

**In The Matter Of:**

*City of Doraville*

*State of Georgia*

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*City Council Meeting*

*November 04, 2013*

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

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Transcript of the City Council meeting

held in the Doraville Civic Center, 3774

Central Avenue, Doraville, Georgia, Mayor

Donna Pittman presiding, before Theresa

Bretch, Certified Court Reporter, commencing

at 6:30 p.m. on November 4, 2013.

\* \* \*

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1 PROCEEDINGS

2 MAYOR PITTMAN: Meeting come to order.

3 Welcome to everyone. We're glad you came

4 out tonight.

5 And if you could call the roll, please.

6 CLERK BRYANT: Councilmember Alexander?

7 COUNCILMEMBER ALEXANDER: Here.

8 CLERK BRYANT: Councilmember Bates?

9 COUNCILMEMBER BATES: Here.

10 CLERK BRYANT: Councilmember Dean?

11 COUNCILMEMBER DEAN: Here.

12 CLERK BRYANT: Councilmember Fleming?

13 COUNCILMEMBER FLEMING: Here.

14 CLERK BRYANT: Councilmember Pachuta?

15 COUNCILMEMBER PACHUTA: Here.

16 CLERK BRYANT: Councilmember Patrick?

17 COUNCILMEMBER PATRICK: Here.

18 MAYOR PITTMAN: Thank you.

19 And if we could all rise for the Pledge,

20 please.

21 (Pledge of Allegiance)

22 MAYOR PITTMAN: Thank you.

23 I do not believe that we have any approval

24 of minutes tonight; is that correct?

25 Okay. And I need an approval of the meeting

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1 APPEARANCES:

2 Doraville City Council:

3 Mayor Donna Pittman

4 Councilmember Maria Alexander

5 Councilmember Brian Bates

6 Councilmember Trudy Jones Dean

7 Councilmember Pam Fleming

8 Councilmember Karen Pachuta

9 Councilmember Robert Patrick

10 Sandra Bryant, City Clerk

11 Shawn Gillen, City Manager

12 Cecil McLendon, City Attorney

13 Leonard Felgin, Assistant City Attorney

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1 agenda. The only change that I am aware of is under

2 10 Unfinished Business (b). I believe that we're

3 going to remove that and put it on a --

4 Ms. Dean, did you want it on another --

5 COUNCILMEMBER DEAN: Yes.

6 MAYOR PITTMAN: -- meeting?

7 COUNCILMEMBER DEAN: Yes. Yes, I do.

8 The next meeting. Or actually, can I just

9 postpone this until further notice and I'll bring it

10 back later? I mean is that okay?

11 COUNCILMEMBER PACHUTA: It's not on the

12 amended agenda.

13 COUNCILMEMBER DEAN: Okay.

14 MAYOR PITTMAN: Well, that's good. But you

15 just want to postpone it, though, anyway.

16 COUNCILMEMBER DEAN: Okay. All right.

17 MAYOR PITTMAN: Thank you.

18 So I need a motion to approve the meeting

19 agenda tonight, please, if there's no questions or

20 comments.

21 COUNCILMEMBER DEAN: Okay. I have a

22 comment.

23 MAYOR PITTMAN: Sure.

24 COUNCILMEMBER DEAN: I would like to remove

25 the second read on the Proposed Amendments to the 2013

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1 Budget from the consent agenda because I would like a  
2 discussion on that.  
3 MAYOR PITTMAN: Okay. Then we will move  
4 that into Unfinished Business. We will make that --  
5 we can make that (c).  
6 COUNCILMEMBER DEAN: Uh-huh.  
7 MAYOR PITTMAN: All right. Now I need a  
8 motion.  
9 COUNCILMEMBER ALEXANDER: Make a motion to  
10 approve the agenda with the two revisions requested.  
11 MAYOR PITTMAN: All right. Second?  
12 COUNCILMEMBER DEAN: Second.  
13 MAYOR PITTMAN: Discussion?  
14 (No response)  
15 MAYOR PITTMAN: Call the roll, please.  
16 CLERK BRYANT: Councilmember Alexander?  
17 COUNCILMEMBER ALEXANDER: Yes.  
18 CLERK BRYANT: Councilmember Bates?  
19 COUNCILMEMBER BATES: Yes.  
20 CLERK BRYANT: Councilmember Dean?  
21 COUNCILMEMBER DEAN: Yes.  
22 CLERK BRYANT: Councilmember Fleming?  
23 COUNCILMEMBER FLEMING: Yes.  
24 CLERK BRYANT: Councilmember Pachuta?  
25 COUNCILMEMBER PACHUTA: Yes.

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1 CLERK BRYANT: Councilmember Patrick?  
2 COUNCILMEMBER PATRICK: Yes.  
3 MAYOR PITTMAN: Okay. Thank you. Motion  
4 carries.  
5 Okay. Next is going to be Public Comments.  
6 If you could please step to the podium if you wish to  
7 speak, state your name for the court clerk, and you  
8 have three minutes. Anyone wishing to speak.  
9 MR. STEVE DEAN: Hi. I'm Steve Dean. I'm  
10 from the Northwoods area.  
11 I'd like to make a few comments. I hope  
12 they won't run over my allotted time.  
13 But I'm sure everyone saw the news release.  
14 It seems to me we have a problem that a lot of older  
15 men experience that are lonely: we've got an out-of-  
16 control mail-order bride that's making decisions,  
17 spending money like it's going out of style, and  
18 there's really no accountability.  
19 It seems that this new city manager is  
20 making decisions without really getting clearance  
21 from, you know, the people who hired him, and I really  
22 think that the left side of the dais is ultimately  
23 responsible for this because they've given this  
24 individual unfettered power. And there's no  
25 performance review, there's no accountability, and I'm

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1 really shocked that in the middle of an election a  
2 City employee takes it upon himself to issue a news  
3 release stating that the incumbent Council is great as  
4 it is; furthermore, announcing that we are going to  
5 have an uptake in revenue based on four months' worth  
6 of data.  
7 I don't know where the information is coming  
8 from because it's certainly not shared with the  
9 public, certainly not shared with Council, so I'd be  
10 interested to see a full accounting of this grand new  
11 plan where we're going to make all of this money. I  
12 just -- I'm really astounded about how -- how broken  
13 this is.  
14 You know, I see in our campaign literature  
15 where some of the incumbents are claiming  
16 responsibility for hiring the City Manager to take  
17 over, you know, the day-to-day operations. The fact  
18 is that the citizens of Doraville elected to have this  
19 form of government, and it's really sleeves off your  
20 vest to make a good hire. So I don't really see that  
21 as -- as an accomplishment. That's just doing, you  
22 know, what's you're supposed to do, and that's your  
23 job.  
24 One of the things that really concerns me  
25 about the City Council and has over the past several

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1 years is many of you Council members make the  
2 decisions based on your own opinions. I've heard one  
3 of you say, "I know best what's for Doraville, not  
4 necessarily my constituents," and I hope that tomorrow  
5 that all of the constituents take this into  
6 consideration when they cast their vote.  
7 Thank you.  
8 MAYOR PITTMAN: Anyone else wishing to  
9 speak?  
10 And I do want to want to remind the  
11 audience, you may have opinions or thoughts. I would  
12 appreciate your comments -- if you have something to  
13 say, take it outside. Please be quiet in here. I  
14 appreciate it.  
15 MS. EMILY PAPER: My name is Emily Papera.  
16 I am a Russian-speaking case manager for the Russian  
17 elderly population here in Atlanta. I represent about  
18 300 Russian-speaking elder adults in the Atlanta area.  
19 The majority of them are in the city of Atlanta and a  
20 good number are in the city of Doraville. There is a  
21 lot of immigrant families here. And I try to act as a  
22 conduit to explain to them what kind of services and  
23 other organizations that are available to help people,  
24 and I'm representing Larissa Liapidous today who is  
25 one of my clients who has been a citizen of this

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1 country since 2008.  
2 Out of my 300 clients, she is by far the  
3 hardest-working one I've met. A lot of them would  
4 like to sit back on using the government for the  
5 benefits, and she has fought very hard. We're trying  
6 to make sure she gets all of the benefits that she can  
7 as an older adult.  
8 And with that said, she has -- even though  
9 she's been a citizen only for about five years, she is  
10 no stranger to the offices in Georgia because she's  
11 been trying to advocate for some of the fees that are  
12 assessed to her. She has very limited low income  
13 because in 2012 she had to quit work because she got -  
14 - she was a breast cancer survivor and had to quit  
15 working voluntarily because that's how they had it set  
16 up with her organization that she worked for.  
17 So what we're advocating is that she's got a  
18 very -- she pays her mortgage dutifully, and she's got  
19 a very high mortgage and a very low pension, And what  
20 we are here today is to request that she have her  
21 sanitation fees waived, because when she was living a  
22 couple years ago back in unincorporated Dekalb County,  
23 she could apply for a senior waiver at age 65. Now  
24 that she has been annexed into the city of Doraville,  
25 there is a city ordinance that states that she has to

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1 pay the sanitation fees, and I would like the Council  
2 to consider her request to have this fee waived so  
3 that, because of her limited income, she can actually  
4 pay her other bills on time and keep making the  
5 mortgage payments.  
6 Believe me, she's exercised every option she  
7 has available. She is definitely -- she does not have  
8 any car, and she uses public transportation to try  
9 her best to make sure her voice gets heard.  
10 So what I would like to advocate today is  
11 that she have this sanitation fee waived and -- or if  
12 we have to go through the process, we would like to  
13 look into ordinance being changed for the city of  
14 Doraville. Thank you.  
15 MAYOR PITTMAN: Ma'am?  
16 MS. PAPER: Yes.  
17 MAYOR PITTMAN: She actually had called, and  
18 the number that was left was an incorrect number.  
19 Would you mind before you leave today  
20 leaving the correct number with the Clerk, please?  
21 MS. PAPERS: Sure. I'd be happy to.  
22 MAYOR PITTMAN: Thank you.  
23 Okay. Anyone else wishing to speak?  
24 MS. BONITA HOFFMEISTER: Bonita Hoffmeister,  
25 English Oak.

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1 Last meeting I saw a letter, didn't get to  
2 read the whole thing, but it was discussing a very  
3 frivolous lawsuit if the person who is applying for  
4 10(a) does not win, the 10(a) line item from M-1 to  
5 C-2 (sic).  
6 Believe me, anybody applying for zoning M-2  
7 in the C-2 area that's downtown has undertaken a  
8 frivolous action; and then to threaten suit is indeed  
9 a frivolous lawsuit, and I would hope the City has  
10 some recourse in that regard if they are sued.  
11 Thank you.  
12 MS. CAROL GILMAN: Carol Gilman, Northwoods.  
13 Mayor, on the agenda, would you explain 10  
14 (b), the Ordinance to Remove Employee Policies From  
15 Code, why that is being moved or delayed?  
16 I ask because I support removing the  
17 employee policies from the Code.  
18 MAYOR PITTMAN: It's still on the agenda.  
19 MS. GILMAN: It's moved to another section  
20 of the agenda?  
21 ATTORNEY McLENDON: Huh-uh.  
22 DR. GILLEN: I think there's confusion of  
23 the revised agenda. I mean prior to the revised  
24 agenda, 10(b) was to remove CT zoning, but that has  
25 been revised since, and we're going to put it off to a

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1 future meeting.  
2 MS. GILMAN: So, then I have the most  
3 current agenda.  
4 DR. GILLEN: That's correct.  
5 MS. GILMAN: Very good. Thank you for the  
6 clarification.  
7 DR. GILLEN: On the original agenda, 10(b)  
8 was the removal of CT zoning. The current, the  
9 revised agenda, 10(b) is the removal of the personnel  
10 policies from the ordinance.  
11 MAYOR PITTMAN: All right. Anyone else  
12 wishing to speak?  
13 (No response)  
14 MAYOR PITTMAN: Okay. We're going to close  
15 the Public Comment portion.  
16 Next is going to be Reports and  
17 Presentations; City Manager, Dr. Gillen.  
18 DR. GILLEN: Thank you, Mayor and Council.  
19 I'll be brief tonight because we got a report coming  
20 from our Economic Development Director and our Library  
21 Director, talk a little about what's going on with  
22 their two departments. So in the interest of time,  
23 I'll give them plenty of time to talk.  
24 Just a couple of items that are going to be  
25 happening in the next couple of weeks. The sound

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1 system for the Council chambers is on schedule to be  
2 installed prior to the next Council meeting, so it  
3 will be a better Council sound system with better  
4 speakers and microphones and a mounted camera for when  
5 we get to the IQM2 system. The live streaming will  
6 occur for the Council meetings via that.  
7 The Internet upgrade is almost complete.  
8 Comcast ran into some snags with Georgia Power in  
9 crossing their lines and things like that, so they've  
10 had to work around some things and it's taking them a  
11 little bit longer, but it is underway and almost done.  
12 And the GIS system implementation is  
13 underway. That's going to take a couple of months  
14 while the servers are built and the computers are  
15 ordered, and then the licensing will be purchased as  
16 well.  
17 Lisa Ferguson, the Finance Director, and I  
18 are looking into audits of the phone bills. There are  
19 vendors who will provide a service to audit the phone  
20 bills to make sure that we're not paying any  
21 unnecessary fees and that we don't have any lines that  
22 are just there that we're paying for that nobody's  
23 using. I've been in this for a long time, and I've  
24 found government buildings, sometimes there's a phone  
25 line into a room that no one knew about, but it's on

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1 the bill, and nobody bothered to check. So we're  
2 going to run through that.  
3 We're also looking into the same sort of  
4 concept of audit of our business licenses, alcohol  
5 licenses and excise tax to make sure that everybody  
6 that has a business in Doraville has an occupational  
7 tax certificate, things of that nature. And that's  
8 going to take some times, but we're going to be  
9 working on that over the next couple of months.  
10 The business and occupational tax renewal  
11 letters are going out next week, and we have RFPs for  
12 finance software and the document management system  
13 that went out on Friday. So those will be coming to  
14 you probably in January. As the RFPs come back in,  
15 we'll bring the recommendations to the Council in  
16 January.  
17 The finance software is a critical piece.  
18 We need to make sure that we're able to give timely  
19 reporting. The current system isn't doing what we  
20 need it to do and doesn't have the capabilities that  
21 we need it to have for timely information flow. And  
22 that means better monthly reporting to the City  
23 Council and to the public.  
24 Other than that, those are the kind of major  
25 things that are happening over next couple of weeks.

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1 So I'll stop there. If there's any questions, I can  
2 answer them, but I'll turn it over to our next two  
3 presentations.  
4 MAYOR PITTMAN: Council? Ms. Alexander, did  
5 you have questions for Dr. Gillen?  
6 COUNCILMEMBER ALEXANDER: No, ma'am.  
7 MAYOR PITTMAN: Mr. Bates?  
8 COUNCILMEMBER BATES: No.  
9 MAYOR PITTMAN: Mr. Patrick?  
10 COUNCILMEMBER PATRICK: In your mind, what's  
11 the appropriate time frame for a business license to  
12 be renewed?  
13 DR. GILLEN: How long it should take?  
14 COUNCILMEMBER PATRICK: Uh-huh.  
15 DR. GILLEN: I don't know what -- Two to  
16 three weeks is --  
17 CLERK BRYANT: Days.  
18 DR. GILLEN: -- typical? Is it --  
19 CLERK BRYANT: Days.  
20 DR. GILLEN: -- two to three business days?  
21 This is my first go-round with it. I don't  
22 know how you've been doing it in the past. It  
23 shouldn't take but a couple of days is what I would  
24 hope for.  
25 COUNCILMEMBER PATRICK: Thank you.

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1 MAYOR PITTMAN: Ms. Fleming?  
2 COUNCILMEMBER FLEMING: Yes. I'd like to  
3 inquire as to who the source will be for the audit of  
4 the phone bills, the alcohol licenses as well as the  
5 business licenses.  
6 DR. GILLEN: We had a vendor we selected for  
7 the phone bills -- Lisa, dig into that because their  
8 name escapes me right now -- and she can talk to us  
9 about that.  
10 We're going to get some quotes on the other  
11 ones, so I don't know who the companies are yet.  
12 There's two or three out there that do the business  
13 licensing that I've done it with other cities, so  
14 we'll take a look at that.  
15 COUNCILMEMBER FLEMING: And in regards to an  
16 audit on our E911 fees that we're not getting?  
17 DR. GILLEN: Uh-huh. We're taking a look at  
18 that as well. I didn't mention that, but yes. Thank  
19 you for reminding me. That is part of the -- when we  
20 do the E-RFQ for the service, we're going to want that  
21 to be a part of it.  
22 COUNCILMEMBER FLEMING: As soon as you find  
23 out from Ms. Ferguson in regards to who the vendor is,  
24 I'd like to know what the cost is to the city for  
25 these audits.

1 DR. GILLEN: Uh-huh.  
 2 MAYOR PITTMAN: Ms. Dean?  
 3 COUNCILMEMBER DEAN: No. I'm good.  
 4 MAYOR PITTMAN: Okay. Thank you.  
 5 DR. GILLEN: All right.  
 6 MAYOR PITTMAN: Thank you, Dr. Gillen.  
 7 DR. GILLEN: Thank you.  
 8 MAYOR PITTMAN: Next is Economic  
 9 Development, Mr. Howe.  
 10 MR. LUKE HOWE: Thank you, Mayor.  
 11 Well, this is probably the worst-kept secret  
 12 in Atlanta, but I'd like to formally announce that the  
 13 GM plant is under contract. It has been since July.  
 14 We're looking at a 12- to 15-month closing  
 15 period which will -- which will end in -- in the fall  
 16 of next year.  
 17 So right now they're doing some environ-  
 18 mental testing. They've done some preliminary  
 19 testing, and we don't know much about that; but we  
 20 know that they're undeterred, so that is a good thing.  
 21 But we've been really busy with that project  
 22 lately, as you would expect. There's a lot of  
 23 intergovernmental coordination that has to be done, a  
 24 lot of lobbying the Federal government and trying to  
 25 get some assurance for the 70 million in

1 for the -- for the New Peachtree Road Project.  
 2 Unfortunately, it requires a 20 percent local matching  
 3 requirement, and that would be about \$582,000. I  
 4 applied for a State Road & Toll Authority grant for  
 5 that match, so, you know, hopefully that'll be  
 6 successful.  
 7 We were -- we've been recommended -- It's  
 8 been recommended by the ARC and the Georgia Department  
 9 of Transportation that we undertake a second LCI  
 10 study. Now, I know everybody may be a little  
 11 planning-fatigued, but GDOT said that this would --  
 12 recommended that this would be the next best step in  
 13 making sure that we get funding considerations for our  
 14 major project.  
 15 This LCI Supplemental Study would be  
 16 exclusive to the connectivity projects: the Buford  
 17 Highway corridor -- the Buford Highway Connector  
 18 project, the MARTA pedestrian bridge, and upgrades to  
 19 Peachtree Industrial and Motors Industrial. This  
 20 would be more of a preliminary engineering plan, so it  
 21 would be a little bit more nuts-and-bolts than what  
 22 we've done in the past.  
 23 And again, you know, since the -- you know,  
 24 in the wake of the T-Splost vote, you know, there is a  
 25 -- the State has to reassess all the transportation

1 infrastructure that we're going to need. So this is a  
 2 significant step for the city, but there's a lot of  
 3 work to be done.  
 4 I did want to compliment the Mayor and  
 5 Council. They have shown really remarkable leadership  
 6 over the last year. You know, you had to inspire a  
 7 lot of confidence in somebody to want to make a  
 8 \$60,000,000 investment. And from our governing  
 9 authority on down to our Planning Commission and our  
 10 DDA to even, you know, our well-educated and  
 11 thoughtful citizens, you-all collectively have  
 12 presented a very positive image, and I want to  
 13 congratulate you on that.  
 14 I've asked you to make some -- you know,  
 15 some decisions over the last year. Some were popular,  
 16 some weren't very popular. But you made them, and  
 17 they were necessary, and we wouldn't be here today if  
 18 you didn't do that. So again, thank you all.  
 19 We're working on a number of grants right  
 20 now, and that continues to be something that falls  
 21 within my -- my scope of work. Other than leadership,  
 22 another key ingredient to have a flourishing economic  
 23 development program is appropriate investments in  
 24 infrastructure.  
 25 We did receive a 2.8 million dollar grant

1 projects that were -- that were slated to get money.  
 2 And they said, you know, "This is what you really need  
 3 to do to position it for funding in the future," so we  
 4 applied for a supplemental LCI.  
 5 We're also working on EPA brownfield  
 6 assessment and clean-up grants. Typically the EPA  
 7 will make a call for applications beginning in October  
 8 until -- till late November. Now, the government  
 9 shutdown has delayed that, so, but we're working on  
 10 them in anticipation that it's going to -- it's going  
 11 to come open, so I'll keep you posted on that.  
 12 We're also working with Parks & Recreation  
 13 on a Land & Water Conservation Fund grant that would  
 14 continue to do some work on Halpern Park.  
 15 Other than that, business development is  
 16 doing very well. We are actually doing better  
 17 economically than we were, you know, when I first got  
 18 here five years ago -- that was pre-recession -- and  
 19 we're doing it with stricter policies in place.  
 20 And so I think it's a credit to everyone who  
 21 has advocated for those policies, that we can be  
 22 successful in recruiting business and we can do it  
 23 under stricter guidelines. So I've always said  
 24 whatever you put in place, we will work with that and  
 25 we're going to be successful with it.

Page 21

1 We have just over 1,500 businesses. 1,200  
2 are actually located here in Doraville. So that's --  
3 that's a 25 percent increase over the last two years.  
4 We've welcomed the -- we just welcomed two new  
5 distributors into the annexed area recently, and I'm  
6 working on one more in the Clearview area.  
7 And M-1 is going to continue to be our  
8 priority because right now that has the most potential  
9 for employment. You know, in keeping with your --  
10 with the goals that you formulated a few months ago,  
11 we plan on bringing a third Urban Redevelopment Plan  
12 before the Council at the next -- at the next work  
13 session, and in our future Opportunity Zones, we'll  
14 focus on the M-1 and the employment centers that we  
15 haven't already applied for.  
16 Other than that, we have our new video game  
17 company that is moving into the old post office. I  
18 really love this industry. It has got a lot of  
19 potential. They're going to be moving in at the first  
20 of the year.  
21 The company's called Gangs at Work. They  
22 employ about 15, and they've been in business for 20  
23 years. They make video games particularly for the  
24 Department of Defense. They're mostly training and  
25 simulation oriented.

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1 We're also working with them to bring in  
2 smaller companies to that space because 8,000 square  
3 feet is a little bit too big. So what we plan on  
4 doing is starting a digital media incubator, and I'm  
5 supposed to meet with the Georgia Video Game  
6 Developers Association next week.  
7 So I think we've got a lot of potential with  
8 this industry, and it all started with the animation  
9 studio. You know, unfortunately, they didn't work  
10 out, but, you know, the way we treat our businesses is  
11 our best form of marketing, and when you go above and  
12 beyond like we did to try to get them here, you know,  
13 the word spread and so, you know, we can't -- we got  
14 1,500 businesses. We can't focus on all of them, so  
15 we have to concentrate on those who are bringing value  
16 and who are bringing employees into the city.  
17 Other than that, the DDA will meet, hold its  
18 third meeting in December. We're going to talk to  
19 them about training. They have to go through at least  
20 eight hours. We've been talking to Carl Vinson about  
21 combining that training with a goals and strategy  
22 formulation session. So what we'll do is we'll take  
23 the goals and the objectives that the City Council  
24 produce, we'll go over that and we'll -- what will  
25 come out of it is a workable city-wide economic

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1 development strategy, and we'll discuss ways in which  
2 the DDA can augment the City's efforts.  
3 This Friday you will be getting a proposal  
4 from a developer for a 30,000 square foot medical  
5 facility that would be located right where the old Pan  
6 Asian and Extension Service sites are. You know, it's  
7 -- so far, it looks like a great opportunity. The  
8 facility would employ about 30 people in the high-  
9 paying healthcare field. It would probably mean about  
10 60 more jobs in construction. So I look forward to  
11 discussing that with you at our next work session.  
12 Other than that, we're really doing well  
13 economically. We had a -- it was a rough three or  
14 four years there with the plant closure and the  
15 recession, but we're just -- we're slowly but surely  
16 crawling our way out of it.  
17 And I want to emphasize how important good  
18 leadership has been. You know, it's fine to disagree,  
19 but we're not doing it in front of a regional  
20 television audience, and I can't tell you how  
21 important that is. So you're doing a fantastic job  
22 with leadership. It doesn't matter who you hire. If  
23 the collective leadership is not presenting a positive  
24 image, then anything we do is really a lost cause. So  
25 I want to congratulate you all for that.

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1 And that's about it unless you have any  
2 questions.  
3 MAYOR PITTMAN: Ms. Alexander?  
4 COUNCILMEMBER ALEXANDER: No, ma'am.  
5 MAYOR PITTMAN: Mr. Bates?  
6 COUNCILMEMBER BATES: No.  
7 MAYOR PITTMAN: Ms. Pachuta?  
8 COUNCILMEMBER PACHUTA: Huh-uh.  
9 MAYOR PITTMAN: Mr. Patrick?  
10 COUNCILMEMBER PATRICK: Huh-uh.  
11 MAYOR PITTMAN: Ms. Fleming?  
12 COUNCILMEMBER FLEMING: No, thank you.  
13 MAYOR PITTMAN: Ms. Dean?  
14 COUNCILMEMBER DEAN: I just have --  
15 How many LCI studies have we had?  
16 MR. HOWE: This will be our third. But  
17 again, you know, when they brought it up, I kind of  
18 bristled too, because we've been through it, and y'all  
19 had a conversation about Cindy -- with Cindy a month  
20 ago.  
21 I'm not, you know, interested in any vision,  
22 broad-based -- anything that we've already hashed out,  
23 but what this would do is really focus on the nuts-  
24 and-bolts of our transportation project. It would do  
25 some preliminary engineering, some right-of-way

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1 acquisition analysis; the environmental implications  
2 of what we plan on doing, the people displacement of  
3 what we plan on doing; so it would really -- and it  
4 would really start to assign some hard figures to  
5 that.  
6 Our LCI, our 2010 LCI does a great job of  
7 just providing an overview, but it only gives you  
8 about that much of a paragraph (indicating) on our  
9 biggest project, and that's the new arterial connector  
10 from Buford to Peachtree Boulevard with the bridge,  
11 so. And lobbying the Federal government and the State  
12 for funding, we need to have -- we need to have a  
13 little something more to bale it up with.  
14 COUNCILMEMBER DEAN: And how much did we pay  
15 for the 2010 LCI?  
16 MR. HOWE: The total cost was \$125,000. LCI  
17 -- just like the LCI grant, LCI money originates from  
18 the Federal DOT, and their rule is 20-percent match,  
19 so we actually paid \$25,000.  
20 Now, with this match, we asked again for  
21 \$125,000, but the development group has offered to  
22 contribute to that match, so.  
23 COUNCILMEMBER DEAN: So how much would that  
24 cost us if we went forward with this?  
25 MR. HOWE: We hadn't worked out a formal

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1 agreement with them about what they would cover, but  
2 the local matching responsibility would be 20 percent  
3 or \$25,000.  
4 COUNCILMEMBER DEAN: Okay. And with the  
5 other studies, we have three. Why have we had three?  
6 And I ask --  
7 MR. HOWE: Well --  
8 COUNCILMEMBER DEAN: -- you this because  
9 people make reference to the LCI studies, and I'm  
10 always -- I'm always thinking, Well, which one?  
11 because I know that we've had -- I knew that we've had  
12 a few at least.  
13 But why have we had three? I mean why --  
14 Yeah. Why have we had three?  
15 MR. HOWE: Well, the 2006 LCI only really  
16 covered the town center area from, you know, really  
17 the New Peachtree and Shallowford and Buford Highway  
18 corridors. It anticipated that the GM plant would be  
19 closing but it did not cover the GM site  
20 redevelopment.  
21 COUNCILMEMBER DEAN: And do you know how  
22 much that cost, that one cost?  
23 MR. HOWE: You know, I don't know. It was  
24 probably -- probably the same. Probably it was a  
25 \$125,000 deal.

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1 COUNCILMEMBER DEAN: Okay. Was 2010 the  
2 next one?  
3 MR. HOWE: 2010 was the next one.  
4 COUNCILMEMBER DEAN: And that was -- Okay.  
5 And then the third one was?  
6 MR. HOWE: This would be the third one --  
7 COUNCILMEMBER DEAN: Okay.  
8 MR. HOWE: -- if we get approved.  
9 COUNCILMEMBER DEAN: All right. Okay.  
10 Okay. And one more question. The training  
11 for the DDA board, who would -- who will be paying for  
12 their training?  
13 MR. HOWE: The City would be covering their  
14 training, and we will be looking for a budget  
15 amendment just to give them some training money and  
16 supply money. But, you know, until we start -- you  
17 know, the Development Authority, their fees will come  
18 through a bond issuance. That's where.  
19 But right now, you know, we don't have any,  
20 and they got to --  
21 COUNCILMEMBER DEAN: Right.  
22 MR. HOWE: -- get trained and --  
23 COUNCILMEMBER DEAN: Right. Well, and I  
24 asked about this before it was implemented, and I was  
25 told that all this work would be done pro bono.

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1 MR. HOWE: Well, you know, we -- I would  
2 prefer that we bring in a professional facilitator  
3 just because I'm not -- that's not my -- that's not my  
4 strength, and I'd rather a professional come in and  
5 help them formulate some hard goals.  
6 COUNCILMEMBER DEAN: So when I was told --  
7 and Mr. Gillen, you might help us here -- when I was  
8 told, because I specifically asked that question -- I  
9 was told it would be done on a pro bono basis.  
10 Were you going to be the one providing these  
11 services?  
12 MR. HOWE: We ha- --  
13 COUNCILMEMBER DEAN: The first time -- the  
14 first time the DDA board came before us, it was  
15 going -- we were going to ask Dekalb County for  
16 \$20,000. And when I asked now who is covering this, I  
17 was told it's going to cost nothing, that all of this  
18 work is going to be provided on a pro bono basis.  
19 MR. HOWE: We --  
20 DR. GILLEN: I believe Mr. McCrae was going  
21 to --  
22 MR. HOWE: Yeah.  
23 DR. GILLEN: -- be providing the training  
24 portion, and I think what Luke was referring to is the  
25 facilitator was for the goal-setting session.

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1 Right?  
2 MR. HOWE: Yes, ma'am. And he has. I mean  
3 the Development Authority's attorney has offered to  
4 come in and train them.  
5 COUNCILMEMBER DEAN: So we --  
6 MR. HOWE: But this is --  
7 COUNCILMEMBER DEAN: But he's going to come  
8 in and train them, so what -- what is this training  
9 that you're referring to?  
10 MR. HOWE: Well, this is more for a  
11 facilitator to come in. And the City Council has been  
12 through -- I think we did it a couple years ago, but a  
13 trained facilitator comes in and helps them put  
14 together a plan of action.  
15 Now, you know, if we have to, you know,  
16 Dr. Gillen and I can do that, but if we can, I think  
17 it would be advantageous.  
18 COUNCILMEMBER DEAN: Well, I mean I'm just  
19 asking just to kind of get an idea, but this -- we  
20 don't have to flush this out now because --  
21 MR. HOWE: No, ma'am, we don't.  
22 COUNCILMEMBER DEAN: All right.  
23 MAYOR PITTMAN: Go ahead.  
24 COUNCILMEMBER FLEMING: You've made a  
25 comment in regards to the -- the third LCI study that

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1 there was a possibility that the development group  
2 would be paying for it. Who is the development group?  
3 MR. HOWE: The Integral Group.  
4 COUNCILMEMBER FLEMING: Okay. So that's the  
5 group that has purchased or is under contract for the  
6 GM property; is that correct?  
7 MR. HOWE: Correct.  
8 COUNCILMEMBER FLEMING: Okay.  
9 MAYOR PITTMAN: Mr. Howe, thank you very  
10 much.  
11 Okay. Next is going to be the library, Ms.  
12 Henry.  
13 MS. TAMMY HENRY: Good evening. Good  
14 evening, Mayor, Council, Dr. Gillen, citizens. I'm  
15 bringing good tidings from the library.  
16 I want to say we have an awesome group of  
17 citizens that are called Friends of the Doraville  
18 Library. We just ended a book sale on Saturday that  
19 was just awesome. And it lets me know that one man's  
20 treasure -- one man's trash is another man's treasure.  
21 So far, the Friends of Doraville Library has raised  
22 \$8,000 in book sales.  
23 Can you please stand for me so we can give  
24 you a round of applause; Friends of the Doraville  
25 Library.

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1 (Applause)  
2 MS. HENRY: Thank you. And their moneys  
3 usually help us with programmings and providing pizza  
4 for Saturday teen programs, popcorn and just treats.  
5 So they have really worked hard for the Doraville  
6 Library, and I really appreciate them.  
7 Oftentimes, we don't know the people that  
8 serve you at the library, and I want to introduce my  
9 staff. And they are the dream team. They have worked  
10 hard, they have put up with a fierce leader, which is  
11 myself. They have just worked awesomely hard.  
12 First I want to introduce Joanne Lancaster.  
13 She's been at the Doraville Library for 16 years.  
14 Joanne, stand up for me please.  
15 (Applause)  
16 MS. HENRY: I want to introduce Kathy  
17 McKenzie. She's been with the Doraville Library for  
18 14 years.  
19 (Applause)  
20 MS. HENRY: I want to introduce Antoine  
21 Danner. He's been with the library for one year.  
22 (Applause)  
23 MS. HENRY: I want to introduce Audrey  
24 Atkins. She's been with the library for five months  
25 now.

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1 (Applause)  
2 MS. HENRY: They are the dream team,  
3 Doraville's dream team, and I'm glad to say that.  
4 When I started in January, one thing I  
5 mentioned to you-all is I want to -- we qualify for  
6 The Best Little Library in America. So I had to start  
7 tracking what we started doing on my first day,  
8 January 3rd, 2011, and it has to be a three-year  
9 track. Well, let me just give you an overview of what  
10 we have done. And I believe in good, better and best,  
11 and the best will be when we receive the award, The  
12 Best Little Library in America.  
13 But let me start with January of 2011  
14 staffing. When I arrived at the Doraville Library, we  
15 had five full-time people and two part-time. We were  
16 circulating 1,000 items per month. That means 1,000  
17 items were checked out. It was about 1,500 people  
18 that visited the library in 2011, and in fees and  
19 fines, we was collecting about \$600 a month.  
20 Well, here's the -- we have gotten better.  
21 We have become efficient, we have become effective.  
22 We're staffed now with just three full-time people,  
23 two part-time people. We circulate 5,000 items a  
24 month. We have about 5,000 people that come in the  
25 library every month, that we serve. We collect about

1 \$1,400 in fines a month.  
 2 And here's what I want you to think about:  
 3 As I measure the success of the library, I want to get  
 4 the best. So in measuring the best, these are the  
 5 things I want you, the citizens, the Mayor and the  
 6 Council and Dr. Gillen to focus on as we look at the  
 7 Doraville Library: We need to focus on the facility.  
 8 The Doraville Library has not been renovated since  
 9 1979. 1979.  
 10 COUNCILMEMBER PATRICK: I was seven back  
 11 then.  
 12 MS. HENRY: It was built in 1954. We  
 13 haven't had any renovations since '79. We have made  
 14 it cosmetically look nice, but we haven't updated the  
 15 library. Right now with the maximum load, we can only  
 16 circulate five -- we probably -- with the staff that  
 17 we have, we're at maximum level. We can't circulate  
 18 not one more item or that staff will be laying on the  
 19 floor.  
 20 So I want you to really focus on the  
 21 facility because we need to become ADA compliant.  
 22 That's what I want you to focus on. The bathrooms --  
 23 I want each and every one of you to come to Doraville  
 24 Library and check out our bathrooms, and you tell me  
 25 if we need to be renovated.

1 Also I will say this: It costs \$5.00 to  
 2 become a friend. Susan, Janet Huggleston, please  
 3 stand.  
 4 She is the president -- she is a retired  
 5 educator from Cross Keys. She's the president of our  
 6 Friends group.  
 7 It costs \$5.00 to become a friend. If  
 8 you're interested in becoming a friend, please see  
 9 Janet. Okay?  
 10 Susan. I want Susan to stand for a second.  
 11 Susan did a outstanding PR job for the book sale.  
 12 Susan, thank you very much for coordinating  
 13 and getting the book sale.  
 14 (Applause)  
 15 MS. HENRY: I had no idea that \$8,000 has  
 16 been raised in book sales, so what an outstanding job.  
 17 Next thing I want to say: This is the only  
 18 free card (indicating) that you can carry in your  
 19 wallet. If you do not have this free card -- I have  
 20 several cards, but none of them are free. They come  
 21 with a 7.7 interest rate and this, that and the other.  
 22 But this is the only free card that you can carry in  
 23 your wallet. Please sign up. Get a library card.  
 24 I now hear people say, "Oh, I have a Nook,"  
 25 or "I have a Kindle," "I have an iPad." Well, you can

1 Also, we provide -- Joann Lancaster does an  
 2 excellent job with going into the community and  
 3 bringing programs to the library. We have Saturday  
 4 Teens, we have Saturday Senior programs, we have  
 5 Children's Story Time.  
 6 We even have English as a Second Language  
 7 every Tuesday night free, if she wants to come. It's  
 8 absolutely free.  
 9 So we have a lot of programs that are  
 10 quality programs. I want us to continue to offer the  
 11 quality programs, but we need the space. We don't  
 12 have the space.  
 13 Also, I've told my staff, if any of you have  
 14 ever shopped at Nordstrom's before, we're offering  
 15 white glove service. We're offering when you come  
 16 into the library, if you do not get the quality  
 17 service, you come personally and talk to me, because  
 18 I'm asking my staff to make sure, even if they get  
 19 people from the train station that walks to the  
 20 library and they come in sweaty, stinking, ugly and  
 21 mean, it's okay. They will get the white glove  
 22 treatment at the Doraville Library.  
 23 If you don't get that, please let me know,  
 24 because we're measuring our success to become the Best  
 25 Little Library in America. Okay?

1 come to the library and download those items for free  
 2 onto your Kindle or your Nook or your iPad. But get a  
 3 library card, please. Continue to support us. We are  
 4 very grateful that you support us, but we do need to  
 5 consider down the road to take a look at our facility.  
 6 Tell us when we're not providing the customer service  
 7 that you'd like to see.  
 8 And thirdly, tell us about quality programs  
 9 you would like to see at your local library. I mean  
 10 we don't have all the answers. We are there for  
 11 suggestions. But just let us know some things that  
 12 you would like to see at the library.  
 13 Merle offered a program of making jewelry  
 14 for our teens. She offered. The teens loved it.  
 15 They made a bracelet and necklace, and she left some  
 16 more beads for them to make.  
 17 Merle, thank you. They really loved seeing  
 18 it, and I appreciate you coming and doing it for free.  
 19 Thank you.  
 20 So you-all continue to support the library.  
 21 We need you, we support you, but just think about us  
 22 as this city moves forward in planning and processing.  
 23 Council, Mayor, don't leave the library out when you  
 24 are making these big plans for the city. Consider the  
 25 library. We need, you know, some improvement in the

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1 facility; we really do.  
2 And that's it. Thank you very much.  
3 MAYOR PITTMAN: Ms. Henry, I just want to  
4 say, I want to echo the Friends of the Library have  
5 done an outstanding job. We know that you work  
6 really, really hard, and we really, really appreciate  
7 all of you.  
8 We also appreciate the employees. You guys  
9 do an outstanding job. We really appreciate it.  
10 And Ms. Henry, I think you deserve a round  
11 of applause because you do an outstanding job as well.  
12 MS. HENRY: Thank you. Thank you.  
13 (Applause)  
14 MS. HENRY: But I just -- I just want to  
15 say, you know, thank you. If not for you-all -- and  
16 you-all, because you're citizens too -- it would not  
17 be us there working at the library. And just remember  
18 that we're there for your pleasure to assist you any  
19 way that we can. Just don't catch me on a Tuesday at  
20 8 o'clock because I may be grumpy because I'm tired by  
21 then.  
22 But it's really a joy and it's coming along.  
23 When I tell people that I'm the Library Director at  
24 Doraville, and they say, "Doraville?"  
25 "Yes. We're four to five miles away from

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1 Atlanta. We're at 9,000 population."  
2 Everyone is saying, "Really. 5,000 a month  
3 in that little place?"  
4 "Yes, yes, 5,000 a month. Yes, yes." And  
5 it's just wonderful. So I just want you to know it's  
6 no small thing. It's wonderful to circulate 5,000 a  
7 month and 5,000 come in that door and it's only 9,000  
8 people in Doraville.  
9 MAYOR PITTMAN: Thank you.  
10 COUNCILMEMBER FLEMING: Thank you.  
11 MAYOR PITTMAN: Council, do any of you have  
12 comments or questions for Ms. Henry?  
13 COUNCILMEMBER FLEMING: No.  
14 Thank you, thank you, thank you.  
15 MS. HENRY: Thank you.  
16 MAYOR PITTMAN: All right. Next on the  
17 agenda is under Unfinished Business. It's going to be  
18 a Public Hearing for Application for Rezoning of  
19 Parcel No. 18 311 02 014 located at 5407 Buford  
20 Highway from C-2 Commercial to M-1 Light  
21 Manufacturing. Mr. Cooley.  
22 MR. JOE COOLEY: Good evening, Mayor and  
23 Council.  
24 As you may recall, this was open for public  
25 hearing at the last meeting, on October 21st. It was

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1 deferred to a date certain, which was today, so this  
2 is a continuation of the public hearing. We had not  
3 really gotten into it at this point when we moved on  
4 at the last meeting.  
5 I know you-all have received the emails.  
6 There has been an additional request for a deferment  
7 by the applicant. Again he's citing physical and  
8 health problem, so that has been sent to y'all and  
9 that is for your consideration prior to moving  
10 forward.  
11 MAYOR PITTMAN: Okay. Mr. McLendon, could I  
12 get your input on that? How should we move -- I mean  
13 I know it's going to be up to the Council, but do we  
14 need to do a public hearing? Do they have the option  
15 to vote one way or the other?  
16 ATTORNEY McLENDON: We need to complete the  
17 public hearing. The withdrawal, if they asked for a  
18 deferral, that is in the discretion of the Council.  
19 If you choose to grant that, you can. But we have  
20 granted one continuance on this, so it is in your  
21 discretion what you chose to do with that.  
22 MAYOR PITTMAN: But we are to move forward  
23 with the public hearing first. Is that correct?  
24 ATTORNEY McLENDON: Well, we have the public  
25 hearing. And yes, I would say we need to have the

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1 public hearing on it, and, you know, if anyone is here  
2 to speak on behalf of the application, they will have  
3 their time to speak on behalf of it as well.  
4 MAYOR PITTMAN: Okay. All right. Is  
5 there --  
6 COUNCILMEMBER FLEMING: Ask if there's  
7 anyone here.  
8 MAYOR PITTMAN: Yeah, that's what I was  
9 going to do.  
10 Okay. Is anyone here on behalf of Mr. --  
11 Is it Bae? Mr. Bae?  
12 MR. COOLEY: That's correct. Mr. Garst  
13 could not -- the agent could not attend.  
14 MAYOR PITTMAN: Okay. It does not appear  
15 anyone is here.  
16 Ms. Gilman, did you have any comments that  
17 you wanted to make prior to opening the public  
18 hearing?  
19 Cecil, let me make -- excuse me, Mr.  
20 McLendon.  
21 ATTORNEY McLENDON: Yes.  
22 MAYOR PITTMAN: Since you are our attorney,  
23 I wanted to find out if -- I want to make sure I'm  
24 clear. Are we going to have the public hearing or do  
25 we need to move forward with the deferral first?

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1 ATTORNEY McLENDON: If y'all want to, if you  
2 want to give the deferral and actually postpone the  
3 comment until the next meeting, you can choose to do  
4 that at a future meeting.  
5 MAYOR PITTMAN: But we have the option to  
6 take a vote first?  
7 ATTORNEY McLENDON: If you wanted to decide  
8 the deferral, you could go ahead and have that vote  
9 first.  
10 MAYOR PITTMAN: Okay. Then, I'm going to  
11 open that up to the Council in that case.  
12 Ms. Gilman, if you don't mind holding for  
13 just a moment, please.  
14 COUNCILMEMBER PACHUTA: I know it's an  
15 unpopular decision. I know everyone in the community  
16 wants everyone to vote on it. I know everyone up here  
17 wants to vote on it.  
18 Personally, I think because we have given  
19 people deferrals in the past even upwards to a year,  
20 and because this is for medical reasons, I would defer  
21 it to treat everyone fairly. I don't know if the  
22 people up here agree with me on that, but we have done  
23 it in the past. I think it's fairer to the applicant  
24 because we have done it in the past.  
25 The applicant's agent, again today -- I mean

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1 he did bring medical reasons for not being here. And  
2 he has declared in his email that there would be no  
3 more deferrals, that he would find another agent if  
4 his health still would not allow him to be here, and I  
5 presume that we would hold him to that.  
6 So I'm of the opinion because we have done  
7 it in the past, to be fair to the applicant, even  
8 though I know it is an unpopular zoning decision, but  
9 deferring it. The business, it's not operating, so  
10 it's not like we're allowing a illegal business or a  
11 business that's not allowed in that zone to continue.  
12 It's not operating, so it's not like we're losing  
13 anything that way.  
14 MAYOR PITTMAN: Okay. I was actually going  
15 to start down here.  
16 Ms. Alexander, did you have any comments?  
17 COUNCILMEMBER ALEXANDER: No, ma'am.  
18 MAYOR PITTMAN: Mr. Bates?  
19 COUNCILMEMBER BATES: No.  
20 MAYOR PITTMAN: Mr. Patrick?  
21 COUNCILMEMBER PATRICK: No.  
22 MAYOR PITTMAN: Ms. Fleming?  
23 COUNCILMEMBER FLEMING: No.  
24 MAYOR PITTMAN: Ms. Dean?  
25 COUNCILMEMBER DEAN: Yeah. I hear what --

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1 what Ms. Pachuta said, but -- but here is -- here's my  
2 -- because we found out today that he was not going to  
3 be in attendance, there is no doctor's excuse today.  
4 And I would think that something as major at this,  
5 particularly being the second time, that he could have  
6 found another agent representing Mr. Bae for today.  
7 Mr. Bae speaks English. I've had  
8 conversations with him. I mean he used to bring  
9 cookies and drinks to us at our meetings awhile ago.  
10 I'm not sure in what capacity Mr. Garst is  
11 representing Mr. Bae. He is not an attorney. He is a  
12 political consultant and he does some polling.  
13 And just because I am very thorough at my  
14 research, I saw on Mr. Garst's Facebook page that on  
15 October 28th, he was getting ripped, which I take to  
16 mean he was either getting drunk or getting exercise;  
17 in either case, not such a good thing to do if you are  
18 susceptible to a heart attack or whatever his  
19 situation is.  
20 So I am not inclined to grant the deferral  
21 just -- just based on -- on what -- I mean I think  
22 that had he sent something to us Friday or over the  
23 weekend and said, "Here's my doctor's excuse. Again  
24 I'm asking to postpone this," then my opinion would be  
25 different. But I got the email -- maybe the City got

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1 it earlier, but I got it this afternoon, mid-after-  
2 noon, and that's -- I mean I've done some work on this  
3 and -- and I -- You know, how long do we wait?  
4 Or in the alternative, we can say, "If you  
5 can't make it now, we could start the process over."  
6 We can say, "No. If you want to do this again, then  
7 you can do it again." But I think leaving this  
8 hanging, an item that is of such interest to the  
9 people in the community, I think that that would be  
10 unfair to them.  
11 MAYOR PITTMAN: Okay. Thank you.  
12 Does anyone wish to make a motion?  
13 COUNCILMEMBER PACHUTA: I make a motion that  
14 we defer the matter until the next regular scheduled  
15 meeting.  
16 And I don't have a calendar. Is that  
17 November 18th?  
18 CLERK BRYANT: Yes, November 18.  
19 COUNCILMEMBER PACHUTA: -- November 18th  
20 with the stipulation that there will be no more  
21 deferrals for the applicant at that time.  
22 MAYOR PITTMAN: Okay. Do I get a second?  
23 (No response)  
24 MAYOR PITTMAN: Okay.  
25 COUNCILMEMBER PACHUTA: And I'll just state

1 that I think we're being very unfair to an applicant  
 2 even if it is an unpopular rezoning application, and I  
 3 like to treat all of our applicants equally, and we're  
 4 not doing so in this case.  
 5       MAYOR PITTMAN: Okay. Do I get a second?  
 6       COUNCILMEMBER DEAN: Well, I would like to  
 7 say that we did grant the deferral. We gave him a  
 8 deferral. And with something as major as this, I  
 9 would think that he would know before the day of the  
 10 meeting that he would need more time.  
 11       And the fact that it was delayed to the date  
 12 that we're having this, number one. And number two,  
 13 if he can find another agent to represent him, then  
 14 why didn't he do so or at least prepare to do so for  
 15 this meeting?  
 16       MAYOR PITTMAN: Okay. All right. It  
 17 appears the motion dies for lack of a second.  
 18       Do we need another motion or does that speak  
 19 for itself?  
 20       COUNCILMEMBER FLEMING: Open the hearing.  
 21       ATTORNEY McLENDON: That was just a motion  
 22 to allow the deferral on it. So you've chosen not to  
 23 do that, and --  
 24       MAYOR PITTMAN: Okay. All right. I guess,  
 25 then, we move on. Move on? Okay.

1       Thank you, Ms. Gilman. We're going to move  
 2 on.  
 3       ATTORNEY McLENDON: We're moving into the  
 4 public hearing.  
 5       MAYOR PITTMAN: Okay. That's what I wanted  
 6 to get clear.  
 7       COUNCILMEMBER PACHUTA: And we haven't had  
 8 any of the presentations yet, so we haven't had  
 9 Mr. Cooley's presentation yet.  
 10       MAYOR PITTMAN: No. We will get to that,  
 11 though, in just a moment. Thank you.  
 12       Ms. Gilman.  
 13       MS. CAROL GILMAN: Carol Gilman on behalf of  
 14 the Planning Commission.  
 15       We received this application. We reviewed  
 16 it, studied it in detail, and to recap, the Planning  
 17 Commission determined that the M-1 zoning is not  
 18 consistent with the City's vision for the corridor as  
 19 defined in the City's Comprehensive Plan and the LCI  
 20 Study. The proposed zoning and use is not compatible  
 21 with recommended uses within the LCI Study and  
 22 framework plan.  
 23       As a result, the Planning Commission  
 24 unanimously recommended denial of the application for  
 25 rezoning.

1       Mayor and Council, we provided you with an  
 2 accounting of our meeting minutes and a summary, and I  
 3 believe you have that and can refer to it. And that  
 4 is our recommendation, and thank you for your  
 5 attention.  
 6       MAYOR PITTMAN: Okay. Thank you.  
 7       Mr. Cooley?  
 8       MR. COOLEY: So this is the continuation of  
 9 the public hearing. For the record, this is regarding  
 10 Parcel No. 18 311 02 014 located at 5407 Buford  
 11 Highway. The request is for rezoning from C-2 General  
 12 Commercial to L-1 Light Manufacturing.  
 13       Y'all are familiar with the site. This is  
 14 the former United Auto Workers union hall. There's an  
 15 attachment in your packet with regards to the site  
 16 plan and also the aerial photograph.  
 17       The building is approximately 20,500 square  
 18 feet. The lot is approximately 2.65 acres. It is  
 19 currently 81.2 percent impervious coverage. Under  
 20 C-2, that is allowable because 85 percent is allowed  
 21 under C-2. If this was to be rezoned to M-1, however,  
 22 there's a maximum of 70 percent impervious, so there  
 23 would be a required reduction of at least 15 percent  
 24 of impervious surface to pervious surface.  
 25       It has approximately 274 feet of frontage on

1 Buford Highway, approximately 250 feet on Chestnut.  
 2 Main ingress and egress is off of Buford Highway.  
 3 There is a smaller gated entrance on Chestnut Drive,  
 4 and the property has been vacant since the relocation  
 5 of United Auto Workers. The Applicant is the current  
 6 owner of the property.  
 7       I will go through each of these things; but  
 8 the adjacent surrounding properties, to the northeast,  
 9 you have C-2 General Commercial; to the southwest, you  
 10 have C-2 General Commercial; to the southwest across  
 11 Buford Highway, you have C-2 General Commercial;  
 12 southwest for approximately 104 feet you have C-2  
 13 General Commercial; southwest for approximately 200  
 14 feet directly across Chestnut Drive you have R-3  
 15 Multi-family Residential.  
 16       The City's future development map indicates the  
 17 property as being Highway Commercial Corridor. The  
 18 recommended uses for the Community Development under  
 19 the Future Development narrative on page 32 includes  
 20 commercial, limited office/professional, and public/  
 21 institutional uses. That was written in 2006.  
 22       The property is within the Livable  
 23 Communities Initiative, the LCI Study area which has  
 24 been adopted by the City. The Framework Plan, which  
 25 is the guiding plan of the LCI, indicates the section

1 of Buford Highway in which the subject property is  
2 located is General Mixed Use. Under that study, the  
3 typical uses within the General Mixed Use area include  
4 housing, offices, hotels and retail.

5 And again, this is from Section 4.2 - Land  
6 Use Recommendations, General Mixed Use, page 82,  
7 adopted in 2010.

8 As you know, the zoning review standards for  
9 consideration by staff, by the Planning Commission and  
10 by the Council, there are 14 items. In your packet --  
11 and I'll reference it specifically because it is in  
12 the record -- there are 14 different items. If the  
13 Council wish, I can go through -- individually go  
14 through those if y'all desire. It is in your packet.

15 You'll see staff comments in blue. Would you --

16 MAYOR PITTMAN: We do have it. It would be  
17 up to the Council. Does anyone wish for him to go  
18 through this line by line or are we good with just  
19 looking at it ourselves?

20 COUNCILMEMBER PACHUTA: I would prefer that  
21 it be read into the record.

22 MR. COOLEY: Very good.

23 No. 1: Existing uses and zoning nearby.

24 Again, I just stated. To the southwest,  
25 C-2; northwest across Buford Highway, C-2;

1 compared to the hardship imposed upon the individual  
2 property owner.

3 The proposed inconsistency with the City's  
4 Comprehensive Plan and surrounding land uses and  
5 associated negative impacts to the City's vision  
6 for Buford Highway impose a harm to the public  
7 and citizens of Doraville relatively greater  
8 than the hardship imposed on the property owner  
9 by denying the owner's request for a non-  
10 compatible zoning district and use. The  
11 property is currently in a viable C-2 zoning  
12 district and uses consistent with the  
13 Comprehensive Plan and LCI.

14 Item 5: Suitability of the subject property  
15 for zoning proposed.

16 The proposed zoning and use of the subject  
17 property is inconsistent with the surrounding  
18 land uses and zoning districts of C-2 and R-3,  
19 contrary to recommended use within the City's  
20 Comprehensive Plan for Highway Commercial  
21 Corridor as well as the Future Development Map  
22 and Character Area Map, and contrary to the LCI  
23 Framework and typical uses identified in the  
24 General Mixed Use area in which is the subject  
25 property is located.

1 southwest for approximately 104 feet, C-2; and  
2 for approximately 200 [sic] feet to the  
3 southwest across Chestnut Drive, R-3  
4 Multifamily.

5 Item 2: The extent to which property values  
6 are diminished by their particular zoning restriction.

7 The C-2 zoning district allows an extensive  
8 number of uses either as merited -- excuse me --  
9 as permitted or allowed by conditional use  
10 permit. Redevelopment along Buford Highway in  
11 Doraville is increasing. There has been recent  
12 interest in an adaptive reuse of the existing  
13 building by an interested buyer.

14 No. 3: The extent to which the destruction  
15 of property values of the subject property promotes  
16 the health, safety, morals and general welfare of the  
17 public.

18 The applicant is seeking to change the types  
19 of uses allowed in the subject area to uses not  
20 consistent with the current development pattern,  
21 surrounding zoning, or Comprehensive Plan vision  
22 for the area. As such, it is Staff's opinion  
23 that the proposed change does not promote the  
24 health, safety and welfare of the public.

25 Item 4: The relative harm to the public as

1 Item 6: The length of time the property has  
2 been vacant as zoned, considered in the context of  
3 land development of adjacent and nearby property.

4 The subject property has been vacant since  
5 the UAW moved out, but there has been recent  
6 credible interest in the purchase and adaptive  
7 reuse of the property.

8 No. 7: Whether the zoning proposal will  
9 permit a use that is suitable in view of the use and  
10 development of adjacent and nearby property.

11 The proposed zoning and use of the subject  
12 property is inconsistent with the surrounding  
13 land uses of commercial and residential uses.

14 No. 8: Whether the zoning proposal will  
15 adversely affect the existing use or usability of  
16 adjacent or nearby property.

17 Rezoning a C-2 General Commercial to M-1  
18 Light Manufacturing is inconsistent with the  
19 City's comprehensive plan and the LCI.

20 Adjoining properties are either C-2 General  
21 Commercial or R-3 Multifamily Residential.  
22 Heavy truck traffic and activities associated  
23 with many permitted uses in the M-1 district are  
24 not compatible with the current adjacent uses.

25 9: Whether the property to be affected by

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1 the zoning proposal had a reasonable economic use as  
2 currently zoned.

3 The property is currently zoned C-2 General  
4 Commercial as is the majority of Buford Highway  
5 within the City of Doraville. While the  
6 recession and closing of the General Motors  
7 assembly plant have had a significant negative  
8 impact on commercial properties in the city and  
9 elsewhere, there has been a noticeable increase  
10 in new businesses along Buford Highway corridor  
11 within the city. The subject property is  
12 approximately 2.65 acres and has sufficient  
13 parking for uses allowed in the C-2 zoning  
14 district. There has been recent interest in the  
15 property and offers to purchase for adaptive  
16 reuse of the building and the site for a use  
17 allowed within the C-2 zoning district.

18 No. 10: Whether the zoning proposal will  
19 result in a use which will or could cause an excessive  
20 or burdensome use of streets, transportation  
21 facilities, utilities or schools.

22 Increase of heavy traffic -- truck traffic  
23 associated with the uses allowed in the M-2  
24 zoning district will likely have a greater  
25 impact than that of uses allowed in the C-2

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1 zoning district. Tractor/trailer trucks  
2 entering off of Buford Highway is problematic  
3 given that the current ingress/egress configu-  
4 ration of the site and lack of deceleration  
5 lanes for trucks that exit off of Buford  
6 Highway. Ingress and egress of the trucks from  
7 Chestnut Drive and impacts on the adjacent R-3  
8 property and R-1 properties in the vicinity are  
9 of concern.

10 No. 11: Whether the zoning proposal is in  
11 conformity with the policy and intent of the land use  
12 plan.

13 M-1 zoning is not consistent with the City's  
14 vision for the corridor as defined by the City's  
15 Comprehensive Plan or the LCI Study.

16 No. 12: Whether there are other existing or  
17 changing conditions affecting the use and development  
18 of the property which gives supporting grounds for  
19 either approval or disapproval of the zoning proposal.

20 The Buford Highway corridor is seeing an  
21 increase in commercial and professional uses  
22 with improvement in the national and regional  
23 economy. The subject property is within the LCI  
24 area which encourages general mixed use of  
25 properties in this area.

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1 Item 13: The possible effects of the change  
2 in the regulations or map on the character of a zoning  
3 district, a particular piece of property, neighbor-  
4 hood, or a particular area or the community.

5 The proposed zoning and use is not  
6 compatible with recommended uses in the LCI Study and  
7 the Framework Plan.

8 Last, Item 14: The impact of the proposed  
9 zoning change upon pedestrian and vehicular  
10 circulation and traffic and thoroughfare capacities  
11 and capabilities.

12 And to that, I just reference see -- please  
13 see item 10 above.

14 As you know, the Planning Commission's  
15 recommendation was unanimous to recommend denial of  
16 the application for the zoning. Staff recommendation:  
17 Based upon the analysis, staff recommends denial of  
18 the application for rezoning.

19 I'll be happy to answer any questions you  
20 might have.

21 MAYOR PITTMAN: Okay. Council, does anyone  
22 have any question for Mr. Cooley?  
23 (No response)

24 MAYOR PITTMAN: So we open the public  
25 hearing portion? Okay.

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1 All right. At this time, we're going to  
2 open the Public Hearing portion. I'm going to open it  
3 first for those wishing to speak for. Please limit  
4 your time. There's 10 minutes. That's 10 minutes  
5 total. So if you speak for 10 minutes, that means no  
6 one else will get to speak. So it's a total of 10  
7 minutes to speak on behalf of.

8 Anyone wishing to speak for, please come  
9 forward and state your name for the Clerk. Anyone  
10 wishing to speak for.  
11 (No response)

12 MAYOR PITTMAN: All right. Thank you.  
13 Those wishing to speak against. Anyone wishing to  
14 speak against, please come forward, state your name  
15 for the Clerk. Again, it's a total of 10 minutes.  
16 That's not 10 minutes per person but total 10 minutes.

17 MR. SEAN O'SHEA: Hi. I'm Sean O'Shea, a  
18 citizen of Northwoods, also a business owner on  
19 Chestnut Drive.

20 I'd like to say that I oppose the rezoning  
21 of 5407 Buford Highway from C-2 to M-1. Mr. Bae and  
22 his consultant have put forth a proposal that is not  
23 in the best interests of the city or its citizens.

24 I can appreciate the desire of Mr. Bae to  
25 have a piece of property that he owns to operate his

1 business out of instead of renting a space, which he  
2 currently has that is grandfathered as a wholesale  
3 business in Doraville in Pinetree Plaza.

4 The building he purchased in April of 2012  
5 was zoned C-2 before he purchased it, and the  
6 applicable uses that are permitted are readily  
7 available. I can find them on the Web site.

8 It was and is his responsibility to perform  
9 the due diligence of the suitability of a piece of  
10 property before acquiring it.

11 Mr. Bae and his consultant have made the  
12 case that their intent is to be a good civic neighbor.  
13 But intent is not a commitment, and the best  
14 intentions are subject to realities. The reality of  
15 the existing zoning and the possibility that his  
16 business could change and require him to dispose of  
17 the property to someone who does not have the same  
18 intention as he does is a concern.

19 Real estate is valued at the highest and  
20 best use of the property subject to its location,  
21 zoning, potential, things like that. As M-1, this  
22 property could be turned into a bus terminal or a  
23 truck terminal or a freight loading -- a freight  
24 handling service without having any other -- anything  
25 else done to it from the zoning perspective if M-1 was

1 The addition of "the Zoning Ordinance  
2 presently in effect is unconstitutional in that it  
3 renders this property unusable and destroys its  
4 marketability," I find that highly amusing given the  
5 property has had other interest and that the -- it's,  
6 quite frankly, just a ludicrous assumption -- and that  
7 "The failure to rezone [this] property as requested,  
8 would constitute the taking of property without due  
9 process and without payment of adequate compensation  
10 in violation of" cited acts of the Constitution of  
11 Georgia.

12 I think that it's buyer beware. The due  
13 diligence not having been done and then trying to rail  
14 through something that is a risk to the livable  
15 community that we're trying to establish in this city  
16 is a great risk, and I strongly urge you to vote  
17 against this zoning. Thank you.

18 MAYOR PITTMAN: Thank you.

19 MS. BONITA HOFFMEISTER: Bonita Hoffmeister,  
20 English Oak.

21 Number one, capricious activity is what I've  
22 seen from this Council. You either deny or you do a  
23 full cycle deferral, because then your constituents  
24 know what's going to happen, you know what's going to  
25 happen, and the person who is applying for the

1 granted.

2 Such a prospective use of this location  
3 would severely damage the prospects of the city  
4 realizing its goal of a livable city as well as the  
5 quality of life for the citizens of Doraville.

6 I question the intentions and the logic with  
7 the revisions also to the letter of intent that was  
8 signed by John Garst on behalf of Mr. Bae in the  
9 letter that he delivered, the original letter of  
10 intent and then the revised one. The revised one  
11 added a series of items citing constitutional law and  
12 the like.

13 And the points that he made that I'd like to  
14 refute: They said that "There is no rational basis to  
15 prohibit the whole sale [sic] uses in the . . . C-2  
16 zoning district," which I think the rational basis is  
17 it was the decision of the Council and the citizens  
18 not to permit that use.

19 "The Zoning Ordinance presently in effect is  
20 contrary to the best interest of the health and  
21 welfare of the citizens of Doraville . . . and  
22 constitutes an arbitrary and capricious act." I think  
23 that the Zoning Ordinance currently does benefit the  
24 health and welfare of the citizens. I do not consider  
25 it capricious.

1 applications know what is happening.

2 Instead, I see year after year we come up  
3 here, we defer, we defer, we defer to an unknown time.  
4 You need to start acting in a less capricious manner.

5 Having said that, now that you've opened the  
6 hearing, I would strongly recommend that you vote for  
7 denial.

8 MS. CINDY BRADFORD: Cindy Bradford,  
9 Northwoods.

10 I just want to reiterate the fact that the  
11 property is very marketable. In fact, a 1.4 million  
12 dollar offer, which is full price, was -- was turned  
13 down. The applicant could have walked away with a  
14 very tidy profit.

15 The citizens of Doraville, there's no  
16 telling the rewards we could have reaped from having a  
17 high tech, high-paying company with a hundred  
18 employees versus an M-1 wholesale panty house with  
19 three to four employees.

20 And I just want reiterate that on the  
21 record: The property is marketable. Thank you.

22 MS. SUSAN CRAWFORD: Susan Crawford,  
23 Oakcliff.

24 And I'm going to be really redundant here,  
25 but I agree with everything that was said and I think

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1 always zoning from C-2 to M-1 is a very tricky thing,  
2 and there would have to be a very, very good reason  
3 for doing so, and in this case, it isn't a good  
4 reason.  
5 I hope all of you saw the Planning  
6 Commission DVD in which we had an opportunity to ask  
7 lots of questions and get lots of answers that all  
8 pointed to your denying this. Thank you.  
9 MR. TOM HART: Tom Hart, Gordon Heights.  
10 I live in the neighborhood adjacent to this  
11 building, and it's -- I live on Chestnut, Chestnut and  
12 an adjacent street. The truck traffic on Chestnut is  
13 a problem. The police constantly have to address  
14 issues coming from trying to take a shortcut through  
15 that area.  
16 To put an M-1 business adjacent to  
17 residential on Chestnut, which is the largest single  
18 neighborhood in the city that's so vital for the  
19 city's future -- and we have new businesses starting  
20 on the top of Chestnut that are compatible with the  
21 city and with the Comp Plan -- this would totally  
22 destroy the character of the neighborhood.  
23 This is an also an historic district with  
24 Northwoods down the street, which is on Chestnut.  
25 There's every reason why not to do this, and

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1 I see very little reason for, so I recommend that you  
2 turn this down. Thank you.  
3 MAYOR PITTMAN: Anyone else wishing to speak  
4 against?  
5 MS. LINDA RAWLINS: Linda Rawlins, Oakcliff  
6 Estates.  
7 I think that you have a Planning Commission  
8 because you have faith in their decisions and what  
9 they think and what they research. And with a total  
10 unanimous "no," I think you all should put your vote  
11 toward their decision; as well as the citizens wanting  
12 a business that all citizens can have access to, and  
13 the citizens will come here and spend their money in  
14 the city of Doraville, and a good quality business  
15 open to everyone will bring good quality residents to  
16 our city.  
17 Thank you, and please strongly vote no.  
18 MAYOR PITTMAN: Anyone else?  
19 (No response)  
20 MAYOR PITTMAN: Okay. At this time, we are  
21 going to close the public hearing portion, bring it  
22 back up to Mr. Cooley.  
23 Did you have anything you wanted to add?  
24 MR. COOLEY: No, ma'am, unless there are  
25 questions

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1 MAYOR PITTMAN: Okay. Ms. Alexander?  
2 COUNCILMEMBER ALEXANDER: No, ma'am.  
3 MAYOR PITTMAN: Mr. Bates?  
4 COUNCILMEMBER BATES: No, ma'am.  
5 MAYOR PITTMAN: Ms. Pachuta?  
6 COUNCILMEMBER PACHUTA: No.  
7 MAYOR PITTMAN: Mr. Patrick?  
8 COUNCILMEMBER PATRICK: No.  
9 MAYOR PITTMAN: Ms. Fleming?  
10 COUNCILMEMBER FLEMING: I just have one  
11 question, and maybe I should have called and asked  
12 this question.  
13 Was Mr. Bae notified that there may be a  
14 deferral this evening by us?  
15 MR. COOLEY: No, ma'am.  
16 COUNCILMEMBER FLEMING: Was he notified by  
17 the City that there may be a deferral this evening?  
18 MR. COOLEY: Unless his agent did it when  
19 he --  
20 COUNCILMEMBER FLEMING: But the City did not  
21 notify him.  
22 MR. COOLEY: No, ma'am. We work directly --  
23 on any zoning case, when they designate a specific  
24 agent, we work directly with the agent only. We do  
25 not cross paths between agent and the client because

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1 the agent has been authorized to process that.  
2 COUNCILMEMBER FLEMING: Okay. Then, let me  
3 rephrase the question: Did the City contact Mr. Garst  
4 to say there would be a possibility of deferral this  
5 evening?  
6 MR. COOLEY: No, ma'am. You received the  
7 request --  
8 COUNCILMEMBER FLEMING: Okay.  
9 MR. COOLEY: -- and I recommended highly  
10 that they have someone here.  
11 COUNCILMEMBER FLEMING: Okay. That's the  
12 answer to my question. I don't believe there's anyone  
13 here from this --  
14 MAYOR PITTMAN: No, there's not.  
15 COUNCILMEMBER FLEMING: -- particular appli-  
16 cation.  
17 MR. COOLEY: No, ma'am.  
18 COUNCILMEMBER FLEMING: Thank you very much.  
19 MR. COOLEY: Sure.  
20 MAYOR PITTMAN: Ms. Dean?  
21 COUNCILMEMBER DEAN: No questions.  
22 MAYOR PITTMAN: Okay. Bring it to the  
23 Council.  
24 COUNCILMEMBER BATES: I'll make a motion to  
25 deny the rezoning of Parcel No. 18 311 02 014 at 5407

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1 Buford Highway from C-2 to M-1.  
 2 COUNCILMEMBER PACHUTA: Would you take a  
 3 friendly amendment to just within the motion specify  
 4 for the reasons specified in the staff notes, that the  
 5 stated denial would be based on the reasons specified  
 6 in the staff review --  
 7 COUNCILMEMBER BATES: Absolutely.  
 8 COUNCILMEMBER PACHUTA: -- that were read  
 9 into the record?  
 10 COUNCILMEMBER BATES: Absolutely. Thank  
 11 you.  
 12 COUNCILMEMBER PACHUTA: And I'll second the  
 13 motion.  
 14 MAYOR PITTMAN: Okay. Discussion?  
 15 COUNCILMEMBER DEAN: I would just like to  
 16 reiterate that he did have an opportunity to get out  
 17 of that deal, to remove himself from that property  
 18 with a profit. We have properties in M-1 where he  
 19 could -- he could have bought.  
 20 And just as a side note, I think that we  
 21 change zoning much too frequently, and I would like to  
 22 stay -- I would like to see things stay a little more  
 23 consistent to our plan.  
 24 MAYOR PITTMAN: Call the roll, please.  
 25 CLERK BRYANT: Councilmember Alexander?

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1 COUNCILMEMBER ALEXANDER: Yes.  
 2 CLERK BRYANT: Councilmember Bates?  
 3 COUNCILMEMBER BATES: Yes.  
 4 CLERK BRYANT: Councilmember Dean?  
 5 COUNCILMEMBER DEAN: Yes.  
 6 CLERK BRYANT: Councilmember Fleming?  
 7 COUNCILMEMBER FLEMING: Yes.  
 8 CLERK BRYANT: Councilmember Pachuta?  
 9 COUNCILMEMBER PACHUTA: Yes.  
 10 CLERK BRYANT: Councilmember Patrick?  
 11 COUNCILMEMBER PATRICK: Yes.  
 12 MAYOR PITTMAN: Okay. Thank you.  
 13 And we're going to take a five-minute break.  
 14 (Brief recess)  
 15 MAYOR PITTMAN: Meeting come back to order.  
 16 All righty. Next on the agenda is the  
 17 Ordinance to Remove Employee Policies from Code, Mr.  
 18 McLendon.  
 19 ATTORNEY McLENDON: All right. And Mayor  
 20 and Council, we've looked at this ordinance a couple  
 21 of times. This is basically going to be the ordinance  
 22 that removes all the personnel policies from our code.  
 23 It would become a policy of the City, which is really  
 24 where it typically resides, frankly. I'd never seen  
 25 it codified as an ordinance in the past or anywhere

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1 I've worked.  
 2 So that's what this ordinance does: It will  
 3 remove it from your code and it will become a policy  
 4 of the City.  
 5 MAYOR PITTMAN: Okay. Ms. Alexander, did  
 6 you have any questions?  
 7 COUNCILMEMBER ALEXANDER: No, ma'am.  
 8 MAYOR PITTMAN: Mr. Bates?  
 9 COUNCILMEMBER BATES: No, I don't. Thank  
 10 you.  
 11 MAYOR PITTMAN: Ms. Pachuta?  
 12 COUNCILMEMBER PACHUTA: I just want to  
 13 confirm: It's the second reading?  
 14 ATTORNEY McLENDON: I believe this is the  
 15 second read and it's a voting agenda item, uh-huh.  
 16 MAYOR PITTMAN: Mr. Patrick?  
 17 COUNCILMEMBER PATRICK: No.  
 18 MAYOR PITTMAN: Ms. Fleming?  
 19 COUNCILMEMBER FLEMING: Yes. I want to read  
 20 the paragraph that's for the reason for this Ordinance  
 21 to Remove Employee Policies from the Code. That's not  
 22 an issue with me; however, what's been written in this  
 23 ordinance that we are about to vote on says, "The City  
 24 of Doraville Personnel Policy shall be as created and  
 25 adopted by the City Manager and kept on file with the

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1 City Manager's Office and shall govern all employment  
 2 and personnel matters of the City as authorized by the  
 3 City Charter."  
 4 As a Council member, I've seen a policy that  
 5 I thought that we would be voting on and discussing.  
 6 And I brought up several items in one of our previous  
 7 meetings when this came to us, that our department  
 8 directors -- though our City Manager has been given  
 9 the authority to hire and terminate our directors, in  
 10 that policy that we were given, it gave them no -- the  
 11 directors no recourse for appeal.  
 12 All other employees that work for the City  
 13 would have three ways to appeal: to their direct  
 14 supervisor, their department director, and then to the  
 15 City Manager.  
 16 Our department directors have been on hand  
 17 for quite some time. They're very loyal in the City,  
 18 and for future directors, I think it would be detri-  
 19 mental if they don't have a right to appeal somewhere  
 20 if they had a grievance with whatever city manager  
 21 that we have on hand. Their only recourse is to find  
 22 another job, and I do take issue with that.  
 23 So reading that into the minutes, it's being  
 24 "created and adopted by the City Manager." So the  
 25 next city manager that comes on board's going to

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1 create another policy? I have issue with that. I  
2 think there should be some oversight by the Mayor and  
3 Council.  
4 MAYOR PITTMAN: Okay. Ms. Dean?  
5 COUNCILMEMBER DEAN: To Ms. Fleming's point,  
6 when we had -- when we created the Council policy and  
7 procedures, we did it during a work-session kind of  
8 environment; and we talked about it, we flushed it  
9 out. And I voted against that because -- because  
10 we're on Council and it was the -- a hierarchy thing I  
11 wasn't quite getting. I understood why it was voted  
12 then, but I didn't think that it was done  
13 appropriately. I mean there were some issues that I  
14 had.  
15 So on that same vein, could we look at the  
16 policy, have a work session and kind of talk about it  
17 and flush it out, or is that just not --?  
18 ATTORNEY McLENDON: Typically with the city  
19 manager form of government where the city manager --  
20 COUNCILMEMBER DEAN: Right.  
21 ATTORNEY McLENDON: -- is responsible for  
22 the day-to-day operations --  
23 COUNCILMEMBER DEAN: Right.  
24 ATTORNEY McLENDON: -- of the employees --  
25 COUNCILMEMBER DEAN: Right.

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1 ATTORNEY McLENDON: -- the policies --  
2 COUNCILMEMBER DEAN: To his discretion?  
3 ATTORNEY McLENDON: -- would be from the  
4 city manager, and his policies would be the policies  
5 he put in place, and he's responsible to you --  
6 COUNCILMEMBER DEAN: Right.  
7 ATTORNEY McLENDON: -- for the general  
8 management and operation of the City.  
9 COUNCILMEMBER DEAN: So are the Council's  
10 policies and procedures put in an ordinance? Is  
11 that --  
12 ATTORNEY McLENDON: When you say "the  
13 Council's policies and procedures," are you referring  
14 to --  
15 Because this is employee -- this is your  
16 employee --  
17 COUNCILMEMBER DEAN: Right.  
18 ATTORNEY McLENDON: -- handbook.  
19 COUNCILMEMBER DEAN: Right, right, right,  
20 right.  
21 ATTORNEY McLENDON: This is a policy.  
22 COUNCILMEMBER DEAN: Right.  
23 ATTORNEY McLENDON: This is a policy that  
24 the City Manager would adopt. And that comes with the  
25 inherent authority that he is responsible for the day-

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1 to-day operation of the employees of the City --  
2 COUNCILMEMBER DEAN: Sure.  
3 ATTORNEY McLENDON: -- and that, under the  
4 Charter, is not subject to --  
5 COUNCILMEMBER DEAN: Right.  
6 ATTORNEY McLENDON: -- oversight other than  
7 the fact that --  
8 COUNCILMEMBER DEAN: Okay.  
9 ATTORNEY McLENDON: -- he is ultimately  
10 responsible to you for the day-to-day operation of the  
11 City.  
12 COUNCILMEMBER DEAN: Okay. My question is,  
13 Are the Council's policies and procedures in an  
14 ordinance or in the Charter? The policy, Council's  
15 policies and procedures --  
16 ATTORNEY McLENDON: Oh.  
17 COUNCILMEMBER DEAN: -- that we worked on?  
18 ATTORNEY McLENDON: Oh, oh. Generally --  
19 And I'm not sure of the exact document  
20 you're referring to. I mean most policies are not  
21 going to be codified. As a general rule, they --  
22 MAYOR PITTMAN: Is it in a resolution?  
23 ATTORNEY McLENDON: You would adopt it by a  
24 resolution if it was something the Council put  
25 forward.

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1 But I'd need to see the exact document you  
2 were talking about. When you say "the Council's  
3 policies and procedures" --  
4 COUNCILMEMBER DEAN: I think it was --  
5 ATTORNEY McLENDON: -- I don't know the  
6 subject.  
7 COUNCILMEMBER DEAN: -- called Council's  
8 Policies and Procedures.  
9 DR. GILLEN: It was adopted as a resolution.  
10 ATTORNEY McLENDON: Uh-huh.  
11 COUNCILMEMBER DEAN: Okay. Okay.  
12 ATTORNEY McLENDON: A resolution is  
13 different. That's just the Council saying, "Yes, we  
14 adopt --  
15 COUNCILMEMBER DEAN: Agree to this?  
16 ATTORNEY McLENDON: -- "this document."  
17 I apologize. I don't remember that specific  
18 document.  
19 COUNCILMEMBER DEAN: Okay. That's fine.  
20 MAYOR PITTMAN: All right. Any further  
21 comments from up here?  
22 COUNCILMEMBER PACHUTA: No. Just I'm happy  
23 that we're finally turning over reins of operational  
24 decisions to the City Manager. I think it works much  
25 more efficiently that way, and we can focus on

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1 legislative and general policy decisions.  
2 So I will make a motion to pass the  
3 ordinance moving the personnel policies from the code  
4 of ordinances and giving that authority to the City  
5 Manager.  
6 MAYOR PITTMAN: Do I get a second?  
7 COUNCILMEMBER PATRICK: Second.  
8 MAYOR PITTMAN: Discussion?  
9 COUNCILMEMBER DEAN: I have a question  
10 because -- and this is nothing, absolutely nothing  
11 personal against Dr. Gillen at all; but do we have a  
12 performance review scheduled for any city manager? I  
13 mean anyone who serves as our city manager? I mean  
14 that is --  
15 Do you know?  
16 ATTORNEY McLENDON: Now, that is something  
17 that does fall to the Mayor and Council's level. And  
18 I have often seen an annual performance review, and  
19 usually in conjunction sort of with the anniversary  
20 date and looking at performance --  
21 DR. GILLEN: It's part of the contract.  
22 ATTORNEY McLENDON: -- and compensation and  
23 all sorts of things.  
24 COUNCILMEMBER BATES: Yeah, it is a part of  
25 the contract, so we need to make sure that Mr.

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1 McLendon or somebody is --  
2 ATTORNEY McLENDON: So yes, there is an  
3 annual.  
4 COUNCILMEMBER DEAN: And I thought it was 90  
5 days; right?  
6 COUNCILMEMBER BATES: I don't remember.  
7 DR. GILLEN: I think it said annual review.  
8 COUNCILMEMBER DEAN: Okay.  
9 ATTORNEY FELGIN: Before the end of this  
10 year, I would --  
11 COUNCILMEMBER DEAN: Okay. All right.  
12 ATTORNEY FELGIN: By the end of --  
13 ATTORNEY McLENDON: I'll review the contract  
14 and verify --  
15 COUNCILMEMBER DEAN: All right. Okay.  
16 ATTORNEY McLENDON: -- what it states.  
17 COUNCILMEMBER DEAN: All right. Thanks.  
18 ATTORNEY McLENDON: But yes, that is  
19 something the Mayor and Council would do on a regular  
20 basis.  
21 MAYOR PITTMAN: Okay. I have a motion and a  
22 second. Oh. Did you have something to say?  
23 COUNCILMEMBER FLEMING: Yes. I just want to  
24 reiterate, I think it's vital for us as a city to keep  
25 our long-term department directors on hand. They've

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1 been doing an outstanding job. I hate for them to  
2 even consider the fact that they have no recourse in  
3 their position, and I am highly opposed to this  
4 particular ordinance.  
5 MAYOR PITTMAN: Okay. Call the roll,  
6 please.  
7 CLERK BRYANT: Councilmember Alexander?  
8 COUNCILMEMBER ALEXANDER: Yes.  
9 CLERK BRYANT: Councilmember Bates?  
10 COUNCILMEMBER BATES: Yes.  
11 CLERK BRYANT: Councilmember Dean?  
12 COUNCILMEMBER DEAN: Yes.  
13 CLERK BRYANT: Councilmember Fleming?  
14 COUNCILMEMBER FLEMING: No.  
15 CLERK BRYANT: Councilmember Pachuta?  
16 COUNCILMEMBER PACHUTA: Yes.  
17 CLERK BRYANT: Councilmember Patrick?  
18 COUNCILMEMBER PATRICK: Yes.  
19 MAYOR PITTMAN: Thank you. Motion carries.  
20 Thank you, Mr. McLendon.  
21 All right. Next on the agenda is (c), and  
22 it's going to be the budget discussion; Dr. Gillen,  
23 Ms. Ferguson.  
24 MS. FERGUSON: Okay. This is going to be  
25 the second read on an Ordinance to Amend the 2013

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1 Fiscal Year Budget. We prepared this particular  
2 budget amendment in order to kind of circumvent the  
3 repeat audit findings that we have gotten for the past  
4 several years.  
5 There's also a state code that requires us  
6 to budget all of our business and occupational tax,  
7 our hotel/motel tax, and our rental motor vehicle tax.  
8 So we're putting in increases in the hotel/motel tax  
9 and the business and occupational tax and we are  
10 adopting a budget for the rental motor vehicle tax  
11 fund. And in addition to that, we're also amending  
12 two or three of the departmental budgets in order to  
13 bring them into line so that our auditors won't give  
14 us a third review finding on our budget.  
15 Last year we did this in June. And this  
16 year we decided to wait until we had some better  
17 numbers before we did the final amendment, and we need  
18 to get this done so that we can get the new budget to  
19 the auditors so that they can put it into our audit  
20 report that has to be done by December 31st.  
21 MAYOR PITTMAN: Okay. Dr. Gillen, did you  
22 have anything you wanted to add?  
23 DR. GILLEN: (Shakes head)  
24 MAYOR PITTMAN: Ms. Alexander?  
25 COUNCILMEMBER ALEXANDER: Just want to

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1 clarify: We're not circumventing; we're preventing  
2 repeat findings.  
3 MS. FERGUSON: We are attempting to prevent  
4 repeat findings.  
5 COUNCILMEMBER ALEXANDER: Thank you.  
6 MS. FERGUSON: I'm sorry. I misspoke  
7 earlier.  
8 MAYOR PITTMAN: Mr. Bates?  
9 COUNCILMEMBER BATES: And this is for the  
10 fiscal year ended June 30th?  
11 MS. FERGUSON: That is correct.  
12 MAYOR PITTMAN: Okay. Ms. Pachuta?  
13 COUNCILMEMBER PACHUTA: No.  
14 MAYOR PITTMAN: Mr. Patrick?  
15 COUNCILMEMBER PATRICK: No.  
16 MAYOR PITTMAN: Ms. Fleming?  
17 COUNCILMEMBER FLEMING: The auditor that  
18 we're using -- and forgive me; I don't know his  
19 name --  
20 MS. FERGUSON: We're using Mauldin &  
21 Jenkins.  
22 COUNCILMEMBER FLEMING: -- will Mayor and  
23 Council be given an audit booklet as we have received  
24 in the past from Jimmy Whittaker?  
25 MS. FERGUSON: Yes.

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1 COUNCILMEMBER FLEMING: And you expect that  
2 the first of the year, then?  
3 MS. FERGUSON: The deadline for having it  
4 done is December 31st, so yeah, sometime probably  
5 about --  
6 COUNCILMEMBER FLEMING: But his audit, we  
7 have to have all the materials to him by the 31st?  
8 MS. FERGUSON: No. The audit report itself  
9 has to be complete, published, the whole nine yards,  
10 sent to the State by December 31st.  
11 COUNCILMEMBER FLEMING: Okay. Then, I'm  
12 curious about why we've reported to the press, to the  
13 public, that we're looking great if we haven't even  
14 gotten our audit yet.  
15 MS. FERGUSON: The audit is about 90 percent  
16 complete, and we've gotten the final projected  
17 numbers. There may be a few adjustments before the  
18 end, but they won't be significant.  
19 COUNCILMEMBER FLEMING: Thank you.  
20 MAYOR PITTMAN: Ms. Dean?  
21 COUNCILMEMBER DEAN: Okay. To add on to  
22 what Ms. Fleming said, if we're 90 percent complete  
23 and not 100 percent complete, why didn't we wait until  
24 we were 100 percent complete to make this statement to  
25 the press?

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1 MS. FERGUSON: I did not make the statement  
2 to the press.  
3 DR. GILLEN: If I could field that, we had  
4 finalized numbers for the fund balances, and we had a  
5 discussion about the CIP, and we thought it was very  
6 timely to discuss what options you have for funding  
7 the CIP when we began the discussion in October. So  
8 that's why we brought forth the numbers that we have.  
9 COUNCILMEMBER DEAN: But why now? I mean  
10 why not wait until even a month from now or even two  
11 weeks from now after this has been passed and we could  
12 start the final audit?  
13 DR. GILLEN: Because we had the information  
14 that told us what the numbers are going to be.  
15 COUNCILMEMBER DEAN: 90 percent.  
16 DR. GILLEN: We had the numbers that told us  
17 what the fund balance was going to be.  
18 COUNCILMEMBER DEAN: Okay. Ms. Ferguson --  
19 DR. GILLEN: She's saying the audit --  
20 COUNCILMEMBER DEAN: -- just said --  
21 DR. GILLEN: -- is 90 percent complete.  
22 That doesn't mean --  
23 COUNCILMEMBER DEAN: Okay.  
24 DR. GILLEN: -- we don't know what those  
25 numbers are. That means they've got to go back and

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1 correct some numbers if there's any small transactions  
2 that didn't get done or anything like that and then to  
3 fix this part of the budget with the amendment.  
4 COUNCILMEMBER DEAN: Here's my -- At the  
5 last meeting, we were told the purpose of this  
6 amendment was to do a little clean-up on last year's  
7 budget because we've overspent on some areas.  
8 MS. FERGUSON: The main purpose of this  
9 budget amendment is to increase the revenue budgets.  
10 COUNCILMEMBER DEAN: Okay. But we --  
11 MS. FERGUSON: If we were not going to  
12 increase the revenue budgets, we'd probably not amend  
13 the rest of the budgets because there's just not  
14 enough there to worry about.  
15 COUNCILMEMBER DEAN: Okay. And I'm sorry  
16 I'm asking so many questions, but I want a better  
17 understanding, which is why I sent questions that were  
18 left unanswered.  
19 For example, you said that \$250,000 were  
20 increased revenues from the tank farm due to an  
21 increase in gas prices, so I asked to see something  
22 verifying that, and I asked for the revenue reports  
23 for the last five years. My response was, "A five-  
24 year breakdown of the occupation tax receipts for the  
25 tank farm will take quite lot of time to produce."

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1 So how do we know that we are getting this  
2 increase from the tank farms if we don't have a  
3 breakdown of it? I mean how do you guys have this  
4 information and you can't provide it to me? That's my  
5 question.  
6 MS. FERGUSON: The information that came  
7 from the tank farms came from the gross receipts  
8 verifications last year. They did them in September  
9 of last year. That money was shown as a deferred  
10 revenue --  
11 COUNCILMEMBER DEAN: Uh-huh.  
12 MS. FERGUSON: -- in last year's audit, and  
13 we're picking it up this year. And the difference in  
14 the gross receipts this year versus last year, last  
15 year the difference was \$320,000. This year, the  
16 difference was \$14,000.  
17 I don't have five years' worth of data for  
18 you.  
19 COUNCILMEMBER DEAN: Do you have two years  
20 or three years?  
21 MS. FERGUSON: The information that I can  
22 get out of the business license software --  
23 COUNCILMEMBER DEAN: Uh-huh.  
24 MS. FERGUSON: -- will not give me that  
25 information. I can tell you who paid but I can't tell

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1 you what year it's for.  
2 COUNCILMEMBER DEAN: Okay.  
3 MS. FERGUSON: I can't tell you what they're  
4 paying for, because our software won't give us that  
5 information.  
6 To get that information for five years, we  
7 have to dig through boxes --  
8 COUNCILMEMBER DEAN: Okay. What about --  
9 MS. FERGUSON: -- at --  
10 COUNCILMEMBER DEAN: -- one year?  
11 MS. FERGUSON: -- at Public Works.  
12 COUNCILMEMBER DEAN: One year or two years.  
13 Can you provide a report for --  
14 MS. FERGUSON: No report.  
15 COUNCILMEMBER DEAN: -- any period of time?  
16 MS. FERGUSON: No report. It requires  
17 digging up the information, compiling it on a spread  
18 sheet, and giving you the response.  
19 COUNCILMEMBER DEAN: Okay. And so when you  
20 guys do this, do you have like a group of workers  
21 going through boxes and collecting receipts and all of  
22 this?  
23 MS. FERGUSON: Yes, we do, and it takes a  
24 lot of time.  
25 COUNCILMEMBER DEAN: All right. And my

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1 other -- my other concern is -- and again, I asked for  
2 a breakdown -- you know, what falls under  
3 Miscellaneous? I mean what is --? Because we're  
4 talking about \$123,000.  
5 MS. FERGUSON: We had an extraordinary event  
6 last year. We went to our workers' comp insurance  
7 carrier and said, "Look. We really don't think you  
8 have our employees categorized correctly."  
9 COUNCILMEMBER DEAN: Uh-huh.  
10 MS. FERGUSON: And so they had all of our  
11 Public Works people --  
12 COUNCILMEMBER DEAN: Uh-huh.  
13 MS. FERGUSON: -- at the highest rate they  
14 charge, which is for street paving.  
15 COUNCILMEMBER DEAN: Uh-huh.  
16 MS. FERGUSON: And so we went to them and we  
17 said, "These people are not classified correctly," and  
18 so they changed our rates and they gave us a refund  
19 this year for the changes in rates that they did last  
20 year.  
21 And it's in Miscellaneous Revenue because  
22 the expense was last year, and the revenue -- the  
23 money came back in this year.  
24 COUNCILMEMBER DEAN: Uh-huh.  
25 MS. FERGUSON: So it doesn't work the same

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1 in government as it does in the private sector.  
2 You don't get to offset your workers' comp cost. It  
3 has to be shown as a revenue.  
4 COUNCILMEMBER DEAN: Uh-huh.  
5 MS. FERGUSON: And we didn't budget that  
6 because we didn't know we were going to get it until  
7 June.  
8 COUNCILMEMBER DEAN: Uh-huh. And I had sent  
9 an email asking for this on Friday, and I'm now  
10 getting an answer to this. Is there a reason for  
11 that?  
12 MS. FERGUSON: You sent the email at 6  
13 o'clock on Friday and you sent one at 6:00 p.m. on  
14 Sunday. It takes time to do these things.  
15 COUNCILMEMBER DEAN: Well, the one at 6:00  
16 p.m. Sunday was not -- I'm not talking about that.  
17 That's irrelevant.  
18 I'm talking about the one that was sent on  
19 Friday. And actually, it was sent at 2:27 p.m. Okay?  
20 So if it was sent to you at 6:00 p.m.  
21 Actually, no. I sent it to you at 2:27 p.m.  
22 I have it right here.  
23 MS. FERGUSON: That was also included in  
24 your agenda packet that you got for the meeting, the  
25 last meeting that we had --

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1 COUNCILMEMBER DEAN: And I --  
 2 MS. FERGUSON: -- the review.  
 3 COUNCILMEMBER DEAN: -- have that  
 4 information but I don't have a breakdown for these  
 5 Miscellaneous. I don't have a breakdown of these  
 6 figures. And this -- we're moving something. We're  
 7 moving these figures around to prevent an audit  
 8 finding, and that's --  
 9 See, to me, it doesn't seem that that's the  
 10 right way to do this, because if we want to avoid  
 11 these findings, well, now here we are at the end of  
 12 the process; we need to move some figures around so  
 13 this doesn't happen again. But we're just moving  
 14 numbers around at the end of the process to make  
 15 things right, when in fact the books -- if we kept  
 16 what's on the books now, it would be the same thing.  
 17 Right?  
 18 MS. FERGUSON: Except that we would have  
 19 audit findings.  
 20 COUNCILMEMBER DEAN: Right, okay.  
 21 MS. FERGUSON: And if you don't want your  
 22 departments to go over budget --  
 23 COUNCILMEMBER DEAN: Uh-huh.  
 24 MS. FERGUSON: -- then our budgets are going  
 25 to increase astronomically because everybody is going

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1 to overshoot their expenditures so much that we're not  
 2 ever going to be able to pass a budget.  
 3 COUNCILMEMBER DEAN: Right. And what was  
 4 the 911 Call Center? 400 thousand?  
 5 COUNCILMEMBER FLEMING: Five something. It  
 6 went over --  
 7 COUNCILMEMBER DEAN: I think it was --  
 8 COUNCILMEMBER FLEMING: It went over --  
 9 COUNCILMEMBER DEAN: -- an increase --  
 10 COUNCILMEMBER FLEMING: -- a hundred and  
 11 fifty.  
 12 COUNCILMEMBER DEAN: -- of \$422,000.  
 13 MS. FERGUSON: There was no change to that  
 14 line item.  
 15 COUNCILMEMBER DEAN: All right. I'm good.  
 16 MS. FERGUSON: Okay.  
 17 MAYOR PITTMAN: Okay. All right. Does  
 18 anyone else have any comments?  
 19 (No response)  
 20 MAYOR PITTMAN: Okay. And you need a motion  
 21 to approve this?  
 22 MS. FERGUSON: Uh-huh.  
 23 MAYOR PITTMAN: Okay. Do I get a motion?  
 24 COUNCILMEMBER ALEXANDER: Motion to approve  
 25 the requested proposed amendment to Fiscal Year 2013

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1 Budget.  
 2 MAYOR PITTMAN: Second?  
 3 COUNCILMEMBER PACHUTA: Second.  
 4 MAYOR PITTMAN: Discussion?  
 5 (No response)  
 6 MAYOR PITTMAN: Call the roll, please.  
 7 CLERK BRYANT: Councilmember Alexander?  
 8 COUNCILMEMBER ALEXANDER: Yes.  
 9 CLERK BRYANT: Councilmember Bates?  
 10 COUNCILMEMBER BATES: Yes.  
 11 CLERK BRYANT: Councilmember Dean?  
 12 COUNCILMEMBER DEAN: No.  
 13 CLERK BRYANT: Councilmember Fleming?  
 14 COUNCILMEMBER FLEMING: No.  
 15 COUNCILMEMBER BATES: Councilmember Pachuta?  
 16 COUNCILMEMBER PACHUTA: Yes.  
 17 CLERK BRYANT: Councilmember Patrick?  
 18 COUNCILMEMBER PATRICK: Yes.  
 19 MAYOR PITTMAN: Motion carries. Thank you.  
 20 We're going to move into New Business.  
 21 Mr. Cooley, I believe this is a public  
 22 hearing, Variance Request for Fence Height in Front  
 23 Yard at 2582 Addison Drive, Parcel No. 18 297 13 016.  
 24 MR. COOLEY: As you said, this is a variance  
 25 request. This is for height of fence in the front

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1 yard. You've already given the parcel number, so I  
 2 won't repeat that.  
 3 The background history of this, basically,  
 4 Section 23-7703(3) states that no fence can be over  
 5 four feet in the front yard. The Applicant installed  
 6 a six-foot fence that actually extends beyond the  
 7 front facade of the house and encroaches in the front  
 8 yard and also has structural members facing outward.  
 9 A City of Doraville Compliance Officer  
 10 issued a notice of violation, and the Applicant had  
 11 until 9/13/13 to come into compliance. They applied  
 12 for this variance, so that basically stayed all action  
 13 until a decision by this Council.  
 14 The Applicant stated that the fence needs  
 15 to be six feet due to location of the door and steps  
 16 on the side. You will see in her plan and her  
 17 application that the side door comes out and the steps  
 18 come towards the front. And so she could not put a  
 19 fence right along there, so it was moved out in order  
 20 to allow people to come down and the dogs to come  
 21 down.  
 22 The Applicant I believe is here -- yes -- so  
 23 she will make a presentation on that.  
 24 The Planning Commission unanimously  
 25 recommended denial of the variance, citing that the

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1 review criteria of a self-imposed hazard.  
2 As y'all know, the Planning Commission,  
3 Staff, and the City Council has seven conditions  
4 regarding variance which to consider. Again, these  
5 are in your packet, and I will be happy to go over  
6 those or answer any questions regarding those. I know  
7 the Applicant will be making a presentation and  
8 addresses those also in her application.  
9 Staff recommendation based upon that review  
10 is for denial because it does not meet the items under  
11 Section 23-1402 for a variance.  
12 MAYOR PITTMAN: Okay. And I'm going to get  
13 questions from the Council in just a minute.  
14 Ms. Gilman?  
15 MS. GILMAN: I have no additional data.  
16 MAYOR PITTMAN: Okay. Thank you.  
17 Before I bring the Applicant up, do any  
18 Council members have questions for Mr. Cooley?  
19 COUNCILMEMBER PACHUTA: I just wanted to  
20 confirm, you know, the email that I had with you  
21 earlier today, that the height of a six-foot fence  
22 facing the street is fine as long as it's set back  
23 further than the front side of the house; correct?  
24 MR. COOLEY: That is correct; you just  
25 cannot extend into the front yard.

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1 MAYOR PITTMAN: Okay. Ma'am?  
2 MS. MARTHA KNOESPEL: Martha Knoespel.  
3 I got into this predicament because the  
4 fence company I guess didn't realize that they needed  
5 to get a building permit.  
6 But beyond that, I did ask them to build it  
7 specifically this way, and I don't know of any other  
8 way that I can actually do this with use of my house  
9 as the intent or the intentions of how it was built.  
10 So I did need to build this fence. I have  
11 three dogs. But the front of the stairs go to the  
12 very front of the house, so I couldn't put the fence  
13 there. I have those side stairs, and then I do have  
14 stairs in the back that are steeper because my house  
15 is on a slope. One of the dogs has hip dysplasia so  
16 she can't use those stairs.  
17 So part of the reason that I bought the  
18 house -- and I bought the house, closing in the end of  
19 July, moved in before September. Part of the reason  
20 and appeal was kind of those stairs.  
21 And then the reason that it's a six-foot  
22 fence and placed out is because I also have a younger  
23 mastiff who is very, very active and probably could  
24 get over a four-foot fence, so that's why it's six  
25 feet.

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1 But to mention the seven -- seven guidelines  
2 that need to be met for the variance, the first one  
3 is: The proper conditions or the conditions of the  
4 property, size, shape or topography.  
5 As you can see, I attached Article C,  
6 pictures of the stairs, and that is how the fence --  
7 or the stairs, excuse me, were originally built. I  
8 mean they do go right up to the front side of the  
9 house if not even a little bit past. There's a little  
10 lip there. And then in Article B, there's a scale  
11 drawing of the house also showing the stairs going to  
12 the front.  
13 So that's the main -- I mean the house was  
14 built this way, and I did -- Ms. Gilman asked me  
15 earlier if I had driven around and looked to see if  
16 any other properties, you know, had the same, you  
17 know, layout, basically.  
18 And what I have seen in talking to my  
19 neighbors, that a lot of houses do have, you know, the  
20 side stairs that go out, but many of the stairs go  
21 towards the back yard, not towards the front, and so  
22 it is -- it is different.  
23 Then, No. 2: The fence would deprive, I  
24 guess, me of common rights. Basically, I just  
25 wouldn't be able to use the property as the intention

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1 was.  
2 No. 3: that it would grant me special  
3 privileges. I don't see it as special privileges. I  
4 just see it as, you know, being able to enjoy my fence  
5 just like anybody else would be able to enjoy a  
6 fence -- you know, protect their dogs; protect people,  
7 you know, hitting their dogs if they were to get out;  
8 you know, things of that nature. You know, it's just  
9 a common -- you know, anybody could get a fence.  
10 That it's injurious to the neighborhood. I  
11 do understand that Northwoods is a historical -- I  
12 mean I guess I know that this is my opinion: I don't  
13 think that it looks bad.  
14 But I do think -- I mean if we're talking  
15 about the nature of the neighborhood and its history,  
16 I think that there are many other things that could be  
17 paid attention to, such as I don't think that the  
18 chain link fences going around look good; I don't  
19 think that the multiple rental houses that aren't  
20 maintained, I don't think that those --  
21 You know, I think that those are things that  
22 we could pay attention to first that would actually  
23 bring people in to, you know, maybe buy property  
24 there. I mean I know that that's kind of a side note,  
25 but I think that that's more important than a

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1 newly-built fence that actually I think looks good.  
2 No. 5: Special circumstances that are not  
3 of my -- at my fault. You know, I haven't -- I didn't  
4 change anything to the house. I don't believe that  
5 bringing the dogs into that house was, you know, my  
6 fault.  
7 I didn't realize that, you know, this was  
8 going to be an issue. But, you know, I would really  
9 appreciate it being kept, because I honestly don't  
10 know how I would . . . how I would correct it.  
11 No. 6: that this would be the minimum  
12 variance granted. I'm really not sure what the  
13 minimum would be, but I don't think that it is a big  
14 deal keeping it the way it is.  
15 And then 7: not using property in an  
16 unintended way. I mean, as I said before, it's a  
17 fence, and I'm using it as a house is a house, so.  
18 I mean that's basically my reasoning for 1  
19 through 7, and I would really appreciate it if I could  
20 keep it this way.  
21 I have talked to the fence company, and, you  
22 know, they're willing to do what they need to do, but  
23 that doesn't really solve the problems of how it would  
24 be done or how I would actually turn these --  
25 I mean they're concrete steps, so I don't

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1 know if I could cover them. That's, you know, of  
2 course going to be my issue with it if I have to, but.  
3 MAYOR PITTMAN: All right. Thank you.  
4 Ms. Alexander, do you have any questions or  
5 comments?  
6 COUNCILMEMBER ALEXANDER: No, ma'am.  
7 MAYOR PITTMAN: Mr. Bates?  
8 COUNCILMEMBER BATES: Have you thought about  
9 asking the fence company if they would be willing to  
10 build stairs off the side or back?  
11 MS. KNOESPEL: I did ask them, and they  
12 don't have, I guess, the licenses for that.  
13 COUNCILMEMBER BATES: How about them  
14 contracting with someone who does?  
15 MS. KNOESPEL: I could talk to them about  
16 that.  
17 I guess that issue is still -- like if I put  
18 the stairs going towards the back yard, it is a pretty  
19 good slope going back there, so the stairs would still  
20 be pretty long, which I'm still worried about the dog.  
21 So I mean I have thought about a ramp also, but there  
22 are, you know, still kind of tricky issues trying to  
23 set that up.  
24 And then otherwise, the stairs could go like  
25 straight out, but then it is kind of a driveway into

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1 the back yard, which I don't really want to lose that  
2 if possible, but.  
3 COUNCILMEMBER BATES: Thank you.  
4 MAYOR PITTMAN: Ms. Pachuta?  
5 COUNCILMEMBER PACHUTA: No questions.  
6 MAYOR PITTMAN: Mr. Patrick?  
7 COUNCILMEMBER PATRICK: On your design here,  
8 I think it was from Attachment B, you have the  
9 staircase off the back of your house.  
10 MS. KNOESPEL: Uh-huh.  
11 COUNCILMEMBER PATRICK: Have you thought of  
12 perhaps having a new staircase installed there?  
13 MS. KNOESPEL: What I would like to do -- I  
14 mean this is in a couple years, but I'd like to have  
15 like some kind of deck put on where I --  
16 COUNCILMEMBER PATRICK: Sure.  
17 MS. KNOESPEL: -- could actually have a  
18 ramp, but that doesn't kind of fix my immediate needs  
19 if I need to move the fence.  
20 COUNCILMEMBER PATRICK: I guess ultimately,  
21 though, that is a way that the animals could have or  
22 the dogs could have for getting out into the yard as  
23 currently configured?  
24 MS. KNOESPEL: Yes.  
25 COUNCILMEMBER PATRICK: Okay. Thank you.

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1 MAYOR PITTMAN: Ms. Fleming?  
2 COUNCILMEMBER FLEMING: I'll reserve my  
3 comments for later.  
4 MAYOR PITTMAN: Ms. Dean?  
5 COUNCILMEMBER DEAN: Okay. So you have the  
6 back door; right?  
7 MS. KNOESPEL: Uh-huh.  
8 COUNCILMEMBER DEAN: Have you thought about  
9 or maybe you could talk to the fence company about  
10 having the four-foot fence in front and then having  
11 like a double layer of six foot like in the back of  
12 the house so that the dogs could come out, you can put  
13 them in the back part of the property to at least keep  
14 them enclosed for awhile? I mean kind of a little  
15 fenced-in area within the fenced-in area? You know  
16 what I mean?  
17 MS. KNOESPEL: Yes.  
18 COUNCILMEMBER DEAN: And that might -- that  
19 might help, you know, just until you -- I mean I'm  
20 very excited that you've moved into the area. We want  
21 to see young people come in and do things with their  
22 homes, so I'm very excited about that, and I would  
23 like to see something happen that would make everyone  
24 here happy.  
25 My concern is that we've had this issue

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1 before. We've asked people to change it before. And  
 2 so it's difficult to say, "Yes, you're okay, you can  
 3 do it," because then we could have those people come  
 4 back to us and say, "Wait a minute. You know, you  
 5 made us change it, so why is this?" you know, "Why are  
 6 you allowing this to happen?"  
 7 And shame on the fence company for not  
 8 knowing what they were supposed to do in terms of  
 9 getting the permit and making sure that things were  
 10 built to compliance.  
 11 And I drove by there. Is it facing outward?  
 12 Is the outside of the face, is it turned around?  
 13 MS. KNOESPEL: On the -- on the side. Is  
 14 that what you're --  
 15 COUNCILMEMBER DEAN: Yeah. The finished  
 16 side is actually on the --  
 17 MS. KNOESPEL: Yeah, and --  
 18 COUNCILMEMBER DEAN: -- inside?  
 19 MS. KNOESPEL: -- that was just kind of  
 20 another miscommunication with the fence company and  
 21 not -- I mean me being a first-time home buyer and  
 22 not --  
 23 COUNCILMEMBER DEAN: Right.  
 24 MS. KNOESPEL: -- I mean, so I don't have a  
 25 problem fixing that at all.

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1 COUNCILMEMBER DEAN: Right, right.  
 2 MS. KNOESPEL: What I would like to keep is  
 3 the six-foot fence in the front yard just because that  
 4 is how I wanted -- I mean that makes the most sense,  
 5 you know, to me. Well, I mean I guess to me and the  
 6 dogs.  
 7 COUNCILMEMBER DEAN: Right.  
 8 MS. KNOESPEL: But yeah, the side, I don't  
 9 have any problem asking them to update it.  
 10 MAYOR PITTMAN: All right. Thank you.  
 11 COUNCILMEMBER BATES: I --  
 12 MAYOR PITTMAN: Oh, I'm sorry.  
 13 COUNCILMEMBER BATES: I do have one  
 14 additional question.  
 15 Have any of your neighbors expressed support  
 16 for this?  
 17 MS. KNOESPEL: Yeah, actually. And one of  
 18 them said that they could be here, but then, I mean,  
 19 they had a commitment at 7:00 so they couldn't come to  
 20 show support.  
 21 But everybody that I have talked to, you  
 22 know, really doesn't -- Even the neighbors that are on  
 23 the side with the unfinished part, they think that it  
 24 improves the look of the house and the area.  
 25 I mean the house was rented for 20 years.

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1 It was, you know, starting to fall apart before I  
 2 bought it. So I've put a lot of -- a lot of work into  
 3 it, and I guess that's where I'm like, I don't know,  
 4 taking it a little personally, I guess. But -- but  
 5 that's -- Yeah. All of them don't mind it.  
 6 COUNCILMEMBER BATES: Thank you.  
 7 MAYOR PITTMAN: Okay. Anyone else?  
 8 (No response)  
 9 MAYOR PITTMAN: Okay. Thank you.  
 10 Mr. Cooley, did you have anything to add?  
 11 MR. COOLEY: No, ma'am, unless y'all have  
 12 any type of questions that I can answer.  
 13 MAYOR PITTMAN: Does anyone have anything  
 14 for Mr. Cooley?  
 15 (No response)  
 16 MAYOR PITTMAN: Okay. Thank you.  
 17 All right. At this time, we're going to  
 18 open the public hearing portion.  
 19 We're going to start with those wishing to  
 20 speak for, please come forward. Again, you have 10  
 21 minutes, 10 minutes total. Please state your make for  
 22 the court clerk. Anyone wishing to speak for, please  
 23 come forward.  
 24 MS. RAWLINS: Linda Rawlins, Oakcliff.  
 25 I would speak for giving her the variance

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1 since she's done that much to the property. And as  
 2 she said, the close neighbors around don't object.  
 3 I'd rather have a fence across the front than a pink  
 4 or purple house in your neighborhood.  
 5 And of course all of you pretty much know  
 6 I'm an animal advocate. And whatever she needs to  
 7 help out her animals, I am for that, too. But I can't  
 8 see that this should be such a terrible deterrent or  
 9 eyesore or anything to that effect. And she is true:  
 10 there are a lot of other things that we need to  
 11 address that gives more house value than a newly put-  
 12 up fence. Thank you.  
 13 MAYOR PITTMAN: Anyone else wishing to speak  
 14 for?  
 15 MR. O'SHEA: Hey. Sean O'Shea.  
 16 I just noted that understanding the rock-  
 17 and-a-hard-place in terms of topography and how your  
 18 house sits, looking at the pictures and the designs  
 19 relative to the staircase -- and this is an old house;  
 20 there's not a lot you can do with the exterior of it -  
 21 - and that these stairs are concrete, you know, mashed  
 22 in there without a massive amount of rework, that  
 23 what's been engineered appears to be like the best  
 24 solution to be able to address the issue. Even if you  
 25 were to put, you know, a four-foot fence up, I think

1 you would still have the issue in terms of the setback  
 2 with it. But the problem with a hard set of stairs  
 3 and, you know, a dog trying to leap, I think relative  
 4 to the safety and the pleasure and enjoyment of the  
 5 neighbors of not having a dog running loose, that that  
 6 is -- you know, it seems like a reasonable request in  
 7 terms of it's not, I think, been taken as trying to  
 8 take advantage, and it doesn't strike me as anything  
 9 that's going to necessarily devalue the properties.

10 I do understand the conflict with other  
 11 people having asked for variances, but individual  
 12 circumstances do vary, and this one does seem to make  
 13 a great deal of sense, so I would encourage you to  
 14 vote for it.

15 MAYOR PITTMAN: Thank you.  
 16 Anyone else wishing to speak for?  
 17 (No response)

18 MAYOR PITTMAN: Okay. Anyone wishing to  
 19 speak against, please come forward. The same applies:  
 20 10 minutes, 10 minutes total. Please state your name  
 21 for the clerk, anyone wishing to speak against.

22 MR. HART: I'm also a dog lover and I have a  
 23 problem with a dog.  
 24 If the person putting the fence up had went  
 25 to the Planning Commission to even discuss this

1 pieces of information that the fence company, if  
 2 they're professionals, would have known in Dekalb  
 3 County or they would have found out in Doraville and  
 4 surrounding cities that you have to have a permit to  
 5 put a fence up; or you're going to put -- you're going  
 6 to build a house, you need a permit for that. Okay.

7 So I haven't looked at the house. I've  
 8 drove by and looked at it, and it had the frame side  
 9 facing the neighbor.

10 Okay. And permits in the city or the zoning  
 11 ordinances do not operate by getting a signature of  
 12 your neighbor as to what you're going to build on your  
 13 property, because it affects the whole neighborhood  
 14 and the city. Okay. It's not getting a neighbor who  
 15 may move in three months to sign off on whatever  
 16 nonsense you may be building that day. That's not  
 17 how that works. So that's the third reason. Okay.

18 The dogs -- and Ms. Dean brought up an  
 19 important fact: that you could have a double fence.  
 20 You could have a four-foot fence that complies with  
 21 the City and another little fence behind it that  
 22 actually contains this mastiff, whatever it is, that's  
 23 going to jump over the fence.

24 I had a German shepherd I had to take care  
 25 of recently that could climb over a 10-foot fence

1 before, it's not the City of Doraville that made a  
 2 mistake here and it's not the property owner per se,  
 3 because the people that didn't do the job correctly  
 4 was the fence company, and the fence company would  
 5 have found out some important things.

6 Because I had to deal with this issue today  
 7 where one of my neighbors had built the fence three  
 8 feet on the other person's property. And the reason  
 9 why that happened is part of the fence code is to get  
 10 a survey so you have some rough idea of where the  
 11 property lines of your houses are, which, when I was  
 12 on the City Council, was the number one error, I mean,  
 13 that showed up every day was somebody with a fence  
 14 across somebody's front door. Okay.

15 So if the fence company had gotten a permit,  
 16 they would have surveyed it. They also would have  
 17 found out the fence -- the shiny side faces the  
 18 neighborhood. Not everybody wants to look at the  
 19 frame of a fence facing the neighborhood. The shiny  
 20 side goes on the outside. That's the second thing  
 21 they would have found out.

22 And they also would have found out that --  
 23 and the front property line of the house, that behind  
 24 that, you can be six feet tall and then your front  
 25 yard is four feet. Okay. These are all important

1 because it was trained to do that as a police dog.  
 2 Okay. And I had a sheltie before that that could  
 3 flat-foot a four-foot fence. It didn't matter. He  
 4 used to jump back and forth across the fence because  
 5 he thought that was a lot of fun. Okay.

6 So all these are personal problems that ran  
 7 into a City ordinance that the professionals involved  
 8 here should have known what they were doing. And so  
 9 Northwoods is an historic district. Having a new  
 10 fence, that's nice. The fact they'd fixed up the  
 11 house is nice.

12 But those are all side issues. The fence  
 13 should be four foot in the front yard, six foot on the  
 14 side, and the shiny side out, and hopefully the fence  
 15 is on her property, which we still haven't determined  
 16 yet. Thank you.

17 MAYOR PITTMAN: Anyone else wishing to speak  
 18 against?

19 MR. TERRY GREENBERG: I'm Terry Greenberg.  
 20 I'm a 30-year resident of Addison Drive, and I have  
 21 some issues with the fence.

22 I can't see where it adds any aesthetic  
 23 value to the house when that end of Addison is already  
 24 a nightmare. When you come in off of Shallowford, we  
 25 have awful houses there anyway. It hides part of the

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1 front of the house.  
 2 I believe our ordinance states that the  
 3 decorative side should face out, but it has the  
 4 opposite side out. The house at the corner of McClave  
 5 and Chestnut did the same thing, and they were made to  
 6 change the fence to comply with ordinance.  
 7 We have allowed too many variances as it is:  
 8 driveways doubled so more cars can be parked in them.  
 9 I, along with many of the residents on Addison, have  
 10 landscaped, painted, remodeled and decorated in the  
 11 hopes of making Northwoods a desirable neighborhood.  
 12 We need more families moving in. If we allow this  
 13 variance, then what would be the next or the next or  
 14 the next?  
 15 MAYOR PITTMAN: Anyone else wishing to speak  
 16 against?  
 17 (No response)  
 18 MAYOR PITTMAN: Okay. At this time, we're  
 19 going to close the public hearing portion, bring it up  
 20 the table.  
 21 Mr. Cooley, did you have anything else?  
 22 MR. COOLEY: No, ma'am.  
 23 MAYOR PITTMAN: Okay. Ma'am, did you have  
 24 anything you wanted to add?  
 25 MS. KNOESPEL: Just that I did get a survey,

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1 and it is on my property, and that's it.  
 2 MAYOR PITTMAN: Okay. Thank you.  
 3 Ms. Alexander, did you have anything?  
 4 COUNCILMEMBER ALEXANDER: No, ma'am.  
 5 MAYOR PITTMAN: Mr. Bates?  
 6 COUNCILMEMBER BATES: Mr. Cooley, did y'all  
 7 talk with the Applicant about options in discussions  
 8 of the variance application?  
 9 MR. COOLEY: Yes, sir, we did. We tried to  
 10 explore as many different approaches with her as we  
 11 could. Both the Code Compliance officer and myself  
 12 spoke with the Applicant and tried to suggest  
 13 alternative ways, some of which I've heard here:  
 14 possibly bringing down/out and do a landing and coming  
 15 down instead of just coming off the back side. You  
 16 know, you'd have to figure out what to do with the  
 17 steps that lead down, but, you know, we really  
 18 encouraged her to talk to the fence company, see what  
 19 they'd be willing to do, considering they did mess up,  
 20 and we haven't discussed it since then.  
 21 But yes, we did discuss as best we could,  
 22 alternatives we could come up with given the  
 23 situation.  
 24 COUNCILMEMBER BATES: Thank you.  
 25 MAYOR PITTMAN: Ms. Pachuta?

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1 COUNCILMEMBER PACHUTA: No.  
 2 MAYOR PITTMAN: Mr. Patrick?  
 3 COUNCILMEMBER PATRICK: No.  
 4 MAYOR PITTMAN: Ms. Fleming?  
 5 COUNCILMEMBER FLEMING: Yes.  
 6 In review of the property that I personally  
 7 did, there are six houses on Addison that have six-  
 8 foot privacy fences at their -- I'll call it a pin or  
 9 their side -- their front side, which goes across all  
 10 the way to the neighbor's house, and then the  
 11 neighbor's house starts right there, and they've got  
 12 their six-foot privacy fence all the way to their  
 13 carport. So there are six on Addison that do do that,  
 14 and they are six-foot privacy fences in the front  
 15 yard.  
 16 The Applicant's front-yard fence is indeed  
 17 six feet; it has the finished side out. However, it's  
 18 five feet from the pins of the house, so she's five  
 19 feet into her front yard because of the steps.  
 20 However, as far as part of our code, the  
 21 unfinished side is on -- the unfinished side is on the  
 22 side of the house, not in the front of the house, and  
 23 I would think that that needs to be corrected for  
 24 sure.  
 25 In this particular instance because of the

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1 way that the steps are, I really do feel that we need  
 2 to look at the other properties on Addison, because  
 3 they are almost in the same vicinity as her home, and  
 4 take a look at that.  
 5 MAYOR PITTMAN: Okay. Ms. Dean?  
 6 COUNCILMEMBER DEAN: No. I'm good.  
 7 MAYOR PITTMAN: All right. Council?  
 8 Anyone wishing to make a motion?  
 9 COUNCILMEMBER FLEMING: I'd like to make a  
 10 motion to approve the variance request for fence  
 11 height in the front yard at 2582 Addison Drive, Parcel  
 12 No. 18 297 13 016 with a condition of correcting/  
 13 replacing the front -- the side yard so that it is the  
 14 finished side facing out.  
 15 MAYOR PITTMAN: Okay. Do I get a second?  
 16 (No response)  
 17 MAYOR PITTMAN: All right. Appears the  
 18 motion dies in lieu of a second.  
 19 COUNCILMEMBER DEAN: Well, I would like to  
 20 state that I think that there were several comments  
 21 that we heard.  
 22 Ignorance is not an excuse, and I know  
 23 you're a new-time home owner, but this is part of the  
 24 responsibility of owning a home: finding out how  
 25 you're supposed to do things and what you're supposed

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1 to do. And the thing is is that if we let one person  
 2 in, then we could open the flood gates and people  
 3 would come in complaining that we made them change to  
 4 follow our ordinances in the past, and if they came in  
 5 after you, then they would say, "Well, you let her do  
 6 it. Why not us?"  
 7 I think that the fence company is  
 8 responsible, and I would definitely go back to them  
 9 and find out, you know, "Look. Fix this because this  
 10 is wrong."  
 11 And the other thing is that the people in  
 12 that neighborhood worked really, really hard to get  
 13 this national registry going. And I went by and I  
 14 saw, and it is; it's something of an eyesore.  
 15 But this national registry, they've been  
 16 working on this for years, and I think that's a huge  
 17 part of the community; and I think that while other  
 18 houses might look bad, we're really trying to turn it  
 19 around and improve the aesthetics of the community.  
 20 And I'm sorry that this happened, but that's  
 21 my position.  
 22 COUNCILMEMBER PATRICK: A quick question for  
 23 Joe.  
 24 So has she paid any permit fees?  
 25 MR. COOLEY: No, not at this point.

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1 COUNCILMEMBER PATRICK: And what would the  
 2 permit fees be?  
 3 MR. COOLEY: I believe fences for  
 4 residential, if I'm not mistaken, is \$50.00, and doing  
 5 work without it doubles --  
 6 COUNCILMEMBER PATRICK: Doubles it.  
 7 MR. COOLEY: -- the fee.  
 8 COUNCILMEMBER PATRICK: So a hundred bucks.  
 9 And what's the cost of a variance?  
 10 MR. COOLEY: Be quite honest with you, I  
 11 don't recall.  
 12 COUNCILMEMBER PATRICK: Okay.  
 13 MAYOR PITTMAN: Ma'am, did you want to --  
 14 MS. KNOESPEL: Yeah. The fence company did  
 15 go and they did pay for the permit.  
 16 COUNCILMEMBER PATRICK: Okay.  
 17 MS. KNOESPEL: So that's taken care of, and  
 18 the variance was \$150.00.  
 19 COUNCILMEMBER PATRICK: Okay.  
 20 MR. COOLEY: So the permit request -- I have  
 21 not seen that. So the permit request was for in the  
 22 front yard?  
 23 MS. KNOESPEL: Well, I guess -- I don't  
 24 know. Well, I was just told that they went and they  
 25 paid the permit fee.

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1 MR. COOLEY: Okay. We'll find out.  
 2 MS. KNOESPEL: That's what I was told.  
 3 MR. COOLEY: Sure.  
 4 MAYOR PITTMAN: All right. Thank you.  
 5 COUNCILMEMBER PATRICK: Okay. Well, I'll  
 6 make a motion for the denial of the application.  
 7 MAYOR PITTMAN: Okay. Do I get a second?  
 8 COUNCILMEMBER BATES: Second.  
 9 MAYOR PITTMAN: Discussion?  
 10 COUNCILMEMBER PACHUTA: Yeah. I just wanted  
 11 to say I think it's a rough decision. I mean I bought  
 12 my first home to fit my dog at the time. And I've had  
 13 a dog who was paralyzed, and I have a 13-year-old dog  
 14 who can't make it down the stairs to the back yard,  
 15 and I have to walk him out the front and lead him  
 16 around the back.  
 17 But the way our ordinance is set up with the  
 18 variance and the objective criteria, and the recommen-  
 19 dations of staff, with that criteria, I think, on an  
 20 objective basis, that your request doesn't meet those  
 21 conditions.  
 22 MAYOR PITTMAN: Okay. Anyone else?  
 23 (No response)  
 24 MAYOR PITTMAN: Call the roll, please.  
 25 CLERK BRYANT: Councilmember Alexander?

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1 COUNCILMEMBER ALEXANDER: Yes.  
 2 CLERK BRYANT: Councilmember Dean?  
 3 I'm sorry. Councilmember Bates?  
 4 COUNCILMEMBER BATES: Yes.  
 5 CLERK BRYANT: Councilmember Dean?  
 6 COUNCILMEMBER DEAN: Yes.  
 7 CLERK BRYANT: Councilmember Fleming?  
 8 COUNCILMEMBER FLEMING: No.  
 9 CLERK BRYANT: Councilmember Pachuta?  
 10 COUNCILMEMBER PACHUTA: Yes.  
 11 CLERK BRYANT: Councilmember Patrick?  
 12 COUNCILMEMBER PATRICK: Yes.  
 13 MAYOR PITTMAN: And ma'am, I'm sorry. Thank  
 14 you.  
 15 All right. Next and last on the agenda is  
 16 the Text Amendment to Add Language to Address New Auto  
 17 Dealerships in C-2 Zoning District, Dr. Gillen.  
 18 DR. GILLEN: Yeah. Thank you, Mayor.  
 19 The City was approached by a company that  
 20 wants to open a new auto dealership in Doraville. You  
 21 have a Zoning Ordinance that restricts auto  
 22 dealerships in the C-2 zone, and the intent was to  
 23 stop the overgrowth of small used-car lots up and down  
 24 Buford Highway, and it's done a good job of halting  
 25 any new ones.

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1           However, what this is is a manufacturer-

2 authorized car franchise facility -- basically, a new

3 car dealership -- in a C-2 zone out where the other

4 car dealerships are. There's a Porsche and a --

5           COUNCILMEMBER PATRICK: Lexus.

6           DR. GILLEN: -- Lexus out in the same area.

7 And so the parcel located at Motors Industrial Way and

8 Peachtree Industrial Boulevard, they're identified as

9 Highway Commercial land use.

10          And so what we're asking tonight is that if

11 the Council would like to pursue the possibility of

12 allowing manufacturer-authorized car franchise

13 facilities with customary sales and service of both

14 new and pre-owned automobiles as a permanent use

15 within the C-2 zoning district and have Staff and

16 Legal draft a preliminary ordinance for the Planning

17 Commission to review.

18          It's basically asking you for permission to

19 draft a draft ordinance to take to the Planning

20 Commission tonight for that.

21          And Joe is here to answer the specifics.

22          MAYOR PITTMAN: Ms. Alexander, do you have

23 questions?

24          COUNCILMEMBER ALEXANDER: Would a CarMax

25 meet this criteria?

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1           MR. COOLEY: I'm sorry?

2           COUNCILMEMBER ALEXANDER: A CarMax.

3           MR. COOLEY: No, ma'am. That would not be

4 an authorized -- factory-authorized dealership.

5           COUNCILMEMBER ALEXANDER: They're an

6 authorized Dodge-Chrysler dealership.

7           MR. COOLEY: If they're selling new cars,

8 yes, they would be, then. I didn't realize they did

9 that.

10          MAYOR PITTMAN: Okay. If I could just stop

11 for just a minute, it is 10 till 9:00 and we are

12 almost at the end of the agenda so I need a motion to

13 extend the time to finish this agenda.

14          COUNCILMEMBER ALEXANDER: So moved.

15          MAYOR PITTMAN: Second?

16          COUNCILMEMBER PATRICK: Second.

17          MAYOR PITTMAN: Discussion?

18                 (No response)

19          MAYOR PITTMAN: Call the roll, please.

20          CLERK BRYANT: Councilmember Alexander?

21          COUNCILMEMBER ALEXANDER: Yes.

22          CLERK BRYANT: Councilmember Bates?

23          COUNCILMEMBER BATES: Yes.

24          CLERK BRYANT: Councilmember Dean?

25          COUNCILMEMBER DEAN: Yes.

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1           CLERK BRYANT: Councilmember Fleming?

2           COUNCILMEMBER FLEMING: Yes.

3           CLERK BRYANT: Councilmember Pachuta?

4           COUNCILMEMBER PACHUTA: Yes.

5           COUNCILMEMBER PATRICK: Councilmember

6 Patrick?

7           COUNCILMEMBER PATRICK: Yes.

8           MAYOR PITTMAN: Thank you.

9           MR. COOLEY: If I may on that, I'll give you

10 a little bit more background on this project.

11          This was something that the adjacent

12 dealership, Hennessy Lexus, is interested. It's the

13 outparc- -- in particular, this is instigated by the

14 outparcel that actually belongs to BrandsMart. They

15 are interested in putting a new car dealership there.

16          One of the things that you might want, I

17 would suggest you consider -- and that we'll certainly

18 make a recommendation the Planning Commission also --

19 is if you decide to send this to them, would be a

20 minimum size requirement of two acres. We've

21 discussed this with Hennessy and as far as that's

22 pretty much the minimum that you can go.

23          Now, that's not going to work for lots like

24 CarMax and things of that sort. But what it does do

25 is work with some of the more specialty high-end, and

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1 two that come to mind and were just kicked around a

2 little bit were Jaguar and possibly Land Rover. It's

3 that type where they don't have the on-property

4 inventory that you normally see in some of the larger

5 volume-dealership type things. So they would be

6 restricted by that.

7          The other thing is that I know that there

8 has been a concern, as Dr. Gillen said, about the

9 proliferation of used-car lots along Buford Highway.

10 My other recommendation would be if y'all are

11 interested in this: What you've got along Peachtree

12 Industrial is a new-car economic cluster. You know,

13 when you get a synergy like that, all these different

14 companies come together, it develops a cluster which

15 has a lot of economic impacts to it, so my

16 recommendation would be to limit it to properties in

17 that area.

18          Now, we would have to define that, because

19 some of the properties actually have street addresses

20 of Peachtree Industrial and some have Motors, and, you

21 know, I think that the Porsche dealership may not even

22 be Peachtree Industrial. So we would want to define

23 that as an area basis, and my recommendation would be

24 limiting it to that cluster area that we have along

25 Peachtree Industrial as opposed to encouraging new-car

1 lots or something like that along Buford Highway. I  
2 don't think that's the intent that the City's looking  
3 for for redevelopment along Buford Highway, and it  
4 would be certainly enough within the ordinance to be  
5 able to restrict it to an area that y'all think would  
6 be more appropriate.

7 MAYOR PITTMAN: Okay. Mr. Bates?

8 COUNCILMEMBER BATES: Would it be possible  
9 and easier for them to purchase and merge the parcels?

10 MR. COOLEY: We asked that, and basically  
11 what they're looking at is a separate dealership. So  
12 no, that would really not be functional for them.

13 COUNCILMEMBER BATES: Under the  
14 recommendation, you mentioned a two-acre lot. We've  
15 got a minimum of six acres in the ordinance now, so  
16 you're requesting a reduction?

17 MR. COOLEY: This would be specific to the  
18 C-2 zoning district. Right now we only allow car  
19 dealerships in M-1.

20 COUNCILMEMBER BATES: Right.

21 MR. COOLEY: It requires 600 foot, I  
22 believe, of frontage and also six acres. So basically  
23 it's not allowed anywhere, you know, along the major  
24 corridors; and which I don't know if it was oversight  
25 or what, but one of the things, the results, when that

1 all uses, and, you know, I don't think it would be  
2 good process to establish a zoning district for one  
3 use. I think that's going to complicate things. So  
4 you're opening up to all types of other things. The  
5 process is going to take longer; you're going to have  
6 to develop new standards.

7 It could be done. I mean that's one  
8 approach that we could do if y'all decided to go that  
9 direction. My recommendation, though, and I think the  
10 cleanest and simplest and most effective approach  
11 would really be to just do to the amendment to make  
12 that an allowed use but be specific enough, control it  
13 to whatever y'all think it would be appropriate.

14 COUNCILMEMBER BATES: Thank you.

15 MAYOR PITTMAN: Ms. Pachuta?

16 COUNCILMEMBER PACHUTA: *Would it be possible*  
17 to specify percentages of new versus used so that -- I  
18 mean I know -- I think it mentions in here having, you  
19 know, the requirement that they have to have new and  
20 used.

21 MR. COOLEY: Right. I think that's --

22 COUNCILMEMBER PACHUTA: -- to kind of  
23 prevent --

24 MR. COOLEY: -- more of a function of the  
25 pre-owned.

1 ordinance was changed I think back in 2010 is it made  
2 the Lexus and the Porsche dealerships legal  
3 nonconforming uses. So by changing this as a  
4 permitted use, it would bring those back into  
5 conformity, which from a planning perspective, it is  
6 always better to have businesses that are conforming,  
7 especially when they're well-established businesses  
8 like that. So I think there's the additional  
9 advantage of doing that.

10 COUNCILMEMBER BATES: *Would the district be*  
11 considered an overlay or would it just be written in  
12 as limited to a certain area?

13 MR. COOLEY: No. I think the best approach  
14 would probably limit it to specific corridors, and we  
15 can do that within, you know, the Zoning Ordinance.  
16 Basically, you add it at C-2 in this area, you know,  
17 and specific --

18 COUNCILMEMBER BATES: So how would --

19 MR. COOLEY: -- to that point.

20 COUNCILMEMBER BATES: How would it be  
21 different than creating a new zoning classification  
22 like a C-3?

23 MR. COOLEY: New zoning classification is  
24 basically, excuse the expression, but almost opening a  
25 can of worms because you're going to be establishing

1 COUNCILMEMBER PACHUTA: -- the used car?  
2 Okay.

3 MR. COOLEY: We could certainly look into  
4 that. That's something I want to run past Legal and  
5 discuss, but I certainly would look into that.

6 MAYOR PITTMAN: Mr. Patrick?

7 COUNCILMEMBER PATRICK: *Could we require*  
8 some kind of build standards -- it has to match the  
9 surrounding facilities, either match with the Hennessy  
10 or match with the Porsche or somehow fit in with the  
11 rest of that corridor?

12 MR. COOLEY: You're talking about architec-  
13 turally?

14 COUNCILMEMBER PATRICK: *Either architec-*  
15 turally or just outright say if you are a C-2 zoned  
16 property on this corridor, you are going to build to  
17 some standard.

18 I know Hennessy has like a parking deck or a  
19 two-story parking deck, it looks like.

20 MR. COOLEY: Yeah. I think that would be  
21 difficult because you don't really know what the  
22 function of the business would be.

23 If we had a standard architectural design  
24 standard or if there was some similarity between the  
25 architectural designs, I mean, you know, you look at

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1 Porsche; it is completely different than the Lexus  
2 which is completely different from any of the other  
3 ones down the way. They all have their individuality.  
4 As far as the decks go, I think that's --  
5 that's an expensive proposition on two acres. I would  
6 be surprised to see that happen. I may be absolutely  
7 wrong and it may be worth the money to them, but they  
8 would have to meet the standards -- I mean our zoning  
9 standards. I think it would be difficult without  
10 having anything in place to say "Follow this," to get  
11 them to follow something, but we could explore it.  
12 COUNCILMEMBER PATRICK: Okay.  
13 MAYOR PITTMAN: Ms. Fleming?  
14 COUNCILMEMBER FLEMING: How many acres is  
15 this particular parcel?  
16 MR. COOLEY: I believe it is 2.2, 2.3,  
17 somewhere in that range.  
18 COUNCILMEMBER FLEMING: Well, then, two  
19 acres is not going to be enough.  
20 MR. COOLEY: Yes, ma'am. It's --  
21 COUNCILMEMBER FLEMING: And you're going to  
22 have to --  
23 MR. COOLEY: No. The minimum -- I mean the  
24 minimum would be two acres, so being 2.3, that'd  
25 be .03 acres --

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1 COUNCILMEMBER FLEMING: Okay. Minimum.  
2 MR. COOLEY: -- larger than the minimum.  
3 COUNCILMEMBER FLEMING: Right?  
4 MR. COOLEY: Yes, ma'am.  
5 COUNCILMEMBER FLEMING: There are so many  
6 other issues, other automotive issues in C-2 that we  
7 haven't even addressed, that I wish we would get back  
8 to correcting all of those, please.  
9 Having a brand new dealership on that corner  
10 is fine with me; however, it looks like a pond  
11 retention. It almost looks like a spring bubbling up,  
12 so I don't know they're going to do that environ-  
13 mentally.  
14 Okay. That's the only questions I have.  
15 MR. COOLEY: I did look at that as far as  
16 the detention goes and the topography and the storm  
17 drains and things, and it appears that just from the  
18 slope and the topography, it made me wonder if it was  
19 a borrow pit.  
20 COUNCILMEMBER FLEMING: A what?  
21 MR. COOLEY: A borrow pit where they took  
22 soil out to build something else, possibly for the  
23 BrandsMart, because it almost looks like it's been dug  
24 out.  
25 COUNCILMEMBER FLEMING: It does.

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1 MR. COOLEY: But functionally, there's a  
2 storm drain that goes down further out the curb, so it  
3 doesn't go -- From what I could tell -- the weeds are  
4 pretty high right now -- it did not appear to me --  
5 Again, it made me think that it was someplace where  
6 they took soil out to use it somewhere else on the  
7 site.  
8 But again, that's part of the due diligence.  
9 That's the onus of the owner and the developer to make  
10 sure that they are aware of any restrictions or  
11 anything of that sort.  
12 COUNCILMEMBER FLEMING: I'm just not sure  
13 how -- you know, it seems like we're going to try to  
14 spot zone this, spot zone a use, and I've got fuzzy  
15 feelings about that because I don't know how we can do  
16 it legally -- Mr. McLendon, with your little phone.  
17 ATTORNEY McLENDON: I have reviewed this  
18 issue, and if given the direction, will move forward  
19 on it. I believe we could probably put together an  
20 ordinance that would --  
21 COUNCILMEMBER FLEMING: Spot zoning?  
22 ATTORNEY McLENDON: -- be legal.  
23 No. An ordinance that would be legal and  
24 pass muster on it.  
25 MAYOR PITTMAN: Okay. Ms. Dean?

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1 COUNCILMEMBER DEAN: A lot of my questions  
2 have been asked.  
3 I'm not clear on how we can manage one area  
4 of C-2 that allows these car dealerships. I mean how  
5 could we say, "Okay, it's allowed in C-2 but not in  
6 this part, not Buford Highway?"  
7 MR. COOLEY: We would have to actually come  
8 up with the determination of description, a good solid  
9 description of the area. And really what we're  
10 talking about -- and I believe it was in that packet,  
11 where if you look at it, when the LCI was done, that  
12 corner was basically left as C-2. Even in the  
13 proposed form-based, it is as C-2. And my under-  
14 standing was the idea was to keep that as a commercial  
15 corridor.  
16 I think it wouldn't be too difficult to  
17 identify that. But I think that's one of the things,  
18 the extent of it we would -- the Planning Commission  
19 would certainly want to get involved with and make  
20 recommendation, and I think that's something y'all  
21 would want to look at very strongly.  
22 I think it can be done without too much  
23 difficulty just because of the configuration if we  
24 were going to say that, because we only go a very  
25 short distance before we're in Chamblee, but if we

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1 were going to try to do that say along Buford Highway  
2 in one portion, it could be done but it's more  
3 difficult.  
4 COUNCILMEMBER DEAN: In looking at this,  
5 because I hadn't seen this before, why is it now six  
6 acres and with 600 feet of frontage? What is that?  
7 Why is that?  
8 MR. COOLEY: That was before my time here,  
9 but my understanding was the intent was to reduce the  
10 number of especially the used cars, little used-car  
11 dealerships that were proliferating down Buford  
12 Highway. We still --  
13 COUNCILMEMBER DEAN: Six acres is huge.  
14 MR. COOLEY: Yeah, it's big. I'm not sure  
15 where that came from, to be quite honest with you.  
16 COUNCILMEMBER FLEMING: We were trying to --  
17 we were trying to do our best.  
18 COUNCILMEMBER ALEXANDER: The Hennessy  
19 dealership is six acres.  
20 COUNCILMEMBER DEAN: But what about the  
21 others? Weren't the other ones there at the time?  
22 COUNCILMEMBER ALEXANDER: We based the  
23 smallest amount that we were going to allow based on  
24 the current footprint of the Hennessy Lexus  
25 dealership.

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1 COUNCILMEMBER DEAN: Okay. And the other  
2 two dealerships weren't there then.  
3 COUNCILMEMBER ALEXANDER: They were, but we  
4 were -- we just concentrated on that, because I think  
5 the Porsche dealership -- I'm not sure of the size of  
6 that.  
7 And I want everybody to understand we're not  
8 anti car dealerships but we were getting to be a buy-  
9 here/pay-here/give-me-your-paycheck/I'll-give-you-a-  
10 car. And we felt like, number one, aesthetically it  
11 wasn't pleasing, plus it also gives you the impression  
12 that they are feeding on impoverished and disad-  
13 vantaged citizens, and we wanted to stop that from  
14 spreading.  
15 COUNCILMEMBER DEAN: Okay. Could we  
16 stipulate the number of dealerships that we would  
17 allow like we did with the massage parlors?  
18 MR. COOLEY: Again, I would want to talk to  
19 Legal about that, but I think by restricting the  
20 area --  
21 COUNCILMEMBER DEAN: Uh-huh.  
22 MR. COOLEY: -- functionally you're going to  
23 do that.  
24 ATTORNEY McLENDON: And I will tell you --  
25 and this is sort of the conversation in general at

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1 this point about talking about sort of the districts  
2 you might put it in and those things -- I think there  
3 are a lot of ways we could attack it. And if there  
4 was a general consensus that the idea was good, I'd  
5 prefer to let Joe and us put our heads together and  
6 sort of come up with the best approach to make sure  
7 I'm going to pass legal muster but also to try to  
8 achieve the objective I'm hearing here.  
9 COUNCILMEMBER DEAN: Okay.  
10 ATTORNEY McLENDON: But I'd hate to sort of  
11 commit to that --  
12 COUNCILMEMBER DEAN: Right.  
13 ATTORNEY McLENDON: -- in this particular  
14 conversation because this is just, I think, more of a  
15 policy, Do you like it? And if there's the policy  
16 will, I'd like to be able to work through that to make  
17 sure we get it to achieve the goals but also, like  
18 we've said, to be legally defensible.  
19 COUNCILMEMBER DEAN: Okay. You know, I drive  
20 down the Industrial Parkway and there are cars parked  
21 on the GM property all the time. Is that the dealer-  
22 ship? Is that GM? I mean what is that?  
23 MR. COOLEY: Actually, what's going on right  
24 now, I believe, with it is in the interim while this  
25 is going through the contract stage like that, they've

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1 been allowing storage of General Motor automobiles on  
2 the site -- nothing else but General Motor automobiles  
3 -- as just an agreement for storage, temporary  
4 storage.  
5 COUNCILMEMBER DEAN: Okay. Do we get  
6 revenues from that, anyway?  
7 MR. COOLEY: Gosh, I don't know.  
8 DR. GILLEN: I don't believe so. And that  
9 question has come up, and I don't know where we went  
10 with it.  
11 ATTORNEY McLENDON: You would -- and I don't  
12 know the specifics of that, but typically the revenues  
13 would come from the dealership that owned the  
14 vehicles. The rental of the property is something you  
15 pay for through ad valorem. So just by renting  
16 property out, there is no rental occupation tax.  
17 That's paid via ad valorem.  
18 COUNCILMEMBER DEAN: Okay. And my final  
19 question is how, I mean, with the GM property under  
20 develop -- under development now, how could that -- I  
21 mean how could allowing this affect that development?  
22 Could it? Would it?  
23 MR. COOLEY: No, I don't think so.  
24 I think -- you know, I think potentially  
25 what could happen on some other portions up in that

1 area, there's opportunities. If someone had a grand  
 2 scheme and General Motors was up and running and the  
 3 property values go up, they may look at it and want to  
 4 come in and maybe go to a T-5 or T-6 zoning district  
 5 eventually. But you know, certainly not the parcel  
 6 that we're discussing. It's just kind of this strange  
 7 two-acre or two-plus-acre parcel there.  
 8 COUNCILMEMBER DEAN: And where is that  
 9 exactly?  
 10 MR. COOLEY: If I may, I'll just -- I can  
 11 point it out on your sheet there if you have it. And  
 12 for everybody, I'll hold this up too. But it's this  
 13 portion right in there (indicating).  
 14 COUNCILMEMBER FLEMING: It's the overgrown  
 15 parcel when you take a left at the light at  
 16 BrandsMart, the overgrown parcel on the right-hand  
 17 side.  
 18 MR. COOLEY: BrandsMart is back here, that  
 19 parcel's there; here's the shopping center, and this  
 20 is Hennessy Lexus (indicating). So it's just adjacent  
 21 to Hennessy Lexus.  
 22 COUNCILMEMBER DEAN: I'm good.  
 23 MAYOR PITTMAN: Okay. Perfect. All right.  
 24 Does anyone wish to entertain a motion?  
 25 COUNCILMEMBER ALEXANDER: I make a motion to

1 Planning Commission, yes.  
 2 COUNCILMEMBER ALEXANDER: The motion was to  
 3 Legal also.  
 4 COUNCILMEMBER FLEMING: I'm sorry?  
 5 COUNCILMEMBER DEAN: And to legal.  
 6 COUNCILMEMBER FLEMING: Okay. Sure.  
 7 CLERK BRYANT: Councilmember Pachuta?  
 8 COUNCILMEMBER PACHUTA: Yes.  
 9 CLERK BRYANT: Councilmember Patrick?  
 10 COUNCILMEMBER PATRICK: Yes.  
 11 MAYOR PITTMAN: Thank you. Motion carried.  
 12 Okay. I don't think we have additional  
 13 business. We're going to move into Council Comments.  
 14 Ms. Dean?  
 15 COUNCILMEMBER DEAN: All right. First, this  
 16 has absolutely nothing to do with the candidates, both  
 17 of whom I respect a great deal, but I think the  
 18 Council in general and -- and how we -- We need to  
 19 have greater oversight, because I too often feel I  
 20 don't know what is going on.  
 21 I can send questions, and it's literally  
 22 days before I get a response. Sometimes I send  
 23 repeated questions. Last week I sent a question  
 24 prefacing it with, "Is something wrong with my email?"  
 25 I am not getting a response." Even if that response

1 send a text amendment to Legal and then to the P.C.  
 2 for review, addressing new car dealerships in the C-2  
 3 zoning district.  
 4 MAYOR PITTMAN: Okay. Do I get a second?  
 5 COUNCILMEMBER PACHUTA: Second.  
 6 MAYOR PITTMAN: Discussion?  
 7 COUNCILMEMBER BATES: Yeah. I just want to  
 8 be very clear that any draft that comes to the P.C.  
 9 and comes back to us needs to be very specific as to  
 10 where these go in that particular corridor and not to  
 11 even remotely allow for the expansion on Buford  
 12 Highway, and that's --  
 13 MR. COOLEY: I understand.  
 14 COUNCILMEMBER BATES: That's just incredibly  
 15 important.  
 16 MR. COOLEY: We'll take care of that.  
 17 MAYOR PITTMAN: Call the roll, please.  
 18 CLERK BRYANT: Councilmember Alexander?  
 19 COUNCILMEMBER ALEXANDER: Yes.  
 20 CLERK BRYANT: Councilmember Bates?  
 21 COUNCILMEMBER BATES: Yes.  
 22 CLERK BRYANT: Councilmember Dean?  
 23 COUNCILMEMBER DEAN: No. No.  
 24 CLERK BRYANT: Councilmember Fleming?  
 25 COUNCILMEMBER FLEMING: To send it to the

1 is, "I don't have time now. I'll get back to you  
 2 later," I think that that's something that I need in  
 3 order to do my job on Council effectively.  
 4 With regards to the -- the press release  
 5 that was made, I strongly believe that we should have  
 6 waited until our formal audit was -- was -- was done  
 7 for 2013. It was perceived to be a political move to  
 8 release this information a mere four days before the  
 9 election, particularly when we have not -- we had not  
 10 even agreed to pass the amendment. And I strongly  
 11 feel that Council needs to provide more oversight over  
 12 -- over the City Manager who is running the City,  
 13 because we were voted in office to act responsibly and  
 14 to do what the people elected us to do.  
 15 That being said, moving forward, I hope that  
 16 we could address some of these issues, and also I wish  
 17 all of the candidates the best of luck tomorrow.  
 18 MAYOR PITTMAN: Okay. Ms. Fleming?  
 19 COUNCILMEMBER FLEMING: Thank you, Trudy,  
 20 for your comments.  
 21 I am just extremely proud, if you guys  
 22 aren't, that we have a Krispy Kreme in Doraville. And  
 23 so are my church members, I'm telling you. The church  
 24 members from Dunwoody love our Krispy Kreme.  
 25 But I do want to let everybody know some

1 things that we found out when we went to the grand  
 2 opening and even the Saturday before. We are the only  
 3 Krispy Kreme in Dekalb County.  
 4 UNIDENTIFIED SPEAKER: Oh, wow.  
 5 COUNCILMEMBER PATRICK: Yeah.  
 6 COUNCILMEMBER FLEMING: Chalk that one up.  
 7 We're the only one in Dekalb County, and they have  
 8 employed 16 -- 60, excuse me, not 16 -- 60 people.  
 9 That's 20 people per shift. So that is not just an  
 10 economy boost for the city but employing 60 people at  
 11 Krispy Kreme, so I think that's an added plus for our  
 12 city, so there you go.  
 13 MAYOR PITTMAN: Thank you.  
 14 Mr. Patrick?  
 15 COUNCILMEMBER PATRICK: As everyone knows,  
 16 tomorrow is election day. I'll just remind you that  
 17 it's not just District 2 and 3 that are up for  
 18 election. Please come out and vote. That's it.  
 19 MAYOR PITTMAN: Ms. Pachuta?  
 20 COUNCILMEMBER PACHUTA: Just go vote.  
 21 MAYOR PITTMAN: Mr. Bates?  
 22 COUNCILMEMBER BATES: No comments.  
 23 MAYOR PITTMAN: Ms. Alexander?  
 24 COUNCILMEMBER ALEXANDER: Councilmember  
 25 Patrick, myself and Councilmember Bates were at Chic

1 calendars; that'll be something really nice.  
 2 And I need a motion to adjourn.  
 3 COUNCILMEMBER ALEXANDER: So moved.  
 4 MAYOR PITTMAN: Second?  
 5 COUNCILMEMBER PATRICK: Second.  
 6 MAYOR PITTMAN: Discussion?  
 7 (No response)  
 8 MAYOR PITTMAN: Call the roll, please.  
 9 CLERK BRYANT: Councilmember Alexander?  
 10 COUNCILMEMBER ALEXANDER: Yes.  
 11 CLERK BRYANT: Councilmember Bates?  
 12 COUNCILMEMBER BATES: Yes.  
 13 CLERK BRYANT: Councilmember Dean?  
 14 COUNCILMEMBER DEAN: Yes.  
 15 CLERK BRYANT: Councilmember Fleming?  
 16 COUNCILMEMBER FLEMING: Yes.  
 17 CLERK BRYANT: Councilmember Pachuta?  
 18 COUNCILMEMBER PACHUTA: Yes.  
 19 CLERK BRYANT: Councilmember Patrick?  
 20 COUNCILMEMBER PATRICK: Yes.  
 21 MAYOR PITTMAN: Thank you. Have a good  
 22 night.  
 23 (Meeting adjourned at 9:10 p.m.)  
 24 -o0o-  
 25

1 Fil-A at 12:01 --  
 2 COUNCILMEMBER BATES: At Krispy Kreme.  
 3 MAYOR PITTMAN: -- at Krispy Kreme at 12:01  
 4 midnight, and there were 182 people lined up to try to  
 5 get the free doughnuts for a year. A couple of  
 6 residents on Moss Oak were like number 28 in line and  
 7 were very excited to get the free doughnuts for a  
 8 year. went there again on Sunday, and it's great.  
 9 And a lot of citizens evidently don't know,  
 10 according to people knocking on doors, that we have a  
 11 Krispy Kreme. So please make sure your neighbors  
 12 know, because they're going to be a great addition to  
 13 the community, I believe.  
 14 MAYOR PITTMAN: Okay. Great.  
 15 MS. GILMAN: Better tell Chief King he  
 16 doesn't have to wonder where Dekalb Police are now.  
 17 MAYOR PITTMAN: This is true.  
 18 COUNCILMEMBER FLEMING: When the lights are  
 19 on, when you see the red light on on the glass as well  
 20 as the side, they are cooking them right then and  
 21 there, and you can see them come down the conveyor  
 22 belt. It is so cool.  
 23 MAYOR PITTMAN: And I also want you to mark  
 24 your calendars. The weekend of Thanksgiving is our  
 25 Christmas tree lighting and road race. So mark your

1 C E R T I F I C A T E  
 2 STATE OF GEORGIA]  
 3 COUNTY OF DEKALB]  
 4 I hereby certify that the foregoing transcript  
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 6 proceedings were reduced to typewriting under my  
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 11 I further certify that I am neither a relative  
 12 or employee or attorney or counsel to any of the  
 13 parties, nor financially or otherwise interested in  
 14 this matter.  
 15 This the 12th day of November 2013.  
 16  
 17  
 18 Theresa Bretch, CCR  
 19 Permit No. B-755  
 20  
 21  
 22 [SEAL]  
 23  
 24  
 25

	21:1;22:14;32:17	84:19,21	<b>32 (1)</b> 48:19	
<b>\$</b>	<b>1.4 (1)</b> 60:11	<b>20 (5)</b> 19:2;21:22;26:2; 98:25;133:9	<b>3rd (1)</b> 32:8	<b>9</b>
<b>\$1,400 (1)</b> 33:1	<b>10 (16)</b> 4:2;11:13;53:18;	<b>20,500 (1)</b> 47:17	<b>4</b>	<b>9 (1)</b> 52:25
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