with this church for some  
3 time to make sure that they did have sufficient  
4 parking. It's probably in the file somewhere.  
5 When I did the calculations, it did meet the  
6 requirement, and I believe the actual number require-  
7 ments may be actually on the site plan itself if I'm  
8 not mistaken.  
9 I do not see it on here -- I do know we ran  
10 the calculations -- unless it's in the notes.  
11 COUNCILMEMBER DEAN: Well, I really --  
12 MR. COOLEY: Here we go. Well, let's see.  
13 That's access and parking easement, so one acre --  
14 COUNCILMEMBER DEAN: Well, here --  
15 MR. COOLEY: -- but I don't see the actual  
16 count.  
17 COUNCILMEMBER DEAN: With both properties,  
18 would both parcels be in compliance with our code in  
19 terms of separate setbacks? I mean could they both  
20 stand alone and meet all of the requirements in our  
21 code, following all the criteria?  
22 MR. COOLEY: Not without the joint parking  
23 and ingress/egress agreement, no, and that's why we  
24 required them to have that prior to moving forward  
25 with it. But no, they could not.

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1 COUNCILMEMBER DEAN: But what about -- what  
2 about the setbacks?  
3 MR. COOLEY: They're good on the setbacks  
4 every way around. They're fine on that.  
5 COUNCILMEMBER DEAN: Okay. So it's the  
6 parking.  
7 MR. COOLEY: Yes, ma'am.  
8 COUNCILMEMBER DEAN: I'm still not -- I wish  
9 we would have had complete packets, I mean, because  
10 this is -- another Council person had a question about  
11 the parking, and that's just something that I wish we  
12 could have had that information.  
13 MR. COOLEY: I understand.  
14 MAYOR PITTMAN: Do we have a representative  
15 here from the church that would be willing answer a  
16 couple questions?  
17 MS. JENNIFER BLACKBURN: Good evening. My  
18 name is Jennifer Blackburn. I'm an attorney with  
19 Troutman Sanders. I'm here representing the church.  
20 As far as the parking variance, it's not a  
21 variance we're requesting. We have an access and  
22 parking easement agreement because you're allowed to  
23 use overlapping -- the school operates at different  
24 hours from the church. There's very little overlap.  
25 I think you said basically if you had a meeting or

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1 funeral or something like that, there may be some. So  
2 that's why we're able to use it. Under your  
3 ordinance, you allow that if the hours of operation  
4 don't overlap.  
5 But just in an abundance of caution, Mr.  
6 Cooley wanted us to record this access and parking  
7 easement agreement between the church and school.  
8 That's already been recorded in the superior court so  
9 completely check that one off the box.  
10 So we'll get there. There's going to be no  
11 additional construction on the building, no change to  
12 any of the uses, hours of operation, anything.  
13 Basically, the church has been around for 50  
14 years. I believe the school's been around since about  
15 1985 or so -- at least?  
16 UNIDENTIFIED SPEAKER: I think it's 75.  
17 MS. BLACKBURN: 75? And they've been  
18 leasing property. And the church has decided, you  
19 know, this has taken them a long time to kind of come  
20 of this conclusion, they've decided to sell that  
21 portion to the school. And so instead of having two  
22 people own portions of one parcel, it's much cleaner  
23 for taxes, for the city, for many reasons, to  
24 subdivide it and have these be two separate parcels  
25 with the school containing the property they own and

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1 the church containing the property own instead of  
2 trying to split it and have it under one ownership.  
3 So that's the reason we're here, but we  
4 really aren't changing anything on the property. It's  
5 a pretty simple request as far as zoning goes, and we  
6 meet the requirements of the ordinance and any other  
7 requirements that you guys have.  
8 MAYOR PITTMAN: Ms. O'Connor, did you have  
9 something directly you wanted to ask her?  
10 COUNCILMEMBER O'CONNOR: I guess if  
11 everybody's in agreement, then there won't be any  
12 problems with this on down the road; everybody agrees  
13 to it?  
14 MS. BLACKBURN: Yeah. They've had a great  
15 relationship since at least 1985, maybe in the 70s.  
16 No problems at all, there's no problems now.  
17 It's just kind of in leasing it for so long,  
18 they've just decided to sell, the church. And I think  
19 that -- and Ann can tell you a little bit more if  
20 you'd like, but I think that they've been deliberating  
21 this, the church, for a long time, trying to decide  
22 whether or not it's the right move for them. They  
23 have a great working relationship, and that will  
24 continue.  
25 MAYOR PITTMAN: Okay. Any additional

1 questions?  
2                    - - -  
3                    (No response)  
4                    - - -  
5            MAYOR PITTMAN: Thank you so much.  
6            MS. BLACKBURN: Yes. Thank you.  
7            COUNCILMEMBER DEAN: I just have -- I just  
8 have one more question regarding the variances.  
9            So the church or the school need to have a  
10 variance.  
11           MS. BLACKBURN: That's right. And this was  
12 before, and then the access and parking easement  
13 agreement. There are no variances being requested.  
14           COUNCILMEMBER DEAN: Okay.  
15           MS. BLACKBURN: It's just a minor subdi-  
16 vision.  
17           COUNCILMEMBER DEAN: And a conditional use  
18 permit to act in R-1 as a church or a school?  
19           MS. BLACKBURN: No, because we're already  
20 operating. We've been operating before the ordinance  
21 was even there, both entities, so they're noncon-  
22 forming permitted use.  
23           COUNCILMEMBER DEAN: Okay. And 1978 also?  
24           MS. BLACKBURN: Well, the church has owned  
25 the property for over 50 years.

1 expand without the conditional use permit.  
2            COUNCILMEMBER DEAN: Okay. And so the  
3 conditional use -- this school does not need a  
4 conditional use because they were operating before the  
5 code was written, before the ordinance was written.  
6            MR. COOLEY: That is correct, yes, ma'am.  
7            COUNCILMEMBER DEAN: And you don't know when  
8 the -- when the ordinance was written; right?  
9            MR. COOLEY: I would have to go back and  
10 look at the date on the bottom of it, but these  
11 predate the ordinances. I've got the 1978 and the  
12 -- I think it's '86 codes.  
13            MAYOR PITTMAN: All right. Thank you.  
14            MS. BLACKBURN: Thank you.  
15            MAYOR PITTMAN: Okay. We're going to bring  
16 it up to Council.  
17            Mr. Cooley, so you need a motion?  
18            MR. COOLEY: Yes, ma'am. We just need a  
19 motion of concurrence by the Council. At that point,  
20 the point you-all do agree, I'll give you these for  
21 your signature.  
22            MAYOR PITTMAN: Does anyone wish to  
23 entertain a motion?  
24            COUNCILMEMBER ALEXANDER: I entertain the  
25 motion that we grant the requested subdivision of the

1            COUNCILMEMBER DEAN: Okay. But I'm talking  
2 about the school.  
3            MS. BLACKBURN: The school has been there  
4 since '85, I think, maybe before that, in the '70s,  
5 but a very long time.  
6            COUNCILMEMBER DEAN: Before the ordinance,  
7 Mr. Cooley?  
8            MR. COOLEY: Yes, ma'am. I'm not sure when  
9 that actually came in. I'd have to check, you know,  
10 the timing on it, but it was -- I'd have to check, but  
11 I do recall.  
12            COUNCILMEMBER DEAN: Because I know the  
13 issue about the school up the street. I mean that  
14 used to be Dekalb County, a public school, and then  
15 when Yeshiva went there, I'm assuming that they had to  
16 get a conditional use permit as well. Right?  
17            MR. COOLEY: If they came in, if the City --  
18 and I'm not familiar with that, but if the City had  
19 annexed them in, they would have come in as a legal  
20 nonconforming use if we required them to get a  
21 conditional use permit; but they cannot expand it or  
22 do any changes like that without coming back to the  
23 City to get that conditional use permit.  
24            Basically, they can continue operating like  
25 they are without expanding but they can't -- can't

1 parcel located at 3300 Chestnut Drive, Parcel I.D.  
2 18 296 06 009.  
3            MAYOR PITTMAN: Do I get a second?  
4            COUNCILMEMBER FLEMING: Second.  
5            MAYOR PITTMAN: Discussion?  
6            COUNCILMEMBER FLEMING: I just have one  
7 question. Since this has already gone to superior  
8 court and everything about the parking requirements  
9 and so forth, do they set the other parcel I.D. number  
10 at that time or will we be getting feedback when the  
11 new parcel I.D. number will be assigned?  
12            MR. COOLEY: Right. The tax assessor's  
13 office I believe actually will assign that. I believe  
14 the lot number, you know, the 18 blah blah blah will  
15 stay the same but the last number, which is the lot  
16 number, will be added, and they will assign that based  
17 upon the existing ones. That's something that Dekalb  
18 County does.  
19            COUNCILMEMBER FLEMING: Will we be notified  
20 at that time when they do it or --  
21            I'm just trying to have the City --  
22            MR. COOLEY: I sure hope so.  
23            COUNCILMEMBER FLEMING: -- keep track on the  
24 GIS because this is going to be something that we have  
25 now subdivided per their request --

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1 MR. COOLEY: Right.  
 2 COUNCILMEMBER FLEMING: -- and I want to be  
 3 sure that we now have two lots on record in the city  
 4 and not just one.  
 5 MR. COOLEY: What we do is there's four  
 6 copies here. We retain one copy after it's signed for  
 7 the City records and it goes into the files for that  
 8 property; the other three go down to the County. I  
 9 believe the County actually -- I believe they -- they  
 10 keep two if I'm not mistaken. I think the final copy  
 11 goes to that.  
 12 Whether they actually literally, physically  
 13 send us a notice of the change, they'll update their  
 14 GIS maps and they will update their tax assessor's  
 15 records so, you know, there will be separate billings  
 16 for that. So they'll go through all of that as part  
 17 of recordation once the subdivision is recorded.  
 18 What were recording was purely the  
 19 agreement, easement.  
 20 COUNCILMEMBER FLEMING: Right.  
 21 MR. COOLEY: They can do that amongst  
 22 themselves without even having to sell it.  
 23 COUNCILMEMBER FLEMING: Right.  
 24 MR. COOLEY: But just wanted to make sure it  
 25 was in place.

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1 COUNCILMEMBER FLEMING: Okay. Thank you  
 2 very much.  
 3 MAYOR PITTMAN: Okay. Call the roll,  
 4 please.  
 5 CLERK ROCKELEIN: Council Alexander?  
 6 COUNCILMEMBER ALEXANDER: Yes.  
 7 CLERK ROCKELEIN: Council Dean?  
 8 COUNCILMEMBER DEAN: Yes.  
 9 CLERK ROCKELEIN: Council Fleming?  
 10 COUNCILMEMBER FLEMING: Yes.  
 11 CLERK ROCKELEIN: Council O'Connor?  
 12 COUNCILMEMBER O'CONNOR: Yes.  
 13 CLERK ROCKELEIN: Council Patrick?  
 14 COUNCILMEMBER PATRICK: Yes.  
 15 CLERK ROCKELEIN: Council Spangler?  
 16 COUNCILMEMBER SPANGLER: Yes.  
 17 MAYOR PITTMAN: Okay. Thank you. It passed  
 18 unanimously. And I'm --  
 19 MR. COOLEY: And Madam Mayor, if you  
 20 wouldn't mind signing those after and returning those,  
 21 that would be great.  
 22 COUNCILMEMBER FLEMING: This is your  
 23 original.  
 24 MAYOR PITTMAN: And I know it's getting late  
 25 but we do need to take a three-minute break.

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1 ---  
 2 (Brief recess)  
 3 ---  
 4 MAYOR PITTMAN: All right. Are we all  
 5 ready?  
 6 Next in the agenda is going to be EPA  
 7 Brownfield RLF Grant Resolution, Dr. Gillen, Luke.  
 8 MR. HOWE: Yes, ma'am. Thank you. Thank  
 9 you, Mayor.  
 10 The EPA is accepting 2014 applications for  
 11 funding on their Brownfield Grant program. We are  
 12 preparing an application for a revolving loan fund of  
 13 \$1,000,000. The grant has a performance period of  
 14 five years. It does require a 20 percent cost share,  
 15 and I'm going to let Dr. Gillen talk about the  
 16 financial aspect about, you know, our wherewithal.  
 17 At least 60 percent of the total award has  
 18 to go towards establishing the revolving loan fund.  
 19 40 percent can go towards issuing sub grants to -- to  
 20 property owners.  
 21 If there's no more questions on the  
 22 particulars of the grant description, I'll let  
 23 Dr. Gillen speak.  
 24 MAYOR PITTMAN: Dr. Gillen?  
 25 DR. GILLEN: If anything, Legal did a good

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1 job of explaining, you know, what this is. It is  
 2 essentially a revolving loan fund grant is what it is.  
 3 What we're asking EPA to do is to give us  
 4 \$1,000,000 that we would have in what's called a  
 5 revolving loan fund that would then be loaned out to  
 6 businesses to clean up brownfield sites around the  
 7 city, and the resolution you see includes -- that  
 8 includes the GM site. There could be one. But that  
 9 money would be -- it would be coming back to be loaned  
 10 out to other businesses and set up the --  
 11 40 percent of that could be issued in grants  
 12 to these businesses directly, but it doesn't have to  
 13 be. The whole thing could be a revolving loan.  
 14 And the City's match then would be \$200,000,  
 15 and that match can take several forms. It could be  
 16 the form of staff time, equipment purchased to  
 17 administer the grant. Interest earnings on the grant  
 18 money while it's being loaned out and paid back could  
 19 be applied towards the match. It would be put back  
 20 into the fund itself.  
 21 And you can think of it another way of this.  
 22 At any given time, we have about \$2,000,000 invested  
 23 in short-, medium- and long-term investments. And our  
 24 earnings on those are pretty minimal nowadays. The  
 25 interest rates are very low.

1 So you could think of it in terms of this:  
2 If you were to reallocate \$200,000 of that to the  
3 revolving loan fund to be loaned out and paid back  
4 again earning the interest on that, the interest rate  
5 that is set by the City, and it would be higher most  
6 likely than what we would be getting in private invest  
7 -- investing it in CDs, overnight certificates, things  
8 of that nature that we invest our current dollars in.

9 I know \$200,000 sounds like a hefty chunk of  
10 money, and it is. But we're not talking about just  
11 throwing cash at it and never getting it back. What  
12 we're talking about is throwing -- putting the money  
13 into a fund that then can be loaned out and paid back  
14 to the City with interest.

15 And the other aspect of that, as Luke  
16 mentioned, you got five years. So staff time over  
17 five years, equipment purchased over five years,  
18 interest earnings over five years, all of that can be  
19 applied towards the grant when we have to then at the  
20 end of five years close out the grant and do our  
21 compliance report to the EPA to show how that match  
22 was done.

23 So I just want to make we are clear on  
24 exactly what the mechanisms of -- of the funding of  
25 the -- of the grant would be, and what it is and what

1 but we can't bank on it. And now that we have a city  
2 manager in place, you know, I think we're at a place  
3 financially where we can manage this.

4 When Dekalb went after it originally, we  
5 weren't in a position to come up with our own match to  
6 go after our own grant.

7 COUNCILMEMBER ALEXANDER: Once a site has  
8 been declared a superfund site and has been  
9 remediated, is it eligible to still have additional  
10 expenditures from this type of funding expounded on  
11 them?

12 MR. HOWE: Yes, ma'am.

13 MAYOR PITTMAN: Okay. Ms. O'Connor?

14 COUNCILMEMBER O'CONNOR: Do we have a --  
15 There's no guarantee that the GM site is going to be  
16 declared a brownfield; right? that it meets the  
17 criteria?

18 MR. HOWE: It meets the federal definition.

19 COUNCILMEMBER O'CONNOR: Okay. Do we know  
20 what EPA has done so far at the site? Have they done  
21 any investigation, remedial investigation, feasibility  
22 study, anything like that?

23 MR. HOWE: There are three -- we know that  
24 there are three RCRA orders.

25 COUNCILMEMBER O'CONNOR: RCRA? Yes.

1 our role as a city would be in that, so thank you.

2 MAYOR PITTMAN: Thank you.

3 Ms. Alexander, did you have questions?

4 COUNCILMEMBER ALEXANDER: Yes, I did.  
5 Dekalb County received \$900,000 of  
6 brownfield grants in May of 2012. Any correspondence,  
7 communication with them on their using some of that  
8 money to assist with the General Motors cleanup or --  
9 because they touted at the time that this money was  
10 going to be used for the General Motors clean-up.

11 MR. HOWE: Well, what -- you know, the  
12 General Motors site was one of the 12 sites they  
13 listed in our grant application. We participated with  
14 them on that application as a coalition partner.

15 Potentially under the program, under the  
16 grant guidelines, you could apply all that money  
17 towards one site. So theoretically we think, you  
18 know, that could happen, but the way the politics are  
19 in the County with 12 superfund sites in the County, I  
20 don't expect very much of that money to go to GM.

21 It could. We have been talking to them, and  
22 it's my understanding that they just recently hired a  
23 consultant to manage the fund and so that they're  
24 about two years behind in getting that done. So we  
25 can -- we can hope that we'll see something out of it

1 MR. HOWE: Yes. Yes, ma'am. We know that  
2 much.

3 We know what the developer has shared with  
4 us, and that's about it. So it is -- yeah, I think  
5 it's -- you know, we can safely say it's a brownfield  
6 at this point. It's probably going to cost anywhere  
7 between \$3,000,000 and \$5,000,000 to clean it up.  
8 This probably would be just a drop in the bucket.

9 But we do have other sites in town: We have  
10 a -- the former Seaboard Oil has been vacant for seven  
11 years. They're actually more worried about that site  
12 potentially causing or compromising what goes on the  
13 other side of those tracks.

14 We had a building that sat vacant for 20  
15 years. Come to find out asbestos was what was holding  
16 it back. We got another asbestos issue over here on  
17 Stewart Road. You know, until there's -- there's some  
18 kind of subsidy in place to help facilitate  
19 redevelopment, I don't think we're going to be --  
20 We're going to have a hard time getting anybody to do  
21 anything with those, those properties.

22 COUNCILMEMBER O'CONNOR: Well, the site has  
23 to be cleaned up.

24 MR. HOWE: It depends. Seaboard has sat for  
25 seven years. Until it starts to affect the

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1 groundwater, you know, the people -- some of its  
2 neighbors' groundwater, then it's really nothing. It  
3 really doesn't have to; it could just sit there.  
4 COUNCILMEMBER O'CONNOR: Well, I'm just  
5 thinking about GM right now.  
6 MR. HOWE: Yeah. Now there's probably --  
7 there's more potential to -- you know, the developers  
8 may have -- have a case against that property for  
9 potentially compromising it.  
10 Now, there may be something to that, but  
11 right now, I've talked to EPD on several occasions  
12 about that property, and they said there's just  
13 nothing we can do because it's not -- it's not hurting  
14 anybody else. And they have advised on numerous  
15 occasions, you know, get yourself a grant and start  
16 helping clean these things up because they're not  
17 going to clean themselves up.  
18 MAYOR PITTMAN: Okay. Mr. Patrick?  
19 COUNCILMEMBER PATRICK: I guess you were  
20 kind of alluding at it, but what is ultimately the  
21 benefit to the City pursuing this? You know, why  
22 should we versus those other developers handle it?  
23 MR. HOWE: Well, we can take that approach,  
24 but right now, what I've heard over and over and over  
25 and over again in my time here is, "We want to

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1 redevelop. We want to redevelop."  
2 Well, it costs money, demo costs money. Our  
3 fees are probably not -- I'm not crazy about our demo  
4 fee as an economic developer. There's really no  
5 incentive to get people to tear things down, and we  
6 should be doing all we can to facilitate that. And a  
7 lot of times when there's buildings that have built in  
8 the 60s and 70s, there's always going to be that fear  
9 of either lead-based paint or asbestos.  
10 The City of Hinesville took this grant a  
11 couple years ago and redeveloped -- used it to  
12 redevelop an old muffler shop. That's -- that site  
13 now is home to Atlantic Armstrong State University's  
14 satellite campus, so it's had -- I talked to their  
15 assistant city manager today. He said the return on  
16 the investment has been five times what they were  
17 getting when it was just a broken-down old muffler  
18 shop compromising their entire downtown redevelopment  
19 plan. So they got involved, they got aggressive, and  
20 it has paid off.  
21 You know, we really don't have to make a  
22 decision tonight. The grant's due January 22nd. We  
23 can come back to this on the 21st. In the meantime,  
24 if you want, I can -- we can produce some success  
25 stories of what other communities have been able to do

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1 with this grant and what has been the result.  
2 COUNCILMEMBER PATRICK: And then another  
3 question. So with the million dollars, you said up to  
4 40 percent can be used for sub grants so smaller  
5 properties could be used -- could draw down this loan,  
6 do the improvements, and then they repay back that  
7 loan to this fund? Is that correct?  
8 MR. HOWE: Well, the grant is a grant.  
9 COUNCILMEMBER PATRICK: The grant to us --  
10 MR. HOWE: Yes.  
11 COUNCILMEMBER PATRICK: -- that we will  
12 administer or some organization we would have would  
13 administer; is that right?  
14 MR. HOWE: Yes. Yes, sir.  
15 COUNCILMEMBER PATRICK: Okay.  
16 MR. HOWE: If we wanted to use any of the  
17 money to clean up that corner property, the extension  
18 service with the gas tank, if we wanted to do that,  
19 then we would have to have the DEA manage it --  
20 COUNCILMEMBER PATRICK: Right.  
21 MR. HOWE: -- because federal law won't  
22 allow you to use grant money.  
23 COUNCILMEMBER PATRICK: Right.  
24 MR. HOWE: You can't borrow from yourself,  
25 you can't grant to yourself.

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1 COUNCILMEMBER PATRICK: I guess what I'm  
2 getting at is is though that we would make a loan for  
3 this -- whatever organization we make a loan to these  
4 other property owners to do the clean-up?  
5 DR. GILLEN: Correct.  
6 MR. HOWE: Correct.  
7 COUNCILMEMBER PATRICK: And it's a loan, so  
8 they would repay it, or it's just a --  
9 MR. HOWE: They would repay it.  
10 COUNCILMEMBER PATRICK: -- grant to them?  
11 DR. GILLEN: Yeah. There's two. It could  
12 be a loan, but up to 40 percent of it could be  
13 granted.  
14 COUNCILMEMBER PATRICK: Okay.  
15 DR. GILLEN: We could grant that money to a  
16 small business to clean up a site to redevelop it if  
17 you chose to, but you don't have to. You have to keep  
18 at least 60 percent of that as revolving loan.  
19 So they would be loaned out at a low  
20 interest rate to the -- to the business, they would  
21 then pay it back to the City with interest, so --  
22 COUNCILMEMBER PATRICK: And the City keeps  
23 that interest rate?  
24 DR. GILLEN: Correct. The interest earnings  
25 would go back into the fund.

1 COUNCILMEMBER PATRICK: Okay. And then that  
2 in turn can be repurposed to the next business --  
3 DR. GILLEN: Correct.  
4 COUNCILMEMBER PATRICK: -- that wants to  
5 come along and --  
6 DR. GILLEN: And it doesn't end in five  
7 years. In five years, that million dollars doesn't go  
8 away. You can continue to perpetually loan that money  
9 out and get it back over time.  
10 COUNCILMEMBER PATRICK: And then the  
11 \$200,000, that can be either just an outright payment?  
12 DR. GILLEN: Could be.  
13 COUNCILMEMBER PATRICK: Is that correct? Or  
14 that can be City cost for administering the program?  
15 DR. GILLEN: Yes.  
16 COUNCILMEMBER PATRICK: Anything like that.  
17 Okay.  
18 DR. GILLEN: And you can use the interest  
19 earnings off of it. The interest earnings you gain  
20 through the process could be applied towards the -- as  
21 part of the match. Has to go back into the fund.  
22 COUNCILMEMBER PATRICK: Okay.  
23 DR. GILLEN: But so if you're charging 2  
24 percent interest on a loan and those interest earnings  
25 would then go back into the fund but count towards the

1 That's why the administration of this is  
2 very important with those decisions on, Is this a  
3 valid business? Is this the one you want to loan to?  
4 You're not going to want to do it with everybody --  
5 COUNCILMEMBER PATRICK: Right.  
6 DR. GILLEN: -- because they're, well, you  
7 want to look at the financials just like a bank.  
8 COUNCILMEMBER PATRICK: One final question.  
9 Is there an estimate or an idea of what the management  
10 costs of this fund or this loan program would be?  
11 DR. GILLEN: I can't tell you that off the  
12 top of my head because we haven't administered one  
13 here of this nature, but you're looking at Luke's  
14 staff time and some of the Finance Department staff  
15 time and mine, the administrator of this. We'd have  
16 to document that time --  
17 COUNCILMEMBER PATRICK: Okay.  
18 DR. GILLEN: -- and you know, if you -- I  
19 don't know if there's any other legal, if you had  
20 legal draft, you know --  
21 COUNCILMEMBER PATRICK: Sure.  
22 DR. GILLEN: -- bank documents, stuff like  
23 that, all that counts towards the bench.  
24 COUNCILMEMBER PATRICK: Okay. Thank you.  
25 MAYOR PITTMAN: Okay. Ms. Spangler?

1 match.  
2 COUNCILMEMBER PATRICK: Right.  
3 DR. GILLEN: Over five years, that can add  
4 up pretty quickly.  
5 COUNCILMEMBER PATRICK: So I guess just the  
6 last one final question. Are there cases where this  
7 has not worked out, the loan program fails? And if  
8 so, what happens?  
9 DR. GILLEN: Not that I'm aware of but we  
10 could do a little research and see if there were any  
11 defaults and that sort of thing.  
12 COUNCILMEMBER PATRICK: Thank you.  
13 DR. GILLEN: But like any lender, you would  
14 have collateral on the loan. These wouldn't be -- you  
15 wouldn't have an uncollateralized loan. It would be  
16 loaned toward the lender. They would have to -- you  
17 know.  
18 COUNCILMEMBER PATRICK: So we would have to  
19 land it if --  
20 DR. GILLEN: Right. It depends on, you  
21 know, we'd have to think about positioning, if they  
22 got a loan on their property with a bank, do we have  
23 second position or first position if they -- if they  
24 do go bankrupt? Those sorts of things are always a  
25 risk.

1 COUNCILMEMBER SPANGLER: Yes. Why are we  
2 cleaning up anything? That would be between the  
3 buyers and sellers, wouldn't it?  
4 DR. GILLEN: Ma'am, you're right, yes.  
5 Typically it would be. But as Luke pointed out, we  
6 got some properties that have just sat there, so the  
7 logic behind this is that, you know, typically this  
8 should be a private transaction, but it's not  
9 happening in certain spots. So the use of this loan  
10 would be to encourage that development to get it done  
11 rather than having a property sitting dilapidated with  
12 contaminated soil, things like that. That's the  
13 reason behind it. That's why we're -- we would get  
14 involved.  
15 MAYOR PITTMAN: Okay. Anything else?  
16 COUNCILMEMBER SPANGLER: Huh-uh.  
17 MAYOR PITTMAN: Ms. Fleming?  
18 COUNCILMEMBER FLEMING: Okay. First of all,  
19 I don't like being given a document January the 6th  
20 that's due January the 22nd. I hope we can get out of  
21 that habit of requiring a 16-day turnaround decision.  
22 DR. GILLEN: Right.  
23 COUNCILMEMBER FLEMING: It we intended on  
24 doing an RFL grant application in December, we should  
25 have heard about it in December. I'm very

1 disappointed in that type of procedure that's  
 2 happening.  
 3 You made the comment that after five years,  
 4 we continue. We do not have to pay back the million  
 5 dollars; is that correct?  
 6 DR. GILLEN: Correct.  
 7 COUNCILMEMBER FLEMING: Okay. Well, we only  
 8 have \$800,000 to begin with because we've got to fork  
 9 out \$200,000 whether it be in manpower or so forth and  
 10 so on.  
 11 So we have \$800,000 that I guess we would be  
 12 getting from the EPA. And if we decide to do the form  
 13 of sub grants, that takes 40 percent out of the way.  
 14 And I don't know who would be authorized from this  
 15 Council or from our city to a grant appli- -- or take  
 16 applications from other businesses for them to apply  
 17 for a grant of the 40,000 -- 40 percent, so I'm not  
 18 sure how we could do a sub grant off of that for the  
 19 40 percent.  
 20 DR. GILLEN: Okay.  
 21 COUNCILMEMBER FLEMING: I mean you're  
 22 looking at me like you don't understand what I'm  
 23 asking or saying.  
 24 DR. GILLEN: I'm trying to understand.  
 25 COUNCILMEMBER FLEMING: Okay. If we're

1 the Atlanta City Council.  
 2 And what I would suggest is that, you know,  
 3 if we get this, that we did like Dekalb did and we put  
 4 out an RFQ for a technical adviser to come on board  
 5 and manage this -- manage the technical aspect of this  
 6 and accept the applications as a -- you know, as an  
 7 administrative personnel and make those recommen-  
 8 dations to a -- to a board. That takes the staff and  
 9 the Council out of the equation.  
 10 COUNCILMEMBER FLEMING: So that's discussing  
 11 the sub grant. So once we get rid of that 40 percent  
 12 of the \$800,000 in the sub grants, because we're not  
 13 going to get any money back from them because it's a  
 14 grant. You have to use 60 percent of the \$800,000 for  
 15 the loan type thing, and that comes down to \$480,000.  
 16 So for a million-dollar RLF grant, we're getting  
 17 \$480,000 to loan out, possibly, if we decide to go the  
 18 route of sub granting.  
 19 MR. HOWE: No. 60 percent of the 12 -- 1.2  
 20 million. You got to add your match onto that. And  
 21 you could deduct, you know -- like Dr. said, you can  
 22 deduct interest from that match, you can deduct staff  
 23 time --  
 24 COUNCILMEMBER FLEMING: Well, I --  
 25 MR. HOWE: -- but --

1 going to sub grant --  
 2 DR. GILLEN: Correct.  
 3 COUNCILMEMBER FLEMING: -- 40 percent of the  
 4 \$800,000, okay, who is going to accept the  
 5 applications in for whoever applies for the grants?  
 6 DR. GILLEN: It depends on which mechanism  
 7 you choose for governance. If the City Council wants  
 8 to be the administrative body for this, then staff  
 9 would take the applications and bring them to Council  
 10 for --  
 11 COUNCILMEMBER FLEMING: Okay. Would we --  
 12 DR. GILLEN: -- a decision.  
 13 COUNCILMEMBER FLEMING: -- not have to have  
 14 some type of criteria that would be required to say  
 15 this person is authorized to be able to apply for a  
 16 grant or etc., etc., etc.?  
 17 MR. HOWE: What the City of Atlanta did was  
 18 put together a committee.  
 19 COUNCILMEMBER FLEMING: Put together a what?  
 20 MAYOR PITTMAN: Committee.  
 21 MR. HOWE: A committee that accepted and  
 22 heard cases relating to -- to the application. They  
 23 would make the decision on whether or not the  
 24 applicant received the money, and that protected the  
 25 Atlanta Development Authority Board and it protected

1 COUNCILMEMBER FLEMING: -- was under the  
 2 impression that it was a million dollar revolving loan  
 3 fund grant. A million dollar. Didn't say a million-  
 4 two. It said a million dollars and we needed to match  
 5 it with \$200,000.  
 6 MR. HOWE: Yeah. At the end of the five-  
 7 year period, you got to account for the 1.2 in some  
 8 way, shape or form.  
 9 COUNCILMEMBER FLEMING: Okay. All right.  
 10 Now, getting to the resolution that's attached, it  
 11 discusses just the GM property, just the GM property  
 12 even though your agenda item cover sheet said that it  
 13 was city-wide. It states here on packet page 309, RLF  
 14 application should be community-wide. Site-specific  
 15 RLF grants will not be awarded.  
 16 MR. HOWE: That's federal law. I mean  
 17 that's -- that's --  
 18 COUNCILMEMBER FLEMING: But our resolution  
 19 is stating that we're going to do this for the benefit  
 20 of the GM property.  
 21 MR. HOWE: Correct. We're trying to sell  
 22 this grant application. This is a hyper -- hyper-  
 23 competitive grant cycle. We're competing with --  
 24 COUNCILMEMBER FLEMING: Well, I am not going  
 25 to lie to the federal government.

1 MR. HOWE: Well, we're saying that --  
 2 ---  
 3 (Brief interruption)  
 4 ---  
 5 MAYOR PITTMAN: Mr. Hart, that's not  
 6 appropriate.  
 7 MR. HOWE: -- 1 point -- you know, 165  
 8 acres, the GM property is our biggest selling point,  
 9 and so that's -- it's not a legal document. You're  
 10 telling a story, you're making a pitch with that  
 11 resolution.  
 12 We can take it out.  
 13 COUNCILMEMBER FLEMING: No, no. I'm just  
 14 saying that if we're going to say that it's city-wide  
 15 and it should be --  
 16 MR. HOWE: It is.  
 17 DR. GILLEN: Right, and I think what Luke's  
 18 trying to say is the GM site's just an example of the  
 19 type of project in the city of Doraville that we would  
 20 use this money for. We don't have room in the  
 21 resolution to list every single site. If you'd like  
 22 us to try to, we can. But what the idea is what's the  
 23 most attractive thing that we think the grantors would  
 24 be -- would find interesting is, "Oh, by golly. They  
 25 got this big former plant site there. That makes a

1 lot of sense to put this money towards over this  
 2 project in Pennsylvania," or wherever.  
 3 So we're not saying we're only going to use  
 4 it for that site. What we're saying is, "Here's an  
 5 example. The best one we have is this. The big  
 6 monster in the room across the railway is the GM  
 7 site." But there's numerous sites throughout the city  
 8 that we could use this for.  
 9 And like I said, this is -- it's a revolving  
 10 loan fund. It goes out and it comes back and can be  
 11 used again and again for different sites throughout  
 12 the city. So I just want to make sure we're clear on  
 13 that point.  
 14 COUNCILMEMBER FLEMING: I'm clear that I  
 15 can't approve this resolution because it specifically  
 16 states that we are applying for the million-dollar  
 17 grant with a 20 percent cost share, because it says,  
 18 "Whereas, the 165-acre Doraville General Motors plant  
 19 has been shuttered for more than five years," etc.,  
 20 etc., and then I see on here, "RLF grants will not be  
 21 awarded to site-specific applications."  
 22 MR. HOWE: Well, we can take it out. It --  
 23 COUNCILMEMBER FLEMING: I'm just saying --  
 24 MR. HOWE: I think it's --  
 25 COUNCILMEMBER FLEMING: -- that I think your

1 wording is okay but we need to indicate that this is  
 2 one of many, possibly, or several in the city.  
 3 DR. GILLEN: In the application, we do that.  
 4 And that is the resolution that accompanies the  
 5 application that says the Council's in full support of  
 6 it --  
 7 COUNCILMEMBER FLEMING: Then, I --  
 8 DR. GILLEN: -- and here's one of the  
 9 reasons why.  
 10 COUNCILMEMBER FLEMING: Do you understand  
 11 where I'm coming from?  
 12 DR. GILLEN: I do, but I think it's a mis-  
 13 understanding of what the resolution is and what it's  
 14 supposed to accomplish.  
 15 COUNCILMEMBER FLEMING: But this accompanies  
 16 the application, does it not?  
 17 DR. GILLEN: Correct.  
 18 COUNCILMEMBER FLEMING: And we're going to  
 19 put our John Henry on it that says that -- that the  
 20 resolution is for the GM property.  
 21 COUNCILMEMBER ALEXANDER: Can we just add  
 22 some additional language for clarification?  
 23 COUNCILMEMBER FLEMING: That's what I'm  
 24 saying.  
 25 DR. GILLEN: We sure can.

1 COUNCILMEMBER FLEMING: It's not supposed to  
 2 be site-specific, and this resolution states that it  
 3 is.  
 4 DR. GILLEN: Yes, ma'am.  
 5 MAYOR PITTMAN: Okay. Ms. Dean?  
 6 COUNCILMEMBER DEAN: Okay. Yeah, just to  
 7 clarify, it's \$1,000,000 plus the \$200,000 that we  
 8 will be obligated to spend; right? Which brings it to  
 9 the 1.2. It's not taken off of the \$1,000,000 total.  
 10 It's 1.2 million; right?  
 11 DR. GILLEN: That is correct.  
 12 COUNCILMEMBER DEAN: Okay. And as someone  
 13 said earlier, when I inquired about the GM property  
 14 after first getting elected, I was told that it's none  
 15 of our business; this is a private sale of a piece of  
 16 property. And if that's the case, why would we incur  
 17 or why would we burden our taxpayers to incur the cost  
 18 of the clean-up?  
 19 And now you say, "Oh, well. This is to  
 20 incite some developer," and all that. Well, we  
 21 already know there's interest in the GM property, and  
 22 that's a very, very prime piece. So I don't know --  
 23 A couple of things. One, I think we're  
 24 spending money, and I -- I personally do not have a  
 25 clear accounting of where the money is coming from,

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1 and that's becoming a great source of irritation for  
 2 me because I'm not understanding where all these funds  
 3 are coming from.  
 4 But with this -- with this -- Okay. So the  
 5 City doesn't handle the -- the -- the actual, the  
 6 issuance of the grants but we get someone to do it for  
 7 us. Are we going to have to pay him or her or them to  
 8 do it for us?  
 9 MR. HOWE: Grant funds can be used for a  
 10 technical adviser.  
 11 COUNCILMEMBER DEAN: Okay.  
 12 DR. GILLEN: Yeah.  
 13 COUNCILMEMBER DEAN: Okay. So -- and this  
 14 is unclear, and I thought that a site had to be  
 15 designated on the application. Is that true or not?  
 16 MR. HOWE: No, ma'am.  
 17 COUNCILMEMBER DEAN: It does not. Okay.  
 18 What kind of report or certification do we  
 19 have indicating that any site in the city is actually  
 20 a brownfield? because I'm getting mixed messages  
 21 about even the GM property. So do we have some sort  
 22 of piece of paper, report, something that says this  
 23 area is a brownfield site?  
 24 MR. HOWE: We have a few sites, yes, that  
 25 the EPA has -- the EPD has published. The federal

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1 brownfield, the federal law's definition of a  
 2 brownfield is the presence or potential presence of  
 3 contaminants, so it doesn't necessarily have to be  
 4 contaminated to be a brownfield.  
 5 COUNCILMEMBER DEAN: Okay. So there's no  
 6 documentation; right?  
 7 MR. HOWE: That we have.  
 8 COUNCILMEMBER DEAN: Okay. All right. And  
 9 I think that that's -- I think that's all I have.  
 10 I think that that \$200,000 of the taxpayer's  
 11 money is -- is not -- I don't think that it should --  
 12 I -- I will not burden the taxpayers with this grant  
 13 because, again, this is ambiguous and I've had this  
 14 complaint several times during the past two years I've  
 15 been here.  
 16 Grants are given before us. We didn't say,  
 17 "Hey, go out and look for a grant for this  
 18 brownfield." Grants are given to us, and we're being  
 19 told, "Here. Great. We have this grant money and now  
 20 we're going to do this," which is how we ended up with  
 21 solar panels on top of a jail that we don't even use,  
 22 you see, and that's why: because we have no clear  
 23 plan. I have not seen a clear plan about how we are  
 24 going to use this money. And it's like, "Oh, well,  
 25 that can be decided later. Maybe we'll hire someone

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1 to do this or we can do this." So I don't think this  
 2 is a good idea at all.  
 3 COUNCILMEMBER PATRICK: Just out of clari-  
 4 fication, the \$200,000 can be loaned out; correct?  
 5 DR. GILLEN: Correct.  
 6 COUNCILMEMBER PATRICK: And the taxpayers  
 7 would collect interest off of all of that money that's  
 8 being loaned, and it goes back into that fund, and  
 9 that fund can grow from 1.2 to something larger with  
 10 the interest that gets turned back in.  
 11 DR. GILLEN: That is correct.  
 12 MR. HOWE: Right.  
 13 COUNCILMEMBER PATRICK: And then sub loans  
 14 are sent out from that, and then interest is collected  
 15 back on that, back to the taxpayers.  
 16 DR. GILLEN: Right.  
 17 COUNCILMEMBER PATRICK: So the taxpayers  
 18 would end up benefiting and gaining from this.  
 19 DR. GILLEN: That is correct, yes.  
 20 COUNCILMEMBER PATRICK: Thank you.  
 21 COUNCILMEMBER DEAN: Well, and just to  
 22 clarify, are we in the business of running a city or  
 23 banking?  
 24 DR. GILLEN: These are just one of the many  
 25 tools lots of cities use, and most cities I know of do

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1 revolving loan funds, and typically for economic  
 2 development.  
 3 COUNCILMEMBER DEAN: Uh-huh.  
 4 DR. GILLEN: Revolving loan funds of some  
 5 nature. So this is not unusual; this is something  
 6 that's typically done.  
 7 COUNCILMEMBER DEAN: Well, I also --  
 8 DR. GILLEN: It is one of the main tools.  
 9 COUNCILMEMBER DEAN: -- said before that --  
 10 that my decision -- the decisions I make in Doraville  
 11 would be very different perhaps from decisions I would  
 12 make in another city, because, again, I point across  
 13 the street to the solar panels on top of the city  
 14 jail.  
 15 COUNCILMEMBER O'CONNOR: Okay. Shawn, the  
 16 other thing is -- I mean I'm just going by this EPA.  
 17 It says here that the grants are awarded on a  
 18 competitive basis.  
 19 DR. GILLEN: Yes.  
 20 COUNCILMEMBER O'CONNOR: And you know, it  
 21 seems kind of specific here. It says that -- and I'm  
 22 talking about the federal government now. This may  
 23 not happen. We may not be selected in this.  
 24 DR. GILLEN: That is correct.  
 25 MR. HOWE: A lot of cities don't get their

1 first time.

2 DR. GILLEN: Yeah. We may not get it our  
3 first go-around.

4 COUNCILMEMBER O'CONNOR: So I guess I was  
5 thinking -- I don't know. It just -- it scares me.  
6 The whole idea of this thing really does scare me  
7 because it says, "Final selections are made by EPA  
8 senior management after considering the ranking of  
9 proposals. So --

10 DR. GILLEN: Uh-huh.

11 COUNCILMEMBER O'CONNOR: -- I just -- it  
12 just seems . . .

13 COUNCILMEMBER PATRICK: Well, we would be in  
14 competition with any other GM site or any other  
15 development from --

16 COUNCILMEMBER O'CONNOR: Right.

17 COUNCILMEMBER PATRICK: -- days gone by that  
18 has fallen apart or shuttered and that that community  
19 is trying to redevelop. So we would have to show  
20 somehow or another that what we have here in Doraville  
21 is worth the federal government's attention to direct  
22 dollars to us.

23 MAYOR PITTMAN: So I believe at this point  
24 that I think they would like some additional  
25 information that you could offer.

1 And what it is is Section 1 is basically the  
2 property description of that area. So if you look at  
3 it, it's similar to the map; it is the map we had  
4 previously, and it just takes you through that  
5 property description and says, If this becomes law,  
6 this area shall become part of your charter and it  
7 shall be part of Doraville. That's sort of Section 1  
8 in a nutshell.

9 The only thing we've done is Section 2 is  
10 there are two concepts I wanted to add in. In this  
11 area, apparently there are industrial sites that have  
12 a freeport exemption, and that's a very specific State  
13 law process that you go through and have to jump  
14 through a bunch of hoops to have that exemption put in  
15 place, and businesses have come in and relied on that.

16 So what we're asking the legislature to do  
17 in Section 2 is say, If this exemption's existing in  
18 this area, it continues. And then by them saying it,  
19 it sort of gets us not to have to go through the whole  
20 cycle of reapproval, which would kills some of these  
21 businesses, potentially, so that we're saying,  
22 Legislature, please annex and then allow us to  
23 continue any freeport exemptions that are already in  
24 there.

25 The third section or the third concept is

1 DR. HOWE: Sure.

2 MAYOR PITTMAN: If you could get that  
3 together --

4 DR. GILLEN: Uh-huh.

5 MAYOR PITTMAN: -- and bring it back to us  
6 and maybe put it on the 21st or --

7 DR. GILLEN: Yeah. To make this funding  
8 cycle, it has to be on the 21st.

9 MAYOR PITTMAN: Okay. Okay. Thank you.

10 DR. GILLEN: Thank you.

11 MAYOR PITTMAN: Okay. Next on the agenda is  
12 the annexation, Mr. McLendon.

13 ATTORNEY McLENDON: Okay. And Mayor and  
14 Council, I've handed this out to you tonight. It was  
15 e-mailed out earlier. What we have is in a prior  
16 meeting we had a resolution that was directed to be  
17 transmitted to the legislature so that -- asking them  
18 to move forward with an annexation for a portion of  
19 property to the eastern side of Doraville in  
20 conjunction with this legislative session.

21 What happens is the legislature, as they  
22 often do, came back and said, Will you prepare the  
23 legislation for us? That is what this is. This  
24 really is almost a reiteration of that resolution; the  
25 two concepts that I've added in for legal purposes.

1 actually in reaction to what just occurred in  
2 Brookhaven, because we've said, Once the legislature  
3 decides this annexation area, no changes, so somebody  
4 can't use the general annexation laws to try to de-  
5 annex or annex themselves somewhere else in the  
6 meantime. That's all this does.

7 So really it's very -- it's almost just sort  
8 of a reiteration or a repositioning of that prior  
9 resolution that the legislature's asked us to do  
10 because they want -- they want the bill to be able to  
11 drop and that's it.

12 So you know, I don't know. You could do a  
13 resolution authorizing us to transmit it. We've  
14 already transmitted the prior resolution that said we  
15 would -- you know, we're in favor of this. This is  
16 jut what they've come back and said, Will you do the  
17 homework for me, give me the paperwork on it?

18 So it's something to look at. I apologize  
19 it's late, but last week it got -- I will take  
20 responsibility for it coming to you late, because it  
21 was sort of a juggly week for me, and it was supposed  
22 to be sent on Tuesday and I found out Thursday it had  
23 not. One of our secretaries said she had a Nyquil  
24 moment and attach it to the e-mail, and I apologize  
25 for that. That's on me.

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1 MAYOR PITTMAN: Ms. Alexander?  
 2 COUNCILMEMBER ALEXANDER: <sup>I just want to be</sup>  
 3 clear we are going to the Gwinnett County line,  
 4 because I noticed on the map that some of the parcels  
 5 look like they're split between the two counties,  
 6 which they may be.  
 7 ATTORNEY McLENDON: Yeah. The description  
 8 was relatively easy on this from the standpoint of  
 9 you're basically saying, Gwinnett, you know, the  
 10 western sides all incorporated, Chamblee. And then  
 11 the only thing -- and really the only thing the  
 12 legislature might, I would think, be involved in is  
 13 sort of that eastern boundary depending on what  
 14 happens with all this legislative session.  
 15 I've been involved in this situation before,  
 16 and a lot of times a bill will go in and it'll go  
 17 through several iterations at the legislature. But  
 18 this is -- based on the prior resolution, this is our  
 19 wish list. If they signed this, I think it would be  
 20 right in line with what we had previously requested or  
 21 previously discussed in seeking to submit the annexa-  
 22 tion.  
 23 COUNCILMEMBER ALEXANDER: <sup>And getting this</sup>  
 24 to Representative Holcomb and -- and whomever is going  
 25 to co-sponsor the bill, this will make it clear to a

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1 proposed city that included part of Oakcliff in their  
 2 map, that we don't want them to do that?  
 3 ATTORNEY McLENDON: This is -- this takes  
 4 that area that -- that came across in the --  
 5 COUNCILMEMBER ALEXANDER: Okay.  
 6 ATTORNEY McLENDON: -- the Tucker bill and  
 7 that shows that area as part of Doraville.  
 8 COUNCILMEMBER ALEXANDER: Thank you.  
 9 MAYOR PITTMAN: Ms. O'Connor?  
 10 COUNCILMEMBER O'CONNOR: No.  
 11 MAYOR PITTMAN: Mr. Patrick?  
 12 COUNCILMEMBER PATRICK: No.  
 13 MAYOR PITTMAN: Ms. Fleming?  
 14 COUNCILMEMBER FLEMING: <sup>Who and when is this</sup>  
 15 going to be presented?  
 16 ATTORNEY McLENDON: I think we have some  
 17 broad support from the legislative end. I don't know.  
 18 I know we've talked to -- Representative Holcomb has  
 19 talked to us.  
 20 COUNCILMEMBER FLEMING: Taylor.  
 21 ATTORNEY McLENDON: Tom Taylor. Really I  
 22 think -- the good thing is it sounds like everybody  
 23 who represents parts of Doraville is sort of claiming  
 24 this, which is a good start, so --  
 25 COUNCILMEMBER FLEMING: This document that

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1 we're going to say "yes" to tonight, how is it going  
 2 to get down to the statehouse?  
 3 ATTORNEY McLENDON: It will be sent to, I  
 4 believe, Representative Holcomb since it is, if I'm  
 5 correct, in his area primarily.  
 6 COUNCILMEMBER FLEMING: Okay.  
 7 MAYOR PITTMAN: Ms. Dean?  
 8 COUNCILMEMBER DEAN: I am still awaiting  
 9 information from the first annexation that we did two  
 10 years ago, and I -- and I simply do not have enough  
 11 information, because I also got this, and so I -- I  
 12 have no questions.  
 13 MAYOR PITTMAN: Okay. So do you need a  
 14 motion?  
 15 ATTORNEY McLENDON: If you wanted to tell me  
 16 it was okay to send this on, a resolution to that  
 17 effect or motion to that effect would be good.  
 18 COUNCILMEMBER PATRICK: <sup>Motion to send the</sup>  
 19 annexation document that's been submitted to the  
 20 Georgia Legislature.  
 21 MAYOR PITTMAN: Second?  
 22 COUNCILMEMBER ALEXANDER: Second.  
 23 MAYOR PITTMAN: Discussion?  
 24 COUNCILMEMBER FLEMING: <sup>Just as a comment on</sup>  
 25 for record, if my map is correct, the proposed

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1 annexation appraised value will consist of 1,064  
 2 parcels amounting to \$320,125,456 in appraised value.  
 3 ATTORNEY McLENDON: Very good.  
 4 MAYOR PITTMAN: Okay. Thank you.  
 5 ATTORNEY McLENDON: Uh-huh.  
 6 MAYOR PITTMAN: Call the roll, please.  
 7 CLERK ROCKELEIN: Council Alexander?  
 8 COUNCILMEMBER ALEXANDER: Yes.  
 9 CLERK ROCKELEIN: Council Dean?  
 10 COUNCILMEMBER DEAN: No.  
 11 CLERK ROCKELEIN: Council Fleming?  
 12 COUNCILMEMBER FLEMING: Yes.  
 13 CLERK ROCKELEIN: Council O'Connor?  
 14 COUNCILMEMBER O'CONNOR: Yes.  
 15 CLERK ROCKELEIN: Council Patrick?  
 16 COUNCILMEMBER PATRICK: Yes.  
 17 CLERK ROCKELEIN: Council Spangler?  
 18 COUNCILMEMBER SPANGLER: Yes.  
 19 MAYOR PITTMAN: Thank you. Motion carries.  
 20 Thank you.  
 21 ATTORNEY McLENDON: Thank you.  
 22 MAYOR PITTMAN: Okay. There is no other  
 23 business. Ms. Alexander, do you have anything you  
 24 want to just say under Council comments?  
 25 COUNCILMEMBER ALEXANDER: Well, welcome

1 aboard to our new members, and normally we try to  
 2 adjourn before 9:00, so --  
 3 MAYOR PITTMAN: Yeah. We're definitely late  
 4 tonight.  
 5 Ms. O'Connor, do you have anything you want  
 6 to say?  
 7 COUNCILMEMBER O'CONNOR: I just thank  
 8 everybody for helping us out, getting Sharon and I  
 9 acclimated to what's going to go on. Thank you.  
 10 MAYOR PITTMAN: Mr. Patrick?  
 11 COUNCILMEMBER PATRICK: Thank you to the  
 12 residents that had the Christmas spirit and put out  
 13 nice decorations in your neighborhoods and in your  
 14 yards. It shows. It's really, really nice. Thank  
 15 you.  
 16 MAYOR PITTMAN: Ms. Spangler?  
 17 COUNCILMEMBER SPANGLER: No. Let's go home.  
 18 MAYOR PITTMAN: Ms. Fleming?  
 19 COUNCILMEMBER FLEMING: Yes. Even though  
 20 we've got a small crowd now, due to the inclement  
 21 weather that we're having, the Doraville Senior  
 22 Luncheon has been canceled this Wednesday and it will  
 23 be next Wednesday. So you guys, you city people are  
 24 going to have to eat somewhere else on Wednesday.  
 25 MAYOR PITTMAN: Ms. Dean?

1 COUNCILMEMBER DEAN: Yeah. I'd like to  
 2 welcome the new Council members, and I am looking  
 3 forward to a -- to sitting down with the City Manager  
 4 and getting this new Council in line and pointed in  
 5 the direction where we are all on the same page.  
 6 MAYOR PITTMAN: Thank you.  
 7 COUNCILMEMBER ALEXANDER: *Motion to adjourn.*  
 8 MAYOR PITTMAN: Yes. Second?  
 9 COUNCILMEMBER PATRICK: Third. Second.  
 10 MAYOR PITTMAN: Discussion?  
 11 ---  
 12 (No response)  
 13 ---  
 14 MAYOR PITTMAN: Call the roll, please.  
 15 CLERK ROCKELEIN: Council Alexander?  
 16 COUNCILMEMBER ALEXANDER: Yes.  
 17 CLERK ROCKELEIN: Council Dean?  
 18 COUNCILMEMBER DEAN: Yes.  
 19 CLERK ROCKELEIN: Council Fleming?  
 20 COUNCILMEMBER FLEMING: Yes.  
 21 CLERK ROCKELEIN: Council O'Connor?  
 22 COUNCILMEMBER O'CONNOR: Yes.  
 23 CLERK ROCKELEIN: Council Patrick?  
 24 COUNCILMEMBER PATRICK: Yes.  
 25 CLERK ROCKELEIN: Council Spangler?

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1 COUNCILMEMBER SPANGLER: Yes.  
 2 MAYOR PITTMAN: Thank you. Meeting  
 3 adjourned.  
 4 ---  
 5 (Meeting adjourned at 10:30 p.m.)  
 6 -o0o-

1  
 2 C E R T I F I C A T E  
 3 STATE OF GEORGIA]  
 4 COUNTY OF DEKALB]  
 5 I hereby certify that the foregoing transcript  
 6 was taken down, as stated in the caption, and the  
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 10 and correct record of the evidence given at the said  
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 13 or employee or attorney or counsel to any of the  
 14 parties, nor financially or otherwise interested in  
 15 this matter.  
 16 This the 14th day of January 2014.  
 17  
 18 \_\_\_\_\_  
 19 Theresa Bretch, CCR  
 20 Permit No. B-755  
 21  
 22 [SEAL]  
 23  
 24  
 25



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