

**Called Council Meeting
City of Doraville
Minutes
September 14, 2006
6:30 p.m.**

Present were: Ray Jenkins, Mayor,
Council Members: Donna Pittman
Marlene Hadden
Tom Hart
Bob Spangler
Jason Anavitarte
Ed Lowe

City Attorney: Rick Powell

The Mayor called the meeting to order and explained that the purpose of the called meeting for one item only, which was to review and evaluate the Planning Commission.

Mayor Jenkins stated that anyone who wishes to speak must put their name on the sign up sheet.

Mayor Jenkins stated that he wishes that we could work out something on this with out getting too deep in to it. I think this is what we need to do. I am going to let Jason start out on this and then we will get to the other Commissioners.

Mayor Pro-Tem Anavitarte stated that we are coming back here again to have a discussion about the Planning Commission and he thinks it is time for the Council to take some action in regards to inappropriate conduct. Conduct unbecoming, in terms of what is appropriate and not appropriate conduct, for a Planning Commission member. I am here to bring forth the issues and discuss specific incidents, and you have all of this in front of you in regards to Mr. Stuart Anderson. I just want to make the Council aware first off that according to the City Ordinance that the City Council does not need a reason for removing Planning Commission members. In his opinion Mayor Pro-Tem Anavitarte wants to state to the public that the issues we will discuss concerning Mr. Anderson has been complied to indicate that the City cannot tolerate such a sensitive neutral position as a Planning Commission member putting the City in jeopardy, liability wise, causing strife within the community, promoting ill will among members of the community, City Council, and the Planning Commission. Mr. Stuart Anderson has also demonstrated poor judgment in many areas relating to the Planning Commission and a lack of concern for the responsibilities of being a Planning Commission.

Before we get into this discussion this evening, I make a motion to remove Mr. Anderson from the Planning Commission. That is my motion.

Council Member Hadden seconded the motion.

Council Member Hart asked what Mayor Pro-Tem Anavitarte wanted to do was based on what?

Mayor Jenkins called for discussion.

Council Member Hart stated that he had a list, that was just handed to all of the Council Members, that included fifteen or sixteen documents to read all at one time. I think that we need a little bit of time to read it. We will start at the top of the list that says that Mr. Anderson has put the City in a liability position by speaking directly to the proposed developers of the proposed tower building about what was wrong with their plans.

2, Mr. Anderson told some developers that he was not in favor of the project. I think that this was the same time the Mayor Pro-Tem was telling the tower people, out in the parking lot, in the same discussion, that our City Inspector was totally incompetent. Not capable of reviewing plans, not capable of making judgments, and he would make sure that this thing was handled with Pond & Co. It had been Mayor Pro-Tem Anavitarte who had met with the Star Tower people in the parking lot. Council Member Hart stated that Mayor Pro-Tem Anavitarte stated to the Star Tower people that the City Inspector Chuck Entsminger, was incompetent to review their plans and that Mayor Pro-Tem Anavitarte would get the plans reviewed by Pond & Company and it would be handled correctly. Council Member Hart thinks that this conduct is unbecoming a Mayor Pro-Tem.

3, Mr. Anderson's lack of judgment or ethics on item one and two was not condoned by the Council. Your lack of judgment or ethics is not condoned by the Council either, particularly when it falls on a project like the Twin Towers. You are telling the City that your City employees are incompetent to handle the situation, that you will handle it and make sure that it is handled properly with another company.

Mayor Pro-Tem Anavitarte stated that this is not the issue here today. Council Member Hart stated that Council Member Anavitarte should not bring up one or two if he did not want his discussion brought into this matter.

Mayor Pro-Tem Anavitarte stated that he did make those comments and that those comments are just and correct. The people who are proposing the project to the City are not getting due process and it is our job as elected officials and representatives of the City to make sure that due process occurs. The law is clear and anything else out of the law is obstruction.

Mayor Pro-Tem Anavitarte stated that he would like to go through each of these points and then have discussion.

Mayor Jenkins stated that a motion and a second was made, then we would have discussion. Mayor Jenkins asked Mayor Pro-Tem Anavitarte if he was finished. Mayor Pro-Tem Anavitarte stated that he had not finished.

Council Member Hart asked if it was the goose and the gander, so it is ok for you but not good for anyone else.

Mayor Jenkins asked Council Member Hart to let Jason finish.

Council Member Hart asked Mayor Pro-Tem Anavitarte if he was saying that Chuck Entsminger was incompetent.

Mayor Jenkins asked Council Member Hart to let Jason finish.

Mayor Pro-Tem went on to # 5. Mr. Anderson and the Planning Commission have been repeatedly informed by the City Attorney that the Planning Commission is to review zoning, but he continues to disregard this directive. I do reference the memo, from Attorney Rick Powell, on April 3, 2006. The memo reminded the Planning Commission exactly what duties had been assigned to the Planning Commission.

Council Member Hart stated that he did not have a copy of that memo.

Mayor Pro-Tem Anavitarte stated that he would get Council Member Hart a copy of the memo.

6, Mr. Anderson was informed by Mr. Lawler, at a previous meeting on August 28, 2006, that the Planning Commission was to conduct themselves in a proper manner and with proper etiquette. The Planning Commission continues to disregard the duties that were assigned to the Planning Commission.

7, Mr. Anderson seems to have misled the Planning Commission into discussion not designated by the Council, such as making negative comments to the public about the City's current Planning Company. Items of business for discussion at the Planning Commission meetings, example, the July 26, 2006 Planning Commission minutes and other comments made about Pond & Co. by a Planning Commission member.

8, Mr. Anderson was informed by the Mayor and Council and responded affirmative on August 28, 2006, that he understood what Mr. Lawler had discussed concerning the Planning Commission and Mr. Anderson has disregarded his responsibilities as a Planning Commission member.

9, Exhibit confrontational and negative behavior towards some Council Members on a public web site, email dated Sept. 6, 2006. Mr. Anderson continues to show uncooperative and antagonistic behavior on a public website towards the City hired Planning Co., Pond & Co. He has wrongly accused or shaded the facts concerning the Planning Co. on a public website about invoicing to the City. He has wrongly or shaded the facts on a public website concerning Pond & Co. not properly providing Zoning Ordinance work. Mr. Anderson continues to act adversely and not in the City's best interest regarding the Planning Commissions responsibilities and duties.

14, Mr. Anderson has taken part in providing false information to businesses causing animosity and strife within our community regarding the eminent domain issue. Below you will see the attached supporting document.

Council Member Hart stated, where do we start, well the website information, if you get your little butt kicked on the website, don't come to the City Council to massage your ego.

Council Member Hadden stated that she would like to register a complaint, we are not here to talk about Mr. Anavitarte. We are here to conduct business about the Planning Commission and apparently the first item under Planning Commission business, Mr. Anavitarte is discussing Mr. Anderson's inappropriate conduct as a Planning Commissioner.

Council Member Hart stated that was what we were taking about public emails and public websites. Jason gets on there to.

Council Member Hadden stated that was not what we were talking about. We are talking about Mr. Anderson.

Council Member Hart stated that the examples that you have given him involve Mr. Anderson and Jason Anavitarte on the website.

Council Member Hadden stated that this had to do with Mr. Anderson, after the fact.

Council Member Hart stated that it sounded like someone's little ego got damaged on a website. Now he is going to come to the City Council and waste our precious time. He has to call a special meeting because he can't deal with it.

Council Member Pittman asked the Mayor if it was feasible to ask questions of Mr. Anderson.

Mayor Jenkins stated that it was time for Mr. Anderson to speak and the Council can ask Mr. Anderson questions. Mayor Jenkins asked Mr. Hart to refrain from speaking about anything that does not have to do with the agenda item that we are here to discuss.

Mr. Anderson stated that he would be more than willing to answer questions.

Mr. Anderson asked if he should go down each item. Council Member Pittman stated yes.

Mr. Anderson discussed item # 1. Mr. Andersons stated that this was an incorrect statement. He did not tell them what was wrong with their plans. Mr. Anderson spoke with them as a citizen and a Planning Commission person. He told them that he was in favor of economic development and of a project of this nature. As a business man their project would do nothing but enhance the City. Mr. Lee had stated to Mr. Anderson that the tower people stated that they were in difficulty with their project and if they did not get it they would loose a major lease holder.

I told them that they needed to be careful and do "due diligence", so that they would have their ducks in a row so that they could make a proper presentation. About that time Jason came out and made the statement that Mr. Hart has referred to, that Chuck Entsminger is unqualified to do his job. If Chuck Entsminger was qualified to do his job then their paper work would have been further along than at this point. Mr. Anderson stated that he disassociated himself from the conservation at this point. Mr. Lee had just turned to Jason Anavitarte and asked how their paper work was going. That part of the conversation was an ongoing conversation between the developer and Jason Anavitarte. At that point Johnny Lee, Joe Frank, and myself had a conversation about a businessman's association.

Council Member Hadden stated that she had received **several** phone calls from Mr. Park and that she has received more than one phone call from Mr. Park, he has always called. He wanted to know where his plans were at City Hall. Council Member Hadden always told Mr. Park to check with Mr. Entsminger, or possibly the Clerk, or the Mayor. Mr. Park stated that Mr. Anderson had told him that something was wrong with his plans, something was wrong with the storm water run-off, it was too tall, that it was this and it was that. Council Member Hadden asked Mr. Anderson if he did not realize that he was not supposed to be engaged in a conversation with them in the first place since you are a Planning Commission member.

Mr. Anderson stated that he was engaged in a conversation about economic development and that had been before they had gone to school. We are now aware of the labiality, but at the time, Jason is so conversational with those folks, that I did not think that there was anything wrong with speaking with them about economic development.

Council Member Hadden stated that the conversation was not only about economic development and there were three people that Mr. Anderson had talked to.

Council Member Hart stated that Chuck Entsminger was quit upset upon hearing of this discussion. He asked the Architect to come into the Mayor's office, along with two witnesses, and asked them point blank, if they head Mayor Pro-Tem Anavitarte tell them that Chuck Entsminger was incompetent and was unable to do his job. The gentleman stated that he never heard that. Your witness, "Mr. never heard it before".

Mayor Jenkins stated that the gentleman stated that he did not understand.

Council Member Hart stated that Chuck asked the man over and over again, did Jason Anavitarte make that statement.

Council Member Pittman asked, aside from the people asking what was wrong with their plans, was there anything wrong with Mr. Anderson speaking with them at all as a Planning Commission member.

The City Attorney stated yes. Council Member Pittman asked what that was based upon. The City Attorney stated they had plans submitted to the City to be reviewed. Mr. Anderson should not have been talking to him about the plans. He should not be discussing it. Anything the Planning Commission talks about should be discussed at a public hearing.

Council Member Pittman asked Mr. Anderson if he knew the plans had been submitted to the Building Department for review. Mr. Anderson stated that he did not know that the plans had been submitted for review.

Council Member Hadden asked Mr. Anderson how he knew that the storm water was not correct or how tall the building was **or all of the other things that Mr. Anderson stated were wrongs on the plans. You seem to be quite knowledgeable about these plans if you have not seen or talked about them.**

Mr. Anderson stated that he did not talk about storm water at all, nor did he mention how tall the proposed buildings were either.

Council Member Hart stated that there was a sign up on Buford Highway.

Mr. Anderson stated that he told the people to speak with Mr. Entsminger about how their plan review was coming along. He stated that he was in favor of industrial or business projects.

Council Member Hadden stated that Mr. Anderson had also told Mr. Parks that there were some community people who were against the tower project.

Council Member Hart asked if Mr. Parks was present. Council Member Hadden stated that she did not see Mr. Parks. Council Member Hart stated that it was a he said, she said thing then.

The City Attorney asked Mayor Pro- Tem Anavitarte what he had based the first statement on.

Mayor Pro-Tem Anavitarte stated that he had based his statement on what he had witnessed when he walked into the lobby at City Hall after the Council meeting. That he heard Mr. Anderson introduce himself as the Chairman of the Planning Commission and Mr. Anderson stated that there were some issues with your plans.

Council Member Hart stated that it was impossible for Mayor Pro-Tem Anavitarte to have heard that . Mr. Anavitarte did not join in the conversation until the conversation was over.

Mayor Pro-Tem Anavitarte stated that he was right, that it was down towards the end of the conversation.

Council Member Hart stated that Mayor Pro-Tem said that he would handle the situation and get Pond to rush it through.

Mr. Andersons stated that he told the people that he was in favor of that kind of project. It would enhance the City if that project is done correctly. Mr. Anderson could say that as a business owner.

Council Member Pittman asked Mr. Anderson if he stated that the community was not in favor of the tower project. Mr. Anderson stated that he did not.

Council Member Hadden asked Mr. Anderson if he stated that there was some who was opposed to it or did not like it. Mr. Anderson stated that he would not say that. Mr. Anderson stated that he had some judgment.

Mr. Anderson stated that he was not sure how the Council **could find him guilty for items one and two.**

Mr. Anderson stated that he was not aware that the tower plans had been presented to the City. Either way, would it not have been improper for him to make a statement.

5, the Planning Commission had been repeatedly told that their duty was not to review the Zoning Ordinance. The thing I wrote up here addresses that issue. We have been asking for more work and education. All the while we have been self-educating ourselves by discussing the Zoning Ordinance as well reviewing variances request on our own. This is the only way we are going to learn. We have taken every opportunity to get this education and as of last week, all of us have been through at least one training session and most of us two training sessions. So it shows that I am a leader, I helped produce these school situations. The City Council was kind enough to give the Planning Commission funding for them. I even found a special school that two of the Council Members went to for free. It was free for all of us.

We have taken every opportunity to get educated and we are well into the study of the Carver consideration.

Mr. Anderson addressed # 5. We are doing these discussions, with all due respect to Rick, this is the only way we are going to educate ourselves and become useful to the City.

Council Member Hadden stated that the Planning Commission discussions veered from zoning matters. Minutes of the August 7, 2006 meeting reflect that the vote was unanimous and it had to do with the Pond 06 draft that had to do with reporting of zoning and variance matters to the Planning Co. without consultation from any City employee or elected official. It is not your place to worry about what Pond is doing or not doing or what direction being put out by any one else. The only thing that you have been assigned to do is to review zoning and variance applications. Further; you have not been asked to look at any draft codes or anything like that.

Council Member Hart stated that you have just sent them to school for the sole purpose that Johnny Lawler said that the four things that a Planning Commission usually does, but they could not do those four things because they had not gone to school. Now they have gone to school. What is the next hurdle that you are going to throw them over. They have to review the plans and variance. The best way for the Planning Commission to do that is to study plans and variances and zoning laws. They are not in the golf ball business they are in the zoning business.

That is the problem, Mr. Anderson says, on August 21, 2006, that we had the Pond fact finding meeting that we should have had four or five months ago. I thought it went well but it was preliminary in nature. Pond was accused of trying to keep the other Council Members and the Mayor from reviewing the Zoning Ordinance and for what reason.

Mr. Hart stated that was a good point. They have had the thing for seven months, are we supposed to get it at the last minute and then pass it.

Council Member Hadden stated that it is in the public record that the Pond Representatives have asked us to meet with them on a couple of different occasions. None of us were able to meet with them.

Council Member Hart stated Pond had not met with the Council for seven months. That is kind of lame you know. When they were going to review another plan, they kept it for forty days and forty nights.

Council Member Hadden stated that they could not finish the Zoning Ordinance until we finished the Comprehensive Land Use Plan Update. We were late with it because of your interference with the eminent domain issue.

Mayor Jenkins stated that we are getting off the subject again. Lets get back to Mr. Anderson.

Mr. Anderson stated that he disagreed with respect to the Planning Commission discussing Pond & Co. What they are doing affects the City and the Planning Commission. So there is nothing more important for us to discuss than Pond & Co.

Council Member Hadden stated that the Planning Commission was not supposed to discuss the City Planner whether it is Pond & Co. or someone else.

Mr. Anderson disagrees with Council Member Hadden about the discussion of the Pond & Co. and how they are doing is vitally important to the City and the Planning Commission. It certainly affects the Planning Commission directly.

Council Member Pittman asked Mr. Anderson who he was discussing Pond & Co. with? There were a couple of emails. It is always easy to make a case against somebody when you give them half of the evidence. Jason Anavitarte attacked the Mayor on the ONA list, he did not send his email to the Mayor, and he simply attacked him behind his back. It says that the City Council made a decision on this, but it is the Mayor's responsibility to communicate with our City Planners but we found out that this has happened only twice. The Mayor can make all of the excuses but a fact is a fact and can be shaded into something that it is not. Mr. Anderson stewed on that for a while and wrote this email. What I wrote was that no matter what anybody says is seldom a defensible position in this world. As a professional, which I am, I provide progress reports and answer questions as part of my contract. When I have a contract for a complex process, we have a work order situation. I or any engineer or anybody that is professional submits progress reports. I know how to run businesses, you always give status reports. Pond & Co. did not give any progress reports for seven months.

Council Member Hadden stated that Mr. Anderson did not have all of his facts about communication with Pond & Co. and again you are the Planning Commission and it is not your job to worry about with what we have going on with Pond & Co.

Why was the first discovery session held on August 21, 2006, six months and two weeks into the process? Why did three of the five of the five chapters not apply to Doraville? The Mayor is the CEO of the City and is involved in ideas and conceptions. The Department Heads, Project Manager, Council person in this case did not follow through with oversight and report to the CEO. This is the normal order of business. In the Anavitarte motion and Hadden seconded the expenditure of \$105,000.00 of a rewrite of the Zoning Ordinance by Pond & Co. Feb. 2, 2006. Almost seven months now, it is their primary responsibility as generators of this project to follow up on their own concerning the Zoning Ordinance. We got no reports from Pond & Co. until they gave us those five chapters. Council Member Hart can go on and on about sidewalks, Council Member Spangler can worry about bushes each meeting, but yet not a peep about the progress on the Zoning Ordinance. This is one of the most expensive and most necessary projects that the City has engaged in. Were Mayor Pro-Tem Anavitarte and Council Member Hadden not interested in this project, or trying to be fully informed or were you trying to keep the Mayor and other Council Members from reviewing the Zoning Ordinance?

Council Member Hadden stated that she was lost. Mr. Anderson stated that it was in the third paragraph. The paragraph that she read out with her question.

Council Member Pittman asked who this email was to. Mr. Anderson stated that it was to Jason and that he had posted it to the ONA website. The main reason that he did this was because of Jason's attack on the Mayor. I am showing that it is not the Mayor's fault with the problems with Pond & Co. It is the Pond & Co. fault.

Council Member Spangler stated that Jason did not go behind the Mayor's back when he made that comment, he made that statement at one of the Council meetings, if you will go back and look at the minutes you will see that statement in the minutes.

Council Member Hadden stated that she had a copy of those minutes. The Mayor stated in the August 7, 2006 minutes that he was responsible for dealing with Pond & Co. The Mayor is not the CEO of this City. The Council does not report to the Mayor. We report to the public when we feel that we have something is vital and viable to report or enough information to report on.. If we only have a small piece of information, then we wait until we have more to report.

Mr. Anderson stated that the Council did not report to the public on the Zoning Ordinance.

The Mayor stated that he did not know how he got brought into this. This meeting is about the Planning Commission and not about Jason or the Mayor. Lets get back to the item on the agenda that is for discussion.

The Mayor asked Mr. Anderson if he would like for some of his people to speak or did Mr. Anderson wish to continue. Mr. Anderson stated that he would be happy to have some of his people speak.

Mayor Jenkins asked if there was any way that we could work this out by letting the Planning Commission do the hand slapping or whatever. Rather than go into all of this and throw a man off of something because he might have made some mistakes.

Council Member Hadden stated that the Planning Commission did not have that power. The Council appointed all of the Planning Commission members. The City Attorney upheld this.

Council Member Hart wanted to know if we could cut his pay.

Cat Sherlock stated she was the secretary for the Planning Commission and she is responsible for one of those sets of minutes that you are objecting to. The 7-26-06 minutes are her genius. Cat would like to speak to the process that the Council is here doing tonight, then she would like to speak about the quality of the education that they are doing. Is this usual procedure for the City Council to call a volunteer citizen before them in a public hearing with no notice, with no prevision of information about their behavior. Is it usual for the City Council to do this. The City Attorney stated that he did not know if the City had ever had any appointed boards before.

The Mayor stated that the City did have a Planning Commission a long time ago. The Planning Commission was set up for roads and bridges.

Council Member Hadden asked if the Council needed a reason to dismiss a Planning Commission member.

Cat asked if the Council thought it was good procedure to object to someone's behavior or conversation or discussion in public without talking with them about it. Not giving them notice of the charges that you are bringing against them.

Council Member Hadden stated that Mr. Anderson has been told over and over again, it is in the minutes of the different meetings, what the responsibilities of the Planning Commission member is, but he continues and today I am going to wear my Planning Commissioner hat and tomorrow I am going to wear a private citizen hat. When you are on the Planning Commission you have to be more neutral than the Council members. I believe that it is a lot more difficult to serve such a position as you are on than, what we are on.

Cat Sherlock stated that she just wanted to verify that this is the procedure that you all are setting and hold a hearing on someone's conversation. As far as she knows Mr. Anderson was not even notified that there was a meeting. Is that accurate? The answer was yes. Cat was not notified that there was a meeting, she got an email from Susan, which is how she found out about the meeting. So there was no notice or no posting on the door of this meeting. No nothing on the website.

Mayor Jenkins stated that the notice of the meeting had been posted at City Hall. The City Clerk stated that the meeting agenda was posted on the website.

Council Member Hadden stated that this is not a hearing. This meeting is to review and evaluate the Planning Commission. And in evaluating the Planning Commission, Mr. Anderson has displayed a lack of judgment. Council does not need a reason to remove a member of the Planning Commission.

Cat Sherlock stated that she was asking how public it is a public meeting when it has not been posted anywhere. The person that you are evaluating was not even notified that there was a meeting. Again Mayor Jenkins stated that it was posted at City Hall. Cat Sherlock asked how long ago was the meeting posted. The Mayor stated that the meeting was posted more than 24 hours before the meeting. Mayor Jenkins stated that the meeting was posted on the City website.

Cat Sherlock stated that if she was going to stay on the Planning Commission, she needed to know how often she should come up and look at the door or the website.

Council Member Hart stated that he had his notice delivered to his door.

Cat Sherlock stated that she was going to address her concerns about the job description of a Planning Commissioner since that is on the agenda. She had gone to the Thursday session that the Atlanta Regional Commission was sponsoring it was comprehensive and the first thing that they covered was legal. She went to the Saturday session that Mr. Anderson had arranged, the first thing that they covered was legal and that was very illuminating. They passed out a list of do's and don'ts and it had twelve items and as she went through them she found out that she had already done 2 of the don'ts. Part of her objection of this today, they have been asked to get education, and they have acted like someone who had lit a fire cracker under them to get education. They have gone to 2 sessions and we are having a "not hearing" on someone's performance.

Cat Sherlock stated that they had made an agreement as a group that they would have certain boundaries, we set up policies and procedures, even before there were five of us. There were twelve of us in the beginning. We have tried to adhere to the policies and procedures. She says that she thinks there was some slippage. They were wondering whether or not if they were going to get any work to do, so therefore they did look at a lot of different things. She supports the idea of Mr. Anderson reporting to the Planning Commission in regards to whether he has adhered to the guidelines that he agreed to, especially as Chairman.

Alan Malcolm stated that at the last Council meeting he had made a comment about Lamar Lang having a concern about forming a Planning Commission. Mr. Lang's concern was about managing a body of people from the Council perspective. Mr. Malcolm stated that his statement concerning this was taken wrong and he wants to clarify this matter. I think that

we have to take personalities completely out of this matter and he thinks that at the end of the day, the people who are charged with the responsibilities from the Council, need to be able to work with all of the Council members. I would compare that with someone who has a job with the City. You have to take the task at hand and work with everyone. He has a concern as a citizen that we are at a cross roads in Doraville. We have talked about a new branding and how our image is going to be. His concern is that we are getting bogged down before we have a new image. We can't get along as a Council and can't get along as a Planning Commission. We need to make sure whoever we have on our Commissions enhance our image as a City.

Jim Ambrose stated he was on the Planning Commission and he was one of the ones that elected Mr. Anderson as their leader. He stated that the Planning Commission has been in existence for about a year now the Council first elected 12 people then at the first of the year you knocked it down to 5.

Cat Sherlock came up to you and asked what we were supposed to be doing and you have as yet given us anything to do. In July, I came up here and asked the same 6 questions. In August, Mr. Ballantyne came up and asked the same 6 questions. It is almost October and we have not had the first question answered yet. If you all do not give us anything to do, we have to find out things on our own. That is what we have been trying to do. He admits that Rick had told us several times that that was none of our business, but if you all do not give us anything to do, what is our business, just to sit on our fannies and do nothing since you all selected us to do it. We choose Anderson as our leader and we have gone over different things and every meeting we would say that is not our priority and we would cut the conversation off. In August you all decided that you would educate us, so we went to these seminars.

Mayor Jenkins stated that the Carver Hills rezoning is the first job that the City has had for the Planning Commission.

Mr. Ambrose stated that the Council was criticizing them for jumping in areas we are not supposed to be in but you all do not give us anything to do.

Mr. Lawler stated that we are still citizens and have a right to speak. You all applauded that and said that we should have our rights as citizens. Mr. Anderson stated at several meetings that he was speaking as a citizen and not as a Planning Commissioner. But you ignored him and two or three of you took exception and stated that he could not talk that way. Some of these examples that you are coming up with are taking away his right to speak as a citizen.

Ben Crawford stated that he thinks that this is a little bit overblown. At the prior meeting the Planning Commission sat in the front of the room like school children and was told by the City Council what they could or could not do. Anything prior to that should be off the record.

Johnny Lawler had told the Planning Commission that anything done on the internet does not matter. This is a waste of the City's time and a waste of the citizen's time. You have not given us any work or direction. I am one of the people at the Planning Commission that blamed all of you. I am blaming you now. The lack of direction falls square on your shoulders. It does not fall on Mr. Anderson's shoulders. You have to deal with facts here. I felt humiliated at the last meeting. I am a 50 year old man and having to sit in front of the class and be treated that way, I was humiliated. I have worked hard all of my life and have

been in code enforcement for the last 10 years. I give my time to the City freely and I feel like you are being disrespectful to me. This is nonsense.

Mayor Jenkins stated that the reason that he had brought the Planning Commission to the front was so everyone could sit together and direct the questions to them. He meant no disrespect.

Susan Fraysee stated that it was her observation that this was very complicated and a lot of pressure was put on these people as the first Board that the City has had in a long time. Susan has been looking into ethical codes. I think that if we adopted the twelve do's and don'ts that was stated previously and respected everyone, it would eliminate a lot of problems. It has been stated at the Planning Commission was a non-political board. You have to treat people fairly, honestly, and respectfully. The Planning Commission was set up to hear zoning and variance request, not economic development. We need to be specific about the no's no's. One of the key elements is to establish a repore with the Board. I am hoping that we can come up with guidelines that will help them be successful.

Joe Frank stated that it seems to him that a lot of the accusations addressed against Mr. Anderson were hearsay. He has not seen any evidence of anything. This kind of thing would not hold up in a court of law. He has noticed something in this City that does not agree with him. There are 2 sets of rules. Some members of the City Council and the Planning Board can discuss anything with anyone and say anything they want and go out and call that free speech. Others members get immediately accused of not doing the right thing. This needs to be addressed immediately. Mr. Anderson and Ms. Sherlock asked several times for guidance from the City Council on what they were supposed to do. They have never gotten that kind of guidance. I do not see why anyone is sitting here and trying to accuse someone when they never gave them guidance. I think that we should appreciate these volunteers. Come up with a set of rules and give it to them. They have to learn what they are doing. Are Jason and Marlene are trying to get rid of him? Have you given them any rules to follow? If not, then don't accuse them of doing something wrong. This is not the American way of doing things.

Council Member Hadden stated that on August the 27th and 28th the Planning Commission was specifically told what they could talk about and not talk about, what their duties were and the main objections is that the majority of this occurred after both of those times.

Bonita Hoffmeister stated that she was on the Planning Commission in DeKalb County. At the last meeting the Council discussed 4 things that you felt like the Planning Commission should do and is not in the Ordinances now. I support this and hope that you go forward with this. As a Planning Commissioner for DeKalb County, I cannot imagine something like this happening. As a member, when I go to a meeting and they don't like the way I look, they pick up the phone and I am gone. It is that simple. It is an appointed position at the discretion of the Council. To hold something like this is to me, I like not to say what I feel. I am hopeful that good zoning will be put in place and the City can have a good working relationship with the developers. The Planning Commission should not be saying anything to a developer. She just wants a better future for Doraville.

John Noonan stated that he would like to review the facts. We are reviewing the conduct of the Planning Commission. Mr. Anderson has overstepped his bounds. The Planning Commission has been charged with zoning and variance changes. The reason we are here now is that something other than that has occurred. One evening after a Council meeting Mr. Noonan listened to Mr. Anderson tell the Star Tower group that he was a Chairman of

the Planning Commission and that there was several problems with their plans. I am just trying to review that the facts of what is going on.

Mayor Jenkins asked before we call for the motion, are we still going through with the motion and second. Mayor Jenkins stated that he wished that we could work something out rather than just eliminating a person.

Mayor Pro-Tem stated that his motion stands.

Council Member Pittman stated that Mr. Anderson might have overstepped his boundaries somewhat but the problem she is having here is that he is a volunteer. We handed this to them without any training or guidelines. In the future we need to look at what is to be careful of what is said and of whom you speak to. I am having a problem with the “he said, she said”, issue.

Council Member Hadden stated that they have been told on several occasions what their duties are period. They have had that direction. Other duties could be established at a later date. The reason that they were not getting a lot of work was that the work has not come in. It has been very clear what their duties were. Then Mr. Lawler came and gave a talk about etiquette and still after that Mr. Anderson still felt that it was necessary to overstep his authority.

Mayor Jenkins stated that he would like for this to be a reprimand rather than a removal from the Board.

Council Members Anavitarte, Spangler, and Hadden voted to remove Mr. Anderson from the Planning Commission. Council Members Hart, Lowe and Pittman voted no. The Mayor abstained.

The Mayor asked if anyone had another motion to bring up.

Council Member Lowe asked Council Member Spangler how he voted. Council Member Spangler voted yes.

Council Member Spangler stated that no one was listening. The Planning Commission was told time after time what they could do and not do. Mr. Lawler did the same thing. Just because they did not have anything to do does not mean that they can go out and do things that they are not supposed to do.

Council Member Hadden asked the City Attorney if the City was in any liability position because of what has occurred because of Mr. Anderson’s actions. The City Attorney stated that he should not talk in public about potential litigation. Council Member Hadden stated that answered the question.

Mayor Jenkins stated that rules and guidelines would be set up for the Planning Commission. **If Mr. Anderson get out of line again, then the Mayor will personally bring it up to remove him or anyone who gets out of line.**

Mayor Jenkins adjourned the meeting.

Mayor Ray Jenkins

Attest