

In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting - Work Session

November 18, 2013

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

WORK SESSION

Transcript of the meeting of the
Doraville City Council held at Doraville
City Hall, 3725 Park Avenue, Doraville,
Georgia, Mayor Donna Pittman presiding,
before Theresa Bretch, Certified Court
Reporter, commencing at 6:30 p.m. on Monday,
November 18, 2013.

* * *

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1 PROCEEDINGS

2 MAYOR PITTMAN: Meeting come to order.

3 Call the roll, please.

4 CLERK BRYANT: Councilmember Alexander?

5 COUNCILMEMBER ALEXANDER: Here.

6 CLERK BRYANT: Councilmember Bates? I'm

7 sorry.

8 CLERK BRYANT: Councilmember Dean? She's

9 not here.

10 Councilmember Fleming?

11 COUNCILMEMBER FLEMING: Here.

12 CLERK BRYANT: Councilmember Pachuta?

13 COUNCILMEMBER PACHUTA: Here.

14 CLERK BRYANT: Councilmember Patrick?

15 COUNCILMEMBER PATRICK: Here.

16 MAYOR PITTMAN: Ms. Dean is out of town and

17 Councilmember Bates is under the weather tonight, so

18 neither one will be here.

19 There is no approval of minutes.

20 And everyone I would assume has reviewed the

21 agenda, and if there's no questions, we need approval

22 of the meeting agenda please.

23 COUNCILMEMBER ALEXANDER: So moved.

24 MAYOR PITTMAN: Second?

25 COUNCILMEMBER PACHUTA: Second.

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1 APPEARANCES:

2 Doraville City Council:

3 Mayor Donna Pittman

4 Councilmember Maria Alexander

5 Councilmember Pam Fleming

6 Councilmember Karen Pachuta

7 Councilmember Robert Patrick

8 Shawn Gillen, City Manager

9 Sandra Bryant, City Clerk

10 Connie Rockelein, Deputy City Clerk

11 Cecil McLendon, City Attorney

12 Leonid Felgin, Assistant City Attorney

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1 MAYOR PITTMAN: Discussion?

2 (No response)

3 MAYOR PITTMAN: Call the roll, please.

4 CLERK BRYANT: Councilmember Alexander?

5 COUNCILMEMBER ALEXANDER: 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: Thank you. Okay. We're

13 going to open the floor for public comment. Anyone

14 wishing to make public comment please come forward,

15 limit your comments to three minutes and state your

16 name for the Clerk.

17 MR. BEN CRAWFORD: Ben Crawford, Oakcliff

18 Estates, Council, Mayor.

19 This concerns the noise level on Saturdays

20 at the arena. About eight-something in the morning,

21 we can lay in bed and hear that number 25 has just

22 scored a touchdown quite clearly in the bedroom with

23 the windows shut and the heater going. We can hear

24 number 17 is doing pretty good. He just went out for

25 a long and wide and caught the ball, and we hear cheer

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1 and cheer and cheering. And I guess repeated attempts
2 to tell them to tone it down has not worked over the
3 years.
4 It kind of, you know, impacts people's
5 property values. Let's say somebody comes over to buy
6 my house and it's right during football season. I
7 mean, to me, it seems like probably I'm guessing the
8 equipment over there is owned by the City and maybe
9 the audio equipment is possibly owned by the City too.
10 I don't know that.
11 But you know, there's devices you can put on
12 boilers where you limit the amount of pressure, you
13 know, within a certain limit that stops it from
14 getting anything past that limit. Seems to me we
15 could tap into a little hole in the knob and put a
16 little -- drill a little hole and put a little screw
17 that can't be unscrewed.
18 You know, I'd love those guys that are over
19 there just to get nice jobs announcing somewhere else,
20 because, you know, that's what they're shooting for,
21 because it can't be for the kids. You dial it down,
22 the kids can hear it fine.
23 I've been over there before. You can't get
24 over there to say anything to them nicely because it's
25 all locked up, which maybe it needs to be.

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1 But, to me, it just seems like it's time for
2 the Council to kind of get into it a little bit and
3 say, "Hey, you know, enough's enough. Dial it down
4 and keep it down," and maybe it needs to be so they
5 can't dial it past.
6 We get over there, investigate it a little
7 bit, see what kind of -- I think as the crowd flies my
8 house is about a mile -- about a mile away from the
9 arena. I think when I drove it, it was a little more
10 than that.
11 So you know, let's establish some limits and
12 make sure that they can't go over the limits, because,
13 obviously, talking to them is not doing any good. So
14 I mean you got limit devices on all kind of things in
15 life: carnival rides, boilers, your car. You know,
16 you run a truck, it's got a speed limit on it where
17 you can't go over -- you got a governor on the thing,
18 so you floor it, and it's only going 60 because they
19 don't want you taking the truck beyond 60 miles an
20 hour.
21 So let's establish some reasonable limits
22 where the children -- you know, I think it's great
23 that they're there. The sports are great. I don't
24 think it's a money-making business for the City, but
25 that's not my concern.

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1 My concern is for the neighborhood. And it
2 just seems like we need to investigate it a little
3 bit, see what an acceptable noise level is, establish
4 the parameters and make sure they don't get exceeded
5 any more.
6 MAYOR PITTMAN: And I just want you to know
7 that after your phone calls, that they were made aware
8 of that, and I know Susan said they had been turned
9 down somewhat.
10 I will make sure the city manager talks to
11 them.
12 MR. CRAWFORD: Yeah. And I mean I'm just
13 lazing around on a Saturday reading a book and, you
14 know, wasn't really reading a book; I was thinking
15 about the plays that were being made on the field.
16 But thank you for your time.
17 MAYOR PITTMAN: Thank you.
18 DR. GILLEN: I'll talk to Rick.
19 MAYOR PITTMAN: Yeah. Thank you.
20 He is aware of it, but yeah.
21 COUNCILMEMBER FLEMING: Can I make a
22 comment?
23 Dr. Gillen, I made a comment over a year
24 ago, being heavily involved with North Dekalb Youth
25 Sports for 20-some-odd years, if there are speakers

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1 facing the residential district, they do need to be
2 taken down, because there is only seating on the
3 concession-stand side. So the speakers need to be
4 going toward the parking lot, not toward the
5 residential district.
6 DR. GILLEN: Yes, ma'am.
7 MR. STUART ANDERSON: Stuart Anderson.
8 Complain, complain. Sorry.
9 This is also sports related. I noticed -- I
10 have two things. One, I have difficulty on the Web
11 site. I couldn't copy anything off, which I wanted
12 to. But either way, I was having difficulty looking
13 at the Web site or the -- the financial plan for the
14 discussion for tonight.
15 But I did manage to see that Halpern Park
16 was scheduled for 2015 and '16 for \$50,000. In the
17 meantime, we could just for a couple bags of cement,
18 straighten up the basketball thing. We painted it,
19 but we could just straighten it up and most people
20 could have a lot better experience. Thank you.
21 MAYOR PITTMAN: Okay. Anyone else wishing
22 to make public comments?
23 (No response)
24 MAYOR PITTMAN: Okay. Reports and
25 presentations. Actually, I just want to make

1 announcement of the Christmas tree lighting that will
2 be coming up the weekend of Thanksgiving. I believe
3 the 30th is the date, and it'll be here at City Hall.
4 And I understand it's a very, very nice event, so if
5 you could please help spread the word, and we also
6 will have the road race at 4:30. That's also going to
7 be a very nice community event. Hope everyone can
8 come out, and if you know of someone that might not
9 know about it, please share.

10 COUNCILMEMBER ALEXANDER: And Toys for Tots.
11 And Toys for Tots. Thank you, Maria.

12 This will be incorporated with Toys for
13 Tots, and we will hopefully by tomorrow have a box out
14 here for Toys for Tots, and this is a worthy cause.

15 We will have a marine here to pick up the toys on the
16 night of the tree lighting. So if you could help out
17 with that or know someone that might like to, the box
18 will be out here hopefully by tomorrow.

19 So again, very nice events for the city.

20 All right. We're going to go into
21 Unfinished Business, and next is going to be the
22 Retirement Plan Revision, Dr. Gillen.

23 DR. GILLEN: Thank you, Mayor and Council.

24 As you recall last time we had a discussion
25 on the projections, we did a 10-year projection on

1 switching the plan to a defined contribution plan; for
2 scenario 2 on the spread sheet that you see on the
3 screen shows just allowing new employees coming into
4 the defined contribution, and scenario 3 on there
5 shows if we allow all new employees to come on and
6 anyone else who might be eligible or not vested in the
7 current plan to voluntarily switch over.

8 So they did a 15-year projection as
9 requested by the Council. And as we see -- as we look
10 at the numbers coming in, we set the benefit level as
11 10 percent. The Council hasn't decided on what that
12 would be, and we can alter those numbers here as we
13 speak if you wish and kind of see how the numbers
14 change as the contribution levels change. And we see
15 a significant -- of course, again, a significant cost
16 savings short term and long time making this change.

17 In year -- the first year of the plan
18 change-over, which -- sorry -- plan year 2014 --
19 sorry, I'm getting used to the keyboard here -- you
20 see those numbers are in millions. So \$500,000 would
21 be our contribution for the current plan and the
22 defined contribution plan compared to a \$560,000 cost
23 to us in that first year if we stay with the plan as-
24 is. So right off the bat, you're seeing a \$60,000
25 savings. That's at the 10,000 dollar -- pardon me --

1 the 10 percent contribution level.

2 If we look longer term, in year 2027, that's
3 a \$730,000 cost compared to an \$820,000 cost of the
4 current plan. So you're seeing almost a \$300,000
5 increase per year in the cost of the plan if we stay
6 as-is.

7 We're seeing that cost decreased with the
8 change, so long-term the savings is dramatic and
9 short-term the savings is significant, so it is some
10 very good numbers.

11 So when we look at options, we look at the
12 employer contribution here and then maybe a match. So
13 if you want to make the equivalent of a 10 percent
14 contribution, let's say we go with an 8 percent direct
15 contribution and allow the employees to match up to
16 3 percent. So we'll match up to 3 percent of their
17 own money into the plan.

18 We can go back and we can look at what the
19 cost savings is. It's slightly more expensive
20 because, you know, it's closer to an 11 percent total
21 contribution, but you still -- the savings is still
22 significant.

23 And so we also talked last time about a
24 phased-in vesting, which we can also do, but we really
25 wanted to show the longer term impacts. You know,

1 we're looking right now at some very good revenues
2 over expenditures for the last two years and into the
3 future. However, with increased healthcare costs,
4 employee cost, and with the pension costs increasing
5 over time, that can disappear very quickly. So we
6 need to make changes like this to maintain that lower-
7 cost revenue-over-expenditure scenario into the
8 future.

9 So our recommendation to you, we need to
10 start moving towards this plan. And there are several
11 steps that are going to have to take place, and Lenny
12 and Cecil can kind of talk to you about the legal
13 aspects of it, what legal documents have to be
14 drafted.

15 But what we would look for is coming back to
16 you at a work session, say in January, with a
17 resolution drafted that kind of outlines the framework
18 of the plan. So here's how it's going to work: it's
19 going to be this level of contribution and this level
20 of match. These are the people that are eligible to
21 come into it, new employees, any employee that might
22 voluntarily switch over, that sort of thing.

23 Then we'd lay out all those details, and the
24 Council says, "Here's what we want the plan to look
25 like." Then we would take that resolution, once

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1 passed by the Council in a subsequent meeting, and
2 start drafting the plan documents and getting the
3 implementation finalized.
4 So that's what the timeline would look like
5 on this as you move forward.
6 So what we'd like tonight is to seek a
7 little more input from you, if these numbers look as
8 satisfactory to you as we think they do, and what
9 other information you might want. And with your nod
10 of the head, we can have a draft resolution ready at
11 the next work session, the work session in January,
12 for you to review -- not vote on at that time, but
13 review and make any other changes to bring back to a
14 subsequent meeting, and that will get the ball
15 rolling.
16 So this takes awhile to get implemented
17 because there's a lot of hoops you got to jump through
18 with GMA and things like that to make the change.
19 MAYOR PITTMAN: Okay. Ms. Alexander?
20 COUNCILMEMBER ALEXANDER: Can you go back to
21 the other page, please?
22 DR. GILLEN: Which one?
23 COUNCILMEMBER ALEXANDER: I can't -- There
24 you go.
25 So the match percentage, explain that to me,

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1 because in my plan, my match is I put so much
2 percentage and my company matches 50 percent of that
3 up to a certain limit, so --
4 DR. GILLEN: This is a dollar-for-dollar
5 match up to 3 percent.
6 COUNCILMEMBER ALEXANDER: So we're going to
7 give them a flat 8 in this scenario --
8 DR. GILLEN: Right.
9 COUNCILMEMBER ALEXANDER: -- and match up to
10 3 percent of what they put in.
11 DR. GILLEN: Correct.
12 COUNCILMEMBER ALEXANDER: Okay. So
13 obviously, a higher paid employee, the match would be
14 higher.
15 DR. GILLEN: Yes, yes.
16 COUNCILMEMBER ALEXANDER: Okay. And what is
17 our flexibility? One of the things that we were hand-
18 cuffed by is we had no flexibility. There was no
19 ability for us to adjust our contributions. I mean,
20 you know, are we going to be able --
21 I don't want us to handcuff ourselves again.
22 DR. GILLEN: Right.
23 COUNCILMEMBER ALEXANDER: So is that --
24 which one of those numbers is flexible should we not
25 have the money to do an 8 percent in a certain budget

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1 cycle?
2 DR. GILLEN: Both of them are flexible. So
3 when we set up the plan documents, we would build that
4 into the plan itself, that the Council can change the
5 contribution level and the match level when/if needed.
6 COUNCILMEMBER ALEXANDER: Okay.
7 DR. GILLEN: So you set the plan up, this is
8 the way it is, and that can always change in the
9 future.
10 If you want to be more generous and the
11 future councils want to be more generous or less
12 generous in the match or the contribution, that can --
13 that can be altered. It's not like a defined
14 contribution plan where it's kind of the current plan
15 is set, and you can't alter that So we would want to
16 structure the plan to have maximum flexi-bility.
17 COUNCILMEMBER ALEXANDER: And at the current
18 plan right now, we're contributing about 17 percent of
19 their pay; is that right?
20 MS. LISA FERGUSON: It's between 15 and 17
21 because we lowered the -- we increased the
22 amortization this year, and I'm not sure what the
23 exact percentage is.
24 COUNCILMEMBER ALEXANDER: Okay. All right.
25 Thank you.

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1 DR. GILLEN: Okay.
2 MAYOR PITTMAN: Ms. Pachuta?
3 COUNCILMEMBER PACHUTA: So we currently do
4 have a plan that the City doesn't match.
5 MS. FERGUSON: Right.
6 COUNCILMEMBER PACHUTA: Okay. Would that
7 plan still be in place or would that money get
8 transferred over?
9 And then kind of along with that, are we
10 capping like the one-to-one match or is there going to
11 be an additional percentage that we allow employees to
12 contribute? Like say we put in 8 percent, we'll match
13 up to 3 percent; but then can the employee put in even
14 more that we don't match?
15 DR. GILLEN: The employee will be able to
16 put in up to the IRS limits --
17 COUNCILMEMBER PACHUTA: Okay.
18 DR. GILLEN: -- and I can't tell you off the
19 top of my head what those limits are, but David
20 Griffin is here.
21 MR. GRIFFITH: It's \$17,500 if they're under
22 50 and another \$5,500 if you're --
23 DR. GILLEN: Does that include the employer
24 contribution?
25 MR. GRIFFITH: That is just employee money.

1 That does not include employer money.
 2 DR. GILLEN: Thank you.
 3 MS. FERGUSON: What I have done in other
 4 cities is we put all of the employer money, the
 5 retirement and the match, into a 401 plan, and then
 6 the employee money that we are matching will go into a
 7 457 which is capped at 17,5, because we don't want
 8 to -- we don't want to limit what they can put in
 9 there by putting our money in with theirs. Does that
 10 make sense?
 11 COUNCILMEMBER PACHUTA: Okay. And do you
 12 have -- and this has been a long time since I've dealt
 13 with H.R. issues. Where there used to be -- I know
 14 with my private employer, highly compensated employees
 15 were putting in a higher percentage than the lower
 16 compensated employees. Like some of that money ended
 17 up having to go back to the higher, like because the
 18 plan had to be balanced so that it contained . . .
 19 Does that still work with --
 20 MS. FERGUSON: It does, but we --
 21 COUNCILMEMBER PACHUTA: -- public?
 22 MS. FERGUSON: -- don't have anybody that
 23 qualifies as a highly compensated employee, not even
 24 him.
 25 [To Dr. Gillen] Sorry.

1 MAYOR PITTMAN: Mr. Patrick?
 2 COUNCILMEMBER PATRICK: No questions right
 3 now.
 4 MAYOR PITTMAN: Ms. Fleming?
 5 COUNCILMEMBER FLEMING: I'm just working off
 6 of the October 21st materials. We didn't receive a
 7 copy of that, and I cannot see the smart board from
 8 here, so I would appreciate this PowerPoint being
 9 printed for me.
 10 DR. GILLEN: It's a spread sheet. We can
 11 get that for you, yes.
 12 COUNCILMEMBER FLEMING: I'm sorry?
 13 DR. GILLEN: It's a -- it's not a
 14 PowerPoint, it's a spread sheet, but I can --
 15 COUNCILMEMBER FLEMING: Okay.
 16 DR. GILLEN: I'll zoom it in just a little
 17 bit more.
 18 COUNCILMEMBER FLEMING: That's quite all
 19 right. It's the way the angle -- I mean the board --
 20 DR. GILLEN: Right.
 21 COUNCILMEMBER FLEMING: -- for Ms. Dean and
 22 myself, it's very difficult because we're looking at
 23 it sideways.
 24 DR. GILLEN: Right.
 25 COUNCILMEMBER FLEMING: Okay. And I notice

1 that the gentleman is here this evening. The other
 2 questions that we asked were -- I asked at the October
 3 21st meeting was comparisons with Norcross and
 4 Chamblee, and I have not heard back on that yet.
 5 MR. GRIFFITH: I did just receive some
 6 updated numbers from them, Ms. Fleming, and I'm sorry
 7 those weren't distributed prior to today's meeting.
 8 Currently Norcross is doing a 50 cent on the
 9 dollar match up to 3 percent on a 457, and they're
 10 also doing a pension program wherein the employee is
 11 required to participate at a 3 percent contribution
 12 and the city is making a 7 percent contribution
 13 currently to fund the defined benefit program. But
 14 they did go for the election to require employees to
 15 defer into the DB plan, which of course increases cash
 16 flow into the plan and reduces the city expense;
 17 however, it does severely hinder any plan changes in
 18 the future for a municipality once you force employees
 19 to defer money into the DB plan.
 20 So Norcross still has a combination of the
 21 DB and the defined contribution. The match is 50
 22 cents on the dollar up to 3 percent, so an exposure of
 23 1-1/2 percent of payroll there, and they've got a 7
 24 percent contribution in the DB from the city and a 3
 25 percent contribution on the employee side. Five year

1 vesting, regular retirement age of 62 or 65 is the
 2 basic structure of the plan.
 3 Chamblee is still doing a pension program
 4 through GMA. Currently their contribution to the plan
 5 is about 11.65 percent of payroll, which is what their
 6 budget numbers were going into this next year, and
 7 they have a discretionary 457 program. It doesn't
 8 appear there's any employer moneys going in that plan
 9 at present; it's just there for employees to defer
 10 some money on a pretax basis and save.
 11 COUNCILMEMBER FLEMING: So they're on a
 12 defined benefit, then?
 13 MR. GRIFFITH: Correct.
 14 DR. GILLEN: That's correct.
 15 COUNCILMEMBER FLEMING: Okay.
 16 MR. GRIFFITH: Correct.
 17 COUNCILMEMBER FLEMING: In regards to what I
 18 believe Maria was asking or Ms. Alexander was asking
 19 regards to changing the percentages if we found
 20 ourselves . . . I would find that though we might need
 21 to do that, I think that we would need to discuss that
 22 on an annual basis or on an every two-year basis,
 23 because I don't want our employees to -- you know,
 24 they're employed and they believe they're going to
 25 get, you know, up to 8 percent and we're going to

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1 match to 4, etc. etc., and then all of a sudden, we
2 backtrack because of our funding and change it the
3 next year.
4 So I would like us to be consistent with
5 what we're doing. Either we're going to do a con- --
6 you know, a retirement contract, let's say, or let the
7 employees know that we are going to reevaluate our
8 retirement plan every November to determine what the
9 flexibility will be come January 1, okay, or make it
10 an every-two-year issue; because I just -- I think
11 trying to change it every single -- it's like the
12 millage rate --
13 DR. GILLEN: Right.
14 COUNCILMEMBER FLEMING: -- you know. I mean
15 we need to be consistent --
16 DR. GILLEN: Right.
17 COUNCILMEMBER FLEMING: -- at some point.
18 I think that's all the questions that I have
19 at this moment.
20 DR. GILLEN: Okay.
21 COUNCILMEMBER ALEXANDER: And we asked about
22 Rule of 75 and Rule of 80.
23 MR. GRIFFITH: I don't have any further
24 details on the Rule of 75. I wasn't able to pull any
25 of those from the other municipal plans that I saw,

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1 but I will revisit that and see if *McCreedy & King
2 can provide anything as well from their municipal
3 plans.
4 But on a local level, I didn't see the
5 verbiage in the documents that I reviewed, but I will
6 get that.
7 COUNCILMEMBER ALEXANDER: And I think we're
8 going to look and see if you could do any kind of cost
9 analysis --
10 DR. GILLEN: Right.
11 COUNCILMEMBER ALEXANDER: -- on a Rule of 75
12 or a Rule of 80.
13 MR. GRIFFITH: Yes.
14 COUNCILMEMBER PACHUTA: And then I had sent
15 information on the COLA from the plan document. I
16 don't know if y'all have had a chance to look at that.
17 ATTORNEY McLENDON: We did look at that, and
18 I did review that issue on the current plan document.
19 Where we are right now is based upon the
20 last election when we went into the defined benefits
21 plan, we have agreed that there is a certain
22 calculation that happens. And it's not something that
23 can be changed yearly; it's on a certain calculated
24 number. And to change that, you'd sort of have to
25 jump through some hoops, and we'd really need to plan

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1 in advance, and it would be a pretty substantial
2 maneuver to change that.
3 But at the moment, it is just a -- there is
4 a calculated benefit COLA increase and it is set based
5 upon our last election.
6 MAYOR PITTMAN: Okay. Any additional
7 questions?
8 COUNCILMEMBER FLEMING: I had one --
9 I'm sorry. Do you have questions?
10 COUNCILMEMBER ALEXANDER: No, go ahead.
11 COUNCILMEMBER FLEMING: It just hit me. It
12 went and now it's come back again.
13 I believe the majority of Council, though we
14 didn't do a consensus type vote, is that I believe we
15 liked the idea that Ms. Pachuta commented about: the
16 five-year vesting --
17 DR. GILLEN: Correct.
18 COUNCILMEMBER FLEMING: -- with the 20, 40,
19 60, 80, and then fully vested at five years. I think
20 that was the consensus though we did not . . .
21 So I think we're going in that direction,
22 personally.
23 DR. GILLEN: I think so too, yeah. That'd
24 be great.
25 COUNCILMEMBER ALEXANDER: And I think that's

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1 what I had quoted that Smyrna did when they did their
2 conversation.
3 DR. GILLEN: I think it's wise. It does
4 give some incentive for longevity but still gives
5 maximum flexibility to the employee or it gives more
6 flexibility to the employee than the current plan.
7 The next steps would be, with your
8 permission, to draft a resolution to bring back to you
9 for review in January that would kind of outline
10 everything you've talked about -- addressing the five-
11 year phase-in, the concerns about stability in the
12 plan, things like that -- and bring it back for you
13 guys to review and revise in January, and, if it's
14 ready, for me to bring back in February.
15 We'd bring it back for a vote at that point
16 and then start the implementation process, and Cecil
17 can describe to you all those different legal hoops we
18 got to jump through and plan documents that will have
19 to be drafted and those sorts of things for the final
20 implementation of it.
21 So sometime -- the timeline would be
22 sometime in 2014 when we make the transition. and any
23 new hire at a specific date set in the plan document
24 would be the date when all new-hires from that point
25 will be in the plan and at what point people could

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1 transfer over if we elect to allow people to transfer
2 over, which I would recommend because it looks like
3 the cost savings is much more dramatic if we allow
4 people to voluntarily transfer over.
5 The remaining question is the contribution
6 level, and I didn't know if you just wanted us to kind
7 of just leave that one kind of gray for now as we
8 think about this, and -- because it could be a dollar-
9 for-dollar amount, it could be a 50 percent match, and
10 we can hone that as we move forward.
11 But it seems to be that 10 percent total
12 contribution range seems to maximize -- create a
13 benefit that is relatively competitive with other --
14 other cities in the area and also it can maximize cost
15 savings for us somewhere in a combination of total --
16 of direct contribution and match that comes somewhere
17 in that 10 percent range total for the City, be it a
18 dollar-for-dollar match or 50 percent match, and we
19 can -- we can hone that once we get the resolution
20 document in front of you in January.
21 COUNCILMEMBER PACHUTA: Now, the employees
22 that are currently vested in the pension --
23 DR. GILLEN: Correct.
24 COUNCILMEMBER PACHUTA: -- they would not be
25 participating; is that correct?

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1 MS. FERGUSON: They would have the option.
2 COUNCILMEMBER PACHUTA: Of just --
3 MS. FERGUSON: It probably wouldn't be in
4 their best interest, but they would have the option.
5 DR. GILLEN: Yeah. Most -- if I'm an
6 employee in the pension plan, if I'm not vested yet,
7 it's probably more attractive to that type of employee
8 than someone who is vested. And also, depending on
9 how close to vesting they are, they may decide, "You
10 know, I understand that I might be a little better
11 off, but I got six months to be vested, and I'm just
12 going to stick with it because I like the idea of
13 defined benefits.
14 So it's up to them, and that's why they --
15 you know, we run a scenario, a worst-case scenario
16 here that has every eligible employee that is not
17 vested in the plan currently would be changing over
18 when we run those numbers.
19 MAYOR PITTMAN: Okay.
20 DR. GILLEN: Does that --
21 COUNCILMEMBER FLEMING: But at 10 percent,
22 you just made a comment about that they would
23 contribute 10 percent; is that correct?
24 DR. GILLEN: Somewhere in that range total.
25 Some combination of direct contribution and match that

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1 would fall around -- that would make the City's
2 contribution be around 10 percent.
3 Let me --
4 COUNCILMEMBER FLEMING: But if I'm reading
5 these first scenarios correctly, for instance,
6 scenario 2, the previous one that you gave us,
7 scenario 2 providing 8 percent defined contribution
8 with our 4 percent match.
9 DR. GILLEN: Right. That's the -- Are we
10 talking the October numbers that we gave you?
11 COUNCILMEMBER FLEMING: Uh-huh.
12 DR. GILLEN: The ones in October? I don't
13 have that in front of me.
14 Right now what you're looking at is an 8
15 percent direct contribution and a 3 percent match. So
16 with the formula that we have in there, we think about
17 75 percent of employees that would have -- or 75
18 percent of the match would be utilized. So it comes
19 out to be about --
20 If we go to the payroll sheet here, I'll
21 show you where we get the numbers. 8 percent match or
22 8 percent direct contribution and 3 percent match,
23 we're estimating about 75 percent of the match would
24 be utilized. So the total contribution, the effective
25 contribution for the City would be 10.25 percent.

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1 That what I mean, somewhere in that 10 percent area or
2 range would get us significant cost savings short-term
3 and long-term and generate a competitive contribution
4 level for the employee.
5 COUNCILMEMBER FLEMING: Okay. Only because
6 I really haven't put my head to it, if we are
7 contributing 3 percent, why are we now contributing
8 10?
9 DR. GILLEN: What you'll be doing in this
10 scenario, the yellow here, is you're going to be
11 contributing 8 percent.
12 COUNCILMEMBER FLEMING: That's the employee
13 contribution.
14 DR. GILLEN: That's the --
15 COUNCILMEMBER PACHUTA: That's ours.
16 DR. GILLEN: -- employer contribution right
17 here.
18 COUNCILMEMBER FLEMING: Oh, I'm sorry.
19 DR. GILLEN: Then we would match dollar for
20 dollar, in this scenario, up to 3 percent. So I could
21 put in an additional 3 percent of my own money into my
22 plan; the City would match that with 3 percent.
23 We estimate that only about 75 percent of
24 the match would be utilized. So some would match 1
25 percent, some -- some would go for 2 percent, some

1 wouldn't do any at all, some would do the full amount.
2 So based on the numbers that David has seen in other
3 cities, we estimate about 75 percent, and that's
4 typical behavior in a large group like this.

5 So your total contribution including the
6 direct contribution and what you're going to match
7 your employees' contribution with would be effectively
8 around 10.25 percent in this scenario.

9 So if we change that and say we want to do
10 let's say 7 percent and match 3, your contribution is
11 only 9-1/4; but if, say, you want to match 4 percent,
12 so you want to put more on the employee, then you fall
13 right at 10 percent total contribution.

14 COUNCILMEMBER FLEMING: It was because I was
15 reading it as employee --

16 DR. GILLEN: Okay.

17 COUNCILMEMBER FLEMING: -- I read these as
18 this is what the employee was allowed to contribute,
19 not the -- not that we were going to contribute 8
20 percent and then also match 4.

21 DR. GILLEN: Correct.

22 COUNCILMEMBER FLEMING: That, to me --
23 Ms. Alexander, what is your company doing?

24 COUNCILMEMBER ALEXANDER: ^{Mine's real low.}
25 I contribute 6 percent and they match 3, so it's a

1 contribution and defined benefits.

2 The cities that are funding defined
3 benefits, depending upon the makeup of their work
4 force, are funding between 10 and 18 percent of
5 payroll to a defined benefit program for future
6 benefits for existing retirees and for people accruing
7 benefit.

8 So the idea, the theory behind this
9 structure is let's put a plan that encourages some
10 participation from the employee but at the same time,
11 if they participate at a high level throughout their
12 career, can replicate a benefit similar to what a
13 defined benefit program provides but also gives the
14 city and, subsequently, taxpayers the ability to
15 decide what the match is on an annual basis.

16 Every city that uses a defined contribution
17 plan like this, they don't have a stated document
18 where they're required to do a match every year. They
19 have a discretionary document similar to the private
20 sector where every year there can be a decision of
21 this year it's an 8 percent contribution and the match
22 is going to be 50 cents on the dollar up to 6 percent,
23 so you can -- you have flexibility in the documents.
24 You're not having to amend and have administrative
25 expense to change the documents on an annual basis but

1 total of 9.

2 COUNCILMEMBER FLEMING: You contribute 6.

3 COUNCILMEMBER ALEXANDER: Yes.

4 COUNCILMEMBER FLEMING: But then they --

5 COUNCILMEMBER ALEXANDER: Match 3.

6 COUNCILMEMBER FLEMING: -- match 3 percent
7 of that.

8 DR. GILLEN: Uh-huh.

9 COUNCILMEMBER FLEMING: So that's more in
10 line of what I thought we were doing here.

11 DR. GILLEN: Okay.

12 COUNCILMEMBER FLEMING: 8 percent -- they
13 were contributing 8 percent and we were going to match
14 4 percent.

15 DR. GILLEN: Right. No. It is a direct
16 contribution by the City of 8 percent and whatever
17 contribution level you would want to make or whatever
18 match level you would want to make. Let's go back to
19 the 8 and 3 scenario. That would be a direct --

20 What these numbers are based on is what
21 other cities in our area are doing, and they're
22 actually right in the ballpark. Some are a lot
23 higher.

24 MR. GRIFFITH: Some are higher and some are
25 lower. It's all with the blend of defined

1 you have the flexibility to adjust for budgetary
2 purposes.

3 So when we initially were designing some of
4 these plans for new cities years ago, it was to try to
5 have a plan that could attract and retain as well as a
6 DB plan but still, you know, be able to compete with
7 cities that had traditional pension plans but also
8 afford some more flexibility.

9 And you know, the balance in this situation
10 is how do we keep the current retirees whole and how
11 do we also keep a rich benefit program for your
12 existing non-vested employees and future employees.
13 And I think the formula is somewhere right around
14 where we are right now; it's around that 10 percent.
15 It's just how to fine tune the structure.

16 You know, personally, I like an 8 percent
17 contribution and a 50 cent match on the dollar to 6
18 percent. So an employee has to do 6 percent to get
19 the 3 but then they've got more total dollars going
20 into the plan to help them save properly for
21 retirement. And just finding that right balance is --
22 it's not an exact science, but, you know, based on
23 experience of what we see in the market, you know,
24 it's somewhere right around that 10. It's just how
25 you want to structure the match component with it.

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1 COUNCILMEMBER FLEMING: I was more familiar
2 with private structure, as Ms. Alexander was and so
3 forth, so that's why I was reading it as their
4 contribution of the 8 percent.
5 DR. GILLEN: That's completely under-
6 standable.
7 COUNCILMEMBER FLEMING: Okay.
8 DR. GILLEN: We're -- we're --
9 MR. GRIFFITH: And Ms. Fleming, the 50 cents
10 on the dollar to 6 percent, what Maria indicated, that
11 is the most common match in the private sector today.
12 COUNCILMEMBER FLEMING: And though we have
13 not done a consensus of that -- and I'm not sure we're
14 ready to do that tonight -- that seems --
15 DR. GILLEN: Yeah.
16 COUNCILMEMBER FLEMING: -- you know, logical
17 to me.
18 But one other question I have for you,
19 Dr. Gillen, was that you made a comment that, come
20 January, you and Legal would be bringing us documents
21 to review.
22 Would those documents be incorporating what
23 we've decided on, because --
24 DR. GILLEN: What we're going to --
25 COUNCILMEMBER FLEMING: -- I'm not --

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1 DR. GILLEN: What we'd bring you is a
2 resolution that would incorporate the things we've
3 talked about to date as far as how the plan would be
4 structured in general.
5 We haven't decided on the contribution
6 levels yet. We would leave that part blank and we
7 could hone that in January and figure out, okay, what
8 should it be? Should it be 50 cents on the dollar
9 match? What is the direct contribution and what
10 should the match be?
11 COUNCILMEMBER FLEMING: And I'm probably the
12 only person here that I don't vote on blank documents.
13 DR. GILLEN: Well, we're not asking for a
14 vote in January.
15 COUNCILMEMBER FLEMING: Okay. Yeah. I mean
16 if --
17 DR. GILLEN: I want to be clear on that.
18 COUNCILMEMBER FLEMING: -- there's an
19 unknown --
20 DR. GILLEN: Right.
21 COUNCILMEMBER FLEMING: -- I won't vote on
22 the document.
23 DR. GILLEN: That's why I want to be clear
24 on that and why this process is the way it is. We'll
25 bring it to the work session in January, and I'm not

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1 expecting a vote at all. What we wanted to do is --
2 MS. FERGUSON: Fill in the blank.
3 DR. GILLEN: -- kind of fill in the blank.
4 We got a framework set up based on the input you've
5 given to date, which can change in January when you
6 guys think about this more. "Well, I don't like this
7 piece of it. Let's change that."
8 It gives us an opportunity to kind of set up
9 a more formalized framework, get something in front of
10 you, and then we can start, okay, filling the blanks
11 about what type of contribution is right, what type of
12 match is right; give you more time to investigate
13 other cities and ask more questions of employees and
14 constituents and that sort of thing.
15 But the numbers we're showing tonight is
16 just a simplified mechanism to show instead of -- The
17 spread sheet isn't set up to do the 50 cent on a
18 dollar match -- I can't show you that; it's a dollar-
19 for-dollar match -- but to show you where the impacts
20 are. The 50 cent on the dollar would just -- those
21 impacts wouldn't change dramatically but it would be
22 structured.
23 What we're saying is somewhere in that 10
24 percent is kind of the sweet spot for competitiveness,
25 if we want to be competitive.

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1 COUNCILMEMBER FLEMING: Okay. Thank you.
2 DR. GILLEN: Okay.
3 COUNCILMEMBER ALEXANDER: I assume that the
4 401 is going to be -- is going to be type A. Is that
5 correct?
6 MR. GRIFFITH: Yes.
7 COUNCILMEMBER ALEXANDER: And I'm in a type
8 K.
9 Do you still have the opportunity to -- and
10 I assume it's going to be a bundle of funds.
11 MR. GRIFFITH: Yes.
12 COUNCILMEMBER ALEXANDER: And the employee
13 is going to get to choose a percentage of that.
14 MR. GRIFFITH: Yes.
15 COUNCILMEMBER ALEXANDER: So they will have
16 the ability to receive prospectus?
17 MR. GRIFFITH: Yep.
18 COUNCILMEMBER ALEXANDER: Are we going to
19 offer any educational services to them?
20 MR. GRIFFITH: Absolutely.
21 COUNCILMEMBER ALEXANDER: Because this is
22 going to be new and bold and --
23 MR. GRIFFITH: Yes.
24 COUNCILMEMBER ALEXANDER: -- enlightening
25 and empowering to them.

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1 DR. GILLEN: Right.
2 MR. GRIFFITH: Once a plan design is decided
3 upon, then I'll work with Lisa to kind of roll out
4 what the education campaign will be, because I think
5 it will be a pretty intensive process the first year
6 to provide education and to let them know exactly what
7 their options are, how the new structure works, and
8 what decisions they've got to make.
9 COUNCILMEMBER ALEXANDER: One of the things
10 I'd be curious on -- just knock on wood because I'm
11 doing so well this year -- is to see the rate of
12 return on what we would be offering them --
13 MR. GRIFFITH: Sure.
14 COUNCILMEMBER ALEXANDER: -- versus the rate
15 of return on what they have been receiving.
16 MR. GRIFFITH: Yep. I'll be happy to
17 provide you with a full breakout of what options would
18 be available.
19 Most municipal clients utilize the same
20 investment line-up for the 457 as the 401 just for
21 simplicity so they can have the same investment
22 choices on both plans, although 457s, because they are
23 for only government employees, they do have more
24 flexibility technically than a 401k program.
25 The main piece is that employees prior to 59

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1 and a half can take money out without penalty from the
2 federal government, whereas, in the private sector,
3 money out prior to 59 and a half is subject to a 10
4 percent penalty.
5 But that benefit is significant, and the
6 reason we have a 457 coupled with a 401 is because
7 many of your employees that are -- that are police or
8 fire won't work until they're 60 years old, and
9 they'll need to draw money at 55. So they can do that
10 from a 457 where they -- where they can't from the
11 401(a).
12 So the 401(a) is truly set up to be an
13 employer bucket; the 457 is the employee bucket. But
14 it also affords the employee a little bit more
15 flexibility from the distribution standpoint. So
16 those are all the subtle nuances of the plan but are
17 important on the education piece for the employees to
18 understand it so they properly make use of the plans.
19 COUNCILMEMBER FLEMING: Did the law change
20 to 59 and a half? because I thought it was 57 and a
21 half.
22 MR. GRIFFITH: 59 and a half for -- for the
23 past several years for money to come out of a 401
24 without any penalty. Prior to 59 and a half, it's a
25 10 percent penalty. And then 70 and a half is the

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1 required minimum distribution that's the -- The upper
2 limit where the government requires you to pull money
3 out is at 70 and a half. So it's 59 and a half to 70
4 and a half.
5 MAYOR PITTMAN: Anyone else?
6 (No response)
7 MAYOR PITTMAN: Okay, Dr. Gillen. Thank
8 you.
9 Do you have anything else you wanted to add
10 to that?
11 DR. GILLEN: Well, what I would like -- what
12 I'm going to do is have Cecil help me draft a
13 resolution for the January work session. Again, no
14 decisions will be made in January. That'll be another
15 chance for you to review: here's the framework that
16 we've gotten input from the Council in two meetings.
17 Here's the framework, that we understand it the way
18 you guys would like to see it.
19 And then we'll go from there. We'll have to
20 make decisions on the contribution levels and the
21 match levels then and -- or when you're ready to.
22 MAYOR PITTMAN: Okay. Next agenda item is
23 CIP.
24 DR. GILLEN: Thank you, Mayor.
25 Lisa had sent out a ranking sheet for you,

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1 ranking criteria, and you guys did a good job of doing
2 your homework there and getting it back to us, and
3 she's reworked the CIP plan for you based on those
4 rankings. There wasn't a tremendous amount of change
5 in the plan.
6 I think a couple things -- there are
7 basically three things that would -- what I'm looking
8 for input tonight is, number one, on the rankings and
9 the five-year plan itself. We can walk through that.
10 Number two is the street paving program
11 itself. There is a list of street programs. You'll
12 see in the capital improvement plan on page two of the
13 plan under Paving Works and Paving-General (Citywide),
14 you see there's \$155,250 -- that's the current year's
15 LMIG money -- next year's LMIG money and a \$3,000
16 contribution from the General Fund towards paving, and
17 that is intended to accelerate that paving project.
18 So under that budget, we were going to look
19 at the list of streets and start selecting those
20 streets for -- for which projects in the next fiscal
21 year we want to do. And that needs to happen
22 relatively quickly because we have to let GDOT know by
23 the end of the year what the -- what streets we're
24 going to do next year.
25 But again, if you look in the budget, we've

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1 got budgeted in the capital improvement plan, streets;
2 paving each year in a more accelerated fashion.
3 We currently -- we were getting \$55,000 from
4 GDOT and now we're going to get \$67,000 per year for
5 paving. We were recommending in the plan that we add
6 to that. We could, if you would like --
7 As you'll notice in the plan, we took the
8 Iron Sky project out completely because that wasn't
9 anyone's priority, and the Chief said it's not
10 something that's a real priority for us right now so
11 let's remove that.
12 We could add money into that. If you look
13 at the \$155,000 number, for example, you could say,
14 "Well, let's round. Let's make that \$300,000 in year
15 one and really get a jump start on the street paving,"
16 which needs to happen. There's a lot of paving that
17 needs to get done. That would give you a lot more
18 ability to get a lot done this year and then give you
19 maximum flexibility on which streets that you can do
20 in the years two, three, four and five of the CIP.
21 And again, you'll decide on which streets
22 get paved every year in that budget. And Luke has
23 supplied the list of streets for you. We don't have
24 to go directly by the GDOT list and their rankings
25 because of the engineering opinion of which streets

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1 are worse.
2 And I always think when you're doing street
3 paving especially that there has to be a proper
4 geographic distribution throughout the city to make
5 sure that, you know, tax dollars are going back to
6 everybody more evenly, regardless of sometimes there
7 might be one street that's worse off that might have
8 to wait until the next round of funding. So that's
9 just something we want to consider.
10 And a third point that we've talked about
11 and in light of the potential redevelopment of the GM
12 site, we have to think about where is the seat of
13 government going to be in five years? If and when the
14 redevelopment occurs, they're planning -- you know, if
15 there is a town center in that area, do we want the
16 seat of government to be there? And that's a decision
17 you-all have to make because there's a lot of things
18 in the CIP over five years that -- you know, we don't
19 want to put a tremendous amount of money into
20 buildings if these aren't going to be the buildings of
21 government in five years or if we're going to be, you
22 know, disposing of those buildings, that sort of
23 thing.
24 So we have to put some thought into are we
25 going to have city hall in a new location? Are we

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1 going to have a refurbished city hall here? Are we
2 going to do nothing? that sort of thing. So we need
3 to think about that, because it plays into
4 refurbishing the courthouse, refurbishing the library
5 and those sorts of things.
6 So those are important considerations you
7 need to make, and we need to start that conversation
8 now, because the time frame, five years is going to
9 happen real quick. When it starts to happen, it's
10 going to happen very quickly. We need to be ready to
11 discuss, okay, this is what we want to do, and we've
12 already planned it out; we know -- we've already
13 budgeted for it, we've got it in the plan, and get the
14 money identified and how to pay for it.
15 So with that, I'll invite Lisa up to kind of
16 walk you through how she calculated the rankings and
17 take a look at the five-year CIP.
18 MS. FERGUSON: Okay. So what I did was I
19 took your sheets and I added up all the points for
20 each project, and I divided it by five because I had
21 votes from five separate people, and we gave everybody
22 an average score.
23 And then we took the list of everything --
24 we separated the stormwater projects because that's
25 kind of a separate bucket of money and we didn't want

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1 to get that mixed in with what we were doing.
2 Basically, we just took the list, sorted it
3 by the highest score to the lowest score. The first
4 10 projects got a priority of one, the second 10
5 projects got a priority of two, the third 10 was
6 three. Section number four is a little bit short
7 because we had several projects with the exact same
8 score, and I didn't want to split those, so they got
9 dumped into five.
10 Surprisingly, all of the stormwater projects
11 were within .2 of each other, so we really didn't
12 change the priority on any of those. We kind of left
13 that one where it was.
14 And once we did the rankings, we kind of
15 went back and looked at where we had put the projects
16 in year, one, two, three, four or five. And we kind
17 of tweaked the arrangement of the projects so that
18 your priorities were in year one and two and then the
19 things that you had put lower on your list are in like
20 years four and five.
21 There are some projects that have very high
22 rankings that are not in year one and two because
23 there's another project that has to be done before we
24 can do that project. One thing that comes to mind is
25 the park master plan. We need to do the park master

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1 plan before we do the pool upgrades so we'll have a
2 good idea of what we want to do. So both of those
3 ranked very high, but one has to come before the other
4 one. So the pool upgrades are -- I think they're in
5 year two or three.
6 Does anybody have any questions?
7 MAYOR PITTMAN: Ms. Alexander?
8 COUNCILMEMBER ALEXANDER: I thought that the
9 Honeysuckle bleachers was going to come out of
10 stormwater because stormwater is causing the issue.
11 MS. FERGUSON: There is a portion of it
12 that's going to come out of stormwater, and that is
13 reflected in the budget for these. There's a
14 component that is stormwater and there's a component
15 that's general fund or HOST.
16 COUNCILMEMBER ALEXANDER: Okay.
17 MAYOR PITTMAN: Ms. Pachuta?
18 COUNCILMEMBER PACHUTA: Huh-uh.
19 MAYOR PITTMAN: Mr. Patrick?
20 COUNCILMEMBER PATRICK: No.
21 MAYOR PITTMAN: Ms. Fleming?
22 COUNCILMEMBER FLEMING: Yes. Are we
23 discussing the whole thing right now or just --
24 MS. FERGUSON: Yes. Yes.
25 COUNCILMEMBER FLEMING: -- ones and twos and

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1 so forth?
2 In regards to Halpern Park Phase II, I know
3 it's got a number two on here, but we haven't finished
4 Phase I, and I made those comments.
5 MS. FERGUSON: I talked to Rip, and he is
6 under the impression that we have finished Phase I.
7 COUNCILMEMBER FLEMING: We have not finished
8 Phase I.
9 MS. FERGUSON: Okay. Then we need to go
10 back and talk to him again.
11 COUNCILMEMBER FLEMING: Because we have not
12 replaced the equipment that was in there. Have we,
13 Mayor Pittman or Mr. Patrick? We have not replaced
14 the equipment that was in there to begin with. And
15 that was part of the original outline for Phase I, and
16 so I'm a little bit discouraged about that.
17 MS. FERGUSON: Well, I talked to him, and he
18 said that all the playground equipment had been
19 installed.
20 COUNCILMEMBER FLEMING: Well, the only --
21 there has been no playground equipment purchased --
22 MS. FERGUSON: Uh-huh.
23 COUNCILMEMBER FLEMING: -- at all for
24 Halpern Park.
25 MS. FERGUSON: Okay.

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1 COUNCILMEMBER FLEMING: Before Ms. Stephens
2 left, she had purchased the red domed --
3 COUNCILMEMBER PATRICK: Jungle gym.
4 COUNCILMEMBER FLEMING: -- jungle gym that
5 you have to be 8 to 12 years old to, you know, climb
6 on. I mean Mr. Patrick's four and almost six --
7 right? -- year-olds can't really climb on them very
8 well.
9 MS. FERGUSON: We will make sure that we get
10 Phase I completed before we commit to Phase II.
11 COUNCILMEMBER FLEMING: We took down, as I
12 mentioned on my notes, a fort-type structure with
13 slide, and that had been up there for 20 years, and so
14 I'm a little bit discouraged about that.
15 Also I want to talk about the street
16 resurfacing. Dr. Gillen, I sent an email on November
17 the 11th --
18 DR. GILLEN: Yes, ma'am.
19 COUNCILMEMBER FLEMING: -- at 3:29/3:30 in
20 the afternoon, have not received a reply yet. It was
21 in regards to the item on resurfacing discussion
22 agenda item that we had had a couple of months ago
23 about streets that were presented to us.
24 And I don't recall the date, and I was
25 asking for the date and a copy of the minutes for that

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1 item, because, at that time, I remember commenting
2 about Park Avenue and New Peachtree potholes needed to
3 be repaired, I mean, because that's --
4 DR. GILLEN: Right.
5 COUNCILMEMBER FLEMING: -- the beginning of
6 our city. And I made a comment that Ms. Alexander had
7 even questioned why Carver Drive was at the top of the
8 list. And I don't see that list incorporated into
9 this list, before I even discuss this, because Carver
10 Drive, even though --
11 DR. GILLEN: Right.
12 COUNCILMEMBER FLEMING: -- it's -- first of
13 all, it's a displaced subdivision, and I feel very
14 sorry for that subdivision, and they don't need to be
15 neglected. So Carver Drive definitely needs help, and
16 they are down on this list.
17 I have one pothole on my street, and I'm
18 about 10 on this list above Carver Circle and Carver
19 Drive. I have one pothole. That's the only thing
20 wrong with my street. Okay?
21 So I don't know who did --
22 Did Dekalb County do this ranking or did we?
23 MR. LUKE HOWE: They use a system called
24 COPACES, which is a computerized rating system. It's
25 basically a truck with a computer on it that drives

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1 over each street in the county and assigns a rating.
2 30 plus is -- is very -- is bad or very poor, 20 to 30
3 is poor, 10 to 20 is --
4 COUNCILMEMBER FLEMING: Well, I have exactly
5 one pothole. So what I'm saying is I don't want to
6 neglect a displaced subdivision.
7 DR. GILLEN: Right. On this, to your email,
8 I did forward it to Sandra, and she sent you the
9 minutes of that meeting, I believe.
10 COUNCILMEMBER FLEMING: I have not received
11 this. I received the city manager minutes and so
12 forth and so on from that meeting, or the cell phone
13 meeting. I received those minutes. I didn't receive
14 these minutes.
15 CLERK BRYANT: No. I forward -- I sent, I
16 looked for the agenda for that particular meeting and
17 also the minutes that we received from the court
18 reporter, and I think it was --
19 COUNCILMEMBER FLEMING: I received that for
20 the cell phone issue.
21 CLERK BRYANT: I can resend it to you again,
22 but I did -- I did look for it.
23 COUNCILMEMBER FLEMING: Please, if you don't
24 mind.
25 CLERK BRYANT: Yes, ma'am.

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1 COUNCILMEMBER FLEMING: Mr. Patrick --
2 DR. GILLEN: I want to get to the point
3 about the list. What I talked about before with the
4 priority of the streets, we don't have to stick to the
5 ranking system that GDOT had. They're not as strict
6 on that as they used to be for use of LMIG money.
7 So what we need from you is input on, under
8 whatever budget we set for year one, which streets do
9 you want to do? So it's up to you as a council to
10 decide that. We're not going to tell you which
11 streets to do first, because you guys are the ones
12 that know where the real issues are and as far as
13 where the citizens want their money spent.
14 So what we're looking from you is how would
15 you rank that list? Which one would you choose? And
16 as council as a whole, deciding on, "Okay, under this
17 budget, we can do this many miles of streets or this
18 many blocks of streets. Well, this is how we want to
19 prioritize that money for this fiscal year." For the
20 next fiscal year, we'll come back and do the same
21 process again in every year.
22 So even though you say, "Well, I want to do
23 that one in year two," next year you might decide,
24 "Well, that one's unimportant to me, and now we're
25 going to do this one." Sort of like Carver Drive, for

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1 instance. If that is a priority for the Council, that
2 one can be done first. So I just want to make sure
3 we're clear on that --
4 COUNCILMEMBER FLEMING: Okay.
5 DR. GILLEN: -- that that power is in your
6 hands as far as which streets we're going to do each
7 year.
8 COUNCILMEMBER FLEMING: Okay. That's fine.
9 And then the other comment I want to make,
10 even though there are decisions that we have to make
11 regarding whether we do or don't move the city
12 complexes to the former GM property, that is five
13 years down the road.
14 DR. GILLEN: Yes, ma'am.
15 COUNCILMEMBER FLEMING: As far as allowing
16 our present locations to deteriorate, and I don't want
17 that happening.
18 DR. GILLEN: Neither do I.
19 COUNCILMEMBER FLEMING: So the moneys that
20 we need to upgrade the bathrooms in the library,
21 whatever the court needs for their specific
22 functioning, we definitely need to use those moneys to
23 upgrade.
24 And as far as us making a decision or the
25 City Manager and Council making a decision, I think

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1 that needs to be fully vetted with our residents --
2 DR. GILLEN: Yes, ma'am.
3 COUNCILMEMBER FLEMING: -- in a poll,
4 because we need to know about how the transportation
5 is going to get us over to the GM property.
6 DR. GILLEN: I agree with you --
7 COUNCILMEMBER FLEMING: All of those --
8 DR. GILLEN: -- 100 percent.
9 COUNCILMEMBER FLEMING: All of those things
10 have to interplay with each other before we make a
11 decision.
12 DR. GILLEN: We agree. You and I agree 100
13 percent on that. What I want to make sure is we have
14 that in our thought process, that if we're going to do
15 a major renovation, is that what we want to do now, or
16 do we want to wait to make sure we haven't decided to
17 move, you know; because if we are going to stay here,
18 we need to refurbish all of these buildings because
19 they're -- they're getting antiquated -- the library
20 especially, the civic center and the courthouse. So
21 do we refurbish each individual building? Do we
22 condense the campus and build a different type of
23 structure that could house everyone? All those sorts
24 of things we need to be looking, you know, down the
25 road, in the next five years, we need to be thinking

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1 about.
2 COUNCILMEMBER FLEMING: All right. Thank
3 you.
4 DR. GILLEN: Thank you, ma'am.
5 MAYOR PITTMAN: Okay. Anyone else have
6 comments?
7 COUNCILMEMBER ALEXANDER: Mr. Patrick did
8 have.
9 COUNCILMEMBER PATRICK: In one of our LCIs,
10 did we contemplate moving or discuss moving the
11 government to the General Motors area? And if we did,
12 then maybe that issue has already been spoken to us by
13 the residents.
14 DR. GILLEN: I don't think it's been
15 addressed clearly. I think there is a redevelopment
16 plan of this area that includes it as government
17 center. But there is discussion in the LCI about
18 potential, if I remember correctly, but as a specific
19 plan of action, no, I don't believe that's -- that's
20 the specific plan of action.
21 From my perspective as administrator of the
22 organization, we just need to figure out where we're
23 going to go at some point. It doesn't have to happen
24 immediately, but, you know, a year from now we're
25 going to be -- And if the development's happening,

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1 it's going to start happening quickly. We need some
2 lead time for proper planning, and sale of the
3 property if we move from here if we choose to sell the
4 property, or do we choose to redevelop it? All those
5 sorts of things that the Council needs to make the
6 decision on and decide which direction we want to go
7 with it.
8 COUNCILMEMBER FLEMING: In the second LCI,
9 if I'm not mistaken, because I worked on it --
10 DR. GILLEN: Uh-huh.
11 COUNCILMEMBER FLEMING: -- quite substan-
12 tially, is that it shows our properties as a potential
13 high-dollar redevelopment, and that because our -- our
14 complexes here could come across as a high-ticket,
15 high-dollar --
16 DR. GILLEN: Yeah.
17 COUNCILMEMBER FLEMING: -- item for us if we
18 sell it to a big developer, but it doesn't actually
19 put the complexes over into the GM area. I think
20 that's up to the prospective developer for the GM.
21 DR. GILLEN: Yeah. I mean that could all
22 change. This is a dynamic process. But we need to be
23 -- we need to be thinking about that and which way we
24 want to go. We are sitting on very valuable real
25 estate, so you would have funding to reconstruct if

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1 you decide to go that route.
2 MAYOR PITTMAN: Okay.
3 COUNCILMEMBER ALEXANDER: I did have some
4 more comments about the street paving. I wasn't -- I
5 don't want to be misunderstood that I was wanting to
6 neglect a certain neighborhood --
7 COUNCILMEMBER FLEMING: No, no, no.
8 COUNCILMEMBER ALEXANDER: -- in the city.
9 COUNCILMEMBER FLEMING: No, no. No, you
10 weren't. I'm sorry.
11 COUNCILMEMBER ALEXANDER: But you know, I
12 would really like to know how they come up with their
13 rating system, because I was thinking more of the
14 aspect of -- of what is the greater impact, I mean.
15 There's 15 houses on my street. If you pave New
16 Peachtree Road, I think that's going to have a little
17 bit more impact than, no offense to my 14 neighbors,
18 than our little short street.
19 Also on this list, I assume that we got from
20 the State, some of these streets are not even in our
21 jurisdiction or perhaps only a quarter of the street
22 are in our jurisdiction. Bagley Drive, I believe we
23 only have four houses on one side of Bagley Drive that
24 are in our city; all the property is in unincorporated
25 Dekalb at this time. So that would be -- And Laurel

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1 Oak Court is the same way: only half of Laurel Court
2 is in the city except for two houses on the other
3 side. So that's going to have some challenges, too,
4 because that is even split jurisdiction between
5 counties.
6 DR. GILLEN: You hit the nail on the head,
7 and that's why this decision needs to fall in the
8 hands in the elected officials, because --
9 COUNCILMEMBER ALEXANDER: So --
10 DR. GILLEN: -- you know where the -- where
11 the best --
12 COUNCILMEMBER PATRICK: Is there any --
13 DR. GILLEN: -- use of those dollars are.
14 COUNCILMEMBER PATRICK: -- data on traffic
15 flows on different streets?
16 COUNCILMEMBER ALEXANDER: That was one of
17 the things that I was wondering why GDOT doesn't
18 incorporate traffic-count studies with the analysis of
19 the street, because I would think that would be a
20 calculation that they in turn would use for the
21 durability of the pavement that's applied to it,
22 because the traffic on Buford Highway is going to be a
23 lot heavier than traffic on --
24 DR. GILLEN: Yeah. And I'm not familiar
25 with their rating system, and Luke says they do not

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1 use traffic counts.
2 I think what the engineers are looking at is
3 the current condition of the road, a snapshot: here's
4 what the road condition is, this is what we see is
5 underneath, so this is how we rank them.
6 But I would always advise against letting
7 engineers -- no offense to the engineers in the room --
8 -- decide on how to spend tax dollars in the city,
9 because if you did, it would be on very strict
10 engineering criteria that's in a book somewhere and
11 get little into, you know, what are the neighborhood
12 effects that would fall under this? And what about
13 that part of the city that may not get as much traffic
14 but its road is kind of crummy on the surface, it has
15 a great base level, and the engineers say, "Well,
16 that's fine. It's going to last another 30 years,"
17 but these people have been paying taxes and never
18 gotten their street repaved.
19 So those are the considerations that you
20 guys take into effect when you rank these as far as,
21 "Okay. We're going to do two miles of road. Well,
22 let's do these five pieces and get those done this
23 year."
24 COUNCILMEMBER FLEMING: Well, resurfacing to
25 me is extremely important, but more importantly are

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1 all the potholes that we presently have that need to
2 be identified and say, "Hey, let's -- I mean this --
3 like I said, the one pothole on my street is about 8
4 or 10 inches deep --
5 DR. GILLEN: Uh-huh.
6 COUNCILMEMBER FLEMING: -- you know, and so
7 we need to identify the potholes and let's get those
8 repaired so that at least --
9 I mean even if Public Works can, you know,
10 put in concrete or something until --
11 DR. GILLEN: I don't disagree with you at
12 all, but we are dealing with two separate issues.
13 We're dealing with the street paving process and then
14 the ongoing maintenance, which we are under the SDS,
15 the Service Delivery Strategy, which I think is
16 another discussion we need to have. Are we satisfied
17 with the level of service we're getting from the
18 millage rate we're paying, and can we provide a better
19 service if that millage rate would have been on us,
20 and can we buy it more timely? And I don't know the
21 answer to that question yet.
22 But I think it's a separate discussion that
23 needs to happen from this, because I don't want to
24 confuse the two issues. They are two separate things,
25 ongoing maintenance versus the paving, because you're

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1 going to pave a road, you're going to have a pothole
2 pop up eventually within a year or two. So I think
3 those are two very important discussions we need to
4 have.
5 COUNCILMEMBER ALEXANDER: Can we try to
6 contact the County and get them? because I don't know
7 how many times you've been mailed about that one in
8 front of the MARTA station, and I hit it Friday night,
9 so.
10 DR. GILLEN: Yeah. We have been -- every
11 time you contact us or every time a citizen complains,
12 we contact the County about the pothole service. I
13 think they're stretched pretty thin, and we have to
14 take that in consideration. Is that a task that we
15 want to undertake?
16 COUNCILMEMBER PATRICK: Any idea when we're
17 going to have that DMA representative come talk with
18 us?
19 DR. GILLEN: I talked to Mr. Baggett, and he
20 can be available. He was pretty busy these last two
21 months because they're dealing with the annexations
22 and new cities.
23 So let me talk with him again. I think we
24 have a policy meeting on Monday --
25 COUNCILMEMBER PATRICK: Okay.

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1 DR. GILLEN: -- and I'll talk with him about
2 what date he could come.
3 COUNCILMEMBER PATRICK: Great. Thank you.
4 MAYOR PITTMAN: Okay. Anyone else?
5 DR. GILLEN: Okay. Again, there is -- we'll
6 be bringing this back. This is an ongoing discussion.
7 But we do have to make a decision on the plan as a
8 whole. But I wanted to point out, just make sure we
9 understand how this unfolds.
10 If you adopt the CIP, let's say, "Hey, this
11 looks great. Let's adopt it, you know, next meeting,"
12 that doesn't mean that you're going to -- these things
13 are automatically done. It just means that it enters
14 into our budget, we make the budget, make sure that
15 these projects go in the proper departments.
16 And for like purchasing the financial
17 software, we'll be coming back to you hopefully in
18 January. That's part of this.
19 So there's going to be some of this stuff
20 kind of ongoing as you approve the whole plan. It
21 also doesn't mean that if you fund something next
22 year, you say, "Okay. This is in year two," that
23 doesn't guarantee we're going to fund it next year,
24 because next year, we're going to have the same
25 discussion and you may shift things around. It's a

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1 dynamic document.
2 And you guys have to approve like the street
3 paving. If you were to say, "Okay. Here's those
4 streets we want to do," that doesn't mean that we just
5 go out and hire a firm to come do it. There would be
6 a bid process. We'd get an engineering firm to
7 develop the bid documents, they would open the bids
8 and bring back the projects to you for approval. So
9 there's several steps to the process.
10 But I think one important note is we need to
11 make a decision on the streets relatively quickly, so
12 we need to be thinking about what the next step is
13 there because I think GDOT -- to use the LMIG funds,
14 we got to get the street name, identify those by the
15 end of the calendar year.
16 MR. HOWE: By the end of the calendar year,
17 and if we're --
18 DR. GILLEN: For one year.
19 MR. HOWE: If we're going to spend, say,
20 \$300,000, then, you know, it typically costs -- if you
21 bid it out, it typically costs anywhere from 10 to 30
22 dollars a linear foot to resurface. So conserva-
23 tively, \$300,000 is about 300 -- three -- three miles
24 of a standard two-lane road.
25 The only time we've bid it out, it came in

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1 at about \$15.00 a linear foot, so.
2 DR. GILLEN: And correct me if I'm wrong,
3 Luke, but what number -- the streets we have to get
4 them in by the end of the calendar year has to be
5 those we're going to fund with the LMIG dollars
6 themselves.
7 So if we add dollars in, we're going to need
8 to let GDOT know that by the end of the calendar year
9 so there is some flexibility on which streets we want
10 to do, because in this proposal, there is additional
11 dollars added in.
12 COUNCILMEMBER PATRICK: *So we have two miles*
13 of funding that we can handle or is it three miles?
14 DR. GILLEN: Right now, it looks about one
15 and a half miles with \$150,000, basically, funded.
16 MR. HOWE: The total -- the total State
17 funding, what we didn't use this year plus what we'll
18 get next year is \$124,000. It's about -- it's close
19 to \$125,000. And Dr. Gillen is proposing this three
20 hundred, and the rest of that would be our money.
21 Under LARP, you had to go in order and you
22 had to pick the ones -- you had to go with the ones
23 that they rated the worst and you had to go in line.
24 Under LMIG, it's a little bit more flexible.
25 You can resurface anywhere you want to; you just got

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1 to let them know which ones you want to do.
2 DR. GILLEN: So the budget document you've
3 got in -- the CIP document you have shows about
4 \$155,000 in total funding in year one for resurfacing.
5 So using that rule of thumb -- that isn't going to be
6 exact -- it's about one and a half miles worth of
7 street. So it's about a million dollars a mile.
8 That's just from what we've seen in other -- other
9 projects. So if you want to add to that, you can do
10 more. So it kind of gives you, as you work through
11 your list of projects, "Well, I got about a mile and a
12 half with this. Here's the priority that I would like
13 to see."
14 Does it have the mileage on there? Do we
15 know for sure?
16 MR. HOWE: Yes, sir. It has the length of
17 the section.
18 DR. GILLEN: Here it is. Thank you.
19 MR. HOWE: This is Dekalb County data.
20 DR. GILLEN: In addition, one of the things
21 that we're proposing in this, typically we take the
22 LMIG money and pass this through to Dekalb and they do
23 the project.
24 Well, what we want to do is, if we're
25 putting our own money into this, we think -- we're

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1 pretty darn sure we can get better pricing if we did
2 the bid ourself, because we're getting charged for
3 their equipment and time that's a little above what
4 the going rates are.
5 So we think we can get more bang for our
6 buck just combining the LMIG money with our own and
7 getting the bid out ourselves, which we would then --
8 initially, we would put an RFP out for a civil
9 engineering firm that would handle the process of
10 preparing the bid documents, making sure all the bid
11 specs are met, and then those would come back to the
12 Council. And then that company, that firm, would then
13 manage the project, make sure that the contractors are
14 doing what they're supposed to be doing it and doing
15 it on budget.
16 MAYOR PITTMAN: Dr. Gillen, thank you very
17 much. Appreciate it.
18 Okay. Next is the Stormwater Infrastructure
19 Policy, Cecil.
20 ATTORNEY McLENDON: All right. Mayor and
21 Council, as we had previously discussed, what we've
22 done is put together just a draft stormwater policy
23 here, something for y'all to look at and sort of think
24 about and decide where we go.
25 This is a very simple policy. The big issue

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1 on stormwater repairs, first issue that always comes
 2 up is who owns the stormwater infrastructure. Is it
 3 the City responsibility to repair it or is it the
 4 private property owner's responsibility to repair it?
 5 What this policy does is it just states that
 6 the first step of any stormwater request is for us to
 7 look at it and determine -- make a determination as to
 8 whether it is a City responsibility or private
 9 property. And then it talks about the factors that
 10 you would consider in determining whether -- you know,
 11 deciding that issue.
 12 If it's located in or adjacent to the right-
 13 of-way, if it's in an easement dedicated to the City
 14 that's been specifically dedicated to the City. You
 15 know, is it not in one? Is it not in an easement area
 16 that's been dedicated, and is it something that's been
 17 approved in a subdivision plat when the subdivision
 18 was approved by the County or the City? Was it
 19 infrastructure that was shown connected to the road
 20 and approved?
 21 Another thing you'll find on these systems a
 22 lot is you'll come in, and whatever might have been
 23 originally approved has been added on. Over the years,
 24 people have come in and extended systems.
 25 All those things are basically looked at on

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1 a case-by-case basis to be able to make that
 2 determination of: yes, the part of the infrastructure
 3 which you're complaining of is broken. It is the City
 4 responsibility or it's not.
 5 I mean the first easy one to look at would
 6 be one that had a pipe that went under the road, a
 7 headwall on both sides, and it was totally within the
 8 right-of-way. That's a City project, obviously.
 9 If it goes outside the right-of-way, then
 10 you would look. Is there an easement already in
 11 place? If there isn't an easement, is it connected to
 12 the system? Has it been extended?
 13 Under this policy, you go through that
 14 analysis, and a determination is made yes, that is the
 15 City's, or it is not. At that point, it moves into a
 16 classification system.
 17 I mean the second part of this is really
 18 very simple. The classification system is, if this is
 19 an immediate danger or threat to public safety,
 20 category 1; go fix it. Fix that immediately, get on
 21 top of that.
 22 If it is rapidly degrading, that becomes the
 23 next category, and it allows for just a prioritization
 24 because how these will work if you have a program as
 25 you'll get complaints. People will call in and say,

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1 "There's a pipe and it's -- You know, I have sinkholes
 2 in my yard and there's a pipe there." And then staff
 3 can go out, review it, take pictures of it. Come
 4 back, we look at it.
 5 If it's clearly the City responsibility, it
 6 goes on the prioritization list, you know. If it
 7 immediately needs to be done, it goes up to the top of
 8 the list; if it's just cosmetic in nature, it goes
 9 down to the bottom. And you are continually working
 10 through that list of projects with your stormwater
 11 funds, making sure you're on top of your system.
 12 This also states that if there's an
 13 emergency situation, the City has the right to go in
 14 under the police powers, especially with the drainage
 15 easement areas that are established. I have seen that
 16 has unfortunately happened where something may be on
 17 private property, but it backs up, gets plugged, and
 18 all of a sudden, it's about to flood everybody in the
 19 neighborhood. And under this policy, the City goes in
 20 under their police powers and can rectify that
 21 situation to avoid damage to property.
 22 Those are the big components to this. It's
 23 really relatively simple. This sets forth the policy
 24 of how you address the issues.
 25 There are other issues that, as you come

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1 forward and you would take a project on, you know, we
 2 would come in and need to make sure we had the proper
 3 rights in place to go in and fix it.
 4 And one of the things I think that the City
 5 Manager and I have talked about is that when you go in
 6 and fix these, document it. Get your easement in
 7 place so in the future, 20 years from now, 30 years
 8 from now, if it breaks again, there is an easement
 9 document there. Everybody knows it's the City
 10 responsibility. Once we touch something, we eliminate
 11 the question in the future and -- and hopefully as we
 12 go through and we clean this process over time, that
 13 we get all the ambiguity out of it.
 14 So that's really the basics of this. It's a
 15 draft document. I welcome you to tear it up and give
 16 me suggestions.
 17 MAYOR PITTMAN: Okay. Ms. Alexander?
 18 COUNCILMEMBER ALEXANDER: No, ma'am, no
 19 questions.
 20 MAYOR PITTMAN: Ms. Pachuta?
 21 COUNCILMEMBER PACHUTA: Huh-uh.
 22 MAYOR PITTMAN: Mr. Patrick?
 23 COUNCILMEMBER PATRICK: Do we have any kind
 24 of map or documentation showing our existing
 25 facilities or structures and that we made public so

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1 that we can get better information to make a decision?
2 ATTORNEY McLENDON: We do. The City has
3 conducted a stormwater infrastructure inventory in the
4 past, and that's one of the documents that will be
5 brought into play. Any time somebody came up and
6 said, you know, there's a problem on this property,
7 you would pull together -- how you basically do it is
8 you pull together all the documents you can find.
9 You'll go get the plats if they exist that
10 show the original subdivision plats. You'll pull up
11 your inventory, your stormwater inventory, and it'll
12 show you what they've located in the field is out
13 there, and just any relevant documents that even -- if
14 people request us to look at it, we even say, you
15 know, "Do you have anything relevant? Bring it,
16 because we're reviewing all that."
17 But there is a stormwater inventory that the
18 City commissioned in the past, and it's a great
19 document that provides a ton of information.
20 COUNCILMEMBER PATRICK: Could that be made
21 public?
22 ATTORNEY McLENDON: I think it probably is
23 public, but it's -- it's a document that's out there.
24 I don't know if it could be put on the Web site or
25 anything like that but --

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1 DR. GILLEN: I'm not sure I like the quality
2 of the pictures are. Once the GIS system is in the
3 works and once that's completed, we'll definitely have
4 available specialized maps to locate that as well.
5 COUNCILMEMBER PATRICK: Okay.
6 DR. GILLEN: We're about I'd say 90 days out
7 from that being complete, but we can find what we got
8 and see how we can get it up.
9 MAYOR PITTMAN: Ms. Fleming?
10 COUNCILMEMBER FLEMING: So this has not been
11 adopted by Mayor and Council; this is just a draft?
12 ATTORNEY McLENDON: This is what we had said
13 last time: that I'd put a draft just for y'all to
14 look at it --
15 COUNCILMEMBER FLEMING: Okay.
16 ATTORNEY McLENDON: -- and think it through.
17 COUNCILMEMBER FLEMING: I find this to be an
18 appropriate policy.
19 What I would also like to see is a copy of
20 an easement --
21 ATTORNEY McLENDON: Uh-huh.
22 COUNCILMEMBER FLEMING: -- request attached
23 to the policy so that it's part of the package.
24 ATTORNEY McLENDON: I think that's really --
25 COUNCILMEMBER FLEMING: -- so that Council

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1 would know --
2 ATTORNEY McLENDON: -- a good suggestion.
3 COUNCILMEMBER FLEMING: -- how it reads, if
4 you don't mind.
5 ATTORNEY McLENDON: I think that's a great
6 suggestion, and -- and we could put a section that
7 would say the standard City document and have it
8 incorporated. Actually, that's a -- I think that's a
9 great idea.
10 MAYOR PITTMAN: Anyone else?
11 (No response)
12 ATTORNEY McLENDON: So if that's okay, --
13 I'll make that modification and we'll get a standard
14 easement section with standard documentation included
15 and bring it back to you.
16 MAYOR PITTMAN: And the next item is yours,
17 Mr. McLendon.
18 ATTORNEY McLENDON: Actually, Mr. Felgin
19 presented this to you last time and I was going to let
20 him do that again, and I think he's made some changes
21 based upon the conversation with the Council.
22 MAYOR PITTMAN: Thank you.
23 ATTORNEY FELGIN: Evening.
24 MAYOR PITTMAN: And for the citizens, it's
25 Amending the Charter --

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1 ATTORNEY FELGIN: Not the Charter.
2 MAYOR PITTMAN: -- Chapter 23.
3 ATTORNEY FELGIN: Chapter 23.
4 MAYOR PITTMAN: Chapter. Chapter 23,
5 Zoning, to Revise Procedural Provisions and Other
6 Inconsistencies.
7 ATTORNEY FELGIN: All right, Mayor and
8 Council, pursuant to our discussion last time, there
9 have been some revisions made to this document. The
10 cover memo details exactly what were made. I'll
11 quickly go through them.
12 In Section 5 and Section 6, revision to the
13 use regulations in order to comply with RLUIPA, which
14 is the Religious Land Use Act, there is a currently an
15 amendment going through the Planning Commission
16 regarding tents in the city, and so what I've done is
17 revised these provisions to refer to separate city
18 ordinance concerning tents, because a lot of the
19 religious provisions had exclusions for use of tents.
20 And so in order to make it equal throughout
21 the city and that's what the provisions are coming
22 through separately right now, they basically refer to
23 separate provisions of the ordinance concerning tents.
24 A very small change.
25 All instances of the term "Planning

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1 Director" have been changed to "Community Development
2 Director" since the title of the Planning Director has
3 been changed to Community Development Director.
4 In Section 9, I had met with the Community
5 Development Director and discussed certain aspects of
6 Section 23-1402(A). If you go back to that section,
7 it concerns limitations on the grant of variances.
8 And I didn't look at those last time because I -- I
9 just transferred them all whole, but there's a couple
10 of them that are outdated according to our Planning
11 Director/Community Development Director, and have
12 really no application to our Zoning Ordinance as a
13 whole right now, and that's Subsection (4) and
14 Subsection (6).
15 I believe Subsection (4), the -- the
16 limitation on the allowed parking in a front yard in
17 an old -- quote/unquote "old district." I believe
18 Councilmember Patrick had asked last time what that
19 actually meant, and so we had to take a look at that,
20 and we noticed that actually we don't really have
21 those restrictions, so there's no point in getting a
22 variance for something that doesn't really have a
23 restriction.
24 And Subsection (6) is kind of the same way.
25 Discusses flood contour elevation. It's outdated and

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1 not relevant, and there are other procedures in the
2 flood plain ordinance that take care of that, so that
3 has been suggested to be removed.
4 Section 13, which is the Code Section
5 23-1501 regarding conditional use permits, we put in
6 the last time the different things that had to be
7 submitted as part of the application process. Again,
8 I met with the Community Development Director. And a
9 couple of them were revised slightly to make them not
10 mandatory, because in certain applications for
11 conditional use permits, those wouldn't really help.
12 Specifically, the requirements for survey plats are
13 really unnecessary if a CUP is requested for a
14 specific suite in one building, so we made those
15 excluded from the requirement.
16 On Section 10 in the variances and Section
17 13 which is CUPs, the reconsideration, the Council
18 discussed making those for a year instead of six
19 months, so those were extended for a year.
20 And finally, we discussed Sections 16 and
21 17. Talks about stream buffer. All references to
22 Dekalb County have been taken out because Dekalb
23 County no longer does anything for us regarding stream
24 buffer.
25 Those were the changes. I had also sent

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1 separately a memo at the request of Councilmember Dean
2 concerning nonconforming use regulations as requested.
3 I don't have a copy of it here, but all of you-all
4 should have received that, and I can take questions on
5 that as well.
6 Those were basically the changes made since
7 last time and we can discuss if you have any
8 questions.
9 MAYOR PITTMAN: Okay. Ms. Alexander?
10 COUNCILMEMBER ALEXANDER: Can you start
11 with --
12 MAYOR PITTMAN: Ms. Fleming?
13 COUNCILMEMBER FLEMING: No thank you.
14 MAYOR PITTMAN: Mr. Patrick?
15 COUNCILMEMBER PATRICK: There was a
16 question. For conditional use permits within a --
17 within a multi-tenant complex, wouldn't you want to
18 have a site plan to do parking calculations or is
19 there some other document that would cover that, that
20 requirement?
21 ATTORNEY FELGIN: I'll defer to the
22 Community Development Director who made that
23 suggestion.
24 MR. COOLEY: We do require the plan be
25 submitted but we don't need survey level --

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1 COUNCILMEMBER PATRICK: Okay.
2 MR. COOLEY: -- documents. They're
3 extremely expensive for an individual to bear that
4 cost, so doesn't seem appropriate and is not really
5 needed, but we do require a count for parking to make
6 sure.
7 Now, it depends on what it is. If it's a
8 shopping center, there are set rates for shopping
9 centers, so it would depend on the situation.
10 COUNCILMEMBER PATRICK: Okay.
11 MAYOR PITTMAN: Ms. Pachuta?
12 COUNCILMEMBER PACHUTA: Huh-uh.
13 MAYOR PITTMAN: Ms. Alexander?
14 COUNCILMEMBER ALEXANDER: Sorry. I have
15 questions.
16 On page 10 of 31, regarding the application
17 for a variance and the time period, I just want to
18 make sure I'm understanding the way this is written,
19 because this says 24 months, 24 months, and then it
20 says 12 months. So the time period is 24 months, but
21 Council can waive --
22 ATTORNEY FELGIN: 12 months of that.
23 COUNCILMEMBER ALEXANDER: -- 12 months of
24 that.
25 ATTORNEY FELGIN: Yes.

1 COUNCILMEMBER ALEXANDER: Okay. So we're
2 limiting ourselves --

3 ATTORNEY FELGIN: Yes. I believe you said
4 you could waive 18 months of that but y'all wanted to
5 move that a little --

6 COUNCILMEMBER ALEXANDER: Okay.

7 ATTORNEY FELGIN: -- further back, so.

8 COUNCILMEMBER ALEXANDER: Okay. And then on
9 page 15 of 31, item (a) at the bottom. This is
10 probably complete redundancy, but I had an issue with
11 an applicant that came before us with a rezoning
12 request, and the survey they brought us was over 25
13 years old and it did not have the current footprint of
14 the building.

15 Now I see we're allowing survey that's
16 within 10 years old, "Indicate the complete boundaries
17 of the subject property and all buildings and
18 structures existing thereon." So are we to deduce
19 that the word "existing" is currently as in today?

20 ATTORNEY FELGIN: Yes, ma'am.

21 COUNCILMEMBER ALEXANDER: Okay. On page 19,
22 let's talk conditional use permits. So we are being,
23 we believe, discouraged from putting a time limit on
24 them, it staying with the land.

25 What about provisions for removing them such

1 straight 12 months.

2 ATTORNEY FELGIN: This is actually a
3 difference between an approved and a denied.

4 If you read, it says, "successive
5 applications for a conditional use permit shall not be
6 submitted more than once every 12 months." And y'all
7 can reduce that requirement.

8 However, if you have denied one, then you
9 can't have one in less than 12 months.

10 Basically, if you've had a CUP approved and
11 you're asking for another CUP -- like we had -- we
12 just had the situation that if, for example, they got
13 the CUP on the suite, and that was within the last 12
14 months, I believe, and then they came back and wanted
15 to get in a new suite.

16 The problem we have here is that if you can
17 waive that 12-month period, then they wouldn't be able
18 to switch their CUP. But they were granted it, so you
19 could waive it.

20 If they had been denied a CUP, we put in
21 there that their cutoff was 12 months and y'all
22 couldn't waive that. We can of course --

23 ATTORNEY McLENDON: I would just weigh in on
24 that and say I think that makes some sense, because if
25 you have a straight denial on that, then there is so

1 as we just had with the worship center at Clearview?
2 Is there any provision in here that allows them to
3 remove them and reassign them?

4 ATTORNEY McLENDON: You have that. Really
5 it's a zoning action, and you have the ability to do a
6 self-initiated rezoning.

7 COUNCILMEMBER ALEXANDER: Okay.

8 ATTORNEY McLENDON: So that already exists
9 in your ability to conduct a rezoning because the use
10 permit is, in essence, a zoning action.

11 COUNCILMEMBER ALEXANDER: Okay. But we
12 cannot put the --

13 ATTORNEY McLENDON: The automatic expiration
14 is -- it's just something under the law that I think
15 is very problematic.

16 COUNCILMEMBER ALEXANDER: On page 22, the
17 12-month time period, it confused me because it said
18 "Council may, by majority vote, waive or reduce," but
19 then it said, "shall be no less than twelve months."

20 So if we waive it to reduce less than 12
21 months, how can it be no less than 12 months, or am I
22 just reading that correctly?

23 COUNCILMEMBER PATRICK: That was kind of the
24 question that I had as well, and I thought we had
25 mentioned it at the last meeting just making it a

1 sort of no issue left on the table.

2 If on the other hand, if you granted a use
3 permit, you might have put conditions on that, you
4 know, you -- you would then have activity that was
5 taking place under that use permit, and I think you
6 would want to retain the flexibility to come in and
7 if, for instance, a condition that you put needed to
8 be modified, have the ability in your discretion to
9 revisit an approved application as opposed to -- and
10 it's discretionary -- but as opposed to being able to
11 say there's no way for us to fix this condition we put
12 in place even if it became something that was -- you
13 know, everybody looked at it and said, "You know, we
14 ought to change that," as they went in and were doing
15 the activity.

16 I think that's different than the denial
17 where you just said nothing happening, and then there
18 is no activity based on it.

19 So I think in this case, you probably would
20 want to retain that discretion and flexibility in the
21 event something came up through the process.

22 COUNCILMEMBER ALEXANDER: Okay. It still
23 doesn't make sense to me because it's saying we have
24 the ability to waive or reduce the 12-month period,
25 but the conditional use permit affecting the said

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1 property shall be no less than 12 months.
2 So what am I waiving?
3 ATTORNEY FELGIN: Only if you have denied
4 it. If you -- if you look at the beginning of that
5 sentence --
6 COUNCILMEMBER ALEXANDER: I'm seeing it's
7 only if I denied it, but why am -- what am I waiving
8 if it has to be 12 months?
9 ATTORNEY FELGIN: If you've denied it, you
10 cannot waive that 12-month period. If you have
11 approved it previously, you can waive the 12-month
12 period. That's the difference.
13 COUNCILMEMBER FLEMING: But it says right
14 here, like Ms. Alexander is saying, it says, "City
15 Council may, by majority vote, waive or reduce this
16 12-month time interval provided that if the
17 application for a conditional use permit was denied.
18 COUNCILMEMBER ALEXANDER: Was denied.
19 ATTORNEY FELGIN: Was denied.
20 COUNCILMEMBER FLEMING: Was denied by the
21 Mayor and City Council.
22 ATTORNEY McLENDON: I think that we can --
23 we can -- if it's confusing everybody, I think we can
24 address the language, but I think what it's saying --
25 COUNCILMEMBER PACHUTA: It's not written

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1 well.
2 ATTORNEY McLENDON: Yeah. I think we can
3 address it --
4 COUNCILMEMBER PACHUTA: That is not written
5 well.
6 ATTORNEY McLENDON: -- but what it's saying
7 is -- here's how it reads.
8 COUNCILMEMBER PACHUTA: Okay.
9 ATTORNEY McLENDON: Simplified, you can
10 waive the 12-month period, but if you denied it, then
11 you can't.
12 COUNCILMEMBER ALEXANDER: Okay.
13 COUNCILMEMBER PACHUTA: I think right now --
14 COUNCILMEMBER ALEXANDER: Okay.
15 COUNCILMEMBER PACHUTA: -- it's all in one
16 sentence.
17 ATTORNEY McLENDON: Let me work on that
18 sentence.
19 COUNCILMEMBER PACHUTA: Even if you just put
20 a period in there, it would make more sense.
21 ATTORNEY FELGIN: I'm a student of -- of --
22 COUNCILMEMBER PACHUTA: Commas?
23 ATTORNEY FELGIN: -- complicated sentences,
24 yes.
25 COUNCILMEMBER ALEXANDER: And that was my

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1 last circuitous route.
2 ATTORNEY McLENDON: But I think that is, if
3 everybody is agreed, we'll get a sentence that says
4 that clearly and says --
5 COUNCILMEMBER PATRICK: One question I had
6 to go with that, though, is is so they file their
7 application. How do they know we've waived the 12-
8 month period?
9 ATTORNEY FELGIN: It would be up to y'all
10 when it came in front of you-all for a hearing.
11 COUNCILMEMBER PATRICK: So we would go
12 through a public announcement --
13 ATTORNEY FELGIN: Yeah. You would --
14 COUNCILMEMBER PATRICK: -- public
15 advertisement --
16 ATTORNEY FELGIN: -- still go through public
17 hearing.
18 COUNCILMEMBER PATRICK: -- it comes to us,
19 and we can say, "You can't do that?"
20 ATTORNEY FELGIN: Yes. There would be a
21 request in the application for a waiver. There would
22 have to be. The Community Development Director would
23 tell this person that by ordinance, it's not been 12
24 months, so they need to request a waiver as part of
25 their application, so.

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1 ATTORNEY McLENDON: And this would only be a
2 situation where somebody has a use permit, has begun
3 to implement it, and then probably what happened is
4 when they got into permitting --
5 COUNCILMEMBER PATRICK: Right.
6 ATTORNEY McLENDON: -- or they got into some
7 sort of an analysis, also of a sudden they realize,
8 "Uh-oh. We got an issue." And then probably I would
9 say 80 percent of those at least will be something
10 that your Community Development Director has probably
11 talked to them and said, "Well, let's get it back up
12 in front of the Council and see if they want to
13 address it."
14 COUNCILMEMBER FLEMING: But if a CUP has
15 already been approved and they're already in the
16 process of working on their building, why would we
17 have to waive 12 months because they'd already been
18 approved for the CUP.
19 COUNCILMEMBER PACHUTA: I can see -- and
20 this is an example I'm picturing in my head. Let's
21 say we gave someone a CUP and then put as a
22 requirement on there you have to build a sidewalk
23 here. And then they go to build it and Dekalb County
24 or Georgia Power's like, "No. We have a high powered
25 voltage line running right there. You cannot put the

1 sidewalk right there," which means they would have to
2 come back before us: "Look, we have this CUP.
3 Georgia Power says we cannot put the sidewalk there.
4 Can we redo the CUP somehow?"
5 COUNCILMEMBER PATRICK: I understand that
6 part. It's just they're going to come to us, and we
7 have to vote whether or not we want to waive on it
8 or -- or --
9 ATTORNEY FELGIN: Yes.
10 COUNCILMEMBER PATRICK: -- grant them that
11 waiver, which, to me, seems kind of an intricate
12 process.
13 ATTORNEY FELGIN: That's fine. This is a
14 suggestion because it's standard to -- to not have
15 them come every week with a CUP request.
16 COUNCILMEMBER PATRICK: Okay.
17 ATTORNEY McLENDON: And it's sort of that
18 tension between, okay, I came and applied for one CUP
19 on this property for one thing, and then suddenly,
20 within three months, I'm applying for another, and we
21 continue going down that sort of road.
22 So you have the ability to say, "No, you
23 can't do that for 12 months," but it still gives you
24 the ability to do it.
25 COUNCILMEMBER PATRICK: Okay. So what if

1 there's two different uses that want to go on -- two
2 different churches end up wanting to use the same
3 parcel of land. Church number one goes in first, and
4 they're approved. Church number two comes in, and now
5 we would say we have the right to not waive that 12-
6 month requirement?
7 ATTORNEY McLENDON: Joe? I mean I think
8 that would be different applications and we'd have --
9 ATTORNEY FELGIN: Hold on. I'm trying to
10 understand. If they received the CUP already --
11 COUNCILMEMBER PATRICK: Church one received
12 it -- that piece of land received a -- a -- CUP --
13 ATTORNEY FELGIN: CUP for religious use.
14 COUNCILMEMBER PATRICK: -- for one religious
15 use to a -- to a suite, and then the next one comes
16 along and wants to do another religious use.
17 ATTORNEY FELGIN: To a separate suite --
18 COUNCILMEMBER PATRICK: Separate suite.
19 ATTORNEY FELGIN: -- which is what just
20 happened. And this would allow you to waive that 12-
21 month period to be able to --
22 COUNCILMEMBER PATRICK: Okay.
23 ATTORNEY FELGIN: -- give them the CUP and
24 remove the CUP instead of saying, "No. You have to
25 wait 12 months before you come back to receive the

1 CUP." It gives you that flexibility in situations like
2 that to waive the waiting period.
3 COUNCILMEMBER PATRICK: Okay.
4 COUNCILMEMBER FLEMING: But that's -- but it
5 would be a different --
6 COUNCILMEMBER PATRICK: Different applicant.
7 COUNCILMEMBER FLEMING: -- different
8 applicant.
9 ATTORNEY FELGIN: Yeah, but still it's the -
10 COUNCILMEMBER PATRICK: It's the same --
11 ATTORNEY FELGIN: -- same property --
12 COUNCILMEMBER PATRICK: -- property owner.
13 ATTORNEY FELGIN: And so since the old runs
14 with the land, it would allow the property to have
15 that ability.
16 ATTORNEY McLENDON: I would -- I think
17 different applicants would have a different -- it
18 would be separate.
19 MR. COOLEY: Our conditional use permits are
20 based upon the individual suite as a property when
21 they have a separate number.
22 I think where it really would come into
23 play, and I think you hit it right on the head when
24 you were talking about if the Council put a condition
25 on the conditional use permit and, for whatever

1 reason, they cannot do that or it's problematic, if
2 someone wants to come in and modify a condition that
3 y'all have placed upon it, it's a whole new action.
4 So if there's that 12-month period where
5 they can come in, that y'all cannot waive, they're
6 stuck at that point. So they can't come back in
7 because it's a mod -- it's considered -- the
8 modifications of condition is considered a new zoning
9 action. It has to go through the whole process.
10 So what it would allow you-all to do is
11 address -- I think primarily where you would see it
12 would be when there is a condition for whatever reason
13 cannot be fulfilled or if there's difficulty, an
14 unforeseen difficulty or something like that, where it
15 gives them the flexibility to come back to y'all to
16 say, "Yes, we've got a problem here. Would you modify
17 this condition?"
18 COUNCILMEMBER PATRICK: Right.
19 MR. COOLEY: So that's where it really
20 addresses, I think, more than anything else.
21 COUNCILMEMBER PATRICK: Okay. All right.
22 ATTORNEY FELGIN: And I'll rephrase -- this
23 if y'all would vote to move this to the Planning
24 Commission stage, we'll rewrite this particular
25 sentence prior to it going there.

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1 COUNCILMEMBER FLEMING: Could I ask another
2 question?
3 MAYOR PITTMAN: Uh-huh.
4 COUNCILMEMBER FLEMING: In regards to
5 Ms. Alexander brought up, if I'm not mistaken, the
6 removal of CUPS,
7 And I think the time period if I'm not
8 mistaken, was 24 months. Is that correct? Removal of
9 CUPs from a property, weren't we talking about --
10 Maria, what page was that?
11 ATTORNEY FELGIN: Huh-uh. We were talking
12 about --
13 MR. COOLEY: It's page 10.
14 ATTORNEY FELGIN: -- if the Council wanted
15 to remove one, they would have to go through the
16 process again.
17 We're not talking about the -- The 24-month
18 period is only in the rezoning action or a variance to
19 allow them to come back to have another rezoning of
20 the same property, and you could waive that to about
21 12 months.
22 But the removal of a CUP, you'd have to go
23 through the same process again, and you can do that
24 whenever.
25 COUNCILMEMBER ALEXANDER: That was a

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1 application for a variance.
2 COUNCILMEMBER FLEMING: I'm sorry?
3 COUNCILMEMBER ALEXANDER: Application for a
4 variance.
5 COUNCILMEMBER FLEMING: Okay. Application
6 for a variance. Go ahead.
7 COUNCILMEMBER ALEXANDER: That the time
8 period was 24 months. We can waive up to 12 months of
9 that.
10 COUNCILMEMBER FLEMING: If they're
11 requesting a variance.
12 ATTORNEY FELGIN: Yes. If they want to
13 request another variance on that same property, the
14 ordinance would limit them to doing it only once every
15 24 months but allows the Council to waive 12 months of
16 that.
17 COUNCILMEMBER FLEMING: But there -- and I
18 should have asked it right after you finished your
19 statement on that before you went to the next page,
20 because did you not say something about removing the
21 CUP or the variance?
22 COUNCILMEMBER ALEXANDER: I asked about
23 removing on -- when I got to page 19.
24 ATTORNEY McLENDON: That was the --
25 COUNCILMEMBER ALEXANDER: And that's --

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1 ATTORNEY McLENDON: -- automatic --
2 COUNCILMEMBER ALEXANDER: -- when you said
3 it's implied; we already have the ability to remove.
4 ATTORNEY McLENDON: You have the ability to
5 initiate your own zoning actions, which would be
6 removing an approved CUP to a property. But the
7 provision in here that said it automatically expires
8 if it's not used, that one's going to be something
9 that can be challenged, and you would --
10 COUNCILMEMBER FLEMING: So that was taken
11 out of here?
12 COUNCILMEMBER ALEXANDER: The six months
13 was, yes.
14 COUNCILMEMBER FLEMING: Okay. So didn't you
15 -- It went from six months to a year, though; right?
16 ATTORNEY FELGIN: What was removed was the
17 automatic expiration date or automatic removal if they
18 didn't do something. That was removed. And the
19 provision was put in that said they couldn't ask for
20 another one for another 24 months but that Council
21 could waive up to 12 months.
22 Really separate issues in terms of what the
23 ordinance does, but the Council always has the right
24 to initiate its own rezoning or a CUP redo, even its
25 own variance removal. But you can't mandate that as

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1 an automatic thing in the ordinance, because you have
2 to kind of go -- you have to go through --
3 COUNCILMEMBER FLEMING: Okay. That's --
4 ATTORNEY FELGIN: -- the procedure.
5 COUNCILMEMBER FLEMING: That's where I just
6 wanted to add, you made the comment about a variance.
7 ATTORNEY FELGIN: Yes.
8 COUNCILMEMBER FLEMING: I thought, if -- if
9 I'm not mistaken, I thought variances had to stay with
10 the property --
11 ATTORNEY FELGIN: Yes. Everything --
12 COUNCILMEMBER FLEMING: -- that we could not
13 remove them.
14 ATTORNEY FELGIN: No. You could initiate
15 your own action, just like in the rezoning, to remove
16 them, but they don't automatically go away if you
17 don't go through the procedure, you know.
18 COUNCILMEMBER FLEMING: Because I've got
19 property on Tilly Mill for five years now, for
20 variances, and there's been nothing. Variances are on
21 that parcel, and nothing's been done to the property.
22 ATTORNEY FELGIN: The Council can, on its
23 own, initiate an action to remove those variances.
24 Obviously, we have to notify the property owner.
25 They'd have a chance to come in and challenge that

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1 as -- as inequitable or whatever; they've spent money
2 on it. That's a different issue.
3 But you can initiate that yourself and go
4 through the procedure of removing a variance.
5 COUNCILMEMBER FLEMING: All right. Thank
6 you.
7 MAYOR PITTMAN: Okay. Anyone else?
8 COUNCILMEMBER PACHUTA: Can we just send it
9 to the --
10 ATTORNEY FELGIN: Yeah.
11 COUNCILMEMBER PACHUTA: Do we need to vote
12 to send it to the Planning Commission --
13 ATTORNEY FELGIN: No.
14 COUNCILMEMBER PACHUTA: -- or just --
15 ATTORNEY FELGIN: No. If everyone's all
16 right with it, we will send it to the Planning
17 Commission.
18 COUNCILMEMBER ALEXANDER: I'm fine with
19 making a motion.
20 DR. GILLEN: We can't make a motion tonight.
21 It has to be made at the next --
22 ATTORNEY McLENDON: I think we've gotten the
23 direction on it. We will revise that sentence, and
24 then the whole thing will move through the Planning
25 Commission and it'll come back.

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1 ATTORNEY FELGIN: It'll come back.
2 COUNCILMEMBER ALEXANDER: Okay.
3 MAYOR PITTMAN: Okay. Thank you, Mr.
4 Felgin.
5 ATTORNEY FELGIN: Thank you.
6 MAYOR PITTMAN: And we're going to take a
7 five-minute break.
8 (Brief recess)
9 MAYOR PITTMAN: Meeting come back to order.
10 I believe next is New Business, Discussion for Third
11 Party Inspection of Multifamily Residential
12 Properties, Mr. Cooley.
13 MR. COOLEY: Good evening, Mayor and
14 Council.
15 Wanted to bring this in front of you just as
16 more of an introduction and let you take a look at
17 this and take it on hopefully at some other point to,
18 once you've had a opportunity to really review it and
19 get into it and see whether it's a direction that the
20 City might want to go to.
21 As you probably know, right now, the way our
22 code compliance works is our code officers can go into
23 common spaces only within multi-family residential, by
24 law. What a number --
25 Well, basically it started out -- I believe

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1 that was Sandy Springs, Dunwoody did it, and Dekalb
2 did it approximately two years ago, where they've gone
3 to a system that requires the individual property
4 owners, the apartment complex or multi-family
5 residential area, to provide a complete -- I won't say
6 sweep but a complete review of all the private and the
7 public sections to make sure that everything is up to
8 code compliance.
9 The problem with this in the past has been,
10 number one, if your staff is doing it, it's extremely
11 expensive and time-consuming.
12 The approach that is being taken now is
13 they're going to a third-party approach where
14 basically, again, the -- the owners are required to
15 use someone that the City has approved, a contractor
16 -- and there's qualifications within all this -- and
17 get a yearly inspection of all different elements of
18 the property, the private and the public.
19 So it allows the fire -- code compliance,
20 fire, police, everybody to really do an inspection
21 throughout the entire complex, which is critical. I
22 mean, as you know, we've had several fires in the
23 single-family [sic] residential that started within
24 the units.
25 It's a tremendous tool, I think, for a

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1 number of things. One is making sure that the units
2 that are in the city are safe, people are not going to
3 be hurt or injured, that also I think creates
4 opportunity to make sure, to find out what's going on
5 to make sure that the uses within these private areas
6 are legal uses. So that's a wonderful thing to have
7 about it.
8 The whole idea of it really is any time you
9 get a decline in multi-family units, it not just
10 affects those units but it affects the neighboring
11 properties, it affects property values and it also --
12 it's an incubator for potential crime.
13 We have discussed this over, I guess, the
14 last six months, maybe a little bit longer, with the
15 PD, with the City Manager, everyone, the different
16 departments, to talk about what are the pros and cons
17 on this. And I'm sorry that they're not here, but
18 both the Chief and Major Atkinson were very strongly
19 in favor of it because it addresses a problem that
20 they have had with our past housing units and also
21 with the annexation that we've had with additional
22 units.
23 Like I said, when we had the annexation, it
24 was interesting because we've had a lot of calls from
25 the different apartment complexes wondering, you know,

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1 when do we have to get our inspection? because they
2 came in from Dekalb, which was requiring it.
3 We don't require that. So I think a lot of
4 them took this big deep breath of relief that they
5 didn't have to fool with it.
6 So staff's recommendation was to bring this
7 forward to Council, get y'all's input on it, see if
8 it's something that you want to address. Legal did
9 draft a ordinance which was based upon Sandy Springs,
10 I think, and adopted there, and because we had it, so
11 we moved it forward to that point.
12 The fact that this is a building code, this
13 does not require going through the Zoning Procedures
14 Act. So this is something that y'all will not
15 necessarily -- Originally, I was thinking it needed to
16 go to the Planning Commission. But it is building
17 code, one you pointed out, and it was right on, so we
18 don't need to go there with it.
19 So at this point, what I was hoping to do is
20 maybe just give this to y'all, give you an opportunity
21 to go through it at another -- something other than a
22 work session, to bring it back up before Council for
23 your discussion, or if you'd like to discuss it at
24 this point now, be happy to. Lenny is here, who knows
25 it in and out, and I can address things too, I

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1 believe.
2 One of the things, too, I think would be
3 helpful, that I would like to do, would be to have our
4 building official here to also answer your questions
5 more specifically about the different aspects. I
6 spoke to him today, and I said, "Well, not tonight.
7 Let's wait, give them a chance to mull it over." And
8 then I'd like to have him come back and be here to
9 answer your questions also.
10 MAYOR PITTMAN: I just might want to add,
11 too, I received a phone call today from the apartment
12 association, and they were in big support of this, so.
13 MR. COOLEY: Yes. I also got a call from
14 them today, and they wanted to sit down, and they
15 basically said, "We have no objections to this. We
16 just want to kind of be involved."
17 What they've seen, they looked at the packet
18 and they had no problems with it, but they just want
19 to make sure that they are involved and understand --
20 MAYOR PITTMAN: Right.
21 MR. COOLEY: -- so they can --
22 MAYOR PITTMAN: And that's a good idea,
23 actually, and they --
24 MR. COOLEY: Yes, it is.
25 MAYOR PITTMAN: And they seem to think it

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1 has worked well other places, so.
2 Ms. Alexander?
3 COUNCILMEMBER ALEXANDER: I assume it covers
4 duplexes also?
5 ATTORNEY McLENDON: Multi-family, once
6 you've reached the number, if I'm correct.
7 ATTORNEY FELGIN: So long as they are rental
8 properties.
9 COUNCILMEMBER ALEXANDER: So a duplex that's
10 rental.
11 MR. COOLEY: Yes, ma'am.
12 COUNCILMEMBER ALEXANDER: And I believe -- I
13 think it was Sandy Springs or it may even have been
14 the City of Marietta that also did a fire hydrant
15 inspection.
16 ATTORNEY McLENDON: This is, in Sandy
17 Springs, part of their apartment inspection ordinance
18 requires for -- requires the owners to go and provide
19 a certification that all the fire hydrants on the
20 property are working.
21 COUNCILMEMBER ALEXANDER: I didn't notice
22 that in ours unless I missed it.
23 MR. COOLEY: Right now, the City does not
24 handle the fire inspections. That's the fire
25 marshall's office in Dekalb County.

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1 As you'll see on the next agenda item, that
2 may be something we may want to incorporate, depending
3 on where Council wants to go with the next item.
4 COUNCILMEMBER ALEXANDER: Because I have
5 cringed three times now because I was here when the
6 City condemned a certain apartment property, and now
7 we have had three fires at that one address in less
8 than two years, and that just is not very comforting.
9 ATTORNEY McLENDON: It would be -- I think
10 it would be something to look at how the County
11 handles it, because even through the -- since it's on
12 private property, this is a methodology to look at the
13 hydrants. And if the County's not -- it doesn't have
14 some other method to get onto it, we may still want to
15 continue it into this program just because it's a
16 vehicle to make them look at it on private property,
17 especially ones with multi-family where it's really
18 just . . . So we'd want to probably talk through that
19 issue.
20 MR. COOLEY: And I think another one we want
21 to look at at the same time is the double check-flow
22 valves, and that's especially more important on multi-
23 family and especially high-rise, and I think that's
24 another issue that we want to incorporate into this
25 also.

1 COUNCILMEMBER ALEXANDER: I am fully in
2 support of this. I think it's something that we've
3 needed for a long time, and "Go for it" is my
4 response.

5 MAYOR PITTMAN: Ms. Pachuta?

6 COUNCILMEMBER PACHUTA: Yeah. We need this
7 stuff definitely.

8 MAYOR PITTMAN: Absolutely.

9 Mr. Patrick?

10 COUNCILMEMBER PATRICK: I absolutely agree.
11 Thank you.

12 MAYOR PITTMAN: Ms. Fleming?

13 COUNCILMEMBER FLEMING: I agree also;
14 however, I do tend to disagree on duplexes since it's
15 just, you know, two families there. I don't know
16 about an occupational tax placard, whether it's
17 required now or not on R-2 type buildings. So R-3s
18 and R-4s are condos that are owner occupied, so I'm
19 not sure how you're going to -- even though they are
20 attached dwellings, I mean I don't know how you're
21 going to deal with condo subdivisions, because they
22 own their own property but they are attached.

23 ATTORNEY FELGIN: This only covers rental,
24 those that are multi-family residential rental, not
25 owner-occupied.

1 MR. COOLEY: We can take a look at that, see
2 how it's addressed.

3 ATTORNEY McLENDON: I think this is a good
4 conversation to have, and what we might want to do --
5 and I do think bringing back the building, code
6 enforcement folks to talk to you about how this works,
7 because they've implemented this. That would be a
8 great idea.

9 Let me be prepared to talk about these
10 issues, because, you know, I think there are issues --
11 One thing with the duplexes, if there's an owner
12 occupant, it handles it that way: that this is really
13 the only people that are deriving significant income
14 from rental. So it sort of comes back at that level.

15 But you know, if we think about a work
16 session, I could get these questions, and when we come
17 back, we can all have a good discussion.

18 COUNCILMEMBER PACHUTA: Mainly with the
19 duplexes, it not be annual; it could be a greater time
20 frame since, you know, the owner is only dealing with
21 two units versus, you know, the larger complexes.

22 MAYOR PITTMAN: Okay. Anything else from
23 anyone?

24 COUNCILMEMBER PATRICK: Because we have
25 had -- we do have some older units, would it be

1 MR. COOLEY: That would be extremely
2 difficult. You're absolutely right on a condo. I
3 mean you really --

4 COUNCILMEMBER FLEMING: But there again,
5 when you stop and think about it, I mean even though
6 they generally have firewalls between each unit, they
7 are all attached to each other, which is the same
8 scenario that we're looking at to try to, you know,
9 help out their inspection purposes.

10 But I am not in favor of doing the condo
11 complexes. Okay? But I'm not so sure that we should
12 dwell on duplexes. That's my personal opinion.

13 COUNCILMEMBER ALEXANDER: I guess I would
14 understand not necessarily does a duplex owner have to
15 have an occupational tax placard, but I know that
16 we've had some safety issues in some duplexes, and I
17 would like to see those addressed.

18 I know when I was campaigning, there were
19 some -- I had safety concerns just in the yards of
20 some of the duplexes that I visited, and they have
21 lots of children around. And if you have somebody
22 that has a sinkhole in their front yard and is not
23 repairing it, that's an issue for every child that
24 lives in that neighborhood, not just that one duplex.
25 So I don't know if we could work on the language.

1 possible to at some point discuss sprinklers for
2 rebuilt multi-family units?

3 ATTORNEY McLENDON: That's -- that's -- as
4 you probably well know, that's a very --

5 COUNCILMEMBER PATRICK: Yes.

6 ATTORNEY McLENDON: -- controversial issue.
7 I have seen -- I think it deviates a little bit from
8 this conversation, but I am seeing jurisdictions adopt
9 higher standards for sprinkling, but that's above my
10 head, but engineers and planners.

11 But it's been done. I've seen it.

12 MR. COOLEY: That would be a very good
13 question to have for the building official.

14 DR. GILLEN: Why don't we just add that to
15 the work session. The building official is going to
16 be here, and we can address it after we address this;
17 we talk about that as a separate policy change.

18 COUNCILMEMBER PATRICK: Sure. Thank you.

19 MAYOR PITTMAN: Anyone else on this?

20 MR. COOLEY: No, ma'am.

21 MAYOR PITTMAN: All right. Next we will be
22 going into the discussion of fire code services.

23 MR. COOLEY: There has been -- first off,
24 let me go ahead and pass some documents out to you-all
25 just to give you a rough idea.

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1 This was -- we just got this today, so, but
2 I wanted to give you some background as to kind of
3 where we stand with some of the reviews that we're
4 going through.
5 As you know, right now the County fire
6 marshall currently provides the health, safety, fire
7 code plan inspections, review and inspections. This
8 has never been a really huge problem in the past, but
9 what you've got -- what's happened is there's been
10 changes at the County where they've reorganized a
11 little bit. It's going through the permit department.
12 And what has happened is something that used to take
13 maybe a week, two weeks, is turning into -- the last
14 we were actually quoted by the fire marshall's office
15 for anything is a minimum of 20 business days for a
16 review period before they'll get something back to us.
17 Those two different documents I gave you,
18 one was the applications currently in review at Dekalb
19 County. And what you see on there is the permit
20 number, but they were released for review on the dates
21 that you see in the second column.
22 The key thing, I think, is when you look at
23 the third column and the numbers of review as of
24 today, those are the number of days that they have
25 been down being reviewed and still are in review.

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1 COUNCILMEMBER PATRICK: Are you saying that
2 2654 Church Drive has been in review for 230 days?
3 MR. COOLEY: It has not come back.
4 Now, whether they -- There's one thing that
5 could possibly happen in that is that the fire
6 marshall may have called the applicant and the
7 applicant just ignores it, has walked off from the
8 project or whatever and decided not to do anything.
9 COUNCILMEMBER PATRICK: Okay.
10 MR. COOLEY: That's the only thing that I
11 could see might be the case in something like that.
12 But if you'll look at it, when you get down
13 to the bottom -- well, we don't have an average on
14 that but on the next page we've got average dates on
15 them.
16 The ones under Currently Completed -- this
17 was just a sampling that Jane went through and pulled
18 out -- and you can see the -- for projects that
19 actually involved sprinkler systems, commercial
20 renovations, they are averaging 52 business days, or
21 actually calendar days, excuse me, to get their review
22 done.
23 For other ones which are basically move in
24 as-is, which is very simple, where you've got a white
25 box or a built out unit within something. They're not

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1 doing construction, but they still have to go through
2 the review process. And it costs \$100 for the plan
3 review and \$100 for the inspection to come out. We
4 cannot actually do anything until -- issue a C.O. --
5 COUNCILMEMBER PATRICK: Right.
6 MR. COOLEY: -- until we get a certificate
7 of completion from the fire marshall. So until we get
8 that, the City is tied up.
9 And the problem is that -- well, a lot of
10 problems with it. First off, it's an incredible
11 delay, any business, especially small businesses
12 trying to get in, they're under a lease, and they
13 can't open up for two to three months because it's
14 tied up.
15 COUNCILMEMBER PATRICK: Yeah.
16 MR. COOLEY: Beyond that, it's an incredible
17 -- from economic development incentive, it's terrible.
18 COUNCILMEMBER PATRICK: Yeah.
19 MR. COOLEY: It's something that I've heard
20 I can't tell you how many times, "Well, I'm going to
21 go to Gwinnett County." I mean I've heard that so
22 many times, and --
23 COUNCILMEMBER PATRICK: Is there a rationale
24 coming from the fire marshall's office as to why we're
25 having these turnaround times?

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1 MR. COOLEY: I've had a number of
2 discussions with the fire marshall. We got a
3 relatively new fire marshall that came in. This is
4 something the county commission passed and allowed
5 them to do. He took it up where they could actually
6 charge for these reviews, charge for the -- the
7 inspections at these rates, and put it through this
8 process.
9 Before, again, it went through the fire
10 marshall's office directly, but it's gotten bogged
11 down in the bureaucracy, and just they are
12 overwhelmed. I mean this is across the county and all
13 municipalities that this has to be done, so they don't
14 have enough reviewers or inspectors to be able to keep
15 up with this.
16 So it's kind of created -- I won't say a
17 monster, but it's created a situation where -- The
18 idea was good, because what they were trying to do to
19 a certain extent was to go back and where over the
20 past years they had not gotten sufficient information
21 and what they needed to know what was going on in
22 these units; coming back and said, "Okay. We want
23 plans of this. We want something drawn so we know
24 what's out there."
25 So long-range, it's very good. The problem

1 is there's not sufficient staffing, and the amount of
2 time and from the bureaucracy aspect of it that it
3 taking is causing huge problems for --
4 COUNCILMEMBER PATRICK: Yeah.
5 MR. COOLEY: -- for all of us. It creates a
6 huge problem for our Code Compliance. If they go out
7 and cite somebody for not having their current
8 occupational tax certificate or it's, you know, two
9 years overdue or they didn't get one, you know, they
10 have to give them the opportunity to come in and
11 apply. Normally that wouldn't be a big deal. Couple
12 weeks, you know, you take care of it.

13 But with this process, they come in, we have
14 to provide them a temporary or an initial permit
15 number because Dekalb County requires that to be able
16 to go through their process. Before we ever see a
17 plan or anything, we give them a number; they take
18 their plans down to the fire marshall and it goes
19 through the fire marshall review.

20 So when you're talking about a situation
21 where the City is trying to get compliance with our
22 codes and enforce things and then it's going out and
23 it's taking a minimum of 20 days for review -- and
24 this was business days -- for, you know, a month,
25 we're basically put on hold before we can do anything.

1 And from a compliance perspective, that's not good,
2 it's not effective, and it's really, I don't think, in
3 the best interest of the City. That's the background
4 on it.

5 What we were suggesting or we, you know,
6 wanted to bring before you is the idea -- and this is
7 something that has been done by both Dunwoody and --

8 COUNCILMEMBER ALEXANDER: Brookhaven?

9 MR. COOLEY: No, not Brookhaven. What's the
10 little --

11 COUNCILMEMBER ALEXANDER: Brookhaven did it.

12 MR. COOLEY: Brookhaven did it also?

13 COUNCILMEMBER ALEXANDER: Yes, it did.

14 MR. COOLEY: Well, also the -- Avondale, the
15 little city of Avondale did it.

16 But basically they, on standard, on the
17 statute, cities over 45,000 population are required to
18 take on those duties. It's permissive for any
19 municipality under 45,000. There's a process that we
20 have to go through if y'all are interested in doing
21 it, we certainly wanted to explore it.

22 We want to explore whether it would be
23 smarter to try to subcontract these services through
24 another municipality that's already doing it, or do we
25 want to look at doing this ourselves within -- we have

1 the capabilities under our current building inspectors
2 and things, you know.

3 I want to get a feel for where y'all think,
4 do we want to go this direction? If so, what we would
5 like to do is just kind of get your permission to
6 explore those different alternatives and bring them
7 back to you at a work session and say, Okay. Here's
8 the options. Here's what it costs to do this. Here's
9 the options if we want to do it in-house, and this is
10 what it would cost. Here are the time frames that we,
11 you know, we could do it within. Give you the whole
12 scenario.

13 But wanted to get in front of you because,
14 to me, this is probably one of the most important
15 issues, from my perspective, that we can do for the
16 city to make things work better from a lot of
17 different perspectives.

18 COUNCILMEMBER PATRICK: From my perspective,
19 yes, please look into it.

20 COUNCILMEMBER FLEMING: Do you have any idea
21 -- I know you're coming back to us with this, but do
22 you have any idea the cost to the applicant in Dekalb
23 County?

24 MR. COOLEY: Yes, ma'am. They charge a
25 hundred dollars for a plan review and a hundred

1 dollars for the inspection, minimum.

2 COUNCILMEMBER PATRICK: Wow.

3 COUNCILMEMBER ALEXANDER: No matter size or
4 anything.

5 MR. COOLEY: Right. Even if it's they're
6 just moving in --

7 COUNCILMEMBER PATRICK: Wow.

8 MR. COOLEY: -- and, you know, to be quite
9 honest with you, discussions I've had with businesses,
10 small businesses, you know, \$200, that's a lot, but
11 that's not the problem. The problem is they're not
12 being able to open.

13 COUNCILMEMBER FLEMING: No, I just -- I was
14 trying to get the cost so we can evaluate contracted
15 services --

16 MR. COOLEY: Right.

17 COUNCILMEMBER FLEMING: -- to determine how
18 much they're going to charge and so forth and so on.

19 Do you have any idea whether they've got a
20 hidden admin fee?

21 MR. COOLEY: No, ma'am, that's -- that's the
22 fee that it goes into. In fact, I think the way the
23 statute reads, I don't think we could exceed that.

24 COUNCILMEMBER FLEMING: I'm sorry?

25 MR. COOLEY: I don't think we could exceed

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1 that based upon the state statute. There's something
2 that talks about fees in there, but we'll flush that
3 out and bring that back that back to you.
4 COUNCILMEMBER PACHUTA: This -- is this
5 something to -- when you look at the options that
6 another city in Dekalb like Chamblee might be looking
7 into sharing, like even if it's -- you know, we dealt
8 with a contract service if we do like a shared
9 employee type situation, because I'm assuming, you
10 know, Chamblee's having probably the same problem.
11 And you know, I don't know if Dunwoody already has
12 something set up, because I think they are over
13 45,000.
14 MR. COOLEY: They are.
15 MAYOR PITTMAN: And they do.
16 COUNCILMEMBER PACHUTA: But even if it isn't
17 contracted, maybe some kind of shared agreement or
18 you're under the shared contract between, you know.
19 MR. COOLEY: Yeah. That's one of the things
20 we wanted to look at was the idea of subcontracting
21 with another municipality that's already doing it
22 versus the possibility of doing it in-house. So
23 there's pros and cons, you know, because there's
24 paperwork. We could get into a situation where if
25 Chamblee did it or we did it or Dunwoody, where we

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1 could subcontract.
2 But I think under the fire marshal -- the
3 state fire marshal, the City actually has to pass a
4 resolution. The fire marshal actually has to appoint
5 the -- the fire marshalls within those jurisdictions.
6 So again, there are some technicalities to
7 it. It's relatively simple, but again, we want to
8 flush that out and give you all the options and
9 probably at least two-option approach to it. If a
10 third one is there, we'll bring that too.
11 MAYOR PITTMAN: Dr. Gillen, is there
12 something you wanted to add?
13 DR. GILLEN: But I think to that point you
14 can imagine the scenario where we decide we're going
15 to do this, we have a contract with Clark Patterson
16 Lee to do our other inspections. They would simply be
17 doing these inspections and collecting the fees, and
18 they have the staff on-hand to do that, who also do it
19 for Dunwoody.
20 So you could imagine we could contract with
21 Dunwoody. who already has the mechanisms in place,
22 where Clark Patterson Lee staff would be doing it.
23 So it would be coming here, you would get
24 your permit here and would -- just because of certain
25 legal reasons, we would have an intergovernmental

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1 agreement with other jurisdictions, but we need to
2 flush all those -- those legal things out.
3 So you know, for us, budgetarily there's no
4 impact. It's just, you know, they pay a fee, the
5 inspection gets done. Instead of paying it to Dekalb,
6 they pay it here.
7 COUNCILMEMBER PACHUTA: And is this
8 something like the Dekalb Commission is even on their
9 radar? because I'm assuming this is the same problem
10 in unincorporated Dekalb as far as funding to the fire
11 marshall's department.
12 MR. COOLEY: The Mayor has spoken to the
13 commissioners over there. I've discussed it with some
14 commissioners. I've discussed it with the fire
15 marshall numerous times. They're well aware of it.
16 They are trying somehow to address it, but as I said
17 in the thing, with all the discussions we have, there
18 hasn't been any action upon it.
19 MAYOR PITTMAN: Right.
20 MR. COOLEY: And you know, time is of the
21 essence.
22 MAYOR PITTMAN: Mr. Baggett even tried to
23 pick it up and take it and work with them, and it's
24 being discussed.
25 MR. COOLEY: Yeah. And just an FYI too,

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1 Dekalb County, the fire marshal is in a position now
2 where they're actually contracting out for plan
3 inspections with Clark Patterson Lee, so they're kind
4 of doing it all.
5 COUNCILMEMBER FLEMING: I would like us,
6 even though you've already checked into Dunwoody, I
7 would like to see what Chamblee has to offer if they
8 have anything to offer.
9 COUNCILMEMBER ALEXANDER: Brookhaven is
10 contracting with the City of Decatur. Decatur has its
11 own fire department.
12 MR. COOLEY: Right.
13 COUNCILMEMBER ALEXANDER: I guess, no
14 offense to Clark Patterson Lee, but I feel comfortable
15 when I see someone in a fire fighter's uniform coming
16 to inspect my building, not somebody just with
17 certifications and clip boards, but that's just a
18 personal opinion. So I'm sure the fire marshall
19 office in Decatur is connected directly to the -- to
20 the fire department.
21 MR. COOLEY: Yeah, that's --
22 COUNCILMEMBER ALEXANDER: And the same in
23 Gwinnett County unfortunately when they come visit me.
24 MR. COOLEY: Yes, that's -- you're
25 absolutely right. Decatur has its own fire department

1 where everybody else -- if I'm not mistaken, everybody
2 else has -- relies on Dekalb County Fire Department
3 for actual fire suppression and all that.

4 COUNCILMEMBER ALEXANDER: And if we could
5 tie the hydrant, I think it's very important that they
6 especially test the hydrants in the -- in the multi-
7 family units, because, for example, we got into the
8 whole private road discussion. I don't know if those
9 fire hydrants over there in that townhome subdivision
10 Ash -- Is it?

11 COUNCILMEMBER FLEMING: Aspen.

12 COUNCILMEMBER ALEXANDER: Aspen or Ashland
13 Point or whatever.

14 COUNCILMEMBER FLEMING: Aspen Commons.

15 COUNCILMEMBER ALEXANDER: Well, I'm talking
16 about the ones --

17 MAYOR PITTMAN: Well, you're --

18 COUNCILMEMBER ALEXANDER: -- behind Friday's
19 Plaza. I don't know who owns those hydrants.

20 ATTORNEY McLENDON: Let me say that is a
21 very -- that's a whole different issue, very
22 sophisticated, lots of potential liability --

23 MAYOR PITTMAN: Avery Park.

24 ATTORNEY McLENDON: -- with going onto
25 private property.

1 residents will be paying the same millage rate to
2 Dekalb. They will not sep- --

3 COUNCILMEMBER PATRICK: So we wouldn't get a
4 --

5 ATTORNEY FELGIN: There is no way to
6 separate that millage rate.

7 MR. COOLEY: Basically what it's doing is
8 just -- it's giving them an option. You're putting an
9 applicant in the position. You have the opportunity -

10 -
11 COUNCILMEMBER PATRICK: Sure.

12 MR. COOLEY: -- to still go to Dekalb County
13 and go through the process or you can --

14 ATTORNEY FELGIN: Yeah, we're not taking
15 away from Dekalb.

16 COUNCILMEMBER PATRICK: Oh, I understand.

17 ATTORNEY FELGIN: We're giving them a
18 separate option for --

19 COUNCILMEMBER PATRICK: I understand.

20 My point was was that would this possibly be
21 an opportunity for savings to our residents for that.

22 And perhaps if we talked with our neighboring cities,
23 maybe they might --

24 ATTORNEY FELGIN: We -- And Dunwoody and
25 Brookhaven had that discussion with Dekalb, and there

1 That's why, in the apartment inspection
2 ordinance, it's just a nice low-hanging I got -- you
3 know, I'm getting the inspection; let's get their
4 hydrants as well.

5 Private roads, though, are really a
6 different situation, and that gets even more complex.
7 So you know, it's an easy -- an easy big chunk with a
8 lot of people in the apartment inspection ordinance,
9 there's a place that -- that's a good place to grab
10 that.

11 The other part's a big, big discussion.

12 MAYOR PITTMAN: It was Avery Park.

13 COUNCILMEMBER ALEXANDER: Yes, Avery Park.
14 I knew it started with an "A."

15 COUNCILMEMBER PATRICK: Would the SDS have
16 any impact on fire marshall plan review? Is there
17 some -- we're not paying some percentage to the County
18 for providing fire plan review?

19 ATTORNEY McLENDON: We probably are paying,
20 but if we are, we're not receiving --

21 COUNCILMEMBER PATRICK: Well, that's --

22 ATTORNEY FELGIN: The millage rate that
23 everyone pays for fire services covers those
24 inspections. The County is not going to separate it.
25 This is a service the City will undertake, and the

1 was no way for them to separate the millage rate into
2 which part of it covers --

3 COUNCILMEMBER PATRICK: Fire services?

4 ATTORNEY FELGIN: -- fire suppression, which
5 part of it covers plan inspection, arson investi-
6 gation, all of those are tied into this millage rate.

7 They're more than happy with the
8 municipalities having --

9 COUNCILMEMBER PATRICK: Sure.

10 ATTORNEY FELGIN: -- outside services --

11 COUNCILMEMBER PATRICK: Sure.

12 ATTORNEY FELGIN: -- but they are not --
13 they're not fond of discussing any reduction.

14 COUNCILMEMBER FLEMING: I would imagine fire
15 hydrants is part of that millage rate as well --

16 ATTORNEY FELGIN: Yes.

17 ATTORNEY McLENDON: It is.

18 COUNCILMEMBER FLEMING: -- and I'd just as
19 soon not even worry about it because they're taking
20 care of the fire hydrants.

21 ATTORNEY FELGIN: Yes. It's all part of the
22 same millage rate, 2.5 mills I think.

23 MR. COOLEY: Well, and the other thing I
24 think would be really good on this is that it allows
25 the City to actually to get a more regular routine of

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1 doing fire --
2 COUNCILMEMBER PATRICK: Right.
3 MR. COOLEY: -- inspections, because, right
4 now, the way Dekalb County does it is they take random
5 sampling, and those are the ones they just go and
6 check. So that, you know, when you're talking about a
7 county-wide, that makes it really difficult on a small
8 area.
9 So as part of this, you know, I could see a
10 real advantage to it as being a situation where we do,
11 whether it be annually or biannually, where we
12 actually -- every property within the city is -- you
13 know, receives some sort of inspection.
14 But that'll be to, you know, it's finances.
15 That would be --
16 ATTORNEY McLENDON: Commercial, yes.
17 MR. COOLEY: Yeah, commercial; exactly.
18 We're not talking residential here.
19 ATTORNEY McLENDON: Right.
20 MR. COOLEY: Thank you.
21 But that's something I think that would be
22 tremendous help also and just -- and giving you an
23 example, we -- the code compliance has run into
24 several things, for example, where there were -- there
25 was one that wasn't even a restaurant but they had a

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1 charcoal grill going in the back room. I mean, you
2 know, we're talking about deadly potential issues
3 there. There's been other ones I won't get into, but
4 very similar. There's -- there's things like that
5 that are happening. Unless they happen in for another
6 reason or for whatever reason they're being there,
7 there's a lot of things like that are going on that
8 are huge potential fire hazards that, you know, we --
9 I think we owe it to the people to make sure it's
10 done.
11 COUNCILMEMBER PATRICK: If we were to go for
12 this, what would be the implementation time frame?
13 MR. COOLEY: Again, I'd like to, you know,
14 be able to look at that and see what the time frame,
15 discuss it, find out what it takes with the fire
16 marshall, what type of time frame it would take if we
17 decide to -- you know, we'll go and get information
18 about contracting with another municipality.
19 Alternatively, I really can't tell you that
20 at the moment. Hopefully, relatively quickly. From
21 what I see in the statute, it doesn't take that long.
22 But Lenny, you might know more because you
23 went through this with Dunwoody.
24 ATTORNEY FELGIN: Well, Dunwoody just
25 basically added a provision to the Clark Patterson Lee

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1 contract, and they have already certified people to do
2 it. So they basically, once we worked out changing
3 the IGA with Dekalb, we changed our contract with
4 Clark Patterson and they started inspections.
5 To start your own, like to subcontract it
6 versus to have an IGA with a jurisdiction, there are
7 certain different time limits involved. It would
8 probably be faster to do an IGA with someone who is
9 already established and subcontract than subcontract
10 their own, because you have to get the state fire
11 marshall to deputize yours.
12 COUNCILMEMBER PATRICK: Right.
13 ATTORNEY FELGIN: There's a lot of paperwork
14 in terms of submitting monthly reports and things like
15 that, that kind of increase the amount of time before
16 that start-up can happen. But if you already have an
17 IGA with someone who is already doing this, it's a
18 seamless transition.
19 COUNCILMEMBER PATRICK: Right.
20 ATTORNEY FELGIN: But there still needs to
21 be a discussion with Dekalb County because you have to
22 change your IGA with them --
23 COUNCILMEMBER PATRICK: To accommodate that?
24 ATTORNEY FELGIN: -- to make sure that
25 they're comfortable with it, so.

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1 MR. COOLEY: Yeah, there are a number of
2 things, and that's why we just wanted to get y'all's
3 feedback and blessing to or say don't fool with this
4 or to move forward with it so we can --
5 COUNCILMEMBER PATRICK: A final question for
6 you guys is is would this -- by Doraville offering its
7 own fire plan review, would that somehow affect our
8 ISO rating, our insurance rating, hopefully to the
9 benefit?
10 ATTORNEY McLENDON: Sure.
11 ATTORNEY FELGIN: I mean I doubt it's very
12 little because there's not really a proven track
13 record of how Doraville does it's inspection.
14 DR. GILLEN: You're not increasing the
15 service levels. You're just changing out.
16 COUNCILMEMBER PATRICK: You're just changing
17 out. Okay.
18 COUNCILMEMBER ALEXANDER: And it's based on
19 a lot of statistics such as response time and --
20 COUNCILMEMBER PATRICK: Yes.
21 COUNCILMEMBER ALEXANDER: -- things of that
22 nature.
23 COUNCILMEMBER PATRICK: Yeah, sprinkling.
24 COUNCILMEMBER FLEMING: Isn't the service
25 delivery contract up on December 31st?

1 ATTORNEY FELGIN: No, it's not. It was just
2 negotiated a couple years ago, so it has a few years
3 on it. But every year, you have the opportunity if
4 the County or the cities want to negotiate some kind
5 of a revision, a mutual revision, that it's fine to do
6 that between two jurisdictions. But the agreement
7 itself doesn't come up for another full county-wide
8 renegotiation for . . . it's a seven-year agreement.
9 COUNCILMEMBER FLEMING: Yeah, but I thought
10 we got it yearly and it told us how much we were going
11 to be paying for such-and-such, and we've always found
12 out that Chamblee's was less than ours, and we
13 couldn't understand it. And so I thought it was --
14 COUNCILMEMBER ALEXANDER: That is true.
15 COUNCILMEMBER FLEMING: -- a yearly basis.
16 ATTORNEY McLENDON: It's renegotiation?
17 COUNCILMEMBER ALEXANDER: No.
18 COUNCILMEMBER FLEMING: No.
19 COUNCILMEMBER ALEXANDER: It was just the --
20 for some reason, they are charging us more than
21 Chamblee, and we have less services and Chamblee has
22 larger.
23 COUNCILMEMBER FLEMING: So I mean I thought
24 we were getting that yearly; were we not?
25 COUNCILMEMBER ALEXANDER: We -- we got the --

1 MR. COOLEY: To be quite --
2 COUNCILMEMBER FLEMING: -- or do you --
3 MR. COOLEY: -- honest with you --
4 COUNCILMEMBER FLEMING: -- have any idea?
5 MR. COOLEY: I have no idea at this point.
6 MAYOR PITTMAN: It's a State issue. I
7 believe it's a State issue that's going on with their
8 alcohol or something going on.
9 COUNCILMEMBER FLEMING: For Front Row?
10 MAYOR PITTMAN: Yes. For Front Row and the
11 other, crab boil, both.
12 DR. GILLEN: Talking two different things:
13 the alcohol license and fire inspection.
14 COUNCILMEMBER FLEMING: Right, because I was
15 just curious. It wasn't on here, and I wasn't sure
16 whether that was the holdup, and I asked him if he
17 knew why the restaurant had not opened yet.
18 MAYOR PITTMAN: That's . . .
19 MR. COOLEY: My guess is -- and if I'm not
20 mistaken, I thought Crab --
21 DR. GILLEN: They've got their alcohol
22 license, so --
23 COUNCILMEMBER FLEMING: They do?
24 MAYOR PITTMAN: They do.
25 COUNCILMEMBER ALEXANDER: From the City but

1 - actually, we got the statistics because they were
2 published in the newspaper.
3 COUNCILMEMBER PATRICK: The Dunwoody Crier.
4 I think.
5 ATTORNEY McLENDON: They were different
6 sort of things when they're giving yearly statistics
7 on it versus the full agreement and the term of the
8 agreement.
9 But renegotiating that when that comes up
10 would be something we will want to be ready for well
11 in advance and have a strategy and know all those
12 things when we go into that. I don't think it's --
13 it's one that's a multi-year agreement, so I didn't
14 know the exact year it came up but I know it's a
15 multi-year agreement.
16 ATTORNEY FELGIN: 2010 is when the agreement
17 was -- the new agreement was finalized, so somewhere
18 around 2016, '17 is when the full renegotiation with
19 respect to --
20 ATTORNEY McLENDON: That'll be a big deal.
21 COUNCILMEMBER FLEMING: Okay. And the other
22 question I have for you, Joe, I did not see on the
23 fire inspection delay sheet Front Row Seafood
24 Restaurant, so I was curious as to what's being held
25 up on that --

1 not the State.
2 MAYOR PITTMAN: The State's. It's a --
3 COUNCILMEMBER FLEMING: Oh, okay. All
4 right.
5 MAYOR PITTMAN: -- State issue. Nothing to
6 do with us --
7 COUNCILMEMBER FLEMING: Okay.
8 MAYOR PITTMAN: -- or the County.
9 COUNCILMEMBER FLEMING: Thank you.
10 MAYOR PITTMAN: Okay. Other Business? Did
11 you have anything else?
12 Mr. Cooley, thank you very much.
13 MR. COOLEY: And I assume that y'all want me
14 to -- one of us to move forward with this.
15 COUNCILMEMBER FLEMING: Move forward --
16 COUNCILMEMBER PATRICK: Yes, yes.
17 COUNCILMEMBER FLEMING: -- please.
18 MR. COOLEY: Very good. Thank you.
19 COUNCILMEMBER ALEXANDER: I did have -- If
20 we can do Other Business, I did have a comment, and
21 ironically it's on the same subject.
22 Thank you, thank you, thank you. Having had
23 a home burned on English Oak for over a year before
24 any activity has taken place on it. Unfortunately, we
25 had a house fire on English Oak this week. In less

1 than 24 hours, the house was already tagged as
2 condemned.
3 COUNCILMEMBER PATRICK: Great.
4 COUNCILMEMBER ALEXANDER: ^{And that was}
5 just -- I'm like wow. It took us over a year to get
6 something done with the other English Oak house.
7 So thank you to them for getting that taken
8 care of.
9 DR. GILLEN: They're doing a good job.
10 COUNCILMEMBER ALEXANDER: ^{It's a huge public}
11 safety issue.
12 MAYOR PITTMAN: Yeah. Absolutely.
13 Okay. Motion to adjourn?
14 COUNCILMEMBER ALEXANDER: So moved.
15 MAYOR PITTMAN: Second?
16 COUNCILMEMBER PACHUTA: 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 Fleming?
23 COUNCILMEMBER FLEMING: Yes.
24 CLERK BRYANT: Councilmember Pachuta?
25 COUNCILMEMBER PACHUTA: Yes.

1 CLERK BRYANT: Councilmember Patrick?
2 COUNCILMEMBER PATRICK: Yes.
3 MAYOR PITTMAN: Thank you. Good night.
4 (Meeting adjourned at 8:55 p.m.)
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1 C E R T I F I C A T E
2 STATE OF GEORGIA]
3 COUNTY OF DEKALB]
4 I hereby certify that the foregoing transcript
5 was taken down, as stated in the caption, and the
6 proceedings were reduced to typewriting under my
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8 I further certify that the transcript is a true
9 and correct record of the evidence given at the said
10 proceedings.
11 I further certify that I am neither a relative
12 or employee or attorney or counsel to any of the
13 parties, nor financially or otherwise interested in
14 this matter.
15 This the 26th day of November 2013.
16
17
18 Theresa Bretch, CCR
19 Permit No. B-755
20 [SEAL]
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