

**In The Matter Of:**

*City Council Meeting  
City of Doraville, State of Georgia*

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*Mayor Ray Jenkins Presiding  
July 2, 2007*

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Original File 53814-1.TXT, Pages 2-126 (125)

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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 7:00 p.m. on Monday, July 2, 2007.

\* \* \*

[1] PROCEEDINGS  
[2] **MAYOR JENKINS:** Meeting come to order.  
[3] Call the roll, Priscilla.  
[4] **MS. MURPHY:** Councilman Lowe?  
[5] **COUNCILMAN LOWE:** Here.  
[6] **MS. MURPHY:** Councilwoman Hadden?  
[7] **COUNCILWOMAN HADDEN:** Here.  
[8] **MS. MURPHY:** Councilwoman Pittman?  
[9] **COUNCILWOMAN PITTMAN:** Here.  
[10] **MS. MURPHY:** Councilman Hart?  
[11] **COUNCILMAN HART:** Here.  
[12] **MS. MURPHY:** Councilman Spangler?  
[13] **COUNCILMAN SPANGLER:** Here.  
[14] **MS. MURPHY:** They're all here, Mayor.  
[15] **MAYOR JENKINS:** Thank you.  
[16] On approve the minutes, first I want to  
[17] approve the minutes of the June 11th, 2007,  
[18] special-called meeting. I need a motion.  
[19] **COUNCILWOMAN PITTMAN:** Motion.  
[20] **MAYOR JENKINS:** Second?  
[21] **COUNCILMAN LOWE:** Second.  
[22] **MAYOR JENKINS:** Okay. Anymore  
[23] discussion on that?  
[24] **MS. MURPHY:** Councilman Lowe?  
[25] **COUNCILMAN LOWE:** Aye.

[1] **APPEARANCES:**  
[2] Doraville City Council:  
[3] Hon. Ray Jenkins, Mayor  
[4] Councilwoman Marlene Hadden  
[5] Councilwoman Donna Pittman  
[6] Councilman Robert Spangler  
[7] Councilman Tom Hart  
[8] Councilman Ed Lowe  
[9] Hugh "Rick" Powell, City Attorney  
[10] Ms. Priscilla Murphy, Consultant  
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[1] **MS. MURPHY:** Councilwoman Hadden?  
[2] **COUNCILWOMAN HADDEN:** Aye.  
[3] **MS. MURPHY:** Councilwoman Pittman?  
[4] **COUNCILWOMAN PITTMAN:** Aye.  
[5] **MS. MURPHY:** Councilman Hart?  
[6] **COUNCILMAN HART:** Aye.  
[7] **MS. MURPHY:** Councilman Spangler?  
[8] **COUNCILMAN SPANGLER:** Aye.  
[9] **MS. MURPHY:** It's unanimous, Mayor.  
[10] **MAYOR JENKINS:** Okay. June 18th  
[11] minutes, 2007. That's a regular Council  
[12] meeting. I'd like to have a motion.  
[13] **COUNCILMAN HART:** I'd like to make a  
[14] comment. There was a motion, or I think that we  
[15] -- we have a court reporter that keeps up with  
[16] the minutes of the meeting. And we modified the  
[17] minutes of the meeting from the court reporter,  
[18] at the last meeting. I think that Councilwoman  
[19] read into the minutes of the meeting to alter  
[20] the previous minutes. And I'd like to know how  
[21] you alter the minutes if they're court reporter  
[22] word-by-word.  
[23] **COUNCILWOMAN HADDEN:** I just added a  
[24] correction to a statement that was made.  
[25] **COUNCILMAN HART:** You can't. The

[1] minutes of the meeting are what happened in the  
[2] meeting.

[3] What you said in the statement did not  
[4] happen at that previous meeting.

[5] **COUNCILWOMAN HADDEN:** Okay. Well, it  
[6] can go into the minutes of whatever meeting it  
[7] was that I made the statement.

[8] **COUNCILMAN HART:** Well, I'm sorry. You  
[9] didn't say it at that meeting so it doesn't go  
[10] in the minutes of that meeting.

[11] **MS. MURPHY:** But Mr. Hart, it would go  
[12] into the minutes the night she made the  
[13] statement.

[14] **COUNCILMAN HART:** Exactly. But the  
[15] statement was made and voted on to correct the  
[16] minutes of the previous meeting when the court  
[17] reporter's keeping word-by-word minutes of the  
[18] meeting.

[19] **COUNCILWOMAN HADDEN:** I understand. I  
[20] will be happy to make a motion retracting the  
[21] correction and let it stand as stated for the  
[22] night that the statement was made.

[23] **COUNCILMAN HART:** Okay. I accept that.

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

[25] **COUNCILMAN HART:** That --

[1] different things about different people, how  
[2] good they were or what their qualifications  
[3] might be that could be considered.

[4] And the person that I'm going to place  
[5] on the table as the nomination tonight is  
[6] someone that I'm not really personally  
[7] acquainted with. I am familiar with them  
[8] because they have worked for the City in  
[9] different projects. They worked very hard on  
[10] the annexation project that we have; went door-  
[11] to-door, and a lot of you know how tough that is  
[12] if you've done that; has worked with a lot of  
[13] neighbor- hood activities, community activities;  
[14] has basically offered us good suggestions, one  
[15] of which I proposed and Council adopted this  
[16] year, to do with gangs living in rental houses.  
[17] And I would like to put forth the name of Marie  
[18] Alexander.

[19] **UNIDENTIFIED SPEAKER:** Very good.

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

[22] Motion denied for the lack of a second.

[23] Do I have another motion?

[24] **COUNCILWOMAN PITTMAN:** Can we -- can we  
[25] get on the agenda to make a motion? because I

[1] **COUNCILWOMAN HADDEN:** Somebody needs to  
[2] second that.

[3] **MAYOR JENKINS:** Yeah. I thought we had  
[4] a --

[5] **COUNCILMAN LOWE:** Second.

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

[7] **MAYOR JENKINS:** We got a motion and a  
[8] second on the changing of that particular  
[9] minutes. Is that correct, Marlene?

[10] **MS. MURPHY:** Not to change.

[11] **COUNCILWOMAN HADDEN:** Not to change.

[12] **COUNCILMAN LOWE:** Not to change.

[13] **MAYOR JENKINS:** So the minutes stand as  
[14] they were originally.

[15] **COUNCILWOMAN HADDEN:** Uh-huh  
[16] (affirmative).

[17] **MAYOR JENKINS:** Okay. All in favor?  
[18] Opposed?

[19] We're trying to get somebody to fill  
[20] Jason's seat, so I'm going to ask Marlene --  
[21] she's on the agenda -- to do your thing.

[22] **COUNCILWOMAN HADDEN:** This was pretty  
[23] difficult because there's a lot of good people  
[24] that live in Oakcliff. And I had a lot of phone  
[25] calls; I had a lot of people telling me

[1] had some phone calls as well.

[2] **MAYOR JENKINS:** Well, it's opened. She  
[3] opened it. It's still open.

[4] **COUNCILWOMAN PITTMAN:** Well, I've  
[5] gotten several phone calls in reference to  
[6] several different people, and one of those  
[7] people was Mr. Roberts, who's been a long-time  
[8] citizen of Doraville, and I would like to make a  
[9] nomination for Mr. Roberts.

[10] **COUNCILMAN LOWE:** I'll second that.

[11] **THE REPORTER:** First name?

[12] **MAYOR JENKINS:** First name?

[13] **COUNCILWOMAN PITTMAN:** George.

[14] **MAYOR JENKINS:** George Roberts.

[15] Call the roll on this one, please.

[16] **MS. MURPHY:** Councilman Lowe?

[17] **COUNCILMAN LOWE:** Aye.

[18] **MS. MURPHY:** Councilwoman Hadden?

[19] **COUNCILWOMAN HADDEN:** I don't really  
[20] know Mr. Roberts that well and so I will have to  
[21] say no.

[22] **MS. MURPHY:** Councilwoman Pittman?

[23] **COUNCILWOMAN PITTMAN:** Aye.

[24] **MS. MURPHY:** Councilman Hart?

[25] **COUNCILMAN HART:** Abstain.

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[1] **MS. MURPHY:** Councilman Spangler?  
[2] **COUNCILMAN SPANGLER:** Aye.  
[3] **MS. MURPHY:** We've got three.  
[4] **ATTORNEY POWELL:** Under our charter or  
[5] bylaws, I've forgotten which it is, charter or  
[6] ordinances, it takes four votes of the sitting  
[7] Council members. It's not a matter of majority  
[8] in this instance.  
[9] **COUNCILMAN LOWE:** Right.  
[10] **ATTORNEY POWELL:** So it would take  
[11] four. So under that, the motion would die.  
[12] **MAYOR JENKINS:** Do I have anymore  
[13] motions?  
[14] **COUNCILMAN HART:** I'd like to make a  
[15] motion. And one of the problems with that last  
[16] motion is there was no discussion of who -- we  
[17] just bring these things up. And I'm afraid if I  
[18] brought someone up, there's no discussion of who  
[19] that might be. So the nominations, I mean just  
[20] out of the blue just start throwing people out,  
[21] I -- you know.  
[22] **MAYOR JENKINS:** You got any discussion  
[23] on it?  
[24] **COUNCILMAN HART:** No. I mean I just --  
[25] Mr. --

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[1] **MAYOR JENKINS:** You abstained.  
[2] **COUNCILMAN HART:** I abstained because I  
[3] didn't -- there was no discussion of the person.  
[4] **MAYOR JENKINS:** Well, let's have some  
[5] discussion, then we'll make another motion.  
[6] **COUNCILMAN HART:** Well, I mean I want  
[7] to tell the audience, when we --  
[8] **COUNCILWOMAN PITTMAN:** It's dead.  
[9] **MS. MURPHY:** It's dead.  
[10] **COUNCILWOMAN PITTMAN:** There's no  
[11] discussion.  
[12] **MAYOR JENKINS:** Okay. No more  
[13] discussion.  
[14] No more discussion on that, please,  
[15] sir.  
[16] Tonight we have the zoning ordinance  
[17] hearing, and this is one of the main things we  
[18] have tonight.  
[19] I talked to Mr. Hart and asked him if  
[20] he would accept a first reading tonight on the  
[21] zoning ordinance and then we give him two weeks  
[22] to come up with, I say his version, and then we  
[23] vote on it in August. And I don't believe he  
[24] agreed for this to be the first reading.  
[25] Is that correct, Mr. Hart?

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[1] **COUNCILMAN HART:** I mean we've brought  
[2] this zoning ordinance up before, and we had a  
[3] brief discussion and people were supposedly  
[4] given time to input -- give the planning company  
[5] some information or input into the ordinance.  
[6] **MAYOR JENKINS:** And you, also. I asked  
[7] you a question.  
[8] **COUNCILMAN HART:** Right.  
[9] **MAYOR JENKINS:** Do you not agree with  
[10] having a first reading tonight and then giving  
[11] you two weeks to come back to the Council?  
[12] And you said you would not need a lot  
[13] of compensation to take care of that. You said  
[14] you needed some paper and stuff like that. You  
[15] know you've always had whatever you need that we  
[16] have here.  
[17] **COUNCILMAN HART:** Well, I had a -- we  
[18] had a review comparing this ordinance with the  
[19] 1986 [sic] ordinance, and we rearranged the  
[20] ordinance so we could put the -- the two  
[21] ordinances side by side for easy comparison.  
[22] And the first meeting we went to, it  
[23] was disrupted the whole time, so nothing was  
[24] ever gotten done.  
[25] So I mean I had to buy my own paper, I

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[1] had to buy my own ink and supplies.  
[2] **MAYOR JENKINS:** No, you didn't.  
[3] **COUNCILMAN HART:** I most certainly did,  
[4] because I'll give you the receipt from Home  
[5] Depot.  
[6] **MAYOR JENKINS:** You might have chose to  
[7] do that.  
[8] **COUNCILMAN HART:** I mean from Office  
[9] Depot.  
[10] **MAYOR JENKINS:** You might have chose to  
[11] do that.  
[12] **UNIDENTIFIED SPEAKER:** (Inaudible)  
[13] **MAYOR JENKINS:** You might have chose to  
[14] do that.  
[15] **COUNCILMAN HART:** Could I help you?  
[16] **MAYOR JENKINS:** Now, wait just a  
[17] minute. We're at the table, Mr. Hart.  
[18] **COUNCILMAN HART:** Okay.  
[19] **MAYOR JENKINS:** I asked you a question.  
[20] Will you accept the first reading tonight and  
[21] then you give us -- come back with some with us  
[22] in two week?  
[23] **COUNCILMAN HART:** I don't think it  
[24] deserves a first reading tonight. I mean  
[25] nothing's changed on it in six months, I mean.

[1] **MAYOR JENKINS:** Do we need to make a  
[2] motion?

[3] **COUNCILWOMAN HADDEN:** May I --

[4] **MAYOR JENKINS:** Okay. I'm going to  
[5] entertain a motion on this being the first  
[6] reading tonight.

[7] **COUNCILWOMAN HADDEN:** Prior to that,  
[8] may I make a statement, Mayor?

[9] **MAYOR JENKINS:** Yes, ma'am.

[10] **COUNCILWOMAN HADDEN:** The first reading  
[11] does not mean that this is it. The first  
[12] reading is please bring us your comments, please  
[13] give us your input so that we can judge it, so  
[14] we can look at it, so we can see it.

[15] Mr. Hart was supposed to have the last  
[16] version to us over two weeks ago so that we  
[17] could review it.

[18] Last year -- a lot of you may not have  
[19] been around at that time, but we have had 15 to  
[20] 20 meetings open to the public that you could  
[21] come and give us your input on the zoning  
[22] ordinance. And I think if we can do the first  
[23] reading tonight, at least we can accept your  
[24] input, accept what you have, see about making  
[25] any changes or tweaking it here or there or what

[1] of urgency to those people that may have  
[2] concerns about it, to come forward now at this  
[3] time, and before the next meeting in August,  
[4] possibly have another open session and address  
[5] those concerns, because we've been dragging this  
[6] thing out for months.

[7] **ATTORNEY POWELL:** Do you want me to  
[8] read the ordinance? It's just the adopting  
[9] ordinance.

[10] **COUNCILMAN HART:** I'd kind of like to  
[11] know these 15 or 20 open meetings that we've had  
[12] about this ordinance.

[13] **COUNCILWOMAN HADDEN:** Mr. Hart, you  
[14] were present.

[15] **COUNCILMAN HART:** I wasn't at 15 or 20  
[16] meetings; I'll assure you that.

[17] **COUNCILWOMAN HADDEN:** I can assure  
[18] you --

[19] Is Ms. Fraysse here?

[20] **MAYOR JENKINS:** As many meetings as we  
[21] have had --

[22] **COUNCILWOMAN HADDEN:** Ms. Fraysse, how  
[23] many meetings do you recollect that we had in  
[24] last year for the zoning ordinance?

[25] **MS. FRAYSSE:** And I'm counting all the

[1] have you.

[2] Bonita has a very good one that we want  
[3] to consider that will be put on the table, about  
[4] industrial zoning.

[5] So I think if we could do the first  
[6] reading, then we're not looking into November  
[7] and December to pass this while we're waiting  
[8] for things to happen with the GM site. The  
[9] zoning that's on the GM site right now will  
[10] allow for, for instance, anybody could come in  
[11] and build a big sex/sin for sale right there,  
[12] and we wouldn't really be able to do anything  
[13] about it with that present zoning.

[14] It doesn't matter if it's sold or not  
[15] sold. What they can do is they could have a  
[16] contract and close it in 2010. But we would  
[17] still be bound by the zoning the day that the  
[18] contract -- it went under contract, whether it  
[19] closes in 2010 or 2015 or 2008.

[20] And we really need to be very concerned  
[21] about that site. It's a biggie for us. Our  
[22] future really hinges on that. And I think we  
[23] need to at least do the first reading and get  
[24] the input between the first reading and whatever  
[25] we do have. But I think that will give a sense

[1] times that it came before the Council and there  
[2] was discussion and Mr. Cohen was here and  
[3] requested input from the Council. There were  
[4] many Council meetings when he came and said,  
[5] "This is a section I need your help on. I don't  
[6] have the standards. I don't have -- how high do  
[7] you want the building to be?" He was  
[8] desperately asking for your input.

[9] And I think each of those times you had  
[10] an opportunity, Council meetings and work  
[11] sessions by the Council, the Planning Commission  
[12] meetings, a work session with the Planning  
[13] Commission; all of those. And I can document  
[14] by, I would say, you know, mid-July, dates and  
[15] times. And I'm going off the minutes from the  
[16] web site. So these are the times that it's been  
[17] discussed and you've been invited to add your  
[18] input.

[19] I think January 5th was the deadline --

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

[21] **MS. FRAYSSE:** -- that the Mayor --  
[22] April what? 12th you had a meeting --

[23] **COUNCILWOMAN HADDEN:** Uh-huh  
[24] (affirmative).

[25] **MS. FRAYSSE:** -- and then two weeks

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[1] later you were supposed to --  
[2] **COUNCILWOMAN HADDEN:** Then we were  
[3] supposed to have something in April from Mr.  
[4] Hart, and we never got that.  
[5] **MS. FRAYSSE:** But people on the Council  
[6] have been having their input.  
[7] **COUNCILMAN HART:** You got that, but you  
[8] chose not to participate.  
[9] **COUNCILWOMAN HADDEN:** Well, after 15  
[10] minutes of trying to decide whether to use --  
[11] **COUNCILMAN HART:** Well, Marlene, you  
[12] spent more time --  
[13] **COUNCILWOMAN HADDEN:** Excuse me,  
[14] Mr. Hart. Excuse me. I believe I have the  
[15] floor.  
[16] -- deciding whether to use "shall  
[17] construe" or "will construe," I was a little  
[18] worn and frayed, yes.  
[19] So if you're going to get to the meat  
[20] of the matter, I really enjoy that. I really  
[21] would like to work on it. But whether something  
[22] says "shall construe" or "will construe," yes,  
[23] it does leave me a little worn.  
[24] **COUNCILMAN HART:** You know, like our  
[25] city -- illustrious City Attorney told us, that

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[1] we don't need to look at every word in this  
[2] document. We'll just look at a couple pages in  
[3] here and we'll just do fine. Okay. So the  
[4] difference between "shall" and "will," they're  
[5] not important. Okay? Or standard construction  
[6] phrases that are used in every building code in  
[7] the United States, they're not important. We  
[8] can just skip over that stuff, you know. It's  
[9] just --  
[10] **COUNCILWOMAN HADDEN:** I like the meat  
[11] of the matter. I agree with you.  
[12] Let's have our first reading. That  
[13] gives us a sense of urgency to go ahead and get  
[14] our fannies moving and act on this.  
[15] **COUNCILMAN HART:** So when you're  
[16] talking about input, when a Council member gives  
[17] input into a zoning ordinance, you would expect  
[18] that there would be some reaction. In other  
[19] words, Mr. Cohen would perhaps take it under  
[20] advisement and maybe change something. And that  
[21] never happened.  
[22] And when you wrote in to Mr. Cohen,  
[23] things happened your way, didn't they, Marlene?  
[24] **COUNCILWOMAN HADDEN:** No, they didn't,  
[25] because I would ask first. He asked us all to

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[1] do our homework consistently. He even offered  
[2] to hire a bus and take us around to look at  
[3] different developments so that we could say we  
[4] like this, we don't like that, those types of  
[5] things. There was only one or two of us that  
[6] volunteered for that.  
[7] When the January 5th deadline came,  
[8] there was only two of us that gave him our  
[9] questions or suggestions or whatever. So  
[10] there's been plenty of time for the public to  
[11] call us or to come here for all these meetings.  
[12] And we really need to move forward, and we can  
[13] do that, but let's get some meaty subjects to  
[14] chew on and that'll be fine.  
[15] **COUNCILWOMAN PITTMAN:** Mr. Powell, we  
[16] can make changes to this after the first  
[17] reading; is that correct?  
[18] **ATTORNEY POWELL:** Typically when we  
[19] have a first reading of any ordinance, there  
[20] often is input and it is changed. So I'm not  
[21] advocating anything tonight with this statement.  
[22] I'm just -- legally, it can be amended, changed.  
[23] There can be suggestions for amendments and they  
[24] can be adopted. It doesn't have to be adopted  
[25] in the form as it sits right now.

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[1] **COUNCILWOMAN PITTMAN:** And is there a  
[2] time span that you have to do the second reading  
[3] on, from the first reading?  
[4] **ATTORNEY POWELL:** Our ordinance says  
[5] that you're to pass -- you have a first reading,  
[6] and then if it's going to -- it'll be voted on  
[7] at the next regular meeting.  
[8] **COUNCILWOMAN HADDEN:** Now, if something  
[9] were to come up, could that be postponed?  
[10] **ATTORNEY POWELL:** You could vote to  
[11] continue --  
[12] **COUNCILWOMAN HADDEN:** Postpone.  
[13] **ATTORNEY POWELL:** -- that, but that's -  
[14] - yes.  
[15] **COUNCILWOMAN HADDEN:** Now, if we put a  
[16] work session between now and the next regular  
[17] meeting so that anybody that has any concerns  
[18] can come up here and address them, or if we have  
[19] some meaty subjects that we want to chew on,  
[20] let's do it.  
[21] **COUNCILMAN HART:** All right. Who's  
[22] going to determine the meaty subjects?  
[23] **COUNCILWOMAN HADDEN:** I think you are  
[24] working on your plate right now, Mr. Hart, are  
[25] you not? We were supposed to have it over two

[1] weeks ago and in April.  
 [2] **COUNCILMAN HART:** But the thing is  
 [3] you've already seen the first two articles and  
 [4] you refused to read them.  
 [5] **COUNCILWOMAN HADDEN:** I was sitting  
 [6] here and I read them, and with "shall construe"  
 [7] and "will construe" --  
 [8] **COUNCILMAN HART:** Well, you spent your  
 [9] whole time out here on a cell phone interrupting  
 [10] the meeting.  
 [11] **COUNCILWOMAN HADDEN:** I wasn't  
 [12] interrupting the meeting.  
 [13] **COUNCILWOMAN PITTMAN:** Okay.  
 [14] **COUNCILWOMAN HADDEN:** I left.  
 [15] **COUNCILWOMAN PITTMAN:** Can I make a  
 [16] motion?  
 [17] **ATTORNEY POWELL:** Yes.  
 [18] **MAYOR JENKINS:** I want somebody to make  
 [19] a motion that we accept the first reading.  
 [20] **MS. MURPHY:** Mayor, can I ask a  
 [21] question, please? I'm sorry. And Rick, this  
 [22] may be for you. I thought this was the  
 [23] advertised public zoning hearing --  
 [24] **ATTORNEY POWELL:** Yeah.  
 [25] **MS. MURPHY:** -- and we haven't heard

[1] before you now, that we obtained from Pond &  
 [2] Company and cleaned it up from being a draft to  
 [3] an ordinance.  
 [4] And as I've told y'all, I added one  
 [5] section that was discussed before by all of you--  
 [6] all that dealt with basketball goals, that  
 [7] Ms. Pittman suggested, and I was instructed at  
 [8] the time, that that would go into the ordinance.  
 [9] So that's what you have before you, and  
 [10] there were, I think, nine copies made that were  
 [11] laid out here that could be circulated among the  
 [12] audience, and this, with the changes and the  
 [13] cleanup, will be on the web site within the next  
 [14] day or two.  
 [15] **COUNCILMAN HART:** So what you're saying  
 [16] is this -- this is a public reading of the  
 [17] ordinance but not necessarily the first reading?  
 [18] **ATTORNEY POWELL:** This is the first --  
 [19] **COUNCILMAN HART:** And so we're going to  
 [20] come back one week later and vote on it, and  
 [21] that's it.  
 [22] **COUNCILWOMAN HADDEN:** No.  
 [23] **COUNCILWOMAN PITTMAN:** No, in 30 days.  
 [24] **COUNCILWOMAN HADDEN:** 30 days, after  
 [25] having a work session.

[1] from the public.  
 [2] **COUNCILMAN HART:** Well, that's just the  
 [3] first reading of the final document.  
 [4] **ATTORNEY POWELL:** We --  
 [5] **COUNCILWOMAN HADDEN:** It's not the  
 [6] final document.  
 [7] **ATTORNEY POWELL:** We advertised it as a  
 [8] public hearing at which we would -- and there's  
 [9] nothing wrong with having a -- there's --  
 [10] You need to have something on the plate  
 [11] to have a public hearing about.  
 [12] **MS. MURPHY:** Okay. So after this  
 [13] motion, we are going to hear the --  
 [14] I just want to make sure we didn't  
 [15] forget.  
 [16] **ATTORNEY POWELL:** The ordinance will  
 [17] say that it's to amend by deleting the current  
 [18] zoning ordinance and adopting a new zoning  
 [19] ordinance. And the meat of this ordinance that  
 [20] you're going to pass is "The Code of Ordinances  
 [21] of the City of Doraville are hereby amended by  
 [22] deleting the current Zoning Ordinance and  
 [23] substituting in lieu thereof the attached Zoning  
 [24] Ordinance."  
 [25] And that, at this point, is what is

[1] **COUNCILMAN HART:** And the only input we  
 [2] get -- What happens if there's a competing  
 [3] ordinance?  
 [4] **ATTORNEY POWELL:** Oh, it would be  
 [5] adopted as --  
 [6] **COUNCILMAN HART:** Admittedly, we --  
 [7] **ATTORNEY POWELL:** -- amendment to this.  
 [8] **COUNCILMAN HART:** -- paid \$105,000 for  
 [9] a company that no longer does work for the City,  
 [10] and they were gotten rid of because of some  
 [11] problems. So we're going to adopt --  
 [12] (Overspeaking from Council members)  
 [13] **COUNCILMAN HART:** -- an ordinance that  
 [14] they produced.  
 [15] **UNIDENTIFIED SPEAKER:** That's not true.  
 [16] **UNIDENTIFIED SPEAKER:** That's not true,  
 [17] Tom.  
 [18] **UNIDENTIFIED SPEAKER:** Tom, that's --  
 [19] **UNIDENTIFIED SPEAKER:** We can --  
 [20] **ATTORNEY POWELL:** All I'm doing is  
 [21] stating the legal part of this. I'm not in this  
 [22] political argument.  
 [23] **COUNCILMAN HART:** Oh, you sure are.  
 [24] **COUNCILWOMAN PITTMAN:** And we can delay  
 [25] -- we can delay the second reading if necessary,

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[1] Rick?; if necessary, that we feel like we're not  
[2] to the point to --  
[3] **ATTORNEY POWELL:** Yes, you could.  
[4] **COUNCILWOMAN PITTMAN:** -- you know, we  
[5] can delay that.  
[6] And we can have a work session but make  
[7] sure we have a -- set a date for a work session  
[8] tonight?  
[9] **ATTORNEY POWELL:** Right.  
[10] **COUNCILWOMAN PITTMAN:** Then, based on  
[11] that, I'm going to make a motion that we make  
[12] this the first reading of the zoning ordinance.  
[13] **MAYOR JENKINS:** Do we --  
[14] **COUNCILWOMAN HADDEN:** I second.  
[15] **MAYOR JENKINS:** -- have a second?  
[16] **COUNCILWOMAN HADDEN:** I second.  
[17] **MAYOR JENKINS:** Okay. Let's have  
[18] discussion.  
[19] **COUNCILWOMAN PITTMAN:** We have somebody  
[20] out there.  
[21] **MAYOR JENKINS:** Well, this is a public  
[22] hearing, I guess --  
[23] **COUNCILWOMAN HADDEN:** Bonita.  
[24] **MAYOR JENKINS:** -- so yes, ma'am,  
[25] Bonita.

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[1] **MS. HOFFMEISTER:** Honorable Mayor and  
[2] City Council, my name is Bonita Hoffmeister.  
[3] I'm a resident here in Oakcliff.  
[4] Per your ordinances, it's my under-  
[5] standing this is a rewrite of what was proposed  
[6] in January; is that correct?  
[7] Does anybody know if this is a rewrite?  
[8] **ATTORNEY POWELL:** This had some changes  
[9] to the first draft --  
[10] **MS. HOFFMEISTER:** All right.  
[11] **ATTORNEY POWELL:** -- based upon the  
[12] input.  
[13] **MS. HOFFMEISTER:** So this is a new  
[14] document.  
[15] Our ordinances state --  
[16] **MAYOR JENKINS:** Not necessarily. The  
[17] document was presented --  
[18] **MS. HOFFMEISTER:** It's a new --  
[19] **MAYOR JENKINS:** -- to the Council.  
[20] **MS. HOFFMEISTER:** It's a new ordinance.  
[21] It's a new --  
[22] **MAYOR JENKINS:** It was presented --  
[23] **MS. HOFFMEISTER:** It's a new writing.  
[24] There have been changes.  
[25] We made numerous recommendations. The

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[1] Planning Commission made numerous recommenda-  
[2] tions. I have read just a little bit, scanned  
[3] it. The recommendations were not followed.  
[4] It needs to go back to the Planning  
[5] Commission. This is a new rewrite. This isn't  
[6] -- this isn't just, oh, we continue and we just  
[7] change some things then we pass it. This goes  
[8] back to the Planning Commission.  
[9] I would recommend that you have a work  
[10] session before you send it to the Planning  
[11] Commission so that it does go back there and not  
[12] waste their time like we did back in January.  
[13] Thank you.  
[14] **MAYOR JENKINS:** Thank you.  
[15] Anymore discussion?  
[16] Come on up, Stuart.  
[17] **MR. ANDERSON:** I'm sorry. The meetings  
[18] that Susan referred to and that Ms. Hadden  
[19] referred to were informational meetings. I was  
[20] to a lot of those as well, but those were  
[21] informational meetings before the zoning rewrite  
[22] was produced and/or given to us, presented to  
[23] us. Let me just make that statement.  
[24] What Rick said, given that the motion  
[25] is that the new piece of work by Pond will

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[1] completely replace the 1986-2006 ordinance. So  
[2] that's a statement that I'll make so you can  
[3] understand that the --  
[4] I don't have a table here. It is not  
[5] rewriting the 2006 book; it is replacing the  
[6] 2006 book with the Pond presentation. Is that  
[7] correct by everybody's understanding of this?  
[8] **COUNCILWOMAN HADDEN:** With public input  
[9] and everything.  
[10] Are you speaking as head of the --  
[11] **MR. ANDERSON:** No.  
[12] **COUNCILWOMAN HADDEN:** -- Planning  
[13] Commission?  
[14] **MR. ANDERSON:** I'm speaking of myself  
[15] personally. I apologize. Thank you very much.  
[16] **COUNCILWOMAN HADDEN:** Okay. And if  
[17] you're going to be on the Planning Commission,  
[18] you're supposed to remain neutral with your  
[19] opinions.  
[20] **MR. ANDERSON:** My opinions are reading  
[21] these things and citing what's the best for the  
[22] City as I read through them item by item, which  
[23] I've done once already -- more than once -- and  
[24] I'm more than willing to do in work session  
[25] again with you-all and other people here. They

[1] don't have to be on the Planning Commission.  
[2] They just have to be people that have read this  
[3] thing and are willing to have input into it and  
[4] honest input and --

[5] **MAYOR JENKINS:** The Planning Commission  
[6] has already looked at this document.

[7] **MR. ANDERSON:** We have, indeed. We  
[8] didn't -- we finished the thing about the  
[9] informational meetings that we had. Those were  
[10] not meetings after the -- after the document was  
[11] produced.

[12] We have had no meetings. We had one  
[13] meeting that was disrupted after the document  
[14] was produced, so we've had actually no work  
[15] sessions on the document that was produced from  
[16] Pond.

[17] And if I'm correct in what Rick said,  
[18] that we're going to replace the --

[19] **MAYOR JENKINS:** We did not get your  
[20] opinion on that from the Planning Commission? I  
[21] believe you --

[22] **MR. ANDERSON:** It was --

[23] **MAYOR JENKINS:** You turned it down; is  
[24] that correct?

[25] **ATTORNEY POWELL:** The ordinances

[1] tell what the answers were. If you did have  
[2] that information, you would have to have both  
[3] the questions that Mr. Powell and I generated to  
[4] the Pond Company written there and then Pond's  
[5] answers.

[6] **COUNCILWOMAN HADDEN:** Well, the answer  
[7] is not how they responded. The fact that they  
[8] responded and did answer your questions --

[9] And I have seen their response and it  
[10] was not just one page. Some of the items you  
[11] asked to be addressed are not things that are to  
[12] be included in a zoning ordinance.

[13] **MR. ANDERSON:** I don't want this to  
[14] degenerate into a he-said/she-said.

[15] What I'm up here to ask for is work  
[16] sessions before we go into a first-hearing  
[17] situation where we're into a legal situation  
[18] where we have to vote after a period of time  
[19] because we have set something in motion.

[20] To answer your question or observation  
[21] about the GM plant, I agree with you a thousand  
[22] percent. What you guys can do right now is pass  
[23] a -- have a motion, one of you, to post a public  
[24] hearing on changing the zoning for the GM plant  
[25] and go ahead and do that while we're having this

[1] require that a zoning ordinance go to the  
[2] Planning Commission. The Planning Commission  
[3] has its input. It doesn't require that every  
[4] time there's any change made --

[5] **MAYOR JENKINS:** That's right.

[6] **ATTORNEY POWELL:** -- to the ordinance  
[7] that it go back to the Planning Commission.

[8] **MR. ANDERSON:** I haven't seen that.

[9] **COUNCILWOMAN HADDEN:** Also, you gave a  
[10] list of -- it was a couple pages long -- of  
[11] suggestions or questions and input for the  
[12] ordinance. The Planning Commission did;  
[13] correct?

[14] **MR. ANDERSON:** The Planning Commission  
[15] produced 30-some pieces of information,  
[16] questions, recommendations, et cetera.  
[17] Mr. Powell and myself had a meeting here in this  
[18] room and expanded that into 50-some. The  
[19] answers that were brought back to us, that I got  
[20] somehow late -- but nonetheless, the answers  
[21] that I got -- the sheet of answers that I got  
[22] from the Pond commission were somewhat  
[23] derogatory and all -- and some were perfectly  
[24] correct answers, but they were all in a fashion  
[25] and a manner without the context so you couldn't

[1] work-session situation on the zoning thing. Let  
[2] me finish. You could -- you could just do that.  
[3] You can change this -- part of what you guys do  
[4] is change that zoning -- if you consider this to  
[5] be dangerous, which I do, too.

[6] **MAYOR JENKINS:** You gave your opinion,  
[7] a member of the planning board, gave your  
[8] opinion.

[9] Has anybody else got any comments?

[10] **MR. ANDERSON:** Thank you.

[11] **COUNCILWOMAN HADDEN:** I would like the  
[12] public to know that one of the reasons that  
[13] Council chose Pond & Company to do the zoning  
[14] rewrite -- and I believe most of us did do the  
[15] research -- they were the company that rewrote  
[16] Chamblee's zoning ordinance when they were at  
[17] the same stage of their growth that we're at  
[18] now, and that was one of the reasons that they  
[19] were chosen.

[20] **MAYOR JENKINS:** Susan?

[21] **COUNCILMAN HART:** That would be one  
[22] reason why not to do it.

[23] **MS. FRAYSSE:** It has been 18 months  
[24] now. We've hired a -- it was a five-to-one  
[25] vote. Five members of the Council voted for

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[1] Pond & Company to do this zoning rewrite. It's  
[2] been recommended by all of the planners who have  
[3] looked at our city and tried to help us, from  
[4] the LCI group, the comprehensive plan group.  
[5] All the planners who are -- that we have hired  
[6] are telling us that we need to get new zoning  
[7] ordinances or none of the comprehensive plan  
[8] means anything. And that's been brought up  
[9] again and again and again.  
[10] That was a five-to-one vote, and  
[11] Mr. Hart was the one vote who was opposed to  
[12] that. He's been opposed to almost every  
[13] planning effort that we have tried to do in the  
[14] last two years, and I will document that. I  
[15] mean it seems odd, but every single time with  
[16] one or two exceptions --  
[17] **MAYOR JENKINS:** Susan --  
[18] **MS. FRAYSSE:** Okay.  
[19] **MAYOR JENKINS:** -- keep names out of  
[20] it, please.  
[21] **MS. FRAYSSE:** Sir?  
[22] **MAYOR JENKINS:** Keep names out of it.  
[23] **MS. FRAYSSE:** Okay.  
[24] In this case, last year, 18 months ago,  
[25] we began the process. The Pond Company had the

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[1] very good work, which I'm familiar with because  
[2] I was on the steering committee for the LCI  
[3] study.  
[4] And on the comprehensive plan, there  
[5] were lots and lots of meetings. There were  
[6] maps. There was information, economic data,  
[7] census data, political data, demographic data  
[8] had been collected for two years prior to this,  
[9] and they worked with that material, as well they  
[10] should have, and looked at that material and  
[11] began incorporating it in the draft.  
[12] The minutes that are online show that  
[13] various members wanted to see a draft around  
[14] June. July, the minutes show a draft was  
[15] presented to the Council.  
[16] The Council wanted things kept very  
[17] close to the vest; they were looking into it;  
[18] they didn't feel like they needed to have that  
[19] shared with the general public.  
[20] I waited. I was interested but I  
[21] waited.  
[22] There were meetings and work sessions.  
[23] Mr. Cohen did, as I say, plea for your input.  
[24] I know that it was intimidating because  
[25] some of you hadn't heard that kind of language,

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[1] didn't understand what was being discussed;  
[2] weren't as familiar, maybe, with the LCI plan  
[3] and the comp plan as . . . as the planners were.  
[4] So they were asking you to give -- render  
[5] judgments, and it felt like it might be  
[6] embarrassing or threatening or whatever, so  
[7] there was not a lot of input given.  
[8] And the planners went ahead and kept  
[9] working that draft, reworking sections as people  
[10] had identified things.  
[11] And the draft in December, at that  
[12] time, the Planning Commission -- that's when  
[13] Stuart and those were first, maybe the first  
[14] week of January, given access to the December  
[15] 2006 draft. And from that point, they began to  
[16] say they did have some issues and some problems.  
[17] But there have been lots and lots of meetings.  
[18] I can summarize if there's any point  
[19] and you think we should, you know, a lot of all  
[20] the meetings and all the discussions. I like it  
[21] that it's out there on the web and we can look  
[22] at it.  
[23] **MAYOR JENKINS:** Everybody --  
[24] **MS. FRAYSSE:** But what I would like to  
[25] say is, in summary, I think my gut feeling is

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[1] that really what we have is a group of people  
[2] who have worked with planning issues for the  
[3] city that are recommending things that are new  
[4] and different, that are not the way things have  
[5] been done in Doraville, that are not the way the  
[6] city has been zoned in 1986 or, with all due  
[7] respect to our attorney who worked very hard  
[8] with Betty Kohler (phonetic), to try to cobble  
[9] together something that we now call the 2006  
[10] zoning ordinance. We did struggle along with  
[11] that, and it's the growth that we see exploding  
[12] all around us without any real direction as a  
[13] result. And this is a very serious thing for  
[14] the city.  
[15] I believe that many members of the  
[16] Council are not convinced of the advice that  
[17] they keep getting from the planners. And we  
[18] just -- it's a tough political thing, so we're  
[19] just going to have to come to terms with it and  
[20] accept some pieces of that advice and struggle,  
[21] you know, on the Council, to decide, and within  
[22] the Planning Commission.  
[23] But we're never going to be able -- I  
[24] think we need to have a comprehensive plan that  
[25] actual professional planners work with you to

[1] develop something that will hold up for the city  
[2] and not pieces and parts done by unknown people  
[3] in the middle of the night out of public view,  
[4] you know, be presented to us to accept.

[5] That's the best I can do to help.

[6] **MAYOR JENKINS:** I apologize. I didn't  
[7] know that Holly was in the audience. You hid  
[8] from me.

[9] **MS. SHIVER:** I've been here.

[10] **MAYOR JENKINS:** Holly with Pond &  
[11] Company, if anybody needs to ask her a question.

[12] **MS. SHIVER:** I'll be glad to -- I'll be  
[13] glad to clarify anything about anything.

[14] **MAYOR JENKINS:** Come up front, will  
[15] you, Holly? Holly, how do you pronounce it?

[16] **MS. SHIVER:** Shiver.

[17] **MAYOR JENKINS:** And she's with Pond &  
[18] Company.

[19] **MS. SHIVER:** I don't want to, you know,  
[20] waste any time going over the process that we've  
[21] gone through, but I will state factually that we  
[22] presented our multiple complete drafts of this  
[23] for you multiple times over the past, I would  
[24] say, eight months. At least going back to  
[25] December of last year was when I know we had at

[1] **COUNCILMAN HART:** I didn't get a chance  
[2] to respond to our chairman of the Ethics  
[3] Committee or the Ethics committee person when  
[4] they were attacking me.

[5] The LCI plan and the comprehensive plan  
[6] were done backwards; is that correct?

[7] **MS. SHIVER:** Typically, a -- I mean  
[8] they're done in all different orders in multiple  
[9] jurisdictions around Atlanta.

[10] Yes, you did the LCI plan prior to the  
[11] comprehensive plan. It's not necessarily  
[12] backwards, but, ideally, you would have had sort  
[13] of the comprehensive plan set up and, you know,  
[14] a small area for the LCI plan to be incorporated  
[15] into.

[16] But it wasn't incorrect or bad. It's  
[17] actually very easy to then incorporate the LCI  
[18] into the comprehensive plan as a specific small-  
[19] area plan. So it works pretty well either way.

[20] **COUNCILMAN HART:** Well, I've been told  
[21] by the same planners you're talking about,  
[22] including John Ford, et cetera, that typically  
[23] you have a comprehensive plan and then you do a  
[24] small area that you concentrate on, which is  
[25] called an LCI plan.

[1] least our first full draft of the ordinance  
[2] presented.

[3] And so after that point in time, there  
[4] have been work sessions. We did come to Council  
[5] to ask for input and we did incorporate a lot of  
[6] that input and we did get back to anyone who had  
[7] questions about it. When any comments that were  
[8] incomprehensible to us were passed to us, we did  
[9] the best that we could to decipher them and to  
[10] respond to them.

[11] So that's where it stands. And we  
[12] have, as I said, presented multiple drafts at  
[13] multiple points, and this process has been drug  
[14] out by multiple outside reviewers.

[15] And that's basically where it stands,  
[16] you know. We're here to answer questions, and  
[17] we have been here all along to answer questions.  
[18] And I think that there have been some false  
[19] statements made about the process and about the  
[20] work that's been done, and I just wanted to  
[21] clarify that.

[22] And if there are any questions, I'm  
[23] more than happy to answer those.

[24] **COUNCILMAN HART:** I have several.

[25] **MS. SHIVER:** Sure.

[1] When I came into this procedure, we had  
[2] a small committee that met up at the . . . at  
[3] the civic center in the morning, 8 o'clock in  
[4] the morning, Betty Klewer (phonetic) and Chuck  
[5] Entsminger. There was about four or five people  
[6] from city hall here, plus a few people from the  
[7] community.

[8] And the first meeting I came to, I  
[9] wasn't allowed to go in there because I, quote,  
[10] wasn't on the steering committee even though I  
[11] was on the City Council. I was eventually  
[12] allowed in that room and --

[13] **MS. SHIVER:** I believe you're talking  
[14] about the comprehensive plan.

[15] **COUNCILMAN HART:** We're talking about  
[16] the comprehensive plan. Okay.

[17] **MS. SHIVER:** And that doesn't have  
[18] anything to do with the zoning ordinance that  
[19] we're talking about tonight, other than the fact  
[20] that the zoning ordinance --

[21] **COUNCILMAN HART:** Other than the fact  
[22] that we brought it up, and that's why I'm  
[23] speaking to it.

[24] **MS. SHIVER:** Oh, no, no. I'm  
[25] bringing -- I'm speaking specifically.

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[1]           **MAYOR JENKINS:** Wait a minute, Tom. We  
[2] are getting away from the subject. We're  
[3] talking about the zoning ordinance.  
[4]           **MS. SHIVER:** We're talking about the  
[5] zoning ordinance.  
[6]           **COUNCILMAN HART:** We're giving a basis  
[7] for the zoning ordinance. Okay?  
[8]           **MAYOR JENKINS:** We're talking about the  
[9] zoning ordinance. We got a motion on the table  
[10] on the zoning ordinance. Let's stick to the  
[11] zoning ordinance.  
[12]           Have you got anymore on the zoning?  
[13]           Anymore discussion?  
[14]           **COUNCILMAN HART:** There is no  
[15] discussion.  
[16]           **MAYOR JENKINS:** Call the roll.  
[17]           **MS. MURPHY:** Councilman Lowe?  
[18]           **COUNCILMAN LOWE:** Aye.  
[19]           **MS. MURPHY:** Councilwoman Hadden?  
[20]           **COUNCILWOMAN HADDEN:** Aye.  
[21]           **MS. MURPHY:** Councilwoman Pittman?  
[22]           **COUNCILWOMAN PITTMAN:** Aye.  
[23]           **MS. MURPHY:** Councilman Hart?  
[24]           **COUNCILMAN HART:** (No response.)  
[25]           **MAYOR JENKINS:** What is that, Mr. Hart?

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[1]           A "no" or a "yes"?  
[2]           **COUNCILMAN HART:** I'm not going to  
[3] vote.  
[4]           **MAYOR JENKINS:** You abstain?  
[5]           **MS. MURPHY:** Are you abstaining?  
[6]           **COUNCILMAN HART:** I don't want any part  
[7] of it.  
[8]           **MAYOR JENKINS:** I'd consider that a  
[9] "no," would it be?  
[10]           **MS. MURPHY:** Councilman Spangler?  
[11]           **COUNCILMAN SPANGLER:** Aye.  
[12]           **MS. MURPHY:** That's 4 to 1. We have  
[13] four aye's.  
[14]           **MAYOR JENKINS:** Okay. Motion carried.  
[15]           This will be the first reading.  
[16]           **COUNCILWOMAN HADDEN:** Now, Mr. Mayor, I  
[17] would like to ask for a date for a work session  
[18] to give Mr. Hart -- let's give him at least two  
[19] or more weeks --  
[20]           **MAYOR JENKINS:** Two full weeks.  
[21]           **COUNCILWOMAN HADDEN:** -- to give us  
[22] something that we can look at.  
[23]           **MAYOR JENKINS:** Do you have a date  
[24] available?  
[25]           **COUNCILWOMAN HADDEN:** I think maybe the

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[1]           week of July the 23rd, somewhere in there.  
[2]           And I would like to ask if there's  
[3] anybody here this evening that would like to  
[4] work with me once Mr. Hart's draft is complete  
[5] and to us, to look it over and compare it with  
[6] the original zoning ordinance and the rewrite  
[7] zoning ordinance, or give me any input, I would  
[8] be happy to meet with you sometime that week.  
[9]           **UNIDENTIFIED SPEAKER:** 23rd for the  
[10] work session?  
[11]           **MR. ANDERSON:** Planning Commission has  
[12] a meeting that day.  
[13]           **COUNCILWOMAN HADDEN:** Okay. The 24th?  
[14]           **COUNCILMAN SPANGLER:** I'm on vacation.  
[15]           **COUNCILWOMAN HADDEN:** What dates?  
[16]           **COUNCILMAN SPANGLER:** 23rd and 24th,  
[17] 25th.  
[18]           **COUNCILWOMAN HADDEN:** What about the  
[19] 26th?  
[20]           **COUNCILMAN SPANGLER:** What is that? On  
[21] a Thursday?  
[22]           **COUNCILWOMAN HADDEN:** It's a Thursday.  
[23]           **COUNCILMAN SPANGLER:** What time?  
[24]           **COUNCILWOMAN HADDEN:** If you work,  
[25] what's good for you?

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[1]           **MAYOR JENKINS:** Six o'clock?  
[2]           **COUNCILMAN SPANGLER:** Six.  
[3]           **COUNCILWOMAN HADDEN:** Six o'clock.  
[4]           **MAYOR JENKINS:** July the 26th, is that  
[5] correct?, at 6:00 p.m.  
[6]           **COUNCILWOMAN HADDEN:** Mr. Hart, can you  
[7] have your document to us --  
[8]           **MAYOR JENKINS:** Can you have it by the  
[9] 26th?  
[10]           **COUNCILWOMAN HADDEN:** Well, maybe by  
[11] the 20th. That's a Friday. That's -- today is  
[12] what? The second? Twenty days out; that's  
[13] almost three weeks.  
[14]           **MAYOR JENKINS:** Mr. Hart?  
[15]           **COUNCILMAN HART:** I think the original  
[16] was 26, the 26th?  
[17]           **COUNCILWOMAN HADDEN:** That's the date  
[18] for the work session. We'd like to be able to  
[19] review your document prior to that time.  
[20]           **COUNCILMAN HART:** All right. We  
[21] weren't allowed any time to review this. Why?  
[22]           **COUNCILWOMAN HADDEN:** I've had plenty  
[23] of time, Mr. Hart.  
[24]           (Multiple overspeaking from audience)  
[25]           **COUNCILWOMAN HADDEN:** I've had plenty

[1] of time, Mr. Hart. I've had 18 months.  
 [2] **UNIDENTIFIED SPEAKER:** Tom --  
 [3] **MAYOR JENKINS:** Can you have it ready  
 [4] by the 20th, you say?  
 [5] **COUNCILMAN HART:** I guess if I have to.  
 [6] **MAYOR JENKINS:** Okay.  
 [7] **MS. MURPHY:** Mayor, can I make a  
 [8] suggestion that it not be a work session, that  
 [9] maybe it's a special-called meeting, because if  
 [10] y'all get into this and get into the meat of it,  
 [11] it'd be nice if they could vote and decide to  
 [12] make changes or not make changes. They can't do  
 [13] that in a work session.  
 [14] **MAYOR JENKINS:** A special meeting  
 [15] rather than a work session. Is that what we're  
 [16] saying? Special-call meeting.  
 [17] **COUNCILWOMAN HADDEN:** That's good.  
 [18] **ATTORNEY POWELL:** That can't hurt  
 [19] anything.  
 [20] **COUNCILWOMAN HADDEN:** That's good.  
 [21] **MAYOR JENKINS:** Okay. Do we have --  
 [22] **COUNCILWOMAN HADDEN:** And I'd like if  
 [23] you can come, too, to that one.  
 [24] **MS. SHIVER:** I'll have to check my  
 [25] calendar.

[1] there's not any confusion?  
 [2] **MAYOR JENKINS:** Yeah, but we'll give  
 [3] him all the paper and ink he wants.  
 [4] **MS. MURPHY:** Okay.  
 [5] **COUNCILMAN HART:** That's a big change.  
 [6] **MS. MURPHY:** I just didn't want any  
 [7] confusion. We don't pay our other council.  
 [8] **MAYOR JENKINS:** Okay. Item B on  
 [9] Mayor's Comments is clarification regarding a  
 [10] setback. Is that you, sir?  
 [11] State your name and your address where  
 [12] you are asking for the setback, sir.  
 [13] **MARK TULLER:** Sure. Mark Tuller. 4004  
 [14] Eula. The house in question I just bought a  
 [15] couple months ago from a man who's in a nursing  
 [16] home in the state of Washington.  
 [17] What I've had is an enclosed porch that  
 [18] the contractor overbuilt by three feet when he  
 [19] enclosed it over the setback line. Had no idea  
 [20] that he was doing that, unbeknownst to me. On  
 [21] the right side of the house, there is massive  
 [22] specimen oaks that you cannot even build out at.  
 [23] My brother is much better versed at  
 [24] this than me, in speaking on my behalf. I don't  
 [25] know who votes on this or who is allowed to

[1] **MAYOR JENKINS:** Wait one minute,  
 [2] though. Is there anybody else in the audience  
 [3] that would like to make a comment on the zoning?  
 [4] **MR. ANDERSON:** Question, just a  
 [5] question.  
 [6] **MAYOR JENKINS:** To Holly or who?  
 [7] What's your question?  
 [8] **MR. ANDERSON:** Oh. I'm sorry.  
 [9] **MAYOR JENKINS:** Come on up.  
 [10] **MR. ANDERSON:** If this is the first  
 [11] reading, when is the vote, then, the mandatory  
 [12] vote? When is the second reading? What's the  
 [13] times, time frame on this?  
 [14] **COUNCILWOMAN HADDEN:** We can decide  
 [15] that at the --  
 [16] **UNIDENTIFIED SPEAKER:** August 6.  
 [17] **MAYOR JENKINS:** Thank you, Holly. We  
 [18] appreciate you coming.  
 [19] **MS. SHIVER:** Thank you.  
 [20] **MS. MURPHY:** Mayor, while we're still  
 [21] on the zoning a little bit, I'd like to clarify  
 [22] something that you and Mr. Hart discussed a few  
 [23] minutes ago. Can we make sure that it's on the  
 [24] record that we do not intend to pay Mr. Hart for  
 [25] any of his work on the zoning ordinance so

[1] speak.  
 [2] I do have one controversy with one of  
 [3] the members, Stuart right there, because he  
 [4] lives on Barry Lynn, and we competed on the  
 [5] house that I bought, his neighbor's house. So  
 [6] if we could, just you guys judge it on your own  
 [7] merit.  
 [8] This is my brother, Mike Tuller.  
 [9] **MAYOR JENKINS:** Your full name, too?  
 [10] **MICHAEL TULLER:** Yes. Michael Tuller.  
 [11] As my brother mentioned, he had  
 [12] purchased the property a couple months ago on  
 [13] Eula Circle, and the original property was a  
 [14] two-bedroom/one-bath property. And he has made  
 [15] efforts to enclose the porch area of the subject  
 [16] property and, in doing so, he did extend the  
 [17] length of the porch towards the side. In doing  
 [18] so, it encroached in the side setback  
 [19] approximately four feet.  
 [20] The design does extend back towards the  
 [21] back of the property, kind of squaring off the  
 [22] house. In that expansion, he has added a  
 [23] washer-and-dryer room and a bathtub or -- excuse  
 [24] me -- a shower with a toilet, and a small  
 [25] bedroom is in the existing porch area.

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[1] He did find out about his violation  
[2] through your Code Enforcement folks  
[3] approximately a month ago. He was told that he  
[4] did not have a permit to do his construction,  
[5] which is in fact the case. He has sought the  
[6] permitting in the past couple weeks to correct  
[7] that deficiency, and he has been honoring the  
[8] stop-work order.

[9] He has a blue tarp over the house for  
[10] the rains. We have gotten quite a bit of rain.  
[11] It's rather unattractive. There are no shingles  
[12] on the house, either. It's got black tar paper.

[13] So he does appreciate your efforts  
[14] tonight in allowing him to speak about this  
[15] property. He would like to take steps to at  
[16] least close it in and secure the property before  
[17] the elements create more damage. But he has --  
[18] he would like to continue to enclose the  
[19] property if you-all deem it appropriate, and  
[20] that's kind of where we're at.

[21] **MAYOR JENKINS:** How much variance are  
[22] you asking for?

[23] **MICHAEL TULLER:** It would be a variance  
[24] to extend the property into the side setback  
[25] approximately four feet.

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[1] The hardship is the configuration of  
[2] the lot. If you can see it on the plat, it's a  
[3] very narrow parcel with kind of deep depth but  
[4] very narrow in design, where it really makes it  
[5] difficult to do any expansion on the property  
[6] with the trees. On the parking side, it's  
[7] limited unless you went towards the back of the  
[8] property. So it really would be the  
[9] configuration of the lot and the existing tree  
[10] cover. The side that he extended on really  
[11] doesn't have any trees and it's an easier  
[12] retrofit to enclose the porch area.

[13] **COUNCILWOMAN HADDEN:** Is it a regular-  
[14] shaped lot or irregular?

[15] **MICHAEL TULLER:** I would say it's  
[16] irregular with a triangulation design. I think  
[17] it's in your package that you have.

[18] **COUNCILWOMAN HADDEN:** Package? We  
[19] don't have a package.

[20] **MARK TULLER:** I have pictures of the  
[21] house (presenting).

[22] **ATTORNEY POWELL:** Mayor, I have not  
[23] seen it, but I know that Stuart saw it, and  
[24] Mr. Hart, I believe, saw it. And you may want  
[25] some input from Stuart on some of this at the

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[1] appropriate time.

[2] **MARK TULLER:** Just in closing, the  
[3] house has been somewhat dilapidating.  
[4] Currently, I'm just trying to keep the character  
[5] of the neighborhood. It will definitely help  
[6] the property value. Eleven out of the twenty  
[7] houses on the same side of the street have been  
[8] enclosed. I don't know how many of them were in  
[9] front of you guys or sought appropriate permits  
[10] and such, but all I'm trying to do is make a  
[11] nice house somewhat out of an eyesore.

[12] And the foundation engineering codes, I  
[13] have the engineering letters that they've all  
[14] had, Chuck has, that exceeds all the codes.  
[15] It's got new hearty plank. It's going to be  
[16] fieldstoned outside.

[17] I just ask you -- I mean I had no idea  
[18] that -- I mean my brother is a planner for  
[19] Milton County. There's no way I'd build over  
[20] the setback four feet, not -- you know, I mean,  
[21] come on, I'd go back if I knew that.

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

[23] **COUNCILWOMAN HADDEN:** I'm looking at  
[24] the survey, your plat here, and it looks -- just  
[25] correct me if I'm wrong, please.

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[1] **MARK TULLER:** Sure.

[2] **COUNCILWOMAN HADDEN:** It appears that  
[3] the house has been in the setback area since it  
[4] was built.

[5] **MARK TULLER:** The porch was there, but  
[6] we're talking paying taxes on --

[7] **COUNCILWOMAN HADDEN:** This is that part  
[8] right back here with this little black thing on  
[9] it?

[10] **MARK TULLER:** No, I don't -- I don't  
[11] think -- I can't see that. But if you look at  
[12] the packet being passed around, it shows the  
[13] actual or --

[14] **MICHAEL TULLER:** Councilwoman, I think  
[15] you are correct. The porch probably extends  
[16] about a foot into the side setback.

[17] **COUNCILWOMAN HADDEN:** That's what it  
[18] looks like.

[19] **MARK TULLER:** Well, that's been there  
[20] for 30 years.

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

[22] **ATTORNEY POWELL:** But the reason this  
[23] is before you tonight, because you couldn't  
[24] grant a variance tonight because it hasn't been  
[25] advertised, and that's some reasons. But the

[1] reason it's before you tonight is that some  
[2] statements were made the other day that  
[3] indicated that it might be a nonconforming use  
[4] and it would -- it could just go ahead and be  
[5] permitted, and but Chuck Entsminger felt more  
[6] comfortable if y'all blessed it.

[7] But based on the facts -- and I think  
[8] Stuart will tell you some more -- it will  
[9] require a variance, I believe.

[10] **COUNCILMAN HART:** I went out and looked  
[11] at it today and I've got about 20 pictures on my  
[12] phone here.

[13] **MAYOR JENKINS:** Okay. Is it --

[14] **COUNCILMAN HART:** And there was a small  
[15] concrete pad on the side of the house.

[16] **MARK TULLER:** It was eight by twelve.

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

[18] **MARK TULLER:** That was enclosed with  
[19] 2 X 4's, lattice and screen porch and roof.

[20] **COUNCILMAN HART:** Okay. It was a  
[21] little porch on the side.

[22] Now, when you enclosed it, did you come  
[23] over about --

[24] **MARK TULLER:** Three feet.

[25] **COUNCILMAN HART:** Well, if not more.

[1] **COUNCILMAN HART:** -- that the  
[2] unprotected 2 X 4's sitting on top of the  
[3] rotting beams there that made up the side of the  
[4] house that connects to whatever this is --

[5] **MARK TULLER:** I just bought the house.  
[6] I have not had the opportunity because there's a  
[7] stop-work order on it.

[8] **COUNCILMAN HART:** There's a stop-work  
[9] on it because you didn't get a building permit  
[10] to do what you were doing.

[11] **MARK TULLER:** That's --

[12] **COUNCILMAN HART:** And if you had gotten  
[13] a building permit, they would have inspected the  
[14] house and what you were doing and what you were  
[15] building on top of to see if it was okay.

[16] **ATTORNEY POWELL:** Well, just to save  
[17] time, based -- and maybe you should speak --

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

[19] **ATTORNEY POWELL:** -- as to the --  
[20] It's going to take a variance.

[21] **MAYOR JENKINS:** Mr. Stuart, has it been  
[22] before you?

[23] **MR. ANDERSON:** No.

[24] **MAYOR JENKINS:** Okay. Well, come on  
[25] up.

[1] It's about four feet from the edge of the  
[2] property now. And you've also doubled or  
[3] tripled the size of whatever was there. There  
[4] was a little pad there, it might have had some  
[5] little lattice up, but it's a fully-enclosed  
[6] place right now, and it's about double or triple  
[7] the size of what it was before, because it runs  
[8] the whole length of the house rather than being  
[9] a small pad on the side of the house.

[10] **MARK TULLER:** Well --

[11] **COUNCILMAN HART:** But the question I  
[12] had was, when I looked at the rest of the  
[13] condition of the house, I mean is there any  
[14] wooden foundation left to it? I mean --

[15] **MARK TULLER:** To be honest --

[16] **COUNCILMAN HART:** -- I've got 20  
[17] pictures up here. There's no house left.

[18] **MARK TULLER:** I guess I differ  
[19] heartily. I mean I don't know what your house  
[20] looks like, sir, but --

[21] **COUNCILMAN HART:** Well, I hope that --

[22] **MARK TULLER:** If you --

[23] **COUNCILMAN HART:** -- that the --

[24] **MARK TULLER:** If you'll let me finish,  
[25] sir.

[1] Well, you know, it hasn't been to you.  
[2] If we don't --

[3] **ATTORNEY POWELL:** Well --

[4] **MAYOR JENKINS:** If we don't give him  
[5] the variance, it'll have to go before --

[6] **ATTORNEY POWELL:** No, it's -- you --  
[7] let him clarify two points, I think, is all you  
[8] need to do.

[9] **MR. ANDERSON:** Well, one is certainly -  
[10] - this isn't regular. We can't have a hearing  
[11] for this, for this property on a variance in  
[12] this manner. We'd have to advertise, et cetera.

[13] There is a variance involved because  
[14] the building is four feet from the property line  
[15] and it requires ten feet, so we're having a six-  
[16] foot nonconformity.

[17] But the clarification I was going to  
[18] say was about Mr. Tuller and myself. To back  
[19] up, he did purchase a house across the street  
[20] from me, and I did engage him in conversation at  
[21] that time and said that I should have bought it  
[22] but I did not bid on it so we were not competing  
[23] in any way or involved with each other in any  
[24] way.

[25] I was also going to when we had our

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[1] public hearing on this matter present the fact  
[2] that I knew Mr. Tuller but I didn't feel that --  
[3] or, well, I was going to say that I knew Mr.  
[4] Tuller and ask the Commission if that prejudices  
[5] me in any way, and, if they thought so, I would  
[6] recuse myself from the committee. That doesn't  
[7] keep me from doing research on the project, on  
[8] the situation.

[9] I'm sorry. It is a variance. It was  
[10] an open -- or it was a porch, and we've enclosed  
[11] the building. I understand the Tullers'  
[12] position about the original porch. They're  
[13] stating the original porch had a roof and  
[14] lattice work, so they're saying that was an  
[15] enclosed room.

[16] But of course that is not an enclosed  
[17] room. I don't know. We'd have to dice the . .  
[18] . dice the description of the room. This is an  
[19] enclosed situation. When I saw it, I saw an old  
[20] -- that the foundation was old in the front,  
[21] which is where the patio was. When I went  
[22] around the back, the building is new  
[23] construction, so I could see that there was new  
[24] construction there.

[25] Part of the problem with the time

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[1] situation is we have to publish the meeting in  
[2] the Champion and then schedule a meeting to hear  
[3] the case. I know they want to get this done.  
[4] They've got the building wrapped up, and I  
[5] understand the concern about this. It's wrapped  
[6] up in blue tarps. So I understand that, but  
[7] it's not the legal way it's supposed to be done.  
[8] It is a variance.

[9] Part of the problem was that they got  
[10] some building permits from Mr. -- and I'm  
[11] speaking for Mr. Entsminger, and I shouldn't be.  
[12] But there was a permitting process go on and  
[13] there was, from what I understand, some  
[14] sheetrock, no inspection on plumbing and no  
[15] inspection on electricity and et cetera, and  
[16] those are some of the bases for the stop order.

[17] The engineering on the substructure or  
[18] the foundation was made one or two days before  
[19] the stop order. This thing was well underway  
[20] without . . . without proper oversight, I guess,  
[21] and that's why Chuck stopped it, and that's why  
[22] we have it as a variance.

[23] **MAYOR JENKINS:** Does -- do they need a  
[24] variance?  
[25] **MR. ANDERSON:** In my opinion, it does,

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[1] and I'm -- and this is not the --  
[2] Yes, yes. I feel that it's a variance  
[3] because of our ordinances. We talked --  
[4] **MAYOR JENKINS:** Is that what --  
[5] **MR. ANDERSON:** And we talked in --  
[6] **MAYOR JENKINS:** That's what Chuck said?  
[7] **MR. ANDERSON:** We talked in a meeting  
[8] about a mayor's variance, executive variance,  
[9] but it doesn't qualify by a matter of a foot or  
[10] more. The mayor is empowered to give a five-  
[11] foot variance, and this is a six-foot, so.  
[12] **MAYOR JENKINS:** Thank you.  
[13] **MARK TULLER:** On the engineering  
[14] report, it's four and a half foot overbuilt if  
[15] you look at that. I had a professional engineer  
[16] run the survey and do the foundation.  
[17] **MAYOR JENKINS:** Chuck Entsminger, what  
[18] did he say?  
[19] **MARK TULLER:** It is 4.4 or 4.6 feet  
[20] over the variance, so it's --  
[21] **MAYOR JENKINS:** Who says it's six?  
[22] **MARK TULLER:** Mike, the physical  
[23] engineer who did the survey. You should have it  
[24] on that or Rhonda has it on the building permits  
[25] that I saw.

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[1] **COUNCILWOMAN HADDEN:** Who's got the --  
[2] **COUNCILWOMAN PITTMAN:** Priscilla.  
[3] **COUNCILMAN HART:** We looked at the  
[4] survey stakes today. If that's six feet, I'm  
[5] ten feet tall.

[6] **MARK TULLER:** I'm not an engineer.  
[7] **COUNCILMAN HART:** Okay.  
[8] **MAYOR JENKINS:** The only thing we can  
[9] do is bring this back later after we get Chuck  
[10] to redo some of his measurements.

[11] **COUNCILMAN HART:** Also, the building  
[12] officer allowed you -- you've got big tarps on  
[13] the top of it. He allowed you to put shingles  
[14] over the original house except for the addition  
[15] if you wanted to weatherproof the house. Is  
[16] that -- I mean it was mentioned that the house  
[17] is now covered as an emergency here.

[18] **MARK TULLER:** The shingles are removed  
[19] from two of the sides right now. The hearty  
[20] plank is only up two-thirds of the way on the  
[21] other end. You wouldn't leave your house like  
[22] that, I don't think.

[23] **COUNCILMAN HART:** I think he was  
[24] allowing you to put shingles on the roof,  
[25] though, wasn't he?

[1] **MARK TULLER:** And there's a tarp over  
[2] the roof. Right, yes. He allowed me to do some  
[3] of the roof, the original roof.

[4] **COUNCILMAN HART:** The original roof on  
[5] the house; is that correct?

[6] **MARK TULLER:** Correct.

[7] **COUNCILMAN HART:** And also in order for  
[8] him to do the water inspection --

[9] (Overspeaking among Council members.)

[10] **MAYOR JENKINS:** I'll be checking with  
[11] Chuck and get a little more information on this.

[12] **MICHAEL TULLER:** When would the hearing  
[13] be, the beginning of the process to seek a  
[14] variance?

[15] **ATTORNEY POWELL:** You know the timing.

[16] **MR. ANDERSON:** Well, I can do the  
[17] timing. What I was raising my hand about was to  
[18] ask you-all --

[19] **MAYOR JENKINS:** Give your name.

[20] **MR. ANDERSON:** Stuart Anderson.

[21] **MAYOR JENKINS:** She knows you by now,  
[22] but come up where everybody can hear you.

[23] The timing?

[24] **MR. ANDERSON:** Stuart Anderson.

[25] The reason I raised my hand was to ask

[1] then 15 days till then is? Do you have a  
[2] calendar?

[3] **COUNCILWOMAN HADDEN:** 26th.

[4] **MS. MURPHY:** Fifteen days after the  
[5] 12th?

[6] **MR. ANDERSON:** Fifteen days after the  
[7] 12th, so it ends up being in August.

[8] **MS. MURPHY:** August 2nd, right?

[9] **MR. ANDERSON:** That's City Council  
[10] meeting, isn't it?

[11] **MS. MURPHY:** Yeah. Is it fifteen  
[12] working days or fifteen total days?

[13] **MR. ANDERSON:** Fifteen total days.  
[14] 15/45 rule.

[15] **COUNCILWOMAN HADDEN:** The 27th, then?

[16] **MS. MURPHY:** Yeah.

[17] **MAYOR JENKINS:** Okay. Rick, do we need  
[18] a motion?

[19] **ATTORNEY POWELL:** No, there's nothing.

[20] Just close it.

[21] **MAYOR JENKINS:** Thank you, gentlemen.

[22] **MARK TULLER:** Thank you.

[23] **MICHAEL TULLER:** Thank you.

[24] **MAYOR JENKINS:** Marlene?

[25] **COUNCILWOMAN HADDEN:** Court problems.

[1] you-all to decide -- I know you want to talk to  
[2] Chuck, but make a decision one way or the other,  
[3] I guess, as to a variance, so that I can  
[4] schedule this for Mr. Tuller so we can get this  
[5] thing going for him, because I can't schedule it  
[6] unless you decide or Chuck actually has made the  
[7] decision that it is a variance, and it goes  
[8] through the process.

[9] **ATTORNEY POWELL:** He told me it needs a  
[10] variance.

[11] **MR. ANDERSON:** So the sooner I can  
[12] schedule a meeting -- I'll get my calendar -- is  
[13] August.

[14] **MS. MURPHY:** The first time it could be  
[15] advertised, Rick, would be --

[16] **ATTORNEY POWELL:** A week from Thursday.

[17] **MS. MURPHY:** -- July 12.

[18] **MR. ANDERSON:** If I do this week, a  
[19] week from Thursday, which is the 12th -- the 5th  
[20] or 6th is this week, right?

[21] **MS. MURPHY:** Right.

[22] **MR. ANDERSON:** And that's going to be  
[23] the next Thursday.

[24] **MS. MURPHY:** The 12th.

[25] **MR. ANDERSON:** And we'll do that, and

[1] After the last meeting, I had some residents  
[2] that were concerned about some of the things  
[3] that were in our courts: that the people that  
[4] were employed were watching TV during working  
[5] hours or there's a TV there that they could  
[6] watch during working hours; that the filing had  
[7] been piling up and was not being taken care of.

[8] And also what was the status of the  
[9] software; is it being used right now, so that if  
[10] we wanted to know if 123 Elm Street has had  
[11] previous code violations that they have been  
[12] cited for, would it pull it up; or if Mr. John  
[13] Smith had other properties and we put in his  
[14] name, would it pull up that he is a habitual  
[15] offender with code violations or something like  
[16] that?

[17] And I'd like just to ask Mr. Powell if  
[18] he can clarify any of this for us.

[19] **ATTORNEY POWELL:** Coralli, would you?  
[20] I know what I've been told, but Coralli can  
[21] speak.

[22] **MAYOR JENKINS:** Marlene, some of this  
[23] was brought up in the letter from the lady that  
[24] was terminated; is that correct?

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

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[1]           **MAYOR JENKINS:** And you said you heard  
[2] it.  
[3]           **COUNCILWOMAN HADDEN:** No. Some  
[4] residents asked me after the meeting to find out  
[5] was this really the case or what was going on.  
[6] It caused some concern.  
[7]           **MS. RIVERA:** Okay.  
[8]           **MAYOR JENKINS:** Name?  
[9]           **MS. RIVERA:** Coralli Rivera.  
[10]          **ATTORNEY POWELL:** She's the clerk of  
[11] the court.  
[12]          **MS. RIVERA:** Regarding the TV, there is  
[13] a TV there. It is on most of the time. It has  
[14] not been a problem as far as work. Everybody in  
[15] the courthouse does the work like they're  
[16] supposed to. There hasn't been an issue to  
[17] where I'm concerned that if they keep watching  
[18] TV, they're going to get backed up in the work.  
[19]          If there it a problem and if people  
[20] feel uncomfortable that we don't watch TV, we  
[21] don't have a problem doing that. We realize  
[22] that it's basically a luxury that we have. The  
[23] TV has been there for a while. Not many people  
[24] get to work while watching TV.  
[25]          Again, it's not a problem. We don't

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[1]          have to watch the TV. It's really not going to  
[2] make a difference in the amount of work that  
[3] gets done, but that's it as far as the TV.  
[4]          **MAYOR JENKINS:** Now, a question on the  
[5] TV. Is it used for anything else?  
[6]          **MS. RIVERA:** Sometimes some of the  
[7] attorneys will watch videos from the police --  
[8]          **MAYOR JENKINS:** On that TV?  
[9]          **MS. RIVERA:** -- on stops. Right.  
[10]          **COUNCILWOMAN HADDEN:** What about the  
[11] filing?  
[12]          **MS. RIVERA:** The filing, that's  
[13] something that's continuously worked on.  
[14]          It's backed up. It's been backed up  
[15] for a while. It is known I think by most  
[16] everybody that the filing hadn't been done  
[17] before I got there. It had been backed up for a  
[18] while.  
[19]          We do take some time after work. We do  
[20] have to do it after work because we don't -- we  
[21] can't have any interruptions while we're filing.  
[22] It is a lot of paperwork to file, but it is  
[23] something that is continuously being done.  
[24]          **COUNCILWOMAN HADDEN:** Okay. And the  
[25] software application, we talked about that, I

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[1]          guess, what, six or eight months ago.  
[2]          **MS. RIVERA:** And yes, we are able to  
[3] pull up if the same person has had a different  
[4] violation from a specific address, we can -- we  
[5] are able to pull that information up.  
[6]          **COUNCILWOMAN HADDEN:** Okay.  
[7]          **MS. RIVERA:** We've been able to do that  
[8] for several months now.  
[9]          **COUNCILWOMAN HADDEN:** So people aren't  
[10] watching the TV and letting the filing pile up?  
[11]          **MS. RIVERA:** No. Really, we can't --  
[12] we can't do the filing while we're working. We  
[13] have enough work to do during our 9-to-5 work  
[14] hours that it's -- that's not a concern.  
[15]          The issue that -- the reason the filing  
[16] is backed up doesn't have anything to do with  
[17] the TV. It's just because the files have been  
[18] backed up since before I got there.  
[19]          **COUNCILWOMAN HADDEN:** Do you see any  
[20] end to it?  
[21]          **MS. RIVERA:** Yes, eventually. We just  
[22] have to work extra hard and do a lot of after  
[23] hours.  
[24]          **COUNCILWOMAN HADDEN:** I appreciate the  
[25] clarifications.

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[1]          **MS. RIVERA:** No problem.  
[2]          **COUNCILWOMAN HADDEN:** Thank you.  
[3]          **COUNCILMAN HART:** I have a question.  
[4]          We just had a big argument about the  
[5] budget and everybody had a different uniform  
[6] allowance in all the departments, so apparently  
[7] some are better dressed than others. I mean  
[8] would you address that? What is your uniform?  
[9]          **MS. RIVERA:** Basically, when we don't  
[10] have court, we wear black pants and blue shirts.  
[11] When we have court, we wear black pants and a  
[12] pink shirt.  
[13]          **ATTORNEY POWELL:** I learned today at  
[14] least some of you are buying it yourselves.  
[15] It's not --  
[16]          **MS. RIVERA:** Right.  
[17]          **ATTORNEY POWELL:** Yeah, but I don't  
[18] know why the budget item's in there after I  
[19] learned today, Mr. Hart, that they were buying  
[20] the clothes themselves. So I really don't know  
[21] why that budget item's in there.  
[22]          **COUNCILMAN HART:** I mean doing the  
[23] budget, some departments are better dressed than  
[24] others, apparently. Some individuals have \$1200  
[25] a year and then some departments \$500 a year, so

[1] it's --

[2] **COUNCILWOMAN PITTMAN:** Would you guys

[3] prefer just to buy your uniforms yourself?

[4] **MS. RIVERA:** It's really not a problem.

[5] I guess it's just --

[6] **COUNCILWOMAN PITTMAN:** But I mean

[7] you're not utilizing it. Why are you choosing

[8] to buy it yourselves if you have a budget? Just

[9] curious.

[10] **MS. RIVERA:** We -- we started using --

[11] I believe the first time we bought the uniform

[12] when I got there, we got it from Hong Kong

[13] Tailor. We weren't happy with it then,

[14] unfortunately, even after they got tailored.

[15] And we did start -- we do use the uniform budget

[16] to buy, you know, basically clothes from

[17] catalogs. We do do that. Some of the girls do

[18] choose to buy their own clothes or their own

[19] shirts or pants.

[20] **COUNCILWOMAN PITTMAN:** But you prefer

[21] to leave it in there just to have that option?

[22] **MS. RIVERA:** Yes, that would be better.

[23] **COUNCILWOMAN PITTMAN:** Let's leave it

[24] in there.

[25] **MAYOR JENKINS:** Thank you.

[1] happening with it. This was what I was trying

[2] to address. We were always kind of a stop-gap

[3] measure, trying to get feedback and information

[4] back to residents about houses they had made

[5] complaints about. So what I did was go to the

[6] COPS database and report back to the person how

[7] many times during the year 2006 perhaps they'd

[8] been warned or cited or what action had been

[9] taken and then go back and look at the first

[10] month of 2007, depending on what it was. So I

[11] was trying to let people know what had been

[12] happening.

[13] I also used the Dekalb County database,

[14] their online property-tax database. Sometimes

[15] that was helpful and I did find who we needed to

[16] talk to and who the owners of a particular house

[17] were. Essentially my role has been to close the

[18] loop and let them know what was being done to

[19] solve their complaints about rooming houses

[20] particularly and to document our progress in

[21] enforcing the quality of life ordinances in our

[22] neighborhood.

[23] So my summary of activities so far in

[24] the first five months, because I have data up to

[25] June the 1st and not since then, we had 30

[1] **COUNCILWOMAN HADDEN:** Operation Turning

[2] Point update. I'm going to call Ms. Susan

[3] Fraysse to do this. Thanks to some positive

[4] action by our Chief of Police, Operation Turning

[5] Point is probably starting to sing its swan

[6] song. Ms. Fraysse, you want to come up and sing

[7] the swan song?

[8] **MS. FRAYSSE:** I'll pass these around

[9] (presenting).

[10] Thank you. During the last eight

[11] months that we've had Operation Turning Point,

[12] I've been able to handle a cumulative total of

[13] 184 reports of problems at specific addresses.

[14] That's since November 6th of 2006. This

[15] includes 13 unresolved rooming-house complaints

[16] from the 2006 COPS database which I shared with

[17] Lieutenant Lowe in May, and I assume those were

[18] then followed up on, so we know what went on

[19] there. So we were able to kind of go on and

[20] kind of catch some things and make sure that

[21] we're getting attention where we need it.

[22] On the other side, at the request of 27

[23] residents, I have researched specific addresses

[24] they were concerned about where they had made a

[25] complaint about a house and didn't know what was

[1] visits by the COPS unit or Quality of Life team.

[2] We had 58 for the whole year last year. So

[3] we're well -- you know, we're keeping up with

[4] that a little better.

[5] We've had dramatically more warnings

[6] given out. Fifteen have been given out in five

[7] months where only six were given out in all of

[8] 2006, so there's more warnings being given to

[9] people. This is about the boarding house, the

[10] rooming house situation. We've already had nine

[11] citations whereas last year there were only

[12] four.

[13] But what has gone down, we have less

[14] filings of no violations on the rooming house.

[15] So when they go out there, they find something.

[16] And part of that, I think, is that either they

[17] don't find anyone at home and they can't get in

[18] to look at the house to use the square footage

[19] ordinance that we drafted in 2005. They may be

[20] able to find other problems with the house and

[21] do some citations there and get some attention

[22] and get the residents to take care of the

[23] property. So the impact on the neighborhood is

[24] that things are getting better because of the

[25] feedback and the action of the police.

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[1] With the startup of the Quality of Life  
 [2] unit, with the two new code enforcement members  
 [3] under the supervision of Lieutenant Lowe, this  
 [4] probably will be my last Operation Turning Point  
 [5] report. And I want to say that I have very much  
 [6] enjoyed volunteering these eight months and  
 [7] working with Lieutenant Lowe and everyone else  
 [8] at the Doraville Police Department.  
 [9] And I told Marlene and the Chief I  
 [10] would be happy to work on any other projects in  
 [11] support of this group of people. I like doing  
 [12] research, I like doing teaching materials. I'll  
 [13] do anything I can to help improve the  
 [14] neighborhoods and support them. And I want to  
 [15] say that I'm very grateful to the Council for  
 [16] having the opportunity to do this.  
 [17] And my grass looks so much better,  
 [18] Lieutenant Lowe, ever since that warning that  
 [19] you gave me.  
 [20] **MAYOR JENKINS:** I didn't think you had  
 [21] any grass.  
 [22] **MS. FRAYSSE:** I have a specimen fescue  
 [23] lawn. It's not big but it's there.  
 [24] **COUNCILWOMAN HADDEN:** The numerical  
 [25] address height change for businesses. At the

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[1] work session, Council allowed that we will  
 [2] request that all businesses have at least six-  
 [3] inch-high numerals. That will be the minimum.  
 [4] And the residential will stay the same, a  
 [5] minimum of three inches. But it's basically so  
 [6] the police can see these places, the emergency  
 [7] vehicles can find them also, and just in a lot  
 [8] of instances, if you drive up and down Buford  
 [9] Highway, you don't know what number some of  
 [10] those buildings are.  
 [11] I need to make a motion with the item  
 [12] on the agenda so that --  
 [13] **COUNCILMAN LOWE:** Is six inches enough?  
 [14] Shouldn't it be more than that?  
 [15] **COUNCILWOMAN HADDEN:** Well, it seemed  
 [16] like a lot of them, on the doorways going into a  
 [17] business, if it had a number, sometimes it was  
 [18] like five inches. So I figured five/six inches,  
 [19] six inches is kind of an easy number to . . .  
 [20] **COUNCILMAN SPANGLER:** Do we have an  
 [21] ordinance presently?  
 [22] **ATTORNEY POWELL:** It's three inches  
 [23] across the board.  
 [24] **COUNCILMAN SPANGLER:** Business and --  
 [25] **ATTORNEY POWELL:** So that's what will

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[1] be -- I'm going to be reading in a minute or two  
 [2] if you so choose to put it on the agenda.  
 [3] **COUNCILWOMAN HADDEN:** I make a motion  
 [4] that we put this on the agenda.  
 [5] **COUNCILWOMAN PITTMAN:** Second.  
 [6] **MAYOR JENKINS:** All in favor?  
 [7] Opposed?  
 [8] **MS. MURPHY:** Mayor, I'm not sure if  
 [9] that was all aye's.  
 [10] **MAYOR JENKINS:** Yes, it was.  
 [11] **ATTORNEY POWELL:** The ordinance will be  
 [12] striking Section 5-41 and substituting in lieu  
 [13] thereof a new 5-41. I won't read the entire  
 [14] ordinance, but the pertinent sentence that will  
 [15] be changed is, "The size of the numerals shall  
 [16] be not less than three inches in height for  
 [17] residential property and six inches in height  
 [18] for commercial property and shall be of a color  
 [19] contrasting with its background so as to be  
 [20] visible to police and emergency vehicles and  
 [21] shall not be obscured." So that'll be  
 [22] considered --  
 [23] **MAYOR JENKINS:** We're going to consider  
 [24] that --  
 [25] **ATTORNEY POWELL:** Now, if then you want

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[1] to --  
 [2] **MAYOR JENKINS:** -- as the first  
 [3] reading?  
 [4] **ATTORNEY POWELL:** -- move that as the  
 [5] first reading, you need to --  
 [6] **MAYOR JENKINS:** Do we need a motion?  
 [7] **ATTORNEY POWELL:** -- move to do that,  
 [8] yes.  
 [9] **COUNCILWOMAN HADDEN:** So moved.  
 [10] **COUNCILMAN HART:** Is there a penalty  
 [11] for this?  
 [12] **ATTORNEY POWELL:** It would be our  
 [13] standard penalty in 1-12, which it would have a  
 [14] fine up to \$2500.  
 [15] **COUNCILMAN HART:** That's in our zoning  
 [16] ordinance?  
 [17] **ATTORNEY POWELL:** No, that's in our  
 [18] regular ordinances.  
 [19] But you need to get a second.  
 [20] **COUNCILMAN HART:** Is there a minimum  
 [21] fine?  
 [22] **ATTORNEY POWELL:** Not at this time.  
 [23] **MAYOR JENKINS:** Do I have a second?  
 [24] **COUNCILMAN HART:** So you could get  
 [25] fined up to \$2500 for your house not having a

[1] three-inch?  
[2] **COUNCILWOMAN HADDEN:** Not your house,  
[3] Tom. The houses stay the same.  
[4] **MAYOR JENKINS:** Do I have a second --  
[5] **COUNCILWOMAN PITTMAN:** Second.  
[6] **MAYOR JENKINS:** -- on that motion?  
[7] **COUNCILWOMAN PITTMAN:** Second.  
[8] **MAYOR JENKINS:** Okay. I got a second.  
[9] **COUNCILMAN HART:** You don't have three-  
[10] inch letters, it's a \$2500 fine?  
[11] **COUNCILWOMAN HADDEN:** Up to.  
[12] The first item is correct the problem.  
[13] They don't just go out and write tickets on  
[14] people. You want to try to correct the problem  
[15] first.  
[16] **COUNCILMAN HART:** Is there a three-day  
[17] waiting period or --  
[18] **UNIDENTIFIED SPEAKER:** Just say "yes,"  
[19] Tom.  
[20] **MR. ANDERSON:** Does the new ordinance  
[21] cover mailboxes? Does it mention mailboxes?  
[22] **COUNCILWOMAN HADDEN:** It's not new.  
[23] It's the old one. It's just adding something to  
[24] it to make it easier for the emergency vehicles.  
[25] **ATTORNEY POWELL:** The sentence that

[1] **MAYOR JENKINS:** Window, the door or the  
[2] building. They don't put it on the mailbox.  
[3] All right. I got a second.  
[4] Call the roll on that one.  
[5] **MS. MURPHY:** Councilman Lowe?  
[6] **COUNCILMAN LOWE:** I'm sorry.  
[7] **MAYOR JENKINS:** Yes or no?  
[8] **COUNCILMAN LOWE:** Yes.  
[9] **MS. MURPHY:** Councilwoman Hadden?  
[10] **COUNCILWOMAN HADDEN:** Aye.  
[11] **MS. MURPHY:** Councilwoman Pittman?  
[12] **COUNCILWOMAN PITTMAN:** Aye.  
[13] **MS. MURPHY:** Councilman Hart?  
[14] **COUNCILMAN HART:** Aye.  
[15] **MS. MURPHY:** Councilman Spangler?  
[16] **COUNCILMAN SPANGLER:** Aye.  
[17] **MS. MURPHY:** It's unanimous.  
[18] **MAYOR JENKINS:** Carried unanimously.  
[19] That's the first reading; is that  
[20] correct?  
[21] **ATTORNEY POWELL:** Correct.  
[22] **MAYOR JENKINS:** Mr. Hart?  
[23] **COUNCILMAN HART:** I've taken everything  
[24] off the agenda.  
[25] **MAYOR JENKINS:** Sir?

[1] would speak to that in the old ordinance and  
[2] will remain in the new ordinance is, "The number  
[3] shall be conspicuously displayed on the front of  
[4] the building so as to be visible from the  
[5] street, or upon the mailbox, a sign in front of  
[6] the property or upon the curb line in front of  
[7] the property adjacent to the street or highway  
[8] which it faces."  
[9] **COUNCILMAN HART:** Okay. So for  
[10] example, a business, and they put letters on the  
[11] mailbox, they have to be six inches tall on the  
[12] mailbox if they're a business?  
[13] **COUNCILWOMAN HADDEN:** They don't have  
[14] mailboxes.  
[15] **COUNCILMAN HART:** Well, there's about  
[16] six businesses down here, they keep their  
[17] address --  
[18] **COUNCILWOMAN HADDEN:** They can put it  
[19] over their door.  
[20] **MAYOR JENKINS:** Put them on the window,  
[21] over --  
[22] **COUNCILWOMAN HADDEN:** Conspicuous.  
[23] **MAYOR JENKINS:** -- the door or  
[24] something.  
[25] **COUNCILWOMAN HADDEN:** Conspicuous.

[1] **COUNCILMAN HART:** I've taken everything  
[2] off.  
[3] **MS. MURPHY:** Everything?  
[4] **COUNCILMAN HART:** Yeah.  
[5] Oh. Number nine is --  
[6] **MAYOR JENKINS:** Now, wait a minute.  
[7] You said you've taken it off.  
[8] **COUNCILMAN SPANGLER:** We took off  
[9] number eight, Mayor.  
[10] **COUNCILMAN HART:** Just took number  
[11] eight off.  
[12] Number nine, this is concerning English  
[13] Oak Park. We'd like to start as quickly as  
[14] possible with that park project, and so  
[15] Councilmember Spangler and I, we're proposing to  
[16] on the 10th -- is it July 10th?  
[17] **COUNCILMAN SPANGLER:** The 11th.  
[18] **COUNCILMAN HART:** 11th?  
[19] **COUNCILMAN SPANGLER:** Oh, 10th's fine.  
[20] **COUNCILMAN HART:** Yeah. 10th is on a  
[21] Tuesday?  
[22] **COUNCILMAN SPANGLER:** Yeah.  
[23] **COUNCILMAN HART:** From the hours of  
[24] 6:00 and 7:00 to have a sort of a mini focus  
[25] group, finalization of the plans on English Oak

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[1] Park to take place in the park itself and to be  
[2] able to offer refreshments to people that show  
[3] up at this little mini focus group and to  
[4] finalize the drawings, all the park drawings, so  
[5] we can go ahead and get started with it, and put  
[6] out a mailer to the residents that live around  
[7] English Oak Park so they'll show up at this  
[8] meeting, but have those out no later than Monday  
[9] so they'll be able to come between 6:00 and  
[10] 7:00, 7 o'clock on Tuesday, July 10th.  
[11] **COUNCILMAN SPANGLER:** Yes.  
[12] **MS. MURPHY:** July 10th is a Tuesday.  
[13] And what time did you say?  
[14] **COUNCILMAN HART:** 6:00 to 7:00 p.m.  
[15] And that we would be able to get some  
[16] refreshments there?  
[17] **COUNCILWOMAN HADDEN:** And what happens  
[18] if it rains?  
[19] **MAYOR JENKINS:** Get rained out.  
[20] **COUNCILMAN HART:** Be rained out.  
[21] **MAYOR JENKINS:** What are you saying?  
[22] Putting out flyers?  
[23] **COUNCILMAN HART:** Yeah.  
[24] **MAYOR JENKINS:** You're going to make up  
[25] the flyer?

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[1] **COUNCILMAN SPANGLER:** We can make up  
[2] the flyer but we would like for Dennis to be  
[3] able to --  
[4] **COUNCILMAN HART:** Deliver.  
[5] **COUNCILMAN SPANGLER:** -- deliver.  
[6] **MAYOR JENKINS:** Oh, you got somebody to  
[7] deliver them.  
[8] **COUNCILMAN HART:** No. We're asking the  
[9] Council to allow us to use Dennis to deliver the  
[10] flyers in the immediate area around the park.  
[11] **MS. MURPHY:** And the paper for it?  
[12] **COUNCILMAN HART:** Yeah. And we need  
[13] paper and supplies, yeah.  
[14] **COUNCILMAN SPANGLER:** Well, Tom's  
[15] already been given permission to use the paper  
[16] and ink, so --  
[17] **MAYOR JENKINS:** Is this what you call a  
[18] park-called meeting?  
[19] **COUNCILMAN SPANGLER:** Yeah, a park-  
[20] called meeting. Are you going to furnish some  
[21] beverages?  
[22] **MAYOR JENKINS:** Yes, sir, we will. You  
[23] need to post this being so all the Council will  
[24] be there?  
[25] **MS. MURPHY:** Okay. And then will the

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[1] person from Mactec be there also?  
[2] **COUNCILMAN HART:** We would like Lee  
[3] Walton to be there, and so we can finish up  
[4] whatever their -- whatever the final drawing is,  
[5] let's get started, so --  
[6] **MAYOR JENKINS:** Do we need a motion on  
[7] having the engineer there?  
[8] **ATTORNEY POWELL:** No. You can spend  
[9] that money.  
[10] **MS. MURPHY:** But is the Council in  
[11] agreement with whatever's decided at that  
[12] meeting, that Mactec can make those changes to  
[13] the drawing or does it have to come back?  
[14] **COUNCILWOMAN HADDEN:** We need to  
[15] probably talk to the residents. Some people --  
[16] **MAYOR JENKINS:** Bring it back up here.  
[17] **COUNCILWOMAN HADDEN:** -- may not be  
[18] able to make it.  
[19] **MS. MURPHY:** So after that meeting,  
[20] it'd come back on the next agenda for the  
[21] Council?  
[22] **MAYOR JENKINS:** After the meeting, yes.  
[23] That'll be the first --  
[24] **COUNCILMAN SPANGLER:** August the 6th.  
[25] **ATTORNEY POWELL:** Mr. Mayor, you have a

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[1] question in the audience.  
[2] **MAYOR JENKINS:** Yes, ma'am.  
[3] **MS. FRAYSSE:** I think this is great.  
[4] Will there be an opportunity for the  
[5] residents to view the plan before the meeting?  
[6] Can you post that on the web site perhaps?  
[7] **ATTORNEY POWELL:** Right here. That's  
[8] the plan we're talking about. That's the plan  
[9] up to this point.  
[10] **MS. FRAYSSE:** Okay.  
[11] **ATTORNEY POWELL:** Whatever is -- you  
[12] know, if they add or subtract two trees,  
[13] whatever they're going to do, that's it.  
[14] **MS. FRAYSSE:** Can that file be shared  
[15] on the web site? Is it a particular --  
[16] **MS. MURPHY:** I'm not sure we have that  
[17] file. I'll have to check with Mactec.  
[18] **MS. FRAYSSE:** Is there a description of  
[19] it? I mean I have all the documentation from  
[20] the meetings and all the input that we had from  
[21] the community, but I'm not sure I ever had a  
[22] description of the park, the proposal.  
[23] **MS. MURPHY:** I can check with Carol.  
[24] **COUNCILMAN HART:** And what they have to  
[25] do after this final meeting, they have to do a

[1] final topography of the park and then they start  
[2] planning whatever they're going to start doing.

[3] **MS. FRAYSSE:** Okay. We appreciate  
[4] that.

[5] **MS. MURPHY:** And they're doing this  
[6] before they do the construction drawings because  
[7] I think they learned that there may be some  
[8] changes. So instead of going ahead and doing  
[9] construction drawings as this says, in order to  
[10] save time and money, they wanted to get all the  
[11] changes.

[12] **COUNCILWOMAN HADDEN:** Also there's some  
[13] standing water that was left over from the last  
[14] rainstorm where the tennis courts used to be,  
[15] and it's not going anywhere.

[16] **COUNCILMAN HART:** Right. Well, that's  
[17] no comment.

[18] **MAYOR JENKINS:** It's a flood plain.  
[19] Okay. Moving right along. Rick?

[20] **ATTORNEY POWELL:** All right. The item  
[21] that I have -- and I'm going to ask you to  
[22] consider another one, but -- is --

[23] The first item -- and you have the  
[24] materials in your folder that I gave you -- is  
[25] at the budget hearing, you-all decided to freeze

[1] the other? Because the Mayor's salary is set.

[2] **ATTORNEY POWELL:** Right. Well, I just  
[3] did it.

[4] **MAYOR JENKINS:** There's no change in  
[5] it.

[6] **ATTORNEY POWELL:** There is no change in  
[7] it. I --

[8] **MAYOR JENKINS:** I mean is it necessary  
[9] to put that in?

[10] **ATTORNEY POWELL:** Well, we could just  
[11] -- you could just change the --

[12] **COUNCILMAN LOWE:** Should there be a  
[13] change, with all the duties the Mayor has, to up  
[14] it some?

[15] **MAYOR JENKINS:** I did not ask for that.

[16] **COUNCILMAN LOWE:** I'm not asking for  
[17] you. I'm talking about the future mayor.

[18] **ATTORNEY POWELL:** Let me rephrase that.  
[19] It's for the mayor who takes office in January.

[20] **MAYOR JENKINS:** Right.

[21] **MS. MURPHY:** And it would be a good  
[22] time to do that if we're going to do it, Rick,  
[23] while we're doing all this other.

[24] **ATTORNEY POWELL:** Yes.

[25] **COUNCILMAN LOWE:** I just think that

[1] the salaries of the Council members to \$1200 per  
[2] month.

[3] Well, that provision is in our charter,  
[4] but we can amend the charter under home rule.  
[5] And I'm suggesting to you to have a first  
[6] reading tonight of this ordinance and then we  
[7] will advertise it. And this is under the law,  
[8] it has to be advertised. You can adopt it at  
[9] the first meeting in August. But again, by  
[10] state statute, it cannot be effective until the  
[11] next council takes office. So the way it's  
[12] drafted is that it would be effective January 7,  
[13] 2008.

[14] So what I would like for you to do is  
[15] pass a motion having this as the first reading.  
[16] And then I have put a notice -- just so you'll  
[17] know what's going to be published, the notice of  
[18] the public hearing that will be published in the  
[19] paper. That's the next document in your file  
[20] folder.

[21] But we would need a motion to consider  
[22] this a first reading so we can go ahead and  
[23] advertise it.

[24] **MAYOR JENKINS:** Is it necessary for the  
[25] first part of this on the Mayor's salary versus

[1] with the duties that the mayor has, it should be  
[2] compensated more. That's all. Just a thought.

[3] **COUNCILWOMAN HADDEN:** You know, I  
[4] thought it was \$100 a month for the council  
[5] people, not \$1200 a month. I thought that was  
[6] \$1200 a year.

[7] **MAYOR JENKINS:** Aw.

[8] **UNIDENTIFIED SPEAKER:** Yeah, yeah.

[9] **ATTORNEY POWELL:** You can turn back in  
[10] \$1100 each month.

[11] **MAYOR JENKINS:** Was that supposed to be  
[12] a joke?

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

[14] **MAYOR JENKINS:** What are you going to  
[15] do? Leave it as it is?

[16] **ATTORNEY POWELL:** I can just reword it  
[17] so that it's just changing that one sentence.  
[18] It was just -- frankly, just easier for us to do  
[19] it this way.

[20] But Mr. Mayor, if you suggest, I could  
[21] just change the --

[22] **MAYOR JENKINS:** What are you going to  
[23] put in there? A hundred thousand for me?

[24] **MS. MURPHY:** For the mayor that takes  
[25] office January the 7th, 2008.

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[1] **ATTORNEY POWELL:** Is there some  
[2] suggestion? You want to change that number?  
[3] **COUNCILMAN LOWE:** Seventy.  
[4] **COUNCILMAN HART:** Five percent cost of  
[5] living increase.  
[6] **COUNCILWOMAN PITTMAN:** Five percent of  
[7] what?  
[8] **COUNCILMAN HART:** A step program.  
[9] **CHIEF KING:** Performance.  
[10] **MAYOR JENKINS:** As I said, I didn't ask  
[11] for y'all. Y'all go ahead and do what you're  
[12] going to do and let's get this going.  
[13] **COUNCILMAN LOWE:** It's my idea. It's  
[14] my idea.  
[15] **COUNCILMAN HART:** It could be like the  
[16] City of Atlanta. It's a dollar more than the  
[17] highest-paid employee.  
[18] **MS. MURPHY:** Well, we're going to have  
[19] probably -- since this doesn't start until  
[20] January, we're going to have twenty-something  
[21] thousand dollars other than that that was  
[22] allowed in the budget, that's not going to be  
[23] spent.  
[24] **ATTORNEY POWELL:** So are you making a  
[25] motion to adopt the change in the charter as

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[1] it's presented here by me in your folder except  
[2] that the figure for the Mayor would be --  
[3] **COUNCILMAN LOWE:** Seventy.  
[4] **ATTORNEY POWELL:** -- seventy? All  
[5] right.  
[6] **COUNCILWOMAN PITTMAN:** Is that a  
[7] motion?  
[8] **ATTORNEY POWELL:** That's his motion; a  
[9] first reading.  
[10] **COUNCILWOMAN PITTMAN:** Second.  
[11] **MAYOR JENKINS:** Do I get a second?  
[12] **COUNCILWOMAN PITTMAN:** Second.  
[13] **MAYOR JENKINS:** Any discussion?  
[14] **COUNCILMAN HART:** I think it should be  
[15] six --  
[16] **UNIDENTIFIED SPEAKER:** That's seventy  
[17] thousand per year; right?  
[18] **ATTORNEY POWELL:** Oh, let me see.  
[19] Yeah.  
[20] **MAYOR JENKINS:** Anymore discussion?  
[21] Call the roll on that one.  
[22] **COUNCILMAN HART:** Sixty-five.  
[23] **MS. MURPHY:** Councilman Lowe?  
[24] **COUNCILMAN LOWE:** Aye.  
[25] **MS. MURPHY:** Councilwoman Hadden?

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[1] **COUNCILWOMAN HADDEN:** Aye.  
[2] **MS. MURPHY:** Councilwoman Pittman?  
[3] **COUNCILWOMAN PITTMAN:** Aye.  
[4] **MS. MURPHY:** Councilman Hart?  
[5] **COUNCILMAN HART:** No.  
[6] **MS. MURPHY:** Councilman Spangler?  
[7] **COUNCILMAN SPANGLER:** Aye.  
[8] **MAYOR JENKINS:** Motion carried. That's  
[9] the first reading.  
[10] **ATTORNEY POWELL:** Yes.  
[11] All right. And then you see the notice  
[12] behind that, and it will have to be amended  
[13] appropriately to include the raise for the  
[14] mayor.  
[15] Now, I have the next item, and there's  
[16] some discussion -- there was discussion as to  
[17] whether we should have a hearing on changing the  
[18] closing hours of the bars and changing also the  
[19] requirement that it might go to 50 percent.  
[20] And I did not -- what I did --  
[21] **MAYOR JENKINS:** Rick, let me run  
[22] something by you. Do you want to make a motion  
[23] to get it on the agenda?  
[24] **ATTORNEY POWELL:** Yeah.  
[25] I wanted to explain to you what I was

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[1] doing, and that's what it is. So I would  
[2] request if you so choose to go forward with  
[3] this, that you instruct me -- that you allow me  
[4] to put this on the agenda.  
[5] **MAYOR JENKINS:** Do I get a motion to  
[6] put this on the agenda?  
[7] **COUNCILMAN HART:** I make --  
[8] **COUNCILWOMAN HADDEN:** So moved.  
[9] **COUNCILMAN HART:** -- a motion.  
[10] **MAYOR JENKINS:** Second?  
[11] **COUNCILWOMAN PITTMAN:** Second.  
[12] **MAYOR JENKINS:** All in favor?  
[13] Opposed?  
[14] **ATTORNEY POWELL:** All right.  
[15] Unanimous, so we can do it.  
[16] All right. This ordinance is the one  
[17] that you passed last year and then later  
[18] rescinded, and it does change the closing hours  
[19] to 1:55 a.m., not -- but 2:00 a.m., but they  
[20] have to stop pouring at 1:55. And it is the one  
[21] that you -- the one that you passed. It's the  
[22] very same ordinance that was passed last year.  
[23] And I did not draw an ordinance to  
[24] change, to amend the requirement of 50 -- the  
[25] requirement for restaurants to serve 50 percent,

[1] but as a first reading, I can read into this,  
[2] and if you so choose, would like for me to do  
[3] that, we could just have this one ordinance  
[4] change different sections of the ordinance book  
[5] and up the 25 percent to 50 percent.

[6] Now, one reason we didn't do it for  
[7] tonight is -- and it's not going to be legally  
[8] necessary, but I'm suggesting that we run an ad  
[9] in the paper together with sending letters out  
[10] in case we don't -- we hit everybody by chance,  
[11] they don't receive the letter. And it gives the  
[12] public some input, too, and it will just beef up  
[13] the cause that you've given due consideration to  
[14] the entire matter.

[15] So are y'all inclined to have us make  
[16] it 50 percent food?

[17] **MAYOR JENKINS:** Well, let John have a  
[18] say in this --

[19] **ATTORNEY POWELL:** Okay.

[20] **MAYOR JENKINS:** -- before we vote on  
[21] it.

[22] **CHIEF KING:** I would recommend also if  
[23] you would give some consideration, currently the  
[24] only person that can audit the receipts of an  
[25] establishment is the City Clerk. I would ask

[1] **CHIEF KING:** We got the personnel and  
[2] all. But I just -- I would ask you if you could  
[3] consider changing as you're making these  
[4] deliberations or modifying this ordinance, if  
[5] you would give the Police Department also the  
[6] authority to audit these establishments.

[7] **ATTORNEY POWELL:** All right. May I  
[8] request that that's certainly a good idea, but  
[9] we can put that in a separate ordinance so  
[10] that -- and give me a chance to go through the  
[11] code to make the proper amendments to it. And  
[12] that doesn't have to be -- that would not have  
[13] to be advertised. It wouldn't necessarily --

[14] **CHIEF KING:** I believe it's 104 is  
[15] currently the ordinance, the portion of it that  
[16] only allows the City Clerk to audit those.

[17] **ATTORNEY POWELL:** Okay. Then, as part  
[18] of this same, or we --

[19] **CHIEF KING:** A decision does not have  
[20] to be made tonight, Rick.

[21] **ATTORNEY POWELL:** Okay. I would --

[22] **CHIEF KING:** What I'm asking is --

[23] **ATTORNEY POWELL:** -- request that we do  
[24] that separately because it won't -- and it won't  
[25] necessarily need to be part of the public

[1] you to respectfully consider if you would also  
[2] grant the authority to the Police Department to  
[3] audit the receipts to verify. No place or  
[4] establishment currently has ever been audited to  
[5] show the number of receipts for food, and, as  
[6] far as I can remember, in the history of  
[7] Doraville.

[8] So I ask when you consider this, if you  
[9] would also grant the authority to the Police  
[10] Department to go and audit a place where alcohol  
[11] is being sold. Once you ask them for the  
[12] receipts, they have to produce them, under the  
[13] current ordinance, within two business days.  
[14] They cannot be audited more than once a quarter.  
[15] But right now, it's exclusively the role of the  
[16] clerk to do that, and I would ask that I -- that  
[17] we be given the authority under that same  
[18] ordinance for us to be able to audit so when we  
[19] present the case, we can present you the full  
[20] case. For example, this last establishment  
[21] which came before you, we did not have the  
[22] authority to audit their food receipts.

[23] **MAYOR JENKINS:** Well, it would be -- it  
[24] would be a lot easier for you to audit than the  
[25] City Clerk.

[1] hearing, either.

[2] **CHIEF KING:** That's correct.

[3] **ATTORNEY POWELL:** Yeah. So but I will  
[4] work on that, on these sections.

[5] But as part of this ordinance that I'm  
[6] just discussing with you now, the sections that  
[7] would be amended to change the definition of a  
[8] restaurant to someone that serves 50 percent are  
[9] Sections 3-96 and 3-191. And I would -- as part  
[10] of my first reading, we would be including that,  
[11] to change those two sections to change the  
[12] requirement from 25 percent to 50 percent. So I  
[13] request that you have a motion to consider this  
[14] the first reading of this ordinance.

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

[16] **COUNCILWOMAN PITTMAN:** I'll make a  
[17] motion.

[18] **MAYOR JENKINS:** Okay. Second?

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

[20] **COUNCILMAN HART:** How does this get  
[21] to -- I mean this whole thing came up when at a  
[22] Moustache Mike's, a guy was killed. And we  
[23] requested to check with Sandy Springs because  
[24] they have reduced their hours from 4 o'clock to  
[25] 2 o'clock and also going to 50 percent food.

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[1] And I think the Chief checked with Sandy Springs  
[2] on the food.  
[3] How does this compare to the Sandy  
[4] Springs ordinance?  
[5] **ATTORNEY POWELL:** I believe -- well, I  
[6] looked at that before I drafted it last year,  
[7] Mr. Hart, but I certainly will look at it again  
[8] to see if there's any suggestions to change it  
[9] in any fashion that would be a positive change.  
[10] I believe their ordinance is back --  
[11] isn't it at 4 o'clock? Weren't they enjoined  
[12] from pursuing the -- enforcing the 2 o'clock?  
[13] **CHIEF KING:** But that was towards the  
[14] nude entertainment centers. That's where that  
[15] was. It was not the restaurants.  
[16] **ATTORNEY POWELL:** So the restaurants --  
[17] **CHIEF KING:** I need to research that,  
[18] Rick.  
[19] **ATTORNEY POWELL:** We can check. We'll  
[20] check that, though, and I'll -- we probably will  
[21] put that on for a discussion maybe at the next  
[22] meeting.  
[23] No. We have to advertise this, so.  
[24] **CHIEF KING:** We'll get the ordinance,  
[25] the Sandy --

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[1] **ATTORNEY POWELL:** Yeah.  
[2] **CHIEF KING:** -- Springs ordinance  
[3] tomorrow, so we'll take a look at it.  
[4] **ATTORNEY POWELL:** I will research it  
[5] again. I'll get you a memo, Mr. Hart.  
[6] **COUNCILMAN HART:** I mean is there a  
[7] problem with the Police Department requesting  
[8] the Clerk's office or the accounting services of  
[9] city hall for those restaurants, I mean the  
[10] Permit Department to review those, the receipts?  
[11] **CHIEF KING:** The Permit Department does  
[12] not have the authority, either, sir. The only  
[13] person right now is the Clerk of the City.  
[14] **COUNCILMAN HART:** You know, the  
[15] business licenses are based on sales and all  
[16] those documents relating to sales.  
[17] **CHIEF KING:** Sir, that's never been  
[18] done since 1992. No alcohol -- no place that  
[19] sells alcohol has ever been audited in our city.  
[20] And all we are trying to do is have the  
[21] authority so we can ask for those.  
[22] If the Council does not want to grant  
[23] that authority to the Police Department,  
[24] that's -- that's fine.  
[25] **COUNCILMAN HART:** I mean when they

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[1] issues business licenses, they're based on  
[2] sales, and can't the business --  
[3] **CHIEF KING:** That is an estimation of  
[4] sales, sir.  
[5] **COUNCILMAN HART:** Right.  
[6] **CHIEF KING:** There's no verification of  
[7] those receipts. And all we are trying to do is  
[8] be able to determine the percentage of food  
[9] that's being sold in reference to alcohol.  
[10] **MS. MURPHY:** Chief, there is  
[11] verification of the receipts, but on the  
[12] verification form right now I don't think it  
[13] breaks down --  
[14] **CHIEF KING:** It's just total sales.  
[15] **MS. MURPHY:** -- the food or --  
[16] **CHIEF KING:** It's total sales.  
[17] **MS. MURPHY:** -- it's total receipts.  
[18] **CHIEF KING:** So that's for tax  
[19] revenues. We're looking for compliance with the  
[20] 50 or 25 percent versus the rest of the alcohol  
[21] sales.  
[22] **COUNCILMAN HART:** Couldn't those forms  
[23] be modified so that it breaks it down?  
[24] **CHIEF KING:** You could only then do it  
[25] once a year.

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[1] **MS. MURPHY:** Right. We do the  
[2] verifications once a year.  
[3] **COUNCILWOMAN HADDEN:** And remember they  
[4] can cheat when they ring it up.  
[5] **COUNCILMAN HART:** I know. But can't we  
[6] change the forms for the application for a  
[7] business license, particularly for, you know,  
[8] liquor licenses and that sort of thing, to break  
[9] down the sales?  
[10] **MS. MURPHY:** Well, if the new ordinance  
[11] says there's got to be 50 percent, then we are  
[12] going to have to make sure that on the  
[13] application for a license, that --  
[14] **ATTORNEY POWELL:** For the alcohol, the  
[15] pouring license, yes. You'd have to break  
[16] that -- but yes, that would -- I don't know what  
[17] the application looks like now, but it probably  
[18] should now say the 25 percent rule, or they  
[19] applied as an entertainment establishment.  
[20] **COUNCILMAN HART:** Well, then, we need  
[21] to modify that so that it does. That's part of  
[22] the audit trail.  
[23] **ATTORNEY POWELL:** Right.  
[24] **MS. HOFFMEISTER:** Honorable Mayor  
[25] Jenkins and City Councillors, I have a question

[1] to you. What is the fee for a pouring license,  
[2] and could we consider raising that also at that  
[3] time?

[4] **COUNCILWOMAN HADDEN:** I raised the  
[5] taxes on alcohol-serving establishments last  
[6] year, and it varies. It depends on if they're  
[7] doing beer and wine. It depends on if they do  
[8] alcohol. There were a couple different factors  
[9] that came into play.

[10] And I don't really remember the  
[11] amounts. I can look it up and get back to you.

[12] **CHIEF KING:** The City Attorney's got  
[13] it. He's got it in his package.

[14] **COUNCILWOMAN HADDEN:** We were below  
[15] what some of the others around us were charging,  
[16] and I went and I researched Decatur and a lot of  
[17] other cities to present some numbers to Council  
[18] on that. Maybe it was the year before.

[19] **MS. HOFFMEISTER:** Do you have that now?

[20] **ATTORNEY POWELL:** No. This wouldn't  
[21] have last year's change in it, I don't believe.

[22] **CHIEF KING:** That's the current  
[23] ordinance.

[24] **COUNCILWOMAN HADDEN:** I can look that  
[25] up and get that to you.

[1] **MS. HOFFMEISTER:** Okay. Because I  
[2] think that's something you also ought to  
[3] consider.

[4] **ATTORNEY POWELL:** They don't always get  
[5] codified the same year.

[6] **MS. HOFFMEISTER:** Because it's my  
[7] understanding the licenses are so low, it's very  
[8] easy to pass the ownership and the license from  
[9] owner to owner.

[10] **ATTORNEY POWELL:** This has all the --

[11] **COUNCILWOMAN HADDEN:** Well, we weren't  
[12] trying to hurt places like Baldino's that may  
[13] just serve beer or something --

[14] **MS. HOFFMEISTER:** Right.

[15] **COUNCILWOMAN HADDEN:** -- but we were --  
[16] we were really trying to help or start a trend  
[17] to upgrade some of the other establishments that  
[18] might be --

[19] **MS. HOFFMEISTER:** I understand.

[20] And I think this is a good time to also  
[21] look into that and, on your second reading, have  
[22] some proposals for amendments for that. Thank  
[23] you.

[24] **MAYOR JENKINS:** Thank you.

[25] **ATTORNEY POWELL:** You have a motion and

[1] a second.

[2] **MAYOR JENKINS:** We got a motion and  
[3] second.

[4] All in favor?

[5] Should we call the roll?

[6] Opposed?

[7] **COUNCILMAN HART:** You know, the  
[8] question I have, whether we'll look into the  
[9] Sandy Springs ordinance.

[10] **ATTORNEY POWELL:** We will look. And  
[11] I'll get you that, see if there's any changes  
[12] that need to be made, that could be made before  
[13] the next --

[14] **COUNCILMAN HART:** All right. Aye.

[15] **MAYOR JENKINS:** Did you say "aye?"

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

[17] **MS. MURPHY:** It's unanimous.

[18] **MAYOR JENKINS:** I need a motion for  
[19] Donna to be on the agenda to bring up  
[20] Chick Fil-A. They've got a plan set up for us.

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

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

[23] **COUNCILMAN HART:** Second.

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

[25] Opposed?

[1] **COUNCILWOMAN PITTMAN:** Chick Fil-A.  
[2] The Chick Fil-A on Buford Highway, as you well  
[3] know, is very well involved in our community.  
[4] They're involved in our schools and they provide  
[5] us sometimes with little surprises after  
[6] meetings.

[7] But the month of July is going to be  
[8] Community Appreciation Month, and during that  
[9] month, they're going to be doing various things.  
[10] I think they're going to have a bingo night and  
[11] like a carnival type thing for the kids.

[12] What they want to do is the week of  
[13] July 9th, 10th and 11th, they want the different  
[14] neighborhood associations to pick one of those  
[15] nights to make it spirit night and to come in  
[16] and eat. And they're going to have different  
[17] things going on on those evenings, and the  
[18] proceeds are going to go to a local charity.  
[19] And the neighborhood association that shows the  
[20] most support and comes out on those evenings  
[21] they will give a block party to, at either your  
[22] park or wherever you would like. And that  
[23] includes food and different things that they're  
[24] going to be having.

[25] So be thinking about someone who might

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[1] like to get involved in that in your  
[2] neighborhood. They're going to provide flyers,  
[3] anything that you need for the announcement.  
[4] It's going to be in the newsletter. So if  
[5] sounds like a fun thing, that we can give back  
[6] to our community as well through the charity.  
[7] So that's my announcement. So if  
[8] somebody could get-- from each organization, get  
[9] with me. I can give you the contact, and you  
[10] guys can set up an evening, one of those nights  
[11] to do that.  
[12] **COUNCILWOMAN HADDEN:** Go ahead and call  
[13] Brian Bates because he's head of the Northwoods  
[14] group and I already delivered the information to  
[15] him for Northwoods.  
[16] **COUNCILWOMAN PITTMAN:** Okay. Great.  
[17] **COUNCILWOMAN HADDEN:** So he should --  
[18] Mr. Ambrose? Mr. Ambrose, wouldn't you  
[19] like to do Winters Chapel for me? I'll help.  
[20] **MR. AMBROSE:** I might as well.  
[21] **COUNCILWOMAN PITTMAN:** Thank you.  
[22] **MS. MURPHY:** And Ms. Pittman, it would  
[23] be Chick Fil-A that's making the charitable  
[24] contribution?  
[25] **COUNCILWOMAN PITTMAN:** Yes. They will

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[1] be making the contribution based on the  
[2] participation. It's kind of like what they do  
[3] with the schools. They do Cary Reynolds,  
[4] Hightower and Oakcliff. And the schools put out  
[5] announcement and send little stickers home with  
[6] the kids, and proceeds to go back to the school  
[7] on those evenings.  
[8] So I just need somebody from Oakcliff.  
[9] Susan? Susan Crawford?  
[10] **COUNCILWOMAN HADDEN:** Maria.  
[11] **COUNCILWOMAN PITTMAN:** Maria? Okay.  
[12] Great. Thank you, Maria.  
[13] **MAYOR JENKINS:** And you say Brian's  
[14] going to take Northwoods?  
[15] **COUNCILWOMAN HADDEN:** Yeah. I left  
[16] Brian the information.  
[17] **COUNCILWOMAN PITTMAN:** So it's kind of  
[18] a fun competition between the different  
[19] neighborhoods, too, so, for a worthwhile cause,  
[20] and in the end, I think it would be a lot of fun  
[21] to get the block party together.  
[22] **COUNCILMAN HART:** Good. Thank you.  
[23] **UNIDENTIFIED SPEAKER:** Say the dates  
[24] again?  
[25] **COUNCILWOMAN PITTMAN:** I'm sorry?

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[1] **UNIDENTIFIED SPEAKER:** The dates.  
[2] **COUNCILWOMAN PITTMAN:** 9th, 10th and  
[3] 11th, and one night for each. So I knew some of  
[4] the associations had their meetings on  
[5] Wednesday. That'll be something you'll have to  
[6] iron out amongst yourselves on which nights you-  
[7] all want to do that.  
[8] **MAYOR JENKINS:** Okay. John, do you  
[9] think they've suffered enough?  
[10] **CHIEF KING:** I'll make it real quick,  
[11] Mayor.  
[12] Sir, I just wanted to make sure that --  
[13] I had a couple real quick announcements.  
[14] The last couple weeks, we've had a  
[15] couple tours of the summer school for the  
[16] elementary school. We know that there's not --  
[17] the resource officers are concentrated in the  
[18] middle schools in the Dekalb County system.  
[19] Sergeant Lopez and out staff have been  
[20] able to get the tours of the elementary school  
[21] into our Police Department. It's been a great  
[22] hit. She's very active in the reading program  
[23] and is getting a lot of officers to go in and  
[24] read to the elementary school, and that's a big  
[25] hit.

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[1] And our effort there is to try to make  
[2] an impact on the young kids in elementary school  
[3] because that's where the gangs are also trying  
[4] to go and recruit their future members. So we're  
[5] going in there to try to recruit future police  
[6] officers and good citizens in those schools.  
[7] We also put our activities even into  
[8] beautiful Chamblee. Charlene helped organize --  
[9] there you are, Charlene -- an effort into the  
[10] Don Juan Apartments. We've had some problems in  
[11] the past as we go along, where we've had some  
[12] issues with kids coming in from Chamblee and  
[13] causing problems. So basically it's going into  
[14] that neighborhood and putting on a small canine  
[15] demonstration with Officer Beals and Lieutenant  
[16] Hudgens and Officer Hess, who are really  
[17] motivated to try to deal with the youth of the  
[18] community.  
[19] Thanks, Charlene, for helping organize  
[20] that.  
[21] And I received a lot of phone calls  
[22] today especially from the Oakcliff subdivision.  
[23] We really appreciate the great calls of support  
[24] on our new Quality of Life unit. And I wanted  
[25] to have Lieutenant Lowe introduce our newest

[1] members of our department.  
[2] And before he does that, I really  
[3] appreciate the great support of the citizens.  
[4] You-all -- the reason we did this is because you  
[5] asked us to do this. It's been long in coming.  
[6] I heard a couple of your comments, and I  
[7] listened to you loud and clear. But we wanted  
[8] to make sure we had the right people come to  
[9] work for us with the right backgrounds.  
[10] Lieutenant Lowe has been very busy training  
[11] them. He'll go a little bit over their training  
[12] process, on the selection, and the immediate  
[13] future of our newest members of our department.  
[14] I really appreciate your support. Our  
[15] City elected officials are getting lots of calls  
[16] both good and bad as a result of what our  
[17] enforcement officers are doing, and it's going  
[18] to be like that while we're doing this  
[19] transition of basically getting some of these  
[20] code issues resolved.  
[21] But I asked for your continued patience  
[22] and your continued support because we want this  
[23] to work. Without your support, it won't work.  
[24] It will be another idea that will go by the  
[25] wayside.

[1] is bilingual, and we've been able to see she's  
[2] getting through to the people where we weren't,  
[3] because of the bilingual skills.  
[4] And both officers are -- they have  
[5] better eyesight than I do, because they're  
[6] pointing out things that I've never seen before.  
[7] And my wife made sure she made me know that it  
[8] needed a woman's touch to see these little  
[9] things.  
[10] We are aggressively patrolling for  
[11] cleanliness of property, structural maintenance,  
[12] and general maintenance issues. These general  
[13] maintenance issues make a lot of people upset,  
[14] but this is part of turning the tide in our  
[15] neighborhoods. And by having cleaner, nicer  
[16] neighborhoods, we have less of a criminal  
[17] element.  
[18] We are currently in the field training  
[19] process. It's a process that's not easy. You  
[20] might have seen us when I'm riding in the back  
[21] seat. I promise you, I'm not a perpetrator  
[22] waving to you. But we are in the training  
[23] process. Every day, I've got to do daily  
[24] activity reports on it and document everything  
[25] they do, because we live up to a higher standard

[1] So Lieutenant Lowe, will you please  
[2] come forward and introduce our newest employees?  
[3] **LIEUTENANT LOWE:** Thank you Chief;  
[4] Council, Mayor, citizens.  
[5] We went through an exhaustive process,  
[6] looked through over a hundred applications and  
[7] resumes, come down to ten people. We did about  
[8] nine interviews. And we said with nine  
[9] interviews, we said how in the world are we  
[10] going to pick? because we had outstanding  
[11] candidates.  
[12] The two candidates we chose and went  
[13] though the extensive background are Officer  
[14] Rosemary Martin and Officer Hersilia Morrow. As  
[15] part of their backgrounds, what we took into  
[16] consideration, a big factor was prior  
[17] enforcement experience of some sort. It didn't  
[18] have to be code enforcement. We happened to  
[19] find two good candidates that both had code  
[20] enforcement: Officer Martin, who's had about  
[21] eight years' experience in Salt Lake City, Utah,  
[22] doing code enforcement and general police type  
[23] enforcement, and Officer Morrow has over  
[24] 19-and-a-half years' experience. Both of them  
[25] bring a lot to our department. Officer Morrow

[1] -- we hold ourselves to a higher standard. We  
[2] want to make sure our people are trained well  
[3] and have the accreditation and training that  
[4] they need to do the job.  
[5] **UNIDENTIFIED SPEAKER:** Lieutenant Lowe,  
[6] just one question. If in the event that we  
[7] needed to talk to you or your enforcement  
[8] officers, is there some kind of direct line we  
[9] can get where we don't have to go through the  
[10] police telephone line?  
[11] **LIEUTENANT LOWE:** I'm glad you asked  
[12] that. We have set up the number that used to go  
[13] to my office is now what we call the Quality of  
[14] Life Complaint Line.  
[15] What I'll do every morning -- and I'll  
[16] give you-all that number here in just a minute.  
[17] What I'll do every morning is I'll come in and  
[18] check, and if there's a message for an area I  
[19] know Officer Martin's working on, I'll forward  
[20] it to her. They also have their own voice  
[21] mails. Radio got a memo today on how to forward  
[22] them to them so they're getting the information.  
[23] But the number is (678) 530-2006. That number,  
[24] even if I'm not here, one of them will be here  
[25] to check that number to make sure that they

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[1] update the latest code complaint list.  
[2] And they'll return your call. That's  
[3] another thing we're doing is we're journaling  
[4] and making sure we return calls, document the  
[5] phone conversations that we have so that when  
[6] somebody calls the Chief and says, "They never  
[7] called me back," I can show them and say, "It's  
[8] there. We called."  
[9] We want to work with the public on  
[10] coming into compliance and on education. Thank  
[11] you.  
[12] **CHIEF KING:** Please stand up so they  
[13] can get a good look at you guys.  
[14] Mayor, pending any questions or  
[15] comments, that completes my report, sir.  
[16] **MAYOR JENKINS:** Thank you.  
[17] **CHIEF KING:** The official picture.  
[18] **COUNCILMAN HART:** I had a question.  
[19] **CHIEF KING:** Yes, sir.  
[20] **COUNCILMAN HART:** When are they going  
[21] to start working on Buford Highway?  
[22] **CHIEF KING:** Sir, the priority of the  
[23] Mayor -- he's given me a very clear priority --  
[24] is that residential areas will come first. Once  
[25] we get a good feeling that we're get in

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[1] compliance there in the residential areas, we  
[2] will then start turning our attention onto the  
[3] commercial areas. But right now, we got to -- I  
[4] think the Mayor has given pretty clear direction  
[5] that the residential area will be the  
[6] priorities.  
[7] **COUNCILMAN HART:** Well, to work on the  
[8] corner down here, we had to move two vagrants  
[9] sleeping on Buford Highway before we could  
[10] measure the sidewalk.  
[11] **CHIEF KING:** Sir, that would not be a  
[12] Quality of Life unit. That would be the police  
[13] unit. All you have to do is dial 911 and we'll  
[14] send a patrol car and we'll pick them up.  
[15] **MR. ANDERSON:** Those are sidewalk  
[16] volunteers.  
[17] **CHIEF KING:** No, I would not recommend  
[18] sidewalk volunteers.  
[19] And I talked to you today about that.  
[20] I think the challenge that we have there is  
[21] you're considering that the zoning ordinances,  
[22] if you can really pay attention and maybe help  
[23] try to control the number of labor pools that  
[24] operate in the city, I think that is a  
[25] significant issue that's causing, you know,

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[1] people coming and riding the MARTA line come to  
[2] work at labor pools and then laying out in the  
[3] bushes and then, you know, the next morning,  
[4] basically going back to work.  
[5] So if you-all can try to help. And I  
[6] don't know how legally you control that. That's  
[7] going to be something that's probably a  
[8] discussion between the City Attorney and amongst  
[9] each other.  
[10] It's a difficult issue, but that is the  
[11] biggest issue that I have right now is the labor  
[12] pools and the number of bars. We have over -- I  
[13] believe I counted the number of bars in our  
[14] city. Something like forty- --  
[15] **COUNCILMAN HART:** 89.  
[16] **CHIEF KING:** 89. So per capita, we  
[17] have so many bars in our city that it seems  
[18] high. You know, it seems very high for a city  
[19] of our size, sir. We clearly need to help  
[20] patrol that.  
[21] But yes, sir. We're not forgetting the  
[22] commercial areas. Please don't think that. But  
[23] I think I'm just prioritizing right now the  
[24] areas where we're getting the majority of calls.  
[25] Once we start getting calls on

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[1] commercial areas, clearly we will address those.  
[2] But right now, residential areas is where we're  
[3] getting the majority of our calls.  
[4] **COUNCILWOMAN PITTMAN:** Well, I want to  
[5] say something. Then I had a question.  
[6] If you have something specific, if you  
[7] call them -- one day I called, they went out  
[8] within 30 minutes. But this is next to Chick  
[9] Fil-A was hideous; the stuff that was running  
[10] down the street. And they went out and gave  
[11] them citations and handled it.  
[12] **CHIEF KING:** And clearly, we need to --  
[13] we will handle those on a priority level.  
[14] **COUNCILWOMAN PITTMAN:** Right.  
[15] And something I had a question about,  
[16] the people standing on the corners still there  
[17] at Tilly Mill? You know where I'm talking  
[18] about?  
[19] **CHIEF KING:** Yes, ma'am.  
[20] **COUNCILWOMAN PITTMAN:** For a while, you  
[21] guys were moving them out and they cleared out  
[22] for a while, and now they seem to be coming  
[23] back. And I don't see -- is there a reason for  
[24] that?  
[25] **CHIEF KING:** Ma'am, the one thing that

[1] we do is we go and ask them to move. And it's  
[2] the day laborers. We ask them to move.

[3] But as far as being able to arrest  
[4] them, the businesses got to go and help us give  
[5] them a criminal trespass. We've got to be able  
[6] to identify the individual that was giving the  
[7] criminal trespass, and if he comes back, then we  
[8] can arrest him.

[9] But the businesses got to cooperate  
[10] with us. There has been some hesitancy right  
[11] now because of all the dialogue going on with  
[12] the immigration issues, that the people are  
[13] hesitant to deal with that.

[14] **COUNCILWOMAN PITTMAN:** Well, there's a  
[15] couple of them who have put signs up, "No  
[16] loitering." I've noticed that.

[17] **CHIEF KING:** Yes, ma'am. But they have  
[18] to be willing to come and prosecute --

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

[20] **CHIEF KING:** -- and they have to issue  
[21] the criminal trespass warrant.

[22] **COUNCILWOMAN PITTMAN:** Okay. Thank  
[23] you.

[24] **CHIEF KING:** Mayor, that ends my  
[25] report, sir. That --

[1] **MAYOR JENKINS:** -- we're setting up?  
[2] **MS. HOFFMEISTER:** And I want to thank  
[3] Councillors Bob Spangler and Tom Hart for  
[4] working on English Oak Park, and I'm glad it is  
[5] now open, I guess it's either Sunday or --

[6] **MAYOR JENKINS:** We're opened it Monday  
[7] morning.

[8] **MS. HOFFMEISTER:** It was opened. So  
[9] that resolves that issue that I had.

[10] The second issue I have is the LCI. I  
[11] know Marlene had worked with Pond & Company to  
[12] submit some applications, and I was wanting to  
[13] follow up on that and have an update on that.

[14] **MAYOR JENKINS:** You mean on the grant?

[15] **MS. HOFFMEISTER:** Yes.

[16] **MAYOR JENKINS:** We did not get the  
[17] grant.

[18] **MS. HOFFMEISTER:** We did not get the  
[19] grant. When is the next time to submit for a  
[20] grant?

[21] **COUNCILWOMAN HADDEN:** I really don't  
[22] know.

[23] **MAYOR JENKINS:** I didn't get into that.  
[24] He just told us we lost those grants. They  
[25] didn't have the money.

[1] **MAYOR JENKINS:** Thank you.

[2] **CHIEF KING:** -- concludes my report.

[3] **MAYOR JENKINS:** Committee reports.

[4] **MR. O'CONNOR:** Mayor and Council, Joe  
[5] O'Connor. I'm the newest member of the Planning  
[6] Committee, and I have to report two things.

[7] Following our June 11th meeting, the  
[8] proposed variance of the zoning applications  
[9] that we turned over to the appropriate people at  
[10] City Hall, meaning you and Chuck; and we're now  
[11] working hopefully to finish our bylaws by the  
[12] end of July.

[13] And that's my report. If there's  
[14] anything we can do to assist you in the variance  
[15] and the zoning application packets be  
[16] recommended, please let us know.

[17] **MAYOR JENKINS:** Okay. Very good.

[18] Anymore committee reports?

[19] (No response)

[20] **MAYOR JENKINS:** We're going to have  
[21] citizens comments.

[22] Bonita is first. You got your list?

[23] Is part of that not already covered in this new  
[24] meeting --

[25] **MS. HOFFMEISTER:** Yes.

[1] **MS. HOFFMEISTER:** And I have taken the  
[2] time to call Dekalb County and finally got a  
[3] warm body and asked them about the sidewalk on  
[4] Oakcliff Road. And what they do is once there  
[5] is a sidewalk, they will repair it. I informed  
[6] them that it was in need of repair.

[7] I asked if they could put a sidewalk on  
[8] the other side of the street, and he started  
[9] giving me a run-around, and he said that if the  
[10] streets are within a mile of the school, they  
[11] should be done. And also he noticed that this  
[12] was a MARTA route and there should be sidewalks  
[13] on both sides of Oakcliff Road.

[14] In addition to that, the Planning  
[15] Commission for Dekalb, their comprehensive plan,  
[16] they did put in a bike trail. Well, I was  
[17] talking to the gentleman and I recommended that  
[18] they bring the bike trail not only down Oakcliff  
[19] Road but down New Peachtree, at which point, he  
[20] got very excited because that would enable them  
[21] to link to the Dunwoody Trail and into the Comet  
[22] Trail. So that's something that we can  
[23] hopefully work on in the future.

[24] The other thing I asked -- and he was  
[25] getting a little tired listening to my requests,

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[1] but I pushed on anyway -- was for two blocks of  
[2] Pin Oak Circle on the east side to have  
[3] sidewalks. I mentioned that every morning when  
[4] I go to work, there are children sitting there  
[5] in the streets or on the yards, and because they  
[6] do have a bus that picks the children up there,  
[7] and that is within a mile of the school, they  
[8] should also put sidewalks on those two streets,  
[9] the first two blocks on Oakcliff -- on Pin Oak.  
[10] I apologize.  
[11] **MAYOR JENKINS:** That's lower Pin Oak?  
[12] **MS. HOFFMEISTER:** That's lower Pin Oak,  
[13] yes.  
[14] And Maria pointed out, since I don't  
[15] live over there -- Maria Alexander pointed out  
[16] that there are also no sidewalks on the east  
[17] side of English Oak Park -- on English --  
[18] Oakcliff Elementary School, and I will be  
[19] forwarding my contact to Maria so she can follow  
[20] up. But hopefully, we will see improvements in  
[21] Oakcliff. Thank you.  
[22] **MAYOR JENKINS:** Thank you. Any more  
[23] comments from citizens?  
[24] **MS. CALVERT:** Jenny Calvert. Someone  
[25] put a bug in my ear this evening and said that

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[1] they would like to see a reception area over  
[2] here at the Police Department, that someone had  
[3] to answer the phones would alleviate the ones  
[4] that are working the 911 and all the officer  
[5] calls.  
[6] So maybe y'all would like to think  
[7] about that. That's what they said.  
[8] **MAYOR JENKINS:** Thank you.  
[9] Who's next?  
[10] **MS. CALVERT:** It wasn't him.  
[11] **MS. RAWLINS:** I'm Linda Rawlins in  
[12] Oakcliff.  
[13] I have a question since you mentioned  
[14] the sidewalks for the children. I noticed that  
[15] in Oakcliff up on English Oak we have a bus  
[16] stop/covered shed area. We don't know if it's  
[17] ever used anymore, but in looking inside, I  
[18] wouldn't use it, and I wonder if it could be  
[19] taken down.  
[20] Could we build something else? If it  
[21] is going to be used for a bus stop, for a place  
[22] for children to wait on the bus, it certainly  
[23] needs to be, you know, more than it is.  
[24] **MAYOR JENKINS:** Where is it at?  
[25] **MS. RAWLINS:** Right outside of -- is it

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[1] English Manor Apartments? Right outside of  
[2] there.  
[3] **UNIDENTIFIED SPEAKER:** Country Air.  
[4] **MS. RAWLINS:** Country Air Apartments.  
[5] It's right there. It's on English.  
[6] **UNIDENTIFIED SPEAKER:** It's Town and  
[7] Country Apartments.  
[8] **MS. RAWLINS:** Town and Country? Okay.  
[9] It's right there on English. And one time not  
[10] too long ago, it had some graffiti on it, and  
[11] that was taken care of.  
[12] But inside, because I walk and pick up  
[13] trash sometimes, and I looked inside and it had  
[14] like I want to say plyboard on the floor and  
[15] part of it is missing now. But it could look  
[16] better and be what it's supposed to be.  
[17] Just putting that out to you. Could we  
[18] check about that?  
[19] **MAYOR JENKINS:** Thank you.  
[20] **COUNCILMAN LOWE:** We could tell MARTA  
[21] about that, couldn't we?  
[22] **COUNCILWOMAN PITTMAN:** Well, MARTA's  
[23] not going to be very receptive to anything. We  
[24] tried before. But I've got a contact. If  
[25] somebody wants to try, I'll be glad to call and

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[1] talk to him.  
[2] **CHIEF KING:** I believe it belongs to  
[3] the apartment complex.  
[4] **COUNCILWOMAN PITTMAN:** Oh, then, they  
[5] won't touch it. If it belongs to the apartment  
[6] complex, that's probably who you need to  
[7] entertain that to.  
[8] **MS. RAWLINS:** I've never known how it  
[9] got there. It's in poor condition.  
[10] **COUNCILWOMAN PITTMAN:** Bonita, I have  
[11] some other contacts, too, about the school  
[12] sidewalks, because you do have to jump through a  
[13] lot of hoops. We finally did get the one on  
[14] Tilly Mill. So we might be able to jump through  
[15] some of that.  
[16] **MS. HOFFMEISTER:** Great.  
[17] **MAYOR JENKINS:** Anybody else?  
[18] **MS. SIMONETTI:** Brian Simonetti. I  
[19] live in Northwoods.  
[20] And I was in Brook Park today, and the  
[21] play areas are being taken over by poison ivy.  
[22] It's really bad.  
[23] **MAYOR JENKINS:** Which park?  
[24] **MS. SIMONETTI:** Brook Park.  
[25] There's always been poison ivy about

[1] like where the clearing is and the trees around  
[2] the clearing where there has been in the past  
[3] several years, so many trees. But this is like,  
[4] you know, coming off Colquitt into the park, and  
[5] it's sprouting up around the trees, and I'm very  
[6] allergic to it and, you know, I have to be on  
[7] steroids if I get it. So I just wanted to bring  
[8] that to you-all's attention.

[9] **MAYOR JENKINS:** We'll take care of that  
[10] in the morning.

[11] Meeting adjourned.

[12] (Whereupon, the meeting was concluded  
[13] at approximately 9:05 p.m. the same day.)

[14] -000-

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[25]

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

[2] STATE OF GEORGIA]

[3] COUNTY OF DEKALB]

[4] I hereby certify that the foregoing transcript  
[5] was taken down, as stated in the caption, and the  
[6] proceedings were reduced to typewriting under my  
[7] direction and control.

[8] I further certify that the transcript is a true  
[9] and correct record of the evidence given at the said  
[10] proceedings.

[11] I further certify that I am neither a relative  
[12] or employee or attorney or counsel to any of the  
[13] parties, nor financially or otherwise interested in  
[14] this matter.

[15] This the 10th day of July, 2007.

[16]  
[17]  
[18]  
[19]  
[20]  
[21]

\_\_\_\_\_  
Theresa Bretch, CCR  
Permit No. B-755

[SEAL]

[22]  
[23]  
[24]  
[25]

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