

Revised 12/20/05

CITY OF DORAVILLE
CITY COUNCIL MEETING MINUTES
December 5, 2005

Present: Mayor, Ray Jenkins
Council, Marlene Hadden
Jason Anavitarte
Donna Pittman
Ed Lowe

City Attorney, Rick Powell

Mayor Pro-Tem Lang and Council Member Weese were not present.

Mayor Jenkins called the meeting to order at 7:00 p.m.

Jimmy Whitaker, with Meek & Whitaker, PC, came forth and gave the annual audit report for year ending June 30, 2005. Mr. Whitaker stated that this was an un-qualified audit report and that the City was in compliance with State and Federal audit laws.

Mr. Whitaker stated that the net assets of the City were \$16,283,583.00 and total liabilities were 1,281,566. Total unrestricted cash assets amounted to \$ 5,810,027.00. Mr. Whitaker stated that the City was in great financial shape. Total net assets increased by \$1,990,959.00. Mr. Whitaker encouraged the Council Members to read the audit report and stated that he would be glad to answer any questions that the Council might have.

Mr. Whitaker stated that the City had two reportable conditions. One reportable condition was a repeat from last year. Both reportable conditions have already been taken care of. Mr. Whitaker stated that this was a vast improvement over last year.

Laurel Henderson, with GIRMA, came before the Council to explain a lawsuit that had arisen out of the Commercial Vehicle Ordinance and the enforcement of the Commercial Vehicle Ordinance. Ms. Henderson explained that Mr. Noonan had filed a lawsuit against the City because he had been cited twice for violation of the City's Commercial Vehicle Ordinance.

Ms. Henderson stated that she had discovered that the City's Commercial Vehicle Ordinance was unconstitutional and she began to research other Commercial Vehicle Ordinances nation wide. Ms. Henderson discovered that the Ordinances that had stood up in court defined a commercial vehicle by pounds. The normal commercial vehicle is over 8,000 pounds. Ms. Henderson stated that she had written a Commercial Vehicle Ordinance for the City of Doraville. The Ordinance defined a commercial vehicle as

anything over 8,000 pounds. Ms. Henderson asked the Council to allow this to be the 1st reading of the proposed Commercial Vehicle Ordinance.

Ms. Henderson asked the Council to approve a Resolution allowing GIRMA to settle the lawsuit with Mr. Noonan at a cost of \$10,000.00. The settlement amount would cover the cost of Mr. Noonan's Attorney fees. If this case were taken to court the settlement could be much more.

Council Member Lowe made a motion to approve the settlement of \$10,000.00 in the Noonan Case. Council Member Hadden seconded the motion. Motion carried unanimously.

Questions asked by residents concerning the proposed Commercial Vehicle Ordinance are as follows:

Does this Ordinance include recreational vehicles? Ms. Henderson stated that there was a separate Ordinance concerning recreational vehicles.

Would the Ordinance allow trailers to be parked overnight? Ms. Henderson stated no.

Is there a separate Ordinance for Taxi Cabs? Ms. Henderson stated that Taxi Cabs were covered under a separate Ordinance.

Council Member Anavitarte made a motion to approve the November 21, 2005 minutes as written and the minutes from the Called Council meeting held on November 18, 2005. Council Member Pittman seconded the motion. Motion carried unanimously.

Mayor Jenkins announced that Lamar Lang was ill and that was the reason he was not present at the meeting. The Mayor stated that Council Member Weese's wife was ill and that was the reason he was not at the meeting.

Mayor Jenkins thanked Council Member Pittman, Jackie Beyer and Pam Fleming for all their hard work in making the first Christmas Tree Lighting a big success. Mayor Jenkins also thanked Dorothy Venable for all her help in cleaning up afterwards. Mayor Jenkins also thanked the Police Officers that came to the Tree Lighting. Mayor Jenkins stated that he was proud of the professional way the Police Offices dressed and handled themselves with the citizens.

Mayor Jenkins stated that Linda Lively's mother had passed away.

The City Clerk stated that Waste Management and Advanced Disposal had submitted addendums to the original RFP prices. Each Council Member has received a copy of each addendum. Also Allied Waste had sent a quote for the garbage carts.

The City Clerk stated that Advanced Disposal's rates were higher than the other two companies but they were willing to delete charges for vacant houses, do once a week bulk waste pickup, pick up tree limbs (5" x 5') once a week, free dumpster service to all city buildings, and offer a discounted rate for senior citizens (\$10.00).

Waste Management stated that they had submitted a revised rate of \$13.55 per customer per month and was offering the City 50 tons of free bulk disposal. Waste Management should be able to respond to the Advance Disposal proposal. They will be asking questions about the procedures of accepting amendments to the RFP later in the meeting. Waste Management wanted to know if Advance Disposal would be providing for free recycling at Honey Suckle Park. Mr. Edwards stated that the cost of recycling would be \$100.00.

Mr. Edwards, with Advance Disposal, stated that this was an RFP and not a bid process.

The City Attorney stated that the Council could vote on the sanitation contract. The City Attorney stated that the Council did not have to give Waste Management an opportunity to respond to Advanced Disposal's proposal.

Mayor Jenkins called for a motion to retain Waste Management for Solid Waste pickup. No motion was made.

Mayor Jenkins called for a motion to approve a contract with Advanced Disposal for Solid Waste pickup. Council Member Anavitarte made a motion to approve the Advanced Disposal as the Solid Waste Contractor. Council Member Pittman seconded the motion. Motion carried with Council Member Lowe voting no.

The City Attorney stated that this was the 1st reading of a proposed Animal Control Ordinance. The 2nd reading will be held on January 2, 2006.

Council Member Hadden asked for a stop sign to be placed at the intersection of Raymond and Allison Drive. Council Member Hadden also asked for traffic controlling strips to be placed on Chestnut, Pineland and Homeland.

Council Member Hadden stated that the sales office for the Star Tower was in compliance and did have a business license.

Council Member Anavitarte stated that the City of Doraville was forming a Blue Ribbon Committee to study the GM property. The City will control the committee and Vernon Jones will be invited to serve on the committee. The committee will be made up of professionals who can help guide the future development of the GM property. Council Member Anavitarte should have a list of names for the committee in about three weeks.

Mayor Jenkins stated that he had spoken with a representative from GM. The gentleman told the Mayor that it was premature to make any decisions on the GM property. GM does own the property and may consider redeveloping it themselves.

Mayor Jenkins stated that Vernon Jones had contacted him about a committee. The Mayor told Mr. Jones that the City would be forming the committee and would like for him to serve on it. Mr. Jones wanted the Mayor to go to Detroit, but the Mayor told Mr. Jones that it was too early to be making the trip.

Council Member Hadden stated that the City could only regulate what was to be placed on the GM property with overlay zoning districts **and establish architectural criteria and standards.**

Council Member Anavitarte asked the Mayor to check with Dekalb County on the revisions at the intersection of New Peachtree and Shallowford Road. Dekalb County had promised to hold another public hearing.

Council Member Anavitarte stated that he would like to see a weekly schedule for the street sweeper and that the residents be notified of the days that the street sweeper will be in each neighborhood.

Council Member Hadden made a motion to sign the merger agreement between EDAW and AECOM. The City has a contract with EDAW for the LCI Study and the contract will terminate when the LCI Study is finished. Council Member Anavitarte seconded the motion. Motion carried unanimously.

The City Attorney stated that this was the 2nd reading of an amendment to the Employee Manual. The amendment would allow the Mayor to approve training and travel expenses for Department Heads. The Council would approve the Mayor and Council training and travel expenses with the provision to allow up to six classes to be taken within the State of Georgia each year without approval. Council Member Lowe made a motion to approve the amendment to the Employee Manual. Council Member Hadden seconded the motion. Motion carried unanimously.

The City Attorney stated that this was the 1st reading of an amendment to the Alcohol Ordinance to exempt beer and wine from consumption tax. The 2nd reading will be held on January 2, 2006.

The City Attorney stated that this was the 1st reading of Revisions to the Zoning Ordinance. The Zoning Ordinance is being updated with all of the Ordinances that the City Clerk could find and should be ready for a 2nd reading by January 2, 2006

The City Attorney stated that this was the 1st reading of an amended Adult Entertainment Ordinance. The 2nd reading will be held on January 2, 2006.

Chuck Atkinson stated that he had checked on getting prisoners to cleanup the intersections of 285. Mr. Atkinson stated that the people he talked to were willing to pay the City to come and clean up the intersections.

Chuck Atkins also stated that the Police would be out in force on New Year's Eve and for the residents not to be alarmed if they saw the Police.

Chuck Atkins gave a brief update on a burglary that occurred at Value City on Thanksgiving night. The thief was apprehended by the Police Department.

A gentleman asked about the sanitation contract and wanted to know if the Council had made a hasty decision. Council Member Hadden stated that the Council had discussed this contract at two public work sessions and the Council had taken it's time in making a decision that was best for the residents.

Council Member Anavitarte stated that the Council had been working on the sanitation Contract for over a month. The Council has given the companies ample time to respond. Council Member Anavitarte stated that the RFP allowed Offerors to propose additional performance outcomes beyond those minimally required. The RFP also stated that the City may request presentations by Offerors and carry out contract negotiations for the purpose of obtaining best and final offers.

Council Member Pittman stated that the Council was concerned about prices but was also concerned about service. Council Member Pittman received numerous calls each week concerning the service provided by Waste Management. Council Member Pittman stated that this was not a bidding war between the two companies, but a decision that the City needed to based on what is best for the City and its residents.

Susan Fraysee gave a brief update on the Comprehensive Land Use Plan and stated that a public hearing on the Comprehensive Land Use Plan was set for December 19, 2005, at 7:00 p.m. Ms. Fraysee encouraged everyone to attend the public hearing.

Mayor Jenkins adjourned the meeting.

_____Ray Jenkins, Mayor

Attest; _____
City Clerk