

In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

August 5, 2013

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

Transcript of the Council meeting held

in the City Council Room at Doraville City

Hall, 3725 Park Avenue, Doraville, Georgia;

Mayor Donna Pittman presiding, before

Theresa Bretch, Certified Court Reporter, on

August 5, 2013 at 6:30 p.m.

* * *

1 PROCEEDINGS
2 MAYOR PITTMAN: Meeting come to order.
3 Welcome to everyone. And we have a new
4 format tonight for our agenda, so please be patient
5 with us as we work through this. This is our first
6 time in using this, but I think it's going to be much
7 better.
8 So if you could call the roll, please.
9 CLERK BRYANT: Councilmember Alexander?
10 COUNCILMEMBER ALEXANDER: Here.
11 CLERK BRYANT: Councilmember Bates?
12 COUNCILMEMBER BATES: Here.
13 CLERK BRYANT: Councilmember Fleming?
14 COUNCILMEMBER FLEMING: Here.
15 CLERK BRYANT: Councilmember Patrick?
16 COUNCILMEMBER PATRICK: Here.
17 MAYOR PITTMAN: Would everyone please rise
18 for the Pledge.
19 - - -
20 (Pledge of Allegiance)
21 - - -
22 MAYOR PITTMAN: Thank you.
23 And I believe we have an introduction real
24 quick. Mr. Cooley?
25 MR. JOE COOLEY: Yes, just real quickly,

1 APPEARANCES:
2 Doraville City Council:
3 Mayor Donna Pittman
4 Councilmember Maria Alexander
5 Councilmember Brian Bates
6 Councilmember Trudy Jones Dean
7 Councilmember Pam Fleming
8 Councilmember Karen Pachuta
9 Councilmember Robert Patrick
10
11 Dr. Shawn Gillen, City Manager
12 Sandra Bryant, Acting City Clerk
13
14 Cecil G. McClendon, Jr., City Attorney
15 Riley McLendon, LLC
16 315 Washington Avenue
17 Marietta, GA 30060
18 (770) 590-5900
19
20
21
22
23
24
25

1 I'd like to introduce you to a couple of new staff
2 persons in the City. We have our two code compliance
3 officers here. We've got Tim Forbes and we've also
4 got Kenny Barber. Also, we have a new person up
5 front, but she could not attend tonight.
6 But you'll see these guys around town, and I
7 think you'll find working with them, they're very good
8 guys. Also, just so you know, both of them are
9 certified building inspectors also, so they're in code
10 compliance but they're also certified building
11 inspectors, which is real handy.
12 So I wanted to thank you for coming tonight.
13 Welcome.
14 MR. FOLEY: Appreciate it.
15 MR. BARBER: Thank you.
16 MAYOR PITTMAN: Mr. Cooley, do you have
17 someone else over here?
18 MR. COOLEY: Oh. He snuck in on me.
19 Fantastic.
20 This is Patrick Couch. He is our building
21 official coordinator. So thanks for coming.
22 MR. COUCH: Thank you.
23 MR. COOLEY: Nice to meet you.
24 MAYOR PITTMAN: Thank you, and welcome
25 aboard; we're glad to have you.

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1 MR. COUCH: Thank you.
 2 MAYOR PITTMAN: I've already heard good
 3 things about you, so that's a good thing.
 4 MR. COUCH: Thank you.
 5 MAYOR PITTMAN: Okay. I need approval of
 6 minutes for July 1st, 2013.
 7 COUNCILMEMBER ALEXANDER: So moved.
 8 MAYOR PITTMAN: Second?
 9 COUNCILMEMBER BATES: Second.
 10 MAYOR PITTMAN: Discussion?
 11 ---
 12 (No response)
 13 ---
 14 MAYOR PITTMAN: Call the roll, please.
 15 CLERK BRYANT: Councilmember Alexander?
 16 COUNCILMEMBER ALEXANDER: Yes.
 17 CLERK BRYANT: Councilmember Bates?
 18 COUNCILMEMBER BATES: Yes.
 19 CLERK BRYANT: Councilmember Fleming?
 20 COUNCILMEMBER FLEMING: Yes.
 21 CLERK BRYANT: Councilmember Patrick?
 22 COUNCILMEMBER PATRICK: Yes.
 23 MAYOR PITTMAN: Okay. Thank you.
 24 And I would ask Council to make a motion to
 25 move the presentations up next, actually. So we have

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1 several officers here that may need to leave, so if we
 2 could go ahead and move that up --
 3 COUNCILMEMBER BATES: So moved.
 4 MAYOR PITTMAN: -- that would be 9 under
 5 Reports and Presentations, and move it to the next
 6 item.
 7 COUNCILMEMBER BATES: So moved.
 8 MAYOR PITTMAN: Second?
 9 COUNCILMEMBER PATRICK: Second.
 10 MAYOR PITTMAN: Discussion?
 11 COUNCILMEMBER FLEMING: That's (a) and (b)
 12 or just (a)?
 13 MAYOR PITTMAN: (a) and (b), please.
 14 COUNCILMEMBER FLEMING: Okay. Thank you.
 15 MAYOR PITTMAN: Call the roll, please.
 16 CLERK BRYANT: Councilmember Alexander?
 17 COUNCILMEMBER ALEXANDER: Yes.
 18 CLERK BRYANT: Councilmember Bates?
 19 COUNCILMEMBER BATES: Yes.
 20 CLERK BRYANT: Councilmember Fleming?
 21 COUNCILMEMBER FLEMING: Yes.
 22 CLERK BRYANT: Councilmember Patrick?
 23 COUNCILMEMBER PATRICK: Yes.
 24 MAYOR PITTMAN: Okay. Thank you.
 25 Is there anyone here from the National

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1 Payroll?
 2 ---
 3 (No response)
 4 ---
 5 MAYOR PITTMAN: Okay. If they come in,
 6 we'll address them later.
 7 We have someone very special here tonight
 8 that's going to be retiring.
 9 And if you'd like to come up, you and your
 10 wife both can come up.
 11 Officer Sigler has been with us for about
 12 eight years and he has done an outstanding job, and we
 13 regretfully sign off on his retirement.
 14 And I can say personally it's very few
 15 people that can say that you possibly saved my life
 16 and then gave me a good lecture afterwards, and that -
 17 - that is what he is known for. He was a great
 18 officer but he was also our paramedic, and I cannot
 19 tell you how many times he has come to the rescue for
 20 many people.
 21 I'm going to go ahead and read this because
 22 today we're going to declare Officer Sigler Day in
 23 Doraville. And I told him I left my reading glasses
 24 at home, and it was in the font, so please bear with
 25 me.

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1 Whereas, the Mayor is justly proud to
 2 declare the day in honor of Officer Sigler for his
 3 eight years of service and dedication to the City and
 4 his courageous commitment to protecting the people of
 5 Doraville;
 6 And whereas, this nation is built upon the
 7 bedrock principles of honor, courage and dedication,
 8 and by personifying these traits throughout his 25-
 9 year career, eight of those which he spent with us;
 10 Officer John C. Sigler, Jr., will always occupy a very
 11 special place in our heart.
 12 And today, because of that, I, Mayor Donna
 13 Pittman, and the City of Doraville do hereby declare
 14 August 5th, 2013, as John C. Sigler, Jr. Day in
 15 Doraville.
 16 ---
 17 (Applause)
 18 ---
 19 MAYOR PITTMAN: Thank you, and you're going
 20 to be much missed. Would you like to say anything?
 21 OFFICER JOHN C. SIGLER, JR.: I've enjoyed
 22 my time here in Doraville. I've worked at many other
 23 agencies prior to this one, and this is the one that
 24 allowed me to use my medical training as a first
 25 responder for the City, and I've really appreciated

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1 being able and supported by the City and particularly
 2 the Mayor in being able to help people before EMS
 3 arrived. And this is something that we've been trying
 4 to get going in my career in the past, and this was
 5 the first city to allow it; and I appreciate the
 6 service that I was able to provide for you, and I
 7 appreciate all the support I got here.
 8 ---
 9 (Applause)
 10 ---
 11 MAYOR PITTMAN: (To Mrs. Sigler) And we
 12 appreciate you for sharing him with us for the last
 13 eight years with all the crazy shifts and the hard
 14 work we know that he has done for us.
 15 (To Officer Sigler) And we really miss you,
 16 but don't be a stranger, and we're always here for
 17 you.
 18 OFFICER SIGLER: Thank you.
 19 MAYOR PITTMAN: Thank you.
 20 Hold on just a minute. Major?
 21 MAJOR ATKINSON: The police department has
 22 an item that we would like to present Officer Sigler
 23 also.
 24 As you've heard, Officer Sigler was with us
 25 for eight years and he was part of our motor -- he was

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1 a motor officer, DUI, accident. One of the most
 2 important things that he was was a medic, and he did
 3 that not only on the street but he was also our SWAT
 4 medic. So he went out on high-risk warrants, search
 5 warrants and things like that with us as our medic,
 6 and it's, you know, very refreshing to know that, you
 7 know, we had someone with us that had that capability
 8 if we ever needed that. We had someone that was right
 9 there with us that could administer first aid and
 10 potentially keep us alive until we could get to the
 11 hospital.
 12 So on behalf of the police department -- and
 13 Chief King is out of town so I'm standing in for him,
 14 but we have a plaque, and I'll read it. It says,
 15 "John C. Sigler. Presented with great honor and
 16 recognition for your loyal and dedicated service to
 17 the citizens of the city of Doraville, for handling
 18 each emergency with uncompromising competence and
 19 integrity, for being the steady voice in a storm, for
 20 using courage and compassion and for providing such a
 21 meaningful service. Always remember that you made a
 22 difference. July 25, 2013."
 23 OFFICER SIGLER: Thank you.
 24 ---
 25 (Applause)

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1 ---
 2 MAYOR PITTMAN: We're going to take a real
 3 quick two-minute break; two minutes.
 4 ---
 5 (Brief recess)
 6 ---
 7 (Councilmember Dean arrives.)
 8 ---
 9 MAYOR PITTMAN: We'll go ahead and move
 10 forward. We're making some corrections to update the
 11 agenda but we can move forward.
 12 The next item is No. 5. It's Approval of
 13 Meeting Agenda. But before we do that, the City
 14 Manager would like to move (d) under Consent Agenda to
 15 (d) under Business -- under New Business.
 16 COUNCILMEMBER ALEXANDER: We don't have that
 17 agenda. What is (d)?
 18 MAYOR PITTMAN: I didn't have it either.
 19 UNIDENTIFIED SPEAKER: Here you go.
 20 COUNCILMEMBER ALEXANDER: I have it.
 21 COUNCILMEMBER FLEMING: And I have it.
 22 (d) under New Business?
 23 DR. GILLEN: The new copies were put in the
 24 mail boxes and sent out last week, so. It was an
 25 updated agenda since that one.

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1 MAYOR PITTMAN: Okay. So we're moving No. 7
 2 (d) Intergovernmental Agreement, to (d) under New
 3 Business. There were some changes, and I think that
 4 they want to explain those changes.
 5 DR. GILLEN: Yes.
 6 MAYOR PITTMAN: So that being said, if we
 7 could --
 8 Do we need a motion for that, Cecil?
 9 Why don't we get a motion to do that,
 10 please.
 11 COUNCILMEMBER BATES: So moved.
 12 MAYOR PITTMAN: Second?
 13 COUNCILMEMBER PATRICK: Second.
 14 MAYOR PITTMAN: Discussion?
 15 ---
 16 (No response)
 17 ---
 18 MAYOR PITTMAN: Call the roll, please.
 19 CLERK BRYANT: Councilmember Alexander?
 20 COUNCILMEMBER ALEXANDER: Yes.
 21 CLERK BRYANT: Councilmember Bates?
 22 COUNCILMEMBER BATES: Yes.
 23 CLERK BRYANT: Councilmember Dean?
 24 COUNCILMEMBER DEAN: Yes.
 25 CLERK BRYANT: Councilmember Fleming?

1 COUNCILMEMBER FLEMING: Yes.
 2 CLERK BRYANT: Councilmember Patrick?
 3 COUNCILMEMBER PATRICK: Yes.
 4 MAYOR PITTMAN: Okay. Now, on No. 5, I need
 5 approval of the meeting agenda. So if anyone has
 6 comments or suggestions about the Consent Agenda, now
 7 is the time to do that.
 8 COUNCILMEMBER FLEMING: If I understand
 9 correctly, the Consent Agenda are items that require
 10 little or no discussion and that the approval would be
 11 imminent, aAnd I want to know if that is correct.
 12 DR. GILLEN: Yes, that's generally correct.
 13 COUNCILMEMBER FLEMING: Okay. That's so the
 14 public understands a consent agenda as well.
 15 And if that be the case, then I did have
 16 comments on the Liability Insurance Renewal. So I
 17 would not want that on the Consent Agenda; I would
 18 want that under New Business.
 19 MAYOR PITTMAN: Okay. So we can move that
 20 to become (e) under New Business, so we're going to
 21 move (a) under Consent Agenda to (e) under New
 22 Business.
 23 Any other comments?
 24 COUNCILMEMBER DEAN: I had one question
 25 about the IGA regarding the election services, the

1 COUNCILMEMBER FLEMING: Yes.
 2 CLERK BRYANT: Councilmember Patrick?
 3 COUNCILMEMBER PATRICK: Yes.
 4 MAYOR PITTMAN: Okay. Thank you.
 5 Okay. Next on the agenda -- this is a
 6 little bit different. This is public comments.
 7 There will be no public comments at the end
 8 of the meetings now. Public comments will come at the
 9 beginning. You may speak three minutes on any
 10 subject. It does not necessarily have to be about the
 11 agenda items.
 12 So anyone wishing to speak on any item,
 13 please come forward, limit your time to three minutes,
 14 and state your name for the court reporter.
 15 Mr. Maloney, come on.
 16 If we could get in line, line up if you wish
 17 to speak, that would help.
 18 MR. MALONEY: My name is John Maloney, 3522
 19 Stewart Road.
 20 I'm here to speak tonight on the -- not on
 21 the tree cutting but of the cleaning up of the tree
 22 cutting behind the Waffle House on the Star Towers
 23 building.
 24 I'm going to give you a little timeline
 25 here. And the trees was cut down on June 29th. At

1 term of that contract whether --
 2 MR. McLENDON: The term is --
 3 COUNCILMEMBER DEAN: -- 50 years --
 4 MR. McLENDON: The 50-year term is allowable
 5 for intergovernmental agreement in Georgia law. But
 6 if you'll notice, there's a termination provision in
 7 the contract that lets either party terminate on 30
 8 days' notice, so --
 9 MAYOR PITTMAN: Okay. So do I get a motion,
 10 approval of meeting agenda?
 11 COUNCILMEMBER BATES: So moved.
 12 MAYOR PITTMAN: Second?
 13 COUNCILMEMBER PATRICK: Second.
 14 MAYOR PITTMAN: Discussion?
 15 ---
 16 (No response)
 17 ---
 18 MAYOR PITTMAN: Call the roll, please.
 19 CLERK BRYANT: Councilmember Alexander?
 20 COUNCILMEMBER ALEXANDER: Yes.
 21 CLERK BRYANT: Councilmember Bates?
 22 COUNCILMEMBER BATES: Yes.
 23 CLERK BRYANT: Councilmember Dean?
 24 COUNCILMEMBER DEAN: Yes.
 25 CLERK BRYANT: Councilmember Fleming?

1 the Council meeting on July 1st, Mr. Gillen announced
 2 that he would investigate the tree cutting.
 3 I was very patient, and on July 19th, which
 4 was 20 days later, I called Mr. Gillen; we had a very
 5 nice conversation. He informed me that they was given
 6 permission to start cleaning up on July the 15th. And
 7 it was on the 19th, and they had not started cleaning
 8 up, and they did start cleaning up on the 19th.
 9 Today is August the 5th, which is 37 days
 10 later, and it's still not cleaned up, and that's not
 11 acceptable to me. And I've got a two-part question
 12 for the Council, and I'd like for each one of you to
 13 answer it during your Council time that is allowed at
 14 the end of the meeting if you would.
 15 One: Is this -- is this -- is this
 16 acceptable to y'all, the timeline? And if it is, I'd
 17 like to know why.
 18 And if it's not acceptable -- and I think
 19 this is a fair question -- then I would have to ask,
 20 Why haven't you done something about it?
 21 You know, it didn't dawn on me -- I'm a
 22 little slow, but it didn't dawn on me until I saw the
 23 new organizational chart that y'all are at the top of
 24 it. That means y'all are driving the boat. And when
 25 you see something that's not right or that's not --

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1 just don't look good, then I urge you to ask questions
2 and to find out why it's not being corrected.
3 You know, I keep saying it. I was born in
4 Doraville, born on Stewart Road, want to live here the
5 rest of my life, but if somebody had told me 25 years
6 ago that Stewart Road would look like -- the City
7 would allow Stewart Road to look like it does today, I
8 would have called him a liar.
9 I'm ashamed for my family and friends to
10 drive down Stewart Road, and it shouldn't be like
11 this. It just should not be this way, and I hope that
12 y'all are listening. Thank you.
13 MAYOR PITTMAN: Thank you, Mr. Maloney.
14 Sir? Sir, you have three minutes.
15 MR. CHRISTOPHER SO: My name is Christopher
16 So. I'm the vice president and director of operations
17 for HP Investment, LLC.
18 Mr. Maloney just came over. It was perfect
19 timing, because I'm going to explain to you exactly
20 what happened.
21 We're the developer -- HP Investment, LLC,
22 as well as the GMC Blue Service. Sean Park is the
23 president.
24 First of all, we want to apologize for the
25 cutting of the tree. We weren't -- there was some

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1 storm damage that was -- we just purchased the
2 building. It was hitting the building. For safety
3 and all the reasons, that's why we cut it down, and we
4 didn't realize that the permit was required and so
5 forth.
6 Sincerely apologize. We're trying to
7 rectify that matter right now. We finally got
8 together with Mr. Cooley, Mr. Strickland and Manager
9 Gillen and we're trying to get that done.
10 There were a problem of cleaning the place
11 up because it got held up, but now everything is under
12 "go" and we're waiting for the permits to be issued so
13 that we're going to be cleaning it up.
14 And I'm going to show you exactly what the
15 development's going to look like. The actual -- there
16 are the three buildings that's remaining, so that you
17 guys could all see. Three buildings that's existing
18 right now. We're going to be doing the whole
19 renovation and we're going to be spending up to
20 \$2,000,000 cleaning up this place and actually
21 refacing the entire building. This is Building 1 and
22 2. The long building that you'll see, all the top
23 portions will have clay tile. They all have all-glass
24 front. Everything will be pillared with lighting;
25 all be stucco front; brick railings, brick on the

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1 bottom. It's going to have a European look, and all
2 the Building 1 and 2 is going to be designed that way.
3 Building No. 3 will be looking like this.
4 We're going to be actually doing a whole renovation in
5 the front. We're not touching the structure of the
6 building; we're only doing the upgrade, and it's going
7 to be all done through the permitting process and
8 everything else.
9 There are 72 spaces that's available. We're
10 going to be putting in the retail business and office
11 buildings, whatever the City allow, and we're also
12 thinking about a learning center.
13 We have developed and came up with a plan.
14 For every tree that we have mistakenly cut down, we're
15 going to be replacing it 3-to-1. We're going to be
16 actually putting in South Carolina palmetto palm,
17 which is actually acceptable in Georgia; you know,
18 actually grow up to be 20 feet. We'll have it all
19 around the entrance area.
20 We're also going to be building a fountain,
21 a garden, and there's going to be benches along the
22 street where people could actually sit. And the
23 garden area is going to be pretty close to where we're
24 going to have a little bit of a walkway where people
25 could actually walk. They could have a bike. It's

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1 going to have a bike trail and it's going to have to
2 some flowers and so forth.
3 None of the existing trees will be cut any
4 more; it's only going to be trimmed so that they will
5 not affect the buildings and they'll actually have a
6 better appearance.
7 It's a long process. We own a few other
8 buildings in other area, Norcross. We know Councilman
9 Patrick over there. We do a very good job, and I
10 apologize that the --
11 MAYOR PITTMAN: Sir, I'm sorry.
12 MR. SO: Three minutes?
13 MAYOR PITTMAN: Your time is up. Yes, sir.
14 Thank you.
15 MR. SO: Thank you.
16 MAYOR PITTMAN: Sir, I believe there's a
17 request: could you email that to Council, the
18 information. Okay. Thank you.
19 Okay. Anyone else wishing to speak?
20 MS. GINNY CALVERT: Ginny Calvert, Oakcliff
21 Estates.
22 I'm wondering when they pick up the leaves
23 and the limbs, especially if it's too much to be put
24 into a waste basket. Somebody said every Monday,
25 somebody says every first and third Monday; but mine's

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1 been sitting out there for two and a half weeks, and I
2 noticed that some of the others out there have been
3 there at least a week too. So when does it get picked
4 up?
5 Sometimes I don't feel so good or my husband
6 and we put it out when we can put it out, when we're
7 feeling right to do it, and it may not be the same
8 week that it's supposed to be picked up. So I don't
9 mind that, but I have a feeling they're not going to
10 want to rake up all those brown leaves that's going to
11 be left there.
12 So when do they pick up the big limbs and
13 the leaves?
14 MAYOR PITTMAN: I'll talk to you afterwards.
15 MS. CALVERT: Okay.
16 MAYOR PITTMAN: Thank you.
17 Stuart?
18 MR. STUART ANDERSON: Stuart Anderson.
19 I guess the last item on the agenda -- I
20 don't know -- 23-702 concerns placement of buildings
21 and the relationship to lots and stuff.
22 The reason I'm -- I'm not picking on it at
23 all. I'm just considering that we're going through
24 Smart Zoning situation and that's going to probably
25 affect how that goes down eventually.

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1 If one of you wanted to make a motion, I
2 would like to hear somebody say that they wanted to
3 put forward the architectural standards that
4 Mr. Cooley has put forward and discuss them and pass
5 them, because that's going to be very important for
6 the Smart zoning and for all zoning going forward.
7 Thank you.
8 And I think citizens' comments should also
9 be at the end -- thank you -- as well as now.
10 MR. TOM HART: I think the theme of
11 tonight's meeting is "The road to hell is paved with
12 good intentions."
13 Regarding the text amendment to 23-702, in
14 2009 they passed a zoning ordinance that they would
15 building buildings closer to the street, with
16 vegetation, and have them landscaped properly with --
17 all the commercial business such as drive-through
18 windows and parking lots would be on the side or the
19 back of the building.
20 We've built seven to eight new buildings,
21 and the excuse has been to use this 23-702 which is
22 left over from the 1986 ordinances. We're confused.
23 And each time it comes up, we can't do anything about
24 it. We're confused.
25 We've been confused eight times now, and we

Page 23

1 continue to be confused.
2 The Advanced Auto Parts building which was
3 supposed to go up in the street and -- and close a
4 dangerous intersection was not the builder's fault.
5 It was the City of Doraville forced them to build the
6 building where it is in the middle of the parking lot.
7 And they use this excuse, the 703 [sic].
8 So we're going to see tonight whether this
9 Council who passed the 2009 ordinance that meets all
10 current thinking in design and architecture is true to
11 their word or they're going to fall back on this
12 excuse that we may pass something in the future.
13 That's the usual excuse.
14 As far as the intergovernmental agreement
15 with -- with Brookhaven, here we go again. We have
16 the police department with a intergovernmental
17 agreement with another thing. The last one was
18 terminated when two people hung themselves in the
19 cell.
20 Okay. We have the same law firm
21 representing both cities. I'm kind of confused. When
22 do we have this discussion? In front of the mirror
23 when we're shaving or what? Thank you.
24 MR. BEN CRAWFORD: Ben Crawford, Oakcliff
25 Estates.

Page 24

1 I guess my thing is just in general. I'm
2 kind of curious of the McDonald's up there. And I
3 kind of talked to one of our City Councilpersons
4 about, you know, how it came about to be the way it
5 was with a drive-through by the street like that, and
6 he said that, quote/unquote, it was that McDonald's
7 was pointing out that it was for safety reasons.
8 So I thought I'd venture over to the place
9 and see why having a drive-through there -- And having
10 gone to that bank for many, many years, Wells Fargo,
11 and pulled in off the street, had to make that sharp
12 turn into Wells Fargo, I was kind of confused about
13 what safety issue could be -- could be involved in the
14 drive-through being on the street side, figuring that
15 basically the big hurdle for the architect would be to
16 flip the drawings over and do it the other way, and it
17 was for safety reasons that it was done the way it
18 was.
19 And I drove through the thing acting like I
20 was a customer getting drive-through or happened to be
21 parked on the curb there and went around through the
22 whole thing; and regardless of which way you flipped
23 it, whether the drive-through was on the opposite side
24 or on the street side, I don't see it had any impact
25 on safety. I mean you got plenty of view of the cars

1 coming in that have to come to almost a complete stop,
2 and there is no blocked view or anything else.

3 And I just -- I think sometimes we forget in
4 the city about aesthetics. If you look at our
5 McDonald's -- which I guess a lot of people think is
6 nice and this one City Councilperson thought it was
7 the greatest thing since corn flakes -- go over to
8 Perimeter and look at the McDonald's that's over by
9 Perimeter. They got what they wanted. The only thing
10 I can remember is one time an architect that's still
11 employed by us said during a -- I think it was an LCI
12 meeting or a Comprehensive Land Use Plan but I believe
13 it was an LCI meeting and said, "You're not Dunwoody."

14 And I think we should aspire to be like
15 other places that have good things within their cities
16 whether it's in Kalamazoo, Michigan or Cairo, Georgia,
17 or, you know, Lubbock, Texas. I mean we should do
18 things that are good for the city and good for the
19 community, and I think it's about time that we start
20 going in that direction. Thank you.

21 MR. BOB KELLY: First of all, forgive me for
22 reading. If I don't write it down, I forget
23 something, so I just write it down this time.

24 Bob Kelly, Northwoods.
25 This past weekend, I had a neighbor ask me

1 what the city manager had accomplished since coming on
2 board in April. I was hard pressed for an answer. I
3 know you got your car upgraded and orchestrated the
4 outsourcing of Quality of Life responsibilities, but,
5 beyond that, I do not have a clue.

6 I would like to remind Dr. Gillen that even
7 though he does serve at the pleasure of the Council,
8 it was the citizens who voted to approve a city
9 manager style of government. We deserve to know
10 what's going on in the city. Past requests for
11 information about Council's actions have always fallen
12 on deaf ears. I would hope that you, Dr. Gillen,
13 would elevate communications to a higher level and
14 perhaps Council members will get the message.

15 What is the status of the tree-cutting
16 fiasco? John should have had to wait 37 days to know
17 anything. Just how did permits get approved for sub-
18 standard driveways?

19 Perhaps it would be worth considering adding
20 an agenda item on city manager comments to give you
21 the opportunity to update us on what you are
22 accomplishing on a regular basis.

23 It's a shame that the only time most of
24 Council feels compelled to communicate with citizens
25 is during an election year. Once they're elected,

1 they feel no need to communicate with constituents at
2 all or on a very limited basis. Maybe that is why
3 more and more grass-roots chatter is calling for
4 replacement of all incumbents in the upcoming
5 elections.

6 MS. CAROL GILMAN: Carol Gilman, Northwoods.
7 My comment and inquiry is about the
8 structure of the agenda, the format.

9 Over the years, I've stood at the podium and
10 asked about reports that might be forthcoming from the
11 departments that were identified on the agenda, and it
12 would have Mayor and then various department heads.
13 And I was always anxious to hear from that, because
14 unless we heard from department heads at a Council
15 meeting, there really was not any other opportunity
16 for us as residents to learn what is going on in the
17 city.

18 We have yet to form a city newsletter. We
19 do not have a neighborhood newspaper as many of our
20 sister cities do.

21 And so I would ask this evening about the
22 reporting from the department heads and the city
23 manager. Is that something that's under development?
24 Is that something we can look forward to? Because I
25 know many of us are genuinely interested in what we

1 are doing under this new government structure. We're
2 excited about it; we're excited about the potential to
3 achieve.

4 And I don't know how long I can hold my
5 excitement here. I'd like to have a little news. And
6 I want to be polite about it, but if I may, and if
7 during your comments at the end, if you could possibly
8 address that type of communication to the community.

9 Thanks very much.

10 MAYOR PITTMAN: All right. Thank you.

11 Next on the agenda is the Consent Agenda for
12 items (b) and (c), I believe we need a motion to
13 approve this consent agenda.

14 COUNCILMEMBER BATES: So moved.

15 MAYOR PITTMAN: Second?

16 COUNCILMEMBER PATRICK: Second.

17 MAYOR PITTMAN: Discussion?

18 ---

19 (No response)

20 ---

21 MAYOR PITTMAN: Call the roll, please.

22 CLERK BRYANT: Councilmember Alexander?

23 COUNCILMEMBER ALEXANDER: Yes.

24 CLERK BRYANT: Councilmember Bates?

25 COUNCILMEMBER BATES: Yes.

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1 CLERK BRYANT: Councilmember Dean?
 2 COUNCILMEMBER DEAN: Yes.
 3 CLERK BRYANT: Councilmember Fleming?
 4 COUNCILMEMBER FLEMING: Yes.
 5 CLERK BRYANT: Councilmember Patrick?
 6 COUNCILMEMBER PATRICK: Yes.
 7 MAYOR PITTMAN: Thank you.
 8 All right. No organizational or procedural
 9 items, no unfinished business. We're going to go
 10 right into New Business.
 11 Next is going to be a public hearing,
 12 Revision to Section 14-8, Deleting Language Regarding
 13 Fees and Adding Language Regarding Total Number of
 14 Days Allowed. Mr. Cooley?
 15 MR. COOLEY: Good evening, Mayor and
 16 Council.
 17 As you said, this is a public hearing, this
 18 is part of the Zoning Procedures Act that we go
 19 through.
 20 The Council actually by resolution changed
 21 the fee schedule to address the aspect of fees
 22 regarding nonprofits on temporary sign banners. The
 23 next step was we need to change the language actually
 24 in the ordinance, which is Section 14-8.1 (a) and (b).
 25 What you have before you is an ordinance doing just

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1 that.
 2 Section (a), as you'll see in your document,
 3 does two things. First off, in the blue with the
 4 strike line, it basically eliminates any reference to
 5 the application fee and the bonding. Secondly, the
 6 other thing that it does do is it also codifies a
 7 section, a unwritten policy that has been going on I
 8 know much longer than I've been here, and that was as
 9 far as the temporary special-events banners,
 10 businesses were allowed three banners per street
 11 frontage a year. So the idea, I believe, behind that
 12 was to keep a lot of clutter down so there weren't
 13 constantly banners going on.
 14 What you have in front of you there is
 15 basically language that puts that into effect. It
 16 doesn't change the amount of time. Basically, we're
 17 looking at three times 14 days. That comes up to the
 18 total amount of days that they can have it. The
 19 applications and the permits stay the same; they're 14
 20 days. So it will basically allow that to happen three
 21 times during the year.
 22 We just really need to have that in there
 23 because it was unstated or unwritten policy for a very
 24 long time, and we wanted to make sure that it was
 25 clear for anybody that was coming in for an

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1 application.
 2 The other item is in (b), which again is
 3 just a mark-out of reference to the bond and what that
 4 required -- is required.
 5 And I'll be happy to answer any questions.
 6 And again, this is a public hearing, so we need to
 7 open the public hearing.
 8 MAYOR PITTMAN: Okay. Let's take questions
 9 from the Council. Ms. Alexander?
 10 COUNCILMEMBER ALEXANDER: This was approved
 11 by the Planning Commission?
 12 MR. COOLEY: I'm sorry?
 13 Oh, yes, ma'am. I'm sorry. This was
 14 approved. They spent quite a bit of time discussing
 15 the amount of time that would be appropriate and
 16 basically came back to the thought that this was --
 17 what was being done was probably the most appropriate,
 18 so they did recommend approval unanimously.
 19 COUNCILMEMBER ALEXANDER: Thank you.
 20 MAYOR PITTMAN: Mr. Bates?
 21 COUNCILMEMBER BATES: No questions.
 22 MAYOR PITTMAN: Mr. Patrick?
 23 COUNCILMEMBER PATRICK: (Shakes head)
 24 MAYOR PITTMAN: Ms. Fleming?
 25 COUNCILMEMBER FLEMING: Yes. I did have a

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1 question in regards to the fact that we're removing
 2 the fee structure and the bonding amount from this
 3 particular ordinance, and I assume it's going to be in
 4 the fee schedule itself.
 5 MR. COOLEY: Yes, ma'am. Actually --
 6 Well, the bonding is not. The bonding was a
 7 bit harsh to begin with, and we discussed it, I
 8 believe, with Council.
 9 But that was what you-all adopted the last
 10 time, previously. When you adopted original fee
 11 schedule, that was in there, and then you modified it
 12 to make sure that the language about non-exempt, that
 13 they are -- tax-exempt, that they are not required to
 14 pay a fee.
 15 COUNCILMEMBER FLEMING: Okay. So they are
 16 -- this particular ordinance, is there a fee, a permit
 17 fee for the promotional signs, and, if so, what is it?
 18 MR. COOLEY: Yes, ma'am. I'd have to go
 19 back and look at the fee schedule. It's the same one
 20 that y'all adopted about a year ago. The only change
 21 was the last time, you exempted out nonprofits --
 22 COUNCILMEMBER FLEMING: Correct.
 23 MR. COOLEY: -- and the fee has not changed
 24 since the -- from what you previously adopted.
 25 MAYOR PITTMAN: Ms. Gilman, did you have

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1 something you wanted to say?
2 MS. GILMAN: I guess to underscore what Mr.
3 Cooley said, nonprofit versus tax exempt, that it
4 would be the tax-exempt entities are the ones who have
5 gone through the process of gaining their tax-exempt
6 status that would actually be exempt, not every
7 nonprofit.
8 Did that clarification reach you-all or was
9 that part of your discussion that you reached a
10 conclusion on?
11 UNIDENTIFIED SPEAKER: We can't hear.
12 MS. GILMAN: Making the distinction between
13 nonprofit and nonprofits who have obtained their tax-
14 exempt status having to pay the fee.
15 MAYOR PITTMAN: And Ms. Gilman, for those of
16 you that don't know, is the chairman of the Planning
17 Commission.
18 COUNCILMEMBER DEAN: I actually have a
19 question relating to this, and this is for Cecil.
20 I've read past minutes on this issue, and
21 our former city attorney said that it was illegal to
22 distinguish between nonprofit and for profit when
23 determining any kind of fee structure, because of the
24 gratuities clause of the Georgia Constitution.
25 MR. McLENDON: I don't believe that would be

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1 correct. I think you have the ability to promote
2 nonprofit organizations and not have that fee in
3 place.
4 COUNCILMEMBER DEAN: You believe it or you
5 know it?
6 MR. McLENDON: I believe that to be the
7 case. I've not done the research on it but I would
8 tell you that it would surprise me very much should
9 that be the case.
10 I'd be happy to look into it.
11 COUNCILMEMBER DEAN: Okay.
12 MR. McLENDON: That's not something I've
13 researched any time recently.
14 But I will tell you on numerous occasions
15 you can create groups of -- differing groups based
16 upon their status such as nonprofit versus for profit.
17 That's absolutely appropriate to make that
18 designation.
19 And then what you would be doing as far as
20 the gratuities is, you know, is there a offsetting
21 benefit that the City is getting in consideration of
22 that fee?
23 COUNCILMEMBER DEAN: Well --
24 MR. McLENDON: And if so, there's not a
25 gratuity issue.

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1 COUNCILMEMBER DEAN: Well, here's the thing:
2 one, is it legal, and, two, is it fair? Because if
3 you have a church that says, "I want to put up a
4 banner," all right, and the City says, "Okay. Great.
5 Have at it. No problem," and if you have a movie
6 theater, for example, that says, "Hey, I want to put
7 up a banner," and the City says, "Yeah. Okay. Give
8 me your check," I mean.
9 So it's not just a question of, is it legal?
10 But I do want to find out whether it is, because it
11 was pretty -- it was -- this was . . . And I think
12 some members of this Council actually engaged in that
13 conversation: Is it legal and also is it fair?
14 That's something that I think that we need
15 to -- we need to talk about, because that's --
16 MR. McLENDON: I can tell you dividing
17 between profits and nonprofits is absolutely legal.
18 You can make those distinctions.
19 Is it fair is y'all's call. That's a policy
20 question about whether that's something you want to
21 make that distinction or not.
22 I can tell you as far as the gratuities
23 issue, I'll have to go look for case law on that but I
24 am 99 percent sure that is not going to be a problem.
25 COUNCILMEMBER DEAN: Okay.

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1 MAYOR PITTMAN: Did you have anything else?
2 COUNCILMEMBER DEAN: I do have something
3 else.
4 The other thing is why would we take out the
5 \$500 bond? I mean I would lower, decrease the actual
6 cost of the permit and keep the bond amount there and
7 have them forfeit the bond if they don't clean up
8 after themselves, because we are so unclean.
9 MR. COOLEY: That was actually something
10 that was discussed and passed when the Council adopted
11 the fee schedule that took that out. That was how
12 long ago? A year ago?
13 COUNCILMEMBER DEAN: I mean because they get
14 that back, right? If they -- if they do what they're
15 supposed to do, they get that money back.
16 MR. COOLEY: That was something that's
17 already been taken out. This is just taking the
18 language out to make it consistent with what the
19 Council previously passed.
20 COUNCILMEMBER DEAN: Okay. Okay.
21 MAYOR PITTMAN: Anything else?
22 COUNCILMEMBER PATRICK: Actually a question
23 for Cecil.
24 Are there other jurisdictions that you're
25 familiar with that do not have a fee for nonprofits?

1 MR. McLENDON: Yes, absolutely. Special
 2 events permits, different things like that;
 3 absolutely. I am familiar with those type of
 4 situations.
 5 COUNCILMEMBER DEAN: What about a banner,
 6 something like this?
 7 MR. McLENDON: I don't know about -- I mean
 8 I can't recall banner permits specifically but I can
 9 very easily research that. If I had known in advance
 10 that would have been the case --
 11 COUNCILMEMBER DEAN: Okay. And I didn't
 12 know until later, so I --
 13 MR. McLENDON: -- I could have come up with
 14 the answer.
 15 MAYOR PITTMAN: All right. At this time
 16 we're going to go ahead and open the public hearing
 17 portion.
 18 Those wishing to speak for, please come
 19 forward and state your name for the court clerk. You
 20 have 10 minutes, so if you speak for 10 minutes, you
 21 only get 10 minutes and no one else will get to speak.
 22 Those wishing to speak in support of.
 23 ---
 24 (No response)
 25 ---

1 district; you're giving usage in that district; and
 2 here comes -- we have Buford Highway and a shopping
 3 center with 50 stores, and each one of them gets a
 4 banner three times a year. You know, it boggles the
 5 imagination as to what will explode from a very simple
 6 ruling, so be careful. Thank you.
 7 MAYOR PITTMAN: Anyone else wishing to speak
 8 against?
 9 ---
 10 (No response)
 11 ---
 12 MAYOR PITTMAN: Okay. We're going to close
 13 the public hearing portion at this time and bring it
 14 back up to the table if Council has any additional
 15 comments or questions.
 16 Ms. Alexander, anything?
 17 COUNCILMEMBER ALEXANDER: Mr. McLendon, are
 18 you reading the language?
 19 MR. McLENDON: Yeah. I'm actually looking
 20 at some case law right now which states you can
 21 distinguish nonprofit signs. But I don't like to read
 22 something and then tell you two seconds later where I
 23 am, but I feel relatively confident about it.
 24 ---
 25 (Councilmember Pachuta arrives.)

1 MAYOR PITTMAN: All right. Those wishing
 2 to speak against, please come forward. Anyone wishing
 3 to speak against.
 4 MR. HART: This argument about banners and
 5 Buford Highway and businesses and nonprofits has gone
 6 for a decade. Buford Highway was absolutely jammed
 7 with tents, banners, blow-up gorillas, everything 10
 8 years ago, and the Council at the time worked very
 9 hard to get rid of that trash on Buford Highway.
 10 Like I said, it's the road to hell is paved
 11 with, you know, good intentions. You do one for one
 12 person and it has unintended consequences. You know,
 13 you give a pop-up tent or a banner to a church group
 14 that's having a simple deal -- I've had car shows;
 15 we've got easy-ups and we've got banners and all that
 16 sort of thing -- and it turns out, the next thing,
 17 there's a pop-up tent in front of the Checkers selling
 18 tennis shoes and tampons. It's just what happens,
 19 okay.
 20 So you have to think about the plus and
 21 minus of this, a double-edged sword: that when you
 22 give these banners, you have to be very, very careful
 23 because you have churches in C-2, O&I, M-1. You've
 24 got them everywhere.
 25 So you're handing these things out in a

1 ---
 2 MAYOR PITTMAN: Okay. Mr. Bates, anything?
 3 COUNCILMEMBER BATES: No.
 4 MAYOR PITTMAN: Ms. Pachuta, I know you just
 5 got here, so.
 6 COUNCILMEMBER PACHUTA: No.
 7 MAYOR PITTMAN: Ms. Fleming?
 8 COUNCILMEMBER FLEMING: No.
 9 MAYOR PITTMAN: Ms. Dean?
 10 COUNCILMEMBER DEAN: One more comment.
 11 On the cover sheet, it states, This has
 12 previously been a long-standing unwritten City policy
 13 to limit sign clutter which was not clear to appli-
 14 cants.
 15 If this was unwritten, why was it a policy?
 16 MR. COOLEY: I can't tell you. It's been
 17 going on for years, apparently.
 18 COUNCILMEMBER DEAN: It's just what we've
 19 always done?
 20 MR. COOLEY: It's what has been done. I
 21 think the intent, maybe it was carried over from the
 22 intent of cleaning up the clutter is the only thing I
 23 can think of.
 24 But the problem with it when it's unwritten
 25 policy or it's not in the code, number one, if

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1 someone's coming in for it, they don't know that; and
 2 so they may be planning on having some big event and
 3 all of a sudden they've got three and they're out, so
 4 it's not really fair to them, I don't think.
 5 COUNCILMEMBER DEAN: Okay.
 6 MR. COOLEY: It's just clearer, and I think
 7 that's what's been done. Apparently it has been
 8 unwritten policy and has worked pretty well apparently
 9 for Council over the years, so we just wanted to make
 10 sure it was clear for everybody.
 11 COUNCILMEMBER DEAN: Okay.
 12 MAYOR PITTMAN: Okay. So do you need a
 13 motion of some sort?
 14 MR. COOLEY: Yes, ma'am. If you all wish,
 15 it would be to adopt this ordinance.
 16 MAYOR PITTMAN: Mr. McLendon, did you have
 17 anything you wanted to add?
 18 MR. McLENDON: I feel confident in going
 19 forward with this step at this point. Basically, I
 20 don't see any issue with this.
 21 But I will tell you that I will absolutely
 22 research it, and if it I find it to be inconsistent, I
 23 will let you know, but I doubt that.
 24 MAYOR PITTMAN: Do I get a motion for
 25 approval or denial?

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1 COUNCILMEMBER BATES: Motion to approve.
 2 MAYOR PITTMAN: Second?
 3 COUNCILMEMBER ALEXANDER: Second.
 4 MAYOR PITTMAN: Discussion?
 5 COUNCILMEMBER FLEMING: I --
 6 COUNCILMEMBER BATES: I -- Go ahead. Ms.
 7 Fleming.
 8 COUNCILMEMBER FLEMING: I just think that we
 9 need to specify what we're approving in regards to and
 10 on all of our motions, because if we go back to the
 11 minutes, we'll just say that we approve, and that's
 12 not a --
 13 So I'm not coming down on you, Mr. Bates --
 14 COUNCILMEMBER BATES: No, no.
 15 COUNCILMEMBER FLEMING: -- but I've been
 16 reading minutes lately, and even as a Councilperson,
 17 I've had no clue on some of the motions we've made.
 18 COUNCILMEMBER BATES: No. That's fair.
 19 Motion to approve ordinance regarding
 20 Section 14-8.1 regarding the Application for
 21 Promotional Sign Permit.
 22 COUNCILMEMBER ALEXANDER: Second.
 23 MAYOR PITTMAN: Discussion?
 24 COUNCILMEMBER DEAN: And again, even if it
 25 is legal, that doesn't make it necessarily fair.

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1 COUNCILMEMBER BATES: And I just want to be
 2 clear. This is just cleaning up an ordinance that's
 3 already on the books, that's addressing a fee schedule
 4 that's already on the books. It's not adding a new
 5 fee, it's not taking away an existing fee; it's just
 6 cleaning up what's already there to make the language
 7 consistent between the fee schedule and the ordinances
 8 that are on the books.
 9 MR. COOLEY: Yes, sir. And along with that
 10 also codifying the unwritten --
 11 COUNCILMEMBER BATES: The time period on --
 12 MR. COOLEY: The time period.
 13 COUNCILMEMBER BATES: Thank you.
 14 COUNCILMEMBER DEAN: And this was passed by
 15 previous Council; right?
 16 COUNCILMEMBER BATES: The fee schedule was.
 17 MR. COOLEY: The fee schedule, yes, ma'am.
 18 COUNCILMEMBER DEAN: Okay. All right.
 19 MR. COOLEY: I couldn't tell you what --
 20 COUNCILMEMBER DEAN: All right.
 21 MR. COOLEY: -- the actual date was.
 22 COUNCILMEMBER DEAN: Just to --
 23 MR. COOLEY: I think it was --
 24 COUNCILMEMBER DEAN: -- clarify.
 25 MR. COOLEY: -- a year, year and a half.

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1 COUNCILMEMBER DEAN: Just to clarify.
 2 MR. COOLEY: A year, maybe a year and a half
 3 ago, somewhere in that range.
 4 COUNCILMEMBER DEAN: Okay.
 5 MAYOR PITTMAN: Call the roll, please.
 6 CLERK BRYANT: Councilmember Alexander?
 7 COUNCILMEMBER ALEXANDER: Yes.
 8 CLERK BRYANT: Councilmember Bates?
 9 COUNCILMEMBER BATES: Yes.
 10 CLERK BRYANT: Councilmember Dean?
 11 COUNCILMEMBER DEAN: No.
 12 CLERK BRYANT: Councilmember Fleming?
 13 COUNCILMEMBER FLEMING: Yes.
 14 CLERK BRYANT: Councilmember Pachuta?
 15 COUNCILMEMBER PACHUTA: Yes.
 16 CLERK BRYANT: Councilmember Patrick?
 17 COUNCILMEMBER PATRICK: Yes.
 18 MAYOR PITTMAN: Thank you.
 19 Okay. Next on the agenda is the Temporary
 20 Structure/Pop-up Canopies. I know there was a
 21 suggestion to put this on a work session.
 22 I didn't know if you want to bring it up and
 23 then move it to a work session or what would you like
 24 to do with that? It's just a -- Yes, Ms. Fleming,
 25 you.

1 COUNCILMEMBER FLEMING: It is my item, and
 2 no one addressed me to put it on a work session.
 3 MAYOR PITTMAN: Okay.
 4 COUNCILMEMBER FLEMING: Does Council --
 5 COUNCILMEMBER BATES: Well --
 6 COUNCILMEMBER FLEMING: -- wish to put it --
 7 I mean the reason why I put this on, I'm
 8 addressing what we would term pop-up tents, and we
 9 don't have a definition in Section 402 of our Zoning
 10 Code, of Chapter 23, to identify what a tent is.
 11 And I think all of us as the public, we've
 12 used the term "pop-up tent," and I'm sure probably
 13 most of us have one at home or have used them in the
 14 past; they're self-contained. And so let's call it a
 15 pop-up canopy, if you will.
 16 But my request would be that residential
 17 districts -- I'm not talking about our commercial
 18 districts now. I'm talking about only approved
 19 temporary use of pop-up canopies, tents, gazebos in
 20 all residential districts to include churches and
 21 worship centers for a period of no greater than three
 22 days, because I had two residents that have phoned me
 23 about their pop-up canopies being asked to be removed
 24 by our code compliance during their yard sales because
 25 quote/unquote, we don't allow tents.

1 I think probably from what I'm hearing it
 2 would require -- I mean what comes to my mind is, as
 3 you were pointing out, clear definition to
 4 differentiating between a tent and a temporary canopy.
 5 You know, know, that could be written, and I don't
 6 think that would be . . .
 7 COUNCILMEMBER FLEMING: So my request would
 8 be -- for Council would be to send it to Mr. Cooley
 9 and our legal counsel, also Dr. Gillen, for further
 10 reference as far as an ordinance or what you might
 11 want to specifically do for it to then go to the
 12 Planning Commission and then back to us.
 13 COUNCILMEMBER PACHUTA: I'm fine with that.
 14 COUNCILMEMBER FLEMING: That would be my
 15 request.
 16 COUNCILMEMBER BATES: I view these next two
 17 items exactly the same, that the process, I agree with
 18 sending them both to the P.C.
 19 COUNCILMEMBER DEAN: I'll wait until --
 20 COUNCILMEMBER ALEXANDER: So we're going to
 21 have a permitting process for these tents also?
 22 COUNCILMEMBER FLEMING: Well, I think there
 23 we need to differentiate between -- I mean since we're
 24 going to have to permit banners, if I understand, even
 25 for nonprofits even though they're not going to pay a

1 So I find that to be a little bit extreme
 2 for the residents as well as any type of park
 3 functions that we have. I think there's a big one
 4 coming up in September, or National Night Out, you may
 5 be having pop-up tents. You know, you never can tell
 6 at Brook Park. And according to our code, they would
 7 be not allowed.
 8 So if we want to move this to a work
 9 session, that's fine. I don't know whether it needs
 10 to go to planning and zoning -- the Planning
 11 Commission or not or whether this could be part of a
 12 policy or a separate ordinance as it is.
 13 MAYOR PITTMAN: Mr. Cooley?
 14 MR. COOLEY: Just to answer to your last
 15 question, this would be an amendment to the Zoning
 16 Code, so it would be required to go to through the
 17 Zoning Procedures Act which means going through the
 18 Planning Commission, public hearing and then for a
 19 vote.
 20 COUNCILMEMBER FLEMING: Even though the only
 21 time "tents" is used in the Zoning Code is for the
 22 exclusion of specific uses.
 23 MR. COOLEY: Yes, ma'am. You would be
 24 modifying the Zoning Code so it would require that
 25 procedure.

1 fee, we still need to know that those are legal just
 2 like yard sale signs. We need to know that they are
 3 legal. So I think there's a permitting to address the
 4 fact that, Oh, okay. We're going to have a yard sale
 5 and we're going to have X-number of tents or whatever.
 6 MAYOR PITTMAN: Tents have to be inspected
 7 by the fire marshall.
 8 COUNCILMEMBER FLEMING: I'm talking about
 9 the pop-up --
 10 MAYOR PITTMAN: Oh, the pop-up?
 11 COUNCILMEMBER FLEMING: -- the little pop-up
 12 canopies.
 13 MR. COOLEY: Yeah, the --
 14 COUNCILMEMBER FLEMING: You know, the
 15 little --
 16 MR. McLENDON: Tents that have sides with
 17 certain circumstances have to be inspected by the fire
 18 marshall. Usually that means they have sides coming
 19 down around all sides of it, if I'm correct.
 20 I think -- and Mr. Cooley, feel free to dive
 21 in -- I think what we have is really a very broad
 22 prohibition in the Zoning Ordinance. So what we would
 23 be doing is going into that provision and carving out
 24 an exception consistent with the policy you're talking
 25 about here. So --

1 COUNCILMEMBER DEAN: Well, this --
 2 MR. McLENDON: -- is that correct, Joe?
 3 MR. COOLEY: I agree completely and I think
 4 what -- I think your suggestion would be good, and we
 5 could take a look at it; but I think this is something
 6 the Planning Commission really could kick around and
 7 come up with something and possibly bring it back to
 8 the Council.
 9 COUNCILMEMBER DEAN: This is what it says:
 10 "Portable, demountable, mobile, modular, manufactured
 11 or temporary accessory structure shall be prohibited
 12 in all zoning districts. See also," blah blah,
 13 "regarding buildings on approved construction sites.
 14 No tractor trailer or other commercial vehicle shall
 15 be considered to be an accessory structure. No
 16 recreational vehicle shall be considered to be an
 17 accessory structure. No marine" -- And these are
 18 talking about vehicles.
 19 Okay. Then it says under Section (10) of
 20 23-601 (10), "Accessory structures must be anchored to
 21 permanent foundations which are either concrete slab
 22 on grade or a continuous footing or any combination
 23 thereof deemed acceptable by the City Building
 24 Official or his designee. Accessory structures may
 25 not, regardless of size, sit on the ground on runners,

1 sit on blocks, or sit on piers."
 2 I think that would be qualifying, right? on
 3 the posts for the canopy?
 4 "Any wood framing material less than
 5 eighteen inches from grade shall be of decay-resistant
 6 material or pressure-treated wood."
 7 And then "Except as otherwise provided for
 8 by Code, accessory structures shall be designed to be
 9 architecturally compatible with the principle
 10 structure to which they are accessory by the use of
 11 one or more of the facade elevation materials found on
 12 the principal structure or determined to be
 13 complimentary thereto. Said design must be approved
 14 by the City Planner or his designee. Garages and
 15 carports have specific criteria which are further
 16 described in section" whatever and in the Definitions.
 17 "The establishment of a City architectural control
 18 ordinance and/or board shall preempt the City
 19 Planner's review capacity; however, the City does not
 20 enforce protective covenants which are the
 21 responsibility of property owners."
 22 And that's what it says in that section.
 23 COUNCILMEMBER PACHUTA: Have we confirmed
 24 that, you know, having a little pop-up canopy at your
 25 yard sale really is prohibited is that like

1 overzealous enforcement or --
 2 MR. McLENDON: I want to --
 3 COUNCILMEMBER PACHUTA: -- a stricter
 4 interpretation?
 5 MR. McLENDON: What I would say is based on
 6 this conversation, this is a policy issue. We can
 7 definitely look at the rules in place and determine
 8 how to meet this.
 9 I would be surprised if we're interpreting
 10 it as an accessory structure, because those are
 11 usually much more permanent than a tent that's put up
 12 on a short-term basis.
 13 You could have a prohibition on tents, and
 14 that's what I'd be looking for. And if that's in
 15 there, then what we would be doing for your consider-
 16 ation is come to exclude certain things from that
 17 blanket prohibition. That's what I would intend to do
 18 with this if you-all want us to go forward with it.
 19 COUNCILMEMBER FLEMING: And Ms. Pachuta, I
 20 don't know whether it was overzealous --
 21 COUNCILMEMBER PACHUTA: Yeah. I mean my --
 22 COUNCILMEMBER FLEMING: -- or not. It's
 23 just I just feel that we need to address it as well.
 24 COUNCILMEMBER PACHUTA: Yeah. I mean my
 25 inclination is to have Legal and Joe look at it and

1 see whether or not we are being overly broad in our
 2 definitions and if we need to adjust those
 3 definitions, and, if so, send the suggestions to the
 4 Planning Commission.
 5 COUNCILMEMBER FLEMING: Please. That's what
 6 my request would be. Thank you.
 7 MAYOR PITTMAN: Thank you, Ms. Fleming.
 8 Okay. Ms. Dean?
 9 COUNCILMEMBER DEAN: All right. We've had
 10 some conflicting language in our code, and this
 11 particular section has come up a couple of times.
 12 I was first made aware of this when the
 13 McDonald's applied for a variance. I didn't believe
 14 that we had the authority to grant the variance
 15 requested, but Attorney Zickert on behalf of the
 16 applicant requested the variance, pointed that out to
 17 Council, and this is exactly what she said:
 18 "The second one has to do with the setback,
 19 and, quite frankly, this may come as a shock to you,
 20 you have some inconsistencies in your code. Go
 21 figure. And there is one with regard to setbacks in
 22 this particular area. And some of them read there's a
 23 maximum; some of them read there's a minimum."
 24 Okay. So after doing some research, I
 25 learned that the ordinance was changed in 2009;

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1 however, there's a piece of that code that allows
2 averaging that was not removed from the 1986 version.
3 When that ordinance was changed in 2009,
4 Section 23-702(1) should have been removed because it
5 contradicts what was put in place in 2009.
6 Caleb addressed this issue at a Council
7 meeting some time ago, and the language allowing
8 averaging is now typically only used in established or
9 historic areas where you don't want the new
10 development to have a different setback from the
11 established pattern. For example, if we had a Main
12 Street, we would want to maintain that pattern;
13 however, I don't believe we want to maintain the
14 current pattern that we now have on Buford Highway
15 because everything is so far away from the road and we
16 want to move it closer to the road to have a more
17 livable, walkable community. We need to have
18 connectivity.
19 So this is -- It says, "The front yard
20 requirements of this chapter shall not apply on any
21 lot where the average depth of the front yards of
22 existing buildings on adjoining lots located wholly or
23 in part within two hundred feet on each side of such
24 lot within the same block and zoning district and
25 fronting on the same side of the street is either

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1 greater or less than the minimum required front yard
2 depth.
3 "If the average depth of the front yard is
4 less than the required minimum front yard depth, the
5 depth of the front yard of such lot may be less than
6 the average of the front yards of the aforementioned
7 buildings."
8 Now, this contradicts what we put in 2009,
9 which was stipulating minimum and maximum setbacks.
10 Okay. So Buford Highway has lots of buildings that
11 are at least 40 feet or more -- that have at least a
12 40-foot-or-more setback, but that's not the vision
13 that we have in place.
14 In fact, Mr. Bates and I were at a meeting
15 last week, and a gentleman there said, "Why does
16 Doraville look the same way it's looked for the past
17 10 years?" And it is, because we are allow- -- we're
18 not doing anything to proactively change the look of
19 Buford Highway, because we keep allowing these
20 variances and these buildings to be put in an
21 inconsistent way, because they always have this -- as
22 Ms. Zickert said, this inconsistency. So while the
23 code says this in 2009, she went back to the 1989 part
24 of that code and said, "Oh, but look here. This is
25 still in here, so this is still your law and this is

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1 why we can do this."
2 And that's a problem, because if we want to
3 make Doraville a more livable, workable city, we need
4 to change this, and we're not going to change it until
5 we remove this part from the code, and that's -- This,
6 I think, was an error. I think that this section
7 should be removed and I think it should have been
8 removed when the new code was put in place, because
9 it's just -- it's just -- that's just what should
10 happen.
11 To address Mr. Anderson's comment about the
12 form-based code, if we do go in that direction, I
13 spoke to Caleb about this, and he agrees: "If you're
14 referring to the average setback language in areas
15 that are currently auto-oriented but where walkable
16 development patterns are envisioned, then I would say
17 that it should be amended so that provision could only
18 be used in residential districts and in commercial or
19 mixed-use districts only when the resulting average
20 setback is less than the code requires."
21 So if this is the direction we want to go,
22 and I believe it is, I think this is the first step in
23 taking us there.
24 MAYOR PITTMAN: You make some very good
25 points, and I think it has a lot of moving parts that

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1 are in conflict with each other. I mean are you
2 willing to put this on a work session the next meeting
3 or --
4 COUNCILMEMBER DEAN: Well, I'd like some
5 discussion just so --
6 MAYOR PITTMAN: Oh, I know, but I'm just
7 saying.
8 COUNCILMEMBER DEAN: Well, I would like to
9 make a motion to put this before the Planning
10 Commission and have this section of Section
11 23-702(1) removed from the code.
12 MR. McLENDON: I can address it from the
13 standpoint of looking at the ordinances themselves.
14 And I think, when I looked historically at the
15 document, probably it is correct: What we had was
16 there was a change at one point. It's very
17 traditional in the past that you had a minimum setback
18 from roads without really a maximum, and at some
19 point, we came in and established sort of a zone. And
20 you know, I know in a couple districts it's no less
21 than five, no more than 25.
22 So what you establish is that zone, and the
23 way the -- the problematic language -- And you can
24 probably still keep this concept in your code if you
25 chose to. That's a policy decision.

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1 But to make the language consistent, the
 2 exception language where it talks about averaging
 3 talks about minimum yards. And really when you've
 4 created a minimum and maximum, the language "minimum
 5 yard" is pointing back to the code before that change.
 6 So certainly at minimum I would recommend
 7 getting that consistent, and I wouldn't do it right
 8 now. What you have do is figure out: What have I
 9 created by creating this zone as the appropriate place
 10 to put your frontage, and if we chose to keep the
 11 policy, how would that work and what language would
 12 need to be in there to make it work consistent with
 13 the zone, but also it is a valid policy decision to
 14 say I don't want to do it and just strike it.
 15 But, you know, either way, I think the
 16 existing language probably ought to be reviewed and
 17 modified and sort of put the choices in front of y'all
 18 as to which direction you want to go. So I'd be happy
 19 to do that, because that -- that needs to be modified.
 20 MR. COOLEY: And if I may, I think there's
 21 -- you know, on that, there's some other code sections
 22 that are related to that that need to be addressed
 23 also. So you know, we got definitions in 402; we got
 24 702 and 910, and they really should be looked at
 25 together as policies to make sure we don't get the

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1 situation again, so I'd recommend that also.
 2 COUNCILMEMBER PACHUTA: I would like maybe
 3 Joe and Cecil to sit down and figure out all the
 4 sections that are kind of conflicting relating to the
 5 setbacks and either come back to us or go directly to
 6 the Planning Commission with "These are all the
 7 conflicts," or would you rather come --
 8 MR. McLENDON: You know, it might be a good
 9 idea for us to sit down and sort of -- what you really
 10 got to do is extrapolate, "Joe, that if I'm coming in
 11 and I want to build this, here's my code," and then
 12 you got to sort of think through it and see where it
 13 might hit. But since there isn't a policy, and I
 14 would have no problem with Joe sitting down and coming
 15 up with that, "Here's sort of what we see is the
 16 issue. Here are the decisions y'all might want to
 17 make," and bring it back to you for that policy
 18 discussion, saying, "Here's how we need to fix it.
 19 Y'all tell us what you" --
 20 COUNCILMEMBER DEAN: Right.
 21 MR. McLENDON: -- "want us to do," and then
 22 we can move it through the entire process with that
 23 direction.
 24 COUNCILMEMBER PATRICK: Could we bring it up
 25 in September policy?

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1 MR. McLENDON: I think it could be done
 2 relatively quickly, actually. I think that we can --
 3 DR. GILLEN: We can get this on the agenda
 4 for the 19th, which is before the --
 5 COUNCILMEMBER DEAN: Okay.
 6 DR. GILLEN: -- Planning Commission --
 7 COUNCILMEMBER DEAN: All right.
 8 DR. GILLEN: -- meeting.
 9 COUNCILMEMBER DEAN: Yeah.
 10 DR. GILLEN: Like you said, you got a
 11 laundry list --
 12 MR. COOLEY: Yes.
 13 DR. GILLEN: -- of issues. We're going to
 14 triage a lot of those and get them off the immediate
 15 agenda. We could keep that one on the agenda and get
 16 an in-depth discussion on the 19th, because I figure
 17 that first half an hour we'll spend kind of saying,
 18 "Okay. These six issues we're going to put in
 19 September and October. These three we're going to
 20 handle tonight," and that could be one of those.
 21 MAYOR PITTMAN: The 19th is the work
 22 session?
 23 DR. GILLEN: The work session on the 19th.
 24 COUNCILMEMBER DEAN: Okay.
 25 MR. McLENDON: Does that work?

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1 COUNCILMEMBER DEAN: Yes.
 2 MAYOR PITTMAN: All right. Thank you.
 3 Anything else, Ms. Dean, on that?
 4 COUNCILMEMBER DEAN: No.
 5 MS. GILMAN: Mayor, may the Planning
 6 Commission ask a question about that?
 7 Looking at the schedule, Mr. Cooley, because
 8 the Planning Commission has at least one work session
 9 scheduled and then possibly a bylaws work session
 10 scheduled, would it accommodate everybody's schedule
 11 if the Planning Commission looked at it the first week
 12 in October, or are we -- do we have a strong sense of
 13 urgency on doing this and you would want the Planning
 14 Commission to modify its schedule?
 15 Would the first -- with the Planning
 16 Commission meeting in October work for our review of
 17 this?
 18 COUNCILMEMBER DEAN: I'm fine with that.
 19 I'm fine with that.
 20 COUNCILMEMBER PACHUTA: Yeah. I'm open.
 21 COUNCILMEMBER BATES: It's Ms. Dean's item.
 22 I'll defer to her.
 23 COUNCILMEMBER DEAN: Sure. No. That's
 24 good. That works for me.
 25 MS. GILMAN: Does that fit with your

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1 schedule, Mr. Cooley or --?
 2 DR. GILLEN: That would give you two
 3 policy --
 4 COUNCILMEMBER DEAN: Yeah.
 5 DR. GILLEN: -- committees --
 6 COUNCILMEMBER DEAN: Yeah, yeah.
 7 DR. GILLEN: -- to review it.
 8 MS. GILMAN: So that's good?
 9 COUNCILMEMBER DEAN: Yeah.
 10 MS. GILMAN: Thank you.
 11 MAYOR PITTMAN: Thank you.
 12 Okay. Next on the agenda -- Thank you, Ms.
 13 Dean.
 14 Next on the agenda is the Intergovernmental
 15 Agreement. Is that the Brookhaven?
 16 MR. McLENDON: And Mayor and Council, on
 17 this, I've asked Kelly Hundley to come this evening --
 18 you-all know Kelly; he had formerly worked with Laurel
 19 Henderson -- and because of the issue that was raised,
 20 I had asked Kelly to communicate with Shawn, and they
 21 were able to discuss this.
 22 DR. GILLEN: We had some changes.
 23 MR. McLENDON: Right.
 24 So Kelly, if there are any questions, if you
 25 would take those up.

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1 MR. KELLY HUNDLEY: I'm happy to answer any
 2 questions.
 3 Good evening. I was asked last week by
 4 Cecil to take a look at this because of the concerns
 5 since this firm does work for both Brookhaven and the
 6 City of Doraville.
 7 I got the -- I looked at the drafts of this
 8 document. From my perspective, looking at it with a
 9 legal eye, it is a very straightforward intergovern-
 10 mental agreement, certainly one that's within the
 11 capacity of the cities to execute and to then perform.
 12 I will have to say that I have deferred to
 13 the city manager and I assume the police department
 14 personnel that have all talked about the procedures in
 15 place.
 16 This intergovernmental agreement just deals
 17 with the services that are going to be provided by the
 18 City of Doraville for the City of Brookhaven for GCIC
 19 background information-type checks and the kind of
 20 protocols that will have to be pursued when Brookhaven
 21 needs to get something confirmed.
 22 I don't see anything in here, in my mind as
 23 legal counsel looking at it, that gives me any pause
 24 to be concerned.
 25 COUNCILMEMBER FLEMING: Could you tell me

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1 who you're with, sir?
 2 MR. HUNDLEY: Oh. Kelly Michael Hundley,
 3 LLC. Ms. Henderson and I went our separate ways
 4 actually about 30 days ago, so I've recently moved my
 5 practice from Decatur to the perimeter area.
 6 MR. McLENDON: Well, you've represented us
 7 in litigation in the past --
 8 MR. HUNDLEY: I have been involved in a
 9 couple of matters -- it's been several years -- and
 10 I've been involved in the periphery on some other
 11 matters in the past as well, so it's a pleasure to be
 12 back here this evening.
 13 MAYOR PITTMAN: Okay. Thank you, sir.
 14 COUNCILMEMBER FLEMING: Thank you.
 15 MAYOR PITTMAN: Major, do you have anything
 16 you wanted to add?
 17 MAJOR ATKINSON: No.
 18 MAYOR PITTMAN: Okay. Ms. Alexander, do you
 19 have any questions?
 20 COUNCILMEMBER ALEXANDER: No, ma'am.
 21 MAYOR PITTMAN: Mr. Bates?
 22 COUNCILMEMBER BATES: Real quick, Major or
 23 Dr. Gillen, we've got staffing in place that can
 24 handle the work requirements that may be generated by
 25 the IGA with Brookhaven?

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1 MAJOR ATKINSON: Yeah. It'll be handled
 2 through Captain Brinkley's division, the communi-
 3 cations division. I'm not sure what they --
 4 Captain Brinkley has been working on this,
 5 and I don't know what the anticipated work load is at
 6 this point because they're just starting up, but, you
 7 know, as of right now, yes.
 8 COUNCILMEMBER BATES: Okay. And there is a,
 9 if I remember correctly, a 30-day review on . . .
 10 There's a 30-day review on this to make sure that the
 11 work load is not greater than anticipated or less
 12 than, and we can adjust accordingly but after a review
 13 of 30 days.
 14 MAJOR ATKINSON: That is correct.
 15 COUNCILMEMBER BATES: Okay. Thank you.
 16 MAYOR PITTMAN: Thank you.
 17 Ms. Pachuta?
 18 COUNCILMEMBER PACHUTA: Huh-uh.
 19 MAYOR PITTMAN: Mr. Patrick?
 20 COUNCILMEMBER PATRICK: (Shakes head)
 21 MAYOR PITTMAN: Ms. Fleming?
 22 COUNCILMEMBER FLEMING: I just want to
 23 confirm that we will not be offering jail services to
 24 them.
 25 MAJOR ATKINSON: That's correct.

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1 COUNCILMEMBER FLEMING: Okay.
 2 MAYOR PITTMAN: Ms. Dean?
 3 COUNCILMEMBER DEAN: Okay. And is it cost
 4 neutral? Will it bring in revenues? I mean how is
 5 that going to work?
 6 MAJOR ATKINSON: The amount is \$1400 per
 7 month. It's roughly the equivalent to what we charge
 8 Johns Creek at this time, and --
 9 COUNCILMEMBER DEAN: And in terms of the
 10 services that we will then provide.
 11 MAJOR ATKINSON: Well, we'll -- we'll have
 12 to monitor that after the --
 13 COUNCILMEMBER DEAN: 30 days?
 14 MAJOR ATKINSON: After the 30-day period,
 15 we'll look at it and adjust accordingly if we need to.
 16 COUNCILMEMBER FLEMING: But I would not be
 17 in favor of offering jail services to them.
 18 MAJOR ATKINSON: We're not offering jail
 19 services.
 20 COUNCILMEMBER FLEMING: Okay. But the
 21 30-day review on the services, you know, looking at --
 22 I am going to say that even though you do an internal
 23 30-day review, I don't want us to offer jail services.
 24 MAJOR ATKINSON: That has been taken out of
 25 the -- out of the agreement.

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1 COUNCILMEMBER FLEMING: Okay. I know.
 2 Thank you.
 3 MAYOR PITTMAN: Okay.
 4 COUNCILMEMBER DEAN: Okay. And I just want
 5 to confirm that we do have the staffing for that,
 6 because I think that there's been an issue with
 7 staffing: people have not been able -- officers have
 8 not been available as readily as they had in the past.
 9 MAJOR ATKINSON: This is for inside
 10 personnel.
 11 COUNCILMEMBER DEAN: Okay. All right. Just
 12 to confirm again.
 13 MAYOR PITTMAN: Okay. Will someone make a
 14 motion?
 15 COUNCILMEMBER ALEXANDER: Motion to approve
 16 the IGA between the City of Doraville and the City of
 17 Brookhaven regarding GCIC warrant services.
 18 MAJOR PITTMAN: Second?
 19 COUNCILMEMBER BATES: Second.
 20 MAYOR PITTMAN: Discussion?
 21 COUNCILMEMBER FLEMING: I wanted to ask
 22 Captain Brinkley a question. Either I didn't hear it
 23 or I --
 24 CAPTAIN RODNEY BRINKLEY: Yes, ma'am.
 25 COUNCILMEMBER FLEMING: -- fell asleep, one

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1 of the two.
 2 You will not need additional employees to be
 3 able to successfully service this contract.
 4 CAPTAIN BRINKLEY: At this time we
 5 anticipate being able to handle the work load with our
 6 current staff.
 7 COUNCILMEMBER FLEMING: Okay, because we're
 8 only supposed to be using two operator hours per day.
 9 CAPTAIN BRINKLEY: That is correct.
 10 COUNCILMEMBER FLEMING: Okay. Thank you.
 11 MAYOR PITTMAN: Thank you.
 12 Call the roll, please.
 13 CLERK BRYANT: Councilmember Alexander?
 14 COUNCILMEMBER ALEXANDER: Yes.
 15 CLERK BRYANT: Councilmember Bates?
 16 COUNCILMEMBER BATES: Yes.
 17 CLERK BRYANT: Councilmember Dean?
 18 COUNCILMEMBER DEAN: Yes.
 19 CLERK BRYANT: Councilmember Fleming?
 20 COUNCILMEMBER FLEMING: Yes.
 21 CLERK BRYANT: Councilmember Pachuta?
 22 COUNCILMEMBER PACHUTA: Yes.
 23 CLERK BRYANT: Councilmember Patrick?
 24 COUNCILMEMBER PATRICK: Yes.
 25 MAYOR PITTMAN: Okay. Thank you.

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1 COUNCILMEMBER BATES: Thank you.
 2 MAJOR ATKINSON: Thank you.
 3 MAYOR PITTMAN: Okay. Next on the agenda,
 4 also was moved from the Consent Agenda is the
 5 liability insurance renewal. Dr. Gillen?
 6 DR. GILLEN: Thank you, Mayor, Council.
 7 We got our renewal proposals back from our
 8 insurance broker, and they had two proposals for us:
 9 One was to go with Travelers for all coverage; and the
 10 other was to go with Travelers for a portion of a
 11 coverage, then CNA for the police and a couple other
 12 pieces, and that -- that brought the cost down.
 13 So our recommendation is to go with the
 14 second proposal that has the Travelers on all lines
 15 except public official, employment practices and law
 16 enforcement and are recommending CNA's coverage for
 17 that.
 18 We had budgeted a 35 percent increase to our
 19 insurance, our general liability insurance, and this
 20 proposal is a 22 percent increase, so it was a
 21 significant improvement over what we were
 22 anticipating.
 23 MAYOR PITTMAN: Ms. Alexander?
 24 COUNCILMEMBER ALEXANDER: And the reason we
 25 didn't approach GMA is because of the time period of

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1 us having to renew quickly?
2 DR. GILLEN: Well, I had discussions with
3 GMA, and this is something we need to get done this
4 month or this -- this meeting, and there just wasn't
5 enough time to do a full RFP even since -- even since
6 April. And I anticipate in the next year going out
7 for RFP or the year after for the whole thing
8 including, you know, our broker, you know, the
9 insurance person who goes out and seeks it.
10 One of the issues that we're running into is
11 we are having some insurance carriers not wanting to
12 bid on our coverage because our claims have been so
13 high. One of those was the death of a police officer,
14 and that always increases your rates, and the other --
15 a lot of the increase also is nationwide due to the
16 hurricanes in Europe and on the East Coast and all the
17 different natural disasters we've had have raised
18 everyone's insurance rates a little bit, but our
19 utilization, for lack of a better word, is a little
20 high, so we are starting a comprehensive safety
21 training program.
22 I had a meeting with our risk manager today.
23 They are going to be starting an on-site defensive
24 driving course that's going to be mandatory for all
25 those who drive on behalf of the City. Even if

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1 they're not driving a City vehicle, if they do drive
2 to a meeting on behalf of the City, they will have to
3 take the defensive driving course.
4 And then we're going to be building those
5 policies into our personnel policy, which we'll be
6 bringing to you a draft on the 19th. That personnel
7 policy will include disciplinary procedures for
8 violation or -- violation, for lack of a better word,
9 of our safety policies -- not just driver safety but
10 safety policies in general, everything from picking up
11 a heavy box to driving heavy equipment.
12 So safety trainings also include online
13 training for those sorts of things: how to do
14 appropriate lifting, how -- making sure that if you're
15 on a tractor with a rollover device above you that
16 you've got your seat belt on and -- or that you've got
17 your ear plugs in, that you're going through the
18 proper procedures on all these different things,
19 using a ladder appropriately, all those different
20 sorts of trainings.
21 We've never taken advantage of that
22 training. I'm not sure if GMA offered it or not. But
23 even if they did, we never took advantage of that.
24 And right now, starting in the next 60 days, that's
25 going to become mandatory for all employees, and

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1 they're going to be starting to take this training
2 online and especially the people who are driving.
3 Got a lot of driving claims, and Lisa
4 reminds me of that a lot. So she and I met with the
5 risk management folks from the insurance carrier
6 today, and we're going to be starting that program.
7 So that's where that's at and that's what we're going
8 to be doing over the next year.
9 We should RFP things like this every three
10 to five years as based on policy. That goes for
11 everything we do: auditors, attorneys and insurance
12 carriers, so --
13 MAYOR PITTMAN: Thank you.
14 Mr. Bates?
15 COUNCILMEMBER BATES: Prior to me getting
16 involved in the City, the City used to have a safety
17 officer, and that individual was responsible for
18 making sure that employees were trained and -- and in
19 compliance and doing some corrective measures. We
20 have tried to get that reinstated because of the
21 workers' comp issues.
22 If I'm hearing you correctly, that's sort of
23 coming in with the risk-management training and the
24 tutorials and videos and things like that. Who's
25 going to be the person that's going to be the day-to-

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1 day person to make sure that Employee A is following
2 proper safety procedures -- wearing protective gear,
3 doing those types of things?
4 DR. GILLEN: There's three pieces of that.
5 It's not going to be an individual person. Each
6 department head's going to be responsible for making
7 sure that their staff is following procedures and then
8 those will be -- the department head's responsible.
9 We'll be forming what's called an accident-
10 review committee that is not just one department but
11 all departments. So if there's an accident in the
12 police department, this committee will review it and
13 look over it, you know, saying, "Okay. This person
14 was at fault, so this is the number, this is the" --I
15 think the sanctions and that sort of thing.
16 There will also be safety committee which
17 will be reviewing all of our safety procedures and
18 helping guide me on what training we do need in the
19 future: what are we lacking right now? If we're
20 lacking certain safety equipment or training, they'll
21 be guiding us through that process.
22 So there'll be kind of a three -- three-
23 pronged attack there.
24 COUNCILMEMBER BATES: Okay. Thank you.
25 MAYOR PITTMAN: Okay. Ms. Pachuta?

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1 COUNCILMEMBER PACHUTA: Huh-uh.
 2 MAYOR PITTMAN: Mr. Patrick?
 3 COUNCILMEMBER PATRICK: My employer has had
 4 us go through employee harassment training -- not to
 5 harass people but how not to harass people -- but also
 6 ethics training.
 7 Is that something on the agenda or on your
 8 radar?
 9 DR. GILLEN: I believe that is part of the
 10 repertoire that they have in their -- their base, in
 11 their base training on the online system.
 12 COUNCILMEMBER PATRICK: Uh-huh.
 13 DR. GILLEN: This is all free, by the way.
 14 COUNCILMEMBER PATRICK: Great.
 15 DR. GILLEN: The insurance carrier likes us
 16 to be safe, so they're going to give us -- give this
 17 to us.
 18 So I do believe it is, and it's going to be
 19 something I'm going to require is -- is ethics
 20 training, and in specific, Georgia ethics law too.
 21 We have to be -- you know, those things can shift from
 22 state to state, so we have to be very specific about
 23 that.
 24 There's also -- they do give us access to a
 25 database of best practices, so a lot of the policies

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1 we're going to bring you we're going to be mining from
 2 best practice databases that have different policies
 3 for -- for all different -- driver safety and things
 4 like that, and everything from financial policies to
 5 driver-safety policies are all part of that risk-
 6 management spectrum, so --
 7 COUNCILMEMBER PATRICK: Thank you.
 8 MAYOR PITTMAN: Ms. Fleming?
 9 COUNCILMEMBER FLEMING: Yes. This
 10 particular agent that we have, Public Risk
 11 Underwriters, that was one of their selling points a
 12 year, what? two years ago maybe, is that they had this
 13 grandiose training program and safety program and so
 14 forth and so on. So now I'm hearing it again, and --
 15 and yet our coverage -- I mean our insurance premiums
 16 have gone up considerably because, quote/unquote, all
 17 of the accidents that we've had as well as the
 18 unfortunate death.
 19 However, I'm not so sure that that training
 20 took place as Mr. Bates was talking about, whether we
 21 had a safety person on board to make sure that this
 22 was taking place.
 23 So I want to be sure that we can start
 24 lowering our premiums if they -- if we go online and
 25 take the training and so forth and so on. Is that --

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1 I mean is that a done deal like if you take the AARP
 2 class --
 3 DR. GILLEN: No.
 4 COUNCILMEMBER FLEMING: -- you get 10
 5 percent your insurance and so forth?
 6 DR. GILLEN: Oh, no, ma'am. There is no
 7 guarantee.
 8 The only guarantee I can give you is our
 9 rates will continue to go up if we don't get them to
 10 train. There's no guarantee that they'll come down;
 11 there's no automatic for it.
 12 I do know if you take the driver -- the
 13 defensive driving courses, you can tell your own
 14 personal agent, and they might lower your rates as
 15 well.
 16 They will -- there will probably be some of
 17 that but there's no guarantee. What we're trying to
 18 do is lower the claims by actually getting people to
 19 drive safer and getting in fewer wrecks -- and that's
 20 the whole point here -- and that they're safe and that
 21 they understand and they get a reminder of defensive
 22 driving.
 23 COUNCILMEMBER FLEMING: Okay. The other
 24 question I had for you, did Public Risk offer you
 25 plans other than with Travelers for you to look at for

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1 you to say that yes, Travelers was cheaper?
 2 DR. GILLEN: They brought us the two lowest-
 3 cost plans. And like I said, I don't believe there
 4 were any other insurance agencies really willing to
 5 make a bid, and those that were were a lot higher than
 6 this, so --
 7 COUNCILMEMBER FLEMING: I don't want us to
 8 wait three years to go out for an RFP.
 9 DR. GILLEN: Oh, I don't think we're going
 10 to need to, as I think -- I don't know what year we
 11 are on the new one now. Is this year two?
 12 COUNCILMEMBER FLEMING: We're entering our
 13 second year.
 14 MAYOR PITTMAN: Second year.
 15 DR. GILLEN: Year two. So year three will
 16 be next year. We should be issuing RFP for the
 17 following year.
 18 COUNCILMEMBER FLEMING: Thank you.
 19 MAYOR PITTMAN: Ms. Dean?
 20 COUNCILMEMBER DEAN: Yeah. I would like to
 21 see an RFP go out next year because cities can only
 22 engage in one-year contracts, right, legally?
 23 MR. McLENDON: They terminate at the end of
 24 each year.
 25 COUNCILMEMBER DEAN: Okay. So I would like

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1 to see it go out next year, and I understand that
2 you've just arrived so -- so everything is -- and I
3 actually understand that, and that's what I would --
4 that's -- that's --
5 I also have a lot of related issues to this
6 matter, but when we have our retreat, I will bring up
7 some of those things when we get to those items.
8 Okay.
9 DR. GILLEN: Now, I think as a matter of
10 policy, we need to be making the RFP on a continuous
11 cycle, like we don't ever go --
12 COUNCILMEMBER DEAN: Right.
13 DR. GILLEN: -- longer than five years at
14 the most. Three to five years, no shorter than three,
15 because it's really kind of difficult to get good
16 prices if you're not doing that, so --
17 COUNCILMEMBER DEAN: But I disagree --
18 DR. GILLEN: Okay.
19 COUNCILMEMBER DEAN: -- just for the record.
20 All right. I mean I just think people need to be
21 competitive and I think that we should, you know, keep
22 them on their toes.
23 MAYOR PITTMAN: Okay. Thank you. Do we
24 need a motion?
25 COUNCILMEMBER ALEXANDER: Motion to approve

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1 the renewal of the general liability, workman's comp
2 and employment practices insurance with split coverage
3 between Travelers and CNA as recommended.
4 COUNCILMEMBER PACHUTA: Second.
5 MAYOR PITTMAN: Discussion?
6 ---
7 (No response)
8 ---
9 MAYOR PITTMAN: Call the roll, please.
10 CLERK BRYANT: Councilmember Alexander?
11 COUNCILMEMBER ALEXANDER: Yes.
12 CLERK BRYANT: Councilmember Bates?
13 COUNCILMEMBER BATES: Yes.
14 CLERK BRYANT: Councilmember Dean?
15 COUNCILMEMBER DEAN: Yes.
16 CLERK BRYANT: Councilmember Fleming?
17 COUNCILMEMBER FLEMING: No.
18 CLERK BRYANT: Councilmember Pachuta?
19 COUNCILMEMBER PACHUTA: Yes.
20 CLERK BRYANT: Councilmember Patrick?
21 COUNCILMEMBER PATRICK: Yes.
22 MAYOR PITTMAN: Okay. Thank you very much.
23 Okay. Next on the agenda is Council
24 Comments.
25 I do want to say I don't want to speak for

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1 Dr. Gillen but he might want to --
2 Ms. Gilman, they are going to -- Dr. Gillen
3 is working on department heads making reports I think
4 quarterly at different times.
5 (To Dr. Gillen) So I'll let you elaborate.
6 DR. GILLEN: Correct. It's one of the
7 pieces that we're considering is either a semi-annual
8 or a quarterly report from every department head
9 depending on, you know, how many meetings we can get
10 them into. You run out of meetings. So sometimes
11 semi-annually is good to give a really in-depth
12 department-head report at a Council meeting, and then
13 they're each going to make a monthly blog report.
14 Instead of the weekly reports that we're getting,
15 they're really kind of benign, not really informative,
16 give a monthly blog report. We're trying to get
17 everybody trained on how to use the blogs; putting in
18 the software, trying to get it looking standardized
19 with the brand, etc.
20 MS. GILMAN: That's very good news.
21 Outstanding.
22 DR. GILLEN: And the news -- we will be
23 issuing newsletters --
24 MS. GILMAN: Outstanding.
25 DR. GILLEN: -- coming up in the future as

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1 we get that process underway.
2 MAYOR PITTMAN: Thank you, Dr. Gillen.
3 And I will get you a copy of the schedule,
4 Ms. Calvert. I'll get you a copy.
5 Ms. Alexander?
6 COUNCILMEMBER ALEXANDER: What are the dates
7 for qualifying for the election?
8 CLERK BRYANT: The last week in August, the
9 26th to the 30th from 8:30 to 4:30.
10 MAYOR PITTMAN: Okay. Mr. Bates?
11 COUNCILMEMBER BATES: Two items. One, I
12 want to thank the Buford Highway Farmers Market, Wing
13 Stop, and several private donors along with the PTA
14 president, Steve Adams, and his wife, Leigh. This
15 morning they put together and pulled off a very last-
16 minutes teacher-appreciation back-to-work breakfast
17 for Cary Reynolds. The funding for that was pulled
18 Friday afternoon, and want to thank the farmers'
19 market because they provided about \$150/\$200 worth of
20 fruit and bagels and juice and stuff to thank our
21 teachers.
22 The second one is to remind everybody that
23 tomorrow night, August 6th, is National Night Out at
24 Brook Park being put on by the Northwoods Neighborhood
25 Watch Association.

1 MAYOR PITTMAN: Thank you. Ms. Pachuta?
 2 COUNCILMEMBER PACHUTA: Nothing.
 3 MAYOR PITTMAN: Mr. Patrick?
 4 COUNCILMEMBER PATRICK: Yeah. One thing I
 5 would say to the residents is we do have a new city
 6 manager in place but it does take time for things to
 7 change. Some of the things that I think Shawn is
 8 working on are more of the policies and administra-
 9 tive aspects of how your government works.
 10 It will take time for that to bear fruition,
 11 but it is going to happen; it will. Doraville will be
 12 better. Thank you.
 13 MAYOR PITTMAN: Ms. Fleming?
 14 COUNCILMEMBER FLEMING: Yes. And Mayor
 15 Pittman, I spoke to Dr. Gillen, and Dr. Gillen can
 16 correct me if I'm wrong.
 17 In regards to large trash, large outdoor
 18 trash pickup, you indicated that it's on the first and
 19 third weeks of the month.
 20 DR. GILLEN: Right, for yard waste.
 21 COUNCILMEMBER FLEMING: For, yes, the large
 22 yard waste that cannot fit into barrels.
 23 DR. GILLEN: Right.
 24 COUNCILMEMBER FLEMING: But in regards to
 25 Monday-Tuesday-Wednesday, you were going to get back

1 to me in regards to how that was going to be handled
 2 by the districts.
 3 DR. GILLEN: Right. They were going to
 4 break it down, I think, into thirds, and I wasn't sure
 5 off the top of my head which third would be on
 6 Monday/Tuesday or --
 7 COUNCILMEMBER FLEMING: But the first and
 8 third is correct.
 9 DR. GILLEN: First and third weeks of the
 10 month.
 11 As you recall, in July there were five
 12 weeks, so your five -- so it was a little bit of a
 13 delay in this last one.
 14 COUNCILMEMBER FLEMING: Okay. And the other
 15 question I asked Dr. Gillen too and just wanted to
 16 clarify that if we have any code enforcement questions
 17 or issues, now that we have a new contractor in place,
 18 that we should email Dr. Gillen with our request.
 19 Is that correct?
 20 DR. GILLEN: That's one of the ways.
 21 They can contact you and you can contact me.
 22 There will also be a code enforcement email, it'll
 23 will be a hotline, and then we're going to be having
 24 an online capacity where you can go online and fill
 25 out a form as well and then we are going to be moving

1 into the See It, Click It, Fix It for mobile devices.
 2 So there's going to be about five or six different
 3 ways to get your message to Quality of Life, I mean
 4 our code compliance now.
 5 And if they sent me an email, I would be
 6 sending it on to code compliance, to those officers,
 7 and so that's fine.
 8 COUNCILMEMBER FLEMING: Okay. And I also
 9 want to address Mr. Maloney.
 10 No, I don't think it's acceptable. I don't
 11 think it's acceptable for my neighbor next door to me
 12 either that we've gone through two court sessions and
 13 there still hasn't been anything done to their home.
 14 And there is an awful lot of clutter, okay, around
 15 Doraville.
 16 And as Mr. Patrick said, though it is
 17 unacceptable to us, it does take time. And I can't --
 18 I can't move us along much faster than emailing and
 19 calling, and I'm embarrassed about that, that I'm --
 20 I'm one of these people that I want to go out and fix
 21 it real quick, and I haven't been able to do that.
 22 I will be more than hap- --I'm going out
 23 tomorrow to look at a home that I've been called on to
 24 say look at this mess, and I will then be emailing
 25 Dr. Gillen, and that's sort of where I stop except I

1 will follow up with him to find out what's going on.
 2 But to be able to direct employees to go out
 3 and do things, that's what we hired Dr. Gillen for.
 4 So that's to address you, and that's all I have.
 5 MAYOR PITTMAN: And thank you.
 6 Ms. Dean?
 7 COUNCILMEMBER DEAN: Regarding the reports,
 8 I would like to see them quarterly, no less than
 9 quarterly just because people -- you know, it keeps
 10 people connected.
 11 Public comments. I've had a lot of calls
 12 about people not being happy with the public comments
 13 not being offered at the end, because people want to
 14 comment on the decisions that we make.
 15 And to address Mr. Maloney, no, it's not
 16 acceptable. I live there. I was active in calling
 17 people when things were done improperly.
 18 And I'm sorry, Mr. Park. We've met before
 19 with GMA. I was there Saturday afternoon when I saw
 20 you cutting the trees. I saw you Saturday evening
 21 continuing to cut down trees at 6:30 even after being
 22 told you needed a permit. I was there Sunday morning
 23 when you were cutting down trees.
 24 And I know -- I know. I live there. I
 25 could throw a stone and hit that property. I know the

1 trees were not cut down because of storm damage. I
2 know those trees, I know that property. I go by there
3 at least twice a day.

4 And I resent you coming here and you say,
5 "We did this because there was storm damage," because
6 I know there was not storm damage. And when you said,
7 "I'm going to need the support of the community,"
8 perhaps you should have thought about that before you
9 did that to that property, because now I have to drive
10 past that -- again, twice a day -- and it makes me
11 really, really upset. The fact that it looks the way
12 it looks now, still very, very upset.

13 So I'm not happy, Mr. Maloney. I have
14 called. I've called several times about that
15 property. I've stood outside that property in the hot
16 sun waiting for someone to come. Okay.

17 MAYOR PITTMAN: Okay. Motion to adjourn?

18 COUNCILMEMBER ALEXANDER: So moved.

19 MAYOR PITTMAN: Second?

20 COUNCILMEMBER BATES: Second.

21 MAYOR PITTMAN: Discussion?

22 ---
23 (No response)

24 ---
25 MAYOR PITTMAN: Call the roll, please.

1 CLERK BRYANT: Councilmember Alexander?

2 COUNCILMEMBER ALEXANDER: Yes.

3 CLERK BRYANT: Councilmember Bates?

4 COUNCILMEMBER BATES: Yes.

5 CLERK BRYANT: Councilmember Dean?

6 COUNCILMEMBER DEAN: Yes.

7 CLERK BRYANT: Councilmember Fleming?

8 COUNCILMEMBER FLEMING: Yes.

9 CLERK BRYANT: Councilmember Pachuta?

10 COUNCILMEMBER PACHUTA: Yes.

11 CLERK BRYANT: Councilmember Patrick?

12 COUNCILMEMBER PATRICK: Yes.

13 MAYOR PITTMAN: Thank you. Meeting
14 adjourned.

15 ---
16 (Meeting adjourned at 8:02 p.m.)
17 -o0o-

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25

1 C E R T I F I C A T E
2 STATE OF GEORGIA]
3 COUNTY OF DEKALB]

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

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

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

15 This the 13th day of August 2013.

16
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Theresa Bretch, CCR
Permit No. B-755

[SEAL]

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