

In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

August 19, 2013

American Court Reporting Company, Inc.

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CITY COUNCIL WORK SESSION

CITY OF DORAVILLE

STATE OF GEORGIA

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Transcript of the meeting held in the City Council

Room at Doraville City Hall, 3725 Park Avenue,

Doraville, Georgia, Mayor Donna Pittman presiding,

before William H. Robertson, Certified Court Reporter,

Certified Verbatim Reporter, commencing at

approximately 6:30 PM on Monday, August 19, 2013.

* * *

1 PROCEEDINGS
2 6:27 PM
3 MAYOR PITTMAN: Meeting come to order.
4 Welcome to everyone.
5 Call the roll please.
6 CLERK BRYANT: (Complying, confirms the
7 presence of Council Members Alexander, Bates, Dean,
8 Fleming, Pachuta, and Patrick.)
9 MAYOR PITTMAN: And I need approval of
10 minutes for July 15th, 2013.
11 COUNCIL MEMBER ALEXANDER: So moved.
12 MAYOR PITTMAN: Second?
13 COUNCIL MEMBER PACHUTA: Second.
14 MAYOR PITTMAN: Discussion?
15 (No response.)
16 MAYOR PITTMAN: Call the roll please.
17 CLERK BRYANT: (Complying, polls Council
18 Members, all of whom vote "yes.")
19 MAYOR PITTMAN: The approval of the meeting
20 agenda.
21 I would like to see if we could get a motion
22 to move Ms. Dean and Ms. Fleming's items under Public
23 Hearing please.
24 COUNCIL MEMBER BATES: So moved.
25 MAYOR PITTMAN: Second?

1 APPEARANCES:
2 Doraville City Council:
3 Mayor Donna Pittman
4 Council Member Maria Alexander, Mayor Pro-Tem
5 Council Member Brian Bates
6 Council Member Trudy Dean
7 Council Member Pam Fleming
8 Council Member Karen Pachuta
9 Council Member Robert Patrick
10
11 City Manager, Dr. Shawn Gillen
12 Planning Commissioner Jason Jones
13 Community Development Director Joe Cooley
14 Acting City Clerk Sandra Bryant
15
16 City Attorney Cecil McLendon, Jr.
17 Riley McLendon, LLC
18 315 Washington Avenue
19 Marietta, Georgia 30060
20 (770) 590-5900
21
22
23
24
25

1 COUNCIL MEMBER DEAN: Second.
2 MAYOR PITTMAN: Discussion?
3 CITY MANAGER GILLEN: That would be item
4 "t)" and item "u)."
5 MAYOR PITTMAN: Yes.
6 Discussion?
7 (No further response.)
8 MAYOR PITTMAN: Call the roll please.
9 CLERK BRYANT: (Complying, polls Council
10 Members, all of whom vote "yes.")
11 MAYOR PITTMAN: Okay. Thank you.
12 And I guess we need a motion now for the
13 approval of the meeting agenda.
14 COUNCIL MEMBER ALEXANDER: Madam Mayor, are
15 you going to remove item number "6.a)"?
16 MAYOR PITTMAN: I don't believe -- is there
17 anyone here from the National Payroll Week?
18 (No response.)
19 MAYOR PITTMAN: You can just remove that,
20 and we'll just mail that to them.
21 CITY ATTORNEY MCLENDON: (Nodding.)
22 MAYOR PITTMAN: Okay. Yes, thank you.
23 COUNCIL MEMBER ALEXANDER: Motion to approve
24 the meeting agenda with the changes of moving items
25 "t)," "u)," and deletion of item "6.a)."

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1 MAYOR PITTMAN: Okay. Thank you.
 2 Second?
 3 COUNCIL MEMBERS BATES AND PACHUTA:
 4 (Speaking simultaneously:) Second.
 5 MAYOR PITTMAN: Discussion?
 6 (No response.)
 7 MAYOR PITTMAN: Okay. Call the roll please.
 8 CLERK BRYANT: (Complying, polls Council
 9 Members, all of whom vote "yes.")
 10 MAYOR PITTMAN: Okay. Thank you.
 11 No unfinished business -- okay.
 12 Under New Business we have two public
 13 hearings. I don't believe there is going to be
 14 action taken tonight. I believe we are just going to
 15 have the public hearing. Is that correct?
 16 CITY ATTORNEY MCLENDON: That is my
 17 understanding.
 18 COUNCIL MEMBER FLEMING: You've got Public
 19 Comment, number 5.
 20 CITY MANAGER GILLEN: We're at the Public
 21 Comment, yes.
 22 MAYOR PITTMAN: We're not voting on these
 23 tonight? -- on those two items?
 24 CITY MANAGER GILLEN: No, we are not voting
 25 on those two items tonight. We'll put those on the

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1 agenda for September 3rd.
 2 CITY ATTORNEY MCLENDON: Just because this
 3 was a work session and put out as a work session,
 4 probably the best thing is to hold the public hearing
 5 but defer the decision.
 6 COUNCIL MEMBER PACHUTA: Oh, okay. I
 7 thought we were going to do -- if there were zoning
 8 matters, we were still going to vote on zoning
 9 matters, even at work sessions.
 10 COUNCIL MEMBER ALEXANDER: That is correct.
 11 COUNCIL MEMBER FLEMING: That is what we
 12 discussed --
 13 COUNCIL MEMBER ALEXANDER: That is correct.
 14 We were going to vote on zoning at work sessions.
 15 COUNCIL MEMBER FLEMING: -- and that we were
 16 going to vote and take them first, before work
 17 session items.
 18 CITY ATTORNEY MCLENDON: Typically -- and
 19 I'm good with anything y'all would want to do -- if
 20 we were going to do that, what I would probably do is
 21 have a meeting at 6:30 for the purposes of just those
 22 two items, with, then, the work session to
 23 immediately follow. So you would have just -- that
 24 would actually be in a meeting itself. That would be
 25 the typical way to do it.

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1 I don't remember the actual conversation of
 2 it, but --
 3 COUNCIL MEMBER ALEXANDER: And that's what
 4 we were going to do, because we did not want to delay
 5 zoning for weeks and weeks at time. That's why we
 6 wanted to have this be almost like a regular council
 7 meeting to address planning and zoning issues.
 8 CITY MANAGER GILLEN: Correct. And it was
 9 going to be a separate special meeting that would be
 10 held prior to the work session.
 11 COUNCIL MEMBER ALEXANDER: But we were not
 12 going to have it a special meeting, because that gave
 13 us another opportunity to mess up -- so we would have
 14 to have a special called meeting advertised and a
 15 work session advertisement.
 16 That's why we were going to, I thought -- it
 17 was my understanding it was just going to be handled
 18 as a regular meeting.
 19 COUNCIL MEMBER PACHUTA: Yes. That was my
 20 understanding also.
 21 COUNCIL MEMBER DEAN: Well, see, that -- I
 22 would feel uncomfortable with that because of the
 23 voting at work sessions. That's why I sent Mr.
 24 Gillen the e-mail today asking specifically if we
 25 were going to have two separate meetings today -- the

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1 first part, the meeting to vote on the public hearing
 2 issues; and then go into a separate work session
 3 where voting is not allowed.
 4 CITY ATTORNEY MCLENDON: Talking just -- and
 5 again, I'm a lawyer, so I'm talking from a legal
 6 perspective on this.
 7 A work session is an advertised meeting.
 8 State law doesn't recognize the difference between a
 9 work session and a regular called meeting -- bottom
 10 line. You can, if you choose, do it that way,
 11 because there's no difference.
 12 That being said, it's just -- the work
 13 session moniker usually means a work session.
 14 I've always seen them split up. But again,
 15 I'm not sure legally it would kill ya' if you did it
 16 as a, you know...
 17 COUNCIL MEMBER PACHUTA: Yes. Because I
 18 think the intent of us putting these -- allowing
 19 these to be on work session agendas was so that
 20 applicants for zoning matters wouldn't have to wait
 21 and only have a meeting once a month, that they could
 22 go on the work session agenda rather than wait a
 23 whole 'nother month, once we went to one regular
 24 meeting and one work session. That was my
 25 understanding.

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1 COUNCIL MEMBER DEAN: If we had the meeting
2 before the work session, and then closed that
3 meeting, and then open up -- today for example it's
4 7:15 -- or whatever time --
5 COUNCIL MEMBER PACHUTA: I mean, that's
6 fine. I just don't want applicants to have to
7 wait --
8 COUNCIL MEMBER DEAN: Right. Yeah, sure --
9 wait. Right.
10 COUNCIL MEMBER PACHUTA: -- and only have a
11 zoning meeting once a month.
12 COUNCIL MEMBER DEAN: Sure. Sure, sure.
13 MAYOR PITTMAN: So Cecil --?
14 CITY ATTORNEY MCLENDON: Yes? Oh, I'm
15 sorry. We were going to grab a copy of the exact
16 rules we passed and take a look at those real
17 quickly.
18 So the reason I think we were going to say,
19 "Have your public hearing and then just defer it to
20 the next meeting for the decision" would be, again,
21 not a legal one, not that we cannot vote in a work
22 session, but what -- it would be something that you'd
23 probably want to call it something a little
24 differently.
25 COUNCIL MEMBER FLEMING: You've got six

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1 Council Members up here and one Mayor, if I'm not
2 mistaken, all agreeing that this was our intent, to
3 vote on zoning items at the second meeting of the
4 month, regardless of what we call it. So that's what
5 I intend on doing this evening.
6 COUNCIL MEMBER DEAN: Well -- but it's not
7 -- I thought we were going to have like two different
8 meetings -- like open a meeting where we can vote,
9 and then close it, and then reopen the work session
10 -- because the line does become really, really fuzzy
11 when we start voting in work sessions.
12 CITY MANAGER GILLEN: When we drafted the
13 rules -- and we're going to pull that up to make sure
14 -- but it was my understanding, from the result of
15 the discussion, we were going to have a separate
16 meeting for zoning items that happened just prior to
17 the work session -- and that wasn't called or
18 advertised for -- that would take care of any zoning.
19 It gave us that option to do that at the second
20 meeting if we needed to take care of zoning issues
21 that were extremely timely in nature.
22 But that wasn't done in this case. And I
23 didn't want to have any voting. Your rules say that
24 no final action shall be taken at the work session.
25 I do know that.

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1 COUNCIL MEMBER PACHUTA: Is it possible, if
2 we do the public hearings tonight, since there's
3 still more than 24 hours' notice, if we set them --
4 the voting -- for like 6:15 on Wednesday?
5 CITY ATTORNEY MCLENDON: Um-hmm. You
6 actually would --
7 COUNCIL MEMBER PACHUTA: And then we would
8 have enough notice?
9 CITY ATTORNEY MCLENDON: If you took the --
10 if you have a meeting on Wednesday, yeah, all you
11 need is 24 hours' notice to call a meeting.
12 And tonight what -- you would defer it. You
13 would just defer it to any -- a date certain. So you
14 could do it anytime.
15 COUNCIL MEMBER PACHUTA: I mean, that would
16 just be my suggestion, just because I don't like
17 zoning matters to be hanging out for weeks at a time.
18 COUNCIL MEMBER FLEMING: Mr. Cooley, this
19 was advertised for tonight as a public hearing for
20 these two items. Is that correct?
21 DIRECTOR COOLEY: Yes, ma'am.
22 CITY ATTORNEY MCLENDON: So we would have
23 the public hearing tonight.
24 MAYOR PITTMAN: We can still have the public
25 hearing tonight.

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1 CITY MANAGER GILLEN: Right. There's
2 nothing that says you can't have a public hearing.
3 But your "Rules and Procedures" says (as
4 read:) "No final action shall be taken at items in
5 the work session. Items on the agenda may be
6 referred to the regular Council meeting for review or
7 final action.
8 "Prior to any work session meeting, a voting
9 meeting shall be held to vote on zoning-related items
10 or other items that need a vote and cannot wait until
11 the first meeting of the following month for a vote."
12 So that's why we're making the
13 recommendation that we are tonight -- it is that --
14 and we did it the way we did it -- is, these can wait
15 until the 3rd and then take your action on that -- or
16 whatever date you would prefer.
17 COUNCIL MEMBER FLEMING: So with what you
18 just read, why did you approve an agenda for these
19 two public hearings and not put them at the top of
20 the list as a separate meeting?
21 CITY MANAGER GILLEN: They were just going
22 to be public hearings, from what I understood when
23 the agenda items got put on there. It wasn't my
24 understanding that action needed to be taken tonight.
25 COUNCIL MEMBER FLEMING: But what you just

1 read was that, in fact, we would take action on
2 zoning items on the second meeting of the month, and
3 it would be a separate meeting prior to the work
4 session.

5 CITY MANAGER GILLEN: Correct -- if needed.
6 If you need to take the action tonight, you could
7 call that second meeting.

8 COUNCIL MEMBER BATES: Just to make sure
9 that everybody's on the same page -- and this is a
10 work in progress, and we are going to have some kinks
11 as we deal through, you know, a modification to our
12 agenda process.

13 For Dr. Gillen's sake -- we typically vote
14 when we have public hearings on zoning and variances.
15 If we need to, we as a Council will defer them to a
16 future meeting.

17 But moving forward, if there's a zoning
18 matter, it would be my expectation that we have a
19 separate meeting that would handle those public
20 hearings with a possible vote, and move forward that
21 way.

22 For tonight's purpose, I'm good to have the
23 public hearing, and I'm good to go with Councilwoman
24 Pachuta's suggestion of having the vote on these two
25 matters this coming Wednesday, the 21st, so that they

1 the e-mail to read.

2 COUNCIL MEMBER DEAN: Well, you know, I
3 agree that there are kinks. And right now I like the
4 idea of having the meeting -- you know, a separate
5 meeting -- and then immediately following the meeting
6 where we're voting, going into the work session, but
7 make them two, distinct, separate ones.

8 And if the matter now is the question of
9 notification not being sent out properly for that
10 part of the special meeting, then, okay, I'm good
11 with waiting until Wednesday.

12 MAYOR PITTMAN: Okay. Then that's what we
13 will do.

14 If we vote, you can put that on the agenda?
15 That's enough time? At the end?

16 COUNCIL MEMBER PACHUTA: I'll make a motion
17 at the end of the vote, yeah.

18 MAYOR PITTMAN: Okay. I just wanted to make
19 sure it was enough time.

20 CITY MANAGER GILLEN: We'll have enough
21 time.

22 MAYOR PITTMAN: Okay. Thank you.

23 Okay. Next is public comments. Please
24 limit your comments -- well, they have a total of 10
25 minutes, I believe, and you can speak on anything

1 can be resolved.

2 I do agree that I don't want to have these
3 matters hang out for multiple weeks, especially for
4 the applicants who may be present.

5 MAYOR PITTMAN: We don't need a motion for
6 that. We can just more forward with it until we get
7 to the --

8 CITY ATTORNEY MCLENDON: *What you would do*
9 is have your public hearings, and at the end it would
10 basically be a motion to defer the case to Wednesday
11 at 6:00 o'clock, where there would be a regularly
12 scheduled meeting -- or a special called meeting --
13 for that purpose.

14 MAYOR PITTMAN: Okay. Perfect.

15 Next on the agenda is going to be public
16 comments.

17 COUNCIL MEMBER FLEMING: (Nonverbal
18 response.)

19 MAYOR PITTMAN: Pam, did you have something
20 you want to say?

21 COUNCIL MEMBER FLEMING: No. I believe the
22 e-mail that we received was that Dr. Gillen had
23 answered yes to Ms. Dean's e-mail, in that we would
24 vote on these two, close the meeting, then start back
25 up for the work session. That's what I understood

1 that you choose to speak on.

2 So if you wish to speak, please come
3 forward.

4 This is public comments only -- not the
5 public hearing, but public comments. So if you wish
6 to make a public comment, please come forward -- and
7 state your name for the court reporter.

8 MR. NASER: Ladies and gentlemen, thank you.
9 My name is M. D. Naser. My address is 2709 Bonnie
10 Avenue.

11 I have a tree in my backyard which -- I want
12 to remove it, as it is kind of leaning down to my
13 house, and with the weather and everything, I do not
14 feel it's secure.

15 I do not believe the City has any kind of
16 ordinances -- or the City do not allow me to cut that
17 down. So if you guys could...

18 MAYOR PITTMAN: You need to get with our
19 arborist. Have you done that?

20 MR. NASER: Yes, I did. The City does not
21 allow -- City law -- ordinance -- doesn't allow me to
22 do that. So that invades my security, or safety of
23 my house. I have children in the house, and that
24 tree could go down anyway, either on my house or my
25 neighbor's house.

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1 MAYOR PITTMAN: Right. I understand.
2 So if you don't mind, after the meeting
3 maybe you could talk with Mr. Strickland -- he's here
4 -- and the City Manager. Okay?
5 MR. NASER: Okay.
6 CITY MANAGER GILLEN: Madam Mayor, the tree
7 ordinance is on the agenda tonight, and we have some
8 suggested language to deal with the issue -- like
9 this -- and we'll pass that out when we get to that
10 agenda item, for your consideration.
11 And we could bring that back at the
12 September work session to discuss further.
13 MAYOR PITTMAN: So we are going to be
14 looking at that.
15 But without knowing the details -- and I
16 don't want to go into it right now -- if you don't
17 mind, if you're still here during a break or after
18 the meeting, maybe we could speak, and we'll find out
19 the details on that. Okay?
20 MR. NASER: Cool.
21 MAYOR PITTMAN: All right. Thank you.
22 MR. NASER: Thank you.
23 MR. HART: Tom Hart, Gordon Heights.
24 When I was driving down Buford Highway
25 today, I saw we had another lovely addition to Buford

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1 Highway. Just as I got past the sideways McDonald's
2 was the new Krispy Kreme building, which is another
3 quality piece of construction in Doraville, made up
4 of sheet metal and particleboard.
5 I hope they have adequate protection from
6 the cars driving around the building so they don't
7 run through the building.
8 It's sitting on -- it's not even bolted to
9 the ground. It basically has leveling blocks
10 underneath the metal structures, that ties together
11 with the metal lattice, which is covered with
12 particleboard, which will be sprayed with EIFS panel
13 material.
14 I mean, Doraville -- if it can lower the
15 standards, we could just have stacked double-wides on
16 Buford Highway. It gets pretty pathetic.
17 Second of all, it came to my attention that
18 we were saving all this money by not using the Crown
19 Victoria -- which was the former Mayor's car -- in
20 the City -- that had 23,000 miles on it. We were
21 going to save all this money because we were going to
22 use a Hemi Charger that had 60,000 miles on it,
23 because there would be more than enough to pay for it
24 because of the gas savings.
25 Well, it turns out, the gas mileage between

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1 the Crown Victoria and the Hemi are exactly the same.
2 And then we -- that was the plan. Okay?
3 The second plan was -- this car was -- this
4 past weekend -- wrecked, so now the plan was: We
5 were always going to use the Toyota Prius, and we
6 were going to sell off the Hemi.
7 But I'm a little confused. Was the plan to
8 crash the car? That's how you were going to get rid
9 of the Hemi? Or, we were going to go directly from
10 the Crown Victoria to the Prius and save all this
11 money?
12 I'm a little lost on where all the cost
13 savings were here, that were going to pay for all
14 this mess.
15 The Police Department has (ph) reimbursed
16 the \$10,000 for the Hemi. And now we've crashed the
17 car, and now we're using the Prius that was formerly
18 occupied by the Code Enforcement. But we're saving
19 all this money by going to an outside Code
20 Enforcement, but we've still got all the employees?
21 I'm just a little confused about where all
22 the cost savings are and where all this cost shifting
23 is.
24 And I'm a little disappointed in the
25 building materials being used on Buford Highway.

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1 Thank you.
2 MS. HA: (Indiscernible) anybody. My name
3 is Kathy, and I have the -- you know, the business in
4 Doraville, about -- my business open 1999. And right
5 now we open, you know, it look like -- a sign.
6 And I -- you know, I have a requirement
7 (indiscernible) Doraville because then when we build
8 a site (ph), always you ask for the electrician
9 permit, and that is much hard for us to, you know,
10 grow (ph) up the business in the Doraville, because
11 then you know some building already older, and we
12 have to electrician -- electrician in some business
13 that go out. We do again and again. You know, that
14 might be hard for us, you know.
15 And the second thing is, you know, the fee.
16 Your city, it go up. It -- on the -- I have some
17 site on July -- and right now it's August, a couple
18 day -- and they go up about \$50 for the site, one
19 site. One -- a lot of time on the July, 150, and
20 right now \$200. And the electrician, \$100. And
21 that, you know -- you know, very hard for us to, you
22 know, grow up a business.
23 And the comment I have is, some businesses,
24 they open in Doraville; and then, you know, when they
25 want build a site -- but much hard for the customer.

1 And that's why, you know, they don't want to build a
2 site.

3 That's why when you ride in the Buford
4 Highway, you see the Doraville city -- a lot of
5 sites, they don't have the -- you know, the light up
6 because -- that is, you know, you make hard for the
7 customer.

8 That the one that I would like: Permit,
9 agenda.

10 And maybe you have some room for the
11 business sign, because I do the -- more for the
12 important (indiscernible) sign, and I want -- I have
13 a customer a lot for Doraville, and I want ride in
14 the night. I won't see anybody (ph). They have a
15 light on the sign. And I hope so. You help us some,
16 you know, open (indiscernible) for us, if we can
17 (indiscernible) for that one.

18 Thank you.

19 MAYOR PITTMAN: Okay. Thank you very much.

20 Ma'am, we are going to also be discussing
21 the sign ordinance, so -- at some point. Okay?

22 MS. HA: All right.

23 MAYOR PITTMAN: Okay. Thank you.

24 Anyone else wish to make public comments?
25 (No response.)

1 We have somebody that wants to reopen the
2 laundromat at the same location -- in fact most of
3 the machinery is still there -- and they would like
4 to have the laundromat. Legally though, they need to
5 get their conditional use permit so they will be
6 conforming. Even though it was previously there,
7 it's the six-month period that went through. So they
8 have come before the Council to request that.

9 This location -- and there's a picture in
10 there -- and I'm sure you know -- it's on Shallowford
11 Road, right at the intersection there. There is an
12 apartment complex directly across the street, so it
13 makes a lot of sense.

14 There was a lot of discussion at the
15 Planning Commission. The Planning Commission
16 basically recommended approval of the CUP -- in a
17 four-to-zero vote in favor.

18 Staff has reviewed it and also recommends
19 approval.

20 I'd be happy to answer any questions.

21 And the applicant is here? (Looking toward
22 audience.)

23 MR. LING: (Standing.)

24 DIRECTOR COOLEY: Yes. There you are. Hi.

25 MAYOR PITTMAN: Okay.

1 MAYOR PITTMAN: Okay. We are going to close
2 that portion.

3 And we are going to move to the public
4 hearing portion.

5 I believe we have the application for a
6 conditional use permit for a laundromat at 3658
7 Shallowford Road, Suite B, parcel # 18 310 02 011.

8 And I believe you are here for -- on behalf
9 of the Planning Commission tonight?

10 MR. JONES: Yes.

11 MAYOR PITTMAN: Okay. Thank you.

12 DIRECTOR COOLEY: I was given copies of the
13 draft minutes of the Planning Commission. I'll just
14 go ahead and pass those out to y'all. (Providing
15 documents.)

16 This is an application for a conditional use
17 permit for a laundromat at 3658 Shallowford Road --
18 that's tax ID # 18 310 02 011.

19 Laundromats are an allowed use in the zoning
20 district -- this is C-1 zoning -- but it does require
21 a conditional use permit.

22 This has been a laundromat for a number of
23 years. They were grandfathered in before the
24 conditional use permit was required. They did close
25 down; it went more than the six.

1 All right. Ms. Alexander, did you have any
2 questions?

3 COUNCIL MEMBER ALEXANDER: I noticed that in
4 the photograph -- in the sign -- it had "Laundromat
5 [sic], Cleaners." I just wanted to confirm that no
6 on-premise dry-cleaning will be taking place.

7 DIRECTOR COOLEY: That is something that we
8 -- I would ask the applicant to make sure of. But my
9 understanding, from the discussions, is that it was a
10 laundromat only.

11 COUNCIL MEMBER ALEXANDER: Okay. Thank you.

12 MAYOR PITTMAN: Mr. Bates?

13 COUNCIL MEMBER BATES: No.

14 MAYOR PITTMAN: Ms. Pachuta?

15 COUNCIL MEMBER PACHUTA: No.

16 MAYOR PITTMAN: Mr. Patrick?

17 COUNCIL MEMBER PATRICK: No.

18 MAYOR PITTMAN: Ms. Fleming?

19 COUNCIL MEMBER FLEMING: No.

20 MAYOR PITTMAN: Ms. Dean?

21 COUNCIL MEMBER DEAN: What would have to be
22 done to the building to bring it into compliance with
23 our sign code and the window ordinance? I mean are
24 the windows covered? It's hard for me to see from
25 this.

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1 But I'm looking at this, and it's a very
 2 unattractive facility. But is there something we can
 3 do, with conditions? -- for example, to maybe put
 4 lines on the parking lot area and to just
 5 aesthetically pick it up a bit?
 6 For example, the "Laundry" and the
 7 "Cleaners" sign -- "Laundromat" would be, I think,
 8 more appropriate than "Laundry" and "Cleaners,"
 9 because it seems -- implies that --
 10 DIRECTOR COOLEY: Right. I understand.
 11 Unfortunately we cannot control content on
 12 that. We can control the use.
 13 As far as the striping of the parking lot,
 14 we can require the owner to come back in and
 15 re-stripe the parking lot -- if it's not up to
 16 maintenance standards, if it's gone. We can do that.
 17 As far as the signage goes -- again, they
 18 will have to come in separately to get a sign permit,
 19 that being a -- and I don't know the square footage
 20 of it or anything, but if it was a little large or
 21 something like that -- being an existing sign, it
 22 would -- it -- for better or worse -- it's a
 23 grandfathered sign, so --
 24 COUNCIL MEMBER DEAN: Even though it's a
 25 different owner? It's grandfathered in, even if it's

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1 a different --
 2 DIRECTOR COOLEY: Yes, ma'am. Yeah.
 3 The sign itself is there. The Georgia
 4 Supreme Court looks at it as a property right --
 5 unlike most states -- so that's why we can't get rid
 6 of a lot of signs by -- or over a period of time.
 7 A lot of signs in most places, you can
 8 actually require their removal because the valuation
 9 has gone down to zero.
 10 The Georgia Supreme Court has looked at it,
 11 constitutionally, that it's a property right. The
 12 federal Supreme Court looks at it differently. But
 13 that's the Georgia constitution, and that makes it
 14 law in Georgia. I wish it wasn't that way, but...
 15 COUNCIL MEMBER DEAN: So when a business is
 16 no longer operating, we can't go in and say, "This
 17 business is no longer here; remove your sign"?
 18 DIRECTOR COOLEY: We can make them remove
 19 their sign and replace it with a blank, but we cannot
 20 basically make them take that sign down without
 21 paying them for the sign.
 22 COUNCIL MEMBER DEAN: Okay. All right.
 23 So -- and the windows? The windows are
 24 good? Are they --
 25 DIRECTOR COOLEY: I have not looked at the

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1 windows.
 2 Again, when they come in for the permits,
 3 they are -- the maximum they can allow is 30 percent
 4 signage, so if it's beyond that.... Now, this is --
 5 that is not a permitted sign, so that's just a code
 6 compliance issue. So if it's more than that, we can
 7 come back at any time and say, "You are," you know,
 8 "beyond the amount."
 9 But one thing that has changed in that
 10 ordinance is we changed it to make sure that it was
 11 inside signs, so they couldn't stick them on the
 12 outside. So anything on an outside sign now is
 13 considered part of the 10 percent of wall sign. So
 14 we've got a little bit more of a restriction on that.
 15 COUNCIL MEMBER DEAN: Okay. All right. And
 16 I'm assuming that this is necessary there because of
 17 the apartment complex. The apartment complex does
 18 not have a facility on premises?
 19 DIRECTOR COOLEY: My guess is that they do
 20 have facilities, but it's just -- the discussion at
 21 the Planning Commission was that that's a great place
 22 for it, just because of the -- if you're going to
 23 have a laundromat, having walking distance to
 24 something like that was a great idea.
 25 It is allowed by conditional use permit, and

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1 so they were -- it was all a very positive discussion
 2 about that.
 3 COUNCIL MEMBER DEAN: And is there anything
 4 else that can be done to improve the aesthetics of
 5 this place?
 6 DIRECTOR COOLEY: Right now we don't have
 7 anything on the books that can allow us to do that.
 8 MAYOR PITTMAN: Okay.
 9 Mr. Jones, did you have anything you wanted
 10 to add? -- nice job on the minutes, by the way.
 11 PLANNING COMMISSIONER JONES: Thanks -- no.
 12 I don't have anything to add.
 13 MAYOR PITTMAN: Okay. Thank you.
 14 Did you have anything you wanted to add,
 15 sir?
 16 MR. LING: Yes. Can I speak?
 17 MAYOR PITTMAN: Yes, sir. Come on up.
 18 MR. LING: Thank you. (Complying.)
 19 First of all, I'd like to thank the Council
 20 and the Committee and everybody here for -- to give
 21 us a chance to speak tonight, because Madam Yap is --
 22 has previously worked at this place, prior to --
 23 right around the hurricane's time, and this facility
 24 has actually provided a very, very -- you know,
 25 efficient for -- especially when there was an influx

1 during an emergency time.

2 That's why when she saw this opportunity --
3 because the last operator was an older couple that --
4 you know, who did not have the children who wanted to
5 support them with a business, so when they opened for
6 almost a year, they couldn't go on because one of
7 their partners was not feeling too good, so they
8 decided to move back to New York.

9 And so due to the delay of their contracts
10 with the owner, the -- of the -- so she wanted to
11 come in, but because of the miscommunication in there
12 -- so it was delayed to a point where we have to
13 reapply for a conditional permit. Otherwise, we --
14 if we had come in just right before the six-months
15 due date, then really this meeting was -- is not even
16 necessary.

17 So she wants to come in because her sister
18 also lives in the apartment across the place, for
19 almost six years now. They do have very -- not so
20 efficient facilities, because that apartment building
21 I believe is, what, 30 years old maybe? -- because
22 I'm not in Atlanta that long yet.

23 So looking at the -- you know, I've used
24 laundromats along Doraville myself -- on Shallowford,
25 all the way down to just right by Chamblee Tucker --

1 Rollins, Oakcliff.

2 I'm not speaking against. But since it is a
3 law that you can't make them fix the sign, could you
4 ask them, and see if they would be, you know, okay
5 with doing something to make it look better? You
6 know, you could ask them. You couldn't make them.

7 But it looks like if we do give them the
8 permit and give them the right to go back in business
9 there, maybe that would kind of be a give-and-take.

10 Thank you.

11 MR. HART: Again, this is not so much
12 against, but --

13 MAYOR PITTMAN: Please state your name for
14 the record.

15 MR. HART: Oh -- Tom Hart, Gordon Heights.

16 I noticed that the address on the piece of
17 paper is incorrect. That's the address of the Citgo
18 station, not the address of the laundromat.

19 I don't know if that makes any difference if
20 we're advertising things, and we don't have the right
21 address.

22 The second thing is, conditional uses -- one
23 of the benefits of having a conditional use here is
24 to get some benefit for the City in exchange for
25 granting the conditional use for the property. And

1 I think that one also may have closed down recently.

2 So that's the reason why she wants to come
3 back in and provide the service to the neighbors.

4 And she has a lot of old clientele where
5 when she meets them at McDonald's, you know, that
6 they talk to her and they ask her, "When are you
7 going to reopen it?" So this is why she's so
8 enthusiastic this time, to come and hope that the
9 City will give her a chance to open up this place.

10 Thank you very much.

11 MAYOR PITTMAN: Thank you.

12 Okay. At this time we are going to open the
13 public hearing portion.

14 We are going to open it with those wishing
15 to speak against, first. You have 10 minutes --
16 meaning if you speak for 10 minutes, no one else gets
17 to speak; but it's 10 minutes, total.

18 So at this time we are going to open the
19 public hearing portion for those wishing to speak
20 against. If you wish to speak against, please come
21 forward.

22 MS. ROLLINS: (Speaking from the audience:)
23 That is the laundromat?

24 MAYOR PITTMAN: Yes, ma'am.

25 MS. ROLLINS: (Coming forward.) Linda

1 one is that the signage on the building would have to
2 meet current code. I don't care about grandfathered
3 or whatever it is. That's one of the conditions.

4 If you want to move in, here's the deal:
5 You need to stripe the parking lot in front of it,
6 you need to bring the front of the building up to
7 standards -- because this is, by all measurements,
8 the end of the City that's facing Chamblee, and we
9 have people coming in from the other city, and quite
10 frankly, it looks like hell.

11 There's car lots sitting in the middle of
12 empty lots where they're not supposed to be. We've
13 had -- this is the massage parlor where a corporate
14 leader unexpectedly died in an illegal massage parlor
15 that had to be shut down. So it's not exactly, you
16 know, the vacation capital of Georgia here. Okay?

17 So we need to start by fixing it up. It
18 takes one step at a time.

19 So the conditions on the property should be
20 that it meets current standards in the City -- that's
21 sign standards, as well as the front of the store --
22 and that the parking in front of the building, it
23 looks nice. Okay? Or if the building needs to be
24 painted on the front, it needs to be painted on the
25 front.

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1 Those are conditions of usage, and that's an
2 exchange between the City and the property owner or
3 the business owner.
4 It's not -- you know, we're not asking them
5 to do something that's, you know: Tear the building
6 down. It's just: Meet current code. That's all.
7 And then the businesses around it, doing the same
8 thing.
9 But you've got to start someplace here. And
10 Code Enforcement could start by doing their job at
11 that end of the City.
12 Thank you.
13 MAYOR PITTMAN: Anyone else wishing to speak
14 against?
15 (No response.)
16 MAYOR PITTMAN: All right. Anyone wishing
17 to speak for, please come forward. Anyone wishing to
18 speak for.
19 PLANNING COMMISSIONER JONES: Jason Jones.
20 I represent the Planning Commission.
21 I just want to add something to what Mr.
22 Hart brought up. We had some confusion with the
23 address as well -- and I can't see up there what the
24 address is -- but one side, the laundromat side --
25 the parcel in question is facing Shallowford; the

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1 back side of it faces Peachtree, so -- that's what
2 you (indicating Mr. Hart) were bringing up.
3 MR. HART: It says 3658 Shallowford Road.
4 That is the Citgo station. It's not --
5 PLANNING COMMISSIONER JONES: Okay. Then.
6 we had the same confusion.
7 I'm not sure what you're looking at, but the
8 -- just in question, it's the --
9 MAYOR PITTMAN: We have 3658 Shallowford
10 Road.
11 PLANNING COMMISSIONER JONES: That's the
12 correct address.
13 MAYOR PITTMAN: Okay.
14 MR. HART: That's Citgo.
15 MAYOR PITTMAN: Okay, Mr. Hart --
16 PLANNING COMMISSIONER JONES: Okay.
17 MAYOR PITTMAN: -- this is not conversation
18 time.
19 MR. HART: All right.
20 MAYOR PITTMAN: Okay. Anyone else wishing
21 to -- I'm sorry, Mr. Anderson, I didn't see you.
22 MR. ANDERSON: Stuart Anderson.
23 It's an appropriate use for the building.
24 It's of benefit to the City. It's of benefit to that
25 complex. There's no reason to deny them.

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1 Thank you.
2 MAYOR PITTMAN: Okay. Thank you.
3 Anyone else wishing to speak for?
4 (No response.)
5 MAYOR PITTMAN: Okay. At this time we are
6 going to close the public hearing portion.
7 Mr. Cooley, did you have anything else you
8 wanted to add?
9 DIRECTOR COOLEY: Just about the address.
10 We discussed this in the Planning Commission
11 meeting. But also, as you know, DeKalb County has a
12 tendency to put a lot of different numbers on
13 different addresses -- and not consistently. So for
14 legal purposes we always put the tax ID number, to
15 make sure the property is properly ID'd.
16 So that was not an issue. It was properly
17 advertised.
18 MAYOR PITTMAN: Okay. Thank you.
19 Does anyone up here have anything else they
20 wanted to add?
21 COUNCIL MEMBER DEAN: I have a question --
22 I'm not sure if it was asked and I just missed it --
23 but is it just going to be a laundromat, or are they
24 going to provide dry-cleaning services as well?
25 DIRECTOR COOLEY: Again, I don't -- did

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1 y'all ask that of the applicant?
2 COUNCIL MEMBER PACHUTA: No. We haven't had
3 an opportunity.
4 DIRECTOR COOLEY: You might want to ask him.
5 MAYOR PITTMAN: Sir, could you come back up
6 please.
7 MR. LING: Yes, I -- my --
8 MAYOR PITTMAN: Could you come up here
9 please.
10 MR. LING: Sure. (Complying.)
11 MAYOR PITTMAN: And could you also state
12 your name for the court reporter.
13 MR. LING: Oh, sorry. My name is Roger
14 Ling, L-i-n-g. Thank you.
15 No, we are not going to be providing any
16 dry-cleaning services. It will be just wash-and-
17 fold. I believe that's within the -- you know, what
18 is allowed.
19 Thank you.
20 MAYOR PITTMAN: Okay. Thank you.
21 MR. LING: (Leaving podium.)
22 COUNCIL MEMBER FLEMING: I had a question
23 for him.
24 MAYOR PITTMAN: Okay.
25 Sir, go back.

1 MR. LING: Sorry. (Complying.) I didn't
 2 mean to --
 3 MAYOR PITTMAN: That's okay.
 4 COUNCIL MEMBER FLEMING: Since we may be
 5 voting on this on Wednesday evening, I would like to
 6 ask the questions that were brought up by Ms. Dean in
 7 regards to the sign, as well as striping the parking
 8 lot -- whether those would be -- you know, whether
 9 you would consider upgrading the aesthetics of the
 10 front of the building by creating a more visible
 11 parking area rather than just a hodgepodge parking
 12 area? I mean that definitely would be a benefit.
 13 MR. LING: Okay. When you say "parking
 14 area," it means just the front part where it has the
 15 handicap sign? Or -- I'm not too sure what the --
 16 COUNCIL MEMBER FLEMING: The front of the
 17 building --
 18 MR. LING: Okay.
 19 COUNCIL MEMBER FLEMING: -- should be lined
 20 for parking spaces.
 21 And I don't believe -- by looking at the
 22 view -- or at the least the photograph of your
 23 location -- that it is striped for parking.
 24 MR. LING: Okay. Could you excuse me for a
 25 second? -- because I -- she's been there many years,

1 owner?
 2 MR. LING: No, she's not.
 3 MAYOR PITTMAN: That would fall on the
 4 property owner, would it not, Mr. Cooley?
 5 DIRECTOR COOLEY: Actually this is a
 6 conditional use permit, so it's addressing the use.
 7 When they come in for their occupational tax
 8 certificate, they'll have to show that they've got
 9 the sufficient parking, and if it's not striped out,
 10 you know, we -- that will be a requirement for that
 11 to be done.
 12 But it will be the responsibility of the
 13 building owner.
 14 And also, under the International Property
 15 Maintenance, if it's not -- you know, if it's gotten
 16 to the point where you can't see it, you know, we'll
 17 get it re-striped.
 18 We've had a couple of those come up recently
 19 where -- you may have seen some of the re-striping
 20 around town.
 21 But, yeah, that's the right time to address
 22 it, so -- because that really -- they don't have the
 23 authority to say "We will paint the stripes."
 24 COUNCIL MEMBER FLEMING: So it's not
 25 necessary on Wednesday, when we intend to vote, to

1 so I can -- can I ask her a question on that?
 2 COUNCIL MEMBER FLEMING: Sure.
 3 MR. LING: (Conversing in foreign language
 4 with Ms. Yap.)
 5 It has been lined -- that parking lot. Is
 6 that what you are saying?
 7 COUNCIL MEMBER FLEMING: Yes.
 8 MR. LING: It's been already marked and
 9 painted, in a lot of -- every parking space.
 10 COUNCIL MEMBER FLEMING: How long ago was
 11 that? -- because the pictures that we are -- it
 12 appears -- that we are looking at right now may be
 13 older -- but it does not appear that there are
 14 parking lines there.
 15 MR. LING: Oh, this -- yeah, this is --
 16 yeah, true. This is a picture that we actually got
 17 from the landlord, where I think he has an old lot --
 18 that copy paper. It wasn't the actual drawing of
 19 the --
 20 MAYOR PITTMAN: You don't actually own the
 21 property; right?
 22 MR. LING: No, we don't. Yeah, she doesn't,
 23 no.
 24 MAYOR PITTMAN: You're just wanting to lease
 25 the building or whatever; you're not the property

1 include that as part of the conditions?
 2 DIRECTOR COOLEY: No, ma'am.
 3 COUNCIL MEMBER FLEMING: Because that will
 4 be addressed when you go --
 5 DIRECTOR COOLEY: And actually I'm not sure
 6 if that would be appropriate with a conditional use
 7 permit.
 8 But it's certainly appropriate when we look
 9 at the parking requirements for the occupational tax
 10 certificate, and also with Code Compliance -- working
 11 with them to make sure that, you know, it meets the
 12 International Maintenance.
 13 COUNCIL MEMBER FLEMING: Okay. Thank you.
 14 DIRECTOR COOLEY: Sure.
 15 COUNCIL MEMBER PATRICK: Joe?
 16 DIRECTOR COOLEY: Yes?
 17 COUNCIL MEMBER PATRICK: Just to hear you
 18 say it again -- as your routine review, that this is
 19 one of the things you look at, is available parking
 20 spaces. And if it's not striped, that will be an
 21 issue that you bring up?
 22 DIRECTOR COOLEY: Right.
 23 COUNCIL MEMBER PATRICK: Okay. Thank you.
 24 COUNCIL MEMBER PACHUTA: I would like to
 25 make a motion to move this to a date certain of

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1 August 21st at 6:00 PM, at a special called meeting
2 -- if the City Clerk could advertise that.
3 MAYOR PITTMAN: Okay. A second?
4 COUNCIL MEMBER ALEXANDER: Second.
5 MAYOR PITTMAN: Discussion?
6 (No response.)
7 MAYOR PITTMAN: Call the roll please.
8 CLERK BRYANT: (Complying, polls Council
9 Members, all of whom vote "yes.")
10 MAYOR PITTMAN: Okay. Thank you.
11 DIRECTOR COOLEY: And, Ms. Mayor, if I may
12 -- would the Council like the applicant to attend
13 that meeting, or do you need them to attend? -- just
14 so they'll know.
15 Preference?
16 COUNCIL MEMBER DEAN: Well, my preference
17 is, if they have an interest, then I think that they
18 -- I think that it shows good decorum.
19 DIRECTOR COOLEY: That's fine. I just
20 wanted to make sure, so they understood.
21 COUNCIL MEMBER DEAN: Okay.
22 DIRECTOR COOLEY: Great.
23 (Addressing Mr. Ling:) So y'all need to
24 come Wednesday to the meeting place.
25 MR. LING: Okay.

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1 COUNCIL MEMBER ALEXANDER: That was at the
2 Civic Center.
3 DIRECTOR COOLEY: 6:30?
4 MAYOR PITTMAN: 6:00.
5 DIRECTOR COOLEY: At the Civic Center.
6 COUNCIL MEMBER ALEXANDER: At 6:00 o'clock.
7 DIRECTOR COOLEY: At 6:00 PM.
8 MR. LING: Do you have the address?
9 DIRECTOR COOLEY: Yes. It's right up the
10 street.
11 MR. LING: Oh, okay.
12 May I say something?
13 MAYOR PITTMAN: Sure.
14 MR. LING: I would like probably to excuse
15 myself, because I'm not going to be here on
16 Wednesday. Probably we'll get somebody better
17 looking -- her husband -- to be here. Okay?
18 (Laughing.)
19 MAYOR PITTMAN: Okay.
20 MR. LING: So thank you very much.
21 MAYOR PITTMAN: Thank you so much.
22 All right. Next on the agenda is another
23 public hearing, an application for a conditional use
24 permit for a church in O-I zoning district at 2000
25 Clearview Avenue, unit 214, parcel # 18 311 04 025.

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1 Mr. Cooley?
2 DIRECTOR COOLEY: Thank you, Mayor. I won't
3 read the parcel number in again.
4 This is a conditional use permit to allow a
5 church in an existing O-I office -- it's 2000 Park
6 [sic] Avenue. This is unit 214.
7 You may recognize this. Y'all saw this a
8 few months ago, where the applicant came in and
9 applied for the same conditional use permit on suite
10 116.
11 Because it's a conditional use permit
12 specific to the suite number, they would like to move
13 to a different space where they don't have to do any
14 construction up on the upper floor. That was -- you
15 may recall -- was what happened originally, is they
16 didn't realize that they couldn't do work without a
17 permit, and they were hit with a stop-work order, and
18 it led to all this. So they are asking to move
19 upstairs.
20 There is no change, because -- as you may
21 recall from the previous one -- the parking
22 requirements on the building were such that it met
23 the same requirement for the assemblage area with --
24 there's no permanent seating. So parking is not an
25 issue, regardless of the square footage.

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1 The Planning Commission heard this. They
2 recommended approval with conditions in a four-zero
3 vote.
4 The conditions that they recommended:
5 Number one was that no outside activities or
6 events be allowed.
7 And number 2 is -- and this is really
8 something that -- it was a recommendation -- because
9 it really is not a condition for them. But what they
10 recommended was that the City initiate a rezoning to
11 remove the conditional use permit on the existing
12 suite, 116, which will not be utilized with the
13 church. If not, it stays with that, and you know,
14 some other church could come in automatically,
15 without going through any review by the Council. And
16 I don't think that's the intent of the ordinance or
17 the Council.
18 And that was also the staff's
19 recommendation, that we do that. By having the City
20 initiate it, it keeps them from having to pay the fee
21 again to go through that whole process -- which I
22 think is appropriate, since it's a City action.
23 But also one thing that you may want to
24 consider as a possible condition to it is that they
25 support it without objection if the City initiates

1 that. So that way it's a clean, straightforward
 2 process.
 3 I'd be glad to answer any question you might
 4 have.
 5 MAYOR PITTMAN: Ms. Alexander?
 6 COUNCIL MEMBER ALEXANDER: *So we are not*
 7 allowed to grant a CUP and remove one at the same
 8 time?
 9 CITY ATTORNEY MCLENDON: *I think that would*
 10 have required that you advertise two actions for this
 11 hearing. So the best thing would probably be, if
 12 this was approved, initiate another process to remove
 13 that existing use permit.
 14 COUNCIL MEMBER ALEXANDER: *And if we were to*
 15 tell you on Wednesday night that we want to start the
 16 City-initiated process to remove the previous CUP,
 17 what time span are we looking at for that to take
 18 place?
 19 DIRECTOR COOLEY: We could get it on the
 20 next Planning Commission's agenda, and then y'all
 21 could address it at your next meeting.
 22 I just would make sure that -- it has to be
 23 -- because it will be a public hearing, because it's
 24 a zoning action, just make sure that we'll get it in
 25 the paper so that you could hear it at the next

1 meeting.
 2 I can advertise it before the Planning
 3 Commission. It's just -- there's always that time
 4 delay with The Champion.
 5 So we could get it on very quickly, which
 6 would be probably the second meeting in September.
 7 MAYOR PITTMAN: Thank you.
 8 Mr. Bates?
 9 COUNCIL MEMBER BATES: No, ma'am.
 10 MAYOR PITTMAN: Ms. Pachuta?
 11 COUNCIL MEMBER PACHUTA: No.
 12 MAYOR PITTMAN: Mr. Patrick?
 13 COUNCIL MEMBER PATRICK: *If we were to vote*
 14 to approve this, could we say as a condition that no
 15 certificate of occupancy is issued until this other
 16 conditional permit has been removed? -- so they know
 17 that in principle they have it, once the other one
 18 has been removed?
 19 DIRECTOR COOLEY: That's an interesting
 20 legal question. I'm not quite sure on that one.
 21 CITY ATTORNEY MCLENDON: *The issue I think*
 22 you get to is if we issue this permit, we basically
 23 have zoned it at that time. I think you can
 24 condition it on some things.
 25 DIRECTOR COOLEY: Can you condition it on

1 another zoning action there?
 2 CITY ATTORNEY MCLENDON: *The problem you run*
 3 into I think is, since they are not the ultimate
 4 decision-makers on removing the other use permit, you
 5 would end up putting it sort of in a position where
 6 you had a potential veto on the backend by not
 7 agreeing to get rid of that one.
 8 I'm not sure that would be an appropriate
 9 condition, because that would be something that
 10 leaves it totally in y'all's discretion whether to
 11 remove that one or not.
 12 Are you following me on that?
 13 COUNCIL MEMBER PATRICK: Um-hmm.
 14 CITY ATTORNEY MCLENDON: *So I would say, you*
 15 know, I think it's appropriate -- what Mr. Cooley was
 16 saying -- we could put a condition that said, you
 17 know, "You will not oppose a rezoning to remove the
 18 prior conditional use permit which you received."
 19 But since the ultimate approval is outside
 20 their control, I'm not sure it would be appropriate
 21 to say, "You can only utilize this if we take some
 22 future action."
 23 DIRECTOR COOLEY: Yeah. You'd be
 24 conditioning it upon a future zoning. That's right.
 25 CITY ATTORNEY MCLENDON: *A future action of*

1 the City that we are in total control of. So I don't
 2 believe that would be a good condition to put on
 3 there.
 4 COUNCIL MEMBER PATRICK: Okay. All right.
 5 MAYOR PITTMAN: Ms. Fleming?
 6 COUNCIL MEMBER FLEMING: *We have specific,*
 7 City-initiated rezonings criteria to follow. And it
 8 would not be the suite person, it would be the owner
 9 of the property, and they have to be notified by
 10 certified mail and that there would be a public
 11 hearing for them to be able to, you know, voice their
 12 opinion as to whether the CUP should come off or not.
 13 DIRECTOR COOLEY: Correct.
 14 COUNCIL MEMBER FLEMING: *And I want to make*
 15 sure that we follow our criteria set in our zoning
 16 code.
 17 DIRECTOR COOLEY: We have both that, and we
 18 also have the Zoning Procedures Act that we have to
 19 follow.
 20 MAYOR PITTMAN: Thank you.
 21 Ms. Dean?
 22 COUNCIL MEMBER DEAN: *And I just want to*
 23 understand. So you can grant a conditional use
 24 permit on a particular suite, and so if there are,
 25 say for example, four suites on a property, you can

1 grant -- we could grant -- a different conditional
 2 use on each one of those?
 3 DIRECTOR COOLEY: If it were allowed and
 4 y'all decided to do so, yes.
 5 COUNCIL MEMBER DEAN: Okay. And with this
 6 one particularly, I voted "no" originally because
 7 they were in the process of getting their paperwork,
 8 etc.
 9 And I went -- I did another search, and I
 10 still have not found any paperwork done on this.
 11 They said six months ago that they were in the
 12 process of doing all of this, and it has not happened
 13 -- or have I missed it? Or what exactly is...
 14 DIRECTOR COOLEY: I have not looked into
 15 that, purely because no organization -- or religious
 16 organization -- correct me I'm wrong, Cecil -- is
 17 required to be a nonprofit or a corporation. There's
 18 a real big issue with RUPUA (ph) and the
 19 constitutional right to practice religion.
 20 COUNCIL MEMBER DEAN: Well, no -- but any
 21 kind of business. I mean, not even that, just any
 22 kind of --
 23 DIRECTOR COOLEY: Religion is different,
 24 because it is a protected issue under the U.S.
 25 Constitution.

1 COUNCIL MEMBER DEAN: Okay. So I can go --
 2 I can say, "I am Church Trudy, and I want this
 3 property here, and this property is not zoned for
 4 Church Trudy type business" -- but that's enough? I
 5 can do that, and say, "I'm good to go"?
 6 CITY ATTORNEY MCLENDON: If you want the
 7 nonprofit status, you would have to create the entity
 8 and go through the process -- jump through the hoops
 9 -- to become a nonprofit status.
 10 COUNCIL MEMBER DEAN: Right.
 11 CITY ATTORNEY MCLENDON: But creating an
 12 entity is not a prerequisite to doing business. I
 13 could go and say, you know, "I'm opening up a church;
 14 I'd like to get this storefront, and I'm here."
 15 Creation of an entity is not a requirement to do that
 16 business. That's just something that's allowed under
 17 the law.
 18 Now, if you want to have a nonprofit status,
 19 you have to go through that process.
 20 COUNCIL MEMBER DEAN: Right. Sure.
 21 CITY ATTORNEY MCLENDON: But it's not
 22 something that's a prerequisite to doing business.
 23 COUNCIL MEMBER DEAN: Okay. I'm good.
 24 COUNCIL MEMBER BATES: Madam Mayor?
 25 MAYOR PITTMAN: Yes.

1 COUNCIL MEMBER BATES: Joe, in the interim
 2 if we were to grant the CUP on Wednesday, and the
 3 Council voted to initiate the rezoning of the
 4 existing suite to eliminate the CUP, what are the
 5 protections in between point A and point B to make
 6 sure that another entity doesn't come in quickly in
 7 that interim window?
 8 DIRECTOR COOLEY: I don't know if there is
 9 one, actually, because, you know, the timing -- you
 10 know I -- knowing what was going on and whatever, if
 11 an application comes in, it may not be processed in
 12 that time, but it's based upon the point at -- when
 13 it's applied for. So I don't believe that there is
 14 anything that really could stop that.
 15 CITY ATTORNEY MCLENDON: You could do one of
 16 a couple of directions, I think.
 17 If you wanted to go after that issue, you
 18 could defer the approval of this to the time that
 19 that came undone, have them voted at the same time.
 20 But that would be a pretty significant delay,
 21 especially if somebody wanted to start the process of
 22 build-out, etc.
 23 I don't think it's beyond the realm of
 24 possibility you could put a moratorium on this
 25 property until that zoning decision was made,

1 frankly.
 2 So I think you would be able to -- if you
 3 had a lot of concern on that, I would think there
 4 would be a methodology for you to potentially take
 5 care of that if you wanted to.
 6 COUNCIL MEMBER BATES: Got it. Thank you.
 7 DIRECTOR COOLEY: Yeah -- probably the best
 8 way.
 9 MAYOR PITTMAN: Okay. Mr. Jones, did you
 10 have anything you wanted to add?
 11 PLANNING COMMISSIONER JONES: Jason Jones.
 12 The only thing -- that we had voted for,
 13 with the conditions -- but the conditions mostly just
 14 having to do with the proximity to the neighborhood.
 15 It's still unclear -- we did have all the
 16 questions regarding the formation, whether or not --
 17 but I guess clearly we couldn't go any further into
 18 that.
 19 It's still unclear -- the suite numbers.
 20 There was a question. We couldn't figure out, when
 21 we went to do site visits, what the suite numbers
 22 were. I don't know that that was ever confirmed.
 23 Suite 214 didn't seem to exist.
 24 That's all I have.
 25 MAYOR PITTMAN: Okay. Thank you.

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1 Mr. Cooley, did you want to address that?
2 DIRECTOR COOLEY: Sure. It's interesting.
3 There's no one suite that's identified. They
4 identified the sign as the suite. But I don't know
5 if it changed around, because of the numbers or
6 whatever.
7 But again, what that will have -- there will
8 have to be the plan when they come in, on the suite,
9 what it will be. The same thing with the parking and
10 everything. We do that with the occupational tax
11 certificate approach.
12 But I don't -- I quite honestly do not know
13 what happened with the number on the doors, so...
14 COUNCIL MEMBER DEAN: So if they said -- if
15 they took the sign that says "Suite 116" off of their
16 present door and they stuck it on the door to the
17 suite that they want now, would that work?
18 DIRECTOR COOLEY: No, ma'am, that wouldn't
19 be being -- doing anything in good faith, to begin
20 with. I certainly wouldn't sign off on it.
21 COUNCIL MEMBER DEAN: I mean -- but could
22 anyone check that? Or I mean, how is this recorded?
23 How are the suites recorded?
24 DIRECTOR COOLEY: They're basically by
25 lease, and the way they set it out by the owner.

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1 Sometimes they will combine a couple of
2 suites and turn it into one suite. And I don't know
3 if that's what happened, because the sign on the
4 directory shows the suite number, but when you go up
5 and look at the doors, you don't see the suite
6 number. So I don't know if it was combined into
7 another one.
8 We'll have to get the square-footage and the
9 exact location on that, and that will be tied to it.
10 We'll make sure that that goes to that.
11 No, that -- otherwise, you know, that's
12 trying to pull a fast one, and that doesn't work.
13 COUNCIL MEMBER FLEMING: But to be able to
14 properly vote on this, the suite number would be
15 included. And I'm not comfortable without a lease
16 agreement showing the suite number, because if we're
17 going to issue a CUP, then we need to have some
18 documentation that indicates truly what suite they're
19 in, regardless of what's on the door or not.
20 DIRECTOR COOLEY: I'd be more comfortable
21 actually having the floor plan.
22 COUNCIL MEMBER FLEMING: I'm sorry --?
23 DIRECTOR COOLEY: I would actually be more
24 comfortable having the floor plan that they would
25 provide.

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1 (Reviewing documents.) I was trying to see
2 if they had the lease agreement in that. I thought
3 it did.
4 COUNCIL MEMBER ALEXANDER: I may be
5 incorrect -- but I believe it's against fire code for
6 those suites not be properly numbered and marked.
7 DIRECTOR COOLEY: And occupied.
8 COUNCIL MEMBER ALEXANDER: So I have
9 definite concerns about that.
10 DIRECTOR COOLEY: I guess my recommendation,
11 based upon what I was hearing, is -- if you are
12 interested in moving this forward, going ahead if you
13 wish, and those are your concerns -- adding those as
14 conditions before final approval.
15 I would think you would want a floor plan
16 and anything else, you know, if you want to adopt any
17 other conditions or whatever. That would be one way
18 to approach it.
19 Or you can just defer it. That's at y'all's
20 pleasure.
21 COUNCIL MEMBER DEAN: Well, we have a lot
22 going on, in terms of changing back -- changing or
23 removing the CUP from the original, from suite 116,
24 and getting this one.
25 And this started six months ago, and if this

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1 is just where we are -- or where they are now -- then
2 maybe it wouldn't be such a bad idea to do both of
3 these things at the same time.
4 Get the proper documentation in place,
5 because if we don't know the suite number, then how
6 can -- I mean that's pretty basic; that's like the
7 address. And if we're granting this for a particular
8 suite on a piece of property, and we don't know what
9 that suite is or where that suite is, then that --
10 how can we vote?
11 DIRECTOR COOLEY: Well, I -- and I think you
12 could do that. And that would probably make a lot of
13 sense, to tie it to the removal of the conditional
14 use permit on 116.
15 You've already gone through the public
16 hearing on this one, so they won't have to go through
17 that again.
18 We could get it on the September meeting of
19 the Planning Commission and then roll it right on
20 over into the next City Council meeting, so it's not
21 a huge delay. That would take care of the removal of
22 the conditional use permit on the existing, and that
23 would give them sufficient time to make sure all
24 that's worked out about their floor plan and tie it
25 to that.

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1 COUNCIL MEMBER FLEMING: Well, if we are
2 going to defer it, then I want to see a copy of the
3 lease agreement -- showing which particular suite
4 they are actually leasing -- as well, not just the
5 floor plan.
6 DIRECTOR COOLEY: The floor plan identified
7 as the suite, yes, ma'am. I agree.
8 MAYOR PITTMAN: Okay. Anything else?
9 (No response.)
10 Did you have anything you wanted to say,
11 sir?
12 MR. PEREZ: Yes. My name is Luis Perez. I
13 am the pastor -- and my wife too.
14 And thanks for everything, for your help and
15 all your comments.
16 You know, we -- for the suite number -- I
17 don't know if they put it on the place or they put it
18 on the paper. But you know the first of all that we
19 want to rent it is -- was the bottom part, because,
20 you know, for the children and all the people.
21 And now they never show us where they have
22 it -- you know, more and more space is available --
23 because I think they moved after we started on. And
24 then we don't want to make any mistakes. And I'm
25 really sorry, because we don't know until we found

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1 out.
2 But you know, they call us because I just
3 tried to submit everything and employ a general
4 contractor to come in and give us -- estimate it, how
5 much it costs to put everything in place, and we just
6 take to the papers, take the whole thing. But it's
7 too expensive for us -- you know, for our budget --
8 to repair and put there, you know, suite 1600.
9 And then it was after that, I called them --
10 you know, we don't have the time and the money to put
11 there, you know, the required or the, you know, new
12 codes. And they said, Well, we just got this space
13 on top that we can -- I mean, you can use it, and now
14 he's coming to see.
15 And you know, it's open, it's what we
16 needed. It's not comfortable, because it's the
17 second floor. It's almost on the top to the other.
18 But it's -- you know, it's on the -- in the front
19 side, and it's what's -- we said, Well, let's start
20 it over, you know, do it again. And it's what's --
21 we are here, you know.
22 We just tried to work with them and then
23 tried to rent the place. It's what's -- you know,
24 I'm -- I was thinking he has put the number; that way
25 you can see it, and you know, it's more visible, and

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1 you can -- I mean we -- we're not doing anything
2 until you approve it and you say okay.
3 Thanks, ma'am.
4 And he (indicating person standing behind
5 him) is just -- Omar is what's -- I just want to
6 explain to you -- you know, we -- we are a church,
7 and we started with the people, you know, come for
8 different backgrounds.
9 But the more important thing is, you know,
10 people change, and it was -- we did it. We don't
11 want to do it -- what's before -- you know what we
12 just want to escape. But when we see the changes and
13 miracles, you know, the people is what's -- so we
14 stay in there.
15 You know, it's not easy. He (indicating
16 Omar) was doing tattoo. He is living a different
17 life to now. You can see now he is married, he has
18 got children. And he is what we're working for.
19 And other people -- they don't come in
20 today, but -- you know it's change them differently.
21 And, you know, I don't do it. It's God
22 with, you know, my wife. And we try to do a family.
23 And it's why we need it, you know. It's what we're
24 working for.
25 You know, we were living in Douglasville and

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1 driving every day, because we consider, you know,
2 people need help. And this is why we try to do it,
3 you know.
4 We spend time, money and all because
5 somebody needed it. And when you see the changes,
6 you know that's what matters.
7 You know, staying there, spending time --
8 you know, I just do construction -- or you know,
9 every day. But you know it's why we stay.
10 Sometimes my wife coming, almost every day,
11 and coming to my house, you know, sometimes over to
12 12:00 PM. But you know, the changes -- when you see
13 the people changes, it's what makes more important --
14 you know, changes for the better is what's the more
15 important.
16 Thanks.
17 MAYOR PITTMAN: Thank you so much.
18 Does anyone up here have questions for the
19 applicant?
20 COUNCIL MEMBER FLEMING: No, thank you.
21 (No further response.)
22 MAYOR PITTMAN: Okay. Thank you, gentlemen.
23 At this time we are going to open the public
24 hearing portion. Again, you have 10 minutes. If you
25 speak for the whole 10 minutes, no one else will get

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1 to speak.
2 I'm going to start out with those wishing to
3 speak against. Please come forward and state your
4 name for the court reporter.
5 Anyone wishing to speak against --?
6 MS. HA: Thank you for, you know
7 (indiscernible) again. And I would like
8 (indiscernible). I have a comment today.
9 And I would like an individual to help,
10 anyone trained for the -- you know, the sign
11 ordinance, (indiscernible) the ordinance for the sign
12 or something.
13 MAYOR PITTMAN: This is a public hearing
14 about the church.
15 MS. HA: Yeah. Yeah. But then, you know, I
16 -- you know, I heard the sign, and you come, and you
17 know, we have the person or something, and I -- I --
18 I don't -- I don't know what -- you know, what to
19 talk about that.
20 But then anyone I would like -- you have it
21 today, and I come, and I would like -- and anyone --
22 you -- you -- not for hearing today, but then in the
23 future you open for the sign or (indiscernible)
24 because then that make for me important economy.
25 I would -- I have to -- want answer for that

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1 one.
2 MAYOR PITTMAN: Okay.
3 MS. HA: That be all, yeah.
4 MAYOR PITTMAN: Thank you very much.
5 MS. HA: Thank you, yeah.
6 MAYOR PITTMAN: Anyone else wanting to speak
7 against, please come forward.
8 (No response.)
9 MAYOR PITTMAN: Okay. Anyone speaking for,
10 please come forward.
11 MS. PEREZ: Ammi Perez.
12 About the paperwork -- we have finished
13 that. I don't know if the lawyer has sent it to you
14 guys, but if you guys would like that, just let me
15 know, and I'll talk to the lawyer to send it to you
16 guys as soon as possible.
17 MAYOR PITTMAN: Okay. Thank you.
18 Okay. If no one at else wishes to speak,
19 we're going to close the public hearing portion.
20 Mr. Hart, did you want to speak?
21 MR. HART: I went over and looked at the
22 building, and I was confused about the address, as
23 well.
24 I mean there's adequate parking. It's a
25 nice building. It could be kept up a little better.

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1 But it's a nice little office park in the
2 neighborhood, and it -- anything that happens here is
3 going to impact the neighborhood, because it's
4 nestled right inside the neighborhood.
5 And it was I guess originally supposed to be
6 an O&I area to serve that neighborhood, but somehow
7 it got M-1 and C-2 and all kinds of stuff mixed in
8 there.
9 So I don't have a specific problem about the
10 church.
11 I'm a little concerned about the
12 organization as far as whether it's a nonprofit or
13 not, and if it's recognized by the State of Georgia,
14 etc. And it could be operated in a little more
15 business-like manner.
16 I'm concerned about -- that they would have
17 things outside -- I know that was brought up in the
18 Planning Commission meeting -- such as setting up
19 tents and that sort of thing, and music and stuff
20 outside.
21 We've had other problems there, where they
22 were cooking outside -- not this group -- but those
23 fellows were using these travel containers to use it
24 as outside kitchens and have like a food bank there.
25 So we're concerned about that too, because that's

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1 been a problem with some of the churches in the
2 neighborhood -- they turned it into a local food
3 bank, and we had a lot of foot traffic and that sort
4 of thing coming off the MARTA station.
5 So I want to look at that but don't have
6 anything against the church -- or whatever they're
7 doing there -- but a little concerned about the
8 organization, that they be kept inside and that it
9 doesn't turn into a food bank or something like that.
10 We've already got that problem.
11 Thank you.
12 MAYOR PITTMAN: Okay. And for the record --
13 that was Thomas Hart, Gordon Heights.
14 MR. COVARRUBIAS: Good afternoon. My name
15 is Israel Covarrubias. And I just want to talk about
16 -- in favor of the church.
17 I've known Luis Perez for a long time -- at
18 least for 18 years; I grew up next to him. He's been
19 a mentor to me and for some other people.
20 And just to know that we're having a church
21 in the community and see the change that it's
22 bringing into different peoples' lives...
23 Actually my sister is the pastor's wife.
24 And I see the work that she has done with so many
25 different people and so many different girls. She

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1 mainly works with girls who used to work as strippers
2 or as prostitutes, you know, and I have seen the
3 change in their lives, how they've become social
4 workers and home-stay moms, which is a big
5 difference.
6 And now I just see the difference that
7 everybody is making in the community around
8 Doraville. It will benefit more than just one
9 people.
10 So for the record, I just wanted to say
11 that.
12 MAYOR PITTMAN: Okay. Thank you so much.
13 Anyone else wishing to speak for?
14 (No response.)
15 MAYOR PITTMAN: Okay. At this time we're
16 going to close the public hearing portion.
17 Mr. Cooley, did you have anything you wanted
18 to add?
19 DIRECTOR COOLEY: Yes. I just wanted to let
20 you know, we can -- I can get the advertisement in by
21 Wednesday, which will be sufficient to have a public
22 hearing on the removal of the conditional use permit
23 on the second meeting in September, which would be
24 the 16th. That will work.
25 MAYOR PITTMAN: Okay. Anything additional

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1 from up here?
2 COUNCIL MEMBER PATRICK: Just one question.
3 Are they currently operating in 116?
4 DIRECTOR COOLEY: No, sir.
5 COUNCIL MEMBER PATRICK: They're not.
6 DIRECTOR COOLEY: They're not. There was
7 actually a stop order -- work order placed on it, and
8 there's been nothing done since.
9 COUNCIL MEMBER PATRICK: Okay.
10 MAYOR PITTMAN: Okay. Does someone want to
11 make a motion?
12 COUNCIL MEMBER PACHUTA: I want to make a
13 motion to move the conditional use permit to a date
14 certain of -- I'm sorry -- September --?
15 DIRECTOR COOLEY: 16th.
16 COUNCIL MEMBER PACHUTA: September 16th.
17 COUNCIL MEMBER FLEMING: Are we going to do
18 it at 6:00 PM?
19 COUNCIL MEMBER PACHUTA: Sure.
20 COUNCIL MEMBER FLEMING: Because that's the
21 second meeting of the month.
22 COUNCIL MEMBER PACHUTA: Oh, okay. At 6:00
23 PM.
24 MAYOR PITTMAN: Okay.
25 COUNCIL MEMBER ALEXANDER: And we would like

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1 a copy of the lease and the floor plan.
2 MAYOR PITTMAN: Okay. Do I get a second?
3 COUNCIL MEMBER PATRICK: Second.
4 MAYOR PITTMAN: Discussion?
5 COUNCIL MEMBER DEAN: I don't think -- not
6 that it's that important -- but I can't make a
7 meeting at 6:00 because I'm downtown.
8 MAYOR PITTMAN: Okay.
9 COUNCIL MEMBER PACHUTA: Yeah, my odds are
10 slim too, so can we say 6:30 and have the work
11 session at 7:00?
12 MAYOR PITTMAN: 6:30 is good.
13 Okay. Call the roll please.
14 CLERK BRYANT: (Complying, polls Council
15 Members, all of whom vote "yes.")
16 MAYOR PITTMAN: Okay. Thank you, Mr.
17 Cooley.
18 (Addressing Mr. Perez:) Thank you -- and
19 he'll give you the date.
20 And we are going to take a five-minute
21 break.
22 (Break from 7:33 PM to 7:43 PM.)
23 MAYOR PITTMAN: The meeting come back to
24 order.
25 I believe the next items we had moved up

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1 under public hearings were Ms. Fleming and Ms. Dean's
2 item. Let's see -- I believe, Ms. Fleming, yours was
3 up first.
4 COUNCIL MEMBER FLEMING: Yes. And in
5 speaking to Dr. Gillen -- I mean, he's got some
6 suggestions or comments.
7 MAYOR PITTMAN: Okay.
8 CITY MANAGER GILLEN: Yes. Thank you,
9 Mayor, and Council Members.
10 I've been talking with Council Member
11 Fleming about getting some clarification on the issue
12 at hand. It is residential usage of pop-up tents.
13 For instance, it's like where someone has a yard sale
14 or something, and it's just a temporary use of that
15 sort of thing.
16 And she requested me to take -- let's sit
17 down with Cecil, see what legal changes would have to
18 happen in the Code of Ordinances or anything else
19 that would have to do -- does it have to go to a
20 Planning Commission meeting, or not? Or can it come
21 back to you?
22 We will know that in the next couple of
23 weeks and either bring it back at the next work
24 session or get it going into the Planning Commission
25 process, if it is needed.

1 So making -- and it just, on the residential
2 portion, makes it a lot easier than if we were diving
3 into a commercial usage. So --
4 COUNCIL MEMBER FLEMING: No, sir. Never
5 intended it for commercial. I want it to be allowed
6 on our City property, such as in our parks, because
7 they're widely used there for picnics, as well as
8 different kinds of events.
9 COUNCIL MEMBER PACHUTA: Were you going to
10 check -- is it truly not allowed? Or -- because I
11 know like Trudy had read the definition of "accessory
12 structures," and you didn't think it seemed to fit
13 but that maybe there was somewhere else in the
14 code --?
15 CITY ATTORNEY MCLENDON: Not going to be --
16 fit under the "structures," but I think there is some
17 reference to not using tents.
18 And what we probably need to do is come
19 through and -- and let me throw out a big picture of
20 what I would try to put in there for you -- and tell
21 me if I'm in the right area.
22 What I'm hearing is we want to allow people
23 to use tents in their yard for limited periods of
24 time -- maybe not remaining overnight, or something
25 like that. Is that --

1 wanted to put it up in my yard and have a party, I
2 might be able to put it up the night before, but it,
3 but it's got to be gone --
4 COUNCIL MEMBER FLEMING: Well, I had -- you
5 know, I put up here -- and I don't know how Council
6 would want this, but -- no greater than three days,
7 because when you have a yard sale, you're doing it
8 for Friday, Saturday, Sunday; okay? -- that type of
9 thing.
10 So that's why I set a three-day limit. I
11 wanted to capture the yard sales, capture the church
12 weekend events that they sometimes have -- because
13 that would be for nonprofits as well -- but that they
14 should be permitted.
15 As I was telling Dr. Gillen, I feel that
16 they should be, indeed, permitted so that the City
17 knows that, yes, they've come in and said, yes, we're
18 going to have a pop-up tent on our property for no
19 greater than three days.
20 So that's where I'm coming from. I don't --
21 the Council can interject.
22 CITY ATTORNEY MCLENDON: Permitting?
23 COUNCIL MEMBER PACHUTA: I don't care for
24 permitting.
25 But I mean, I'm fine, you know, with someone

1 COUNCIL MEMBER FLEMING: I would prefer
2 using the term -- as I discussed it with the Mayor,
3 and she pointed out -- that it's truly a canopy.
4 CITY ATTORNEY MCLENDON: Right.
5 COUNCIL MEMBER FLEMING: It's not a tent.
6 CITY ATTORNEY MCLENDON: Okay.
7 COUNCIL MEMBER FLEMING: It's not a tent as
8 we would envision --
9 CITY ATTORNEY MCLENDON: No sides.
10 COUNCIL MEMBER FLEMING: It's not an
11 enclosed structure.
12 CITY ATTORNEY MCLENDON: Okay.
13 COUNCIL MEMBER FLEMING: It's a canopy for
14 protection from weather, you know, from whatever.
15 So -- but it should be, you know, a pop-up
16 type.
17 MAYOR PITTMAN: We just want to make sure
18 they don't pop up for people to park their cars
19 under, and stuff like that.
20 COUNCIL MEMBER FLEMING: Correct.
21 CITY ATTORNEY MCLENDON: And that's what I
22 was thinking. If we limited it to, you know, that
23 you can use it for a day, but it shall not, you know,
24 remain for more than two days -- or something like
25 that -- we could narrowly define -- you know, if I

1 leaving it up for three days. And you know, Code
2 Enforcement sees someone has one up for two weeks --
3 that's a problem.
4 I mean, I don't want to make the process too
5 cumbersome.
6 COUNCIL MEMBER FLEMING: Well, I don't want
7 -- the only reason why I said "permitting" was so
8 that Code Enforcement wouldn't go out there and say:
9 Take that down.
10 So it's up to you guys, whatever --
11 CITY ATTORNEY MCLENDON: Let me put some
12 language together that will basically say: "These
13 uses" -- and we won't say "tents," but we'll say, you
14 know -- "canopies with no sides shall be allowed for
15 a period of not more than three consecutive days."
16 What if they take it down one, and put it
17 back up the next, for three more days? Do we need
18 some limitations like that?
19 MAYOR PITTMAN: I just don't want to make it
20 overly complicated.
21 COUNCIL MEMBER FLEMING: Yeah. I don't --
22 CITY ATTORNEY MCLENDON: Let me work on it
23 and put something that would allow somebody to use
24 it, and not put a permitting process in it at this
25 time.

1 COUNCIL MEMBER FLEMING: That's fine.
 2 CITY ATTORNEY MCLENDON: Okay.
 3 COUNCIL MEMBER FLEMING: But the word "tent"
 4 used in zoning for any of the uses is -- for instance
 5 -- and I'll just pick out a use; okay? -- car sales;
 6 okay? Tents are prohibited -- and it's in
 7 parentheses. So there are specific uses that are not
 8 allowing tents. It's not a generic all-the-way,
 9 across-the-board in commercial.
 10 But this is just designed for residential
 11 and nonprofit -- you know, churches, worship centers.
 12 CITY ATTORNEY MCLENDON: I'll bring you
 13 suggested language.
 14 MAYOR PITTMAN: Okay.
 15 CITY MANAGER GILLEN: Okay. Good. We have
 16 clear direction. Thank you very much.
 17 MAYOR PITTMAN: Okay. And the next item, I
 18 believe, is Ms. Dean's.
 19 COUNCIL MEMBER DEAN: Yes, the text
 20 amendment, ' 23-702. It is the paragraph -- it's
 21 section (1):
 22 (As read:) "The front yard requirements of
 23 this chapter shall not apply on any lot where the
 24 average depth of the front yards of existing
 25 buildings on adjoining lots located wholly or in part

1 within 200 feet on each side of such lot within the
 2 same block and zoning district and fronting on the
 3 same side of the street is either greater or less
 4 than the minimum required front yard depth.
 5 "If the average depth of the front yard is
 6 less than the required minimum front yard depth, the
 7 depth of the front yard of such lot may be less than
 8 the average of the front yard of the aforementioned
 9 buildings."
 10 This has caused some confusion in a couple
 11 of matters that have come before us, because it
 12 contradicts something -- yes, it contradicts what was
 13 put in the code in 2009. And so this needs to be
 14 addressed, so that this confusion....
 15 I mean even people who have come requesting
 16 some sort of zoning or variance have said, "This is
 17 really confusing. But this says this. Although this
 18 says this, this part of the code says this. And so
 19 we are going to go with this one because it benefits
 20 us better than the other."
 21 And so we need to take that out I think.
 22 CITY MANAGER GILLEN: I don't disagree with
 23 the notion that this is not working, the way it's
 24 written right now.
 25 We've been over this -- Cecil and Joe and I

1 -- ad nauseam, and it just gives me a headache trying
 2 to get your head around all the different
 3 contradictions there are towards this.
 4 And if I understand your proposal, it was to
 5 remove the averaging of setback requirements.
 6 COUNCIL MEMBER DEAN: Um-hmm.
 7 CITY MANAGER GILLEN: Now, if we did that,
 8 there are other considerations we need to make in the
 9 code, other changes that would need to happen.
 10 So if there needs to be a decision, it is --
 11 with the Council -- it is: If we go that direction,
 12 is that what you want to do? -- get rid of the
 13 averaging? And what does that do?
 14 Or is there a different way to do the
 15 averaging that would fix it? -- and I don't know;
 16 there are options out there that other cities do, and
 17 we can do some -- we've been doing some research.
 18 We've been looking at the zoning code as a
 19 whole and trying to identify areas like this. And
 20 this is just one of the prime areas that we see,
 21 where there are these distinct contradictions to the
 22 code, and it makes it very difficult to enforce and
 23 very difficult to do any follow-through and get the
 24 outcomes you wish.
 25 And Joe has put together a packet of

1 materials for you -- and I'm going to have him walk
 2 through those -- which kind of gives the broader
 3 scope of the issue as a whole, and -- because we can
 4 very well remove that portion the code. If we did
 5 that, we would make some recommendations on other
 6 pieces that would need to be changed as well --
 7 because that would just -- it would create some other
 8 contradictions in the code -- and just clean it up as
 9 a whole.
 10 And we need to get our head around what
 11 exactly is the outcome you're looking for. Is it to
 12 have the minimum distances from the street for
 13 setback requirements and those sorts of things? And
 14 what are the effects of that if we remove the
 15 averaging? So --
 16 COUNCIL MEMBER DEAN: Well, see -- well,
 17 this is -- and I have spoken to a couple of people
 18 about this, who work on this kind of thing a lot --
 19 Caleb being one of them -- and the thing is, if we
 20 want to move our development towards a more livable,
 21 walkable city, we want to bring everything closer to
 22 the street, not have these huge, you know, massive
 23 parking lots that are empty because there are a lot
 24 of businesses that don't have a lot of traffic -- a
 25 lot of them are wholesale businesses -- up Buford

1 Highway, so we have these huge, huge, huge parking
2 lots with nothing but asphalt, that are empty. And
3 it's just, aesthetically -- again, it's very ugly and
4 unattractive.

5 So we've had two people come in -- or at
6 least one, and I think it was two -- come in on this
7 very issue and say -- point to this directly -- and I
8 quoted one woman, Zickert, when she came in with the
9 McDonald's -- and she cited this very thing. She
10 said, "Oh, this is an issue, a contradiction in your
11 code. This is not a good thing. But for us, this is
12 what we're going to go with. So you should let us do
13 this because you can."

14 If we're going into the direction -- we're
15 going in the direction of moving development closer
16 to the street, then I think this averaging is not
17 really beneficial to us -- I mean unless we have
18 historic districts that we want to maintain that same
19 look, or whatever that is; then that would be an
20 exception.

21 But along Buford Highway, for example, we
22 don't -- I don't want to keep this look along Buford
23 Highway, because, again, it's very ugly, and it's not
24 really functional. And the longer we keep it this
25 way, then -- and the longer we allow developments to

1 CITY MANAGER GILLEN: That's all I would
2 like to see.

3 COUNCIL MEMBER DEAN: Okay.

4 DIRECTOR COOLEY: Yeah. Basically what --
5 all I did was go through and look at your proposal.

6 And first of all, I'd like to say, I
7 absolutely agree with you. That section is probably
8 one of the worst written, because it not only -- it
9 doesn't do what most places do with averaging. It
10 basically says, "If you do this, you don't have a
11 setback; you can do it anywhere you want to." And
12 that is bad. It needs to be changed. And you know,
13 whether you like averaging or not, that is bad.

14 So what I did is just went through, and
15 based upon what you are talking about -- it's like a
16 lot of things in our code, they are interrelated with
17 other sections. So whatever direction the Council
18 wants us to go with this, we need to modify other
19 sections so it's consistent and we get rid of these
20 inconsistencies and contradictions in it.

21 So what I did is I just took the rule that
22 you had, and some other ones -- the things that need
23 to be addressed in '23-402 -- definitions about
24 lots. We need to look at those and change those.

25 We need to look at '17.5 corner lots,

1 come in and put things wherever they want, we are not
2 going to clean up our main road.

3 And I think that our main road -- at least
4 my main road -- is Buford Highway, and it needs a lot
5 of work. And so addressing this thing initially --
6 now -- is pretty important for us.

7 CITY MANAGER GILLEN: I agree.

8 Do you mind if I have Joe kind of show you
9 what he's passed out to you?

10 COUNCIL MEMBER DEAN: Well, what -- and then
11 here I absolutely hate getting these things the day
12 of the meeting, because I have had no time to look at
13 this.

14 I'm not going to pretend to look through
15 this now. So before I can comment on this, I would
16 rather take it home, study it, look through it
17 thoroughly; and that's something that --

18 CITY MANAGER GILLEN: Well, that's exactly
19 what we want you to do.

20 COUNCIL MEMBER DEAN: Okay.

21 CITY MANAGER GILLEN: What I wanted Joe to
22 do is kind of show you what it is and kind of boil it
23 down so he can show you exactly what he has given
24 you.

25 COUNCIL MEMBER DEAN: Okay.

1 because it creates some issues when you are
2 potentially moving it up.

3 Right now the way we are set up is that a
4 front yard -- if you're on a corner, it's on both.

5 But -- and there's a little sketch there that I just
6 did -- you know, in theory, someone could move it up
7 to 5 feet and 5 feet off the corner, which is
8 contrary to another section that we've got that
9 doesn't allow you to put things in there that's over
10 30 inches.

11 So the point being is, what I wanted just to
12 give you -- this is nothing really to review; this is
13 just sections of code -- but to point out the
14 different things, that they are all interrelated.

15 And what we would like to do is, if you give
16 us direction -- say you're wanting to move it all the
17 way up front, or you want us to look at moving it up
18 front and having alternatives for averaging or
19 whatever -- you know, fine. Whichever way you want
20 to go, we'll do that.

21 But let us go back and go through all of it
22 and make sure we get rid of these inconsistencies and
23 contradictions in it, so we don't have to deal with
24 this stuff again.

25 COUNCIL MEMBER DEAN: Well, this is one. If

1 we could get rid of this now, or put a moratorium on
2 any new development coming in until this is changed,
3 then I would be okay with that -- because this has
4 happened now twice, I'm pretty sure, since I've been
5 here.

6 And once it's there, it's there, you know.
7 I mean that's -- you're not going to -- you can't
8 say, "Oh, well, yeah, we knew it was a bad idea, but
9 we're going to switch this around."

10 And I only say that because we've been
11 talking about architectural standards for a very long
12 time, and nothing -- and yet we're still talking
13 about it.

14 So I would like at least -- at the very
15 least -- this removed now, because this is doing
16 nothing beneficial to us now; right?

17 DIRECTOR COOLEY: That section?

18 COUNCIL MEMBER DEAN: This paragraph.

19 DIRECTOR COOLEY: It's -- like you said,
20 it's contradictory to a lot of things.

21 COUNCIL MEMBER DEAN: All right.

22 DIRECTOR COOLEY: I'm just not sure about
23 the moratorium, because then you're talking about a
24 moratorium on development within C-2.

25 COUNCIL MEMBER DEAN: Okay. Well, I would

1 be happy if we could remove this paragraph -- remove
2 this section -- from this code. And then we can work
3 on the other stuff. Because removing this, is this
4 going to cause any additional problem? -- this one
5 piece right here? Is this going to do anything?

6 DIRECTOR COOLEY: It does, because the other
7 codes need to be addressed at the same time.

8 COUNCIL MEMBER DEAN: Why?

9 DIRECTOR COOLEY: Because they're
10 interrelated, you know.

11 COUNCIL MEMBER DEAN: But this is kind of
12 hanging there, because we have -- also we have the
13 contradicting thing with the minimum and maximum that
14 was put in in 2009 -- and I'm not sure if that was
15 it, or not -- but this -- I mean if we take this out,
16 will we be unable to function? That's my question.

17 DIRECTOR COOLEY: We will not -- in my
18 opinion, we need to address them all together,
19 because they are so interrelated and because if you
20 take one out, you're affecting the others, and you
21 may be creating other contradictions.

22 It really needs to be --

23 COUNCIL MEMBER DEAN: Well, we have a
24 minimum and maximum now; right? -- in a different
25 part of the code? -- that was put in in 2009?

1 DIRECTOR COOLEY: Well -- and actually --
2 and that's wrong, because -- I mean it's not written
3 right -- because the terminology they used is wrong.
4 They didn't say minimum and maximum -- I forget --
5 whichever. They should have said one or the other;
6 but they said the wrong thing in the code.

7 See, it's all messed up. Even now with the
8 five- and 20-foot, the way it's in the code, it's not
9 right. It needs to be modified and done right, so
10 it's clear and there's no challenge to it.

11 COUNCIL MEMBER DEAN: Um-hmm. But if we did
12 this now, and then took the time to work on the rest
13 later, then it's still -- okay. If we do this
14 without addressing the other, then, you know, this --
15 it might still be messed up, but it's going from
16 "messed up" to "messed up," and I personally would
17 feel better.

18 DIRECTOR COOLEY: Well, we'll be glad to do
19 whatever Council directs us. That's not a problem.

20 CITY MANAGER GILLEN: Yes.

21 DIRECTOR COOLEY: The other portion of it
22 though -- just real quickly -- is -- just to give you
23 a feel for it, I went ahead and just printed out
24 Buford Highway -- and you start at the south end, and
25 you work your way up.

1 But also you'll see that circle on the very
2 first one there just to show you that's the distance.
3 The little red lines are 5 and 20 feet -- just to
4 give you a rough idea of proportionality of scale.

5 CITY MANAGER GILLEN: Thanks.

6 COUNCIL MEMBER BATES: So if I'm hearing you
7 correctly, addressing 702 requires addressing other
8 code sections to make sure that if we eliminate or
9 adjust 702, that it doesn't negatively impact or
10 conflict with, then, other code sections within the
11 code?

12 DIRECTOR COOLEY: That would be my
13 recommendation.

14 It's not real intense as far as time goes,
15 so I'm not -- you know, we can get it done.

16 COUNCIL MEMBER BATES: Okay. Is this
17 something that can be done and ready for the next
18 work session?

19 CITY MANAGER GILLEN: I think so.

20 CITY ATTORNEY MCLENDON: This is in the
21 zoning code, isn't it?

22 DIRECTOR COOLEY: That is correct. It's
23 going to have to go to the Planning Commission.

24 CITY ATTORNEY MCLENDON: So this is a zoning
25 -- it would have to go through the Zoning Procedures

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1 Act.
2 COUNCIL MEMBER BATES: So my preference --
3 and Councilwoman Dean, I don't want to derail what
4 you want to get accomplished, because I think there's
5 value in this.
6 If you recommend that 702 is written
7 incorrectly and that there are other sections that
8 are written poorly and need to be addressed, if we
9 are going to address one, and the time period is such
10 that we can address them all at once and get this
11 process moving, then let's clean-slate it and get the
12 conflicting code sections done now, so that we're not
13 having to have a mess be a mess that we fix at a
14 later mess.
15 CITY MANAGER GILLEN: Right.
16 Yeah, I think by doing that, Council Member
17 Dean, I think we can get it done as quickly as if we
18 just did it by itself.
19 COUNCIL MEMBER DEAN: Okay.
20 DIRECTOR COOLEY: Yeah.
21 CITY MANAGER GILLEN: And we would just
22 bring those along with it, and you would have a
23 chance to review all those changes. It would go
24 through the Planning Commission as well. And it
25 wouldn't slow that process down at all.

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1 COUNCIL MEMBER DEAN: Right.
2 CITY MANAGER GILLEN: But at least it would
3 get us, you know, one part of the code that we
4 recognize has been a problem, but we could fix the
5 whole thing, and then we've got a functional code
6 that's legally defensible.
7 COUNCIL MEMBER DEAN: Well, see, because
8 it's -- okay. It's contradicting now. Currently, as
9 it is, it's contradicting.
10 CITY MANAGER GILLEN: Oh, yes.
11 DIRECTOR COOLEY: Yes.
12 COUNCIL MEMBER DEAN: And so that's my
13 point. I mean if this one little sliver will take
14 out that contradiction, then that's what I'm saying.
15 At least we'll -- even if it's a baby step.
16 So we could like say, okay, we'll do what we
17 have to do to remove this now, while we are working
18 on the other stuff. Then at least it's taken -- even
19 if it's a baby step -- in the right direction.
20 DIRECTOR COOLEY: I really think I -- before
21 the next Planning Commission I can go through this,
22 sift through it, and make recommendations to the
23 Planning Commission on what needs to be changed --
24 strike language, add language and stuff like that --
25 so they can look at it at their September meeting and

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1 then bring it back to y'all.
2 And if you really want to get it -- I mean
3 -- I don't know what the 16th is like -- that's a
4 work session -- but you know, that's the earliest it
5 could come back to y'all. But that's up to y'all as
6 far as when you want to schedule it.
7 But I don't see any problem of getting all
8 that done at one shot and cleaning it up and then
9 being done with it.
10 COUNCIL MEMBER DEAN: Okay.
11 DIRECTOR COOLEY: It would be good.
12 COUNCIL MEMBER DEAN: All right.
13 CITY ATTORNEY MCLENDON: To the extent that
14 I might be helping in that, can I ask a couple of
15 questions just on that issue, to just make sure I'm
16 familiar with where everybody is on it?
17 So the one thing is that they had that
18 averaging code section.
19 COUNCIL MEMBER DEAN: Um-hmm.
20 CITY ATTORNEY MCLENDON: And what that's
21 intended to do is sort of -- if you've got three of
22 them in a row, and then the fourth one would be in a
23 different location, it says you can utilize that to
24 keep them in a row.
25 Is that something that we don't want? --

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1 because that would sort of be a first question: Get
2 rid of averaging? -- yes or no.
3 And if we do, that's fine.
4 I think the big -- the second set of
5 inconsistencies is -- if I'm correct -- is -- okay,
6 we're not going to average. The second set of
7 inconsistencies is, let's make sure we've got our
8 setbacks --
9 COUNCIL MEMBER DEAN: Right.
10 CITY ATTORNEY MCLENDON: -- and they're not
11 -- these were changed from being setbacks into
12 minimum -- well, the maximum distances was part of
13 our problem, you know. How do you want those to work
14 in this C-2 district? I mean, do you like the "Let's
15 pull everything up to the curb"?
16 You know, when you look at a giant shopping
17 center, that -- you know, you might end up with a
18 bunch of things right up at the curb, and you've
19 still got a big, giant parking lot between there and
20 the building. So --
21 COUNCIL MEMBER DEAN: But the aesthetics of
22 the place -- for example, the new development on
23 Dresden; right? I mean, is everyone familiar with
24 them? Well, they just have -- I mean, just --
25 Norcross; go up to Norcross, and you can see -- I

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1 mean, it doesn't take a lot to distinguish between
2 good development and bad, in terms of aesthetics.
3 And this -- I don't understand why we have
4 Buford Highway, and it has looked the way it has
5 looked for years -- and it's ugly -- and we keep
6 spinning our wheels.
7 We don't seem to be making any progress in
8 terms of developing in a positive way, and this is
9 why I'm saying "now" -- I would like to do this now
10 -- because we don't. We go in circles and we say,
11 "Well, we'll talk about this, we'll talk about this,
12 we'll talk about this." In the meantime, nothing
13 gets done.
14 CITY ATTORNEY MCLENDON: Right.
15 COUNCIL MEMBER DEAN: And that's my
16 frustration.
17 CITY ATTORNEY MCLENDON: And what I guess --
18 and I'm with you.
19 But you know, I'll throw one thing in, which
20 is just: One of the good things about a work session
21 is, before Joe goes off and tries to write, we can
22 get y'all to say, "This is what we're thinking."
23 COUNCIL MEMBER DEAN: Right.
24 CITY ATTORNEY MCLENDON: And you know -- so
25 the question I have is, do you like this averaging?

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1 Get rid of it.
2 With these setbacks, do you like the maximum
3 setback? Pull everything to the road? Do we need to
4 think about -- a distinction that comes to my mind
5 is, well, if I'm just throwing something on an
6 outparcel --
7 COUNCIL MEMBER DEAN: Right.
8 CITY ATTORNEY MCLENDON: -- do I pull that
9 all the way up, or do I only say this needs to be
10 done in conjunction with a full-site redevelopment?
11 Those are the kind of policy things that
12 have got to be --
13 COUNCIL MEMBER DEAN: Right.
14 CITY ATTORNEY MCLENDON: -- decided, because
15 those are big issues that these rules are all put in
16 place to achieve.
17 COUNCIL MEMBER DEAN: Well, and that's
18 also --
19 COUNCIL MEMBER PACHUTA: If --
20 COUNCIL MEMBER DEAN: Oh, I'm sorry -- go
21 ahead.
22 COUNCIL MEMBER PACHUTA: If -- okay. Let's
23 say we do say, "Get rid of averaging," you know,
24 "Everyone pull up to the street." But would there
25 still be the option of a variance procedure? -- so

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1 you know, someone putting in a new building is like:
2 "Okay. I'm putting in a new building, and you want
3 me right by the street. But the three already-built
4 buildings, you know, next to me are pulled back, and
5 I'd like to at least be somewhat pulled back."
6 Could that go -- would that be a
7 consideration if they applied for a variance -- to
8 say, "We don't want to be, you know, out of alignment
9 with these others" -- and we can decide that on an
10 aesthetics or --?
11 CITY ATTORNEY MCLENDON: Typically -- and,
12 Joe, you know the language better probably off the
13 top of your head than I do. Typically variances are
14 going to go out on hardship and sort of some --
15 "Something about my lot makes it not work."
16 For instance, if I had a setback that was 20
17 feet, but that pushed, you know, the buildable
18 envelope -- or 50 feet -- that pushed the buildable
19 envelope off the back of my parcel, I could come in
20 and say, "Guys, you can't make me set it back 50
21 feet, because now I can't build anything" -- good
22 variance.
23 I'm just thinking out loud to that question,
24 which is, I come in and say, you know, "I've got the
25 Krispy Kreme and these three buildings. And now I'm

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1 on this one, and y'all want me to pull it up to the
2 street, but I want to be in a row with them." I'm
3 not sure if that's ever really going to ring the
4 variance bell of "I have a hardship because of the
5 topography or the shape or something in my lot."
6 So if you were going to put a process in
7 like that, you probably wouldn't call it a
8 traditional variance. And I think --
9 COUNCIL MEMBER PACHUTA: But you could write
10 it in?
11 CITY ATTORNEY MCLENDON: And I think you --
12 you know, you could write anything in. But when you
13 start getting out into the wilderness of "Let me
14 write," that's when you've really got to slow down
15 and say, "Okay. If I push this here, what am I doing
16 over here that I need to make sure I'm not messing
17 up?"
18 COUNCIL MEMBER FLEMING: But the criteria
19 for deciding as to whether a variance is acceptable
20 are set in stone. It's not --
21 CITY ATTORNEY MCLENDON: Right.
22 COUNCIL MEMBER FLEMING: That's by the ZPA,
23 and we don't come up with another funky "Well, you
24 know" --
25 CITY ATTORNEY MCLENDON: Yeah.

1 COUNCIL MEMBER FLEMING: We're not allowed
2 to put another one there.
3 CITY ATTORNEY MCLENDON: That's why it
4 scares me a little bit to do that.
5 Now, what you could potentially do -- and
6 I'm thinking out loud, so don't hold me to this too
7 tightly -- but you know, what I think would not be
8 out of the question, if you decide to keep some
9 format of that averaging, would be to create some
10 criteria that said, "If you meet the averaging
11 criteria, then...." And then allow it to be a
12 little --
13 COUNCIL MEMBER PACHUTA: And I guess --
14 COUNCIL MEMBER PATRICK: Isn't there already
15 an averaging criterion?
16 CITY ATTORNEY MCLENDON: What's that?
17 COUNCIL MEMBER PATRICK: Isn't there already
18 an averaging criterion?
19 CITY ATTORNEY MCLENDON: There is.
20 COUNCIL MEMBER PATRICK: As in, "You have to
21 look at where it fits in"?
22 COUNCIL MEMBER PACHUTA: But that's what
23 Trudy wants to take out.
24 CITY ATTORNEY MCLENDON: The whole question
25 is, do we want to take that away totally?

1 wait. You can put together whatever it is you want
2 to put together for the hearing, so at least we have
3 the opportunity to discuss it, and we could talk in
4 depth on Wednesday, so we can at least have the
5 opportunity to figure out who we want to be and how
6 we want to get there.
7 DIRECTOR COOLEY: And if I may -- I agree
8 with you completely. Y'all come up with a vision,
9 you know, and then we'll figure out ways and give you
10 options of how to implement it.
11 COUNCIL MEMBER DEAN: Right.
12 DIRECTOR COOLEY: Love to.
13 COUNCIL MEMBER DEAN: Right.
14 DIRECTOR COOLEY: You know, I found it
15 interesting, one thing you said was about the
16 aesthetics. I look around all the time, and to me,
17 one of the great examples is The Avenues. There's
18 one in East Cobb and West Cobb now. And they've
19 developed it where there are some, out, and there are
20 some, around.
21 But you know what we don't have is we don't
22 have any landscape requirements in parking lots, and
23 that is -- to me is outrageous.
24 COUNCIL MEMBER DEAN: Yeah. No, we -- and
25 even -- to address that -- those huge, huge, huge

1 COUNCIL MEMBER PACHUTA: And the scenario --
2 let me give a scenario. So we have the new
3 McDonald's, we are having a new Krispy Kreme, and
4 Chick-fil-A is not that old. Say Wachovia gets --
5 the Wells Fargo gets sold, and someone comes in --
6 "Oh; well, now you have to be right up on the street,
7 and everything on the side." That doesn't
8 necessarily work either. So --
9 CITY ATTORNEY MCLENDON: That's what's going
10 to happen. That's the first question. Do you want
11 to get rid of the frontage averaging? -- first
12 question, because that's why you put it there.
13 COUNCIL MEMBER DEAN: Well -- but I think
14 the first question is really -- and this will be tied
15 in directly to Wednesday's meeting -- is what is our
16 vision for Doraville? I mean that -- let's define
17 that first.
18 Because right now we're like: "Oh, well, it
19 could be this, or it could..." -- we have no vision.
20 And so until we start answering questions like
21 this....
22 We need to define who we want to be and what
23 we want to look like. Otherwise, again, we're just
24 chasing our tails, you know.
25 So maybe this -- and I would be willing to

1 parking lots that are not used -- I mean if we had a
2 patch of trees in there, then --
3 DIRECTOR COOLEY: Yep. But it's aesthetics
4 -- just like you're saying. And there's -- pulling
5 everything up to the road is going to create almost a
6 wall sometimes.
7 It's more of a question of the aesthetics,
8 though, of a site. Because if you go by those
9 places, they look absolutely wonderful. There's a
10 lot of pedestrian elements to it in their parking and
11 in their crosswalks and stuff. And it's -- they are
12 great places, and they get a lot of business.
13 But yeah, I think you hit it on the head
14 with the aesthetics. It's not just -- it's a
15 combination of factors, not just the distance.
16 MAYOR PITTMAN: I think she has a question.
17 (Addressing Council Member Dean:) But I
18 think you're comfortable with them just putting it
19 together?
20 COUNCIL MEMBER DEAN: Um-hmm.
21 MAYOR PITTMAN: And then after we discuss it
22 Wednesday, maybe that will give us some more insight?
23 COUNCIL MEMBER DEAN: Um-hmm, yeah.
24 MAYOR PITTMAN: But we've got to move on;
25 we've got a bunch of items still ahead.

1 CITY MANAGER GILLEN: This is a first step
2 in a process, so --

3 MAYOR PITTMAN: Yes.

4 COUNCIL MEMBER PACHUTA: And Cecil, I know
5 you've worked with some of the other cities that have
6 probably had the same thing -- especially Roswell
7 Road in Sandy Springs -- where there was a lot of
8 older businesses, you know, that are getting
9 redeveloped.

10 So if you could also kind of give us an idea
11 of what some of the other cities have done on these
12 older, you know, big, huge commercial strips, that
13 would be helpful.

14 COUNCIL MEMBER PATRICK: If it's possible
15 too, make a distinction between infield development
16 and wholesale, recombining parcels, and then bringing
17 it up to the front, because if you drive down Buford
18 highway towards Suwanee, there's I guess an Advance
19 Auto Parts, and it's 5 feet -- it looks like it's 5
20 feet from Buford Highway. It's out-of-place. It's a
21 huge brick wall that is out-of-place.

22 CITY ATTORNEY MCLENDON: And to give you an
23 example of the -- years ago I came across a piece of
24 property in Atlanta -- I'll not say where -- where it
25 had this provision that said, "You will bring this

1 MAYOR PITTMAN: All right. Dr. Gillen, I'm
2 just going to leave the rest with you, because
3 everything else is your items.

4 CITY MANAGER GILLEN: Okay. Well, thank you
5 -- yeah.

6 And I think you're kind of getting the
7 rhythm of how these work sessions can work and that
8 we can really get into in-depth policy decisions and
9 not rush into any of these decisions.

10 The next item is architectural standards.
11 And since the day I interviewed, architectural
12 standards has been ringing in my ears.

13 I know they've been -- you've had them in
14 your possession -- the proposed architectural
15 standards -- for some time. They've been on the
16 website for public comment for quite a while and in
17 discussions with Joe and I when talking about things
18 such as aesthetics and having more control over some
19 of those items. And we think it's time to start
20 moving that discussion forward.

21 So we're not here really to discuss
22 architectural standards tonight but to say to you:
23 What time in the future -- which month -- would you
24 like to have this on a work session agenda so we can
25 start digging into it?

1 within 5 feet of the curb."

2 But what they ended up doing was they bought
3 this giant piece of property, and they really wanted
4 to have a traditional shopping center, so they built
5 their traditional shopping center with their gigantic
6 parking lot, and then they just ringed it with a
7 bunch of buildings around the street that have never
8 been successful.

9 So when you get to the -- you know, if
10 you're going to redevelop the parcel, then you really
11 go and say, "We want interconnectivity; we want, you
12 know, these other aspects." You know, it's just part
13 of the conversation. You know, the devil is in the
14 details.

15 But, you know, that's another good point to
16 make, which is: Sometimes just saying "Pull every-
17 thing up to the street," you might end up with a
18 Walmart surrounded by a bunch of two-level, single
19 units nobody will rent.

20 COUNCIL MEMBER DEAN: Yeah. Right, right.
21 No, I'm definitely open for more discussion.

22 CITY ATTORNEY MCLENDON: Yeah, it's a policy
23 there.

24 MAYOR PITTMAN: Okay. Good. Anything else?
25 (No response.)

1 COUNCIL MEMBER BATES: Wednesday; right?

2 CITY MANAGER GILLEN: Wednesday (laughing).
3 Well, it's -- we're thinking September? October?
4 November? A September work session would be
5 appropriate, if you want.

6 We can get you new, fresh copies of the
7 architectural standards and just have that as one of
8 the few -- we're going to have much fewer items on
9 the next work session, as we dig into it. So --

10 COUNCIL MEMBER FLEMING: Architectural
11 standards to me is our number-one priority, because
12 if we don't have the standards, we cannot dictate
13 anything else in this city.

14 I mean that, you know, our vision should
15 rely on what our architectural standards are going to
16 look like. And if we can't put our architectural
17 standards online for our business community to
18 understand -- and as I understand it, the SmartCode
19 -- they work hand-in-hand -- the SmartCode, as well
20 as architectural standards.

21 So that's my number-one priority.

22 MAYOR PITTMAN: Ms. Alexander?

23 COUNCIL MEMBER ALEXANDER: Thank you, Mayor.

24 I had comments on the previous item. I just
25 -- I just gave up -- about Buford Highway.

1 The whole thing with the architectural
2 standards -- I guess we got a bunch of text, and then
3 we got this workbook -- or whatever it was called --
4 and I wasn't exactly sure -- we were given two
5 documents.

6 I guess when we first started talking about
7 architectural standards, I had met with a bunch of
8 citizens, and we had reviewed over half a dozen sets
9 of architectural standards from various cities all
10 over the United States. And I wanted a picture book.

11 I think we need to be more progressive. And
12 I have -- no offense to the attorneys in the room --
13 all this legalese, and I have to look up what this
14 architectural top of a column means.

15 And one of the best ones was probably out
16 from Washington State, the Seattle area, where it
17 just had: This picture is acceptable; this picture
18 had a big, red mark across it -- this is not
19 acceptable. It was as dumbed-down or as simple as it
20 could be for people to understand. I think that is
21 extremely important.

22 That's why I was like: Why do I have a text
23 document in front of me and then this handbook? So
24 everybody that wants to review our architectural
25 standards has got to get two documents? What is

1 this?

2 I think we need, you know, to keep it
3 simple. Simple is good. And that was one of the
4 things that I had hoped for us to work toward and to
5 see, is to get away from all the legalese and just
6 basically have: This is acceptable; this is what we
7 expect; these are examples of materials that we would
8 like for you to incorporate in your buildings.

9 And that's one of the things. And I didn't
10 feel like -- that we were going down that road. Here
11 again I had however many pages I had to read, and I
12 had to highlight the words that I had to look up to
13 see what they meant -- or ask an engineer.

14 So that was one of the things that I had
15 hoped for us, is to be more progressive in our attack
16 on architectural design standards.

17 CITY MANAGER GILLEN: Well, if I'm hearing
18 you correctly, we'll make that item number one on the
19 work session in September, and that will get it
20 moving.

21 COUNCIL MEMBER BATES: We can have this
22 exact same conversation regarding imagery when we get
23 to the sign code.

24 COUNCIL MEMBER ALEXANDER: Yes, absolutely.

25 COUNCIL MEMBER BATES: Because that is --

1 just take everything that Ms. Alexander just said --

2 COUNCIL MEMBER ALEXANDER: And it goes for
3 the sign code also.

4 COUNCIL MEMBER BATES: -- and change
5 "Architectural Standards" to "Sign Code" and -- done.

6 COUNCIL MEMBER PATRICK: Respectfully, I --
7 everyone has an opinion about lawyers -- and I
8 probably have the same one -- sorry, Cecil -- but
9 unless things change in America, everything is done
10 by lawyers and in some kind of written guidelines
11 that we do need to have.

12 How I look at a picture, and what I take
13 from it and build -- want to build something off of,
14 can be totally different than all six of my
15 colleagues up here. And unfortunately we do need the
16 written word to fall back on for interpretation.

17 And that's why we have a review process, if
18 an architectural review board is put together. If
19 the applicant doesn't agree with this in what's put
20 forward, they can appeal back to Council or DeKalb
21 Superior or whatever. But there is value in having a
22 written statement.

23 COUNCIL MEMBER ALEXANDER: But if I have a
24 text that says "You must use columns with a
25 balustrade or a Corinthian cap," show me a picture of

1 that; don't put it in words for me, because I mean
2 that's useless to me.

3 That's my point.

4 COUNCIL MEMBER PATRICK: Yeah, I understand
5 your point. But we've got to have the backup.

6 COUNCIL MEMBER BATES: And what I heard from
7 Ms. Alexander is you've got to have text, but don't
8 have -- I mean the first set of architectural
9 standards we got was 68 pages long with absolutely no
10 images.

11 So we can have the text that talks about
12 what the architectural standards are, but have some
13 visual representation in it to make sure that people
14 understand and that there is evidence of what it
15 needs to look like and be.

16 You know, if we want to talk about what a
17 Super Brick is, let's have a picture of a Super
18 Brick.

19 COUNCIL MEMBER PATRICK: Sure, sure.

20 COUNCIL MEMBER BATES: So I'm not
21 disagreeing that we need to have the text. You've
22 got to have the text. But it shouldn't be 100
23 percent text.

24 COUNCIL MEMBER PATRICK: I thought we had
25 two documents, but -- that's all I wanted to say.

1 COUNCIL MEMBER DEAN: The architectural
 2 review board or some sort of committee in this City
 3 -- I think that would be an excellent idea, because
 4 we don't have anyone right now who is an architect or
 5 who is able to say, "Well, for our city, for
 6 Doraville, this would work specifically well if we go
 7 here," or "This would work well specifically here."
 8 And so I am very, very, very interested in
 9 implementing or putting together a committee with
 10 people in our city who know what they are talking
 11 about, and to kind of help us along with this
 12 process, because it is very complex, and this is a
 13 very -- this is a huge item.
 14 And so, Cecil, what would we have to do to
 15 get that going? -- if my seatmates feel so compelled.
 16 CITY ATTORNEY MCLENDON: I mean if -- you're
 17 talking about basically an architectural review?
 18 COUNCIL MEMBER DEAN: Um-hmm.
 19 CITY ATTORNEY MCLENDON: Yeah. What it
 20 would be is you would just -- you can create a board.
 21 Basically you have that authority under your charter.
 22 Typically what you do is create a board.
 23 You create an ordinance that states: Here's the
 24 scope of what their review is and how they approach
 25 items and what input they give on items.

1 they will actually -- I've seen architectural design
 2 standards boards where they'll actually have input on
 3 pretty much building permits that are issued.
 4 But that's a process, and it's its own
 5 process, and that deserves its own conversation,
 6 because you put in more -- it's another review, and
 7 you know, it's another step.
 8 COUNCIL MEMBER DEAN: Right.
 9 COUNCIL MEMBER PACHUTA: And I don't think
 10 we're -- personally I don't think we're at that point
 11 yet. I mean I think we'd need to get architectural
 12 standards in place.
 13 If at some future point we feel like we need
 14 to add an architectural review board, the lawyer in
 15 me would not want pictures and graphs within the code
 16 itself -- versus referring to another document.
 17 To me -- out of your list that you have on
 18 here -- I mean the most important things are
 19 architectural standards, the retirement plan, and
 20 coming up with a capital improvement priority plan.
 21 To me that's, in my opinion, the most important
 22 things we have.
 23 CITY MANAGER GILLEN: Okay. Thank you.
 24 All right. Well, we have clear direction.
 25 So that will be on your work session in September,

1 Typically in a lot of places I've seen it as
 2 part of the permitting process, especially if you
 3 might be in an overlay district, that you have to go
 4 through the architectural review board.
 5 Some of the issues you get into are: What
 6 real authority will they carry? -- because you know,
 7 there's a balancing between "You have the right to
 8 build" and, you know, "I'm going to go and say you
 9 have to have blue awnings that are this; or this,
 10 this and this."
 11 But it is done regularly, and if that is
 12 something everybody wanted, we'd charter a board,
 13 create some bylaws, decide how we'd put people on it,
 14 and we'd create an ordinance and tell them to do
 15 this. And it would be in conjunction with zonings
 16 and most likely building permits.
 17 COUNCIL MEMBER DEAN: And if we did that in
 18 the same way, for example, as the Planning Commis-
 19 sion --? You know, I mean just to make recommenda-
 20 tions to the Council --?
 21 CITY ATTORNEY MCLENDON: But a lot of times
 22 a building permit will not necessarily come to the
 23 Council.
 24 COUNCIL MEMBER DEAN: Right.
 25 CITY ATTORNEY MCLENDON: And a lot of times

1 and we'll dig into that one.
 2 The next one -- just very quickly -- the
 3 arts and cultural commission.
 4 Council Member Bates brought me the concept
 5 of some sort of arts and cultural advisory board or
 6 commission that would help advise on art in the
 7 public sphere.
 8 And I had mentioned to him that we had done
 9 this very thing in Grand Rapids, Minnesota. It's
 10 just a board of people who are interested in the
 11 arts, and they would advise the Council on
 12 opportunities for grants and advise them on
 13 appropriate public art that might go in the parks or
 14 any public right-of-ways, things like that.
 15 So what I'm thinking tonight: Is that
 16 something you're interested in?
 17 We have a draft ordinance that we can just,
 18 you know, take from the Grand Rapids ordinance and
 19 tweak it to fit Georgia, put it on a future work
 20 session -- not necessarily the September one -- but
 21 for your consideration, or just get it to you for
 22 review.
 23 This is something that's, you know, 60 days
 24 out before we'd have a chance to really dig into it,
 25 because we've got some other issues at the next work

1 session.
2 Sound good?
3 MAYOR PITTMAN: Um-hmm.
4 CITY MANAGER GILLEN: Okay. I will -- we
5 will do just that.
6 And moving forward -- the next one is our
7 capital improvement plan.
8 What we've given you is an enormous amount
9 of information on capital improvement projects. This
10 is not a capital improvement plan. This is an
11 inventory. There's no way we can afford to do all of
12 that -- and that's typical; that's the first step in
13 the process -- inventory your capital needs.
14 The next step of the process is to
15 prioritize those into some sort of objective
16 prioritization format, and that's something we can do
17 at a future work session.
18 And then next it would be appropriate to --
19 maybe we can do some pre-work, you know, and say,
20 "Hey, would you please rank these in order of
21 importance to you, you know, considering these
22 criteria" -- that sort of thing.
23 The next step in that is to set out a five-
24 year capital improvement plan, to where we actually
25 lay out: "These are the projects we are going to do

1 staff.
2 So it's all kind of coalescing very well
3 right now.
4 So that's what you have in front of you
5 tonight. No action necessary. We're going to have
6 lots of time to talk about it.
7 COUNCIL MEMBER ALEXANDER: I guess my
8 question is, all of the storm water projects should
9 come out of the storm water funding?
10 CITY MANAGER GILLEN: That is correct.
11 COUNCIL MEMBER ALEXANDER: Okay. So they
12 would not be...
13 CITY MANAGER GILLEN: What you've got in
14 front of you is an inventory of all the projects that
15 we need to do. We haven't sat down and gone through:
16 Here's where the funding source for this project will
17 be.
18 But, yes, you are correct, the storm water
19 ones would use storm water money to do those.
20 And in our plan, in year one, we're going to
21 do this storm water project, and this storm water
22 project is going to be funded with the storm water
23 revenue. We're going to do a curb on this street;
24 that's going to be funded with this revenue source.
25 And that sort of thing.

1 in year one, year two, year three, year four, and
2 year five. Here's the funding sources we're going to
3 use; we've identified these types of funding
4 sources." Now, that is dynamic; those funding
5 sources are constantly going to change, so things are
6 going to be moved up the list, or to year one from
7 year five, or vice versa. And so it's an ongoing
8 process. So that's the final step, where we actually
9 have a capital improvement plan.
10 And we think we can get there in the next
11 several months. The first step is to prioritize that
12 long, lengthy list of projects that's you've got in
13 front of you.
14 So tonight, here's the information. Go
15 home, study it, talk to your constituents about it.
16 Throw more suggestions at us, and we'll get it into
17 the inventory of capital needs.
18 And then we can start coming up with a
19 capital plan, so as funding becomes available, we've
20 got a good idea of where you want to go with that
21 sort of funding.
22 In Wednesday night's visioning session we're
23 going to create that vision and mission for the
24 community, and then we'll have a better idea of where
25 you want to push dollars and resources towards, as

1 So you are correct.
2 COUNCIL MEMBER FLEMING: I have a question.
3 CITY MANAGER GILLEN: All right.
4 COUNCIL MEMBER FLEMING: Have you reviewed
5 the short-term work plan for the LCI?
6 CITY MANAGER GILLEN: I have -- not in --
7 for several weeks -- but...
8 COUNCIL MEMBER FLEMING: I mean, we have
9 things on here that the City is responsible to
10 complete through our own funding.
11 CITY MANAGER GILLEN: Yes.
12 COUNCIL MEMBER FLEMING: And this has been
13 going on since 2006. We have updated it in 2011.
14 And we are liable for completing these things. And
15 many of the items -- even dated in 2006 -- for the
16 first five years were not completed.
17 And so now we've started 2011 -- and we have
18 created some that didn't require funding -- but we
19 still -- here we are in the second year of the second
20 five-year plan that -- we have not completed very
21 much.
22 So I'm very concerned about worrying about a
23 capital improvement plan when we've already got a
24 document from the LCI that states that we will do
25 these things. And so I want us to keep that in mind

1 as we're prioritizing the CIP, that we're looking at
2 the STWP to say: What can we complete on this, or we
3 will have egg on face?

4 CITY MANAGER GILLEN: Correct. And that's
5 part of the prioritization process for where we're
6 going to put dollars. That's the Council's decision
7 to make. If that needs to be something to be a part
8 of it, then we need to make it a part of it.

9 And I do know the new Peachtree Road project
10 was in that list of capital items you have. And if I
11 understand correctly, that's part of the LCI project
12 as well. So there are some of the LCI projects in
13 that lengthy laundry list of projects that you have
14 in front of you. So...

15 COUNCIL MEMBER BATES: Dr. Gillen, what do
16 you want us to do with this next? And what's going
17 to be the ranking process on -- how do we get this
18 list prioritized down into a manageable list?

19 CITY MANAGER GILLEN: Well, I think we can
20 do that electronically. We can send, like I said,
21 maybe a SurveyMonkey or maybe just a written survey
22 where you can prioritize, like you did last time.

23 And what I'd like to do is get some written-
24 out criteria that are standardized capital improve-
25 ment criteria, like health and safety issues, things

1 prioritization list to you with those criteria by the
2 end of this week, and then you can start getting
3 those back to us so when we come back we've got a
4 more prioritized list of projects. Then we can
5 narrow the discussion.

6 COUNCIL MEMBER BATES: Thank you.

7 CITY MANAGER GILLEN: Any more questions?

8 COUNCIL MEMBER FLEMING: Yes. Could we not
9 prioritize the, what, 24 items listed that are here
10 and tell you what our top three or top five are that
11 we feel very strongly about? -- I mean that we feel
12 that's necessary as a top priority?

13 CITY MANAGER GILLEN: Yes. That's what we
14 would like to do this week, is have you do that for
15 us. But we could --

16 COUNCIL MEMBER FLEMING: Not the CIP, this
17 list?

18 CITY MANAGER GILLEN: This list, yeah. This
19 is an inventory of projects.

20 COUNCIL MEMBER BATES: No, the agenda.

21 COUNCIL MEMBER FLEMING: No, the agenda
22 itself.

23 COUNCIL MEMBER BATES: She's talking about
24 the agenda list.

25 CITY MANAGER GILLEN: Oh, this project?

1 that are absolutely needed, things that may be nice
2 to have but not necessary -- you know, but not -- but
3 worded more specifically, in about five different
4 categories -- that you can say, "Okay; this one fits
5 in my scale, about a 4 in my scale; this one fits,
6 about a 1." And then we have a number rank on those
7 that shows where they fall in that criteria.

8 Then we rank the projects in importance to
9 us in our funding. Knowing our funding is going to
10 be limited, what are the different funding options
11 we're going to have? -- is another piece of the
12 discussion we need to have next, when we bring this
13 up next month.

14 You know, do we want to look at long-term
15 debt? Do we want to look at -- you know, with storm
16 water revenues, you know, do we want to issue revenue
17 bonds to deal with a lot of the storm water issues
18 that we can, at once? Or do we want to pay as you
19 go?

20 There's all -- a myriad of possibilities for
21 you to consider, and we are going to lay out all the
22 options on you. And again, that is your call. And I
23 can advise you as to the pros and cons of each
24 option.

25 So what I'd like to do is, let's get out a

1 COUNCIL MEMBER FLEMING: Yes.

2 CITY MANAGER GILLEN: Oh, this agenda
3 itself, yes.

4 Well, what I would like to do tonight is get
5 a good idea of where you want these to fall in the
6 future. What do you want on September? What do you
7 want on October? What do you want to have in
8 November and December?

9 And that will tell me where your priorities
10 are as to, you know, how quickly we can handle these.

11 So there are a couple more items: Court
12 costs and credit card fees.

13 There are a couple of options that we have
14 in adding a court cost to our tickets that we -- and
15 fines -- that we issue through the court system. And
16 Lisa has some information she can forward to you.

17 Again, we are not going to be addressing
18 that this evening, but it is something we want to
19 talk about. You know, it does increase revenues, so
20 it is something we can talk about in conjunction with
21 the CIP.

22 And "credit card fees" is more just
23 standardizing the credit card fees, because the rules
24 change constantly with what we can do with credit
25 card fees.

1 And I know Lisa wants to make the credit
2 card fees the same as what we do for the online
3 charge, credit card charge: Just make that across-
4 the-board instead of having these fluctuating fees
5 here and there.

6 So we will be -- we are going to bring you a
7 proposal at a future work session, or we can just
8 send that out to you and see if we can get that on
9 the agenda in the future.

10 COUNCIL MEMBER FLEMING: Well, this
11 information that was in the packet was -- seemed to
12 be quite clear to me, and I'm ready to move forward
13 with it. But that's neither here nor there. I just
14 wanted to let you know that I felt very comfortable
15 about this -- particularly if we are losing money.

16 COUNCIL MEMBER BATES: On the \$4 fee
17 schedule, I'm fine, if you want to put that on the
18 next agenda.

19 COUNCIL MEMBER DEAN: Yeah.

20 COUNCIL MEMBER PACHUTA: Um-hmm -- to that
21 one.

22 COUNCIL MEMBER PATRICK: Me too.

23 CITY MANAGER GILLEN: The next greater
24 Council agenda?

25 COUNCIL MEMBER BATES: Yeah.

1 up this before, we were told --

2 CITY ATTORNEY MCLENDON: It's an issue I'd
3 like to --

4 COUNCIL MEMBER ALEXANDER: -- that we could
5 not --

6 CITY ATTORNEY MCLENDON: -- review and brief
7 y'all on --

8 COUNCIL MEMBER ALEXANDER: -- do this.
9 Because I thought we should issue or begin a
10 technology fee to help us offset some of our software
11 and computer issues we were having. And I was
12 strongly discouraged from allowing the City to do
13 that.

14 CITY ATTORNEY MCLENDON: This is an issue
15 I'd like to review and also be able to have some
16 input on it in the decision-making process.

17 COUNCIL MEMBER ALEXANDER: Okay.

18 CITY MANAGER GILLEN: So we'll put that on
19 the next work session as well, because it's --
20 that --

21 CITY ATTORNEY MCLENDON: Okay.

22 CITY MANAGER GILLEN: Okay.

23 All right. I was approached by Warren
24 Hutmacher, from Dunwoody, about the Dunwoody
25 crosswalk. Apparently that was quite an issue prior

1 CITY MANAGER GILLEN: Okay.

2 COUNCIL MEMBER BATES: I don't think we need
3 to talk about that one much.

4 CITY MANAGER GILLEN: And the court cost
5 addition -- would you like that on the work session,
6 or the regular --

7 COUNCIL MEMBER PACHUTA: I think the regular
8 meeting.

9 Or do we need to discuss that more?

10 You're talking about the fees for the court?

11 CITY MANAGER GILLEN: Yes.

12 COUNCIL MEMBER PACHUTA: Not the expansion
13 of the court? Not the CIP of the --

14 CITY MANAGER GILLEN: Correct.

15 No, no, no. We're talking about adding a
16 fee onto the ticket -- the fine that you would pay.

17 COUNCIL MEMBER ALEXANDER: To be used
18 for --?

19 CITY MANAGER GILLEN: Our recommendation is
20 we would use that additional revenue to start
21 knocking out these capital projects, because we've
22 got a backlog, as you can see.

23 COUNCIL MEMBER PATRICK: Maybe a little bit
24 more information on that might be helpful.

25 COUNCIL MEMBER ALEXANDER: When we brought

1 to my arrival. He would like to begin discussions
2 with the City about the possibility of that.

3 And I said, "Well, the best thing I can do
4 is put it on the work session, talk to my Council
5 about it and say, 'Hey, they would like to rehash
6 this idea.'"

7 I don't really have an opinion on it, having
8 not been familiar with it before.

9 MAYOR PITTMAN: I have an opinion. I
10 actually have an opinion, because --

11 CITY MANAGER GILLEN: But if it's --

12 MAYOR PITTMAN: And I will -- I know
13 Ms. Rollins is not understanding that.

14 There is a crosswalk on Tilly Mill, and part
15 of it is in Doraville, and part of it is in Dunwoody,
16 and it's right there at Stonington.

17 And school started back this week, and I can
18 tell you, it's scary for kids that live in our
19 community and kids that live in the Dunwoody
20 community, because they do cross over, there. No
21 matter where kids are supposed to cross, they don't
22 walk up and they don't go over, they cross there.

23 Some of them go over to the store and then walk on up
24 to Woodwin or Tilly Mill or whatever.

25 But it is a risk there for any kids or

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1 parents that walk. It's scary because of those cars
2 flying down Tilly Mill. They don't stop and they
3 don't slow down.
4 So you know, I think anything to keep our
5 children safe is something we need to look at.
6 COUNCIL MEMBER BATES: I don't know anything
7 about what this is requesting. If we can get more
8 information as far as what --
9 COUNCIL MEMBER PACHUTA: Yeah.
10 COUNCIL MEMBER BATES: -- Dunwoody is
11 requesting of us to do --
12 CITY MANAGER GILLEN: Okay. All right.
13 COUNCIL MEMBER BATES: This is -- I mean I
14 understand keeping kids safe. But on a priority
15 schedule from a funding standpoint, this is not high
16 on my list.
17 MAYOR PITTMAN: It's not costing us
18 anything.
19 CITY MANAGER GILLEN: Right. If I
20 understood correctly, they were going to pay for the
21 crosswalk construction and all of that, in exchange
22 for the use of our canine unit.
23 COUNCIL MEMBER PACHUTA: I'm not comfortable
24 with promising that at all.
25 This came up in Dunwoody, and they didn't

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1 want to approve it because it was recommended that it
2 be in our city limits because of the hill.
3 If they want to build it, we can give them a
4 dollar. I'm not comfortable with promising canine
5 services in a contract -- in a governmental form.
6 And preferably the -- I would prefer --
7 because the other side of the street is the one with
8 the sidewalk and is the one with the traffic light at
9 Peachtree Industrial -- that we encourage kids to
10 cross the street before there, because in order to
11 come from our neighborhoods and cross up there,
12 they're crossing Peachtree Industrial where there's
13 not a pedestrian light. The pedestrian light is on
14 the other side of the street, and the crosswalk is on
15 the other -- I mean the sidewalk is on the other side
16 of the street.
17 But it's not a priority for me. It's been a
18 priority for Dunwoody. And the issue is the hill and
19 where our property -- the city line is. So --
20 MAYOR PITTMAN: And you can encourage
21 children all day long, but they are not going to
22 listen, especially when there's no adult supervision
23 coming from the middle school. Those are middle
24 school kids, and they are going to cross over --
25 COUNCIL MEMBER DEAN: Well, I think we --

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1 just more information, because I don't know -- I got
2 a little bit on the periphery from Dunwoody, but I
3 know really nothing about this.
4 COUNCIL MEMBER PATRICK: I would agree
5 with --
6 CITY MANAGER GILLEN: Okay. What I'll do is
7 I'll contact Warren and say, "Do you have a different
8 type of proposal to bring back to the Council as far
9 as how this would work? -- and that they're not
10 out-of-hand dismissing it, but they want to see more
11 information."
12 How's that for a response to Warren?
13 COUNCIL MEMBER PATRICK: Just something that
14 indicates perhaps -- I'm sure that Dunwoody has
15 traffic counts, and I'm sure they have kids --
16 estimates of kids that go there. So just more
17 information.
18 COUNCIL MEMBER DEAN: And this has never
19 come before Council.
20 MAYOR PITTMAN: Yeah. And we've talked
21 about it before -- maybe not when you were --
22 CITY MANAGER GILLEN: A while ago?
23 MAYOR PITTMAN: Yeah.
24 COUNCIL MEMBER PACHUTA: If we could get
25 information from our police department --

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1 CITY MANAGER GILLEN: Sure.
2 COUNCIL MEMBER PACHUTA: -- from a public
3 safety need -- if they feel that that is a public
4 safety need, or what kind of issues they've been
5 having with pedestrian traffic in that area.
6 CITY MANAGER GILLEN: Okay. Sounds good.
7 Thank you.
8 The next item is EMS service. Just -- I
9 went to a meeting with Warren Hutmacher and a couple
10 of other cities. They are -- there is a movement to
11 seek a dividing of DeKalb County into two regions for
12 ambulance service basically, and a North DeKalb
13 ambulance service.
14 And they're not asking us for anything.
15 They were just bringing us to this meeting to be
16 informed about it, to tell you about what the changes
17 are in DeKalb County.
18 When DeKalb County bid their process, they
19 had one ambulance provider make a bid there. So just
20 wanted to get it on your radar screen, that they may
21 be coming back for support for this. I don't know
22 what that means, if that's moral support, written
23 support, or monetary support; I do not know.
24 So I just wanted to make sure you were aware
25 of it and that the public was aware that we've been

1 discussing that. So...

2 And the next item -- Lisa has prepared a
3 list of financial policies that we would like to get
4 in front of you in the future to -- for approval --
5 not tonight, obviously.

6 But please review them, and we'll bring them
7 back, say, in October -- next month is already pretty
8 busy. We'll bring them back in October.

9 These are policies that would be part of our
10 personnel manual that our finance policies would deal
11 with -- how money is spent, how -- internal control
12 regulations -- you know, from -- everything from
13 using the credit card to travel without a credit card
14 usage, and that sort of thing, to how actually POs
15 are cut, and that sort of thing.

16 So we want -- there are best-practice
17 policies that she has brought forth. And it's
18 something that we need to start getting implemented.
19 But we wanted to get it in front of you early enough
20 so we have plenty of time to go back and read through
21 them and see if you have any questions. All right?

22 Item "k)" is fire service. Just like the
23 EMS service, there is a movement of some cities
24 wanting to form a regional fire service in North
25 DeKalb. It has been put on hold.

1 dispatch, I'm talking about DeKalb County's.

2 CITY MANAGER GILLEN: Okay. Good. All
3 right.

4 COUNCIL MEMBER ALEXANDER: And one of the
5 concerns that I had was, on some of the initial maps
6 that were presented to us, some of our neighborhoods
7 were going to have in excess of eight-minute response
8 times, which -- the national goal, I believe, is five
9 minutes or less. And we don't want to make a
10 decision that also makes our homes uninsurable.

11 Not a lot of -- not all the insurance
12 companies use the same fire rating that they did for
13 home premiums. But still, that's definitely a
14 concern.

15 COUNCIL MEMBER PATRICK: If you could, also
16 just confirm drive times from fire stations to all
17 parts of the city. Are we all within a five-minute
18 response time right now?

19 CITY MANAGER GILLEN: Right. I think that
20 was -- that we have some of that information already
21 compiled, so I'll get it out to you. Okay. Thank
22 you.

23 Item "l)" is an independent library for
24 Doraville.

25 Doraville now is part of the DeKalb library

1 I talked to Warren. Dunwoody has kind of
2 been heading this effort. They invited us to a
3 meeting to discuss that one some time ago.

4 They've put it on hold because they're
5 trying to work out the millage rate issues. You
6 know, the logic is, they would lower the millage rate
7 for DeKalb and increase the millage rate for this
8 region to provide the service. But they've got to be
9 sure about that; right? -- if that always works.

10 COUNCIL MEMBER PACHUTA: The same thing with
11 the crosswalk. This is like -- I personally have
12 never had a complaint about fire service in Doraville
13 from DeKalb, so if maybe we could get feedback from
14 the PD on any issues or response times that they've
15 had with DeKalb Fire, because as far as -- you know.

16 But thankfully, hopefully it's not something
17 that people have to call out frequently. But if we
18 could get an idea -- because before Dunwoody brought
19 this up, I really have never received any complaints,
20 so --

21 CITY MANAGER GILLEN: Right. And -- okay.

22 MAYOR PITTMAN: And I agree. There have
23 been no complaints -- other than what goes through
24 dispatch, getting put on hold to get to them. Other
25 than that, that's it. And I'm not talking about our

1 system. And in speaking with Tammy, she wants us to
2 start thinking in terms of an independent library,
3 because there are grant opportunities that we may be
4 missing out on, grant monies that do come in and get
5 re-disbursed amongst the DeKalb system as a whole,
6 and we may not be getting our fair share.

7 You'll probably say, Well, we need to start
8 building a business case for that, to discuss what is
9 the reasoning behind it. And are there better
10 opportunities as an independent library? What are
11 the long-term costs? Are they any different than
12 current? -- because we currently pay for personnel
13 and the building, so is it really a technical
14 difference, or is there actually a higher risk to us
15 if we go independent?

16 So there's lots of discussion we need to
17 have. I just wanted to introduce the idea tonight,
18 so it doesn't come as a surprise later if we bring a
19 proposal or something to a work session in the future
20 for your consideration. So that's where that one is.

21 An ordinance for demolition of condemned
22 property.

23 There is some ordinance language that we
24 could be drafting for you that would allow us to more
25 quickly and more expeditiously demolish condemned

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1 properties -- I'm thinking of some burned-out
2 apartment buildings I've seen around town, and things
3 like that.
4 This then would place a millage rate on that
5 property, that the property owner would have to pay.
6 So though you have some upfront costs, they would
7 eventually get paid back through that millage rate.
8 So that's the concept in general. But the
9 devil's in the details, of course.
10 So I just wanted to get a feel for the
11 Council on -- that is a rather aggressive approach.
12 Is that something you want us to consider?
13 COUNCIL MEMBER ALEXANDER: Typically we've
14 had to put liens against the property.
15 CITY MANAGER GILLEN: Correct.
16 COUNCIL MEMBER ALEXANDER: I don't know
17 about the state regulation -- especially since we're
18 a host city -- of us being able to do a special
19 millage rate.
20 CITY ATTORNEY MCLENDON: That's a good
21 question that I wouldn't be prepared to answer.
22 COUNCIL MEMBER ALEXANDER: And unfortunately
23 we are under the host tax regulations of DeKalb
24 County. Some of the newer cities have been exempted
25 from that. We unfortunately have not. And I don't

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1 know if we have the legal authority to create a
2 special millage rate.
3 CITY MANAGER GILLEN: Well, we'll certainly
4 explore it for you. If it's something -- if -- let's
5 assume that -- let's make the assumption that we are.
6 Is that then something that you'd be interested in?
7 COUNCIL MEMBER PACHUTA: I'd be interested
8 -- I mean if Legal could kind of start looking into
9 it.
10 CITY MANAGER GILLEN: Okay. Yes.
11 COUNCIL MEMBER PACHUTA: Because I know it
12 has been an issue.
13 COUNCIL MEMBER BATES: Even other options,
14 aside from a millage rate, that we can use as a very
15 heavy, sharp stick.
16 COUNCIL MEMBER ALEXANDER: Yes.
17 COUNCIL MEMBER DEAN: Definitely, yeah.
18 CITY MANAGER GILLEN: And the other side is,
19 if current state law doesn't allow us to, I mean, we
20 could make that part of our lobbying agenda through
21 both the GMA and the DMA and directly with our
22 representatives.
23 COUNCIL MEMBER ALEXANDER: Um-hmm. In
24 addition to the demolition, is there any way -- I
25 mean, there is a home in Doraville that has been boarded

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1 up for -- I think it was almost a year.
2 COUNCIL MEMBER PATRICK: It's being
3 demolished.
4 COUNCIL MEMBER ALEXANDER: Oh, now it is?
5 But do we have any ability to put a time
6 limit on, saying, "You must address this burned-out
7 building within six months"?
8 CITY ATTORNEY MCLENDON: What you run into
9 is basically you move into the area of nuisance law,
10 and it's a property maintenance issue.
11 So the reality is, if it is a vacant, burned
12 property, that in and of itself -- I mean, I can
13 secure my property, I can board my property up; if I
14 board it up, I keep it painted, and I keep the grass
15 cut, that's what you've got, you know.
16 If, on the other hand, I leave a burned-out
17 shell that is an attractive nuisance for kids, etc.,
18 that's a whole different set of circumstances. That
19 would be more of a code enforcement issue that -- you
20 would approach it in that manner.
21 State law has the nuisance codes in place --
22 which are the ones I think we were referring to
23 earlier -- that allow you to sort of go through a
24 court process of Notice, and then at the end of that
25 you can demolish it.

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1 But the ones I've seen basically allow you
2 the lien at the end, which is sort of speculative and
3 down the road, and you've spent a bunch of time in
4 court.
5 But I think the millage rate is definitely
6 something we should review and see if it is
7 available. And if not, it seems like a very
8 interesting idea that maybe should be addressed
9 otherwise.
10 CITY MANAGER GILLEN: All right. Well,
11 we've got some direction.
12 So next is the personnel policy.
13 We are redrafting a personnel policy. I
14 just got the draft back from Legal last week, and I'd
15 like to go through it again one more time and make it
16 something I'm more satisfied with before I bring it
17 to you.
18 But that will be coming before you for your
19 information in the future, and probably I could get
20 that for the September meeting, but we're probably
21 not going to have a lot of time to talk about it at
22 the September meeting -- but that's okay.
23 The next item, item "o)" -- preferred method
24 for agenda access with IQM2 agenda software.
25 The agenda software has been ordered.

1 We are beginning the training process.
2 We've got a couple of organizational calls, and we
3 have what our core users will be -- start being in
4 more intense training. That's Lisa and Sandra and
5 Connie in the Clerk's office to -- so we have three
6 people trained on really the real deep infrastructure
7 of the software.

8 Then we'll have department heads and some
9 other key people who will be more just the high-level
10 users but not the core users, who have got to be able
11 to do approvals and things like that.

12 And then the people who are to be trained on
13 creating agenda items will be trained.

14 And then we'll be having some training for
15 you. And one of those things we need to talk about
16 is, do you want to do that training just at like the
17 first 30 minutes of a meeting one night in October?
18 -- September or October? -- I can't remember the
19 schedule; I think it's October. Or would you like to
20 have a separate meeting for that?

21 It's pretty user-friendly. It will be
22 pretty intuitive once you get on-board with it.

23 And we're going to run parallel meetings, so
24 we'll have your regular agenda process in place,
25 parallel with that. And along with it will be, of

1 course, the live streaming and things like that.

2 But the thing we have to have for the
3 electronic voting -- to where you will be pressing a
4 button to vote -- it actually will be on a computer,
5 and then your votes will show up on the screen. So
6 then the roll call with Sandra -- you would just open
7 the voting, each of you would click "yea", "nay," or
8 "abstain," and that will show up on the screen.

9 We are going to be ordering laptops for the
10 dais. That way -- and they will be locked down to
11 the dais. That way the Council or the Planning
12 Commission or the DDDA and any other official boards
13 or commissions that you create can use that same
14 software on that.

15 But we'd also like to have a tablet for you
16 to use to make that agenda then available to you
17 wherever you are. And that's kind of the question:
18 Is that a preferred method for agenda software
19 access?

20 If we get into the future with a new sound
21 system -- which we are getting quotes on, by the way,
22 and very soon we'll have a new sound system -- we
23 could have the work sessions around a table, where
24 you wouldn't -- right now we have no other way to
25 capture sound. So we would have a tabletop

1 microphone or hanging microphones, and we could sit
2 around a table and have this discussion, and then you
3 could have the agenda items with you on the tablet.

4 Or if you're in -- you're somewhere offsite
5 and you need to access the agenda, you can access it
6 with the tablet.

7 So we're thinking that the best route to go
8 would be to have the laptop at the dais for you. You
9 just walk right in. You don't have to have anything
10 with you. You log on. All the information is
11 available to you right then and there.

12 But you also have the option of having that
13 tablet to where you have it at home. Then a Council
14 Member doesn't have to have a computer and Internet
15 access to be a Council Member and have access to the
16 system -- and we didn't think that would be an
17 appropriate prerequisite for anyone to be a Council
18 Member necessarily.

19 So if there's no objection, we'd like to
20 proceed with that.

21 I think we are going to be getting the
22 laptops ordered either this week -- if they haven't
23 been ordered already -- but we want to get some
24 clarity from you, and your preferred method.

25 COUNCIL MEMBER FLEMING: Could you tell me

1 what the cost is on everything you've just mentioned.

2 CITY MANAGER GILLEN: The tablets run about
3 \$600 each, and the laptops I think were -- I can't
4 remember what the pricing on those was. I think they
5 were in the area of \$600 for a laptop -- something
6 like that.

7 Yeah, there's going to be some
8 significant --
9 COUNCIL MEMBER FLEMING: And the software?
10 CITY MANAGER GILLEN: The software was \$850
11 per month for the agenda software. And that includes
12 the agenda builder and the meeting management
13 software, plus the live streaming and permanent
14 storage of video that will be searchable.

15 And we can get -- as soon as we can -- get a
16 demonstration of how that works, so you can see how
17 you can go onto an agenda, click on the agenda item,
18 and it pulls up that section of video you're looking
19 for.

20 COUNCIL MEMBER DEAN: So it's 850 a month,
21 every month?
22 CITY MANAGER GILLEN: Every month, yep.
23 COUNCIL MEMBER DEAN: \$850?
24 CITY MANAGER GILLEN: Yes.
25 COUNCIL MEMBER DEAN: Okay.

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17 you can go onto an agenda, click on the agenda item,
18 and it pulls up that section of video you're looking
19 for.

20 COUNCIL MEMBER DEAN: So it's 850 a month,
21 every month?

22 CITY MANAGER GILLEN: Every month, yep.

23 COUNCIL MEMBER DEAN: \$850?

24 CITY MANAGER GILLEN: Yes.

25 COUNCIL MEMBER DEAN: Okay.

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1 So this is about \$10,000 like for when we
2 get the equipment and everything, and then \$850
3 thereafter, every month?
4 CITY MANAGER GILLEN: Um-hmm.
5 COUNCIL MEMBER DEAN: Now, here is my thing.
6 I mean I'm okay with paper right now, because --
7 again, I'm just going to throw this plug in -- I
8 would really like more education for Council, and
9 that's -- when I look at this money, I think, wow,
10 that's a lot of education; I mean, those are a lot of
11 -- you know, a lot of seminars that could be helpful.
12 But that's my input.
13 COUNCIL MEMBER PATRICK: The software that
14 we're considering -- does that have some kind of a
15 streaming component --
16 CITY MANAGER GILLEN: Yes.
17 COUNCIL MEMBER PATRICK: -- since we're
18 recording it? So someone could be at home, watch
19 this activity --
20 CITY MANAGER GILLEN: All the meetings will
21 be live-streamed over the Internet, and then all that
22 video will be stored permanently on their servers
23 offsite. So we don't have to maintain that, but it
24 will be accessible to anyone in the City and on the
25 Internet.

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1 COUNCIL MEMBER FLEMING: What happens if
2 your Internet connection -- your Internet server is
3 not high-speed?
4 CITY MANAGER GILLEN: Then streaming video
5 is going to be very difficult, yeah, right.
6 COUNCIL MEMBER FLEMING: Right. Okay. So
7 if my preference is for the agenda and all the backup
8 paperwork to be copied for me, am I going to have
9 difficulty getting that from City Hall?
10 CITY MANAGER GILLEN: Nope. We can print
11 you out a hard copy of anything you'd like, yep.
12 COUNCIL MEMBER FLEMING: Okay. Thank you
13 very much.
14 CITY MANAGER GILLEN: All right?
15 COUNCIL MEMBER PACHUTA: I want no more
16 paper.
17 MAYOR PITTMAN: What did you just say, no
18 more paper?
19 COUNCIL MEMBER PACHUTA: I want no more
20 paper.
21 CITY MANAGER GILLEN: Okay. Well, we'll
22 move forward with that concept then, and if -- we'll
23 keep you updated as the implementation comes in.
24 MAYOR PITTMAN: Excuse me just a minute --
25 are we still under the rule of 9:00 o'clock, Cecil?

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1 CITY ATTORNEY MCLENDON: I believe we -- if
2 I'm correct, we left that in; correct?
3 COUNCIL MEMBER DEAN: I think we did.
4 CITY ATTORNEY MCLENDON: So --
5 MAYOR PITTMAN: I didn't remember it being
6 pulled out, but I wanted to ask.
7 CITY ATTORNEY MCLENDON: -- I believe we
8 left it in.
9 MAYOR PITTMAN: Okay. In that case we...
10 CITY MANAGER GILLEN: We can wrap this up
11 quickly if we want to defer some of these other items
12 to a future -- to the next -- future Council meetings
13 or work session.
14 But there is --
15 MAYOR PITTMAN: Well, we need -- excuse me.
16 We need to make a motion either to end it right at
17 9:00 o'clock, or we need to extend it to complete
18 what you want.
19 So I need a motion please.
20 COUNCIL MEMBER ALEXANDER: I motion to
21 extend the meeting until we get through the rest of
22 the agenda.
23 MAYOR PITTMAN: Okay. A second?
24 COUNCIL MEMBERS BATES AND PACHUTA:
25 (Speaking simultaneously:) Second.

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1 MAYOR PITTMAN: Discussion?
2 (No response.)
3 MAYOR PITTMAN: Call the roll please.
4 CLERK BRYANT: (Complying, polls Council
5 Members, four of whom -- Alexander, Bates, Pachuta,
6 and Patrick -- vote "yes," and two of whom -- Dean
7 and Fleming -- vote "no.")
8 CITY MANAGER GILLEN: Well, Mayor, why don't
9 I make a couple of suggestions to shorten the time
10 frame here.
11 The storm water issue probably would be a
12 great discussion to go along with the CIP discussion
13 at the next work session, because it is going to be a
14 big part of the CIP into the future. So I would
15 recommend we defer that to the September work
16 session.
17 And we can jump around here a little bit.
18 The retirement plan, as well, is going to
19 take a very lengthy discussion, and I'd recommend
20 maybe putting that in an October work session, if
21 that's okay.
22 COUNCIL MEMBER FLEMING: Do we already have
23 some figures for us to look at?
24 CITY MANAGER GILLEN: I think we're still
25 waiting on some numbers -- on some actuarial numbers.

1 But I can double-check with --
 2 COUNCIL MEMBER FLEMING: And I'm not
 3 satisfied with our current agent, because this has
 4 been going on way too long -- way too long. We
 5 should have had it January 1.
 6 CITY MANAGER GILLEN: And I don't disagree.
 7 The sign ordinance revision we also can put
 8 on with the architectural standards, if you want,
 9 because they kind of go hand-in-hand somewhat. Or is
 10 that too soon for the sign ordinance?
 11 COUNCIL MEMBER DEAN: We're too big.
 12 DIRECTOR COOLEY: I think you're getting a
 13 really big thing at that point.
 14 MAYOR PITTMAN: Because that's a --
 15 CITY MANAGER GILLEN: Okay. October then?
 16 MAYOR PITTMAN: That's a theme by itself.
 17 DIRECTOR COOLEY: Yeah.
 18 I would suggest October.
 19 CITY MANAGER GILLEN: October. Is that okay
 20 with everyone?
 21 COUNCIL MEMBER DEAN: Um-hmm.
 22 COUNCIL MEMBER ALEXANDER: Can I have you
 23 back up on one, the resurfacing contracts.
 24 CITY MANAGER GILLEN: Um-hmm.
 25 COUNCIL MEMBER ALEXANDER: I guess it's

1 still a complete mystery of how this road maintenance
 2 percentage calculation -- who gets what -- is
 3 calculated.
 4 But I have been trying to get a road fixed
 5 in my neighborhood since 2006. It is still not
 6 fixed.
 7 I took photographs that show the dip in the
 8 road -- it's about six inches. And someone -- either
 9 our Public Works or Quality of Life or even DeKalb
 10 County -- even spray-painted this hole and wrote the
 11 word "Danger" in it.
 12 Now, I don't know what else I can possibly
 13 do to get this fixed. But when I see us paving North
 14 Carver Road -- and I can't get this fixed, and I've
 15 been working on it for seven years now; I evidently
 16 suck at getting road work done -- I don't know.
 17 I mean I started contacting DeKalb County
 18 when they had their 3-1-1 system, and I would call
 19 back every other month saying, "This is still not
 20 fixed; this is still not fixed."
 21 It used to have a cone in it. I assume
 22 maybe some children took the cone home; I don't know.
 23 But I'm going to leave these photographs
 24 with you. And here is a map, and it has a red dot of
 25 where the issue is.

1 But I just don't understand how we go about
 2 deciding who is going to get paved -- when this is
 3 definitely a safety issue; whoever with the orange
 4 spray paint put "danger" in it.
 5 But I would like for us to be able to
 6 prioritize issues like this instead of just paving,
 7 you know, a street because somebody called and said
 8 it doesn't look nice.
 9 COUNCIL MEMBER DEAN: Well, another issue is
 10 -- and I sent you an e-mail -- I've received a couple
 11 of phone calls about the pothole on the road down to
 12 the swimming pool, because someone actually got a
 13 flat tire as a result of that pothole -- and it was a
 14 new tire.
 15 And so -- it happened twice. The first time
 16 it was just damaged. The second time it was wasted.
 17 And so that's something that -- our citizens
 18 use that road. I don't, personally, but I've gotten
 19 a couple of complaints with that, and the growth that
 20 scratches the car as they drive down to the pool.
 21 So that's something that...
 22 COUNCIL MEMBER PATRICK: And there's also a
 23 large pothole by Home Depot, which has taken out one
 24 of my resident's wheels.
 25 It got patched, and then it got un-patched,

1 so --
 2 COUNCIL MEMBER PACHUTA: I mean, if we could
 3 maybe get some clarification from DeKalb County, how
 4 they go about their -- my street, thankfully, got
 5 repaved a few years ago.
 6 My understanding was -- there were several
 7 streets in my neighborhood, and like every year like
 8 two or three streets would get paved, and I think
 9 mine was the last one -- and that's probably been
 10 four years.
 11 But -- and I honestly do not know how --
 12 what system is in place for these decisions, and I
 13 don't --
 14 MAYOR PITTMAN: We actually have a meeting
 15 with them this week.
 16 CITY MANAGER GILLEN: Yes. We have a
 17 meeting with the new Public Works Director for DeKalb
 18 County.
 19 COUNCIL MEMBER PATRICK: Great.
 20 COUNCIL MEMBER FLEMING: Well, the
 21 embarrassment for us as a city is the huge one that
 22 we have on Park Avenue and New Peachtree; okay? And
 23 also New Peachtree in the left-turn lane.
 24 CITY MANAGER GILLEN: Yeah. I hit that one
 25 the other day.

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1 COUNCIL MEMBER FLEMING: I mean those will
2 take out somebody's tires as well as their --
3 whatever.
4 CITY MANAGER GILLEN: I don't disagree.
5 And I'm not real sure how their
6 prioritization works, and so we have a meeting with
7 the new Public Works Director -- on Thursday?
8 MAYOR PITTMAN: Um-hmm.
9 CITY MANAGER GILLEN: And we'll make sure
10 that we address this and get some information as soon
11 as we can.
12 All right. That gets us to item "v)" -- the
13 third-party interior inspection of multi-family
14 dwellings.
15 Part of the contract with Clark Patterson
16 Lee is we're going to be doing what's called a SWEEPS
17 program, where they're going to go into the
18 multi-family dwellings, and they look in the public
19 spaces -- the common areas -- for code violations.
20 Something we could do is draft an ordinance
21 that would require the owners of these dwellings to
22 hire a third-party inspector to go in and inspect the
23 interior of the dwellings.
24 MAYOR PITTMAN: Are you talking about the
25 apartments?

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1 CITY MANAGER GILLEN: Yes. The multi-family
2 apartment dwellings.
3 Then they would have to bring to us any code
4 violations they find and then have a plan to rectify
5 those.
6 That takes an ordinance, and we would have
7 to get your guidance. And is that a way you would
8 like us to go? It is aggressive, but it's -- some
9 may argue that it's needed. So we're looking for
10 guidance from you.
11 COUNCIL MEMBER PACHUTA: I'm fine with
12 having Legal go ahead and put something together to
13 bring to us to look at.
14 COUNCIL MEMBER PATRICK: I am too.
15 CITY MANAGER GILLEN: Okay. And no
16 objections to that?
17 COUNCIL MEMBER BATES: No.
18 CITY MANAGER GILLEN: We'll start to work on
19 that.
20 We'll bring that back to a future meeting
21 when we -- as soon as we get something ready to go,
22 we'll give you some heads-up on it.
23 The traffic study. Councilor Patrick
24 presented this as an item.
25 And I'll just turn it to you to give the

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1 explanation.
2 COUNCIL MEMBER PATRICK: Thank you.
3 So I have residents that are concerned about
4 the heavy trucks that travel down Tilly Mill to
5 Woodwin. There are a lot of children that ride bikes
6 there, a lot of people -- a lot of foot activity --
7 in that area.
8 And I'd like us to, if possible -- if staff
9 can talk to one of our on-call engineers and just see
10 what the options are that are available -- starting
11 there, at a minimum.
12 But also I don't want to fix a problem in
13 one area and then create problems in other parts of
14 the city. So what I had put together that was in the
15 packet was something that addressed some areas that I
16 think would be alternatives for re-routing traffic.
17 But again, the idea is to have a traffic
18 study -- or engineer -- look at this and come up with
19 some viable options. Perhaps bird-dog it to the
20 point of finding out what some of the costs would be,
21 what we require to put together a study like this,
22 and then come back to the Council -- clearly before
23 any monies are spent -- but at least take a step in
24 trying to allay some of the concerns of the residents
25 in my neighborhood.

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1 COUNCIL MEMBER PACHUTA: And I'll just throw
2 out there -- since I keep bringing up the PD tonight
3 -- if that's something where they can let us know
4 like the intersections where we have the most
5 accidents or something like that -- or the most
6 injuries -- would be something good to know in
7 considering that.
8 CITY MANAGER GILLEN: All right.
9 COUNCIL MEMBER ALEXANDER: I believe former
10 Council Member Hart, at a meeting years ago,
11 mentioned that routing of the fuel trucks I believe
12 is regulated by GMA, and they specifically routed
13 them down Woodwin to turn right onto Tilly Mill to
14 get to Peachtree Industrial.
15 So that would be something that you would
16 have to look into, is whether that route is specified
17 by GMA.
18 CITY MANAGER GILLEN: Okay. Alrighty.
19 Anything else?
20 MAYOR PITTMAN: No.
21 CITY MANAGER GILLEN: Okay.
22 The next item is the tree ordinance. The
23 gentleman who came and who spoke to you earlier, at
24 the beginning of the meeting in a public comment, has
25 been in to talk to us several times.

1 The issue is this, he's got a very large oak
2 tree next to -- about -- oh, it's 17 feet from his
3 house.
4 Steven, is it like 17 feet?
5 ARBORIST STRICKLAND: Fifteen feet.
6 CITY MANAGER GILLEN: And the -- it's a big
7 tree, and he is very concerned the tree is going to
8 fall on his house.

9 So Steven went out to look at it. It's a
10 healthy tree, and under our ordinance there is
11 nothing about that tree that would allow us to have
12 him cut it down under our ordinance.

13 So I told the gentleman that I'll certainly
14 put this in a work session. And I talked to Legal,
15 and I talked to Steven and said, "What would it look
16 like? -- a change to the ordinance that would allow
17 him to cut it down?"

18 Well, we don't want to just say, "Hey, you
19 can cut down trees on your property," if your goal is
20 to keep people from clear-cutting their properties
21 and making it look awful.

22 So I said, "Well, how about if we allow the
23 owner of the property to determine, you know, this
24 tree is dangerous? -- 'It makes me -- in my opinion
25 it's dangerous -- as a citizen. I'd like to take it

1 down?

2 But I guess I was understanding incorrectly,
3 or...

4 CITY MANAGER GILLEN: Not if they're healthy
5 -- correct Steven?

6 ARBORIST STRICKLAND: Right.

7 CITY MANAGER GILLEN: If they're healthy or
8 not diseased, our ordinance doesn't allow it to be
9 cut.

10 COUNCIL MEMBER ALEXANDER: Section A doesn't
11 mention anything about the health of a tree. It just
12 says if I want to cut down a tree on my property, I
13 get a permit.

14 CITY ATTORNEY MCLENDON: And I'd need to --
15 let me look at it specifically.

16 The typical thing is you have a -- you're
17 always going to have an escape valve of a dead,
18 diseased, or dying tree. And I need to look at our
19 specific ordinance.

20 But a lot of times if it's a certain
21 landmark tree, if it reaches a certain DBH, there's a
22 lot of restrictions on being able to cut that down
23 and sometimes needing some type of a basis to cut
24 that down.

25 And again, it's something for us to look at.

1 down."

2 "Okay. Well, then, we could give you a
3 permit to do that, but you've got to replace it with
4 two trees to get it net increase to the overall tree
5 canopy."

6 And that's what the -- and that's basically
7 what we presented in this language in front of you.
8 And I just wanted to present it to you tonight. And
9 we can bring it back next month and answer any
10 questions or concerns.

11 COUNCIL MEMBER DEAN: Well, if it's healthy,
12 could we bring this -- because the next two months
13 have been -- they seem to be really full, and this I
14 don't see as a real high priority. So could we bring
15 it back in October or November?

16 CITY MANAGER GILLEN: We can bring it back
17 whenever you would like. I just know the young man
18 would like to see some resolution to it rather
19 quickly.

20 COUNCIL MEMBER DEAN: I guess I'm having
21 trouble understanding -- and maybe Legal can jump in
22 -- why under the current ordinance it's not allowed,
23 because I guess I didn't understand.

24 Is it like for non-development property? As
25 long as you've got permits, that you could cut trees

1 In talking to Steven, my understanding is,
2 that was a tree that would not have been subject to
3 coming down under our ordinance.

4 COUNCIL MEMBER PACHUTA: Okay. That's not
5 -- I mean I haven't looked at the entire ordinance.

6 CITY ATTORNEY MCLENDON: I'll look at it.

7 COUNCIL MEMBER PACHUTA: But when I looked
8 at it before, I didn't understand it that way, but --

9 COUNCIL MEMBER DEAN: Do we have a
10 tree-cutting variance?

11 CITY MANAGER GILLEN: No, we don't. And
12 that was the other thing that was -- we didn't have
13 any variance procedure to deal with special
14 circumstances.

15 And you know, it's not like this person is
16 doing this on a whim. I know it's going to cost him
17 about \$2500 to cut a tree that size, down. It's a
18 big expense, so it's not --

19 And we may want to think about this in the
20 future if we want to do -- increase the canopy by:
21 If you are going to cut a tree down, we want to see
22 two replacements somewhere on your property -- but
23 not necessarily right next to your house.

24 MAYOR PITTMAN: I mean I know we don't want
25 people just cutting down massive trees, but if you

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1 feel that it's a danger to your home, I mean isn't
2 there something to --
3 CITY MANAGER GILLEN: Well, what I'd
4 suggested to Legal was, when they write this, to say
5 the danger to your home should be determined by the
6 homeowner -- if that's -- if you want to get to that
7 -- instead of by a government bureaucrat or a city
8 council or --
9 COUNCIL MEMBER PACHUTA: And I guess I
10 wasn't understanding the -- I didn't think it was a
11 problem. And I've in fact told people before, if you
12 needed to cut a tree down, you just needed to go in
13 and get a permit.
14 MAYOR PITTMAN: I've done that too.
15 COUNCIL MEMBER PACHUTA: And I guess I've
16 been telling people wrong.
17 And you know, there's times I've probably --
18 I mean everyone has seen my house. I've got --
19 COUNCIL MEMBER DEAN: Can we have this
20 discussion -- can we decide when we're going to have
21 this discussion, and have this discussion then?
22 CITY MANAGER GILLEN: Um-hmm. Yeah.
23 COUNCIL MEMBER ALEXANDER: Well, I don't
24 know that anything needs to be done to the ordinance.
25 CITY ATTORNEY MCLENDON: Let me look at it.

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1 I'll look at it, and I'll have an answer.
2 CITY MANAGER GILLEN: Okay. And if we don't
3 need to make any changes, well, we won't be bringing
4 it back to you. But if there is, we will.
5 COUNCIL MEMBER FLEMING: If the tree falls
6 on his house, are we liable because we didn't do
7 anything about it?
8 CITY ATTORNEY MCLENDON: That's why you have
9 the provision in most of the ordinances that say if
10 it's diseased or dying they can cut it immediately.
11 Because if it's not, then there's no issue of it
12 falling.
13 MAYOR PITTMAN: Well, my neighbor just had
14 an arborist out for their big, giant oak tree in
15 their front yard, and when we had the storm a few
16 weeks ago, the oak tree was in the middle of their
17 house, and they're going to be out of their house for
18 six months.
19 COUNCIL MEMBER BATES: Cecil, we need an
20 answer from you on this one, because I've always been
21 under the impression that homeowners didn't need to
22 show damaged or diseased in order to remove a tree,
23 it was their prerogative, all they needed to do was
24 get a permit and make sure that the property was
25 cleaned.

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1 COUNCIL MEMBER PACHUTA: Yeah. And that was
2 my understanding.
3 CITY ATTORNEY MCLENDON: I'll have an answer
4 in the next 10 minutes. Let me read. Give me a
5 minute.
6 COUNCIL MEMBER PACHUTA: Okay.
7 COUNCIL MEMBER BATES: Okay.
8 CITY MANAGER GILLEN: All right.
9 Well, we can move on while that's going on.
10 The vacant and foreclosed real property
11 registration system was brought to us by a Council
12 Member -- and it has been suggested by a couple
13 actually -- as a way to keep track of the owners of
14 foreclosed businesses, so we can hold them more
15 accountable basically.
16 COUNCIL MEMBER DEAN: Well -- and here's the
17 issue with that -- I brought this up a while ago.
18 I've spoken to DeKalb County. I've met with DeKalb
19 County. And they said that we could piggyback on
20 their system, because they have our tax records, and
21 we could do it at a fairly reasonable expense.
22 But Mr. Patrick suggested that we look into
23 doing it the way Norcross is doing it, which is:
24 Totally manage the whole system ourselves.
25 And so that would be the cost

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1 differentiation from between us doing it and
2 accessing the tax records, and having -- or having
3 DeKalb County do it. And those are the two areas.
4 But I think it's a great idea. I think that
5 we -- especially in our community --
6 COUNCIL MEMBER PACHUTA: I mean, I don't
7 know if anyone can have a discussion with DeKalb.
8 I think one of the problems DeKalb was
9 having is they were paying for the employees to do
10 this with the initial fees, but once that property is
11 registered, it's registered, and the fees aren't
12 going to necessarily keep coming in at the same rate,
13 and then you're still having to maintain.
14 I think there was an article talking about:
15 They weren't sure if the department was going to
16 continue to be able to pay for itself.
17 COUNCIL MEMBER DEAN: How long ago was this?
18 COUNCIL MEMBER PACHUTA: It's been a couple
19 of years.
20 COUNCIL MEMBER DEAN: Well, that's --
21 because I -- when I met with them last year, at the
22 end of last year, they had an 80 percent account-
23 ability, and they were making so much revenue that
24 they were now -- that that system was paying for
25 itself, and they were making money, and they were

1 expanding.
 2 And now -- it was put on hold. I was going
 3 to meet with them again, but they were saying that
 4 now they're looking into -- it wasn't just fore-
 5 closures, but it was also vacant properties, and so
 6 they're expanding it. And so before they invite
 7 anyone else to look at their program, they want to
 8 make sure that it's working well with them.
 9 COUNCIL MEMBER ALEXANDER: But the state
 10 legislature has changed the law now.
 11 COUNCIL MEMBER DEAN: Right.
 12 COUNCIL MEMBER ALEXANDER: You can't make
 13 money for that.
 14 COUNCIL MEMBER PACHUTA: Yeah.
 15 COUNCIL MEMBER DEAN: Well -- and this is
 16 why -- this is the kind of thing that they were
 17 dealing with before meeting with us again. But then
 18 Mr. Patrick suggested --
 19 COUNCIL MEMBER PACHUTA: Yeah. If we can
 20 just maybe follow up --
 21 COUNCIL MEMBER DEAN: Yes.
 22 COUNCIL MEMBER PACHUTA: -- and maybe you
 23 can get -- Mr. Patrick can give you someone in
 24 Norcross to speak to.
 25 COUNCIL MEMBER ALEXANDER: I guess one of

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1 the issues that I have in my neighborhood in DeKalb
 2 County is, the people that follow the law and do the
 3 foreclosure registry are the ones that keep up their
 4 foreclosed houses.
 5 There is a house on one of the neighboring
 6 streets that's in unincorporated DeKalb that's been
 7 in foreclosure. Obviously it's never been
 8 registered, and I've been trying with the members of
 9 the DeKalb Commission to get it cleaned up for three
 10 years; it still isn't cleaned up.
 11 So the only ones that follow the law and
 12 register are the ones that are going to maintain
 13 their property.
 14 COUNCIL MEMBER DEAN: Well -- and the banks
 15 too have an issue. The banks don't really follow up
 16 because the banks don't want you to find out. You
 17 know, they want to delay it as long as possible, so
 18 that --
 19 MAYOR PITTMAN: Well, sometimes it goes
 20 through three or four banks too.
 21 COUNCIL MEMBER PATRICK: We will have a code
 22 enforcement -- we have a code enforcement team --
 23 department, group. This is something that -- they
 24 can at least identify those properties in their
 25 regular patrols, and then when they come back, they

1 can tract down the current owner, either through a
 2 real estate records search that's done on the
 3 Internet --
 4 COUNCIL MEMBER ALEXANDER: Obviously DeKalb
 5 County can't, because I've been trying to get them to
 6 do that.
 7 COUNCIL MEMBER PATRICK: Okay.
 8 CITY MANAGER GILLEN: I'll check with Clark
 9 Patterson Lee and see if we can't make this part of
 10 just their own system and internally create a
 11 database that's linked to our JIS system.
 12 COUNCIL MEMBER PATRICK: Because there's --
 13 I've talked with a resident this weekend, there's a
 14 property on Gentilly that has had a chain across it
 15 for the years that I've been here and the years that
 16 he's been here, and he's been here for several years
 17 longer than I have.
 18 There are several buildings that are
 19 abandoned or appear to be abandoned. The property
 20 owners are not taking care of it, or the bank is not
 21 taking care of it, and it's a drag on our property
 22 values.
 23 COUNCIL MEMBER BATES: My issue on this when
 24 it's been brought up is I don't want us to duplicate
 25 work that's already out there if we can piggyback on

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1 it, and I don't want us to create a process that
 2 becomes burdensome for our staff.
 3 So if there is a way to get this and make it
 4 effective without increasing costs or burden, then by
 5 all means, let's move forward and make it happen.
 6 CITY MANAGER GILLEN: Sure. Well, I'll
 7 follow up with DeKalb.
 8 And Robert, I'd like to see how this is
 9 working in Norcross.
 10 And then we'll check with Clark Patterson
 11 Lee, and we'll see what we can come up with in the
 12 next few weeks.
 13 All right. The final item, the zoning code
 14 revision, is just an update to Council Member Dean's
 15 proposal for the change that is a piece of a zoning
 16 code revision.
 17 We've been working for the last couple of
 18 months -- Cecil and Joe and I and Cecil's staff -- to
 19 take a look at the entire zoning code and start
 20 identifying, you know, where are the contradictions?
 21 what are the issues?
 22 So we said, well, let's start with the easy
 23 stuff -- quote/unquote easy -- that is, the things
 24 that are contrary to state law. And so I know Lenny
 25 has been going through that. It's a very --

1 extraordinarily -- lengthy process to start
 2 identifying: Okay, what part of our codes don't jibe
 3 with state law? -- and we need to bring those back to
 4 you for consideration in the future and then take a
 5 look at where our own codes contradict each other --
 6 just like the one we were addressing tonight; there
 7 are several other areas where that's the case.
 8 And so we would like to, you know, start
 9 identifying those areas and bring them back to you
 10 holistically.
 11 And I just wanted to say that, you know, we
 12 are working on that. That will be coming in the
 13 future. It's just -- it's lengthy and it's tedious.
 14 So that's where it's at. And that's it.
 15 CITY ATTORNEY MCLENDON: Okay. I've looked
 16 at that. I think we made a revision to that in '11,
 17 it looks like, where we basically cut out -- carved
 18 out some criteria that if it was under a certain
 19 number of trees on non-development property, they can
 20 do it. There's a tree canopy analysis in it.
 21 Based on my windshield review, it doesn't
 22 look like it would violate that. But you will have
 23 to actually take that language and look at the
 24 property.
 25 So what I would say is, based on that, let

1 us go out, review it, and see if that resolves our
 2 problem.
 3 CITY MANAGER GILLEN: All right.
 4 Hey, if they're all that easy, we're going
 5 to have a good year.
 6 MAYOR PITTMAN: Okay. Do I get a motion to
 7 adjourn?
 8 COUNCIL MEMBER DEAN: So moved.
 9 COUNCIL MEMBER PATRICK: Second.
 10 MAYOR PITTMAN: Discussion?
 11 (No response.)
 12 MAYOR PITTMAN: Call the roll please.
 13 CLERK BRYANT: (Complying, polls Council
 14 Members, all of whom vote "yes.")
 15 MAYOR PITTMAN: Meeting adjourned.
 16
 17 (Meeting adjourned at 9:15 PM.)
 18
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 23
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 25

1 C E R T I F I C A T E
 2 STATE OF GEORGIA)
 3 FULTON COUNTY)
 4
 5 I hereby certify that the foregoing transcript
 6 was taken down as stated in the caption, and the
 7 proceedings were reduced to print under my direction
 8 and control.
 9 I further certify that the transcript is a true
 10 and correct record of the evidence given at the said
 11 proceedings.
 12 I further certify that I am neither a relative or
 13 employee or attorney or counsel to any of the parties,
 14 nor financially or otherwise interested in this
 15 matter.
 16 This the 15 day of September, 2013.
 17
 18
 19
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 23
 24
 25

WILLIAM H. ROBERTSON, 2594

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