

In The Matter Of:

*City Council Meeting
City of Doraville*

*Before Mayor Ray Jenkins
March 5, 2007*

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CITY COUNCIL MEETING
CITY OF DORAVILLE
STATE OF GEORGIA
* * *

Transcript of the proceedings held in
the City Council Room at Doraville City
Hall, 3725 Park Avenue, Doraville, Georgia,
Mayor Ray Jenkins presiding, before Theresa
Bretch, Certified Court Reporter, commencing
at approximately 7:08 p.m., Monday, March 5,
2007.

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Page 3

P R O C E E D I N G S

[1] **MAYOR JENKINS:** Meeting come to order.
[2] Appreciate everybody coming out. We have a good
[3] crowd, and I like that. People are interested
[4] in the city.
[5] I'd like to approve the meetings for
[6] the February the 5th, 2007 meeting. That's the
[7] one we did not approve the last time.
[8] Do I have a motion?
[9] **COUNCILMAN ANAVITARTE:** Motion.
[10] **COUNCILMAN HART:** Second.
[11] **MAYOR JENKINS:** All right, second.
[12] All in favor?
[13] Okay. Did everybody read their
[14] February the 20th, 2007 meeting minutes?
[15] Do I have a motion to approve those?
[16] Do I have a motion?
[17] **COUNCILWOMAN PITTMAN:** Motion.
[18] **MAYOR JENKINS:** Second?
[19] **COUNCILMAN HART:** Second.
[20] **MAYOR JENKINS:** All in favor?
[21] Opposed?
[22] Okay. Motion carried.
[23] We're going to have two town hall
[24] meetings. This is concerning what I call city
[25]

Page 2

[1] **APPEARANCES:**
[2] Doraville City Council:
[3] Hon. Ray Jenkins, Mayor
[4] Councilwoman Marlene Hadden
[5] Councilwoman Donna Pittman
[6] Councilman Jason Anavitarte
[7] Councilman Robert Spangler
[8] Councilman Tom Hart
[9] Councilman Ed Lowe
[10]
[11] Hugh "Rick" Powell, City Attorney
[12]
[13] Ms. Priscilla Murphy, Consultant
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Page 4

[1] structure, the change of City Manager versus a
[2] full-time Mayor. The first meeting will be
[3] March the 7th, 2007, 6 o'clock, at the City
[4] Hall. The second meeting will be March the
[5] 21st, 2007, 6 o'clock, City Hall.
[6] Now, these will be very important
[7] meetings, and I want everybody to come out and
[8] tell the Council and the Mayor what you want
[9] because on April the 1st we will make a motion
[10] to either go into a referendum in November or
[11] not. And I'll leave it at that because our
[12] first meeting is March the 7th, 6 o'clock. That
[13] is Wednesday.
[14] Ethics Committee. Our Ethics
[15] Committee's two years are up, and I asked all
[16] the Council to come up with the people that they
[17] wanted to put on the committee. And I have my
[18] appointment already, and I got it affirmed
[19] today. Alan Malcolm will be my appointment for
[20] our Ethics Committee.
[21] So I understand some of the other
[22] Commissioners say they're not quite ready. Is
[23] that correct?
[24] **CITY ATTORNEY POWELL:** Mayor, what you
[25] discussed with me, the possibility of amending

[1] the ethics ordinance. Y'all had asked me to go
[2] ahead with it --

[3] **MAYOR JENKINS:** Uh-huh (affirmative).

[4] **CITY ATTORNEY POWELL:** -- setting out
[5] certain duties and all to make it clearer.

[6] I held up on that based on what you
[7] said, that you thought you might want to ask the
[8] Council if they wanted to have, in effect,
[9] staggered terms, a three-year, two-year and a
[10] one-year term, and then each person as those
[11] expired, then they would be three-year terms and
[12] it would work out so there'd be one person
[13] coming on each year.

[14] Now, that didn't come up at the work
[15] session so I didn't know whether you wanted to
[16] bring that up now to instruct me to draw that
[17] type of an ordinance the next time.

[18] **MAYOR JENKINS:** If the Council agrees
[19] with it, I would like that, yes, so that each
[20] year one would drop off and then one would move
[21] up.

[22] **CITY ATTORNEY POWELL:** And I could have
[23] that ready by the next time, and it could be
[24] adopted. You could waive the first reading if
[25] you get the feeling of the Council.

[1] **MAYOR JENKINS:** And I would like for
[2] the other commissioners to have their
[3] appointments ready by the next meeting.

[4] **CITY ATTORNEY POWELL:** Would you
[5] suggest that they would be nominating one for
[6] the -- well, which year term?

[7] And the way the ordinance reads right
[8] now, the Ethics Committee itself selects the
[9] third member, then to be approved by the
[10] Council. Is that --

[11] **MAYOR JENKINS:** I believe it's set up
[12] so the Mayor appoints one, the Ethics Committee
[13] appoints one and all the commissioners appoint
[14] one.

[15] **CITY ATTORNEY POWELL:** That's correct.
[16] Do you want that to stay the same?

[17] **MAYOR JENKINS:** I see no problem with
[18] that.

[19] Does anybody?

[20] **CITY ATTORNEY POWELL:** Thank you.

[21] **MAYOR JENKINS:** Budget revision. We've
[22] already went through that on our new --

[23] John, what are we going to call it now?

[24] **CHIEF KING:** Quality of Life unit, sir.

[25] **MAYOR JENKINS:** Do I have a motion that

[1] I mean you can't vote on it now, but
[2] would they instruct me to do that, or what do
[3] the other Council members feel?

[4] **MAYOR JENKINS:** Do you need a motion?

[5] **CITY ATTORNEY POWELL:** No. If you-all
[6] just -- does that sound like something you'd
[7] like to have in writing and considered?

[8] **MAYOR JENKINS:** Ed, fine with you?

[9] **COUNCILMAN LOWE:** Fine with me.

[10] **CITY ATTORNEY POWELL:** (Nods head
[11] affirmatively.)

[12] **COUNCILMAN HART:** What else was lacking
[13] in the Ethics Committee law or what --

[14] **CITY ATTORNEY POWELL:** You-all wanted
[15] me to make clear that it was subject to the Open
[16] Meetings.

[17] **MAYOR JENKINS:** That's on item 17.

[18] You've got that on --

[19] **COUNCILMAN HART:** For requirements for
[20] keeping minutes and all that sort of thing or
[21] what?

[22] **MAYOR JENKINS:** Okay. Can you draw
[23] that up and --

[24] **CITY ATTORNEY POWELL:** I will have that
[25] for the next --

[1] we revise the budget to take care of our Quality
[2] of Life unit?

[3] **COUNCILWOMAN HADDEN:** So moved.

[4] **MAYOR JENKINS:** Second?

[5] **COUNCILMAN HART:** It's called the
[6] Quality of Life unit? Why is that? Because
[7] SWAT's already taken?

[8] **CHIEF KING:** The Park Squad was going
[9] to be the other nomination, too.

[10] **COUNCILMAN HART:** I figured.

[11] **MAYOR JENKINS:** Okay. Do I have a
[12] second?

[13] **COUNCILMAN ANAVITARTE:** Second.

[14] **MAYOR JENKINS:** Jason, second.

[15] All in favor?

[16] Opposed?

[17] **COUNCILMAN HART:** Based on the fact
[18] that I think it needs to go in the Building
[19] Department.

[20] **MAYOR JENKINS:** Motion carried.

[21] **COUNCILMAN ANAVITARTE:** Rick, can you
[22] pass around the survey and sign it?

[23] **MAYOR JENKINS:** We got many, many
[24] resumes on the City Clerk position. I want
[25] every commissioner at least by -- well, let's

Page 9

[1] say by the end of this week, have their nominees
 [2] ready so we can go ahead and get a City Clerk.
 [3] Kevin Cunningham, come up to the micro-
 [4] phone, sir. State your name, please, sir.
 [5] **MR. CUNNINGHAM:** Kevin Cunningham.
 [6] **MAYOR JENKINS:** You're asking for a
 [7] variance; is that correct?
 [8] **MR. CUNNINGHAM:** Yes, sir.
 [9] **MAYOR JENKINS:** Is anybody familiar
 [10] with this variance?
 [11] You know about it?
 [12] **COUNCILWOMAN HADDEN:** Pretty much.
 [13] **MAYOR JENKINS:** I went over and looked
 [14] at it today and I'm a little confused with what
 [15] you want.
 [16] **MR. CUNNINGHAM:** Basically, I have a
 [17] patio on the side of my house. I want to build
 [18] a pergola basically on the top of it and screen
 [19] it in, and that's pretty much it.
 [20] **MAYOR JENKINS:** You want to wall it up?
 [21] **MR. CUNNINGHAM:** No. I want to build
 [22] like a pergola kind of style. Basically, I just
 [23] want to be able to screen it in. I'm not trying
 [24] to put a roof on it or enclose it and make it
 [25] into any kind of a sunroom or anything of this -

Page 10

[1] - anything like that. It's strictly I just want
 [2] to just be able to screen it in.
 [3] **MAYOR JENKINS:** Top and all.
 [4] **MR. CUNNINGHAM:** Put screening over the
 [5] top, yes, but not a roof. Just screening
 [6] material. I don't want to put any kind of roof
 [7] on it of any description. Just want to try and
 [8] make it a little more comfortable for usage
 [9] during the spring and summertime. Just try and
 [10] control the mosquitoes; that's all.
 [11] **MAYOR JENKINS:** Well, I don't really
 [12] think he needs a variance, does he, Rick?
 [13] **CITY ATTORNEY POWELL:** I hadn't seen
 [14] it. I don't -- Mr. Ensminger looked at it, and
 [15] the Planning Commission looked at it as I
 [16] understand it. I don't have any idea.
 [17] **MAYOR JENKINS:** Dan, did you look at
 [18] it?
 [19] **MR. COHEN:** Yeah. I got a report right
 [20] here.
 [21] Dan Cohen, City Planner.
 [22] I'll read you from this. But once
 [23] again, this is a little bit of an awkward
 [24] situation.
 [25] The Applicant is requesting a variance

Page 11

[1] from Article 7, Section 705, projection into
 [2] required yard, the City of Doraville zoning
 [3] ordinance, in order to build a screened-in
 [4] patio.
 [5] The Applicant would like to enclose a
 [6] recently constructed patio area with screening
 [7] and lattices. The patio currently projects into
 [8] the required 10-foot side yard, reducing the
 [9] side yard to five feet on one side of the house.
 [10] However, the Applicant was already granted a
 [11] building permit for the construction of that
 [12] facility without a variance already.
 [13] The enclosure of the structure does not
 [14] require a variance from the zoning ordinance;
 [15] thus, the variance request is considered retro-
 [16] active in order to allow the enclosure of the
 [17] patio in the side yard.
 [18] The patio was constructed by the owner
 [19] with permission of the building inspector. The
 [20] proposed enclosed patio in the side yard is
 [21] relatively small and appears to be planned as an
 [22] unobtrusive addition to the home. It's a very
 [23] small encroachment that has already been made
 [24] with the issuance of a building permit.
 [25] And the use of the property is in

Page 12

[1] compliance with R-1 zoning, and the request for
 [2] variance is really not a use variance.
 [3] So quite frankly, we really do
 [4] recommend approval because the variance -- we
 [5] recommend approval because the variance request
 [6] was really for the encroachment which already
 [7] has occurred. Now we're just enclosing
 [8] something that already exists, so --
 [9] **CITY ATTORNEY POWELL:** But I think
 [10] legally it should never --
 [11] **MR. COHEN:** -- legally it --
 [12] **CITY ATTORNEY POWELL:** -- have been
 [13] granted --
 [14] **MR. COHEN:** -- shouldn't have been.
 [15] **CITY ATTORNEY POWELL:** -- until the
 [16] variance was granted before. The building
 [17] permit should have never been --
 [18] **MR. COHEN:** Right.
 [19] **CITY ATTORNEY POWELL:** -- granted.
 [20] **MR. COHEN:** So we already have an
 [21] existing condition of it, and all it is is
 [22] covering it.
 [23] **COUNCILMAN ANAVITARTE:** So there's
 [24] nothing for us to do.
 [25] **MR. COHEN:** I agree. That's what I'm

[1] trying to say. But an application was taken, so
[2] I felt obliged to get this gentleman due
[3] process.

[4] **COUNCILMAN HART:** If you build a drive-
[5] way that close to the property line, that would
[6] be legal; is that --

[7] **MR. COHEN:** Well, if the driveway is in
[8] the encroachment, then you have to get a
[9] variance for the driveway as well.

[10] But what Mr. Powell was saying is the
[11] issue should have been taken care of the first
[12] time when the structure was actually built, not
[13] when it's just enclosed, so --

[14] **COUNCILMAN HART:** Well, when I looked
[15] at it, there was a stone patio.

[16] Nice work, by the way.

[17] **MAYOR JENKINS:** Very beautiful.

[18] **COUNCILMAN HART:** But there's a -- but
[19] the fence is turned the wrong way, so I'll give
[20] you a negative on the fence.

[21] **MAYOR JENKINS:** Did you know that? The
[22] finished side of the fence is supposed to be on
[23] your neighbor.

[24] **MR. COHEN:** So you have to tear the
[25] whole fence down?

[1] over it.

[2] **COUNCILMAN HART:** I got the pergola
[3] part, but Ms. Strickland was putting a pergola,
[4] too, and she moved out of town, so --

[5] **MAYOR JENKINS:** But she was putting a
[6] roof on it.

[7] **COUNCILMAN HART:** No. She was putting
[8] -- she was making a pergola with a screened top
[9] or a plastic insert into the pergola, meaning it
[10] was nonpervious.

[11] Is that the same sort of thing or --

[12] **MR. CUNNINGHAM:** I'm just strictly --
[13] just for the pergola style. And it's strictly
[14] just screening over that, you know, just to keep
[15] at leaves and debris out, and the main thing is
[16] just keeping the mosquitoes out so I can make
[17] better usage of it.

[18] **COUNCILMAN HART:** Okay. So it's just a
[19] pergola with a screened insert.

[20] **MR. CUNNINGHAM:** Yeah.

[21] **MAYOR JENKINS:** Do I have a motion?

[22] **COUNCILMAN ANAVITARTE:** Stuart? I want
[23] to hear from Stuart.

[24] **MAYOR JENKINS:** Do what?

[25] **MR. ANDERSON:** I did a little research

[1] **MR. CUNNINGHAM:** Right next to the
[2] patio, that's my neighbor's fence. The finished
[3] side is toward him.

[4] **COUNCILMAN HART:** Oh, that's his fence?

[5] **MR. CUNNINGHAM:** Yeah.

[6] **COUNCILMAN HART:** Well, okay. That's
[7] better.

[8] **CITY ATTORNEY POWELL:** Do you need a
[9] motion?

[10] **MR. COHEN:** No, I don't believe that I
[11] do.

[12] **COUNCILMAN HART:** Okay. But what I'm
[13] saying is that patio, you need a variance to
[14] build a driveway within --

[15] **MR. COHEN:** Within the setback, you
[16] would.

[17] **COUNCILMAN HART:** Okay. And so he's
[18] within five feet instead of 10.

[19] **MR. COHEN:** That's correct.

[20] **COUNCILMAN HART:** Now, if he builds a -
[21] - that is just a patio right now. So if you
[22] added a roof to that patio --

[23] **MAYOR JENKINS:** He's not going to have
[24] a roof.

[25] **MR. CUNNINGHAM:** I'm not putting a roof

[1] into it. The Planning Commission opted for
[2] granting as well.

[3] The question that Mr. Hart is asking
[4] about the driveway, I asked Chuck, but I hadn't
[5] really asked him enough to get an ordinance
[6] number where you can build the driveway next to
[7] or on the property line. My own driveway
[8] happens to be on a property line.

[9] **VOICE:** (Imperceptible.)

[10] (Laughter)

[11] **MR. ANDERSON:** The variance was
[12] involved because --

[13] It was there 50 years ago.

[14] (Laughter)

[15] **MR. ANDERSON:** Oh, me.

[16] Anyway, it was of interest to me.

[17] The only -- the reason it was a
[18] variance was because the patio's within five
[19] feet of a property line and we're not allowed to
[20] put within 10 feet, but a building permit was
[21] granted on the basis of the driveway concept
[22] that can go to the property line.

[23] **COUNCILMAN ANAVITARTE:** Quick question
[24] here. Why didn't you guys get to see it before
[25] a building permit was issued?

Page 17

[1] **MR. ANDERSON:** You'll have to ask Chuck
[2] that.
[3] **CITY ATTORNEY POWELL:** That's a long
[4] time ago.
[5] **MR. ANDERSON:** The building permit was
[6] issued, and then we were asked for a variance.
[7] **CITY ATTORNEY POWELL:** When was the
[8] patio built?
[9] **MR. CUNNINGHAM:** Summer of last year.
[10] **COUNCILMAN HART:** I want to make a
[11] comment that it started off to be legal and then
[12] it made that little jag that took it five feet
[13] in. Is that --
[14] **MR. CUNNINGHAM:** Actually --
[15] **COUNCILMAN HART:** -- an add-on?
[16] **MR. CUNNINGHAM:** -- my understanding
[17] was the patio could be built because it came
[18] under the same regulations as a driveway and you
[19] could put that up to the property line.
[20] I was originally told I couldn't build
[21] a deck there because a deck was a structure but
[22] I could build a patio because a patio wasn't
[23] classed as a structure and I could build it as
[24] close to the fence as I wanted it.
[25] I kept it five feet back in the hopes

Page 18

[1] that I could somehow work a happy medium and be
[2] able to put some screening over it without going
[3] all the way up to the property line. I was
[4] trying to keep some boundaries in place.
[5] **COUNCILMAN HART:** You must have an acre
[6] behind your house. Did you ever consider using
[7] that?
[8] **MR. CUNNINGHAM:** I have -- directly
[9] behind my house is the septic fields, and I
[10] can't build anything back there. I can't build
[11] on the septic fields and I can't build within 10
[12] feet of the lines coming out. There is no other
[13] place.
[14] And if you see the actual layouts of my
[15] house, the back side of my house is two bedrooms
[16] and a bathroom, and on the front of my house,
[17] where the patio is is next to my living room.
[18] It was the only realistic place in which I could
[19] put some patio doors to gain access to the
[20] exterior of my house.
[21] We had considered the back garden, but
[22] the closest I could build anything is about 45
[23] feet from my house once I passed the septic
[24] fields, and that would be the closest I could
[25] build any other kind of structure.

Page 19

[1] **COUNCILMAN ANAVITARTE:** At what point
[2] did you find out you needed a variance?
[3] **MR. CUNNINGHAM:** Upon the application
[4] for putting the -- to screen the actual porch
[5] in. At that point, it came back to being I was
[6] told that that is classed as a structure and
[7] that a variance would be needed.
[8] **COUNCILMAN ANAVITARTE:** So were you
[9] given a permit before you were told that?
[10] **MR. CUNNINGHAM:** Yeah. In my initial
[11] application for the patio, the only thing that
[12] was wrong was I had a gas meter on the side of
[13] my house. I couldn't build anything there until
[14] that was moved, so I had that moved to the front
[15] of the house. And I was told that with the
[16] patio, I can build it up to the -- up to my own
[17] property line because it's classified as a
[18] driveway or comes under the same ordinance as a
[19] driveway comes under. So I had no restrictions
[20] placed on me at that point.
[21] **COUNCILMAN ANAVITARTE:** Stuart, did you
[22] get drawings or anything to review?
[23] **MR. ANDERSON:** Yeah, we had drawings.
[24] **COUNCILMAN ANAVITARTE:** Okay. Did you
[25] pay for a permit?

Page 20

[1] **MR. CUNNINGHAM:** Uh-huh (affirmative).
[2] **MR. ANDERSON:** He has a permit number
[3] and all.
[4] **COUNCILMAN ANAVITARTE:** Did you pay for
[5] a variance fee or anything like that?
[6] **MR. CUNNINGHAM:** Yes.
[7] **COUNCILMAN ANAVITARTE:** Okay.
[8] **MR. CUNNINGHAM:** I've done everything
[9] required for the application for a variance --
[10] **COUNCILMAN ANAVITARTE:** Okay.
[11] **MR. CUNNINGHAM:** -- including all fees.
[12] **COUNCILMAN ANAVITARTE:** So are we
[13] saying that this project or this variance in
[14] question is or is not similar to the issue we
[15] discussed with Mrs. Strickland's property?
[16] **MAYOR JENKINS:** Mr. Cohen?
[17] **MR. COHEN:** It's not similar.
[18] **MAYOR JENKINS:** There's no connection
[19] between the two.
[20] **MR. COHEN:** No, not to my under-
[21] standing.
[22] **MR. ANDERSON:** Ms. Strickland was a
[23] front setback question and this is a side
[24] setback.
[25] **MAYOR JENKINS:** Any more discussion?

[1] Do I get a motion?
 [2] **COUNCILMAN HART:** Do you have to cover
 [3] the whole patio with the pergola?
 [4] **MR. CUNNINGHAM:** It's a small patio.
 [5] There's not much I can do with it.
 [6] **MAYOR JENKINS:** Do I get a motion?
 [7] **COUNCILMAN LOWE:** I'll make a motion
 [8] that he be granted the variance.
 [9] **COUNCILWOMAN PITTMAN:** Second.
 [10] **MAYOR JENKINS:** All in favor?
 [11] Opposed?
 [12] **COUNCILMAN ANAVITARTE:** No.
 [13] **COUNCILMAN SPANGLER:** No.
 [14] **MAYOR JENKINS:** How many noes?
 [15] **COUNCILMAN HART:** I'll have to abstain
 [16] because I can't make up my mind on this.
 [17] **MAYOR JENKINS:** You abstain?
 [18] **COUNCILMAN HART:** Yeah.
 [19] **MAYOR JENKINS:** Motion carried.
 [20] **COUNCILMAN ANAVITARTE:** Just for the
 [21] record, I'm voting "no" for the City's setting a
 [22] precedent that we're going to issue building
 [23] permits before we're going to grant a variance.
 [24] **COUNCILWOMAN HADDEN:** I agree with Mr.
 [25] Anavitarte.

[1] necessary.
 [2] **COUNCILMAN ANAVITARTE:** That's another
 [3] reason to vote no, then.
 [4] **MAYOR JENKINS:** Any more discussion on
 [5] that?
 [6] **MR. ANDERSON:** When we heard it, when
 [7] the Planning Commission heard it, I brought up
 [8] the problem with the 1402, which is a legal
 [9] problem that we have about the ordinance about
 [10] variances.
 [11] However, the Planning Commission felt
 [12] and I also felt that the building, the structure
 [13] as it were, was well within conformity of the
 [14] neighborhood. Everything in that neighborhood
 [15] is built close to everything else. So that
 [16] conformity, whether it's a variable for -- for a
 [17] variance is there, is all I can say about that.
 [18] And we have the precedent or were asked
 [19] about the driveway as far as it being legal as
 [20] far as the property line situation.
 [21] **MAYOR JENKINS:** What's a driveway got
 [22] to do with this?
 [23] **MR. ANDERSON:** Chuck based the building
 [24] permit for the patio on the concept a driveway
 [25] can go to the property line.

[1] **COUNCILMAN HART:** It's a difficult
 [2] decision because it's very nice work.
 [3] **COUNCILWOMAN HADDEN:** It is, and he
 [4] should be --
 [5] **COUNCILMAN HART:** And he's done a nice
 [6] job, so it's -- If it was a little shaky, it was
 [7] a definite "no" on my part. I just can't make
 [8] up my mind.
 [9] **COUNCILWOMAN HADDEN:** There was three
 [10] noes.
 [11] (Inaudible discussion between Council
 [12] members.)
 [13] **MS. MURPHY:** Mayor, can I go over their
 [14] votes for the record?
 [15] **MAYOR JENKINS:** Yes.
 [16] **MS. MURPHY:** I have that Mr. Lowe made
 [17] the motion for approval. Ms. Pittman seconded.
 [18] I have Ms. Hadden as a no, Mr. Hart is abstain,
 [19] Mr. Spangler is a no and Mr. Anavitarte, and the
 [20] motion doesn't carry.
 [21] **MAYOR JENKINS:** So it's denied.
 [22] **COUNCILMAN HART:** So Pond & Company
 [23] recommended yes?
 [24] **MR. COHEN:** Yeah; no variance required.
 [25] So in my mind, there's no motion that's

[1] **COUNCILMAN HART:** Well, it's not. It's
 [2] just a -- it's a brick --
 [3] **MR. ANDERSON:** It's not a driveway. It
 [4] is a brick patio.
 [5] **COUNCILMAN HART:** It's just a block
 [6] patio right now.
 [7] **MAYOR JENKINS:** I don't know how a
 [8] driveway ever got into this. It is a patio.
 [9] **COUNCILMAN ANAVITARTE:** But I will say
 [10] that, you know, based on Dan's citations, that,
 [11] you know, even though the Council voted no, it
 [12] doesn't need a variance. So technically, the
 [13] guy could probably still build the project.
 [14] **VOICE:** Until the Quality of Life
 [15] person objects.
 [16] **COUNCILMAN HART:** Could we revisit the
 [17] vote again?
 [18] (Overspeaking from audience.)
 [19] **MAYOR JENKINS:** Hold on. Excuse me,
 [20] please.
 [21] Do we want to revisit the vote?
 [22] **COUNCILMAN ANAVITARTE:** No.
 [23] **COUNCILMAN HART:** I would like to
 [24] change from abstain to voting yes.
 [25] **MAYOR JENKINS:** We'll have to change

Page 25

[1] the vote and you can start over.
[2] **MS. MURPHY:** Mayor?
[3] **MAYOR JENKINS:** Jason, have you -- has
[4] anybody went out and looked at it that voted no?
[5] Have you seen it?
[6] **COUNCILMAN ANAVITARTE:** No, I haven't.
[7] I don't have any paperwork, I don't have any
[8] drawings; I don't have nothing.
[9] And to me, you know, the City's going
[10] to set the precedent -- you know, if in case a
[11] variance is needed, that the building permit's
[12] going to come before the variance, and I think
[13] that's a very dangerous and bad precedent to
[14] set.
[15] But I think according to Mr. Cohen's
[16] citations, regardless of how the Council votes,
[17] I think the gentleman can still build the -- the
[18] property. I think the vote signifies that
[19] that's not a precedent that the City wants to
[20] undertake.
[21] **COUNCILMAN HART:** Well, he can't do
[22] that because he has -- the Council didn't vote
[23] yes for it, so he can't be issued a building
[24] permit.
[25] **COUNCILMAN ANAVITARTE:** But the vote's

Page 26

[1] moot because he doesn't need a variance.
[2] **COUNCILWOMAN HADDEN:** Mr. Ensminger
[3] told me that he had made a mistake about this.
[4] And I understood -- I believe I saw Pond &
[5] Company's report on this prior to the meeting
[6] tonight, and that the vote really was not
[7] necessary to be; the fellow could go ahead --
[8] **COUNCILWOMAN PITTMAN:** Right.
[9] **COUNCILWOMAN HADDEN:** -- and construct
[10] the pergola without a vote.
[11] But I don't think that we need to set a
[12] precedent by allowing variances, because we
[13] might not get something quite so nice that would
[14] come before us.
[15] **MAYOR JENKINS:** Well, we were told
[16] before we made the motion that we did not need a
[17] variance.
[18] **COUNCILMAN ANAVITARTE:** So why was a
[19] motion made?
[20] **VOICE:** We don't need a motion.
[21] **MS. MURPHY:** Mayor, if he didn't need a
[22] variance, should we give him his money back?
[23] **COUNCILMAN ANAVITARTE:** That's a great
[24] idea.
[25] **MAYOR JENKINS:** I agree with that.

Page 27

[1] **COUNCILMAN ANAVITARTE:** He could get
[2] interest, too, maybe 25 cents but --
[3] **MAYOR JENKINS:** Rick, how do we handle
[4] this?
[5] You asked for a motion so --
[6] **CITY ATTORNEY POWELL:** If there were
[7] no --
[8] **COUNCILMAN LOWE:** I can withdraw my
[9] motion.
[10] **CITY ATTORNEY POWELL:** -- no variance
[11] needed, it's a moot point.
[12] **COUNCILMAN LOWE:** I can withdraw my
[13] motion.
[14] **COUNCILMAN ANAVITARTE:** So my next
[15] question is going to be why are we getting
[16] variances that don't need variances brought to
[17] the table?
[18] **VOICE:** Yeah.
[19] **CITY ATTORNEY POWELL:** I suppose that
[20] someone was told to file a variance.
[21] **COUNCILMAN ANAVITARTE:** So who's some-
[22] body?
[23] **CITY ATTORNEY POWELL:** I don't know. I
[24] don't know.
[25] **COUNCILMAN ANAVITARTE:** So this is a

Page 28

[1] complete waste of time.
[2] **MAYOR JENKINS:** Mr. Lowe, will you
[3] retract your motion?
[4] **COUNCILMAN LOWE:** I'll rescind the
[5] motion.
[6] **MAYOR JENKINS:** Is it legal to rescind
[7] a motion, Rick?
[8] **CITY ATTORNEY POWELL:** Well, there
[9] wasn't any -- I think it was a nullity. There
[10] was no variance needed. There wasn't anything
[11] to vote on.
[12] **MAYOR JENKINS:** Okay.
[13] **COUNCILMAN ANAVITARTE:** I make a motion
[14] we give this gentleman a refund --
[15] **COUNCILWOMAN HADDEN:** I second that.
[16] **COUNCILMAN ANAVITARTE:** -- with
[17] interest.
[18] **COUNCILWOMAN HADDEN:** I second it.
[19] **MAYOR JENKINS:** Now wait a minute.
[20] What was the motion?
[21] **COUNCILWOMAN HADDEN:** Give him his
[22] money back on the variance that he --
[23] **COUNCILMAN ANAVITARTE:** Refund the
[24] variance money that he's paid and with interest
[25] due.

[1] **MAYOR JENKINS:** Whatever, we'll pay
[2] him.

[3] **COUNCILMAN HART:** Yeah. But Dan's
[4] basing it on the fact that you can't build a
[5] concrete driveway within feet of the property
[6] line?

[7] **MR. COHEN:** No. My basic -- what I was
[8] trying to say was, to me, the patio was separate
[9] from the driveway, number one.

[10] But the point is since the building
[11] permit was already issued --

[12] **COUNCILMAN HART:** For a patio.

[13] **MR. COHEN:** -- for the structure --

[14] **COUNCILMAN HART:** No. For --

[15] **MR. COHEN:** -- there is no variance --

[16] **COUNCILMAN HART:** -- a patio.

[17] **MR. COHEN:** -- necessary. That's
[18] correct. That's all.

[19] **COUNCILMAN HART:** For a patio, not --
[20] not a --

[21] **MR. COHEN:** Not a driveway. A driveway
[22] has nothing to do with this case.

[23] **COUNCILMAN HART:** Okay. You got this
[24] concrete patio. There's some question as to
[25] whether he could build that within five feet

[1] **CITY ATTORNEY POWELL:** Isn't that
[2] right?

[3] **MR. COHEN:** That's correct.

[4] **CITY ATTORNEY POWELL:** So there doesn't
[5] have to be any.

[6] **COUNCILMAN HART:** If that's the case --

[7] **MAYOR JENKINS:** Wait a minute, Tom.

[8] **COUNCILMAN HART:** Okay.

[9] **MAYOR JENKINS:** We do not have to have
[10] a variance. Is that correct?

[11] **CITY ATTORNEY POWELL:** That -- that's -
[12] - if all of that's correct, yes.

[13] **MAYOR JENKINS:** Ed has retracted his
[14] motion.

[15] **COUNCILMAN LOWE:** Right.

[16] **MAYOR JENKINS:** So does that clear it
[17] up, Rick?

[18] **COUNCILMAN ANAVITARTE:** No. A vote
[19] took place and I have a motion on the table
[20] that's seconded to refund the gentleman has
[21] money back so we can get on with business.

[22] **MAYOR JENKINS:** I second that motion.

[23] **COUNCILMAN ANAVITARTE:** This is a
[24] complete waste of time.

[25] **MAYOR JENKINS:** I second that motion.

[1] legally --

[2] **MR. COHEN:** And my interpretation --

[3] **COUNCILMAN HART:** -- and if so --

[4] **MR. COHEN:** -- is --

[5] **COUNCILMAN HART:** -- you haven't gotten
[6] a permit to build a structure within five feet
[7] of the property line.

[8] **MR. COHEN:** -- a permit --

[9] You're correct. And then a permit
[10] shouldn't have been issued.

[11] **COUNCILMAN HART:** Well, there's two
[12] different items here. You still require a
[13] variance for a structure within in five feet.

[14] **MR. COHEN:** I know. But this isn't a
[15] structure. This is just a patio.

[16] **COUNCILMAN HART:** You could build a
[17] retaining wall and then come back and build a
[18] fence on top of the retaining wall, and that
[19] structure could be within six inches of the
[20] property line. But that still doesn't mean I
[21] can build a shed on top of that structure.

[22] **CITY ATTORNEY POWELL:** Dan's point is
[23] that what is proposed to be built doesn't fall
[24] under the definition of a structure.

[25] **MR. COHEN:** Right.

[1] That's no problem.

[2] **COUNCILMAN ANAVITARTE:** Thank you.

[3] **MS. MURPHY:** And Ms. Hadden has already
[4] seconded.

[5] **MAYOR JENKINS:** All in favor of giving
[6] this man his money back?

[7] Let's move right along.

[8] John Lee, please, sir, come on up to
[9] the podium.

[10] **MR. LEE:** Can I have a presentation
[11] first?

[12] **MAYOR JENKINS:** John Lee, sir.

[13] **MR. LEE:** My name is John Lee, former
[14] administer of the city of Doraville and former
[15] commission member for the government's Asian
[16] Commission.

[17] **MAYOR JENKINS:** Either one you want
[18] first.

[19] **MR. LEE:** Okay. Honorable Mayor
[20] Jenkins, and distinguished Council members, and
[21] attorneys, and City Clerks, and ladies and
[22] gentlemen, on behalf of long-time businessmen of
[23] the Doraville corridor, and I have been
[24] participating city mayor many time mainly for
[25] function.

Page 33

[1] So Chief John King has been favor to
 [2] all the citizen as I understand. I think I told
 [3] last meeting everybody was trying to salute him,
 [4] you know, since he coming. I think people were
 [5] actually anxious, waiting for him to come back.
 [6] We are so happy to see him. He's great.
 [7] You know I have Governor's connection.
 [8] I requested the Honorary Georgian Certificate,
 [9] so Governor's office has been issued. We was
 [10] originally trying to have a presentation for,
 [11] you know, some business function, but, you know,
 [12] I this is a great place to, you know, have a
 [13] presentation.
 [14] I'd like for our hero John King to come
 [15] forward to the podium, please.
 [16] The State of Georgia Secretary of State
 [17] -- it was last year, end of last year --
 [18] (reading) I, Kathy Cox, Secretary of State of
 [19] the State of Georgia, do hereby proclaim Police
 [20] Chief John King as an outstanding Georgia
 [21] citizen.
 [22] Let's give him a big round of applause.
 [23] (Applause.)
 [24] **MR. LEE:** (Reading) May this
 [25] outstanding citizen be appointed every courage

Page 34

[1] as a goodwill ambassador from Georgia in his
 [2] travel to other state, to nations beyond the
 [3] boundary of the United States of America or
 [4] wherever he may hereafter travel to reside. In
 [5] testimony whereof I have herein set my hand and
 [6] affixed seal of my office at the capitol and the
 [7] city of Doraville.
 [8] **CHIEF KING:** Thank you very much. I
 [9] guess this means I won't get deported, eh?
 [10] **MAYOR JENKINS:** Yes.
 [11] **MR. LEE:** Let's give him applause.
 [12] (Applause)
 [13] **MR. LEE:** You know, we all like his
 [14] great smile all the time. Whenever we see him -
 [15] - you know, as I'm a small businessman, you
 [16] know, usually people are scared of the police.
 [17] But whenever John King come to us, we have
 [18] friendship feeling, like a homecoming feeling.
 [19] So you know, as immigrant as I am, my dear
 [20] friend Charlene Fang, we always have -- we have
 [21] isolated feeling. But when John King comes,
 [22] hey, that's totally different.
 [23] Thank you very much.
 [24] So next subject I'd like to move on --
 [25] may I?

Page 35

[1] **MAYOR JENKINS:** Yes.
 [2] **MR. LEE:** I have a certain feeling I'd
 [3] like to express to you and all the distinguished
 [4] Council members and, you know, citizens of
 [5] Doraville also. Many small businessmen,
 [6] especially people have a corridor. We have
 [7] almost 1,000 small businessmen on the Doraville
 [8] -- I mean on the Buford Highway corridor, just
 [9] Korean American small businessmen alone, and
 [10] plus lots of Chinese, lots of Japanese, lots of
 [11] Hispanic, you know. We always have some kind
 [12] of, you know, positive feeling to, you know, see
 [13] to supporting our small business, and we
 [14] appreciate, you know, all the police department
 [15] that has been -- you know, keep us safe, and,
 [16] you know, better business we can do.
 [17] But you know, I compare; go through the
 [18] meeting training, state and city and different
 [19] counties meeting as well as Dekalb County also.
 [20] We have -- we just bring up the -- I
 [21] know City trying to upgrading a lot of different
 [22] process, but we just prove those enforcement
 [23] way, you know, we're going to have opportunity -
 [24] - I think code enforcement? Yeah, we just
 [25] changed the name Code Enforcement, I think, the

Page 36

[1] Police Department. We as small businessmen, we
 [2] all supporting that.
 [3] You know, it is possible we could, you
 [4] know, pitch in some money to donating to buy the
 [5] truck or maybe some assistance you need. We
 [6] don't mind to do that because, you know, the
 [7] city will keep us safe and, you know, a strong
 [8] way to do the business.
 [9] **COUNCILMAN ANAVITARTE:** Well, the
 [10] bucket's right over here.
 [11] **MR. LEE:** Oh, the bucket's right here?
 [12] Jason; yeah, yeah, I give over there.
 [13] But you know, always have a two-way
 [14] prong. You know, one side you, you know, have
 [15] enforcement way, and the other side, you have to
 [16] have encouragement to do the business, you know.
 [17] So there is -- a lot of other county
 [18] and city, there is a economic development
 [19] department, you know. When I talk to the
 [20] different counties, you know. I have my
 [21] property and I used to do the, you know,
 [22] Northridge Motel, as you guys know. I think
 [23] John King has been taking care of me long time.
 [24] So when I do the business, Dekalb
 [25] County come to me and, you know, if you want to

[1] try to upgrading, that what I encourage -- tax
[2] breaking; some, you know, kick starting
[3] program -- and you know, mainly different
[4] support. They're going to try to do that by the
[5] economic development.

[6] I think now time to discuss those
[7] economic development, we have to think -- think
[8] of it, because this really -- really, we don't
[9] want just enforcement. We need the same time,
[10] some economic development way to do -- feel free
[11] to do upgrading our business and upgrading our
[12] building, upgrading our, you know, potential,
[13] and many different way to improve ourself, you
[14] know. I think the distinguished Councilmen
[15] already get involved many different project,
[16] different county also I think you can -- you may
[17] easily see that, you know.

[18] Not only I'm talking of Star Tower. My
[19] friend Mr. Lee is there. You know, it's been
[20] taking almost three and a half to, you know,
[21] dragging out not even to the public, whatever.
[22] This is something else. Such as in the Gwinnett
[23] County, there is many different project, you
[24] know. You know, it's so many of them, you know,
[25] already been complete changing or some of them

[1] Hopefully you have the concern about
[2] the economic development. You know, not only
[3] I'm talking about Star Tower. Star Tower is one
[4] of them, you know. My friend would like to
[5] build up his space. Right now, it's so small,
[6] but he'd like to have, you know, two story. But
[7] people heard Doraville hard to get approved
[8] everything, so they're scared. You know, this
[9] is something.

[10] So hopefully wise and distinguished
[11] Council members and all the City Planning
[12] Department, you know, hopefully, you know, you
[13] guys concerned about economic development. This
[14] is the way to make money. America is free
[15] enterprise society, so hopefully everybody can
[16] have opportunity to make money.

[17] **MAYOR JENKINS:** I had mentioned to you
[18] and some of the other businessmen --

[19] **MR. LEE:** Yes, sir.

[20] **MAYOR JENKINS:** -- small and large,
[21] about forming a co-op similar to what we have at
[22] our tank farm. We'll meet occasionally, let you
[23] know what's going on; will you let us know what
[24] you do or don't like?

[25] **MR. LEE:** Okay.

[1] ongoing project such as like Parkview Pla-- Park
[2] Plaza, which is -- Park Village, H Mark (ph)
[3] shopping center, and (imperceptible) which is
[4] just above, you know, north side of I-285 on
[5] right-hand side. It's in Gwinnett, Gwinnett
[6] County. And also the Yamasaki project which is
[7] better building, and Monarch Plaza, you know,
[8] this kind of things. You know that development
[9] such as they are not tight enough to meet the
[10] bounds maybe slightly they are less than what
[11] the ordinance is, but, you know, okay.

[12] Such as an example, sauna in front of
[13] the Gwinnett Place just got grand opening. I
[14] went there and give them tape cutting and give
[15] them congratulatory speech. Okay. So sauna, I
[16] think that most mainstream-society people never
[17] been into.

[18] But you know, they took the inspector
[19] to the Washington D.C. and see the place. This
[20] is what it is. They happy to come up there and
[21] take a look there. They change all the, you
[22] know, the ordinance and they approve the sauna.
[23] So that's the beauty of the economic develop-
[24] ment: so you can get more tax income and county
[25] get more richer, and just like that, you know.

[1] **MAYOR JENKINS:** Is this what we're
[2] talking about?

[3] **MR. LEE:** I'm so happy to hear that,
[4] Mayor. But you know, time is really essential.
[5] Yes, ma'am.

[6] **COUNCILWOMAN HADDEN:** The people at the
[7] Holiday Inn -- I'm sorry I can't remember last
[8] names right now, but they're Butch and Janice --

[9] **MR. LEE:** Uh-huh (affirmative).

[10] **COUNCILWOMAN HADDEN:** -- that head up
[11] the Holiday Inn over here have started a
[12] business organization for businesses for
[13] economic development such as you speak. It's
[14] brand new, has probably only been in existence
[15] less than a month. And I'm sure if you could
[16] please call Butch and Janice at Holiday Inn, we
[17] would like to have all 1,000 businesses included
[18] in that group, I'm sure.

[19] **MR. LEE:** You know, I used to be a
[20] member of the Chamblee-Doraville Chamber of
[21] Commerce. We have a business organization long
[22] time ago, yes. I was one member. After few
[23] years, it's gone. Mayor Gene Lively who has
[24] just pass away, right? So he was trying to
[25] establish the name with me, but, you know,

Page 41

[1] somehow, you know, he got sick and he might want
[2] to retire. He don't want to get involved too
[3] many things because he want to -- trying to trim
[4] down his own time.
[5] **MAYOR JENKINS:** Can you get in touch
[6] with the Holiday Inn people and you can get
[7] together on this?
[8] **MR. LEE:** Okay. Yes. We need to do
[9] some kind of encouragement to the -- you know,
[10] anybody who wants to do good business, and that
[11] way, the City can get rich.
[12] **MAYOR JENKINS:** Okay.
[13] **MR. LEE:** I know you have enough money,
[14] but, you know, we need to get richer and richer.
[15] Then we could do lot of good things.
[16] I hope, I wish Doraville is really to
[17] do the business in safe, stronger and better to
[18] do that. Thank you so much.
[19] **MAYOR JENKINS:** Thank you.
[20] **COUNCILWOMAN HADDEN:** Thank you.
[21] **MAYOR JENKINS:** Item number 6 has been
[22] scratched.
[23] Carol Stephens brought three bids on
[24] changing our pool over to a private company.
[25] **COUNCILMAN LOWE:** She brought four

Page 42

[1] bids.
[2] **COUNCILWOMAN PITTMAN:** Four.
[3] **MAYOR JENKINS:** Four. Excuse me. We
[4] have four bids.
[5] Okay. We talked about this in the work
[6] session, and we came up with a certain one that
[7] Carol Stephens liked more than the others.
[8] And Donna, I believe -- can you tell me
[9] which one that is?
[10] **COUNCILWOMAN PITTMAN:** American Pool
[11] Service.
[12] **MAYOR JENKINS:** Okay.
[13] **COUNCILWOMAN PITTMAN:** And the bid on
[14] that one was \$32,800.
[15] **MAYOR JENKINS:** And this is quite a bit
[16] under what it -- her budget, I believe, for that
[17] pool is \$41,000 roughly. And with the private
[18] pool company if the Council approves it, we will
[19] save quite a bit of money.
[20] So do I have a motion?
[21] **COUNCILMAN SPANGLER:** Motion.
[22] **MAYOR JENKINS:** Second?
[23] **COUNCILMAN HART:** Second.
[24] **MAYOR JENKINS:** All in favor?
[25] Opposed?

Page 43

[1] Mr. Hart, tell me about your bricks,
[2] how much they are --
[3] **COUNCILMAN HART:** The bricks are --
[4] **MAYOR JENKINS:** -- how big they are.
[5] **COUNCILMAN HART:** The bricks are one
[6] foot square. They're going to be pewter-
[7] colored. You get two lines of print. They're
[8] one inch tall. It covers about two feet of
[9] sidewalk. The bricks surrounding these lettered
[10] bricks with a message on them are charcoal gray.
[11] The sidewalk's got a concrete border on it, so
[12] the bricks will be spaced about two feet apart.
[13] We're selling a total of 60 bricks.
[14] They're \$65. If you want to put three lines of
[15] print on the brick -- it's a one-inch [sic]
[16] square brick; they're out in the lobby -- it's
[17] an additional \$5 for an extra line.
[18] **MAYOR JENKINS:** \$65 for what did you
[19] say, two foot square?
[20] **COUNCILMAN HART:** It's about -- it's
[21] about two feet of sidewalk.
[22] **MAYOR JENKINS:** Okay. We really need
[23] to finish up this sidewalk, so anybody who wants
[24] to put their name on the sidewalk, let us know.
[25] And it will go in the budget with the

Page 44

[1] City in the regular budget, is that correct --
[2] **MS. MURPHY:** Yes.
[3] **MAYOR JENKINS:** -- rather than go into
[4] any name or anything?
[5] **COUNCILMAN HART:** And there's more
[6] information that's in this month's newsletter.
[7] **MAYOR JENKINS:** Okay. So anybody that
[8] can afford it, we need to get that project
[9] going.
[10] You don't know how many you need, do
[11] you?
[12] **COUNCILMAN HART:** We're going to --
[13] well, we're going to use -- we're going to sell
[14] approximately 60 to 65 bricks. We already have
[15] a bunch of bricks for the ADA ramps. So we
[16] don't have to buy those. We already have those.
[17] So it's about --
[18] **MAYOR JENKINS:** Okay. What else you
[19] got? Swimming pool and all, I believe we talked
[20] about the maintenance. Can we handle that?
[21] **COUNCILMAN HART:** Yeah. What we need
[22] to do is we need to get a small engineering
[23] drawing for the maintenance department so we can
[24] remove the old stadium seating behind the jail,
[25] next to the swimming pool, because we're going

[1] to expand the services of the pool this summer
[2] and we need to get some buildings operational up
[3] there. Also we have some stormwater issues, so
[4] we're going to run the slope behind the pool
[5] down to the retention pond behind the jail so it
[6] makes some sense back there. And also it
[7] provides a way for people to get to the pool.

[8] **CHIEF JOHN KING:** You're going to
[9] remove the fence, the jail fence?

[10] **COUNCILMAN HART:** Yeah.

[11] **CHIEF JOHN KING:** Wow. Appreciate the
[12] notice, sir.

[13] **COUNCILMAN HART:** They'll be working
[14] very closely with the Police Department. I
[15] think they have to -- they may have to take part
[16] of the fence. They're going to have to move it
[17] over a little bit, and they also have to be able
[18] to get in there to get to the wall with a track-
[19] hoe. So they're going to have to work with the
[20] Police Chief to coordinate that activity.

[21] **CHIEF JOHN KING:** As long as we can
[22] maintain the security, sir.

[23] **COUNCILMAN HART:** That would be a good
[24] thing.

[25] **CHIEF JOHN KING:** Appreciate the

[1] **MAYOR JENKINS:** Yes. I call the public
[2] hearing to order.

[3] **MR. LAWLER:** This public hearing, it
[4] has been posted on the sign board and it is to
[5] consider a resolution that addresses two items
[6] concerning the proposed legislative annexation
[7] to the city of Doraville.

[8] One is to define the residency
[9] district. I'm going to hold this up
[10] (indicating). It's really an extension of
[11] existing districts. And this extends the
[12] districts and defines those.

[13] And secondly, the resolution requests
[14] that the effective date for all purposes of the
[15] proposed annexation be December 31st, 2007.

[16] And I believe Attorney Powell will read
[17] the --

[18] **CITY ATTORNEY POWELL:** (Reading) A
[19] Resolution Amending the City of Doraville
[20] District Maps and Legal Descriptions.

[21] "Whereas, the proposed annexation into
[22] the City of Doraville of the property described
[23] in Senate Bill 32 will expand the three resident
[24] districts; and

[25] "Whereas, the Mayor and City Council

[1] notice, sir.

[2] **COUNCILMAN HART:** But there are the
[3] pipes and all that drain problem you've got down
[4] there behind your buildings. That has to be
[5] repaired.

[6] And so we're going to get some
[7] engineering services and also the maintenance
[8] department to do the work and fix up the pool
[9] for this summer. They're going to open I think
[10] for the Memorial Day weekend, so we don't have a
[11] lot of time.

[12] **COUNCILMAN ANAVITARTE:** So is the fence
[13] going to be back up or are the prisoners going
[14] to go swimming in the pool?

[15] **COUNCILMAN HART:** Yeah. It's exercise.

[16] **CHIEF JOHN KING:** It's all funny until
[17] something happens, sir. Wow.

[18] **MAYOR JENKINS:** Johnny, let's go ahead
[19] and get the public hearing in now on this and
[20] see if we can get that completed.

[21] And the next item will be number 10
[22] after Johnny finishes. Number 11. Excuse me.
[23] Okay. What else do we need?

[24] **CITY ATTORNEY POWELL:** Mayor, are you
[25] calling a public hearing to order here?

[1] desire to approve the revised resident
[2] districts; and

[3] "Whereas, the Mayor and City Council
[4] believe that it is in the best interest of the
[5] residents and business owners of the property to
[6] be annexed and of the residents of the City that
[7] the annexation be effective on December 31,
[8] 2007, for all purposes.

[9] "Now, therefore, be it resolved by the
[10] City Council of the City of Doraville, and it is
[11] hereby resolved by authority of the same, that
[12] the attached legal descriptions and map which
[13] define revised Resident Districts 1, 2 and 3 are
[14] hereby adopted; and

[15] "Be it further resolved by the City
[16] Council of the City of Doraville that the
[17] Georgia Assembly is requested by the City of
[18] Doraville to make the annexation effective on
[19] December 31, 2007, for all purposes; and

[20] "Be it further resolved that the City
[21] Clerk's office is hereby directed to furnish
[22] copies of this resolution to the members of the
[23] Georgia General Assembly.

[24] "Adopted by the City Council this 5th
[25] day of March, 2007."

Page 49

[1] **MAYOR JENKINS:** Do we need two readings
[2] or can we vote?
[3] **CITY ATTORNEY POWELL:** No, no. A
[4] resolution can be passed at the time of the
[5] reading.
[6] **MAYOR JENKINS:** Do I have a motion?
[7] **COUNCILWOMAN HADDEN:** So moved.
[8] **MAYOR JENKINS:** Second?
[9] **MR. LAWLER:** Mayor, could you ask if
[10] there's any input since it's a public hearing?
[11] And I'm here to answer questions if there is.
[12] **MAYOR JENKINS:** Before we do the --
[13] **MR. LAWLER:** Yes.
[14] **MAYOR JENKINS:** Okay. Is there any
[15] input from the audience on the public hearing on
[16] the annexation?
[17] Yes, ma'am?
[18] **MS. FRAYSSE:** Susan Fraysse. How would
[19] I be able to see the map as it's drawn? I saw
[20] the new annexation when -- it's on the City web
[21] site.
[22] Is this map that you're proposing
[23] available to the public anywhere?
[24] **MR. LAWLER:** It hasn't been published
[25] on the web site, but that would be a matter of

Page 50

[1] getting the webmaster to --
[2] **MAYOR JENKINS:** It has been posted --
[3] **MR. LAWLER:** -- put it on there.
[4] **MAYOR JENKINS:** -- on the web site.
[5] **MR. LAWLER:** The annexation itself,
[6] this district map is not there yet.
[7] **MAYOR JENKINS:** Oh, the district.
[8] **MR. LAWLER:** It can -- it can be and
[9] will be.
[10] **MS. FRAYSSE:** Mr. Lawler, is it
[11] essentially just an extension of the existing
[12] line straight out?
[13] **MR. LAWLER:** Yes, ma'am.
[14] **CITY ATTORNEY POWELL:** No current
[15] resident of Doraville is being shifted into any
[16] other -- into another district.
[17] **MAYOR JENKINS:** It's all the same. We
[18] just expand the district.
[19] Any other discussion?
[20] Okay. I have a motion. I have a
[21] motion, right?
[22] **COUNCILWOMAN HADDEN:** Yes.
[23] **MAYOR JENKINS:** Second?
[24] **COUNCILMAN ANAVITARTE:** Second.
[25] **MAYOR JENKINS:** All in favor?

Page 51

[1] Opposed?
[2] Number 11, Tommy and Jason.
[3] **COUNCILMAN ANAVITARTE:** As we talked
[4] about in the work session, in front of you you
[5] have the amended version of the Asadi contract.
[6] Tom and I want to propose moving toward
[7] -- I think we've talked about the logo and
[8] color, but moving forward with some of the
[9] following items, you know, the execution of this
[10] contract, you know, I guess tomorrow: discovery
[11] session, messaging, logo and color, stationery
[12] system, signage and graphic section, newsletter
[13] section, event-collateral, and then the portion
[14] under web site development and implementation is
[15] the parts of the contract we ask that be
[16] executed.
[17] **MAYOR JENKINS:** Okay. Do you need to
[18] make a motion? How do you want to deal with
[19] that?
[20] **COUNCILMAN ANAVITARTE:** That's my
[21] motion, that those items of this contract be
[22] executed and that the Council direct the Mayor
[23] to go ahead and sign it.
[24] **COUNCILMAN HART:** The two things we're
[25] leaving out is the hosting and the support --

Page 52

[1] **COUNCILMAN ANAVITARTE:** Support.
[2] **COUNCILMAN HART:** -- and the brochures,
[3] I guess. But we're -- we want to host the site
[4] ourselves or have it hosted under Earth --
[5] I think Earthlink is hosting the site
[6] now?
[7] **MS. MURPHY:** Earthlink.
[8] **COUNCILMAN HART:** And there's the
[9] support part of it where, when we get into it a
[10] little further, as to how well the City can
[11] handle the site as to whether we go with that or
[12] not.
[13] **MAYOR JENKINS:** Okay. Do you want to
[14] comment on it?
[15] **COUNCILMAN HART:** No. I think Jason --
[16] **MAYOR JENKINS:** Do I have a second?
[17] **COUNCILMAN HART:** I second.
[18] **MAYOR JENKINS:** All in favor?
[19] Opposed?
[20] Number 12, Jason.
[21] We already got an update on that.
[22] **COUNCILMAN ANAVITARTE:** Yeah. The only
[23] question, I had a question about the zoning
[24] ordinance and process and the schedule. We
[25] didn't get to really talk about it during the

[1] work session.

[2] I guess -- I mean I've seen several

[3] comments from several individuals -- Planning

[4] Commission, Council members, the public -- in

[5] terms of what's going on with the zoning

[6] ordinance.

[7] But I guess I would like some clarity

[8] as to what process are we actually following and

[9] where are we at in terms of following that

[10] process. My concern is that we're -- you know,

[11] we're not exactly moving forward. And I guess I

[12] would just like some clarification of where in

[13] the process should we be, because I think, as

[14] many -- we've talked about this in previous

[15] Council meetings.

[16] My concern is that we're seeing a lot

[17] of what I would consider development that's not

[18] necessarily good for the city and good for the

[19] small business community here in Doraville, and

[20] I feel like, you know, we're not moving forward

[21] with the zoning ordinance.

[22] I know back in December or late

[23] November, we had some issues presented to us

[24] that we as a council were reviewing and made

[25] some decisions, came to some consensus that the

[1] discussion or what's going on with a flea market

[2] being brought to one of the main centers of

[3] business near Wal-Mart on Buford Highway in one

[4] of the old shopping centers. It's going to be

[5] peach orange, and I don't see how necessarily

[6] it's going to be a draw for positive economic

[7] growth in the city. And those types of examples

[8] are going on. We have a bus station that's

[9] being talked about or is in place now at Buford

[10] Highway and 285.

[11] So I guess I'd like clarity as to where

[12] are we at, where are we going, and what is the

[13] process that we are following, because, you

[14] know, I'm not seeing good economic development

[15] going on.

[16] **MAYOR JENKINS:** Stuart, want to come up

[17] to the microphone?

[18] **COUNCILMAN ANAVITARTE:** I'd like to

[19] hear from Stuart, Dan, Rick; everybody.

[20] **CITY ATTORNEY POWELL:** Well, I can

[21] bring you up to date as well as the Mayor asked

[22] me to meet with Stuart, the representative of

[23] the Planning Commission. And I believe we met

[24] last Wednesday, and there are some comments that

[25] I sent out on Saturday. And then Stuart sent

[1] zoning ordinance was going to be reviewed by the

[2] Planning Commission, I believe.

[3] Mayor, you had discussed that they were

[4] going to have two or three weeks to review the

[5] zoning ordinance or something at that point.

[6] And now we're -- now we're in March, and we

[7] haven't moved forward really in terms of

[8] absorbing those com- -- you know, getting those

[9] comments, you know, and here as a body, you

[10] know, reviewing those, but also taking another

[11] public input, because I'm --

[12] You know, as I said at the last

[13] meeting, I'm ready to, you know, start hearing

[14] from more people in the public, the business

[15] community, in terms of what their input is so we

[16] can move forward because I think we're -- we're

[17] losing valuable time, you know, in the process.

[18] In the city, I think that, you know,

[19] some people are familiar with some of the

[20] different projects and seeing several for-

[21] lease/sale signs going up on numerous properties

[22] around the city.

[23] I think the most notable example of

[24] what I would consider bad economic development

[25] in Doraville right now is the -- you know, the

[1] out some comments I think over the weekend or

[2] maybe this morning. I don't remember.

[3] **MR. ANDERSON:** Sunday morning.

[4] **CITY ATTORNEY POWELL:** And the thought

[5] was to let y'all determine what of those you

[6] wanted to submit to Pond & Company for review,

[7] and that's strictly up to you.

[8] Now, I suspect that a review of those

[9] comments is going to take a while, and I don't

[10] know whether you want to try to do it tonight or

[11] you want to set up a work session to work on it.

[12] And I know that Mr. Anavitarate is

[13] interested in moving it along, and I think he's

[14] correct. But I would suggest that you may want

[15] to either work through them before you submit

[16] them to Pond or just have Mr. Cohen attend a

[17] meeting also and discuss them.

[18] You can do it either way. That's

[19] strictly up to the Council. That's not a legal

[20] issue. I should have no input on that.

[21] But I think the comments need to be

[22] addressed, and I know that some of the Council

[23] members had some issues, too.

[24] **COUNCILMAN ANAVITARTE:** Mr. Cohen, have

[25] you reviewed any of these items from the

Page 57

[1] Planning Commission?
[2] **CITY ATTORNEY POWELL:** No, we have
[3] not.
[4] **MR. COHEN:** I have not seen them.
[5] **CITY ATTORNEY POWELL:** We have not sent
[6] those. We did not send those. And the reason I
[7] asked him not to, until y'all looked at them to
[8] see if you wanted to have Mr. Cohen even
[9] consider them. And so that's the reason we're
[10] bringing it to you tonight.
[11] **COUNCILMAN ANAVITARTE:** Why wouldn't
[12] we? Why wouldn't we want him to review these or
[13] consider them?
[14] **CITY ATTORNEY POWELL:** Well, there may
[15] be some things suggested that you know that you
[16] don't want.
[17] There may have been some things that I
[18] put in there that -- I, for instance, suggested
[19] in my memo something that Mr. Hart doesn't want.
[20] I said leave those sections in there that he
[21] talked about deleting the other night or the
[22] possibility of deleting them, so --
[23] **COUNCILMAN HART:** Okay. I didn't say
[24] delete.
[25] **CITY ATTORNEY POWELL:** Well, no. Just

Page 58

[1] omit from the -- the current zoning or --
[2] **COUNCILMAN HART:** No.
[3] **CITY ATTORNEY POWELL:** -- the one
[4] that's being adopted.
[5] **MAYOR JENKINS:** Take them out of the
[6] zoning ordinance.
[7] **CITY ATTORNEY POWELL:** But anyway, my
[8] point is that it's not a -- it's only our
[9] position to give you our opinion, and then y'all
[10] should make the decision.
[11] **COUNCILMAN HART:** Well, Rick, I don't
[12] want you to labor under a misconception. Okay?
[13] **CITY ATTORNEY POWELL:** Okay.
[14] **COUNCILMAN HART:** I don't want to take
[15] things out of it.
[16] What I'm saying is the position that we
[17] pass the thing in total as one unit or take it
[18] and split it into ten different sections and
[19] pass each one separately. What I'm saying is
[20] that, for instance, the tree ordinance, I think
[21] we'll all agree I don't know why the tree
[22] ordinance is in there. We have one that's
[23] pretty -- it's pretty much Dekalb County's tree
[24] ordinance, and it works well; yet, we left out
[25] stream buffers altogether. Okay? We just left

Page 59

[1] it out. Okay?
[2] So what you're saying is that if we
[3] pass this in total, it replaces all of our
[4] current ordinances.
[5] **CITY ATTORNEY POWELL:** Right.
[6] **COUNCILMAN HART:** And that's not
[7] possible because it left out --
[8] **CITY ATTORNEY POWELL:** Well, that's --
[9] **COUNCILMAN HART:** -- three of them I
[10] can think of.
[11] **CITY ATTORNEY POWELL:** Well, if you see
[12] the notes that I prepared Saturday --
[13] **COUNCILMAN HART:** I will be really
[14] interested in how that's going to work.
[15] **CITY ATTORNEY POWELL:** Well, if you see
[16] the notes I prepared Saturday, I suggest -- I
[17] pointed out that those were omitted and that
[18] they should be addressed by Pond.
[19] **COUNCILMAN HART:** What I was suggesting
[20] is that '86 that was updated to 2006 should be
[21] upgraded in some areas; that the current
[22] ordinance that we're doing by Pond & Company
[23] needs to be split into separate categories, and
[24] each one of those categories, whether it be six
[25] or ten categories, each one of them worked on

Page 60

[1] independently and passed independently so you
[2] end up with a complete set of ordinances.
[3] **CITY ATTORNEY POWELL:** What you've
[4] contracted with Pond & Company to do was re-
[5] write your zoning ordinance.
[6] **COUNCILMAN HART:** Well, so far --
[7] **CITY ATTORNEY POWELL:** One ordinance.
[8] And you only have one zoning ordinances.
[9] You have pieces and you have amendments
[10] that have occurred since 1971 and then you
[11] adopted another zoning ordinance in 1986.
[12] **COUNCILMAN HART:** Okay. And those are
[13] split up in articles; is that correct?
[14] **CITY ATTORNEY POWELL:** Yes, sir.
[15] **COUNCILMAN HART:** Okay. Well, right
[16] now we don't have all the articles on the table.
[17] **CITY ATTORNEY POWELL:** Well, that's
[18] pointed out in the comments.
[19] But at the end of the day --
[20] **COUNCILMAN HART:** And the articles that
[21] are on the table, if they were just spell-
[22] checked, it would be good.
[23] **COUNCILWOMAN HADDEN:** Mr. Hart, why
[24] don't we go ahead and set a time and a date and
[25] have a special meeting and review all the input

[1] and go ahead and --

[2] **COUNCILMAN HART:** Well, we're supposed

[3] to have a combined meeting I think on the 15th.

[4] I thought that was what we were doing.

[5] **MAYOR JENKINS:** No.

[6] **COUNCILWOMAN HADDEN:** I haven't heard

[7] that.

[8] **MR. ANDERSON:** 15th is a public hearing

[9] for variance.

[10] **MAYOR JENKINS:** I'd like to make a

[11] suggestion on that. We have a meeting set up

[12] the 7th, which is Wednesday night, on the change

[13] in the government, and that should not take over

[14] one hour. Why don't we go ahead --

[15] We have time to post it, don't we,

[16] between now and Wednesday night?

[17] **COUNCILMAN HART:** Yes.

[18] **COUNCILWOMAN HADDEN:** What would you

[19] say, Jason?

[20] **COUNCILMAN ANAVITARTE:** Mayor, I would

[21] agree to some sort of something like that. I

[22] would agree.

[23] My concern is that I'm reading this,

[24] and I think that the Planning --

[25] **MAYOR JENKINS:** Well, we don't want to

[1] of the zoning ordinance in terms of how it deals

[2] with the future of the city. I think we're

[3] getting stuck on the administrative procedural

[4] stuff, you know, where words should be changed

[5] or inserted or paragraphs and things be, you

[6] know, added or deleted.

[7] But I think, you know, Tom's issue, you

[8] know, gets to the crux of the policy issues that

[9] we need to go ahead and just address, and I

[10] think that we're -- you know, for the current

[11] tree ordinance, we're either for or against it

[12] -- I don't know what the -- you know, there

[13] shouldn't be very, you know, much debate over

[14] that -- so we can present that to the public and

[15] let the public tell us what do they want.

[16] And I think that until we -- we sit

[17] down as City Council and we go ahead and decide

[18] what are those things we want to do, we're

[19] wasting time. Because I think two weeks, we

[20] said we were going to have -- two weeks ago, at

[21] the last meeting, we were going to have a work

[22] session or we were going to do something or set

[23] a date or whatever. And you know, we've wasted

[24] another two weeks, and -- and a grind is

[25] starting for the -- you know, what I call the

[1] wait till the 15th. Okay?

[2] **COUNCILMAN ANAVITARTE:** Well, I don't,

[3] either, but my concern is we're not concerned

[4] about it.

[5] I think the document that Planning

[6] Commissioner Stuart has given us I think has a

[7] lot of points in here that in terms from an

[8] administrative or procedural issue some of these

[9] do need to be reviewed, I think, by Rick and Dan

[10] Cohen, because a lot of this -- you know, I

[11] think some of it gets to some policy issues;

[12] some of them don't.

[13] I think the issues that Tom's referring

[14] to, if there are parts of the six different

[15] categories or seven that Tom's referring to,

[16] that as a council as a whole, we come to a

[17] consensus that those are some of -- in terms of

[18] the tree ordinance and things, those are things

[19] we want to have in place in the zoning

[20] ordinance, then we should just come to some

[21] consensus and say yes or no, you know, those are

[22] things we want to continue, you know, in the

[23] zoning ordinance or not or edit them or whatnot.

[24] But I feel like we're not -- we're not

[25] having a discussion on the policy implications

[1] "bumblebee flea market" that's going to be on

[2] Buford Highway. So I think that --

[3] **COUNCILMAN HART:** Although I don't

[4] think a bumblebee would be excluded under the --

[5] **COUNCILMAN ANAVITARTE:** Well, it

[6] potentially could be.

[7] So I think that, Mayor, I agree. I

[8] think we need to --

[9] **COUNCILMAN HART:** It might be a six-

[10] story bumblebee with this new thing --

[11] **CITY ATTORNEY POWELL:** Well --

[12] **COUNCILMAN HART:** -- you know, so --

[13] **COUNCILMAN ANAVITARTE:** I disagree with

[14] that. I think that --

[15] **CITY ATTORNEY POWELL:** Mr. Anavitarate,

[16] as part of what you're saying, it would be

[17] possible to pass a moratorium tonight on any

[18] more development until this ordinance is

[19] adopted.

[20] **COUNCILMAN HART:** I think that -- I

[21] think that would be --

[22] **CITY ATTORNEY POWELL:** Other cities --

[23] **COUNCILMAN HART:** I think that would be

[24] wise because --

[25] **CITY ATTORNEY POWELL:** Other cities

Page 65

[1] have done that.
[2] **COUNCILMAN HART:** -- right now we're --
[3] we're --
[4] **COUNCILMAN ANAVITARTE:** That's fine.
[5] Yeah, I mean that's fine.
[6] But still the point is what are we
[7] doing about the zoning ordinance at the end of
[8] the day?
[9] **COUNCILMAN HART:** Well, I think you --
[10] **CITY ATTORNEY POWELL:** Yeah. Well, I
[11] agree --
[12] **COUNCILMAN HART:** I think you break --
[13] **CITY ATTORNEY POWELL:** -- with that,
[14] but --
[15] **COUNCILMAN HART:** -- it up and chew it
[16] by pieces.
[17] **COUNCILMAN ANAVITARTE:** Go ahead,
[18] Mayor.
[19] **MAYOR JENKINS:** Let's set up a meeting
[20] Wednesday night after our regular meeting, I say
[21] our other town hall meeting --
[22] **COUNCILMAN ANAVITARTE:** That's fine.
[23] **MAYOR JENKINS:** -- and we'll start at 7
[24] o'clock. We start the other one at 6:00.
[25] **COUNCILMAN ANAVITARTE:** All right.

Page 66

[1] **MAYOR JENKINS:** I'll post it tomorrow,
[2] and we can move on now. Is that correct?
[3] **COUNCILMAN ANAVITARTE:** That sounds
[4] fine.
[5] **MS. MURPHY:** Mayor --
[6] **COUNCILMAN ANAVITARTE:** I'll bring the
[7] doughnuts.
[8] **MS. MURPHY:** Mayor, will that be a work
[9] session or a special-called Council meeting so
[10] you-all can vote? Will you-all be voting?
[11] **COUNCILMAN HART:** You won't be -- No,
[12] it's just a work session.
[13] **COUNCILWOMAN HADDEN:** It's just a work
[14] session.
[15] **COUNCILMAN ANAVITARTE:** We won't be
[16] voting. It still needs to be posted 24 hours.
[17] **MAYOR JENKINS:** No voting session.
[18] **CITY ATTORNEY POWELL:** Do you want to
[19] consider a moratorium?
[20] **MAYOR JENKINS:** I hate to do that, but
[21] I mean what about the moratorium? Y'all want to
[22] do it?
[23] **COUNCILMAN ANAVITARTE:** I think we -- I
[24] think we should, yes.
[25] **MAYOR JENKINS:** We're going to talk

Page 67

[1] about this later.
[2] What about it?
[3] **COUNCILMAN ANAVITARTE:** Yes, sir.
[4] **MAYOR JENKINS:** Well, let's don't have
[5] it over 30 days till we can get this cleared up.
[6] We don't want to hold the businessmen up any
[7] more than we have to.
[8] **MR. ANDERSON:** Do the moratorium and
[9] then come back to me, please. I have something
[10] to say about the --
[11] **MAYOR JENKINS:** We're going to talk
[12] about it Wednesday night.
[13] **MR. ANDERSON:** Well, the process is
[14] Rick Powell and I spent a lot of time on this
[15] thing. The Planning Commission came up with
[16] these issues we wanted to ask Dan. Rick and I
[17] came up with a bunch of issues that we wanted to
[18] ask Dan. And relative to those issues being
[19] asked him, the idea was to save City Council and
[20] the Planning Commission time in work session so
[21] that we would have some answers from Dan as to
[22] what he thought about these process, about
[23] questions that we had, and that was what that
[24] was for.
[25] And so if we have a meeting, if we call

Page 68

[1] a work session Wednesday night, that won't give
[2] us time to submit to Dan and him read through
[3] it.
[4] **COUNCILMAN LOWE:** How much time do you
[5] need?
[6] **MR. ANDERSON:** I'm sorry?
[7] **COUNCILMAN LOWE:** How much time do you
[8] think you'll need?
[9] **MR. ANDERSON:** He has no idea how to
[10] answer the question. And it's 55 items; it's
[11] four pages.
[12] **MAYOR JENKINS:** Why can't Dan be here
[13] that night and we can iron it all out that one
[14] night.
[15] **MR. ANDERSON:** Well, that'll be --
[16] **MAYOR JENKINS:** It'll be at least --
[17] **MR. ANDERSON:** -- a tough thing --
[18] **MAYOR JENKINS:** -- two hours. We know
[19] that.
[20] **MR. ANDERSON:** -- for him to walk into
[21] that cold.
[22] **COUNCILWOMAN HADDEN:** Mr. AnavitarTE,
[23] can we not forward the information to Mr. Cohen?
[24] **COUNCILMAN ANAVITARTE:** He can review
[25] it, but I still -- I agree with the Mayor. We

[1] need to -- I think we need -- we need to meet
[2] and we need to discuss some of the critical
[3] items. I mean if we're going to talk about
[4] where to place a period in a word and all that,
[5] I mean Dan can review that.

[6] But I think we need to come to some
[7] sort of consensus on the Planning Commission's
[8] document or some of the outstanding issues that
[9] Dan presented to us in December as to where do
[10] we stand, so we can go ahead and move forward
[11] and prepare a document for the public to review.

[12] **COUNCILWOMAN HADDEN:** Okay.

[13] **COUNCILMAN ANAVITARTE:** That's what we
[14] need to get out of Wednesday. And then if we
[15] need another work session in the next few days,
[16] we'll have another one. But I think the more
[17] time we hold off on moving forward or we wait
[18] for somebody to review this or that or
[19] whatever -- because we've been talking about
[20] this now since -- I think in early December it
[21] was discussed or maybe late November, that, you
[22] know, we're going to take 20/30 days as a
[23] council to review the document --

[24] **COUNCILMAN HART:** Okay.

[25] **COUNCILMAN ANAVITARTE:** -- and now

[1] that is not correct, it's not correct. I mean
[2] there's --

[3] **COUNCILMAN ANAVITARTE:** Why can't --?

[4] I guess my point is --

[5] **COUNCILMAN HART:** -- there's an error
[6] just about in every --

[7] **MAYOR JENKINS:** Okay. Hold up.

[8] **COUNCILMAN ANAVITARTE:** I guess my
[9] point --

[10] **MAYOR JENKINS:** Wait a minute, Jason.

[11] **COUNCILMAN ANAVITARTE:** I'm sorry. Go
[12] ahead.

[13] **MAYOR JENKINS:** I'm going to set up a
[14] meeting Wednesday night at 7 o'clock. You send
[15] the information to Dan, and he can be studying
[16] it. And then if we have to have another
[17] meeting, we will.

[18] **VOICE:** Mayor, is the Planning
[19] Commission going to be present at this meeting
[20] or not?

[21] **COUNCILMAN ANAVITARTE:** The entire
[22] public, so --

[23] **VOICE:** Okay. So are we going to be
[24] involved with you guys or are you just going to
[25] take --

[1] we're into 60 days.

[2] **COUNCILMAN HART:** We're going to save
[3] some time. I mean I don't know why they don't
[4] send the notes that they sort of came up with
[5] the other day and send it to --

[6] **MAYOR JENKINS:** Send them to Dan.

[7] **COUNCILMAN ANAVITARTE:** Yeah.

[8] **COUNCILMAN HART:** You've had two
[9] revisions now.

[10] **MAYOR JENKINS:** No problem with that.

[11] **COUNCILMAN HART:** Can you kind of look
[12] through what they've got and then make another
[13] revision or what?

[14] **CITY ATTORNEY POWELL:** He wouldn't have
[15] a revision by Wednesday but he'd be in a --

[16] **COUNCILMAN HART:** Well, he would --

[17] **CITY ATTORNEY POWELL:** -- position to
[18] discuss --

[19] **COUNCILMAN HART:** -- have a revision
[20] because he --

[21] **CITY ATTORNEY POWELL:** -- discuss some
[22] of it.

[23] **COUNCILMAN HART:** -- could leave things
[24] out like city manager and yak-yah-yak.

[25] I mean there's a lot of stuff in there

[1] **COUNCILMAN ANAVITARTE:** Please; I
[2] insist.

[3] **MAYOR JENKINS:** Okay. 7 o'clock.

[4] That's Wednesday night after the session that we
[5] will have on City Manager.

[6] **COUNCILMAN ANAVITARTE:** And then, just
[7] real quick, I would also submit that as the
[8] Planning Commission is working through this
[9] document, that they do submit the comments to
[10] you so you can submit them to Dan as we're going
[11] along.

[12] **MAYOR JENKINS:** Okay.

[13] **COUNCILMAN ANAVITARTE:** I think that
[14] would be --

[15] **MAYOR JENKINS:** We've got a copy --

[16] **COUNCILMAN ANAVITARTE:** -- the most
[17] efficient use --

[18] **MAYOR JENKINS:** -- of those comments,
[19] don't we?

[20] **COUNCILMAN ANAVITARTE:** -- of the
[21] City's time. Huh?

[22] **MAYOR JENKINS:** We've got a copy of
[23] those, don't we, Rick?

[24] **COUNCILMAN ANAVITARTE:** Yes. But I'm
[25] talking about moving forward.

Page 73

[1] **MAYOR JENKINS:** Yes.

[2] **MR. ANDERSON:** We have copies, yes; I

[3] promise.

[4] **MAYOR JENKINS:** Well, that's the reason

[5] I want to set it up Wednesday. We don't need to

[6] wait any longer.

[7] Now, do you want a 30-day moratorium,

[8] Mr. Hart? Do we want a moratorium?

[9] **COUNCILMAN HART:** I would think so

[10] while we're doing this. I mean --

[11] **MAYOR JENKINS:** You want a 30-day?

[12] **COUNCILMAN HART:** -- until we get

[13] finished with this document.

[14] **VOICE:** Three years?

[15] **MAYOR JENKINS:** Do I get a motion?

[16] **COUNCILMAN HART:** I make a motion we

[17] have a moratorium until we finish the --

[18] **COUNCILMAN ANAVITARTE:** May I ask that

[19] we add it to the agenda first.

[20] **COUNCILMAN HART:** I make a motion we

[21] add it to the agenda.

[22] **CITY ATTORNEY POWELL:** All right. Now

[23] let's clarify the moratorium. What's the

[24] moratorium on, for how long, and what's the

[25] purpose?

Page 74

[1] **COUNCILMAN HART:** The purpose is a

[2] moratorium on commercial construction or multi-

[3] family construction until we --

[4] **CITY ATTORNEY POWELL:** And is it going

[5] to be a moratorium on issuing building permits?

[6] **MAYOR JENKINS:** Just building permits.

[7] **COUNCILMAN HART:** Building permits and

[8] land disturbance permits, yeah.

[9] **VOICE:** Variances won't be included in

[10] that? They will or won't be?

[11] **COUNCILMAN HART:** Yeah.

[12] **MR. ANDERSON:** There won't be variance

[13] requests if they have a moratorium on building

[14] things. Can't have a variance on something we

[15] aren't doing.

[16] **MAYOR JENKINS:** Do I get a second?

[17] **CITY ATTORNEY POWELL:** And how long is

[18] it for?

[19] **MAYOR JENKINS:** I say 30 days. He says

[20] until.

[21] **COUNCILMAN ANAVITARTE:** We still

[22] haven't --

[23] **MR. HART:** Commercial and multi-family.

[24] **COUNCILMAN ANAVITARTE:** We haven't

[25] voted to put this on the agenda.

Page 75

[1] **CITY ATTORNEY POWELL:** Right.

[2] **COUNCILWOMAN HADDEN:** Tom made the

[3] motion to put it on the agenda --

[4] **COUNCILWOMAN PITTMAN:** Tom made the

[5] motion.

[6] **COUNCILWOMAN HADDEN:** -- and we need --

[7] Thank you.

[8] **COUNCILMAN ANAVITARTE:** Second.

[9] **MAYOR JENKINS:** All in favor?

[10] **MS. MURPHY:** So that's unanimous?

[11] **MAYOR JENKINS:** Unanimous.

[12] Okay. Make the motion.

[13] **COUNCILMAN ANAVITARTE:** Question for

[14] Dan. I mean what are your thoughts?

[15] **MR. COHEN:** Well, you just put it on

[16] building. You could process variances, but they

[17] can't go to the next step obviously until the --

[18] until the building permits. So effectively

[19] you're stopping development from occurring by

[20] stopping building permits.

[21] **CITY ATTORNEY POWELL:** But you might be

[22] in a position to --

[23] **VOICE:** Change zoning.

[24] **CITY ATTORNEY POWELL:** -- have to

[25] change the variance -- issue a variance under

Page 76

[1] the existing zoning as opposed to the new

[2] zoning.

[3] **MR. COHEN:** Well, that's true, but --

[4] **CITY ATTORNEY POWELL:** Yes, and so --

[5] **MR. COHEN:** -- (overspeaking) --

[6] **CITY ATTORNEY POWELL:** So --

[7] **MR. COHEN:** -- zoning and building

[8] permits.

[9] **CITY ATTORNEY POWELL:** -- if you want

[10] to stop all development until you get the

[11] zoning, you will need to put a -- as Mr. Hart

[12] said, you'd put a moratorium on building

[13] permits, variances --

[14] **COUNCILMAN LOWE:** Land disturbance.

[15] **CITY ATTORNEY POWELL:** -- and land

[16] disturbance permits.

[17] **MAYOR JENKINS:** Do we want to stop all

[18] of it?

[19] **CITY ATTORNEY POWELL:** Well, that's up

[20] to y'all.

[21] **COUNCILMAN HART:** Now that just

[22] includes for commercial and multi-family. It

[23] doesn't include single-family.

[24] **MAYOR JENKINS:** From the ground up, but

[25] nothing to do with rebuilding or adding on or

[1] whatever. You're talking all business, all
 [2] permits; you're stopping everything.
 [3] **COUNCILMAN HART:** Well, I'm just
 [4] talking about --
 [5] **MAYOR JENKINS:** Well, stick that in
 [6] your motion. Go ahead with your motion, then.
 [7] **COUNCILMAN HART:** I make a motion that
 [8] we put a 30-day or --
 [9] **MAYOR JENKINS:** 30 days, right.
 [10] **COUNCILMAN HART:** -- moratorium on
 [11] issuing commercial building permits, multi-
 [12] family building permits, issuing land-
 [13] disturbance permits.
 [14] **CITY ATTORNEY POWELL:** And variances.
 [15] **COUNCILMAN HART:** And variances.
 [16] **MAYOR JENKINS:** Okay. Do I get a
 [17] second?
 [18] **COUNCILMAN ANAVITARTE:** Well, 15 days.
 [19] **MAYOR JENKINS:** Second?
 [20] **CITY ATTORNEY POWELL:** That's for the
 [21] purpose of continuing to study the amendment to
 [22] the zoning ordinance.
 [23] **MAYOR JENKINS:** You're adding that onto
 [24] his motion?
 [25] **CITY ATTORNEY POWELL:** If he agrees

[1] So 30 days in my opinion isn't even
 [2] sufficient. It should be at least 60 days to do
 [3] that, to be honest with you, because we're going
 [4] to have a process of having to read the
 [5] ordinance, and if there's any major changes --
 [6] **MAYOR JENKINS:** What do you want to do?
 [7] 60 days?
 [8] **MR. COHEN:** -- you have to go back to
 [9] first read.
 [10] **COUNCILMAN HART:** 60 days, yeah.
 [11] **MAYOR JENKINS:** 60 days.
 [12] **MR. ANDERSON:** It should be until we
 [13] change it, until you guys pass it.
 [14] **MAYOR JENKINS:** We can always -- if we
 [15] get all this passed, we can always come back and
 [16] take the moratorium off.
 [17] Do I get a second?
 [18] **COUNCILWOMAN PITTMAN:** Did you say it
 [19] was 60 days?
 [20] **COUNCILMAN HART:** 60 days, yeah.
 [21] **COUNCILWOMAN PITTMAN:** Second.
 [22] **MAYOR JENKINS:** Do I get a second?
 [23] **COUNCILWOMAN PITTMAN:** 60.
 [24] **MAYOR JENKINS:** All in favor?
 [25] Opposed?

[1] with it.
 [2] **MAYOR JENKINS:** Do you agree with that?
 [3] **CITY ATTORNEY POWELL:** For the purpose
 [4] of studying and revising the existing --
 [5] completing the revision of the existing zoning
 [6] ordinance.
 [7] **MAYOR JENKINS:** Okay.
 [8] **COUNCILMAN ANAVITARTE:** I'm going to
 [9] offer 15 days but --
 [10] **MAYOR JENKINS:** 15 days?
 [11] **COUNCILMAN HART:** I think it's a little
 [12] optimistic. 30 days is --
 [13] **COUNCILMAN ANAVITARTE:** Yeah, but it
 [14] can always be renewed.
 [15] **MAYOR JENKINS:** 15 days.
 [16] **COUNCILWOMAN PITTMAN:** Dan, what were
 [17] you saying?
 [18] **MR. COHEN:** I was going to say if you
 [19] only do it for 30 days, for example, you know,
 [20] you still -- so you come out of the box and you
 [21] have an ordinance. You have to do a first read,
 [22] 30 days, I mean, you know, a second read. So
 [23] you might want to give yourself even a little
 [24] more time so that you can actually adopt the
 [25] ordinance.

[1] **COUNCILMAN ANAVITARTE:** No.
 [2] **MAYOR JENKINS:** Give me the yes votes.
 [3] Raise your hands, please. All in favor, raise
 [4] your hands.
 [5] **COUNCILWOMAN PITTMAN:** All yes but one
 [6] no.
 [7] **MAYOR JENKINS:** Take a poll, will you,
 [8] Priscilla?
 [9] **MS. MURPHY:** The way I saw it from over
 [10] here is we have all yeses except for
 [11] Mr. Anavitarte as a no.
 [12] **MAYOR JENKINS:** Is that correct? Okay.
 [13] **MS. MURPHY:** It's 5 to 1.
 [14] **MAYOR JENKINS:** Motion carried.
 [15] Marlene?
 [16] **COUNCILWOMAN HADDEN:** Autumn Park.
 [17] I've had many e-mails and lots of phone calls.
 [18] People were worried about the banding on the
 [19] trees. And that is part of the topographical
 [20] survey that's being done. It's going to be used
 [21] in conjunction with an engineering study that's
 [22] also being done on Autumn Park to provide us
 [23] with some solutions to stop the erosion on the
 [24] stream banks. And we have to stop the stream
 [25] bank erosion before we can actually do the park

Page 81

[1] improvement.

[2] And if you've been able to see the

[3] master plan that's here, there are quite a few

[4] beautiful suggestions in the master plan for

[5] Autumn Park to upgrade it and update it. A

[6] walking trail with some low-caliber lighting; a

[7] little picnic pavilion, covered; some updated,

[8] safer playground equipment. So we're moving

[9] right along.

[10] Last meeting, we did approve the

[11] engineering study. And as you can tell from the

[12] tree bandings, the topographical survey is being

[13] taken care of. So that's all on Autumn Park.

[14] **MAYOR JENKINS:** Now wait a minute on

[15] that.

[16] **COUNCILWOMAN HADDEN:** Yeah.

[17] **MAYOR JENKINS:** Part of that is the

[18] banding on the trees. We're not cutting those

[19] trees. I've had a lot of calls --

[20] **COUNCILWOMAN HADDEN:** Yeah.

[21] **MAYOR JENKINS:** -- thinking we're going

[22] to band those trees and cut them. There's no

[23] trees going to be cut. Okay.

[24] **COUNCILWOMAN HADDEN:** Thank you, Mayor.

[25] Yeah.

Page 82

[1] **COUNCILMAN HART:** The County came out

[2] and looked at it for the erosion problem and

[3] they suggesting using what they call --

[4] **COUNCILWOMAN HADDEN:** Pond?

[5] **COUNCILMAN HART:** -- well, step ponds

[6] or whatever it is, you know, that involved rock

[7] gardens and that sort of things. So you have

[8] like a little water feature or little tadpoles

[9] and fish to go with the erosion control.

[10] **COUNCILWOMAN HADDEN:** That's right.

[11] We also took in the vacant lot across

[12] from Clay Drive from Autumn Park to make it part

[13] of Autumn Park. So that part will also come

[14] under the beautification and updating and

[15] upgrading program.

[16] Go to the next one?

[17] **MAYOR JENKINS:** Yes.

[18] **COUNCILWOMAN HADDEN:** Okay. Operation

[19] Turning Point. Ms. Fraysse, would you like to

[20] give us our figures, please.

[21] **MS. FRAYSSE:** Yes. This time, I've

[22] been specifically directed to focus on boarding

[23] houses. In the past, I've included all

[24] different kinds of ordinances and citations.

[25] But I'll say that we have a total since November

Page 83

[1] the 6th of 119 new reports of problems specific

[2] to --

[3] **MAYOR JENKINS:** Excuse me.

[4] **COUNCILWOMAN HADDEN:** Susan, come on

[5] up.

[6] **MS. FRAYSSE:** We've received a total of

[7] 119 unique addresses reported with problems

[8] since we started Operation Turning Point in

[9] November. And 33 of those are new reports, and

[10] this includes all of the -- the cars and

[11] everything on Woodbine over here. So that's

[12] quite a bit.

[13] But I was asked to give a summary of

[14] the boarding-house activity. So this is just

[15] where a complaint has been made about the

[16] possibility of a boarding house, which is one of

[17] the main concerns that most neighbors have with

[18] ordinance enforcement. And my summary of the

[19] data that I have shows that there were 58 visits

[20] for that purpose of looking to see if there's a

[21] boarding house going on in the year 2006. The

[22] whole year, 58 visits. Six resulted in

[23] warnings, four resulted in citations, 35

[24] resulted in no violation at the time that they

[25] were able to go and see it, and 13 are other

Page 84

[1] sort of ongoing, or needed a translator or

[2] unable to make contact, or for whatever reason,

[3] that we're catching and we're still going to be

[4] following up on.

[5] So far in January and February of this

[6] year, it looks like there have been seven

[7] visits, no warnings that I could find, two

[8] citations, no violations were three, and other

[9] was two. So we're off to kind of a slow start

[10] with boarding houses. It may be time to go back

[11] and look at some of the ones from last year if

[12] they were not resolved in one way or another, if

[13] there was a question or we needed a translator,

[14] or some of these are people that we can't con-

[15] tact because we don't know who the owners are.

[16] I will mention that there is a bill

[17] before the legislature that would correct the

[18] problem that we have, that our attorney has

[19] mentioned, that because students in colleges

[20] challenged the law of having a registry to find

[21] out who the property owners are. And Ramos (ph)

[22] has talked about in North Carolina they are able

[23] to do that. They have a register of who owns

[24] all their houses, so they know who to get in

[25] touch with when there's a problem.

[1] I think some of these 13 from last year
[2] and two from this year where we're having diffi-
[3] culty finding the owners, so that we want to
[4] support that in the legislature to reverse that.
[5] It came out of Gwinnett County, but it applies
[6] for us, too -- meaning to be able to know who
[7] owns our houses so we can communicate with them
[8] and fix them.

[9] The other thing I wanted to update you
[10] on is that just over the line just north of us
[11] in Gwinnett County, there was -- at the Global
[12] Forum area, that mixed-use development that's
[13] going up there, there was a horrible eyesore of
[14] a house that used to be the pastor's home, a
[15] nice brick home on the corner of Johnson and
[16] Buford Highway. But it had 6-foot tall electric-
[17] blue gang-like graffiti on it.

[18] And I did contact the Gwinnett
[19] authorities, and within two weeks they had it
[20] all cleaned up, not only -- he called me back
[21] two weeks later to say, "Well, the graffiti is
[22] gone and the building's gone." So they razed
[23] this building that was abandoned, and that's
[24] cleaned up that corner. So we're working with
[25] all the jurisdictions near us, and we'll follow

[1] But that's what I'm encouraging people:
[2] when you see a situation -- and this applies to
[3] boarding house situation -- call it in and have
[4] them go investigate. It might be that they
[5] looked six months ago and it wasn't a problem
[6] but it may be a problem now. So we need to keep
[7] reminding and letting people know. Thanks.

[8] **COUNCILWOMAN HADDEN:** Thank you.
[9] Do you have anything to add,
[10] Mr. Anavitarte?

[11] **COUNCILMAN ANAVITARTE:** No.
[12] **COUNCILWOMAN HADDEN:** Mr. Cohen, do you
[13] have some suggestions for us this evening on LCI
[14] monies and applications since we have some dead-
[15] lines drawing near?

[16] **MR. COHEN:** Yes. Thank you,
[17] Ms. Hadden.

[18] **COUNCILWOMAN HADDEN:** Thank you.
[19] **MR. COHEN:** You remember a couple of
[20] months ago we submitted -- you had me to submit
[21] on your behalf a couple preliminary applications
[22] to the Atlanta Regional Commission for funding
[23] under the LCI program. Well, the full appli-
[24] cation packet is now out and due on March 16th.

[25] **COUNCILWOMAN HADDEN:** Okay.

[1] up as we go month by month.

[2] **COUNCILWOMAN HADDEN:** Thank you.

[3] **MS. FRAYSSE:** Any other questions?

[4] **COUNCILWOMAN HADDEN:** I think that's
[5] great.

[6] We've been weeding out some of the
[7] translations, and they've had very, very good
[8] results. We had them translated into Chinese,
[9] Korean, Vietnamese and Spanish. And it's a
[10] good-neighbor policy that we say please and
[11] thank you, and welcome and that type of thing,
[12] but please don't park on your lawn, please take
[13] good care, and et cetera, et cetera. And we've
[14] had at least four houses where we've been the
[15] good neighbors and handed those out and had had
[16] wonderful, happy people that have been very
[17] compliant with our ordinances.

[18] **MS. FRAYSSE:** I should have brought the
[19] cop's phone number with me.

[20] Maybe you know what it is offhand or --

[21] **CHIEF JOHN KING:** No, I don't. I'm
[22] sorry.

[23] **MS. FRAYSSE:** Well, we'll get that
[24] around. It's probably on the web site, I think
[25] the police department.

[1] **MR. COHEN:** You've got your two
[2] projects in there sort of on hold, New Peachtree
[3] Corridor Pedestrian Improvements and the Park
[4] Avenue Corridor Pedestrian Improvements. So I
[5] guess I want authorization to go ahead and do
[6] the work here to submit to ARC by the 16th of
[7] March.

[8] **MAYOR JENKINS:** 16th of this month?

[9] **MR. COHEN:** Uh-huh (affirmative).

[10] **MAYOR JENKINS:** And we just found out
[11] about it?

[12] **MR. COHEN:** Actually, this --

[13] **COUNCILWOMAN HADDEN:** We talked about
[14] it last time.

[15] **MR. COHEN:** -- this e-mail came out
[16] maybe about a week or so ago from the ARC, so I
[17] didn't know it for the last Council meeting.

[18] That was between the two Council meetings.

[19] **COUNCILMAN HART:** What project? I mean
[20] you got one on --

[21] **MR. COHEN:** You had two.

[22] **COUNCILMAN HART:** -- Park Avenue and --

[23] **MR. COHEN:** The two, your two top
[24] priorities from the study were the New Peach
[25] Corridor Pedestrian Improvements and Park Avenue

Page 89

[1] Corridor Pedestrian Improvements. That's what's
[2] submitted in this -- in this list.
[3] **COUNCILWOMAN HADDEN:** I made it known
[4] to Council on February 20th.
[5] **MR. COHEN:** That's what that -- that's
[6] what got filled out for your preliminary. It's
[7] here codified, and then here's the application.
[8] But it's -- you know, it's fairly detailed in
[9] terms of the information that I -- you know,
[10] that I have to provide.
[11] And if you want, I can certainly
[12] provide you guys copies of this. I can e-mail
[13] them to you if you want.
[14] **COUNCILWOMAN HADDEN:** Does Council want
[15] to proceed with the applications?
[16] **COUNCILMAN HART:** Yeah, I mean --
[17] **COUNCILMAN ANAVITARTE:** Yeah.
[18] **MR. COHEN:** The applications -- the
[19] pre-apps were actually due on October 27th.
[20] **COUNCILWOMAN HADDEN:** These are the two
[21] that are --
[22] **MR. COHEN:** Those are the --
[23] **COUNCILWOMAN HADDEN:** -- top priority.
[24] **MR. COHEN:** -- two, two top priorities.
[25] **MAYOR JENKINS:** Is it mandatory to go

Page 90

[1] ahead --
[2] **COUNCILMAN HART:** (Overspeaking) --
[3] **MAYOR JENKINS:** -- with those?
[4] **COUNCILMAN HART:** -- put the sidewalk
[5] in, but in terms of the traffic light --
[6] **COUNCILWOMAN HADDEN:** This doesn't have
[7] to do with that, Mr. Hart.
[8] **MAYOR JENKINS:** Well, let's let them
[9] finish.
[10] **COUNCILMAN HART:** When we voted on the
[11] LCI, it was Park Avenue.
[12] **COUNCILWOMAN HADDEN:** Well, it went
[13] under the Park Avenue study.
[14] **MR. COHEN:** Got a question?
[15] **MAYOR JENKINS:** Is it mandatory for us
[16] to do that now?
[17] **MR. COHEN:** Yes. Either you go forward
[18] with these two as proposed or you just don't,
[19] and they drop out of the process.
[20] **COUNCILMAN HART:** You lose the money.
[21] **MR. COHEN:** You lose opportunity to get
[22] the money. You still have to compete with 48
[23] other projects.
[24] **COUNCILWOMAN HADDEN:** Uh-huh
[25] (affirmative).

Page 91

[1] **MR. COHEN:** There's 50 projects here.
[2] **COUNCILMAN LOWE:** And that's for
[3] pedestrian improvements; is that right?
[4] **MR. COHEN:** Yes. On Peachtree, it's
[5] ADA ramps, stop signs; pedestrian countdown
[6] timers, LED; textured crosswalks; signage,
[7] sidewalks. That's on the New Peachtree.
[8] On Park Avenue, replace the sidewalk on
[9] both sides of the street, intersection upgrades
[10] at both ends of Park Avenue and intersecting
[11] with Buford Highway, LED pedestrian countdown
[12] timers, textured crosswalks and ADA ramps, mid-
[13] block pedestrian crossing.
[14] **MAYOR JENKINS:** Have you got any amount
[15] of the grants we're applying for, how much?
[16] **MR. COHEN:** The amount of these two
[17] projects were 3.1 million for the New Peachtree,
[18] 1.7 million for Park Avenue --
[19] **MAYOR JENKINS:** Okay.
[20] **MR. COHEN:** -- and which you'd be
[21] obligated, should you win, 20 percent.
[22] **MAYOR JENKINS:** In other words, you're
[23] saying we get 20 or we pay 20?
[24] **MR. COHEN:** You pay 20 --
[25] **COUNCILMAN LOWE:** We get 80 --

Page 92

[1] **MR. COHEN:** -- and they pay 80.
[2] **COUNCILMAN LOWE:** -- and we pay 20.
[3] **COUNCILMAN HART:** Isn't there an
[4] intersection improvement on Central Avenue?
[5] **MR. COHEN:** No. These are the -- these
[6] are your top two priorities.
[7] **MAYOR JENKINS:** That's the two top.
[8] **MR. COHEN:** You only submit two.
[9] **COUNCILWOMAN HADDEN:** I think the Park
[10] Avenue one is paramount.
[11] **COUNCILMAN HART:** Yeah, but you could
[12] build a sidewalk down there for cheap, I mean,
[13] but you can't get GEDA out to put a traffic
[14] light in here unless you've --
[15] **MR. COHEN:** But I can't --
[16] **COUNCILMAN HART:** -- (overspeaking)
[17] **MR. COHEN:** But -- and then you-all
[18] decided to go with these in October. You go
[19] forward with these two or you don't. You can't
[20] change.
[21] **COUNCILMAN LOWE:** Then, I'm going to
[22] call for a motion that we do it.
[23] **COUNCILMAN SPANGLER:** Second.
[24] **MAYOR JENKINS:** Second?
[25] **COUNCILWOMAN HADDEN:** Second.

[1] **COUNCILMAN HART:** I second, whatever
[2] you want to do.

[3] **VOICE:** Everybody wants to second.

[4] **MAYOR JENKINS:** All in favor, aye?
[5] Opposed?

[6] **MAYOR JENKINS:** Ed Lowe?

[7] **COUNCILMAN LOWE:** I don't have any more
[8] to mention than what I did in the work session.

[9] We are progressing with the turnaround
[10] at the end of Chicopee Park, and we'll have more
[11] meetings about it later on and more information
[12] to come forward later on.

[13] **MAYOR JENKINS:** We're working with the
[14] County to get a turnaround at the end of the
[15] street on Chicopee in the park, and I believe
[16] some parking; is that correct?

[17] **COUNCILMAN LOWE:** Well, right now,
[18] we're just looking at the turnaround.

[19] **MAYOR JENKINS:** Okay. And we sent a
[20] letter about that?

[21] **COUNCILMAN HART:** How much is that
[22] going to cost us?

[23] **COUNCILMAN LOWE:** We haven't got that
[24] far yet, Mr. Hart.

[25] **COUNCILWOMAN PITTMAN:** And actually

[1] electing officers on Saturday. So if you can
[2] make it to that meeting, that's something really
[3] good to get involved in. So the library is
[4] looking really positive, and a lot of
[5] improvements and exciting things are going on.

[6] **MAYOR JENKINS:** Rick?

[7] **CITY ATTORNEY POWELL:** We've covered
[8] all of those already.

[9] **MAYOR JENKINS:** Okay. That's good.
[10] I'm going to hold John until last.

[11] Susan Crawford. Susan Crawford, come
[12] on up, please.

[13] **MS. CRAWFORD:** Some of the people in
[14] Oakcliff have been discussing different ways and
[15] suggestions for getting neighbors to kind of fix
[16] up their houses, the fronts, the yards, the
[17] paint jobs, that sort of thing.

[18] And we have a suggestion for you that
[19] maybe would work, and that is to have a contest
[20] for the best-looking house, house front, maybe
[21] paint color, yard, roofs, door repairs; I mean
[22] whatever needs to be done. And then the
[23] winner -- there would be one in each area of the
[24] city, Tilly Mill, Oakcliff, Northwoods -- and
[25] the winner would get a \$500 gift certificate to

[1] we're going to be having a meeting on Saturday
[2] for the Winters Chapel area. It's going to be
[3] at Chicopee Park. It's going to be at 12
[4] o'clock. And we certainly want the input on the
[5] parking and other things that we've talked
[6] about, so I hope that you guys in that area can
[7] certainly come out. It's going to be really
[8] good.

[9] Also when we talk about forming a -- I
[10] don't know what, Mr. Ambrose, what do you all
[11] call it? Not homeowners' but whatever --

[12] **VOICE:** Boarding houses --

[13] **COUNCILWOMAN PITTMAN:** -- association,
[14] neighborhood association.

[15] **VOICE:** -- in the neighborhood and
[16] homeowners' association watchdog.

[17] **COUNCILWOMAN PITTMAN:** Right. So
[18] that's at 12 o'clock.

[19] There's a lot of exciting things going
[20] on at the library. Lynn is working really hard
[21] getting a few things up there. There's also
[22] going to be a meeting at 2 o'clock on Saturday
[23] for the Friends of the Library. So if you're
[24] interested in that, that's a really, really good
[25] thing that's going on. They're going to be

[1] the home improvement store of his or her choice.

[2] **VOICE:** Every month or every year?

[3] **MS. CRAWFORD:** No, no, no. Twice a
[4] year. Two times a year.

[5] **MAYOR JENKINS:** Well, where are you
[6] going to get all that money?

[7] **MS. CRAWFORD:** I'd think that -- I
[8] would hope that the City would have -- what
[9] would it be? -- \$2000 a year to invest in fixing
[10] up the city. I think if we don't, I mean we
[11] stand to lose a lot more. Well, maybe not this
[12] contest, but if people don't start turning
[13] neighborhoods around, we stand to lose a lot
[14] more than \$2,000 a year. And there are
[15] different ethnicities. Some people think
[16] chartreuse is a nice color for a house. They're
[17] not wrong. It's just not maybe what the
[18] majority prefers, or Christmas lights out, that
[19] sort of thing. And I think to go around and
[20] tell people what they have to do or to --

[21] **MAYOR JENKINS:** Well, we're doing that
[22] every day, I think.

[23] **MS. CRAWFORD:** I think the positive is
[24] usually the better thing to do, and I think that
[25] money is a great impetus for change, and I think

Page 97

[1] that the winners would then be a model for their
 [2] neighbors instead of saying, we want your house
 [3] to look like this. It would be clear by the
 [4] gift being given to that house, well, we'll get
 [5] the next \$500 gift certificate. And since it is
 [6] \$500, they don't have to just spend it on paint.
 [7] I mean they can get, you know, a color TV set if
 [8] they wanted, or a hot tub or part of a hot tub.
 [9] I don't know what these things cost. But I
 [10] think it might be worth a try.
 [11] **MAYOR JENKINS:** Yeah. We'll probably
 [12] have to work out some other deal on the money
 [13] situation. The City's been kindly talking about
 [14] for charity money, and most of our councilmen
 [15] has also stopped charity, if you want to call it
 [16] that.
 [17] **MS. CRAWFORD:** I don't want to call it
 [18] that. It would not be charity. It would be an
 [19] investment in turning the city around.
 [20] **CITY ATTORNEY POWELL:** I don't want to
 [21] throw cold water on it, but I need to look and
 [22] see that it doesn't come under the gratuities
 [23] section of the constitution. I'm afraid it
 [24] does.
 [25] **MAYOR JENKINS:** That's what I'm trying

Page 98

[1] to get over to her without saying no.
 [2] I wish we could, but --
 [3] **MS. CRAWFORD:** I wish you could, too.
 [4] **MAYOR JENKINS:** -- we had some problems
 [5] during Christmas I would have liked to have done
 [6] that for. We just could not do it.
 [7] **COUNCILMAN HART:** Could you do this?
 [8] Like I think Ms. Hadden, they do a gift certi-
 [9] cate from one of the building supply companies
 [10] or -- I mean can you-all --
 [11] **MS. CRAWFORD:** Yeah.
 [12] **COUNCILMAN HART:** -- work with that?
 [13] **MS. CRAWFORD:** Oh, I can't offer any-
 [14] thing. I don't have --
 [15] **MAYOR JENKINS:** Everybody looks at
 [16] Charlene.
 [17] **VOICE:** I think what he's saying is go
 [18] into Home Depot and see if they will sponsor it.
 [19] **MS. CRAWFORD:** Oh, I did. And in fact
 [20] they're going to get back to me. I went to the
 [21] Home Depot near us, and then I went to the human
 [22] resources department, which is the wrong place
 [23] to go, and then I went to marketing. But then I
 [24] had to go to a conference last week and I missed
 [25] -- the woman did call me back, and I'm --

Page 99

[1] **COUNCILMAN HART:** Well, if the --
 [2] **MS. CRAWFORD:** -- waiting to hear from
 [3] her.
 [4] **COUNCILMAN HART:** -- combination is
 [5] like landscape supply companies here, there's
 [6] people that make fences and that sort of thing,
 [7] and you can get maybe --
 [8] **MS. CRAWFORD:** Fences?
 [9] **COUNCILMAN HART:** I mean fences. You
 [10] know, there's a variety of house supply
 [11] companies in the Doraville area, I mean from
 [12] landscape companies, landscape supply companies,
 [13] people that manufacture fences and put up
 [14] fences. You know, it's not just Home Depot.
 [15] There's Galloway Hardware. There's lots of
 [16] companies in Doraville that you could perhaps
 [17] put together a gift certificate of some sort.
 [18] **MAYOR JENKINS:** I think we can work
 [19] that out.
 [20] **MS. CRAWFORD:** Okay.
 [21] **COUNCILMAN HART:** Maybe we could do
 [22] some --
 [23] **MS. CRAWFORD:** I know. But that was
 [24] the suggestion I said I would put across to you.
 [25] Maybe some variable would appeal to you or, you

Page 100

[1] know, we can do something with that basic idea.
 [2] **COUNCILWOMAN HADDEN:** I like it. We
 [3] did it in Northwoods a couple years ago. Mr.
 [4] Byrd suggested that we do an award for a home
 [5] for best or most improved, and we did that for
 [6] two different homes and we did a \$100 gift
 [7] certificate.
 [8] **MS. CRAWFORD:** Oh, you were able to do
 [9] that?
 [10] **COUNCILWOMAN HADDEN:** Yeah, but the
 [11] City didn't do it. I mean the --
 [12] **MS. CRAWFORD:** The neighbors got --
 [13] **COUNCILWOMAN HADDEN:** -- neighborhood
 [14] did it.
 [15] **MS. CRAWFORD:** -- together and did
 [16] that?
 [17] **COUNCILWOMAN HADDEN:** Yeah.
 [18] **MAYOR JENKINS:** The neighborhood asso-
 [19] ciation.
 [20] **MS. CRAWFORD:** Okay. Well, that's an
 [21] idea. I guess we could think about that.
 [22] Okay. Thanks.
 [23] **MAYOR JENKINS:** Thank you.
 [24] Bonita?
 [25] **MS. HOFFMEISTER:** Honorable Mayor and

[1] City Councillors.
 [2] **MAYOR JENKINS:** Bonita?
 [3] **MS. HOFFMEISTER:** Oh. My name is
 [4] Bonita Hoffmeister. I live at 3948 Spanish Oak
 [5] Drive.
 [6] I am here to ask on for update on
 [7] what's going on in English Oak Park. I know we
 [8] had a surveys. We found some discrepancies in
 [9] this survey.
 [10] I believe -- if I'm not correct, please
 [11] tell me -- another survey has been done. I just
 [12] want to have an update of what's going on.
 [13] **MAYOR JENKINS:** Rick?
 [14] **CITY ATTORNEY POWELL:** The Mayor and I
 [15] met with Mr. Quinones (ph) on February the 23rd.
 [16] He was to consider the information that
 [17] was supplied him. I believe he's been in touch
 [18] with --
 [19] **VOICE:** Karen.
 [20] **CITY ATTORNEY POWELL:** -- quite some
 [21] time ago, and we've heard nothing back from him.
 [22] He is not -- he hasn't produced it when he said
 [23] he would, so we don't know, frankly.
 [24] **MS. HOFFMEISTER:** Okay.
 [25] **COUNCILMAN ANAVITARTE:** How about the

[1] **CITY ATTORNEY POWELL:** No.
 [2] **COUNCILMAN HART:** No?
 [3] **MAYOR JENKINS:** Didn't he get with us,
 [4] with the young lady about her part of the
 [5] property? He's already taken care of that.
 [6] **CITY ATTORNEY POWELL:** No. He got with
 [7] her but he hasn't resolved anything.
 [8] **COUNCILMAN ANAVITARTE:** He must be --
 [9] **MAYOR JENKINS:** Is that correct?
 [10] **COUNCILMAN ANAVITARTE:** -- lost in the
 [11] courthouse.
 [12] **MAYOR JENKINS:** Karen, is that correct,
 [13] he has not?
 [14] **KAREN PACHUTA:** Oh, he contacted me and
 [15] asked me for the copies and the legal descrip-
 [16] tion, which I fax'ed him. That's all I've
 [17] heard.
 [18] **MAYOR JENKINS:** Go ahead.
 [19] **MS. HOFFMEISTER:** Okay. Mayor and City
 [20] Council, I thank you for taking action on the
 [21] LCI grant process.
 [22] I call to your attention there are
 [23] several other programs that are in process and
 [24] hoping to follow up on those, because, as you
 [25] know, we have a 2-in-50 chance or a five percent

[1] ingenious idea of getting somebody else to do
 [2] it?
 [3] **MAYOR JENKINS:** Because he had done it
 [4] originally.
 [5] **COUNCILMAN ANAVITARTE:** Well, I think
 [6] we talked about this a few weeks ago about --
 [7] **CITY ATTORNEY POWELL:** Yes It's not
 [8] my --
 [9] **COUNCILMAN ANAVITARTE:** -- this guy
 [10] doesn't call. He doesn't communicate with the
 [11] City.
 [12] **COUNCILWOMAN HADDEN:** Doesn't return
 [13] calls.
 [14] **COUNCILMAN ANAVITARTE:** So --
 [15] **COUNCILMAN HART:** Now, I mean that
 [16] wasn't the case. I mean didn't you meet with
 [17] the guy and then you exchanged all this stuff
 [18] and then you were supposed to --
 [19] **CITY ATTORNEY POWELL:** Oh, on February
 [20] the 23rd, and we're waiting to hear back from
 [21] him.
 [22] **COUNCILMAN HART:** Yeah, but you're also
 [23] waiting for some other input as far as --
 [24] **CITY ATTORNEY POWELL:** No.
 [25] **COUNCILMAN HART:** -- plats and --

[1] chance of getting it?
 [2] **MR. COHEN:** No, no. They're going to
 [3] award more than two. They're probably going to
 [4] award about 25. Probably got --
 [5] **MS. HOFFMEISTER:** About 25?
 [6] **MR. COHEN:** -- a 50 percent chance.
 [7] **MS. HOFFMEISTER:** Well, you got a 50
 [8] percent chance. And just keep in mind that
 [9] there are other LCI programs out there to start
 [10] pursuing. Thank you.
 [11] **MAYOR JENKINS:** Thank you.
 [12] John? You got anything to report?
 [13] **CHIEF JOHN KING:** Yes, sir. My name is
 [14] John King, Chief of Police.
 [15] Currently we just kind of want to bring
 [16] to the table and also to the citizens in the
 [17] audience, House Bill 77, the red-light camera,
 [18] has been thrown out as far as committee, but now
 [19] a new House Bill 590 has been introduced. And
 [20] the concerns on that bill is that after the fees
 [21] have been paid to the company that manages that
 [22] program, the State of Georgia wants a chunk of
 [23] that money. They're looking at wanting 50
 [24] percent of all the fees after -- after --
 [25] Yes.

Page 105

[1] **CITY ATTORNEY POWELL:** I talked with
[2] Susan Pruitt today. She says the one that's on
[3] the table now is going to limit it to a \$35
[4] fine, and they want either 50 or 75 percent of
[5] it.
[6] **CHIEF JOHN KING:** Yeah, and that is --
[7] and that is being negotiated.
[8] So what I ask you is get in touch with
[9] your state representative to try to defeat that
[10] because I mean you still get more than you got
[11] before we got into the -- but this is just a way
[12] for the State of Georgia to try to, you know,
[13] fund some of their other activities.
[14] **CITY ATTORNEY POWELL:** If it gets cut
[15] to that, it may cost us more to process the
[16] tickets.
[17] **MAYOR JENKINS:** Yeah.
[18] **CHIEF JOHN KING:** No, it will not, sir.
[19] It will not. That's incorrect.
[20] What it will be is after the fees are
[21] paid, then --
[22] **CITY ATTORNEY POWELL:** Oh, okay.
[23] **CHIEF JOHN KING:** -- it will be that.
[24] So part of it is that the folks who are
[25] putting this, they clearly made it very clear

Page 106

[1] that it is after the fees are paid either to the
[2] company and the processing fees. What results
[3] as a result of that, then that will be divided,
[4] you know, 75 percent currently. That's one of
[5] the issues.
[6] The Georgia Municipal Association
[7] opposes this bill. They just want to leave it
[8] the way it is for right now.
[9] But the only way we will change this
[10] dynamic, by you getting in touch and the
[11] residents getting in touch with your legislature
[12] to make sure that House Bill 590 gets defeated,
[13] you know, it doesn't come out of committee.
[14] That right now is the concern that we have.
[15] **COUNCILMAN ANAVITARTE:** Mayor, can you
[16] just have a letter drafted for all of us to sign
[17] and we'll send it to the Governor and whoever
[18] else and tell them we don't want our taxes
[19] raised.
[20] **CHIEF JOHN KING:** That's basically what
[21] they're doing.
[22] We've gotten a lot of information as
[23] far as, you know, we got Susan Fraysse and the
[24] neighbors in Oakcliff subdivision last Council
[25] meeting. We're very -- we're very concerned

Page 107

[1] about the number of vehicles that go traveling
[2] down Oakcliff Road.
[3] In the month of February, we've issued
[4] 25 citation. Three of those would have been to
[5] 18-wheelers and 20 of them have been to box
[6] trucks. What we're trying to do is isolate.
[7] The problem is a lot of those -- we're trying to
[8] look for a pattern, and what we're seeing is
[9] that the pattern is mostly leased vehicles, you
[10] know. So we're trying to identify what company,
[11] but we have not seen yet a pattern. So maybe
[12] it's just because we've done it for one month.
[13] We'll continue to monitor that. We got
[14] the list that Susan identified the times, and
[15] that was -- that and our survey helped us narrow
[16] down the time so we could put our officers at
[17] the right time and the right place.
[18] Initially we thought it was most of
[19] them coming at night, and our survey shows that
[20] they're usually rush hour, rush hour traffic.
[21] It's both in the morning and the evenings is
[22] when they're basically trying to bypass the 285
[23] and 85 clog and they're basically coming up
[24] Pleasantdale, it appears. But we'll continue to
[25] work it.

Page 108

[1] As a result of some of those
[2] activities, we identified that we have a
[3] shortcoming in the Police Department as far as
[4] training. I'm going to be sending some officers
[5] to the Commercial Vehicle Inspector Course.
[6] We talked about this a couple years ago
[7] with all the metal-hauling trucks going to the
[8] recycling centers up in Gwinnett County. And
[9] what we found out -- as soon as they found out
[10] we were starting to get it, they started
[11] bypassing us by going basically Peachtree
[12] Industrial and then going up that access road.
[13] But we're starting to see again the trucks
[14] coming back through Buford Highway.
[15] And it is a five-day course. The only
[16] place this course is taught is in Ft. Lauderdale
[17] at IPTM. So needless to say, I won't be going
[18] to it, but there will be some lucky officers
[19] that are going to be going. But I think this is
[20] a good investment to have our officers trained
[21] to be able to do a commercial vehicle inspec-
[22] tion.
[23] As a result of those skill sets, we'll
[24] be able to apply there for some grants from the
[25] State to be able to get us some equipment to

[1] continue to work in that. It's an investment of
[2] five days, but I think this is well worth. And
[3] it probably will involve two to three officers
[4] going spaced out, not all of them at the same
[5] time, to get this training. So we'll be getting
[6] that done as soon as we have some vacancies in
[7] these schools.

[8] I received a lot of requests for infor-
[9] mation earlier in -- I think about a week or so,
[10] we had a break-in at the Oakcliff Elementary
[11] where the school was severely damaged. Since
[12] it's not in the city, we didn't have a lot of
[13] information.

[14] But apparently the perpetrator made a
[15] horrible mistake, picked the wrong school. He
[16] decided to break into the Sequoia Middle School,
[17] and he was apprehended by one of our officers.
[18] This individual was going down the hallway with
[19] a broomstick and breaking all the windows and
[20] trashing out the school.

[21] So the alarm system, you know, notified
[22] us, you know, the officers, so our officers were
[23] able to apprehend him. And he was turned over
[24] to the school detectives, so we made a good
[25] arrest. And they have been able to link him to

[1] the school system to try to get -- basically,
[2] our target audience is the PTA organizations,
[3] trying to get the schools -- the children's
[4] parents to basically, you know, not only install
[5] the seat belts correctly and used child seats
[6] correctly, but try to get into the school as a
[7] positive presence into the school system. So
[8] those are some of the initiatives that we're
[9] working right now.

[10] Many of you-all called us about
[11] Colquitt Avenue a couple days ago. We had a
[12] report from one of the neighbors, and it was a
[13] good call, because an individual was trying to -
[14] - was going into the house through a window, an
[15] individual that the neighbor had not -- was not
[16] familiar who lived in that street, at Colquitt
[17] and McClave.

[18] Officers responded very quickly to the
[19] location. And after talking to the individuals
[20] that came out and we detained them, we
[21] determined there was several Asian males and a
[22] couple -- and one Hispanic male that apparently
[23] were working a local Chinese restaurant, and
[24] they lived -- there are rooms, you know, they
[25] rented rooms. So as the result of that, we

[1] the school up in -- Oakcliff Elementary, so it's
[2] the same individual that we've been able to link
[3] both break-ins into. So he's been charged and
[4] he'll be charged for both of those entrances.
[5] So we got a person, a dangerous -- potentially
[6] dangerous person off the street.

[7] **COUNCILMAN ANAVITARTE:** What did the
[8] County say during all this annexation? There's
[9] always police around or something?

[10] **CHIEF JOHN KING:** Exactly. I think the
[11] record should stand on its own, sir. Needless
[12] to say, our officers responded very quickly.
[13] The individual tried to flee the officer, and we
[14] tried our new Tazer device.

[15] **COUNCILWOMAN HADDEN:** Oh.

[16] **CHIEF JOHN KING:** It worked very well,
[17] and it was in compliance with our policies. I'm
[18] sure we'll show you the video of the usage of
[19] the gun. But it worked very well.

[20] We're also going to be participating as
[21] part of the National Highway Traffic Safety
[22] Administration Program, trying to get a couple
[23] of our traffic enforcement officers to go to a
[24] Child Vehicle Safety Seat Program where they are
[25] then qualified to go and put some programs into

[1] issued a citation for a rooming-house operation
[2] when the owner arrived at that location.

[3] So the owner was telling us that the --
[4] that the real estate agencies are targeting, are
[5] marketing these homes, especially homes with
[6] several bedrooms, especially in the Asian and
[7] Hispanic communities, as renting the -- trying
[8] to advertise in the especially Asian and
[9] Hispanic magazines for these houses that can be
[10] used for rental property.

[11] And perhaps maybe we can get in touch
[12] with real estate organizations and try to put
[13] the information out that, "Hey, you know, this
[14] is our ordinance."

[15] We were able to deal with a house at
[16] Raymond and Addison that way, by talking to a
[17] real estate agent and once we got in touch with
[18] the owner. But it took us -- it took us about
[19] two months to find the owner of the location to
[20] tell him, "Hey, this is not allowed."

[21] And apparently it was advertised and
[22] part of the transaction as a potential rooming
[23] house by the real estate agencies that were
[24] doing this. So something that we're going to
[25] have to work through part of our information

Page 113

[1] campaign that we need to discourage that.
 [2] **COUNCILMAN ANAVITARTE:** Rick, what
 [3] would be the -- or if you could research or
 [4] check to see in terms of maybe us adopting some
 [5] sort of real estate deception bill or law that
 [6] would hold accountable, you know, real estate
 [7] agents or whatnot that would -- you know,
 [8] basically with the intent of violating our City
 [9] ordinances or zoning.
 [10] **CITY ATTORNEY POWELL:** As I was
 [11] listening to the Chief, I was thinking through
 [12] the possibility that that would be a violation
 [13] itself to conspire to violate a law, and I would
 [14] think we could look into that for sure.
 [15] **COUNCILMAN ANAVITARTE:** Just with the
 [16] penalties that would -- you know, obviously
 [17] notifying, you know, whoever's giving, you know,
 [18] those individuals business license, real estate
 [19] license through the State and things like that
 [20] so that, you know, they're put on the radar or
 [21] flag that, you know, they're deceiving the
 [22] public or whatever.
 [23] **CHIEF JOHN KING:** I think the key is if
 [24] we could, you know, try to push out, you know,
 [25] basically, and advertise the ordinance and give

Page 114

[1] it out to the real estate -- you know, the real
 [2] estate companies that do business in this
 [3] general area, I mean, I think could pretty much
 [4] be -- I don't --
 [5] **COUNCILWOMAN HADDEN:** One instance that
 [6] I pulled up a listing and it actually said "Use
 [7] as a multi-family dwelling." And so I got with
 [8] Ray, and he did a letter that we actually got to
 [9] the broker of the real estate person that had
 [10] that property listing.
 [11] So I think if maybe we can just, on our
 [12] part, too -- and I'll be happy to work on this
 [13] with you -- have a letter that's generic that
 [14] the Mayor has made up that we can go ahead and
 [15] send each time we see something that's listed,
 [16] that just nicely lets the broker know that
 [17] boarding houses are not --
 [18] **CHIEF JOHN KING:** Exactly.
 [19] **COUNCILWOMAN HADDEN:** -- legal in
 [20] Doraville. We can attach our ordinances.
 [21] **CHIEF JOHN KING:** We might be able to
 [22] head off a couple of those problems. I mean
 [23] there are some people that deliberately are
 [24] going to ahead and try to --
 [25] **COUNCILWOMAN HADDEN:** Try to do that.

Page 115

[1] **CHIEF JOHN KING:** -- violate the
 [2] ordinance, but we probably -- you know, this is
 [3] intended for the honest real estate
 [4] professionals, not to market those houses in our
 [5] city for the multi-family dwellings.
 [6] **COUNCILWOMAN HADDEN:** Exactly.
 [7] **VOICE:** I think that one thing, and I
 [8] know Marlene knows this just as well as I do,
 [9] maybe that first letter going out should also
 [10] include we will notify -- the City will notify
 [11] the Georgia Board of Realtors, who are actually
 [12] the licensing bureau, because for going directly
 [13] against the law, they can have their license
 [14] pulled and they can't sell real estate again in
 [15] the state. So maybe just oomph in it.
 [16] **MAYOR JENKINS:** Yes, ma'am.
 [17] **VOICE:** Actually, if you can send me
 [18] like a press release, we can put it on the
 [19] newspaper, local newspapers, to make like a
 [20] Doraville City Hall announcement to let
 [21] everybody know, you know.
 [22] **COUNCILWOMAN HADDEN:** That's good.
 [23] **VOICE:** That's the best way, because
 [24] usually those brokers, they are very individual.
 [25] They just like got a license, so piece of cake.

Page 116

[1] So you cannot cover everybody.
 [2] **MAYOR JENKINS:** Ms. Roberts?
 [3] **MS. ROBERTS:** Well, I've taken signs
 [4] down out there at the stop sign on Oakcliff
 [5] where it says "Rooms for Rent," and I've taken
 [6] them down different times and --
 [7] **COUNCILWOMAN HADDEN:** We need to know
 [8] whose houses those are.
 [9] **CHIEF JOHN KING:** If they give you the
 [10] phone number, please give us a heads-up on it.
 [11] That would help us also to follow up on some of
 [12] that.
 [13] **VOICE:** That would be a good idea.
 [14] **MAYOR JENKINS:** Yes, ma'am.
 [15] **VOICE:** You can get the name of the
 [16] owner from the tax assessor's office.
 [17] **COUNCILWOMAN HADDEN:** That's where
 [18] we've had the problem that we --
 [19] **CHIEF JOHN KING:** We've had a problem
 [20] with that, ma'am.
 [21] **VOICE:** I got one today.
 [22] **COUNCILWOMAN HADDEN:** It is. But
 [23] sometimes what we find is that it's changed
 [24] hands between the time; that what we're pulling
 [25] up on the tax record is not the owner today.

[1] And that's what Ms. Fraysse was referring to:
[2] that we've got three maybe that the owner on the
[3] tax record is not the owner.

[4] **VOICE:** Corporation that hides the
[5] owner.

[6] **COUNCILWOMAN HADDEN:** Yeah.

[7] **MAYOR JENKINS:** That, and then they'll
[8] give you a phone number when they register here
[9] and they immediately get rid of that phone
[10] number. You can't get in touch with them. And
[11] a lot of them go back to their country.

[12] **CHIEF JOHN KING:** Sir, I have two more
[13] items.

[14] **MAYOR JENKINS:** Okay.

[15] **CHIEF JOHN KING:** They won't take very
[16] long, sir.

[17] I've currently announced the position,
[18] basically advertised internally the position for
[19] the supervisor of the Code Enforcement section
[20] in the Police Department, and I have people
[21] interested in that position applying.

[22] And basically we have a list of duties
[23] that this supervisor will have to have or be
[24] able to be trained in them. Basically, he will
[25] be the -- he will be preparing the code

[1] towards the end of this week at the earliest or
[2] next week. And our plan is that we're going to
[3] advertise them in the AJC, the Champion
[4] newspaper and on the GMA web site. We will try
[5] to cover as many possible to get the best --
[6] best person possible and --

[7] Yes, sir.

[8] **CITY ATTORNEY POWELL:** Just for
[9] planning for the court and all that,
[10] realistically when before they'd even be writing
[11] tickets?

[12] **CHIEF JOHN KING:** It's hard to tell,
[13] Rick. I think it will be -- I think -- well, my
[14] plan is to continue having police officers doing
[15] it --

[16] **CITY ATTORNEY POWELL:** Right.

[17] **CHIEF JOHN KING:** -- until we get
[18] these.

[19] **CITY ATTORNEY POWELL:** Right.

[20] **CHIEF JOHN KING:** So there will not be
[21] a gap where officers, you know, basically, but
[22] there's no -- there will be code enforcement
[23] until the first day, you know. It probably will
[24] be a gap, about a week overlap so the officers
[25] and the code enforcement officers are basically

[1] enforcement job descriptions. He will be
[2] attending code enforcement officers' seminars
[3] and training, implementing policies and
[4] standards and procedures for the code enforce-
[5] ment officers and a number of other duties that
[6] we've talked about as far as for the efficient
[7] operation of this section. It's going to be a
[8] tough job because this supervisor will have to
[9] start basically a unit from scratch.

[10] And contrary to the -- they're going to
[11] be code enforcement officers. And a lot of
[12] people that were -- there was some discussion.
[13] I attended one of the neighborhood meetings, and
[14] a couple people were asking me, were these
[15] people -- will they be inspectors?

[16] They won't be inspectors. They will be
[17] enforcement officers. They'll have the know-
[18] ledge of the ordinances and the standards and
[19] then they will apply those, you know, as they're
[20] written.

[21] **COUNCILWOMAN HADDEN:** Do you have an
[22] idea when those jobs will be posted?

[23] **CHIEF JOHN KING:** We plan -- we have
[24] a -- we're in the last stages of preparing
[25] those. I expect those to be advertised probably

[1] overlapping.

[2] **CITY ATTORNEY POWELL:** So if we wanted
[3] to go ahead and set up --

[4] **CHIEF JOHN KING:** This will be by the
[5] time --

[6] **CITY ATTORNEY POWELL:** -- the court, to
[7] set up the court, but we'd have to do that a
[8] month out after we tell the officers what day
[9] and time to write the tickets.

[10] **CHIEF JOHN KING:** I think you can do
[11] that without any issues, Rick, and then we'll
[12] just have the code enforcement officers start
[13] booking their tickets on that court night.

[14] **CITY ATTORNEY POWELL:** Okay.

[15] **CHIEF JOHN KING:** And then the code
[16] enforcement officers will just slide right --

[17] **CITY ATTORNEY POWELL:** Okay. All
[18] right.

[19] **CHIEF JOHN KING:** -- into that and take
[20] the officers' spot.

[21] **CITY ATTORNEY POWELL:** Okay, good.

[22] Thank you.

[23] **CHIEF JOHN KING:** Sir, recently we lost
[24] another patrol car. It was stopped at a -- a --
[25] working an accident and a person ran into it.

Page 121

[1] We're trying to negotiate with the
[2] insurance company. They're -- they were giving
[3] us a hard time with it, but we know we will
[4] eventually prevail.
[5] This car was purchased with asset-
[6] forfeiture money, and I'm not asking for the
[7] City Council to provide me any additional money
[8] but the insurance settlement that comes as a
[9] result of it.
[10] So, for you, that money will -- will
[11] come to the Police Department. It will not come
[12] to the General Fund. And then I will add asset-
[13] forfeiture money to replace that patrol car.
[14] I just wanted to give you-all a heads-
[15] up that I will have to buy another patrol car to
[16] replace that because that one is totaled.
[17] **MAYOR JENKINS:** Is that the one that's
[18] sitting in front of the maintenance?
[19] **CHIEF JOHN KING:** No. This one is at
[20] the insurance because they wanted to examine it
[21] themselves.
[22] **MAYOR JENKINS:** Okay.
[23] **CHIEF JOHN KING:** The frame is bent and
[24] it's just not safe to operate.
[25] **COUNCILMAN HART:** What's the story of

Page 122

[1] the car sitting in front of the maintenance
[2] department?
[3] **CHIEF JOHN KING:** That one is a total
[4] loss?
[5] **LIEUTENANT HUDGINS:** That is also a
[6] total loss. 285 eastbound, a rainy night;
[7] vehicle broke down in the left through-lane.
[8] Our officer tried to veer around it and ended up
[9] in the wall trying to avoid the accident. He
[10] didn't hit the guy in the lane but --
[11] **CHIEF JOHN KING:** Hit the wall.
[12] **LIEUTENANT HUDGINS:** -- he had to hit
[13] the wall instead.
[14] **COUNCILMAN HART:** Well, what's the -- I
[15] mean what's going to happen to that car? I mean
[16] what -- is it going to sit there for --
[17] **LIEUTENANT HUDGINS:** That car's being
[18] picked up. It's waiting on a wrecker.
[19] **CHIEF JOHN KING:** We're waiting for our
[20] insurance company to try to give us a settlement
[21] on that, sir.
[22] And a lot of times, these cars, it
[23] hurts us, because I now have an officer that has
[24] to basically jump from car to car or use a fleet
[25] car. And when I have three cars, basically, in

Page 123

[1] the last two months, three months, that I've
[2] lost, it puts an incredible amount of pressure
[3] on our fleet.
[4] And I have to negotiate with the
[5] insurance company. As you can imagine,
[6] insurance companies are not very forthcoming
[7] sometimes when they have to -- including our
[8] insurance company. They're not really happy
[9] about it.
[10] Yes, ma'am?
[11] **MS. MURPHY:** Chief, I will increase our
[12] budget for the reimbursement from the insurance
[13] company for whatever amount I can find out from
[14] your department and add an expense paying your
[15] asset forfeiture account so we can get that in.
[16] Because it'll come to the General Fund, right?
[17] **CHIEF JOHN KING:** No. That will come
[18] to the Police Department because the vehicle was
[19] purchased with asset-forfeiture money. It was
[20] not purchased specifically with City tax funds
[21] so it doesn't --
[22] **MS. MURPHY:** Okay. And it's not our
[23] insurance company that's paying any of this.
[24] **CHIEF JOHN KING:** No. It's another
[25] insurance company.

Page 124

[1] **MS. MURPHY:** We don't have to worry
[2] about it.
[3] **CHIEF JOHN KING:** No, you don't have to
[4] worry about it.
[5] **MS. MURPHY:** Okay.
[6] **CHIEF JOHN KING:** I'm just informing
[7] the City Council that I will be receiving a
[8] check from the insurance company for that patrol
[9] car. I'll have to add asset-forfeiture money to
[10] be able to go out and purchase another car.
[11] **MS. MURPHY:** Okay.
[12] **CHIEF JOHN KING:** Mayor, pending any
[13] questions or the questions of the City Council,
[14] sir, that concludes.
[15] **CITY ATTORNEY POWELL:** What about the
[16] 911?
[17] **CHIEF JOHN KING:** I apologize, sir.
[18] We've gotten -- we're getting close to
[19] reaching an impasse with our friends at the
[20] wonderful Dekalb County government. And the
[21] City Attorney has worked hard on asking for open
[22] records.
[23] They, the County, told us that they
[24] will not give us control of our 911 towers, our
[25] cell phone towers in the city. The towers that

[1] are currently inside the city limits, they do
[2] not want to give us control over those towers.

[3] So those towers report directly to our
[4] 911. Currently, if you dial 911 off of your
[5] cell phone, the call goes to Dekalb County, then
[6] it comes here. If you dial 911 from your homes,
[7] that call comes directly to us.

[8] Most of the phone companies are sending
[9] us their 911 fees, but not all of them. Dekalb
[10] County issued a letter to us telling us that
[11] because the majority -- in their opinion, the
[12] majority of the calls that they receive go for
[13] fire services and EMS services, that they should
[14] retain control of the towers.

[15] We then asked them -- since that was
[16] the reason they based their decision, we then
[17] gave them an Open Records request asking them,
[18] "Show us the data that you use to make that
[19] opinion." Dekalb County has not given us that
[20] Open Records, and now we've gone --

[21] **CITY ATTORNEY POWELL:** We sent them a
[22] certified letter, and they responded because I
[23] did not narrow it down. So we said two years;
[24] we then didn't hear anything.

[25] We sent them another letter, and I was

[1] matter and if he doesn't get an appropriate
[2] response, say, by the end of this week, that you
[3] authorize him to go forward with a lawsuit
[4] against Dekalb County for control of those
[5] towers.

[6] Every other city that has a 911 system
[7] has control of their towers. The City of
[8] Decatur has control over their towers. The City
[9] of Chamblee has control over those towers. And
[10] I feel that the court will let us prevail,
[11] because why is the City of Doraville being
[12] singled out for control of those towers? I
[13] think that's unreasonable of Dekalb County.

[14] And by fact, the majority of the calls,
[15] a police officer responds first. The police
[16] officer then determines whether a fire
[17] department should follow or an EMS ambulance
[18] should follow. But it is a police officer.
[19] That's why we have a seven minute. That's why
[20] we're arresting people in the schools in the
[21] city of Doraville when they break in and they're
[22] not being arrested outside: because we have
[23] that response, we have that presence.

[24] We've tried. I think the City Attorney
[25] has made a valiant effort in trying to get the

[1] about to send them a certified letter again,
[2] giving them a very short period of time.

[3] I got an e-mail from -- the woman who
[4] had been corresponding with me said that it was
[5] her fault and that she would be getting this to
[6] me, and as I recall, that was a week to ten days
[7] ago.

[8] And so we're now -- I think we want you
[9] to authorize us to make one more shot at them,
[10] then pos- -- Chief King was suggesting that I
[11] maybe try to meet with the city --

[12] **CHIEF JOHN KING:** I'm afraid --

[13] **CITY ATTORNEY POWELL:** -- with the
[14] attorney for --

[15] **CHIEF JOHN KING:** I'm sorry, Rick. I'm
[16] afraid that we're being stalled now, sir.

[17] **CITY ATTORNEY POWELL:** Right.

[18] **CHIEF JOHN KING:** I mean I hate to be
[19] the pessimist here, but --

[20] **COUNCILMAN HART:** Do you think?

[21] **COUNCILMAN ANAVITARTE:** No.

[22] **CHIEF JOHN KING:** -- the problem is --
[23] and basically I'm going to be very frank with
[24] you-all is that I would like you-all to give the
[25] City Attorney the authority to pursue this

[1] information.

[2] I've talked to several other agencies.
[3] They're telling me. They said, "John, you're
[4] not going to get a straight answer. They're
[5] going to stall you," because they know that if
[6] they can delay us for two years, then they get
[7] the control of the towers permanently and we
[8] will have to then turn over all 911 funds back
[9] to the County.

[10] So they're basically, my opinion, and
[11] I'm biased, but I think they're stalling us so
[12] we'll basically lose heart and we just don't
[13] pursue it anymore.

[14] **COUNCILWOMAN HADDEN:** Do we need to
[15] make a motion to put this item on the agenda,
[16] Mr. Mayor?

[17] **MAYOR JENKINS:** Yes.

[18] **COUNCILWOMAN HADDEN:** I so move.

[19] **COUNCILWOMAN PITTMAN:** Second.

[20] **MAYOR JENKINS:** All in favor?

[21] Now do I get a motion?

[22] **COUNCILMAN HART:** Motion.

[23] **COUNCILMAN ANAVITARTE:** Motion.

[24] **MAYOR JENKINS:** Motion for the --

[25] **CITY ATTORNEY POWELL:** To authorize me

Page 129

[1] to go forward, attempt to resolve it; if not,
[2] we'll get a lawsuit filed.
[3] **COUNCILMAN ANAVITARTE:** Motion.
[4] **COUNCILWOMAN HADDEN:** Let's give them
[5] 10 days and that's it, period?
[6] **COUNCILMAN HART:** How much is this
[7] going to cost, Rick?
[8] **COUNCILWOMAN HADDEN:** Filing fees.
[9] **CHIEF JOHN KING:** Sir, I would respect-
[10] fully tell you, sir, that if you don't, you will
[11] lose all your 911 fees. That is what is at
[12] stake in this. And control of your 911.
[13] **COUNCILMAN HART:** Okay. Thanks for the
[14] explanation.
[15] **COUNCILWOMAN PITTMAN:** Second.
[16] **MAYOR JENKINS:** All in favor?
[17] Opposed?
[18] **CHIEF JOHN KING:** That concludes my
[19] presentation.
[20] **MAYOR JENKINS:** Thank you, John.
[21] **COUNCILMAN ANAVITARTE:** I would submit
[22] it to, since the counties go through their
[23] budget proceedings or I don't know if they've
[24] completed them, but even if they have, we could
[25] maybe draw a resolution asking Dekalb County to

Page 130

[1] support I think the County's original position
[2] that they hire more Dekalb County police
[3] officers.
[4] I think there were some amendments
[5] struck down to take 35 positions that the CEO
[6] wanted to see funded, and I submit that we need
[7] to support that position to hire more police
[8] officers just for the example that we heard here
[9] today with Oakcliff Elementary School. Or if
[10] you want me to write it, I'll write it and --
[11] **CITY ATTORNEY POWELL:** Go talk to --
[12] **COUNCILMAN ANAVITARTE:** Well, you're
[13] the one that's going to write it, so I'll put
[14] that on the agenda then.
[15] **MAYOR JENKINS:** All right. Committee
[16] reports?
[17] **MR. AMBROSE:** James Ambrose with the
[18] Planning Commission.
[19] Since we turned in our report to you at
[20] our last Council meeting, they have had a
[21] meeting. But we're going to have one this
[22] Thursday, March the 7th, at 7:00 p.m. at Fleming
[23] Recreation Center. That's 7:00 p.m.
[24] **MAYOR JENKINS:** Is that all the
[25] committee reports?

Page 131

[1] Citizens' comments?
[2] **MR. FIEDLER:** Raymond Fiedler. I'm a
[3] resident of Oakcliff Estates.
[4] I had -- (counting) one, two, three,
[5] four -- five items. I had five items on my
[6] little personal agenda I would like to discuss
[7] with the Council tonight, but the time is
[8] getting late and some of these aren't quite as
[9] important as I thought they were initially.
[10] Earlier in this Council meeting, it was
[11] mentioned that there was a re-survey or supposed
[12] to be a re-survey done of the English Oak Park
[13] concerning infrastructure repairs down there.
[14] There are some citizens in the
[15] neighborhood who are getting very impatient with
[16] the foot dragging that the County and whoever
[17] these people who are doing this. I believe one
[18] of our Council members has expressed some
[19] impatience with it, one of our spokeswomen from
[20] the neighborhood had expressed some impatience
[21] with it. And I am beginning to be impatient
[22] with it, and I would like to ask the City
[23] Council or the Council's attorney to put some
[24] pressure on these people.
[25] I mean it's only been like five or

Page 132

[1] eight days, but he's holding our money. He's
[2] been paid to do the survey. The survey isn't
[3] worth a doodle-squat because they didn't do a
[4] title search.
[5] And I happened to be blessed with the
[6] fact that I have some very interested and very
[7] intelligent people in the neighborhood who talk
[8] to me about these things, and I'm able to give
[9] that input to you. So if we can, ladies and
[10] gentlemen, I'd appreciate putting some pressure
[11] on the survey company to handle that applica-
[12] tion.
[13] The next thing I'd like to mention also
[14] there was telephone numbers on rental proper-
[15] ties. This is a very good idea. This is a very
[16] good idea if we can call the rental property
[17] owner and find out, A., does he have a business
[18] license to run it as a rental property.
[19] I think our Mayor and one of our
[20] inspectors went down to a neighbor's one day and
[21] found out they hadn't paid the water bill, and
[22] then in the course of paying for the water bill,
[23] they paid with a business check. And with that
[24] business check, we were able to assess them a
[25] business fee. Hey, that's good politics.

[1] We could do the same thing. We could
 [2] do the same thing, I believe, with rental
 [3] properties. I don't like 15 or 16 people living
 [4] in a house that's built for seven people, and I
 [5] don't think I stand alone in that assumption.
 [6] So ladies and gentlemen of Oakcliff
 [7] Estates, Oakcliff, Northwoods, and the Winters
 [8] Chapel Estates, if you see these signs, I
 [9] personally encourage you to report these to your
 [10] Council member, and he or she in turn can report
 [11] it to the proper powers and they can handle that
 [12] for us.
 [13] Third item. The Chief brought up a
 [14] statement earlier about sending his officers to
 [15] a training school in Florida to do some highway
 [16] inspection, safety inspection type procedures.
 [17] I believe, having at one time had a Class 5
 [18] driver's license in the state of Georgia when I
 [19] first came here, that there are DOT -- federal
 [20] DOT funds available to the jurisdictions to help
 [21] finance those things. So Chief, if you or one
 [22] of your lieutenants can look into that, might
 [23] save us a little bit.
 [24] **CHIEF JOHN KING:** Yes.
 [25] **MR. FIEDLER:** And the last thing on my

[1] was speaking to him in German; and we found out
 [2] he was speaking Chinese. That's why we need --
 [3] that's why we need this lady here.
 [4] But it is -- it is a problem. And what
 [5] I would like to propose, now, Chicopee has had
 [6] some incursions, I believe, Ms. Pittman and Ed
 [7] Lowe, where trucks and vehicles have gone in,
 [8] stolen cars and whatnot. I don't know what it
 [9] costs. I do know from the grapevine in my
 [10] neighborhood that City Council is intending to
 [11] allow use of a certain driveway to the people
 [12] who live along the edge of the park there.
 [13] That's all well and good.
 [14] But my suggestion to eliminate the
 [15] people that don't have access to that is to put
 [16] a little drawgate in there with a magnetic card,
 [17] and any citizen who lives along that road who
 [18] needs in that road can get that magnetic card, a
 [19] citizen, or from the city, and put it in there.
 [20] The gate goes up, he goes in, and the gate comes
 [21] down and nobody else can get in there.
 [22] Another thing I would like to see --
 [23] (Brief, inaudible discussion among Council
 [24] members.)
 [25] **MR. FIEDLER:** Okay. Just a suggestion.

[1] agenda, I had mentioned to the Chief earlier. I
 [2] didn't want to blindside him with this, but I
 [3] asked him, well, how many complaints have you
 [4] had with intrusions into the park for illicit
 [5] activity such as drugs, drinking, having sex on
 [6] the park benches and things like that? He said
 [7] not too many.
 [8] But in the Oakcliff Estates
 [9] neighborhood the last week, I have witnessed
 [10] three incidents where people come in the park,
 [11] were doing their dope. And I think at the last
 [12] Council meeting, if I'm not mistaken, that one
 [13] of the officers went down there in the park and
 [14] found some drug paraphernalia or something that
 [15] the people throw down.
 [16] And then just not but about a week or
 [17] two ago, we had a gentleman come in the park
 [18] with his Toyota car. He pulled out about five
 [19] leaf bags full of leaves and garbage and dumped
 [20] them in the park. And then myself and -- we
 [21] have a banty rooster in the neighborhood. I'm
 [22] not going to mention any names, but that person
 [23] knows who they are. I was speaking to the guy
 [24] in Spanish, he was speaking to him in English;
 [25] one of our Council members, ex-Council members,

[1] Consider that. I know it's going to cost money.
 [2] I don't know what these things cost. I know we
 [3] have them at work. When the computer goes down,
 [4] they go down, too, so you have to end up
 [5] cranking them up; but consider that.
 [6] Sir?
 [7] **COUNCILMAN HART:** Can we do something
 [8] manual in the meantime like a chain?
 [9] **MR. FIEDLER:** Pardon?
 [10] **COUNCILMAN HART:** Can we just put a
 [11] chain on the thing right now?
 [12] **MR. FIEDLER:** Well, you can put a chain
 [13] there, but, Mr. Hart, chains are very easily
 [14] removed by people who want to get there, where
 [15] if you've got a gate or something like that, I
 [16] mean --
 [17] **COUNCILMAN HART:** I know, but for the
 [18] short term, because we're going to be working on
 [19] that park so it's --
 [20] **MR. FIEDLER:** Oh, yeah, I understand
 [21] that.
 [22] **COUNCILMAN HART:** Can we put a chain
 [23] there?
 [24] **MR. FIEDLER:** Well, there is a chain
 [25] there. I believe there is a chain there. It's

Page 137

[1] just that for some reason or another, they keep
[2] getting removed by other people in the neighbor-
[3] hood.
[4] **COUNCILMAN HART:** Right. Well, can we
[5] put the chain back in the meantime or --
[6] **MR. FIEDLER:** I don't use it myself,
[7] but I can talk with the people that used that
[8] with the most frequency and see if they will do
[9] that.
[10] I mean I'm not asking the City -- I'm
[11] not asking the City Council to put all this on
[12] them. I'm willing to do my share as a citizen.
[13] I live there, I pay taxes there and I'd like to
[14] make your guys' job as easy as possible.
[15] Don't B.S. me. If you tell me some-
[16] thing's going to get done, I want to see it
[17] done. That's all.
[18] **COUNCILMAN HART:** Well, the money's
[19] been sent to the County. They've got it, and
[20] they've got the bill back from where the --
[21] who's going to do the work, the people who are
[22] going to fix the pipe.
[23] **MR. FIEDLER:** Well, I understand,
[24] Mr. Hart, that Dekalb County's been holding our
[25] money, \$100,000 or \$200,000 for the last year

Page 138

[1] and a half. I mean come on.
[2] **COUNCILMAN HART:** Well --
[3] **MR. FIEDLER:** Are they are going to pay
[4] us interest on that?
[5] **COUNCILMAN HART:** Okay, but, well, I
[6] mean I would have had it done in about 60 days,
[7] but we -- you want the pipe fixed, okay, so
[8] we're going to fix the pipe.
[9] The money's been sent to the County.
[10] The contractor sent it back with -- we signed
[11] that the other day with the hydrochute company,
[12] whatever it is.
[13] So I mean whenever the County gets
[14] ready to do whatever they're going to do, okay.
[15] But they've already -- they're already sent the
[16] bid out. They've already got that contracted.
[17] They've got the money.
[18] **MR. FIEDLER:** They've got the money.
[19] They've got the time. They've got our money.
[20] You know, someone needs to put a fire under
[21] their butt and get them moving on that.
[22] **MAYOR JENKINS:** It's in their hands as
[23] we speak. That's about all I can tell you.
[24] **MR. FIEDLER:** And I just have one
[25] Draconian measure for the rental properties. If

Page 139

[1] there was some way that you could contact
[2] these -- what do we call it? -- absentee
[3] landlords and just have the tenants -- and this
[4] may be kind of ridiculous; I don't think
[5] counties usually do this -- but have the
[6] residents of those homes pay their rent to the
[7] police department and the police department hold
[8] it, and I'll guarantee you won't have any more
[9] rental properties without a license or something
[10] like that.
[11] Good night. God bless you. Thank you.
[12] **MAYOR JENKINS:** Thank you.
[13] Yes, ma'am.
[14] **MS. HOFFMEISTER:** Honorable Mayor and
[15] City Council, would it be possible to remove the
[16] DUI sign in front of the property that's next to
[17] the City -- City Center because --
[18] **MAYOR JENKINS:** Would it be possible --
[19] **MS. HOFFMEISTER:** -- they're no longer
[20] there?
[21] **MAYOR JENKINS:** -- be possible to do,
[22] to do what?
[23] **MS. HOFFMEISTER:** The DUI sign.
[24] **COUNCILWOMAN HADDEN:** They're not there
[25] anymore.

Page 140

[1] **MS. HOFFMEISTER:** They're not there
[2] anymore.
[3] **MAYOR JENKINS:** He's still paying the
[4] rent.
[5] **MS. HOFFMEISTER:** Are they still paying
[6] the rent?
[7] **MAYOR JENKINS:** As long as the sign's
[8] legal, he can leave it there.
[9] **MS. HOFFMEISTER:** Okay. Thank you.
[10] **COUNCILMAN ANAVITARTE:** I want to say
[11] for the record that I think myself and a couple
[12] others didn't like that business in there
[13] because I think it was questionable as to
[14] whether they were paying the rent, but --
[15] **MAYOR JENKINS:** They are --
[16] **COUNCILMAN ANAVITARTE:** -- the City
[17] decided --
[18] **MAYOR JENKINS:** -- paying the rent.
[19] **COUNCILMAN ANAVITARTE:** -- to let them
[20] go ahead and stay there, so that's quality
[21] economic development on top of the flea market.
[22] **MAYOR JENKINS:** Anybody else?
[23] Meeting adjourned.
[24] (Meeting was adjourned at 7:25 p.m.)
[25] -o0o-

[1] C E R T I F I C A T E

[2] STATE OF GEORGIA]

[3] COUNTY OF FULTON]

[4] I, Theresa Bretch, Certified Court Reporter
[5] in and for the State of Georgia at Large, do hereby
[6] certify that the above and foregoing, consisting of
[7] pages 1 through 140, inclusive, is a true and complete
[8] transcription of my stenographic notes taken at the
[9] hereinabove set out time and place and was reduced to
[10] typewriting by me personally.

[11] I further certify that I am neither of kin
[12] nor counsel to any party attached hereto, nor a
[13] relative nor employee of such attorney or counsel, nor
[14] financially interested in the event of these causes.

[15] WITNESS MY HAND AND OFFICIAL SEAL this 12th
[16] day of March, 2007.

[17]

[18]

Theresa Bretch, CCR
Permit No. B-755

[19]

[20]

[21]

[SEAL]

[22]

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	3 48:13 3.1 91:17 30 67:5;74:19;77:9; 78:12,19,22;79:1 30-day 73:7,11;77:8 31 48:7,19 31st 47:15 32 47:23 33 83:9 35 83:23;130:5 3948 101:4	able 9:23;10:2;18:2; 45:17;49:19;81:2;83:25; 84:22;85:6;100:8;108:21, 24,25;109:23,25;110:2; 112:15;114:21;117:24; 124:10;132:8,24 above 38:4 absentee 139:2 absorbing 54:8 abstain 21:15,17;22:18; 24:24 access 18:19;108:12; 135:15 accident 120:25;122:9 according 25:15 account 123:15 accountable 113:6 acre 18:5 across 82:11;99:24 action 103:20 active 11:16 activities 105:13;108:2 activity 45:20;83:14; 134:5 actual 18:14;19:4 actually 13:12;33:5; 53:8;78:24;80:25;89:19; 93:25;114:6,8;115:11 Actually 17:14;88:12; 115:17 ADA 44:15;91:5,12 add 73:19,21;87:9; 121:12;123:14;124:9 added 14:22;63:6 adding 76:25;77:23 Addison 112:16 addition 11:22 additional 43:17;121:7 add-on 17:15 address 63:9 addressed 56:22;59:18 addresses 47:5;83:7 adjourned 140:23,24 administer 32:14 Administration 110:22 administrative 62:8; 63:3 adopt 78:24 adopted 5:24;48:14; 58:4;60:11;64:19 Adopted 48:24 adopting 113:4 advertise 112:8; 113:25;119:3 advertised 112:21; 117:18;118:25 affirmative 5:3;20:1; 40:9;88:9;90:25 affirmatively 6:11 affirmed 4:18 affixed 34:6 afford 44:8 afraid 97:23;126:12,16	again 10:23;24:17; 108:13;115:14;126:1 against 63:11;115:13; 127:4 agencies 112:4,23; 128:2 agenda 73:19,21;74:25; 75:3;128:15;130:14; 131:6;134:1 agent 112:17 agents 113:7 ago 16:13;17:4;40:22; 63:20;87:5,20;88:16; 100:3;101:21;102:6; 108:6;111:11;126:7; 134:17 agree 12:25;21:24; 26:25;58:21;61:21,22; 64:7;65:11;68:25;78:2 agrees 5:18;77:25 ahead 5:2;9:2;26:7; 46:18;51:23;60:24;61:1, 14;63:9,17;65:17;69:10; 71:12;77:6;88:5;90:1; 103:18;114:14,24;120:3; 140:20 AJC 119:3 Alan 4:19 alarm 109:21 allow 11:16;135:11 allowed 16:19;112:20 allowing 26:12 almost 35:7;37:20 alone 35:9;133:5 along 32:7;56:13;72:11; 81:9;135:12,17 Although 64:3 altogether 58:25 always 34:20;35:11; 36:13;78:14;79:14,15; 110:9 ambassador 34:1 Ambrose 94:10;130:17 AMBROSE 130:17 ambulance 127:17 amended 51:5 amending 4:25 Amending 47:19 amendment 77:21 amendments 60:9; 130:4 America 34:3;39:14 American 35:9;42:10 among 135:23 amount 91:14,16;123:2, 13 Anavitarte 21:25; 22:19;56:12;64:15;68:22; 80:11;87:10 ANAVITARTE 3:10; 8:13,21;12:23;15:22; 16:23;19:1,8,21,24;20:4, 7,10,12;21:12,20;23:2;	24:9,22;25:6,25;26:18, 23;27:1,14,21,25;28:13, 16,23;31:18,23;32:2; 36:9;46:12;50:24;51:3, 20;52:1,22;55:18;56:24; 57:11;61:20;62:2;64:5, 13;65:4,17,22,25;66:3,6, 15,23;67:3;68:24;69:13, 25;70:7;71:3,8,11,21; 72:1,6,13,16,20,24; 73:18;74:21,24;75:8,13; 77:18;78:8,13;80:1; 87:11;89:17;101:25; 102:5,9,14;103:8,10; 106:15;110:7;113:2,15; 126:21;128:23;129:3,21; 130:12;140:10,16,19 ANDERSON 15:25; 16:11,15;17:1,5;19:23; 20:2,22;23:6,23;24:3; 56:3;61:8;67:8,13;68:6,9, 15,17,20;73:2;74:12; 79:12 annexation 47:6,15,21; 48:7,18;49:16,20;50:5; 110:8 annexed 48:6 announced 117:17 announcement 115:20 anxious 33:5 any- 98:13 anymore 128:13; 139:25;140:2 apart 43:12 apologize 124:17 apparently 109:14; 111:22;112:21 appeal 99:25 appears 11:21;107:24 applause 33:22;34:11 Applause 33:23;34:12 appli- 87:23 applica- 132:11 Applicant 10:25;11:5, 10 application 13:1;19:3, 11;20:9;89:7 applications 87:14,21; 89:15,18 applies 85:5;87:2 apply 108:24;118:19 applying 91:15;117:21 appoint 7:13 appointed 33:25 appointment 4:18,19 appointments 7:3 appoints 7:12,13 appreciate 35:14; 132:10 Appreciate 3:3;45:11, 25 apprehend 109:23 apprehended 109:17
\$				
\$100 100:6 \$100,000 137:25 \$2,000 96:14 \$200,000 137:25 \$2000 96:9 \$32,800 42:14 \$35 105:3 \$41,000 42:17 \$5 43:17 \$500 95:25;97:5,6 \$65 43:14,18	4			
[45 18:22 48 90:22			
[sic] 43:15	5			
1	5 80:13;133:17 50 16:13;91:1;104:6,7, 23;105:4 55 68:10 58 83:19,22 590 104:19;106:12 5th 3:7;48:24			
1 48:13;80:13 1,000 35:7;40:17 1.7 91:18 10 14:18;16:20;18:11; 46:21;129:5 10-foot 11:8 11 46:22;51:2 119 83:1,7 12 52:20;94:3,18 13 83:25;85:1 1402 23:8 15 77:18;78:9,10,15; 133:3 15th 61:3,8;62:1 16 133:3 16th 87:24;88:6,8 17 6:17 18-wheelers 107:5 1971 60:10 1986 60:11 1st 4:9	6			
2	6 4:3,5,12;41:21 6:00 65:24 60 43:13;44:14;70:1; 79:2,7,10,11,19,20,23; 138:6 65 44:14 6-foot 85:16 6th 83:1			
2 48:13;94:22 20 91:21,23,23,24;92:2; 107:5 20/30 69:22 2006 59:20;83:21 2007 3:7,15;4:3,5;47:15; 48:8,19,25 20th 3:15;89:4 21st 4:5 23rd 101:15;102:20 24 66:16 25 27:2;104:4,5;107:4 27th 89:19 285 55:10;107:22;122:6 2-in-50 103:25	7			
3	7 11:1;65:23;71:14;72:3 7:00 130:22,23 7:25 140:24 705 11:1 75 105:4;106:4 77 104:17 7th 4:3,12;61:12;130:22			
	8			
	80 91:25;92:1 85 107:23 86 59:20			
	9			
	911 124:16,24;125:4,4, 6,9;127:6;128:8;129:11, 12			
	A			
	abandoned 85:23			

<p>appropriate 127:1 approval 12:4,5;22:17 approve 3:6,8,16; 38:22;48:1;81:10 approved 7:9;39:7 approves 42:18 approximately 44:14 April 4:9 ARC 88:6,16 area 11:6;85:12;94:2,6; 95:23;99:11;114:3 areas 59:21 around 8:22;54:22; 86:24;96:13,19;97:19; 110:9;122:8 arrest 109:25 arrested 127:22 arresting 127:20 arrived 112:2 Article 11:1 articles 60:13,16,20 Asadi 51:5 Asian 32:15;111:21; 112:6,8 Assembly 48:17,23 assess 132:24 assessor's 116:16 asset 123:15 asset- 121:5,12 asset-forfeiture 123:19;124:9 assistance 36:5 asso- 100:18 association 94:13,14, 16 Association 106:6 assumption 133:5 Atlanta 87:22 attach 114:20 attached 48:12 attempt 129:1 attend 56:16 attended 118:13 attending 118:2 attention 103:22 attorney 84:18;126:14; 131:23 Attorney 47:16;124:21; 126:25;127:24 ATTORNEY 4:24;5:4, 22;6:5,10,14,24;7:4,15, 20;10:13;12:9,12,15,19; 14:8;17:3,7;27:6,10,19, 23;28:8;30:22;31:1,4,11; 46:24;47:18;49:3;50:14; 55:20;56:4;57:2,5,14,25; 58:3,7,13;59:5,8,11,15; 60:3,7,14,17;64:11,15, 22,25;65:10,13;66:18; 70:14,17,21;73:22;74:4, 17;75:1,21,24;76:4,6,9, 15,19;77:14,20,25;78:3; 95:7;97:20;101:14,20;</p>	<p>102:7,19,24;103:1,6; 105:1,14,22;113:10; 119:8,16,19;120:2,6,14, 17,21;124:15;125:21; 126:13,17;128:25;130:11 attorneys 32:21 audience 24:18;49:15; 104:17;111:2 authorities 85:19 authority 48:11;126:25 authorization 88:5 authorize 126:9;127:3; 128:25 Autumn 80:16,22;81:5, 13;82:12,13 available 49:23;133:20 Avenue 88:4,22,25; 90:11,13;91:8,10,18; 92:4,10;111:11 avoid 122:9 award 100:4;104:3,4 away 40:24 awkward 10:23 aye 93:4</p>	<p>behind 18:6,9;44:24; 45:4,5;46:4 belts 111:5 benches 134:6 bent 121:23 best 48:4;100:5;115:23; 119:5,6 best-looking 95:20 better 14:7;15:17;35:16; 38:7;41:17;96:24 beyond 34:2 biased 128:11 bid 42:13;138:16 bids 41:23;42:1,4 big 33:22;43:4 bill 84:16;104:20;106:7; 113:5;132:21,22;137:20 Bill 47:23;104:17,19; 106:12 bit 10:23;42:15,19; 45:17;83:12;133:23 bless 139:11 blessed 132:5 blindsided 134:2 block 24:5;91:13 blue 85:17 board 47:4 Board 115:11 boarding 82:22;83:16, 21;84:10;87:3;114:17 Boarding 94:12 boarding-house 83:14 body 27:22;54:9 Bonita 100:24;101:2,4 booking 120:13 border 43:11 both 91:9,10;107:21; 110:3,4 boundaries 18:4 boundary 34:3 bounds 38:10 box 78:20;107:5 brand 40:14 break 65:12;109:16; 127:21 break-in 109:10 breaking 37:2;109:19 break-ins 110:3 brick 24:2,4;43:15,16; 85:15 bricks 43:1,3,5,9,10,12, 13;44:14,15 Brief 135:23 bring 5:16;35:20;55:21; 66:6;104:15 bringing 57:10 brochures 52:2 broke 122:7 broker 114:9,16 brokers 115:24 broomstick 109:19 brought 23:7;27:16; 41:23,25;55:2;86:18;</p>	<p>133:13 BS 137:15 bucket's 36:10,11 budget 8:1;42:16; 43:25;44:1;123:12; 129:23 Budget 7:21 buffers 58:25 Buford 35:8;55:3,9; 64:2;85:16;91:11;108:14 build 9:17,21;11:3;13:4; 14:14;16:6;17:20,22,23; 18:10,10,11,22,25;19:13, 16;24:13;25:17;29:4,25; 30:6,16,17,21;39:5;92:12 building 11:11,19,24; 12:16;16:20,25;17:5; 21:22;23:12,23;25:11,23; 29:10;37:12;38:7;74:5,6, 13;75:16,18,20;76:7,12; 77:11,12;85:23;98:9 Building 8:18;74:7 buildings 45:2;46:4 building's 85:22 builds 14:20 built 13:12;17:8,17; 23:15;30:23;133:4 bumblebee 64:1,4,10 bunch 44:15;67:17 bureau 115:12 bus 55:8 business 31:21;33:11; 35:13,16;36:8,16,24; 37:11;40:12,21;41:10,17; 48:5;53:19;54:14;55:3; 77:1;113:18;114:2; 132:17,23,24,25;140:12 businesses 40:12,17 businessman 34:15 businessmen 32:22; 35:5,9;36:1;39:18;67:6 businessmens 35:7 Butch 40:8,16 butt 138:21 buy 36:4;44:16;121:15 bypass 107:22 bypassing 108:11 Byrd 100:4</p>	<p>53:25;67:15,17;70:4; 82:1;85:5;88:15;111:20; 133:19 camera 104:17 campaign 113:1 can 8:21;9:2;15:16;16:6, 22;19:16;21:5;22:13; 23:17,25;25:1,17;27:8, 12;30:21;31:21;35:16; 37:16;38:24;39:15;41:6, 11;42:8;44:8,23;45:21; 46:20;49:2,4;50:8,8; 52:10;54:16;55:20;56:18; 59:10;63:14;66:2,10; 67:5;68:13,23,24;69:5, 10;71:15;72:10;78:14,24; 79:14,15;80:25;81:11; 85:7;89:11,12;94:6;95:1; 97:7;98:10;99:7,18; 100:1;106:15;112:9,11; 114:11,14,20;115:13,17, 18;116:15;120:10;123:5, 13,15;128:6;132:9,16; 133:10,11,22;135:18,21; 136:12;137:4,7;138:23; 140:8 Can 6:22;32:10;41:5; 44:20;70:11;136:7,10,22 capitol 34:6 car 120:24;121:5,13,15; 122:1,15,24,24,25;124:9, 10;134:18 card 135:16,18 care 8:1;13:11;36:23; 81:13;86:13;103:5 Carol 41:23;42:7 Carolina 84:22 carried 3:23;8:20; 21:19;80:14 carry 22:20 cars 83:10;122:22,25; 135:8 car's 122:17 case 25:10;29:22;31:6; 102:16 catching 84:3 cate 98:9 categories 59:23,24, 25;62:15 cation 87:24 cell 124:25;125:5 center 38:3 Center 130:23;139:17 centers 55:2,4;108:8 Central 92:4 cents 27:2 CEO 130:5 certain 5:5;35:2;42:6; 135:11 certainly 89:11;94:4,7 certifi- 98:8 certificate 95:25;97:5; 99:17;100:7</p>
B		C		
<p>back 17:25;18:10,15,21; 19:5;26:22;28:22;30:17; 31:21;32:6;33:5;45:6; 46:13;53:22;67:9;79:8, 15;84:10;85:20;98:20,25; 101:21;102:20;108:14; 117:11;128:8;137:5,20; 138:10 bad 25:13;54:24 bags 134:19 band 81:22 banding 80:18;81:18 bandings 81:12 bank 80:25 banks 80:24 banty 134:21 based 5:6;23:23;24:10; 125:16 Based 8:17 basic 29:7;100:1 basically 9:18;106:20; 107:22,23;108:11;111:1, 4;113:8,25;117:18,22; 118:9;119:21,25;122:24, 25;126:23;128:10,12 Basically 9:16,22; 117:24 basing 29:4 basis 16:21 bathroom 18:16 beautification 82:14 beautiful 13:17;81:4 beauty 38:23 bedrooms 18:15;112:6 beginning 131:21 behalf 32:22;87:21</p>		<p>board 47:4 Board 115:11 boarding 82:22;83:16, 21;84:10;87:3;114:17 Boarding 94:12 boarding-house 83:14 body 27:22;54:9 Bonita 100:24;101:2,4 booking 120:13 border 43:11 both 91:9,10;107:21; 110:3,4 boundaries 18:4 boundary 34:3 bounds 38:10 box 78:20;107:5 brand 40:14 break 65:12;109:16; 127:21 break-in 109:10 breaking 37:2;109:19 break-ins 110:3 brick 24:2,4;43:15,16; 85:15 bricks 43:1,3,5,9,10,12, 13;44:14,15 Brief 135:23 bring 5:16;35:20;55:21; 66:6;104:15 bringing 57:10 brochures 52:2 broke 122:7 broker 114:9,16 brokers 115:24 broomstick 109:19 brought 23:7;27:16; 41:23,25;55:2;86:18;</p>	<p>cake 115:25 call 3:25;7:23;40:16; 47:1;63:25;67:25;82:3; 87:3;92:22;94:11;97:15, 17;98:25;102:10;103:22; 111:13;125:5,7;132:16; 139:2 called 8:5;85:20;111:10 calling 46:25 calls 80:17;81:19; 102:13;125:12;127:14 came 17:17;19:5;42:6;</p>	

Certificate 33:8
certified 125:22;126:1
cetera 86:13,13
chain 136:8,11,12,22, 24,25;137:5
chains 136:13
challenged 84:20
Chamber 40:20
Chamblee 127:9
Chamblee-Doraville 40:20
Champion 119:3
chance 103:25;104:1,6, 8
change 4:1;24:24,25; 38:21;61:12;75:25;79:13; 92:20;96:25;106:9
Change 75:23
changed 35:25;63:4; 116:23
changes 79:5
changing 37:25;41:24
Chapel 94:2;133:8
charcoal 43:10
charged 110:3,4
charity 97:14,15,18
Charlene 34:20;98:16
chartreuse 96:16
cheap 92:12
check 113:4;124:8; 132:23,24
checked 60:22
chew 65:15
Chicopee 93:10,15; 94:3;135:5
Chief 33:1,20;45:20; 104:14;113:11;123:11; 126:10;133:13,21;134:1
CHIEF 7:24;8:8;34:8; 45:8,11,21,25;46:16; 86:21;104:13;105:6,18, 23;106:20;110:10,16; 113:23;114:18,21;115:1; 116:9,19;117:12,15; 118:23;119:12,17,20; 120:4,10,15,19,23; 121:19,23;122:3,11,19; 123:17,24;124:3,6,12,17; 126:12,15,18,22;129:9, 18;133:24
child 111:5
Child 110:24
children's 111:3
Chinese 35:10;86:8; 111:23;135:2
choice 96:1
Christmas 96:18;98:5
Chuck 16:4;17:1;23:23
chunk 104:22
ciation 100:19
citation 107:4;112:1
citations 24:10;25:16; 82:24;83:23;84:8

cities 64:22,25
citizen 33:2,21,25; 135:17,19;137:12
citizens 35:4;104:16; 131:14
Citizens' 131:1
city 3:5,25;32:14,24; 34:7;35:18;36:7,18;47:7; 53:18;54:18,22;55:7; 63:2;70:24;95:24;96:10; 97:19;109:12;115:5; 124:25;125:1;126:11; 127:6,21;135:19
City 4:1,3,5;8:24;9:2; 10:21;11:2;25:19;32:21; 35:21;39:11;41:11;44:1; 47:19,22,25;48:3,6,10, 10,15,16,17,20,24;49:20; 52:10;63:17;67:19;72:5; 96:8;100:11;101:1; 102:11;103:19;113:8; 115:10,20;121:7;123:20; 124:7,13,21;126:25; 127:7,8,11,24;131:22; 135:10;137:10,11; 139:15,17,17;140:16
CITY 4:24;5:4,22;6:5,10, 14,24;7:4,15,20;10:13; 12:9,12,15,19;14:8;17:3, 7;27:6,10,19,23;28:8; 30:22;31:1,4,11;46:24; 47:18;49:3;50:14;55:20; 56:4;57:2,5,14,25;58:3,7, 13;59:5,8,11,15;60:3,7, 14,17;64:11,15,22,25; 65:10,13;66:18;70:14,17, 21;73:22;74:4,17;75:1, 21,24;76:4,6,9,15,19; 77:14,20,25;78:3;95:7; 97:20;101:14,20;102:7, 19,24;103:1,6;105:1,14, 22;113:10;119:8,16,19; 120:2,6,14,17,21;124:15; 125:21;126:13,17; 128:25;130:11
City's 21:21;25:9;72:21; 97:13
clarification 53:12
clarify 73:23
clarity 53:7;55:11
Class 133:17
classed 17:23;19:6
classified 19:17
Clay 82:12
cleaned 85:20,24
clear 6:15;31:16;97:3; 105:25
cleared 67:5
clearer 5:5
clearly 105:25
Clerk 8:24;9:2
Clerks 32:21
Clerk's 48:21

clog 107:23
close 13:5;17:24;23:15; 124:18
closely 45:14
closest 18:22,24
code 35:24;117:25; 118:2,4,11;119:22,25; 120:12,15
Code 35:25;117:19
codified 89:7
Cohen 10:21;20:16; 56:16,24;57:8;62:10; 68:23;87:12
COHEN 10:19;12:11,14, 18,20,25;13:7,24;14:10, 15,19;20:17,20;22:24; 29:7,13,15,17,21;30:2,4, 8,14,25;31:3;57:4;75:15; 76:3,5,7;78:18;79:8; 87:16,19;88:1,9,12,15, 21,23;89:5,18,22,24; 90:14,17,21;91:1,4,16, 20,24;92:1,5,8,15,17; 104:2,6
Cohen's 25:15
cold 68:21;97:21
colleges 84:19
color 51:8,11;95:21; 96:16;97:7
colored 43:7
Colquitt 111:11,16
com- 54:8
combination 99:4
combined 61:3
comfortable 10:8
coming 3:3;5:13;18:12; 33:4;107:19,23;108:14
comment 17:11;52:14
comments 53:3;54:9; 55:24;56:1,9,21;60:18; 72:9,18;131:1
Commerce 40:21
commercial 74:2; 76:22;77:11;108:21
Commercial 74:23; 108:5
commission 32:15
Commission 10:15; 16:1;23:7,11;32:16;53:4; 54:2;55:23;57:1;67:15, 20;71:19;72:8;87:22; 130:18
commissioner 8:25
Commissioner 62:6
commissioners 7:2,13
Commissioners 4:22
Commission's 69:7
committee 4:17; 104:18;106:13;130:25
Committee 4:14,20; 6:13;7:8,12;130:15
Committee's 4:15
communicate 85:7;

102:10
communities 112:7
community 53:19; 54:15
companies 98:9;99:5, 11,12,12,16;114:2;123:6; 125:8
company 41:24;42:18; 104:21;106:2;107:10; 121:2;122:20;123:5,8,13, 23,25;124:8;132:11; 138:11
Company 22:22;56:6; 59:22;60:4
Company's 26:5
compare 35:17
compete 90:22
complaint 83:15
complaints 134:3
complete 28:1;31:24; 37:25;60:2
completed 46:20; 129:24
completing 78:5
compliance 12:1; 110:17
compliant 86:17
computer 136:3
con- 84:14
concept 16:21;23:24
concern 39:1;53:10,16; 61:23;62:3;106:14
concerned 39:13;62:3; 106:25
concerning 3:25;47:6; 131:13
concerns 83:17;104:20
concludes 124:14; 129:18
concrete 29:5,24;43:11
condition 12:21
conference 98:24
conformity 23:13,16
confused 9:14
congratulatory 38:15
conjunction 80:21
connection 20:18;33:7
consensus 53:25; 62:17,21;69:7
consider 18:6;47:5; 53:17;54:24;57:9,13; 66:19;101:16;136:5
Consider 136:1
considered 6:7;11:15; 18:21
conspire 113:13
constitution 97:23
construct 26:9
constructed 11:6,18
construction 11:11; 74:2,3
contact 84:2;85:18; 139:1

contacted 103:14
contest 95:19;96:12
continue 62:22;107:13, 24;109:1;119:14
continuing 77:21
contract 51:5,10,15,21
contracted 60:4;138:16
contractor 138:10
contractry 118:10
control 10:10;82:9; 124:24;125:2,14;127:4,7, 8,9,12;128:7;129:12
co-op 39:21
coordinate 45:20
copies 48:22;73:2; 89:12;103:15
cop's 86:19
copy 72:15,22
corner 85:15,24
Corporation 117:4
correctly 111:5,6
corresponding 126:4
corridor 32:23;35:6,8
Corridor 88:3,4,25;89:1
cost 93:22;97:9;105:15; 129:7;136:1,2
costs 135:9
council 53:24;62:16; 69:23
Council 4:8,16;5:8,18, 25;6:3;7:10;22:11;24:11; 25:16,22;32:20;35:4; 39:11;42:18;47:25;48:3, 10,16,24;51:22;53:4,15; 56:19,22;63:17;66:9; 67:19;88:17,18;89:4,14; 103:20;106:24;121:7; 124:7,13;130:20;131:7, 10,18,23;133:10;134:12, 25;135:10,23;137:11; 139:15
Councillors 101:1
COUNCILMAN 3:10, 11,20;6:9,12,19;8:5,10, 13,17,21;12:23;13:4,14, 18;14:4,6,12,17,20;15:2, 7,18,22;16:23;17:10,15; 18:5;19:1,8,21,24;20:4,7, 10,12;21:2,7,12,13,15, 18,20;22:1,5,22;23:2; 24:1,5,9,16,22,23;25:6, 21,25;26:18,23;27:1,8, 12,14,21,25;28:4,13,16, 23;29:3,12,14,16,19,23; 30:3,5,11,16;31:6,8,15, 18,23;32:2;36:9;41:25; 42:21,23;43:3,5,20;44:5, 12,21;45:10,13,23;46:2, 12,15;50:24;51:3,20,24; 52:1,2,8,15,17,22;55:18; 56:24;57:11,23;58:2,11, 14;59:6,9,13,19;60:6,12, 15,20;61:2,17,20;62:2;

<p>64:3,5,9,12,13,20,23; 65:2,4,9,12,15,17,22,25; 66:3,6,11,15,23;67:3; 68:4,7,24;69:13,24,25; 70:2,7,8,11,16,19,23; 71:3,5,8,11,21;72:1,6,13, 16,20,24;73:9,12,16,18, 20;74:1,7,11,21,24;75:8, 13;76:14,21;77:3,7,10, 15,18;78:8,11,13;79:10, 20;80:1;82:1,5;87:11; 88:19,22;89:16,17;90:2, 4,10,20;91:2,25;92:2,3, 11,16,21,23;93:1,7,17, 21,23;98:7,12;99:1,4,9, 21;101:25;102:5,9,14,15, 22,25;103:2,8,10;106:15; 110:7;113:2,15;121:25; 122:14;126:20,21; 128:22,23;129:3,6,13,21; 130:12;136:7,10,17,22; 137:4,18;138:2,5;140:10, 16,19 councilmen 97:14 Councilmen 37:14 Council's 131:23 COUNCILWOMAN 3:18;8:3;9:12;21:9,24; 22:3,9;26:2,8,9;28:15,18, 21;40:6,10;41:20;42:2, 10,13;49:7;50:22;60:23; 61:6,18;66:13;68:22; 69:12;75:2,4,6;78:16; 79:18,21,23;80:5,16; 81:16,20,24;82:4,10,18; 83:4;86:2,4;87:8,12,18, 25;88:13;89:3,14,20,23; 90:6,12,24;92:9,25; 93:25;94:13,17;100:2,10, 13,17;102:12;110:15; 114:5,19,25;115:6,22; 116:7,17,22;117:6; 118:21;128:14,18,19; 129:4,8,15;139:24 countdown 91:5,11 counties 35:19;36:20; 129:22;139:5 counting 131:4 country 117:11 county 36:17;37:16; 38:24 County 35:19;36:25; 37:23;38:6;82:1;85:5,11; 93:14;108:8;110:8; 124:20,23;125:5,10,19; 127:4,13;128:9;129:25; 130:2;131:16;137:19; 138:9,13 County's 58:23;130:1; 137:24 couple 87:19,21;100:3; 108:6;110:22;111:11,22; 114:22;118:14;140:11</p>	<p>courage 33:25 course 108:15,16; 132:22 Course 108:5 court 119:9;120:6,7,13; 127:10 courthouse 103:11 cover 21:2;116:1;119:5 covered 81:7;95:7 covering 12:22 covers 43:8 Cox 33:18 cranking 136:5 Crawford 95:11,11 CRAWFORD 95:13; 96:3,7,23;97:17;98:3,11, 13,19;99:2,8,20,23; 100:8,12,15,20 critical 69:2 crossing 91:13 crosswalks 91:6,12 crowd 3:4 crux 63:8 culty 85:3 Cunningham 9:3,5 CUNNINGHAM 9:5,8, 16,21;10:4;14:1,5,25; 15:12,20;17:9,14,16; 18:8;19:3,10;20:1,6,8,11; 21:4 current 50:14;58:1; 59:4,21;63:10 currently 11:7;106:4; 117:17;125:1 Currently 104:15;125:4 cut 81:22,23;105:14 cutting 38:14;81:18</p>	<p>deal 51:18;97:12;112:15 deals 63:1 dear 34:19 debate 63:13 debris 15:15 Decatur 127:8 deceiving 113:21 December 47:15;48:7, 19;53:22;69:9,20 deception 113:5 decide 63:17 decided 92:18;109:16; 140:17 decision 22:2;58:10; 125:16 decisions 53:25 deck 17:21,21 defeat 105:9 defeated 106:12 define 47:8;48:13 defines 47:12 definite 22:7 definition 30:24 Dekalb 35:19;36:24; 58:23;124:20;125:5,9,19; 127:4,13;129:25;130:2; 137:24 delay 128:6 delete 57:24 deleted 63:6 deleting 57:21,22 deliberately 114:23 denied 22:21 department 35:14; 36:19;44:23;46:8;86:25; 98:22;122:2;123:14; 127:17;139:7,7 Department 8:19;36:1; 112:45;14:108:3; 117:20;121:11;123:18 deported 34:9 Depot 98:18,21;99:14 described 47:22 descrip- 103:15 description 10:7 descriptions 48:12; 118:1 Descriptions 47:20 desire 48:1 detailed 89:8 detained 111:20 detectives 109:24 determine 56:5 determined 111:21 determines 127:16 develop- 38:23 development 36:18; 37:5,7,10;38:8;39:2,13; 40:13;51:14;53:17;54:24; 111:11;126:6;129:5; 132:1;138:6 DC 38:19 dead- 87:14</p>	<p>different 30:12;34:22; 35:18,21;36:20;37:3,13, 15,16,23;54:20;58:18; 62:14;82:24;95:14;96:15; 100:6;116:6 diffi- 85:2 difficult 22:1 direct 51:22 directed 48:21;82:22 directly 18:8;115:12; 125:3,7 disagree 64:13 discourage 113:1 discovery 51:10 discrepancies 101:8 discuss 37:6;56:17; 69:2;70:18,21;131:6 discussed 4:25;20:15; 54:3;69:21 discussing 95:14 discussion 20:25; 22:11;23:4;50:19;55:1; 62:25;118:12;135:23 distinguished 32:20; 35:3;37:14;39:10 district 47:9;50:6,7,16, 18 District 47:20 Districts 47:11,12,24; 48:2 Districts 48:13 disturbance 74:8; 76:14,16;77:13 divided 106:3 document 62:5;69:8, 11,23;72:9;73:13 donating 36:4 done 20:8;22:5;65:1; 80:20,22;95:22;98:5; 101:11;102:3;107:12; 109:6;131:12;137:16,17; 138:6 Donna 42:8 doodle-squat 132:3 door 95:21 doors 18:19 dope 134:11 Doraville 11:2;32:14, 23;34:7;35:5,7;39:7; 41:16;47:7,19,22;48:10, 16,18;50:15;53:19;54:25; 99:11,16;114:20;115:20; 127:11,21 DOT 133:19,20 doughnuts 66:7 down 13:25;41:4;45:5; 46:3;63:17;92:12;107:2, 16;109:18;116:4,6;122:7; 125:23;130:5;131:13; 132:20;134:13,15; 135:21;136:3,4 Draconian 138:25 drafted 106:16</p>	<p>dragging 37:21;131:16 drain 46:3 draw 5:16;6:22;55:6; 129:25 drawgate 135:16 drawing 44:23;87:15 drawings 19:22,23;25:8 drawn 49:19 drinking 134:5 Drive 82:12;101:5 drive- 13:4 driver's 133:18 driveway 13:7,9;14:14; 16:4,6,7,21;17:18;19:18, 19;23:19,21,24;24:3,8; 29:5,9,21,21;135:11 drop 5:20;90:19 drug 134:14 drugs 134:5 due 13:2;28:25;87:24; 89:19 DUI 139:16,23 dumped 134:19 during 10:9;52:25;98:5; 110:8 duties 5:5;117:22;118:5 dwelling 114:7 dwellings 115:5 dynamic 106:10</p>
E				
<p>earlier 109:9;133:14; 134:1 Earlier 131:10 earliest 119:1 early 69:20 Earth 52:4 Earthlink 52:5,7 easily 37:17;136:13 eastbound 122:6 easy 137:14 economic 36:18;37:5, 7,10;38:23;39:2,13; 40:13;54:24;55:6,14; 140:21 Ed 6:8;31:13;93:6;135:6 edge 135:12 edit 62:23 effect 5:8 effective 47:14;48:7,18 effectively 75:18 efficient 72:17;118:6 effort 127:25 eh 34:9 eight 132:1 either 4:10;56:15,18; 62:3;63:11;105:4;106:1 Either 32:17;90:17 electing 95:1 electric- 85:16 Elementary 109:10; 110:1;130:9</p>				

<p>eliminate 135:14 else 6:12;23:15;37:22; 44:18;46:23;102:1; 106:18;135:21;140:22 e-mail 88:15;89:12; 126:3 e-mails 80:17 EMS 125:13;127:17 enclose 9:24;11:5 enclosed 11:20;13:13 enclosing 12:7 enclosure 11:13,16 encourage 37:1;133:9 encouragement 36:16;41:9 encouraging 87:1 encroachment 11:23; 12:6;13:8 end 9:1;33:17;60:2,19; 65:7;93:10,14;119:1; 127:2;136:4 ended 122:8 ends 91:10 enforce- 118:4 enforcement 35:22,24; 36:15;37:9;83:18;110:23; 118:1,2,11,17;119:22,25; 120:12,16 Enforcement 35:25; 117:19 engineering 44:22; 46:7;80:21;81:11 English 101:7;131:12; 134:24 enough 16:5;38:9; 41:13 Ensminger 10:14;26:2 enterprise 39:15 entire 71:21 entrances 110:4 equipment 81:8;108:25 erosion 80:23,25;82:2,9 error 71:5 especially 35:6;112:5, 6,8 essential 40:4 essentially 50:11 establish 40:25 estate 112:4,12,17,23; 113:5,6,18;114:1,2,9; 115:3,14 Estates 131:3;133:7,8; 134:8 et 86:13,13 ethics 5:1 Ethics 4:14,14,20;6:13; 7:8,12 ethnicities 96:15 even 24:11;37:21;57:8; 78:23;79:1;119:10; 129:24 evening 87:13 evenings 107:21</p>	<p>event-collateral 51:13 eventually 121:4 everybody 3:3,14;4:7; 33:3;39:15;55:19;115:21; 116:1 Everybody 93:3;98:15 exactly 53:11 Exactly 110:10;114:18; 115:6 examine 121:20 example 38:12;54:23; 78:19;130:8 examples 55:7 except 80:10 exchanged 102:17 exciting 94:19;95:5 excluded 64:4 ex-Council 134:25 Excuse 24:19;42:3; 46:22;83:3 executed 51:16,22 execution 51:9 exercise 46:15 existence 40:14 existing 12:21;47:11; 50:11;76:1;78:4,5 exists 12:8 expand 45:1;47:23; 50:18 expect 118:25 expense 123:14 expired 5:11 explanation 129:14 express 35:3 expressed 131:18,20 extends 47:11 extension 47:10;50:11 exterior 18:20 extra 43:17 eyesore 85:13</p>	<p>February 3:7,15;84:5; 89:4;101:15;102:19; 107:3 federal 133:19 fee 20:5;132:25 feel 6:3;37:10;53:20; 62:24;127:10 feeling 5:25;34:18,18, 21;35:2,12 fees 20:11;104:20,24; 105:20;106:1,2;125:9; 129:8,11 feet 11:9;14:18;16:19, 20;17:12,25;18:12,23; 29:5,25;30:6,13;43:8,12, 21 fellow 26:7 felt 13:2;23:11,12 fence 13:19,20,22,25; 14:2,4;17:24;30:18;45:9, 9,16;46:12 fences 99:6,9,13,14 Fences 99:8 few 40:22;69:15;81:3; 94:21;102:6 Fiedler 131:2 FIEDLER 131:2;133:25; 135:25;136:9,12,20,24; 137:6,23;138:3,18,24 fields 18:9,11,24 figured 8:10 figures 82:20 file 27:20 filed 129:2 Filing 129:8 filled 89:6 finance 133:21 find 19:2;84:7,20; 112:19;116:23;123:13; 132:17 finding 85:3 fine 6:8;65:4,5,22;66:4; 105:4 Fine 6:9 finish 43:23;73:17;90:9 finished 13:22;14:2; 73:13 finishes 46:22 fire 125:13;127:16; 138:20 first 4:2,12;5:24;13:11; 32:11,18;73:19;78:21; 79:9;115:9;119:23; 127:15;133:19 fish 82:9 five 11:9;14:18;16:18; 17:12,25;29:25;30:6,13; 103:25;109:2;131:5,5,25; 134:18 five-day 108:15 fix 46:8;85:8;95:15; 137:22;138:8 fixed 138:7</p>	<p>fixing 96:9 flag 113:21 flea 55:1;64:1;140:21 flee 110:13 fleet 122:24;123:3 Fleming 130:22 Florida 133:15 focus 82:22 folks 105:24 follow 85:25;103:24; 116:11;127:17,18 following 51:9;53:8,9; 55:13;84:4 foot 43:6,19;131:16 for- 54:20 forfeiture 121:6,13; 123:15 former 32:13,14 forming 39:21;94:9 forthcoming 123:6 Forum 85:12 forward 33:15;51:8; 53:11,20;54:7,16;68:23; 69:10,17;72:25;90:17; 92:19;93:12;127:3;129:1 found 88:10;101:8; 108:9,9;132:21;134:14; 135:1 four 41:25;42:4;68:11; 83:23;86:14;131:5 Four 42:2,3 frame 121:23 frank 126:23 frankly 12:3;101:23 Fraysse 49:18;82:19; 106:23;117:1 FRAYSSE 49:18;50:10; 82:21;83:6;86:3,18,23 free 37:10;39:14 frequency 137:8 friend 34:20;37:19;39:4 friends 124:19 Friends 94:23 friendship 34:18 front 18:16;19:14;20:23; 38:12;51:4;95:20;121:18; 122:1;139:16 fronts 95:16 Ft 108:16 full 87:23;134:19 full-time 4:2 fully 129:10 function 32:25;33:11 fund 105:13 Fund 121:12;123:16 funded 130:6 funding 87:22 funds 123:20;128:8; 133:20 funny 46:16 furnish 48:21 further 48:15,20;52:10 future 63:2</p>	<p>G</p>
	<p style="text-align: center;">F</p>		<p>gain 18:19 Galloway 99:15 gang-like 85:17 gap 119:21,24 garbage 134:19 garden 18:21 gardens 82:7 gas 19:12 gate 135:20,20;136:15 gave 125:17 GEDA 92:13 Gene 40:23 general 114:3 General 48:23;121:12; 123:16 generic 114:13 gentleman 13:2;25:17; 28:14;31:20;134:17 gentlemen 32:22; 132:10;133:6 Georgia 33:16,19,20; 34:1;48:17,23;104:22; 105:12;106:6;115:11; 133:18 Georgian 33:8 German 135:1 gets 62:11;63:8;105:14; 106:12;138:13 gift 95:25;97:4,5;98:8; 99:17;100:6 given 19:9;62:6;97:4; 125:19 giving 32:5;113:17; 121:2;126:2 Global 85:11 GMA 119:4 God 139:11 goes 125:5;135:20,20; 136:3 good 3:3;41:10,15; 45:23;53:18,18;55:14; 60:22;86:7,13,15;94:8, 24;95:3,9;108:20;109:24; 111:13;115:22;116:13; 120:21;132:15,16,25; 135:13 Good 139:11 good-neighbor 86:10 goodwill 34:1 government 61:13; 124:20 government's 32:15 Governor 106:17 Governor's 33:7,9 graffiti 85:17,21 grand 38:13 grant 21:23;103:21 granted 11:10;12:13, 16,19;16:21;21:8 granting 16:2</p>	

<p>grants 91:15;108:24 grapevine 135:9 graphic 51:12 gratuities 97:22 gray 43:10 great 26:23;33:6,12; 34:14;86:5;96:25 grind 63:24 ground 76:24 group 40:18 growth 55:7 guarantee 139:8 guess 34:9;51:10;52:3; 53:2,7,11;55:11;71:4,8; 88:5;100:21 gun 110:19 guy 24:13;102:9,17; 122:10;134:23 guys 16:24;36:22; 39:13;71:24;79:13;89:12; 94:6 guys' 137:14 Gwinnett 37:22;38:5,5, 13;85:5,11,18;108:8</p>	<p>57:19;60:23;73:8;76:11; 90:7;93:24;136:13; 137:24 HART 3:11,20;6:12,19; 8:5,10,17;13:4,14,18; 14:4,6,12,17,20;15:2,7, 18;17:10,15;18:5;21:2, 15,18;22:1,5,22;24:1,5, 16,23;25:21;29:3,12,14, 16,19,23;30:3,5,11,16; 31:6,8;42:23;43:3,5,20; 44:5,12,21;45:10,13,23; 46:2,15;51:24;52:2,8,15, 17;57:23;58:2,11,14; 59:6,9,13,19;60:6,12,15, 20;61:2,17;64:3,9,12,20, 23;65:2,9,12,15;66:11; 69:24;70:2,8,11,16,19, 23;71:5;73:9,12,16,20, 74:1,7,11,23;76:21;77:3, 7,10,15;78:11;79:10,20; 82:1,5;88:19,22;89:16; 90:2,4,10,20;92:3,11,16; 93:1,21;98:7,12;99:1,4,9, 21;102:15,22,25;103:2; 121:25;122:14;126:20; 128:22;129:6,13;136:7, 10,17,22;137:4,18;138:2, 5</p>	<p>HOFFMEISTER 100:25;101:3,24;103:19; 104:5,7;139:14,19,23; 140:1,5,9 hold 47:9;67:6;69:17; 88:2;95:10;113:6;139:7 Hold 24:19;71:7 holding 132:1;137:24 Holiday 40:7,11,16;41:6 home 11:22;85:14,15; 96:1;100:4 Home 98:18,21;99:14 homecoming 34:18 homeowners' 94:11,16 homes 100:6;112:5,5; 125:6;139:6 honest 79:3;115:3 Honorable 32:19; 100:25;139:14 Honorary 33:8 hood 137:3 hope 41:16;94:6;96:8 hopefully 39:10,12,15 Hopefully 39:1 hopes 17:25 hoping 103:24 horrible 85:13;109:15 host 52:3 hosted 52:4 hosting 51:25;52:5 hot 97:8,8 hour 61:14;107:20,20 hours 66:16;68:18 house 9:17;11:9;18:6,9, 15,15,16,20,23;19:13,15; 83:16,21;85:14;87:3; 95:20,20;96:16;97:2,4; 99:10;111:14;112:15,23; 133:4 House 104:17,19; 106:12 houses 82:23;84:10,24; 85:7;86:14;94:12;95:16; 112:9;114:17;115:4; 116:8 HUDGINS 122:5,12,17 Huh 72:21 human 98:21 hurts 122:23 hydrochute 138:11</p>	<p>impasse 124:19 impatience 131:19,20 impatient 131:15,21 imperceptible 38:3 Imperceptible 16:9 impetus 96:25 implementation 51:14 implementing 118:3 implications 62:25 important 4:6;131:9 improve 37:13 improved 100:5 improvement 81:1; 92:4;96:1 improvements 91:3; 95:5 Improvements 88:3,4, 25;89:1 inaudible 135:23 Inaudible 22:11 inch 43:8 inches 30:19 incidents 134:10 include 76:23;115:10 included 40:17;74:9; 82:23 includes 76:22;83:10 including 20:11;123:7 income 38:24 incorrect 105:19 increase 123:11 incredible 123:2 incursions 135:6 independently 60:1,1 indicating 47:10 individual 109:18; 110:2,13;111:13,15; 115:24 individuals 53:3; 111:19;113:18 Industrial 108:12 infor- 109:8 information 44:6; 68:23;71:15;89:9;93:11; 101:16;106:22;109:13; 112:13,25;128:1 informing 124:6 infrastructure 131:13 ingenious 102:1 initial 19:10 initially 131:9 Initially 107:18 initiatives 111:8 Inn 40:7,11,16;41:6 input 49:10,15;54:11, 15;56:20;60:25;94:4; 102:23;132:9 insert 15:9,19 inserted 63:5 inside 125:1 insist 72:2 inspec- 108:21 inspection 133:16,16</p>	<p>inspector 11:19;38:18 Inspector 108:5 inspectors 118:15,16; 132:20 install 111:4 instance 57:18;58:20; 114:5 instead 14:18;97:2; 122:13 instruct 5:16;6:2 insurance 121:2,8,20; 122:20;123:5,6,8,12,23, 25;124:8 intelligent 132:7 intended 115:3 intending 135:10 intent 113:8 interest 16:16;27:2; 28:17,24;48:4;138:4 interested 3:4;56:13; 59:14;94:24;117:21; 132:6 internally 117:18 interpretation 30:2 intersecting 91:10 intersection 91:9;92:4 into 4:10;9:25;11:1,7; 15:9;16:1;24:8;38:17; 44:3;47:21;50:15,16; 52:9;58:18;59:23;68:20; 70:1;86:8;98:18;105:11; 109:16;110:3,25;111:6,7, 14;113:14;120:19,25; 133:22;134:4 introduced 104:19 intrusions 134:4 invest 96:9 investigate 87:4 investment 97:19; 108:20;109:1 involve 109:3 involved 16:12;37:15; 41:2;71:24;82:6;95:3 IPTM 108:17 iron 68:13 isolate 107:6 isolated 34:21 issuance 11:24 issue 13:11;20:14; 21:22;56:20;62:8;63:7; 75:25 issued 16:25;17:6; 25:23;29:11;30:10;33:9; 107:3;112:1;125:10 issues 45:3;53:23; 56:23;62:11,13;63:8; 67:16,17,18;69:8;106:5; 120:11 issuing 74:5;77:11,12 item 6:17;46:21;128:15; 133:13 Item 41:21 items 30:12;47:5;51:9,</p>
H		I		
<p>Hadden 22:18;32:3; 87:17;98:8 HADDEN 8:3;9:12; 21:24;22:3,9;26:2,9; 28:15,18,21;40:6,10; 41:20;49:7;50:22;60:23; 61:6,18;66:13;68:22; 69:12;75:2,6;80:16; 81:16,20,24;82:4,10,18; 83:4;86:2,4;87:8,12,18, 25;88:13;89:3,14,20,23; 90:6,12,24;92:9,25; 100:2,10,13,17;102:12; 110:15;114:5,19,25; 115:6,22;116:7,17,22; 117:6;118:21;128:14,18; 129:4,8;139:24 half 37:20;138:1 hall 3:24;65:21 Hall 4:4,5;115:20 hallway 109:18 hand 34:5 handed 86:15 handle 27:3;44:20; 52:11;132:11;133:11 hands 80:3,4;116:24; 138:22 happen 122:15 happened 132:5 happens 16:8;46:17 happy 18:1;33:6;38:20; 40:3;86:16;114:12;123:8 hard 39:7;94:20;119:12; 121:3;124:21 Hardware 99:15 Hart 16:3;22:18;43:1;</p>	<p>hate 66:20;126:18 head 6:10;40:10;114:22 heads- 121:14 heads-up 116:10 hear 15:23;40:3;55:19; 99:2;102:20;125:24 heard 23:6,7;39:7;61:6; 101:21;103:17;130:8 hearing 46:19,25;47:2, 3;49:10,15;54:13;61:8 heart 128:12 held 5:6 help 116:11;133:20 helped 107:15 hereafter 34:4 hereby 33:19;48:11,14, 21 herein 34:5 here's 89:7 hero 33:14 hey 34:22 Hey 112:13,20;132:25 hides 117:4 highway 133:15 Highway 35:8;55:3,10; 64:2;85:16;91:11;108:14; 110:21 hire 130:2,7 Hispanic 35:11;111:22; 112:7,9 hit 122:10,12 Hit 122:11 hoe 45:19 Hoffmeister 101:4</p>	<p>I-285 38:4 idea 10:16;26:24;67:19; 68:9;100:1,21;102:1; 116:13;118:22;132:15,16 identified 107:14;108:2 identify 107:10 illicit 134:4 imagine 123:5 immediately 117:9 immigrant 34:19</p>		

<p>21;56:25;68:10;69:3; 117:13;131:5,5</p> <p style="text-align: center;">J</p> <p>jag 17:12 jail 44:24;45:5,9 James 130:17 Janice 40:8,16 January 84:5 Japanese 35:10 Jason 8:14;25:3;36:12; 51:2;52:15,20;61:19; 71:10 Jenkins 32:20 JENKINS 3:2,12,19,21; 5:3,18;6:4,8,17,22;7:1, 11,17,21,25;8:4,11,14, 20,23;9:6,9,13,20;10:3, 11,17;13:17,21;14:23; 15:5,21,24;20:16,18,25; 21:6,10,14,17,19;22:15, 21;23:4,21;24:7,19,25; 25:3;26:15,25;27:3;28:2, 6,12,19;29:1;31:7,9,13, 16,22,25;32:5,12,17; 34:10;35:1;39:17,20; 40:1;41:5,12,19,21;42:3, 12,15,22,24;43:4,18,22; 44:3,7,18;46:18;47:1; 49:1,6,8,12,14;50:2,4,7, 17,23,25;51:17;52:13,16, 18;55:16;58:5;61:5,10, 25;65:19,23;66:1,17,20, 25;67:4,11;68:12,16,18; 70:6,10;71:7,10,13;72:3, 12,15,18,22;73:1,4,11, 15;74:6,16,19;75:9,11; 76:17,24;77:5,9,16,19, 23;78:2,7,10,15;79:6,11, 14,22,24;80:2,7,12,14; 81:14,17,21;82:17;83:3; 88:8,10;89:25;90:3,8,15; 91:14,19,22;92:7,24; 93:4,6,13,19;95:6,9;96:5, 21;97:11,25;98:4,15; 99:18;100:18,23;101:2, 13;102:3;103:3,9,12,18; 104:11;105:17;115:16; 116:2,14;117:7,14; 121:17,22;128:17,20,24; 129:16,20;130:15,24; 138:22;139:12,18,21; 140:3,7,15,18,22 job 22:6;118:1,8;137:14 jobs 95:17;118:22 John 7:23;32:8,12,13; 33:1,14,20;34:17,21; 36:23;95:10;104:12,14; 128:3;129:20 JOHN 45:8,11,21,25; 46:16;86:21;104:13; 105:6,18,23;106:20;</p>	<p>110:10,16;113:23; 114:18,21;115:1;116:9, 19;117:12,15;118:23; 119:12,17,20;120:4,10, 15,19,23;121:19,23; 122:3,11,19;123:17,24; 124:3,6,12,17;126:12,15, 18,22;129:9,18;133:24 Johnny 46:18,22 Johnson 85:15 jump 122:24 jurisdictions 85:25; 133:20</p>	<p>large 39:20 last 3:8;17:9;33:3,17,17; 40:7;54:12;55:24;63:21; 84:11;85:1;88:14,17; 95:10;98:24;106:24; 118:24;123:1;130:20; 133:25;134:9,11;137:25 Last 81:10 late 53:22;69:21;131:8 later 67:1;85:21;93:11, 12 lattices 11:7 Lauderdale 108:16 Laughter 16:10,14 law 6:13;84:20;113:5, 13;115:13 Lawler 50:10 LAWLER 47:3;49:9,13, 24;50:3,5,8,13 lawn 86:12 lawsuit 127:3;129:2 layouts 18:14 LCI 87:13,23;90:11; 103:21;104:9 leaf 134:19 lease/sale 54:21 leased 107:9 least 8:25;68:16;79:2; 86:14 leave 4:11;57:20;70:23; 106:7;140:8 leaves 15:15;134:19 leaving 51:25 LED 91:6,11 ledge 118:18 Lee 32:8,12,13;37:19 LEE 32:10,13,19;33:24; 34:11,13;35:2;36:11; 39:19,25;40:3,9,19;41:8, 13 left 58:24,25;59:7;122:7 legal 13:6;17:11;23:8, 19;28:6;48:12;56:19; 103:15;114:19;140:8 Legal 47:20 legally 12:10,11;30:1 legislative 47:6 legislature 84:17;85:4; 106:11 less 38:10;40:15 lets 114:16 letter 93:20;106:16; 114:8,13;115:9;125:10, 22,25;126:1 lettered 43:9 letting 87:7 library 94:20;95:3 Library 94:23 license 113:18,19; 115:13,25;132:18; 133:18;139:9 licensing 115:12 LIEUTENANT 122:5,</p>	<p>12,17 lieutenants 133:22 Life 7:24;8:2,6;24:14 light 90:5;92:14 lighting 81:6 lights 96:18 liked 42:7;98:5 limit 105:3 limits 125:1 line 13:5;16:7,8,19,22; 17:19;18:3;19:17;23:20, 25;29:6;30:7,20;43:17; 50:12;85:10 lines 18:12;43:7,14; 87:15 link 109:25;110:2 list 89:2;107:14;117:22 listed 114:15 listening 113:11 listing 114:6,10 little 9:14;10:8,23;15:25; 17:12;22:6;45:17;52:10; 78:11,23;81:7;82:8,8; 131:6;133:23;135:16 live 101:4;135:12; 137:13 lived 111:16,24 Lively 40:23 lives 135:17 living 18:17;133:3 lobby 43:16 local 111:23;115:19 location 111:19;112:2, 19 logo 51:7,11 long 17:3;36:23;40:21; 45:21;73:24;74:17; 117:16;140:7 longer 73:6;139:19 long-time 32:22 look 10:17;38:21;70:11; 84:11;97:3,21;107:8; 113:14;133:22 looked 9:13;10:14,15; 13:14;25:4;57:7;82:2; 87:5 looking 83:20;93:18; 95:4;104:23 looks 84:6;98:15 lose 90:20,21;96:11,13; 128:12;129:11 losing 54:17 loss 122:4,6 lost 103:10;120:23; 123:2 lot 35:21;36:17;41:15; 46:11;53:16;62:7,10; 67:14;70:25;81:19;82:11; 94:19;95:4;96:11,13; 106:22;107:7;109:8,12; 117:11;118:11;122:22 lots 35:10,10,10;80:17; 99:15</p>	<p>low-caliber 81:6 Lowe 22:16;28:2;93:6; 135:7 LOWE 6:9;21:7;27:8,12; 28:4;31:15;41:25;68:4,7; 76:14;91:2,25;92:2,21; 93:7,17,23 lucky 108:18 Lynn 94:20</p>
	K			
	<p>Karen 101:19;103:12 KAREN 103:14 Kathy 33:18 keep 15:14;18:4;35:15; 36:7;87:6;104:8;137:1 keeping 6:20;15:16 kept 17:25 Kevin 9:3,5 key 113:23 kick 37:2 kind 9:22,25;10:6;18:25; 35:11;38:8;41:9;70:11; 84:9;95:15;104:15;139:4 kindly 97:13 kinds 82:24 King 33:1,14,20;34:17, 21;36:23;104:14;126:10 KING 7:24;8:8;34:8; 45:8,11,21,25;46:16; 86:21;104:13;105:6,18, 23;106:20;110:10,16; 113:23;114:18,21;115:1; 116:9,19;117:12,15; 118:23;119:12,17,20; 120:4,10,15,19,23; 121:19,23;122:3,11,19; 123:17,24;124:3,6,12,17; 126:12,15,18,22;129:9, 18;133:24 know- 118:17 known 89:3 knows 115:8;134:23 Korean 35:9;86:9</p>			
	L			
	<p>labor 58:12 lacking 6:12 ladies 32:21;132:9; 133:6 lady 103:4;135:3 land 74:8;76:15 Land 76:14 land- 77:12 landlords 139:3 landscape 99:5,12,12 lane 122:10</p>			

<p>56:2;69:21;88:16;95:19; 20:96:11,17;99:7;107:11; 112:11;113:4;114:11; 115:9,15;117:2;126:11; 129:25 Maybe 86:20;99:21,25 mayor 32:24 Mayor 4:2,8,24;7:12; 22:13;25:2;26:21;32:19; 40:4,23;46:24;47:25; 48:3;49:9;51:22;54:3; 55:21;61:20;64:7;65:18; 66:5,8;68:25;71:18; 81:24;100:25;101:14; 103:19;106:15;114:14; 124:12;128:16;132:19; 139:14 MAYOR 3:2,12,19,21; 5:3,18;6:4,8,17,22;7:1, 11,17,21,25;8:4,11,14, 20,23;9:6,9,13,20;10:3, 11,17;13:17,21;14:23; 15:5,21,24;20:16,18,25; 21:6,10,14,17,19;22:15, 21;23:4,21;24:7,19,25; 25:3;26:15,25;27:3;28:2, 6,12,19;29:1;31:7,9,13, 16,22,25;32:5,12,17; 34:10;35:1;39:17,20; 40:1;41:5,12,19,21;42:3, 12,15,22,24;43:4,18,22; 44:3,7,18;46:18;47:1; 49:1,6,8,12,14;50:2,4,7, 17,23,25;51:17;52:13,16, 18,55;16:58;5:61;5,10, 25;65:19,23;66:1,17,20, 25;67:4,11;68:12,16,18; 70:6,10;71:7,10,13;72:3, 12,15,18,22;73:1,4,11, 15;74:6,16,19;75:9,11; 76:17,24;77:5,9,16,19, 23;78:2,7,10,15;79:6,11, 14,22,24;80:2,7,12,14; 81:14,17,21;82:17;83:3; 88:8,10;89:25;90:3,8,15; 91:14,19,22;92:7,24; 93:4,6,13,19;95:6,9;96:5, 21;97:11,25;98:4,15; 99:18;100:18,23;101:2, 13;102:3;103:3,9,12,18; 104:11;105:17;115:16; 116:2,14;117:7,14; 121:17,22;128:17,20,24; 129:16,20;130:15,24; 138:22;139:12,18,21; 140:3,7,15,18,22 McClave 111:17 mean 6:1;30:20;35:8; 53:2;65:5;66:21;69:3,5; 70:3,25;71:1;73:10; 75:14;78:22;88:19;89:16; 92:12;95:21;96:10;97:7; 98:10;99:9,11;100:11;</p>	<p>102:15,16;105:10;114:3, 22;122:15,15;126:18; 131:25;136:16;137:10; 138:1,6,13 meaning 15:9;85:6 means 34:9 meantime 136:8;137:5 measure 138:25 medium 18:1 meet 38:9;39:22;55:22; 69:1;102:16;126:11 meeting 3:7,15;4:2,4, 12;7:3;26:5;33:3;35:18, 19;54:13;56:17;60:25; 61:3,11;63:21;65:19,20, 21;66:9;67:25;71:14,17, 19;81:10;88:17;94:1,22; 95:2;106:25;130:20,21; 131:10;134:12 Meeting 3:2;140:23,24 meetings 3:6,25;4:7; 53:15;88:18;93:11; 118:13 Meetings 6:16 member 7:9;32:15; 40:20,22;133:10 members 6:3;22:12; 32:20;35:4;39:11;48:22; 53:4;56:23;131:18; 134:25,25;135:24 memo 57:19 Memorial 46:10 ment 38:24;118:5 mention 84:16;93:8; 132:13;134:22 mentioned 39:17; 84:19;131:11;134:1 message 43:10 messaging 51:11 met 55:23;101:15 metal-hauling 108:7 meter 19:12 micro- 9:3 microphone 55:17 mid- 91:12 Middle 109:16 might 5:7;26:13;41:1; 64:9;75:21;78:23;87:4; 97:10;114:21;133:22 Mill 95:24 million 91:17,18 mind 21:16;22:8,25; 36:6;104:8 minute 28:19;31:7; 71:10;81:14;127:19 minutes 3:15;6:20 misconception 58:12 missed 98:24 mistake 26:3;109:15 mistaken 134:12 mixed-use 85:12 model 97:1 Monarch 38:7</p>	<p>money 26:22;28:22,24; 31:21;32:6;36:4;39:14, 16;41:13;42:19;90:20,22; 96:6,25;97:12,14;104:23; 121:6,7,10,13;123:19; 124:9;132:1;136:1; 137:25;138:17,18,19 money's 137:18;138:9 monies 87:14 monitor 107:13 month 40:15;86:1,1; 88:8;96:2;107:3,12;120:8 months 87:5,20;112:19; 123:1,1 month's 44:6 moot 26:1;27:11 moratorium 64:17; 66:19,21;67:8;73:7,8,17, 23,24;74:2,5,13;76:12; 77:10;79:16 more 10:8;20:25;23:4; 38:24,25;42:7;44:5; 54:14;64:18;67:7;69:16; 78:24;93:7,10,11;96:11, 14;104:3;105:10,15; 117:12;126:9;130:2,7; 139:8 morning 56:2,3;107:21 mosquitoes 10:10; 15:16 most 38:16;54:23; 72:16;83:17;97:14;100:5; 107:18;137:8 Most 125:8 mostly 107:9 Motel 36:22 motion 3:9,16,17;4:9; 6:4;7:25;14:9;15:21; 21:1,6,7;22:17,20,25; 26:16,19,20;27:5,9,13; 28:3,5,7,13,20;31:14,19, 22,25;42:20;49:6;50:20, 21;51:18,21;73:15,16,20; 75:3,5,12;77:6,6,7,24; 92:22;128:15,21 Motion 3:10,18,23;8:20; 21:19;42:21;80:14; 128:22,23,24;129:3 move 5:20;32:7;34:24; 45:16;54:16;66:2;69:10; 128:18 moved 8:3;15:4;19:14, 14;49:7;54:7 moving 51:6,8;53:11, 20;56:13;69:17;72:25; 81:8;138:21 Mrs 20:15 much 9:12,19;21:5; 34:8,23;41:18;43:2; 58:23;63:13;68:4,7; 91:15;93:21;114:3;129:6 multi- 74:2;77:11 multi-family 74:23;</p>	<p>76:22;114:7;115:5 Municipal 106:6 MURPHY 22:13,16; 25:2;26:21;32:3;44:2; 52:7;66:5,8;75:10;80:9, 13;123:11,22;124:1,5,11 must 18:5;103:8 myself 134:20;137:6; 140:11</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>name 9:4;32:13;35:25; 40:25;43:24;44:4;101:3; 104:13;116:15 names 40:8;134:22 narrow 107:15;125:23 National 110:21 nations 34:2 near 55:3;85:25;87:15; 98:21 necessarily 53:18;55:5 necessary 23:1;26:7; 29:17 need 6:4;14:8,13;24:12; 26:1,11,16,20,21;27:16; 36:5;37:9;41:8,14;43:22; 44:8,10,21,22;45:2; 46:23;49:1;51:17;56:21; 62:9;63:9;64:8;68:5,8; 69:1,1,1,2,6,14,15;73:5; 75:6;76:11;87:6;97:21; 113:1;116:7;128:14; 130:6;135:2,3 needed 19:2,7;25:11; 27:11;28:10;84:1,13 needless 108:17 Needless 110:11 needs 8:18;10:12; 59:23;66:16;95:22; 135:18;138:20 negative 13:20 negotiate 121:1;123:4 negotiated 105:7 neighbor 13:23;111:15 neighbor- 137:2 neighborhood 23:14, 14;94:14,15;100:13,18; 118:13;131:15,20;132:7; 134:9,21;135:10 neighborhoods 96:13 neighbors 83:17;86:15; 95:15;97:2;100:12; 106:24;111:12 neighbor's 14:2;132:20 new 7:22;40:14;49:20; 64:10;76:1;83:1,9; 104:19;110:14 New 88:2,24;91:7,17 newsletter 44:6;51:12 newspaper 115:19; 119:4 newspapers 115:19</p>	<p>next 5:17,23;6:25;7:3; 14:1;16:6;18:17;27:14; 34:24;44:25;46:21;69:15; 75:17;82:16;97:5;119:2; 132:13;139:16 nice 22:2,5;26:13;85:15; 96:16 Nice 13:16 nicely 114:16 night 57:21;61:12,16; 65:20;67:12;68:1,13,14; 71:14;72:4;107:19; 120:13;122:6;139:11 nobody 135:21 Nods 6:10 noes 21:14;22:10 nominating 7:5 nomination 8:9 nominees 9:1 nonpervious 15:10 north 38:4;85:10 North 84:22 Northridge 36:22 Northwoods 95:24; 100:3;133:7 notable 54:23 notes 59:12,16;70:4 notice 45:12;46:1 notified 109:21 notify 115:10,10 notifying 113:17 November 4:10;53:23; 69:21;82:25;83:9 nullity 28:9 number 16:6;20:2;29:9; 41:21;46:21;86:19;107:1; 116:10;117:8,10;118:5 Number 46:22;51:2; 52:20 numbers 132:14 numerous 54:21</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>o0o- 140:25 Oak 101:4,7;131:12 Oakcliff 95:14,24; 106:24;107:2;109:10; 110:1;116:4;130:9;131:3; 133:6,7;134:8 objects 24:15 obligated 91:21 obliged 13:2 obviously 75:17; 113:16 occasionally 39:22 occurred 12:7;60:10 occurring 75:19 o'clock 4:3,5,12;65:24; 71:14;72:3;94:4,18,22 October 89:19;92:18 off 5:20;17:11;69:17; 79:16;84:9;110:6;114:22;</p>
---	---	--	---	---

<p>125:4 offer 78:9;98:13 offhand 86:20 office 33:9;34:6;48:21; 116:16 officer 110:13;122:8,23; 127:15,16,18 officers 95:1;107:16; 108:4,18,20;109:3,17,22, 22;110:12,23;118:5,11, 17;119:14,21,24,25; 120:8,12,16;130:3,8; 133:14;134:13 Officers 111:18 officers' 118:2;120:20 old 44:24;55:4 omit 58:1 omitted 59:17 once 10:22;18:23; 112:17 one 3:8;5:12,20,20;7:5, 12,13,14;11:9;29:9; 32:17;36:14;39:3;40:22; 42:6,9,14;43:5,8;55:2,3; 58:3,17,19,22;59:24,25; 60:8;61:14;65:24;68:13; 69:16;80:5;82:16;83:16; 84:12;88:20;92:10;95:23; 98:9;105:2;106:4;107:12; 109:17;111:12,22;115:7; 116:21;118:13;121:16, 17,19;122:3;126:9; 130:13,21;131:4,17,19; 132:19,20;133:17,21; 134:12,25;138:24 One 47:8;60:7;114:5 one-inch 43:15 ones 84:11 one-year 5:10 ongoing 38:1;84:1 only 16:17;18:18;19:11; 37:18;39:2;40:14;52:22; 58:8;60:8;78:19;85:20; 92:8;106:9;108:15;111:4; 131:25 onto 77:23 oomph 115:15 open 46:9;124:21 Open 6:15;125:17,20 opening 38:13 operate 121:24 operation 112:1;118:7 Operation 82:18;83:8 operational 45:2 opinion 58:9;79:1; 125:11,19;128:10 opportunity 35:23; 39:16;90:21 opposed 76:1 Opposed 3:22;8:16; 21:11;42:25;51:1;52:19; 79:25;93:5;129:17 opposes 106:7</p>	<p>opted 16:1 optimistic 78:12 orange 55:5 order 3:2;11:3,16;46:25; 47:2 ordinance 5:1,17;7:7; 11:3,14;16:5;19:18;23:9; 38:11,22;52:24;53:6,21; 54:1,5;58:6,20,22,24; 59:22;60:5,7,11;62:18, 20,23;63:1,11;64:18; 65:7;77:22;78:6,21,25; 79:5;83:18;112:14; 113:25;115:2 ordinances 59:4;60:2, 8;82:24;86:17;113:9; 114:20;118:18 organization 40:12,21 organizations 111:2; 112:12 original 130:1 originally 17:20;33:10; 102:4 others 42:7;140:12 ourself 37:13 ourselves 52:4 out 3:3;4:7;5:4,12;15:4, 15,16;18:12;19:2;25:4; 37:21;43:16;50:12;51:25; 55:25;56:1;58:5,15,24; 59:1,7,17;60:18;68:13; 69:14;70:24;78:20;82:1; 84:21;85:5;86:6,15; 87:24;88:10,15;89:6; 90:19;92:13;94:7;96:18; 97:12;99:19;104:9,18; 106:13;108:9,9;109:4,20; 111:20;112:13;113:24; 114:1;115:9;116:4;120:8; 123:13;124:10;127:12; 132:17,21;134:18;135:1; 138:16 outside 127:22 outstanding 33:20,25; 69:8 over 9:13;10:4;15:1,14; 18:2;22:13;25:1;36:10, 12;40:11;41:24;45:17; 56:1;61:13;63:13;67:5; 80:9;83:11;85:10;98:1; 109:23;125:2;127:8,9; 128:8 overlap 119:24 overlapping 120:1 overspeaking 76:5; 92:16 Overspeaking 24:18; 90:2 own 16:7;19:16;41:4; 110:11 owner 11:18;112:2,3, 18,19;116:16,25;117:2,3, 5;132:17</p>	<p>owners 48:5;84:15,21; 85:3 owns 84:23;85:7</p> <p style="text-align: center;">P</p> <p>PACHUTA 103:14 packet 87:24 pages 68:11 paid 28:24;104:21; 105:21;106:1;132:2,21, 23 paint 95:17,21;97:6 paperwork 25:7 paragraphs 63:5 paramount 92:10 paraphernalia 134:14 Pardon 136:9 parents 111:4 park 80:25;86:12;93:15; 134:4,6,10,13,17,20; 135:12;136:19 Park 8:8;38:1,2;80:16, 22;81:5,13;82:12,13; 88:3,22,25;90:11,13; 91:8,10,18;92:9;93:10; 94:3;101:7;131:12 parking 93:16;94:5 Parkview 38:1 part 15:3;22:7;45:15; 52:9;64:16;80:19;82:12, 13;97:8;103:4;105:24; 110:21;112:22,25;114:12 Part 81:17 participating 32:24; 110:20 parts 51:15;62:14 pass 8:22;40:24;58:17, 19;59:3;64:17;79:13 passed 18:23;49:4; 60:1;79:15 past 82:23 pastor's 85:14 patio 9:17;11:4,6,7,17, 18,20;13:15;14:2,13,21, 22;17:8,17,22,22;18:17, 19;19:11,16;21:3,4; 23:24;24:4,6,8;29:8,12, 16,19,24;30:15 patio's 16:18 patrol 120:24;121:13, 15;124:8 pattern 107:8,9,11 pavilion 81:7 pay 19:25;20:4;29:1; 91:23,24;92:1,2;137:13; 138:3;139:6 paying 123:14,23; 132:22;140:3,5,14,18 peach 55:5 Peach 88:24 Peachtree 88:2;91:4,7, 17;108:11</p>	<p>pedestrian 91:3,5,11, 13 Pedestrian 88:3,4,25; 89:1 penalties 113:16 pending 124:12 people 4:16;33:4;34:16; 35:6;38:16;39:7;40:6; 41:6;45:7;54:14,19; 84:14;86:16;87:1,7; 95:13;96:12,15,20;99:6, 13;114:23;117:20; 118:12,14,15;127:20; 131:17,24;132:7;133:3,4; 134:10,15;135:11,15; 136:14;137:2,7,21 People 3:4;80:18 percent 91:21;103:25; 104:6,8,24;105:4;106:4 pergola 9:18,22;15:2,3, 8,9,13,19;21:3;26:10 perhaps 99:16;112:11 period 69:4;126:2;129:5 permanently 128:7 permission 11:19 permit 11:11,24;12:17; 16:20,25;17:5;19:9,25; 20:2;23:24;25:24;29:11; 30:6,8,9 permits 21:23;74:5,6,7, 8;75:18,20;76:8,13,16; 77:2,11,12,13 permit's 25:11 perpetrator 109:14 person 5:10,12;24:15; 110:5,6;114:9;119:6; 120:25;134:22 personal 131:6 personally 133:9 pessimist 126:19 pewter- 43:6 ph 38:2;84:21;101:15 phone 9:4;80:17;86:19; 116:10;117:8,9;124:25; 125:5,8 picked 109:15;122:18 picnic 81:7 piece 115:25 pieces 60:9;65:16 pipe 137:22;138:7,8 pipes 46:3 pitch 36:4 Pittman 22:17;135:6 PITTMAN 3:18;21:9; 26:8;42:2,10,13;75:4; 78:16;79:18,21,23;80:5; 93:25;94:13,17;128:19; 129:15 Pla- 38:1 place 18:4,13,18;31:19; 33:12;38:19;55:9;62:19; 69:4;98:22;107:17; 108:16</p>	<p>Place 38:13 placed 19:20 plan 81:3,4;118:23; 119:2,14 planned 11:21 Planner 10:21 planning 119:9 Planning 10:15;16:1; 23:7,11;39:11;53:3;54:2; 55:23;57:1;61:24;62:5; 67:15,20;69:7;71:18; 72:8;130:18 plastic 15:9 plats 102:25 playground 81:8 Plaza 38:2,7 Pleasantdale 107:24 please 9:4;24:20;32:8; 33:15;40:16;67:9;80:3; 82:20;86:10,12,12,95:12; 101:10;116:10 Please 72:1 plus 35:10 pm 130:22,23;140:24 podium 32:9;33:15 point 19:1,5,20;27:11; 29:10;30:22;54:5;58:8; 65:6;71:4,9 Point 82:19;83:8 pointed 59:17;60:18 points 62:7 police 34:16;35:14; 86:25;110:9;119:14; 127:15,15,18;130:2,7; 139:7,7 Police 33:19;36:1; 45:14,20;104:14;108:3; 117:20;121:11;123:18 policies 110:17;118:3 policy 62:11,25;63:8; 86:10 politics 132:25 poll 80:7 pond 45:5 Pond 22:22;26:4;56:6, 16;59:18,22;60:4;82:4 ponds 82:5 pool 41:24;42:17,18; 44:19,25;45:1,4,7;46:8, 14 Pool 42:10 porch 19:4 portion 51:13 pos- 126:10 position 8:24;58:9,16; 70:17;75:22;117:17,18, 21;130:1,7 positions 130:5 positive 35:12;55:6; 95:4;96:23;111:7 possibility 4:25;57:22; 83:16;113:12 possible 36:3;59:7;</p>
---	---	---	--	--

<p>64:17;119:5,6;137:14; 139:15,18,21 post 61:15;66:1 posted 47:4;50:2;66:16; 118:22 potential 37:12;112:22 potentially 64:6;110:5 Powell 13:10;47:16; 67:14 POWELL 4:24;5:4,22; 6:5,10,14,24;7:4,15,20; 10:13;12:9,12,15,19; 14:8;17:3,7;27:6,10,19, 23;28:8;30:22;31:1,4,11; 46:24;47:18;49:3;50:14; 55:20;56:4;57:2,5,14,25; 58:3,7,13;59:5,8,11,15; 60:3,7,14,17;64:11,15, 22,25;65:10,13;66:18; 70:14,17,21;73:22;74:4, 17;75:1,21,24;76:4,6,9, 15,19;77:14,20,25;78:3; 95:7;97:20;101:14,20; 102:7,19,24;103:1,6; 105:1,14,22;113:10; 119:8,16,19;120:2,6,14, 17,21;124:15;125:21; 126:13,17;128:25;130:11 powers 133:11 pre-apps 89:19 precedent 21:22;23:18; 25:10,13,19;26:12 prefers 96:18 preliminary 87:21;89:6 prepare 69:11 prepared 59:12,16 preparing 117:25; 118:24 presence 111:7;127:23 present 63:14;71:19 presentation 32:10; 33:10,13;129:19 presented 53:23;69:9 press 115:18 pressure 123:2;131:24; 132:10 pretty 9:19;58:23,23; 114:3 Pretty 9:12 prevail 121:4;127:10 previous 53:14 print 43:7,15 prior 26:5 priorities 88:24;89:24; 92:6 priority 89:23 Priscilla 80:8 prisoners 46:13 private 41:24;42:17 probably 24:13;40:14; 86:24;97:11;104:3;109:3; 115:2;118:25;119:23 Probably 104:4</p>	<p>problem 7:17;23:8,9; 32:1;46:3;70:10;82:2; 84:18,25;87:5,6;107:7; 116:18,19;126:22;135:4 problems 83:1,7;98:4; 114:22 procedural 62:8;63:3 procedures 118:4; 133:16 proceed 89:15 proceedings 129:23 process 13:3;35:22; 52:24;53:8,10,13;54:17; 55:13;67:13,22;75:16; 79:4;90:19;103:21,23; 105:15 processing 106:2 proclaim 33:19 produced 101:22 professionals 115:4 program 37:3;82:15; 87:23;104:22 Program 110:22,24 programs 103:23; 104:9;110:25 progressing 93:9 project 20:13;24:13; 37:15,23;38:1,6;44:8; 88:19 projection 11:1 projects 11:7;54:20; 88:2;90:23;91:1,17 promise 73:3 prong 36:14 proper 133:11 proper- 132:14 properties 54:21; 133:3;138:25;139:9 property 11:25;13:5; 16:7,8,19,22;17:19;18:3; 19:17;20:15;23:20,25; 25:18;29:5;30:7,20; 36:21;47:22;48:5;84:21; 103:5;112:10;114:10; 132:16,18;139:16 propose 51:6;135:5 proposed 11:20;30:23; 47:6,15,21;90:18 proposing 49:22 prove 35:22 provide 80:22;89:10,12; 121:7 provides 45:7 Pruitt 105:2 PTA 111:2 public 37:21;46:19,25; 47:1,3;49:10,15,23;53:4; 54:11,14;61:8;63:14,15; 69:11;71:22;113:22 published 49:24 pulled 114:6;115:14; 134:18 pulling 116:24</p>	<p>purchase 124:10 purchased 121:5; 123:19,20 purpose 73:25;74:1; 77:21;78:3;83:20 purposes 47:14;48:8, 19 pursue 126:25;128:13 pursuing 104:10 push 113:24 put 4:17;9:24;10:6; 16:20;17:19;18:2,19; 43:14,24;50:3;57:18; 74:25;75:3,15;76:11,12; 77:8;90:4;92:13;99:13, 17,24;107:16;110:25; 112:12;113:20;115:18; 128:15;130:13;131:23; 135:15,19;136:10,12,22; 137:5,11;138:20 Put 10:4 puts 123:2 putting 14:25;15:3,5,7; 19:4;105:25;132:10</p> <p style="text-align: center;">Q</p> <p>qualified 110:25 quality 140:20 Quality 7:24;8:1,6; 24:14 questionable 140:13 quick 72:7 Quick 16:23 quickly 110:12;111:18 Quinones 101:15 quite 4:22;12:3;26:13; 42:15,19;81:3;83:12; 101:20;131:8</p> <p style="text-align: center;">R</p> <p>R-1 12:1 radar 113:20 rainy 122:6 raise 80:3 Raise 80:3 raised 106:19 Ramos 84:21 ramps 44:15;91:5,12 ran 120:25 rather 44:3 Ray 114:8 Raymond 112:16;131:2 razed 85:22 re- 60:4 reaching 124:19 read 3:14;10:22;47:16; 68:2;78:21,22;79:4,9 reading 5:24;33:18; 49:5;61:23 Reading 33:24;47:18 readings 49:1</p>	<p>reads 7:7 ready 4:22;5:23;7:3;9:2; 54:13;138:14 real 72:7;112:4,12,17, 23;113:5,6,18;114:1,1,9; 115:3,14 realistic 18:18 realistically 119:10 really 10:11;12:2,3,6; 16:5;26:6;37:8,8;40:4; 41:16;43:22;47:10;52:25; 54:7;59:13;94:7,20,24, 24;95:2,4;123:8 Realtors 115:11 reason 16:17;23:3;57:6, 9;73:4;84:2;125:16;137:1 rebuilding 76:25 recall 126:6 receive 125:12 received 83:6;109:8 receiving 124:7 recently 11:6;120:23 recommend 12:4,5 recommended 22:23 record 21:21;22:14; 110:11;116:25;117:3; 140:11 records 124:22 Records 125:17,20 Recreation 130:23 recycling 108:8 red-light 104:17 reducing 11:8 referendum 4:10 referring 62:13,15; 117:1 refund 28:14;31:20 Refund 28:23 regardless 25:16 Regional 87:22 register 84:23;117:8 registry 84:20 regular 44:1;65:20 regulations 17:18 reimbursement 123:12 relative 67:18 relatively 11:21 release 115:18 remember 40:7;56:2; 87:19 reminding 87:7 remove 44:24;45:9; 139:15 removed 136:14;137:2 renewed 78:14 rent 139:6;140:4,6,14,18 Rent 116:5 rental 112:10;132:14, 16,18;133:2;138:25; 139:9 rented 111:25 renting 112:7</p>	<p>repaired 46:5 repairs 95:21;131:13 replace 91:8;121:13,16 replaces 59:3 report 10:19;26:5; 104:12;111:12;125:3; 130:19;133:9,10 reported 83:7 reports 83:1,9;130:16, 25 representative 55:22; 105:9 request 11:15;12:1,5; 125:17 requested 33:8;48:17 requesting 10:25 requests 47:13;74:13; 109:8 require 11:14;30:12 required 11:2,8;20:9; 22:24 requirements 6:19 rescind 28:4,6 research 15:25;113:3 reside 34:4 residency 47:8 resident 47:23;48:1; 50:15;131:3 Resident 48:13 Residents 48:5,6; 106:11;139:6 resolution 47:5,13; 48:22;49:4;129:25 Resolution 47:19 resolve 129:1 resolved 48:9,11,15,20; 84:12;103:7 resources 98:22 respect- 129:9 responded 110:12; 111:18;125:22 responds 127:15 response 127:2,23 restaurant 111:23 restrictions 19:19 result 106:3;108:1,23; 111:25;121:9 resulted 83:22,23,24 results 86:8;106:2 resumes 8:24 re-survey 131:11,12 retain 125:14 retaining 30:17,18 retention 45:5 retire 41:2 retract 28:3 retracted 31:13 retro- 11:15 return 102:12 reverse 85:4 review 19:22;54:4;56:6, 8;57:12;60:25;68:24; 69:5,11,18,23</p>
---	---	---	--	---

reviewed 54:1;56:25;
62:9
reviewing 53:24;54:10
revise 8:1
revised 48:1,13
revising 78:4
revision 7:21;70:13,15,
19;78:5
revisions 70:9
revisit 24:16,21
rich 41:11
richer 38:25;41:14,14
Rick 8:21;10:12;27:3;
28:7;31:17;55:19;58:11;
62:9;67:14,16;72:23;
95:6;101:13;113:2;
119:13;120:11;126:15;
129:7
rid 117:9
ridiculous 139:4
right 3:12;7:7;10:19;
14:21;24:6;31:2;32:7;
36:10,11;40:8,24;50:21;
54:25;60:15;65:2,25;
73:22;77:9;81:9;82:10;
91:3;93:17;106:8,14;
107:17,17;111:9;120:16,
18;123:16;130:15;136:11
Right 12:18;14:1;26:8;
30:25;31:15;39:5;59:5;
75:1;94:17;119:16,19;
126:17;137:4
right-hand 38:5
road 108:12;135:17,18
Road 107:2
Roberts 116:2
ROBERTS 116:3
rock 82:6
roof 9:24;10:5,6;14:22,
24,25;15:6
roofs 95:21
room 18:17
rooming 112:22
rooming-house 112:1
rooms 111:24,25
Rooms 116:5
rooster 134:21
roughly 42:17
round 33:22
run 45:4;132:18
rush 107:20,20

S

safe 35:15;36:7;41:17;
121:24
safer 81:8
safety 133:16
Safety 110:21,24
salute 33:3
same 7:16;15:11;17:18;
19:18;37:9;48:11;50:17;
109:4;110:2;133:1,2

Saturday 55:25;59:12,
16;94:1,22;95:1
sauna 38:12,15,22
save 42:19;67:19;70:2;
133:23
saw 26:4;49:19;80:9
saying 13:10;14:13;
20:13;58:16,19;59:2;
64:16;78:17;91:23;97:2;
98:1,17
scared 34:16;39:8
schedule 52:24
school 109:11,15,20,
24;110:1;111:1,6,7;
133:15
School 109:16;130:9
schools 109:7;111:3;
127:20
scratch 118:9
scratched 41:22
screen 9:18,23;10:2;
19:4
screened 15:8,19
screened-in 11:3
screening 10:4,5;11:6;
15:14;18:2
seal 34:6
search 132:4
seat 111:5
Seat 110:24
seating 44:24
seats 111:5
second 3:12;4:4;8:12,
14;28:15,18;31:22,25;
52:16,17;74:16;77:17;
78:22;79:17,22;93:1,3
Second 3:11,19,20;8:4,
13;21:9;42:22,23;49:8;
50:23,24;75:8;77:19;
79:21;92:23,24,25;
128:19;129:15
seconded 22:17;31:20;
32:4
secondly 47:13
Secretary 33:16,18
section 51:12,13;97:23;
117:19;118:7
Section 11:1
sections 57:20;58:18
security 45:22
seeing 53:16;54:20;
55:14;107:8
selects 7:8
sell 44:13;115:14
selling 43:13
seminars 118:2
Senate 47:23
send 57:6;70:4,5;71:14;
106:17;114:15;115:17;
126:1
Send 70:6
sending 108:4;125:8;
133:14

sense 45:6
sent 55:25,25;57:5;
93:19;125:21,25;137:19;
138:9,10,15
separate 29:8;59:23
separately 58:19
septic 18:9,11,23
Sequoia 109:16
Service 42:11
services 45:1;46:7;
125:13,13
session 5:15;42:6;51:4,
11;53:1;56:11;63:22;
66:9,12,14,17;67:20;
68:1;69:15;72:4;93:8
set 7:11;25:10,14;26:11;
34:5;56:11;60:2,24;
61:11;63:22;65:19;71:13;
73:5;97:7;120:3,7
setback 14:15;20:23,24
sets 108:23
setting 5:4;21:21
settlement 121:8;
122:20
seven 62:15;84:6;
127:19;133:4
several 53:2,3;54:20;
103:23;111:21;112:6;
128:2
severely 109:11
sex 134:5
shaky 22:6
share 137:12
shed 30:21
shifted 50:15
shopping 38:3;55:4
short 126:2;136:18
shortcoming 108:3
shot 126:9
show 110:18
Show 125:18
shows 83:19;107:19
sick 41:1
side 9:17;11:8,9,9,17,
20;13:22;14:3;18:15;
19:12;20:23;36:14,15;
38:4,5
sides 91:9
sidewalk 43:9,21,23,24;
90:4;91:8;92:12
sidewalks 91:7
sidewalk's 43:11
sign 8:22;47:4;51:23;
106:16;116:4;139:16,23
signage 51:12;91:6
signed 138:10
signifies 25:18
signs 54:21;91:5;116:3;
133:8
sign's 140:7
similar 20:14,17;39:21
singled 127:12
single-family 76:23

sit 63:16;122:16
site 49:21,25;50:4;
51:14;52:3,5,11;86:24;
119:4
sitting 121:18;122:1
situation 10:24;23:20;
87:2,3;97:13
six 30:19;59:24;62:14;
87:5
Six 83:22
six- 64:9
skill 108:23
slide 120:16
slightly 38:10
slope 45:4
slow 84:9
small 11:21,23;21:4;
34:15;35:5,7,9,13;36:1;
39:5,20;44:22;53:19
smile 34:14
society 39:15
solutions 80:23
some- 27:21;137:15
somebody 69:18;102:1
somehow 18:1;41:1
someone 27:20;138:20
sometimes 116:23;
123:7
soon 108:9;109:6
sorry 40:7;68:6;71:11;
86:22;126:15
sort 6:20;15:11;61:21;
69:7;70:4;82:7;84:1;
88:2;95:17;96:19;99:6,
17;113:5
sound 6:6
sounds 66:3
space 39:5
spaced 43:12;109:4
Spangler 22:19
SPANGLER 21:13;
42:21;92:23
Spanish 86:9;101:4;
134:24
speak 40:13;138:23
speaking 134:23,24;
135:1,2
special 60:25
special-called 66:9
specific 83:1
specifically 82:22;
123:20
speech 38:15
spell- 60:21
spend 97:6
spent 67:14
split 58:18;59:23;60:13
spokeswomen 131:19
sponsor 98:18
spot 120:20
spring 10:9
Squad 8:8
square 43:6,16,19

stadium 44:24
stages 118:24
staggered 5:9
stake 129:12
stall 128:5
stalled 126:16
stalling 128:11
stand 69:10;96:11,13;
110:11;133:5
standards 118:4,18
standing 20:21
Star 37:18;39:3,3
start 25:1;54:13;65:23,
24;84:9;96:12;104:9;
118:9;120:12
started 17:11;40:11;
83:8;108:10
starting 37:2;63:25;
108:10,13
state 34:2;35:18;105:9;
115:15;133:18
State 9:4;33:16,16,18,
19;104:22;105:12;
108:25;113:19
statement 133:14
States 34:3
station 55:8
stationery 51:11
stay 7:16;140:20
step 75:17;82:5
Stephens 41:23;42:7
stick 77:5
still 24:13;25:17;30:12,
20;65:6;66:16;68:25;
74:21;78:20;84:3;90:22;
105:10;140:3,5
stolen 135:8
stone 13:15
stop 76:10,17;80:23,24;
91:5;116:4
stopped 97:15;120:24
stopping 75:19,20;77:2
store 96:1
stormwater 45:3
story 39:6;64:10;121:25
straight 50:12;128:4
stream 58:25;80:24,24
street 91:9;93:15;110:6;
111:16
Strickland 15:3;20:22
Strickland's 20:15
strictly 10:1;15:12,13;
56:7,19
strong 36:7
stronger 41:17
struck 130:5
structure 4:1;11:13;
13:12;17:21,23;18:25;
19:6;23:12;29:13;30:6,
13,15,19,21,24
Stuart 15:22,23;19:21;
55:16,19,22,25;62:6
stuck 63:3

students 84:19
study 77:21;80:21;
81:11;88:24;90:13
studying 71:15;78:4
stuff 63:4;70:25;102:17
style 9:22;15:13
subdivision 106:24
subject 6:15;34:24
submit 56:6,15;68:2;
72:7,9,10;87:20;88:6;
92:8;129:21;130:6
submitted 87:20;89:2
sufficient 79:2
suggest 7:5;56:14;
59:16
suggested 57:15,18;
100:4
suggesting 59:19;82:3;
126:10
suggestion 61:11;
95:18;99:24;135:14,25
suggestions 81:4;
87:13;95:15
summary 83:13,18
summer 45:1;46:9
Summer 17:9
summertime 10:9
Sunday 56:3
sunroom 9:25
supervisor 117:19,23;
118:8
supplied 101:17
supply 98:9;99:5,10,12
support 37:4;51:25;
52:9;85:4;130:1,7
Support 52:1
supporting 35:13;36:2
suppose 27:19
supposed 13:22;61:2;
102:18;131:11
sure 40:15,18;106:12;
110:18;113:14
surrounding 43:9
survey 8:22;80:20;
81:12;101:9,11;107:15,
19;132:2,2,11
surveys 101:8
Susan 49:18;83:4;
95:11,11;105:2;106:23;
107:14
suspect 56:8
SWAT's 8:7
swimming 44:25;46:14
Swimming 44:19
system 51:12;109:21;
111:1,7;127:6

T

table 27:17;31:19;60:16,
21;104:16;105:3
tact 84:15
tadpoles 82:8

talk 36:19;52:25;66:25;
67:11;69:3;94:9;130:11;
132:7;137:7
talked 42:5;44:19;51:3,
7;53:14;55:9;57:21;
84:22;88:13;94:5;102:6;
105:1;108:6;118:6;128:2
talking 37:18;39:3;40:2;
69:19;72:25;77:1,4;
97:13;111:19;112:16
tall 43:8;85:16
tank 39:22
tape 38:14
target 111:2
targeting 112:4
taught 108:16
tax 37:1;38:24;116:16,
25;117:3;123:20
taxes 106:18;137:13
Tazer 110:14
tear 13:24
technically 24:12
telephone 132:14
telling 112:3;125:10;
128:3
ten 58:18;59:25;126:6
tenants 139:3
term 5:10;7:6;136:18
terms 5:9,11;53:5,9;
54:7,15;62:7,17;63:1;
89:9;90:5;113:4
testimony 34:5
textured 91:6,12
Thanks 87:7;100:22;
129:13
that'll 68:15
there'd 5:12
therefore 48:9
things 137:16
thinking 81:21;113:11
third 7:9
Third 133:13
though 24:11
thought 5:7;56:4;61:4;
67:22;107:18;131:9
thoughts 75:14
three 22:9;37:20;41:23;
43:14;47:23;54:4;59:9;
84:8;109:3;117:2;122:25;
123:1;131:4;134:10
Three 73:14;107:4
three-year 5:9,11
through-lane 122:7
throw 97:21;134:15
thrown 104:18
Thursday 130:22
thus 11:15
tickets 105:16;119:11;
120:9,13
ties 132:15
tight 38:9
till 62:1;67:5
Tilly 95:24

timers 91:6,12
times 96:4;107:14;
116:6;122:22
tion 103:16;108:22;
132:12
title 132:4
today 4:19;9:14;105:2;
116:21,25;130:9
together 41:7;99:17;
100:15
told 17:20;19:6,9,15;
26:3,15;27:20;33:2;
124:23
Tom 31:7;51:6;75:2,4
Tommy 51:2
tomorrow 51:10;66:1
Tom's 62:13,15;63:7
tonight 26:6;56:10;
57:10;64:17;131:7
took 17:12;31:19;38:18;
82:11;112:18,18
top 9:18;10:5;15:8;
30:18,21;88:23;89:23,24;
92:6,7;140:21
Top 10:3
topographical 80:19;
81:12
total 43:13;58:17;59:3;
82:25;83:6;122:3,6
toaled 121:16
totally 34:22
touch 41:5;84:25;
101:17;105:8;106:10,11;
112:11,17;117:10
tough 68:17;118:8
toward 14:3;51:6
towards 119:1
Tower 37:18;39:3,3
towers 124:24,25,25;
125:2,3,14;127:5,7,8,9,
12;128:7
town 3:24;15:4;65:21
Toyota 134:18
track- 45:18
traffic 90:5;92:13;
107:20;110:23
Traffic 110:21
trail 81:6
trained 108:20;117:24
training 35:18;108:4;
109:5;118:3;133:15
transaction 112:22
translated 86:8
translations 86:7
translator 84:1,13
trashing 109:20
travel 34:2,4
traveling 107:1
tree 58:20,21,23;62:18;
63:11;81:12
trees 80:19;81:18,19,22,
23
tried 110:13,14;122:8;

127:24
trim 41:3
truck 36:5
trucks 107:6;108:7,13;
135:7
true 76:3
try 10:7,9;37:1,4;56:10;
97:10;105:9,12;111:1,6;
112:12;113:24;114:24;
119:4;122:20;126:11
Try 114:25
trying 9:23;13:1;18:4;
29:8;33:3,10;35:21;
40:24;41:3;97:25;107:6,
7,10,22;110:22;111:3,13,
112:7;121:1;122:9;
127:25
tub 97:8,8
turn 128:8;133:10
turnaround 93:9,14,18
turned 13:19;109:23;
130:19
turning 96:12;97:19
Turning 82:19;83:8
TV 97:7
Twice 96:3
two 3:24;4:15;18:15;
20:19;30:11;39:6;43:7,8,
12,19,21;47:5;49:1;
51:24;54:4;63:19,20,24;
68:18;70:8;84:7,9;85:2,
19,21;88:1,18,21,23,23;
89:20,24,24;90:18;91:16;
92:6,7,8,19;100:6;104:3;
109:3;112:19;117:12;
123:1;125:23;128:6;
131:4;134:17
Two 96:4
two-way 36:13
two-year 5:9
type 5:17;86:11;133:16
types 55:7

U

unable 84:2
unanimous 75:10
Unanimous 75:11
under 17:18;19:18,19;
30:24;42:16;51:14;52:4;
58:12;64:4;75:25;82:14;
87:23;90:13;97:22;
138:20
under- 20:20
understood 26:4
undertake 25:20
unique 83:7
unit 7:24;8:2,6;58:17;
118:9
United 34:3
unless 92:14
unobtrusive 11:22
unreasonable 127:13

up 4:15,16;5:6,14,16,21;
6:23;7:11;9:3,20;17:19;
18:3;19:16,16;21:16;
22:8;23:7;31:17;32:8;
35:20;38:20;39:5;40:10;
42:6;43:23;45:2,4;6:8,13;
47:9;54:21;55:16,21;
56:7,11,19;60:2,13;
61:11;65:15,19;67:5,6,
15,17;70:4;71:7,13;73:5;
76:19,24;83:5;84:4;
85:13,20,24;86:1;94:21;
95:12,16;96:10;99:13;
103:24;107:23;108:8,12;
110:1;114:6,14;116:11,
25;120:3,7;121:15;122:8,
18;133:13;135:20;136:4,
5
update 52:21;81:5;85:9;
101:6,12
updated 59:20;81:7
updating 82:14
upgrade 81:5
upgraded 59:21
upgrades 91:9
upgrading 35:21;37:1,
11,11,12;82:15
Upon 19:3
usage 10:8;15:17;
110:18
use 11:25;12:2;44:13;
72:17;122:24;125:18;
135:11;137:6
Use 114:6
used 36:21;40:19;
80:20;85:14;111:5;
112:10;137:7
using 18:6;82:3
usually 34:16;96:24;
107:20;115:24;139:5

V

vacancies 109:6
vacant 82:11
valiant 127:25
valuable 54:17
variable 23:16;99:25
variance 9:7,10;10:12,
25;11:12,14,15;12:2,2,4,
5,16;13:9;14:13;16:11,
18;17:6;19:2,7;20:5,9,13;
21:8,23;22:24;23:17;
24:12;25:11,12;26:1,17,
22;27:10,20;28:10,22,24;
29:15;30:13;31:10;61:9;
74:12,14;75:25,25
variances 23:10;26:12;
27:16,16;75:16;76:13;
77:14,15
Variances 74:9
variety 99:10
veer 122:8

<p>vehicle 108:21;122:7;123:18 Vehicle 108:5;110:24 vehicles 107:1,9;135:7 version 51:5 versus 4:1 video 110:18 Vietnamese 86:9 Village 38:2 violate 113:13;115:1 violating 113:8 violation 83:24;113:12 violations 84:8 visits 83:19,22;84:7 VOICE 16:9;24:14;26:20;27:18;71:18,23;73:14;74:9;75:23;93:3;94:12,15;96:2;98:17;101:19;115:7,17,23;116:13,15,21;117:4 vote 6:1;23:3;24:17,21;25:1,18,22;26:6,10;28:11;31:18;49:2;66:10 voted 24:11;25:4;74:25;90:10 votes 22:14;25:16;80:2 vote's 25:25 voting 21:21;24:24;66:10,16,17</p>	<p>Wednesday 4:13;55:24;61:12,16;65:20;67:12;68:1;69:14;70:15;71:14;72:4;73:5 weeding 86:6 week 9:1;88:16;98:24;109:9;119:1,2,24;126:6;127:2;134:9,16 weekend 46:10;56:1 weeks 54:4;63:19,20,24;85:19,21;102:6 welcome 86:11 whatnot 62:23;113:7;135:8 what's 39:23;53:5;55:1;73:24;89:1;101:7,12;122:14,15 What's 23:21;73:23;121:25 whenever 34:17;138:13 Whenever 34:14 Whereas 47:21,25;48:3 whereof 34:5 wherever 34:4 whoever's 113:17 whole 13:25;21:3;62:16;83:22 who's 27:21;137:21 whose 116:8 willing 137:12 win 91:21 window 111:14 windows 109:19 winner 95:23,25 winnings 97:1 Winters 94:2;133:7 wise 39:10;64:24 wish 41:16;98:2,3 withdraw 27:8,12 within 14:14,18;16:18,20;18:11;23:13;29:5,25;30:6,13,19;85:19 Within 14:15 without 11:12;18:2;26:10;98:1;120:11;139:9 witnessed 134:9 woman 98:25;126:3 wonderful 86:16;124:20 Woodbine 83:11 word 69:4 words 63:4;91:22 work 5:12,14;13:16;18:1;22:2;42:5;45:19;46:8;51:4;53:1;56:11,11,15;59:14;63:21;66:8,12,13;67:20;68:1;69:15;88:6;93:8;95:19;97:12;98:12;99:18;107:25;109:1;112:25;114:12;136:3;137:21 worked 59:25;110:16,19;124:21</p>	<p>working 45:13;72:8;85:24;93:13;94:20;111:9,23;120:25;136:18 works 58:24 worried 80:18 worry 124:1,4 worth 97:10;109:2;132:3 Wow 45:11;46:17 wrecker 122:18 write 60:5;120:9;130:10,10,13 writing 6:7;119:10 written 118:20 wrong 13:19;19:12;96:17;98:22;109:15</p>		
W		Y		
<p>wait 28:19;62:1;69:17;73:6;81:14 Wait 31:7;71:10 waiting 33:5;99:2;102:20,23;122:18,19 waive 5:24 walk 68:20 walking 81:6 wall 9:20;30:17,18;45:18;122:9,11,13 Wal-Mart 55:3 wants 25:19;41:10;43:23;93:3;104:22 warnings 83:23;84:7 Washington 38:19 waste 28:1;31:24 wasted 63:23 wasting 63:19 watchdog 94:16 water 82:8;97:21;132:21,22 way 7:7;13:5,16,19;18:3;35:23;36:8,15;37:10,13;39:14;41:11;45:7;56:18;80:9;84:12;105:11;106:8,9;112:16;115:23;139:1 ways 95:14 web 49:20,25;50:4;51:14;86:24;119:4 webmaster 50:1</p>		<p>yak-yah-yak 70:24 y'all 56:5;57:7;58:9;76:20 Y'all 5:1;66:21 Yamasaki 38:6 yard 11:2,8,9,17,20;95:21 yards 95:16 year 5:13,20;7:6;17:9;33:17,17;83:21,22;84:6,11;85:1,2;96:2,4,4,9,14;137:25 years 4:15;16:13;40:23;73:14;100:3;108:6;125:23;128:6 yeses 80:10 you-all 6:5;66:10,10;92:17;98:10;111:10;121:14;126:24,24 You-all 6:14 young 103:4</p>		
		Z		
		<p>zoning 11:2,14;12:1;52:23;53:5,21;54:1,5;58:1,6;60:5,8,11;62:19,23;63:1;65:7;75:23;76:1,2,7,11;77:22;78:5;113:9</p>		