

In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

December 2, 2013

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

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,

December 2, 2013.

* * *

1 PROCEEDINGS

2 MAYOR PITTMAN: Meeting come to order.

3 Ms. Dean is caught up in traffic, and

4 Ms. Pachuta is not feeling well tonight and will not

5 be here.

6 Could you call the roll, please.

7 CLERK BRYANT: Councilmember Alexander?

8 COUNCILMEMBER ALEXANDER: Here.

9 CLERK BRYANT: Councilmember Bates?

10 COUNCILMEMBER BATES: Here.

11 CLERK BRYANT: Councilmember Fleming?

12 COUNCILMEMBER FLEMING: Here.

13 CLERK BRYANT: Councilmember Pachuta?

14 I'm sorry.

15 MAYOR PITTMAN: Councilmember Patrick?

16 COUNCILMEMBER PATRICK: Here.

17 MAYOR PITTMAN: Thank you.

18 Welcome to everyone. I'm glad you came out

19 for the meeting. If we could please rise for the

20 Pledge.

21 ---

22 (Pledge of Allegiance)

23 ---

24 MAYOR PITTMAN: Thank you.

25 I believe there are no minutes to approve

1 APPEARANCES:

2 Doraville City Council:

3 Mayor Donna Pittman

4 Councilmember Maria Alexander

5 Councilmember Pam Fleming

6 Councilmember Robert Patrick

7 Shawn Gillen, City Manager

8 Sandra Bryant, City Clerk

9

10 Cecil McLendon, Esquire, City Attorney

11

12 For Appellants in appeal of administrative zoning

13 determination regarding 5597 Buford Highway:

14 Dennis John Webb, Jr., Esquire

15 Robert Griest, Esquire

16 Smith, Gambrell & Russell, LLP

17 1230 Peachtree Street, N.E.

18 Atlanta, Georgia 30309

19 (404) 815-3500

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25

1 tonight. Is that correct, Sandra?

2 CLERK BRYANT: Yes.

3 MAYOR PITTMAN: And before we approve the

4 meeting agenda, I believe we have one amendment here.

5 We want to move a) to b) and b) to a).

6 COUNCILMEMBER BATES: Under 11.

7 MAYOR PITTMAN: Under 11, New Business.

8 COUNCILMEMBER ALEXANDER: So moved.

9 MAYOR PITTMAN: Second?

10 COUNCILMEMBER BATES: Second.

11 MAYOR PITTMAN: Discussion?

12 ---

13 (No response)

14 ---

15 MAYOR PITTMAN: Call the roll, please.

16 CLERK BRYANT: Councilmember Alexander?

17 COUNCILMEMBER ALEXANDER: Yes.

18 CLERK BRYANT: Councilmember Bates?

19 COUNCILMEMBER BATES: Yes.

20 CLERK BRYANT: Councilmember Fleming?

21 COUNCILMEMBER FLEMING: Yes.

22 CLERK BRYANT: Councilmember Patrick?

23 COUNCILMEMBER PATRICK: Yes.

24 MAYOR PITTMAN: Okay. Thank you.

25 Next is going to be public comment. If you

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1 wish to speak, please come to the podium and state
2 your name for the court clerk. You have three
3 minutes; anyone wishing to speak.
4 MS. CAROL GILMAN: Mayor, Council. Carol
5 Gilman, Chestnut Woods Circle in Doraville.
6 My comment relates to the Ethics Board,
7 three-person Ethics Board. One did exist. I don't
8 know if it still exists.
9 I do know that when Mrs. Crawford was
10 appointed to the Planning Commission she gave up that
11 seat on the Ethics Board, when Mrs. O'Connor qualified
12 to run for Council she had to give up her seat on the
13 Ethics Board, and I hope that the City is taking steps
14 to recruit new members to the Ethics Board.
15 At any time, a municipality or a corporation
16 certainly needs a governance unit or an ethics board
17 as part of their organizational structure. I think
18 it's relevant, important, and I believe it's priority,
19 and I'm wondering if at some point during the evening,
20 the Mayor could comment on the status of the Ethics
21 Board.
22 And really, the article in the AJC did not
23 escape my attention. I've always been interested in
24 the Ethics Board, and that article caught my eye about
25 the alleged bribery case that involves a business here

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1 in Doraville and the involvement of employees here in
2 Doraville.
3 Having said that, I would appreciate -- and
4 probably others, too -- if we could have a status
5 report on where we're going with our Ethics Board.
6 Thank you. That's my comment.
7 MAYOR PITTMAN: Thank you, Ms. Gilman.
8 We do have one person that is still on the
9 Ethics Board, and I believe Dr. Gillen and I will talk
10 and see about -- I know we were looking into several
11 different things about the Ethics Board, so --
12 Thank you.
13 MS. SUSAN FRAYSSE: Susan Fraysse, Oakcliff
14 Estates.
15 This is minor in the scheme of things but
16 it's important to the people who live on that street.
17 I'm interested in the resurfacing discussion and the
18 priorities. And the map that was included in the
19 packet online shows the street behind me, Scarlet Oak
20 Court, is sort of dark black but not distinctively
21 red, but it should be, because it is -- by ranking,
22 it's the second, third or fourth because several
23 streets are tied with a very bad ranking of 34. So I
24 just want to be sure that Scarlet Oak Court gets
25 consideration. It has really bad potholes and things,

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1 so I hope we can take care of that.
2 MAYOR PITTMAN: Okay. Thank you.
3 MS. FRAYSSE: Thanks.
4 MR. BEN CRAWFORD: Ben Crawford, Oakcliff
5 Estates.
6 One thing I'd like City Council and the
7 Mayor to entertain with the City Manager is parking
8 that's on the streets. I mean I think if you go
9 through any neighborhood, you can see if somebody's
10 having a cardiac arrest or a fire, hey, tough luck.
11 They either have a heart attack and die or the house
12 burns down.
13 I mean, you know, it's not just the holiday
14 season. I can see during the holiday seasons and
15 stuff, but when you've got, no exaggeration, 25 cars
16 parked on both sides of the street and you got barely
17 enough room for a car to get through, what happens
18 when you've got to get a fire engine through or an
19 ambulance through?
20 So this is something I think that needs to
21 be addressed. It's something that we've -- it's been
22 kind of the red herring in the community for a whole
23 bunch of years, and there's been no logical approach
24 to it, but I think it's time that the City does take
25 some kind of logical approach to it and find ways to

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1 work this out for all the neighborhoods in the city.
2 Thank you.
3 MR. JOHN MALONEY: John Maloney,
4 3522 Stewart Road.
5 I'd like to speak against agenda item no.
6 11(a), the annexation. As I've said before, I'm
7 against any annexation no matter how large or how
8 small until we get what -- until we get our city
9 cleaned up and fixed up, I don't see why we want to
10 take on any more problems, so I'd like to go on the
11 record as being against it.
12 Thank you.
13 MAYOR PITTMAN: Thank you.
14 Anyone else wishing to speak?
15 - - -
16 (No response)
17 - - -
18 MAYOR PITTMAN: Okay. We're going to close
19 the public comment portion.
20 There is no consent agenda tonight and
21 there's no organizational and procedural items.
22 We're going to move into Reports and
23 Presentations and Dr. Gillen.
24 DR. SHAWN GILLEN: Thank you, Mayor and
25 Council. I'll be very brief because I think you-all

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1 want to hear from Rip and from Steven tonight a lot
2 more than what you hear by me.
3 But I wanted to talk about one specific item
4 that we had coming today is the RFPs for the finance
5 software was to be in today, and I think the last
6 count I had 8, 8 proposals. So we'll be evaluating
7 those and we'll be bringing back recommendations on
8 those evaluations -- on those proposals in January for
9 you to consider.
10 So that's all I have for tonight without
11 boring you to death with lots of stuff, but I'll let
12 you move on to Rip and Steven.
13 MAYOR PITTMAN: Rip?
14 MR. RIP ROBERTSON: Good evening, Mayor,
15 Councilmembers. I just have a just a quick page that
16 I'll let y'all pass. It's just some notes that I want
17 to kind of go over on this quick update for the
18 department.
19 As I think everybody knows, we just
20 completed our annual 5K race and the annual tree
21 lighting on Saturday, and we actually increased -- we
22 more than doubled our participants in the 5K race, so
23 I thought that was very good.
24 And the crowd at the Mayor's Christmas Tree
25 Lighting was, I thought, pretty exceptional. We

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1 increased the -- just the kids' photos by more than 60
2 percent, so almost doubled the number of kids that we
3 had come and see Santa. And I'm sure anybody that was
4 here had a good time that night, and I appreciate
5 everybody coming out and supporting that -- that
6 event.
7 - - -
8 (Councilmember Dean arrives.)
9 - - -
10 MR. ROBERTSON: Just under regular or
11 recreation programs, our karate program has more than
12 doubled over the last few months. We went from
13 hosting about three classes a week to eight classes a
14 week, so it's a very growing and very popular activity
15 there at the gym.
16 I think many people know that we started a
17 Zumba class probably four or five months ago, and it's
18 going very well. The instructor is actually a -- a
19 Doraville citizen, and she has done a -- a very good
20 job of attracting class participation in that.
21 We just completed the youth football season,
22 and getting started with basketball practices. We'll
23 start tomorrow night. We have first game beginning
24 December 14th, so two weeks from last Saturday.
25 Over the last few months we've completed

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1 several projects, the biggest one being here at City
2 Hall. As I'm sure everybody that has been in and out
3 of City Hall has recognized some of the changes that
4 we made here to accommodate, you know, the movement of
5 some city employees so we could house everybody here
6 at City Hall, and I think they were productive
7 changes.
8 And then we just finished a air conditioning
9 -- heating and air conditioning project over at the
10 P.D. for the new I.T. server room. We were having
11 some problems with that room overheating, and the
12 existing system just was not big enough to cool that
13 system down and -- and we were in danger of having our
14 system shut down, which could have been catastrophic.
15 So just completed that.
16 Probably the biggest thing we've done this
17 year is implemented our new work order system,
18 Facility Dude, and what I'm going to do is I'm
19 actually going to log in and just give a very brief
20 demonstration of how this works. It's actually --
21 My apologies. Okay. There we go.
22 What this system does is it enables us to
23 track the productivity of what we do on a daily basis.
24 Our Public Works department is very busy and they work
25 very hard, and it was difficult to track what these

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1 guys do on a daily basis. So with the assistance of
2 our new City Manager, went out and found a -- a system
3 that we could utilize very quickly and be able to
4 track and project costs for material, equipment and
5 employees.
6 So it's a very good system, very simple. We
7 were able to implement it in just a matter of weeks,
8 and all of the guys in Public Works now carry a small
9 Galaxy tablet that they can receive work orders
10 throughout the day and not have to wait for somebody
11 to call them to tell them what to do and where to go
12 and that -- that kind of thing.
13 But it's as simple as going in, logging in,
14 and then most of the work is done -- I apologize; I'm
15 not used to this.
16 We have entered every street -- boy, this
17 is not . . . If I had a mouse, it would ... Hm.
18 There we go -- every building, every park, and so it's
19 a matter of just going in and working through the
20 drop-down. Let's see. I'm going to enter a short...
21 And then you -- I'm able to enter a short description,
22 install -- and then it's assigned. I generally assign
23 -- anything that I enter and anything that comes
24 across my desk, I assign it to Joey, and he's able to
25 assign it directly to one of the technicians, and

1 they're able to go out and do the work. And
2 that's ...that's what we do. It actually takes less
3 time than that when I have a little mouse.

4 But we also have -- this is work-order
5 generated by requesters, and then we also have a
6 preventive or a maintenance -- preventive maintenance
7 side where we have automatically-generated work that
8 we do over and over: changing the filters in the
9 HVAC, grass cutting, the first and third Monday with
10 the clam truck that goes around the city. Those are
11 generated, and they go directly to the responsible
12 individual so they know exactly what they're doing.
13 And they normally generate the day before, so when the
14 employees come in, they know exactly what they're ding
15 that day and so they're not waiting around for
16 somebody to come up and -- and, you know, assign them
17 work.

18 That's really, you know, what we've done,
19 you know. Any questions or comments?

20 COUNCILMEMBER BATES: What's the reporting
21 side look like?

22 MR. ROBERTSON: Actually, we're working on
23 that right now. I'm working with Facility Dude in
24 trying to generate cost reports, hourly reports,
25 equipment reporting. I'm just working through that

1 right now.

2 MAYOR PITTMAN: Okay. Ms. Alexander?

3 MR. ROBERTSON: I'm actually scheduled to
4 attend Facility Dude University early next year.

5 MAYOR PITTMAN: Okay.

6 COUNCILMEMBER FLEMING: What about the
7 street sweeper for the leaves?

8 MR. ROBERTSON: That is also on there the
9 same as the clam truck. It --

10 COUNCILMEMBER FLEMING: I mean is it the
11 first and third? because I don't know what --

12 MR. ROBERTSON: It's on --

13 COUNCILMEMBER FLEMING: -- the schedule is.

14 MR. ROBERTSON: -- the second and fourth
15 Mondays.

16 COUNCILMEMBER FLEMING: Second and fourth.

17 MR. ROBERTSON: Yes, ma'am. Yes, ma'am.

18 MAYOR PITTMAN: Mr. Patrick, do you have
19 anything?

20 COUNCILMEMBER PATRICK: No questions.

21 MAYOR PITTMAN: Ms. Dean?

22 COUNCILMEMBER DEAN: I'm good.

23 MAYOR PITTMAN: Thank you very much. We
24 really appreciate your work.

25 COUNCILMEMBER BATES: Glad to have the work

1 order system in place.

2 MR. ROBERTSON: Absolutely.

3 MAYOR PITTMAN: That's really good.

4 MAYOR PITTMAN: Okay. Mr. Strickland.

5 MR. STRICKLAND: Evening, Mayor and Council.

6 There's always been questions about our
7 stormwater inventory and what is it, what does it kind
8 of look like. And it is GIS-based, and you can really
9 kind of get into the -- the nuts and bolts. Winds up
10 in an Access program, which is bigger than Excel. It
11 has a lot of information in there -- depths, lengths.
12 We took stabs at the date it was installed, so on and
13 so forth, but for the most part, to simplify it.

14 And what people want to look at and what I
15 asked them to provide for us was the inventory on GIS
16 overlaid on aerial photos so you could see where it is
17 in relationship to the street, in relationship to the
18 houses, and it's -- it's very accurate now. GIS used
19 to be, you know, within 20 feet, and I think they're
20 now down to three feet if not even -- even more
21 accurate.

22 So when people ask about the inventory and
23 what does it look like, what they did was is we have
24 the -- the city in an overall map. And then by land
25 lot, when you get down to a land lot there's 11 maps

1 that encompass the city. That does not include the
2 annexed areas that we did at a later date that are
3 kind of separate at this point but will eventually be
4 all put together when we have our own GIS system.

5 Now, once you have -- once the map comes up,
6 as you can see in looking at the entire city --

7 Where is that? Nope. Yeah, Rip's right.

8 This is a lot different than a -- than a mouse.

9 COUNCILMEMBER ALEXANDER: We had a mouse.

10 MR. STRICKLAND: But if you -- you're
11 looking at our stormwater infrastructure for the
12 entire city. And if you keep going down, it's -- it's
13 everything that you see in red and yellow and green,
14 it's all color-coded and it's also by symbol, and one
15 of these maps will have the -- and then when you get
16 to the bottom, you have the legend.

17 But I do believe this is a bit -- can be a
18 bit overwhelming to look at the city all at one time.
19 So if a citizen is asking about it, they're probably
20 going to ask about a particular street, or where is
21 the storm system closest to my house, or I want to
22 look at my neighborhood.

23 Oakcliff of course is broken up kind of
24 north and south. So I want to look at north Oakcliff,
25 I want to look at south Oakcliff, and then of course

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1 what this should do -- and like on my computer, it's
2 actually a PDF. And what it does at the bottom is it
3 pulls up where you can zoom in and zoom out. So even
4 on this map, you could zoom in and zoom out, but
5 again, there's -- it's broken up into 11 maps.
6 So let's say somebody comes in and, you
7 know, I want to see my street and everything around
8 it. So somebody just pick a neighborhood or a street
9 that you would actually like to look at, and I'm going
10 to have to --
11 So any street or neighborhood --
12 COUNCILMEMBER DEAN: McClave?
13 MR. STRICKLAND: McClave?
14 COUNCILMEMBER DEAN: Uh-huh.
15 MR. STRICKLAND: Okay. Northwoods is Map 1.
16 And as you can see, McClave starts right here and
17 comes down, and the system that we've been -- we've
18 been looking at is right in here.
19 But if it doesn't -- I don't know if a right
20 click will bring up the -- down here at the bottom
21 where you can actually zoom in. It usually pops up
22 when you just put it -- put it on there. And if not,
23 you can always go up here. We're at 50 percent. And
24 if somebody can confirm that's the plus?
25 UNIDENTIFIED SPEAKER: Yes.

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1 MR. STRICKLAND: Okay. So here you can
2 start zooming in, and then being that it's a -- that
3 it's a PDF, you have to come down here and actually
4 grab this and move over. But as you can see, that
5 part of McClave that we've been studying is right
6 there, and then you can zoom in some more, and then
7 from there, you could actually import this into a Word
8 document and print out exactly, you know.
9 And at this resolution, as you start zooming
10 in more and more, the pixels will start -- the pixels
11 for the aerial photos will start to blur, but what you
12 see as far as our inventory in the GIS, you can make
13 that as big or small as you want, and it's still going
14 to.
15 So you could start seeing the -- Of course
16 the road is in orange. You could start seeing the
17 houses. And with this with this particular system,
18 seeing how it actually starts behind the houses, comes
19 down here, starts going underneath the driveways,
20 makes it to the front of the house. It's still in the
21 front yards, comes down. This is now open, back into
22 a structure, and then it finally crosses the road.
23 Those two red dots right there are catch
24 basins. That's where it goes under the road. And
25 it's also -- if you could see that, it's a closed

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1 system from that point all the way -- all the way down
2 to the outfall which is again -- see, this is going
3 through front yards under the driveway; it finally
4 makes it to the side of the house, the back of the
5 house, and then it outfalls again back here at the
6 creek (indicating).
7 And so you could keep zooming in, you could
8 crop it however you want, and basically you're looking
9 at the part of the stormwater system that whoever it
10 is is interested in can come in and just look at.
11 So if you had a -- you know, this gentleman
12 here on the corner saying, Okay. I got a sink hole,
13 but I want to see the whole system. And we go back
14 and explain, Well, this is the system as it comes onto
15 your property, where it starts, where it stops, what
16 it's made up of, and you know, where does it
17 ultimately outfall. That's going to be helpful if we
18 ever have any type of spill.
19 It's one of the reasons for these
20 inventories is, Okay. We've had a spill at this
21 point. As you could see, the conveyances all have
22 arrows on them showing the direction. And so if we
23 had a spill somewhere and say, Okay. We need to go to
24 the nearest outfall so we can start containing it and
25 doing the cleanup, and what else is tying in, you

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1 know, where does the creek come in, where does --
2 As you could see on McClave right up here,
3 you have a whole 'nother system that comes in and ties
4 in together. So these two come together, where do
5 they come together, where is the -- you know, where is
6 the ultimate beginning of this system? You know,
7 here, this, you know -- to find out that we're
8 actually getting water here that's starting at the
9 MARTA station or starting on Shallowford Road or, you
10 know, are we getting water off of Buford Highway?
11 You can basically -- since you've got your entire
12 system, and you could look at whatever parts you want,
13 make it as big or small as you want.
14 And then ultimately when we have our own GIS
15 software, you start putting this stuff in with all the
16 other layers -- turn on, turn off, whatever -- you
17 know, you basically -- The good thing about it is it's
18 digital, so you get to look at whatever you want to
19 look at, whatever scale, whatever size; you can crop
20 it, blow it up, make it smaller, you know, and just --
21 as opposed to a paper map, it just makes it very kind
22 of versatile.
23 And that was basically just their -- like I
24 said, there have been questions as to what we have as
25 far as our inventory: What's it look like? How can

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1 we use it, you know, but what does it look like if we
2 overlay it onto an aerial photo to actually see it?
3 And in the same regard, somebody comes in
4 and says, Well, I live on Lambeth Circle. I want to
5 know, you know, where are the structures on Lambeth
6 Circle, and we can tell them, There are none. All of
7 your water is going to make it, you know, to another
8 street, go down the street, and then finally find, you
9 know, the nearest catch basin that's going to start
10 the stormwater system.
11 We have a lot of streets that they have
12 nothing on it; they just -- the water runs to the next
13 street.
14 So that's -- I just wanted to show that and
15 see if anyone had any questions or, you know, what
16 data do we actually have, because we have what's the
17 XY and the Z. We have the depths of the inverts to
18 tell us how deep these pipes are because, as you know,
19 replacing a pipe that's 5 feet in the ground is a lot
20 different than replacing a pipe that's 40 feet in the
21 ground.
22 MAYOR PITTMAN: Okay. Ms. Alexander, did
23 you have any questions?
24 COUNCILMEMBER ALEXANDER: No, ma'am. Thank
25 you.

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1 MAYOR PITTMAN: Mr. Bates?
2 COUNCILMEMBER BATES: (Shakes head)
3 MAYOR PITTMAN: Mr. Patrick?
4 COUNCILMEMBER PATRICK: Just I hope that we
5 could put that on the Web, City Web site --
6 MR. STRICKLAND: Okay.
7 COUNCILMEMBER PATRICK: -- so that's at
8 least accessible for the residents and they can have a
9 little knowledge in deciding --
10 MR. STRICKLAND: Yeah.
11 COUNCILMEMBER PATRICK: -- what's or
12 understanding what's in their community.
13 MR. STRICKLAND: Yeah. And keep in mind,
14 you know, any -- any resident that wants a copy of the
15 system, you know, again, I want my house or my street
16 or my part of the neighborhood, we can -- we can make
17 this any size that they want.
18 COUNCILMEMBER PATRICK: Great. Thank you.
19 MAYOR PITTMAN: Okay. Ms. Fleming?
20 COUNCILMEMBER FLEMING: No.
21 MAYOR PITTMAN: Ms. Dean?
22 COUNCILMEMBER DEAN: Oh, no. My comment was
23 exactly what Mr. Patrick said. Just I think it would
24 be great to have it online on the City Web site so
25 anyone who wants to can access it. And they might not

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1 have questions with their particular house but maybe,
2 Where is this coming from? Why do I constantly have
3 this problem? And I think that would save us a couple
4 of phone calls.
5 MAYOR PITTMAN: Okay, Mr. Strickland, thank
6 you very much.
7 MR. STRICKLAND: All right. Thank y'all.
8 COUNCILMEMBER PATRICK: Thank you.
9 MAYOR PITTMAN: I appreciate it.
10 Ms. Dean, welcome. And for the record, we
11 have moved -- under 11, New Business, we have moved b)
12 to a) and a) to b).
13 COUNCILMEMBER DEAN: Okay.
14 MAYOR PITTMAN: Okay. Next on the agenda is
15 unfinished business, Resurfacing 2014, Dr. Gillen.
16 DR. GILLEN: All right. Thank you, Mayor
17 and Council. My turn to mess around with the screen
18 here, so let's see; just going to pull this up.
19 Y'all had the inventory sent to you and the
20 list of streets that have been ranked by Dekalb County
21 as far as how bad they were, and we informed you last
22 week that the use of the LMIG funds doesn't require us
23 to follow that list in detail. That means we don't
24 have to go by their highest priorities. So these are
25 the streets that they listed as having deterioration

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1 to a certain level according to their -- their method
2 of analyzing the streets.
3 So we sent the information out to you and
4 requested that you send us back a couple of different
5 scenarios: if we had funding for a mile and a half
6 and we're saying about a hundred thousand dollars a
7 mile, or if we had funding for three miles, which
8 would be about 300,000, which were your priority
9 streets to fund under this.
10 I compiled the information. I had four
11 Councilmembers get their information back to me. I
12 know it was a short week with Thanksgiving and
13 everything. But the top vote getters were Green Oak
14 Drive and Peachtree Square. All four Councilmembers
15 that responded wanted those. And then there's a list
16 of streets that two Councilmembers of the four wish to
17 have: Stewart Road, Chicopee, Clay Drive, Glenda Way,
18 Autumn Drive, Clearwater Place, Doral Drive.
19 And as you can see over here, Winters Chapel
20 Road had two votes too. I set that one to the side
21 for one particular reason: It's a very big project,
22 it's four lanes, and it's going to be very expensive.
23 So we might want to consider that and having that in
24 its own year as we prioritize that, because we're
25 estimating about \$100,000 a mile. But if we did, that

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1 wouldn't be the case with Winters Chapel; it would be
2 more expensive than that per mile simply because it's
3 a larger road.
4 The rest of ones that were prioritized, one
5 Councilmember voted for each of the rest.
6 So with that scenario up top, we've got
7 three miles' worth of streets that either had four or
8 two Councilmembers vote for or prioritize in their --
9 in the materials. It doesn't mean those are the ones
10 we have to do.
11 What we're going to have to do by the end of
12 the year is certify with GDOT which streets we're
13 going to use the LMIG money for, because we did that a
14 year ago, then we didn't do the projects. There was
15 some disagreement about which -- about the streets
16 that were listed and we didn't want to do them.
17 So we had the \$55,000 in LMIG money from
18 last year that wasn't spent and they're allowing us to
19 roll it over this one time. They don't like us to do
20 that; they want us to spend the money each year.
21 So we're going to have about \$67,000 coming
22 in the next year because of the annexation. So my
23 quick math, is that 122? \$122,000 that will be spent
24 with LMIG money alone. And what we're recommending is
25 we add to that with General Fund; there has to be a

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1 match. And we're recommending that we add to that
2 from the General Fund to the tune of either \$150,000
3 or \$300,000.
4 It's a jump-start on a lot of the streets.
5 Our streets are deteriorating; we need to get ahead of
6 the game here. So we're recommending that we could
7 afford up to \$300,000 we think in this first year to
8 do these streets -- that's adding on about \$178,000 to
9 the 122 that we have of LMIG dollars -- so we would
10 have the match in place and so we could do up to three
11 miles.
12 So what we would be recommending is instead
13 of turning those dollars over to Dekalb County to do
14 the contracting for us, that we would hire an
15 engineering firm, that we do a bid process and
16 contract the project ourselves and get the ball
17 rolling as soon as possible when construction season
18 begins.
19 So basically tonight we're looking for
20 guidance on if we could do up to three miles, which
21 roads would you want to do so we can get that
22 certified with GDOT.
23 COUNCILMEMBER DEAN: I need one thing
24 clarified first.
25 DR. GILLEN: Go ahead.

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1 COUNCILMEMBER DEAN: And this goes back to -
2 - back to last year's LMIG --
3 DR. GILLEN: Yes, ma'am.
4 COUNCILMEMBER DEAN: -- grant.
5 Okay. Now, I have a document dated January
6 29th, 2013, and it was for two specific roads. My
7 question is, Who authorized doing this for these two
8 roads? And here's -- here's -- And I have a big
9 issue; I have a huge issue with this.
10 Okay. This project totals \$113,000 -- one
11 hundred thousand thirteen/six hundred and fifty
12 dollars and seventy-five cents, and our grant amount
13 based on the formula, which is one third --
14 DR. GILLEN: Right.
15 COUNCILMEMBER DEAN: -- population, two
16 thirds roads or mileage, requires that we pay -- the
17 formula was \$55,251, so that's how much our grant was
18 last year. Because -- because this region did not
19 vote yes on the Transportation Investment Act; right?
20 we have to match -- we have to pay 30 percent of that,
21 which brings that amount to -- which brings our amount
22 to \$16,567.49. Okay. That gives us \$71,827.11,
23 leaving an additional amount of \$41,823.64 required to
24 complete the project that we submitted to GDOT. Now,
25 that is a total cost to the City of \$58,391.13.

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1 My question here is, Who authorized even
2 pursuing this?
3 DR. GILLEN: I don't know. That was prior
4 to my arrival, but it was --
5 COUNCILMEMBER DEAN: Does someone in this
6 room know?
7 DR. GILLEN: I don't know how the process
8 worked before.
9 COUNCILMEMBER DEAN: I know, but somebody in
10 this room might know --
11 DR. GILLEN: I know, but the other --
12 COUNCILMEMBER DEAN: -- so I'm just asking
13 to have my question answered.
14 MR. LUKE HOWE: Yes, ma'am. The way it was
15 done in the past was that you had to submit the worst-
16 rated roads. They've changed the rule since then.
17 So the way that Mayor Jenkins used to do it
18 is he would -- he would authorize it himself because
19 it didn't make any sense to make it a public matter,
20 because you had to go in order; you had to go from
21 worst, second worst, third worst.
22 COUNCILMEMBER DEAN: But this isn't --
23 MR. HOWE: So --
24 COUNCILMEMBER DEAN: -- free to the City.
25 MR. HOWE: Right.

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1 COUNCILMEMBER DEAN: We have to pay
2 something, thousands and thousands of dollars, so that
3 my point is, by doing this, you are saying, Okay. We
4 are willing to spend in this case not just \$16,000,
5 16-plus thousand dollars, but \$58,391 of taxpayer
6 money.
7 MR. HOWE: Well, right or wrong, that's the
8 way he did it. I'm not defending it or advocating for
9 it but that's the way he did things.
10 When Dr. Gillen came along, we've brought it
11 before the Council, so --
12 DR. GILLEN: Right.
13 MR. HOWE: -- it doesn't make any difference
14 to --
15 COUNCILMEMBER DEAN: Well, this wasn't --
16 this wasn't Major Jenkins; this was Mayor Pittman who
17 signed off on this.
18 MR. HOWE: Right.
19 Well, yeah, I went to Mayor Pittman with
20 that, and I recommended it, and she signed it. So you
21 know, I --
22 COUNCILMEMBER DEAN: Without coming before
23 Council.
24 Well, here's -- My other question is that at
25 the end of the year, you have to send certification

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1 that the work is either in progress or has been
2 completed.
3 MR. HOWE: Well, we have a verifica- -- we
4 have it on record with GDOT saying, you know, it's
5 fine to roll over the allocation from 2013 to 2014 and
6 combine those.
7 COUNCILMEMBER DEAN: Well, then -- then my
8 other question is that there are many other possible
9 uses for this money.
10 MR. HOWE: Yes. You know, according to the
11 law and the new rules -- Under the old rules for LARP,
12 you had to spend it on resurfacing.
13 COUNCILMEMBER DEAN: Right. And that's not
14 the case I have in front of me here.
15 MR. HOWE: Right.
16 COUNCILMEMBER DEAN: You could do it for
17 construction supervision and inspection, utility
18 adjustments, patching, leveling and resurfacing;
19 grading drainage base and paving existing new roads;
20 replacing storm drain pipe or culverts; intersection
21 improvements, turn lanes, bridge repair or replace-
22 ment, sidewalk adjacent within right-of-way to a
23 public roadway or street, roadway signs, striping,
24 guard rail installation, signal installation or
25 improvement, aggregate surface course for dirt road

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1 maintenance.
2 Now, see, this is a lot more complex than,
3 Hey, you know, you guys choose a road that you want
4 repaved.
5 MR. HOWE: Yes, ma'am. The new rules for
6 LMIG are different. Anything --
7 COUNCILMEMBER DEAN: But this is -- I got
8 this today; in fact I spoke to GDOT today.
9 MR. HOWE: Correct.
10 COUNCILMEMBER DEAN: This says these are the
11 new rules.
12 MR. HOWE: Correct. Anything that can
13 legally -- you can legally spend with gas tax money
14 qualifies. But there are other grant programs that
15 you can use for sidewalks, for intersection
16 improvements. There's Stormwater money that you can
17 use for -- for curb-and-gutter and stormwater
18 infrastructure.
19 So there's really not a dedicated funding
20 source or a grant program for resurfacing, so I would
21 recommend that you continue to use this allocation for
22 resurfacing.
23 COUNCILMEMBER DEAN: Here's -- here's my
24 other: Who in the City is qualified to choose those
25 roads? because there are a lot of considerations. For

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1 example, we wouldn't want to repave a road that has a
2 storm drain under it that needs to be replaced, and we
3 are in the process of looking at these things now,
4 or -- or other considerations. I mean there are lots
5 of considerations when determining whether or not a
6 road is going to be repaved other than just this is
7 bumpy.
8 MR. HOWE: Well, we're just -- we're getting
9 in facts, ma'am, and that's -- that's what Dekalb
10 County does, that's what we -- that's what our
11 citizens paid them --
12 COUNCILMEMBER DEAN: Okay.
13 MR. HOWE: -- for, is they have the
14 equipment, they have the tools to -- to -- to rate
15 these roads, and there's not a lot of interpretation
16 involved. I mean it's a computerized process that --
17 that scores these roads and --
18 COUNCILMEMBER DEAN: That rates the roads --
19 MR. HOWE: -- and produces the reports.
20 COUNCILMEMBER DEAN: -- based on 12 factors.
21 I know. I saw the 12 factors upon which this rating
22 is based, but here is -- to bring it back, right, we
23 have this free money, only it's not really free,
24 because it's going to cost us 30 percent; right? at
25 least.

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1 The other thing is with all of the things
2 that we have going on: The library. I strongly feel
3 that the library needs to at least become ADA-
4 compliant. And so when we're talking about these --
5 these -- these funds, I mean it's like, Oh, well, this
6 is what -- let's just take, you know, this money and
7 fix these roads because we need to fix these roads.
8 We have a lot of other things in the city
9 that could be fixed. And so again, I think that when
10 we say we have this grant, it's not free. It's 30
11 percent; it's a 30-percent match for the 55,000 or
12 whatever that is.
13 MR. HOWE: Well, before, if it -- the
14 advantage to using Dekalb County is that the law says
15 under the new LMIG and not the LARP regulations is
16 that the local governments' labor and equipment
17 mobilization cost can be used towards the match.
18 And that was the advantage of going with
19 Dekalb is that whatever it cost for them to get
20 material and supplies out there, and -- and the labor
21 involved couldn't be counted towards our match. So
22 that was our dilemma in previous years. We never had
23 a budget for resurfacing, so we had to be creative and
24 we had to use Dekalb's labor.
25 The problem with using Dekalb is it costs --

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1 they're charging about \$55,000 just to do a third of a
2 mile. You know, no engineer that I've talked to
3 agrees with those numbers. So there's -- I don't want
4 to speculate but it appears to be some inflating. So
5 I think we could get more done --
6 DR. GILLEN: Uh-huh.
7 MR. HOWE: -- if we contract this out and go
8 with the lowest bidder. But the caveat is we have
9 to -- you know, we have to come up with the 30
10 percent.
11 COUNCILMEMBER DEAN: Well, here is -- and
12 here is -- and I'm glad you brought that up because
13 with a --
14 How did you come up with the 10 to 30 dollar
15 figure --
16 MR. HOWE: Ma'am --
17 COUNCILMEMBER DEAN: -- per linear foot?
18 MR. HOWE: -- that's a standard engineering
19 estimate. It could be anywhere from 10 to -- to 30
20 dollars per linear foot depending on, you know, if
21 potholes have to be filled or any patching has to be
22 done prior to, and that's for a standard 24-foot-wide
23 road.
24 COUNCILMEMBER DEAN: On Dekalb County --
25 Well, here you said the standard is 48 feet

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1 for a two-lane road, and I thought that that was --
2 that was kind of wide.
3 MR. HOWE: No. It would be 12 -- 12 feet
4 for each lane, so this is just a 2-lane road --
5 COUNCILMEMBER DEAN: So a 2-lane --
6 MR. HOWE: -- is what that reflects.
7 COUNCILMEMBER DEAN: -- road is not 48 feet;
8 it's more like 20 feet?
9 MR. HOWE: It's more.
10 DR. GILLEN: It's 24.
11 MR. HOWE: You know, a 40-foot -- 48-foot-
12 wide road would be -- would be about four lanes.
13 COUNCILMEMBER DEAN: Right here it says for
14 a 2-lane, parentheses, 48-foot width street.
15 MR. HOWE: That's a typo. It's just --
16 COUNCILMEMBER DEAN: Okay. And then on
17 Dekalb County, for example -- and you raise this --
18 they said they estimate between \$300,000 to \$400,000
19 for a linear mile.
20 If there are 5,280 feet per mile, that would
21 make it \$56.82 to \$75.76 per linear foot, and that's a
22 huge difference, and that's why --
23 DR. GILLEN: And we won't know the actual
24 linear-foot cost until the bids go out and you get the
25 pricing back, and that'll fluctuate with the price of

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1 oil, to be honest with you --
2 COUNCILMEMBER DEAN: Right.
3 DR. GILLEN: -- because it --
4 COUNCILMEMBER DEAN: Well, and then -- then
5 my concern is this: If we say yes, go ahead and do
6 this for \$150,000 or whatever that is and then you
7 come back and you say, Oh -- because this happens
8 quite frequently here -- Oh. Well, you know, it's
9 actually going to cost us \$50,000 more or \$100,000
10 more, and they've already started it. We'd really
11 recommend that you continue with this project even at
12 the great cost.
13 Then what --
14 DR. GILLEN: We wouldn't --
15 COUNCILMEMBER DEAN: -- what happens then?
16 DR. GILLEN: We wouldn't be starting a
17 project until we approved with the -- at the pricing
18 and the bid, number one.
19 Number two, we can't control the pricing
20 either, so we would have to either scale back the
21 project or add dollars to it if the pricing came in
22 higher than we expected.
23 COUNCILMEMBER DEAN: Oh.
24 DR. GILLEN: And what we're looking for
25 tonight is, Do you want to pave streets? If you want

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1 to pave them, the LMIG money can be used for that.
2 We recommend that you do use it for that
3 because there's very -- very little else you can use
4 it for. It's either -- looks like things within the
5 right-of-way is what they're talking about.
6 COUNCILMEMBER DEAN: No, but there are -- I
7 mean even like even the intersection improvements, I
8 mean, that's on Buford Highway. There are -- there
9 are accidents there all the time. I mean that's a
10 nightmare.
11 DR. GILLEN: I'm not sure we can use it on
12 Buford Highway because it's state -- a state road, I
13 would assume.
14 MR. HOWE: It's a state route, but you're
15 talking about an enormous cost and we have, you know,
16 a little -- not quite \$125,000 to work with.
17 So you know, we got a lot to do, there's --
18 there's no question. I -- I agree with you. But you
19 know, if it's been identified in our LCI, been
20 qualified for the LCI funding. There's also SRTA
21 programs, there's other GDOT grant programs that we
22 can use or leverage to pay for sidewalks, intersection
23 improvements, things of that nature. Anything storm-
24 water-related can come out of the Stormwater fund.
25 But you can't get a grant to resurface a

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1 road, not -- not a traditional grant program, so I
2 would recommend that we continue to use it for
3 resurfacing, and that's what most cities have
4 continued to do.
5 COUNCILMEMBER DEAN: Yeah, but like I said,
6 it really disturbs me that the way it used to be done
7 was done that way at all and in fact was carried over
8 all the way to 2013, and that -- and that's --
9 that's -- that's very disturbing to me, because how
10 many other projects like this have been done that way,
11 that thousands upon thousands of dollars of taxpayers'
12 money. I mean that's --
13 DR. GILLEN: And I can't --
14 COUNCILMEMBER DEAN: -- a problem.
15 DR. GILLEN: We can't speak to that. I -- I
16 wasn't even here.
17 But what I can --
18 COUNCILMEMBER DEAN: I know you --
19 DR. GILLEN: -- say to you now --
20 COUNCILMEMBER DEAN: -- weren't here, but
21 there are some people --
22 DR. GILLEN: -- is we want the --
23 COUNCILMEMBER DEAN: -- in the room who were
24 here. I understand you weren't here.
25 DR. GILLEN: We would like the Council's

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1 input on what streets get paved.
2 COUNCILMEMBER DEAN: Okay.
3 DR. GILLEN: I wouldn't --
4 COUNCILMEMBER DEAN: Well, see, I'm not --
5 DR. GILLEN: -- want to move forward with
6 that.
7 COUNCILMEMBER DEAN: -- in favor with that
8 at all, so there's another option there. I'm not in
9 favor until I know more about this; for example, what
10 qualifies these streets. Because I don't know who
11 here, who in the City says, Okay. This road needs to
12 be paved.
13 Based on what? I mean based on --
14 DR. GILLEN: Right.
15 COUNCILMEMBER DEAN: -- on the numbers that
16 we're not really paying attention to and what other
17 work has to be done, because if it's 10 to 30 dollars
18 just to repave a road, there is also other work that
19 has to be done before the repaving is done.
20 DR. GILLEN: Right.
21 COUNCILMEMBER DEAN: Is that correct?
22 DR. GILLEN: I agree. If for instance there
23 was a stormwater project that you guys picked the road
24 that the stormwater project is in our CIP, we would be
25 recommending that we move that CIP project to that

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1 same year and do it at the same time. But we won't
2 know that until we select the streets that we want to
3 do.
4 And so what we're recommending to you and as
5 we showed you in the CIP earlier, that we would like
6 to see, you know, us get ahead of the game here and
7 get -- because our streets -- we're getting behind the
8 8-ball on street repaving. We can't do it at \$55,000
9 or even \$67,000 a year and keep up. We have to put
10 some General Fund dollars into that, and that's our
11 recommendation in the CIP.
12 So we need to certify at least \$122,000
13 worth of streets which is a mile to a mile and a half.
14 So we need to go to GDOT and tell them, Here's what we
15 want to do next year, and then bring back the projects
16 and move forward with those projects, because,
17 otherwise, they're going to not let us do this again.
18 We've rolled it over one year, and they're not going
19 to let it happen again or we're going to lose
20 \$122,000.
21 COUNCILMEMBER DEAN: Uh-huh.
22 DR. GILLEN: So that's -- that's what we're
23 looking for tonight is your input on which streets
24 you'd like to see paved.
25 I'm not an engineer either.

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1 COUNCILMEMBER DEAN: Uh-huh.
2 DR. GILLEN: Dekalb has listed under their
3 analysis what's the worst streets by their numerical
4 system. You don't have to go by that, but it can be a
5 factor in your decision-making.
6 I don't think you're going to get it wrong
7 because we're going to do this again next year, come
8 back and do some more streets. So if you don't --
9 you're not going to mess up b not selecting the right
10 street or wrong street. There's no right or wrong,
11 really. It's --
12 COUNCILMEMBER DEAN: So what about -- what
13 about just going through the city and filling the pot
14 holes? Could we use --
15 DR. GILLEN: That in itself --
16 COUNCILMEMBER DEAN: -- this money for that?
17 DR. GILLEN: -- is a completely different
18 subject that we need to discuss when we think about
19 the SDS, the Service Delivery Strategy.
20 COUNCILMEMBER DEAN: Okay, but could --
21 DR. GILLEN: That is ongoing maintenance
22 work.
23 COUNCILMEMBER DEAN: All right. Could
24 this -- could this money help with that project?
25 DR. GILLEN: Right now, you've got a millage

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1 rate that goes to Dekalb County that's supposed to be
2 paying for that, so I wouldn't -- I would think we'd
3 want to deal with that issue separately --
4 COUNCILMEMBER DEAN: Well, but now --
5 DR. GILLEN: -- because it's a maintenance.
6 COUNCILMEMBER DEAN: -- it's not -- it's not
7 being dealt with at all even on City property. The
8 road down to the pool, there's a huge pothole that has
9 flattened at least one tire.
10 And so I'm just trying to look in practical
11 terms, something that -- We do have a lot of potholes;
12 we all know we have a lot of potholes.
13 DR. GILLEN: Yes, ma'am.
14 COUNCILMEMBER DEAN: If we take this money
15 and say, Okay. We're going to do something general
16 and just repair what we have, could we do that with
17 this money?
18 MR. HOWE: You can.
19 DR. GILLEN: I think so, yeah.
20 COUNCILMEMBER DEAN: Okay.
21 DR. GILLEN: But the best way to prevent pot
22 holes is to get a very aggressive paving project
23 underway and get a program that's recurring every year
24 so we don't let the streets deteriorate to this point.
25 COUNCILMEMBER PATRICK: On the topic of the

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1 roads', I guess, maintenance itself, are we going to
2 be considering or will they be milling the roads down
3 or simply top-coating the roads, or do we -- have we
4 gone that far in --
5 DR. GILLEN: The engineers would have to
6 determine that. If it's --
7 COUNCILMEMBER PATRICK: Okay.
8 DR. GILLEN: -- really bad alligating and
9 things like that, they're going to have to mill an
10 overlay, and that raises the -- that means that gets
11 the higher per-foot cost.
12 COUNCILMEMBER PATRICK: Okay.
13 DR. GILLEN: If it's not, then it's just an
14 overlay, then it's lower cost per linear foot.
15 COUNCILMEMBER PATRICK: And if there's any
16 stormwater facilities in the middle of the road?
17 DR. GILLEN: We would be working with an
18 engineering firm to time those projects to happen --
19 the stormwater projects to happen --
20 COUNCILMEMBER PATRICK: Okay.
21 DR. GILLEN: -- during the construction --
22 or before. It's just an overlay before overlay. We
23 want to come in and do the stormwater pipe --
24 COUNCILMEMBER PATRICK: Right.
25 DR. GILLEN: -- get that taken care of. You

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1 know, if it's an intake that's collapsed, we need to
2 get that fixed prior to paving.
3 Now, that will all be taken into
4 consideration once we've selected the streets. Then
5 we can get the engineering firm working on it and
6 getting the project -- a certain amount of project
7 design in congruence with the street project itself,
8 so --
9 COUNCILMEMBER PATRICK: So you would like to
10 have us talk about the streets to pick?
11 DR. GILLEN: Yep.
12 COUNCILMEMBER PATRICK: Okay.
13 DR. GILLEN: Because we have to certify by
14 the end of the year, so --
15 COUNCILMEMBER FLEMING: I had a couple of
16 comments if you don't mind.
17 I have a resident over in the North Carver
18 area that evidently had already been informed that
19 moneys had been received and had wanted to know why
20 the work hadn't been done and is expecting the work to
21 be done.
22 DR. GILLEN: Yes, ma'am.
23 COUNCILMEMBER FLEMING: And the person is a
24 very vocal person, and so I mean that person knew
25 about us receiving funding before I did. So you know,

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1 North Carver and Drury were -- and Drury Court were on
2 2013's --
3 DR. GILLEN: Correct.
4 COUNCILMEMBER FLEMING: -- list, and I feel
5 personally, though we can roll those moneys over, if
6 we made a commitment to do that, though we may not
7 have signed a contract, I feel that those two streets,
8 regardless of whether we think they're bad enough or
9 not, I just feel that we made a commitment, the City
10 made a commitment to do those two streets for the 2013
11 moneys.
12 And secondly, you made a comment that you
13 pulled Winters Chapel out. And Winters Chapel, first
14 of all, I really believe that is a highway
15 transportation --
16 DR. GILLEN: Correct.
17 COUNCILMEMBER FLEMING: -- street. It's a
18 very heavy truck route.
19 DR. GILLEN: I agree.
20 COUNCILMEMBER FLEMING: We need to
21 determine. It is used now as a pass-through from PIB
22 down Oakcliff Road. We've got traffic all the time
23 going from PIB down Winters Chapel, Oakcliff Road to
24 85. They're bypassing everything else.
25 DR. GILLEN: Yes, ma'am.

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1 COUNCILMEMBER FLEMING: And it is heavily
2 used, and more so than New Peachtree Road, maybe not
3 as much as Buford Highway but definitely heavily used.
4 I don't necessarily want us to wait on New
5 Peachtree Road until we have all of the funding but I
6 do want us to look into other funding, because it
7 appears to me that some of the intermodal transpor-
8 tation that we have coming through our city, the tank
9 farm moneys or some other funding should help fund the
10 resurfacing of Winters Chapel Road.
11 DR. GILLEN: Okay.
12 COUNCILMEMBER FLEMING: And I would like us
13 to look into that, because that road, now that we have
14 annexed the worst part of the problem --
15 DR. GILLEN: Right.
16 COUNCILMEMBER FLEMING: -- because I live in
17 that district, it's never been resurfaced; it's been
18 pot-holed.
19 DR. GILLEN: Right. I agree with you
20 totally, and that's why I pulled it out: so we can
21 have that as a separate discussion. If we fit it into
22 the same year, it would be some other revenue source
23 that we're using or choosing.
24 And so I agree with you, yeah. But I think
25 that -- it's not taken out so we don't do it. It's

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1 taken out so we have a separate discussion on how it
2 gets funded.
3 COUNCILMEMBER FLEMING: Okay.
4 DR. GILLEN: So if you're wanting to commit
5 to the North Carver and the Drury projects, we could
6 change out a couple of the projects that are in that
7 top portion up there and put those in and still -- and
8 stay at the three-mile number if you're comfortable
9 with that, and do that, keeping the Winters Chapel
10 open for discussion in the CIP next month.
11 COUNCILMEMBER FLEMING: And I leave that up
12 to the balance of Council.
13 COUNCILMEMBER DEAN: What happened to the
14 one and a half mile option?
15 DR. GILLEN: We can do that as well. Again,
16 it's up to you. Like I said, if you're comfortable
17 with the three miles, we can do that; if it's one and
18 a half, then we put them into the one-and-a-half model
19 and pick one and a half miles.
20 COUNCILMEMBER FLEMING: Well, I'm concerned
21 that if there is a stormwater issue under a street
22 that we've chosen, that it may become even more costly
23 than what we're projecting, because now we've got the
24 stormwater cost and we may not have that -- that
25 moneys in our stormwater fund to cover that.

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1 DR. GILLEN: We do. We got over a million
2 dollars in fund balance in Stormwater, and we have to
3 start spending that because that's what we're taxing
4 people for. We went over that in the CIP. But that
5 CIP is, again, a dynamic document; it can change. If
6 we decide that a street project moves a stormwater
7 project up in priority because we want to do it before
8 we pave the street, then we move it up in the CIP
9 list.
10 COUNCILMEMBER FLEMING: Okay.
11 DR. GILLEN: So once -- once we decide
12 here's the streets we're going to do, staff will go
13 back and, Okay. Well, here's the stormwater projects
14 we need to do at the same time. We'll bring that back
15 and make those in the top, first tier of the -- of the
16 stormwater portion of the CIP.
17 COUNCILMEMBER FLEMING: Okay. Thank you.
18 DR. GILLEN: But it wouldn't raise the
19 paving portion. It would just -- we would have to put
20 stormwater money into fixing the stormwater portions
21 of that, so --
22 MAYOR PITTMAN: Ms. Alexander, did you have
23 anything?
24 COUNCILMEMBER ALEXANDER: Can you bring the
25 other chart back?

1 DR. GILLEN: Yes.

2 COUNCILMEMBER ALEXANDER: I mean do we just

3 want to renew some of the streets from the first chart

4 and add North Carver? I'm sorry that person was

5 informed that their street was getting paved before

6 Council approved it.

7 DR. GILLEN: All the streets on the list

8 need to be paved at some point, so whichever you

9 choose is fine with us, so --

10 MAYOR PITTMAN: Mr. Bates?

11 COUNCILMEMBER BATES: No comments.

12 MAYOR PITTMAN: Mr. Patrick?

13 COUNCILMEMBER PATRICK: No comment.

14 MAYOR PITTMAN: Ms. Dean, anything else?

15 COUNCILMEMBER DEAN: Let me --

16 MAYOR PITTMAN: Ms. Fleming, anything else?

17 COUNCILMEMBER DEAN: I want to just say one

18 more time, I think that we have more options on the

19 table than just choosing streets to repave, because I

20 don't think we have enough information or anyone

21 qualified right to do that. And even the contract --

22 even the Building Inspector, I think that he or she or

23 the contractor that we'll use might be able to better

24 direct us, because we don't know -- we don't know the

25 needs, we don't know what's required to repave these

1 streets. And for me, I can't base a decision on -- on

2 something like this without having more information.

3 DR. GILLEN: I mean I don't disagree with

4 you at all. I think -- and I talked to Luke about

5 this today -- we're doing an RFP for an engineering

6 firm once we decide on the streets. And what I think

7 we should do is discuss with that firm once it's

8 selected, Could you do a city-wide analysis for us,

9 you know, ranking --

10 COUNCILMEMBER DEAN: Right.

11 DR. GILLEN: -- to your approval, and it's

12 very Doraville-specific --

13 COUNCILMEMBER DEAN: Right.

14 DR. GILLEN: -- and get something down for

15 these subsequent years.

16 We don't have time to do that now --

17 COUNCILMEMBER DEAN: If we --

18 DR. GILLEN: -- for this next year.

19 COUNCILMEMBER DEAN: If we put down streets

20 and then had discussion later and changed it --

21 because when I spoke to the guy, Mr. Huff, I believe

22 his name was, at GDOT, he said that, Yes, you're

23 flexible. Once you're given the money, you're

24 flexible. You just need to let us know what you're

25 doing with it.

1 And if we could -- you know, if we put

2 streets down now without -- you know, without, you

3 know, saying, This is going to be a fact that this is

4 what we are going to do; and then have some analysis

5 done on the cost and what's underneath, you know, that

6 might have to be changed, knowing that we have that

7 flexibility, I would certainly feel a lot better.

8 DR. GILLEN: I would too. I would hope that

9 they would be flexible with us because we never know

10 when the bids come back -- whenever you start digging

11 in the ground, you never know what you're going to

12 find --

13 COUNCILMEMBER DEAN: Right.

14 DR. GILLEN: -- so I would be -- I would

15 agree with you that if we came back and needed to make

16 some changes, I think GDOT would work with us. But I

17 think we just need to get something certified by the

18 end of the year so they have it in their system so

19 their bureaucratic mechanisms can move forward would

20 be fine.

21 So what I'm looking for is direction from

22 you, how many miles and which -- which projects, under

23 the assumptions that we have here, the length and the

24 streets, making sure those are correct, because we

25 could get this firm to come in and find out, Okay.

1 We're about -- you know, we're a tenth of a mile off

2 on this measurement, Dekalb's data was slightly was

3 slightly off or this or that, so --

4 MAYOR PITTMAN: So Dr. Gillen, are you

5 wanting this information emailed to you or how do you

6 want --

7 DR. GILLEN: That would be great, because we

8 have to -- I would hope we could get a decision

9 tonight if possible.

10 COUNCILMEMBER PATRICK: Why don't we --

11 COUNCILMEMBER DEAN: Are we meeting on the

12 18th?

13 COUNCILMEMBER PATRICK: I don't believe so.

14 MAYOR PITTMAN: I thought we were.

15 COUNCILMEMBER BATES: No, we --

16 MAYOR PITTMAN: But we have two meetings

17 this month; right?

18 COUNCILMEMBER BATES: Nope.

19 COUNCILMEMBER ALEXANDER: We voted last

20 meeting not to have the work session.

21 COUNCILMEMBER PATRICK: What if we added

22 Drury Court and North Carver in on that list of three

23 miles and then we -- we go forward with that list that

24 as it is, that you have on the top right there?

25 DR. GILLEN: Just add it in without taking

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1 anything else out?
2 COUNCILMEMBER FLEMING: Correct.
3 COUNCILMEMBER PATRICK: Just add it in
4 without taking anything out. We'll get the
5 engineering assessment back and -- and then that gives
6 the new Council a bit of stake in this as well.
7 DR. GILLEN: That works. That's fine. And
8 I think we would have flexibility to work with them,
9 and we got to make sure that we spend the money that
10 we tell them we're going to spend next year.
11 COUNCILMEMBER DEAN: Well, and these funds
12 will pay for the engineering, preliminary engineering.
13 DR. GILLEN: Yes. That's all part of the
14 project costs.
15 MAYOR PITTMAN: Okay.
16 DR. GILLEN: All right.
17 COUNCILMEMBER ALEXANDER: So is somebody
18 going to make a motion?
19 MAYOR PITTMAN: That's what I was going to
20 say.
21 Are you asking for a motion?
22 DR. GILLEN: You don't need one, but that
23 would be preferable is if we have a clear, distinct
24 vote.
25 COUNCILMEMBER FLEMING: I would like --

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1 First of all, I can't see it, you know, because of the
2 angle --
3 DR. GILLEN: Okay. I'll send it.
4 COUNCILMEMBER FLEMING: -- so I would
5 like --
6 COUNCILMEMBER FLEMING: Oh, no, no, no, no,
7 no, no. It's okay. Just need a copy of it.
8 DR. GILLEN: I'll send it out.
9 COUNCILMEMBER FLEMING: Thank you.
10 DR. GILLEN: No problem.
11 COUNCILMEMBER PATRICK: So I'd like to make
12 a motion to add Drury Court and Carver -- North Carver
13 to the list that's at the top here. That brings us in
14 just over three miles.
15 DR. GILLEN: Yeah. It would be about three
16 and a half miles total if I remember numbers correctly
17 because Drury is --
18 COUNCILMEMBER FLEMING: .09.
19 DR. GILLEN: -- .09, and the other one I
20 think was --
21 COUNCILMEMBER FLEMING: .2.
22 DR. GILLEN: -- .2, so just over 3.3 miles.
23 MAYOR PITTMAN: Okay. Do I get a second?
24 COUNCILMEMBER FLEMING: Second.
25 MAYOR PITTMAN: Discussion?

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1 COUNCILMEMBER DEAN: Don't we need to
2 stipulate that the flexibility with these votes?
3 DR. GILLEN: We certainly can.
4 COUNCILMEMBER ALEXANDER: And pursuant to
5 this -- Councilmember Dean's comment, we're going to
6 give them a list again.
7 DR. GILLEN: Uh-huh.
8 COUNCILMEMBER ALEXANDER: And when we start
9 getting our bids back, if we don't have enough money
10 budgeted to cover these streets, are they flexible
11 about -- about what streets we can complete?
12 DR. GILLEN: I would assume they'd have to
13 be, because these bid prices come in different all the
14 time, so every city now that's certifying their
15 streets is doing as best guess as they can as to what
16 the cost will be.
17 COUNCILMEMBER ALEXANDER: So we can't give
18 them a generic 3.25 miles; we have to specify exactly
19 which streets.
20 DR. GILLEN: I believe so, yes.
21 MAYOR PITTMAN: Okay.
22 COUNCILMEMBER FLEMING: And based on the
23 information that we received for the August agenda
24 item or that I just received recently, we received the
25 check within a month after we submitted a request.

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1 And so if we're receiving the moneys and we're iden-
2 tifying those streets --
3 DR. GILLEN: Correct.
4 COUNCILMEMBER FLEMING: -- either we amend
5 it early enough after we've received the engineering
6 reports or we find the moneys to repair them.
7 DR. GILLEN: I agree.
8 MAYOR PITTMAN: Okay.
9 DR. GILLEN: That's all I have. Thank you.
10 MAYOR PITTMAN: Call the roll, please.
11 CLERK BRYANT: Councilmember Alexander?
12 COUNCILMEMBER ALEXANDER: Yes.
13 CLERK BRYANT: Councilmember Bates?
14 COUNCILMEMBER BATES: No.
15 CLERK BRYANT: Councilmember Dean?
16 COUNCILMEMBER DEAN: No.
17 CLERK BRYANT: Councilmember Fleming?
18 COUNCILMEMBER FLEMING: Yes.
19 CLERK BRYANT: Councilmember Patrick?
20 COUNCILMEMBER PATRICK: Yes.
21 MAYOR PITTMAN: Okay. Thank you. We're
22 going to take a 3-minute break.
23 - - -
24 (Brief recess)
25 - - -

1 MAYOR PITTMAN: Okay. Next on the agenda,
2 as I said before, we had moved b) to a) and a) to b),
3 so it's going to be the Appeal of Administrative
4 Zoning Determination regarding property at 5597 Buford
5 Highway, Mr. Cooley.

6 MR. JOE COOLEY: Good evening, Mayor and
7 Council.

8 As you said, this is an appeal of a zoning
9 determination that was made by me as the Community
10 Development Director as to a classification of a
11 proposed use at the -- it's at 5597 Buford Highway
12 also known as Mercado Plaza, and you may know it best
13 as the former K-Mart site.

14 Back on October 16th of this year, a letter
15 of determination was sent to Mr. Furrow, who is the
16 representative of Mercado Plaza, LLC -- they are
17 proposing a new development of the existing building
18 -- and basically the letter was to inform Mr. Furrow
19 that the determination that based upon the proposed
20 development as has been advertised -- if developed as
21 advertised would be considered a flea market, and as
22 such, under the City of Doraville Code, would not be
23 an allowed use within the C-2 zoning district.

24 Flea markets are allowed in the M-1 by a
25 conditional use permit, but not in the C-1 and C-2

1 obviously not allowed in the C-2 zoning, especially
2 the concept of the flea market. The concept of a
3 mercado, which you probably know is Spanish for
4 "market," was discussed. It was explained that retail
5 stores in an interior mall would be an allowed use.

6 And on August 12th, had a meeting with
7 Mr. Furrow. He was told that we had been receiving a
8 number of calls from applicants wanting to know when
9 the flea market was going to open, and I reiterated to
10 Mr. Furrow that flea markets are not an allowed use in
11 the C-2 zoning district and that any construction and
12 internal layout must meet all building/health safety
13 code requirements and only uses in the C-1 or the C-2
14 permitted uses would be allowed without a conditional
15 use permit.

16 Every business would be considered a
17 separate business. There had been discussion on point
18 about this being one large business and they would be
19 renting spaces out, but explained that each business
20 would be an individual business, would require an
21 individual occupational tax certificate, and have to
22 go through that process, part of which includes the
23 submittal of a business lease as part of the
24 occupational tax certificate requirement.

25 And the fact that, you know, the business is

1 zoning districts.

2 They were also notified that if it -- the --
3 any plans that were submitted would have to meet --
4 and this was more of an informational type of thing --
5 would have to meet all City building codes, safety
6 codes and things of that sort. Again, that was more
7 of an informational.

8 We've had -- City staff has had a number of
9 meetings with the owner and owner's representatives
10 numerous times, not just this, the latest, Mercado
11 Plaza, LLC, about the possible uses of the K-Mart
12 site.

13 Amongst others, the owners have explored
14 grocery market uses. In fact, the site was actually
15 under contract I believe at one point but negotiations
16 or something fell through on that, but it was as a
17 grocery store. There was consideration of a large
18 retail jewelry store with gold processing on premises
19 as a possibility, a combination of a grocery market/
20 ropes course/retail stores, and also there's been
21 discussion as an indoor flea market. Again, this has
22 been over a number of different people with the --
23 that come in with the owner to discuss the potential
24 uses.

25 Many of the ideas that were explored were

1 going to be temporary, that's why we have the request
2 for the lease in there. Occasional businesses should
3 be open full-time, and the sale of used and secondhand
4 goods were not allowed.

5 The letter of determination really only
6 concerns the proposed use of the property whether that
7 use is -- as determined is an allowed use within the
8 C-2 zoning district. Again it was noted that -- for
9 informal purposes, that all plans submitted will be
10 required to meet applicable current building and
11 health safety code.

12 And whether those code requirements are met,
13 we cannot determine that at this point. We do not
14 have a complete application for a building permit at
15 this point. It has been submitted. We've provided a
16 temporary number, which is part of the requirement now
17 with Dekalb County.

18 What happens is they have to come in to the
19 City. We provide them a permit number for processing
20 purposes because the Dekalb County Fire Marshal will
21 not accept their plans without it. We give that to
22 them. They take it to the Fire Marshall, they go
23 through that process redlining their plans, etc.,
24 getting up to the fire marshal's standards, at which
25 point they come back with the approved plans from the

1 fire marshal to the City.

2 We accept that and any other information
3 that we need for the application to be complete. And
4 at that point, we process and we start doing our
5 review. So such matters right now are premature
6 because we really have nothing to review. We do not
7 have any copies of any plans at this point.

8 The concern over the type of use, I guess,
9 is multi-fold. First was, as I said, there were a lot
10 of discussions upon what the use would be, and a flea
11 market was considered. Now, the applicant said, No,
12 this is not going to be a flea market, so we were
13 going along with that and explained everything that
14 what they needed to comply with, etc.

15 And then a number of things came up: One,
16 we kept getting the calls requesting -- wanting to
17 know, from people that wanted to apply for
18 occupational tax certificates, when the flea market
19 would be open and then what do they do to apply.

20 We many times had to tell people there will
21 be no flea markets, they are not allowed; it's not a
22 permitted use in the C-2 at least at this site. If
23 there was one applied for in the M -- manufacturing
24 district, there's the possibility, but in this case,
25 this would not be the situation.

1 rented first-come/first-serve basis. Buford Highway
2 area -- oh, excuse me -- Buford Highway Flea Market
3 tenants will have the exclusivity during the two weeks
4 in August, until August 25th, to choose a booth. From
5 there, you will be able to choose on what is available
6 at the moment. Reservations will be made upon
7 receiving security deposit.

8 And again, it had the contact number of
9 478-361-8213, which is the same number for Mr. Lee
10 that was actually on the sign that they have out front
11 advertising lease -- space for lease.

12 The flier also had a number of other uses,
13 again which are not allowed in the C-2 zoning
14 district. Specifically states that booths will be
15 part of the 377 provided spaces along with kiosk,
16 retail space and food court restaurants.

17 It further offers the booths to be rented,
18 not leased, which was a concern, exclusively, August
19 25th, to tenants of the Buford Highway Flea Market,
20 which is in another jurisdiction and is closing down.
21 As I'm sure you're aware, it's just a little bit down
22 Buford Highway.

23 The City code does not define booths as
24 such, but the Merriam-Webster Dictionary defines
25 "booth" a as small and usually temporary area where

1 We were told by a number of applicants,
2 people that were calling, that they were being told
3 that they could have flea market type of booths and
4 things of this sort, and we just reiterated time and
5 time again that that was not an allowed use.

6 The other thing that was a major concern is
7 first we were hearing that. And then also there was a
8 marketing advertisement put out saying all the
9 different uses, that this was coming. Noted that the
10 phone number on there was one of the people that was
11 actually on the sign that they got, which was for
12 leasing information. There were four phone numbers on
13 there. I believe it was Bo Lee's number was actually
14 handwritten across the bottom of it as part of it.

15 But specifically the flier -- and I'll refer
16 to it as "the flier" -- in part says in brief:
17 Mercado Plaza will have 377 spaces including booths,
18 kiosks, retail spaces, food court restaurants -- and
19 I'll go through some of the issues I had with each one
20 of these but I wanted to go through it first -- huge
21 gaming and playground area for kids of all ages,
22 conference/ party/concert space with amazing sound and
23 all that is necessary for a great celebration. More
24 than 600 parking spaces, a supermarket, and much, much
25 more, and then going on to say that booths will be

1 things are sold or displayed or services are provided.

2 Section 23-402 defines -- in our code,
3 defines "flea market" means an occasional and periodic
4 sales activity held within a building structure or
5 open area where groups or individual sellers offer
6 goods, new and used, for sale to the public but not to
7 include private garage sales.

8 The Merriam-Webster's definition of "booth"
9 comports with the City's definition of "flea market"
10 as both contemplating either occasional or periodic or
11 temporary sales activity. That was the concern that
12 was brought up with this aspect of it. It basically
13 seems to be defining a flea market approach to this.

14 I will note also that besides booth, it does
15 say booths, kiosks and retail spaces. Typically what
16 you see in any type of interior mall situation, you
17 will have retail spaces and you will have kiosks.
18 That's not unusual. There are standards; there's all
19 types of development standards for those. Booths is
20 not typically something that you see as part of a
21 shopping center. Doesn't go along with it in my
22 opinion.

23 It goes on to further -- the flier goes on
24 to further say that it advertises conference/party/
25 concert space with amazing sound and all that is

1 necessary for a great celebration.
 2 That's fine, but conference and convention
 3 facilities not associated with hotels, motels or event
 4 facilities are allowed only in the M-1 zoning district
 5 buy a conditional use permit, not in the C-2 zoning
 6 district. So again, another use that was being
 7 proposed that does not -- is not allowed within the
 8 C-2 zoning district, another red flag.
 9 It also goes on to average -- advertise huge
 10 gaming and playground area for kids of all ages.
 11 Well, maybe this is a terminology situation, but
 12 Section 11-10(3) makes it very clear the assembly for
 13 purposes of gaming is prohibited, but their
 14 terminology may have . . . but "gaming" as defined and
 15 as used in the Zoning Code is not allowed.
 16 One of the other things, too, that as you
 17 all know, the Code of Ordinance is very specific in
 18 the uses that are allowed, and to that end, just give
 19 you an idea of some of the things, how specific it
 20 gets.
 21 And we were talking about retail spaces and
 22 stores. We can go through the code on the C-1 and
 23 C-2. But the art and school supply stores -- I'll
 24 just pull some out real quickly -- bicycle store,
 25 camera stores; candy, nut and confectionery stores

1 including on-premises production; cellular telephone
 2 stores, children and infant product stores, clothing
 3 and apparel/accessory stores selling new merchandise;
 4 drug stores, ice cream shops, hobby stores. It goes
 5 all the way through this.
 6 And if you look at the definition again, we
 7 do not define a store as such within the Code of
 8 Ordinances, but again, if you go back to Webster's --
 9 Merriam-Webster Dictionary, it defines a store as a
 10 building or room where things are sold.
 11 I see a very big differentiation between
 12 what we're talking about as a building or a room, a
 13 store, which are allowed uses within the code, versus
 14 booths, which has a totally different connotation, and
 15 again, as described earlier, was really talking more
 16 of a temporary type use.
 17 One of the other things, I guess, and this
 18 is something I just noticed when received today was a
 19 amendment to the appeal. Under Exhibit 15, I was
 20 reading through their prototype lease that they have
 21 set up for this, which actually is not a lease at all,
 22 reading it. Basically it is a month-to-month license
 23 and it is not a long-term or lease. Again, we do
 24 require leases through -- with an occupation tax
 25 certificate. That's a situation, though, that really

1 will not be determined, but those are case-by-case
 2 basis with an occupation tax certificate.
 3 But the overall portrayal of what I was
 4 seeing and hearing from people -- And even up till
 5 last week we got a call about somebody wanting to know
 6 more about when the flea market was coming in; they
 7 had been talking to the marketers for this, and they
 8 were told that flea markets. . .
 9 Now, you know, one person tells you that --
 10 We've had a lot of people come in and saying that, so
 11 it raised the red flag, and there's concern.
 12 So basically the -- the letter that we sent
 13 out -- I sent out -- was saying that if you operate as
 14 it is being portrayed on the flier and what we're
 15 hearing, these uses would not be allowable under the
 16 C-2 zoning code. So it was kind of an informational --
 17 you know, if this is what you're planning on doing,
 18 those would not be consistent in my determination that
 19 those would be allowed uses within it.
 20 But that's what it comes down to. So you
 21 know, what was advertised, what was seen, that was the
 22 basis. The primary basis, the discussion with the
 23 applicant prior, and the owner, not this applicant but
 24 the owner previously about all the different uses and
 25 the fact that flea markets kept coming up and up and

1 up, and then having this additional information come
 2 on top of that where it's being portrayed as that,
 3 and these were fliers that went out to the general
 4 public and were out, you know, out and around. We got
 5 a copy of it I believe on the -- I've got the date
 6 somewhere but it's not really important.
 7 So again, you know, it goes back to it was
 8 my determination that based upon the uses portrayed in
 9 the development advertisement, and it was being
 10 conveyed to prospective tenants, that such uses would
 11 be contrary to the C-2 zoning and, as such, would be
 12 considered a flea market which would not be allowed.
 13 Once the other uses that they were talking about, such
 14 as the exhibits and the -- the gaming, the conference/
 15 party/concert space, all those will be of concern and
 16 not be an allowed use.
 17 We -- as you see on your package, there were
 18 several permits taken out. Again those are not real
 19 relevant to this determination, but just FYI, I
 20 included that in there. There was a sign permit that
 21 was allowed, and as you know, we don't control
 22 content, but that was for vacant space which was
 23 advertised. There was a demolition permit for 7,500
 24 square feet that was taken out and a permit was
 25 issued.

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1 And there was a electrical permit for -- got
2 a list of them. It was for -- let's see. It's
3 interesting because it was residential; it was a
4 combination of arranging it, water heater, clothes
5 dryer, dish washer and disposal unit. That was
6 submitted for on 9/12, and the permit was issued.
7 And only thing else I'd like to note in this
8 process, electrical permits do not require review and
9 approval by the Dekalb County Fire Marshal.
10 Demolition permits do not require Dekalb County Fire
11 Marshal.
12 We also have an application in that we
13 issued a number on so it could go to the Dekalb County
14 Fire Marshal for interior renovations. Again, we have
15 seen no detailed plans on this whatsoever. We have
16 not received any word back from the fire marshal
17 whether they have gotten any type of finalization on
18 those plans.
19 Once those plans are completed, the fire
20 marshal contacts the applicant that brought them the
21 plans. They go get them, they bring them back to the
22 City. Again, whatever additional information we need
23 or if it's complete at that point, we've got a
24 completed application, and we actually start our
25 review for both the building -- all the details,

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1 because at that point we have enough information to
2 start making decisions.
3 Again, this is really focused on what is
4 being advertised and the fact that this appears to
5 be -- from all indications and from the advertise-
6 ments, to be uses that would not be allowed in C-2.
7 So the letter notification was sent to -- deter-
8 mination was sent to the applicant making them so
9 aware. And I'll be happy to answer any questions that
10 you might have.
11 MAYOR PITTMAN: Ms. Alexander?
12 COUNCILMEMBER ALEXANDER: No, ma'am.
13 MAYOR PITTMAN: Mr. Bates?
14 COUNCILMEMBER BATES: No.
15 MAYOR PITTMAN: Ms. Fleming?
16 COUNCILMEMBER FLEMING: No, not at this
17 time.
18 MAYOR PITTMAN: Ms. Dean?
19 COUNCILMEMBER DEAN: What exactly is being
20 appealed?
21 MR. COOLEY: The appeal is the deter-
22 mination; the letter was the determination of those
23 uses, if developed as -- as being portrayed in that,
24 would not be allowed. It would be considered a flea
25 market and would not be an allowed use. That's what

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1 the appeal is.
2 COUNCILMEMBER DEAN: So you were just
3 stating -- you were just conveying information and
4 that conveyance is being appealed? I'm not sure what
5 the appeal is.
6 MR. COOLEY: Well, again, it was a deter-
7 mination that this is a flea market --
8 COUNCILMEMBER DEAN: Right.
9 MR. COOLEY: -- based upon --
10 COUNCILMEMBER DEAN: Right.
11 MR. COOLEY: -- the things that I've stated.
12 So that was the determination that we sent to them.
13 COUNCILMEMBER DEAN: Right.
14 MR. COOLEY: If it's developed like this,
15 this will be considered --
16 COUNCILMEMBER DEAN: Right.
17 MR. COOLEY: -- a flea market, and they are
18 appealing that determination that it would be
19 considered a flea market.
20 COUNCILMEMBER DEAN: So they do want to
21 conduct this business in this way; they don't want to
22 call it a flea market.
23 MR. COOLEY: I will have to leave that --
24 COUNCILMEMBER DEAN: Okay.
25 MR. COOLEY: -- to the Applicant to address

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1 that.
2 COUNCILMEMBER DEAN: Okay.
3 MR. COOLEY: We're working off of our
4 discussions with them, the owner, about previous uses.
5 COUNCILMEMBER DEAN: Okay.
6 MR. COOLEY: And then all of a sudden this
7 kind of seemed to be flipping back to the flea market.
8 COUNCILMEMBER DEAN: Okay.
9 MAYOR PITTMAN: Okay. So I guess at this
10 time we will give you the opportunity to speak.
11 MR. DENNIS WEBB: Good evening. My name is
12 Den Webb. My office address is 1230 Peachtree Street,
13 Atlanta, Georgia 30309, and I'm here on behalf of two
14 parties tonight. The first is Buford Plaza, LLC.
15 Buford Plaza, LLC owns the property Joe just
16 discussed, 5597 Buford Highway that everyone knows as
17 an old K-Mart site. My second client is Mercado
18 Plaza, LLC. It leases that property and intends to
19 put a Latino discount mall on it.
20 Let me go back to sort of your point as to
21 why we're here. As Joe indicated, on October 16th,
22 2013, he issued a letter that made two determinations
23 and told us if we -- if we didn't agree with him, we
24 had an obligation to appeal, so that's what we did.
25 But the first determination was in fact that

1 this proposed discount mall was a flea market as that
2 term is defined under the City Code. The second
3 determination was that this new development would be
4 bound by a new ordinance, Section 580 of the develop-
5 ment code. So those are the two issues on this
6 appeal.

7 Let me discuss the flea market first and let
8 me cut through something right away. The letter
9 states that it's based on one piece of information and
10 one piece of information alone, and that is a flier,
11 and one word in that flier, the word "booth."

12 There is an issue here that Joe did not
13 touch on that we spent a good bit of time in our
14 appeal addressing, and it's -- it's a -- a position
15 that's not been refuted by anyone since we filed our
16 appeal: No one affiliated with the ownership of
17 Mercado Plaza had anything to do with that flier.
18 They didn't generate it; they had nothing to do with
19 it at all.

20 We've submitted three affidavits from all
21 three managers of Mercado Plaza, LLC, who have
22 testified under oath they didn't write the flier, they
23 didn't ask that it be written; they weren't aware it
24 was written; and when they found out, they located the
25 person who wrote it and told him to stop handing it

1 So as I indicated in my appellant statement,
2 that definition has two operative phrases: Number
3 one, the sales activity has to be occasional or
4 periodic and, number two, the goods sold have to be
5 new and used. And if either one of those criteria is
6 met, there's no basis upon which the City can
7 determine that this particular use is a flea market,
8 and I think we submitted more than adequate evidence
9 to show that neither criteria is met in this instance.

10 First, the sales activity proposed in
11 Mercado Plaza is not occasional or periodic. This
12 mall, like all malls, would have regular business
13 hours: It's open five days per week, Saturday through
14 Monday, 10:00 a.m. to 9:00 p.m.; and Wednesday through
15 Friday, 11:00 a.m. to 8:00 p.m. And every tenant in
16 Mercado Plaza is required to be open when the mall is
17 open.

18 So based on that one issue, this Council
19 should find that this particular use is not a flea
20 market. But let me address the second criteria:
21 Mercado Plaza will not allow the sale of used goods.

22 Joe mentioned the tenant agreement which we
23 included as part of the record. If you've read it, as
24 he apparently has, you'll see that it expressly
25 forbids any retailer from reselling merchandise or

1 out, because the information in it was wrong.

2 There's an expression lawyers use. I was
3 looking forward to seeing Ms. Pachuta tonight because
4 I believe she's an attorney and I think she would
5 recognize this term: It's called garbage in, garbage
6 out, and it means that if the conclusion is based on
7 erroneous information, the conclusion is erroneous.

8 And that is what we have here in this
9 letter. It is based on a flier written by a third
10 party who doesn't know this project, who isn't
11 affiliated with the ownership, and that is the sole
12 basis for the determination that this is in fact a
13 flea market and the issuance of the letter on October
14 16 of 2013.

15 The fact is, though, that what my clients
16 are proposing isn't now and has never been a flea
17 market.

18 We don't have to rely on Webster's
19 Dictionary to figure out what the term "flea market"
20 means. That's actually a term defined in our code of
21 ordinances. It is defined as an occasional or
22 periodic sales activity held within a building,
23 structure or open area where groups or individual
24 sellers offer goods, new and used, for sale to the
25 public.

1 selling secondhand goods.

2 So while we can talk about extraneous and
3 unidentified third parties, we can talk about fliers
4 and third parties and people not affiliated with my
5 clients generated, the information in the record are
6 the facts and they are sworn facts. And I think based
7 on those facts, there is simply no way that the City
8 can consider or determine this particular use a flea
9 market based on its own law.

10 Let me just touch briefly on the second
11 issue. It was raised in Mr. Cooley's letter, and it
12 relates to the new Development Ordinance, Section
13 580. As you are aware, that ordinance requires retail
14 spaces to be, among other things, a thousand square
15 feet and have four walls and a ceiling. That
16 ordinance was adopted on September 9th of 2013, and
17 that was months and months and months after this
18 project was underway. And as a result, it is our
19 position that the applicants or the Appellants are not
20 bound by it.

21 By the time that ordinance was adopted --and
22 as Mr. Cooley indicated, the ownership and the lessors
23 had had many, many meetings with the City. They had
24 been told on numerous occasions that they could
25 proceed with this development. They were issued

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1 permits to proceed. They had spent hundreds of
2 thousands of dollars. And just to be clear, they had
3 already applied for a business permit. I'm not sure
4 that that did come out clearly, but I don't think it's
5 disputed here.

6 So the fact is that both Mercado Plaza and
7 Buford Plaza are entitled to continue to operate under
8 the law as it existed prior to September 9th of 2013.
9 And let me just note this for the record: That's a
10 fact your the Community Development Director has
11 confirmed.

12 I sent an Opens Records Act request to the
13 City. It took a long time to get a response. The
14 first time, I got 123 pages of material, the second
15 time I got over 1,600 pages of material, and among
16 that material was an August 19, 2013 email from your
17 community development director that said if they apply
18 for building permits prior to any changes, the changes
19 will have no effect on them.

20 And that's exactly what happened. The
21 changes have no effect, and certainly any
22 determination to the contrary is wrong.

23 I'm happy to address any questions you would
24 like me to address. I think I'll stop there. I'm
25 going to reserve my time, and I'm happy to take some

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1 questions.

2 Actually, let me think. Let me go back to
3 one -- or points that I took down while Joe was
4 speaking.

5 Mr. Cooley mentioned tonight that he got
6 phone calls from people mentioning the fact that they
7 had heard a flea market was going in. I mean that's
8 the same type of evidence we have with the flier. Who
9 are these people? What was their interest? You know,
10 when did they call, what did they say? There's
11 certainly no mention of those phone calls in the
12 letter that we received from him.

13 I think that evidence is unverified,
14 uncorroborated and certainly not reliable in this
15 instance, and I think I'll stop there.

16 MAYOR PITTMAN: Okay. Ms. Alexander?
17 COUNCILMEMBER ALEXANDER: Some of the items
18 that you addressed talking about no used goods are
19 going to be sold, but I'm curious why in Mr. Furrow's
20 affidavit he mentioned discussing conditional permits
21 for items such as a pawn shop, because when a pawn is
22 not paid, the used goods are sold.

23 MR. WEBB: As I understand it, the point of
24 that affidavit was to identify that tenants are
25 restricted from any use that would not be allowed

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1 under the C-2 zoning ordinance absent a special use
2 permit. You can sell used goods in Doraville. I
3 think you can sell items on consignment, I think you
4 can have an antique shop, but I think sometimes
5 they're required conditional use permit. So to the
6 extent that that particular step was taken, they might
7 be allowed to sell, but as a general principle, there
8 will be no resale of secondhand goods.

9 COUNCILMEMBER ALEXANDER: Okay, because the
10 affidavit also says unless specifically allowed by
11 Mercado, so I interpreted that that they could make a
12 decision later on to allow the sale of used goods.

13 MR. WEBB: Well, tell me what paragraph
14 you're looking at, please.

15 COUNCILMEMBER ALEXANDER: Section 10 on the
16 affidavit by Mr. Furrow.

17 But just for the record, Council to my
18 knowledge does not have a copy of this lease agreement
19 that is supposed to be part of the record. So can you
20 please get that, a copy of that document, for our
21 information, please.

22 MR. COOLEY: Just FYI, I did receive that
23 this morning.

24 COUNCILMEMBER ALEXANDER: Okay. Well, we
25 have not received a copy of that.

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1 MR. COOLEY: Right.

2 MR. WEBB: And just FYI, we found out last
3 Wednesday.

4 Well, I think that must be a typographical
5 error, because if you read the following sentence:
6 Mercado is aware that it must obtain conditional
7 permits from the City in order to allow any such uses
8 by its retailers. So it's a recognition that absent a
9 conditional use permit, those uses would not be
10 allowed. And it may be that Mercado itself would file
11 for a conditional use permit as opposed to the tenant.

12 COUNCILMEMBER ALEXANDER: But my point being
13 is it doesn't say that they are not going to do it.
14 It says they understand the process that they would
15 have to go through to allow the sale of used goods.

16 MR. WEBB: Well, and my point is the tenant
17 agreement specifically says you can't resell goods or
18 sell secondhand goods.

19 Now, to the extent the City would allow that
20 as, you know, an antique store or a consignment
21 furniture store or something of that nature, then
22 maybe there is some wiggle room. But certainly to the
23 extent that we're talking about general used
24 merchandise, I think that issue is clearly defined in
25 the lease.

1 COUNCILMEMBER ALEXANDER: Your exhibit
 2 permit sign, Mr. Lee's name and telephone number is on
 3 this sign. There is no affidavit from Mr. Lee.
 4 And what is his position with this
 5 establishment?
 6 MR. GARY T. FURROW: He's just a leasing
 7 agent.
 8 COUNCILMEMBER ALEXANDER: Okay. So the
 9 leasing agent's name is on the flier that is
 10 supposedly not authorized.
 11 MR. WEBB: There's a handwritten notation on
 12 the bottom of the flier.
 13 COUNCILMEMBER ALEXANDER: That's why I
 14 thought --
 15 MR. WEBB: Who knows where that came from?
 16 COUNCILMEMBER ALEXANDER: I understand that
 17 completely, but my point is I think it would be pretty
 18 safe to deduce that Mr. Lee did receive phone calls
 19 off of generated said flier.
 20 Did he never question where they got the
 21 information or anything to that nature?
 22 MR. WEBB: As far as I can go on that point
 23 there, I saw an email in the 1600 produced where Joe
 24 Cooley said that he had gotten a phone call or two
 25 from folks saying they heard there's a flea market

1 coming.
 2 He called Mr. Furrow.
 3 Mr. Furrow said, Let me check this out.
 4 He called his two leasing agents, which presumably
 5 would include Mr. Lee, and reported back that that's
 6 not what they're telling people; they tell me they are
 7 not identifying this property as a flea market.
 8 COUNCILMEMBER ALEXANDER: Okay. But we
 9 don't know that Mr. Lee did not receive phone calls
 10 generated from this flier that mentions flea market
 11 because we don't have an affidavit from Mr. Lee.
 12 MR. WEBB: We don't, and we don't know
 13 whether he -- We don't know that either -- either way.
 14 And I'm not sure how that would be relevant, frankly.
 15 The words "flea market" are --
 16 COUNCILMEMBER ALEXANDER: Because you're
 17 claiming no knowledge of the document.
 18 MR. WEBB: Well, I have put up affidavits of
 19 the three managers, the principals of the company who
 20 operate the business. They as a business are unaware
 21 of anyone affiliated with their company that has
 22 anything to with that flier.
 23 COUNCILMEMBER ALEXANDER: Okay. But
 24 Mr. Lee is affiliated with the company, because
 25 Mr. Furrow said he's one of the leasing agents.

1 MR. WEBB: He is a leasing agent --
 2 COUNCILMEMBER ALEXANDER: Okay.
 3 MR. WEBB: -- correct.
 4 COUNCILMEMBER ALEXANDER: All right. Thank
 5 you. Those are all the questions I had.
 6 MAYOR PITTMAN: Mr. Bates?
 7 COUNCILMEMBER BATES: Yeah. I want to focus
 8 on the affidavits from Mr. Furrow and Ly Phillips.
 9 Both of them stipulate in their affidavits
 10 that the Mercado Plaza would be similar to Plaza
 11 Fiesta.
 12 MR. WEBB: Correct.
 13 COUNCILMEMBER BATES: Okay. Just want to
 14 make sure that's stipulated.
 15 I went and looked and got information about
 16 Plaza Fiesta because I'm a layman and legal
 17 terminology kind of goes over my head. So I'm just
 18 going to read from Yelp, which is reviews on Plaza
 19 Fiesta, and then a Wikipedia Free Encyclopedia
 20 statement regarding Plaza Fiesta.
 21 So on Yelp, you have: The place is
 22 fantastic. It's a little chaotic, as the inside is
 23 set up more like a flea market mercado with booths
 24 indoors instead of storefronts, but that's part of the
 25 experience.

1 Second review: Think of it as a huge indoor
 2 flea market.
 3 Third review: There are several little flea
 4 market areas in addition to the regular shops in the
 5 mall.
 6 Fourth review: But for the adventurous
 7 shopper, there are plenty of flea market booths in the
 8 mall hocking hard-to-find goods.
 9 The interesting part is that, you know, Yelp
 10 has these intuitive search engines, and so it says
 11 people viewed this after searching for flea market-
 12 Atlanta.
 13 Wikipedia says: Plaza Fiesta is a 350,000
 14 square foot strip mall in Dekalb County, Georgia, on
 15 the eastern border of the city of Brookhaven, on
 16 Buford Highway and Clairmont Road. The mall contains
 17 a large supermarket, farmers' market, several large
 18 discount stores, and a large space filled with over
 19 140 small vendors modeled on a Mexican mercado or flea
 20 market.
 21 So as a layman using my common-sense
 22 deductive reasoning, if you're comparing what you want
 23 to put in at the K-Mart to Plaza Fiesta, I'm doing an
 24 apples-to-apples comparison, and that then becomes a
 25 flea market.

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1 I appreciate the interest in wanting to
2 redevelop our city, but we are poised for
3 redevelopment in the city, and putting in 350 12 x 12
4 booths with roll-up doors in the middle of the Buford
5 Highway corridor doesn't fit within a developmental
6 standard that the City has. It doesn't fit in with
7 the LCI developments and studies that the City has
8 conducted and spent a lot of time making sure that our
9 Buford Highway corridor becomes a strong entrance into
10 the -- the community and entrance into our
11 neighborhoods and our city center.
12 So again, I'm not an attorney. I didn't
13 sleep at Holiday Inn Express last night.
14 I'm just using common-sense analysis to say
15 that what your own affidavits relate to becomes, to
16 me, a flea market, so --
17 MR. WEBB: Let me address that, because both
18 Yelp and Wikipedia are open-source information
19 sources.
20 COUNCILMEMBER BATES: Sure.
21 MR. WEBB: That means any third party can
22 come in and put information in it. Yep, they can use
23 whatever language they want. And it's irrelevant, and
24 you know why? Because Doraville defines what a flea
25 market is.

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1 The only thing that matters here is
2 Doraville's definition of "flea market," which is an
3 occasional or periodic sales activity held within a
4 building, structure or open area where groups or
5 individual sellers offer goods new and used for sale
6 to the public.
7 The only question for you is: Is what we're
8 proposing a flea market under that definition?
9 COUNCILMEMBER BATES: Thank you.
10 MAYOR PITTMAN: Mr. Patrick?
11 COUNCILMEMBER PATRICK: No comments.
12 MAYOR PITTMAN: Ms. Fleming?
13 COUNCILMEMBER FLEMING: Ms. Alexander
14 touched on my comments as well. I find it quite
15 unusual that Bo Lee did not have any type of
16 affidavit, particularly since his name is on the
17 leasing information.
18 The other gentlemen that you do have
19 affidavits for are listed on the leasing information
20 and construction information. So I was just curious
21 as to why he had not submitted an affidavit as well,
22 seeing that his name, even though it was hand printed
23 on the flier, his name does appear on the leasing
24 information.
25 So with that said as well as what Mr. Bates

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1 said, a flea market does not fit well in our LCI and
2 our Comp Plan.
3 MAYOR PITTMAN: Okay. Ms. Dean?
4 COUNCILMEMBER DEAN: Well, Mr. Bates touched
5 on what I was going to say.
6 I was going to ask you what you would call
7 Fiesta Plaza, how you would define it, but -- but
8 we've gone through that so that's not necessary.
9 The 1,000-square-foot minimum, I actually
10 suggested that because I want -- we want businesses to
11 come in, stable businesses to come in, and you're not
12 going to come in in a small room or a small both and
13 -- and -- and -- and stay, plan on staying and
14 developing in any sort of way. So the 1,000 square
15 foot would change not for this but for -- for general
16 purposes, number one.
17 Number two, has the City received any formal
18 documentation with plans stipulating the size of
19 booths or -- or -- or rooms or anything like that for
20 the proposed Mercado Plaza? Yes? No? Maybe?
21 MR. WEBB: Well, what I -- That depends
22 on -- on --
23 COUNCILMEMBER DEAN: Any formal plans. Have
24 you -- have you provided the City any formal plans --
25 MR. WEBB: Yes, but --

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1 COUNCILMEMBER DEAN: -- that sets out a
2 design on booth size or the room size or anything like
3 that?
4 MR. WEBB: Yes, we have.
5 COUNCILMEMBER DEAN: And we --
6 MR. WEBB: This -- this --
7 COUNCILMEMBER DEAN: -- weren't provided a
8 copy of it?
9 MR. WEBB: Well, let me clarify. We filed
10 for a building permit. We started the process.
11 What we were told was to take our plans
12 first to the Dekalb County Fire Marshal for review.
13 So we took our plans, and they are there. But that is
14 step one in the process, and, from our perspective, we
15 have started the building-permit process. You can
16 consider that in Doraville or not, but we did in fact
17 have them, we provided them and we started the
18 building-permit process here in the city.
19 COUNCILMEMBER DEAN: Okay, but we haven't --
20 MR. WEBB: Under the -- under --
21 MR. COOLEY: -- seen them here.
22 MR. WEBB: Under the direction we were given
23 by the City.
24 COUNCILMEMBER DEAN: But we don't have them
25 here. So the fact that we changed this to 1,000

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1 square foot, a minimum of 1,000 square foot really has
2 no relevance whatsoever to plans, because we don't
3 have a copy of those plans here; right?
4 MR. WEBB: Well, I'm not sure I understand
5 your point. You know, the fact is there's a 1600-page
6 email trail that shows exactly why 800 square feet and
7 then 1,000 square feet was chosen and it goes back
8 months and months and months. So we can --
9 COUNCILMEMBER DEAN: Well, you can also look
10 at the minutes of the meeting, because we had a
11 discussion, in fact two discussions on that.
12 So it's not -- I mean it's not complicated,
13 it's not curious. I mean it just makes sense for the
14 kind of development that we want to bring into the
15 city.
16 MR. WEBB: Well, I disagree as to the
17 motives. I think they're clear and I think they'll be
18 thoroughly examined at the next phase.
19 COUNCILMEMBER DEAN: So Oscar Sinisterra,
20 have you talked to him? Have you said: Why are you
21 doing this? Why did you do this and why are you --
22 why are you -- why are you specifying what we are
23 going to do to this property? Why are you doing that?
24 Why are you passing out fliers with this information,
25 and under whose authority?

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1 Have you asked him about that? because
2 that -- that's -- I don't understand why would this
3 guy say: Oh, well, I'm going to, you know, print out
4 these fliers and basically, you know, advertise for
5 free this property that has not yet been developed,
6 and -- and potentially causing you harm?
7 MR. WEBB: I didn't speak to him. My
8 understanding is that he is the manager of the Buford
9 Highway Flea Market.
10 COUNCILMEMBER DEAN: Uh-huh.
11 MR. WEBB: It was at that point going out of
12 business. It's not going out of business now, and I
13 think he may -- and I'm guessing here like we all are.
14 I think he may have been trying to help some of those
15 folks relocate.
16 But the fact is our folks --
17 COUNCILMEMBER DEAN: Uh-huh.
18 MR. WEBB: -- have clearly indicated they
19 didn't speak to him, they didn't direct him, they
20 didn't know what he was doing; and when he did it,
21 they told him to stop.
22 What his motives are are unknown.
23 COUNCILMEMBER DEAN: Okay.
24 MR. WEBB: But what our involvement in -- in
25 that process is not.

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1 COUNCILMEMBER DEAN: Okay. And the leases
2 and in Mr. Furrow's affidavit he talks about: We
3 leased approximately 70 retail spaces.
4 What were the terms of those leases? I mean
5 what was the -- what was the period for those leases,
6 and do you have copies of them? Could you provide us
7 copies of these leases?
8 MR. WEBB: I could. I can't now. We have
9 actually put into the record a standard copy of the
10 lease.
11 COUNCILMEMBER DEAN: Okay.
12 MR. WEBB: But in terms of all 70 individual
13 leases, we have not put those into the record.
14 COUNCILMEMBER DEAN: Approximate. I mean
15 like what -- what's the duration?
16 MR. WEBB: I don't know.
17 COUNCILMEMBER DEAN: You have no idea?
18 MR. WEBB: I mean I haven't seen a single
19 one of those leases. I've seen the standard term, and
20 it, you know --
21 COUNCILMEMBER DEAN: Does anyone in this
22 room have any idea how long the term of the lease
23 might be?
24 MR. FURROW: The licenses are month to
25 month.

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1 COUNCILMEMBER DEAN: Licenses. Okay, so --
2 Because here in this affidavit, it calls them a lease.
3 And a license and a lease are two totally different
4 things; correct? You understand that?
5 - - -
6 (No audible response)
7 - - -
8 COUNCILMEMBER DEAN: Okay. I'm good.
9 MAYOR PITTMAN: Sir, did you have anything
10 else you wanted to add?
11 MR. WEBB: No. I guess I just am not clear
12 on what the point of that last conversation of lease
13 versus license is. The fact is this is a mall. It is
14 a single standing structure with accommodation of
15 different retailers in it.
16 And you know, the lease terms or the license
17 terms for each tenant will be different. But the fact
18 is the mall is a single structure; it's open five days
19 a week during regular hours just like every regular
20 business is. And the fact that a tenant may come and
21 go is irrelevant. You know, if The Gap leaves Lenox
22 Square, it doesn't make it a flea market. The mall
23 itself is the primary focus here.
24 COUNCILMEMBER DEAN: I don't think we allow
25 tents.

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1 MR. WEBB: What's that?
2 COUNCILMEMBER DEAN: I don't think we allow
3 tents; right?
4 MR. WEBB: Well, there's nothing -- We're
5 not asking for tents.
6 COUNCILMEMBER DEAN: I know.
7 MR. WEBB: There's nothing to indicate
8 tents. Maybe that flier, that third-party flier that
9 was unauthorized might have referenced something like
10 that, but the evidence in front of you, the sworn
11 testimony doesn't say anything about tents.
12 COUNCILMEMBER DEAN: Well, you just said
13 tents may come and go but the businesses --
14 COUNCILMEMBER FLEMING: He said tenants.
15 MAYOR PITTMAN: He said tenants.
16 COUNCILMEMBER DEAN: Oh, okay, okay. All
17 right.
18 COUNCILMEMBER FLEMING: Because that's what
19 I thought he said too.
20 COUNCILMEMBER DEAN: Okay.
21 MAYOR PITTMAN: Okay. Thank you, sir.
22 Mr. Cooley, do you have anything?
23 MR. COOLEY: Just a couple quick items.
24 First off, the amended copy of the appeal I
25 received this morning, it was actually delivered to

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1 the front office at 3:10 Wednesday afternoon right
2 before Thanksgiving, so -- and Legal has not received
3 a copy, so I will present this to the recorder and to
4 the Clerk and for it to be part of the record.
5 And to answer your question, I believe
6 Mr. Furrow answered the one. One other -- a couple
7 things. One, there was the issue brought up about the
8 thousand square feet. This is something that has been
9 a issue since I've come here, and it's not solely to
10 this type -- this project or anything of that sort.
11 We've had a continuing problem of businesses
12 coming in inside of businesses, opening up; they crowd
13 the space, they fill up the parking lots. We've had
14 this probably in a number -- several sites with the
15 taxicabs. We've had the same situation where we've
16 had a lot of booths opening up in other uses where
17 they were not getting occupation tax certificates.
18 So this does predate this business
19 substantially. I've been here approximately two and a
20 half years, and that's one of the issues that I
21 recognized up front, which we did -- this Council did
22 address.
23 Another important item, I think: It was
24 identified that Mr. Lee was the leasing agent. I do
25 have someone here tonight that will be willing to

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1 testify, Mr. Joe Frank, actually, where those fliers
2 were on the table at the front of the K-Mart in the
3 lobby area with the two people that were doing the
4 leasing work, and he was given one by one, and these
5 are the fliers that was in question.
6 So I think it would probably be a good idea
7 for the record since this is quasi-judicial, that
8 Mr. Frank be allowed to give testimony to that fact.
9 And if that's the case and they are -- this person,
10 whether it be Mr. Lee or whoever the agent was on duty
11 at that time was giving it out as representation of
12 what they were doing, that ties it directly to the
13 proposed plan, at least in my opinion.
14 And again, this is a determination based
15 upon what I've learned and read and heard through a
16 number -- it's not solely on the flier, but the other
17 aspects also.
18 MAYOR PITTMAN: Mr. McLendon, is it proper
19 to have Mr. Franks?
20 ATTORNEY McLENDON: I don't know why not.
21 I mean Mr. Webb, any issue with that if
22 somebody wants to put something in factually? I mean
23 it's an issue of fact that has been raised by you.
24 MR. WEBB: Well, I think it's after the
25 fact. I mean the point is there was a decision made

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1 on October 16th based on information that was
2 available to Mr. Cooley, and that's my first response.
3 Second of all, do I get a chance to cross-examine
4 Mr. Frank?
5 ATTORNEY McLENDON: Why don't we do this:
6 What I would say is I don't know this is a cross-
7 examining situation, but what I would tell you is
8 since the issue has come up and the question of fact
9 has been raised by you, I think it becomes relevant.
10 I'd be happy for us to just stipulate that's
11 what Mr. Frank would testify to, that the flier was --
12 -- whatever Mr. Cooley said. I'm okay with that.
13 MR. WEBB: Well, I'm not stipulating to
14 that.
15 ATTORNEY McLENDON: Okay. And I don't think
16 this has a right to cross-examination. I think
17 Mr. Frank could come up and potentially put evidence
18 in if that has been is a question of fact that's
19 raised.
20 I mean you've raised the question of fact of
21 saying: This flier had nothing to do with my clients;
22 right?
23 MR. WEBB: Well, that's certainly the
24 position that I've taken.
25 ATTORNEY McLENDON: I think it would be

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1 appropriate for us to, you know, give it what weight
2 you may. I think it would be appropriate to put it in
3 the record if he had something he wanted to add.
4 MR. WEBB: Well, I disagree, and I object to
5 taking evidence from the general public here like
6 this, certainly unannounced as well.
7 ATTORNEY McLENDON: Mayor, let me have five
8 minutes. Can I have a recess on that?
9 MAYOR PITTMAN: Certainly. We'll have a
10 five-minute recess.
11 ---
12 (Brief recess)
13 ---
14 MAYOR PITTMAN: Meeting come back to order.
15 Mr. McLendon?
16 ATTORNEY McLENDON: All right, Mayor.
17 Giving the issue thought, to the extent that the
18 decision was made on the -- based upon the information
19 in front of him, what's happened is I think in this
20 hearing we've come in and we've questioned the basis
21 of part of the evidence, at least some aspect of the
22 evidence. It's been said: That was not done with our
23 authority or knowledge.
24 You know, I have somebody that's willing to
25 come up and -- and says, you know, I had an

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1 observation that's relevant to that. I think it's
2 appropriate to listen to it, but I think if -- if
3 that's allowed to be put in, Mr. Webb should be given
4 every right to ask him questions about that very
5 thoroughly.
6 So to the extent that -- that, you know, he
7 has information that may be relevant to that flier,
8 I'm going to say we should listen to it but Mr. Webb
9 should have the ability to fully ask him questions and
10 inquire as to whatever that opinion is.
11 MR. WEBB: Since we're creating a record, I
12 think I would just like to object to the process or
13 lack of process. I've actually already raised that
14 objection.
15 And one of the issues I have here is there
16 are absolutely no standards as to what determines the
17 appellate review, and I don't think it's appropriate
18 to take comment from the general public. So I
19 understand that the City Attorney has the ability to
20 direct the course of this proceeding the way he wants,
21 but I object.
22 ATTORNEY McLENDON: And I'll just note that
23 I don't think we're saying this is taking comment from
24 the general public. We've had an issue of fact raised,
25 and I think we have someone who has stated they have

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1 specific knowledge regarding that particular issue of
2 fact.
3 You're welcome to cross-examine him on it if
4 he's willing to -- to put that evidence in the record.
5 All right. So Mr. Harris, if you have
6 something to add to that, please feel free. And I'll
7 need you to --
8 COUNCILMEMBER ALEXANDER: Mr. Frank.
9 ATTORNEY McLENDON: Mr. Frank. I apologize.
10 Mr. Frank.
11 MAYOR PITTMAN: Mr. Frank, if you would
12 please -- Mr. Frank, if you'd please identify yourself
13 to -- for the court reporters please.
14 MR. JOE FRANK: Joe Frank.
15 MAYOR PITTMAN: Go ahead, sir.
16 MR. FRANK: Do you want me to just go ahead
17 and start?
18 Okay. Well, several months ago, it was
19 shortly af- -- I believe it was shortly after the flea
20 market sign came up over there, at least it was just a
21 few days after I saw it there for the first time, and
22 so I was just curious what's going on there and the
23 fact that we are putting up a flea market in the city,
24 because I was under the understanding that flea
25 markets were -- were prohibited use in the city.

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1 And I was even kind of curious because it
2 said something about a -- about a plaza. And of
3 course to me a plaza is something where you have a
4 series of stores on the sidewalk and each store is a
5 separate entity.
6 ATTORNEY McLENDON: Mr. Frank --
7 MR. FRANK: Okay.
8 ATTORNEY McLENDON: -- let me go ahead and
9 let's just -- we got to keep this process --
10 MR. FRANK: Oh. Okay. I'm sorry.
11 ATTORNEY McLENDON: We haven't said come in
12 and sort of testify to everything, so I'm going to ask
13 us --
14 THE WITNESS: Okay. Very good.
15 ATTORNEY McLENDON: -- to disregard what he
16 said before.
17 And just for the sake of let's make sure
18 we're -- everybody's aware, I'm going to go ahead and
19 ask you to -- swear you in regarding the testimony
20 you're about to give.
21 MR. FRANK: Okay.
22 ATTORNEY McLENDON: Is that okay?
23 MR. FRANK: That's quite all right.
24 Whereupon,
25 JOE FRANK

1 was called to testify, and having been first duly
2 sworn, was examined and testified as follows:

3 DIRECT EXAMINATION

4 BY MR. McLENDON:

5 Q Very good, and if you could --

6 A Okay.

7 Q -- we had said there was --

8 A I'll keep it brief.

9 Q -- one issue was --

10 A I'll keep it brief.

11 Q -- was that flier and what your knowledge is
12 on that flier. Just address that.

13 A Okay. Well, so I went over there just to
14 see what was -- what they had going on over there,
15 and I walked in and kind of pretended to be a
16 potential tenant, and I was given kind of a -- I guess
17 a little bit of a sales pitch on the thing of how
18 beautiful everything is going to be and all of the --
19 and all of the booths that they were putting up there,
20 and they would have all these carts in the middle, and
21 there was going to be -- and they kind of gave me a
22 little rundown description of all the things that were
23 or at least some of the things, I guess.

24 And they wanted to know what I was going to
25 put in there, and I said, I got a friend who's looking

1 permit, so they were just getting their permits
2 approved or something to that effect, and -- and that
3 because now they are calling it a plaza versus a flea
4 market or something, something to that effect.

5 Anyway, she handed me the flier. To the
6 best of my recollection, she wrote the name under-
7 neath. There was the phone number on it, on that
8 flier.

9 And I left, and I said, I will tell my
10 friend about it and I would see her in the near future
11 about possibly renting a space over there.

12 And -- and she mentioned something about
13 that, you know, they were getting the people from the
14 other market over, and just kind -- it was all kind of
15 like a sales pitch kind of a thing. And that's it.

16 MAYOR PITTMAN: Okay, Mr. Frank, hold on
17 just a minute.

18 Mr. McLendon?

19 ATTORNEY McLENDON: Just so we know what
20 flier you're talking about, Mr. Frank, is that the
21 flier that you're talking about (presenting)?

22 THE WITNESS: Yeah, correct.

23 ATTORNEY McLENDON: All right. That's it.
24 All right?

25 THE WITNESS: Yes.

1 for a space to put a -- to put a clothing, selling
2 clothing.

3 And anyway, we went on, and -- and then
4 towards the end of the conversation -- and there were
5 two Asian ladies over there, a gentleman, and a
6 Hispanic individual that was I guess tidying up some
7 flooring of the floor right there by the -- by the
8 entrance. It was actually right when you come in, a
9 little to the left, there were a couple of desks, and
10 there were the -- you know, there were those ladies
11 and people sitting behind the desk over there.

12 And then when I was leaving, on one of the
13 -- on one of the desks, there was a stack maybe -- I
14 don't know, but maybe so high (indicating), of fliers.
15 And the lady gave me one of those fliers and -- and
16 because we'd been kind of finishing, and she said if
17 you call this --

18 - - -

19 (Brief interruption)

20 - - -

21 THE WITNESS: But anyway, she -- she handed
22 me the flier or pamphlet, whatever you want to call
23 it, and they had that map on the back of it. And she
24 said that they were working on this for some time but
25 that now they were getting the -- they had their

1 ATTORNEY McLENDON: Thank you.

2 MAYOR PITTMAN: Okay, sir, would you like to
3 cross-examine?

4 CROSS-EXAMINATION

5 BY MR. WEBB:

6 Q Mr. Frank, my name is Den Webb. We've
7 actually met before, but it's --

8 A Yes, we did.

9 Q -- been awhile.

10 A Yes.

11 Q You mentioned that you went over to the site
12 because saw the flea market sign; correct?

13 A Correct.

14 Q Is it your recollection that the words "flea
15 market" were on the sign in front of --

16 A Well --

17 Q -- the property?

18 A Well, I knew -- I -- I was already aware
19 from other conversation that they were applying to put
20 a flea market in there. So when I saw that, I
21 immediate identified that as being, you know, the flea
22 market coming in there --

23 Q Well --

24 A -- on the thing. That is practically what
25 it is.

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1 Q -- is your recollection that the words "flea
2 market" were used on the sign that you saw?
3 A I'm sorry?
4 Q Is your recollection that the words "flea
5 market" were used on the sign?
6 A It was not used on the sign, and that's what
7 kind of caught -- caught my eye because Ly Phillips
8 used to own a flea market. And Ly Phillips is, I
9 believe, one of the owners of that -- of the property
10 over there, or Ly Phillips, she's (pronouncing) she's
11 called anyway. And she used to own a flea market up
12 in Gainesville at one time or was a part owner in a --
13 in a flea market. And I believe in fact -- I believe
14 she was one time somehow related to that other flea
15 market that you guys call Plaza Fiesta, so -- but that
16 is still a flea market. It was basically this guy's
17 flea market. That's -- that's the way I look at it.
18 Q Well, you mentioned that you heard from
19 conversations that this was a flea market.
20 A Yeah.
21 Q All right. Did you ever speak to the
22 owners? Did you ever hear that in conversation with
23 an owner of Mercado Plaza?
24 A No. That was out on the street.
25 Q Okay. That was just --

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1 A That was hearsay.
2 Q -- hearsay.
3 A If that's what you want to call it.
4 Q When you went to the property, was there
5 work going on at the site?
6 A Yes, there was.
7 Q Okay. And so there were workmen walking
8 around and other people?
9 A Correct.
10 Q You said that --
11 A I believe the inside was already being
12 demolished and there was a -- a demolition permit on
13 the -- on the front door, on the front entrance.
14 Q You said you think you've seen the flier at
15 issue. Did you take a copy of it when you went to the
16 site?
17 A I'm sorry?
18 Q Did you pick up a copy when you went to the
19 property, of the flier?
20 A They -- they handed me a copy of that flier.
21 Q Okay. And do you still have a copy?
22 A Yes, I believe so.
23 Q Not in your possession.
24 Did you come --
25 A No.

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1 Q -- here to speak on this topic?
2 A I'm sorry?
3 Q Did you come tonight specifically to speak
4 on this topic?
5 A I -- I -- I didn't come to speak. I mean I
6 was called to speak.
7 Q Explain that to me.
8 A Well, we don't always get to speak in the
9 city hall unless we are called on to speak.
10 Q Okay. And who called on you to speak?
11 A I'm sorry?
12 Q Who called on you --
13 A Well, I just --
14 Q -- to speak?
15 A -- identified myself now because the issue
16 came up that -- that the flier was somehow -- the
17 owners did not know about the flier.
18 That statement, to me, appeared to be very
19 untrue because they had a stack of those fliers on the
20 very desk inside the flea market right where all of
21 these people were sitting, so it was sitting right
22 there on the table.
23 And for somebody to say that they are not
24 aware of it when it's sitting right there in front of
25 their table and they hand it to me, that is -- well,

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1 whatever you want to call it. I don't want to call it
2 in public what it is.
3 Q Well, so you came -- you came here to speak
4 on the flier issue; is that -- do I hear you
5 correctly?
6 A That is -- well, no, I didn't.
7 I came here to speak if I'm called on about
8 the flea market because a flea market is something
9 that does not fit into our city. The flea market is -
10 - that's it. It doesn't fit.
11 Q Okay.
12 A But anyway --
13 Q But my point is --
14 A But that's my point. I mean the City is the
15 one who makes those decisions.
16 Q You knew the flier was an issue when you
17 came here today.
18 A No, I did not.
19 Q Well, you -- you said that earlier. Did I
20 mishear you? You had --
21 A No.
22 Q -- no idea that the --
23 A I did not say the -- I did not say the flier
24 was an issue. I said that there was a statement made
25 over here. I believe you are the one who made that --

1 who made the statement that the owners did not know
2 anything about the flier and that somehow some flier
3 was -- I don't recall your -- your exact words, but it
4 was something to the effect, the way I understood it,
5 that it was somebody made it or what, I don't know,
6 but that the owners were not aware of it.
7 Q Okay.
8 A Okay. And my point is: Yes, the owners
9 were aware of it or should have been aware because
10 they are the ones who had given it out. I mean it was
11 right there where the ladies were.
12 Q Well, you saw a flier. You could testify to
13 that.
14 A No. I saw a stack of flowers -- of fliers.
15 Q Where?
16 A She gave me a flier, but --
17 Q And you still have a copy of that flier
18 somewhere; correct?
19 A I probably do.
20 Q All right, but you didn't bring it tonight.
21 A No, I did not.
22 Q All right. And you mentioned that you think
23 that the flier that was handed to you by Mr. McLendon
24 was the flier that you saw; right?
25 A By -- by whichever lady was speaking to me.

1 Q You're -- you're a competitor of sorts of
2 Mercado Plaza; correct?
3 A No, I'm not.
4 Q You own commercial property in the city of
5 Doraville, do you not?
6 A I own one small property.
7 Q Okay, that you lease to tenants.
8 A Couple small properties. That's about it.
9 Q I'm sorry. How many do you own?
10 A Couple small properties.
11 Q So it's not just one. You own more than
12 one; correct?
13 A Two.
14 Q All right. And you lease those --
15 A Two.
16 Q -- to commercial tenants; correct?
17 A Yeah. But it -- it isn't -- it isn't a
18 competition to me.
19 Q Have you ever used fliers to advertise your
20 business?
21 A No, I didn't.
22 Q Okay. You own commercial properties;
23 correct? We just discussed that.
24 A Well, we didn't discuss other place.
25 Q But you've been in the city a long time;

1 Q All right. Now --
2 A But -- you know.
3 Q -- you said you saw a map on the back of the
4 flier that you saw; correct?
5 Show me where the map is on the back of that
6 flier.
7 A I didn't say I saw a map on the back.
8 Q Yes, you did, sir.
9 A No, I didn't.
10 Q Okay. Well, if you said that, then you were
11 wrong; correct?
12 A I -- I don't remember seeing a map of a
13 flier on the back. No, I did not.
14 Q I'm sorry.
15 A I don't recall.
16 Q A map on the back of the flier is what you
17 testified to earlier.
18 A I do not recall saying it.
19 Q Okay. Well, do you see a map on the back of
20 that flier I just handed you?
21 A Like I say, I do not recall saying anything
22 about a map.
23 Q Okay. Well, my question is, Do you see a
24 map on the back of that flier in your hand right now?
25 A No, I don't.

1 right?
2 A Yes, I'm here awhile. Yes.
3 Q You know a lot of the folks that lease
4 property in the city; correct?
5 A Okay.
6 Q There's nothing unusual about using a flier
7 to lease property; right?
8 A There's nothing unusual about it except when
9 it -- or when the flier says that it's -- it actually
10 advertises to -- saying that it's a flea market and it
11 is being advertised to -- saying that the people in --
12 in the flea market that is down the street have first
13 right to rent the space, then it seems to me that
14 that's a flea market. I mean if you --
15 Q Sir, that flier --
16 A -- if you're going to solicit the tenants
17 from that flea market, then obviously you're running a
18 flea market. If you would be soliciting retail store
19 tenants from another shopping center, which is
20 commonly done, then you would be running a shopping
21 center plaza. But what they're soliciting are flea
22 market tenants.
23 Q I want to be clear on this. That flier does
24 not describe Mercado Plaza as a flea market; correct?
25 And take your time in reading it.

1 A It says here -- what it says is booths will
 2 be rented first-come/first-served. Buford Highway
 3 Flea Market tenants will have the exclusive during two
 4 weeks until August 25 to choose a booth. From there
 5 on you will be able to choose on what is available at
 6 the moment. Reservations will be made upon receiving
 7 security deposit.
 8 Okay. To me, they are apparently handing
 9 this out or going to the booths in the Buford Highway
 10 Flea Market and giving the tenants at the Buford
 11 Highway Flea Market the first choice to go from there
 12 to over here.
 13 Q Well, my question is a simple one: That
 14 flier does not specifically describe Mercado Plaza as
 15 a flea market; correct?
 16 A Okay.
 17 Q I'm asking the question, sir. Does it say
 18 Mercado --
 19 A Well --
 20 Q -- Plaza is a flea market? I know what your
 21 opinion is and I know why you're here.
 22 A Well, you got a picture over here.
 23 Q Sir, my question's a simple one.
 24 COUNCILMEMBER ALEXANDER: Excuse me, please.
 25 THE WITNESS: You --

1 opinion and he has his own recollection, and I think
 2 there's some -- some issues with that. But it's not
 3 the be-all end-all; it's not dispositive.
 4 As I got -- as I stated earlier, we don't
 5 have to guess what a flea market is. It doesn't
 6 matter what Yelp says or Wikipedia or Joe Frank or
 7 anybody else says, because you have defined that term.
 8 Doraville has a law that says what a flea market is,
 9 and if it's not that, then it's not a flea market.
 10 And we've certainly provided enough evidence on that
 11 issue to demonstrate we don't fall within the
 12 parameters of -- of that definition. So I think, you
 13 know, this flier issue is a little bit of a side
 14 circus and I -- I regret getting too far into it
 15 because I think it puts undue emphasis on an issue
 16 that's not dispositive.
 17 If you don't believe the issue of the flier,
 18 which doesn't use the words "flea market," then let's
 19 focus on the definition, because you're not going to
 20 be able to support the determinations based on that
 21 definition.
 22 MAYOR PITTMAN: Mr. McLendon, do you have
 23 anything?
 24 ATTORNEY McLENDON: No, I have nothing
 25 further.

1 COUNCILMEMBER ALEXANDER: Could we --
 2 THE WITNESS: You --
 3 COUNCILMEMBER ALEXANDER: -- simplify the
 4 scope for him to say where he got the flier.
 5 We do not want his interpretation of what
 6 the flier said. I thought the purpose of this man
 7 testifying, so to speak, was to distinctly say where
 8 he got the flier.
 9 ATTORNEY McLENDON: I think that is a fair
 10 point, and if we would like to maybe narrow the
 11 conversation, we can basically limit the evidence to
 12 that issue alone is to how we'll consider it.
 13 Q Let me -- I have no more questions for you.
 14 MR. WEBB: But I would like to raise one
 15 issue before I sit down, and I want to make sure one
 16 point is -- is clear and understood.
 17 MAYOR PITTMAN: (To the witness) You can
 18 sit down. Thank you.
 19 MR. FRANK: Oh, okay.
 20 MR. WEBB: You know, I almost didn't want to
 21 even ask Mr. Frank questions because it put undue
 22 emphasis on the flier, and I don't think we tried to
 23 do that in our appellate statement.
 24 The fact is we didn't write it, we didn't
 25 have anything to do with it. Mr. Frank has his own

1 MAYOR PITTMAN: Anything, sir?
 2 MR. COOLEY: I just did want to give a copy
 3 of the Clerk's and . . .
 4 MAYOR PITTMAN: So Mr. McLendon, at this
 5 point --
 6 ATTORNEY McLENDON: At this point, I think
 7 the evidence close is closed, and take it up to the
 8 Mayor and Council.
 9 MAYOR PITTMAN: Okay. Councilmembers, did
 10 you have anything else you wanted to add?
 11 COUNCILMEMBER FLEMING: I wanted to ask
 12 Mr. Cooley a question.
 13 MR. COOLEY: Yes, ma'am.
 14 COUNCILMEMBER FLEMING: Correct me if I'm
 15 wrong, but on November the 4th, was that --
 16 MR. COOLEY: Excuse me just one second.
 17 I'm sorry. Go ahead.
 18 COUNCILMEMBER FLEMING: Was that the agenda
 19 that -- that this particular item was on the second
 20 time?
 21 MR. COOLEY: It was on --
 22 COUNCILMEMBER FLEMING: Could you please --
 23 MR. COOLEY: It was on twice. I don't
 24 recall the dates. It was the meeting that was held
 25 over at the Civic Center.

1 COUNCILMEMBER DEAN: The day before the
2 elections; that was the 4th.
3 MR. COOLEY: Correct.
4 COUNCILMEMBER FLEMING: But we had a second
5 meeting in here the following week, I believe,
6 giving --
7 MR. COOLEY: The meeting --
8 COUNCILMEMBER FLEMING: Yes, we had --
9 MR. COOLEY: The meeting was --
10 COUNCILMEMBER FLEMING: -- a second meeting
11 to allow -- if I'm not mistaken. Correct me I'm
12 wrong. We had a second meeting after the initial
13 meeting on November the 4th. That was when the
14 gentleman was ill, and we gave him enough time to come
15 to us again.
16 COUNCILMEMBER ALEXANDER: That was a
17 different issue.
18 MR. COOLEY: That was a different case.
19 COUNCILMEMBER BATES: That was Moon
20 Lingerie.
21 COUNCILMEMBER FLEMING: My apologies. Thank
22 you very much.
23 MR. COOLEY: Certainly.
24 COUNCILMEMBER FLEMING: My apologies.
25 MAYOR PITTMAN: If there's no further

1 another break, please?.
2 MAYOR PITTMAN: Yes, we're going to take a
3 break.
4 We also really need to know -- it's almost 9
5 o'clock, we have at least one more item and then we
6 have an Executive Session. I need a motion to extend
7 it past 9:00, please, if you wish to do so.
8 COUNCILMEMBER ALEXANDER: So moved.
9 MAYOR PITTMAN: Second?
10 COUNCILMEMBER PATRICK: Second.
11 MAYOR PITTMAN: Discussion?
12 ---
13 (No response)
14 ---
15 MAYOR PITTMAN: Call the roll, please.
16 CLERK BRYANT: Councilmember Alexander?
17 COUNCILMEMBER ALEXANDER: Yes.
18 CLERK BRYANT: Councilmember Bates?
19 COUNCILMEMBER BATES: No.
20 CLERK BRYANT: Councilmember Dean?
21 COUNCILMEMBER DEAN: No.
22 CLERK BRYANT: Councilmember Fleming?
23 COUNCILMEMBER FLEMING: Yes.
24 CLERK BRYANT: Councilmember Patrick?
25 COUNCILMEMBER PATRICK: Yes.

1 comments from the Council, does anyone wish to
2 entertain a motion?
3 COUNCILMEMBER BATES: Based upon the
4 information presented by both the City and the
5 applicant and the information that was discussed, I'm
6 going to make a motion to deny the appeal on the
7 administrative zoning determination for 5597 Buford
8 Highway.
9 COUNCILMEMBER DEAN: Second.
10 MAYOR PITTMAN: Discussion?
11 ---
12 (No response)
13 ---
14 MAYOR PITTMAN: Call the roll, please.
15 CLERK BRYANT: Councilmember Alexander?
16 COUNCILMEMBER ALEXANDER: Yes.
17 CLERK BRYANT: Councilmember Bates?
18 COUNCILMEMBER BATES: Yes.
19 CLERK BRYANT: Councilmember Dean?
20 COUNCILMEMBER DEAN: Yes.
21 CLERK BRYANT: Councilmember Fleming?
22 COUNCILMEMBER FLEMING: Yes.
23 CLERK BRYANT: Councilmember Patrick?
24 COUNCILMEMBER PATRICK: Yes.
25 COUNCILMEMBER ALEXANDER: Mayor, may we have

1 MAYOR PITTMAN: Okay. We will take a five-
2 minute break, come back at 9 o'clock.
3 ---
4 (Brief recess)
5 ---
6 MAYOR PITTMAN: Meeting come back to order.
7 All right. And next on the agenda is the
8 Resolution for Annexation, Ms. Alexander.
9 COUNCILMEMBER ALEXANDER: Thank you, Mayor.
10 This is not just a single Councilperson's
11 agenda item. Multiple Council people support this
12 item.
13 As you can see up here, there are three
14 proposed new cities that one or all or some
15 combination of these will probably head to the state
16 legislature at the 2014 session.
17 As we have learned from experience, Georgia
18 Title Code 36-36-4 prohibits creation of
19 unincorporated islands by annexation but it does not
20 prohibit creation of unincorporated islands by
21 incorporation.
22 The majority of these cities will border the
23 other side of I-85 or they may even come over to our
24 side of I-85. One of the ones that's proposed that
25 concerns me most is the city of Tucker, which they're

1 not going to just stop at I-85; they're actually
 2 trying to come over and take Oakcliff.
 3 As you know, based on our 2006 annexation
 4 map, that was one of our goals was to get all of
 5 Oakcliff into the city of Doraville because we have
 6 split jurisdiction not just in the Oakcliff Estate
 7 subdivision but in various other subdivisions
 8 including in Northwoods where you have half the
 9 street's unincorporated Dekalb, half is the city of
 10 Doraville, and basically they wanted to come through
 11 and put everything on our borders in our jurisdiction.
 12 You'll notice that the City of Tucker map,
 13 this is Proposal II. The City of Tucker map Proposal
 14 I did not cross I-85. I'm not quite sure why they
 15 decided to come over into our area, but the state
 16 legislature, specifically Representative Holcomb, has
 17 been told that no thank you, we do not want that.
 18 Another issue that we have, as you know, the
 19 City of Chamblee had a huge annexation that was passed
 20 by referendum. So what that has done, that has
 21 brought the Chamblee borders to the right-of-way of
 22 Chamblee-Tucker. So now, geographically, all of this
 23 area right in here (indicating) is an island because
 24 there is no street access from 85 to get back into --
 25 The Northwoods subdivision's over there

1 to do: We want to even up our borders. We definitely
 2 have to. The legislature's going to sort out this
 3 over here, but I made it clear to Representative
 4 Holcomb, and I think the rest of Council agrees, we do
 5 not want Tucker coming into Oakcliff.
 6 I'm sorry, Tucker. No offense to you. But
 7 we want to work with you, not start off the bat. Part
 8 of the problems we have in Oakcliff is split
 9 jurisdiction, and we don't want split jurisdiction
 10 again with a new city. I think that would create even
 11 more problems than we experience now with Dekalb
 12 County.
 13 So what this resolution does is it informs
 14 the state legislature -- and we wanted to get this
 15 prefiled before the session starts in January -- that
 16 we are interested in pursuing annexation of these
 17 areas.
 18 The only border at this time that is not
 19 defined is I-85. At a minimum, we will stop on our
 20 side of 85, "our side" being the southbound access
 21 road.
 22 The caveat is whichever one of these cities,
 23 if they're approved, if they want to stop on their
 24 side of 85, then we cannot leave 85 as an unincor-
 25 porated island. So we've talked it over and we've

1 across from Sequoyah Middle School, Santa Fe Trail,
 2 all that area. For Dekalb County to get into those
 3 areas, they have to exit I-85, literally go through
 4 the city of Chamblee, to come down to turn by the old
 5 Quick Trip to get to that area; or if they come from
 6 the other end, they have to go into our city.
 7 I did argue unsuccessfully with the state
 8 legislature that by drawing that boundary line on
 9 Chamblee on what I call our side of Chamblee-Tucker,
 10 that they technically did create an island by
 11 annexation. But they said, Oh, no. Dekalb still
 12 borders it by 85.
 13 I'm like, Well, what are they going to do?
 14 Get a helicopter? because you can't drive there. But
 15 anyway, I lost that battle. Just so you know, we do
 16 fight behind the scenes. You guys don't know every-
 17 thing that we do.
 18 So technically, in my opinion, this is an
 19 island that Dekalb has no access to this neighborhood.
 20 As we've always said, we have always wanted
 21 to try to get Oakcliff into our jurisdiction. So
 22 basically what this does -- and we have spoken to
 23 Representative Taylor, Senator Miller, Representative
 24 Holcomb. We've also spoken to Representative Pedro
 25 Marin from the Lilburn area. And this is what we want

1 agreed that we will work with whomever the new city
 2 is. If they want to take half of 85, if they want to
 3 take all of it; if they want us to take all of 85,
 4 we'll take it. And Dr. Gillen has spoken to Chief
 5 King about that.
 6 Another aspect of that is we have experience
 7 handling 285, and these other cities don't have any
 8 experience handling interstates.
 9 So the resolution is to tell the state
 10 legislature that we want to proceed with the
 11 annexation of the areas east to 85 and south to
 12 Chamblee-Tucker and north to the Gwinnett County line.
 13 So basically it's the same area in yellow on the
 14 2006 map that is in the lower righthand corner.
 15 **MAYOR PITTMAN:** Okay. Anyone have any
 16 questions or comments?
 17 **COUNCILMEMBER BATES:** Ms. Alexander, thank
 18 you for doing the research on this.
 19 I think we all agree that leaving these
 20 islands to Dekalb to clean up, address, deal with is
 21 not going to happen, and especially now on the south
 22 side where that section of Northwoods is really now an
 23 island with Chamblee. And with any of the three
 24 proposed maps, it will continue to create an island.
 25 Dekalb is -- from a police standpoint, is pulling

1 their officers out. The North Precinct is now
2 Dunwoody. The next closest precinct is --
3 Stone Mountain?
4 MAYOR PITTMAN: Central.
5 COUNCILMEMBER BATES: -- Central. So from a
6 911 access/safety/code enforcement, Dekalb County is
7 just not going to be able, so those areas will
8 continue to deteriorate. And I think anybody who
9 drives through any of those areas knows that they have
10 declined substantially in the last five, ten years;
11 they will continue to.

12 So this is an opportunity. While we still
13 have a lot of work to do to get our ducks in a row, I
14 think this will help to stem some of the decline
15 that's surrounding us and we're all impacted by. We
16 can't impact Gwinnett but we can certainly impact
17 what's to our east and our south, so thank you.

18 MAYOR PITTMAN: And I reiterate: Thank you,
19 Ms. Alexander, for putting that together.

20 Although it may be Dekalb County, it does
21 affect our quality of life because it borders ours and
22 it causes us to look bad, and we get the blame for a
23 lot of it anyway. So I think the best thing we can do
24 is to bring it in so we can control it and clean it up
25 and improve the quality of life of our city.

1 COUNCILMEMBER PATRICK: When I campaigned
2 last year or in 2012, early 2012, annexation, squaring
3 up our boundaries was one of the things that I thought
4 would be absolutely important for our city to do.

5 And I just want to say thank you, Maria, for
6 doing that. That is definitely what we need. Thank
7 you.

8 MAYOR PITTMAN: Ms. Fleming?

9 COUNCILMEMBER FLEMING: Another source of
10 economic development is annexation, and we have been
11 using the funding sources that are available to us,
12 but annexation is one.

13 And the potential of the appraised value in
14 what we are proposing is going to be -- and this is
15 just the appraised value. It doesn't include the
16 deduction for any type of exemptions -- but about 300
17 million dollars. So I would think that that would be
18 quite an incentive for us to move forward with the
19 annexation as well as the public-safety issue. So I'm
20 looking forward to working with Maria on trying to
21 move this forward.

22 MAYOR PITTMAN: Ms. Dean?

23 COUNCILMEMBER DEAN: Do we know how this
24 would affect our budget in terms of revenues and
25 expenses?

1 put into this.

2 COUNCILMEMBER BATES: And I just want to
3 remind everybody that while Ms. Alexander said that
4 the only way for Dekalb County to get into Santa Fe
5 and those areas back on the Northwoods side is to go
6 through Chamblee and Doraville, the only way for us to
7 get to Honeysuckle Park via a car is to go through
8 unincorporated Dekalb County, so we have a reverse
9 access issue that this will work to fix.

10 And that frustrates me beyond belief that if
11 you want to get from City Hall to Ms. Alexander's
12 house, you can't drive up Buford Highway and stay in
13 the city. You've got to go back roads all the way up
14 to English Oak and then down English Oak to Pin Oak
15 Circle, and it's just a real big issue. It's always
16 been an issue, and this is a way to start addressing
17 some of those issues, especially on Buford Highway and
18 the east side of Buford Highway that everybody
19 perceives to be Doraville but that isn't, so --

20 MAYOR PITTMAN: And I do want to say --
21 touch on what she said. A lot of you don't know
22 that Council and myself, we all do work behind the
23 scenes and fight battles sometimes some of you don't
24 ever hear about. Mr. Bates and I have fought the
25 battle of this Buford Highway clean-up area right here

1 COUNCILMEMBER ALEXANDER: ^{I think that's one}
2 of the things for the -- on the agenda sheet is for
3 staff to start gathering that information.

4 DR. GILLEN: We're currently working on a
5 more detailed version of what Pam had mentioned. I
6 know Lisa mentioned that the -- I think the
7 occupational-tax license fees from the liquor store
8 alone were several hundred thousand dollars a year.

9 So we know we have the funding in place to
10 do the additional police officers we're going to need
11 and additional code enforcement that we want to have.
12 I think we want to ramp up code enforcement quickly,
13 more quickly than the police so we can get to the root
14 of the problem but also, you know, we've been
15 budgeting the police department for more officers than
16 we've been using, so we can -- we can get there
17 quickly but we wouldn't want to do it all at once.

18 So the revenue will be there to cover those
19 expenses, and we're going to get more detailed numbers
20 on those. She's working on tax parcel-by-parcel
21 information right now. She's been doing that for
22 several weeks in anticipation of that very question.
23 Thank you.

24 COUNCILMEMBER DEAN: Okay. All right. No,
25 and other than that, thank you for the work that you

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1 to no avail with Dekalb County, so it would be
 2 refreshing to be able to bring it in and clean it up,
 3 hopefully, so --
 4 COUNCILMEMBER ALEXANDER: I do want to
 5 mention that when I spoke to Representative Holcomb
 6 last week, Dr. Gillen, if the resolution passes, if
 7 you can reach out to him, because he mentioned he
 8 wanted to schedule a meeting with our city and the
 9 three proposed cities and -- and try to get some of
 10 the borders ironed out.
 11 I believe the City of Lakeside has already
 12 completed their feasibility study, I believe that
 13 Tucker and Briarcliff is underway, and I'm assuming
 14 that Tucker is doing theirs under this revised map
 15 which includes part of the area that we want to annex.
 16 DR. GILLEN: Yes. I've been working with
 17 the DMA. They're meeting. They had an annexation
 18 meeting last Monday about this very topic, and we met
 19 with Dekalb County.
 20 We have already kind of predetermined the
 21 annexation area, so I didn't get into details about
 22 what we were going to be doing as far as the time
 23 schedule and everything. Lee May from Dekalb County
 24 was there to listen to all the cities that want to do
 25 annexation. There was about 12 cities there, and they

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1 also talked about the new cities.
 2 So there is a lot of this going on, and one
 3 of the reasons I'm glad you brought you up now is if
 4 there was ever a time for the legislature to do this,
 5 now is the time.
 6 COUNCILMEMBER BATES: Well, I make a motion
 7 to adopt the resolution.
 8 MAYOR PITTMAN: Second?
 9 COUNCILMEMBER FLEMING: Second.
 10 MAYOR PITTMAN: Discussion?
 11 UNIDENTIFIED SPEAKER: Will you have any
 12 public discussion?
 13 MAYOR PITTMAN: No, sir.
 14 COUNCILMEMBER ALEXANDER: And just as a side
 15 note, I also discussed this with Councilmember
 16 Pachuta, and she was in support of it also. Sorry
 17 she's ill tonight.
 18 MAYOR PITTMAN: Call the roll, please.
 19 CLERK BRYANT: Councilmember Alexander?
 20 COUNCILMEMBER ALEXANDER: Yes.
 21 CLERK BRYANT: Councilmember Bates?
 22 COUNCILMEMBER BATES: Yes.
 23 CLERK BRYANT: Councilmember Dean?
 24 COUNCILMEMBER DEAN: Yes.
 25 CLERK BRYANT: Councilmember Fleming?

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1 COUNCILMEMBER FLEMING: Yes.
 2 CLERK BRYANT: Councilmember Patrick?
 3 COUNCILMEMBER PATRICK: Yes.
 4 MAYOR PITTMAN: Okay. Thank you.
 5 All right. The next item I believe is going
 6 to be the 2013 LWCF Grant Resolution, Mr. Howe.
 7 COUNCILMEMBER DEAN: Could we postpone this?
 8 I'm waiting for some information that I requested
 9 earlier today. Would you mind?
 10 MAYOR PITTMAN: Is there a deadline we're
 11 trying to meet here?
 12 MR. HOWE: Yes. Yes, ma'am. Yes, ma'am.
 13 And it's --
 14 MAYOR PITTMAN: What is the deadline?
 15 MR. HOWE: The deadline was last week. We
 16 submitted the preapplication last week, and DNR said,
 17 you know, we'll consider it if you adopt it Monday
 18 night.
 19 MAYOR PITTMAN: Okay. Go ahead.
 20 MR. HOWE: I'll answer any questions about
 21 the language in the application -- or I mean the
 22 resolution, rather.
 23 But the preapplication is something that I
 24 prepared. It was very simple. They require a
 25 preapplication and a resolution, and all they're

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1 looking for is an affirmation that we will come up
 2 with the \$25,000 match.
 3 They'll score the -- the preapplication in a
 4 quantitative manner. If it scores high enough,
 5 they'll come back and ask for the City to submit a
 6 formal application probably in February.
 7 But any scope questions, any park or
 8 planning questions, I'll defer to Mr. Robertson.
 9 MAYOR PITTMAN: Okay. Ms. Alexander?
 10 COUNCILMEMBER ALEXANDER: The only question
 11 I had, I was printing out some large drawings for
 12 Councilmember Fleming today, and I just wanted to
 13 confirm: Have we completed Phase I completely based
 14 on the drawings?
 15 MR. ROBERTSON: Based on my knowledge of the
 16 entire project, Phase I entailed the back part of that
 17 -- of Halpern Park that involved the walking trail and
 18 the additional picnic tables, the new swing, and a
 19 climbing apparatus. And yes, that portion has been
 20 completed.
 21 The only thing that was not included in the
 22 Phase I was the renovation of the existing pavilion,
 23 and we did eliminate two picnic pads.
 24 COUNCILMEMBER ALEXANDER: Okay. Thank you.
 25 MAYOR PITTMAN: Mr. Bates?

1 COUNCILMEMBER BATES: What would Phase II
2 include or what would this -- this --
3 MR. ROBERTSON: Well, this -- the money
4 we're asking for will include the addition of a
5 tot/preteen playground area which would have the
6 slides and the swings and -- for smaller kids. What
7 we've got now is the climbing apparatus that is really
8 classified as a teen play area. So we're trying to
9 add the tot and preteen play area.
10 COUNCILMEMBER BATES: Thank you.
11 MAYOR PITTMAN: Mr. Patrick?
12 COUNCILMEMBER PATRICK: I'll wait for
13 Ms. Fleming to make her comments.
14 MAYOR PITTMAN: Ms. Fleming?
15 COUNCILMEMBER FLEMING: Am I next?
16 MAYOR PITTMAN: Yes.
17 COUNCILMEMBER FLEMING: Mr. Robertson, with
18 all due respect -- and I know you came in at the very
19 end of all of the work that had been done from 2007
20 and '8. I had a meeting with Dr. Gillen today, and he
21 assures me that you and I and he and Mr. Patrick will
22 sit down to discuss Phase I and what your plans are
23 for Phase II, because we, Mr. Patrick and I do indeed
24 feel that a scaled-down soccer field needs to remain,
25 because our district, District I, is using it as an

1 Park. It's a great little park. The residents that
2 are in this area, when I talk with them, they say, you
3 know, let's -- let's keep the improvements going.
4 So let's have that meeting and work out a
5 plan for this.
6 MAYOR PITTMAN: Okay. Ms. Dean?
7 COUNCILMEMBER DEAN: I asked for infor-
8 mation, the amount of money that we've spent on this
9 so far. And a reference was made at the last
10 meeting -- I was not in attendance but I watched the
11 DVD -- about a park master plan. And this is the
12 whole deal with the CIP plan, capital improvement plan
13 list, because I think this was done -- this was
14 implemented before I was actually on Council. And so
15 I would like to see, you know, a bigger picture so
16 that it can make sense to me, because I see, you know,
17 why would we put this much money, more than we had
18 intended to put in; because I know that it came before
19 Council, and I think 10 or 12 dollars more than we
20 discussed, and so it just seems to be more and more
21 and more.
22 So I just have -- I would like to see the
23 bigger picture of what the park master plan is before
24 I'm willing to say, Yeah, here's some more money, you
25 can do this, because I see there are a lot of areas in

1 active park, and so it needs to be a scaled-down with
2 the fencing, with the chain link fencing up.
3 So I'm in favor of going forward with the
4 preliminary application for Phase II, but I would want
5 to see a complete detail. When we go to do the final
6 application, I would want to see the detail before we
7 even submit it, because as I explained to Dr. Gillen
8 today, Ms. Alexander and Mr. Spangler were extremely
9 hands-on in promoting English Oak Park, and that park
10 is just a showcase, I think. And you know, to me, it
11 was a community effort, it was a Council effort.
12 And I'm hoping that Mr. Patrick and I will
13 be able to work with you and Dr. Gillen to -- to see
14 all four phases complete at some point.
15 So I'm okay with moving forward with Phase
16 II, but I'm looking forward to our meeting in the next
17 couple weeks.
18 MR. ROBERTSON: Oh, absolutely. Yes, ma'am.
19 MAYOR PITTMAN: Okay. Mr. Patrick, do you
20 want to add to that?
21 COUNCILMEMBER PATRICK: Yes. Sounds good;
22 let's do it.
23 It would be nice to have this park finished
24 off. There are residents that I see that bring their
25 children about the same age as my kids from Avery

1 the city, a lot of equipment, a lot of even the
2 curbside little parks in Northwoods that need a lot
3 attention. And people don't even go to these places
4 because, number one, it's on the side of the street
5 and it's not good. I mean it's just not good stuff.
6 So those are my comments.
7 COUNCILMEMBER BATES: And I just want to
8 jump in. I'm going to support the resolution because
9 I don't want to have a half-finished park.
10 However, that being said, Oakcliff has a
11 brand new beautiful park. You guys have a stream bank
12 restoration and a Phase I completed park along with a
13 new pavilion at Chicopee.
14 Northwoods has received a stream bank
15 restoration project. That is it. We have playground
16 equipment that is unsafe, that is broken. We don't
17 have walking trails. We have neglected Northwoods to
18 better Oakcliff and Winters Chapel, and I'm supporting
19 this because I want us to finish projects that we
20 start. But I want to make sure that Northwoods is on
21 the schedule because we've got two parks that are in
22 absolute utter disrepair.
23 I don't know the last time any of you have
24 been to the pavilion at Brook Park, but you've got
25 bricks that are falling apart, the pit is not working.

1 You've got swings that are broken at Autumn Park.
 2 We've got to put money back into all of our parks.
 3 I'm supporting this, but I want it to be
 4 very clear on the record that we've got to start
 5 spreading -- spreading the goods around.
 6 MAYOR PITTMAN: Do you have something else
 7 you wanted to say?
 8 MR. ROBERTSON: No. The only thing I'd add
 9 to that is that in the CIP there is a city-wide park
 10 master plan, and that helps prioritize a lot of the
 11 work.
 12 And yes, we do have a lot of work to do;
 13 absolutely.
 14 MAYOR PITTMAN: Okay. Thank you.
 15 Does anyone wish to entertain a motion?
 16 COUNCILMEMBER FLEMING: I'd like to make a
 17 motion to move forward with the resolution for the LCW
 18 grant of \$25,000 with a matching of \$25,000 from the
 19 City.
 20 MAYOR PITTMAN: Second?
 21 COUNCILMEMBER PATRICK: Second.
 22 MAYOR PITTMAN: Discussion?
 23 - - -
 24 (No response)
 25 - - -

1 City Hall, and I'll deliver them to the marine.
 2 I believe Councilman Bates helped bag the
 3 toys, and I think we filled up a pickup truck Saturday
 4 night, so that was good and pleasant.
 5 And a special shout out to Church of the New
 6 Covenant on Chestnut Drive who had a toy collection
 7 site at their church and they also filled up a box for
 8 it, so a shout out to them for helping, and Deborah
 9 also.
 10 MAYOR PITTMAN: It was very nice. I think
 11 we had much more this year than we did last year, so
 12 it was encouraging.
 13 They're still below their -- their quota,
 14 though. They're still lacking toys, so --
 15 COUNCILMEMBER ALEXANDER: ^{And I also want to}
 16 thank Councilman Bates for being my seat mate -- we
 17 started serving I call it our sentence on November
 18 19th of 2007 -- and a warning to have whoever sits
 19 next to me, as several people will attest, sometimes
 20 he and I got berated for giggling, but my stomach
 21 constantly growls, and it isn't easy. And one of the
 22 funniest times was when Mayor Jenkins was sitting in,
 23 it was so loud that he leaned over in the meeting and
 24 looked at me. I could have died. But just so you
 25 know, whoever sits there you're going to have to put

1 MAYOR PITTMAN: Call the roll, please.
 2 CLERK BRYANT: Councilmember Alexander?
 3 COUNCILMEMBER ALEXANDER: Yes.
 4 CLERK BRYANT: Councilmember Bates?
 5 COUNCILMEMBER BATES: Yes.
 6 CLERK BRYANT: Councilmember Dean?
 7 COUNCILMEMBER DEAN: No.
 8 CLERK BRYANT: Councilmember Fleming?
 9 COUNCILMEMBER FLEMING: Yes.
 10 CLERK BRYANT: And Councilmember Patrick?
 11 COUNCILMEMBER PATRICK: Yes.
 12 MAYOR PITTMAN: Okay. Motion carries.
 13 Thank you very much.
 14 So we are going into Council comments.
 15 Ms. Alexander, did you have any Council
 16 comments?
 17 COUNCILMEMBER ALEXANDER: ^{And we also have}
 18 an Executive Session.
 19 I just wanted to thank everyone that
 20 contributed to Toys for Tots. And as a reminder, we
 21 still have our collection boxes in the lobby, and I
 22 have until I believe the 19th to continue collecting
 23 toys. So please stop at Dollar Tree or when you're
 24 out Christmas shopping for your own family, please
 25 bring new unwrapped toys and place them in the box at

1 up with it.
 2 COUNCILMEMBER BATES: Mr. Bates?
 3 COUNCILMEMBER BATES: I want to thank the
 4 volunteers who came out to help work the road race,
 5 Nancy Kelly and Jeff and Terry and Elliott from your
 6 neck of the woods and another young lady whom I don't
 7 know but who served as traffic control persons with
 8 officers out there at the road race.
 9 Thanks to all the volunteers who made this
 10 Saturday great and to Rip and your crews -- you guys
 11 did a great job in coordinating that -- and
 12 Ms. Fleming for doing the beverages and being stuck
 13 behind the masses, kids getting their picture taken.
 14 And it's been an honor and pleasure to serve
 15 the city, so thank you very much. I look forward to
 16 this Council and the next council doing great things.
 17 Welcome aboard, glad to have you, and we'll
 18 see you around.
 19 MAYOR PITTMAN: Thank you, Mr. Bates. And I
 20 do want to say we thank you for your service and we
 21 appreciate all the hard work you've done over the
 22 years as well.
 23 COUNCILMEMBER BATES: My pleasure.
 24 MAYOR PITTMAN: Mr. Patrick?
 25 COUNCILMEMBER PATRICK: ^{I just want to say}

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1 thank you to Brian and Karen. We have disagreed on a
2 lot of issues, but it has been a pleasure to work with
3 you. I look forward to Dawn and Sharon, working with
4 them next year, but good luck to you guys, and we will
5 -- we will talk again.
6 MAYOR PITTMAN: Ms. Fleming?
7 COUNCILMEMBER FLEMING: Ditto, ditto.
8 Ditto, ditto, ditto.
9 Brian, you've been more than just a
10 Councilperson. You've been a good friend, and I
11 really appreciate all that you've done for the city.
12 I know your passion is still with us, and I'll make
13 sure at some point that we get Winters Chapel in front
14 of your offices definitely paved. Okay?
15 COUNCILMEMBER BATES: Hey. It's liking
16 driving through a slalom course.
17 COUNCILMEMBER FLEMING: I know, I know.
18 MAYOR PITTMAN: And he is a good
19 entertainer. You don't know that.
20 COUNCILMEMBER BATES: That's right.
21 MAYOR PITTMAN: He keeps us giggling behind
22 the scene.
23 COUNCILMEMBER PATRICK: Yeah.
24 MAYOR PITTMAN: Ms. Dean?
25 COUNCILMEMBER DEAN: Yeah. Thank you to

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1 Councilmember Bates and Councilmember Pachuta.
2 I have your phone number and I will use it,
3 I am sure, a number of times, to talk to you about
4 things going on in the city. Thank you.
5 MAYOR PITTMAN: Thank you, Brian.
6 ---
7 (Applause)
8 ---
9 MAYOR PITTMAN: All right. I think at this
10 time that we need a motion to go into Executive
11 Session.
12 COUNCILMEMBER ALEXANDER: So moved.
13 MAYOR PITTMAN: Second?
14 COUNCILMEMBER DEAN: Second.
15 MAYOR PITTMAN: Discussion?
16 ---
17 (No response)
18 ---
19 MAYOR PITTMAN: Call the roll, please.
20 CLERK BRYANT: Councilmember Alexander?
21 COUNCILMEMBER ALEXANDER: Yes.
22 CLERK BRYANT: Councilmember Bates?
23 COUNCILMEMBER BATES: Yes.
24 CLERK BRYANT: Councilmember Dean?
25 COUNCILMEMBER DEAN: Yes.

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1 CLERK BRYANT: Councilmember Fleming?
2 COUNCILMEMBER FLEMING: Yes.
3 CLERK BRYANT: Councilmember Patrick?
4 COUNCILMEMBER PATRICK: Yes.
5 ---
6 (Executive Session from 9:30 to 9:53 p.m.)
7 ---
8 MAYOR PITTMAN: Let's have a motion to come
9 out of Executive Session.
10 COUNCILMEMBER BATES: So moved.
11 MAYOR PITTMAN: Second?
12 COUNCILMEMBER ALEXANDER: Second.
13 MAYOR PITTMAN: Discussion?
14 ---
15 (No response)
16 ---
17 MAYOR PITTMAN: Call the roll, please.
18 CLERK BRYANT: Councilmember Alexander?
19 COUNCILMEMBER ALEXANDER: Yes.
20 CLERK BRYANT: Councilmember Bates?
21 COUNCILMEMBER BATES: Yes.
22 CLERK BRYANT: Councilmember Dean?
23 COUNCILMEMBER DEAN: Oh, yes.
24 COUNCILMEMBER FLEMING: Yes.
25 COUNCILMEMBER PATRICK: Yes.

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1 MAYOR PITTMAN: We need a motion to adjourn.
2 COUNCILMEMBER BATES: I would like to make a
3 motion to adjourn the meeting tonight.
4 MAYOR PITTMAN: Second?
5 COUNCILMEMBER ALEXANDER: Second.
6 MAYOR PITTMAN: Discussion?
7 ---
8 (No response)
9 ---
10 MAYOR PITTMAN: Call the roll, please.
11 CLERK BRYANT: Councilmember Alexander?
12 COUNCILMEMBER ALEXANDER: Yes.
13 CLERK BRYANT: Councilmember Bates?
14 COUNCILMEMBER BATES: Yes.
15 CLERK BRYANT: Councilmember Dean?
16 COUNCILMEMBER DEAN: Yes.
17 CLERK BRYANT: Councilmember Fleming?
18 COUNCILMEMBER FLEMING: Yes.
19 CLERK BRYANT: Councilmember Patrick?
20 COUNCILMEMBER PATRICK: Yes.
21 ---
22 (Meeting adjourned at 9:55 p.m.)
23 -o0o-
24
25

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	135:19	45:2	34:25;35:7	9:53 (1) 143:6
\$	10:00 (1) 75:14	2014 (3) 23:15;30:5;120:16	48-foot (1) 35:14	9:55 (1) 144:22
\$100,000 (2) 24:25;36:9	11 (5) 4:6,7;15:25;17:5;	23-402 (1) 64:2	48-foot- (1) 35:11	911 (1) 125:6
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\$16,000 (1) 29:4	12 (8) 32:20,21;35:3,3;85:3,	285 (1) 124:7	50 (1) 17:23	49:23;63:5;113:5;
\$16,567.49 (1) 27:22	3;129:25;135:19	29th (1) 27:6	55,000 (1) 33:11	115:20;125:7;129:2;
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\$41,823.64 (1) 27:23	140 (1) 84:19	3:10 (1) 94:1	60 (1) 10:1	Absolutely (5) 15:2;98:16;126:4;
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