

In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

April 15, 2013

American Court Reporting Company, Inc.

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

Transcript of the City Council meeting

at Doraville City Hall, 3725 Park Avenue,

Doraville, Georgia; Mayor Donna Pittman

presiding; commencing at 6:00 p.m. on

Monday, April 15, 2013.

* * *

1 PROCEEDINGS
2 MAYOR PITTMAN: Would everyone please rise
3 for the Pledge.
4 ---
5 (Pledge of Allegiance)
6 ---
7 MAYOR PITTMAN: Thank you. And we are going
8 to be going into Executive Session, but we do have a
9 Council member that is not here, so we're going to
10 move forward. I was going to move forward with the
11 ceremonial presentation, but he is also not here.
12 Call the roll, please.
13 CLERK BRYANT: Councilmember Alexander?
14 COUNCILMEMBER ALEXANDER: Here.
15 CLERK BRYANT: Councilmember Bates?
16 COUNCILMEMBER BATES: Here.
17 CLERK BRYANT: Councilmember Fleming?
18 COUNCILMEMBER FLEMING: Here.
19 CLERK BRYANT: Councilmember Pachuta?
20 COUNCILMEMBER PACHUTA: Here.
21 CLERK BRYANT: Councilmember Patrick?
22 COUNCILMEMBER PATRICK: Here.
23 MAYOR PITTMAN: Okay. And Cecil, if it's
24 okay, we can move forward for approval of minutes.
25 ATTORNEY McLENDON: Uh-huh.

1 APPEARANCES:
2 Doraville City Council:
3 Mayor Donna Pittman
4 Councilmember Maria Alexander
5 Councilmember Brian Bates
6 Councilmember Trudy Jones Dean
7 Councilmember Pam Fleming
8 Councilmember Karen Pachuta
9 Councilmember Robert Patrick
10
11 Sandra Bryant, Acting City Clerk
12
13 Cecil G. McClendon, Jr., City Attorney
14 Leonid Felgin, Associate City Attorney
15 Riley McLendon, LLC
16 315 Washington Avenue
17 Marietta, GA 30060
18 (770) 590-5900
19
20
21
22
23
24
25

1 MAYOR PITTMAN: Okay. I need approval of
2 minutes for February 19th, 2013.
3 COUNCILMEMBER ALEXANDER: So moved.
4 MAYOR PITTMAN: Second?
5 COUNCILMEMBER BATES: 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 Fleming?
16 COUNCILMEMBER FLEMING: Yes.
17 CLERK BRYANT: Councilmember Pachuta?
18 COUNCILMEMBER PACHUTA: Yes.
19 CLERK BRYANT: Councilmember Patrick?
20 COUNCILMEMBER PATRICK: Yes.
21 MAYOR PITTMAN: Okay. I need a motion for
22 minutes, approval of minutes for March 4th, 2013.
23 COUNCILMEMBER ALEXANDER: So moved.
24 MAYOR PITTMAN: Second?
25 COUNCILMEMBER BATES: Second.

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1 MAYOR PITTMAN: Discussion?
 2 ---
 3 (No response)
 4 ---
 5 MAYOR PITTMAN: Call the roll, please.
 6 CLERK BRYANT: Councilmember Alexander?
 7 COUNCILMEMBER ALEXANDER: Yes.
 8 CLERK BRYANT: Councilmember Bates?
 9 COUNCILMEMBER BATES: Yes.
 10 CLERK BRYANT: Councilmember Fleming?
 11 COUNCILMEMBER FLEMING: Yes.
 12 CLERK BRYANT: Councilmember Pachuta?
 13 COUNCILMEMBER PACHUTA: Yes.
 14 CLERK BRYANT: Councilmember Patrick?
 15 COUNCILMEMBER PATRICK: Yes.
 16 MAYOR PITTMAN: Okay. I need approval for
 17 minutes for March 18th, 2013.
 18 COUNCILMEMBER ALEXANDER: So moved.
 19 MAYOR PITTMAN: Second?
 20 COUNCILMEMBER PACHUTA: Second.
 21 MAYOR PITTMAN: Discussion?
 22 ---
 23 (No response)
 24 ---
 25 MAYOR PITTMAN: Call the roll, please.

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1 CLERK BRYANT: Councilmember Alexander?
 2 COUNCILMEMBER ALEXANDER: Yes.
 3 CLERK BRYANT: Councilmember Bates?
 4 COUNCILMEMBER BATES: Yes.
 5 CLERK BRYANT: Councilmember Fleming?
 6 COUNCILMEMBER FLEMING: Yes.
 7 CLERK BRYANT: Councilmember Pachuta?
 8 COUNCILMEMBER PACHUTA: Yes.
 9 CLERK BRYANT: Councilmember Patrick?
 10 COUNCILMEMBER PATRICK: Yes.
 11 MAYOR PITTMAN: Cecil, should we take a
 12 break or keep going? We can do public comments.
 13 ATTORNEY McLENDON: That's fine to go ahead
 14 and forge ahead to the point you want to take a break.
 15 MAYOR PITTMAN: Okay. At this time, we will
 16 receive public comments on agenda items only. Please
 17 limit your comments to three minutes, come forward and
 18 state your name for the court reporter if you wish to
 19 speak. Public comments?
 20 ---
 21 (No response)
 22 ---
 23 MAYOR PITTMAN: Okay. We're going to close
 24 the public-comments portion. Thank you.
 25 Under the Mayor's report, I just want to

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1 remind everybody of the State of the City which is
 2 next Thursday at 6:30 here at City Hall. We hope
 3 everyone can come out. We also have our city manager
 4 that will be -- our new city manager that will be
 5 present and we're going to introduce him also at the
 6 time, so I hope everybody can come out on the 25th.
 7 And I guess at this time -- I also wanted to
 8 bring your attention to the picture in the back.
 9 Unfortunately, last year we lost one of our officers,
 10 and it's a beautiful portrait that someone had done
 11 for us. We did leave a little space in between. We
 12 also have an officer that passed away in the sixties
 13 that was killed in the line of duty that we will be
 14 adding to the middle. But we just hung that today,
 15 and I just think it's a very, very nice picture.
 16 At this time, I guess we're going to take a
 17 break until our Council member arrives unless that --
 18 Let me see if that's our -- No. Unless our person for
 19 the ceremony arrives, we're going to take a break.
 20 ---
 21 (Whereupon, Mayor Pittman presented a
 22 Proclamation to Amy Ewe on behalf of Sweet Hut
 23 Bakery & Cafe, Doraville's first "Business of
 24 the Month."
 25 ---

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1 (Brief recess)
 2 ---
 3 (Councilmember Dean arrives)
 4 ---
 5 (A motion was made by Councilmember Pachuta
 6 and seconded by Councilmember to go into Executive
 7 Session. Motion passed unanimously and Council
 8 retired into Executive Session.)
 9 ---
 10 (Executive Session)
 11 ---
 12 MAYOR PITTMAN: Motion to come out of
 13 Executive Session?
 14 COUNCILMEMBER ALEXANDER: So moved.
 15 MAYOR PITTMAN: Second?
 16 COUNCILMEMBER PACHUTA: Second.
 17 MAYOR PITTMAN: Discussion?
 18 ---
 19 (No response)
 20 ---
 21 MAYOR PITTMAN: Call the roll, please.
 22 CLERK BRYANT: Councilmember Alexander?
 23 COUNCILMEMBER ALEXANDER: Yes.
 24 CLERK BRYANT: Councilmember Bates?
 25 COUNCILMEMBER BATES: Yes.

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1 CLERK BRYANT: Councilmember Dean?
 2 COUNCILMEMBER DEAN: Yes.
 3 CLERK BRYANT: Councilmember Fleming?
 4 COUNCILMEMBER FLEMING: Yes.
 5 CLERK BRYANT: Councilmember Pachuta?
 6 COUNCILMEMBER PACHUTA: Yes.
 7 CLERK BRYANT: Councilmember Patrick?
 8 COUNCILMEMBER PATRICK: Yes.
 9 MAYOR PITTMAN: Thank you.
 10 Next on the agenda I believe is the city
 11 attorney, the First Read and Discussion of Ordinance
 12 to Revise Chapter 11 - Nuisances, Sections 11-111.
 13 ATTORNEY McLENDON: All right. And Mayor,
 14 I'm going to ask that Scott Berghold, who's been
 15 helping us to prepare some of this, assist us in
 16 presenting the next two items.
 17 MAYOR PITTMAN: Okay. Thank you.
 18 MR. BERGTHOLD: Good evening, Mayor and
 19 members of the Council.
 20 We're here tonight on the ordinance that
 21 would repeal certain sections from an obscenity code
 22 that was passed by the City in 1980. It is somewhat
 23 of a vestige. I don't believe it's been enforced, but
 24 it has been brought up in recent litigation. And it's
 25 basically an unnecessary appendage in the Code, and

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1 that's what the first ordinance is about.
 2 That's repealing Sections 11-111, 11-112,
 3 11-121, 11-122, -123, -'24 and -'25, and that's really
 4 all I have to say on that.
 5 MAYOR PITTMAN: Anything from Council?
 6 COUNCILMEMBER ALEXANDER: Motion to waive
 7 first reading of the ordinance to revise Section 11.
 8 MAYOR PITTMAN: Second?
 9 COUNCILMEMBER PACHUTA: 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 Pachuta?
 24 COUNCILMEMBER PACHUTA: Yes.
 25 CLERK BRYANT: Councilmember Patrick?

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1 COUNCILMEMBER PATRICK: Yes.
 2 MAYOR PITTMAN: Thanks, and next is the
 3 First Read and Discussion of Ordinance to Revise
 4 Chapter 4.
 5 COUNCILMEMBER ALEXANDER: No, no.
 6 COUNCILMEMBER BATES: We need to vote to --
 7 MAYOR PITTMAN: Oh, I'm sorry.
 8 COUNCILMEMBER ALEXANDER: Motion to approve
 9 the repealing of Sections 11-111, 11-112,
 10 11-121, 11-122, 11-123 through 11-125.
 11 MAYOR PITTMAN: Second?
 12 COUNCILMEMBER PACHUTA: 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: Yes.
 24 CLERK BRYANT: Councilmember Fleming?
 25 COUNCILMEMBER FLEMING: Yes.

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1 CLERK BRYANT: Councilmember Pachuta?
 2 COUNCILMEMBER PACHUTA: Yes.
 3 CLERK BRYANT: Councilmember Patrick?
 4 COUNCILMEMBER PATRICK: Yes.
 5 MAYOR PITTMAN: Thank you.
 6 And next is the First Read and Discussion of
 7 Ordinance to Revise Chapter 4, Alcohol Code, Section
 8 3-31.
 9 COUNCILMEMBER ALEXANDER: It's actually
 10 Chapter 3.
 11 MAYOR PITTMAN: We got 3-31, dash 31 on
 12 here.
 13 MR. BERGTHOLD: Okay. Let me go ahead and
 14 hand out, just take one and pass it down.
 15 This is a presentation not unlike ones that
 16 you have seen and heard before. And the projector is
 17 not working tonight, and so what I'll be doing is just
 18 going over the paper copy that's in front of you.
 19 This ordinance is an ordinance that amends
 20 conduct regulations that have been in the Alcohol Code
 21 for some period of years that just basically need to
 22 be updated and strengthened, and that's what this
 23 ordinance does.
 24 The first few pages are a series of
 25 "whereas" clauses and findings very similar to those

1 that are found in the Sexually Oriented Business
2 Ordinance that the Council adopted in the fall of
3 2012. You've seen this presentation in the sense that
4 a lot of the materials deal with alcohol-serving
5 establishments, and the combustible combination of
6 course is noted between certain types of conduct on
7 the premises of alcohol-serving establishments, and so
8 that's what we want to talk about a little bit
9 tonight.

10 What this ordinance does is it basically
11 brings that Section 3-31, those conduct regulations,
12 up to date with the case law, with the court opinions
13 that uphold certain types of regulation and with the
14 legislative secondary-effects evidence that has come
15 about in the many years since this was last updated.

16 Basically, the cornerstone of this area of
17 regulating adult entertainment in bars and other
18 alcohol-serving establishments is Renton v. Playtime
19 Theaters. It's a Supreme Court case that basically
20 gives wide latitude to local governments to protect
21 against the negative secondary effects of adult
22 businesses by regulating them within their borders.

23 And as you know, the courts have recognized
24 a wide variety of sources of secondary-effects
25 information. These include land-use opinions,

1 secondary effects include lewdness, prostitution,
2 public indecency, illicit sexual activity, and the
3 potential spread of disease. I've talked to you
4 before about, for example, the city of Warner Robins,
5 Georgia, which had the D.A. come in and do an
6 enforcement action because of a cocaine ring that was
7 being run through an adult entertainment club there
8 called Teaser's that resulted in 23 people being
9 arrested in this pretty significant drug ring. And so
10 those are some of the types of secondary effects the
11 courts have recognized.

12 Our legislative finding that's specific to
13 this ordinance is that physical contact between
14 employees of alcoholic-beverage establishments
15 including things commonly known as bed dances, lap
16 dances, couch dances, are associated with and can lead
17 to various illegal sexual activities, and we've
18 documented them there.

19 This is an ordinance that's very much like
20 an ordinance that we defended for the city of Daytona
21 Beach, Florida, that was upheld by the U.S. Court of
22 Appeals for the 11th Circuit, and they found there
23 that the city had a substantial record that justified
24 regulating this type of conduct in these
25 establishments. In fact, the Daytona Beach case is

1 crime-impact reports, judicial opinions, expert
2 reports as well as anecdotal data.

3 One of the older opinions from the U.S.
4 Supreme Court is a case called California v. LaRue
5 that was decided in 1972. And basically in upholding
6 similar restrictions on certain conduct in alcohol
7 establishments, the Supreme Court sort of ran through
8 a list of the Bacchanalian revelries that were
9 occurring in liquor-licensed establishments in
10 California that justified the adoption of the rule in
11 that case. They specifically said that local
12 governments and state governments in regulating
13 alcohol facilities don't have to rely on self-
14 regulation by the proprietors of these establish-
15 ments; they can have uniform rules. And that's what
16 this ordinance does.

17 At the top of page two of your handout, we
18 go into some more detail about the specific types of
19 secondary effects that the courts have recognized.
20 They recognize not only negative impacts on
21 surrounding properties but the personal and property
22 crimes that go along with those establishments and
23 these kinds of activities as well as the public-safety
24 risk that go along with every personal crime.

25 Obviously, some of the more common types of

1 one of the ones that's relied on in the -- in the
2 findings sections.

3 And then of course closer to home is
4 Flanagan's Enterprises v. Fulton County. This is what
5 is now a Sandy Springs establishment called Mardi Gras
6 that, along with others, challenged the alcohol
7 prohibition and similar conduct rules in Fulton
8 County. And the court, the 11th Circuit in that
9 quotation at the bottom of page two talks about the
10 negative impact on the neighborhoods of this
11 combustible combination of nude conduct and alcohol
12 consumption on the premises of these businesses.

13 If you turn over to the third page is a case
14 that we argued for Knox County, Tennessee some years
15 ago in the U.S. Court of Appeals for the 6th Circuit.
16 It's called Richmond Book Mart. And basically the
17 court said what the 11th Circuit has said in the
18 Flanagan's case, which is the alcohol prohibition or
19 the separation of nude conduct and alcohol is a
20 reasonable restriction narrowly tailored to limit the
21 secondary effects of crime.

22 The county or, in this case, the City
23 reasonably relies on a number of prior judicial
24 decisions, finding sufficient evidence to support that
25 connection such that those two should be separated.

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1 The next case is the Daytona Beach case. As
 2 in many of these cases, the plaintiffs hire expert
 3 witnesses. We've dealt with pretty much all the main
 4 experts on this around the country. But in this
 5 Florida case, the 11th Circuit here in Atlanta said
 6 their expert evidence failed to cast direct doubt on
 7 the city's regulation of conduct in alcohol
 8 establishments specifically as it went to illicit
 9 sexual behavior.

10 In fact, we just got a decision two weeks
 11 ago from the Federal court in Connecticut that was 98
 12 pages long that basically upheld a similar ordinance
 13 on the same grounds.

14 Some of the supporting cases for regulating
 15 alcohol and nude conduct in those establishments
 16 include Flanagan's like we've mentioned, another case
 17 we argued called Peek-A-Boo Lounge v. Manatee County,
 18 Florida, the Daytona Grand case, and then the Artistic
 19 Entertainment case which is the Warner Robins
 20 experience that I talked to you about.

21 At the top of page four, there are several
 22 materials in your legislative record in the CD-ROM.
 23 It's the same one as I mentioned that you looked at
 24 all the way back in last June, August, and September
 25 when you adopted the updated Sexually Oriented

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1 Business Code.

2 But whether it's Houston, Texas or Dr.
 3 McCleary's expert report from 2008 that was done for
 4 Jackson County, Missouri, which is where Kansas City
 5 is, every one of these criminologists, even often
 6 plaintiffs' experts, experts on the plaintiffs' sides
 7 in these cases talk about the detrimental effects of
 8 alcohol consumption because it increases -- When
 9 people are inebriated, obviously they lower their
 10 inhibitions and they also engage in antisocial
 11 behavior that they wouldn't do if they weren't drunk,
 12 basically.

13 The court-approved evidence includes
 14 evidence documents that we've compiled from the
 15 Memphis, Tennessee Liquor Commission. The Fulton
 16 County, Georgia study that documented the secondary
 17 effects discussed in Flanagan's are also part of your
 18 record as well as materials from Manatee County,
 19 Florida, and Hillsborough County, Florida alcohol
 20 establishments.

21 Some of the cases, finally, that reject the
 22 experts' attacks on these types of evidentiary
 23 foundations for an ordinance like this include the
 24 U.S. Supreme Court's decision in the City of Erie
 25 case, several that we've mentioned, all the way over

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1 to the last page of your handout; more recent cases
 2 involving these types of challenges including the
 3 Peek-A-Boo Lounge case, which is from 2011.

4 All of these documents, again, which are
 5 already public records because they're part of the
 6 legislative record for prior ordinances, are going to
 7 be made a part of the record for the minutes of this
 8 meeting tonight as further support for the amendments
 9 to Section 3-31 in the Alcohol Code.

10 And with that, I'm open for any questions.

11 MAYOR PITTMAN: Thank you.

12 Bring it up to the table. Ms. Alexander?

13 COUNCILMEMBER ALEXANDER: No.

14 MAYOR PITTMAN: Mr. Bates?

15 COUNCILMEMBER BATES: No.

16 MAYOR PITTMAN: Ms. Pachuta?

17 COUNCILMEMBER PACHUTA: No.

18 MAYOR PITTMAN: Councilmember Patrick?

19 COUNCILMEMBER PATRICK: No.

20 MAYOR PITTMAN: Ms. Fleming?

21 COUNCILMEMBER FLEMING: No.

22 MAYOR PITTMAN: Ms. Dean?

23 COUNCILMEMBER DEAN: No.

24 MAYOR PITTMAN: Do I get a motion to waive
 25 first reading?

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1 COUNCILMEMBER ALEXANDER: Motion to waive
 2 first reading for the amendment to Chapter 3 -
 3 Alcoholic Beverages, Article 3.

4 MAYOR PITTMAN: Second?

5 COUNCILMEMBER BATES: 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 Pachuta?

20 COUNCILMEMBER PACHUTA: Yes.

21 CLERK BRYANT: Councilmember Patrick?

22 COUNCILMEMBER PATRICK: Yes.

23 MAYOR PITTMAN: Thank you.

24 May I get a motion?

25 COUNCILMEMBER ALEXANDER: Motion to approve

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1 the amendment to Chapter 3 - Alcoholic Beverages,
2 Section 3-31.
3 MAYOR PITTMAN: Second?
4 COUNCILMEMBER BATES: Second.
5 MAYOR PITTMAN: Discussion?
6 ---
7 (No response)
8 ---
9 MAYOR PITTMAN: Call the roll, please.
10 CLERK BRYANT: Councilmember Alexander?
11 COUNCILMEMBER ALEXANDER: Yes.
12 CLERK BRYANT: Councilmember Bates?
13 COUNCILMEMBER BATES: Yes.
14 CLERK BRYANT: Councilmember Dean?
15 COUNCILMEMBER DEAN: Yes.
16 CLERK BRYANT: Councilmember Fleming?
17 COUNCILMEMBER FLEMING: Yes.
18 CLERK BRYANT: Councilmember Pachuta?
19 COUNCILMEMBER PACHUTA: Yes.
20 CLERK BRYANT: Councilmember Patrick?
21 COUNCILMEMBER PATRICK: Yes.
22 MAYOR PITTMAN: Thank you.
23 COUNCILMEMBER BATES: Thank you, Scott.
24 MAYOR PITTMAN: Okay. I have a request for
25 a break; we're going to take a three-minute break.

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1 ---
2 (Brief recess)
3 ---
4 MAYOR PITTMAN: We're going to call the
5 meeting back to order, and our other Council member
6 will be in in just a moment.
7 At this time, we are going to turn it over
8 to Mr. Cooley. These are public hearings. The first
9 one on the agenda is going to be a special use permit,
10 conditional use permit for a cell tower at 5788 South
11 Peachtree Road. Mr. Cooley.
12 MR. COOLEY: Good evening, Mayor and
13 Council.
14 As the Mayor said, this is a special use
15 permit which also is considered a conditional use
16 permit, for a new cell tower at 5788 South Peachtree
17 Road. They are represented by David Kirk with
18 Troutman Sanders for TowerCom V, LLC.
19 For the record, just so there's -- you know,
20 there's always confusion, but with the tax number,
21 that is tax number I.D. 18-310-05-005.
22 This was one that came to you earlier but it
23 was postponed because of the mis-advertisement in the
24 newspaper. It was readvertised correctly on -- it was
25 in the March 14th edition and it was within the time

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1 period of 15 to 45 days required by the Zoning
2 Procedures Act. It was also -- the sign on site was
3 changed for the correct date and address of the site
4 and of the meeting.
5 Again, this is a new telecommunications
6 tower. It's 84 feet in height. The property is
7 currently zoned M-2. Said property is owned by Cobalt
8 Properties, LLC.
9 M-2 allows cell towers by right. It is
10 heavy industrial. But they have to be at least 500
11 feet away from a residential property. If not, they
12 have to come before the Council for a special use
13 permit, which is why it is here.
14 The applicant is here. I'll go over the --
15 I think you've got in your package pretty much all the
16 information: the surrounding zoning M-2. We do have
17 a residential property. There's a triangle that comes
18 in between South Peachtree and Peachtree Indus- --or,
19 excuse me, New Peachtree, and it's right across the
20 way of the apartment complex, and you'll see that on
21 your map.
22 Surrounding properties other than that are
23 zoned M-2. This is up against the -- backs up to the
24 railroad tracks across the way from the General Motors
25 site. There are the standards, six things -- or,

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1 excuse me, eight conditions that are considered on a
2 conditional use permit. Those are in the report that
3 you see in your agenda package. I don't know if
4 there's any questions on that. I'll be happy to
5 answer, but unless you-all have questions about it,
6 I'm not going to read through it, and I'll leave the
7 time to the applicant to go over everything.
8 Basically, we saw no problems with the --
9 any issues that related to that. The Planning
10 Commission made a recommendation of approval of the
11 conditional use permit in a 2 to 1 vote in favor.
12 Staff recommendation is the application
13 meets all Code requirements but must obtain a CUP in
14 order to -- to ensure no negative impacts will occur
15 to the residential zoned property within 500 feet of
16 the tower. The staff has found no significant
17 negative impact to the apartment complex within the
18 500-foot distance. It is well outside the potential
19 fall zone of the 84-foot tower, across two streets,
20 South Peachtree Street and New Peachtree Road, and the
21 orientation of the apartment complex is really away
22 from the proposed site. In addition, between the road
23 and the residence, there's approximately a six-foot
24 berm, and it's heavily wooded.
25 Ground-level equipment will not be visible

Page 25

1 from the road because it is behind an existing
 2 commercial structure. The tower may be visible from
 3 uses on the G.M. site as it is redeveloped; however,
 4 at this point, we do not have any specific development
 5 plans under consideration for the G.M. site. So staff
 6 recommends approval also of the conditional use
 7 permit.
 8 There are some additional aspects, factors
 9 to be considered as part of the standards for
 10 telecommunication antennas and towers. Basically,
 11 these are factors that you may look at, and there are
 12 no requirements all or any of these actually be met,
 13 but real quickly, I'll go through those.
 14 Look at the height of the proposed tower,
 15 the proximity of the tower to the residential
 16 structures and residential district boundaries, uses
 17 of adjacent and nearby properties, the surrounding
 18 topography, surrounding tree coverage and foliage, the
 19 design of the tower to reduce eliminating visual
 20 obtrusiveness, proposed ingress and egress, and
 21 ability of suitable existing towers or other
 22 structures as per section (f) (4) of the same section.
 23 Unless there's any questions, I will turn it
 24 over.
 25 MAYOR PITTMAN: I'm going to ask the

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1 applicant or the representative of the applicant to
 2 come forward, but I do have a question.
 3 MR. COOLEY: Yes, ma'am.
 4 MAYOR PITTMAN: We do not have a
 5 representative hear tonight from the Planning
 6 Commission. Could you tell us how they voted.
 7 MR. COOLEY: Yes. That was a 2-to-1 vote in
 8 favor.
 9 MAYOR PITTMAN: 2 in favor. Okay.
 10 MR. COOLEY: Yes, ma'am. That was when we
 11 only had three people on the Planning Commission.
 12 MAYOR PITTMAN: Okay. Thank you, sir.
 13 She has a question for you.
 14 COUNCILMEMBER FLEMING: And I know I'm
 15 catching you off guard probably. How many cell phone
 16 towers do we have in the city?
 17 MR. COOLEY: Oh, goodness. I believe that
 18 there are five, but --
 19 UNIDENTIFIED SPEAKER: There are eight.
 20 MR. COOLEY: Oh, there are eight? Thank
 21 you.
 22 MR. COOLEY: Eight. I know they're
 23 scattered all over, but, you know, the last time we
 24 were looking, I was looking in one area and I think
 25 there were five in that general area.

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1 COUNCILMEMBER FLEMING: Okay. Thank you.
 2 MAYOR PITTMAN: Thank you.
 3 Sir?
 4 ATTORNEY KIRK: Good evening, Madam Mayor
 5 and members of the Council. My name is David Kirk.
 6 I'm with the law firm Troutman Sanders representing
 7 TowerCom. With me this evening is Chip Bulloch who is
 8 the vice president of TowerCom, Mr. Toi Duong who is a
 9 radio frequency engineer with Metro PCS which will be
 10 the anchor tenant on this tower.
 11 I apologize for the fact that the projector
 12 is not working, but I believe you have all the
 13 material relevant to this in your packets.
 14 What I want to do over the next several
 15 minutes is give you a brief overview of the project,
 16 talk a little bit about the radio frequency analysis
 17 -- in other words, the need for the tower that was
 18 done by Metro PCS -- a little bit about the site and
 19 tower details, and then the impact of the tower.
 20 As Mr. Cooley said, the proposed tower will
 21 be 84 feet. We have obtained from the FAA a
 22 certification of no hazard or a determination letter
 23 of no hazard, and I've submitted that for the record.
 24 So FAA is satisfied that this will not be a problem as
 25 far as air space.

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1 The tower would address a significant gap in
 2 Metro PCS's current network. There are four towers in
 3 roughly, what? two miles from this site, that Metro
 4 PCS is on, but there is a gap, a significant gap in
 5 the middle, and that was demonstrated in the materials
 6 that we provided.
 7 The tower itself is designed to hold up to
 8 four carriers, and in fact, in speaking with Mr.
 9 Bulloch ahead of time, there is significant interest
 10 by other carriers to locate on this. The nature of
 11 the negotiations with them is such at the moment that
 12 we can't reveal who there's are, but there's only --
 13 there's only so many carriers. I'll leave it at that.
 14 The proposed tower compound would occupy
 15 about 2,500 square feet of this 1.4 acre into a heavy
 16 industrially zoned parcel, and as Mr. Cooley noted, it
 17 does meet all the requirements of your ordinance.
 18 As far as need, again, in your packets there
 19 is information. Some of you may have the color, some
 20 of you may have the black-and-white, certainly much
 21 more notable in the color, but Mr. Duong and his
 22 colleagues at Metro PCS analyzed the current network
 23 and identified a significant gap in their service.
 24 This tower is designed to address that gap
 25 and to provide seamless service from the other towers

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1 that surround it.
2 If you have more specific questions about
3 it, he's here and he's happy to answer any questions.
4 This site was carefully selected to address
5 and eliminate that coverage gap.
6 With regard to the tower design, it is a
7 fairly short tower. In fact, it's one of the shortest
8 towers that I've been involved in because of the FAA
9 restrictions related to PDK Airport.
10 However, it sits -- it is situated on the
11 parent tract such that it well exceeds the setback
12 requirements in the ordinance. It's set back roughly
13 70 feet from the side lot lines and about 170 feet
14 from the rear lot line.
15 Mr. Cooley mentioned a fall zone. Towers
16 can be designed to fall within a specific radius, and
17 in the case of this tower, it's designed to fall
18 within 48 feet in the extraordinarily rare event of a
19 tower failure. And quite frankly, to have such an
20 extraordinary event require a storm of such
21 significance that most of the existing structures in
22 the area would probably be destroyed -- by that event,
23 not by the tower.
24 As I stated, the tower is designed to
25 accommodate Metro PCS, which would be our anchor

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1 tenant, and three other -- three other carriers. It
2 supports the goal in your -- your ordinance to provide
3 opportunities for co-location; that is, for multiple
4 carriers locating on towers in the area.
5 I know there are often concerns about visual
6 impact of towers. In your package should be photo
7 simulations showing photographs and photo simulations
8 taken directly in front of the site on New Peachtree
9 Road down near the intersection of Shallowford Road
10 and New Peachtree, further down where South Peachtree
11 Road and New Peachtree intersect, across the rail-road
12 tracks at the GM site, and then, importantly, from the
13 single-family residential neighborhoods located to the
14 east of Buford Highway; the closest single family with
15 pictures taken on Buena Vista Way, Pineland and
16 Raymond Drive.
17 Significantly, the tower would not be visible
18 from those single-family residential neighborhoods.
19 In fact, the only places it would be visible from
20 would be along -- the New Peachtree/South Peachtree
21 Road corridor.
22 In wrapping up, just a few conclusions, a
23 few key points, and I would like to reserve whatever
24 time I can in the event of citizen concerns that I can
25 respond to.

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1 The facility is designed to allow Metro PCS
2 to address a significant gap in its coverage that it's
3 demonstrated through the evidence that's before you in
4 the record.
5 The property is suitably zoned; it's zoned
6 M-2. As Mr. Cooley pointed out, but for the location
7 of a multi-family residential facility that staff has
8 determined is not impacted negatively by this, by this
9 tower, it would be allowed by right at this location.
10 The tower is compatible with surrounding
11 uses, the visual impact is minimal, the FAA has
12 concluded the tower will not constitute a hazard to
13 air navigation.
14 It meets all your zoning requirements
15 including setbacks, and, as Mr. Cooley noted, the
16 Planning Commission has recommended approval and your
17 staff recommends approval.
18 So we're here tonight to respectfully ask
19 you to accept the recommendation of your Planning
20 Commission and your staff and approve this
21 application. Thank you very much. I'll be happy to
22 answer questions now or at the conclusion of the
23 public hearing.
24 MAYOR PITTMAN: Actually, we're going to
25 bring it to the table. Thank you.

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1 Ms. Alexander?
2 COUNCILMEMBER ALEXANDER: No, ma'am.
3 MAYOR PITTMAN: Mr. Bates?
4 COUNCILMEMBER BATES: Yeah. I'd like to
5 focus on the coverage study.
6 ATTORNEY KIRK: Yes, sir.
7 COUNCILMEMBER BATES: First, I'm looking at
8 Exhibit C. Actually, it's going to be on all of the
9 exhibits, specifically the Crown site that's
10 referenced to be not sufficient.
11 ATTORNEY KIRK: Yes, sir.
12 COUNCILMEMBER BATES: That Crown location on
13 the map is incorrectly noted. It's noted to be on the
14 Salvation Army property when in fact it's right up the
15 street here about four blocks closer to the deficient
16 area.
17 I'm curious if that is sufficient. Walk me
18 thorough how this was placed. You know, give --
19 ATTORNEY KIRK: There's an existing --
20 there's an existing tower that's about 200 yards or
21 200 feet over this way, maybe a little further --
22 COUNCILMEMBER BATES: Uh-huh.
23 ATTORNEY KIRK: -- and there's an existing
24 tower that's right outside the window here.
25 My understanding in talking with Mr. Duong

1 is those are so close to each other that it really
2 doesn't matter which one you modeled because neither
3 one would provide sufficient coverage to fill that
4 gap. The one that's out here you'll notice has a
5 down-tilted antenna, and I'm presuming that is because
6 of FAA standards that you can't have an up-tilted long
7 antenna there, so the mounting height would be
8 extraordinarily low in addition to being very close to
9 this other tower, neither one of which will provide
10 the coverage that -- that is necessary to fill that
11 gap.

12 COUNCILMEMBER BATES: What is the typical
13 coverage range of one of your antennas?

14 ATTORNEY KIRK: I'm going to have to let Mr.
15 Duong --

16 MR. TOI DUONG: Good evening, Mayor and
17 Council. My name is Toi Duong and I am the RF
18 engineer for Metro PCS.

19 To answer your question, it's depend the
20 location and the surrounding environment.

21 MAYOR PITTMAN: I'm sorry. Could you speak
22 up just a little bit and speak into the microphone.

23 MR. DUONG: It's depend on the location of
24 the tower and the surrounding area. You know, in a
25 city like this where a lot of obstruction, building,

1 COUNCILMEMBER BATES: So the necessity is --
2 there's not a whole lot of residential. There's
3 actually not a whole lot of anything down in this
4 area.

5 ATTORNEY KIRK: There are businesses.

6 COUNCILMEMBER BATES: There are a few
7 businesses, there are -- there is an apartment
8 complex. I'm trying to understand why there's such an
9 urgent necessity to put a tower on this particular
10 spot. I'm trying to get a grasp of why it's needed.

11 ATTORNEY KIRK: It's needed because Metro
12 PCS is trying to serve its customers, and we work
13 closely with Metro PCS and other carriers. Everyone,
14 virtually everyone in this room I believe I've seen at
15 some point during the course of the evening look at
16 their -- either what they call a cell phone, which is
17 really a hand-held computer with a telephone
18 application, sending e-mails, getting texts, maybe --
19 you know, maybe doing other -- you know, other
20 functions.

21 That, the amount of data that that -- that
22 requires is -- is so much more than what was required
23 five, ten, even two years or three years ago. And as
24 a result, all the carriers -- and you know, I work
25 with a number of carriers -- all the carriers are

1 trees, and you know, so many other things, the signal
2 travel and it bounce and then it just degrade its
3 power.

4 So in a location like this area, we get
5 about .8 of a mile per site up to one -- one and a
6 half miles, but in a rural area, you could get up to
7 five miles. So for example, this location, like I
8 say, about .8 of a mile to about 1.5 max. We don't
9 want to build any more tower than we needed to, but
10 here, you know, we do need this location because it is
11 -- help us to get all the coverage in this area.

12 MAYOR PITTMAN: Thank you.

13 ATTORNEY KIRK: I think if you look on those
14 documents, there is a ring called a search area, and
15 it is within that physical area, that circle drawn on
16 the map, that Mr. Duong and his colleagues have
17 determined a tower must be located to address all the
18 needs in that area.

19 If you go outside that area, which is where
20 this tower and the other tower are located, then in
21 fact you're outside of the search ring. You may
22 provide some coverage for some of the area that has
23 deficient service now but you're going to need another
24 tower to -- regardless, to address the entire -- the
25 entire gap.

1 struggling to meet demand.

2 They're a business, they have customers.
3 their FCC licenses require them to provide the
4 service, and so they are struggling to meet demand,
5 and that demand can come in the form of businesses.

6 Economic development -- my friends that work
7 for the state department of economic development tell
8 me that a lot of business prospects now will go to a
9 site, and if they don't have -- if they don't have
10 adequate service at that site, they scratch that site
11 off the list.

12 So business, existing and potential future
13 businesses, current customers who are either residents
14 or businesses in the city of Doraville or who travel
15 in Doraville are -- are demanding service.

16 And as Mr. Duong said, you know, it's not
17 a -- it's not an easy decision to expand your network.
18 It involves capital costs. But like any business,
19 you're trying to meet the demands of your customers,
20 and that's what they're trying to do here.

21 COUNCILMEMBER BATES: If I understood Mr.
22 Duong correctly the coverage area of .8 miles to 1.8
23 miles. Did I --

24 ATTORNEY KIRK: I think he said 1.5.

25 COUNCILMEMBER BATES: .8 to 1.5 miles,

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1 meaning that you would need to have a cell phone tower
 2 every 1.6 miles to cover your maximum coverage. Is
 3 that -- assuming you're at the smallest coverage rate
 4 of .8, on center, you would have to have a cell phone
 5 tower every 1.6 miles.
 6 MR. DUONG: That is true with a lot of voice
 7 calls but now we have a lot of data and you have to
 8 build more tower to accommodate these increase of data
 9 uses. For particular at this location, we experience
 10 a lot of drop call from the customer complaints, and
 11 that is -- also create a problem with 911 calling.
 12 You know, we try to -- minimal any weak coverage where
 13 it's come from our 911 call and drop calls and all the
 14 important calls that people make.
 15 COUNCILMEMBER BATES: Walk me through the
 16 site selection process on how this particular site was
 17 identified as being the most opportune.
 18 MR. DUONG: This location, we have capacity
 19 demand, customer complaints.
 20 COUNCILMEMBER BATES: But why this
 21 particular property versus a property on the other
 22 side of Peachtree Road closer to Chamblee?
 23 MR. DUONG: When we run our analysis, if we
 24 choose on the south side we still have the coverage
 25 hole in the area that identify what we call weak

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1 coverage and weak capacity. So this location provide
 2 the coverage and the data need for customer.
 3 MAYOR PITTMAN: Ms. Pachuta?
 4 COUNCILMEMBER PACHUTA: Huh-uh.
 5 MAYOR PITTMAN: Mr. Patrick?
 6 COUNCILMEMBER PATRICK: (Shakes head)
 7 MAYOR PITTMAN: Ms. Fleming?
 8 COUNCILMEMBER FLEMING: Yes. And I'm sorry.
 9 What was your name again, the engineer, please?
 10 What's your name again?
 11 ATTORNEY KIRK: Mr. Duong, (spelling) D-u-o-
 12 n-g.
 13 Correct?
 14 MR. DUONG: Yes.
 15 COUNCILMEMBER FLEMING: Okay. The proposed
 16 cell phone tower or the cell tower that you're
 17 planning on installing, yourself and three other
 18 carriers, so how many total horizontal extensions or
 19 antennas would there be?
 20 ATTORNEY KIRK: There could be up -- the
 21 tower is designed to accommodate four carriers.
 22 COUNCILMEMBER FLEMING: Is that a --
 23 ATTORNEY KIRK: Current --
 24 COUNCILMEMBER FLEMING: Tell me, is that --
 25 when we talk about a total of four, will there be four

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1 horizontals going up or --
 2 ATTORNEY KIRK: There will be four --
 3 COUNCILMEMBER FLEMING: -- will there be
 4 eight?
 5 ATTORNEY KIRK: There would be antenna
 6 arrays.
 7 COUNCILMEMBER FLEMING: Okay. Four.
 8 ATTORNEY KIRK: I believe in your packet
 9 there's actually an elevation drawing of the proposed
 10 facility, and that shows that you would have Metro
 11 PCS, Metro PCS at the top at the eighty -- roughly 84
 12 foot level and then could have roughly 10 to 15 feet
 13 separation would you say?
 14 Yeah. 10 to 15 feet separation going down,
 15 so you have four antenna arrays.
 16 COUNCILMEMBER FLEMING: Okay. Thank you.
 17 And the other question I have, if this
 18 special land use permit or conditional use permit as
 19 the City of Doraville calls it, agrees to the
 20 variance. would Metro PCS be amenable to camouflaging
 21 those extensions, those antennas, as is the cell tower
 22 that's located on North Druid Hills and Clairmont, I
 23 believe, looks like a tree.
 24 ATTORNEY KIRK: Well, Metro PCS is not
 25 building the tower. My client TowerCom is building

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1 the tower. They're building it in partner-ship with
 2 Metro PCS to provide a location for Metro PCS --
 3 COUNCILMEMBER FLEMING: Okay. So is there a
 4 representative here for TowerCom?
 5 ATTORNEY KIRK: Yes, ma'am. That's me.
 6 COUNCILMEMBER FLEMING: Okay. So is
 7 TowerCom willing to do that?
 8 ATTORNEY KIRK: Well, I have to talk to my
 9 client about that. Can you give me two seconds, two
 10 minutes?
 11 ---
 12 (Brief discussion off the record)
 13 ---
 14 ATTORNEY KIRK: Typically, you use a tree in
 15 an area where there are existing trees. This is an
 16 industrial area, and quite frankly, this will -- the
 17 silhouette or the profile, if you do a tree, will
 18 stand out a lot more than that of a monopole.
 19 COUNCILMEMBER ALEXANDER: So we take that as
 20 "no," then.
 21 ATTORNEY KIRK: No. I'm -- I'm just telling
 22 you. But if -- if that is what this board desires,
 23 we're willing to do that, but I am going to say that
 24 it is going to stand out more. It will be much more
 25 visible than a monopole would be, and I speak from

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1 experience. There's one up in Canton that sticks out
2 that I was involved in several years ago for Verizon
3 Wireless, and they wanted to have a monopole and -- or
4 they wanted to have what's called a monopine, and the
5 profile is much more significant. It does not blend
6 in as well as just a plain, plain monopole.
7 But if that is what you want --
8 COUNCILMEMBER FLEMING: *The reason why I ask*
9 that is -- is like the comment that Mr. Bates brought
10 out. We're talking about .8 to a mile coverage per
11 tower, and I can just envision the city of Doraville
12 and we have eight right now, and we're getting ready
13 to have nine possibly -- I just -- I want to try to
14 get us in the direction of creating something more
15 pleasing to the eye than a whole -- I mean the whole
16 city being engulfed in cell phone towers is what I'm
17 trying to --
18 ATTORNEY KIRK: Well, I understand what
19 you're saying, and I --
20 COUNCILMEMBER FLEMING: -- visually focus
21 on.
22 ATTORNEY KIRK: I'm -- I'm speaking from my
23 experience, and, as Mr. Cooley and Mr. McLendon know,
24 I'm a -- I'm a Certified City Planner as well as -- as
25 well as an attorney and so I'm sensitive to that -- to

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1 that issue.
2 But I am saying that from my experience --
3 and you're welcome to call on your professional staff
4 about this -- I do think the profile of a monopine is
5 going to be much more visible than -- than a monopole.
6 COUNCILMEMBER FLEMING: *Okay. Thank you*
7 very much.
8 COUNCILMEMBER DEAN: Well, it looks very
9 industrial right now, particularly on that piece of
10 property with the trailers and the cars, etc. I think
11 that we as a board are trying to change some of that
12 and preserve the character of the residential areas,
13 and that is, there are residences there, which is why
14 you are here today.
15 Also with the GM plant being right there,
16 that is one day hopefully going to be the gateway to
17 that new development, and once a cell tower goes
18 there, then it will be there for a very long time,
19 which concerns me.
20 So I think that when you say yes, if you put
21 a -- a tree-looking cell tower there, it's going to
22 stand out, so why do that, because it's much better to
23 have just a pole standing there, I don't think that
24 that sits very well with me personally because we want
25 to change the aesthetics of this area, and hopefully

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1 that area, because it is very ugly right now, will
2 change and -- and -- and develop in a -- in a better,
3 more aesthetically pleasing way.
4 ATTORNEY KIRK: And if I may, if I may
5 respond very quickly --
6 COUNCILMEMBER DEAN: Sure.
7 ATTORNEY KIRK: -- we're -- as I said, if
8 that is what you want, we were willing to do that. I
9 don't want -- I want that to be perfectly clear, that
10 if this -- if this Council would -- would like to have
11 what we call a monopine at that location, we -- we
12 were -- we are happy to do that.
13 I'm just telling you that it may not -- it
14 may not turn out to be as aesthetically --
15 COUNCILMEMBER DEAN: No, yeah. They're
16 not --
17 ATTORNEY KIRK: -- pleasing as --
18 COUNCILMEMBER DEAN: -- pretty at all.
19 They're not -- I understand.
20 The other thing is we are a very small city.
21 We're what? We're three or four square miles and
22 having eight cell towers here now seems like a lot,
23 and you made a comment that single-family residence --
24 single-family residences are not impacted negatively.
25 But to me, I think that it does negatively impact the

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1 property values because if there were a home -- if
2 there was a home here and a cell tower here, I would
3 not, if I were in the market, buy it, and I think that
4 that does impact a neighborhood and I think that
5 that --
6 ATTORNEY KIRK: But if you can't see it from
7 the single-family residential neighborhood, how does
8 it impact the single-family residential --
9 COUNCILMEMBER DEAN: Well, there are --
10 ATTORNEY KIRK: -- neighborhood?
11 COUNCILMEMBER DEAN: -- residents there,
12 which is why --
13 ATTORNEY KIRK: They --
14 COUNCILMEMBER DEAN: -- you are here
15 tonight, and I --
16 ATTORNEY KIRK: That is true.
17 COUNCILMEMBER DEAN: -- and I think that
18 that's -- I mean they may be renters but it's still
19 their home, so I think that that is something that
20 again, if we look at what is there now and what will
21 be there, I think that we want to develop it in a way
22 to maintain the character of -- of whatever is in that
23 area including the residents.
24 ATTORNEY KIRK: And what we're doing is
25 we're operating under your Zoning Ordinance as it --

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1 as it exists now, your staff has indicated that we --
 2 COUNCILMEMBER DEAN: Sure, right.
 3 ATTORNEY KIRK: -- meet all the standards of
 4 your zoning.
 5 COUNCILMEMBER DEAN: I've heard all of that.
 6 ATTORNEY KIRK: And that is -- that is the
 7 applicable law --
 8 COUNCILMEMBER DEAN: Sure.
 9 ATTORNEY KIRK: -- that we are operating
 10 under.
 11 COUNCILMEMBER DEAN: Right, but you are too
 12 close to an apartment complex, which is why you are
 13 here asking permission to put that there, right?
 14 You're too close to an apartment complex, right?
 15 ATTORNEY KIRK: We are -- we are within the
 16 distance that this Council has -- has determined they
 17 wanted to have a look to see if it has a negative
 18 impact.
 19 Your staff has indicated in his professional
 20 opinion it does not have a negative impact and your
 21 Planning Commission has agreed with that assessment.
 22 COUNCILMEMBER DEAN: Right. Well, okay.
 23 For Joe, I have -- this was C-2 and it was changed to
 24 M-2 about five years ago; right? Is that correct?
 25 MR. COOLEY: My understanding is that it was

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1 done a long time ago. I'm not familiar with the
 2 rezoning from C-2. We'd have to go back and check the
 3 old records and the minutes to find out when it was
 4 rezoned.
 5 Quite honestly, I wasn't aware that it was
 6 C-2.
 7 COUNCILMEMBER DEAN: All right. But I
 8 believe I sent an e-mail out over the last couple of
 9 days asking about that?
 10 MR. COOLEY: That was actually --
 11 MAYOR PITTMAN: You did.
 12 MR. COOLEY: -- went out last night.
 13 MAYOR PITTMAN: You did. And it would take
 14 a lot of -- of staff work because it's not easily and
 15 readily available. So we'll be glad to pull that if
 16 necessary. We just couldn't do it today.
 17 ATTORNEY KIRK: And my understanding from
 18 the communication we've had with the property owners,
 19 it's been -- it was zoned M-2 in the 1950s and then
 20 was zoned without his knowledge to C-2 and then zoned
 21 back to M-2 following that when he raised questions
 22 about it.
 23 COUNCILMEMBER DEAN: And now it's a legal
 24 nonconforming use, right? Because while it's a car
 25 lot, we have certain -- we have specific size for a

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1 car lot, right?
 2 MR. COOLEY: Yes, ma'am. Any new car lot
 3 that comes in is required to be six acres.
 4 COUNCILMEMBER DEAN: All right. So this is
 5 a legal nonconforming use --
 6 MR. COOLEY: That's correct.
 7 COUNCILMEMBER DEAN: -- currently; right?
 8 MR. COOLEY: That is correct.
 9 COUNCILMEMBER DEAN: And is it --
 10 MR. COOLEY: Almost all the car lots in the
 11 city are.
 12 COUNCILMEMBER DEAN: Okay. And it seems
 13 that -- I not -- not -- the property owner really
 14 doesn't have anything to do with this specifically,
 15 but it seems like there are a lot of issues there that
 16 need to be addressed.
 17 But in any event, again just talking about -
 18 - about that area and the development and where we
 19 want it to go, I think that the -- the character of
 20 what's there, the residents, etc., is something that
 21 should be taken into consideration. Thank you.
 22 COUNCILMEMBER DEAN: Okay.
 23 Okay, sir. Thank you. We're going to open
 24 the public hearing portion now.
 25 Okay. At this time, we're going to open the

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1 public hearing portion of this. I am going to ask
 2 those that wish to speak for to come forward. I need
 3 you to state your name for the court reporter.
 4 And I also want to advise you that it's ten
 5 minutes. That means ten minutes total. If you speak
 6 for the full ten minutes, that means no one else will
 7 get to speak.
 8 I also ask you to please stay on the subject
 9 matter. That means if you're speaking for, speak
 10 specifically for this, and if you're wishing to speak
 11 against, please speak specifically on this.
 12 Those wishing to speak for come forward.
 13 - - -
 14 (No response)
 15 - - -
 16 MAYOR PITTMAN: Okay. Those wishing to
 17 speak against, please come forward.
 18 MR. THOM ABBOTT: Good evening. Thom Abbott
 19 from Northwoods.
 20 I pulled this morning some paperwork out of
 21 our Living Centers Initiative or LCI Study, and I want
 22 to quickly read some of the statements that are in
 23 there: (Reading) Integrate the MARTA station into the
 24 Doraville Town Center, create urban design standards
 25 for New Peachtree and Buford Highway, create design

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1 standards to address site design elements per
2 architectural character, promote the relocation of
3 power lines off of New Peachtree Road.
4 A cell tower doesn't seem to work very well.
5 We're sitting on a gold mine, people.
6 Alpharetta, Johns Creek, Douglasville -- you name any
7 city in this area -- would give anything to have a
8 mass transit station in their city. They'd give
9 anything for it. It's too expensive.
10 We have one. We have designed a plan, an
11 LCI Study, that says we're going to redevelop that.
12 This site is within walking distance of a MARTA
13 station.
14 I was in Brookhaven today, and child, they
15 can't bulldoze it down fast enough down there to
16 build. Nobody's coming here. Why? Because they see
17 crap like this with a cell tower, and who wants to
18 build anything next to a cell tower?
19 The problem we have is this is all the
20 farther we can see in this town. We can't look out
21 there. Okay? We don't have a crystal ball; no, we
22 don't. If we all had crystal balls, none of us would
23 be in this room. Okay?
24 But what we have to stop doing is building
25 brick walls. That's all we do in this city is build

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1 brick walls for the future. Let's start building
2 windows and look to the future and change the city,
3 and it has to start by doing this.
4 I'm rather incensed that Metro PCS seems
5 to -- all it is is, "We want our tower, we want a
6 tower, we want a tower, we want a tower. We don't
7 care about Doraville. We don't care about Doraville;
8 we just want a tower. We don't care what it does to
9 the neighborhood." Staff might recommend that it
10 doesn't affect residential. Okay. Maybe not right
11 now, but they're still an apartment complex. We must
12 look out there and look to the future.
13 We need to mine our gold mine, not shut it
14 down. If we're going to do that, let's just take our
15 LCI Study and our Comp use plans and everything and
16 shred it up. Let's make some little token gifts and
17 start giving them out to the citizens of the city,
18 because we wasted hundreds of thousands of dollars
19 creating these. Thank you.
20 MS. SUSAN CRAWFORD: Susan Crawford,
21 Oakcliff.
22 Okay. I'm against this on many levels and
23 for many reasons. I do agree with what Thom says.
24 This is contrary to our plan, and I took part in some
25 of the -- you know, the little magic markering and

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1 that sort of thing, and we -- we all take that very
2 seriously. This is not in our vision, another cell
3 tower.
4 Also, I find it very upsetting that -- that
5 we already have eight. We're a tiny little area. And
6 maybe that's why Mr. Cooley didn't find it a problem
7 with -- well, he wasn't aware there were eight already
8 here. And also I'm wondering, when do we stop filling
9 in the gaps for the cities around us who have more
10 self respect, and say no?
11 And Pam, you said you didn't like the idea
12 of the cell tower; then say no. I mean just because,
13 okay, it is within 500 feet of this apartment complex,
14 residential. To me, another problem I have with this
15 is because they're apartment people, they're not quite
16 as relevant. And if that is so, it sounds to me like
17 something I don't want to hear and that they would be
18 very up in arms about.
19 Also, if that's the way you're looking at
20 it, think of the future. Who knows what's going to be
21 where that apartment complex is now, what the
22 potential is in future.
23 But if we keep shooting ourselves in the
24 feet, we're not going to have anything but cell towers
25 and the refuse from surrounding cities. Thank you.

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1 MR. TOM HART: This area is -- represents an
2 old house that was there at the turn of the century.
3 Downtown like Norcross has people living in those
4 houses. That's what makes a downtown work.
5 This doesn't meet the Comp Plan, the LCI
6 Plan, and it's right in the middle of the main
7 connector bridge that connects the General Motors site
8 to Dunwoody, Doraville, Chamblee, 85, Buford Highway,
9 and the city of Doraville puts a cell tower in the
10 middle of it. It's even on the GDOT map.
11 There are ten reasons why not to do that,
12 and can they move it 200 feet over and put it into
13 Chamblee? There's a dearth of cell towers in
14 Dunwoody. It's because we're sitting on top of a
15 hill, and if you keep going this way, it's going to
16 look like a -- it is going to look like a Christmas
17 tree up there because you're going to have a hundred
18 of them. It doesn't have to be tall because it's
19 sitting on top of a hill. This cell tower's not
20 sitting in a valley. That's why, well, it's a short
21 tower; just put the short one in. Yeah, because we're
22 sitting up at 1150, 1200 feet here.
23 So there is Comp Plan/LCI reasons, there's
24 downtown development. All those apartments are zoned
25 apartments. They will be developed into new

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1 properties that will have access to the walkable space
2 to the MARTA station. It's the main connector to the
3 GM plant property. It's sitting on a nonconforming
4 piece of property that has a vintage house sitting on
5 top that could very well be redeveloped. Okay.
6 There's a hundred reasons why not to do
7 this. Thank you.
8 MAYOR PITTMAN: Okay. At this time, we're
9 going to close the public-hearing portion.
10 Sir, did you have something else you wanted
11 to say?
12 ATTORNEY KIRK: Could I just respond?
13 MAYOR PITTMAN: Yes, sir.
14 ATTORNEY KIRK: Okay. Thank you very much,
15 Madam Mayor, just very quickly.
16 Your LCI Study does not address cell towers,
17 but I can guarantee you that everyone who lives, works
18 and plays in that area is going to have a mobile
19 device and they're going to expect it to work, and,
20 you know, to suggest that somehow the cell tower will
21 prevent the development of -- of dozens of acres of
22 land I think is a fallacious argument.
23 The fact that -- the gentleman who didn't
24 identify himself mentioned that it's right in the
25 middle of the connector bridge. Correct me if I'm

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1 wrong, Joe, but it's actually slightly north of the
2 connec- -- of the approximate alignment of the
3 connector bridge which is a -- you know, is a plan.
4 I'm not sure there's funding for it at the moment, but
5 I don't believe it would prevent the construction of
6 this, this connector bridge.
7 MR. COOLEY: That is, the proposed alignment
8 was slightly south of that and connects over --
9 THE REPORTER: That was part of the what?
10 MR. COOLEY: That was part of the T-splst
11 that did not go through.
12 MAYOR PITTMAN: And for the record, that was
13 Mr. Tom Hart.
14 ATTORNEY KIRK: Okay. Mr. Hart. Okay.
15 Thank you.
16 He also said that the site elevation was
17 1200 feet. It's actually 1062. If you don't believe
18 me, you can look on your site plans which have the
19 topography noted on there.
20 COUNCILMEMBER DEAN: What about the pizza
21 box technology that cell -- cell phone companies are
22 moving into?
23 ATTORNEY KIRK: The pizza box technology?
24 Are you talking about --
25 COUNCILMEMBER DEAN: The size of --

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1 ATTORNEY KIRK: -- distributed --
2 COUNCILMEMBER DEAN: -- of buildings.
3 ATTORNEY KIRK: -- distributed --
4 distributed antenna systems or a building-mounted
5 system?
6 COUNCILMEMBER DEAN: I'm not sure.
7 ATTORNEY KIRK: There are a lot of ways that
8 the carriers use to mount antennas. Where there all
9 tall buildings in the area, they sometimes will mount
10 on the roof of those buildings. There are no tall
11 structures in this area of sufficient height to -- to
12 meet that need.
13 You know, there are a whole host of
14 solutions just depending upon what's available.
15 Thank you.
16 MAYOR PITTMAN: Mr. McLendon, do you have
17 something?
18 ATTORNEY McLENDON: I'm fine.
19 MAYOR PITTMAN: Okay.
20 Ms. Alexander, anything in addition?
21 COUNCILMEMBER ALEXANDER: (Shakes head
22 negatively)
23 MAYOR PITTMAN: Mr. Bates?
24 COUNCILMEMBER BATES: (Shakes head
25 negatively)

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1 MAYOR PITTMAN: Ms. Pachuta?
2 COUNCILMEMBER PACHUTA: (Shakes head
3 negatively)
4 MAYOR PITTMAN: Mr. Patrick?
5 COUNCILMEMBER PATRICK: Joe, how far would
6 this tower be from the proposed bridge if that were to
7 happen?
8 MR. COOLEY: I don't have the exact
9 alignment but it was coming in south of there and
10 cutting over and going up into Chamblee I believe.
11 I'm not -- couldn't tell you exactly how far it is.
12 ATTORNEY KIRK: Okay.
13 COUNCILMEMBER PATRICK: All right. Thank
14 you.
15 MAYOR PITTMAN: Ms. Fleming?
16 COUNCILMEMBER FLEMING: No.
17 MAYOR PITTMAN: Ms. Dean?
18 COUNCILMEMBER DEAN: I'm okay.
19 MAYOR PITTMAN: Okay. All right, Council,
20 does anyone have any additional questions or does
21 someone wish to make a motion?
22 COUNCILMEMBER BATES: Because of the
23 proximity to the apartment complex, I'm going to make
24 a motion to deny the application.
25 COUNCILMEMBER DEAN: Second.

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1 MAYOR PITTMAN: Discussion?
 2 ---
 3 (No response)
 4 ---
 5 MAYOR PITTMAN: Call the roll, please.
 6 CLERK BRYANT: Councilmember Alexander?
 7 COUNCILMEMBER ALEXANDER: Yes.
 8 CLERK BRYANT: Councilmember Bates?
 9 COUNCILMEMBER BATES: Yes.
 10 CLERK BRYANT: Councilmember Dean?
 11 COUNCILMEMBER DEAN: Yes.
 12 CLERK BRYANT: Councilmember Fleming?
 13 COUNCILMEMBER FLEMING: Yes.
 14 CLERK BRYANT: Councilmember Pachuta?
 15 COUNCILMEMBER PACHUTA: Yes.
 16 CLERK BRYANT: Councilmember Patrick?
 17 COUNCILMEMBER PATRICK: Yes.
 18 MAYOR PITTMAN: All right.
 19 COUNCILMEMBER DEAN: Thank you, gentlemen.
 20 MAYOR PITTMAN: All right. Next on the
 21 agenda is going to be another public hearing. It's
 22 going to be the Application for Variance to Section
 23 23-903, Dimension Requirements in the R-1 Residential
 24 zoning district, property at 2415 Ridgeway Drive. I
 25 believe this is a property that has been annexed into

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1 the city as of December 31st.
 2 I believe the person, Mr. Estrada, is here,
 3 and Mr. Cooley, I'm going to let you . . .
 4 MR. COOLEY: Thank you, Ma'am. Yes. Just
 5 for the record, this is tax parcel 18-342-11-008. As
 6 you said, Mayor, this is an area that was annexed, a
 7 residential area that was annexed into the city on
 8 December 31st. It is an older subdivision. I believe
 9 it was actually -- I've been told that it was actually
 10 in the '50s when it was platted. You've got a
 11 combination of different shaped lots and small lots.
 12 What we've got in the situation is there was
 13 construction initiated and partially completed prior
 14 to the annexation into the city. At the time, Dekalb
 15 County had a 7-foot side yard setback. The building
 16 was built to within .89 feet of the property line. A
 17 setback variance was not applied for or granted by
 18 Dekalb County, neither was a building permit applied
 19 for and obviously granted by Dekalb County.
 20 Quality of Life officers in the City of
 21 Doraville, upon looking through the area, saw the
 22 construction and placed a stop-work order on it.
 23 We've discussed this with the owner, and his only
 24 option really is to come and request a variance from
 25 this Council.

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1 As you all know, the section that it
 2 actually is a variance from is Section 23-903(f) which
 3 is the side-yard setback, which in Doraville is a
 4 10-foot setback.
 5 As you know, a variance is a quasi-judicial
 6 process. There are seven condition requirements that
 7 are given. That information is in your packet, the
 8 individual items.
 9 Basically, the aspect of it that the staff
 10 had issues with was primarily that it was a self-
 11 imposed issue; it is something that was done basically
 12 -- it wasn't there. There was sufficient parking
 13 there. There was not a garage but there was
 14 sufficient parking, and it was built without permit or
 15 without the variance. For that reason -- and that is
 16 the primary reason.
 17 Now, the lot does have a strange shape; it
 18 just kind of constricts towards the back, so it is
 19 tough to place a garage there. It does have a
 20 circular driveway in the front, but it is difficult to
 21 get something -- a driveway in unless you came
 22 forward, and then you've got your front-yard setback
 23 if you came forward towards the street.
 24 This is something that because of that and
 25 the requirement the staff looks at and these criteria,

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1 that staff is recommending denial of the variance just
 2 because of that -- primary one reason is the fact that
 3 it's self-inflicted.
 4 Again, if -- if it was -- the variance was
 5 to be granted, they would still be required to come
 6 back in and get a building permit, and as you probably
 7 know, after the fact, it's double the fee, so. But
 8 that's what's going to be required in order for it to
 9 continue to be there.
 10 The applicant is here. He made a
 11 presentation to the Planning Commission. The Planning
 12 Commission voted 3 to 1 to approve the variance, so,
 13 and I'll be happy to answer any questions or go over
 14 the specific details of the different -- each
 15 individual question if you prefer.
 16 MAYOR PITTMAN: Okay. Is there anything
 17 before I bring the applicant up? Is there anything
 18 from the table for Mr. Cooley?
 19 COUNCILMEMBER BATES: Just want to get
 20 clarification. There was no application with Dekalb
 21 County for this structure.
 22 MR. COOLEY: That's correct; no building
 23 permit, no variance application.
 24 MAYOR PITTMAN: All right, Mr. Cooley,
 25 thank you.

1 Mr. Estrada?
 2 MR. ESTRADA: Thank you, Mayor and Council.
 3 I'm here to request approval of a land
 4 variance for my garage at 2415 Ridgeway Drive. My lot
 5 is nonconforming. If I was to place the garage
 6 anywhere else, it wouldn't be harmonious with the
 7 neighborhood, and I believe where I located it is --
 8 is in harmony with the rest of the neighborhood. And
 9 I wish I would have pulled my permits and variance
 10 first, but I didn't, and that's why I'm here today to
 11 ask for your approval.
 12 MAYOR PITTMAN: Ms. Alexander?
 13 COUNCILMEMBER ALEXANDER: I'm good, Mayor.
 14 Thank you.
 15 MAYOR PITTMAN: Mr. Bates?
 16 COUNCILMEMBER BATES: When did you start
 17 construction of the --
 18 MR. ESTRADA: This time last year.
 19 MAYOR PITTMAN: Ms. Pachuta?
 20 COUNCILMEMBER PACHUTA: And this may be for
 21 Joe.
 22 The letter we have from Dunlap Associates,
 23 is that implying that it does meet building code
 24 standards already or --
 25 MR. COOLEY: In a situation like this when

1 MS. CORDLE: Well, I have a couple of
 2 questions. May I do that at the proper time?
 3 COUNCILMEMBER PACHUTA: Under public
 4 comment.
 5 Well, Mayor --
 6 MAYOR PITTMAN: You can come up. Come up,
 7 please.
 8 COUNCILMEMBER BATES: Before you start,
 9 ma'am, did you hire a general contractor to do the
 10 work or are you doing the work yourself?
 11 MR. ESTRADA: I did it myself.
 12 MR. COOLEY: Okay.
 13 MS. PAT CORDLE: Okay. My name is Pat
 14 Cordle, and I do own the property next door, 2423
 15 Ridgeway. Obviously, I wish it had not been built so
 16 close to my property. I do not live in the property.
 17 I own it and I do rent it out.
 18 I do have to say that he has certainly done
 19 a lot to improve the looks of the neighborhood, so
 20 that doesn't hurt me at all.
 21 If you -- I have a question in that the city
 22 planner, somebody recommended it not be approved. If
 23 you don't approve the variance, then what happens?
 24 MAYOR PITTMAN: He would be asked to take it
 25 down.

1 they want to appeal, permits were not pulled and
 2 something has been built, we require the applicant to
 3 come back, hire an engineer to go back through and
 4 certify that it was done according to code.
 5 COUNCILMEMBER PACHUTA: Okay. So it is --
 6 MR. COOLEY: And that's -- that's the law.
 7 COUNCILMEMBER PACHUTA: It is already
 8 constructed to code.
 9 MR. COOLEY: Yes --
 10 COUNCILMEMBER PACHUTA: Okay.
 11 MR. COOLEY: -- other than --
 12 For the building code, yes, ma'am.
 13 COUNCILMEMBER PACHUTA: Right.
 14 And I just wanted to confirm that on the
 15 signatures from your neighbors, the one is --
 16 MR. ESTRADA: I actually have --
 17 COUNCILMEMBER PACHUTA: Is that Patsy
 18 Cordle?
 19 MR. COOLEY: Miss Patsy Cordle is actually
 20 here today.
 21 COUNCILMEMBER PACHUTA: Okay. And you're
 22 the one that the garage is close to; is that correct?
 23 MS. CORDLE: Yes, yes.
 24 COUNCILMEMBER PACHUTA: So you are fine with
 25 it from --

1 MS. CORDLE: Oh, my. Okay. Well, I am the
 2 one who is obviously most impacted by it because it is
 3 within one foot, one point --
 4 MR. COOLEY: Eighty nine.
 5 MS. CORDLE: One point eight nine feet of my
 6 property at one point only, and then it fans out. I
 7 believe it still is in violation of the lot line by
 8 about -- what's the setback?
 9 MR. ESTRADA: Doraville is 10 feet.
 10 MS. CORDLE: 10 feet? Yeah. Well, at the
 11 time he started it, it was Dekalb County. So I am a
 12 realtor so I'm a little more familiar with that than
 13 most.
 14 I would hate to see him be forced to tear it
 15 down, because if you've seen photographs of it, it
 16 looks good, it improves the neighborhood, and I think
 17 in the city of Doraville you've got a lot of property
 18 that has fallen in very bad repair in the last 10
 19 years. And people have been buying those properties
 20 for the last three years, they've been doing a lot of
 21 work to make city of Doraville look better and be more
 22 appealing to home buyers.
 23 So you know, do I like the fact it's not
 24 that close -- that it's so close to my property? I
 25 wish it weren't, but I'm the one most impacted and I

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1 don't think that it should be torn down.
2 COUNCILMEMBER BATES: Can you give me a
3 sense of what on your property is closest to the
4 garage?
5 MS. CORDLE: Just -- just land.
6 COUNCILMEMBER BATES: So --
7 MS. CORDLE: I mean have you -- do you have
8 photos?
9 COUNCILMEMBER BATES: Yeah, it's just --
10 MS. CORDLE: You should have a photo.
11 COUNCILMEMBER BATES: It's just difficult to
12 ascertain because there's a --
13 MS. CORDLE: Yeah. So there's a good
14 distance between my property and my driveway.
15 COUNCILMEMBER FLEMING: There's a buffer.
16 MS. CORDLE: It's not like it's right up
17 against my driveway right there. There is some space,
18 as you can see from the photo.
19 MAYOR PITTMAN: Thank you so much.
20 COUNCILMEMBER BATES: Thank you.
21 MAYOR PITTMAN: I appreciate it.
22 COUNCILMEMBER BATES: Do you live in the
23 property, sir?
24 MR. ESTRADA: I have a -- Do I own the
25 property?

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1 COUNCILMEMBER BATES: Do you live in it?
2 MR. ESTRADA: I'm moving in this month.
3 Actually, I have a better picture (presenting).
4 That's better. My house is the one on the right and
5 hers is on the left.
6 COUNCILMEMBER BATES: Okay. Thank you.
7 MAYOR PITTMAN: Mr. Bates, do you have
8 anything else?
9 COUNCILMEMBER BATES: I'm good. Thank you,
10 Mayor.
11 MAYOR PITTMAN: Ms. Pachuta?
12 COUNCILMEMBER PACHUTA: No.
13 COUNCILMEMBER PATRICK: This may not be
14 something that you have an answer to. In the letter
15 from Dunlap & Associates, does he reference if there's
16 any fire rating on that wall that is closest to --
17 MR. ESTRADA: I couldn't answer that.
18 COUNCILMEMBER PATRICK: All right. Thank
19 you.
20 MAYOR PITTMAN: Ms. Fleming?
21 COUNCILMEMBER FLEMING: Thank you.
22 I did ride around today and -- and yes, it
23 looks like it's terrific workmanship.
24 It appears that the garage may be heated.
25 Is it?

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1 MR. ESTRADA: It's insulated.
2 COUNCILMEMBER FLEMING: Okay. So it's not
3 heated or air conditioned --
4 MR. ESTRADA: No, ma'am.
5 COUNCILMEMBER FLEMING: -- to be turned into
6 another bedroom.
7 MR. ESTRADA: No, ma'am.
8 COUNCILMEMBER FLEMING: Okay. It's going to
9 be used only as a garage.
10 MR. ESTRADA: As a garage, yes, ma'am.
11 COUNCILMEMBER FLEMING: Okay. Bear in mind
12 that both the City of Doraville as well as Dekalb
13 County rely on proper permitting --
14 MR. ESTRADA: Yes, ma'am.
15 COUNCILMEMBER FLEMING: -- to assess each
16 and every one of our properties, and that is of course
17 the assessment. Property values are based on the
18 assessment; taxes are based on the assessments.
19 So let me ask you another question. I'm
20 just commenting about the permits right now.
21 The what appears to be a second story that's
22 in the addition on the back side, did you do that as
23 well?
24 MR. ESTRADA: The second story, I did. Yes,
25 ma'am.

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1 COUNCILMEMBER FLEMING: Okay. Was that part
2 of when you started doing that, you know?
3 MR. ESTRADA: Correct.
4 COUNCILMEMBER FLEMING: Did you pull --?
5 Because I went onto Dekalb County's --
6 MR. ESTRADA: No, ma'am.
7 COUNCILMEMBER FLEMING: -- tax -- You didn't
8 pull any permits on that either, okay.
9 MR. ESTRADA: I've applied for all the
10 permits, though, since then.
11 COUNCILMEMBER FLEMING: Through Dekalb
12 County for what you've --
13 MR. ESTRADA: Through Dor- --
14 COUNCILMEMBER FLEMING: -- already done?
15 MR. ESTRADA: Through Doraville, yes, ma'am.
16 COUNCILMEMBER FLEMING: For even the two-
17 story?
18 MR. ESTRADA: The top level, yes, ma'am.
19 COUNCILMEMBER FLEMING: I'm sorry?
20 MR. ESTRADA: The top level, yes, ma'am.
21 COUNCILMEMBER FLEMING: Okay. All right.
22 So I just want to make sure that we're in synch, if
23 this variance is approved, that all permitting as well
24 as all the fees, whether there be penalties assessed
25 to you on the -- on the fees because they were not,

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1 you know, requested in advance --
2 MR. ESTRADA: Yes, ma'am.
3 COUNCILMEMBER FLEMING: -- that all of those
4 would be --
5 MR. ESTRADA: Yes, ma'am.
6 COUNCILMEMBER FLEMING: -- paid for.
7 MR. ESTRADA: I plan to pay for all those
8 and pull all the proper permits and have my house
9 appraised and submit the appraisal to the City.
10 COUNCILMEMBER FLEMING: Okay.
11 MAYOR PITTMAN: Ms. Dean?
12 COUNCILMEMBER FLEMING: Mr. Cooley --
13 MR. COOLEY: If I may, what happened was
14 when the Quality of Life officers put a stop-work
15 order on it, he came in and applied for all the
16 permits it required.
17 We processed the ones that we could that
18 were basically -- did not have issues for variance
19 purposes or whatever. But none was done on the garage
20 because he had to get -- the only way he can proceed
21 really is with a variance.
22 So to answer your question, all the other
23 process permits that were required that were not taken
24 out originally are being taken out through the City.
25 COUNCILMEMBER FLEMING: Okay. Thank you.

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1 COUNCILMEMBER DEAN: Okay. First, because
2 the form was not filled out, have you contributed to
3 any current city elected official?
4 MR. ESTRADA: No, ma'am. I just forgot to
5 check that.
6 COUNCILMEMBER DEAN: So I also drove by the
7 property, and the structure in the back, it looks like
8 a two-story mini-house behind the house. Is that what
9 that is?
10 MR. ESTRADA: It's all connected. It's
11 not --
12 COUNCILMEMBER DEAN: It's all connected?
13 MR. ESTRADA: Yes, ma'am.
14 COUNCILMEMBER DEAN: And you built the two
15 stories on behind the house; right?
16 MR. ESTRADA: Yes, ma'am.
17 COUNCILMEMBER DEAN: Okay. Because one of
18 the reasons you state in your reply was, the 10-foot
19 side setback severely limits my options for a proper
20 location of a two-car garage. If I were to place the
21 garage in any other location, it would not be in
22 harmony with the rest of the neighborhood and if I
23 were to place it in the back of the house it would
24 greatly diminish the size of my back yard. That's a
25 building you've got there, certainly enough to fit two

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1 cars.
2 MR. ESTRADA: The bottom portion was already
3 there. It's just the top portion that I put on.
4 COUNCILMEMBER DEAN: All right. What about
5 the circular or the semicircular driveway? Did you
6 put that in yourself?
7 MR. ESTRADA: Yes, ma'am.
8 COUNCILMEMBER DEAN: Did you get anyone to
9 inspect it? Did you have anyone inspect that before
10 you put that in?
11 MR. ESTRADA: Well, I didn't put the
12 driveway in myself. I hired a company to do it.
13 COUNCILMEMBER DEAN: Did you get the
14 permits?
15 MR. ESTRADA: Not for the driveway, ma'am.
16 COUNCILMEMBER DEAN: Okay. And so you
17 haven't received any permits and you did this work
18 yourself?
19 MR. ESTRADA: Yes, ma'am, all that I could.
20 COUNCILMEMBER DEAN: Did you not know you
21 needed permits?
22 MR. ESTRADA: This is my first house I
23 ever --
24 COUNCILMEMBER DEAN: Okay. So you know how
25 to build a house; you just don't know what steps to

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1 take in order to legally build it, or no one on site
2 knew that you needed permits to do this work?
3 MR. ESTRADA: I know now.
4 COUNCILMEMBER DEAN: You did not know then.
5 MR. ESTRADA: Not for the interior.
6 COUNCILMEMBER DEAN: Well, this isn't --
7 MR. ESTRADA: Oh, yes, ma'am. I didn't
8 exactly know all the regulations.
9 COUNCILMEMBER DEAN: You did not know.
10 Okay. Do you own any other properties?
11 MR. ESTRADA: Yes, I do, ma'am.
12 COUNCILMEMBER DEAN: Where?
13 MR. ESTRADA: Downtown, west end, one in
14 Decatur. Actually, two on the west end and one in
15 Decatur, ma'am.
16 COUNCILMEMBER DEAN: And what do you use
17 those properties for?
18 MR. ESTRADA: They are rental properties.
19 COUNCILMEMBER DEAN: Have you done any other
20 work on those properties?
21 MR. ESTRADA: No, ma'am.
22 COUNCILMEMBER DEAN: Okay. So you didn't
23 build onto those or anything; you just rent them out.
24 Right?
25 MR. ESTRADA: Yes, ma'am.

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1 COUNCILMEMBER DEAN: And you don't plan on
2 renting out this place?
3 MR. ESTRADA: No, ma'am. I'm moving in this
4 month.
5 COUNCILMEMBER DEAN: I understood and I do
6 understand Ms. Cordle's point, but I don't think that
7 it would be in the best interest of us or the city to
8 allow citizens to come in and say what should or
9 should not be allowed in terms of which ordinances to
10 follow, which permits are needed, etc.
11 And so I do appreciate that, but I find it
12 very hard to believe -- because it's really nicely
13 built, I find it hard to believe that you simply did
14 not know you needed permits to build these structures.
15 I just -- I find that hard to believe. And even if
16 you did not, ignorance is not an excuse. Ignorance of
17 the law is not an excuse to break it.
18 MR. ESTRADA: Yes, ma'am.
19 COUNCILMEMBER DEAN: All right. What is the
20 total square footage of your house now?
21 MR. ESTRADA: If I had to guess, it would be
22 2,000 square feet.
23 COUNCILMEMBER DEAN: 2,000?
24 MR. ESTRADA: That's including the garage.
25 COUNCILMEMBER DEAN: Okay. The driveway

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1 thing that was built, what about the water runoff?
2 Has anyone complained about the flooding that that may
3 be causing?
4 MR. ESTRADA: No, ma'am. The driveway
5 originally was there; I just --
6 COUNCILMEMBER DEAN: The circular one that
7 was added?
8 MR. ESTRADA: Not the circular part, but the
9 hill's been there forever so I mean the water was
10 still running down the hill.
11 COUNCILMEMBER DEAN: Well, I'm just saying
12 that there's a lot of concrete now in your front yard;
13 right? And so that's -- that's --
14 And this is my new thing, be it stormwater
15 runoff, etc., it seems like that might be an issue.
16 Is it?
17 MR. ESTRADA: Nobody's complained, ma'am,
18 no.
19 COUNCILMEMBER DEAN: I think I'm done.
20 MAYOR PITTMAN: Okay. Thank you.
21 COUNCILMEMBER PATRICK: Do you mind if I
22 have a follow-up question?
23 MAYOR PITTMAN: Sure; go ahead.
24 COUNCILMEMBER PATRICK: So with your other
25 -- with your knowledge of construction, you did not

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1 know that a permit would be required?
2 MR. ESTRADA: I have not -- I've never been
3 through the permit process. I've never actually
4 constructed anything for anybody else or --
5 COUNCILMEMBER DEAN: How did you learn how
6 to do this?
7 COUNCILMEMBER DEAN: Just my uncle when I
8 was little and took a couple classes.
9 COUNCILMEMBER DEAN: They never taught you
10 in classes that you need permits to do this stuff?
11 MR. ESTRADA: No, ma'am.
12 MAYOR PITTMAN: Ms. Pachuta?
13 COUNCILMEMBER PACHUTA: This is for Mr.
14 Cooley.
15 When someone does build a structure without
16 a permit, we do allow them after the fact to come in,
17 get the permit, however, with a double fee.
18 MR. COOLEY: That's correct.
19 COUNCILMEMBER PACHUTA: And as long as it's
20 inspected and meets all the code requirements, that is
21 all that needs to be done. Is that right? Once the
22 inspection process -- as long as it meets the building
23 code, they're just assessed the if you want to call it
24 a fine of twice the permit.
25 MR. COOLEY: It's a double fee --

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1 COUNCILMEMBER PACHUTA: So really --
2 MR. COOLEY: -- for after the fact.
3 COUNCILMEMBER PACHUTA: -- the only issue is
4 that it is -- because it is so close to the property
5 line --
6 MR. COOLEY: That is correct.
7 COUNCILMEMBER PACHUTA: -- that he would
8 have had to come to us or Dekalb County.
9 MR. COOLEY: Right.
10 COUNCILMEMBER PACHUTA: Just wanted to
11 clarify that.
12 MAYOR PITTMAN: Okay. Thank you.
13 Okay, sir. Thank you.
14 MR. ESTRADA: Thank you.
15 MAYOR PITTMAN: We are going to now open the
16 public portion.
17 Those wishing to speak for, I'm going to ask
18 you to come forward, please state your name for the
19 court clerk, and I need you to -- well, it will be a
20 total of 10 minutes, so if it's 10 minutes you speak,
21 then no one else will get to speak.
22 So those wishing to speak for, please come
23 forward.
24 MS. ANNA WHITE: My name's Anna White and I
25 live right around the block.

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1 And about as far as being close to the line,
2 my house -- I don't know if you-all have the plan, but
3 my house, I've been in it for 18 years now, and it was
4 built in the sixties, and it's only a foot from the
5 line.
6 And if you go around the neighborhood,
7 you'll see a lot of houses that are really close
8 together, because if you look at the property, it
9 starts off really wide. There's a lot of property
10 there, but you have to build so far back and it goes
11 narrow, so we really don't have a lot of building
12 room.
13 And if you look at my house, for instance,
14 it is, you know, one foot from the border. So --
15 MAYOR PITTMAN: Thank you.
16 MS. WHITE: Uh-huh.
17 MAYOR PITTMAN: Thank you so much.
18 MR. JOHN MALONEY: John Maloney, 3522
19 Stewart Road. I do not know this gentleman but I
20 think we should let him finish his place. I think the
21 City does too much to stop people from fixing up; they
22 cause more -- too many obstacles and problems, and I
23 think we need to --
24 I mean he should have got a permit, but I
25 think we need to encourage people to fix their

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1 properties up, not stop them. Thank you.
2 MAYOR PITTMAN: Thank you, Mr. Maloney.
3 MS. SUSAN CRAWFORD: Susan Crawford.
4 This is really outside my realm of any kind
5 of knowledge at all, but I sort of like the idea of
6 improving property. I haven't even seen it. I'm not
7 sure where it is exactly.
8 But if the people who have gone by and
9 looked at it thought it was an improvement to the
10 area, good for you that you were able to do this. I
11 just think it's -- you know, I'm very impressed with
12 anybody who can do anything like that.
13 Is there not some way to have it inspected
14 retroactively and maybe have him pay the fee?
15 But in my neighborhood, there are lots of
16 things that go on like overnight or over a weekend,
17 and I doubt if they ever -- they never get as far as
18 this.
19 So that's my two cents, and I think I broke
20 the microphone again.
21 MS. CORDLE: I have one more thing to say,
22 please.
23 I would like to say that he -- when I first
24 heard about this, he did call me and asked to buy a
25 piece of my property so that he would not be violating

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1 the side line setback. And I told him I was not
2 interested in selling a piece of my property and I'm
3 still not, because I do have the smallest lot in the
4 subdivision.
5 So at some point in time -- this is one of
6 the neighborhoods that's either going to continue for
7 everyone to make their homes be better or it will be
8 purchased with a buyout; every house in there will be
9 torn down and there will be new, nice, brand new
10 construction going on.
11 So I don't think we're talking about, you
12 know, the houses in the neighborhood have become
13 really run down because there were several large
14 commercial real estate firms through the years that
15 have tried to sell that entire package of all of those
16 houses all the way up to 285, and actually we had at
17 one point in time offers from two developers. The
18 gentleman didn't realize that. I was telling him that
19 this evening, and some of the other people in the room
20 may not realize it, but the Baptist Church, the
21 Atlanta Baptist Church that is now on Cotillion Drive,
22 had this property under option. They were trying to
23 purchase it at one time.
24 So I just can't see having him tear this
25 down, because he really has improved the neighborhood.

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1 He did try to buy my property, a piece of my property,
2 but I wasn't interested in selling.
3 MAYOR PITTMAN: Thank you so much.
4 Okay. Those wishing to speak against please
5 come forward, those wishing to speak against, and
6 state your name for the court clerk.
7 MR. TOM HART: Tom Hart.
8 This is an area of town that's prime for
9 redevelopment because it bumps up against Dunwoody,
10 and I am familiar with different people trying to buy
11 that whole section over there to put single-family
12 homes, but the economy fell in so it kind of came to a
13 stop.
14 The biggest problem we have in the city is
15 that we can't seem to build a building that meets any
16 code in Georgia, Dekalb County or Doraville. And
17 after it happens, then there's this while scramble
18 trying to cover everybody's posterior as to how that
19 might have occurred.
20 Now, the question, is there a stream that
21 runs through the back side of this lot?
22 MR. ESTRADA: Not -- no, sir.
23 MR. HART: Okay. This isn't on Nancy Creek?
24 Okay. If you've got this driveway in the
25 front yard, you've got a building that covers

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1 virtually the entire back yard, you got the house in
2 it, how much pervious surface did you cover?
3 You said that the only variance required
4 here is a side setback. How do you know that? What
5 are the other elements in this development process?
6 What did they do with the runoff? How much pervious
7 surface was covered?
8 Okay. Does the building meet any
9 construction codes? Was there a footer inspection
10 when they poured the concrete for the footers?
11 electrical inspection? plumbing? etc., etc., etc.?
12 I'd look at the web site for the tax parcel.
13 We've got several buildings, some of the people in
14 this room have had buildings on their property that
15 they haven't paid taxes on in 20 years. This is one
16 of them.
17 Because you didn't get a building permit,
18 you haven't been paying any property taxes on your new
19 building.
20 MAYOR PITTMAN: Shhhh.
21 This is not an answer . . .
22 MR. HART: It's listed as 1200 feet in his
23 tax there because the building permits and your taxes
24 are based on building permits being submitted to the
25 City of Doraville or Dekalb County for taxation of

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1 those properties and those improvements.
2 There's more than a little side setback.
3 And one thing that's important that you're going to
4 learn on the City Council, that you do not determine
5 zoning in the city by your next-door neighbor okaying
6 your piece of property or your new building. It's not
7 like asking your next-door neighbor, "Do you mind if
8 we put a bar in here with a strip club?" "Oh, yeah.
9 I think that'd be a real good idea." I mean that's
10 how Doraville operated.
11 Zoning is not determined and building codes
12 are not determined by getting your next-door neighbor
13 to sign off on your building construction. It puts
14 too much pressure on your neighbor to come to these
15 public meetings and say, "Are you going to approve my
16 property?" I mean that doesn't offer equal protection
17 to people in the city. It doesn't -- you can't
18 determine your zoning and your building by your
19 neighbor determining whether you're going to build
20 something or not.
21 So you know, if it's too close to the
22 property line, maybe part of the building has to be
23 removed. How much pervious surface? It has to go
24 through the complete submittal of site plans, review
25 those site plans and then come back to the Council

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1 again.
2 Thank you.
3 MAYOR PITTMAN: I'm going to bring it back
4 up to the table. Does anyone -- Ms. Alexander, do you
5 have any additional questions?
6 COUNCILMEMBER ALEXANDER: No, ma'am.
7 MAYOR PITTMAN: Mr. Bates?
8 COUNCILMEMBER BATES: No, ma'am.
9 MAYOR PITTMAN: Ms. Pachuta?
10 COUNCILMEMBER PACHUTA: No.
11 COUNCILMEMBER PATRICK: A final question for
12 Joe.
13 Had this come in before any constructive
14 activities happened, would staff's opinion be that
15 this is not supportable or still supportable, or I
16 guess would you support it or not as the city planner?
17 MR. COOLEY: It would require a variance
18 because you're -- it would come before the Council
19 because of, you know, this building would be to be
20 built --
21 COUNCILMEMBER PATRICK: Correct.
22 MR. COOLEY: -- in the setback. So you
23 know, it would be basically a question if the City
24 Council wished to grant the variance.
25 COUNCILMEMBER PATRICK: Thank you.

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1 MAYOR PITTMAN: Ms. Fleming?
2 COUNCILMEMBER FLEMING: No questions.
3 MAYOR PITTMAN: Ms. Dean?
4 COUNCILMEMBER DEAN: I do have another
5 question.
6 Now, this structure -- and like I said, I
7 went by there, I looked at it. The house, in the
8 back, now, you say you only added on the top floor?
9 MR. ESTRADA: Yes, ma'am.
10 COUNCILMEMBER DEAN: Okay. Well, here you
11 can see. Here is the building here and here is back,
12 and this whole -- So you completely redid the facade
13 on this entire piece here, because this was all new.
14 MR. ESTRADA: Yes, ma'am. All the siding is
15 new, ma'am; yes, ma'am.
16 COUNCILMEMBER DEAN: Okay. Here's the back
17 door here. Do you see this? So clearly, this, the
18 first level of this was added on at some point in the
19 past; right? What was this before? Because this
20 looks completely new, and you can see by this back
21 door here, that, at some point, this was added onto
22 the house.
23 MR. ESTRADA: Yes, ma'am. I have no idea
24 how long. I just purchased the house this year.
25 COUNCILMEMBER DEAN: And so you just added

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1 the facade to the bottom floor and then rebuilt the
2 second floor.
3 MR. ESTRADA: Yes, ma'am. All the siding is
4 brand new.
5 COUNCILMEMBER DEAN: Okay. And so you did
6 not build any of this structure here.
7 MR. ESTRADA: No, ma'am.
8 COUNCILMEMBER DEAN: Okay. Now, in terms of
9 the construction, did the construction -- let me
10 clarify. The construction seemed to be nicely done,
11 but I did not think aesthetically it looked better in
12 the neighborhood. Now, I didn't see it before;
13 granted.
14 But you have -- the sides are completely
15 different. You have the garage here and then you have
16 this house that looks like it's about to eat this
17 other house, right? It's right next to it, a
18 completely different style.
19 Nicely done. In fact, I prefer that to what
20 was there.
21 MR. ESTRADA: Yes, ma'am.
22 COUNCILMEMBER DEAN: But to clarify, to me,
23 it was not an improvement. The construction looked as
24 if it were done well --
25 MR. ESTRADA: Yes, ma'am.

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1 COUNCILMEMBER DEAN: -- okay, and that's --
2 and that's my concern.
3 So this structure here was added on sometime
4 in the past. You don't know when, because you bought
5 it last year. But you did not add this on; you just
6 added the second floor.
7 MR. ESTRADA: Yes, ma'am.
8 COUNCILMEMBER DEAN: All right.
9 MAYOR PITTMAN: Okay. Anyone wish to
10 entertain a motion?
11 COUNCILMEMBER PACHUTA: I will make a motion
12 to approve the variance request for the minimum side-
13 yard setback.
14 MAYOR PITTMAN: Do I get a second?
15 COUNCILMEMBER BATES: Second.
16 MAYOR PITTMAN: Discussion?
17 ---
18 (No response)
19 ---
20 MAYOR PITTMAN: Call the roll, please.
21 CLERK BRYANT: Councilmember Alexander?
22 COUNCILMEMBER ALEXANDER: Yes.
23 CLERK BRYANT: Councilmember Bates?
24 COUNCILMEMBER BATES: Yes.
25 CLERK BRYANT: Councilmember Dean?

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1 COUNCILMEMBER DEAN: No.
2 CLERK BRYANT: Councilmember Fleming?
3 COUNCILMEMBER FLEMING: Yes.
4 CLERK BRYANT: Councilmember Pachuta?
5 COUNCILMEMBER PACHUTA: Yes.
6 CLERK BRYANT: Councilmember Patrick?
7 COUNCILMEMBER PATRICK: Yes.
8 MAYOR PITTMAN: There you go.
9 MR. ESTRADA: Thank you.
10 MAYOR PITTMAN: Thank you, sir.
11 All right. Next on the agenda is salary for
12 part-time Mayor. I believe that's yours, Ms. Pachuta?
13 MAYOR PITTMAN: (To the audience) Excuse me.
14 If you have a comment, you can step outside.
15 COUNCILMEMBER PACHUTA: This was discussed
16 at the meeting a month ago, and we had counsel draw up
17 the ordinance pursuant to the new Charter that
18 requires the salaries to be in ordinance form
19 including the Council salaries that were pulled out of
20 the Charter via our Charter changes.
21 And I had sent Lenny a couple questions or
22 comments, I guess, before. One was just that we need
23 to have in place, I think, an expense account policy.
24 And I know Mr. Gillen had mentioned at the
25 meet-and-greet he was going to bring his financial

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1 policies from where he currently works, down. So I
2 don't know if that's part of it. I haven't had a
3 chance to speak with him about it. And I just wanted
4 to make the comment that I would like that in place
5 before the new fiscal year.
6 And then the other comment I had is that we
7 had voted on the Mayor having a \$3,000 expense account
8 policy. As far as the City Council members, I did not
9 mean \$3,000 also for City Council members.
10 ATTORNEY McLENDON: We removed that; right?
11 COUNCILMEMBER PACHUTA: Well, it's still in
12 this --
13 COUNCILMEMBER FLEMING: No, it's in here.
14 COUNCILMEMBER PACHUTA: -- that we got in
15 our packet. So I wanted to adjust that.
16 Typically, training has been a separate line
17 item in our budget, and I'm assuming training will
18 still be a separate line item in our budget.
19 Personally, I never submit receipts for my
20 ledger or anything. I just consider that part of, you
21 know, being on the City Council.
22 I will just throw out the number for City
23 Council of \$250.00 per year for an expense account,
24 but not \$3,000. So I'll just throw that out there as
25 a --

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1 COUNCILMEMBER DEAN: There is --
2 COUNCILMEMBER PACHUTA: -- change.
3 COUNCILMEMBER DEAN: -- another thing --
4 I'm sorry.
5 COUNCILMEMBER PACHUTA: I'm done.
6 COUNCILMEMBER DEAN: And another thing that
7 I thought about, when does the acting Mayor Pro Tem
8 get the salary of the Mayor? For example, with what
9 happened to Ray Jenkins; right? We had Mayor Pro Tem
10 while he was out of commission, and then the Mayor Pro
11 Tem became Mayor but was not elected as Mayor. So
12 when does he or she get that salary, the Mayor's
13 salary? I mean is it after the next election or is it
14 -- I mean I think that that's something that should be
15 written and stated just to avoid confusion.
16 ATTORNEY McLENDON: Typically, that would be
17 something that I wouldn't necessarily put in there.
18 COUNCILMEMBER DEAN: Uh-huh.
19 ATTORNEY McLENDON: With the way this is
20 currently set up, especially moving from the situation
21 where it is a full-time position --
22 COUNCILMEMBER DEAN: Right.
23 ATTORNEY McLENDON: -- to not a full-time
24 position, that would probably not be something I would
25 put in the ordinance.

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1 But also moving from a -- to a part-time
2 position, it would, I think, be an unusual scenario
3 where some -- if the Mayor Pro Tem filled in, that the
4 salary would come with that. I think that would be a
5 very unusual situation, especially --
6 COUNCILMEMBER DEAN: But that has happened;
7 right? That happened.
8 ATTORNEY McLENDON: But I think a major -- a
9 serious distinction here is the fact that in the
10 future it'll be a part-time position versus the city
11 administrator.
12 COUNCILMEMBER DEAN: So when part-time
13 became full-time, the person got the full-time Mayor's
14 salary.
15 ATTORNEY McLENDON: There were duties that
16 were beyond --
17 COUNCILMEMBER DEAN: Okay.
18 ATTORNEY McLENDON: -- much beyond just --
19 COUNCILMEMBER DEAN: All right. And how was
20 that deter- --
21 I mean I think -- I mean I don't --
22 ATTORNEY McLENDON: That's a matter --
23 COUNCILMEMBER DEAN: -- care if it's there
24 or there.
25 ATTORNEY McLENDON: -- of determination.

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1 COUNCILMEMBER FLEMING: We had to have a
2 special election within 90 days. So I mean, to me,
3 it's a moot point.
4 And I don't believe that was necessarily the
5 case, number one; and number two, the person was a
6 Council -- a sitting Council member. That person
7 didn't necessarily have to run for the office of full-
8 time Mayor at that point. So though Mayor Pittman
9 elected to do that, she then had to step down as City
10 Council member to be able to run for the full-time
11 Mayor.
12 But we had to have that special election
13 within --
14 ATTORNEY McLENDON: Yeah, you're going to --
15 COUNCILMEMBER FLEMING: -- you know --
16 ATTORNEY McLENDON: Under any scenario --
17 COUNCILMEMBER FLEMING: -- 90 days of --
18 ATTORNEY McLENDON: -- you would have the
19 special election provisions would kick in.
20 I think the distinction that potentially in
21 the past you had, that you don't have now, is that in
22 the past, there was a significant difference in the
23 requirements between a Council position and filling in
24 as the Mayor. And you know, that became a -- devote
25 full-time efforts to it, where there probably is still

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1 potentially a distinction in that but it's not such a
2 "You're nine-to-five."
3 COUNCILMEMBER DEAN: Right.
4 ATTORNEY McLENDON: You're running the
5 city."
6 That's why I'm saying I think we can't
7 compare what we have now to the past.
8 COUNCILMEMBER DEAN: Okay.
9 ATTORNEY McLENDON: And with them all being
10 somewhat co-equivalent and the fact that Ms. Fleming
11 is correct, you will have a special election that will
12 come in a -- in a relatively short period of time, I
13 wouldn't put that in there.
14 COUNCILMEMBER FLEMING: Well, that would --
15 that would take place for a part-time Mayor's position
16 as well --
17 ATTORNEY McLENDON: Absolutely.
18 COUNCILMEMBER FLEMING: -- would it not?
19 ATTORNEY McLENDON: Absolutely.
20 COUNCILMEMBER FLEMING: A special election
21 would be immediately. Right? That's what I figured.
22 ATTORNEY McLENDON: In the interim, if
23 someone were filling in, the time commitments would
24 not be --
25 COUNCILMEMBER FLEMING: Right, because --

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1 ATTORNEY McLENDON: -- so --
2 COUNCILMEMBER FLEMING: -- the position is
3 really --
4 ATTORNEY McLENDON: -- diverse.
5 COUNCILMEMBER FLEMING: -- Mayor of the
6 city. It's not part-time Mayor of the City of
7 Doraville. It's --
8 ATTORNEY McLENDON: Right.
9 COUNCILMEMBER FLEMING: -- Mayor of our City
10 of Doraville.
11 MAYOR PITTMAN: Ms. Alexander?
12 COUNCILMEMBER ALEXANDER: It's better if I
13 remain silent.
14 COUNCILMEMBER PACHUTA: Oh. Well, I wanted
15 to get back on the expense account, so . . .
16 COUNCILMEMBER BATES: Go.
17 COUNCILMEMBER PACHUTA: Oh. My suggestion
18 was two fifty for Council members. You know, that
19 would basically be if people wanted to submit for
20 mileage or something, because the training is normally
21 a separate line item in our budget. So I just throw
22 that number out.
23 COUNCILMEMBER ALEXANDER: So if we submitted
24 mileage, for example, to go to training, would that be
25 covered?

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1 I don't know.
2 COUNCILMEMBER PACHUTA: I thought that --
3 COUNCILMEMBER ALEXANDER: -- because we've
4 done that before, we've submitted mileage to go to
5 training.
6 COUNCILMEMBER PACHUTA: And I thought that
7 was typically covered, but we can do either.
8 MAYOR PITTMAN: I think Lisa likes it in a
9 budget. From what I'm understanding, she likes to put
10 it in the budget so she knows.
11 You can submit it, you could do it both
12 ways, but my understanding in talking to her, she
13 likes it in the budget, the amount in the budget.
14 COUNCILMEMBER ALEXANDER: I'm fine with the
15 two fifty.
16 COUNCILMEMBER PATRICK: Any other Council
17 members be all right with possibly holding off or
18 removing Section (d) until we go the next budgetary
19 process? It does include things like use of cellular
20 phones for Council duties.
21 COUNCILMEMBER BATES: I'm fine with striking
22 the whole thing, personally.
23 COUNCILMEMBER PATRICK: Maybe we can revisit
24 again during the budgetary process --
25 ATTORNEY McLENDON: Okay.

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1 COUNCILMEMBER PATRICK: -- that we have.
2 ATTORNEY McLENDON: And here's where we --
3 COUNCILMEMBER PACHUTA: The problem is,
4 then --
5 ATTORNEY McLENDON: Here's where we were.
6 COUNCILMEMBER BATES: Hold on. Personally,
7 if we're doing something for the city, i.e., a
8 training class, that should be covered under a
9 budgetary plan, and I shouldn't submit a receipt for
10 lunch or dinner or a rental car. That's my -- my
11 responsibility as an elected official. So I'm fine
12 with striking the whole thing.
13 COUNCILMEMBER PACHUTA: I mean I think the
14 reason we put it in there is because we were having an
15 expense account for the Mayor, which we have not had
16 before. We had a separate --
17 ATTORNEY McLENDON: I think where --
18 COUNCILMEMBER PACHUTA: -- salary versus
19 expense account.
20 ATTORNEY McLENDON: Yeah. And I think where
21 we came up -- where we might have diverted a little
22 bit is we said we want to have some basic rules about
23 allowable expenses in here and we wanted them to apply
24 in both the Mayoral salary as well as the Council.
25 Putting the 3,000 in there, that was where I

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1 think it went awry, because what we were attempting to
2 do is say, "These would be allowable expenses."
3 I mean typically what you would do with
4 expenses, you could also say, "subject to approval
5 by," and then have something like that in there.
6 In this ordinance the way it's set out, it
7 basically says allowable expense categories subject to
8 the policies of the City.
9 You know, if y'all strike it, you could say,
10 "No expenses," you know, "Only expenses that are
11 expressly authorized will be reimbursed to Council
12 people." You could put that in there, substitute that
13 as Subsection (b).
14 MAYOR PITTMAN: Excuse me just a minute.
15 It is approaching 9 o'clock, and I know that
16 we want to finish and finish with public comments.
17 Can I get a motion, please.
18 COUNCILMEMBER ALEXANDER: Motion to extend
19 the meeting.
20 MAYOR PITTMAN: Second?
21 COUNCILMEMBER PACHUTA: Second.
22 MAYOR PITTMAN: Discussion?
23 - - -
24 (No response)
25 - - -

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: Yes.
 8 CLERK BRYANT: Councilmember Fleming?
 9 COUNCILMEMBER FLEMING: Yes.
 10 CLERK BRYANT: Councilmember Pachuta?
 11 COUNCILMEMBER PACHUTA: Yes.
 12 CLERK BRYANT: Councilmember Patrick?
 13 COUNCILMEMBER PATRICK: Yes.
 14 COUNCILMEMBER ALEXANDER: I guess the whole
 15 thing with the two hundred fifty, there's only been
 16 one instance that I -- I turned in a receipt. I'm on
 17 two state committees, and not in 2012, but in 2011. I
 18 turned in my reimbursement for parking because it was
 19 \$42.00. Okay? This year, it was five. Obviously, I
 20 didn't get reimbursed that, but \$42.00 is approaching
 21 a tank of gas.
 22 But the City did not pay for training
 23 because I'm on the two state committees and I went to
 24 the two policy meetings. So that would not have been
 25 covered under the training budget because I went down

1 COUNCILMEMBER BATES: I would not be comfor-
 2 table under that scenario --
 3 ATTORNEY McLENDON: Okay.
 4 COUNCILMEMBER BATES: -- to leaving it up to
 5 the discretion of the city manager.
 6 ATTORNEY McLENDON: Not to exceed?
 7 COUNCILMEMBER BATES: I'm okay if we -- if
 8 we put a cap in here, in that if it meets one of those
 9 six or seven criteria, you -- you get reimbursed for
 10 that. I'm not okay with it being up to the discretion
 11 of the city manager.
 12 ATTORNEY McLENDON: Then, what we would do
 13 is just change that three thousand to whatever you
 14 want, and it looks like it would work. Right?
 15 COUNCILMEMBER PACHUTA: Well, I'll make a
 16 motion to change the expenses portion under the
 17 Council salaries to \$250.00.
 18 ATTORNEY McLENDON: Well, do we pass that
 19 tonight?
 20 ATTORNEY FELGIN: No. We have to have a
 21 public hearing.
 22 COUNCILMEMBER PACHUTA: Yeah. It was all
 23 done, okay, and --
 24 ATTORNEY McLENDON: Yeah. So what we can do
 25 is just get the direction on where y'all --

1 there on my own time and no expense to the City other
 2 than my parking.
 3 So I'm fine with the two hundred and fifty
 4 or I'm fine with just eating 42 dollars' worth of
 5 parking.
 6 COUNCILMEMBER DEAN: Do you have a recom-
 7 mendation?
 8 ATTORNEY McLENDON: Probably what I would --
 9 I would want to go in the direction like we talked
 10 about, because you're right. In the prior conversa-
 11 tion, we said the Mayor would have a budget, X amount,
 12 and then this was the categories we attempted to say,
 13 "These would be all allowable categories."
 14 What I would do with the Council is say we
 15 could leave in the allowable categories but say,
 16 "Expenses shall be reimbursed if they're preapproved
 17 by" whoever, the manager or however we want to do
 18 that. So it would not necessarily foreclose the idea
 19 that you could have some expenses reimbursed if it was
 20 appropriate, but at the same time, it's not going to
 21 say, you know, "You're good to two fifty. Go use it
 22 up."
 23 COUNCILMEMBER ALEXANDER: I guess to the
 24 Mayor's point, though, I think Lisa wants an amount to
 25 budget.

1 COUNCILMEMBER PACHUTA: Can I --
 2 ATTORNEY McLENDON: -- want us to go with
 3 the thing.
 4 COUNCILMEMBER PACHUTA: -- just clarify my
 5 motion just to make sure there's no confusion.
 6 I'll make a motion to change that to
 7 \$250.00, to have those changes to Sandra by this
 8 Wednesday at noon so that it is on the agenda --
 9 ATTORNEY McLENDON: Okay.
 10 COUNCILMEMBER PACHUTA: -- for the first
 11 meeting of May, and then if -- if the City Clerk can
 12 also advertise that meeting as the public hearing for
 13 the ordinance. That's my motion.
 14 COUNCILMEMBER ALEXANDER: 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: So is this the
3 conclusion of this particular ordinance that we're
4 going to discuss this evening?
5 ATTORNEY McLENDON: What this conversation's
6 been is direction on the draft that's been given to
7 you and how to rewrite the draft, and the ordinance
8 would come back at the next meeting.
9 COUNCILMEMBER FLEMING: So this is the
10 conclusion of the discussion of this ordinance for
11 this evening.
12 COUNCILMEMBER PACHUTA: Well, I made my
13 motion.
14 COUNCILMEMBER BATES: This is the conclusion
15 of the amendment to the motion.
16 MAYOR PITTMAN: But an amendment, we can
17 discuss, I think, because I do have something.
18 ATTORNEY McLENDON: That's true. Yeah,
19 you -- This item is --
20 MAYOR PITTMAN: This is just --
21 ATTORNEY McLENDON: -- not necessarily --
22 MAYOR PITTMAN: -- this one particular --
23 ATTORNEY McLENDON: -- closed.
24 MAYOR PITTMAN: -- part that she's making a
25 motion on.

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1 COUNCILMEMBER FLEMING: Yes. Yes.
2 CLERK BRYANT: Councilmember Pachuta?
3 COUNCILMEMBER PACHUTA: Yes.
4 CLERK BRYANT: Councilmember Patrick?
5 COUNCILMEMBER PATRICK: Yes.
6 COUNCILMEMBER PACHUTA: Okay. I have
7 nothing further.
8 MAYOR PITTMAN: Okay. I just had something
9 for the Council to consider during the transition
10 part, if they would consider allowing me to continue
11 with my insurance paying as the employees do till the
12 end of the year, to transition through, and then come
13 January 1st, if I haven't made other arrangements,
14 then obviously I would pay a hundred percent.
15 And I just wanted to see if the Council
16 would consider that as part of the transition period,
17 to -- to move forward with the transition.
18 COUNCILMEMBER DEAN: I am not good with
19 that. I went up. I said my cap was going to be 1200,
20 and I went up 2800.
21 MAYOR PITTMAN: I understand.
22 COUNCILMEMBER DEAN: And so I -- I am not
23 good with that.
24 MAYOR PITTMAN: I understand. I'm just
25 asking the Council's support, and I appreciate the

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1 comment.
2 COUNCILMEMBER FLEMING: In regards to the
3 benefits for the current Mayor, I -- I believe that
4 not only should the Mayor, present Mayor and the
5 future mayors be entitled to benefits, because again I
6 state this is not just a photo-opp position. This is
7 a position where we're going to be looking to the
8 person that's in this chair as a representative of the
9 city at all meetings and all functions, and the person
10 will not be afforded an opportunity to hold down a
11 typical full-time position that will also allow them
12 to be here on Monday evenings or whenever we have our
13 meetings.
14 And my point again stating is that, you
15 know, there are meetings that may be held at 10
16 o'clock in the morning and not be over until noon or
17 there may be a noon meeting that -- business meeting
18 that isn't over until 2:00, etc. So this position is
19 not going to be able to hold down a set what we would
20 typically think of as a part-time position of being a
21 standard four-hour-a-day job or an eight-hour-a-day
22 job.
23 So again, whether it be Mayor Pittman or
24 anybody else in this position, I really am adamant
25 about proposing to have benefits for this person at

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1 80/20.
2 COUNCILMEMBER BATES: Up until this point, I
3 have kept personalities out of it.
4 And Mayor, I have one question for you.
5 MAYOR PITTMAN: Yes.
6 COUNCILMEMBER BATES: Are you driving a new
7 Lexus?
8 MAYOR PITTMAN: I am.
9 COUNCILMEMBER BATES: Based upon that answer
10 and that decision to put a personal vehicle above the
11 benefits of your family, I will not be in support of.
12 MAYOR PITTMAN: That doesn't have anything
13 to do with my benefits, sir. I'm asking for a
14 transition period.
15 COUNCILMEMBER PACHUTA: I think we based the
16 salary -- \$14,800 is very reasonable compared to other
17 cities. We're still higher than the average per
18 capita.
19 Providing benefits to the end of the year
20 would raise the cost to the City from \$14,800 to
21 almost \$21,000, and based on this year's insurance
22 numbers -- obviously, we don't have the renewal rates.
23 So I think we're being very generous
24 compared to the per capitans of other cities at the
25 fourteen-eight.

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1 MAYOR PITTMAN: Well, I was just asking. I
2 can't make a motion, so I was just asking.
3 Ms. Fleming, anything else?
4 Ms. Dean?
5 COUNCILMEMBER DEAN: No. I'm good.
6 MAYOR PITTMAN: Mr. Patrick?
7 COUNCILMEMBER PATRICK: No.
8 COUNCILMEMBER FLEMING: You know, Mr.
9 Bates --
10 COUNCILMEMBER PACHUTA: Well, I think we
11 already made the motion. It's going to be on the
12 agenda for May 5th.
13 ATTORNEY McLENDON: Well, right now, I have
14 direction on how this ordinance should come back.
15 COUNCILMEMBER PACHUTA: And that it will
16 be -- you will have it to Sandra by Wednesday and that
17 it will be for public hearing first meeting in May.
18 Is that May 5th? Whatever that first meeting in May
19 is.
20 COUNCILMEMBER ALEXANDER: May 6.
21 COUNCILMEMBER FLEMING: Mr. Bates --
22 COUNCILMEMBER BATES: Yes, ma'am.
23 COUNCILMEMBER FLEMING: -- regardless of
24 whether Mayor Pittman is driving a new Lexus or not
25 shouldn't have entered into the equation of this

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1 meeting, and I really am sorry that you even brought
2 up such a thing.
3 COUNCILMEMBER BATES: Well, ma'am, you're --
4 we're getting asked to take taxpayer dollars to fund
5 benefits for an elected official who's chosen to
6 purchase a new car.
7 MAYOR PITTMAN: Mr. Bates, I'm sorry. That
8 has absolutely nothing --
9 COUNCILMEMBER BATES: It --
10 MAYOR PITTMAN: My personal -- Excuse me.
11 My personal life -- and I have a husband --
12 COUNCILMEMBER BATES: Uh-huh.
13 MAYOR PITTMAN: -- and that is absolutely.
14 All I was asking was for the transition, because I was
15 hoping to try to pull my insurance away from the City
16 and make other arrangements. And I don't have to
17 discuss my personal circumstances, but I was asking
18 for that additional time.
19 COUNCILMEMBER BATES: Thank you.
20 MAYOR PITTMAN: And if it wasn't personal,
21 it certainly came across as personal, and we should
22 not have our personal beliefs, feelings, as you have
23 quoted in the past, said in a political --
24 COUNCILMEMBER BATES: Uh-huh.
25 MAYOR PITTMAN: -- and I do not appreciate

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1 the comment.
2 COUNCILMEMBER BATES: Thank you.
3 MAYOR PITTMAN: So at this time, we're going
4 to have public comments, and limit your comments to
5 three minutes.
6 MR. BOB KELLY: All right, it'll be short.
7 Bob Kelly, Northwoods.
8 I've been to a lot of these meetings where
9 y'all have been raked across the coals. I've helped
10 rake you across some of those coals. But tonight, I
11 want to just applaud everyone of you for your vote on
12 the cell tower situation.
13 They seem like nice people, and I know it's
14 hard to tell them no, because they've got a business
15 to run. But it seemed like for once that we finally
16 came together in terms of vision. Your vision and our
17 vision just kind of met right there, and I'm hopeful
18 that we'll have such victories again going into the
19 future. But I just want to say thank you to every one
20 of you.
21 MR. ABBOTT: Thom Abbott from Northwoods.
22 I'll echo Bob's comments. That was very
23 exciting to see you all make that decision.
24 I've missed a few meetings, so I apologize
25 if you've all discussed this again, and I hate to

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1 bring this up, but garbage.
2 Okay. I don't know what we're -- I remember
3 at one of the meetings the guy from Advanced Disposal
4 stood here and said we were all going to get a letter
5 about our garbage service. I'm pretty sure I heard
6 him say that. Well, I've never seen nothing yet, so
7 that's one.
8 Number two, we're still back to like -- I
9 was walking the neighborhood two days ago. There's
10 piles of branches all over Northwoods again. The
11 people obviously don't know it needs to be
12 containerized.
13 Then there's the issue -- I have an ongoing
14 dispute with the slum lord next door to me who won't
15 take down a tree. Well, the storm took down part of
16 it. And thank God, if it had been two feet closer,
17 I'd have a totaled car.
18 I still have the branch there I'm not quite
19 sure how I'm going to get it off my fence, but I own a
20 chain saw that does work. But I don't know how to
21 dispose of this branch now, because it ain't going to
22 fit in a garbage can. I mean it's from me to Mayor
23 Pittman, it's that huge, and it's, -- well, it's that
24 big around (indicating), okay, that came out of the
25 tree. Took out my fence, and I've got to repair my

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1 fence.
2 But anyway, my point is I never saw anything
3 from Advanced Disposal. I still see this going on
4 around the neighborhood. I know you did a couple
5 special pickups, but I don't know where we're at on
6 this, so.
7 COUNCILMEMBER PACHUTA: Yeah. I thought we
8 were going to get a report from City Hall.
9 MAYOR PITTMAN: Well, we only voted to allow
10 two pickups, and the --
11 What were you saying?
12 COUNCILMEMBER FLEMING: I didn't say
13 anything other than the fact that we shouldn't have to
14 vote on the necessity to continue the need to clean up
15 the city with a clam and a chipper truck.
16 COUNCILMEMBER PACHUTA: Well, the request
17 was to have a couple of pickups immediately while City
18 Hall worked on a plan and efficiency on the best
19 method to handle it considering expenses.
20 MAYOR PITTMAN: Well, we came up with the
21 plan of having it picked up every two weeks but the
22 Council limited as to only two. And I know one of the
23 Council members had a recommendation of having --
24 paying for some of the -- I believe the mulch, but
25 then they have discontinued that program.

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1 So at this point, we were waiting for I
2 guess the city manager get it in, take a look and
3 assess what they were going to do. But they --
4 MR. ABBOTT: Because I find now I'm faced --
5 MAYOR PITTMAN: -- only voted for two.
6 MR. ABBOTT: -- with this branch, that if I
7 put it out in the street -- I mean I got to put it
8 somewhere. I don't know what to do with it. I mean
9 it's huge.
10 MAYOR PITTMAN: Is it from the storm?
11 MR. ABBOTT: Well, it came down out of the
12 tree because --
13 MAYOR PITTMAN: We do --
14 MR. ABBOTT: -- this guy won't take the tree
15 down.
16 MAYOR PITTMAN: I do send the Public Works
17 department out to pick up if it's storm.
18 MR. ABBOTT: Yeah. I mean it came down from
19 the storm, so, but I mean I've got to get it off my
20 fence first.
21 So anyway, just want to bring that up.
22 Thank you.
23 MS. CRAWFORD: I just wanted to say thank
24 you, too. I think it was very brave of you all. And
25 Trudy, yes, and Pam asked really good questions. And

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1 Brian, thank you for making the motion.
2 And I think often people who -- The
3 petitioners are intimidating. I mean they're wearing
4 suits and shiny shoes. And I know, I mean he sort of
5 inserted himself into a conversation I was having, and
6 I was a little intimidated.
7 So I think you showed a lot of vision and a
8 lot of bravery, and I mean I'm really very proud for
9 all of you. Thank you.
10 Oh. And while I'm up here, on my street,
11 Red Oak Drive, there's a house that seems to be --
12 Maria, maybe you've noticed it. It seems to
13 be kind of imploding or something. And I don't know.
14 Maybe it's going to be resurrected, but if not, is
15 there any possibility of considering it for maybe
16 razing the house and putting in a green space? I
17 don't know if we have funding for that.
18 I know it was mentioned about another house
19 on that street a few years ago. So something to be
20 considered maybe. Thanks.
21 MR. HART: Green space in Oakcliff? That'll
22 cost us about a half a million dollars.
23 You guys did well on the cell tower. Took a
24 lot of courage, and you thought about it, that maybe
25 that wasn't a good idea.

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1 But the guy from the cell tower, what he
2 needed to do is wait till about the middle of the
3 night and go on down and build the cell tower and get
4 the okay from the property next to him, and then he
5 could have been good to go. Okay. Then he would have
6 been grandfathered in, okay, because that's how y'all
7 operate. Okay?
8 There's current construction projects going
9 on in the city right now that are a major problem.
10 And when people complain about it, instead of -- it's
11 the amazing amount of energy put into a project to
12 cover things up. It's like the Nixon white house.
13 Instead of just doing the right thing or accommodating
14 the right thing, which is so easy, weeks and -- I mean
15 the amount of hours spent by the City Hall staff and
16 legal and everybody else.
17 And I think we're talking about the Nail
18 Mall building down here, to just move a piece of
19 curbing. But we're not going to do that because it's
20 so much easier to try to hide this project that's
21 stepping over everybody's property in the area, okay,
22 from electrical boxes.
23 Now we're going to get a new power pole on
24 Buford Highway. You know, we're trying to go to
25 underground power? We got a mass and more power poles

1 now. This thing, because it wasn't planned well, it's
2 exploding. It's not big enough for the property, so
3 it's expanded onto other people's property now.

4 Georgia Power wants to put a power box that
5 encroaches six feet on the other guy's property now.
6 It's because it wasn't reviewed when it came in and no
7 one inspected the construction project as it moved
8 along. And that problem is right here in City Hall.
9 It's not the residents.

10 So tonight, when this guy built this piece
11 of property, I knew you were going to pass it. That
12 guy could have built anything on that property. As
13 long as it's standing, you're good to go.

14 So you have the same thing going on with
15 other construction projects in the city, and there's a
16 whole list of them. Maybe I'll make you a list and
17 you can go by and look at them: what was supposed to
18 be built and what actually got put on the site. That
19 is not being done in the city, and that's what's
20 hurting us. That's that big brick wall that Thom was
21 talking about.

22 Other people don't want to build here
23 because y'all are -- this is crazy land. Thank you.

24 MAYOR PITTMAN: Motion to adjourn?

25 COUNCILMEMBER ALEXANDER: So moved.

1 MAYOR PITTMAN: Second?

2 COUNCILMEMBER PATRICK: Second.

3 MAYOR PITTMAN: Discussion?

4 - - -

5 (No response)

6 - - -

7 MAYOR PITTMAN: Call the roll, please.

8 CLERK BRYANT: Councilmember Alexander?

9 COUNCILMEMBER ALEXANDER: Yes.

10 CLERK BRYANT: Councilmember Bates?

11 COUNCILMEMBER BATES: Yes.

12 CLERK BRYANT: Councilmember Dean?

13 COUNCILMEMBER DEAN: Yes.

14 CLERK BRYANT: Councilmember Fleming?

15 COUNCILMEMBER FLEMING: Yes.

16 CLERK BRYANT: Councilmember Pachuta?

17 COUNCILMEMBER PACHUTA: Yes.

18 CLERK BRYANT: Councilmember Patrick?

19 COUNCILMEMBER PATRICK: Yes.

20 MAYOR PITTMAN: Thank you.

21 - - -

22 (Meeting adjourned)

23 -o0o-

24

25

C E R T I F I C A T E

2 STATE OF GEORGIA]

3 COUNTY OF DEKALB]

4 I hereby certify that the foregoing transcript
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11 I further certify that I am neither a relative
12 or employee or attorney or counsel to any of the
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14 this matter.

15 This the 29th day of April 2013.

18 Theresa Bretch, CCR
19 Permit No. B-755

22 [SEAL]

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