

In The Matter Of:

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

*Mayor Ray Jenkins Presiding
July 26, 2007*

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

Transcript of the proceedings of a special-call meeting 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 6:12 p.m. on Thursday, July 26, 2007.

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[1] PROCEEDINGS
[2] **MAYOR JENKINS:** This is a special-call
[3] meeting on discussion of the zoning ordinance.
[4] We've had a lot of discussion on the zoning
[5] ordinance. It's something that we started and
[6] should have been completed by January, which we
[7] did not.

[8] We've had a lot of people want to put
[9] their input in it, and it's hard to do that.
[10] And we want to be fair to everybody, so we're
[11] going to try to keep this meeting at a minimum.
[12] Anybody that wants to speak from the audience,
[13] I'm going to give them three minutes, and you'll
[14] come up to the podium and you'll state your
[15] name. Okay?

[16] And I think Holly is here. Where is
[17] she? Okay. And she's going to be here to
[18] answer questions. If we want questions first
[19] from Holly about the original ordinance that
[20] Pond has completed -- and of course we have had
[21] a couple or three councilmen, I believe, that
[22] have put input into it, and they're listed in
[23] red on the ordinance if you happen to have one.

[24] But do I have anybody from the audience
[25] that has any --

[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] **COUNCILWOMAN PITTMAN:** I don't have
[2] that.

[3] **MAYOR JENKINS:** You don't have one?

[4] **COUNCILWOMAN PITTMAN:** Huh-uh
[5] (negative).

[6] **MAYOR JENKINS:** This is the one I
[7] originally --

[8] But who wants to start first on their
[9] comments on the zoning ordinance?

[10] **MS. AVERS:** My name is Chris Avers. I
[11] just wanted to say that we had great discussion
[12] over the past two years about what we're going
[13] to do with the city planning. We've had good
[14] conversations around the LCI grant, around the
[15] comprehensive land use plan, and now, you know,
[16] everybody's finally getting focused on the new
[17] zoning ordinance.

[18] I think it's the right time for us to
[19] go ahead and pass this ordinance now for a
[20] couple of different reasons. Number one, we
[21] need to protect the fact that the GM plant is
[22] unprotected now, with, you know, the opportunity
[23] to have mixed use over there, which is what we
[24] need.

[25] We also need to move forward into the

[1] year 2007. We've spent \$100,000 on this plan
[2] and a professional planning company built it --
[3] real, professional planners. And I read through
[4] it. Many of us have had discussions about it.
[5] It's not going to be perfect. It's never going
[6] to be perfect. But we do have some good input
[7] from the community right now, and folks are
[8] interested.

[9] So once we pass this, we can set about
[10] making it better, but I think we ought to pass
[11] it the way it is right now with no changes and
[12] protect the GM plant property with mixed use. I
[13] think that's the best use of our money.

[14] **MAYOR JENKINS:** Anybody else?

[15] **MR. ANDERSON:** I'm Stuart Anderson.
[16] I'm speaking for myself, not as a member of the
[17] Planning Commission.

[18] I've got a December copy here, 120
[19] pages. I've got three to five concerns per page
[20] on this document. I've got two sets of
[21] documents that I produced for some of the City
[22] Council people as far as concerns, observations
[23] that I think should be addressed by those
[24] people, by the City Council.

[25] This process is the -- I shouldn't say

[1] ordinances. I'm doing that myself. Like I
[2] said, I've come up with 20-some, 30-some pages
[3] of commentary, and that's only gotten me to
[4] about page 30 or 25 in the document itself.

[5] We have three documents to compare from
[6] the Pond Company. We have the December document
[7] that I worked on and the Planning Commission
[8] worked on. We have the May 4th document. We
[9] have the June 19th document. I doubt that the
[10] last two are very different; but nonetheless,
[11] all these things need to be correlated as well
[12] as compared to the 2006 document, which is our
[13] current zoning book.

[14] This is not an overnight process, and
[15] we haven't spent any time doing it yet. We've
[16] had two work sessions supposedly since the
[17] document was presented to us, since the Pond
[18] document was presented to us. One was not held
[19] at all, and the other one got us to page 6 or
[20] something, so we really haven't scratched it.

[21] Thank you very much. I just -- in
[22] closing, just want to say that we need to do our
[23] work up front before we go passing something
[24] that's going to put us in trouble.

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

[1] "the process." But the document that Pond has
[2] provided us, if we adopt it at this point, will
[3] be very difficult to -- I don't know what term
[4] Chris used, but "fix" is the word I would use,
[5] after the fact of passing it.

[6] I see this as a lot of complexity as to
[7] what needs to be addressed, and short periods of
[8] time won't do it. I don't see it being fixed if
[9] we pass it up front and then try to fix it
[10] behind.

[11] I also raise issue with the fact -- or
[12] the "fact" -- the comment that this document, by
[13] passing the document, it will fix the GM
[14] property.

[15] The GM property is to be fixed by
[16] changing the zoning conditions in the comp plan
[17] and tweaking those zoning conditions or those
[18] zoning descriptions through the zoning rewrite
[19] or the zoning program that we have or the zoning
[20] ordinance that we have and can make.

[21] I vigorously ask for work sessions and
[22] sorting this out. There's citizens' committee -
[23] - there's "citizens committees" -- there are
[24] citizens that are interested in these things,
[25] reading them or downloading other cities' zoning

[1] would you mind staying? I think that you had
[2] had some concerns that I think we need to go
[3] ahead and put them on the table and get them
[4] addressed and clear out any misconceptions or
[5] ideas that have been put out about those, some
[6] of your concerns, like setback line, and there
[7] are some other things. And I think it's very
[8] easy to clear them up now with Pond's
[9] representative here.

[10] **MR. ANDERSON:** If you will, this is a
[11] work session?

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

[13] **MAYOR JENKINS:** Well, we set these
[14] comments for three minutes. If there's anything
[15] that's followed through on 25 to 30 pages, it'll
[16] be after we finish all the comments.

[17] **COUNCILWOMAN HADDEN:** The comments
[18] first?

[19] **MR. ANDERSON:** That would be
[20] appropriate.

[21] **COUNCILWOMAN HADDEN:** Okay. Just,
[22] yeah, we are accountable to the people that have
[23] asked or have submitted things to us with
[24] concerns on them, and I think we need to respond
[25] to those.

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

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

[3] **MAYOR JENKINS:** Yes, sir.

[4] **MR. CRAWFORD:** My name is Dan Crawford.

[5] I'm not here as a member of the Planning

[6] Commission, just as a citizen. But I will make

[7] a note that the Planning Commission did review

[8] -- at the City Council's request, reviewed the

[9] document that was handed to us, made some

[10] suggestions, turned them over to City Council;

[11] and, you know, whether City Council looked those

[12] over or not, I don't really know.

[13] But I've looked over -- I came back

[14] from vacation and I got a copy. I spoke to the

[15] Mayor. If the Mayor remembers correctly, I

[16] asked him for the latest edition for the

[17] Planning Commission so that the Planning

[18] Commission could have the latest version of the

[19] zoning rewrite.

[20] And so I did, separate from the

[21] Planning Commission, because it's not really --

[22] I didn't see it as a Planning Commission at this

[23] time. Just as a individual issue for myself, to

[24] be more involved in the community, I went ahead

[25] and read through this thing.

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[1] And I don't see that it's -- I disagree

[2] with Stuart. I don't see that it's that bad of

[3] a document to be working from. I think it's an

[4] improvement of the 2006. I think there's some

[5] areas that could be addressed.

[6] I think -- I do agree with Stuart on

[7] one thing is he had a question, and some of the

[8] other people that I've spoken to had questions

[9] about -- about how you use a code book. One

[10] person brought -- one person brought up the --

[11] questioned the word "shall." To me, it just

[12] seemed that was a little ridiculous because

[13] "shall" used in code books means you can't --

[14] you can't do it. It's mandatory. You shall do

[15] this, you shall not do that. You can do this,

[16] you could, you would.

[17] The language in codes is basically a

[18] generic language. "Shall" means you must do,

[19] "should" means it's a good idea to do it, and

[20] then "may" means you can do it if you want to

[21] do. Codes are the minimums. That's what they

[22] are.

[23] The city of Doraville needs to move to

[24] the future.

[25] I guess my whole thing with this would

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[1] be that the city had at the back of it, an

[2] index, so if somebody wanted to know what a

[3] butterfly was, they could look on page 50 and

[4] get -- you know, find out that it was on page 50

[5] and 82 and 42 or whatever. But as far as making

[6] it for the general public, I don't think it's --

[7] that if someone assumes that the people of

[8] Doraville are not intelligent enough to look at

[9] this document and read it and understand it,

[10] then I think they're -- they're selling the city

[11] short.

[12] An index would improve this, I agree.

[13] There are certain things. But I -- I would move

[14] for the City Council to approve this document as

[15] it is, with changes, and I don't see why the

[16] City Council, being the group of city leaders

[17] you are, you couldn't work together as a team to

[18] go back through this document in a short period

[19] of time and iron out all the wrinkles and give

[20] us a workable document for the future of

[21] Doraville.

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

[23] **MR. NOONAN:** John Noonan.

[24] I'm here to speak in support of the new

[25] zoning draft, and I'd like to say that we should

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[1] pass it as is. It's very good work. And I'd

[2] like to say that this 2006 zoning that we have

[3] right now is what gave us BrandsMart. It simply

[4] complied with this, and this is what we got.

[5] This new zoning ordinance works well

[6] with our comprehensive land use, and it has

[7] architectural standards that work together.

[8] It's very well written.

[9] Yes, it does need some work, but

[10] there's nothing we can't change. So I'm here to

[11] speak in support of the new zoning. Thank you.

[12] **MR. HAMMONTREE:** My name is John

[13] Hammontree. I'm a real estate broker.

[14] **MAYOR JENKINS:** Sir?

[15] **MR. HAMMONTREE:** Yes, sir.

[16] **MAYOR JENKINS:** Are you a Doraville

[17] citizen?

[18] **MR. HAMMONTREE:** No, sir, I'm not.

[19] **MAYOR JENKINS:** Okay. Well, let's let

[20] them finish.

[21] **MR. HAMMONTREE:** Okay. I'm sorry.

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

[23] **MS. FRAYSSE:** Good afternoon. I'm

[24] Susan Fraysse.

[25] I'm speaking out of my experience with

[1] the whole process beginning three years ago with
[2] the LCI plan, being part of the steering
[3] committee for that plan. I learned a lot about
[4] planning and about the city of Doraville from
[5] that experience.

[6] They used the same language that was
[7] used later in the comprehensive plan. I was
[8] involved with that.

[9] I took a class with Marlene about -- in
[10] May of 2005 at the ARC group downtown, the same
[11] class that the Planning Board was able to attend
[12] later on, and I learned a lot.

[13] I want to impress upon the Council the
[14] fact that our zoning is a tool in support of the
[15] comprehensive plan. I have suspicions that some
[16] people object to the plan, even though it was
[17] signed off on by everyone sitting here on June
[18] 19th at the Council meeting last year.

[19] I accept the plan. I accepted the LCI
[20] plan. I want to see zoning that is compatible
[21] with that plan.

[22] I'm afraid that some people feel that
[23] their objections to the plan which has been
[24] approved and is our official plan can be avoided
[25] by going around on the end and creating zoning

[1] Some people have had concerns about the
[2] personalities at Pond or some, you know, issues
[3] that have gone on. Pond is a reputable company.
[4] They did Chamblee's ZO before they came to us.
[5] They had the best, you know, recommendations.
[6] That's why we hired them on February 6, 2006.
[7] This Council, most of these people here,
[8] approved of them. We started with them in good
[9] faith.

[10] They have delivered us a decent zoning
[11] ordinance. My understanding is even after this
[12] 18 months of struggling, Pond is in good shape.
[13] They're going to be doing as, I believe,
[14] Norcross.

[15] **MS. SHIVER:** Comprehensive plan.

[16] **MS. FRAYSSE:** Comprehensive plan.

[17] So they are doing lots of work and
[18] planning up and down Buford Highway in the same
[19] area that we should be -- or consider that we
[20] want to be in step with, in synch with.

[21] I am in support of this zoning
[22] ordinance exactly as it's written. But if the
[23] Council has objections, wants to make changes, I
[24] beg you to please not make changes that are
[25] incompatible with the plan we already have in

[1] that won't include the tools that we need for
[2] that plan. That is my major concern.

[3] And I think I want to graphically
[4] explain the predicament we will put developers
[5] in if that happens. If we have a plan and this
[6] is the plan, our zoning needs to be straight in
[7] alignment, as the Pond zoning is.

[8] If we go back to 2006 or any
[9] permutation that is not in alignment with this
[10] plan, the developers are put into the position
[11] of having to go with the plan, or use the
[12] tools -- be limited by the tools in the zoning
[13] ordinance, or somehow get caught in the contra-
[14] dictions or just go somewhere else and deal with
[15] a city that is lined up where their vision is in
[16] sync with the tools.

[17] The reasons I support the Pond ZO, the
[18] zoning ordinance, it's based on the new comp
[19] plan for our city. It is completely aligned
[20] with the vision of our comprehensive plan and
[21] our LCI study and the cumulative advice of every
[22] planner I have talked to in the last three
[23] years.

[24] We are out of step if we can't get in
[25] line with our own comprehensive plan.

[1] effect. In other words, don't try to overturn
[2] the LCI and the master plan, the comprehensive
[3] plan that we have, by creating a very limited
[4] toolbox, the old 1986 toolbox of tools.

[5] I want you to include responsible,
[6] over-a-hundred-acres PUD for GM so we have a
[7] chance to move forward with GM in the city when
[8] they're gone. I would like --

[9] Sir?

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

[11] **MS. FRAYSSE:** Yes, sir.

[12] **MAYOR JENKINS:** Anybody else?

[13] Does any of the people that's supposed
[14] to have any questions of Holly before we get
[15] into the other? Anybody want to ask Holly any
[16] questions? We'll do that later at the table,
[17] but I'm talking about in the audience.

[18] I'm going to allow Mr. Hammontree to
[19] speak because maybe I didn't make it clear. So
[20] you come on up, sir, and you got the same
[21] amount, three minutes.

[22] **MR. HAMMONTREE:** Okay. I'm an
[23] independent licensed real estate broker. I've
[24] had some property listed here with the city of
[25] Doraville for some time. The exact parcel

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[1] location number is 5911 New Peachtree Road.
 [2] I first want to say that I appreciate
 [3] the Council members working with me up to this
 [4] point. Marlene and Jason Anavitarte and
 [5] attorney Rick Powell have all been very helpful.
 [6] And with the new proposed zoning draft,
 [7] this particular property sits in a mixed-use
 [8] land designation. But we would like to make a
 [9] suggested change before the ordinance might be
 [10] adopted, to the -- in the zoning classification
 [11] of CRNM versus Town Center. The property has
 [12] the potential to be developed by a new
 [13] developer, and according to Pond, I think this
 [14] property sits right on the line from Town Center
 [15] to CRNM.
 [16] And I just want to make that suggestion
 [17] to the city, if the line could be moved over to
 [18] include this parcel in the CRNM zoning district
 [19] for that property at 5911 New Peachtree.
 [20] I think it would be a catalyst. Maybe
 [21] an initial developer would come in and do a
 [22] mixed-use project, attract other developers
 [23] there. I just want to make that suggestion if
 [24] you could consider that, please. Thank you.
 [25] **MAYOR JENKINS:** Holly, can you explain

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[1] what the CRL -- NM is?
 [2] **MS. SHIVER:** The difference between
 [3] Town Center zoning and any of the categories
 [4] that are CRN is that Town Center, due to
 [5] decision of the City Council, it was adamant
 [6] that the City Council did not want any
 [7] residential construction in the Town Center
 [8] zoning district -- no houses, no condos, no
 [9] apartments, no residential.
 [10] So the difference is that because Town
 [11] Center doesn't, all the other mixed-use
 [12] districts would be allowed to have housing.
 [13] They're called Commercial Residential
 [14] Neighborhoods. It's more of a mixture so that
 [15] you could do a wider variety including
 [16] residential development.
 [17] **MAYOR JENKINS:** Any more questions for
 [18] Holly?
 [19] **MR. ROSENHAFT:** I have one. Aaron
 [20] Rosenhaft, (spelling) R-o-s-e-n-h-a-f-t.
 [21] It's my understanding that the zoning
 [22] map that goes along with the zoning ordinance is
 [23] in draft form. And it was my understanding that
 [24] when they drew the lines of the zoning map, I
 [25] wouldn't say that it was done arbitrarily, but

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[1] if we moved -- put the line on this side of the
 [2] parcel or we put the line on this side of the
 [3] parcel, it was -- you know, it wasn't done with
 [4] the thought of, you know, we have this property
 [5] that somebody's interested in developing.
 [6] So I guess my question is, is it
 [7] possible for the Council members to vote on a
 [8] change to a draft zoning map today, so that if
 [9] the -- if the zoning does occur, that this
 [10] property would be in line with what we want to
 [11] do as the zoning map passes.
 [12] **MS. SHIVER:** Well, A., nothing about
 [13] the zoning map and the way it's drafted required
 [14] or had included any votes ever.
 [15] **MR. ROSENHAFT:** Right.
 [16] **MS. SHIVER:** You know, the way we would
 [17] have did it is by talking to the City Council
 [18] and looking at other plans such as the compre-
 [19] hensive plan and the LCI plan. So that's why
 [20] the lines were drawn where they were drawn. It
 [21] really wasn't arbitrary in any way.
 [22] And so as far as voting to do anything
 [23] regarding the map, that's more of a procedural
 [24] question and I can't answer yes or no to that.
 [25] But no votes have occurred thus far, so I would

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[1] not assume that the votes needed to occur for
 [2] any change; it would be more of a consensus item
 [3] for the City Council to discuss among
 [4] themselves.
 [5] **MR. ROSENHAFT:** Okay.
 [6] **MS. SHIVER:** So I wouldn't be able to
 [7] make that decision or make a motion or anything
 [8] along those lines.
 [9] **MR. ROSENHAFT:** Got you.
 [10] **MS. SHIVER:** But the map was drawn with
 [11] the thought and with looking at other previous
 [12] plan documents.
 [13] **MR. ROSENHAFT:** Okay.
 [14] **MS. SHIVER:** Okay.
 [15] **COUNCILWOMAN HADDEN:** The Mayor has
 [16] allowed me a comment.
 [17] I would like to say that Mr. Hammontree
 [18] had come to the City Council -- I believe it was
 [19] four years ago, Mr. Hammontree -- and so some of
 [20] the people that are here now may not be familiar
 [21] with the parcel that he is speaking about.
 [22] It has two old houses sitting on the
 [23] other side of the Baptist church, and the PUD
 [24] ordinance portion that we had at that time did
 [25] not really cover what the mixed-use project was

[1] that they wanted to put in. It was something
[2] similar to what Vintage Pizza is in Chamblee;
[3] that type of construction, something on the
[4] bottom like the restaurant Vintage Pizza and the
[5] lofts above that are \$300,000 each and up.

[6] And we worked on the PUD ordinance, I
[7] believe, at that meeting. Mr. Lowe was here
[8] then. And we had the PUD ordinance to where
[9] such a project could come in to the city,
[10] because we try to attract these types of
[11] developments come in -- the quality
[12] developments.

[13] And then what happened is I believe one
[14] of the ladies thought that we had changed the
[15] zoning on her property, and tried to drive the
[16] price up, and the person who was going to do the
[17] development went ahead and went over to Marietta
[18] and has actually built some very beautiful
[19] developments over in Marietta now. It's very
[20] tasteful, Williamsburg brick; very classy.
[21] Sorry we lost it.

[22] **MAYOR JENKINS:** Okay. No more comments
[23] from the audience?

[24] I'm going to bring it up to the table
[25] and we're going to leave it up to the table

[1] **MS. SHIVER:** And March.
[2] Any one that's dated more recent than
[3] the previous ones supersedes it in its entirety.
[4] It's not like there are different versions that
[5] have completely different substantive
[6] information or anything like that. It's just
[7] that we didn't sit down in a closet and write it
[8] all in a day. We have worked on sections of it.
[9] So as we progressed, some sections haven't
[10] received as much attention as other sections.

[11] So the June 19th is really the final-
[12] final, and the ones before that still have
[13] changes in different colors because we've been
[14] asked to track our changes and things of that
[15] nature. So comparing any of our versions of
[16] documents would be really pointless and it would
[17] be really a waste of time because all you're
[18] going to see is an evolution of material as we
[19] incorporated the City Council comments and
[20] comments that were received at the work sessions
[21] and other meetings that we had.

[22] **MS. AVERS:** Mayor, I think I have one
[23] last comment just quick, very quick. Chris
[24] Avers again.

[25] **MAYOR JENKINS:** Give your name again.

[1] until we decide what to do on the question that
[2] was asked a few minutes ago, so --

[3] **MS. MURPHY:** Mayor, can I ask a
[4] question? Which version are you-all talking
[5] about, which version of the zoning ordinance?

[6] **ATTORNEY POWELL:** It was the one that
[7] was handed out at the last meeting, which is the
[8] July -- June 19th version with my one little
[9] change to it.

[10] **MS. MURPHY:** And this map is in --

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

[12] **MS. SHIVER:** Can I clarify that?

[13] **MAYOR JENKINS:** Excuse me?

[14] **MS. SHIVER:** May I just make one
[15] clarification statement about the version of the
[16] ordinance?

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

[18] **MS. SHIVER:** I think there's been some
[19] confusion. This is a general procedural thing
[20] about how we've done our work. Any ordinance
[21] version dated subsequent to any original draft -
[22] - we gave a draft in December, we gave a draft
[23] in February I think, we gave a draft in May and
[24] we gave a draft in June.

[25] **MS. FRAYSSE:** And March.

[1] **MS. AVERS:** Chris Avers.

[2] The one last comment that I wanted to
[3] make is that I understand that the city budget
[4] was stagnant this year for the first time, which
[5] means --

[6] **MAYOR JENKINS:** Was what?

[7] **MS. AVERS:** Stagnant.

[8] **MAYOR JENKINS:** What does that mean?

[9] **MS. AVERS:** It did not increase as it
[10] has in the past years. Every year, we've taken
[11] in more money so we've had more money to spend.
[12] This year, it didn't; we didn't take in any more
[13] money. And so it appears that we're losing our
[14] tax base because possibly the --

[15] **MAYOR JENKINS:** That's not true.

[16] **MS. AVERS:** Well --

[17] **MAYOR JENKINS:** I don't know where we
[18] picked that up.

[19] **MS. AVERS:** The reason --

[20] **MAYOR JENKINS:** Because we save money
[21] and we don't have to increase the budget? Is
[22] that what you're saying?

[23] **MS. AVERS:** No. What I'm saying is
[24] we're not bringing in additional --

[25] **MAYOR JENKINS:** I don't think that's

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[1] got anything to do with the zoning, ma'am.
 [2] Thank you.
 [3] **MS. AVERS:** Well, I think it does,
 [4] because we may not be attracting business, and
 [5] that's important. So I believe stepping ahead
 [6] with the new zoning ordinance --
 [7] **MAYOR JENKINS:** We are attracting
 [8] business, lots of business.
 [9] **MS. AVERS:** Okay.
 [10] **MAYOR JENKINS:** And I'll bring it up to
 [11] the table and start with Bob on comments on what
 [12] he thinks should be done about this zoning
 [13] ordinance.
 [14] And if you can just make your comments,
 [15] and we'll move around the table.
 [16] **COUNCILMAN SPANGLER:** Well, I think we
 [17] should check in a little more. I think Mr. Lowe
 [18] had a . . .
 [19] **COUNCILMAN LOWE:** I think it needs to
 [20] have more definitive statements in it than what
 [21] it's got. To me, it seems like it's pretty
 [22] general. And from some of the statements that
 [23] were made by some of the citizens of what's
 [24] needed, it looks like we could use more exact
 [25] wordage, verbiage in this ordinance.

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[1] **MAYOR JENKINS:** Okay.
 [2] **MS. FRAYSSE:** Mayor, may --
 [3] **MAYOR JENKINS:** Wait just a minute.
 [4] Mr. Hart?
 [5] **COUNCILMAN HART:** Well, you know, this
 [6] is -- you know, we were working on this and
 [7] we've been -- we started off with like 23
 [8] articles in the zoning ordinance and we've now
 [9] dwindled down to 17.
 [10] It doesn't include any of the latest --
 [11] I mean there's no water provisions at all --
 [12] flood prevention, buffers. The street ordinance
 [13] is an old ordinance. The newer ordinances in
 [14] the surrounding cities have gone to canopy
 [15] ordinances rather than the old Dekalb ordinance.
 [16] Like I said, there's at least seven sections
 [17] missing.
 [18] The ordinances that we've worked on had
 [19] 60 pages of definitions. This has 12 pages.
 [20] Of course, the stream buffers are
 [21] missing, stormwater. Flood management's
 [22] missing. There's a lot of sections in here from
 [23] 2006 ordinance that was supposed to be so bad
 [24] that -- you look at Article 16, 15, 17, they're
 [25] all taken directly out of the 2006. The signage

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[1] ordinance, 2006. You go back to Article 1, 2
 [2] and 3, those are basically coming out of 2006.
 [3] They're not flushed out. Definitions are very
 [4] poor, not definitive.
 [5] We have an excellent comprehensive plan
 [6] now that needs to be fully developed, and we
 [7] need to look forward to quality construction.
 [8] There's no -- no protection for quality
 [9] construction in here, masonry construction,
 [10] steel and concrete. The percentage of brick and
 [11] masonry construction, parking requirements,
 [12] location of parking, distance of parking from
 [13] the construction, construction distance to curb,
 [14] width of sidewalks, encroaching on private
 [15] property with width of sidewalks; I mean it goes
 [16] on and on.
 [17] So what I mean is we've gotten a
 [18] watered-down 2006. It's a lot shorter. It
 [19] doesn't provide for environmental protection.
 [20] It doesn't involve the new building codes that
 [21] just got released. So I think put the cake back
 [22] in the oven. It's not finished being baked.
 [23] **MAYOR JENKINS:** Donna?
 [24] **COUNCILWOMAN PITTMAN:** I believe that
 [25] Pond & Company did a nice job, but after reading

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[1] a lot of this a couple of times, there are some
 [2] things that are missing. And I feel this is
 [3] probably the most important thing this city will
 [4] do, and this is very important that we get it
 [5] right.
 [6] I just don't feel comfortable with
 [7] passing it without these things being addressed
 [8] and fixed. There's not that many that needs to
 [9] be fixed, but I do not feel comfortable with
 [10] going forward with it until we get these
 [11] addressed.
 [12] **MAYOR JENKINS:** Marlene?
 [13] **COUNCILWOMAN HADDEN:** What items need
 [14] fixing do you think?
 [15] **COUNCILWOMAN PITTMAN:** Well, there's
 [16] quite a few, and I don't have my highlighted
 [17] (inaudible) with me. I've just got the -- the -
 [18] - but there's quite a few that needs to be
 [19] addressed.
 [20] **COUNCILWOMAN HADDEN:** I'd like to hear
 [21] Pond's response before I respond.
 [22] **MAYOR JENKINS:** On?
 [23] **COUNCILWOMAN HADDEN:** On things like
 [24] why it doesn't have this or why it doesn't have
 [25] that.

[1] **COUNCILWOMAN PITTMAN:** Right.

[2] **MAYOR JENKINS:** Okay. What was --

[3] **MS. SHIVER:** Okay. Where to start.

[4] The zoning ordinance is just that: a

[5] zoning ordinance. A zoning ordinance is not a

[6] catch-all document to make up for other sections

[7] of the city code that may or may not be

[8] completely flushed out. A zoning ordinance is

[9] not appropriate place for building code. You

[10] should have development regulations that include

[11] the building code.

[12] Pond & Company actually supplied the

[13] City of Doraville with a sample set of

[14] development regulations, that we're willing to

[15] basically give you and include, that address all

[16] of those issues including stormwater, including

[17] stream buffers, all those environmental

[18] concerns, including the brick-and-masonry

[19] concern, sealed construction, all those

[20] requirements. That's your development

[21] regulations. That's a document in addition to

[22] the zoning code.

[23] The sections of the ordinance that were

[24] pulled out are for a similar reason, in a

[25] similar vein; that is, that a flood plain

[1] We asked over and over again for that type of

[2] input.

[3] Part of the reason why the definitions

[4] section as well as the ordinance doesn't look

[5] bigger is because I used a very small font. I

[6] used a font that is Sans Serif. It doesn't have

[7] the little tips on the ends of the letters like

[8] Times New Roman. So if you point in a 12 point

[9] font, it'll turn into 200-page ordinance. I

[10] used that, the font that I did, because it's

[11] very readable, it's very clean, and it's small.

[12] I can make it bigger, and you'll have a bigger

[13] document if that's what you want.

[14] Those are the main things. You know,

[15] if some of the verbiage is discomfoting or

[16] confusing, sometimes legal documents can do that

[17] to people, and I understand that. You know,

[18] it's not -- I'm not a lawyer. You know,

[19] Mr. Powell deals with legal verbiage every day,

[20] and I find it very taxing to get my head around

[21] sometimes as well. So I completely identify

[22] with any concerns that anyone has over that.

[23] The usage of the word "shall" is really

[24] necessary in the zoning ordinance because it is

[25] a regulatory tool. It's not a policy. Your

[1] ordinance is usually a stand-alone ordinance.

[2] All of the north Georgia and

[3] metropolitan water planning ordinances that the

[4] City is required to pass cover those issues. It

[5] covers flood plans, it covers wetlands. You

[6] have a conservation subdivision ordinance. You

[7] have separate ordinances for all the stream

[8] buffers.

[9] So a zoning ordinance typically isn't

[10] your environmental-protection document. So

[11] those are the basic reasons for those sections

[12] that are missing.

[13] As far as what we, you know, may have

[14] modified from the 2006 version, you know, Pond

[15] never said we're going to scrap things that make

[16] sense. Nobody ever said that things from the

[17] pre-existing Doraville ordinance weren't

[18] working. There just was a lot that wasn't

[19] working. So being a rewrite and an update isn't

[20] to suggest that absolutely every single word in

[21] the document would be new.

[22] Additionally, the definitions section I

[23] feel is very thorough. You know, if some need

[24] to be added, that's great. You know, we asked

[25] for those types of input from the City Council.

[1] comprehensive plan is your policy. The zoning

[2] is your regulation that backs up that policy, so

[3] it's actually very important and crucial that it

[4] be phrased in mandatory terms. If you just say

[5] "could," or "should" or "can" do certain things,

[6] then you leave the door really to open for a lot

[7] of situations.

[8] And as far as definitions and making

[9] them tighter, you know, great again. Those are

[10] suggestions that we have welcomed all along the

[11] way. And I know that we did. You know,

[12] Mr. Spangler provided us with a lot of

[13] comments -- Marlene; Jason had a point; Donna

[14] had; you know, Mr. Lowe gave us comments during

[15] work sessions -- that we, I think, were able to

[16] address at point.

[17] If we didn't address all of the

[18] concerns, then, you know, that's -- I do

[19] apologize. But as far as responding to and

[20] attempting to incorporate the ones that really

[21] belong in the zoning ordinance, I feel we really

[22] did the best that we could with the limited

[23] input that we received.

[24] **MAYOR JENKINS:** Marlene, (inaudible).

[25] **COUNCILMAN HART:** So you're saying that

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[1] conservation subdivisions don't belong in the
[2] zoning ordinance?
[3] **MS. SHIVER:** I'm not saying that
[4] conservation subdivisions don't. I'm just
[5] saying that a lot of cities have a stand-alone
[6] conservation subdivision ordinance.
[7] But you can incorporate that or it can
[8] be a stand-alone ordinance, but the bulk of the
[9] environmental . . .
[10] Conservation subdivisions are unique
[11] because it is a development, it is related to
[12] development as well as environment; whereas, the
[13] other ones that I was saying, like your stream
[14] buffers, and your flood plains, your wetlands,
[15] those are really, you know, environmental and
[16] not -- you know, it's more of a development
[17] regulations but not zoning per se.
[18] Zoning is the use of the land, so it's
[19] not -- the environmental doesn't really cross
[20] over into zoning as much as it does into the
[21] development regulations.
[22] So conservation subdivisions kind of
[23] straddle that line. It's fair to say that they
[24] could go either way. There's not a universal
[25] standard.

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[1] **MAYOR JENKINS:** Marlene?
[2] **COUNCILWOMAN HADDEN:** Thank you.
[3] It is my understanding also that the
[4] zoning ordinance basically is supposed to tie in
[5] or match the comprehensive land use plan.
[6] So if right now we don't have a
[7] conservation subdivision on the books, it really
[8] would not be appropriate in the zoning ordinance
[9] to have conservation subdivision, but then go
[10] ahead and have Mr. Hart help us put one on the
[11] books to have that provision if somebody were to
[12] come along --
[13] **MS. SHIVER:** The City doesn't have one.
[14] Well, I --
[15] **COUNCILWOMAN HADDEN:** -- to --
[16] **MS. SHIVER:** -- I hear what you're
[17] saying.
[18] **COUNCILWOMAN HADDEN:** -- to build
[19] something like that.
[20] **MS. SHIVER:** The comprehensive plan
[21] doesn't define areas that are perfect for
[22] conservation subdivisions.
[23] **COUNCILWOMAN HADDEN:** Right.
[24] **MS. SHIVER:** The reason for that is
[25] Doraville doesn't have a lot of unbuilt land.

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[1] There's not a lot of what we refer to as
[2] greenfield development possibility in the city
[3] of Doraville. It's pretty built out. So
[4] there's not a lot of, you know, obvious
[5] opportunities for conservation subdivisions.
[6] However, that may be a part of a PUD or
[7] that could be a part of a redevelopment at some
[8] point in time.
[9] The City does have a conservation
[10] subdivision ordinance because, again, it is
[11] actually required to by law from the
[12] Metropolitan North Georgia Water Planning
[13] District. So you do have a conservation
[14] subdivision ordinance which is why it's not in
[15] the zoning ordinance, because it's freestanding
[16] already in existence. I believe you adopted it
[17] probably in 2005 or 2006.
[18] **COUNCILMAN HART:** Yeah, it was in the
[19] 2006 ordinance. It just kind of fell out of
[20] this one.
[21] **MS. SHIVER:** Well, okay. It fell out.
[22] What the -- procedurally, then, what
[23] the City needs to do is probably, you know, make
[24] that motion to say it has been removed from the
[25] zoning ordinance and make sure that it's still

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[1] adopted in effect as a stand-alone ordinance.
[2] It's not it shouldn't have been. It
[3] could have been in the zoning ordinance. But we
[4] took it out because all of your environmental
[5] other ordinances should be stand-alone and
[6] because it didn't need to be rewritten. I mean
[7] it's based on a model ordinance. And unless the
[8] City has a problem with the model ordinance that
[9] was produced by other professionals and think
[10] that that was part of our scope of work.
[11] **COUNCILWOMAN HADDEN:** I would like to
[12] address a lot of the concerns that were brought
[13] up. I think that they can be easily addressed
[14] and made clear to all of us, including myself.
[15] Ms. Hoffmeister is not with us this evening. I
[16] believe she's on vacation. But she sent us a
[17] very nice letter, and I feel we are accountable
[18] to you. And I did take the time to investigate
[19] and find out the facts on her concerns, and
[20] Mr. Anderson had some pages of concerns, and I
[21] think that they are very easily addressed and
[22] very easily understood and then come back to the
[23] table and look at this document at that time
[24] after the concerns have been addressed, because
[25] I think it'll make it a lot more plain for

[1] everybody.

[2] **MAYOR JENKINS:** Okay, Ed.

[3] **COUNCILMAN LOWE:** I've already made my

[4] comment.

[5] **MAYOR JENKINS:** Okay. Does the Council

[6] want to, you might say, adopt or whatever this

[7] zoning ordinance or do you want to do more

[8] research on it?

[9] **COUNCILWOMAN HADDEN:** I wanted to

[10] address the concerns, Mr. Mayor.

[11] **MAYOR JENKINS:** After we finish with

[12] all the Council. Okay?

[13] I think we've got a lot of people that

[14] wanted to add to this, and what you're saying is

[15] you want to bring it up now.

[16] Mr. Stuart Anderson, how long would it

[17] take you, Mr. Stuart, to present all your stuff

[18] to this Council?

[19] **COUNCILWOMAN HADDEN:** I think that

[20] possibly -- let me make a suggestion, please;

[21] sorry -- some of the items that were brought up

[22] I think are very quickly and easily addressed,

[23] like Pond changing the setback line to start in

[24] the middle of the street.

[25] As old as Ray and I are, the setback

[1] or unless or if we annex those areas in, and we

[2] don't really know if we're going to get them at

[3] this point. So some of these things are very

[4] easily, easily addressed. The --

[5] **MAYOR JENKINS:** Okay, Marlene. Excuse

[6] me. We're going to get the Council's opinion,

[7] not just one opinion, on how far we go into this

[8] meeting. Do you understand?

[9] **COUNCILWOMAN HADDEN:** Right. But I'd

[10] like to add --

[11] **MAYOR JENKINS:** That's all I'm saying

[12] to you is let's get the Council's consensus of

[13] whether we're going to get into a long meeting

[14] or we're going to make a motion to have

[15] different meetings, postpone the second reading

[16] or whatever. That's what I'm saying.

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

[18] **MAYOR JENKINS:** When we get to this

[19] point, if they want to get into the meeting, we

[20] will.

[21] I know what you want.

[22] **COUNCILWOMAN HADDEN:** No, you don't

[23] know what I want.

[24] **MAYOR JENKINS:** Well, you want to go

[25] ahead tonight with this. Okay?

[1] line for that has always been in the middle of

[2] the street. They didn't change that. I think

[3] it's things like this that are confusing the

[4] public, that are stirring up a lot of

[5] misinformation about this zoning ordinance that

[6] almost become fabrications about the zoning

[7] ordinance, and I think it would be very easy to

[8] hit some of these high points.

[9] And I think Mr. Noonan is well aware of

[10] some of the high points because you sent me a

[11] very detailed e-mail.

[12] And Ms. Hoffmeister, her letter to

[13] Council, those are very easily and quickly

[14] addressed also. She wanted to add another

[15] industrial zoning category.

[16] And again, the zoning matches the

[17] comprehensive plan as parcels that we have right

[18] now are in our city. We do not need to form

[19] another industrial zoning at this time or until

[20] or if -- big "if" -- we annex another industrial

[21] area in. I don't think the citizens want us

[22] becoming more industrial or opening any doors

[23] for any more industrial zoning. They want

[24] quality retail to come in. We do not need to

[25] add another industrial section only up and until

[1] Does the whole Council want to do that.

[2] That's all I want.

[3] **COUNCILWOMAN HADDEN:** Well, it's a

[4] public meeting for public input, and we need to

[5] address the concerns that have been put on the

[6] table to us.

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

[8] **COUNCILWOMAN HADDEN:** And some of them

[9] are, you know, boom-boom and we're out of here,

[10] because some of them are filled with

[11] misinformation, and I think the public has a

[12] right to know.

[13] **MAYOR JENKINS:** Well, I certainly do,

[14] too.

[15] **COUNCILWOMAN PITTMAN:** Stuart, back to

[16] the question of how long do you think it would

[17] take you to address the issues kind of

[18] condensed.

[19] **COUNCILWOMAN HADDEN:** Mr. Noonan.

[20] **MR. ANDERSON:** I got a lot of pieces of

[21] paper here. I don't know.

[22] **MAYOR JENKINS:** How long, Mr. Stuart?

[23] **MR. ANDERSON:** A couple hours.

[24] **COUNCILWOMAN HADDEN:** Mr. --

[25] **MAYOR JENKINS:** Okay. Now, hold on a

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[1] minute.
[2] Mr. Noonan, how long will it take you,
[3] sir?
[4] **MR. NOONAN:** I've got probably maybe --
[5] about maybe five minutes to refute these
[6] arguments.
[7] **COUNCILWOMAN HADDEN:** So Stuart's two
[8] hours, and five minutes.
[9] **MAYOR JENKINS:** Okay. How much -- how
[10] much time do you think it'll address --
[11] **COUNCILMAN HART:** I know I've got about
[12] 12 hours.
[13] **MAYOR JENKINS:** -- Bonita's?
[14] I know you have.
[15] Bonita's looks like it's 12 pages
[16] maybe.
[17] **COUNCILWOMAN HADDEN:** But it's the
[18] first two pages, Mayor, that are the letter.
[19] The others are just attachments of Dekalb County
[20] --
[21] **MAYOR JENKINS:** There's still about 12.
[22] **COUNCILWOMAN HADDEN:** But her items are
[23] -- she's only got about five or six items, and I
[24] already addressed one with the industrial
[25] zoning. I can probably in about two minutes

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[1] cover the adult entertainment, and that takes
[2] care of her first page.
[3] Then, her second page is like the
[4] industrial that I've already covered. It's
[5] two -- it's just two pages of simple items that
[6] are under great misconceptions and quite
[7] misleading to the public.
[8] **MAYOR JENKINS:** I'll get back to my
[9] original question. What does the Council want
[10] to do? Do I have a motion?
[11] **COUNCILMAN HART:** Do you want me to
[12] make a motion?
[13] **MAYOR JENKINS:** Yes, sir. Give me a
[14] motion.
[15] **COUNCILMAN HART:** I'd like to make a
[16] motion that we take this document -- I've got
[17] 140 pages myself.
[18] **MR. NOONAN:** Come on. You got to be
[19] crazy.
[20] **COUNCILMAN HART:** Excuse me.
[21] **MAYOR JENKINS:** Go ahead.
[22] **COUNCILMAN HART:** I've got 140 pages
[23] myself. I've got the Planning Commission,
[24] Mr. Anderson, and Bonita as well as John. They
[25] have input into this document. And I don't feel

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[1] like we're getting anywhere the way that we're
[2] going.
[3] My motion is to turn this over to Kick
[4] & Wood, Mike Worth, to give him that information
[5] and --
[6] **UNIDENTIFIED SPEAKER:** What?
[7] **UNIDENTIFIED SPEAKER:** What?
[8] **COUNCILMAN HART:** -- and to finish this
[9] document.
[10] **MAYOR JENKINS:** Mr. Hart has the floor,
[11] sir.
[12] Okay. Is that in the form of a motion?
[13] **COUNCILMAN HART:** That's a motion.
[14] **MAYOR JENKINS:** Do I get a second?
[15] **COUNCILMAN SPANGLER:** Second.
[16] **MAYOR JENKINS:** Excuse me?
[17] **COUNCILMAN SPANGLER:** Second.
[18] **UNIDENTIFIED SPEAKER:** Come on.
[19] **UNIDENTIFIED SPEAKER:** Oh, Bob, spend
[20] another hundred thousand dollars?
[21] **UNIDENTIFIED SPEAKER:** This is our
[22] city.
[23] **MAYOR JENKINS:** Excuse me.
[24] **MS. CRAWFORD:** Excuse me. You're
[25] supposed to be --

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[1] **MAYOR JENKINS:** We're --
[2] **MS. CRAWFORD:** -- representing us.
[3] **MAYOR JENKINS:** We're at the table.
[4] **MS. CRAWFORD:** We don't have to be
[5] cheering for you.
[6] **MAYOR JENKINS:** We will have discussion
[7] on this after we --
[8] I have a motion and a second.
[9] Okay. If you want to speak, come up to
[10] the microphone.
[11] **COUNCILWOMAN HADDEN:** May I speak?
[12] **UNIDENTIFIED SPEAKER:** Well, if you
[13] want to speak? Go ahead. Go to the microphone.
[14] **MS. CRAWFORD:** You're supposed to be
[15] representing us. And I think you can just --
[16] **UNIDENTIFIED SPEAKER:** (Overspeaking)
[17] **MS. CRAWFORD:** Susan Crawford. I think
[18] it's important because this is supposed to be an
[19] open meeting, I believe. I'm sorry I'm late. I
[20] was at work in the soon-to-be-defunct GM plant
[21] that I hope is a PUD soon. And I do apologize
[22] for missing the beginning, but I think this is
[23] an open meeting.
[24] And to make a motion like that, you're
[25] not a professional city planner. I'm sure you

[1] have a really nice house and you've decorated it
[2] nicely, but how can any of you supersede this --
[3] this group that's been working for a year or
[4] more on a plan for our city without the input of
[5] the people sitting in the audience? If you're
[6] going to make a vote like this, I think you
[7] should at least be aware of what we think. This
[8] is what I think.

[9] **MAYOR JENKINS:** Any more discussion?

[10] **COUNCILWOMAN PITTMAN:** Can we get some
[11] clarity on exactly what the purpose behind the
[12] Keck & Wood? Can you clarify why and what
[13] you're doing?

[14] **COUNCILMAN HART:** Well, because when I
[15] brought up the things like we're missing seven
[16] articles in this document, particularly like the
[17] flood plain management --

[18] **MS. CRAWFORD:** She explained that.
[19] (Multiple overspeaking from audience.)

[20] **MAYOR JENKINS:** What was that? Excuse
[21] me. What did you say?

[22] **MS. AVERS:** It's already been -- it's
[23] already addressed in other parts of the City
[24] Code.

[25] **COUNCILMAN HART:** I'm not going to sit

[1] **COUNCILWOMAN PITTMAN:** -- solve the
[2] issues.

[3] **COUNCILMAN HART:** And I think that's
[4] fine. But you give the input and you give the
[5] input, and it falls on deaf ears.

[6] Okay? The fact that there's no
[7] conservation subdivision in this article. We've
[8] gone from 23 articles in our old zoning
[9] ordinance. We're down to 15 now. Okay?

[10] We just left all the environmental
[11] protection out, and this ordinance takes
[12] precedence over anything in the MUNI codes.
[13] Everybody wants to move this stuff over to the
[14] MUNI code and then take it out of the zoning
[15] ordinance.

[16] What do you think we do when we go to a
[17] site plan review? First thing comes up is land
[18] disturbance. We get into water issues. Okay?
[19] So we're just going to leave that all out of the
[20] zoning ordinance?

[21] **COUNCILWOMAN PITTMAN:** So you don't
[22] think we could talk about this and get this --

[23] **COUNCILMAN HART:** I don't think --

[24] **COUNCILWOMAN PITTMAN:** -- put back in?

[25] **COUNCILMAN HART:** -- under the present

[1] here and take this from you-all.

[2] **MAYOR JENKINS:** Well, I'm trying to
[3] control it.

[4] **COUNCILMAN HART:** If they want to
[5] continue in the meeting, then they can behave
[6] themselves. If not, then they need to be
[7] removed from Council chambers.

[8] **MAYOR JENKINS:** As a Commissioner, you
[9] can call them out of order, sir, according to
[10] the charter.

[11] **COUNCILWOMAN PITTMAN:** Can -- wait a
[12] minute.

[13] **MAYOR JENKINS:** Can we get back to her
[14] question?

[15] **COUNCILWOMAN PITTMAN:** Yeah. I'm
[16] just -- you know, it -- I know it's been talked
[17] about and everything, but do we not think that
[18] we can get the input from the people that have
[19] some issues and some, you know, issues as well,
[20] even if we have to have another work session,
[21] another work session or another one, whatever --

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

[23] **COUNCILWOMAN PITTMAN:** -- it takes to -

[24] -

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

[1] situation, since this is the end of Pond's
[2] agreement, that we could -- we could spend some
[3] time with Mike Worth at Keck & Woods and finish
[4] it up, get the input from I think Bonita, the
[5] stuff that I have, the stuff that the Planning
[6] Commission has and complete a document in a
[7] couple weeks here.

[8] But I think what's going on right now
[9] is that we're just going to keep on going down
[10] this same road and not come up with a quality
[11] document.

[12] **COUNCILMAN LOWE:** So you're -- you're
[13] wanting a second opinion, based on what you're
[14] saying.

[15] **COUNCILMAN HART:** Absolutely.

[16] **MAYOR JENKINS:** Well, wait just a
[17] minute.

[18] My suggestion originally was to have
[19] more than one meeting. I have no problem with
[20] us sitting here two three hours. But that's not
[21] going to cut it. We see that. It's not going
[22] to finish it. It's not going to solve anything.
[23] And these people that have suggestions do need
[24] to get their suggestions in there whether
[25] they're engineers or whatever they are.

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[1] So we got a motion and a second on the
 [2] table, but we got -- let's go ahead and finish
 [3] discussion before we call for this motion.
 [4] Okay.
 [5] **COUNCILWOMAN HADDEN:** We've had over
 [6] eight months this year for people to call us or
 [7] get to us or whatever with any concerns, and I
 [8] think Mr. Noonan can address Mr. Anderson's
 [9] concerns in about five minutes or so.
 [10] And Ms. Shiver, did you receive a copy
 [11] of Ms. Hoffmeister's letter?
 [12] **MS. SHIVER:** I did, and I --
 [13] **COUNCILWOMAN HADDEN:** And I looked at
 [14] it and I talked to some experts. And I don't
 [15] think it's going to take her five or ten minutes
 [16] to address Ms. Hoffmeister's concerns and clear
 [17] that off the plate and look at this again.
 [18] Now, I will have an objection for this
 [19] going to Keck & Wood. Keck & Wood has never
 [20] written a zoning ordinance for anybody. Keck &
 [21] Wood is an engineering company. We have not
 [22] told how much this is going -- we have not been
 [23] told how much this is going to cost.
 [24] I would much rather, if we call in
 [25] somebody else, to look at what we have and to be

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[1] someone like Mr. Hart brought to the city like
 [2] Johnny Lawler, the planner retired from Norcross
 [3] who is familiar with these types of documents
 [4] and what goes into them and what to expect from
 [5] them. At least we know Mr. Lawler would cost us
 [6] a hundred dollars an hour. And I don't know.
 [7] We could probably get an estimate from him that
 [8] he might spend six hours/eight hours on it,
 [9] rather than we don't know how long Keck & Woods
 [10] is going to spend on some concerns raised by
 [11] some citizens that are not educated in the
 [12] planning field, that can be easily dispensed
 [13] with here tonight in less than 20/25 minutes.
 [14] **COUNCILWOMAN PITTMAN:** So how do you
 [15] feel about Mr. Lawler versus Keck & Wood?
 [16] **COUNCILMAN HART:** I'm fine with Johnny
 [17] Lawler. But Keck & Woods, I -- I'm really
 [18] looking for is someone like an engineering
 [19] company to review it rather than a planner,
 [20] because of concerns about quality construction.
 [21] **MAYOR JENKINS:** (Inaudible).
 [22] (Multiple overspeaking from audience.)
 [23] **COUNCILMAN HART:** We originally were
 [24] going to have these things reviewed by Johnny
 [25] Lawler, and Keck & Woods and C2MHILL, and we

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[1] brought that up to Council twice now. Twice we
 [2] approved it, and twice we have not been able to
 [3] utilize those services.
 [4] Johnny Lawler was good enough to help
 [5] me with a couple of pages. C2MHILL sent some
 [6] stuff. And Keck & Woods and -- and Work came by
 [7] to look at a few things. So I have 140 pages
 [8] that I have, that had some review by those three
 [9] people.
 [10] **COUNCILWOMAN PITTMAN:** My impression of
 [11] tonight's meeting, I thought, was to -- if we
 [12] came to a consensus to that everyone agreed on
 [13] and of course to vote, but obviously that's not
 [14] happening. And I thought we were going to work
 [15] through with some of the problems tonight and
 [16] again could take some more time, come back again
 [17] before we pass this.
 [18] I thought that's actually what we were
 [19] here for is a work session to kind of weed
 [20] through some of the problems we were having. So
 [21] I don't know why we couldn't move forward with
 [22] that part of it, and at the end, maybe go with
 [23] Mr. Lawler to take a look at what we've done,
 [24] and if we need to come back again, because this
 [25] is very, very important.

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[1] And again, I think you did a really
 [2] good job but there are some issues that need --
 [3] and you know -- you know, that need to be
 [4] addressed.
 [5] And you know, if Stuart's takes two
 [6] hours, then I guess we'll take his, we'll take
 [7] Mr. Noonan's or whomever and go from there.
 [8] **COUNCILMAN LOWE:** Well, we can always
 [9] get copies of these suggestions from people and
 [10] have Mr. Lawler look them over and see how they
 [11] can be fitted into the zoning or if they need to
 [12] be fitted into the thing.
 [13] **COUNCILWOMAN HADDEN:** She has already
 [14] looked over Ms. Hoffmeister's.
 [15] Did you have a copy of Mr. Anderson's
 [16] also?
 [17] **MS. SHIVER:** I've had different
 [18] components. I've had Mr. Noonan's comments and
 [19] Ms. Hoffmeister's, and I've had -- I have
 [20] probably an older version of Stuart's from a
 [21] couple of months ago. I don't know what he's
 [22] added to it since then.
 [23] **COUNCILWOMAN HADDEN:** To save time and
 [24] help clear the plate, would we like to listen to
 [25] comments back on Ms. Hoffmeister's and then

[1] Mr. Noonan's comments on Mr. Anderson's and have
[2] Ms. Shiver comment on that? And I think we
[3] could be pretty Johnny-on-the-spot with a lot of
[4] these concerns, because a lot of them are
[5] actually not problems. A lot of them are
[6] misunderstandings about what is in the zoning
[7] document or the applications of it.

[8] **MAYOR JENKINS:** Marlene, what we want
[9] to do is do what the Council wants to do.
[10] That's the reason we're discussing it.

[11] **COUNCILWOMAN HADDEN:** That's fine. I'm
[12] happy --

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

[14] **COUNCILWOMAN HADDEN:** -- to go that
[15] way.

[16] **MAYOR JENKINS:** So we've got to the
[17] point of a motion and a second.

[18] Now, if we go into the discussion
[19] tonight --

[20] **COUNCILWOMAN HADDEN:** It's a public
[21] hearing.

[22] **MAYOR JENKINS:** I know that. But if
[23] there's a motion made to postpone it -- okay.
[24] That's what I'm trying to say. Are we going to
[25] keep the motion on the table or what are we

[1] **COUNCILMAN SPANGLER:** I think you've
[2] got a lot more comments than what we've had
[3] tonight, also, Donna. That's what Ed's saying.
[4] He's had some comments. And Marlene's probably
[5] had some comments.

[6] **COUNCILWOMAN PITTMAN:** Okay. Well --

[7] **COUNCILMAN SPANGLER:** Ms. Hoffmeister's
[8] not here tonight. Maybe she should be here at
[9] the next meeting to where she can maybe bring a
[10] little clarity to what she's --

[11] **COUNCILWOMAN HADDEN:** I think what she
[12] asked is pretty clear.

[13] **MAYOR JENKINS:** Okay. Do we want to go
[14] so far tonight and then set up another meeting?
[15] Is that what we are talking about?

[16] **COUNCILWOMAN HADDEN:** I'd like to work
[17] a little longer. It's only 10 after 7:00.

[18] **MAYOR JENKINS:** I'm not talking about
[19] closing the meeting.

[20] I'm saying we work tonight but I'm sure
[21] we won't get completed.

[22] Do you think we can?

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

[24] **COUNCILWOMAN PITTMAN:** Well, I don't
[25] know if we can or not, but we can certainly --

[1] going to do?

[2] Bob, what do you say?

[3] **COUNCILMAN SPANGLER:** Well, Ray, I just
[4] want to make sure that everything is done before
[5] we approve this, everything is -- all the
[6] changes are made before we approve this. I just
[7] feel like we need to get a second opinion. This
[8] is the most important document that we as a
[9] council will approve or pass, and I just want to
[10] make sure it's right.

[11] **COUNCILMAN LOWE:** And I have the same
[12] feeling that you do about it whether it goes to
[13] Mr. Lawler, Keck & Wood or whoever.

[14] **COUNCILMAN SPANGLER:** Right.

[15] **COUNCILWOMAN PITTMAN:** Well, I think
[16] that we need to go ahead and go forward with the
[17] work session and get the ideas, start -- at
[18] least start the process of weeding through some
[19] of the problems and then have him, Mr. Lawler --

[20] **COUNCILMAN LOWE:** Well, we could get
[21] copies. I've gotten some copies of --

[22] **COUNCILWOMAN PITTMAN:** You-all don't
[23] want to talk about it with --

[24] **COUNCILMAN LOWE:** Well, we can, but I'm
[25] just saying Mr. Lawler needs to look at them.

[1] **MAYOR JENKINS:** We can give it a try.

[2] **COUNCILWOMAN PITTMAN:** -- go forward.

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

[4] **MAYOR JENKINS:** I just want everybody
[5] to have their input into it.

[6] **COUNCILWOMAN HADDEN:** You've got a
[7] motion on the table, Mayor.

[8] **MAYOR JENKINS:** I know that.

[9] Rick?

[10] **ATTORNEY POWELL:** You'll have to vote
[11] on that motion --

[12] **MAYOR JENKINS:** I know.

[13] **ATTORNEY POWELL:** -- and then defeat it
[14] if that's -- if you want to do something else,
[15] so.

[16] **MAYOR JENKINS:** Okay. Could we have
[17] him withdraw the motion, or you want to keep the
[18] motion?

[19] **ATTORNEY POWELL:** Well, he --

[20] **COUNCILMAN LOWE:** Do you want to
[21] withdraw the motion?

[22] **MAYOR JENKINS:** Do you want to go
[23] through with your motion or withdraw it?

[24] **COUNCILMAN SPANGLER:** Well, Tom's the
[25] one who made the motion and I seconded it. I'm

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[1] going to stick with it if he --

[2] **MAYOR JENKINS:** Tom?

[3] **COUNCILMAN SPANGLER:** -- sticks with

[4] it.

[5] **COUNCILMAN HART:** I would like to have

[6] the --

[7] **MAYOR JENKINS:** I'm sorry; I thought --

[8] **COUNCILMAN SPANGLER:** No. That's okay.

[9] **COUNCILMAN HART:** I would like --

[10] **MAYOR JENKINS:** We'll go as far as we

[11] can tonight.

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

[13] And I think that we need to have it

[14] reviewed by -- looked at it by Keck & Woods

[15] and -- for review, and take all the input and

[16] forward that to Mike Worth at Keck & Woods and

[17] get back to us.

[18] **MR. CRAWFORD:** We can't hear what's

[19] going on.

[20] **UNIDENTIFIED SPEAKER:** And also Johnny

[21] Lawler.

[22] **MAYOR JENKINS:** Does everybody agree

[23] with that?

[24] **COUNCILMAN HART:** And if he needs also

[25] Johnny Lawler to help him, that's -- that's --

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[1] (Multiple overspeaking from audience.)

[2] **COUNCILMAN LOWE:** Should we go with

[3] Johnny Lawler first?

[4] **MAYOR JENKINS:** Do you want to withdraw

[5] your motion?

[6] **COUNCILMAN HART:** No.

[7] **MAYOR JENKINS:** Okay. We got a motion,

[8] we got a second, we've had discussion.

[9] All in favor?

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

[11] **MAYOR JENKINS:** Call the roll, please,

[12] ma'am.

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

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

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

[16] **COUNCILWOMAN HADDEN:** I have a problem

[17] with Keck & Wood on another issue: that about

[18] three years ago, the Mayor made a motion to

[19] award a \$20,000 study to Keck & Wood. They were

[20] willing to take our \$20,000, and it was on a

[21] study that was absolutely not necessary.

[22] I even asked Mr. Powell to verify that,

[23] and it came back and was verified it was on a

[24] study that was not necessary; it was something

[25] we could get from the County for free. I cannot

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[1] in faith vote for Keck & Wood who has never

[2] written a zoning ordinance, to do this. I vote

[3] no.

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

[5] **COUNCILMAN HART:** Mike Worth is a

[6] certified city planner.

[7] **MAYOR JENKINS:** Wait just a minute,

[8] Tom.

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

[10] **COUNCILWOMAN PITTMAN:** No. And I'm

[11] going to make another motion.

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

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

[14] **COUNCILMAN SPANGLER:** Councilman

[15] Spangler?

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

[17] **MS. MURPHY:** Mayor, I believe that's

[18] three to two.

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

[20] **COUNCILWOMAN HADDEN:** We don't even

[21] know how much it's going to cost.

[22] **MAYOR JENKINS:** That's for the motion?

[23] **MS. MURPHY:** Yes, sir.

[24] (Inaudible conversation at Council

[25] table.)

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[1] **MS. MURPHY:** Mayor, I believe that

[2] passed three to two; is that correct?

[3] **MAYOR JENKINS:** Yeah.

[4] (Multiple inaudible conversation in

[5] audience.)

[6] **COUNCILMAN HART:** Well, it definitely

[7] cannot cost \$105,000 and take three years.

[8] **COUNCILWOMAN PITTMAN:** Can I make a

[9] motion?

[10] **MAYOR JENKINS:** You can. Make a

[11] motion.

[12] **COUNCILWOMAN PITTMAN:** Okay. Well, I

[13] wanted to make a motion that rather than spend

[14] the money with Keck & Wood, that we make a

[15] motion to go ahead and proceed with our work

[16] session and work on some of this and then let

[17] Mr. Lawler look at it versus Keck & Wood.

[18] **COUNCILWOMAN HADDEN:** I second.

[19] **MAYOR JENKINS:** Any more discussion?

[20] **MS. MURPHY:** But we have to rescind the

[21] other vote?

[22] **COUNCILMAN HART:** I mean I don't mind

[23] him working on it, but I mean --

[24] **COUNCILWOMAN PITTMAN:** I just think

[25] that (inaudible).

[1] **THE REPORTER:** I'm sorry. I need
[2] everybody to speak. This is on the record until
[3] somebody says it's not.

[4] **COUNCILMAN HART:** Okay. Saving money.

[5] **COUNCILWOMAN PITTMAN:** Well, I think --

[6] **COUNCILMAN HART:** We just spend in a
[7] year and a half \$105,000.

[8] **COUNCILWOMAN PITTMAN:** I understand
[9] that, but --

[10] **COUNCILMAN HART:** Okay. The original
[11] estimate to have someone else look at it was
[12] about five or ten thousand dollars. Okay? We
[13] have \$30,000 in the budget for planning
[14] purposes. Okay?

[15] **COUNCILWOMAN PITTMAN:** So would you not
[16] agree that maybe Mr. Lawler could look at it
[17] versus Keck & Wood? Would you not agree with
[18] that?

[19] **COUNCILMAN SPANGLER:** Would you agree,
[20] Tom, with letting Johnny Lawler look at it
[21] before going to Keck & Wood and then if you felt
[22] like it needed to go to Kick & Wood, then send
[23] it to Keck & Wood?

[24] **COUNCILMAN HART:** Is there a specific
[25] reason?

[1] Lawler wants to help, you know, in the situation
[2] (inaudible).

[3] **THE REPORTER:** I need you-all to speak
[4] up again.

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

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

[7] **COUNCILMAN HART:** We already talked
[8] about this and basically approved --

[9] **COUNCILWOMAN PITTMAN:** I just --

[10] **COUNCILMAN HART:** Nothing was ever
[11] spent, nothing was ever done, because when we
[12] came down to spend the money to have Lawler's
[13] expertise, or Worth or C2MHILL, no one would cut
[14] the check. Okay? And we've been doing this for
[15] the last 90 days, you know.

[16] **COUNCILWOMAN PITTMAN:** So do you
[17] think --

[18] **COUNCILMAN HART:** People have worked on
[19] this, and nothing gets done because there's no
[20] money flow. Okay?

[21] Now, if you choose to have Keck & Wood
[22] or Johnny Lawler or the man on the moon do this,
[23] you're going to have to cut the check. Okay?
[24] We can't --

[25] **COUNCILWOMAN PITTMAN:** Right.

[1] **COUNCILWOMAN PITTMAN:** Is there a
[2] specific reason why I want Mr. Lawler? I was
[3] thinking of monetary reasons to the City. We've
[4] spent a lot of money with Pond & Company, and I
[5] feel that with Mr. Lawler -- he would very
[6] experienced in this -- will do just as well.
[7] And once we kind of fine-tune what we have and
[8] take some of the ideas that we've already
[9] gotten, whether it be in writing or whether it
[10] be here, and let him have it and go with it.
[11] That's my reason. Because I think he's just
[12] as --

[13] **COUNCILMAN HART:** Okay. Well, they
[14] both charge about the same per hour.

[15] **COUNCILWOMAN PITTMAN:** Do they?

[16] **COUNCILMAN HART:** Yes. Both of them
[17] are planners. They both charge about the same
[18] rates.

[19] **MAYOR JENKINS:** We have a motion and a
[20] second.

[21] Tom, are you finished?

[22] **COUNCILWOMAN HADDEN:** It's zoning
[23] experience, the zoning ordinance writing
[24] experience and expertise.

[25] **COUNCILMAN HART:** You know, if Johnny

[1] **COUNCILMAN HART:** -- just keep on
[2] approving things --

[3] And that's why nothing's been done for
[4] 90 days.

[5] **COUNCILWOMAN HADDEN:** It was approved
[6] specifically for you to hand in whatever it was
[7] and worth with CH2MHILL or Keck & Wood --

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

[9] **COUNCILWOMAN HADDEN:** -- whoever you
[10] wanted to work with --

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

[12] **COUNCILWOMAN HADDEN:** -- and this --

[13] **COUNCILMAN HART:** And no money.

[14] **COUNCILWOMAN HADDEN:** And you put it
[15] off, January --

[16] **COUNCILMAN HART:** Marlene --

[17] **COUNCILWOMAN HADDEN:** -- February --

[18] **COUNCILMAN HART:** Marlene, no money.

[19] **COUNCILWOMAN HADDEN:** -- every time.

[20] **COUNCILMAN HART:** No money, Marlene.

[21] **COUNCILWOMAN HADDEN:** You're out of
[22] order, Mr. Hart.

[23] **COUNCILMAN HART:** You're put of order,
[24] Marlene.

[25] **MAYOR JENKINS:** Okay. Both of you are

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[1] out of order.
[2] **MS. MURPHY:** Mr. Mayor?
[3] **MAYOR JENKINS:** Yes, ma'am.
[4] **MS. MURPHY:** Can I ask a question so I
[5] understand something?
[6] The Council just voted to send the June
[7] 19th document and all --
[8] **COUNCILMAN LOWE:** Information.
[9] **MS. MURPHY:** -- all the --
[10] **COUNCILMAN HART:** All information.
[11] **MS. MURPHY:** -- information that we
[12] have from all, Ms. Hoffmeister, the Planning
[13] Commission, Mr. Noonan, Councilman Hart, or any
[14] information from any councilperson -- is that
[15] correct? -- and that we forward that information
[16] to Mike Worth at Keck & Wood --
[17] **COUNCILMAN HART:** Right.
[18] **MS. MURPHY:** -- and then they would
[19] come back to the Council as a whole for any work
[20] sessions, not to any individual Council members.
[21] Is that correct?
[22] **MAYOR JENKINS:** With work sessions, the
[23] way I understood is. Is that correct?
[24] **COUNCILMAN HART:** Yeah.
[25] **MS. MURPHY:** It's not to work with any

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[1] certain councilperson.
[2] **COUNCILMAN LOWE:** Right.
[3] **MS. MURPHY:** It's to work on all the
[4] information, the whole document. Is that what
[5] the Council wants?
[6] **MAYOR JENKINS:** Okay.
[7] And we have a -- we have another motion
[8] on the table and a second.
[9] **COUNCILMAN LOWE:** Either one's fine
[10] with me.
[11] **MAYOR JENKINS:** What was that motion?
[12] **MS. MURPHY:** I believe Councilwoman
[13] Pittman's motion was to possibly let John --
[14] **COUNCILMAN HART:** Well, we'll be --
[15] (inaudible)
[16] **MS. MURPHY:** -- continue the work
[17] session and maybe let Johnny Lawler look at it.
[18] **MAYOR JENKINS:** Well, excuse me just a
[19] minute.
[20] Mr. Hart, Hart, you're out of order.
[21] The lady's speaking.
[22] **COUNCILMAN HART:** Okay.
[23] **MAYOR JENKINS:** The motion was . . .
[24] **MS. MURPHY:** That we have on the table
[25] is to -- before it's sent to Keck & Wood is to

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[1] let Johnny Lawler look at the current document,
[2] the June 19th document, and all the other
[3] information about -- instead of Keck & Wood, I
[4] guess.
[5] **MAYOR JENKINS:** Rephrase your motion.
[6] **COUNCILWOMAN PITTMAN:** That is my
[7] motion, is to allow --
[8] **MAYOR JENKINS:** Johnny Lawler.
[9] **COUNCILWOMAN PITTMAN:** -- Mr. Lawler to
[10] review this after we've finished out work
[11] sessions, because there's some question of Keck
[12] & Wood having -- I don't know how to say this --
[13] **MAYOR JENKINS:** The expertise?
[14] **COUNCILWOMAN PITTMAN:** No. Well, maybe
[15] that, too, but no, that wasn't what I was going
[16] to say.
[17] -- a biased opinion with Council
[18] members -- not saying that's so, but there's
[19] been some question from the public -- where
[20] Mr. Lawler, I think, will absolutely have an
[21] unbiased and uninfluenced opinion, if that makes
[22] sense, what I'm saying. So there's no question
[23] from the public about certain Council members.
[24] **COUNCILMAN SPANGLER:** Understood.
[25] **COUNCILWOMAN PITTMAN:** Okay.

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[1] **MAYOR JENKINS:** Okay. Any more
[2] discussion?
[3] Call the roll.
[4] **MS. MURPHY:** That is pending on
[5] Mr. Lawler's schedule and if he has time to do
[6] it; right?
[7] **COUNCILWOMAN PITTMAN:** Well, if he can,
[8] yes.
[9] **MS. MURPHY:** Okay. Councilman Lowe?
[10] **COUNCILMAN LOWE:** Aye.
[11] **MS. MURPHY:** Councilwoman Hadden?
[12] **COUNCILWOMAN HADDEN:** Aye.
[13] **MS. MURPHY:** Councilwoman Pittman?
[14] **COUNCILWOMAN PITTMAN:** Aye.
[15] **MS. MURPHY:** Councilman Hart?
[16] **COUNCILMAN HART:** No.
[17] **MS. MURPHY:** And Councilman Spangler?
[18] **COUNCILMAN SPANGLER:** I would say yes,
[19] but if Johnny Lawler doesn't have the time that
[20] he can do this pretty quickly. But if we can't
[21] use Keck & Wood, maybe there's someone else that
[22] we can use with the expertise to give us the
[23] help that we need.
[24] **MAYOR JENKINS:** Okay.
[25] **COUNCILMAN SPANGLER:** Okay?

[1] **MAYOR JENKINS:** Thank you.
[2] **MS. MURPHY:** That passed 4 to 1, I
[3] think.

[4] **MAYOR JENKINS:** 4 to 1, yes.
[5] **MS. MURPHY:** So that means that it's
[6] going to Johnny Lawler first --

[7] **MAYOR JENKINS:** Right.
[8] **MS. MURPHY:** -- before it goes to Keck
[9] & Wood.

[10] And I do want the Council to realize
[11] that normally for something that may be this
[12] size of money, it'll normally go for RFP's. We
[13] normally bid that out.

[14] So this is you-all are deciding to use
[15] a contractor that we already are using. Right?
[16] That's what you-all want to do?

[17] **COUNCILMAN SPANGLER:** Is that legal?

[18] **MS. MURPHY:** We already have them under
[19] contract. Is that not right, Rick?

[20] **ATTORNEY POWELL:** It's legal that you-
[21] all can choose not to send something out for
[22] RFP's on any occasion under your current
[23] financial policy.

[24] **COUNCILWOMAN HADDEN:** That was a good
[25] point Priscilla brought up.

[1] **MS. MURPHY:** But if there is any
[2] information that any citizen or Council person
[3] wants passed along to Mr. Lawler, it should be
[4] turned in to City Hall, I would think, because
[5] it would be City Hall that's forwarding
[6] information to Mr. Lawler.

[7] **COUNCILWOMAN PITTMAN:** We really need
[8] to try to do a deadline on this so we just don't
[9] drag it out.

[10] **COUNCILMAN LOWE:** Well, that's what my
[11] (inaudible).

[12] **COUNCILWOMAN PITTMAN:** Right. I mean
[13] because otherwise, we're going to continue,
[14] continue. So we really need to set a deadline
[15] to get all this together and give it to him.

[16] We need to, first of all, have someone
[17] make a phone call in the morning, Mayor --

[18] **MAYOR JENKINS:** I'll take care of it.

[19] **COUNCILWOMAN PITTMAN:** -- and if he
[20] won't do it, then we need to go back to the
[21] drawing board with someone that can do it.

[22] **COUNCILWOMAN HADDEN:** Right.

[23] **MAYOR JENKINS:** If he's not out of
[24] town, he'll start on it immediately.

[25] **MS. MURPHY:** But he needs one source to

[1] I believe Mr. Lawler's contract was at
[2] the old rate of \$75 an hour, and I believe his
[3] new rate is a hundred, and so maybe Council
[4] needs to approve that. But I do not see
[5] Mr. Lawler eating up over \$5,000 worth of --

[6] **MS. MURPHY:** Okay.

[7] **COUNCILWOMAN HADDEN:** -- hundred-dollar
[8] hours to review this document and the ancillary
[9] papers that are going to go with it.

[10] **MAYOR JENKINS:** I'll ask Mr. Lawler to
[11] give me an estimate on that.

[12] **MS. MURPHY:** Can I -- I don't have all
[13] of the information. Can the City Hall get all
[14] of the papers like the letter from -- the Mayor
[15] might have the letter from Ms. Hoffmeister --
[16] ought to make sure that we turn over all of the
[17] information.

[18] **COUNCILMAN LOWE:** I've got copies, too.
[19] I don't have the copies of all of Stuart's
[20] suggestions.

[21] **COUNCILWOMAN PITTMAN:** Well, not all
[22] the Council members were given things from
[23] everyone. Some of the Council members -- I
[24] believe Stuart and Ms. Hoffmeister gave all the
[25] Council members copies. Not everyone did that.

[1] get his information from, Mayor, might be
[2] helpful to him.

[3] **MAYOR JENKINS:** I'll take care of it.

[4] **COUNCILWOMAN HADDEN:** Do we need a
[5] motion to approve him at the hundred-dollar-an-
[6] hour rate?

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

[8] **COUNCILWOMAN HADDEN:** I make a motion
[9] we approve --

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

[11] **COUNCILWOMAN HADDEN:** -- Mr. Lawler.

[12] Thank you.

[13] (Aye votes.)

[14] **MS. MURPHY:** That carried unanimously.

[15] **MAYOR JENKINS:** It did.

[16] **COUNCILMAN LOWE:** And we should have
[17] all the information turned in to City Hall by
[18] next Thursday?

[19] **MAYOR JENKINS:** Then I (inaudible).

[20] (Multiple overspeaking from Council
[21] members.)

[22] **COUNCILWOMAN HADDEN:** Because most of
[23] it's already together.

[24] **MS. MURPHY:** Okay. And I'll probably
[25] be here when the Mayor calls tomorrow.

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[1] **MAYOR JENKINS:** You got your input
[2] here?
[3] **COUNCILMAN LOWE:** I got my stuff here
[4] that I can . . .
[5] Who do you want to be the focal point?
[6] The Mayor?
[7] **MAYOR JENKINS:** Let's say by Monday,
[8] get it all to me.
[9] **COUNCILMAN LOWE:** Okay.
[10] **COUNCILWOMAN HADDEN:** Okay.
[11] **COUNCILWOMAN PITTMAN:** Okay. And if we
[12] could, I think that once all this is compiled,
[13] if we could just make it really -- allow Mr.
[14] Lawler to do his job without --
[15] **COUNCILMAN LOWE:** Too much pressure.
[16] **COUNCILWOMAN PITTMAN:** Right.
[17] **COUNCILWOMAN HADDEN:** I'd also like to
[18] add to that, Priscilla, his opinion regarding
[19] the parcel of property up here -- and he may not
[20] know the history on it -- that Mr. Hammontree
[21] brought up tonight.
[22] **MS. MURPHY:** That address, 50 --
[23] **COUNCILWOMAN HADDEN:** About the zoning
[24] map as --
[25] **MS. MURPHY:** 5911?

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[1] **COUNCILWOMAN HADDEN:** -- the zoning map
[2] as drawn.
[3] **COUNCILMAN HART:** Are we talking about
[4] zoning tonight or are a rezoning problem? I
[5] thought this was just we're talking about
[6] zoning.
[7] **MAYOR JENKINS:** Okay, Tom, we're
[8] getting to it. The number, sir, was?
[9] **MR. HAMMONTREE:** -911 [sic].
[10] **COUNCILWOMAN HADDEN:** I think we made a
[11] mistake when we had the different colors put on
[12] the map, because that particular parcel has
[13] always been for sale even before I came on
[14] Council. And I know Mr. Lowe was here when
[15] Mr. Hammontree came about that project before,
[16] and it was a quality project.
[17] **COUNCILMAN HART:** And I know that you
[18] and Rick Powell and Jason had worked on it for a
[19] while, so.
[20] **COUNCILWOMAN HADDEN:** I haven't been
[21] working on it a while. These people -- Aaron,
[22] is it?
[23] **ATTORNEY POWELL:** Mr. Hart, let me
[24] clarify since my name was mentioned.
[25] When it came up before when the other

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[1] person was going to buy it, I was contacted and
[2] just furnished him whatever information was
[3] necessary. I haven't had any contact with him
[4] about this particular sale. I met this man
[5] tonight. I haven't had any contact on the
[6] current issues, just to make it clear.
[7] **COUNCILMAN HART:** Thank you.
[8] **COUNCILWOMAN HADDEN:** And
[9] Mr. Anavitarte and I had talked here at Council,
[10] with the other Council members that were here at
[11] the time, making suggestions in order how we
[12] could work to attract this type of development
[13] to the city. And all the Council came to an
[14] agreement that night about changing the PUD to
[15] accommodate the building that I would call is
[16] like Vintage Pizza, to make it simple.
[17] **COUNCILMAN HART:** And then since then,
[18] we've come up with a comprehensive plan and we
[19] also don't have a PUD, so.
[20] **MAYOR JENKINS:** Let's move on.
[21] Are we going to take any comments
[22] tonight or how are we going to do this?
[23] **COUNCILWOMAN HADDEN:** It's up to
[24] Council.
[25] **MAYOR JENKINS:** We voted to --

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[1] Are we just going to get it all
[2] together by Monday and turn it over to Johnny
[3] Lawler or are we going to --
[4] **COUNCILWOMAN HADDEN:** That would
[5] probably be the thing because none of us are
[6] expert zoning ordinance writers and --
[7] **MAYOR JENKINS:** Well, I agree with
[8] that.
[9] **COUNCILWOMAN HADDEN:** -- Mr. Lawler is,
[10] and Mr. Lawler's familiar with it, and it'd be
[11] better for him to handle it than for us to sit
[12] here banging it around, probably.
[13] **MAYOR JENKINS:** I agree with that.
[14] What I would like to do is to apologize
[15] to the audience for the way maybe that I
[16] controlled the meeting.
[17] I do the best I can with six different
[18] people and I try to give everybody a chance.
[19] Maybe -- maybe that is a mistake I make. I try
[20] to give everybody a chance to talk, and it seems
[21] to backfire.
[22] And of course I'm not going to
[23] apologize anything for Mr. Hart, because I
[24] just -- he don't seem to want to cooperate with
[25] any of us at any time, and I'm sorry, and I

[1] really mean that.
[2] **COUNCILWOMAN HADDEN:** Mr. Mayor, I owe
[3] you an apology, too. I did get carried away a
[4] couple times, wanting to have my opinion heard.
[5] And I appreciate your kindness and I appreciate
[6] your consideration. Thank you.
[7] **MAYOR JENKINS:** Tom, you're a
[8] commissioner.
[9] **COUNCILMAN HART:** You're out of line.
[10] **MAYOR JENKINS:** Sit down until the
[11] meeting's over.
[12] Okay. Be sure and make a note that
[13] Mr. Hart walked out of the meeting at seven
[14] twenty -- it looks like 7:28. Thank you.
[15] You-all have anything else?
[16] **COUNCILWOMAN PITTMAN:** Huh-uh
[17] (negative).
[18] **MAYOR JENKINS:** Audience have anything?
[19] **COUNCILMAN LOWE:** I just got one thing.
[20] I would like for the Council to -- I'd like to
[21] have the Council get with me about a work
[22] session concerning the new employee -- possibly
[23] new employee manual.
[24] **MAYOR JENKINS:** That's good.
[25] **COUNCILMAN LOWE:** We need to get some

[1] **COUNCILMAN SPANGLER:** How soon can you
[2] review that, Mr. Powell?
[3] **ATTORNEY POWELL:** A few weeks,
[4] whenever.
[5] **COUNCILMAN SPANGLER:** A couple weeks?
[6] **ATTORNEY POWELL:** That soon, yes.
[7] **MS. MURPHY:** You may be able to do the
[8] work during the work session or before the work
[9] session on the August 6th meeting --
[10] **COUNCILMAN LOWE:** That would be a good
[11] time.
[12] **MS. MURPHY:** -- a few minutes before?
[13] **COUNCILMAN LOWE:** That would be a good
[14] time.
[15] **COUNCILMAN SPANGLER:** Does that give
[16] you enough time, Mr. Powell?
[17] **ATTORNEY POWELL:** Sir, yes. Yes, sir.
[18] **MAYOR JENKINS:** In other words, before
[19] the August 6 meeting?
[20] **COUNCILMAN LOWE:** Before the work
[21] session that we normally have on August 6th.
[22] **MAYOR JENKINS:** How long?
[23] **COUNCILMAN LOWE:** That one session.
[24] **MAYOR JENKINS:** An hour?
[25] **ATTORNEY POWELL:** Now, remember, one of

[1] input from the Council on the two different
[2] versions of the employee handbook that you've
[3] been given.
[4] **COUNCILMAN SPANGLER:** Have you had a
[5] chance to look at both of those and compare the
[6] one that the Mayor furnished us with --
[7] **COUNCILMAN LOWE:** Right.
[8] **COUNCILMAN SPANGLER:** -- as opposed to
[9] the one you and Mr. Powell worked on?
[10] **COUNCILMAN LOWE:** Right.
[11] **ATTORNEY POWELL:** I haven't seen the
[12] one the Mayor furnished, so.
[13] **MAYOR JENKINS:** You haven't seen it?
[14] **ATTORNEY POWELL:** No.
[15] **MAYOR JENKINS:** I'll get you a copy.
[16] **COUNCILMAN LOWE:** But if --
[17] **MAYOR JENKINS:** It's one that --
[18] **COUNCILMAN LOWE:** -- y'all would think
[19] about --
[20] **MAYOR JENKINS:** -- we worked on and
[21] compared with another city.
[22] **COUNCILMAN LOWE:** If y'all would think
[23] about a time to have a work session concerning
[24] that, I'd appreciate it.
[25] **MAYOR JENKINS:** Will you --

[1] those two hearings about the --
[2] **COUNCILWOMAN HADDEN:** Bars?
[3] **ATTORNEY POWELL:** -- bars was postponed
[4] until the 6th, so --
[5] **COUNCILMAN LOWE:** Okay.
[6] **ATTORNEY POWELL:** -- and I believe that
[7] would be set at 6 o'clock August 6th.
[8] **COUNCILMAN LOWE:** Do you want to do it
[9] the 8th, Bob, Wednesday?
[10] **COUNCILMAN SPANGLER:** We could do it on
[11] a Tuesday, Tuesday --
[12] **MAYOR JENKINS:** Evening?
[13] **COUNCILMAN SPANGLER:** -- evening?
[14] Donna, what time would you --
[15] **COUNCILWOMAN PITTMAN:** Any time after
[16] 6:00 is fine.
[17] **COUNCILMAN SPANGLER:** Say --
[18] **COUNCILMAN LOWE:** 6:30?
[19] **COUNCILMAN SPANGLER:** -- 6:30, yeah.
[20] **COUNCILMAN LOWE:** 7:00?
[21] **ATTORNEY POWELL:** Yeah. Court'll be
[22] over certainly by then, so.
[23] **MS. MURPHY:** So that's to be advertised
[24] as a work session?
[25] **ATTORNEY POWELL:** Right.

[1] **COUNCILMAN SPANGLER:** That's August the
[2] 7th at 6:30, and that's a work session for the
[3] employee manual.
[4] **COUNCILMAN LOWE:** Right.
[5] **MAYOR JENKINS:** Anything else?
[6] Meeting adjourned.
[7] (Whereupon, the meeting was adjourned
[8] at approximately 7:30 p.m. the same day.)
[9] -o0o-

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[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 2nd day of August, 2007.

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Theresa Bretch, CCR
Permit No. B-755
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